



STATUTORY INSTRUMENTS.

**S.I. No. 417 of 2012**



IMMIGRATION ACT 2004 (VISAS) ORDER 2012

## IMMIGRATION ACT 2004 (VISAS) ORDER 2012

I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by section 17 of the Immigration Act 2004 (No. 1 of 2004) (as adapted by the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)), hereby order as follows:

1. (1) This Order may be cited as the Immigration Act 2004 (Visas) Order 2012.

(2) This Order comes into operation on 1 November 2012.

2. In this Order—

“Convention travel document” means a travel document issued in accordance with Article 28 of the Geneva Convention;

“Directive of 2004” means Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States<sup>1</sup>;

“family members” has the meaning assigned to it by the Regulations of 2006;

“Geneva Convention” has the meaning assigned to it by the Refugee Act 1996 (No. 17 of 1996);

“leave to enter the United Kingdom” means leave to enter the United Kingdom as a general visitor, child visitor, business visitor, sports visitor or academic visitor, within the meaning given to those terms in Part 2 of the United Kingdom Immigration Rules, that is granted by the competent authorities of the United Kingdom;

“leave to remain in the United Kingdom” means leave to remain in the United Kingdom as a general visitor, child visitor, business visitor, sports visitor or academic visitor, within the meaning given to those terms in Part 2 of the United Kingdom Immigration Rules, that is granted by the competent authorities of the United Kingdom to a person to whom leave to enter the United Kingdom was granted;

“New York Convention” means the Convention relating to the Status of Stateless Persons adopted on 28 September 1954;

<sup>1</sup>Official Journal L 158, 30.4.2004, p. 77–123

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 2nd November, 2012.*

“permanent residence card” has the meaning assigned to it by the Regulations of 2006;

“qualifying United Nations official” means an official of the United Nations, or of a specialised agency of the United Nations, of a rank within the organisation concerned of not lower than D-2;

“residence card” has the meaning assigned to it by the Regulations of 2006;

“Regulations of 2006” means the European Communities (Free Movement of Persons) (No. 2) Regulations 2006 (S.I. No. 656 of 2006);

“specialised agency of the United Nations” means an organisation which is defined in section 16 of the Diplomatic Relations and Immunities Act 1967 (No. 8 of 1967) as being an organisation to which Part IV of that Act applies;

“United Kingdom” means the United Kingdom of Great Britain and Northern Ireland;

“United Kingdom Immigration Rules” means the rules laid down under, and laid before the Parliament of the United Kingdom pursuant to section 3(2) of, an Act of that Parliament entitled the Immigration Act 1971, which rules are in effect in the United Kingdom on the date of the coming into operation of this Order;

“United Kingdom visitor” means a person—

- (a) to whom leave to enter the United Kingdom has been granted,
- (b) who has entered the United Kingdom pursuant to the leave referred to in paragraph (a), and
- (c) whose leave referred to in paragraph (a) remains valid, or to whom leave to remain in the United Kingdom has been granted, which leave remains valid;

“United Nations Convention” means the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

3. It is hereby declared that the following classes of non-nationals are specified as classes the members of which are not required to be in possession of a valid Irish visa when landing in the State:

- (a) nationals of a state or territorial entity specified in Schedule 1,
- (b) non-nationals who are holders of—
  - (i) a valid Convention travel document issued by Belgium, Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden or Switzerland and where the intended purpose of the travel to the

State by the holder of such a travel document is solely for a visit of up to a maximum period of 3 months,

- (ii) a valid permanent residence card,
  - (iii) a valid residence card, or
  - (iv) a valid travel document issued by the State for the purposes of Article 28 of the New York Convention;
- (c) non-nationals who are family members of a Union citizen and holders of a document called “Residence card of a family member of a Union citizen”, as referred to in Article 10 of the Directive of 2004,
- (d) until 31 October 2016, United Kingdom visitors who are nationals of a state or territorial entity specified in Schedule 2 and where the intended purpose of the travel to the State by the United Kingdom visitor concerned is solely for a visit of the shorter of the following periods—
- (i) 90 days or less, or
  - (ii) the remaining period of validity of that person’s leave to enter the United Kingdom, or, as the case may be, leave to remain in the United Kingdom;
- (e) qualifying United Nations officials who are holders of a United Nations laissez-passer referred to in Section 24 of the United Nations Convention.

4. It is hereby declared that non-nationals who are nationals of a state or territorial entity specified in Schedule 3 are specified as a class the members of which are required to be in possession of a valid Irish transit visa when arriving at a port in the State for purposes of passing through the port in order to travel to another state.

5. The Immigration Act 2004 (Visas) (No. 2) Order 2011 (S.I. No. 345 of 2011) is revoked.

## SCHEDULE 1

Andorra	Guyana	Saint Kitts and Nevis
Antigua and Barbuda	Honduras	Saint Lucia
Argentina	Hong Kong (Special Administrative Region)	Saint Vincent and the Grenadines
Australia	Hungary	Samoa
Austria	Iceland	San Marino
Bahamas	Israel	Seychelles
Barbados	Italy	Singapore
Belgium	Japan	Slovak Republic
Belize	Kiribati	Slovenia
Bolivia	Latvia	Solomon Islands
Botswana	Lesotho	South Africa
Brazil	Liechtenstein	South Korea
Brunei	Lithuania	Spain
Bulgaria	Luxembourg	Swaziland
Canada	Macau (Special Administrative Region)	Sweden
Chile	Malawi	Switzerland
Costa Rica	Malaysia	Taiwan
Croatia	Maldives	Tonga
Cyprus	Malta	Trinidad and Tobago
Czech Republic	Mexico	Tuvalu
Denmark	Monaco	United Kingdom and Colonies
Dominica	Nauru	United States of America
El Salvador	Netherlands	Uruguay
Estonia	New Zealand	Vanuatu
Fiji	Nicaragua	Vatican City
Finland	Norway	Venezuela
France	Panama	
Germany	Paraguay	
Greece	Poland	
Grenada	Portugal	
Guatemala	Romania	

## SCHEDULE 2

Bahrain	Montenegro	Serbia
Belarus	Oman	Turkey
Bosnia and Herzegovina	People's Republic of China	Ukraine
India	Qatar	United Arab Emirates
Kazakhstan	Russian Federation	Uzbekistan
Kuwait	Saudi Arabia	

## SCHEDULE 3

Afghanistan	Ethiopia	Moldova
Albania	Ghana	Nigeria
Cuba	Iran	Somalia
Democratic Republic of the Congo	Iraq	Sri Lanka
Eritrea	Lebanon	Zimbabwe



GIVEN under my Official Seal,  
31 October 2012.

ALAN SHATTER,  
Minister for Justice and Equality.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
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