

My rights as a migrant or refugee

Chapter 6



6.1 General

Do migrant children have the same rights as other children in Ireland?

If you or your parents have come to Ireland from another country, you may be known as migrants. Migrant children or children of migrants have different rights and entitlements that depend on their:

- own citizenship, or
- parent's citizenship, or
- immigration status.

The Government of Ireland has set out rules about who can come here to:

- live
- work
- study
- visit as a tourist
- apply for asylum
- start a business.

These are known as immigration rules.

If you were born in Ireland but your parents are not Irish citizens or have no legal right to reside (live) in Ireland, different immigration rules may apply to you.

What is 'immigration status'?

Immigration status refers to the rules that apply to a person living in Ireland who is not an Irish citizen. Examples of status include:

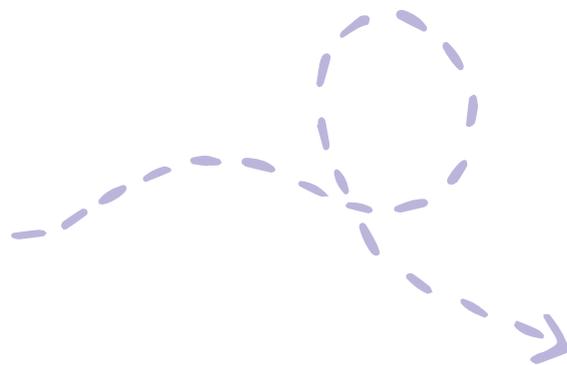
- an EU citizen
- an asylum seeker
- a person who holds an immigration permission with an Irish residence permit.

An EU citizen can move freely throughout the EU.

Why is it important to know my status?

It is important to know your status as this tells you what rights you have while living in Ireland. Each type of status has different rights and conditions. For example, your status can impact:

- how long you can stay in the country
- your social welfare entitlements
- access to third level education
- access to social housing
- access to healthcare
- your right to work.



When do I have to register with immigration authorities?

If you are aged 15 or under you do not need to register

Children aged 15 years or younger do not need to register but they must do so as soon as they turn 16. Until you turn 16 the State assumes your immigration status is the same as your parents' status. There are plans to change this to require all children under the age of 16 to register with the authorities, but this has not been introduced yet.

If you are 16 or over, you must register

If you are 16 years old or more and are not an EU citizen or a citizen of Iceland, Liechtenstein, Norway or Switzerland, you must register that you are in Ireland with the Immigration Authorities.

If you live outside Dublin, you should contact your nearest Garda Immigration Officer and normally you will have to attend a local registration office. You can find a list of these on the [INIS website](#).

If you live in Dublin, you should make an appointment online on the [INIS Website](#) to register. They will give you an appointment that you must attend at Burgh Quay in Dublin. They will give you a registration certificate that is known as an Irish Residence permit. You must carry this with you at all times. Your residence permit will tell you what kind of status you have.

If you are under 18 at the time of registration, you do not have to pay the registration fee. You can find more information about the registration process in the [Immigrant Council of Ireland Guide](#) or on the [Department of Justice and Equality website](#).

If you are over the age of 16 and have been living in Ireland without registering you can seek information and advice about how best to register from the [Immigrant Council of Ireland](#), see chapter 10 'where can I go for help' for details..

If your parents do not have permission to live in Ireland, you should seek advice from a specialist immigration solicitor, or the Immigrant Council of Ireland, before your 16th birthday. They will advise you about possible applications to regularise your immigration status.

What do I do if I am not sure what my status is, or I do not have status?

If you are unsure about your status or if you do not have status it is very important that you get information and advice about what to do from a legal professional. You can contact the Immigrant Council of Ireland Information line on 01-674 0200 or call the Children's Rights Alliance Information line on 01-902 0494.

What do I do if I am undocumented?

If you are undocumented (do not have status) it is very important that you get information and advice about what to do from a legal professional. You can contact the [Migrants Rights Centre Ireland](#) or the [Children's Rights Alliance](#).

What rights do citizens have?

If you have Irish citizenship, you can enjoy rights, entitlements and supports in the same way as all other Irish people. As an Irish citizen you can:

- apply for an Irish passport
- vote in all elections if you are over the age of 18
- access all state services.

Am I automatically an Irish citizen if I am born in Ireland?

No. If you were born in Ireland after 1 January 2005, you are an Irish citizen only if:

- one or both of your parents is Irish or British, or
- one of your parents:
 - was legally living (resident) in Ireland or Northern Ireland
 - has a genuine link to Ireland, and
 - has lived in Ireland for at least three out of the four years immediately before you were born.

You will not qualify for Irish citizenship based on your birth in Ireland if your parents were:

- living in Ireland on a student visa, or
- waiting for a decision on a claim for asylum or 'leave to remain', or
- entitled to diplomatic immunity (this could relate to either of your parents).

How can I become an Irish citizen if I am not an Irish citizen through birth?

If you are not entitled to Irish citizenship through birth, you may still be able to apply for Irish citizenship through a process called naturalisation. There is no automatic right to citizenship and decisions are made by the Minister for Justice and Equality.

You must be 18 years of age before you can apply for naturalisation in your own right. If you are under 18 you will need your parent or guardian to apply on your behalf. They can do so:

- after they have become Irish citizens, or
- if you have Irish associations (meaning related by blood, affinity or adoption to a person who is an Irish citizen) or
- if you were born in Ireland, or
- If you were born in Ireland and have been legally resident as part of a family unit for five years.

In addition, if you were born in Ireland after 1 January 2005, or one of your parents has become an Irish citizen, your parent or guardian can apply for citizenship on your behalf before you turn 18. You will need to meet certain conditions to qualify for citizenship.

There are a few other ways you could qualify to become an Irish citizen either as a child or an adult. You can qualify through:

- **descent** – if you were born outside Ireland but are the child or grandchild of an Irish citizen, you are entitled to Irish citizenship provided your birth is registered in the Foreign Births Register
- **adoption** – if you are adopted by an Irish citizen or a couple where one spouse is an Irish citizen.

For more information about becoming an Irish citizen, visit the [Citizens Information website](#) or the [INIS website](#), see chapter 10 'where can I go for help' for details.



Can I complain to the Ombudsman for Children as a migrant or refugee?

As a migrant, asylum seeker or refugee you can complain to the Ombudsman for Children (OCO) about how public bodies or their representatives in Ireland treat you. This includes:

- schools
- hospitals
- all government departments
- some state-funded services like Direct Provision accommodation.

However, you cannot complain to the OCO about how your immigration status is being processed. You can only use the court system to challenge this.

Do I have the same right to access primary or secondary education as an Irish citizen?

Almost all migrant and refugee children have the same right to access primary and secondary education as Irish children even if you are undocumented.

The only exception is the children of international students from outside the European Union. If your parents are in Ireland to study, they may have to prove that they have enough money to provide for you. They will have to get permission from the Department of Education and Skills before you can attend a non-fee-paying school. They may also have to pay an immigration levy (a special tax) for you to attend a non-fee-paying school.

The Department of Education and Skills has not finalised the rules on this or decided the amount of the levy.

Can I access the Free Fees Scheme for third-level education in the same way as an Irish citizen?

To be eligible for the [Free Fees Scheme](#) or to apply for a [Student Universal Support Ireland](#) grant, you must have spent three out of the last five years living in:

- the EU
- Iceland
- Liechtenstein
- Norway or
- Switzerland.

You must **also** be an EU citizen or a citizen of:

- Iceland, Liechtenstein, Norway or Switzerland
- have refugee status
- be a family member of a recognised refugee or
- have been granted leave to remain.

If you become an EU citizen during your time studying, you will not have to pay third-level fees for the remaining time you are studying.

If you are not an EU citizen, you may have to pay international student fee rates to access third level education. These rates are significantly higher than those for EU citizens. This will depend on what type of immigration status you have. If you are in the asylum process you must pay the international student fee rate. However, there are a number of schemes that might be able to help you cover the cost of attending third-level education like the [Universities of Sanctuary](#).

For more information and advice on how to access these schemes contact the Irish Refugee Council.

You can check with the institution where you wish to study to find out if you are entitled to the Free Fees Scheme. Information is also available on the [Student Finance website](#).

Do I have the same right to access healthcare services?

Every child has the same right to access healthcare. However, if you are over the age of six your right to a medical card for free healthcare will depend on the immigration status of your parent or parents. If you are under the age of six you will qualify for a GP Card. This allows you to visit the GP (family doctor) for free. In order to get a GP Card you will need to have a PPS number. For more information on this see chapter 3, 'My right to health'.

Your parents must be EU citizens for you to get a medical card. They may need to have private health insurance. However, your parents may be entitled to a medical card for you if you or your parents have applied for asylum or been granted:

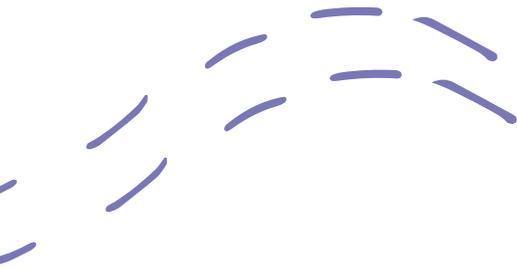
- refugee status (see page 10)
- subsidiary protection (see page 10)
- permission to stay in Ireland.

There are special rules and income limits for this. For more information contact your local Citizens Information Centre.

How to get a PPS Number?

Your Personal Public Service (PPS) number is a unique reference number that helps you access social welfare benefits, public services and information in Ireland. If you are under the age of 16 you are considered to be a child for getting a PPS number.

If you are under 16 your parent, foster parent or guardian should attend a PPS Number Allocation Centre with you. If you are over 16 you can attend on your own. To find out how to make an appointment and what you need to bring with you see the [Department of Employment Affairs and Social Protection website](#).



6.2 Separated children

What will happen to me if I arrive in Ireland on my own?

If you arrive in Ireland on your own, or without an adult who is responsible for your care, you will be dealt with as an 'unaccompanied minor'. You may also be described as a 'separated child'.

Tusla, the Child and Family Agency, will look into your situation and decide what is best for you. If they think it is the best thing for you overall, Tusla may decide to apply for International Protection for you.

For more information on how the International Protection Process works for an unaccompanied minor you can see the information guide on the [Department of Justice and Equality website](#).

Who will look after me if I am a separated child?

The Separated Children's Team in Tusla are responsible for the care and welfare of separated children. For more information see the [Tusla website](#).

A social worker will talk to you about your needs and then develop a care plan for you. The social worker may place you with a foster family or in residential care. Alternatively, they may place you in 'supported lodgings' which will prepare you for independent living at 18.



Where can I get more information and support?

If you want more information and support about your rights as an unaccompanied minor or separated child, you can contact the Children's Rights Alliance information line on 01-902 0494 or help@childrensrights.ie.

6.3 International Protection

What is International Protection?

The term International Protection means the protection given by a government to someone who has left another country to escape being harmed. It includes two specific types of protection that can be applied for in Ireland:

- refugee status
- subsidiary protection.

Refugee status is a form of legal protection that the State gives to people escaping persecution on the basis of:

- race
- religion
- nationality
- membership of a particular social group
- political opinion in their own country.

Subsidiary protection is a form of protection given to people fleeing:

- torture
- a death sentence
- a serious risk of violence during war.

If someone is recognised as being a refugee or has subsidiary protection status in Ireland, they can live in Ireland and enjoy many rights here.

An asylum seeker is someone who has applied for International Protection.

When you apply for International Protection, you are asking the Minister for Justice and Equality to consider whether or not you qualify for a:

- refugee declaration, or
- subsidiary protection declaration.

You apply for both of these in the same way, but if you are granted status it will be for one or other of them.

How do I apply for International Protection?

You will be included on your parents' application for International Protection if:

- you are under the age of 18 and living with your parents, and
- you are not an Irish citizen.

Your parents should apply for International Protection as soon as possible. They can do this either:

- at the airport or seaport where you arrived in Ireland, or
- after entry into the state at the International Protection Office in Dublin.

Your parents should bring you with them when they are applying for International Protection.

You can find out more about the asylum application process at the [International Protection Office website](#).

What are my rights if I apply for International Protection?

If you are with your family, you will get accommodation and food through a system called Direct Provision. Your family will also get a medical card so you will be able to get free healthcare. The Reception and Integration Agency (RIA) runs the Direct Provision accommodation system and decides where you will live. RIA may also transfer you and your family to a different accommodation centre while you are in the Direct Provision system.

While in Direct Provision, your parent or parents will get a weekly payment of €38.80 each and €29.80 each for you and any sisters or brothers you may have. You may also get money for clothes, usually twice a year, but you do not have an automatic right to this. Your parents cannot receive Child Benefit or other social welfare payments for you. They may be entitled to some payments if they are working and meet the requirements.

You can go to primary and post-primary school on the same basis as an Irish citizen child.

You have a right to access legal representation through the Refugee Legal Service (RLS), a section of the Legal Aid Board. These services are based in Dublin, Cork and Galway.

The [Irish Refugee Council](#) also provides legal services see their website, see chapter 10 'where can I go for help' for details.

Do I have a right to work if I am seeking International Protection?

If you are waiting for a decision on your first application for International Protection for more than nine months, you can apply for permission to access the labour market.

As a young person under the age of 18 you can also apply for permission to work. If your permission is granted you will have the same restriction on hours and minimum wage entitlements as other young people as set out in section 1.5. If you apply for the right to work it also gives you the right to access vocational training.

You can find more information on the process on the [INIS website](#).

What will happen if my application for International Protection is refused?

If your application for International Protection is refused, you, or your parents on your behalf, may appeal a refusal of refugee status or subsidiary protection to the International Protection Appeals Tribunal. When you are sent the decision on your International Protection application, you will be given a copy of the appeal form that you need to complete.

If your family does not have a legal representative you can contact the [Legal Aid Board](#), see chapter 10 'where can I go for help' for details.

Can I apply for any other permission if my application for International Protection is refused?

If you are not eligible for refugee status or subsidiary protection the Minister for Justice and Equality will consider if there are any reasons why you should be given permission to stay in the State ('leave to remain').

Can I appeal if I am refused leave to remain?

If your application for leave to remain is refused, you cannot appeal and a deportation order will be made against you. This will require you to leave the State, and if you do not, the State may try to remove or deport you. If you or your parents or guardian are advised that a legal mistake was made in coming to this decision, you may still ask the High Court to prevent this from happening, and to have them examine the decision again.

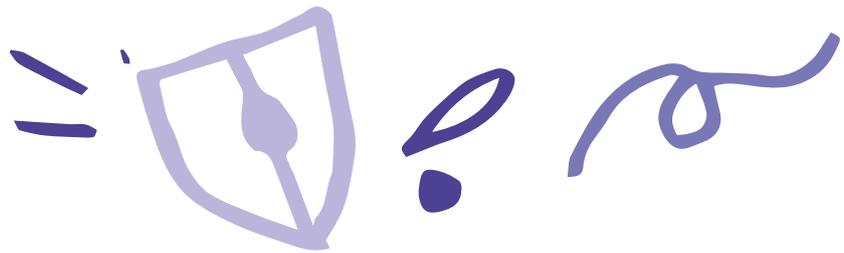
If I have International Protection can my family outside Ireland join me here?

This depends on why you are living in Ireland and whether or not you have any rights under Irish or EU law.

If you are an Irish citizen or an EU citizen, your family members may have a right to live with you in Ireland.

You have some rights if you are under 18 years and have been granted International Protection. International Protection in these circumstances, means you can apply for what is known as Family Reunification – permission for your family members to join you in Ireland. Family members in this context means, your parents, and brothers and sisters who are under the age of 18.

You have 12 months to apply for Family Reunification. This time starts when you receive your letter confirming that you have International Protection. If you are a resettled refugee, you have 12 months from your date of arrival in Ireland to apply for Family Reunification. Family Reunification is the name of the process for applying to have your family join you in Ireland when you have been granted International Protection.



6.4 Refugee or subsidiary protection status

If you or your family's application for International Protection is successful, you will be granted refugee status or subsidiary protection status. This means you can stay in Ireland and you have more rights. The two forms of status have almost the same rights but there are a few small differences.

What are my rights as a refugee?

As a refugee, you will have the same rights in Ireland as an Irish citizen. This means you have a right to:

- look for work
- get a job
- access education
- get training
- receive medical care
- social protections and services.

As a refugee, you are entitled to be issued with an Irish travel document, to leave Ireland and to re-enter the country. However, you could lose your refugee status if you returned to the country from which you have fled, and you may need visas to enter other countries. You can apply for citizenship through naturalisation (being made a citizen of the country you now live in) after three years. Time you spent waiting for a decision is not counted towards this time.

What are my rights if I have subsidiary protection status?

If you or your family's application for subsidiary protection is successful, you will have the same rights and entitlements as a refugee but there are some small differences. In particular, it may be more difficult for you to obtain a travel document and you will have to wait five years rather than three before you can apply for citizenship.

