

FREE TUITION FEES

THE MIDDLE LEVEL TECHNICIAN AND HIGHER TECHNICAL/BUSINESS SKILLS PROGRAMME, 2010/11

- 1 Tuition fees may be paid in respect of the full-time students on:
 - The Middle Level Technician Programme (M.L.T.) [one or two year courses up to Level 6 (formerly National Certificate and Certificate (DIT) level)]
 - The Higher Technical and Business Skills Programme (H.T.B.S.) [three year Level 7 (formerly National Diploma, Diploma(DIT) and one year “Add-on” Level 7 (Diploma level) courses].
 - Accelerated Technician courses approved under the Education/Industry Initiative, (see Appendix 1),

- 2 Applicants in the following categories are **not** eligible for admission to the MLT/HTBS programme:-
 - (i) persons who already hold a degree.
 - (ii) persons who have completed more than the first year of a degree level course.
 - (iii) persons pursuing a degree level course.

- 3 Candidates 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 A); or
 - Family members of a refugee who are granted permission by the Minister for Justice to enter and reside in the State under Section 18 of the Refugee Act 1996 (see Appendix B).
 - 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 C); 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 D)
- 4.1 The exchequer will meet the cost of tuition fees in respect of candidates who meet the criteria of this scheme. All other elements must be paid by the trainee.
- 4.2 Tuition Fees shall not be paid: -
- (i) in respect of trainees who fail year-end exams and wish to repeat that year.
 - (ii) in respect of trainees undertaking a repeat year of study on the same course.

The conditions at (i) and (ii) may be waived, at the discretion of the Institute, where evidence of exceptional circumstances obtaining, such as cases of certified serious illness, is provided.

If a trainee is successful in the repeat year, the tuition grant may be renewed for the subsequent year(s) of the course.

- 4.3 Trainees who have completed a two-year MLT course are not eligible for free tuition in respect of a further two year MLT or three year HTBS course but they may be admitted to the third "add-on" year of a related Diploma (HTBS) course. (See Appendix 1 for exceptions.)
- 4.4 In general, free tuition may be granted for the approved duration of one course only. However, subject to a maximum duration of four years in all, funding may be extended where:
- (a) a trainee who, having passed, failed or not completed the first year of a course, wishes to transfer to a different course. Such a trainee is eligible for a **tuition** grant in respect of the normal duration of attendance on the new course;
 - (b) a trainee was awarded a **tuition** grant in respect of a one-year course. Such a trainee may be considered eligible for the award of a **tuition** grant for the subsequent two or three years of a related MLT course or HTBS course;
 - (c) a trainee who, by virtue of having satisfactorily completed two years of an MLT course, gains admission through exemption to year two of an

indirectly related HTBS course. Such a trainee may be considered eligible for a **tuition** grant in respect of attendance at the new course, subject to a maximum of two further years funding.

- 4.5 Trainees who have completed not more than the first year of a degree level course are eligible to receive free tuition for a maximum of three years on an MLT/HTBS course. Such persons are not eligible to avail of the exemptions at Regulation 4.5. above.
- 4.6 Trainees on the programmes will be subject to normal industrial disciplines regarding time-keeping during training. Trainees may be allowed sick leave/casual absence without reduction in the level of grant, as long as they are otherwise in attendance at their course on a regular basis. Where a trainee has dropped out of his/her course, payment should cease immediately.

5. **Determination of Disputes**

Every question or dispute which shall arise in relation to the interpretation or construction of these regulations, **including any appeals arising from the application by the Institute of the waiver in paragraph 4.3**, shall be determined by the Minister for Education and Skills, through the Higher Education Authority, whose decision thereon shall be final.

APPENDIX 1

REGULATIONS GOVERNING

THE NATIONAL CERTIFICATE IN MANUFACTURING TECHNOLOGY

THE NATIONAL CERTIFICATE IN COMPUTING (INFORMATION TECHNOLOGY SUPPORT)

THE NATIONAL CERTIFICATE IN INDUSTRIAL SCIENCE

6. Education/Industry Initiative

The objective of the education/industry initiative is to improve the supply of technicians for high-technology industries. The initiative *is an Accelerated Technician Programme (ATP) which consists of the National Certificate in Manufacturing Technology course commenced in early 1998 and a National Certificate in Computing (Information Technology Support) commenced during the 1998/1999 academic year. The National Certificate in Industrial Science was added to the ATP in January, 2000.* As this initiative is a response by the Government to the skills crisis in this area a number of special features will apply to these courses.

7. Special features relating to the above special Education/Industry Initiative only

7.1 The programme will be of eighteen months duration including six months structured placement in Industry. Institutes are to develop these programmes jointly with the industrial sector.

7.2 The Regulations 2.1(c); 3.1; 3.2; 4.4 and 4.6 are not applicable to these courses. All trainees enrolled on these courses, including those already possessing third level qualifications, will receive free tuition.

Eligibility of Refugees for free fees

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 college 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, Equality 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 to free fees on the same basis as an Irish citizen.** The Reception and Integration Agency, under the aegis of the Department of Justice, Equality and Law Reform, will provide, on request, a Programme refugee with a letter confirming his/her status.

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 for free fees

The position is that where the Minister for Justice confirms that a person is a family member, or dependent family member, of a refugee and is allowed to remain in Ireland 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 scheme - as long as the principal refugee is allowed to remain in Ireland.

Such family members, who have been given permission to enter Ireland, must present themselves to a Garda Registration Office within 90 days of arriving in Ireland 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 which confirms family member status under Section 18 of Refugee Act 1996, and
- GNIB registration card,

APPENDIX C

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 for free tuition fees 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.

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