Minding the Gap

EQUALITY FOR CHILDREN OF NON-EU MIGRANTS ACCESSING THIRD LEVEL EDUCATION IN IRELAND

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SUMMARY
Over the past decade of inwards migration to Ireland significant gaps in our immigration policies and procedures have made it difficult for children of Non EU migrants to secure citizenship. This continues to have a direct and often negative impact on the ability of these young people to progress to third level education. There is currently no provision for residency to inform criteria for accessing financial assistance at third level in Ireland. Citizenship remains core to criteria meaning hundreds of long term resident non EU migrants are unfairly disadvantaged in attempting to progress to third level. These young people are living here for a minimum of 3 years - many in fact have completed their primary and secondary level education in this country - have made Ireland their home and have put down roots. Finding a solution to this problem will enable this generation of young people to participate in and contribute to Irish society and Irish economic recovery.

THE CURRENT CONTEXT - YOUNG MIGRANTS – THE 1.5 GENERATION
Ireland has arrived at a particular point in time in its immigration history. Whilst inwards migration has significantly reduced in recent years, we have a diverse multi-ethnic population largely as the result of a period of sustained inwards migration over the past decade. Young people make up a growing number of this diverse population, with one in seven children in Ireland now coming from a migrant background and an estimated 24,312 children born outside of Ireland registered in Irish secondary schools. This echoes a global pattern whereby children of migrants are the fastest growing segment of youth population in countries the world over. Ireland’s youth population has also become increasingly diverse due to the inevitable and age-old consequence of migration: that is, children joining their parents on their migration journey.

Whilst thousands of non EU migrant parents have had children born here, many were in fact joined by their child dependents (born outside of Ireland) after securing family reunification rights. These young people could be described as the ‘1.5 generation’: they are the children of the first generation of migrants who have made Ireland home. This is a generation of young migrants unlikely to emerge ever again in Ireland, their distinguishing feature being that they were born outside of Ireland but have grown up here. Moreover, many have spent longer in Ireland than the home country in which they were born. However because they were not born in Ireland they do not enjoy the same rights as their Irish classmates and in some cases Irish-born siblings.

1 The number of Irish residents who were born outside Ireland accounted for 17 per cent of the population in our most recent census data CSO 2011 www.cso.ie
2 Department of Education statistics made available for 2012
3 Suarez- Orozcos (2001)
IMMIGRATION POLICY & CHILDREN OF NON EU MIGRANTS

The reality that Irish immigration policies and procedures over the past decade have been developed in the absence of a coherent legal framework lies at the heart of the problems addressed in this paper. In addition, policies were not constructed to deal with the needs and realities of child dependents coming from outside the EU to join their parents. In the absence of clear and appropriate immigration guidelines for children of non EU migrants joining their families in Ireland, a patchwork of existing temporary immigration visas has been administered often in an ad hoc and inconsistent fashion.

Understanding the system – understanding the problem

All people coming to Ireland from outside the European Union are given a residence stamp based on their primary activity in the State. To qualify for citizenship all applicants require a minimum of five years (60 months) reckonable residency in the state calculated on the basis of these residency stamps. Not all of these stamps issued are eligible in applying for citizenship. This is important because over the past decade child dependants have been issued a variety of residency stamps none of which reflected their primary purpose in the state and many of which were considered up until very recently as ineligible when calculating the five years’ reckonable residency required for citizenship applications. Secondly, children of non-EU migrant workers who join their parents living in Ireland are not required to register with the Garda National Immigration Bureau until they reach the age of 16. Again until very recently time spent in Ireland before this did not count towards citizenship applications. This policy of not registering non Irish born children under the age of 16 and resident in the state meant this time was lost for the purposes of acquiring Irish nationality.

You don’t exist in the immigration system until to register at 16 and get your first stamp. Time spent in Ireland before this didn’t count towards citizenship. We have no control over the stamps we get” Minding the Gap animation

Current measures for citizenship and on-going gaps

In more recent times Minister for Justice and Equality Alan Shatter and the Department have enacted a number of streamlining measures in processing citizenship applications. A number of these have facilitated the naturalisation process for child dependants of non EU migrants. These measures can be described under two categories:

1. Child dependents - Young people born outside of Ireland can apply for naturalisation in the following circumstances: applicant has at least one parent as a naturalised Irish citizen; applicant is under the age of 18 and is three years legally resident in the state.

2. Scheme for 18-23 year olds - Introduced late in 2012. Young adults between the ages of 18-23 who entered the State as minor dependants for the purpose of joining their parents can apply for Irish Citizenship using the residency stamps of their parents to prove residency prior to the age of 16. Also for these cases, residence stamps other than Stamp 1 and Stamp 3 are considered reckonable.

The first measure has enabled thousands of child dependents to secure Irish naturalisation. The graph below

Adina’s story
Adina came to Ireland from the Philippines to join her parents nine years ago. Like many other migrant workers who came to Ireland in the 1990s, her parents secured citizenship after she turned 18. Adina has applied for naturalisation through the new scheme introduced by the Department for 18-24 year olds. Last year Adina was offered her first place on her CAO form but had to defer her offer on the grounds that she had not yet secured citizenship. Adina’s progression to third level this year is entirely dependent on her securing naturalisation through the new scheme before this September when the next academic year begins.
illustrates an almost tenfold increase since 2005 in the number of applications submitted by naturalised parents on behalf of their minor children. This avenue has undoubtedly become the main route for most non EU migrant families to secure citizenship for their child dependents. However not all children of non EU migrants benefited from this arrangement as many became ‘timed out’ when their parents acquired citizenship after they turned 18.

In light of the fact that acquiring citizenship took an average of 7 years and due to the backlog inherited by the current administration many young people missed this opportunity and had to then apply to naturalise in their own right. These young people were essentially ‘back to square one’ until the second and most recent measure was introduced - a welcome but very recent development. It is important however that the ‘18-23 scheme’ (an ad hoc and interim measure) be placed on sound legislative footing so as to ensure it continues beyond the tenure of the present administration.

More urgently young non EU migrants in the current Leaving Cert cycle who have applied for citizenship through this measure are entirely dependent upon a speedy processing time to ensure they have secured Irish citizenship before the third level academic year begins. If not they will not satisfy the nationality criteria in order to qualify for financial assistance at third level and will face extraordinarily high tuition fees that many are simply unable to afford.

BARRIERS PROGRESSING TO THIRD LEVEL EDUCATION
Over the past decade of inwards migration higher education institutes (HEIs) have been challenged in how to categorise children of non EU migrants for tuition fees; resident in Ireland for some time, but not naturalised citizens. There are three key barriers that impact on young people progressing to third level:

1. Firstly if children of non EU migrants have not secured citizenship by the time they start third level they will either be categorised under ‘EU’ or ‘Non EU’ fees, both categories resulting in excessively high tuition fees.
2. Secondly they will not be deemed eligible for any financial assistance at third level in the form of access to the ‘free fees scheme’ or higher education grants.
3. Thirdly (and this depends on the HEI in question) most will be unable to reverse their fee status upon obtaining citizenship during their third level education and will be forced to continue to pay excessively high fees.
“The root of unequal access at third level for children of non EU migrants is the manner in which citizenship and not residency is used as the criteria for accessing financial assistance and allocating tuition fees” Pablo Rojas Coppari MRCI

1. **EU/Non EU tuition fees**

Third-level tuition fees vary greatly depending on institution, course of study and most critically on the residency status of the student. In respect to non-Irish born students there are two fee categories, EU and non-EU (international student). In the absence of a standardised code of practice regarding treatment of long term resident non EU applicants there is a lack of clarity within HEIs as to how to respond. Over the years many young people have been categorised incorrectly as ‘international students’ and asked to pay non EU fees. This practice in MRCI’s experience has thankfully ceased but the alternative of EU fees offers little consolation. In addition although each of the institutions applies a ‘residency test’ in its decision making between EU or non EU fees, there is no universal agreement on the content of the test, no standard code of practice and no national policy outlining the conditions to qualify for EU fees. It is essentially left to the discretion of each institution. This leaves the children of non-EU migrants living in Ireland in a highly uncertain position. In MRCI’s experience children of non EU migrants today generally satisfy this residency test and are required to pay EU fees at third level. Whilst EU student tuition fees are considerably less than non-EU fees they are considerably more than what Irish citizens pay (see table below).

<table>
<thead>
<tr>
<th>Irish born student entitled to ‘free fee’ scheme</th>
<th>Young person resident in Ireland 10 years but not naturalised upon entry to 3rd level paying “EU fees”</th>
<th>Total difference over 4 years (before factoring in additional costs of travel, food, rent, books etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>€8,632</td>
<td>€29,912</td>
<td>€21,280</td>
</tr>
</tbody>
</table>

| Difference in tuition fees over a typical 4 year degree |

‘EU fees’ as a category was not designed with these young people in mind; this ad hoc and interim measure pursued by most HEIs in Ireland has become de facto policy at third level. A policy that is deeply unequal in that a typical degree programme in any of Ireland’s third level institutes can cost non EU migrant parents twice and three times more than that paid by Irish students resulting in thousands of young people being unfairly disadvantaged.

2. **Financial assistance at third level**

There are two main categories of financial assistance currently offered to students attending third level institutions, the Free Fees Initiative (FFI) and Student Grants. Under the terms of the FFI, the Department of Education and Skills covers the university fees for a student’s third level course if they a) are a first-time undergraduate, b) hold EU Nationality or Official Refugee Status and c) have been ordinarily resident in an EU Member State for at least three of the five years preceding their entry to an approved course. In practice, this excludes every other former minor dependant who does not hold Irish citizenship at the time of entry to third level education. **Unlike many of our European neighbours there is no provision to recognise residency in accessing financial assistance at third level.** Access to...

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4 Minding the Gap education seminar Science Gallery 13th March 2013 organised by MRCI’s Migrant Education Access Project

5 Qualification for EU fees generally means a prospective student must have had his or her principle residence within the EU for three of the last five years prior to application. If the applicant is under 23 years old, the parents’ principle residence is often taken into consideration

6 Exceptions are made for those who have been granted Refugee Status and their family members; those who have been granted Humanitarian Leave to Remain or permission to remain on the basis of being a family member of an EU Citizen
institution they do not qualify to receive any financial assistance from the state. They may, however, have the possibility of qualifying for EU tuition fees, but this is based on the discretion of an institution. Even in situations where parents are permanent residents and have lived, worked and continue to pay taxes in Ireland and their children have attended Irish primary and secondary schools, they are excluded from the Free Fees and Student Grants Schemes. This makes third level education a very expensive prospect for young students and their families. In practice this prohibits many from attending third-level.

3. Reversing fee status during third level
A further and very problematic anomaly exists at third level which results in newly conferred Irish citizens being unable to enjoy the privileges of their newly acquired Irish citizenship. Because the qualifying criteria for the Free Fees Initiative and category of tuition fees have to be met at entry point, many HEIs take a position that it is impossible to reverse the fee status of a student, even if the person has since become a naturalised Irish citizen. Again this situation depends on the HEI in question and in MRCI’s experience some universities will allow for a change of fee status whilst others will not. The continued discrimination against these young people who are now Irish citizens is particularly worrying and is in direct contravention of article 40.1 of the constitution and the principle of equality.

IMPACT ON YOUNG MIGRANTS AND THEIR FAMILIES
MRCI has reached out to over 200 young people and their families affected by these barriers to third level. The financial burden associated with EU fees and corresponding ineligibility for financial assistance undoubtedly leads to a great deal of stress, anxiety and worry. For parents in low to medium income work EU fees are a drain on an entire family’s disposable income. Some parents reported having

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7 Formerly Higher Education Grants but also including Vocational Education Committees’ Scholarship Scheme, Third Level Maintenance Grants Scheme for Trainees, and Maintenance Grants Scheme for Students Attending Post-Leaving Certificate Courses.
no choice but to incur debt through mounting credit card bills and loan repayments. Many parents reported finding themselves in a catch 22 situation: prioritising payment of excessively high tuition fees over the €950 naturalisation application fee. Naturalisation for many third level students does not result in any financial savings if fees cannot be reversed, deepening this catch 22 situation. Families are also forced to make impossibly hard decisions - holding one child back from taking up their CAO offer and letting older siblings progress in their degree. Some families have resorted to sending their children back to their home country to access more affordable third level education separating the family and causing unnecessary heartache and upheaval. There is a highly insecure and precarious reality to many of these young people’s third level education: negotiating late payment of tuition fees, lack of certainty regarding progression to the next year and awaiting the outcome of third level grant applications. For others less fortunate, third level education is simply not a prospect with parents’ incomes unable to accommodate EU tuition fees. These young people are facing very uncertain futures, unable to progress and in many circumstances lacking the qualifications necessary to secure employment.

“We are Irish but not Irish enough. These are lost opportunities. We are a lost generation. We are excluded.” Minding the Gap animation

WHO IS AFFECTED AND ESTIMATION OF NUMBERS
Children of non EU migrants born outside of Ireland and the EU, who have joined their parents over the past decade, are all potentially impacted by these barriers. These are young people here a minimum of three years, many of whom have completed their secondary and in some cases primary education in Ireland. These are typically children of work permit holders and siblings of children born in Ireland whose parents have leave to remain on the basis of an Irish-Born Child (IBC scheme). Due to a lack of available data gathered for this purpose it is difficult to determine the exact numbers of young adults impacted by this on a yearly basis. However the numbers are not as many as might be expected. The issue can affect young adults at two stages:

a) those at entry-point to third level who have not yet obtained Irish Citizenship and
b) those who have obtained Irish Citizenship during their Third-Level Education

Whilst there are 39,684 non Irish born nationals currently enrolled in secondary schools in Ireland, the majority are from within the EU, with just over 15,000 born outside of the European Union. Of this 15,000 many should become naturalised before they reach Leaving Cert age thanks to measures introduced by the Department of Justice and Equality. A more accurate number to use is the 2,192 Non-EEA nationals between the age of 16 and 18 registered with the GNIB8. Dividing this number by the Leaving Certificate cycle we can therefore estimate at 730 the number of Non-EEA students in any given year of the current Leaving Cert cycle who may be impacted. These figures are somewhat inflated as some of these young people will undoubtedly obtain citizenship through interim measures prior to take up of CAO offers and not all will choose to continue to third level education.

The young adults particularly at risk are those young people currently in the Leaving Cert cycle whose parents will not secure citizenship before they turn 18 and are therefore ‘timed out’ and have to apply in their own right as adults. They are entirely dependent upon speedy processing times and on the financial capacity to pay the €950 citizenship application fee. Any young person who has not secured Irish citizenship before entry to third level will be deemed ineligible for the Free Fees Category and higher education grants and will inevitably face EU tuition fees. Whilst some may secure citizenship as young adults during their degree, many will then be faced with the prospect of being unable to reverse their fee status. It is difficult to estimate the numbers of young people in their early and mid-20’s currently in third level impacted by this.

8 Parliamentary Question to Minister for Justice and Equality December 2012
COST BENEFIT RATIONALE FOR MINDING THE GAP

Cost to the state
There is an initial cost to the State in addressing these barriers and granting equal access to third level to children of non EU migrants.

- The OCED estimate current annual expenditure per student at €12,690. It also estimates the entry rate into tertiary education in Ireland is 84%. For the figure of 730 non EU students sitting the leaving cert this would represent 613 students.
- For the state to grant equal access to these students it will represent a sum of €7,778,970. In reality this sum is overinflated, as a significant part of government expenditure in education is in the form of teachers’ salaries, subsidies to universities and maintenance of university buildings, etc. Some of these expenditures already cater for a proportion of non-EU students who access the services (i.e. cost of building maintenance, etc.) and other costs will be proportionally reduced as more students are catered for. As it is currently impossible to calculate the fraction of those costs in the total of expenditure, the figure of €7,778,970 can be considered the maximum expenditure for an entire cycle of Leaving Cert students over three years.

Benefit to the state

- 3rd level graduate earns 75% more
- Higher wages = greater consumer spending power = higher tax contribution
- Unemployment rate for 3rd level graduates lower by over 50%
- Investing in these young people = investing in Ireland future
- Many of these students are studying the knowledge economy and STEM subjects the Irish labour market needs
- Addressing citizenship and third level education access barriers will protect against loss of human capital, add social cohesion and aid integration of children of Ireland’s first generation of immigrants

“There is a finite number of young people impacted by this, it won’t break the back of the State to respond and there is much to be gained from responding”

Quote from Minding the Gap education seminar
Rationale for bringing about a solution
There is very strong rationale for bringing about a solution which offsets the immediate cost implications. Firstly addressing these issues makes a great deal of economic sense.

- According to OECD Education at a Glance report a third level graduate earns on average 75% more than a leaving cert graduate throughout employment life
- Higher wages mean greater consumer spending power and a higher tax contribution, both of which are key to Irish economic recovery
- The proposed changes (i.e. granting access to financial assistance at third level for children of non EU migrants who have 3 years’ residency in Ireland) represent less than 0.01% of the Department of Education and Skills’ total overall budget allocation.

“Ireland needs to consider can it afford not to do something about this issue?
In terms of intergenerational mobility: what will it mean for the 1.5 and 2nd generation not to have a third level qualification?
There is a need to develop a pro-active stance”.
Martha Montero Sieburth, Migration and Ethnic Studies University of Amsterdam

It could also be argued that the state cannot afford not to address barriers in terms of the potential future cost of a lack of action:

- The cost of implementing proposed recommendations represents a fraction of the overall current expenditure in the Department of Education and Skills of €8,514 million.
- Unemployment rates for third level graduates is lower by over 50%
- Young people in this situation who take up their CAO offer but are then unable to meet tuition fee levels end up dropping out of third level - a loss to the institute not only in terms of that student but also a place which cannot be filled during term
- Addressing citizenship and third level education access barriers will protect against the current loss of human capital
- Investing in these young people is investing in Ireland's future
- These are bright, ambitious young people, very dedicated to their studies, who have a great deal to offer Irish society and Irish future economic recovery and prosperity. Many are studying knowledge economy subjects and STEM subjects, graduates the Irish labour market needs
- What is the potential cost to social cohesion and integration if the children of the first generation of immigrants who have made Ireland home experience such significant inequalities? There are social and cultural benefits to addressing barriers in terms of the role progression to third level plays in the integration process, aiding social cohesion in a diverse multicultural Ireland and reducing future conflict

“Diversity is part of our reality now. It needs to be embedded in policy not just tolerated. Policies need to catch up. This is an equality issue. This is a rights issue.” Siobhan O’Donoghue

This is essentially an equality and fundamental rights issue. Children of migrant parents who have put down roots and made Ireland home and are contributing to the public purse and paying taxes should benefit from the system on an equal basis to everybody else. There are also worrying implications for

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9 7 million as a percentage of 8,514 million euros Department of Education and Skills reported annual total budget for 2013
10 Minding the Gap education seminar Science Gallery 13th March 2013 organised by MRCI’s Migrant Education Access Project
integration at time when 17% of Ireland’s population is born outside of Ireland. Young people experiencing these equality barriers are all from outside of the EU and represent a small but core element of our youth population. Denying access to our third level education system has the potential to racialise our third level education system and undermine the integration of our first generation of immigrants.

INTERNATIONAL PRACTICE
Ireland is out of step with many of its EU partners in not recognising residency, only citizenship, as criteria in accessing financial assistance for third level education. In Germany the children of non EU nationals are eligible for grants if one parent has been working there for three of the previous six years. In Denmark they are exempt from paying fees if they have a residency permit and their parents have work permits. Migrant students in Belgium can apply for a grant if they have lived with their family in the country for a period of at least two years.

<table>
<thead>
<tr>
<th>United Kingdom</th>
<th>France</th>
</tr>
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<tbody>
<tr>
<td>Anyone deemed a “Home Student” pays tuition fees at a lower rate than someone deemed “Overseas Student”.</td>
<td>French universities are open to all students who have passed the Baccalaureat, irrespective of country of origin.</td>
</tr>
<tr>
<td>Anyone who is legally resident in the State and free of immigration restrictions, and can justify three years of ordinary residency prior to the start of the academic year is considered a “Home Student”.</td>
<td>Tuition fees in France are €181.57 per year for undergraduates, and €249.57 per year for post graduate Master’s courses.</td>
</tr>
<tr>
<td>Anyone deemed a “Home Student” has access to the same loan system in the UK as British Citizens.</td>
<td>Children of migrant workers are treated as any other student if they hold legal residence. The grants system is means-tested on household incomes.</td>
</tr>
</tbody>
</table>

Two European case studies recognising residency in accessing third level education

CONCLUSION
Lack of access to third level education is being experiencing by a worrying number of young people who have made Ireland their home; young migrants who have spent more time in the Irish education system than in their home country and to many parents who have paid taxes and contributed to the Irish economy. In essence we have an immigration system that never considered their arrival in Ireland and a third level education system that is virtually inaccessible to them. Talented young people like Carla and Alena have much to contribute to Ireland’s future economic recovery and prosperity. To deny them, and others in similar circumstances, this basic right and opportunity for real progression represents a loss to Irish society and may even add to the State’s economic burden in the future.

“Students in this situation will have difficulty progressing from first to second year due to financial issues. This will have a significant impact on Access retention and progression rates and the University’s financial situation” Cathy McLoughlin Access Dublin City University (DCU)

Support for change
Young people, parents and supports have been advocating for change on these issues over the past year through MRCI’s Migrant Education Access campaign. We have found a great deal of concern and support for change from key stakeholders across education and youth sectors, civil society and the trade union movement amongst others. We have found staff in HEIs to be very well informed and
concerned; in particular access, fees and welfare officers who have attempted to respond to these issues within the constraints of the current system. Two of Ireland’s largest access programmes, Trinity Access Programme (TAP) and Dublin City University (DCU) Access Programme have highlighting to us the growing number of young people in this situation coming through access programmes. DCU Access Programme has indicated 12.5% of offers to Access students went to students who fall into this criteria. Vincent de Paul has reported a growing expenditure in supporting children of non EU migrants in this situation to meet some of their third level fees. This paper was directly informed by the experiences and stories of young people and parents we are working with over the past year along with research carried out by the MRCI. Recommendations were discussed and endorsed at a national education seminar Minding the Gap hosted by MRCI and attended by many stakeholders and supporters.

“A one off policy change could address this, there is a time for appropriate action and that time is now. There is an urgency about this issue”
Anastasia Crickley, Head of the Department of Applied Social Studies NUIM

RECOMMENDATIONS
The policy and procedural gaps through which hundreds of young people are falling need to be addressed comprehensively and urgently. The following recommendations aim to offer a way forward for non EU migrant children and their families in overcoming the barriers to integration and equality in Ireland.

Immigration policy and legislation
- Passage of a comprehensive Immigration, Residence and Protection Bill is urgently needed to guarantee rights and pathways of permanent residency and citizenship to young migrants in this situation.
- This Bill needs to legislate for registration of minors upon arrival conferring a consistent clear and independent residency stamp that counts towards permanent residency and citizenship.
- In the shorter term, in recognition of the current role citizenship plays in accessing third level education and in light of the ad hoc scheme in place for young people, applications for naturalisation for young people in this situation need to be fast tracked by the Department of Justice and Equality. A payment scheme could be considered for young people struggling to pay €950 for citizenship whilst currently prioritising the cost of EU fees at third level.

Education Policies and Procedures
- The Department of Education and Skills to urgently develop a coherent set of guidelines for all Irish HEI’s clarifying tuition fees for the children of non-EU migrants. These guidelines would;
  - be informed by an immediate re-examination of the criteria of access to financial assistance for higher education (Free Fees scheme and Higher Education Grants). In keeping with good international practice residency would replace citizenship as criteria for accessing financial assistance. Any young person resident in the state a minimum of three years should have access to financial assistance at third level.
  - Immediate provision of a mechanism for young people who have secured Irish citizenship to reverse their fee status. Whilst already catered for by some HEIs, uniform guidelines are needed to allow young people to enjoy the privileges of Irish citizenship in accordance with Art. 40.1 of our Constitution.
- The Department to resource information sharing and awareness raising with secondary schools and teachers about this issue before young people complete their Leaving Certificate, in particular with career guidance teachers.

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