



BORD OIDEACHAIS AGUS OILIÚNA CHIARRAÍ
KERRY EDUCATION AND TRAINING BOARD

Kerry Education and Training Board
Fees and Fee Waiver Policy
Addendum – Non-European Nationals.
Further Education and Training
(FET) Pillar

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INTRODUCTION

Kerry Education and Training Board (Kerry ETB) is committed to implementing a fair, equitable and transparent system for determining, collecting and refunding course fees across all FET provision. Kerry ETB calculates fees to minimise barriers to participation for all learners.

PURPOSE OF THIS ADDENDUM

The purpose of this addendum is to outline in a clear and transparent manner for management, staff, learners and all key stakeholders the principles and procedures that Kerry ETB adopts in relation to fees for Non-European Nationals.

SCOPE OF THIS ADDENDUM

This addendum applies to fees and fee waiver/exceptions applicable to Non-EU National Asylum Seekers, across FET Provision.

This policy should be read in conjunction with:

- Circular Letter 0036/2019 - Guidelines on access to PLC for certain participants in the asylum process for the 2019/20 Academic year
- Student Support Act 2011
- Skills to Advance Policy
- Kerry ETB Receipts and Lodgements policy
- SOLAS xx

FEES IN RELATION TO NON- EU NATIONALS

The categories listed below are entitled to free tuition on full time courses, while any other categories should be charged the economic fee which is currently set at €3,653 per annum (DES Memo 27 9 2001).

The following categories will be entitled to free tuition in Kerry ETB:

- *EU nationals;*
- *Persons who have refugee status in Ireland - be that convention or programme refugee status;*
- *Persons in the State as the spouse of an EU national, where the EU national has moved from one country to another within the EU to work;*
- *Persons (including their dependent spouse and children) who have been granted leave to remain in the State on humanitarian grounds;*
- *Persons who have permission to remain in the State as the parents of a child born in Ireland; (they should have a letter from the Department of Justice, Equality and Law Reform granting them “leave to remain”. These rights extend to programmes in the Further Education sector only. Such a right is not extended to siblings of the Irish born child.)*
- *Those asylum applicants covered by the terms of a Government decision of 26 July 1999 - See Appendices. (Such persons will be in possession of a letter from the Asylum Division of the Department of Justice, Equality and Law Reform(D/JELR) stating that they are eligible to seek work).*
- *Eligible learners who are in the Protection System or at the Leave to Remain (but not deportation order) stage, and who are pursuing an approved course for progression may be eligible to apply for the DES Pilot Support Scheme to cover fees (<https://www.education.ie/en/Learners/Services/Pilot-Support-Scheme/Pilot-Support-Scheme.html>).*

These categories are subject to change by Department of Education & Skills.

EVIDENCE OF ELIGIBILITY FOR INTERNATIONAL PROTECTION LEARNERS

- Applicants must produce **evidence**. Keep copy on file.
- The permission is printed double-sided on watermarked paper, with a colour photograph, a unique permission number, signed on both sides by the approving officer and clearly shows the validity period.
- The permission is only valid when presented along with a valid, in-date Temporary Residence Certificate (TRC Card), unless the person is under 18yrs and has not received one.
- The Labour Market Access Unit (LMAU) of the Irish Naturalisation and Immigration Service (INIS) processes applications lmauapplications@justice.ie.
- Renewal must be applied for one month in advance of the expiry date on the person's permission.
- (Access to **PLC** subject to the **full economic cost (€3,653)** as set out in DES Memo 27 9 2001. (as applies to all non EU learners). Learners who may be eligible for fee support under the DES Pilot Support Scheme visit <https://www.education.ie/en/Learners/Services/Pilot-Support-Scheme/Pilot-Support-Scheme.html>.

Asylum seekers who entered the country after 26 July 1999 are not eligible for free PLC tuition, except in cases where they have been granted “leave to remain” or on the basis of being the parents of an Irish born child.

Asylum seekers in the “right to work” category who entered the country before 26 July 1999, who have been waiting at least a year for a determination on their case and are in possession of the notification of their right to work from the D/JELR, are entitled to free tuition on PLC courses. However, free tuition fees do not apply to International Protection Learners.

- In May 2017, the Supreme Court found that an absolute ban on the right to seek employment for asylum seekers, where there was no time limit in the decision making process, was unconstitutional.
- Under the Directive, asylum seekers will have access to the labour market & FET courses **nine months from the date when their protection application was lodged**, if they have **yet** to receive a first instance recommendation from the International Protection Office and if they have cooperated with the process.
- If their first application was **refused** and they are appealing they are **not** eligible.
- The Directive does **not apply retrospectively**.
- The permission will be granted to eligible applicants for **six months** and will be renewable until there is a final decision on their protection application.
- In the past asylum seekers could only access basic education to facilitate participation in everyday life.
- The new Directive allows access to FET / HET that have an employment, vocational or workplace-training component.
- International Protection Learners are now treated the same as Irish Citizens in **accessing** FET.
- Protection Applicants **may apply now to all FET programmes**. Right to apply – not to a place!
- You may wish to note that applicants may not seek employment in the Gardai, Civil Service or Defence Forces.
- **Dept. Justice & Equality are advising people to contact ETBs and Intreo for information and queries.**

Asylum seekers enrolled on programmes will be notified in writing that their enrolment on an education and training programme is without prejudice to their application for asylum, and cannot be used as a basis for seeking

to stay in the country where applications are refused. The asylum seeker should confirm in writing to the College that s/he accepts this condition. The full economic fee must be paid in full and is non-refundable.

APPENDIX 1: DEFINITIONS & NOTES REGARDING ASYLUM SEEKERS, REFUGEES, INTERNATIONAL PROTECTION LEARNERS, STAMPS AND PERMISSIONS

- **Asylum Seeker** are people seeking to be granted protection as a refugee outside their country of origin, and are awaiting the determination of their status. In Ireland, the asylum process is a legal system which decides who qualifies as a refugee and is then entitled to remain in Ireland and under its protection.
- **What is the difference between an Asylum Seeker and a Refugee?** An asylum seeker is someone who is seeking international protection but whose claim for refugee status has not yet been determined. In contrast, a refugee is someone who has been recognised under the 1951 Convention relating to the status of refugees to be a refugee.
- **International Protection Learners** are those who are applying for either refugee status or subsidiary protection. People in this category have the right to access work and education / training. Rights are granted for a period of at least three years and then the person must renew their application if it has not yet been processed. They must keep doing this until they have been granted refugee status, subsidiary protection, leave to remain – or been deported. Since May 2017, asylum seekers will have access to the labour market & FET courses nine months from the date when their protection application was lodged, if they have yet to receive a first instance recommendation from the International Protection Office and if they have cooperated with the process. Note: (International Protection Learners do not have Stamps).
- **Convention Refugee:** These are people who are covered by the Convention Relating to the Status of Refugees, also known as the Geneva Convention or the 1951 Refugee Convention, is a United Nations multilateral treaty that defines who a refugee is, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum. A Convention Refugee is someone who matches the definition of a refugee in the [Geneva Convention on Refugees](#).
- **Programme Refugee:** is someone who is invited to Ireland by the government, usually in response to a request for protection from the UNHCR. You cannot apply directly to become a Programme Refugee. [Programme Refugee](#).
- **Subsidiary Protection:** If a person does not qualify to be a refugee but are at risk of serious harm if sent home, they may be given a status called *Subsidiary Protection*. People with Subsidiary Protection will be allowed to stay in Ireland and be given many of the same rights as an Irish citizen.
- **Permission to remain** Under section 49 of the International Protection Act 2015, if an applicant is not given either a refugee declaration or a subsidiary protection declaration, the Minister for Justice and Equality may consider whether they should be given permission to remain in the State.
- **Stamp 0** indicates permission to stay in Ireland for a temporary period, subject to conditions. Person must be fully financially self-sufficient and cannot receive any benefits or use publicly funded services.
- **Stamp 1** indicates permission to work or operate a business in Ireland, subject to conditions. These are usually people on work permits.

- **Stamp 2** indicates permission to study a full time course on the official [Interim List of Eligible Programmes \(ILEP\)](#) for a specified period, subject to conditions. (Currently Ballyfermot College is the only ETB with eligible courses on that list).
- **Stamp 3** indicates permission to stay in Ireland for a specified period, subject to conditions. People here are usually either volunteering or involved in religious ministry and cannot work.
- **Stamp 4** indicates permission to stay in Ireland for a specified period, subject to conditions. This is the main category for ETB learners. You can take up employment and are not required to hold an Employment Permit. People with Stamp 4 may work and may access state funds and services as determined by Government departments or agencies. Stamp 4 must not have expired. Convention and Programme Refugees or those with Subsidiary Protection will have a Stamp 4.
- **Stamp 5** indicates permission to stay in Ireland without limits on the time you can remain here, subject to other conditions.
- **Stamp 6** indicates you are an Irish citizen with dual-citizenship.

International Protection Learners – What is Evidence of Eligibility?

- Applicants must produce evidence. ETB staff to keep copy on file.
- The Dept. of Justice & Equality permission is printed double-sided on watermarked paper, with a colour photograph, a unique permission number, signed on both sides by the approving officer and clearly shows the validity period.
- The permission is only valid when presented along with a valid, in-date Temporary Residence Certificate (TRC Card), unless the person is under 18yrs and has not received one.
- The Labour Market Access Unit (LMAU) of the Irish Naturalisation and Immigration Service (INIS) processes applications. lmauapplications@justice.ie
- Renewal must be applied for one month in advance of the expiry date on the person's permission.

Impact on FET Operational Guidelines

- Protection Applicants can be self-referred or referred by DEASP.
- Medical card or a DEASP payment requirements (Jobseekers Allowance etc) waived.
- All other conditions in set out in our Operational Guidelines apply as they do to all.
- Access to PLC subject to the full economic fee as set out in DES memo 27 9 2001. (as applies to all non EU learners)
- If a young person has an Irish Leaving Certificate and was in school in Ireland for 3 years the full economic fee for PLC courses is waived.
- Applicants are entitled to Meal & Travel Allowances where they apply.
- Training Allowances do not apply as Protection Applicants are not entitled to DEASP income support other than Direct Provision weekly payment.
- Apprentice payments during off the job phases (equivalent to wages on the job) will be paid by approved employers.
- Apart from DEASP/Intreo Case Officer referrals to a specific ETB provision ETBs must in the first place refer each eligible applicant to the Adult Guidance Service (ie KAGIS) to provide support and guidance on the most suitable provision to meet their need.