



IRISH COUNCIL FOR INTERNATIONAL STUDENTS

**Response to the
Proposed New Immigration Regime
for Full-time non-EEA students**

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I. Introduction

This submission is made on behalf of the Irish Council for International Students (ICOS). ICOS was established in 1970 to promote the welfare of international students in Ireland and its mission is to enhance the quality and the benefits of international education by providing expert support services to international students and the institutions which host them. ICOS is an independent, non-profit organisation with over 30 institutional members. ICOS is currently also contracted by the Department of Foreign Affairs to manage the Irish Aid Fellowship Training Programme.

ICOS welcomes this opportunity to contribute to the discussion on a new immigration regime for full-time non-EEA students. ICOS shares the Government's view that the provision of educational services to international students is very important not just for the Irish economy but also from a political, social, cultural and educational perspective. The importance of this sector in the Irish context and the Government's agreement on the best way forward has been previously comprehensively articulated in the "Internationalisation of Irish Education Services Report of the Interdepartmental Working Group" published in 2004. This should continue to provide the broad framework for any changes to the system. The recent announcement of the Minister for Education and Science to introduce a Quality Mark for providers is coherent with the 2004 strategy.

ICOS' responses to particular aspects of D/JELR's current proposals are set out below:

A. General Structure

The acknowledgement that international students are a diverse group in terms of their age profile, language ability and level of previous academic achievement and motivation for coming to Ireland is welcome. The institutions that enrol international students are equally diverse in terms of the level of awards, facilities, quality of teaching etc. that they offer suggesting that a differentiated system rather than the current "one size fits all" system will be more appropriate for the future. However, ICOS feels that the tiered system as suggested in the current proposal is potentially problematic for a number of reasons and a three tier differentiation rather than two tiers may better reflect the current structure of our educational system and allow for the particular issues at each level to be addressed separately. In any case, the most likely competent authority to advise on tiering is the NQAI now incorporating HETAC and FETAC.

The 3-tier system:

Tier 1	Primary and Secondary Schools (1-5)
Tier 2	Further Education and English Language (levels 5-6)
Tier 3	Third Level Education (level 6 and above)

Within the 3-tier structure, ICOS recommends that Level 6 and not Level 7 be recognised as the beginning of higher education. Many established institutions, DIT, Institutes of Technology, NCI and others offer HETAC or own awards at Level 6 from which many students progress to Level 7 and higher. In terms of immigration permission for Higher Education, ICOS suggests that the key issue is the quality of the institution offering the award and not the level of award per se. This recommendation supports ICOS' further recommendation later (ref R2 and R3) that non-EEA student permission to remain in Ireland should be based on certified proof of **progression** through the system, e.g. recognized English language test, passing exams etc rather than an overall limit of 5 years.

R2 and R3 : Maximum Aggregate Time

The rationale for Minister's proposal to place a limit on maximum aggregate time a student can spend in the state is understood. We cannot have a system where the student immigration route is used by some as a backdoor to the Irish labour market where students renew their registrations for courses of a similar level year after year without showing any real academic progress or career direction. However, ICOS feels that to limit the overall time to 5 years may be unduly restrictive and not take account of many situations where students could have a legitimate educational basis for staying longer. The Minister has mentioned some situations where exceptions to the 5-year rule will apply and we welcome these. However, there are many other situations where students may not have progressed to Level 9 or 10 within 5 years. Some of these situations are outlined below:

- a) Where accompanied (children of work permit holders for example) or unaccompanied children complete part of their second level education in Ireland¹ typically a number of years leading to the Irish Leaving Certificate examination. In this situation, the student progressing to higher education in Ireland may already have been in Ireland for 2 years on a stamp 2a. If the preferred option of these students is a 4-year Level 8 programme, the proposed 5 year rule would disallow them from continuing.
- b) Where students complete a 1-2 year language/foundation programme and are progressing to a Level 8 programme many of which have a 4-year duration.
- c) Where students complete a 1-year language/foundation programme and the Level 8 programme to which they are progressing has duration of more than 4-years (eg Shannon College of Hotel Management Level 8 Bachelor of Business Studies degree is a minimum of 4 years and 6 months).

Furthermore it is not clear how students pursuing professional qualifications (egg Accountancy) will be treated under the new arrangements especially in relation to the 5 year rule. A number of worried non-EEA Stamp 1a holders have already been in touch with ICOS on this matter.

ICOS recommends that **proven progression** should determine a non-EEA student's right to remain in the state as a student and if a time limit is to be applied it should be for a maximum aggregate of 6 years rather than 5 as proposed.

¹ At the moment registration with the GNIB is required when minors reach 16 years of age. Unaccompanied minors will receive a Stamp 2a while accompanied minors will receive either a Stamp 2a or a Stamp 3.

B. Student Work Concession

We welcome the Minister's decision not to introduce any immediate changes to the student work concession until a thorough review is carried out which will examine the impact of the concession from various points of view. The issues to be taken on board in the review are specified and ICOS supports these, i.e. the state of the labour market and the importance of the work concession in terms of marketing Irish educational services to international students. Not specified, however, is the impact of the work concession on the quality of the overall student experience. ICOS recommends that the social and educational dimensions should be included in the review criteria. The employment experience contributes not only to students' financial well-being, but by broadening students' range of social contacts, also assists in language and cultural understanding and general integration into Irish society. Well adjusted students with good language skills are in turn more likely to succeed academically.²

C. Inspection and Regulation

ICOS is supportive of the Minister's proposals to introduce a more coordinated and robust regulatory environment which will ultimately offer greater protection to international students ensuring that only institutions with a Quality Mark will be considered for student visa purposes. The phasing out of the internationalization register which focuses on course accreditation only and its replacement with a licensing regime for institutions is ICOS believes the correct direction. Any statutory code of practice for institutions should be broad-ranging and, in this context, full advantage should be taken of the standards and guidelines on the Provision of Education to International Students as set out in the recently released Irish Higher Education Quality Network (IHEQN) document.³

D. Placement of Children non accompanied by Parents

ICOS accepts the principle that unaccompanied non-EEA children should pay fees to attend Irish schools at primary and secondary level and where possible attendance should be in private schools not in receipt of State support. This is in line with current regulations in the UK for example. For the system to work efficiently, it will be important that there is a reliable list available of schools that meet the criteria as set out in R11 (ii). ICOS is not aware of any such listing at the moment. The immigration levy proposed in R11 (iii) should be reasonable and not be such as to prevent Irish schools which have a positive history of enrolling international students from continuing to do so in the future. Non-EEA children who attend Irish schools may often choose to continue their education in Ireland by progressing to Level 7 and above and should be encouraged to do so.

² Ref ICOS' submission: www.icosirl.ie/content/download/441/2588/file/ICOS-Student-Employment-Permit.pdf

³ Code of Practice and Guidelines on the Provision of Education to International Students: www.icosirl.ie/content/download/872/5346/file/Provision_of_Education_to_International_Students.pdf

E. Family Reunification

ICOS continues to take the view, articulated earlier in the organization's submission on the Immigration Residence and Protection Bill 2008⁴ that all persons have the right to be united with members of their family. This is a basic human right and students should not be treated differently from other citizens in this respect. It is accepted that there should be certain conditions to this right which would include proof of ability of the main applicant to support their family member while in Ireland. The onus is on the authorities to be transparent and consistent on the requirements. In practice at the moment, students are in some cases being granted visas for spouses and dependent children only to run into difficulty when presenting for registration.

Ireland loses many high calibre students to the UK and other destinations because of our uncompromising and less than transparent rules in this area. In the UK, for example, non-EEA students studying above degree level in publicly funded institutions are permitted to be joined by their dependents for the duration of their studies. At minimum, all students at Masters Level and above should be permitted to be joined by their spouses/dependent children. In his proposals, the Minister has suggested that only PhD level students would be permitted family reunification with the possible exception of some "target persons of high academic ability engaged in masters level courses considered to be of strategic importance to the State". It is difficult to see how this latter proposal might be implemented in practice and what criteria might be used to determine the strategic importance or not of certain Masters programmes.

F. Work Placements and Internships

ICOS welcomes the Minister's acknowledgement of the legitimate educational value of work placements and internships which as the proposals state have become an increasing feature of academic programmes. ICOS broadly welcomes the proposed measures and the genuine attempt to bring clarity and transparency to the system which has been problematic for some time. Where there are legitimate courses provided by licensed providers which do not meet the strict criteria outlined in R14 (a) and (b) exceptions should be made on a case by case basis. ICOS has already made a previous submission on this matter.⁵

G. Visa Issues

Student applications to Ireland are decreasing from India and China which are the two main markets after American study abroad students. The visa issue is a critical matter and the perception of Ireland as having an unreasonable and less than transparent regime when compared to competing jurisdictions needs to be addressed.

⁴ Ref ICOS submission: www.icosirl.ie/content/download/432/2524/file/ICOS-Immigration-Res-ProtectBill2008.pdf

⁵ Ref ICOS submission: www.icosirl.ie/content/download/884/5414/file/internships_response_200901.pdf

Any attempt to bring Ireland's visa system in line with best practice internationally is to be welcomed. What is needed is an efficient, customer focused and transparent system administered by staff with specialist training.

ICOS is not opposed to the specific proposal to introduce a visa requirement for all students from 1 January 2011 although we suggest that 6 months rather than 3 months should be the exemption period. Many semester only students from North America are in Ireland only for 3 ½ months and a costly and possibly cumbersome visa requirement would not be well received by potential students. We are reassured by the Department's commitment not to introduce any changes which would have a negative impact on current processing times. It is questionable, however, whether a new regime can be properly resourced in the timeframe suggested especially during the current recession when a public service embargo on recruitment is in place. In any case, it would seem to make more sense to proceed with the implementation of a quality regime including the licensing of institutions entitled to enrol international students first. This would immediately stem the flow of applications from unqualified providers thereby giving legitimate applications an easier passage through the system.

H. Information

ICOS welcomes the Minister's proposals to address the information deficits in relation to student visa and residence conditions. To be efficient and effective, the system must be transparent with information readily available and regularly updated on the INIS website. In R18, the Minister refers to the need for coordination and agreement between state agencies and INIS before international agreements regarding the migration of students can be entered into. This is accepted, however, it is also important that no changes to the immigration regime which might impact on non-EEA students are made without reference to the education sector and the need for a reasonable lead in time to implement changes and without compromising existing commitments and information provided to students.

I. Future Policy Coordination

To derive the full benefits from the internationalization of Irish education services, it is clear that there needs to be a national strategy which involves coordination at the highest level between those involved in immigration aspects of policy and those involved in non-immigration aspects, marketing, student support, course accreditation, industrial placement etc. This coordinated approach evident in the 2004 Internationalisation Report was warmly welcomed across the sector. The Report captured the potential longer-term and wider impact of opening up our education services. ICOS is pleased that the current proposals (pg 19) continue to recognize that potential. We welcome the need for consideration of post graduate internships and longer term residence options for non-EEA graduates. In the meantime, reliable data needs to be collected on the measures that we do have in place such as the Third Level Graduate Scheme to assess whether it does offer the added value it was intended to provide. The Irish scheme is far less favourable than the UK and Scottish schemes and would seem to place Ireland at a market disadvantage.

Conclusion

We thank D/JELR for the opportunity to make these comments. For clarification or further information please contact:

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