



NUI Galway Positioning Statement on International Protection, Deportation Orders and Undocumented Immigrants in Ireland

Introduction/Background

There are currently approximately 8,000 International Protection Applicants (IPAs) nationwide, residing in various forms of state-provided accommodation. Of those, approximately 200 are currently studying in third-level education and, of those, at least 16 are studying at NUI Galway¹.

Students are particularly vulnerable to deportation, which often poses a threat to life if returned to their country of origin. However, students' unions have supported students facing deportation orders through a number of successful campaigns.

In 2018, the Dublin City University Students' Union (DCUSU) mounted an effective campaign to prevent the forced deportation of one of their fellow students, Shepherd Machaya. DCUSU, supported locally by hundreds of DCU students and staff, and nationally by fellow students, community group and activists, petitioned outside the Department of Justice for a number of days to ensure that Shephard would not be deported.

As a result of the petition, the deportation order was postponed. However, the stay on deportation order prolonged the ordeal, and still leaves Shephard in a state of limbo as his deportation date is continually postponed. Shepherd has stated that he is in a constant state of fear, waiting for the day where it will not be postponed.

The then-DCU President, Professor Brian MacCraith, vocalised his support of the campaign, and called on the Minister for Justice to revoke the deportation order.

This was an important show of support but it is still not enough. As third level institutions, and designated Universities of Sanctuary, we must ensure that our students are not only safe while studying with us but also free from being ordered to return to a country where they may face persecution or worse.

In October 2019, students in the DCUSU launched a similar petition against the deportation of fellow student Mehwish Saqib. The right to education is enshrined in the European Union Charter of Fundamental Rights, as well as in the Universal Declaration of Human Rights.

As DCU, University of Limerick, University College Cork, Maynooth University, Trinity College Dublin, University College Dublin and NUI Galway have received the University of Sanctuary accolade, together with Athlone Institute of Technology - the first College of Sanctuary in Ireland, a true "Sanctuary" campus for migrant staff and students should be a safe space where they can work and study without the fear arising from a threat of deportation.

¹ University of Sanctuary National Steering Committee, 2020.

Positioning Statement

As NUI Galway is a designated University of Sanctuary, the Irish Centre for Human Rights, the University of Sanctuary Steering Committee, and NUI Galway Students' Union are calling upon staff and students at NUI Galway to advocate for and adopt below actions:

- 1) Lobby the Irish Government to cease the issuance of deportation orders pertaining to NUI Galway staff and students.

Rationale: If an IPA is engaging in employment or education then the Irish state should support their efforts rather than issue deportation orders for the duration of their employment or studies.

- 2) Lobby the Irish Government to revoke all current notifications of intention to deport issued to NUI Galway staff and students.

Rationale: If an IPA is engaging in employment or education, then the Irish state should support their efforts rather than issue deportation orders for the duration of their employment or studies.

- 3) Lobby the Irish Government to remove the habitual residency stipulation for IPAs who wish to pursue third level education, in the case of non-EU rate of fees, Free Fees and SUSI eligibility.

Rationale: This barrier to education has been removed since this positioning statement was first drafted, and IPAs are now entitled to Free Fees under the Government's Pilot Support Scheme².

- 4) Lobby the Irish Government to support IPAs who attain refugee status to transition from IPA payment to Back to Education Allowance (BTEA) payment, so to enable integration into the private rental sector during their study.

Rationale: Once an IPA enters third-level education while their international protection application is being assessed, they are still entitled to their weekly IP payment. However, if the IPA subsequently receives refugee status, then their weekly IP payment is terminated. There should be a mechanism in place to allow for the transfer to the BTEA allowance, enabling the individual to avail of BTEA financial supports without fear of losing financial supports should their international protection application be successful.

- 5) Lobby the Irish Government to extend the duration of any work permit to the duration of the IP application process.

Rationale: Competing in the Irish labour sector is difficult enough without the necessity to renew a short, six-month work permit. The short duration of the current work permit system acts as a barrier to employment, as there is a lack of awareness amongst employers of the work permit system. We feel that the work permit system should allow unrestricted access to the Irish labour sector for the duration of any international protection applications.

- 6) Lobby the Irish Government to offer Leave to Remain to IPAs who have spent more than 18 months within the International Protection Office system (Direct Provision).

Rationale: The duration of time required to process international protection applications often results in many IPAs residing within the Direct Provision system for durations of over five years. If the Irish

² <https://www.gov.ie/en/service/e786a-student-support-scheme-for-asylum-seekers/?referrer=http://www.gov.ie/en/service/e786a-student-grant-scheme-for-asylum-seekers/>

State sanctions Leave to Remain for IPAs after a period of 18 months then the individual can fulfil their true potential and engage in Irish society without facing deportation.

- 7) Lobby the Irish Government to develop a fair and transparent mechanism for all undocumented individuals residing in the Irish state to undertake the process of regularisation.

Rationale: Undocumented immigrants in Ireland face high levels of uncertainty in their daily lives, are often excluded from accessing education and experience exploitative labour market conditions. The Irish Government should develop a mechanism to allow for the regularisation of all undocumented immigrants residing in the Irish state. The Irish Government regularly advocates for the regularisation of all undocumented Irish immigrants residing in the US, and the Irish Government should lead by example.

- 8) Support all campaigns pertaining to above demands.

Rationale: The University of Sanctuary Steering Committee will support all campaigns pertaining to the above demands, where feasible, and do encourage individuals and groups to initiate or to become involved in such campaigns.

Conclusion

Lobbying the Irish Government may assume many forms and is not limited to the campaigns mentioned in this document. Furthermore, the above demands contained within this document are not limited to the staff & students at NUI Galway, and we encourage all organisations working with IPAs, refugees and vulnerable migrant groups to adopt these proposals as their official positioning statements.

This positioning statement was agreed by NUI Galway University Management Team (UMT) & the University's Equality, Diversity & Inclusion Campus Committee (EDICC) in November 2020.