

FAMILY REUNIFICATION

Living in limbo Metro Éireann, July 2008

The families of some immigrant students face testing times as they await imminent rules affecting their status. **Sandy Hazel** reports

International students shape a lucrative and growing industry for the third-level sector in Ireland. This internationalization of the Irish education service is supported by the higher-education institutions, while the Government has backed huge marketing campaigns conducted by both the International Education Board Ireland and Enterprise Ireland.

Yet some educators say that the very overseas students that are courted by the State are in danger of having their human rights abused while residing here. The situation relates to international students with young children who are being told by the State that their children can be enrolled in private schools only.

After last year's high-profile case of an American student in Galway going to court so that her son could attend a public primary school, the latest victims of the opaque student requirements have been told that they must prove they are paying private healthcare, have receipts for private schools for their children, and possess certain substantial amounts of cash lodged in their bank accounts.

"It is getting to the stage in this country that some children can go to school and some can't, dependent on immigration rules," one teacher, who preferred to remain anonymous, told this newspaper.

Private schools for primary children are rare in Ireland and would make this rule difficult to comply with. One international student who spoke with *Metro Éireann* said that they fear for their future.

"We are students, myself and my wife, but we wanted our children here too. I am working part-time."

The father, who wished to remain anonymous, said that when they went to the immigration office to renew their visas, they were told that the rules would be changing. They will have to wait until 31 July before they know if their visas will be renewed, they were informed.

"They told me 'no problem for the moment'," said the father, "but we do not know what will happen after that date. It is hard as we will not be able to afford private school fees for both our children if that is required. Also, the rules will change in July, just when it will be impossible to get letters from schools. We would not be able to continue our studies here. I am very worried."

Hilkka Becker, the legal representative of Erin Britton, the aforementioned American student, said that although Britton had been told by the Government that her child's education was to be provided privately before her visa could be renewed, the fact remained that they were trying to strictly enforce a policy that had not previously been enforced, and therefore Britton had no knowledge of it when planning her studies in Ireland.

"No actual judgement was made on the case," says Becker, "so no precedent is

made. The case affects policy in that the State has learnt from this in how to define policy this year but we will have to wait and see in July what that will be.”

Becker adds that there could “still be an argument made for people who are already here and halfway through their programmes of studies”.

Other educators have said that many of the students who need family reunification are caught between Government departments where there is “no joined up thinking and where the Department of Justice is acting like a gatekeeper”.

The Irish Council for International Students (Icos) promotes the welfare of international students in Ireland and has recently made a submission to Government on behalf of international students (in the context of the proposed Immigration, Residence and Protection Bill). Icos estimates that there are currently 27,000 international students enrolled at higher education institutions in Ireland with a value to the economy of over €370m.

Sheila Power, director of Icos, says that when an international student is from a country that doesn't require a visa, problems can arise around lack of transparency and clarity in the rules. “If that student wants to bring a spouse or a child to live with them while they study the criteria is not clear,” says Power.

She suggests that a veil of uncertainty surrounds the exact requirements that international students must meet. “Students have to prove they can support themselves, but that level of support, and how they go about proving it, is not always apparent.”

Icos, in its submission at the committee stage of the Immigration, Residence and Protection Bill, has stated that “while acknowledging the Government's intention to set down a comprehensive family reunification policy in the future, Icos feels that the failure to do so in the current bill is a missed opportunity. The right to reside with members of your immediate family is a fundamental human right as well as being an essential ingredient of successful integration.”

Power believes that international students should not be treated differently from other categories of immigrants in respect of family. The Icos submission emphasises that international students have “no entitlement” to bring spouses and dependent children to reside with them while they are studying in Ireland.

It continues: “This position is unsustainable in an increasingly complex and sophisticated international student market and at a time when we are competing with other countries to attract the most talented students and researchers to our shores.”

Power points out that many international students are on post-graduate programmes. “These are obviously more mature students who will have family considerations and their choice of Ireland as an educational destination will be heavily influenced by factors that will allow their families to reside with them while they study here.”

The services that the family can access, and whether a spouse can work, will also affect an international student's decision. According to Icos, these questions remain

unanswered in the bill.

“The legislation does not set out the rules in relation to international students clearly,” says Power. “There seems to be a parallel process going on.

Intending students, some of whom have been offered scholarships, cannot make an informed decision about coming to Ireland, they cannot establish whether or not they can bring their children; the case in Galway is not isolated.”

Icos recommends looking to other countries for commonsense solutions. Responding to queries from *Metro Éireann*, a Department of Justice spokesperson agreed that a trend has been observed whereby some international students have come to Ireland precisely to allow their children access the State education system.

The spokesperson added: “A review of student immigration is currently being undertaken by the Department of Justice, Equality and Law Reform. The matter will then be discussed with other relevant departments. The intention ultimately is to set out a comprehensive regime for student immigration to Ireland. The issue of families will be addressed in this review. Any rule changes arising from this process will be published.”

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