



Written Submission to the Committee on Justice and Equality on the issues of direct provision and the international protection application process

May 2019

The Union of Students in Ireland (USI)

The Union of Students in Ireland (Aontas na Mac Léinn in Éirinn) is the national representative body for third-level Students' Unions in Ireland. Founded in 1959, USI now represents more than 374,000 students in Further and Higher Education Colleges across the island of Ireland. The goal of USI is to work for the rights of students and a fair and equal post-secondary education system in Ireland. USI is a full member of the European Students' Union (ESU) which represents students from 46 National Students' Unions in 39 countries, and a member of Eurodoc, the European Council for Doctoral Candidates and Junior Researchers.

The Union of Students in Ireland (USI) welcomes the invite of written submissions on the issues of direct provision and the international protection application process, particularly as many members of USI are asylum seekers in education. USI firmly believes that improved access to education would improve the lives and welfare of people living in the direct provision system.

Congress condemns the direct provision system as it currently stands.

Asylum seekers, direct provision and education

Although there are not enough asylum seekers in education due to a lack of access and many limiting barriers, there are schemes in place to assist asylum seekers in attaining a third-level education, including the University and College of Sanctuary schemes being set up by institutions around the country.

An exact number of students who are living in direct provision is difficult to ascertain as there is evidence from Welfare Officers in students' unions that there are instances of students studying in third-level education who are living in direct provision and are not on a scholarship scheme from the institution, using charity as a means for funding their fees.

Student Fees

As it stands currently, asylum seekers' tuition costs are extortionately high as asylum seekers are considered to be international students/non-EU students and do not qualify for the 'Free Fees Initiative'. This means that costs for asylum seekers to study in third level education could be anywhere from €9,750 to €54,975 at undergraduate level, depending on the area of study. Additionally, non-EU fees do not remain static and have been seen to increase year after year in some institutions.

This financial barrier has prevented asylum seekers from entering higher education. Second-level students who are seeking asylum and complete their Leaving Certificate unable to accept college offers and progress to third level to further their education because of the financial barriers that exist as a result of having an international student status.

The 2019 Eurydice Report 'Integrating Asylum Seekers and Refugees into Higher Education in Europe: National Policies and Measures', noted that top level steering documents covering higher education in Ireland do not refer explicitly to asylum seekers and/or refugees. The Report also points out that Portugal classifies asylum seekers as domestic students,

“Portugal covers refugee rights to higher education as a section within a recent (2018) policy decree on international students. The objective is to treat refugee students as equivalent to Portuguese students and hence eligible to receive state social support”.

Other countries have limited specific policy on asylum seekers, meaning institutions are obliged to support students who are asylum seekers themselves. This can be seen in Ireland where institutions and corporations have sponsored study via scholarships.

Recommendation

The Department of Justice and Equality to work with the Department of Education and Skills to produce new policy that would consider asylum seekers and refugees

as domestic students when it comes to fees. The tuition cost for students with domestic fee status and eligible for the 'free fees initiative' is €3,000.

Student Support

The Pilot Student Support Scheme

The Pilot Student Support Scheme has been in place since 2015. This scheme is problematic and restrictive because of the five year residency requirement.

The 1916 Bursary

The 1916 Bursary is available to refugees but they are only considered as one part of seven target groups. The seven groups which this bursary is shared with are:

- Socio-economic groups that have low participation in higher education
- First-time mature student entrants
- Students with a disability
- Irish Travellers
- Those entering on the basis of a further education award
- Lone parents who have been confirmed by DEASP as holding a means-tested social welfare payment (at least 20% of the bursaries must be targeted at lone parents)
- Ethnic Minorities (including refugees)

Funding is provided for the award of 200 bursaries in each of the three academic years commencing 2017/18. Each bursary will be in the amount of €5,000 per annum. This fund is not available to those living in direct provision who are seeking asylum status and in the protection system.

The SUSI Grant

The Student Universal Support Ireland (SUSI) Grant is available to refugees but there are again issues with this support because of its restrictive nature. These conditions are limiting and restrict asylum seekers from accessing SUSI. The conditions are as follows:

- You must have a stamp 4 Visa.
- You must reside in Ireland 3 of the last 5 years.
- You need to follow an approved full-time course at an approved college.
- Your education must be progressing (Level 6, then Level 7, etc.)

All of the above supports are too restrictive for asylum seekers to be able to access this support and engage with the Irish education system.

Recommendation

Requirements for state support should be made less restrictive to increase access among asylum seekers and those living in direct provision. The Leaving Certificate is a two-year curriculum so therefore there should be no requirement to have been in the school system for more than two years.

Scholarships

On an institutional level, some institutions and universities have created scholarship programmes for asylum seekers. The full list of scholarships for 2018 have been compiled by the Irish Refugee Council:

<https://www.irishrefugeecouncil.ie/wp-content/uploads/2018/08/2018-SCHOLARSHIP-Info-2018.06.pdf>

At undergraduate level, there are 54 scholarships throughout the country:

- University College Dublin - 20 Scholarships
- Dublin City University - 5 Scholarships
- National University of Ireland Galway - 4 Scholarships
- University of Limerick - 15 Scholarships
- University College Cork - 7 Scholarships
- Athlone Institute of Technology - 3 Scholarships

There are varying conditions attached to these scholarships based on age, number of years spent in Ireland, and whether you have completed an access programme previously.

Recommendation

While these scholarships are welcome on an institutional level, there is no national scholarships nor national policy on the issue of asylum seekers in higher education. The Committee on Justice and Equality to recommend a national policy on asylum seeker and refugee integration into higher education.

Threat of Deportation

Students who are living in direct provision who are studying under the University of Sanctuary scheme have been issued deportation orders.

In October 2018, an undergraduate student in Dublin City University, Shepherd Machaya, studying under the University of Sanctuary scheme was issued a deportation order. Shepherd was in his second year of study and performing well in college. The threat of deportation caused extreme distress for Shepherd and his friends in college and Dublin City University Students' Union, with the support of students' unions across the country and the USI began to campaign for Shepherd's stay to be extended.

Recommendation

USI recommends that special consideration be given to asylum seekers who are currently studying in third level education before issuing deportation orders.

Place of Residence

Students living in direct provision centres should be able to request that they reside in a centre of close proximity to their place of study. USI ran a student 'think-in' event in November around the issues of direct provision. At this event there were students who travelled from centres in Athlone to study in Dublin City University and centres in Waterford to study in University College Dublin.

Although many institutions are funding study for asylum seekers through scholarships, the majority of these scholarships do not cover accommodation or travel.

Recommendation

Member states have authority to decide the residence of asylum seekers in the application process, therefore USI recommends the Department of Justice and Equality to create procedures for asylum seekers to apply for residence nearer to their third-level institution.

LGBTI+

USI as an organisation has supported the LGBTI+ community since its foundation and realises that there are members of the LGBTI+ community all over the world, some of whom are seeking asylum in Ireland and living in direct provision centres. There are very different cultures among those living in direct provision and in some

cultures it is prohibited to be LGBTI+. Many LGBTI+ asylum seekers have spoken out about feeling unsafe in their rooms because of open homophobia and some must hide their sexuality in the centres.

Many LGBTI+ people have fled their own country because of a threat to safety, persecution and violent homophobia. These people should not be forced to endure similar threats when in the protection system.

If the government continue to allow LGBTI+ asylum seekers to live in fear for their lives in Ireland, it is essentially state-sponsored homophobia.

Recommendation

It is the role of the Department of Justice and Equality to protect those seeking asylum and USI recommends safety measures be put in place to ensure members of the LGBTI+ community do not feel unsafe in their rooms. If someone requests to change their room on grounds of homophobia, transphobia or other grounds relating to gender identity and sexual orientation, they should be accommodated.

The Committee should also look at the feasibility of offering cultural awareness workshops and LGBTI+ workshops which could possibly decrease levels of homophobia in the centres. Education and information can be the key to understanding.

Submission Authors:

Aisling Cusack

Vice President for Equality and Citizenship
2018/2019

equality@usi.ie

Colm O'Halloran

Vice President for Dublin
2018/2019

dublin@usi.ie

References

- Eurydice Report on Integrating asylum seekers and refugees into higher education in Europe - <https://publications.europa.eu/en/publication-detail/-/publication/f1bfa322-38cd-11e9-8d04-01aa75ed71a1/language-en/format-PDF/source-88265520>
- Irish Refugee Council - Scholarship Info - <https://www.irishrefugeecouncil.ie/wp-content/uploads/2018/08/2018-SCHOLARSHIP-Info-2018.06.pdf>