



GMS Flash Alert

Immigration Edition

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Ireland – Special Scheme for Some Non-EEA Nationals to Reside

On October 15, the Minister for Justice and Equality launched a new scheme to allow certain non-European Economic Area (EEA) nationals who came to Ireland to study between January 2005 and December 2010 to apply for permission to remain in Ireland.¹ This scheme gives effect to a recent Supreme Court judgment.

The permission will be granted as a Stamp 4S Irish Residence Permit. Individuals who hold this permission will not require separate authorisation to work in Ireland.

WHY THIS MATTERS

Employers and immigration professionals need to be cognizant of these developments in Irish immigration practice and Irish Residence Permit immigration permissions to determine how they may affect their employees.

Eligible applicants may apply to the Minister for Justice and Equality for permission to remain – including the right to reside and work – in Ireland, and will be able to apply to renew the permission after two years. This opportunity to remain in Ireland could be seen as a welcome step by many EEA nationals who wish to make (or continue making) a home and be (or continue being) employed in Ireland.

Requirements of the New Scheme

Who Is Eligible?

The scheme opened on 15 October 2018, and only lasts until 20 January 2019. It is available to non-EEA nationals resident in Ireland who held a valid student permission during the period of 1 January 2005 to 31 December 2010, and who, in the intervening period, have not acquired an alternative immigration permission.

Is There a Fee to Apply?

There is a non-refundable application fee of €250 payable on submission of the application. An additional €450 government fee must also be paid when submitting the application, but this will be refunded if the application is unsuccessful.

Successful applicants will be issued an initial two-year permission for a reduced registration fee of €300 (instead of the usual €600 for a two-year permission).

What Immigration Permission Will Successful Applicants Receive?

Successful applicants will be granted a Stamp 4S permission that will provide the individual with the right to live and work in Ireland without the need for an employment permit, for two years. At the end of the two-year permission period, applicants will be granted a Stamp 4 permission for one year if they can provide evidence that they have complied with the terms of the temporary Stamp 4S conditions.

Under this scheme, family reunification is not permitted – a spouse or partner and dependent children living outside Ireland cannot seek to join the applicant in Ireland. However, the family circumstances of persons present in Ireland will be taken into consideration. This means that when a person qualifies under this scheme, immediate family who have been residing with them in Ireland may be given permission to remain under the scheme.

What Are the Conditions Attached to This Permission?

To remain in Ireland, recipients of a Stamp 4S permission must:

- obey the laws of Ireland;
- not have been involved in or become involved in criminal activity;
- reside continuously in Ireland;
- make every effort to gain employment and not be an undue burden on Ireland;
- accept that the granting of this temporary permission does not confer any entitlement or legitimate expectation on any other person, whether related, to enter or remain in Ireland;
- at the end of the two-year period have acquired at least the minimum English language skills as set out in the Scheme Notice.²

FOOTNOTES:

1 For more details, see the [relevant Department of Justice and Equality site](#).

2 See the [Scheme Notice](#).

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Contact us

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