

Summary: A non-EEA national can obtain permission to reside in the State for the purpose of study and is ordinarily granted a Stamp 2 permission to remain; giving a student limited permission to work. The system that applies to non-EEA students changed significantly on 1st January 2011 and a number of new restrictions on the length of residence of non-EEA students in the State now apply. There are now proscribed limits on how long a non-EEA student can reside in the State and generally the limit of seven years applies.

From 1st January 2015, further reforms of the student regime will be in place as set out in the statement entitled Regulation Reform of the International Education Sector of the Student Immigration Regime available here. This policy introduces new oversight measures but the most significant change appears to be to the student work concession. The policy stipulates, that non – EEA students attending a full time programme on the International Registrar can only work 40 hours per week during the months of May, June, July & August from 15th of January inclusive.

A non-EEA national can obtain permission to enter and reside in the State for the purpose of study and is granted a Stamp 2 permission to remain on their arrival. Student visas are issued on very specific terms:

that the student will attend their course of study,
will work only specific restrictive hours,
will have no recourse to State funds, and
will leave the State at the expiration of the permission to remain.
Time spent in the State on Stamp 2 permission is not reckonable for the purposes of longer-term residence or Naturalization in the State. Should a student breach the terms of their student permission, the permission to remain may not be renewed, and may be revoked.

For those wishing to enter the State for the purpose of study, full details of the criteria and the application procedure is available on the INIS website:
www.inis.gov.ie/en/INIS/Pages/Students

For ACCA students or trainee accountants, further information on the Department's policy is available here:
www.inis.gov.ie/en/INIS/Pages/Guideline%20Notes%20for%20Accountancy_Students

On the 1st January 2011 the Department of Justice commenced a new student regime that applies to non-EEA students registered in Ireland on 1st January 2011. Details of the scheme can be found here:
www.inis.gov.ie/en/INIS/Pages/Guideline%20Notes%20for%20Accountancy_Students

The new regime can be summed up as follows:

All courses of study are to be divided into two categories.

The first category consists of the Non Degree and Language courses.
The second category consists of the Degree/Masters/PHD courses (courses which attain a National Framework Qualification level 7 or higher).
A cap on the period of time that a student will be permitted to remain in the State will be applied depending on which category of course the student falls into.

A seven year cap will be applied to students studying Degree/PHD courses, with the exception of:

a PHD level course that is longer in duration than 7 years or where special permission for an extension is granted by the Department of Justice. A three year cap will be applied to students studying Language or non Degree Courses, with the exception of:

(i) those students who proceed to studying a further course in the Degree course category, and

where special permission for an extension is granted by the Department of Justice. Special transitional provisions have been made for the "Timed Out" students, i.e. those students who have exceeded their period of lawful permission to reside in the State. All such timed out students are to be issued a non-renewable six-month special extension of their visa. However, this once off extension will be available only to the timed out students whose current permission expires between 1st January 2011 and 30th September 2011 and is non-renewable.

For those "Timed Out" students who do not fall within the special transitional provisions, they will not be permitted to remain in the State following the expiration of their student permission to remain. Should they wish to apply for an Employment Permit (whether a Work Permit or Green Card) they will have to first return to their country of origin or leave the State in order to have that application processed by the Department of Enterprise, Trade and Innovation in accordance with the established criteria for the employment permit and green card schemes. If the "Timed Out" students do not leave the State, they will be issued with Notifications of Intention to Deport, and risk a Deportation Order subsequently being issued against them.