



POLICY PAPER ON A TIME-LIMITED SCHEME FOR INTERNATIONAL PROTECTION APPLICANTS IN THE PROTECTION SYSTEM FOR 2 YEARS OR MORE

FEBRUARY 2022

1. INTRODUCTION & BACKGROUND

- 1.1 The Programme for Government includes a commitment to bring forward proposals for the regularisation of long-term undocumented migrants and their dependents which is intended to: “Create new pathways for long-term undocumented people and their dependents, meeting specified criteria to regularise their status within 18 months of the formation of the Government, bearing in mind EU and Common Travel Area commitments.” The scheme for the regularisation of long-term undocumented migrants will open for 6 months from 31 January to 31 July 2022, and applies to those who meet specific criteria.
- 1.2 In light of the recommendation of the Advisory Group on Direct Provision to consider a one-off, simplified case-processing approach applying to all International protection applicants who have been in the system for 2 years or more, it has been decided that a separate strand of the time-limited scheme referred at 1.1 above be introduced specific to such applicants. This policy paper outlines the objectives, criteria and requirements for that strand.

2. OBJECTIVES AND SCOPE OF THE SCHEME FOR INTERNATIONAL PROTECTION APPLICANTS IN THE PROTECTION SYSTEM FOR 2 YEARS OR MORE

- 2.1 This time-limited strand of the Regularisation of Long-Term Undocumented Migrants Scheme has been developed to regularise the immigration status of International Protection applicants currently in the International protection system for two years or more, who continue to live in Ireland, up to and at the date of application for this scheme with a current valid Temporary Residence Certificate (TRC) under the International Protection Act 2015¹.
- 2.2 This scheme is open to International Protection applicants only. To be an applicant under this Scheme a person must have a current application for International Protection

¹ Those whose application was initially lodged under the Refugee Act, 1996 are also covered by this Scheme

submitted and accepted as per section 15 of the International protection Act 2015¹ and meet the relevant eligibility criteria. This scheme is not open to individuals who do not have a live application for International Protection in the State or individuals who have been applicants for International Protection in the State for less than two years.

3. ELIGIBILITY REQUIREMENTS

- 3.1 For the purposes of this scheme an applicant must be a current applicant for International Protection in the State – anyone who has been issued a decision letter from the Ministerial Decisions Unit or who has previously withdrawn their application is no longer an applicant for International Protection and is not eligible for this scheme.
- 3.2 The applicant must be in the International Protection Application Process for at least 2 years prior to the commencement date of the scheme, 7th February 2022. The applicant must have resided continuously in the State, as required by the International Protection Act 2015, with a Temporary Residence Certificate (TRC) for at least the 2 year period immediately prior to the opening date for this scheme i.e. 7 February 2022 and continue to reside in the State at the date of application under this Scheme. The starting date for the International Protection Application Process is when the applicant presents in person at the International Protection Office (IPO) (Section 15 of the International Protection Act 2015) and is issued with a Temporary Residence Certificate (TRC) with an ID number and a date of issue on or before 6 February 2020.
- 3.3 It is intended to disregard a short period of absence from the State for a period up to a maximum of 60 days. Proof of permission to leave the State will not be sought. The applicant must provide documentary evidence of continued presence in the State. See section 5 below for details of such documentation
- 3.4 Each applicant for this scheme must submit an individual application. In the case of minor applicants, the parent / guardian must make an application on behalf of their minor child. Each member of the family who meets the eligibility criteria will be contacted individually and must submit a separate application which will be assessed in its own right.
- 3.5 Applications may also be made on behalf of an applicant by a legal representative where a letter of authority is received with the application form.
- 3.6 With regards to applicants who are unaccompanied minors and in the care of TUSLA, the agency may apply on their behalf for this scheme.
- 3.7 Consent from the other biological parent is required in shared/joint custody arrangements. The child's presence in the State gives no rights to visit or reside in the State to the other biological parent. It should be noted that this scheme does not include provision for an application to be made in respect of a child cared for by an applicant by virtue of an informal fostering/caring arrangement.

- 3.8 Family members of an applicant for this scheme who do not meet this scheme's criteria in their own right, are not eligible under this scheme. Such persons would therefore continue with their existing application for international protection, where applicable, or apply through the Regularisation of Long-Term Undocumented Migrants Scheme, should they meet the required criteria for that scheme.
- 3.9 An applicant for this scheme must not hold a residence permission in the State apart from the Temporary Residence Certificate (TRC) granted under the International Protection Act 2015.
- 3.10 Eligibility under the scheme is also subject to the good character and conduct of an applicant. The officers of the Minister will take into consideration information from An Garda Síochána and other public authorities regarding any behaviour of a criminal nature considered to be contrary to the common good and/or public policy and may refuse to grant a residence permission to any applicant on that basis. The scheme, which is based on the executive authority of the Minister, aims to confer a benefit on applicants and does not involve consideration by the officers of the Minister of any statutory rights to residence arising in respect of an individual. It is a matter for the officers of the Minister to determine whether an applicant satisfies this requirement for the purposes of this scheme and all information relevant to the applicant will be considered. While it is recognised that in relation to criminal charges pending against an applicant, the person enjoys, in criminal law, a presumption of innocence until proven guilty beyond a reasonable doubt, it should be noted that the consideration of good character and good conduct in relation to applications under the scheme is not subject to any presumptions, or the standard or burden of proof, applicable to criminal proceedings. While each case will be considered on its own merits, it is expected that minor convictions will not, of themselves, result in the refusal of an application. All persons in the application process over 16 years of age will be required to undergo Garda vetting.
- 3.11 The applicant should not pose a threat to the security of the State, or another State, through terrorism or support for terrorist activities, through incitement to hatred, through criminal behaviour, or of violence against one or more persons.
- 3.12 This scheme will not create any new entitlements to family reunification, successful applicants can check the Policy Document on Non-EEA Family Reunification² to establish if they are eligible to make a separate application under that policy at a future date.
- 3.13 There are no financial requirements i.e. the applicant does not have to prove that they will not be a burden on the State.
- 3.14 Any false or misleading documentation or information provided in the application process will result in the application being refused. Where it comes to light, subsequent to any

² <https://www.irishimmigration.ie/wp-content/uploads/2021/03/40d69f4ec2f9651beb365b14040b4955.pdf>

grant of permission under this Scheme, that false or misleading documentation was used in the application process, the residence permission will be revoked.

4. APPLICATION PROCESS

- 4.1 Prior to this Scheme being launched, officers of the Minister will write to those applicants identified as being potentially eligible to inform them of the scheme. However, the scheme is open to all applicants who believe they meet the scheme criteria.
- 4.2 The Scheme will operate on an administrative basis by officers of the Minister under the executive power of the Minister for Justice. It will be open for applications for 6 months, commencing on the 7 February 2022 and closing on the 7 August 2022. Late submission will not be accepted.
- 4.3 A PDF application form must be submitted by email and must contain the fully completed application form and all required documentation. This is an editable PDF application form and is available for download at: <http://www.ipo.gov.ie/en/ipo/pages/whatsnew>
- 4.4 All completed applications must be submitted by email to IPRSU@ipo.gov.ie. Applications must be submitted to this email address only. Applications sent to any other email address or by post will not be accepted.
- 4.5 This scheme is separate to your application for International Protection. Information and Documents submitted will not be included in your application for International Protection
- 4.6 However any applicant for this scheme should keep the IPO updated of any changes in relation to their International Protection application, for example a change of address.

5. DOCUMENTATION

- 5.1 In order to make an application under this Scheme, applicants must provide key details to prove eligibility for the time-limited scheme for International Protection applicants. Applicants for this scheme must provide their TRC card number and confirm date of application for international protection. Applicants must also provide documentary evidence of all of the addresses in the State that they lived for the duration of their IP application.
- 5.2 The following list of documentation will be accepted for the purposes of proving continuous residence under this scheme. This list is not exhaustive:
 - Documentation from the International Protection Accommodation Services of the Department of Children, Equality, Disability, Integration and Youth
 - Social Protection Statements; Utility bills (i.e. from electricity/phone/gas/cable television/broadband provider/mobile phone bills);
 - Registration with the Residential Tenancies Board;

- Employment Detail Summary/P60/P45/P21s; or equivalent
- Evidence that the applicant sat the Junior Certificate and Leaving Certificate exams in Ireland,;
- A letter from a school principal in Ireland, confirming attendance at a school if it was in the past five years;
- Statements or other correspondence from bank/building society/credit union including e-Statements with activity in the country (Statements from store cards/catalogue companies are not acceptable)
- Proof of money transfers between the applicant and a third party, carried out at a money transfer facility in the State e.g. Western union)
- Letter from doctor/hospital in Ireland.
- Vaccination passport for children, or COVID-19 vaccination card issued in Ireland.
- Other official correspondence from an Irish state agency e.g. government departments; HSE; Register of Electors/polling card; CAO; An Garda Síochána; Public / Private hospitals, Residential Tenancies Board (RTB) or third level college, Secondary school /training agency, NCT Reports or reminders, An Post, TV Licence, National Government Health Screening Programme(s) and/or;
- Correspondence from an insurance company regarding an active policy (Home or Car Insurance Policy Only).

6. SUCCESSFUL APPLICANTS

6.1 Applicants who are successful under this Scheme will be granted a residence permission under the executive powers of the Minister for Justice, with a letter setting out the conditions of this permission (Stamp 4). Conditions attached to this permission can be found at:

<https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/#stamp-categories>

6.2 This permission will allow for full access to the labour market for each successful applicant.

6.3 The permission will be granted for an initial period of two years. The permission may be renewed after a period of two years for a further three years provided the conditions attached to the initial grant of permission continue to be met. All conditions attached to the immigration permission will be outlined in the grant letter. See below for information on Stamps:

<https://www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/#:~:text=or%20Swiss%20citizen.-Stamp%201,work%20without%20an%20employment%20permit.>

6.4 Qualifying applicants may access state services where they meet the qualifying conditions as determined by the relevant Government departments or agencies.

6.5 If you are successful under this scheme, it will not affect your application for Refugee Status or Subsidiary Protection Status. We will continue to assess your application for

International Protection. If we decide to grant you Refugee Status or Subsidiary Protection status, you will receive a letter granting you that status. If your application for Refugee Status or Subsidiary Protection status is refused, you will continue to retain the Stamp 4 granted under this scheme, provided that you comply with the conditions attached to the permission. You will still have the right to appeal the decision on your Refugee Status or Subsidiary Protection status to the International Protection Appeals Tribunal (IPAT) under the single procedure.

6.6 A successful applicant may choose to withdraw an existing International Protection application solely at their own discretion.

7. UNSUCCESSFUL APPLICANTS

7.1 It should be noted that where an application under this scheme is refused by officers of the Minister, reasons will be given for any refusal and will be based on not meeting one or more of the above stated criteria. Reasons for refusal would include (but not be limited to) the following:

- An applicant is not a current International Protection applicant.
- An applicant is an International Protection applicant for less than the prescribed two years' time period.
- An applicant fails to provide sufficient evidence that they have been residing continuously in the State
(taking into account the permitted absence of up to 60 days)
- An applicant is not of good character/conduct.
- An applicant's presence in the State is considered to pose a threat to national security.
- An applicant submits false and/or misleading or inconsistent information or documentation.
- The applicant already has an existing residence permission apart from the temporary residence certificate granted under the International Protection Act 2015

7.2 An unsuccessful applicant may choose to appeal this decision via an online application form. If an application is refused, officers of the Minister will write to the applicant at the address provided in their application, setting out the reasons for refusal, the right of the applicant to appeal the decision and the process for appeal.

8. APPEALS PROCESS

8.1 It should be noted that where an application under this scheme is refused, reasons will be given for any refusal and will be based on not meeting one or more of the above stated criteria.

- 8.2 Where an application is refused the applicant may make an appeal to the Immigration Service. The appeal may be submitted to the Immigration Service by the applicant or by a legal representative of the applicant, supported by a letter of authority to act on behalf of the applicant. Appeals will only be accepted via the online appeal form. Appeals must be fully completed and submitted within 30 working days of the date of issue of the decision by the officer of the Minister. Applications left in draft will not be processed by the Immigration Service. Late appeals will not be accepted.
- 8.3 The reasons for the appeal should be set out and may be supported by documentary evidence, statements etc. additional to the documents submitted with the earlier application and it is the responsibility of the applicant add/or the legal representative to identify and submit whatever documents they deem appropriate in support of the appeal.
- 8.4 The appeal will be considered by a different officer. The officer determining the appeal may either confirm the original decision or grant a residence permission under this scheme.
- 8.5 The application and any appeal will be considered within the parameters of the scheme outlined.

9. FEES

There are no fees for an application under this scheme.

10. DATA PROTECTION

- 10.1 Having regard to Data Protection legislation, the Department of Justice will treat all personal data provided by applicants under the proposed Scheme in accordance with the Department's Data Protection Policy: www.justice.ie/en/jelr/pages/data_protection
- 10.2 Applicants will be asked to furnish only that personal data which is necessary to fulfil the Department's role in implementing the Scheme.
- 10.3 The Data Protection Privacy Notice has been prepared which sets out, *inter alia*, the lawful basis for the collection of the personal data, its purpose, with whom the personal data may be shared, storage, retention, etc.
- 10.4 In making a determination on an application it may be necessary to disclose personal data to a third party or to third parties or to verify documentation with the issuing authority (Other Government Departments, An Garda Síochána, State Agencies, Policing and/or Immigration authorities in other jurisdictions, other persons or organisations referenced by applicants in their application)

11. REGISTRATION PROCESS

11.1 Currently, successful applicants under this Scheme from the age of 16 must register their permission in the State with the Immigration Service of the Department of Justice at Burgh Quay Registration Office, if residing in Dublin City or County, or alternatively at or local immigration office for those who live outside of Dublin. For guidance on local immigration offices see here: <https://www.irishimmigration.ie/registering-your-immigration-permission/how-to-register-your-immigration-permission-for-the-first-time/information-on-registering-if-living-outside-of-dublin/>

11.2 Successful applicants under this Scheme must have the approval letter from the International Protection Office or the Immigration Service, in the case of a grant of permission at appeal stage. Successful applicants should have relevant supporting documentation with them at their registration appointment (the web page and application form will list the documentation needed to register). There is no registration fee applicable.

11.3 A Registration Card (IRP) will then be issued, and this must be renewed 2 years later.