

22 November 2019

Mr Martin Hughes
Clerk to the Committee
Joint Committee on Business, Enterprise and Innovation
Leinster House
Dublin 2 D02 XR20

By email: jcbei@oireachtas.ie

Dear Mr Hughes

Many thanks for extending the request by the Joint Committee on Business, Enterprise and Innovation to make a written submission to the Committee on the General Scheme of the Employment Permits (Consolidation and Amendment) Bill. The Irish Universities Association (IUA) welcomes the opportunity to outline our views on the General Scheme in the attached document.

The request proposes the following structure:

- how the proposed changes to existing law would affect the employment permits system; and
- specific matters of relevance to the employment permits system not addressed by the General Scheme.

In our attached document we will refer specifically to:

- ❖ Post-study employment rights for international students
- ❖ Spouses and partners of Critical Skills Employment Permit holders and Researchers working in the State under the EU Third Country Researchers Directive (Council Directive 2005/71/EC) (Point 4.8)

We hope that the attached document helps to inform the members of the Committee and would be happy to address any additional queries that may arise following our submission.

Yours sincerely,



Lisa Keating
Director of Research & Innovation, IUA

IUA Submission to the Joint Committee on Business, Enterprise and Innovation on the General Scheme of the Employment Permits (Consolidation and Amendment) Bill

Post-study employment rights for international students

The Third Level Graduate Programme (Stamp 1G visa) allows graduates to remain in Ireland for up to 2 years post qualification. In order to be eligible graduates must:

1. Be legally resident Irish educated non-EEA graduates
2. Must hold an award of a recognised Irish awarding body.

This programme, developed by the Department of Justice and Equality¹ in collaboration with the Department of Education and Skills, provides permission for the purpose of seeking graduate level employment. Holders of Stamp 1G visa are exempt from the requirement to possess an employment permit from the Department of Business Enterprise and Innovation (DBEI). Although this programme is not directly mentioned in the General Scheme of Employment permits legislation, DBEI could in the context of managing access to the labour market, choose to revise this policy at any time.

The IUA, and its member Institutions, cannot stress enough the positive impact this scheme has had on the Higher Education Sector's international student recruitment efforts. It has been up to now the unique driver of growth from Asia in international student numbers in the last five years. It has been particularly important to prospective students, seeking a quality education and a welcome immigration system. The IUA recently made a submission to the Department of Justice and Equality following the announcement of a policy reversal in the UK governing the length of stay being offered to international graduates there. This change will have a significant negative knock-on impact on Ireland's competitiveness in the international student recruitment sphere. The UK change allows students at both Undergraduate and Postgraduate level to stay in the UK for up to two years to find suitable employment. International students graduating from British Universities in the academic year 2020/2021 are set to benefit from this new immigration rule.

In 2012 the UK reduced the permission to work for international students to six months. As a result, international student applications to the UK from South Asia in particular fell dramatically, while at the same time applications to other English-speaking countries rose dramatically, including applications from India to Ireland in particular. The expectation and feedback from key Agents is that for the 2020/21 academic year that there will be a move from Irish to UK Institutions, particularly for Business Programmes. This will impact significantly on all Irish Institutions.

Of the 47,901 first residence permits issued in Ireland in 2017, 13,519 were issued for 'study' purposes to non-EEA nationals enrolled in a higher education programme. Some 25% of these non-EEA nationals (3,332) were from the US, 17% (2,300) were from India, 15% were from Brazil (2,041), 14% were from China (1,870)

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<http://www.inis.gov.ie/en/INIS/Third%20Level%20Graduate%20Programme.pdf/Files/Third%20Level%20Graduate%20Programme.pdf>

and 5% were from Canada (614). Available data² on non-EEA student enrolments in full-time higher education programmes in public HEIs show that the largest number of non-EEA students were enrolled in health and welfare courses, representing 31% of all full-time non-EEA student enrolments. Non-EEA students were primarily concentrated in honours bachelor's degree (7,894) and master's degree (4,019) programmes in 2017.

All of the sector are agreed that the UK's improved conditions represent a fundamental threat to that growth and have urged the Department of Justice and Equality, in liaison with the Department of Education and Skills, to consider at least matching the UK offering allowing UG students to access the two year stay back. The IUA Institutions would like to petition further and suggest an increase to 3 years for Masters and 2 years for Bachelors. This will revive the competitive advantage that has enabled the growth in the last number of years and ensure that it can continue.

Our competitors for students seeking an International Education experience in an English-speaking country are well ahead of the game. Canada is offering eligible international students a 3 year post-graduation work permit for Bachelor and Masters programmes, while Australia offers 2 years for Bachelor and 4 years for PhD programmes.

The IUA have requested a further review of the current permission-to-work permit "Third Level Graduate Programme" for international students and would fully support an extra year added to the permit for Level 8, 9 and 10 programmes from eligible HEIs in Ireland. These favourable work conditions for high quality international graduates would benefit the higher education system and the Irish Economy as well as enabling Irish HEIs to compete effectively for such talent.

Spouses and partners of Critical Skills Employment Permit holders and Researchers working in the State under the EU Third Country Researchers Directive (Council Directive 2005/71/EC) (Point 4.8)

EURAXESS Ireland, based in the IUA, manages and operates a Fast Track Work Permit scheme for Non-EU workers involved in R&D through the "Hosting Agreement" system on behalf of Department of Business Enterprise and Innovation (DBEI). In 2007 Ireland voluntarily opted into the fast track researcher visa scheme (Hosting Agreement) implementing the Third Country Research Directive (Council Directive 2005/71/EC) on the specific procedure for admitting nationals from countries outside the European Economic Area for the purpose of scientific research. The scheme was introduced to attract highly skilled individuals to migrate permanently to the State.

Currently, Hosting Agreements are only processed for researchers on a contract of employment with the research/host organisation issued for a period between three months to five years. The fast track scheme allows for immediate family re-unification, there is no waiting period for spouses and children of Hosting Agreement holders to move to Ireland or, if they are visa required nationals, to apply for their entry visas.

Point 4.8 of the General Work Permit Scheme document (Additional information regarding the proposed legislative changes) refers to Spouses and partners of the Critical Skills Employment Permit holders and Researchers working in the State under the EU Third Country Research Directive (Council Directive 2005/71/EC) in the context of skills and labour needs test required for the General Work Permit. Up until

² Source: <https://static.rasset.ie/documents/news/2019/05/attractingandretaininginternationalstudents.pdf>

March 2019 spouses of Hosting Agreement holders have been permitted to work in Ireland on the basis of Spousal Employment Permit. Although the Spousal Permit was free for applicants, and the job market needs test was not required, the process proved cumbersome and the proportion of spouses of researchers working in Ireland was very low. The recent review of the Dependant/Partner/Spousal Employment Permit scheme eliminating the need of a permission to work for dependents of hosting agreement holders should have a positive effect on the numbers of highly skilled non-EEA researchers settling in Ireland and this progress is welcomed by the IUA.

As a general rule around 40-45% of Hosting Agreement holders stay in Ireland with their dependants. Currently there are 466 researchers with dependants on Hosting Agreements in Ireland (42% of Hosting Agreement researchers have dependants living with them in Ireland) this is within the usual average. The retention percentage (proportion of individuals on Fast Track Permit for R&D staying in Ireland on stamp 4 permission) is not particularly high and varies from 10 to 20 percent for most accredited institutions (EURAXESS Survey, 2019). The recent exception allowing spouses of Hosting Agreement holders to work without a permit in Ireland should encourage the researchers to settle in Ireland with their families. The number of researchers working in Ireland under the Fast Track Work Permit for R&D is recently increasing (i.e. by 19% annually for the period 2017- 2019, EURAXESS Ireland data).