

# **Regularisation of Long-Term Undocumented Migrants Scheme Appeals Application**

## **Frequently Asked Questions**

## **Immigration Service Delivery (ISD)**

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## 1.1 My initial application under the Regularisation of Long Term Undocumented Migrant Scheme was unsuccessful. Can I appeal the decision?

- If you receive a letter from Immigration Service Delivery (ISD) refusing your initial application for permission under the scheme, you can appeal this decision through the online appeal form available at <https://inisonline.jahs.ie/user/login>
- Your refusal letter from ISD will state the reason(s) why your initial application was unsuccessful. You should address these reasons in your appeal application, explaining why you do not agree with the ISD decision, and provide documentary evidence in support of your statements. Please do not resubmit any documentation which you submitted as part of your initial application.
- **Each family member must submit their own individual appeal form.**
- Incomplete application forms will not be accepted.
- ISD will not process applications that are saved in draft on your ISD online account.

**Please take note - It is your responsibility to make sure that you submit all of the required documentation/information in support of your appeal application. ISD will not write out to you seeking additional information/documentation and a decision will be made based on the information/documentation submitted in your initial application and your appeal application only.**

## 1.2 Who can submit an appeal?

- The online appeal application may be submitted to the ISD by the applicant whose applicant was refused or by a legal/NGO representative acting on behalf of the applicant.

## 1.3 How long do I have to appeal?

- You must submit your appeal application within **30 working days** from the date on your initial refusal letter. ISD will not accept late applications.

## 1.4 Can I ask for more time to submit an appeal?

- No. You must submit your appeal application within **30 working dates** from the date on your initial refusal letter. ISD will not accept late applications.

## 1.5 I have submitted my appeal and am waiting for a decision. Since I submitted my appeal, I have found more documents to support my case, can I submit them now?

- You must submit all of the relevant documents to support your application, when you are submitting your appeal application online. Please do not submit any documents that you have submitted in your original application.

- Once you submit your application online, you will not be able to amend this form and add additional documentation.
- Any documents submitted with your appeal application must address the reason(s) that your initial application was refused.

#### 1.6 The details in my vetting disclosure issued by the National Vetting Bureau are incorrect. What can I do?

- If your application was refused based on criminality identified in your vetting disclosure, and you do not agree with the details in the vetting disclosure, you can tell us why and we will look into it for you. You need to explain this in your appeal application form and tell us in detail what parts you don't agree with. We will send your query and explanation to the National Vetting Bureau and ask them to re-check it, prior to making a decision on your appeal.

#### 1.7 What documents do I need to submit as part of the appeal application?

- Your refusal letter will outline the reasons why your initial application was unsuccessful. In your appeal application you are asked to provide documentation to address the refusal reasons on your initial application.
- In your appeal application, you can submit additional documentation to show why you think you qualify under the criteria of the scheme. Please do not re-submit documentation that you already submitted as part of your initial application under the scheme.

**Please take note - It is your responsibility to make sure that you submit all of the required documentation/information in support of your appeal application. ISD will not write out to you seeking additional information/documentation and a decision will be made based on the information/documentation submitted in your initial application and your appeal application only.**

#### 1.8 Do I need to submit original documents?

- You may submit pdf copies of original documents with your appeal form.
- ISD will not write out to you seeking additional information/documentation and a decision will be made based on the information/documentation submitted in your initial application and your appeal application only.
- ISD reserves the right to request the production of the originals of any documents submitted by you.

### 1.9 If I made the initial application through a solicitor, can I submit the appeal myself?

You may submit the online appeal form yourself, even if your initial application was submitted by a legal/NGO representative acting on your behalf.

In these circumstances, please write in your appeal application form that the NGO/solicitor on file is no longer acting on your behalf and that you are submitting the appeal application on your own behalf.

### 1.10 Do I need a legal representative for my appeal?

- No. You may submit an appeal on your own behalf or on behalf of a family member.
- You may have a legal/NGO representative submit an appeal on your behalf, if you wish. If the legal/NGO representative did not act on your behalf at the initial application stage, a letter of authority must be submitted as part of your appeal in order for ISD to accept the appeal application from your legal/NGO representative.

### 1.11 Do I have to pay a fee to appeal my decision?

- No, there is no fee payable to submit an appeal under this scheme.

### 1.12 Will I get an acknowledgement when I submit my appeal?

- Yes, after you submit your appeal online, you will receive an email with your appeal reference number. This acknowledgement email does not mean that you meet the criteria for the scheme.

### 1.13 When will I get a decision on my appeal?

- All applications will be processed in chronological order.
- It is not possible to give an exact timeframe for when appeal decisions will issue.
- The length of time it will take to process decisions will depend on the overall number of applications under the scheme received by ISD. Processing times may vary depending on the complexity of the applications, and applications involving an existing deportation order will require additional processing.

### 1.14 Will a different officer make the decision on my appeal?

- Yes. The decision on your appeal will be made by a different officer than the person who make a decision on your initial application.

### 1.15 Can I present my case in person?

- No, the appeal process is an online process only.
- The deciding officer will consider your appeal form, initial application form, all supporting documentation submitted by you, your immigration records as held by ISD and information relating to your character and conduct, including any criminal record, and will make a decision on your appeal based on that information.
- The deciding officer will process your appeal in line with the criteria for the scheme and either (i) confirm the initial decision refusing you permission under the scheme or (ii) grant you permission under the scheme.

### 1.16 Will the officer deciding my appeal consider rights under the Constitution or the European Convention on Human Rights?

- No, the officer deciding your appeal will only be considering whether you meet the criteria of the scheme.

### 1.17 If I have a Deportation Order, can I make a section 3(11) application to revoke my deportation order while my appeal is pending?

- Yes. A section 3(11) application to revoke a deportation order can be made at any time.

### 1.18 How can I check the status of my appeal application?

- **It would greatly assist ISD if you only contact us if it is absolutely necessary. This will allow ISD to devote the maximum time to the processing of applications.**
- You can email queries to [undocumentedhelp@justice.ie](mailto:undocumentedhelp@justice.ie).
- Please include your name, appeal reference number (this reference number will be on the acknowledgment email you receive after your appeal is submitted) and contact details.

**You must keep ISD informed of any change in circumstances via email to [undocumentedhelp@justice.ie](mailto:undocumentedhelp@justice.ie) , for example a change of email, of home address etc. If you change your home address, you must notify this office immediately as your decision letter will be posted to this address. Please include your name, appeal reference number (this reference number will be on the acknowledgment email you receive after your appeal is submitted) and contact details.**

**You must also inform this office of any charges/convictions you/your family members receive after you submit your appeal application and prior to a decision being made on your appeal under this scheme.**

### 1.19 I have a deportation order, can I be deported before I receive my appeal decision?

- If you have an existing deportation order, no steps will be taken in respect of your deportation order while your appeal under the scheme is being processed. If your appeal is successful, you will be granted permission to remain in the State under the scheme and your existing deportation order will be revoked. If your appeal is unsuccessful, your existing deportation order remains valid, and you will be required to leave the State.

### 1.20 What happens if my appeal is successful?

- You will receive a decision letter by post from ISD, granting you permission to remain in the State on a stamp 4 basis for an initial period of two years. (This is a very important letter, so please keep it somewhere safe.)
- If you are over the age of 16, you must attend at your local immigration office to register your permission. Please note that you are legally required to register your permission.
- If you live in Dublin City or County Dublin you will need to attend Burgh Quay Registration Office to register your permission and receive your Irish Residence Permit. You must make an appointment to register in Burgh Quay using the online appointment system. Further information is available at <https://www.irishimmigration.ie/registering-your-immigration-permission/>
- If you live anywhere in the State except for Dublin City or County Dublin, you must register at your local Garda Registration Office. Further information is available at <https://www.irishimmigration.ie/registering-your-immigration-permission/>
- If you are 18 years of age or older on the date you register, you will be required to pay the registration fee of €300.
- When registering, you must bring with you your letter granting you permission under the scheme and your valid passport, and pay the registration fee if over 18 years of age. Failure to produce these documents may result in the Immigration Officer refusing to register you. If you are aged between 16 and 18, you must bring your parent/guardian with you, as well as your permission letter and your valid passport.

### 1.21 Will my permission be backdated if my appeal is successful?

- No.
- If your appeal is successful, your permission will take effect from the date of your letter notifying you of your successful appeal.

### 1.22 What happens if my appeal is unsuccessful?

- ISD will send you a letter notifying you that your appeal has been unsuccessful and giving you the reason(s) why.

- If you have another open application with ISD, this application will be continue to be processed and a decision will issue on that application in due course.
- If you do not have an open application with ISD or a valid immigration permission, you will receive a notice under Section 3 of the Immigration Act, 1999 (as amended) that the Minister intends to make a deportation order against you. You should pay careful attention to this notice and respond to the notice within the timeframe specified in the notice. Under the 'Section 3' process, you have the option to make submissions to the Minister as to why a deportation order should not be made against you. The Minister is obliged to consider any relevant Constitutional and Convention rights, such as family life rights and private life rights, before making a decision on whether to make a deportation order.
- If your appeal is unsuccessful and you have an existing deportation order, your existing deportation order remains valid and you will be required to leave the State. You may wish to seek legal advice on making an application to revoke your deportation order under Section 3(11) of the Immigration Act, 1999 (as amended), especially if there are changed circumstances since the deportation order against you was made.

### 1.23 If my appeal is unsuccessful, can I appeal to an independent body?

- No, the appeal decision is final and cannot be appealed further.