

## **Free Fees Initiative**

### **Criteria for Determining Eligibility**

Tuition fees may be paid in respect of the full-time students listed below who have been ordinarily resident in an EU/EEA/Swiss State for at least three of the five years preceding their entry to their third-level course and who meet the criteria of the scheme. Eligibility under the scheme is determined at date of entry to the course. Details of the nationality criteria to be applied are attached at Appendix 1.

The scheme is subject to the following conditions -

- (1) Tuition fees will be paid in respect only of students attending full-time undergraduate courses.
- (2) The courses must, other than exceptionally, be of a minimum of two years duration.
- (3) The courses must be followed in one of the institutions listed in Appendix 2.
- (4) Tuition fees will not be paid in respect of:
  - students pursuing a second undergraduate course.
  - students who already hold a postgraduate qualification

Notwithstanding this condition and subject to compliance with the other conditions of the Free Fees initiative, students who already hold a Level 6 qualification (Higher Certificate or National Certificate) or a Level 7 qualification (Ordinary Bachelor Degree or National Diploma) and are progressing to a Level 8 (Honours Bachelor Degree) course without necessarily having received an exemption from the normal duration of the course may be deemed eligible for free fees,

- (5) Tuition fees will also not be paid in respect of students undertaking a repeat year of study at the same year level. In this regard, this condition may be waived where evidence of exceptional circumstances, such as cases of certified serious illness, is provided.
- (6) Subject to compliance with the other conditions of the Free Fees initiative, students who have previously pursued but have not completed a course of third level study and subsequently resume third level studies:
  - (a) may be deemed eligible for free fees where the third level course concerned did not attract any exchequer funding (e.g. fees, maintenance, tax relief, subsidy towards course cost)

- (b) are not eligible for free fees for the equivalent period of time spent on the first course of study where the third level course concerned did attract exchequer funding (as above). Part-time and evening students are included in this category.
- (7) Tuition fees will be paid in respect of eligible students who, having attended but not completed approved courses, are returning following a break of at least five years in order to pursue approved courses at the same level in the 2010/2011 academic year.
- (8) The tuition fees payable do not include the payment to be made by students towards the cost of registration, examination and student services.

September 2010

## APPENDIX 1

In order to meet the nationality criteria of the Free Fees Initiative students must meet one of the following:

- Students must be a national of
  - (i) an EU Member State,
  - (ii) a state which is a contracting state to the EEA Agreement,
  - (iii) the Swiss Confederation, or
- Persons who have official refugee status in this State. Time spent from date of official lodgement of application papers for refugee status will be included for the purpose of meeting the three year residency requirement. (see Appendix 1.1); or
- Family members of a refugee who are granted permission by the Minister for Justice and Law Reform to enter and reside in the State under Section 18 of the Refugee Act 1996 (see Appendix 1.2).
- Persons who have permission to remain in the State as a family member of a Union citizen under the provisions of the European Communities (Free Movement of Persons) Regulations 2006 and 2008 and Directive 2004/38/EC of the European Parliament and of the Council (See Appendix 1.3); or
- Persons who have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or
- be a person in respect of whom the Minister for Justice and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999 (see Appendix 1.4)

### Eligibility of Refugees under the Free Fees Initiative

1. Since the coming into force in November 2000 of section 3 of the Refugee Act 1996 (as amended), refugees [sometimes referred to as Convention refugees, to distinguish them from Programme refugees – see 3(b) below] must, for purpose of the free fees initiative, be treated on the same basis as Irish citizens. ***This means that a refugee is entitled to be allowed meet the terms of the residency clause in the same manner as an Irish citizen i.e. s/he must have been ordinarily resident in an EU Member State for at least three of the five years preceding his/her entry to the third-level course.***
2. The following points should be noted: -
  - (a) the institution must satisfy itself that the applicant is a refugee for purpose of section 3 of the Refugee Act, 1996 (as amended). The applicant should have received a statement in writing (in the Act referred to as a “declaration”) by the Minister for Justice and Law Reform, declaring that s/he is a refugee under Section 17 of the Act. **Documentation such as e.g. possession of a ‘green book’ or other temporary residence certificate, does not establish the status of a person as a declared refugee and should not be accepted as evidence of a person’s status as a refugee.**
  - (b) **Programme refugees:** These are persons who are invited to Ireland by the Government usually in response to a humanitarian crisis and at the request of the UNHCR. In general, they have the same rights as Convention refugees and are **therefore entitled to benefit under the free fees initiative on the same basis as an Irish citizen.** The Reception and Integration Agency, under the aegis of the Department of Justice and Law Reform, will provide, on request, a Programme refugee with a letter confirming his/her status.
  - (c) With regard to the residency requirement in the free fees initiative, this has two aspects, namely: -
    - (i) a residency requirement and
    - (ii) a nationality/citizenship requirement.

The two requirements are separate criteria and the time it takes to acquire citizenship/refugee status may be included as part of the residency time period. For example, periods of residency as an applicant for asylum or as a declared refugee prior to the acquisition of citizenship and entry into third level may be taken into account.

**Extract from Section 17(1) of the Refugee Act, 1996 (as amended) reads as follows: -**

“...the Minister-

- (a) shall...give to the applicant a statement in writing (in this Act referred to as “a declaration”) declaring that the applicant is a refugee...”

**Extract from Section 3 (2)(a) of the Refugee Act, 1996 (as amended), reads as follows: -**

3 (2)(a)...”a refugee in relation to whom a declaration is in force-

- (i) shall be entitled to seek and enter employment, to carry on any business, trade or profession and to have access to education and training in the State in like manner and to the like extent in all respects as an Irish citizen”

**Extract from Section 24 of the Refugee Act, 1996 (as amended) reads as follows: -**

24.(i) “...a ‘programme refugee’ means a person to whom leave to enter and remain in the State for temporary protection or resettlement as part of a group of persons has been given by the Government... whether or not such person is a refugee within the meaning of the definition of “refugee” in section 2”

24.(ii) “a programme refugee shall, during such period as he or she is entitled to remain in the State...be entitled to the rights and privileges specified in section 3 [of the Act, see above]

**Eligibility of family member of official refugees under the Free Fees Initiative**

The position is that where the Minister for Justice and Law Reform confirms that a person is a family member, or dependent family member, of a refugee and is allowed to remain in the State under Section 18 of the Refugee Act 1996, such family members may be entitled to free fees once they meet the other criteria of the Free Fees Initiative - as long as the principal refugee is allowed to remain in the State.

Such family members, who have been given permission to enter the State, must present themselves to a Garda Registration Office within 90 days of arriving in the State at which time they will be issued with a GNIB (Garda National Immigration Bureau) registration card.

Each institution should have sight of the following original documentation in order to determine eligibility for free fees for such family members of refugees:

- original letter from Minister for Justice and Law Reform which confirms family member status under Section 18 of Refugee Act 1996, and
- GNIB registration card,

Residency, for the purposes of the free fees initiative, commences from the date on the GNIB registration card (date of issue).

**Persons who have permission to remain in the State as a family member of a Union citizen under the provisions of the EC (Free Movement of Persons) regulations 2006 and 2008 and Directive 2004/38/EC of the European Parliament and of the council**

SI 226/2006, as amended by SI 656/2006 and SI 310/2008, gives effect to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

The Regulations apply to:

- (a) Union citizens,
- (b) qualifying family members of Union citizens, who are not themselves Union citizens, and
  - (i) who seek to enter the State in the company of those Union citizens in respect of whom they are family members or
  - (ii) who seek to join those Union citizens, in respect of whom they are family members, who are lawfully in the State, and
- (c) permitted family members of Union citizens-
  - (i) who seek to enter the State in the company of those Union citizens in respect of whom they are family members, or
  - (ii) who seek to join those Union citizens, in respect of whom they are family members, who are lawfully present in the State

Therefore both ‘qualifying’ and ‘permitted’ family members of EU migrants who have been granted permission by the Department of Justice and Law Reform to reside in the State are entitled to be considered under the Free Fees Initiative once they meet all other criteria of the scheme (apart from Nationality), **at date of entry of their course of study** as is the case with all other students, which means that such students must meet the residency requirement of the scheme prior to admission to their course of study.

Where such family members are given permission to reside in the State by the Department of Justice and Law Reform, they would be notified to report to their local immigration officer to have their passport endorsed and will be issued with a residence card bearing the title **4EUFam** (i.e wording denotes the person is a family member of an EU citizen).

Therefore institutions should seek sight of the family members’ letter from Department of Justice and Law Reform confirming immigration status, passport and of their Garda National Immigration Bureau (GNIB) Certificate of Residence card, bearing the title **4EUFam**.

**It should be noted that a ‘stamp 4’ is not sufficient for a student to qualify for free tuition fees. The card must bear the title 4EUFam.**

## Appendix 1.4

**Persons who have been granted Humanitarian Leave to Remain in the State (prior to the Immigration Act 1999); or persons in respect of whom the Minister for Justice and Law Reform has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999**

Where a person was granted humanitarian leave to remain in the State prior to the Immigration Act 1999 such persons may be considered for free tuition fees once they meet all other criteria of the scheme.

Upon enactment of the Immigration Act 1999 persons were no longer granted humanitarian leave to remain in the State but may instead be granted permission to remain following a determining by the Minister for Justice and Law Reform not to make a deportation order under section 3 of said Act. Persons with such permission to reside in the State may be considered for free tuition fees once they meet all other criteria of the scheme.

Institutions must have sight of

- original letter from the Department of Justice and Law Reform which should either state that (a) that the person has humanitarian leave to remain in the State (if granted prior to Immigration Act 1999 or (b) that they have been granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999
- passport
- Garda National Immigration Bureau (GNIB) Certificate of Residence card

## APPENDIX 2

### **Institutions to which the Free Fees Initiative applies**

University College Cork - National University of Ireland, Cork  
University College Dublin, National University of Ireland, Dublin  
National University of Ireland, Galway  
National University of Ireland, Maynooth  
Trinity College, Dublin  
Dublin City University  
University of Limerick

Athlone Institute of Technology  
Institute of Technology, Blanchardstown  
Institute of Technology, Carlow  
Institute of Technology, Tralee  
Dundalk Institute of Technology  
Galway-Mayo Institute of Technology  
Letterkenny Institute of Technology  
Limerick Institute of Technology  
Institute of Technology, Sligo  
Institute of Technology, Tallaght  
Cork Institute of Technology  
Dublin Institute of Technology  
Waterford Institute of Technology  
Dún Laoghaire Institute of Art, Design and Technology  
Tipperary Rural and Development Institute

Church of Ireland College, Dublin  
Coláiste Mhuire, Marino, Dublin  
Mary Immaculate College of Education, Limerick  
St. Angela's College, Lough Gill, Sligo  
St. Patrick's College of Education, Drumcondra, Dublin  
Froebel College of Education, Sion Hill, Co. Dublin

National College of Art and Design, Dublin  
National College of Ireland  
Pontifical University of Maynooth  
Mater Dei Institute of Education, Dublin  
Milltown Institute of Theology and Philosophy, Dublin  
All Hallows College, Drumcondra, Dublin  
St. Patrick's College, Carlow.  
Shannon College of Hotel Management, Co Clare  
St. Patrick's College, Thurles, Co. Tipperary  
Royal College of Surgeons in Ireland (Medicine, Physiotherapy & Pharmacy)

	<b><u>EU Country</u></b>	<b><u>EEA Country</u></b>
Austria	✓	✓
Belgium	✓	✓
Bulgaria	✓	✓
Cyprus	✓	✓
Czech Republic	✓	✓
Denmark	✓	✓
Estonia	✓	✓
Finland	✓	✓
France	✓	✓
Germany	✓	✓
Greece	✓	✓
Hungary	✓	✓
Iceland	<b>X</b>	✓
Ireland	✓	✓
Italy	✓	✓
Latvia	✓	✓
Liechtenstein	<b>X</b>	✓
Lithuania	✓	✓
Luxembourg	✓	✓
Malta	✓	✓
Netherlands	✓	✓
Norway	<b>X</b>	✓
Poland	✓	✓
Portugal	✓	✓
Romania	✓	✓
Slovakia	✓	✓
Slovenia	✓	✓
Spain	✓	✓
Sweden	✓	✓
United Kingdom	✓	✓