

### THE IMMIGRATION SYSTEM AND CHILD DEPENDANTS

- All people coming to Ireland from **outside the European Union** are given a **residence stamp based on their primary activity in the State (eg. Work, study)**.
- 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 ten years and longer child dependants have been **issued different residency stamps** which were considered up until very **recently as ineligible when calculating the five years' reckonable residency required for citizenship applications - e.g. stamp 2/stamp 2(a)**
- 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 (GNIB) until they reach the age of 16**. Again until very recently time spent in Ireland before this did not count towards citizenship applications.

### HOW TO APPLY FOR CITIZENSHIP?

There have been changes to citizenship application that you need to know about! Recently Minister for Justice and Equality Alan Shatter and the Department has brought in a number of new procedures for applying for children of Non EU migrants to apply citizenship. There are two key measures that have made it possible for child dependants of non EU migrants to naturalise.

1. **Child dependents** - Young people born outside of Ireland can apply for naturalisation if: 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**. See full explanation <http://www.mrci.ie/wp-content/uploads/2012/10/GUIDE-TO-APPLYING-FOR-CITIZENSHIP-18-23-RC-USE.pdf>
- The first option has enabled thousands of child dependents to secure Irish naturalisation. It's 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 benefit from this arrangement as young people have to be under 18 to automatically apply on the basis of their parents citizenship.
  - These are the main avenues for young people to secure citizenship. If over 24 the only option currently to be eligible for citizenship is to apply as an adult with 60 months (5 years) reckonable residency. All normal criteria apply. See the Irish Naturalisation and Immigration Service website for details on citizenship <http://www.inis.gov.ie/en/INIS/Pages/Citizenship>

### GOING TO THIRD LEVEL WITHOUT IRISH CITIZENSHIP

Third level institutes have been challenged in how to categorise children of non EU migrants for tuition fees. There are three key barriers that impact on young people progressing to third level:

- 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**.
- 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.
- Thirdly (and this depends on the third level institute in question) **many will be unable to reverse their fee status upon obtaining citizenship during their third level education** and may be forced to continue to pay excessively high fees.

### 1. EU/Non EU or international 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 and most young people without citizenship are asked to pay EU tuition fees (these are expensive but less than international student fees).**
- **How do you qualify for EU fees not international student fees?** There is **no national policy or set of guidelines outlining the conditions to qualify for EU fees** (it is left to the discretion of each institution). In MRCI’s experience most young people who have are **3 out of the last year 5 years resident in Ireland qualify for EU fees**. It is not in relation to the residency stamp. For advice on this see the last section.

### 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, a former minor dependant who does not hold Irish citizenship at the time of entry to third level education will be denied access to either the FFI or a higher education grant.
- Unlike many of **our European neighbours there is no provision to recognise residency in accessing financial assistance at third level**. Access to Student Grants provided by the local authorities are also dependent on the nationality and immigration status of the student as per section 14 of the Student Support Act 2011.
- In short, if the children of non-migrants have not obtained citizenship prior to entering a third-level 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.
- If you obtain citizenship during your third level education you may reverse your nationality and apply for a grant, however you cannot in a lot of institutes reverse your fee status for tuition fees.

### 3. Reversing fee status during third level

- Because the qualifying criteria for **the Free Fees Initiative and category of tuition fees** have to be met at point of entry to third level, many third level institutes 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 third level institute in question and in MRCI’s experience **some universities will allow for a change of fee status whilst others will not**. It is hoped the Department of Education and Skills will address this problem before the next university year (September 2013)

## ADVICE FOR YOUNG PEOPLE AND FAMILIES

- ✓ If you qualify apply for citizenship before third level if at all possible with either of the two schemes outlined above
- ✓ Whilst it may be too late for many **always register with GNIB at the age of 16** by visiting your local immigration officer and getting a residency stamp in the passport of the child dependant
- ✓ It is advisable once **parents obtain a stamp 4 or Irish citizenship** that **attempt to change their children’s residency status to stamp 4**. Please **note this is not guaranteed** and is more likely when parents have Irish citizenship.
- ✓ Upon entry to third level **no young person who came to Ireland through family reunification should be categorised as an international student**. Get to know your fees officer and access officer. Ensure they are aware of the length of time the young person and their parents are in Ireland

## Children of non EU migrants applying for citizenship and third level education in Ireland – WHAT YOU NEED TO KNOW!

- ✓ It is possible to negotiate a payment scheme regarding fees owed. In MRCI 's experience once the family show a commitment to paying back the fees on a regular basis a plan can be worked out with the third level institute. For example a certain amount per month towards the tuition fees owed
- ✓ Young people and parents with the support of the MRCI are campaigning for change on these barriers to citizenship and third level for children of non EU migrants. To find out more about our work in this area and the **Migrant Education Access Campaign** see our [Facebook](#) page and website <http://www.mrci.ie/our-work/young-people-education/>

### USEFUL RESOURCES

- ✓ If you and your family are in financial debt regarding tuition fees it is worth getting in contact with Vincent de Paul who have education conferences locally and may be able help.  
**Vincent de Paul** <http://www.svp.ie/Home.aspx?gclid=CLDQsarKpLcCFUEb4QodvQsAfA>
- ✓ Know your grant entitlements. If you get citizenship during third level education it is possible to reverse your nationality and become eligible for a grant if your family's income is below a certain point.  
**Student finance website** <http://www.studentfinance.ie/>
- ✓ New Communities Partnership (NCP) offers a citizenship service that can help you determine if you are eligible to apply for citizenship.  
**NCP Citizenship Application Service** <http://www.newcommunities.ie/services2/cass.html>

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