



**Response**

**to**

**Economic Migration Policy Unit**

**Department of Enterprise, Trade & Employment**

**On**

**Proposed Draft Scheme on the introduction of  
Employment Permits for non-EEA students**

Irish Council for International Students  
41 Morehampton Road  
Dublin 4  
April, 2008

## ***Introduction***

This submission is made on behalf of the Irish Council for International Students (ICOS). ICOS was established in 1970 to promote the rights and welfare of international students in Ireland and its mission is to enhance the quality and the benefits of international education in Ireland 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 which include all the universities, most of the institutes of technology and the main independent colleges interested in international education (see attached list).

ICOS acknowledges that the Government has made a commitment in the context of the current Social Partnership Agreement, “Towards 2016” which will see the employment of non-EEA students become subject to an application for employment permits.<sup>1</sup> ICOS also acknowledges the Government’s willingness to consult with stakeholders on this matter and is pleased to submit the following comments on behalf of its members. We also refer to earlier representations to the Department of Enterprise Trade and Employment (DETE) and to a 2006 ICOS’ submission on the working rights of non-EEA students<sup>2</sup>.

In terms of the admission of international students to the state and their working and other rights while temporarily resident here, the policy context is very important and we note the Government’s previous commitment to the internationalisation of Irish Education Services<sup>3</sup>. Higher Education institutions (HEIs) are enthusiastic partners in this process for educational as well as economic reasons and have enjoyed the active support of DETE, through Enterprise Ireland in their promotional activities in overseas markets. The most recent statistics reveal that there were over 27,000 international students enrolled in Irish HEIs in 2006/2007 with a value to the economy conservatively estimated at over €370 million<sup>4</sup>. To ensure continued growth and success, it is particularly important that the education sector continues to enjoy the support of the enterprise sector in attracting more international students to Ireland.

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<sup>1</sup> “Towards 2016”, Ten-Year Framework Social Partnership Agreement 2006-2015 section 24.2

<sup>2</sup> Meeting 2 Dec.,2006 and submission dated December, 2006

<sup>3</sup> Internationalisation of Irish Education Services, Report of Interdepartmental Working Group, Nov, 2004

<sup>4</sup> International Students in Irish Higher Education 2006-2007, IEBI, Feb., 2008

International students will have a key role in the development of our HEIs and in the Government's strategy for Science, Technology and Innovation in particular. As Ireland competes globally for the best students, it will be important that the country provides a receptive environment in terms of employment and immigration policy and while ICOS accepts the genuine desire of the Government and social partners to protect workers from exploitation and welcomes the recent establishment on a statutory basis of the National Employment Rights Authority (NERA), it feels that it is important that balance is achieved. Systems introduced should be targeted at identifying rogue employers and students and not constructed such that genuine students are penalised and deterred by bureaucratic and costly procedures.

In the context of access to employment for non-EEA students, it is also worth noting that 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.

ICOS welcomes certain aspects of the proposed scheme in particular the recognition that student internships should not be subject to employment permit applications and the lack of restriction on the categories of jobs that will be open to students. However, ICOS is not convinced that the scheme as presented in the current proposal is fair or workable from the international student perspective. Our detailed comments are set out below:

## **Proposed Conditions for Registration and Registration Process**

Under the proposal, only students presenting at GNIB with evidence of a job offer will be eligible for a stamp 2. This represents a big departure from the current arrangements whereby all students on approved long term courses were issued with a Stamp 2. ICOS feels that the new proposal does not fully take into account the following practical considerations :

- Most eligible non-EEA students passing through ports of entry receive a stamp at immigration requiring them to register with their local GNIB office within 4 weeks of arrival. For most students, who will otherwise be preoccupied with the process of settling-in and adjusting to their new surroundings, four weeks is an insufficient time in which also to be expected to become familiar with the local labour market, be issued with a PPS number open a bank account and find a job. There is a further anomaly in that currently students cannot get a PPS no. without a GNIB card, so the GNIB card comes first. The net affect of the proposed new procedure will be that most students will register initially without a job and will receive a Stamp 2A.

Those students lucky enough to secure employment will therefore, within a relatively short space of time (2-3 months), be required to re-register at local GNIB offices, adding to the already existing pressures on staff in those offices and students will also be required to pay an additional registration fee of €100. This seems very unreasonable to students and also unfair on GNIB staff unless additional resources are provided.

In 2007 (during Oct-Dec), the GNIB office in Burgh Quay opened its office on Saturday specifically to facilitate student registrations. This initiative was very much welcomed by students and HEIs but it did not alleviate all the problems, particularly the need for students to queue for long periods before reaching a service desk. The new measure if introduced will add to customer dissatisfaction and put additional pressure on GNIB staff especially at peak periods.

- In ICOS' view, the proposed scheme does not fully take into account the full nature of the student labour market which operates generally under certain conditions: (i) students themselves need flexibility in order to cope with the varying demands of their academic programmes. Students may require differing work loads/hours of employment depending on college calendars and will obviously be less available at examination time or coming up to deadlines for submission of course work. This effectively means that many students will work for temporary periods with possibly different employers depending on their availability; (ii) employers will also need flexibility and jobs offered to students are often temporary or seasonal in nature (eg Christmas retail trade) with little or no predictability regarding the number of hours available in any week. The attraction of the current scheme is that it suits both employers and students. The proposed new scheme will suit neither due to the bureaucracy and costs involved and will in ICOS' opinion lead to more "undocumented" labour and reduced worker protection.

ICOS supports the intention of the scheme to protect students in casual employment from exploitation but does not feel that the scheme as constructed is the best means of achieving this end. If, in future as the proposals suggest, Stamp 2 will not entitle students to work without an employment permit, why not continue to issue Stamp 2 to qualifying students? Entitlement to work will be contingent upon documentation provided to and from DETE. Given the high numbers of employers and students who will potentially be involved in seeking employment permits, ICOS feels that available technologies should be fully exploited to produce efficiencies. On-line application processes and smart cards are examples of technologies that might be applied. Would it not be possible for employers to submit a form on-line each time they wanted to employ a named non-EEA student who was in possession of a Stamp 2? Information could be shared between GNIB and DETE but should not have to involve the student making a separate trip to the GNIB and paying €100 each time they changed job.

- It is not clear from the proposals, how students currently in possession of a Stamp 2 will be treated. Neither is it clear how other categories of work will be accommodated under the new arrangements in particular voluntary work and unpaid work experience. This kind of work is often recommended to students to complement their academic programmes but is not compulsory.

- It is not clear what the overall processing time for an employment permit will be from the time the student presents at a GNIB office with employer details to the actual issuing of the permit to the student and copy to the employer. Obviously, the efficiency of the scheme will greatly influence compliance as will cost as has already been mentioned. Students change jobs frequently and should be able to continue to do so without being penalised. The cost, delay and bureaucracy involved in getting a new employment permit may force students to remain in unsuitable jobs which is exactly the opposite intention of the Social Partnership Agreement.
- Point h. of the proposal specifies that the GNIB, at renewal of registration, will check for evidence of the student working more than 20 hours a week, or being paid less than the minimum wage or working for a different employer. It is not clear on what evidence the GNIB will base their assessments and it is ICOS' view that the onus should be on employers to provide such evidence and not on students. The Labour Inspectorate has a key role to play when it comes to enforcement. Both employers and students should know that failure to comply with the rules will mean heavy penalties and we welcome the DETE's intention to extensively publicise any changes to the current regulations.

The issue of employment permits for non-EEA students is an important and complex issue and ICOS acknowledges that there are various interests involved. We thank the DETE for allowing for a period of consultation before any changes are made.

For clarification or further information please contact:

Sheila Power  
Director  
Irish Council for International Students (ICOS)  
[spower@icosirl.ie](mailto:spower@icosirl.ie) Tel: (01) 6605233

## **ICOS Member Institutions - June 2007:**

- American College Dublin
- Athlone Institute of Technology
- Ashfield College Dublin
- Ballsbridge College of Further Education
- Dublin Business School/ LSB College
- Dublin City University
- Dublin Institute of Technology
- Dundalk Institute of Technology
- Dun Laoghaire Institute of Art, Design and Technology
- English Language Institute
- Galway –Mayo Institute of Technology
- Griffith College Dublin
- International Study Institute Ireland
- Institute of Technology Blanchardstown
- Institute of Technology Sligo
- Institute of Technology Tallaght
- Institute of Technology Tralee
- Islamic Cultural Centre of Ireland
- Milltown Institute
- National College of Art and Design
- National College of Ireland
- National University of Ireland Galway
- National University of Ireland Maynooth
- Presbyterian Church in Ireland
- Royal College of Surgeons in Ireland
- Shannon College of Hotel Management
- Tipperary Institute
- Trinity College Dublin
- Union of Students in Ireland
- University College Cork
- University College Dublin
- University of Limerick
- Waterford Institute of Technology

## **Individual Council Members:**

- Ms. Alice Grattan Esmonde
- Professor Brian McMurry
- Mr. Don Niall
- Professor Louis Smith
- Mr. John Magoye
- Mr. James Vale
- Professor Eamonn Gallagher