



STATUTORY INSTRUMENTS.

S.I. No. 473 of 2014



IMMIGRATION ACT 2004 (VISAS) ORDER 2014

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I, FRANCES FITZGERALD, 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 2014.

(2) This Order comes into operation on 13 October 2014.

2. In this Order—

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

“diplomatic passport” means a passport so described on its face that is issued by the competent authorities of a state or territorial entity;

“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 States¹;

“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 visitor other than—

(a) a visitor in transit, or

(b) a visitor seeking to enter for the purposes of marriage or to enter a civil partnership,

within the meaning of those terms under 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 visitor other than—

¹OJ No. L. 158, 30.4.2004, p. 77-123.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 17th October, 2014.

- (a) a visitor in transit, or
- (b) a visitor seeking to enter for the purposes of marriage or to enter a civil partnership,

within the meaning of those terms under 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;

“official visit” means a visit to the State by a Minister of the government of another state in the performance of his or her functions as a member of that government;

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

“public affairs passport” means a passport so described on its face that is issued by the competent authorities of the People’s Republic of China;

“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);

“service passport” means a passport so described on its face that is issued by the competent authorities of the People’s Republic of China;

“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,
 - (iv) a valid travel document issued by the State for the purposes of Article 28 of the New York Convention, or
 - (v) a diplomatic passport issued by a state or territorial entity specified in Schedule 2;
- (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 3 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) United Kingdom visitors who are—
- (i) nationals of a state or territorial entity specified in Schedule 4, and
 - (ii) holders of a visa issued by the competent authorities of the United Kingdom that is endorsed by those authorities with the letters “BIVS”,
- 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;
- (f) holders of a service passport or public affairs passport who arrive in the State in the company of a Minister of the Government of the People’s Republic of China where that Minister is on an official visit to the State;
- (g) 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 5 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) Order 2012 (S.I. No. 417 of 2012) is revoked.

SCHEDULE 1

Article 3(a).

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

SCHEDULE 2

Article 3(b)(v).

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|----------------------------|
| People's Republic of China |
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SCHEDULE 3

Article 3(d).

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

SCHEDULE 4

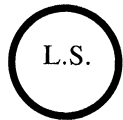
Article 3(e).

| |
|----------------------------|
| India |
| People's Republic of China |

SCHEDULE 5

Article 4.

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| 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,
10 October 2014.

FRANCES FITZGERALD,
Minister for Justice and Equality.

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