



## **SUBMISSION to the Joint Committee on Education and Social Protection**

### **Reform of Third Level Education: an opportunity to address access issues facing young migrants**

#### **1. Introduction**

MRCI is a national organisation working to promote justice, empowerment and equality for migrant workers and their families. MRCI was first established in 2001 to bridge a gap in information services available to migrant workers and their families. It has since grown to become a leading organisation advocating for change on many of the critical issues affecting migrant workers and their families in Ireland. MRCI provides a free legal information and advocacy service in its Dublin based resource centre to migrants and their families. It is through this service that MRCI became aware of access issues arising for children of non EU migrants who were born outside of Ireland but had long since made Ireland their home. Migrant Education Access (MEA) is an initiative of MRCI working with young people and families to understand better the issues arising and together with strategic stakeholders in the youth and education sector develop potential solutions and recommendations for change.

We welcome and appreciate the opportunity to make this submission to the Joint Committee on Education and Social Protection. In our view implementation of the higher education strategy and programme of reform, currently being undertaken by the Department of Education and Skills, offers a key opportunity to address significant gaps in the system which have created barriers of access to third level institutes for a cohort of Ireland's young people. The access issues being outlined today are of particular relevance to the review of the national access plan being carried out by the Higher Education Authority (HEA) in 2013 and to the equality of access commitment at the heart of the Department of Education's current reform commitments.

Whilst the issues outlined in this submission are strongly impacted by current immigration policy and procedures, they reflect the complex nature of our immigration system and its interaction with third level education access.

## **2. The current context – inwards migration and access to third level education**

Ireland has experienced a sustained period of inwards migration over the past decade which has resulted in thousands of migrant families making Ireland their permanent home. The number of Irish residents who were born outside Ireland accounted for 17 per cent of the population in our most recent census data<sup>1</sup>. 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 22,681 children born outside the EU registered in Irish secondary schools<sup>2</sup>. This diversity is also reflected across our younger population with our 2011 Census recording 24, 682 non EU nationals under the age of 14 in the state. Over the past decade thousands of young people born outside of Ireland joined their parents under various reunification scenarios, an inevitable and human dimension of global migration. Whilst inwards migration to Ireland has significantly reduced in recent times the citizenship and educational access needs of the children of our first generation of immigrants was neither fully envisaged nor planned for.

The HEA and others have recognised the importance of building on our favourable demographic context identifying our large and expanding pool of young people as one of our “biggest strategic assets at third level”<sup>3</sup>. It is clear that this expanding pool is increasingly diverse in makeup and that not all young people accessing third level from Irish secondary schools are now born in Ireland. Catering for this cohort of young people in the short term necessitates the updating of access policies which offers in the longer term enormous benefits to the Irish economy and third level educational performance. Migrant Education Access sees the administrative changes required to guarantee access not as a cost to the state but as an

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<sup>1</sup> CSO 2011 reports [www.cso.ie](http://www.cso.ie)

<sup>2</sup> Department of Education data as at February 2011

<sup>3</sup> Joint Committee on Education and Social Protection, Reform of Third Level Education: Discussion Wednesday 28<sup>th</sup> November 2012

investment in our future in light of the returns not only for young people but for our communities, employers, broader society and the Irish economy. In our experience this cohort of young people are committed and ambitious often studying core knowledge economy subjects offering a significant contribution to Ireland's future economic recovery and prosperity.

It is worth noting that the education experience and access to further education has been well recognised internationally as being fundamental to the integration process for migrants and their families.<sup>4</sup> This is particularly important considering third country national migrants have been recognised at a European level as being a group particularly vulnerable to poverty and social exclusion in many EU member states.

### **3. Equality of access to third level education – the issue for children of non EU migrants**

The access issues being outlined in this submission arise for children of non EU migrants who were born outside of Ireland but who have long since made Ireland their home. Essentially these are young people who over the past decade joined their parents under family reunification. Due to the lack of a clear and comprehensive immigration framework over the past decade of inwards migration many children of non EU migrants have and do face significant barriers in securing Irish citizenship which in turn impacts directly and negatively on their ability to access third level education. This remains an equality of access issue for many migrant families who have made Ireland their home, have paid taxes and put down roots.

Under the current administration a speedier and more transparent citizenship process has hugely increased the number of young immigrants securing Irish citizenship before accessing third level education<sup>5</sup>. However due to the gradual implementation of these reforms and in

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<sup>4</sup> European Commission Common Basic Principles for Integration. CBP 5 'Efforts in education are critical to preparing immigrants, and particularly their descendants, to be more successful and more active participants in society'

<sup>5</sup> An increased number of adult applications being approved by the current administration has resulted in an almost tenfold increase since 2005 in the number of applications submitted by naturalised parents on behalf of their

awaiting the implementation of the Immigration Residence and Protection Bill (which will provide for registration of minors in the state) a small but increasingly excluded cohort of young immigrants experience significant inequity of access to third level. To deny these young people, the children of our first generation of immigrants, 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.

### **Access to third level – intersection with immigration policy and practice**

There is a significant immigration dimension to this problem which is worth outlining as the situation is complex and a response will necessitate inter departmental cooperation between the Department of Justice and Equality and the Department of Education and Skills. In the absence of a fully transparent and comprehensive immigration framework over the past decade of inwards migration to Ireland the window of opportunity for a young non EU migrant to secure citizenship has remained very narrow<sup>6</sup>. If children of non EU migrants have not obtained citizenship prior to entering a third level institution they potentially face three scenarios;

1. Firstly they will not qualify for the free fees initiative because they will inevitably fail the nationality condition (despite having completed their second level education in the state)
2. Secondly they will not qualify for higher education grants.
3. Thirdly, the issue which is most pertinent to this Committee's deliberations is that they will not be able to reverse their fee status upon securing Irish citizenship during their third level education. Therefore they will be forced to continue to pay excessively high tuition fees and unable to enjoy the privileges of their newly acquired Irish citizenship status.

### **Current interim measures**

Currently a typical degree programme in any of Ireland's third level institutes can cost non EU migrant parents three times more than that paid by Irish students (see case study attached). The

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minor children (Parliamentary Question no 454 addressed to the Minister for Justice and Equality (Mr.Shatter) by Deputy Aodhán Ó Ríordáin TD for WRITTEN on Tuesday, 4<sup>th</sup> December, 2012)

<sup>6</sup> Residency stamps issued by the Irish immigration system to children of non EU migrants when they turn 16 are inappropriate and do not reflect the realities of young migrants who have come to Ireland to join their parents under family reunification. Residency stamps such as 2, 2a and 3 cause problems in securing long term residency and citizenship for children of non EU migrants born outside of Ireland.

current criteria for access to the free fees initiative has a nationality requirement that young people who have not secured citizenship (for reasons out of their control) cannot satisfy. In the past young people in this situation were often considered in the same category as international students facing the highest tier of third level tuition fees. In recent years Irish third level institutes have responded with an interim measure of applying an 'EU fees' category to young people in this situation. Whilst this meant young people were no longer categorised as international students it still results in a fee category which is often twice and three times typical fee levels. It is the experience of MRCI that this fee level forms a significant barrier of access to third level amounting to on average €8000 in annual fee payments for a typical four year university degree and accumulating in a difference of over €40,000 between these young people and their Irish peers over a four year period.

MRCI along with other organisations<sup>7</sup> has highlighted the problems young people born outside of Ireland experience trying to secure citizenship. The Irish Naturalisation and Immigration Service (INIS) in response to this have updated the citizenship application form to reflect the current practice of many immigration officials in considering previously ineligible residency stamps for young people residing in Ireland over 5 years. This interim measure is a welcome attempt by the Department of Justice and Equality to respond to the citizenship needs of young migrants born outside of Ireland residing here longer than 5 years. It is however an interim measure only very recently clarified which remains insecure and adhoc without passage of a comprehensive Immigration Residence and Protection Bill. It remains to be seen how many young people resident in Ireland over five years will be successful in securing citizenship in this manner before entry to third level which is why the experiences of these young people is relevant to current discussions and plans in relation to reforming access at third level.

In our consultations with access officers, universities and charity organisations such as Vincent de Paul it is clear that efforts are being made on a case by case basis to support young people to

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<sup>7</sup> Citizenship and third level education access issues as experienced by children of non EU migrants have been highlighted by MRCI through Migrant Education Access, the Immigrant Council of Ireland, New Communities Partnership, The Integration Centre and NASC amongst others in recent times

access third level. Education conferences of Vincent de Paul are very familiar with this scenario and have provided thousands of euros to families towards the costs of these fees often directly negotiating with the institution involved. Many access officers and fees officers go to extraordinary lengths to also secure better solutions for young people deemed ineligible for free fees and categories as 'EU fee' paying. Updated criteria for access to the Free Tuition Fee Scheme is required to reflect the needs of young non EU migrants who are resident long term in the state but may not yet have secured citizenship. This would alleviate this access issue and provide third level institutes with a more equitable and comprehensive response.

### **Inability to reverse fee status upon securing Irish citizenship**

Young people who have secured citizenship after starting their third level course are more often than not unable to 'reverse' their fee status and have no choice but to continue to pay these high tuition fees for the remainder of their third level education. The Free Tuition Fee Scheme currently being operated by the Department of Education and Skills states that *'eligibility under the scheme is determined at date of entry to the course'*. The student retains this status for the duration of their degree programme. A young person who secures citizenship during their first year of a four year degree (a typical current scenario) is unable therefore to reverse their fee status and has no choice but to pay fees at a much higher rate for the remainder of their course. Whilst a reversal of fee status can occasionally be secured in certain institutions it has come to the attention of MRCI that this is an adhoc response dependent on the good will of the institution and could not be described as uniformed practice in many of our third level institutes. Many universities have declared they are obliged to apply the rules of the scheme fully and that it is not in the remit to alter any aspect of said scheme. The lack of access as experienced by these young people who are now Irish citizens is particularly worrying and is in direct contradiction of article 40.1 of the constitution and the principle of equality.

### **Numbers affected**

As outlined above numbers affected have significantly reduced due to a number of measures introduced by the Department of Justice and Equality to facilitate the naturalisation process for

children dependents<sup>8</sup>. There are two groups of young people who remain very vulnerable to the barriers outlined in this submission;

1) Young people at entry point to third level in the coming two years who have not yet obtained citizenship and are dependent on interim citizenship measures currently being administered.

2) Those who have obtained Irish citizenship after they have entered third level education and are at this moment entirely unable to reverse their fee status.

The 2011 census revealed that our national and secondary school student populations are very diverse with high numbers of young people born outside of Ireland<sup>9</sup>. Thanks to measures introduced by the current administration which facilitates the access to naturalisation for children dependents it is hoped the vast majority of these children will have gained citizenship by the time they reach the age of majority and leaving cert. The numbers most pertinent to consider are those in danger of being 'timed out' of the immigration system i.e. about to turn eighteen and complete secondary level education having not yet secured citizenship. In a recent parliamentary question the Minister has stated that there are currently 2,192 non EEA nationals between the age of 16 and 18 registered with the GNIB. From these figures we can estimate that approximately 730 Non EEA students may be faced with this issue in the current leaving cert year unless citizenship is secured. These numbers could be reflected on an annual basis over the coming three years if current and interim citizenship application processes fail to accommodate young people attempting to secure citizenship in the absence of an Immigration Residence and Protection Bill.

In terms of the second scenario, young people who have secured citizenship after starting third level education, it is difficult to estimate the numbers impacted. Because of a lack of data

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<sup>8</sup> For example children of non EU migrants can secure citizenship if they are still a minor and three years resident in the state at the time of a parent securing citizenship. For more information on citizenship guidelines see [www.inis.gov.ie](http://www.inis.gov.ie)

<sup>9</sup> The Census 2011 revealed that there are 24,682 non EU nationals under the age of 14 in the state representing 1,657 per year. The Department of Education has estimated 22,681 children born outside the EU are vregistered in Irish secondary schools

gathered for this purpose it is not possible to obtain an exact number. Over the previous number of months MRCI has had contact with over 140 non EU families impacted by lack of access to third level due to various scenarios outlined in this submission. We have come across ten case studies of young people who have secured Irish citizenship whilst in third level subsequently unable to reverse their fee status. We have heard anecdotally that there are many others attempting to complete their third level education in these exact circumstances. These are young people whose parents are very much struggling to continue to pay 'Non EU' fees for the remainder of courses. Scenarios that have come to our attention include young people dropping out of college, young people deferring an offer of their first choice in the hope of securing citizenship in the interim, families choosing between siblings holding one back to allow another to progress and parents in high levels of debt meeting costs that can average over €8000 for fees alone.

#### **Inability to reverse fee status – a case study**

##### ***Tatiana's story***

*Tatiana, originally born in Russia, was seven years of age when she came to Ireland with her parents, 12 years ago in September. Upon completion of her leaving cert Elena successfully secured a place in medicinal chemistry in Trinity Collage Dublin (TCD). Over the past two years Elena's parents have been paying yearly fees amounting to three times the amount her Irish born peers have to pay. Elena applied for Irish citizenship and was naturalised in June of this year. Despite now holding an Irish passport she has been informed by TCD that they are unable to reverse her fee status and deem her eligible for the free fees initiative. As an Irish citizen Elena is supposedly entitled to enjoy the same rights and privileges of other Irish citizens. It would appear however she will face tuition fees three times the amount she would have had to pay had she being born in Ireland for the remainder of her time in Trinity. Her parents, long term resident and citizens, have to continue to find the finances to pay these excessive fees despite their own contribution as tax payers in Ireland over the past 12 years.*

#### **4. Recommendations**

Migrant Education Access (MEA) is advocating that children of non EU migrants who have come to Ireland to join their families and are here a minimum of 3 years should enjoy equality of access to third level education. Whilst resolving access to citizenship issues for children of non

EU migrants clearly lies within the remit of the Department of Justice and Equality we believe the Department of Education and Skills has a key responsibility in addressing this inequity of access issue. The numbers impacted by this issue are significant enough to merit an immediate response but not so large that provision for these young people is unrealistic in the current economic climate. Indeed it could be argued that failing to resolve these administrative oversights could cost the exchequer more in the longer term. According to the OECD Education at a Glance Report 2012 the current annual expenditure per student represents €12,690 per person<sup>10</sup>. At the same time the unemployment rate for a third level educated young person currently stands at 6.8% compared to 13.7% for those who have obtained a Leaving Certificate qualification. According to the OECD report a tertiary graduate earns on average 75% more than a person with a Leaving Certificate qualification throughout his/her employment life, having average spending powers of over €30, 926 a year and an additional €300,000 over their working lives compared to Leaving Certificate graduates. It is clearly in our economic interests to ensure as many of our young people progress to third level education and successfully graduate. Young people involved in MRCI's Migrant Education Access initiative are overwhelming represented in key knowledge economy subject areas such as information technology, computer science, biomedical engineering as well as medicine. From an integration and social cohesion perspective it is also imperative that young people from immigrant backgrounds who have settled in Ireland and made this country their home are afforded the basic right of equity of access to third level and an opportunity for real progression which will impact on their own lives and also those of their families.

We would therefore offer the following recommendations;

- That the Joint Committee on Education and Social Protection raise these access issues with the Minister for Education and Skills and with the relevant bodies within the Department (most notably the Higher Education Authority and the access unit within the Department) and revisit this issue in a forthcoming committee meeting as part of the educational reform process.

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<sup>10</sup> This figure incorporates expenditure in the form of lecturer salaries, subsidies to universities, maintenance of buildings etc

- That the Department of Education engage in inter department dialogue with the Department of Justice and Equality to ensure interim citizenship application procedures for children of non EU migrants successfully naturalises young people in this situation in particular those in the current leaving cert cycle. If upon evaluation of these measures in coming months it is apparent another year of non EU Leaving Cert graduates are facing into third level education without securing citizenship (due to issues outlined in this submission) that the Department look at an interim measure. This could be resolved with the introduction of a temporary standardised residency test or a change to the criteria of access to the Free Tuition Fee Scheme.

- That the Department of Education and Skills and this Joint Committee take effective and immediate action to address the particular situation of young people who have secured Irish citizenship but are currently unable to reverse their fee status. This may require a re-examination of the criteria of access to the Free Tuition Fee Scheme currently administered by the Higher Education Authority and should result in a code of practice or a revised set of criteria being outlined to all third level institutes in Ireland to ensure a coordinated, equitable and consistent response.

- In the longer term, passage of a comprehensive Immigration, Residence and Protection Bill is needed to guarantee rights and pathways of permanent residency and citizenship to young migrants in this situation. This will ideally provide for registration of minors in the state allowing young people to earn citizenship in their own right in a more timely and uncomplicated manner.