

Draft Guidelines for Academic and Support Units

Access to the UCD Community for Refugees, Asylum Seekers, those with Leave to Remain and those with Subsidiary Protection

1.0 Background

Our University community is made up of a wide range of people with diverse backgrounds and circumstances, which we value and regard as a great asset. As a research-intensive global University we want to attract and retain excellent people from across the world to enable the University, and the people within it, to fulfil their potential. UCD therefore seeks to be actively involved in supporting scholars and workers seeking sanctuary in Ireland to progress their education and career, fulfil their potential and make contributions to our community and society that they are so eager and able to give.

Refugees and asylum seekers can face many barriers to accessing study and work in higher education. These include a lack of information, advice and individual guidance sensitive to their specific needs, as well as financial and other practical barriers. UCD wishes to respond to these and other kinds of barriers by offering support and opportunities to widen the participation of displaced persons seeking sanctuary in Ireland and providing access to University College Dublin as students, for work experience, or as employees, as appropriate. Our University recognises the very important contribution that we can make by harnessing the human resources, skills and energy of displaced staff and students and deliver benefit to both home and host nations by improving their access to work and study within higher education.

2.0 Applicants in Ireland

A refugee is a person who leaves their home country because they fear persecution because of their race, ethnicity, religion, nationality, membership of a particular social group, or political opinion. An asylum seeker is someone who is seeking to be recognised as a refugee. This process can take some years (the average is 3-4 years in Ireland). Persons who are not granted refugee status, but who would nevertheless face a real risk of serious harm, due to armed conflict or indiscriminate violence, may be granted subsidiary protection, or leave to remain. Persons in each of these categories are eligible for

consideration for facilitated access to UCD's education programmes, to work experience, or to visiting scholar status.

In Ireland, asylum seekers are housed by the Government's Reception and Integration Agency in Direct Provision centres, situated around the country. They are not permitted to work, but can participate in some voluntary activities. There are currently over 4000 people in the Direct Provision system in Ireland, half of whom are under 18 years of age

Children who are asylum seekers are entitled to free primary and secondary education, but are liable for non-EU fees if they wish to pursue higher education. A limited pilot scheme is available which provides some financial support to asylum seekers who have completed 5 years in the Irish school system, and who have been accepted onto a further or higher education programme. (<http://www.irishrefugeecouncil.ie/children-and-young-people/pilot-support-scheme>). Refugees are entitled to EU fees, and are eligible for maintenance grants under SUSI.

3.0 Situations in which Asylum Seekers, Refugees and others may interact with the UCD Community

Students who have completed some or all of their primary or secondary schooling in Ireland and who meet the academic requirements may wish to enter UCD full-time programmes, but may face barriers in doing so which are financial, but also because they are not familiar with entry requirements, lack role models and support systems, and are faced with logistical barriers to transport and/or accommodation. Asylum seekers, refugees, those with leave to remain and subsidiary protection who have undertaken their secondary education elsewhere may, similarly, wish to undertake full-time programmes of higher education, or may wish to avail of access programmes or open learning initiatives. Financial and other barriers may also apply in these situations. In addition, assessment of prior educational attainment, and verification of prior qualifications, may pose further difficulties. UCD Admissions Office will liaise with Programme Offices, Schools and Colleges on the procedures to be followed in such instances and be aware that flexibility may be required around documented evidence of previous education for example.

Other than as students, asylum seekers, refugees and others may, depending on their individual backgrounds, wish to participate in the University Community through internships/voluntary work experience, or as visiting Scholars.

4. 0 Supports offered by UCD to Applicants for Study or Work

While it is acknowledged that assessment of EU/Non-EU/Free fee eligibility is a matter for government, UCD works to seek funding for Scholarships, and to offer fee concessions and financial supports to applicants who meet normal academic requirements and who would not otherwise be able to avail of higher education. UCD will endeavour to place those applicants who apply for study/work and meet the criteria.

UCD Access and Lifelong Learning will serve as the initial point of contact for asylum seekers and refugees who wish to study in UCD. UCD ALL will provide the same range of information, support and assistance to refugees and asylum seekers available to other under-represented groups. Contact Details TBC. UCD Admissions Office can provide advice to Academic Units in respect of fee concessions.

UCD HR is a point of contact for Schools regarding arrangements relating to visiting scholars or interns/work placements involving those such as asylum seekers and refugees. The first communication for a visiting scholar will often be through a UCD colleague in the same disciplinary area, who should then seek assistance from UCD HR in confirming the visiting arrangement, in addition to completing the normal academic visitor protocol. The Head of School will be required to obtain approval from the College Principal in the first instance. In addition, support in relation to visa requirements and relevant legislation will be provided by UCD HR. The normal UCD policies and processes, as available on the HR website, for visiting academics and work placements, applies in all cases.

5. 0 Application Process for Students

Applicants will come through the CAO system or through existing Access programmes. In order to avail of fee waivers and/or financial subsistence, an application form will be required to be completed by the applicant and submitted to Access and Lifelong Learning.

For international students that lack evidence of previous education, a personal statement and references must be submitted and an entrance test may be required to be undertaken.

This information will be publicised on relevant sections of the UCD website to inform potential students of the supports available. The University will also look at options for outreach to potential students who may need to avail of this support so that they are aware of them.

6.0 Definitions

The following are key terms and definitions that are used throughout this policy document.

Asylum Seeker: An asylum seeker is someone who is seeking to be recognised as a refugee. If they are granted this recognition they are declared a refugee.

Refugee: A refugee is anyone who leaves their country because they fear they are in danger of persecution for one of the following five reasons, and is regarded by the state to have refugee status:

- **Race** – including ethnicity
- **Religion** – in some countries having no religion is viewed as badly as being the ‘wrong’ religion
- **Nationality**
- **Membership of a particular social group** – this can include things like membership of a trade union, gender, sexual orientation, age (i.e. if children are in danger of persecution)
- **Political opinion** – this is not only if you are a member of a political party, but if you have any political opinions, or even if people think you do.

Leave 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. When making this decision, the Minister will have regard to the applicant’s family and personal circumstances along with other matters, including the applicant’s connection to the State and humanitarian considerations.

Subsidiary Protection: Section 2 of the International Protection Act 2015 defines a person eligible for subsidiary protection as someone — (a) who is not a national of a Member State, (b) who does not qualify as a refugee, (c) in respect of whom substantial grounds have been

shown for believing that the person concerned, if returned to his or her country of origin, would face a real risk of suffering serious harm and who is unable or, owing to such risk, unwilling to avail himself or herself of the protection of that country, and (d) who is not excluded from being eligible for subsidiary protection under Regulation 17;

(Source: Irish Refugee Council)

Internships: Internships are defined, for the purpose of this document, as opportunities to gain experience in a person's field of expertise, on a voluntary basis

Scholarships: A scholarship is a financial contribution made to facilitate a person's programme of study

Visiting academics: Visiting academics are individuals recognised by the University, and generally sponsored by an Academic Unit, who spend a period of time engaging in scholarly activity in the University, without a contract of employment.

7.0 Other Relevant Initiatives/Information

UCD Students are involved in a National Initiative to raise awareness of global migration issues, to empower students in Ireland to be agents of change and to promote integration of refugees into Irish Society (www.failterefugees.ie).

University of Sanctuary (<https://universities.cityofsanctuary.org/>) is a stream of the City of Sanctuary movement, which works to build a culture of hospitality for displaced persons. University of Sanctuary helps and encourages higher education institutions to ensure equal access to higher education for asylum seekers and refugees, and to provide support to those who would benefit from interacting with HEIs. HEI's can apply for Awards validating their good practice in this area. In order to be eligible for such an award, HEIs would typically have made progress in providing some financial support for prospective applicants to study among their local refugee and asylum seeker cohorts, and developing a three year action plan for improving supports and the culture of welcome.

UCD will develop relationships with relevant external bodies and Centres to ascertain how the University can best support refugees/asylum seekers.

A significant Supreme Court decision was made on 30 May of this year where the finding was that the ban on asylum seekers seeking employment is unconstitutional. It has suspended its order for six months to allow time for lawmakers to agree how best to legislate for this. The ruling was made in a case that involved the Minister for Justice and Equality and the Attorney General, the Irish Human Rights and Equality Commission.

Useful Resources

<https://universities.cityofsanctuary.org/>

<http://www.nascireland.org/campaign-for-change/direct-provision/pq-direct-provision-system-access-higher-education/>

http://eprints.maynoothuniversity.ie/469/1/Integrating_Ireland_Report_WGRA_published2.pdf

<http://www.nascireland.org/campaign-for-change/direct-provision/pq-direct-provision-system-access-higher-education/>

<http://www.irishrefugeecouncil.ie/>

<https://www.dcu.ie/news/2016/dec/s1216n.shtml>

<https://www.scholarsatrisk.org/protection/>

Policy Development/Review –



Pilot Equality Impact Assessment Form

Equality Impact Assessment (EIA) is a systematic and evidence-based process which verifies that the University's policies and practices are non-discriminatory, and are fair and inclusive in meeting the legitimate needs of the diverse groups that make up the University community. The key purpose of the Pilot Form and Toolkit is to help identify any Equality, Diversity and Inclusion (EDI) impact (positive or negative) associated with new or updated policies, along with any potential discrimination or gaps in policy development.

This form should be completed, in conjunction with the EIA Toolkit Guidelines, and submitted for approval to the relevant governance body in advance of any policy development or major review of existing policy. Equality impacts should continue to be considered throughout the policy drafting process (please see EIA Toolkit Guidelines for details) and the final Equality Impact Assessment Form (with revisions, if required under Outcomes 1-4 below) should be submitted again with the final policy for approval by the relevant governing body.

Policy title:	Draft Policy and Guidelines on Support for Refugees/Asylum Seekers and those with Leave to Remain and Subsidiary Protection
Policy developer/reviewer:	Refugee Working Group
Policy owner:	EDI
Approval pathway:	UMT
Proposed approval date:	20 June
Proposed effective date:	TBC
Date of latest review if applicable:	

EIA Date: 8 June 2017 carried out by Rory Carey

Membership of Policy Group:

Professor Colin Scott (*Co-Chair*)

Professor Grace Mulcahy (*Co-Chair*)

Grainne de Bhulbh, UCD Registry

Professor Gabriel Cooney, School of Archaeology

Professor Bryan Fanning, School of Social Policy, Social Work and Social Justice

Marcellina Fogarty, Equality, Diversity and Inclusion

Odhran Lawlor, Buildings and Services

Carl Lusby, Student Advisor (International)

Catherine Lynch, Gender Project Manager

Ian Millichip, UCD Registry

Róisín Ní Mhara, Student Welfare Officer
 Professor Joe Carthy, College of Science
 David Kelly, College of Science

Dr Muireann Ní Raghallaigh, School of Social Policy, Social work and Social Justice

Dr Annetta Zintl, School of Veterinary Science

Scope of Policy:
 Refugees, Asylum Seekers, those with Subsidiary Protection and those with Leave to Remain

Policy Development Phase:

- Proposed new policy
- Undertaking a review of an existing policy
- Other (please state): Guidelines drawing together current policies

x

Please identify any opportunity to promote Equality, Diversity and Inclusion in the University or any potential adverse impact that the development of this policy could have, on any of the equality grounds identified below.

Equality Ground	Identified Impact
Race	There was a positive impact identified for race as this policy is focused on supporting international students and staff, particularly those who have been persecuted in their own country often due to race.
Disability	There was no impact directly on disability but the policy does highlight that there are various access routes available for those who require it, for example those with a disability
Gender (including gender identity)	There is no impact on gender
Age	There was no impact directly on age but the policy does highlight that there are various access routes available for those who require it e.g. Mature students
Sexual Orientation	There was no impact on sexual orientation
Religion	There was a positive impact identified for religion as this policy is focused on supporting international students and staff, particularly those who have been persecuted in their own country, often due to religion.
Civil Status	There is no impact on civil status
Family Status	There is no impact on family status
Membership of the Travelling Community	There is no impact on the travelling community
Socio-economic Status	There is a positive impact on socio economic status. It supports the refugees, asylum seekers and similar groups who may otherwise be at a disadvantage in accessing education or work/work experience due to their socio-economic status.

Other comments:

- The Guidelines overall are positive as they recognise a marginalised group.
- The word “excellent” in guidelines documents gives out a more exclusive message rather than

inclusive. Diversity is what the EDI policy and strategy are aiming to promote.

- Achievement of the University of Sanctuary status is a very positive initiative for the University from an EDI perspective. It is mentioned in the Guidelines for the first time – it would be useful to have a definition of what this is in the Definitions section
- It appears that the work/work experience only refers to academic work. The aim of all University policies is to be inclusive, excluding professional categories of employees would appear to be exclusive.
- The reference in the Guidelines to the Dignity and Respect policy and Equal Opportunities promotes EDI
- Lack of Transparency - it is unclear from the Guidelines as to how refugees/asylum seekers etc would be selected for work/work experience in a School. How is the decision arrived at, are certain criteria used? If someone who is not a refugee etc was seeking work/work experience and a refugee is seeking likewise in the same School, how does a School make a decision about who they will support? One of the aims of the EDI agenda is the promotion of transparency around decision making.

It is also unclear as to whether the roles are paid? If it is a Visiting Academic arrangement, then there is a clear policy around this and this policy should be referenced in these documents. If it is a paid role, it is unclear as to how much the person will be paid and what policy/procedures these people are appointed under.

The recommendation is that a certain number of positions should be made available with bursaries specifically for Refugees, Asylum Seekers and other similar categories.

Select one of the four outcomes below to indicate how the development/review of the policy will be progressed and state the rationale for the decision.

Outcome 1: No change required – the assessment is that the policy is/will be robust and/or promotes Equality, Diversity and Inclusion in the University.

Outcome 2: Adjust the policy – this involves taking steps to address any adverse impacts before the policy has been developed.

Outline these steps:

Outcome 3: Continue the policy while mitigating against any potential adverse impacts.
Outline how these adverse impacts can be mitigated against:

Outcome 4: Stop the policy or practice, as there are adverse effects which cannot be prevented or mitigated against.

In case of option 2 or option 3, if policy adjustment or mitigation is required, please indicate recommended timeframe before policy requires a further EIA review to ensure it is non-discriminatory and upholds UCD's public sector equality duty.

The form should be signed by the Chair of the Policy Development/Review Group:

Colin Scott
 Chair

DRAFT