



Rialtas na hÉireann
Government of Ireland

Atypical Working Scheme

Application Guide

Department of Justice – Immigration Service Delivery (ISD)



Note: This training document is correct at time of creation on 16 March 2023.

Any amendments to this document after that time will be reflected in updated material on the ISD website and notified to key stakeholders for circulation as required.

1. Application Process



- Submit application via online application portal
- The application will be reviewed by staff of the Atypical Working Scheme Unit and
 1. Approved
 2. Refused
 3. Returned to seek additional documentation or information
- If the application is approved and the applicant is a visa required national they must submit a visa application on AVATS (online Visa application facility: <https://www.visas.inis.gov.ie/avats/OnlineHome.aspx>) – time for this should be allowed for in the application where a person is required in the State on a particular date (information available at <https://www.irishimmigration.ie/>)
- Applicants may have additional requirements, including exit visa, in their country of origin and time for this should also be allowed.

2. AWS – Application Requirements



- I. Application form (accurate and complete)
- II. Colour copy of the applicant's entire passport (all pages, including blank pages)
- III. Contract of Employment (See Slide 50 for signature and date requirements)
- IV. Letter of Invitation from **Irish-based** host body (See Slide 50 for signature and date requirements)
- V. *A Letter of Authorisation* signed by the applicant (if application submitted by agent/employer/other representative, see Slide 50 for signature and date requirements)

Further information available here: <https://www.irishimmigration.ie/wp-content/uploads/2021/04/Required-Documents-Reference-Guide.pdf>

3. AWS – Application Form



- I. Register an Account
- II. Complete the Application Form
- III. Further Information Required

I. Go to: <https://inisonline.jahs.ie/user/register>

A screenshot of the INIS Online registration page. The page has a dark green background. At the top left is the harp logo. To its right, the text reads "An Roinn Dlí agus Cirt agus Comhionannais" and "Department of Justice and Equality". Below this is the title "INIS Online" in large white letters, followed by "REGISTER FOR AN INIS ACCOUNT" in smaller white letters. The registration form consists of five input fields: "Enter your first name", "Enter your last name", an email address field containing "atypicalworkingscheme@justice.ie", a password field with masked characters "*****", and a "Re-type your password" field. Below the fields are two buttons: "Back" and "Register". At the bottom, there is a checkbox labeled "I agree to the Terms and Conditions" with a red asterisk, and a link "Terms and Conditions". At the very bottom, there is a link "Click here to request a new account validation email".

II. Go to: <https://inisonline.jahs.ie/home>



Click here

An Roinn Dlí agus Cirt
agus Comhionannais
Department of Justice
and Equality

Kevin Kavanagh

Dashboard My Forms

Welcome to INIS Online

- Applications for Permission to Remain in the State
- Applications for Permission to enter in the State
- Applications for Naturalisation



Click here

A screenshot of the INIS Online dashboard. At the top, there is a dark green navigation bar with 'Dashboard' and 'My Forms' tabs. Below this, the text 'Welcome to INIS Online' is displayed. There are two main application categories: 'Applications for Permission to Remain in the State' (with a plus icon) and 'Applications for Permission to enter in the State' (with a minus icon). A red arrow points from the text 'Click here' to a card titled 'Atypical Work Scheme'. This card contains the text 'Atypical work scheme application form' and a dark green button labeled 'Begin Application', which is circled in red.



Dashboard

My Forms

Atypical Work Scheme

Introduction

Data privacy notice

Applicant details

Employment details

Supporting documents

Submit

Introduction



**An Roinn Dlí agus Cirt
agus Comhionannais**
Department of Justice
and Equality

Important information, read before completing this form.

Permission under the Atypical Working Scheme allows an individual to perform specialised or highly-skilled work in the State for a maximum of 90 days.

Before making this application, please review the terms of the [Atypical Working Scheme](#), to ensure that the permission applied for is suitable for your proposed role in the State. Please note that the application fee is non-refundable once an application has been submitted.

All applicants must allow a **minimum of 20 working days** for their application to be processed. Applications submitted after 5pm will be deemed to have been submitted on the following business day.

An applicant **must not** book their travel to Ireland until they are in possession of their letter of approval under the Scheme.

COOKIES

Page 1 – Introduction



1. Complete Mandatory Declaration

Before making this application, please review the terms of the [Atypical Working Scheme](#), to ensure that the permission applied for is suitable for your proposed role in the State. Please note that the application fee is non-refundable once an application has been submitted.

All applicants must allow a **minimum of 20 working days** for their application to be processed. Applications submitted after 5pm will be deemed to have been submitted on the following business day.

An applicant **must not** book their travel to Ireland until they are in possession of their letter of approval under the Scheme.

Note: Work for a duration of greater than 90 days is only permitted under the Atypical Working Scheme for the following roles:

- Non-EEA Crew Member in the Irish Fishing Fleet
- Doctor provided locum services in the **Hospital Sector**
- Nurse seeking NMBI registration on the basis of overseas qualification
- Paid internships where the position is an integral component (i.e. required for graduation) of studies in an accredited institution

For all other employment situations of greater than 90 days, please contact the Department of Business, Enterprise and Innovation regarding an application for an Employment Permit.

Please ensure that the information you provide is true, correct and complete. **Warning:** Giving untrue information and / or documentation is an offence which may jeopardise the immigration permission granted to you and have serious implications for your ability to be granted future immigration permission in this or any other country, and may result in a criminal prosecution before a court.

By ticking this box I acknowledge that I have read and understood the information provided above by the Department of Justice and Equality *

Scheme selection

Select the Atypical Work Scheme you wish to apply for *

Save

Page 1 – Introduction

2. Select Application Type



Permission under the Atypical Working Scheme allows an individual to perform specialised or highly-skilled work in the State for a maximum of 90 days.

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All applicants must allow a **minimum of 20 working days** for their application to be processed. Applications submitted after 5pm will be deemed to have been submitted on the following business day.

An applicant **must not** book their travel to Ireland until they are in possession of their letter of approval under the Scheme.

Note: Work for a duration of greater than 90 days is only permitted under the Atypical Working Scheme for the following roles:

- Non-EEA Crew Member in the Irish Fishing Fleet
- Doctor providing locum services in the **Hospital Sector**

Type to search

- N
- P Medical Profession Fellowship
- For Nursing Clinical Adaptation
- Ple Non-EEA Crew in Irish Fishing Fleet
- gra
- 3rd Level Student – Paid Internship/Job Placement
- Researcher (90 days or less)
- Entertainment Industry Casework
- Contract Service Provider or Intra-Company Transfer – Specialised/Highly Skilled

Page 1 – Introduction

3. Click 'Next'



Before making this application, please review the terms of the [Atypical Working Scheme](#), to ensure that the permission applied for is suitable for your proposed role in the State. Please note that the application fee is non-refundable once an application has been submitted.

All applicants must allow a **minimum of 20 working days** for their application to be processed. Applications submitted after 5pm will be deemed to have been submitted on the following business day.

An applicant **must not** book their travel to Ireland until they are in possession of their letter of approval under the Scheme.

Note: Work for a duration of greater than 90 days is only permitted under the Atypical Working Scheme for the following roles:

Non-EEA Crew Member in the Irish Fishing Fleet

Type to search

Locum Doctor (Primary Care Sector)

Locum Doctor (Hospital Sector)

For

ple

ser

Medical Profession Fellowship

Nursing Clinical Adaptation

Non-EEA Crew in Irish Fishing Fleet

3rd Level Student – Paid Internship/Job Placement

Researcher (90 days or less)

Save

Next

COOKIES

Page 2 – Privacy Notice



1. Read Data Privacy Notice and agree to terms

4. We collect and process this data in order to comply with our legal obligations or to perform tasks in the public interest. The specific basis for collecting and processing this data is as follows:
 - We are obliged to collect and process this data in order to assess your eligibility for the Atypical Working Scheme and if you are successful, we will send you an approval letter which may lead to a permission to enter the State being granted by an Immigration Officer.
 - The letter of approval will assist you in complying with S 11.2 of the Immigration Act 2004 as it provides information to the Immigration Officer about your reason for coming to Ireland.
 - We are obliged to collect and process this data in order to perform a task which fulfils an important public interest. The public interest includes ensuring the effective and efficient operation of the immigration services of Ireland
5. The personal data provided in your application will be stored securely in the Department's databases. It may be shared, if necessary, with other Government departments and agencies, including An Garda Síochána, and the third-party payment processor
6. Your data may be retained until the Department can be sure that you will have no further contact with the Irish immigration services. This is an indeterminate period as your immigration history in the State may span your lifetime. It will be referred thereafter to the Director of National Archives for appraisal under the National Archives Act 1986.
7. The personal data you provide in this form is necessary for us to determine if you meet the criteria for the Scheme. If you do not provide this data, we cannot process your application.
8. You have the right to request access to, and a copy of, your personal data that we process. You can do this by filling in a Subject Access Request form, available at http://www.justice.ie/en/JELR/Pages/Data_Protection or from any Department of Justice and Equality Public Office, and forwarding it to subjectaccessrequests@justice.ie or by post to the Department of Justice and Equality Data Protection Officer at the address below. You may be required to verify your identity before we send the information to you.
9. You have the right to ask us to correct any errors in your data or to erase your data, as well as to seek a restriction of the processing of your data or to object to the processing of your data in certain circumstances. To do this you should write to: Atypical Working Scheme Unit, Immigration Service Delivery, the Department of Justice and Equality, 13 – 14 Burgh Quay, Dublin 2, D02 XK70 explaining what errors need to be corrected or erased or your reasons for seeking the restriction of, or objecting to, the processing.
10. You have a right to lodge a complaint with the Data Protection Commission if you believe your personal data is being processed by us unlawfully. You will find information about how to make a complaint on www.dataprotection.ie or Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.

By ticking this box I acknowledge that I have read and understood the information provided above by the Department of Justice and Equality, which relates to my data protection rights, for the purposes of ensuring fair and transparent processing of my personal data *

Please select here to indicate if you are filling in this form for someone else and that you are satisfied to have made this declaration on behalf of the applicant. Failure to do so will result in the application form being returned. *

Page 2 – Privacy Notice

2. Confirm if you are the applicant or a representative



- The letter of approval will assist you in complying with 5.11.2 of the Immigration Act 2004 as it provides information to the Immigration Officer about your reason for coming to Ireland.
 - We are obliged to collect and process this data in order to perform a task which fulfils an important public interest. The public interest includes ensuring the effective and efficient operation of the immigration services of Ireland
5. The personal data provided in your application will be stored securely in the Department's databases. It may be shared, if necessary, with other Government departments and agencies, including An Garda Síochána, and the third-party payment processor
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 7. The personal data you provide in this form is necessary for us to determine if you meet the criteria for the Scheme. If you do not provide this data, we cannot process your application.
 8. You have the right to request access to, and a copy of, your personal data that we process. You can do this by filling in a Subject Access Request form, available at http://www.justice.ie/en/JELR/Pages/Data_Protection or from any Department of Justice and Equality Public Office, and forwarding it to subjectaccessrequests@justice.ie or by post to the Department of Justice and Equality Data Protection Officer at the address below. You may be required to verify your identity before we send the information to you.
 9. You have the right to ask us to correct any errors in your data or to erase your data, as well as to seek a restriction of the processing of your data or to object to the processing of your data in certain circumstances. To do this you should write to: Atypical Working Scheme Unit, Immigration Service Delivery, the Department of Justice and Equality, 13 – 14 Burgh Quay, Dublin 2, D02 XK70 explaining what errors need to be corrected or erased or your reasons for seeking the restriction of, or objecting to, the processing.
 10. You have a right to lodge a complaint with the Data Protection Commission if you believe your personal data is being processed by us unlawfully. You will find information about how to make a complaint on www.dataprotection.ie or Data Protection Commission, 21 Fitzwilliam Square South, Dublin 2, D02 RD28.
- By ticking this box I acknowledge that I have read and understood the information provided above by the Department of Justice and Equality, which relates to my data protection rights, for the purposes of ensuring fair and transparent processing of my personal data *
- Please select here to indicate if you are filling in this form for someone else and that you are satisfied to have made this declaration on behalf of the applicant. Failure to do so will result in the application form being returned. *
- I am filling out this form as the applicant
 - I am filling out this form as an authorised legal representative of the applicant

3. If you are a representative, provide your details



Representative details

Name of person completing the form *

Company name of the person completing this form *

Email contact of person completing this form *

I confirm I am authorised to act on this applicant and that the information provided in this application form and the supporting documentation is true to the best of my knowledge. I acknowledge that the provision of false or misleading information in this regard may have implications for any immigration permission granted on the basis of this application and my continued ability to submit applications under the Atypical Working Scheme. *

Address of the person completing this form *

Page 2 – Privacy Notice

4. Click 'Next'



Representative details

Name of person completing the form *

Company name of the person completing this form *

Email contact of person completing this form *

I confirm I am authorised to act on this applicant and that the information provided in this application form and the supporting documentation is true to the best of my knowledge. I acknowledge that the provision of false or misleading information in this regard may have implications for any immigration permission granted on the basis of this application and my continued ability to submit applications under the Atypical Working Scheme. *

Address of the person completing this form *

Save

Previous Next

COOKIES

16:58 22/01/2021

Page 3 – Applicant Details



1. Name **must** match passport. Middle names should be included in 'Forename(s)' field. If no surname, please indicate on application form.

Forename(s) *	Surname *
<input type="text"/>	<input type="text"/>
Do you have a surname	
<input checked="" type="radio"/> Yes	
<input type="radio"/> No	
Date of birth *	Country of birth *
<input type="text" value="dd-MM-yyyy"/>	<input type="text"/>
Gender *	
<input type="text"/>	

or

Forename(s) *
<input type="text"/>
Do you have a surname
<input type="radio"/> Yes
<input checked="" type="radio"/> No

Page 3 – Applicant Details



2. A passport is issued by the country of nationality **not** residence, a Travel Document may be issued by another country

Nationality and passport

Nationality *

Please select the type of passport or travel document *

Passport number *

Passport issuing country *

Passport expiry date *

Note: Your passport must currently be in date to apply for this scheme



3. This must be the country in which the applicant lives at the time of application. Evidence of residence and permission will be requested if this is not evident from the passport provided.

Residential Address

Country *

Current address *

Page 3 – Applicant Details



4. Immigration Person ID is the number included at the top of any previously issued permission letter from ISD and will match those seen by applicants/agents on current AWS permission letters in format.

5. Evidence of residence permission outside of country of origin must be provided. This is **often** in the passport but not always.

Immigration history

Immigration Person ID

IRP/GNIB number

Are you lawfully resident in a country outside your country of origin? *

Yes
 No

Have you ever been refused entry to, or been instructed to leave, any other country? *

Yes
 No

Have you ever convicted of an offence that attracts a custodial sentence of more than 12 months? *

Yes
 No

Please state expiry date of immigration *

Please provide details *

Please provide details *

Page 3 – Applicant Details

6. Click 'Next'



Immigration history

Immigration Person ID

IRP/GNIB number

Are you lawfully resident in a country outside your country of origin? *

Yes
 No

Have you ever been refused entry to, or been instructed to leave, any other country? *

Yes
 No

Have you ever convicted of an offence that attracts a custodial sentence of more than 12 months? *

Yes
 No

Please state expiry date of immigration *

Please provide details *

Please provide details *

Save

[Previous](#) [Next](#)

COOK

Page 4 – Employment Details



1. Details provided on this page **must** match the contract of employment.
2. A **detailed** job description is not required. 2-3 lines is sufficient.



An Roinn Dlí agus Cirt
Department of Justice

Job title *

Description of work to be undertaken *

Date from *



Note: The start date of your contract must be in the future

Date to *



Note: The end date of your contract must be in the future

The dates provided here must be reflected in the supporting contract documentation provided with this application

Page 4 – Employment Details



4. Location of employment **must** be specified and **must** be stated in contract of employment. The location identified here **must** match the contract of employment.
5. For group companies, etc, these contact details must be for local manager of applicant and may differ from 'Host Body' contact details

Location of employment *

Contact name *

Contact Number *

Email *

Page 4 – Employment Details



- 6. Note new flexibility added to Scheme in January 2023 with respect to travel patterns
- 7. Note new requirements of Scheme with respect to salary threshold

If you will be travelling intermittently i.e.if several entries/exits over the period of contract are likely then indicate this below.
Please see Atypical Working Scheme Guidelines on inis.gov.ie before making application.

Expected travel pattern *

Salary paid from *

Salary *

€

Please provide Gross (before Tax) per week equivalent while in the State, excluding contributions to living expenses

The salary information provided here must be reflected in the supporting contract documentation provided with this application

Will benefits in kind also be paid during time in the State *

- Yes
- No

Page 4 – Employment Details



8. Details of CRO registered company in the State for which work will be carried out

Irish host body details

Contact details must be provided for a contact person in the Republic of Ireland

Name of Irish based host body *

Contact name *

Contact Number *

Email *

Address of Irish based host body *

Nature of business of Irish based host body *

Page 4 – Employment Details



9. Insert details of home country employer and role

Employer details

Your current employer business name *

Current occupation with employer *

Salary per month (in Euro) *

Current job description *

Page 4 – Employment Details



9. Insert contact details for home country employer

Contact details of employer

Current employer name *

Employer phone number *

Employer email address *

 Save

Cancel

Previous

Next

COOKIES

Page 4 – Employment Details

4. Click 'Next'



Contact details of employer

Current employer name *

Employer phone number *

Employer email address *

Save

Cancel Previous **Next** COOKIES

Page 5 – Document Upload



1. Further information available here: <https://www.irishimmigration.ie/wp-content/uploads/2021/04/Required-Documents-Reference-Guide.pdf>

Please attach the following documents using the attachment fields provided:

A full, colour copy of the applicant's valid passport

A letter from Irish-based host body confirming offer, including job description, weekly salary in Euro for the time period in the State, and duration of contract for which the applicant is required in the State

A contract, signed and dated by the applicant and their employer outlining the terms of employment for the period in the State, including Salary (with details of any allowances, benefits-in-kind, or 'top-ups' itemised separately), job description and duration of time in the State




If the application is submitted by a representative, a letter, signed and dated by the applicant, authorising that representative to act on their behalf in relation to their application must also be provided




Clear images of original documents should be supplied.

Immigration reserve the right to request further documentation or information where it is deemed necessary.

Immigration reserve the right to request originals at any time.

Important: you must upload only one file per box. Multiple pages must be combined into a single document. We accept PDF and JPG/JPEG file types only.

 Drop files to attach, or browse *
 Drop files to attach, or browse
 Drop files to attach, or browse

 Drop files to attach, or browse
 Drop files to attach, or browse
 Drop files to attach, or browse

Page 5 – Document Upload



- 2. Note submission requirements here and in terms of Scheme
- 3. Separate documents should be provided for each required item.

Please attach the following documents using the attachment fields provided:

A full, colour copy of the applicant's valid passport

A letter from Irish-based host body confirming offer, including job description, weekly salary in Euro for the time period in the State, and duration of contract for which the applicant is required in the State

A contract, signed and dated by the applicant and their employer outlining the terms of employment for the period in the State , including Salary (with details of any allowances, benefits-in-kind, or 'top-ups' itemised separately), job description and duration of time in the State

If the application is submitted by a representative, a letter, signed and dated by the applicant, authorising that representative to act on their behalf in relation to their application must also be provided

Clear images of original documents should be supplied.

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Important: you must upload only one file per box. Multiple pages must be combined into a single document. We accept PDF and JPG/JPEG file types only.

Drop files to attach, or browse *	Drop files to attach, or browse
Drop files to attach, or browse	Drop files to attach, or browse
Drop files to attach, or browse	Drop files to attach, or browse

Page 5 – Document Upload

4. Click 'Next'



description and duration of time in the State

If the application is submitted by a representative, a letter, signed and dated by the applicant, authorising that representative to act on their behalf in relation to their application must also be provided

Clear images of original documents should be supplied.

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Immigration reserve the right to request originals at any time.

Important: you must upload only one file per box. Multiple pages must be combined into a single document. We accept PDF and JPG/JPEG file types only.

Drop files to attach, or browse *	Drop files to attach, or browse
Drop files to attach, or browse	Drop files to attach, or browse
Drop files to attach, or browse	Drop files to attach, or browse
Drop files to attach, or browse	Drop files to attach, or browse

Save

Cancel Previous **Next** COOK

Page 6 – Submit Application

1. Read additional information and click 'Next'



In Ireland

Any person remaining in the State for up to 90 calendar days (inclusive/consecutive) is not required to register with the Garda National Immigration Bureau.

Any person, who is aged 16 years or over, remaining in the State for more than 90 consecutive calendar days must register with the Garda National Immigration Bureau (GNIB) and pay the associated registration fee. This is a legal requirement under Section 4 of the Immigration Act 2004. Documents required for registration –

- current Passport that is in date for at least the duration of the period for which permission is being sought

- Letter of Approval, valid for 90 days from date of issue only, if not used within that time, a new application and a new application fee applies

- letter from Irish based host body confirming offer of employment/internship

- also for interns - letter from the sending academic institution confirming that the internship is integral/necessary to the qualification being undertaken

- appropriate entry visa (if a visa-required non-EEA national)

- proof of medical insurance

If you are residing in Dublin please note that there is an on-line appointments system in place for registration with the Irish Naturalisation and Immigration Service (INIS). You will need [book an appointment](#) within one week of arrival in the State.

If my application is unsuccessful

If your application has not been successful, you will receive a letter from the Atypical Working Unit outlining the reasons why your application was not approved. If your circumstances change and you believe that you are now eligible for the Scheme, you may submit another application.

Please note that the application fee is not refundable in the case of an unsuccessful application

Save

[Previous](#) [Submit Form](#)

COOKIES

Page 7 – Payment

1. Insert Billing Details, per payment card



Payment

Summary

	Amount
1x Application fee	€ 250.00

Please authorise the payment of the amount above to complete and submit your application.

Bill payer details

Please complete the following details for the person who is paying the fee. This is the person whose name is on the card.

Country telephone code *	Phone number *
<input type="text" value="353"/>	<input type="text" value=""/>

Phone number is required

Email

Address

Page 7 – Payment

2. Click 'Pay & Submit'



Line 3

City *

City is required

Postcode/Eircode *

Postcode/Eircode is required

Country *

Ireland

By clicking 'Pay and Submit' you are agreeing to our [terms and conditions](#).

Please do not click the BACK button or click REFRESH while your payment is being processed or you could be charged twice.

Pay & Submit Button


Cancel

Page 7 – Payment

3. Enter Credit/Debit Card details and make payment
4. Await confirmation email. If not received within **24 hours**, check spam folder and email atypicalworkingscheme@justice.ie if not found.




Payment Details


Card Number 


Expiry


Security Code

Cardholder Name

 **PAY NOW**

 256-bit SSL encrypted

Securely processed by  Global Payments

payment is being processed

III. Further Information Required



If you receive an email requesting further information, go to:

<https://inisonline.jahs.ie/home>

Click here

An Roinn Dlí agus Cirt
agus Comhionannais
Department of Justice
and Equality

Kevin Kavanagh

Dashboard My Forms

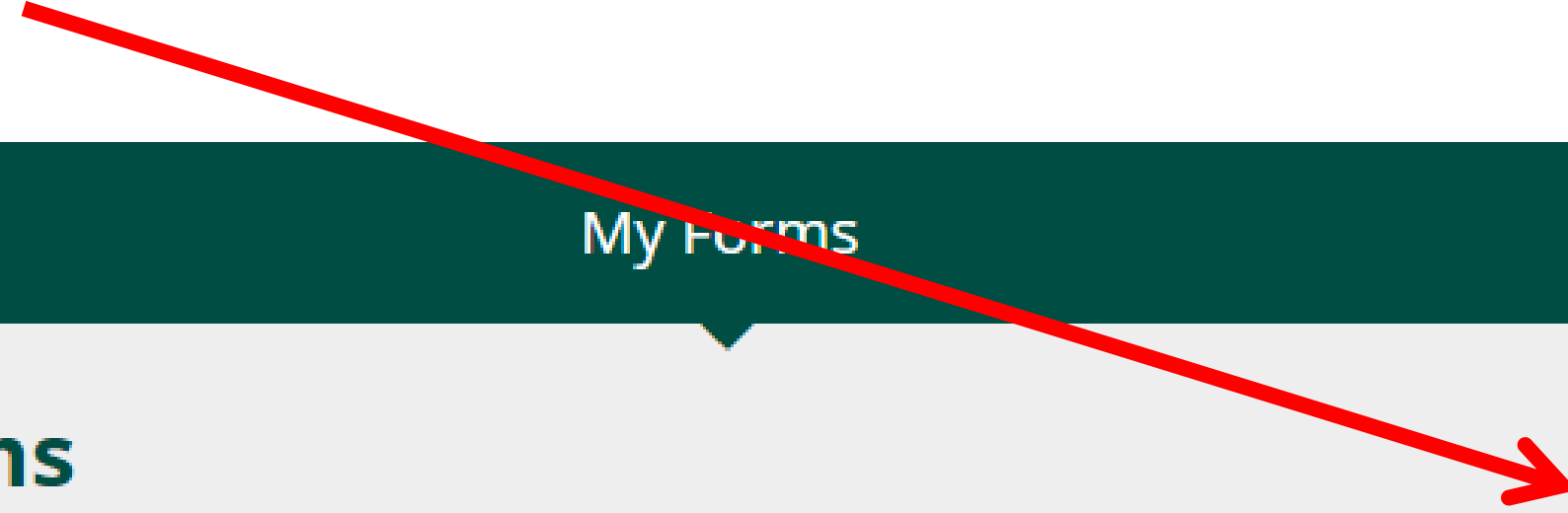
Welcome to INIS Online

- Applications for Permission to Remain in the State
- Applications for Permission to enter in the State
- Applications for Naturalisation

III. Further Information Required



Click here



Dashboard My Forms

My Forms

Draft Forms (1) Submitted Forms (0) **Additional Information Required (0)** Completed (0)

Atypical Work Scheme Draft

Atypical work scheme application form

Submit additional information



III. Further Information Required

3. Details of required information are located in a box on the front page of an application. This box can be expanded by clicking [HERE](#) and dragging to change size if needed
4. Resubmit the application as normal, no additional payment required. **Note: Ensure that all mandatory fields and check boxes are still completed.**
5. Do not resubmit your application form until all issues have been addressed and corrected

Dashboard My Forms

Atypical Work Scheme

Introduction Data privacy notice Applicant details Employment details Supporting documents Submit

Acknowledgement ID

Further information required

Please ensure that all documents are uploaded and all required documentation has been provided.

Introduction

Feedback

III. Further Information Required



- 6. Note: If new documentation needs to be uploaded, incorrect previous documentation can be deleted by clicking 'X'



III. Further Information Required

- 7. Error in Resubmission: If your application form won't submit or resubmit, you can go back to the first page of the document and click 'Next' through each page to ensure that no checkboxes, declarations or other information needs to be provided again. The form will not let you progress past a page with an error on it.



I confirm I am authorised to act on this applicant and that the information provided in this application form and the supporting documentation is true to the best of my knowledge. I acknowledge that the provision of false or misleading information in this regard may have implications for any immigration permission granted on the basis of this application and my continued ability to submit applications under the Atypical Working Scheme. *

You must answer this question

Address of the person completing this form *

You must answer this question

Save

Previous Next

AWS Application Form



Questions???



Rialtas na hÉireann
Government of Ireland

Atypical Working Scheme

Common Errors in Applications

Department of Justice – Immigration Service Delivery (ISD)

4. AWS – Common Errors in Applications



- I. Appropriate authorisation for representative making application not included
- II. Insufficient time allowed to enter State
- III. Signature, Dating and Format of Supporting Documents
- IV. Pattern of Work/Travel
- V. Non-Compliance with Employment Law

(I). AWS – Authorisation of Representative



- I. Requirement of GDPR to either accept an application made on behalf of a third party or to discuss any aspect of an application with a third party
- II. Immigration permission and immigration history is a personal matter and no other person has an automatic right to any information about a third party
- III. Letter of Authorisation must clearly outline consent for agent/employer/representative to both make application and to correspond in relation to same
- IV. Letter of Authorisation must be signed and dated in line with requirements for other documentation
- V. **In all cases where an application is submitted by any third-party, this must be clearly identified on the application form and appropriate authorisation demonstrated (see: S30(1) of Criminal Justice (Theft and Fraud Offences) Act 2001)**

(II). AWS– Time to Enter State



- I. Immigration permission cannot be granted in case where Immigration Officer is aware that the purpose for which permission is being granted cannot be achieved
- II. Requirements to be considered as follows:
 - AWS Processing time (20 working days **minimum**)
 - Visa application and processing time (varies internationally – DFA and Visa advice is to allow 8 weeks)
 - Exit requirements from country of origin (varies internationally – see POEA)Generally, AWS Unit would expect a **minimum of 5 weeks** time remaining before commencement of work at time of review of application (as noted above, allow **20 working days minimum** from date of submission). This will vary with visa processing times by nationality and other factors.
- III. Where possible, this is called out in any application being returned for any other reason in order to avoid requirement to return again after resubmission

(III). AWS – Signature, Dating and Format of Supporting Documents



- I. Both signature and date (by employer and employee) must be in wet ink and cannot be digitally inserted or typed (see also Item VI)
- II. Requirements introduced in response to provision of fraudulent documents which resulted in worker being advised that no position available after travel to State
- III. Verification and enforceability of contract of employment as a protection measure for both employer and employee
- IV. Copy and paste of image of signature from another location cannot be verified

(III). AWS – Signature, Dating and Format of Supporting Documents



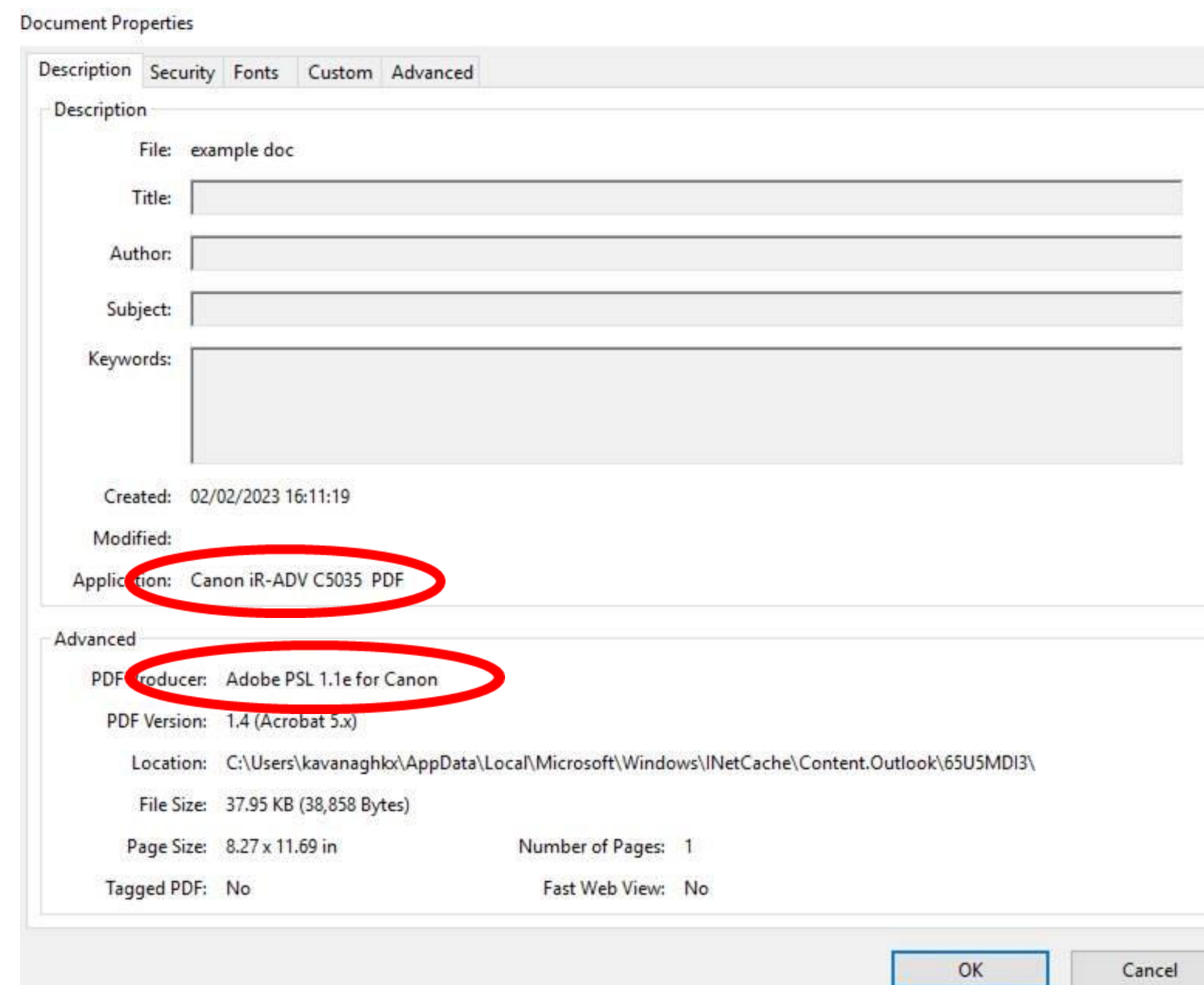
- V. Any amendments to contract of employment must also be verifiable as consented to by both parties by signing and dating the amended page in line with the requirements noted above

- VI. In order to allow for proper verification that documentation provided in support of an application is legitimate and original, no documentation should be submitted that has been created as a pdf by any software which allows for editing or manipulation of files created from source data. On this basis, files should be provided directly as received from a physical scanning machine and not from any software of mobile application which allows for such modification. If source data of a file cannot be verified by processing staff, the file cannot be accepted.

(III). AWS – Document Format Example - Compliant



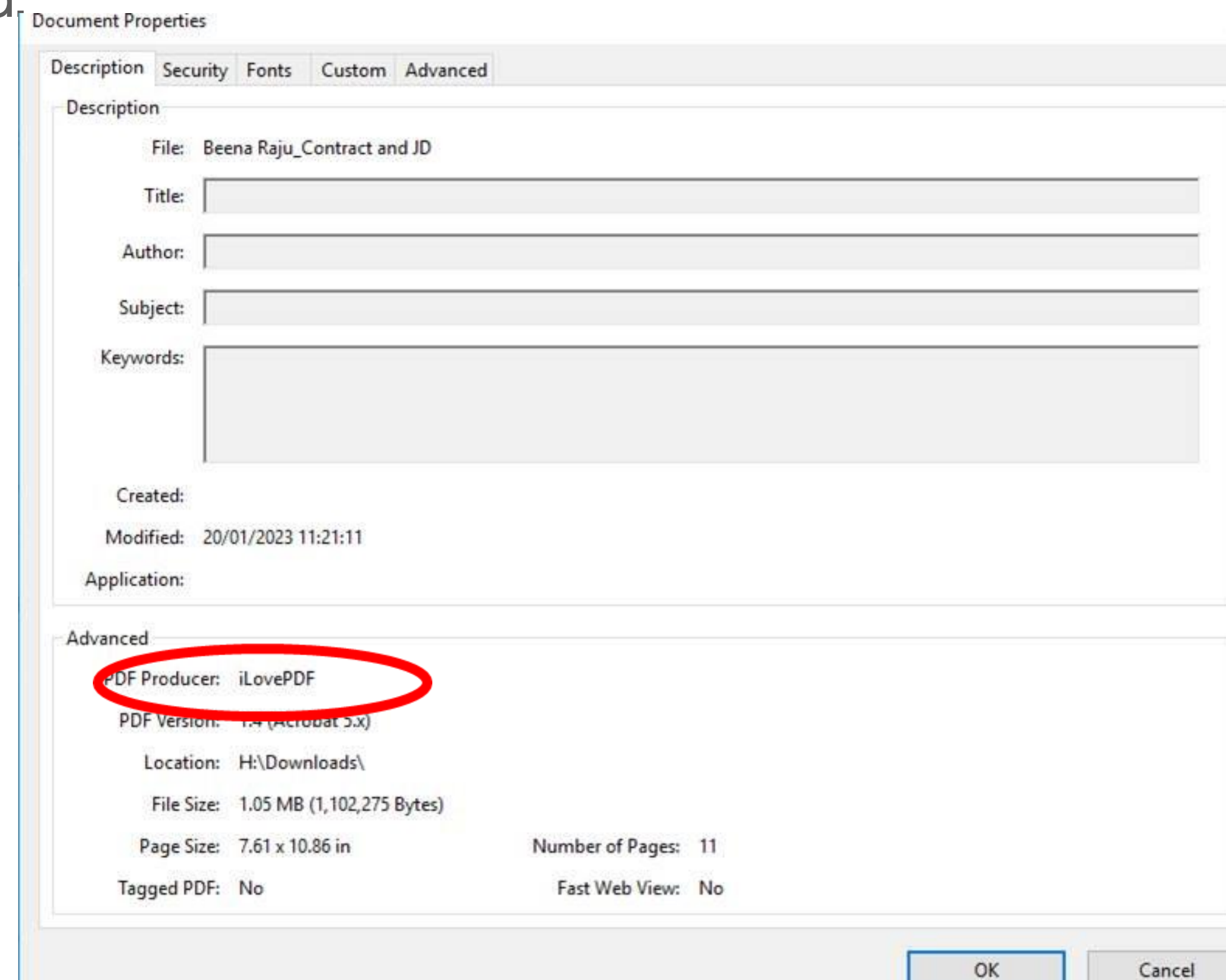
- I. Document has been created by a scanner and has not been modified after the fact. Creation method is verifiable from the information available.



(III). AWS – Document Format Example – Non-Compliant



- I. Document has been created by online file editing and manipulation software. No certainty available regarding originality and veracity of the document.
- II. Note: If no information regarding document history is available, it must be assumed to have been created in a manner that is not accepted.



(IV). AWS – Pattern of Work/Travel



- I. Scheme permits maximum of 90 days in State (now over 6 months)
- II. Work permission of a longer duration is a matter for the Employment Permit system
- III. Cooling off periods are agreed with DETE on basis of protection of national labour market (now one month after end of 6 month period during which travel permitted)

(V). AWS – Non-Compliance with Employment Law



- I. Legislation and policy by DETE
- II. Enforcement by Workplace Relations Commission (WRC)
- III. **All** individuals working lawfully in the State have statutory entitlement to seek redress via WRC
- IV. Expectation that contracted agency/representative or relevant organisation HR staff in a position to advise
 - Applicability of overseas employment law
 - Non-payment of Nat Min Wage (see 1 Jan 2023 amendments to Scheme)

AWS Common Errors in Applications



Questions???