
**Extracts from the *Handbook on Immigrants'*
*Rights and Entitlements in Ireland***

for

Visitors

Immigrant Council of Ireland

TABLE OF CONTENTS

Table of Contents	iii
Introduction	5
Chapter 1 What Legislation Relates to Migrants?	7
1.1 What International Instruments Relate to Migrants?.....	7
1.2 What Domestic Legislation Relates to Migrants?	17
Chapter 2 Visitors	23
2.1 EEA and Swiss Nationals	23
2.2 Non-EEA and Swiss Nationals.....	24
2.3 Applying for Visas	24
2.4 Appealing Visa Applications that Have Been Refused	24
2.5 Registering with the (Garda) Registration Officer	25
2.6 What Rights and Entitlements Do Visitors Have?.....	25
Appendix A Visa Requirements.....	29
Appendix B Restrictions on Entry for EEA and Swiss Nationals.....	31
Appendix C Restrictions on Entry for Non-EEA and Swiss Nationals.....	33
Appendix D Residency Stamps	35
Appendix E Addresses	37
Government Departments and Agencies.....	37
Health Boards	38
Professional Bodies	38
Migrant Organisations.....	39
Human Rights Organisations	40
Advice Organisations	40
Trade Unions.....	41
International Organisations	41
Women’s Organisations.....	41
Educational Organisations	41
Accommodation Organisations	42
Health Organisations	42
Religious Organisations	42
Gay and Lesbian Organisations.....	42

Lone Parent Organisations	43
Children's Organisations.....	43
Youth Organisations	43
Local Authorities.....	44
Appendix F Glossary	47
Appendix G Bibliography	51

INTRODUCTION

International migration has grown considerably in recent years. It is believed that towards the end of the twentieth century, the number of migrants world wide was in the region of 135 to 140 million, almost double the number in 1965 (75 million). The United Nations estimates that 97 million of these are migrant workers.¹ Migrants accounted for four-and-a-half per cent of the population of 'developed' countries in the 1990's.²

Many 'developed' countries, including Ireland are now experiencing acute labour shortages in certain sectors of the economy and have had to revise their existing policies of zero immigration.

Ireland has traditionally been a country of emigration rather than immigration. Until recently, the weakness of the Irish economy, characterised by high unemployment, meant that thousands of people had to leave Ireland to seek employment abroad. The economic situation was undoubtedly one of the main factors in keeping the numbers of immigrants low. In addition, Ireland's position at the edge of Europe and its lack of a colonial past meant that there was no tradition of immigration to Ireland.

Successive Irish governments maintained a policy of closure both in relation to migrant workers and asylum seekers. In their view, a policy of discouraging immigration was necessary to protect the labour market, and to protect the homogeneity of Irish society. Prior to the Second World War, there were less than 3,000 non-nationals in the State and with few exceptions, Ireland refused to accept persons fleeing the war. Between 1939 and 1945, only 588 non-nationals were permitted to enter Ireland.³

Ireland joined the European Union (EU)^a in 1972, which meant that for the first time non-nationals (with the exception of those born in the United Kingdom (UK) who already were allowed) were permitted to reside and work in Ireland in any significant numbers. However, immigration from other EU Member States remained relatively low until the 1990's.

During the 1990's, the number of persons migrating to Ireland increased considerably. Since 1997, the total numbers of immigrants coming to Ireland each year has constantly exceeded 40,000.^b

The Government recognises that, for the foreseeable future, Ireland will have to rely on workers from outside the State, if the economy is to continue to grow. To this end, it is developing policy and legislation with regard to immigration for labour.

The *Programme for Prosperity and Fairness*, 2000 states that immigration policy will be developed to meet the needs of the labour market.⁴ An Inter-departmental/Agency Group on immigration policy was established which reported to the Government in March 2000. It recommended a 'skills-based approach' to immigration.⁵

In 2001, the Department of Justice, Equality & Law Reform announced that it would engage in a public consultation process on immigration as part of its development of immigration policy and legislation. In addition to the public consultation, the proposed development of immigration law and policy included:⁶

- the establishment of an inter-departmental group on immigration
- a study of international law and practice with regard to immigration⁷
- an internal review of the practices of the Immigration and Citizenship Division of the Department of Justice, Equality & Law Reform

^a Then called the EEC (European Economic Community).

^b This figure includes asylum seekers.

In February 2000, it was announced that 200,000 skilled immigrants would be needed over the next six to seven years to achieve National Development Plan targets.⁸ However, by 2001 a downturn in the economy and increasing unemployment led to concerns being raised about the level of immigration should the economy continue to decline. Politicians were anxious to reassure the public that migrant workers were here on a temporary basis, a 'safety valve' as the Tánaiste noted. There is a danger of migrant workers being seen as 'disposable' and of having their rights overlooked.

Ireland now has the opportunity to introduce immigration legislation which safeguards the rights of migrant workers and other migrants in accordance with international legal instruments and best practice. At EU level, measures are being adopted regarding immigration and Ireland should play a positive role in ensuring the rights of migrant workers and other migrants will be protected.

As immigration to Ireland is a recent phenomenon and to date no comprehensive legislation dealing with immigration has been enacted, there is often little awareness of the rights of immigrants among the immigrant communities, the host community and service providers. Indeed the term 'immigrant' is often used interchangeably with other terms.

¹ United Nations Press Release, 15 December 2000
<http://www.un.org/news/press/docs/2000/200001215.pil305.doc.html>.

² UNHCR Discussion Paper 'Reconciling Migration Control and Refugee Protection in the European Union: A UNHCR Perspective'. October 2000 <http://www.unhcr.ch/cgi-bin/texis/vtx/home>.

³ Ward, Eilis, 'Ireland and Refugees/Asylum seekers 1922 – 1996' in *The Expanding Nation: Towards a Multi-ethnic Ireland* Proceedings of a conference held in Trinity College Dublin 22-24 September 1998, p 41 http://www.tcd.ie/sociology/mphil/dwnl/expanding_nation.pdf.

⁴ 'Immigration policy will be developed as appropriate to address the needs of the labour market'. *Programme for Prosperity and Fairness* (available on the Citizens Information Database established by Comhairle <http://www.cidb.ie/>).

⁵ Department of Justice, Equality & Law Reform *Public Consultation on Immigration Policy* p. 6.

⁶ The Department of Justice, Equality & Law Reform *Report of the Public Consultation on Immigration Policy*. Available on the Department's website <http://www.justice.ie/>.

⁷ International Organisation for Migration *International Comparative Study of Migration Legislation and Practice* commissioned by the Department of Justice, Equality & Law Reform, April 2002. Available from Government Publications, Molesworth Street, Dublin 1, or on the Department's website <http://www.justice.ie/>.

⁸ *Irish Times* 1 March 2000 'Employers Back Plan to Bring 200,000 into State'.

CHAPTER 1 WHAT LEGISLATION RELATES TO MIGRANTS?

1.1 What International Instruments Relate to Migrants?

While it must be acknowledged that the Irish State has the right to control the entry and residence of non-nationals, it is essential that immigration policy reflects Ireland's commitments under international law. This section describes briefly the principal international instruments relevant to immigration.

1.1.1 United Nations instruments

The *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, 1990, is the only UN instrument directly concerned with the rights of migrant workers. This Convention comes into force 1 July 2003. Ireland, in common with most countries that receive migrant workers, has not ratified the Convention.^a

The Convention establishes minimum standards of protection for migrant workers. It is particularly significant because it recognises that migration is more than an economic phenomenon. Consequently, the families of migrant workers are also afforded rights under the Convention. The Convention defines a migrant worker as:

...a person who is to be engaged, is engaged or has been engaged in remunerated activity in a State of which he or she is not a national.¹

The term 'migrant worker' encompasses several different types of worker: frontier worker,^b seasonal worker, seafarer,^c worker on an offshore installation, itinerant worker,^d project-tied worker,^e and self-employed worker.^f

^a The Convention has been ratified by twenty-one States : Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Cape Verde, Colombia, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Uganda and Uruguay. For further details, see the website of the UN Commissioner for Human Rights <http://www.unhchr.ch/>.

^b According to Article 2 of the Convention, a frontier worker is "a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she returns every day or at least once a week".

^c According to Article 2 of the Convention, this category includes fishermen and is described as "a migrant worker employed on board a vessel registered in a State of which he or she is not a national".

^d An itinerant worker is defined in Article 2 as a "migrant worker who, having his or her habitual residence in one state has to travel to another state or states for short periods owing to the nature of his or her occupation".

^e The term 'project-tied worker' refers to a migrant worker admitted to a state of employment for a defined period, to work solely on a specific project being carried out in a State by his or her employer.

^f According to Article 2, a self-employed worker is "a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family and to any other migrant recognised as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements".

For the purposes of the Convention, members of the family of a migrant worker refers to:

Persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognised as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.²

Under the Convention, migrant workers and members of their families have the right to be fully informed by the State of origin or by the host State as appropriate “before their departure or at the latest at the time of their admission to the State of employment” about the conditions applicable to their admission, stay and work activities in the host State.³ However, the Convention does not state that such information should be provided in a language the migrant understands.

Articles 22 and 56 of the Convention deal with the issue of expulsion from the State of employment. A decision to expel a migrant worker must be taken by the competent authority in accordance with law.⁴ Such a decision must only be taken for reasons defined in the national legislation of the State of employment.⁵ Article 22, paragraph 4 states that:

The person concerned shall have the right to submit the reasons why he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise.

Ireland signed both Protocols that supplement the *UN Convention against Transnational Organised Crime* in December 2000, namely, the *Protocol to Suppress and Punish Trafficking in Persons Especially Women and Children* and the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*.

Although the terms ‘trafficking’ and ‘smuggling’ are used interchangeably in the Protocols, there is a fundamental difference between them: ‘trafficking’ in persons is characterised by the exploitation of the victim and the abuse of power by the ‘trafficker’.⁶

Trafficking is defined as:

...the recruitment, transportation, transfer, harbouring or receipt of persons, by threat or use of abduction, fraud, deception, coercion, or the abuse of power or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation.⁷

Smuggling is defined as:

...the procurement of the illegal entry into or illegal residence of a person in a State Party of which the person is not a national or permanent resident in order to obtain, directly or indirectly, a financial or other material benefit.⁸

Persons who are trafficked usually work illegally in exploitative circumstances such as in sex work. The majority of trafficked persons are women and children. Smuggled persons are generally smuggled for the purposes of (illegal) employment or to seek international protection. In the latter case, people resort to smugglers due to the difficulty of travelling in a regular manner to another country such as visa restrictions, or the difficulty of obtaining valid documentation in their own country.

The issues of immigration and migrant workers have also been addressed at recent UN Conferences:

Recent UN Conference	Summary of what it said...
The World Conference on Human Rights Vienna, 1993	called on States to ratify the <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i> and encouraged them to protect

Recent UN Conference	Summary of what it said...
Vienna, 1993	the human rights of all migrant workers and their families. The Conference also emphasised the importance of creating conditions leading to greater harmony and tolerance between migrant workers and the host community in States of employment.
The International Conference on Population and Development Cairo, 1994	addressed the issue of global migration and called for a comprehensive international approach to deal with it.
The World Summit for Social Development Copenhagen, 1995	called on States to ensure that migrant workers benefit from the protection they are afforded under international law, to ratify all relevant international instruments, and to take measures to ensure that migrant workers are not exploited. In addition, States were encouraged to combat illegal immigration and trafficking in persons while safeguarding the rights of undocumented migrants.
The Fourth World Conference on Women Beijing, 1995	paid particular attention to the vulnerability of migrant women to violence and other forms of abuse and encouraged States to establish culturally appropriate services for women suffering gender-based violence.
The World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance Durban, 2001	urged States to facilitate family reunification expeditiously and acknowledged that such a measure would have a 'positive effect' on the integration of migrants and the host community. It also called for the humane treatment of migrants in detention regardless of their status in the host State, and emphasised the importance of providing effective legal protection and competent interpreting services for detained migrants.

The UN has further demonstrated its commitment to the rights of migrant workers and other migrants by appointing a Special Rapporteur on the human rights of migrants, and by the proclamation by the United Nations General Assembly of 4 December as International Migrants Day.

Also of relevance to migrant workers are:

Convention	Summary of What it says...
The <i>International Convention on the Elimination of All Forms of Racial Discrimination</i> (ICERD)	<p>obliges States Parties to prohibit discrimination on the grounds of race, colour, descent or national or ethnic origin. However, it does not apply to:</p> <p>“distinctions, exclusions, restrictions or preferences made by a State Party...between citizens and non-citizens”.⁹</p> <p>The convention is of limited use to migrants as the discrimination they encounter is often of this type. The convention has recently been ratified by Ireland.</p>
The <i>UN Convention against Torture or Degrading Treatment or Punishment</i> , 1984	<p>prohibits the return of a person to a state where they could face torture. Article 3 (1) of the convention states:</p> <p>“No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”</p>
The <i>UN Commission</i>	adopted a Resolution on the protection of migrants and their

Convention	Summary of What it says...
<i>on Human Rights</i> , 2002	<p>families,¹⁰ which addresses several important issues including racism and access to remedies in situations where the rights of migrant workers have been infringed. The Commission also noted the treatment of migrants by immigration officials at borders, airports and ports of arrival and encouraged States to:</p> <p>“train public officials who work in these facilities and in border areas to treat migrants and their families respectfully and in accordance with the law”.¹¹</p> <p>Resolutions such as this are not binding on States, however.</p>

1.1.2 European instruments

1.1.2.1 Immigration from outside the EU

Ireland joined the European Economic Community (EEC)^a in 1973, at a time when Member States focused little attention on the issue of immigration. Since the creation of the EEC issues of immigration and asylum have gained increasing importance for Member States. Prior to the adoption of the Maastricht Treaty in 1992, asylum and immigration policy had been a matter for co-operation between the Member States. The Maastricht Treaty identified nine issues of common interest to Member States including asylum policy, rules governing crossing external borders and immigration policy and policy regarding third-country nationals. A number of instruments were adopted with regard to asylum and immigration, but for the most part these were not legally binding on Member States.¹² Thus, under the Maastricht Treaty asylum and immigration issues continued to depend on inter-governmental co-operation and not EU competence.¹³

In October 1997, the EU Heads of State and Government signed the Treaty of Amsterdam, which added a new Title IV on “visas, asylum, immigration and other policies relating to the free movement of persons” in the *EC Treaty*.^b

Article 63 sets out measures to be adopted in the area of immigration with regard to:

- conditions of entry and residence and standards relating to the procedures for issuing long-term visas and residence permits including those for the purpose of family reunion
- illegal immigration and illegal residence including repatriation of illegal residents
- rights of third-country nationals resident in one Member State to reside in another Member State

To this end, the European Commission has adopted several proposed Directives that are now under consideration by the Council of the European Union or have been adopted by it.^c

Also relevant to immigrants is the comprehensive non-discrimination provision, which was inserted into the *EC Treaty*. Article 13 of the *EC Treaty* states:

^a Later this became the European Union (EU).

^b Unless otherwise stated, all references to the *EC Treaty* refer to the *EC Treaty* as amended by the Treaties of Amsterdam and Nice.

^c With regard to immigration, the proposed directives deal with: family reunification, long-term residency, and economic migration. The Commission is currently working on a proposal dealing with students and persons coming to the EU for other purposes.

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred upon the community, the Council acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

The Council has adopted two Directives implementing Article 13. The first prohibits discrimination on the basis of racial or ethnic origin,¹⁴ and the second prohibits discrimination in employment on the basis of the grounds set out in Article 13.¹⁵

The EU has competence to conclude Readmission Agreements with third countries under Article 63(3)(b) of the EC Treaty. Readmission Agreements facilitate the expeditious expulsion of third-country nationals living in the host country without authorisation.^a Individual Member States can also conclude bilateral Readmission Agreements, as Ireland has done.^b

Several Protocols to the Amsterdam Treaty are noteworthy. From the Irish standpoint, the Fourth Protocol, under which Ireland may opt to participate in EU measures on immigration and asylum, is very significant. Article 1 states that:

Subject to Article 3 the United Kingdom and Ireland shall not take part in the adoption by the Council of proposed measures pursuant to Title IV of the Treaty establishing the European Community.

Ireland can participate in adopted measures if it notifies the Presidency of the Council. Furthermore, it can decide that it no longer wishes to be covered by the Protocol.

The European Union has also concluded pre-accession agreements with a number of Central and Eastern European States.^c Under these agreements, which are known as *Association Agreements*, nationals of these States are permitted to set up a business in a Member State and acquire residence there. The requirements for fulfilling criteria for setting up a business are governed by Member States themselves. Such persons do not have the right to travel freely within the European Union. However, most of them no longer require visas to travel to EU countries.

The issue of illegal immigration is of serious concern to EU Member States. Several initiatives are under consideration and the Council of the European Union agreed a Directive in May 2001, on the mutual recognition of decisions in the expulsion of third-country nationals. The provisions of this Directive apply to Ireland and it refers to expulsions based on a threat to public order or national security and safety in cases where a third-country national is convicted in a Member State of a crime, punishable by a term of imprisonment of at least one year, or if there are serious grounds for believing that the person has committed a serious crime, or if a third-country national contravenes entry and residence rules.¹⁶

^a The 1999 Tampere Conclusions stated that: "The Amsterdam Treaty conferred powers on the Community in the field of readmission". The Commission invited the Council to conclude readmission agreements or to include standard clauses in other agreements between the European Community and relevant third countries or groups of countries. Consideration should also be given to rules on internal readmission. In September 2000, the Council authorised the Commission to negotiate readmission agreements on behalf of the EU with Russia, Morocco, Pakistan and Sri Lanka. In addition, standard readmission clauses are now included in association, partnership and stabilisation agreements concluded with third countries, for example with the states of the former Yugoslavia and the 2000 Cotonou agreements with the Asian, Pacific and Caribbean (APC) States.

^b See Section 1.2.1.6 page 19.

^c Czech Republic, Slovakia, Hungary, Poland, Bulgaria, Romania, Estonia, Lithuania and Latvia.

The aim of the Directive is to ensure greater effectiveness in enforcing expulsion decisions, and co-operation among States in recognising expulsion decisions made by other Member States.

In April 2002, the European Commission issued a Green Paper on a community return policy on illegal residents.

The Commission has drawn up a proposal for a Council Framework Decision on combating trafficking in human beings. This deals with both trafficking in persons for the purposes of labour exploitation and sexual exploitation. The Commission Proposal recognised that trafficked persons are not voluntary illegal immigrants, but have been brought to the host State by a variety of means including, deception, coercion, threats, and abduction. Rather than being criminals, they are victims. The Proposal requests that Member States:

...ensure that a victim of an offence provided for in this Framework Decision is given adequate legal protection and standing in judicial proceedings. In particular, Member States shall ensure that criminal investigations and judicial proceedings do not cause an additional damage for the victim.^a

1.1.2.2 Free movement of nationals of EU Member States within the EU

Since the 1960's, several important Directives have been adopted providing for the free movement of EU nationals within the EU and their rights and entitlements.

The most significant of these are:

EU Directive	What it does...
The Council Directive of 15 October 1968, on the <i>Abolition of Restrictions on Movement and Residence within the Community for Workers of Member States and their Families</i> (68/360/EEC)	abolishes restrictions on the movement of nationals of the EU Member States who move to another EU State to take up employment. The Directive obliges Member States to permit such persons to enter their territory if they produce a valid passport or identity card. ¹⁷ In addition, Member States must grant them residence in their territory ¹⁸ and, as proof of residence, shall issue them with a 'residence permit for a National of a Member State of the EEC.' ^b
The Council Directive of 21 May 1973, on the <i>Abolition of Restrictions on Movement and Residence within the Community for Nationals of Member States with Regard to Establishment and the Provision of Services</i> (73/148/EEC)	obliges States to remove restrictions on the movement and residence of EU nationals "who are established or who wish to establish themselves in another Member State in order to pursue activities as self-employed persons or who wish to provide services in that state". Such persons are permitted to reside in another Member State and shall be issued with a residence permit as in the case of workers, referred to above.
The Council Directive of 29 October 1993, on the	grants students the right of residence for the duration of their course in another Member State. If the course lasts more than one

^a The *Commission Proposal for a Council Framework Decision on Combating Trafficking in Human Beings*, Article 8. Although Ireland has legislation in place prohibiting trafficking in persons (*Illegal Immigrants (Trafficking) Act*, 2000), it provides no protections for the trafficked persons.

^b European Economic Community (EEC). Later known as the European Union (EU).

EU Directive	What it does...
<i>Right of Residence for Students (93/96/EEC)</i>	year, the student shall be issued with a residence permit which can be renewed annually. ¹⁹

In addition, a series of Directives dealing with social policy and rights at work have been adopted including the Council Directive on the *Approximation of the Laws of Member States relating to the Application of the Principle of Equal Pay for Men and Women (75/117/EC)* under which Member States undertake to abolish all discrimination between men and women in relation to equal pay. A similar Directive obliges States to progressively implement the equal treatment of men and women in relation to social welfare.²⁰

Other Directives relate to rights in the work place such as parental leave and organisation of working time.²¹

1.1.3 Council of Europe instruments

The Council of Europe was founded in 1949 and its aims are to guarantee democracy, human rights and the rule of law. Forty-four European States are currently members of the Council of Europe.

The principal Council of Europe instrument dealing with migrant workers is the *European Convention on the Legal Status of Migrant Workers (1977)*. However, this is limited in application to nationals of a State Party, who have been permitted by another State Party to reside in its territory in order to take up employment. It has a much narrower scope than the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* since it does not apply to frontier workers, artists, seamen, persons undergoing training or seasonal workers who are carrying out specific work in a contracting state for a company whose registered office is not in that State.

States are required to provide migrant workers with information on:

...their residence, conditions and opportunities for family reunion, the nature of the job, the possibility of a new work contract being concluded after the first one has lapsed, the qualifications required, working and living conditions (including the cost of living, remuneration, social security, housing, food, the transfer of savings, travel and on deductions made from wages in respect of contributions for social protection and social security, taxes and other charges.²²

According to the Convention, migrant workers are entitled to family reunification but only in respect of their spouse and minor children.²³ Migrant workers and their families are entitled to education on the same basis as nationals of the host State and in general, they shall have the same rights with regard to social security²⁴ and social and medical assistance.²⁵

Other Council of Europe Conventions that may afford additional rights to migrants are:

Council of Europe Convention	Summary of what it says...
The <i>European Convention on Establishment</i> , 1955	the Council of Europe was established with the aim of safeguarding and realising the ideals and principles which are the common heritage of its members and to facilitate their economic and social progress. The Council recognises the special character of the links between the member countries.
The <i>Convention on the Participation of Foreigners in Public Life at Local Level</i> , 1992	the Convention provides for different categories of measures. The "classical rights" of freedom of expression, assembly and association, including the right to form trade unions.

**Council of Europe
Convention**

Summary of what it says...

	<p>The creation of consultative bodies at local level: participation in an advisory capacity in the deliberations of local authority commissions; consultative councils made up exclusively of foreigners.</p> <p>The right to vote in local elections, after five years residence in the host country, and to stand for election.</p>
<p><i>The European Convention on Nationality, 1997</i></p>	<p>embodies principles and rules applying to all aspects of nationality. It is designed to make acquisition of a new nationality and recovery of a former one easier, to ensure that nationality is lost only for good reason and cannot be arbitrarily withdrawn, to guarantee that the procedures governing applications for nationality are just, fair and open to appeal, and to regulate the situation of persons in danger of being left stateless as a result of state succession. It also covers multiple nationality, military obligations and co-operation between States Parties.</p>
<p><i>The European Convention on Human Rights (ECHR), 1950</i></p>	<p>does not specifically address the issue of immigration but Article 3 (which prohibits torture and inhuman or degrading treatment or punishment) and Article 8 (which deals with the right of respect for the family and private life) are relevant as is the jurisprudence of the European Court of Human Rights in relation to these issues.^a</p> <p>Additionally, Article 14, of the ECHR provides that the rights afforded in the Convention shall be enjoyed without discrimination:</p> <p>“The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”</p> <p>Also of significance for migrants is the anti-discrimination provision contained in Protocol 12 to the ECHR, Article 1 of which states:</p> <p>“1. The enjoyment of a right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.</p> <p>2. No one shall be discriminated against by any public authority on any ground such as those mentioned in Part 1.”</p>
<p><i>The EU Revised Social Charter, 1999</i></p>	<p>entered into force in July 1999, and will progressively replace the <i>EU Social Charter</i>, which guarantees social and economic rights.</p>

^a The Fourth Protocol to the ECHR, Article 4 also prohibits collective expulsion of non-nationals, both persons who are in the territory legally and those who are unlawfully resident.

**Council of Europe
Convention**

Summary of what it says...

The *Revised Social Charter* has been ratified by Ireland. Under Article 19 of the Charter “The right of migrant workers and their families to protection and assistance”, ratifying States undertake to afford migrant workers and their families a wide range of rights in addition to those set out in Articles one to ten dealing with work and training. Among the most significant are that States must undertake:

“19.1. to maintain, or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

19.3. to promote co-operation, as appropriate between social services, public and private, in emigration and immigration countries;

19.6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;

19.10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply;

19.12. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families”

The Council of Europe has adopted several recommendations on immigration, which are not binding. They do, however, set out basic human rights that should be enjoyed by all immigrants and should form the basis for legislation and practice in this area. Among the most significant of these are two recent recommendations adopted by the Council of Europe Parliamentary Assembly:

Council of Europe Recommendation

Summary of what it says...

*The Recommendation on Homosexuals’ Immigration and Asylum Rights*²⁶

urges Council of Europe Member States “to ensure that homosexual partnerships and families are treated on the same basis as heterosexual partnerships and families”, and “to take such measures as are necessary to ensure that bi-national lesbian and gay couples are accorded the same residence rights as bi-national heterosexual couples”.²⁷

*The Recommendation on the Security of Residence of Long-term Migrants*²⁸

includes provisions on: the acquisition of secure residence for long-term migrants, the acquisition of nationality, the withdrawal of secure residence, and protection against expulsion.

The Parliamentary Assembly of the Council of Europe has warned States of the dangers of restrictions on immigration, in particular that:

“...draconian restrictions on lawful immigration introduced by European Countries increase the likelihood of persons illegally entering Europe since they encourage recourse to the services of unscrupulous traffickers of human beings, using increasingly sophisticated and inhuman means to make money out of clandestine migration”.²⁹

Most of the articles and recommendations of the Council of Europe do not have any legally-binding effect.

1.1.4 International Labour Organisation instruments

The International Labour Organisation (ILO) was founded after the First World War and is the only international organisation dedicated to the protection of workers' rights. The ILO Membership includes Non-governmental Organisations (NGOs) and trade unions.

The International Labour Organisation has recognised that migrant workers are more vulnerable to exploitation than other workers and require additional safeguards. To this end, it has concluded several Conventions directly related to migrant workers, in particular:

Convention	Summary of what it says...
<p><i>Migration for Employment Convention (Revised) 1949, (No.97)</i></p>	<p>obliges States to maintain a free service to assist migrant workers with employment particularly in relation to providing them with accurate information. If the State itself does not provide such a service it must ensure that the service is provided.³⁰ States Parties must make available to the ILO on request information on issues relating to immigration, on national legislation and policy relating to both immigration and emigration, on special provisions relating to migration for employment and conditions of work for migrant workers.</p> <p>Moreover, States must treat immigrants equally to their own nationals, without discrimination in respect of nationality, race, religion or sex in relation to:</p> <ul style="list-style-type: none"> • remuneration, including hours of work, overtime arrangements, holidays with pay and apprenticeships and training • membership of trade unions and the benefits of collective bargaining • accommodation
<p><i>Migrant Workers (Supplementary Provisions) Convention 1975, (No. 143)</i></p>	<p>requires that States undertake to respect the fundamental rights of all workers.³¹ The Convention deals mainly with the issue of illegal immigration and measures to combat it. However, it states in Article 8 that a migrant worker:</p> <p>“shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, employment permit.”</p> <p>The Convention emphasises equality of opportunity and treatment for migrant workers. Each State must undertake to:</p> <p>“...pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and</p>

Convention	Summary of what it says...
	<p>collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territories.”³²</p> <p>Furthermore, States must take all steps to assist and encourage migrant workers and their families to preserve their culture including the possibility of mother-tongue classes for the children of migrants.³³</p> <p>Prior to the adoption of Convention No. 143, the ILO preparatory report emphasised the importance of family reunion and the negative effects of the separation of migrant workers from their families in their home country:</p> <p>“Prolonged separation and isolation lead to hardship and stress situations affecting both the migrants and the families left behind and prevent them from leading a normal life. The large numbers of migrant workers cut off from social relations and living on the fringe of the receiving community create many well-known social and psychological problems that, in turn, largely determine attitudes towards migrant workers.”³⁴</p>

In addition, the ILO has issued two recommendations: *Recommendation Concerning Migrants for Employment* (No. 86) and *Recommendation Concerning Migrant Workers* (No. 151).

Although Ireland has ratified several ILO Conventions, which apply to all workers,³⁵ it has not ratified the Conventions relating specifically to migrant workers.

1.2 What Domestic Legislation Relates to Migrants?

This section describes briefly the principal domestic legislation relevant to immigration.

1.2.1 General Irish legislation

1.2.1.1 The *Aliens Act*, 1935

The *Aliens Act*, 1935, replaced the existing *Aliens Restriction Act*, 1914, and the *Aliens Restriction (Amendment) Act*, 1919, both pieces of legislation inherited from the British legal system. The *Aliens Act* grants wide powers to the Minister for Justice to regulate all aspects of the lives of non-nationals^a in the State. This includes their entry to, departure from, movement around and residence in the State. Section 2 of the Act defines an alien as “a person who is not a citizen of Saorstát Éireann”.^b

Section 5 of the Act provides the Minister with extensive powers to make orders under the Act with regard to the control of non-nationals, including:

- prohibiting certain non-nationals from landing in, or entering the State
- entering the State including limiting such landing or prohibiting such entering or landing at a particular place
- leaving the State including prohibiting aliens from embarking on ships or aircrafts

^a Non-nationals are referred to as ‘aliens’ in the Act.

^b This does not include a person born in the United Kingdom.

- imposing restrictions and conditions on certain non-nationals with regard to landing in or entering the State
- prohibiting certain non-nationals from leaving the State

Penalties may be imposed in respect of non-nationals who act in contravention of an Aliens Order. Numerous Orders have been made under the Act, the most significant being those of 1946 and 1975. Under these Orders leave to land may be refused to a non-national in certain circumstances. Under the 1946 Order (as amended by the 1975 Order), an Immigration Officer who refuses leave to land, must as soon as possible inform the person in question in writing of the ground or grounds on which leave to land has been refused. It also provides that the 'alien' may be arrested and detained by an Immigration Officer or a member of the Gardaí.

Section 5 (1)(e) of the 1935 Act dealing with the deportation of non-nationals was found to be unconstitutional³⁶ and new legislation was enacted to provide for deportation. This new legislation is the *Immigration Act, 1999*.

1.2.1.2 The *Immigration Act, 1999*

The *Immigration Act, 1999* in Section 3(1), provides that:

Subject to the provisions of Section 5 (prohibition of refoulement) of the *Refugee Act, 1996*, and the subsequent provisions of this section, the Minister may by order (in this Act referred to as a 'deportation order') require any non-national specified in the order to leave the State within such a period as may be specified in the order and to remain thereafter out of the State'.

The Act lists the persons in respect of whom the Minister may make a deportation order and the matters the Minister shall consider when deciding whether to make a deportation order.

The *Immigration Act* also provided for amendments to be made to the *Refugee Act* in particular with regard to the functions of the Refugee Applications Commissioner and fingerprinting asylum seekers.

1.2.1.3 *Illegal Immigrants Trafficking Act, 2000*

The *Illegal Immigrants (Trafficking) Act, 2000*, prohibits trafficking of illegal immigrants. Section 2 of the Act states:

A person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum shall be guilty of an offence...

In addition, the Act permits the Gardaí to detain vehicles used by a person accused of trafficking and empowers the State to forfeit ships, aircraft and other vehicles.^a

1.2.1.4 The *Irish Nationality and Citizenship Acts, 1956 – 2001*

These Acts set out the conditions under which non-nationals may apply for, and be granted, Irish citizenship. They also provide for the making of post-nuptial declarations by spouses of Irish nationals who got married to the Irish national on or before 29 November 2002, and continue to be in a subsisting marriage.

In general, the Minister for Justice, Equality & Law Reform may grant an application for a certificate of naturalisation at their discretion if they are satisfied that the applicant:

^a The Act also amends other legislation including the *Refugee Act 1996*, and the *Immigration Act 1999*.

- is of full age
- is of good character
- has had one year of continuous residence in Ireland immediately prior to his/her application, and in the eight years immediately preceding that period, has had a total of four years of residence in Ireland
- intends in good faith to reside in Ireland after naturalisation
- has made a declaration of fidelity to the nation and loyalty to the State, either before a District Court Justice or in such other manner permitted by the Minister

In certain cases, the Minister has the power to dispense with the conditions of naturalisation.^a

The *Irish Nationality and Citizenship Act, 2001*, which came into force 30 November 2002, has made substantial changes to the previous Acts; in particular, persons born in Ireland are no longer automatically Irish citizens, but are entitled to Irish citizenship if they do “any act which only an Irish citizen is entitled to do”.³⁷ The Act does not specify what such acts may be, however.

In addition, the Act makes changes to the previous provisions dealing with the naturalisation of spouses of Irish citizens³⁸ and the calculation of the period of residence in relation to application for naturalisation for certain categories of non-nationals.³⁹

1.2.1.5 *Criminal Justice Act (UN Convention against Torture) Act, 2000^b*

This Act provides that a person shall not be returned to a country where:

...the Minister is of the opinion that there are substantive grounds for believing that the person would be in danger of being subjected to torture.

This provision is particularly relevant in the case of persons in respect of whom the Minister is considering making a deportation order and who have made representations under Section 3 of the *Immigration Act* to the Minister requesting permission to remain in Ireland, as they believe that they face torture should they be returned to their country.

1.2.1.6 Readmission Agreements

Readmission Agreements facilitate the return of persons residing without authorisation in another State, to their country of origin.

The Irish Government has concluded Readmission Agreements with the Governments of Romania (12 May 2000) and Nigeria (29 August 2001). Further Readmission Agreements are to be concluded with Poland and Bulgaria.

These Readmission Agreements provide for the:

- readmission to either State of citizens of the other State who are residing in the first State without authorisation

^a The *Irish Nationality and Citizenship Act 1956*, Section 16 (as amended by the *Irish Nationality and Citizenship Act 1986*, Section 5). This no longer applies to persons married to a naturalised Irish citizen or persons married to a person who is an Irish citizen (otherwise than by naturalisation).

^b The main purpose of the Act is to create a statutory offence of torture and thus enable Ireland to ratify the *UN Convention Against Torture*, which it signed in 1992.

- readmission of citizens of a third country who arrived in either State from the other State without authorisation
- return of persons to a third country by transiting either State

The Readmission Agreements set out the repatriation procedures and the method of establishing nationality to be followed. Proof of nationality is usually established through official documents, including a passport, identity card, citizenship certificates and other official documents stating the person's citizenship. Other evidence that may be considered, include a driving licence, company identity card, statements made by witnesses and statements of the person concerned.

In circumstances where evidence to conclusively establish nationality cannot be obtained, but it is possible to presume nationality, the requesting State may request the assistance of diplomatic and consular officials in the requested State to help determine the nationality of the person. This will be done by means of an interview with the person concerned.⁴⁰

¹ *The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* 1990, Article 2.1.

² *Ibid*, Article 4.

³ *Ibid*, Article 37.

⁴ *Ibid*, Article 22, paragraph 2.

⁵ *Ibid*, Article 56, paragraph 5.

⁶ European Council for Refugees and Exiles (ECRE) *An Overview of Proposals Addressing Migrant Smuggling and Trafficking in Persons* ECRE Background Paper July 2001, ECRE, London (2001) <http://www.ecre.org/policy/research/smuggle.shtml>.

⁷ *Ibid*.

⁸ *Ibid*.

⁹ *The International Convention on the Elimination of All Forms of Racial Discrimination* 21 December 1965, Article 1(2).

¹⁰ *United Nations Commission on Human Rights Resolution* 2002/59.

¹¹ *Ibid*.

¹² Immigration Law Practitioners Association (ILPA) and Minority Protection Group (MPG) *The Amsterdam Proposals* ILPA, London (2000). The ILPA and MPG proposed Directives on immigration and asylum.

¹³ For further information, see website <http://migration.ucc.ie/bordersofotherness>.

¹⁴ Council Directive 2000/43/EC, 29 June 2000 *Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin* OJ 2000 L180/22.

¹⁵ Council Directive 2000/78/EC, 27 November 2000 *Establishing a General Framework for Equal Treatment in Employment and Occupation* OJ 2000 L303/16.

¹⁶ Council Directive 2001/40/EC, 28 May 2001, Article 3 (1)(a), OJ 2001 L149/34.

¹⁷ Council Directive 68/360/EEC, 15 October 1968 on *Abolition of Restrictions on Movement and Residence within the Community for Workers of Member States and their Families* Article 3.

¹⁸ *Ibid* Article 4.

¹⁹ Other relevant Directives and Regulations are:

Council Regulation 68/1612/EEC, 15 October 1968, on *Freedom of Movement for Workers within the Community*, as amended by Regulation 76/312/EEC, OJ 1976 L39/2 (9 February 1976).

Council Directive 75/34/EEC, 17 December 1974, concerning the *Right of Nationals of a Member State to Remain in the Territory of Another Member State after Having Pursued Therein an Activity in a Self-employed Capacity*.

Council Directive 90/365/EEC, 28 June 1990, on the *Right of Residence of Employees and Self-employed Persons who have Ceased their Occupational Activity* OJ 1990 L180/28.

²⁰ Council Directive 79/7/EEC, 19 December 1978, on the *Progressive Implementation of the Principle of Equal Treatment for Men and Women in Matters of Social Security* OJ 1979 L6/24.

²¹ Council Directive 93/104/EC, 23 November 1993 *Concerning Certain Aspects of the Organisation of Working Time* OJ 193 L307/18, and Council Directive 96/34/EC, 3 June 1996 on the *Framework Agreement on Parental Leave*, concluded by UNICE, CEEA and the ETUC. The *Organisation of Working Time Act, 1997*, and the *Parental Leave Act, 1998*, give effect to these Directives in Ireland, OJ 1996 L145/4.

²² *European Convention on the Legal Status of Migrant Workers* 1977.

²³ *Ibid*, Article 12.

²⁴ *Ibid*, Article 18.

²⁵ *Ibid*, Article 19.

²⁶ Council of Europe, Parliamentary Assembly, Recommendation 1470 (2000): *Situation of Gays and Lesbians and their Partners in Respect of Asylum and Immigration in the Member States of the Council of Europe*.

²⁷ *Ibid*, Article 7(ii)(d) and (e).

²⁸ Committee of Ministers Recommendation Rec 15 (2000) 13 September 2000 *Concerning the Security of Residence of Long-term Migrants*.

²⁹ Council of Europe, Parliamentary Assembly Recommendations 1449 and 1467, (2000).

³⁰ *ILO Migration for Employment Convention (Revised) 1949* (No. 97), Article 2, available at <http://www.ilo.org/>.

³¹ *ILO Migrant Workers (Supplementary Provisions) Convention 1975*, (No. 143), Article 1, available at <http://www.ilo.org/>.

³² *Ibid*, Article 10.

³³ *Ibid*, Article 12(f).

³⁴ International Labour Organisation (ILO) *Migrant Workers*, Report VII (1) International Conference, 59th Session, Geneva June, 1974, p. 27 quoted in the *ILO Report of the Committee of Experts*, p.188.

³⁵ ILO Conventions ratified by Ireland include: *Freedom of Association and Protection of the Right to Organise Convention* 1948 (No 87), the *Equal Remuneration Convention* 1951 (No. 100) and the *Discrimination (Employment and Occupation) Convention* (No. 111).

³⁶ *Laurentiu v Minister for Justice* (1999) 4 IR 26.

³⁷ *Irish Nationality and Citizenship Act 2001*, Sections 6 (1) and 6 (2)(a).

³⁸ *Irish Nationality and Citizenship Act 1956*, Section 15 A as amended by the *Irish Nationality and Citizenship Act 2001*, Section 5.

³⁹ *Irish Nationality and Citizenship Act 1956*, Section 16 A as amended by the *Irish Nationality and Citizenship Act 2001*, Section 6.

⁴⁰ *Agreement Between the Government of Ireland and the Government of the Federal Republic of Nigeria on Immigration Matters*, Article VI.

CHAPTER 2 VISITORS

Each year thousands of persons come to Ireland on a short-term basis as tourists and other visitors. The rights and entitlements of persons who come to Ireland on a short-term basis, and the rules regarding their entry to the State, are dependent mainly on whether they are EEA or Swiss nationals.

2.1 EEA and Swiss Nationals

2.1.1 EU nationals

The status of Citizenship of the Union was introduced by the Treaty of Maastricht (1992). Article 17 of the *EC Treaty*^a states:

Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.

Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

Article 18(1) of the *EC Treaty* states:

Every Citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down by this Treaty and by the measures adopted to give it effect.

The right to move and reside referred to in Article 18(1) may be subject to limits and conditions. For non-economically active migrants, these conditions include various financial conditions and are set out in a series of Community Directives.¹ However, the competent authorities and, where necessary, the national courts must ensure that these limitations and conditions are applied in compliance with the general principles of Community law and, in particular, the principle of proportionality.²

The Commission has proposed replacing these Directives with a general all-embracing Directive to deal with Citizens' migration rights, but this not been adopted yet.³ However, it is clear that the effect of Article 18(1) is such that once a Citizen of the Union is lawfully resident in the territory of another Member State, they are entitled to equal treatment with nationals of that State in most circumstances. For example, regarding welfare rights, equal treatment extends to all EU migrants, regardless of whether they are workers, service providers or simply visitors, provided they are lawfully resident.⁴ Regarding political rights, Citizens of the Union have the right to vote and stand in both municipal and European elections, when resident in another Member State.

2.1.2 EEA nationals

In 1994, the European Economic Area Agreement was signed between the European Union and Norway, Iceland and Liechtenstein. Nationals of these states enjoy certain rights within the EU. EEA nationals do not need a visa to enter Ireland to take up employment or for any other purpose.

2.1.3 Swiss nationals

The *European Communities and Swiss Confederation Act*, 2001, came into force in June 2002. As a result, Swiss nationals now have the same rights as EEA nationals in Ireland. EEA

^a Unless otherwise stated, all references to the *EC Treaty* refer to the *EC Treaty* as amended by the Treaties of Amsterdam and Nice.

and Swiss nationals do not need a visa to enter Ireland to take up employment or for any other purpose.

2.2 Non-EEA and Swiss Nationals

Non-EEA and Swiss nationals may come to Ireland on a short-term basis. They are required to comply with immigration formalities including obtaining a visa if they are nationals of states whose citizens are required to possess a visa in order to travel to Ireland.

2.3 Applying for Visas

Persons coming to Ireland as visitors and who are nationals of a state whose passport holders require a visa in order to travel to Ireland, must obtain a visa.^a Applications can be made:

- through the Irish Embassy/Consulate in the applicant's country of residence
- through any Irish Embassy or Consulate if there is none in the applicant's country of residence
- by post, directly to the Visa Office, Department of Foreign Affairs, 13/14 Burgh Quay, Dublin 2, if there is no Irish Embassy or Consulate in the applicant's country of residence

Applicants must include the following documentation with their application:

- a completed visa application form
- evidence of their stay in Ireland and their intention/obligation to return
- a valid passport (or a full copy of the passport if the application is being made by post, or directly to the Department of Foreign Affairs)
- the visa application fee^b
- two passport photographs of the applicant

If insufficient information is provided, the applicant may be asked to furnish the required information. However, some applications may be refused without any further information being sought.

If a person travels to Ireland to visit a particular person or family, the applicant will be asked to provide the name of the contact person in Ireland, who may be asked to supply further information.

2.4 Appealing Visa Applications that Have Been Refused

A person whose application for a visa has been refused may apply to the Visa Section of the Department of Justice, Equality & Law Reform to have the application reviewed by a more

^a Under the provisions of the *Aliens (Visas) Order* 2002 (SI No. 178 of 2002), certain non-nationals are not required to possess a visa to travel to Ireland. Persons from states not listed are required to have a visa (see Appendix A).

^b Visa application processing fees are currently: €25 for a single journey and €50 for a multiple entry visa. Citizens of the following countries are exempt for the visa application fee: Bosnia, Bulgaria, Ecuador, Indonesia, Ivory Coast, Kirghizstan, Morocco, Peru, Slovak Republic, Sri Lanka, Tanzania, Tunisia, Uganda, Yugoslavia and Zambia (as of 1 January 2002)

senior official. Before doing so, they should request the reasons for the initial refusal of the visa application; these are not automatically provided but in most cases contain important information relevant to the appeal.

2.5 Registering with the (Garda) Registration Officer

2.5.1 EEA and Swiss nationals

EEA and Swiss nationals visiting Ireland are permitted to remain in Ireland without being required to register with the Gardaí. However, if persons intend to remain in Ireland for more than three months, it is recommended that they apply for a residence permit. An application for a residence permit should be made to the local registration officer who is a member of the Gardaí. Applicants should inquire at their local Garda station for the location of the registration officer for the area in which they reside. In Dublin, this is the Garda National Immigration Bureau. (Spouses and dependents of EEA and Swiss nationals are permitted to reside in Ireland for the duration of the residence permit.)

2.5.2 Non-EEA and Swiss nationals

Non-EEA/Swiss nationals who are nationals of states whose passport holders are required to possess a visa in order to travel to Ireland must be in possession of a valid visa on arrival. At point of entry, permission to remain is normally granted for an initial period of one month even if the validity of the visa extends beyond this. Non-EEA and Swiss nationals are permitted to remain in Ireland for a maximum period of three months without being required to register with the Garda registration officer. However, they must satisfy Immigration Officers at the port or airport of entry that they have sufficient funds to support themselves during their stay and that they do not intend to contravene Irish immigration laws.

If non-EEA and Swiss nationals wish to remain in Ireland longer than three months they must obtain the permission of the Minister for Justice Equality & Law Reform. An applicant will be required to state the proposed length of their stay in Ireland and to demonstrate that they have sufficient funds for the duration of the stay. Permission may be obtained from the registration officer in the area where the person resides. The local registration officer is a member of the Gardaí. Applicants should inquire at their local Garda station for the location of the registration officer for the area in which they reside. In Dublin, this is the Garda National Immigration Bureau.

The person is then issued with a Certificate of Registration by the registration officer. The Certificate of Registration contains a photograph of the holder and states the duration of their permission to remain in Ireland. It also contains a stamp,^a the number of which indicates the basis on which the Certificate of Registration was provided.

2.6 What Rights and Entitlements Do Visitors Have?

2.6.1 Are visitors entitled to work?

2.6.1.1 EEA and Swiss nationals

EEA and Swiss nationals may take up work while in Ireland as a visitor. In this case, the *European Communities (Aliens) Regulations, 1977* will apply to them.

2.6.1.2 Non-EEA and Swiss nationals

Non-EEA and Swiss national visitors are not entitled to work in Ireland. If persons wish to work here, they must return to their country of origin and make the necessary applications from there. Generally persons may not change their immigration status while in Ireland.

^a See Appendix D.

2.6.2 What types of accommodation can visitors access?

Persons who come to Ireland on a short-term basis usually reside in hotels, hostels, other short-term accommodation, or with persons they are visiting. However, visitors are not prevented from accessing private rented accommodation.

2.6.2.1 Private rented accommodation

Persons wishing to rent a house or apartment from a private landlord can do so directly themselves by replying to advertisements in newspapers or seek the assistance of a letting agency. Finding accommodation can be expensive and time-consuming, particularly in big cities. Prospective tenants should:

- Inspect the property before agreeing to move in and record the condition of the property and its contents in writing. Houses and apartments to let should comply with certain minimum standards.⁵
- Agree the amount of deposit and rent to be paid and the time of payment. A receipt should be obtained for all money paid to the landlord. The deposit should be returned to the tenant when s/he leaves the accommodation. However, the landlord may retain some or all of the deposit if: the tenant gives insufficient notice, damages the property or leaves without paying bills or rent.
- Find out whether the rent covers such items as electricity, gas and bin charges (where relevant).
- Agree on who is responsible for any repairs that need to be carried out in the future.

Tenants should be aware of their rights and duties as a tenant. The most important of these are:

- The landlord must provide a rent book. The rent book should contain the name and address of the landlord, amount of deposit paid, the amount of rent and the time and method of payment. All rent payments should be entered in the rent book. The rent book should also include the terms of the tenancy.
- The landlord is not permitted (except in cases of emergency) to enter the accommodation without making an appointment with the tenant.
- The landlord must give a minimum of four weeks notice in writing if they require the tenant to leave the accommodation. This is referred to as a 'notice to quit'. If the tenant does not leave by the end of the four-week period, the landlord can go to court to apply for an eviction order.
- The tenant must also provide notice to the landlord if they decide to move out.

2.6.3 What medical services are visitors entitled to?

2.6.3.1 EU nationals

EU nationals are entitled to free hospital treatment in a public ward. They should obtain an E111 from before they leave their country of origin. In the event of illness, this should be presented, together with a form of identification, if required, to the doctor or hospital treating the person.

2.6.3.2 Non-EU nationals

Non-EU nationals should take out insurance before leaving their country of origin to cover illness or accidents while in Ireland, as they will not be entitled to free medical care. They should seek advice from their travel agent.

2.6.4 What social welfare entitlements do visitors have?

Irish social welfare legislation does not distinguish between nationals and non-nationals. Essentially, any person from outside the State who complies with the relevant laws covering entry, and living and working here is entitled to seek social welfare payments in compliance with the normal conditions. For further information, contact the Information Service of the Department of Social and Family Affairs on (01) 704 3000.

2.6.5 What education can visitors access?

Visitors are generally not permitted to attend educational courses while in Ireland. It may be possible to attend short-term courses such as a weekend course. EEA and Swiss nationals may commence study while here as a visitor. However, non-EEA and Swiss nationals generally may not change their immigration status while in the State. If they are interested in pursuing a course in Ireland, they must return to their country of origin and make the necessary application from there.

¹ Council Directive 90/336 (later replaced by Council Directive 93/96) on *Migrant Students* [1993] OJ L317/59; Council Directive 90/365 *Employed and Self-employed People who have Ceased to Work* [1990] OJ L180/28; Directive 90/364 [1990] OJ L180/26.

² Case C-413/99 *Baumbast*, 17 September 2002.

³ Proposal for a European Parliament and Council Directive 29 June 2001 on the *Right of Citizens of the Union and their Family Members to Move and Reside Freely within the Territory of the Member States* COM(2001) 257 final [2001] OJ C270 E/23.

⁴ Case C-85/96 *Maria Martinez Sala v Freistaat Bayern* [1998] ECR I-2691.

⁵ Details of these can be obtained from Threshold, 21 Stoneybatter, Dublin 7, email advice@threshold.ie.

APPENDIX A VISA REQUIREMENTS

Passport holders of the following countries do not need to have a visa to travel to Ireland.^a

Andorra	Guatemala	Norway
Antigua and Barbuda	Guyana	Panama
Argentina	Honduras	Paraguay
Australia	Hong Kong (SAR) *	Poland
Austria	Hungary	Portugal
Bahamas	Iceland	St Kitts and Nevis
Barbados	Israel	Saint Lucia
Belgium	Italy	St Vincent & the Grenadines
Belize	Jamaica	San Marino
Bolivia	Japan	Seychelles
Botswana	Korea (Republic of South)	Singapore
Brazil	Kiribati	Slovenia
Brunei	Latvia	Solomon Islands
Canada	Lesotho	South Africa
Chile	Liechtenstein	Spain
Costa Rica	Lithuania	Swaziland
Croatia	Luxembourg	Sweden
Cyprus	Macau (SAR) *	Switzerland
Czech Republic	Malawi	Tonga
Denmark	Malaysia	Trinidad and Tobago
Dominica	Maldives	Tuvalu
El Salvador	Malta	USA
Estonia	Mauritius	UK and Colonies
Fiji	Mexico	Uruguay
Finland	Monaco	Vanuatu
France	Nauru	Vatican City
Germany	New Zealand	Venezuela
Greece	Netherlands	Western Samoa
Grenada	Nicaragua	

* SAR - Special Administrative Region

^a Available from the Department of Foreign Affairs <http://www.irlgov.iveagh.ie/>.

APPENDIX B RESTRICTIONS ON ENTRY FOR EEA AND SWISS NATIONALS

In accordance with the *European Communities (Aliens) Regulations, 1977*, EEA and Swiss nationals may only be refused leave to land if: "... his or her personal conduct has been such that it would be contrary to public policy or would endanger public security",¹ or if the person is suffering from a scheduled disease which include:²

A Diseases which might endanger public health

- (1) Diseases subject to the International Health Regulations for the time being adopted by the World Health Assembly of the World Health Organisation
- (2) Tuberculosis of the respiratory system in an active state or showing a tendency to develop
- (3) Syphilis
- (4) Other infectious or contagious diseases in respect of which special provisions are in operation to prevent the spread of such diseases from abroad

B Diseases or disabilities which might justify decisions on grounds of public policy or which might endanger public security:

- (1) Drug addiction
- (2) Profound mental disturbances, manifest conditions of psychotic disturbances with agitation, delirium, hallucination or confusion.

¹ *European Communities (Aliens) Regulations 1977*, Regulations 4 (i) and 4 (ii), SI No. 393.

² *The European Communities (Aliens) Regulations 1977*, Schedule 2, sets out these 'scheduled diseases and disabilities'.

APPENDIX C RESTRICTIONS ON ENTRY FOR NON-EEA AND SWISS NATIONALS

Non-nationals (not including EEA and Swiss nationals) will be refused leave to land if they:^a

- do not possess a employment permit if coming to Ireland to take up employment
- are suffering from certain disabilities
- are not in possession of a visa if they are nationals of a state whose passport holders are required to possess a visa to travel to Ireland
- belong to a class of persons prohibited from landing
- are prohibited from landing by order of the Minister
- have been convicted whether in Ireland or another jurisdiction of a crime punishable by at least one year imprisonment
- are not in possession of a passport or other document that:
 - ▶ establishes their identity and nationality
 - ▶ was issued on behalf of an authority recognised by the Government
 - ▶ does not purport to have been renewed otherwise, than by, or on behalf of, that authority
- are the subject of a deportation order
- intend to travel to the UK or Northern Ireland and the Immigration Officer is satisfied that they would not qualify for admission there
- have arrived in Ireland as part of the crew of an aircraft or ship and remain in the State without authorisation after the departure of the ship or aircraft

^a *Aliens Order* 1946 (as amended), Section 5 (3).

APPENDIX D RESIDENCY STAMPS

The names of the various residency stamps, and to whom they refer, are outlined below:

Stamp name	Refers to...
Stamp No.1	people who are entitled to work if they are in possession of an employment permit, work visa or work authorisation. This stamp is also issued to people with a business permission.
Stamp No.2	students who are entitled to work 20 hours per week
Stamp No.3	visitors and they are not entitled to work
Stamp No.4	people entitled to work without a employment permit. This stamp is issued to persons with leave to remain, and those with refugee status.
Stamp A	medical practitioners who are entitled to work
Stamp B	spouses of medical practitioners who are not entitled to work

APPENDIX E ADDRESSES

Government Departments and Agencies

Immigration and Citizenship Division
Department of Justice, Equality & Law Reform
13/14 Burgh Quay
Dublin 2
(01) 616 7700

Passport Office
Setana House
Molesworth Street
Dublin 2
(01) 671 1633

Visa Office
Department of Foreign Affairs
13/14 Burgh Quay
Dublin 2
(01) 663 1000

Garda National Immigration Bureau
13/14 Burgh Quay
Dublin 2
(01) 666 9193

Work Permits & Employment Rights
Department of Enterprise, Trade and Employment
Davitt House
65A Adelaide Road
Dublin 2
(01) 631 2121
Work Permits Section:
(01) 631 3308
(01) 631 3333
Employment Rights Information:
(01) 631 3131

FÁS
27 Upper Baggot St
Dublin 4
(01) 607 0500

National Consultative Committee on Racism & Interculturalism
26 Harcourt Street
Dublin 2
(01) 478 5777

The Office of the Ombudswoman
18 Lower Leeson St
Dublin 2
(01) 639 5600
Local: (1890) 223030

Garda Racial & Intercultural Office
Community Relations
Harcourt Street
Dublin 2
(01) 666 3150

Tourism Victim Support
Garda Headquarters
Harcourt Street
Dublin 2
(01) 478 5295

Equality Authority
2 Clonmel St
Dublin 2
(01) 417 3336
Local: (1890) 245 545

ODEI - the equality tribunal
3 Clonmel St
Dublin 2
(01) 477 4100
Local: (1890) 344 424

Employment Appeals Tribunal
Davitt House
65A Adelaide Road
Dublin 2
(01) 631 2121
Local: (1890) 220 222

Labour Court
Tom Johnson House
Beggar's Bush
Dublin 4
(01) 613 6666
Local: (1890) 220 228

Labour Relations Commission
Tom Johnson House
Beggar's Bush
Dublin 4
(01) 613 6700
Local: (1890) 220227

Employment Rights Information Unit
Room GO5
Davitt House
65A Adelaide Road
Dublin 2
(01) 631 3131

Reception and Integration Agency
Department of Justice, Equality & Law Reform
Block C, Ardilaun Centre
112-114 St Stephen's Green
West
Dublin 2
(01) 418 3200

Department of Education and Science
Marlborough St
Dublin 1
(01) 873 4700
International Section:
(01) 889 2379

Department of Social and Family Affairs
Áras Mhic Dhiarmada
Store St
Dublin 1
(01) 704 3000

Health Boards

East Coast Area Health Board

Southern Cross House
Southern Cross Business Park
Bray
Co Wicklow
(01) 201 4200
Customer Services Freephone:
(1800) 520 520

Midland Health Board

Arden Road
Tullamore
Co. Offaly
(0506) 21868

Mid-Western Health Board

31/33 Catherine St
Limerick
(061) 301 111

North Eastern Health Board

Kells
Co Meath
(046) 80500

North Western Health Board

Manorhamilton
Co Leitrim
(071) 982 0400

Northern Area Health Board

Head Office
Sword Business Campus
Swords
Co. Dublin
(01) 813 1800
Customer Services Free phone:
(1800) 520 520

South Eastern Health Board

Lacken
Dublin Rd
Kilkenny
(056) 84100

South Western Area Health Board

Oak House
Limetree Avenue
Millenium Park
Naas
Co Kildare
(045) 889 100
Customer Services Freephone:
(1890) 737 343

Southern Health Board

Wilton Road
Cork
(021) 454 5011

Western Health Board

Merlin Park Regional Hospital
Galway
(091) 757 631

Professional Bodies

This list includes bodies that represent the employment sectors for which a working visa/work authorisation may be obtained.

Irish Computer Society

17/19 St. John Rogerson's
Quay
Dublin 2
(01) 672 7998

The Royal Institute of Architects Ireland

8 Merrion Square
Dublin 2
(01) 676 1703

Institute of Engineers in Ireland

22 Clyde Road
Dublin 4
Ireland
(01) 668 4341

Society of Chartered Surveyors

5 Wilton Place
Dublin 2
(01) 676 5500

Irish Planning Institute

8 Merrion Square
Dublin 2
(01) 662 8807

Medical Council

Lynn House
Portobello Court
Lower Rathmines Road
Dublin 6
(01) 496 5588

An Bord Altranais (Nursing Board)

31 Fitzwilliam Square
Dublin 2
(01) 639 8500

Dental Council

57 Merrion Square
Dublin 2
(01) 676 2069
(01) 676 2226

National Social Work Qualification Board

8-11 Lower Baggot Street
Dublin 2
(01) 676 6281

Validation Unit

Personnel Management and
Development
Department of Health and
Children
Hawkins House
Dublin 2
(01) 635 4041

Society of Hearing Aid Audiologists

20 O'Connell Street
Limerick
(061) 414 917

Association of Clinical Biochemists

% Clinical Biochemistry
Department
St. Vincent's Hospital
Elm Park
Dublin 4
(01) 269 4533

Association of Cardiological Technicians

Cardiac Department
Beaumont Hospital
Dublin 9
(01) 837 7755

Irish Institute of Radiography
28 Millbrook Court
Kilmainham
Dublin 8
(01) 679 0433

Irish Nutrition and Dietetic Institute
Ashgrove House
Kill Avenue
Dun Laoighaire
Co. Dublin
(01) 280 4839

The Pharmaceutical Society of Ireland
18 Shrewsbury Road
Dublin 4
(01) 218 4000

Association of Physical Scientists in Medicine
c/o Department of Medical Physics & Bio Engineering
University College Hospital
Galway
(091) 524 222

Academy of Medical Laboratory Science
31 Old Kilmainham Road
Dublin 8
(01) 677 5602

Association of Occupational Therapists
29 Gardiner Place
Dublin 1
(01) 878 0247

Irish Association of Orthoptists
Eye Department
The Children's Hospital
Temple Street
Dublin 1
(01) 809 5462

Psychological Society of Ireland
CX House
2A Corn Exchange Place
Poolbeg Street
Dublin 2
(01) 671 7048

Irish Society of Chartered Physiotherapists
Royal College of Surgeons
St Stephen's Green
Dublin 2
(01) 402 2148

Irish Association of Speech and Language Therapists
29 Gardiner Place
Dublin 1
(01) 878 0215

Migrant Organisations

Afghan Community of Ireland Association
20 Ashington Garc
Off Navan Rd
Dublin 7
(01) 868 3577

Africa Solidarity Centre
Terenure Enterprise
17 Rathfarnham Rd
Dublin 6W
(01) 490 3237

African Cultural Centre
12 Upper Crescent
Belfast
BT7 1NT
North Ireland
(00 44 48) 902 38742

African Refugee Network
90 Meath Street
Dublin 8
(01) 473 4523
Fax: (01) 454 0745

AKIDWA
19 Belvedere Place
Dublin 1
(01) 855 2111

Algerian Solidarity Group
10 Upper Camden St
Dublin 2
(01) 478 3490

Bosnian Community Development Project
40 Pearce Street
Dublin 2
(01) 671 9202

Children of Zimbabwe
10 Camden Street
Dublin 2
(086) 328 7711, after 5:30pm

Chinese Information Centre
3 Beresford Place
Dublin 1
(01) 888 1355

Congolese Irish Partnership
19 Belvedere Place
Dublin 1
(01) 855 2111

Congolese Solidarity Group
10 Upper Camden St
Dublin 2
(01) 478 3490

Cuban Support Group Ireland
15 Merrion Square
Dublin 2
(01) 676 1213

Galway One World Centre
The Hall
Quay Street
Galway
(091) 581 688

Irish Chinese Welfare Association
63 Fitzwilliam Square
Dublin 2
(01) 611 4666

Irish Croatian Association
25 Merrion Square
Dublin 2
(01) 668 6165

Irish South African Association
10 Arnold Park
Glenageary
Co Dublin
(01) 285 1867

Irish Sudanese Association
3 Belgrave Rd
Rathmines
Dublin 6
(01) 498 3926

Islamic Cultural Centre
19 Roebuck Rd
Clonskeagh
Dublin 14
(01) 208 0000

Islamic Foundation of Ireland
163 South Circular Rd
Dublin 8
(01) 453 3242

Latin American Solidarity Centre
5 Merrion Row
Dublin 2
(01) 676 0435

Roma Support Group
Pavee Point
46 North Great Charles
Dublin 1
(01) 878 0255

Vietnamese Irish Association
45/46 Hardwicke St
Dublin 1
(01) 874 2331

Nigerian Support Group
10 Upper Camden St
Dublin 2
(01) 478 3490

Society of Russian Speakers
4 Merchant Quay
Dublin 8
(01) 677 1128

Human Rights Organisations

Amnesty International
48 Fleet Street
Dublin 2
(01) 677 6361

Integrating Ireland
10 Upper Camden Street
Dublin 2
(01) 478 3490

Irish Council for Civil Liberties
Dominick Court
41 Lower Dominick Street
Dublin 1
(01) 878 3137

Comhlamh
10 Upper Camden Street
Dublin 2
(01) 478 3490

Irish Commission for Justice and Peace
169 Booterstown Avenue
Blackrock
Co. Dublin
(01) 288 4713

Sports Against Racism
135 Capel St
Dublin 1
(01) 873 5077
Fax: (01) 873 1924

Human Rights Commission
17-19 Lower Hatch Street
Dublin 2
(01) 647 2562

Advice Organisations

Comhairle (Information for All)
7th Floor
Hume House
Dublin 4
(01) 605 9000

Irish National Organisation for the Unemployed
Araby House
8 North Richmond Street
Dublin 1
(01) 856 0088

Refugee Information Service
27 Annamoe Terrace
Dublin 7
(01) 838 2740

Emigrant Advice Centre
1a Cathedral Street
Dublin 1
(01) 873 2844

Irish Refugee Council
40 Lower Dominick Street
Dublin 1
(01) 873 0042

Refugee Legal Service (Solicitors)
48/49 North Brunswick Street
Georges Lane
Smithsfield
Dublin 7
(01) 646 9600
Freephone: (1800) 238 343

Free Legal Advice Centre
13 Lower Dorset Street
Dublin 2
(01) 679 4239

Law Society of Ireland
Blackhall Place
Dublin 7
(01) 671 0711

Refugee Legal Service (Registration Office for new clients)

Irish Centre for Migration Studies
NUI Cork
Western Road
Cork
(021) 490 2889

Longford Women's Centre
Willow house
Ardnacassa Avenue
Ballinalee Rd
Longford
(043) 41511

Timberlay House
79-83 Lower Mount St
Dublin 2
(01) 631 0800

Irish Immigrant Support Centre (NASC)
St. Mary's of the Isle
Sharman Crawford Street
Cork
(021) 431 7411

Migrant Advice Centre
3 Beresford Place
Dublin 1
(01) 888 1355

Tallaght Intercultural Project
16 Glenshane Lawns
Brookfield
Tallaght
Dublin 24
(01) 452 2533

Vincentian Refugee Centre
St. Peter's Church

Phibsboro
Dublin 7

(01) 810 2580

Trade Unions

City Bridges Project
Liberty Hall
Dublin 1
(01) 878 7272

ICTU
Head Office
31/32 Parnell Sq
Dublin 1
(01) 889 7777

International Organisations

European Commission Representation in Ireland
18 Dawson Street
Dublin 2
(01) 662 5113

Irish Red Cross
12 Merrion Square
Dublin 2
(01) 676 5135
(01) 676 5136
(01) 676 5137

UNHCR
Liaison Office for Ireland
27 Fitzwilliam Street Upper
Dublin 2
(01) 632 8679

International Organisation for Migration
9 Marleborough Court
Marleborough Street
Dublin 1
(01) 878 7900

Women's Organisations

Cherish
2 Lower Pembroke
Dublin 4
(01) 662 9212
Local: (1890) 662 212

Ruhama Women's Project
Senior House
All Hallow's College
Drumcondra
Dublin 9
(01) 836 0292
Email: admin@ruhama.ie

Women's Aid
Everton House
47 Old Cabra Road
Dublin 7
(01) 868 4721
Freephone: (1800) 341 900

Educational Organisations

An Síol
19 Manor Street
Dublin 7
(01) 677 5741

Educate Together
75 Park West Road
Dublin 12
(01) 626 3089

Irish Vocational Education Association (IVEA)
McCann House
99 Marlborough Road
Dublin 4
(01) 496 6033

Catherine McCauley Centre
23 Herbert Street
Dublin 2
(01) 638 7500

Integrate Ireland Language & Training (IILT)
Unit 4A
Trinity Enterprise Centre
Grand Canal Quay
Dublin 2
(01) 677 5344

Kerry Action for Development Education
11 Denny Street
Tralee
Co. Kerry
(066) 718 1358

CDVEC Curriculum Development Unit
Sundrive Road
Crumlin
Dublin 12
(01) 453 5487

Irish Council for Overseas Students
41 Morehampton Road
Dublin 4
(01) 660 5233

Meitheal
35 Exchequer Street
Dublin 2
(01) 671 9803

MEI-RELSA

107 South Circular Road
 Dublin 8
 (01) 475 3122

National Centre for Guidance in Education

1st Floor
 42/43 Prussia Street
 Dublin 7
 (01) 869 0715

SPIRASI

Spiritan House
 213 North Circular Road
 Dublin 7
 (01) 838 9664

Accommodation Organisations**Clann Housing Association**

18 Dame Street
 Dublin 2
 (01) 677 5010

Threshold

21 Stoneybatter
 Dublin 7
 (01) 6786098

Health Organisations

(See also Health Boards on page 38.)

Cairde Healthwise Project

19 Belvedere Place
 Dublin 1
 (01) 855 2111
 Fax: (01) 855 2089

Centre for the Survivors of Torture

Spiritan House
 213 North Circular Road
 Dublin 7
 (01) 838 9664

Refugee and Asylum Seeker Service

Department of Psychology
 St. Brendan's Hospital
 Rathdown Road
 Dublin 7
 (01) 868 0166

Religious Organisations**Dominican Justice Office**

38 Iona Road
 Glasnevin
 Dublin 9
 (01) 882 7484

DORAS

c/o Redemptorists Community
 Limerick
 Mount St. Alphonsus Mission
 House
 Limerick
 (061) 310 328

Irish Missionary Union

Orwell Park
 Rathgar
 Dublin 6
 (01) 496 5433

Gay and Lesbian Organisations**Gay and Lesbian Equality Network**

c/o Outhouse
 105 Capel Street
 Dublin 1
 (01) 873 4932

Gay Community News

Unit 2 Scarlet Row
 Essex St West
 Dublin 8
 (01) 671 9076

Lone Parent Organisations

Cherish

2 Lower Pembroke Street
Dublin 2
(01) 662 9212

TREOIR

14 Gandon House
Lower Mayor Street
ISFC
Dublin 1
(01) 670 0120

Children's Organisations

Children's Rights Alliance

13 Harcourt Street
Dublin 2
(01) 405 4823

National Children's Office

Floor 3
94 St. Stephens Green
Dublin 2
(01) 418 0582

Youth Organisations

National Youth Council of Ireland

3 Montague Street
Dublin 2
Ireland
(01) 478 4122

National Youth Federation

20 Lower Dominick Street
Dublin 1
(01) 872 9933

Youth Action Against Racism and Discrimination

3 Montague Street
Dublin 2
Ireland
(01) 478 4122

Local Authorities

City Councils

Cork City Council
City Hall
Cork
(021) 496 6222

Dublin City Council
Civic Offices
Wood Quay
Dublin 8
(01) 672 2222

Galway City Council
City Hall
College Road
Galway
(091) 536 400

Limerick City Council
City Hall
Limerick
(061) 415 799

Waterford City Council
City Hall
The Mall
Waterford
(051) 309 900

County Councils

Carlow County Council
Athy Road
Carlow
(0503) 70300

Cavan County Council
Courthouse
Cavan Town
Co. Cavan
(049) 433 1799

Clare County Council
New Road
Ennis
Co. Clare
(065) 682 1616

Cork County Council
County Hall
Cork
(021) 427 6891

Donegal County Council
County House
Lifford
Co. Donegal
(074) 72222

**Dun Laoghaire/Rathdown
County Council**
Town Hall
Marine Road
Dun Laoghaire
Co. Dublin
(01) 205 4700

Fingal County Council
PO Box 174
Fingal County Hall
Main Street
Swords
Co. Dublin
(01) 890 5000

Galway County Council
PO Box 27
County Hall
Galway
(091) 509 000

Kerry County Council
Áras an Chontae
Tralee
Co. Kerry
(066) 712 1111

Kildare County Council
St Mary's
Naas
Co. Kildare
(045) 873 800

Kilkenny County Council
County Hall
John Street
Kilkenny
(056) 779 4000

Laois County Council
Portlaoise
Co. Laois
(0502) 64000

Leitrim County Council
Áras an Chontae
Carrick-on-Shannon
Co. Leitrim
(078) 20005

Limerick County Council
79/84 O'Connell Street
Limerick
(061) 38477

Longford County Council
Áras an Chontae
Great Water Street
Longford
(043) 46231

Louth County Council
County Hall
Millenium Centre
Dundalk
Co. Louth
(042) 933 5457

Mayo County Council
Áras an Chontae
Castlebar
Co. Mayo
(094) 24444

Meath County Council
County Hall
Railway Street
Navan
Co. Meath
(046) 21581

Monaghan County Council
County Offices
The Glen
Monaghan
(047) 30500

**North Tipperary County
Council**
Couthouse
Nenagh
Co. Tipperary
(067) 3 1771

Offaly County Council
Áras an Chontae
Charleville Road
Tullamore
Co. Offaly
(0506) 46800

Roscommon County Council
Courthouse
Roscommon
(0903) 37100

Sligo County Council
Riverside
Sligo
(071) 915 6666

South Dublin County Council
Town Centre
Tallaght
Dublin 24
(01) 414 9000

South Tipperary County Council
Áras an Chontae
Clonmel
Co. Tipperary
(052) 34455

Waterford County Council
Civic Offices
Dungarvan
Co. Waterford
(058) 22000

Westmeath County Council
County Buildings
Mullingar
Co. Westmeath
(044) 32000

Wexford County Council
County Hall
Wexford
(053) 42211

Wicklow County Council
County Buildings
Station Road
Wicklow Town
Co. Wicklow
(0404) 20100

Borough Councils

Clonmel Borough Council
Town Hall
Parnell Street
Clonmel
Co. Tipperary
(052) 83800

Drogheda Borough Council
Corporation Offices
Fair Street
Drogheda
Co. Louth
(041) 983 3511

Kilkenny Borough Council
City Hall
High Street
Kilkenny
(056) 94000

Silgo Borough Council
Town Hall
Sligo
(071) 914 2141

Wexford Borough Council
Municipal Buildings
Wexford
(053) 42611

APPENDIX F GLOSSARY

ACELS	Advisory Council for English Language Schools
Alien	A non-Irish national is referred to as an alien in the <i>Aliens Act, 1935</i> .
An Bord Altranais	The Irish Nursing Board.
APC	Asian, Pacific and Caribbean
BUPA Ireland	A private medical insurer.
C Study Visa	The type of visa a student wishing to study in Ireland for more than three months should apply for.
CAO	Central Applications Office. Persons who want to apply for third-level undergraduate courses need to apply via the CAO. The CAO provides a handbook and application pack for courses on offer at the Irish universities and institutes of technology.
CEEA	The European Centre of Enterprises with Public Participation, and of Enterprises of General Economic Interest
Comhairle	The national support agency responsible for the provision of information, advice and advocacy to members of the public on social services.
Conference (EU)	EU conferences analyse the major problems arising in their sectors and foster ongoing contact between ministries dealing with the same subjects in Member States.
Convention (EU)	A practice or custom followed in government although not explicitly written in the constitution or in legislation. European Conventions and Agreements are not statutory acts of the organisation; they owe their legal existence simply to the expression of the will of those states that may become parties thereto, as manifested <i>inter alia</i> by the signature and ratification of the <i>EU Treaty</i> .
Council of Europe	The Council of Europe is a political organisation, founded in 1949, to defend the principles of democracy, human rights and the rule of law. Membership is open to all European states which undertake to abide by the organisation's principles. At present, the Council of Europe has 45 member states.
D Study Visa	The type of visa a non-EEA national wishing to study for less than three months should apply for.
Dáil	Lower house of parliament.
EAT	Employment Appeals Tribunal
<i>EC Treaty</i>	European Community Treaty
ECHR	European Convention on Human Rights. The ECHR guarantees civil and political human rights.
ECJ	European Court of Justice The Court of Justice comprises 15 judges and 8 advocates general. The judges and advocates general are appointed by common accord of the governments of the Member States and hold office for a renewable term of six years. They are chosen from jurists whose

	independence is beyond doubt and who are of recognised competence.
EEA	European Economic Area Agreement. In 1994, the EEA was signed between the European Union and Norway, Iceland and Liechtenstein. Nationals of these states enjoy rights within the EU that are similar to those of nationals of EU Member States and include those set out in the <i>European Communities (Right of Residence for Non-Economically Active Persons) Regulations, 1997</i> .
EEC	European Economic Community (later became the EU).
Employment Permit	The term used for what, until recently, was called a work permit.
Enterprise Ireland	An enterprise development agency dealing mainly with the food, drink and timber industries.
Equality Authority	The Equality Authority works towards the elimination of discrimination in employment, in the provision of goods and services, education, property and so on.
Equality Tribunal	The equality tribunal is an independent body established to investigate claims of discrimination under the <i>Employment Equality Act, 1998</i> and the <i>Equal Status Act, 2000</i> . The official title is ODEI – the equality tribunal.
ETUC	The European Trade Union Confederation
EU	European Union (formerly the EEC)
EU <i>Social Charter</i>	The EU <i>Social Charter</i> guarantees social and economic human rights. It was adopted in 1961 and revised in 1996.
EURES	EUROpean Employment Services (EURES) is a European labour market network aiming at facilitating the mobility of workers in the European Economic Area (EEA).
FÁS CALLNET	A service, where employers nationwide may register job vacancies by calling the FÁS number. Vacancy details are taken by trained staff who can help in drafting the most appropriate advertisement and can advise on relevant legislation. FÁS CALLNET takes vacancies from employers over the phone and via the Internet.
GP	General Practitioner (family doctor).
HEA	Higher Education Authority in Ireland
Health Boards	The statutory bodies responsible for the provision of health and personal social services in their respective areas.
ICOS	Irish Council for International Students
IDA	Industrial Development Authority. An organisation set up to provide assistance to persons wishing to establish a business in Ireland.
IEBI	International Education Board of Ireland
ILO	International Labour Organisation. It is a specialised UN agency which promotes social justice and internationally recognised human and labour rights. The ILO formulates international labour standards in the form of conventions and recommendations setting minimum standards of basic labour rights.

Labour Court	The Labour Court provides a free, comprehensive service for the resolution of disputes about industrial relations, equality, organisation of working time and national minimum wage matters.
Labour Relations Commission	The Labour Relations Commission was established in 1991 to promote the development and improvement of industrial relations policies, procedures and practices in Ireland.
Local Authority	The name of the state authority responsible for local government in local areas.
MEI-RELSA	Marketing English in Ireland – Recognised English Language Schools Association
Member State	These are European countries that are members of the EU. They are currently 15 of them.
MPG	Minority Protection Group
NGO	Non-governmental Organisation
ODEI-the equality tribunal	ODEI stands for the Office of Director of Equality Investigations. ODEI-the equality tribunal is the official title for what is often referred to as the equality tribunal. See entry for equality tribunal.
P60	At the end of each tax year, employers in Ireland give their employees a P60. It is a form on which the details of gross pay and all deductions made during the year for an employee are recorded.
PAYE	Pay as You Earn. Tax deducted from an employee's salary at source.
PPS No.	Personal Public Service Number. This is an individual's unique reference number for dealing with the Public Service. Many government departments and public service agencies request you to supply your PPS No. before you can use their services.
<i>Programme for Prosperity and Fairness</i>	The <i>Programme for Prosperity and Fairness</i> is a government programme structured as a set of five 'operational frameworks'. The Programme contains a very extensive list of measures across a wide range of issues – such as housing, public transport, industrial policy and rural development – as well as the primary trade union concerns of pay, taxation and social inclusion.
PRSI	Pay-related Social Insurance. All employees in continuous permanent employment, between the ages of 16 and 66 years old, whether casual or contract, compulsorily contribute to the Social Insurance Fund of the Department of Social Welfare.
<i>Revised Social Charter</i>	The <i>Revised Social Charter</i> has taken the place of the EU <i>Social Charter</i> . It has been amended to add new rights, to take account in particular of the fundamental social changes which have occurred since the original EU <i>Social Charter</i> was adopted
Rights Commissioner	Rights Commissioners investigate disputes, grievances and claims that individuals or small groups of workers refer under labour-related legislation.
RSI No.	See the entry for PPS No. which replaces the earlier number known as the RSI No.
Saorstát Éireann	Irish Free State.

SI	Statutory Instrument. It is generally held that statutory instruments, often referred to as 'secondary legislation' or 'delegated legislation', are 'law' in the strict sense of that term. It would follow, therefore, that the making of such instruments constitutes law-making. For a number of reasons this may be an incomplete description, and there are arguments to support the view that statutory instruments might not constitute 'law' in the strict sense of that term.
Social Welfare	Supports and services provided by the government to people at various stages of their lives.
Third-country Nationals	Term used to refer to any person who is not a national of an EU Member State.
UK	The United Kingdom of Great Britain (England, Scotland, and Wales) and Northern Ireland.
UN	United Nations
UNICE	Union of Industrial and Employers' Confederations of Europe
VAT	Value Added Tax
VEC	Vocational Education Committee
VHI	Voluntary Health Insurance. A private medical insurer.
Work Permit	The term used until recently for what is now referred to as an employment permit
WP3	FÁS form necessary for employers applying for an employment permit
WP6	FÁS form necessary for employers applying for an employment permit

APPENDIX G BIBLIOGRAPHY

Barrett, G. *The Rights of Third-country Family Members under European Community Law*, available from the Irish Centre for European Law, TCD (2000).

Department of Enterprise, Trade & Employment *Guide to Labour Law* <http://www.entemp.ie/>.

Department of Enterprise, Trade & Employment, Information Leaflet *Working Visas for Employment in Ireland* 11 February 2003, Department of Enterprise, Trade & Employment (2003).

Department of Enterprise, Trade & Employment, Press Release *Department of Enterprise, Trade & Employment and FÁS Clarify Operational Arrangements of Work Permit Procedures* Department of Enterprise, Trade & Employment(2003)

<http://www.entemp.ie/press03/070403a.htm>.

Department of Justice, Equality & Law Reform Information Leaflet *New Immigration Procedures in Relation to Swiss Nationals* available on the Department's website <http://www.justice.ie/>.

Department of Justice, Equality & Law Reform Information Leaflet *Student Visa Requirements* available on the Department's website <http://www.justice.ie/>.

Department of Justice, Equality & Law Reform *Integration: A Two Way Process* Government Stationery Office, Dublin (1999).

Department of Justice, Equality & Law Reform *Report of the Public Consultation on Immigration Policy* available on the Department's website <http://www.justice.ie/>.

Department of Social, Community and Family Affairs, Information Leaflet *SW100 Personal Public Service Number* <http://www.welfare.ie/>

European Council for Refugees and Exiles (ECRE) *An Overview of Proposals Addressing Migrant Smuggling and Trafficking in Persons* ECRE Background Paper July 2001, ECRE, London (2001) <http://www.ecre.org/policy/research/smuggle.shtml>.

Guild, Elspeth, *A Guide to the Right of Establishment under the Europe Agreements* Bailey Shaw and Gillett, London (1996).

Guild, Elspeth and Staples, Helen 'Inside Out and Outside In: Third-country Nationals in European Law and Beyond' in *European Union Law and Policy on Immigration and Asylum* Universite Libre de Brussels, Brussels (2001).

Harney Mary (An Tánaiste) Press Release, *Tánaiste Announces New Immigration Rules for Accession Countries* 24 March 2003 <http://www.entemp.ie/press03/240303.htm>.

IBEC Press Release *IBEC Expresses Concern with Work Permit Procedures* 7 April 2003 <http://www.ibec.ie/ibec/press/presspublicationsdoclib3.nsf/wvTopTwoNews/72D999E6FCA0591080256D01005E33DD?OpenDocument>.

Immigration Law Practitioners Association (ILPA) and Minority Protection Group (MPG) *The Amsterdam Proposals* ILPA, London (2000).

Ingoldsby, Brian *Regular Migration to Ireland* paper delivered at the Incorporated Law Society Seminar: 'Rights to Reside in Ireland' 14 May 2002, at Blackhall Place, Dublin.

International Organisation for Migration *International Comparative Study of Migration Legislation and Practice* commissioned by the Department of Justice, Equality & Law Reform, April 2002 <http://www.justice.ie/>.

Irish Congress of Trade Unions (ICTU) *Migration and Immigration: Changing the Face of Irish Society* ICTU, Dublin (2001).

Irish Times 1 March 2000 'Employers Back Plan to Bring 200,000 into State'.

Irish Times 3 April 2002 'Law Change on Workers Without Permits is Welcomed'.

Irish Vocational Education Association (IVEA) *Policy on Educational Provisions for Asylum Seekers, Refugees and Other Non-nationals* IVEA, Dublin (2001).

National Consultative Committee on Racism and Interculturalism (NCCRI) 'Issues and Recommendations Concerning the Employment of Migrant Workers in Ireland' Submission from the NCCRI to the Department of Enterprise, Trade & Employment, February 2001.

Duran Seddon (Ed.) *Joint Council for the Welfare of Immigrants, Immigration, Nationality & Refugee Law Handbook* 2002 Edition.

The Chambers of Commerce of Ireland (CCI) *Labour Force 2001: Economic Immigration* CCI, Dublin (2001).

UN High Commissioner for Human Rights, Fact Sheet No 24 *The Rights of Migrants*
<http://193.194.138.190/html/menu6/2/fs24.htm>.

UNHCR Discussion Paper 'Reconciling Migration Control and Refugee Protection in the European Union: A UNHCR Perspective'. October 2000 <http://www.unhcr.ch/cgi-bin/texis/vtx/home>.

United Nations Press Release, 15 December 2000
<http://www.un.org/news/press/docs/2000/200001215.pil305.doc.html>.

Ward, Eilis, 'Ireland and Refugees/Asylum seekers 1922 – 1996' in *The Expanding Nation: Towards a Multi-ethnic Ireland* Proceedings of a conference held in Trinity College Dublin 22-24 September 1998, pp 41-48 http://www.tcd.ie/sociology/mphil/dwnl/expanding_nation.pdf.

Ward, Tanya *Immigration and Residency in Ireland* City of Dublin VEC, Dublin (2000).



Order Form

Please send me _____ copies of the Immigrant Council of Ireland
HANDBOOK ON IMMIGRANTS' RIGHTS AND ENTITLEMENTS IN IRELAND

Name: _____

Organisation: _____

Address: _____

Telephone: _____ Email: _____

X

+

€5

NO. OF COPIES

RATE

POSTAGE AND PACKAGING

Total Amount Due: _____ (All payments to be made in Euro)

Please send Cheque/Money Order/International Bankers Draft ONLY made out to:

Immigrant Council of Ireland

The Handbook will be issued to you
within 10 days on receipt of payment

Immigrant Council of Ireland

A Social Innovations Ireland Initiative