



To :

Chief Executive Officers of VECs
Principals of PLC colleges
National Co-ordinators

27 September 2001

Re : Access to PLC, VTOS and Youthreach programmes for non EU nationals

Dear CEO/Principal/Co-ordinator,

This letter sets out arrangements to be applied to non-nationals who seek entry to PLC courses, Youthreach or VTOS programmes. Please bring these arrangements to the attention of all relevant staff in your area. The *White Paper on Adult Education: "Learning for Life"* sets out a number of proposals in relation to the participation in education and training of refugees and asylum seekers in **s.8.13**. An extract is set out in Appendix 1.

1. Treatment on equal basis with Irish nationals, subject to normal conditions of relevant scheme

As a general principle the following categories must be treated on the same basis as Irish nationals in terms of access to vocational training programmes within the Further Education Sector i.e. **the same conditions as apply to Irish nationals for the relevant programme or scheme should also apply to them**

- *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 Appendix 1. (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).*

2. PLC applicants

2.1 Tuition

In practice, the categories listed at 1. above are entitled to free access to PLC courses, while **any other categories should be charged the economic fee, which, for all future fees levied, should be £2,877 per annum. Participants who pay the economic fee should be self-supporting, and have approval to remain in the State (i.e. student visa or green handbook stamped by Gardai).** If not approved to stay in Ireland, it is suggested that students be told in a letter that the college is willing to enrol them on payment of the economic fee and production of an approval letter from the D/JELR to stay in Ireland.

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.

VECs are asked to ensure that any asylum seekers enrolled on programmes are 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 VEC that s/he accepts this condition.

2.2 Student Maintenance grants

For administration of student maintenance grants the normal criteria governing eligibility for the schemes (nationality, residency clause, and means test etc) apply. While EU nationals, refugees and those who have been granted humanitarian leave to remain in the State may apply for maintenance grants, subject to the criteria of the schemes of assistance, **non-EU nationals and asylum seekers are not eligible to receive maintenance support.**

2.3 Progression to third level (including D/SFCA Back to Education Third Level Option)

The free fees initiative does not apply to non-EU nationals or asylum seekers. The present position whereby access for such groups is conditional, among other things, on payment of the economic fee with no entitlement to maintenance or fee support is unchanged.

Where free fees under the third level student support schemes apply to refugees and those with humanitarian leave to remain in the State, the usual residency requirements (resident in the EU for 3 of the last 5 years) also apply.

3. VTOS

Participation in the Vocational Training Opportunities Scheme, including dispersed mode PLC courses, is confined to adults aged 21 or over who are receiving an unemployment payment or signing for credits for at least six months. Dependent spouses, recipients of One Parent Family Payment or disability payment who meet these criteria are also eligible.

Asylum seekers in the “right to work” category i.e. those 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 Department of Justice Equality and Law Reform are entitled to VTOS. They are also required to be over 21, have been unemployed for at least six months (time spent on supplementary welfare or in direct provision can count for this), and have been in receipt of the relevant payment immediately before accessing the programme.

Refugees and dependent spouses of Irish nationals who satisfy the normal conditions of VTOS are also eligible.

Asylum seekers who are parents of an Irish born child are also entitled to VTOS subject to being over 21 and at least six months unemployed, having the required “approval to remain” from the Department of Justice Equality and Law Reform, and having been in receipt of a relevant payment immediately before starting the programme. The time spent on supplementary welfare or in direct provision in Ireland prior to the child being born may count for the purpose of the six month qualifying period.

4. Third level colleges

Like other non-EU nationals, asylum seekers are not eligible for free tuition in third level colleges.

5. Youthreach

Youthreach is confined to young people aged 15-20 years of age who left school with less than 5 Ds at Junior cycle or equivalent.

As a general rule, pupils are admitted to primary and second level schools in Ireland irrespective of their nationality or status, and non-EU nationals, refugees and asylum seekers under 18 would therefore generally avail of free education at their local schools. Where refugees or asylum seekers aged 15-18 have not completed upper secondary education and their circumstances are such that school is not a viable option, they may be admitted to Youthreach. It is envisaged that this will arise only in the most exceptional cases, and where there is the prior approval of the Further Education Section – an educational assessor will be put in place shortly to undertake an assessment of individual needs.

6. Primary and Post-Primary Schools for non-nationals

It is the practice to admit children up to 18 to primary or post-primary school irrespective of nationality or status. Additional resources are available to schools for those for whom English is not the mother tongue, as set out in the Department’s information booklet on the subject.

7. Refugees

Under the terms of the **Refugee Act, 1996**, refugees (adult/children) have rights of access to all educational services on the same basis as Irish nationals.

8. Integrate Ireland Language and Training

Integrate Ireland Language and Training (formerly The Refugee Language Support Unit) established under the auspices of Trinity College, has been provided with a budget to co-ordinate action for language tuition for refugees to assist them along the pathway to independent living. The Unit's functions are fulfilled in co-operation with FAS and refugee groups.

The Department of Education and Science has recently agreed to provide additional funds to the Unit for staff development programmes, for VEC and voluntary tutors and, for resource materials to meet the literacy and language needs of adults, including asylum seekers and other non-nationals. A Working Group including VEC and NALA representation is being established to progress this development.

9. Adult Literacy

Within the constraints of the overall budget provided under the Adult Literacy and Community Education Scheme, **adult literacy and language tuition may be provided free of charge for adult asylum seekers**. A pilot initiative has begun in the Dublin area to assess levels of need, programme requirements and costs in this area. Pending the outcome of the pilot study, it will not be possible to cater for adult asylum seekers other than through existing levels of resources.

10. FAS

In general asylum seekers cannot access vocational training provided by FAS. However those in the "right to work" category are provided with work orientation programmes and supports organised through an Asylum Seekers Unit within FAS. Refugees and those with humanitarian leave to remain in the State or granted leave to remain as parents of an Irish born child, have the same rights as Irish nationals.

11. Implementation

These arrangements take the place of any previous arrangements for non-nationals, refugees and asylum seekers and may be applied with immediate effect.

Yours sincerely,

Peter Kelly,
Assistant Principal.

Appendix 1

Extract from “Learning for Life”: White Paper on Adult Education regarding the treatment of asylum seekers seeking access to adult education

1. It is proposed that for **children aged between 15-18**, referral to school or Youthreach;

2. In the case of **asylum seekers with entitlement to work** (all pre 26 July 1999 asylum seekers who are at least one year in Ireland),
 - Free access to adult literacy, English language and mother culture supports;
 - Free access to active labour market programmes such as PLC or VTOS if over 21 and six months in receipt of qualifying social welfare payment, on the same basis as other participants. **As non-EU nationals they would not get maintenance grants for PLC courses**, but no tuition fees would be charged;
 - Access to free part-time Back to Education Initiative programmes up to and including PLC level for Social Welfare recipients, under arrangements set out for Category 2 in Chapter 4 of the White Paper;
 - Access to education and training programmes will be allowed for this group on the clear understanding that enrolment is without prejudice to the determination reached on their asylum status, and cannot be used as a basis for seeking an extension or remaining in the State should their application for asylum be rejected;
 - In line with other non-EU nationals, access to third-level education will apply only on payment of the economic fee, and there will be no entitlement to maintenance grants.

3. For those **asylum seekers who do not have an entitlement to work**, free access to adult literacy, English language and mother culture supports only.