

**CMP comments on the Proposed Draft Scheme for Employment Permits
for non-EEA students.**

April 2008

While recognising that there is a commitment in ‘Towards 2016’ on Economic Migration Policy which states *that the employment of non-EEA students is subject to an application for employment permits*, CMP believes that the proposals in their current form are unnecessarily bureaucratic, inefficient, potentially damaging to students and the Irish economy and contrary to international best practice.

CMP believes that the current proposals for the student work permit scheme extend Ireland’s infringement of Article 23.1¹ of the Universal Declaration of Human Rights by limiting the *‘free choice of employment’* to another category of immigrant.

- The proposed new system is more complex and there are more requirements and administrative procedures. There is considerable potential for misunderstanding, misinformation and confusion in an area where there are already fundamental blockages in the provision of information to immigrants² and persistent ‘grey areas of responsibility’ within and between relevant State agencies.
- The combination of an increasingly complex system and the fundamental problems of the government departments not being able to disseminate accurate, timely and comprehensive information will inevitably result in people becoming undocumented.
- The €100 charge required for re-registering every time the student changes employers is prohibitively high. It is an unreasonably high figure that some students will not be able to afford on more than a one-off basis – and thus could tie employees into situations of exploitation.
- The above proposed re-registering requirement along with the regular work permit restriction of only being allowed to work for the employer referred to on the permit are unnecessary and will be counter productive to the ‘Towards 2016’ aim of tackling exploitation of *‘migrant and other vulnerable workers’*.

¹ Article 23.(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

² The CMP report on INIS Customer and Information Provision Service available on our website at: <http://www.migrantproject.ie/images/Analysis%20of%20INIS%20Customer.pdf>

- One of the main aims of the current Immigration Residence and Protection Bill which is at Committee stage in the Oireachtas is that it will streamline and increase the efficiency of the Irish immigration system. Clearly the current proposals for student work permits will significantly increase the administrative processes that the immigrant will need to go through and it will also significantly increase the workload of the GNIB and the Department of Enterprise, Trade and Employment. We believe this will have serious implications. Unless more resources are dedicated to the Department of Enterprise, Trade and Employment and the GNIB, this increased workload will have a significant negative impact on the processing times of other applications in the Employment Permits Section of the Department of Enterprise and the GNIB.
- A combination of all the above factors will be detrimental to Ireland's international image when trying to attract students and workers– thus potentially damaging the level of business that Irish educational institutions receive through international students. It could also damage Ireland's image in the global market place for migrants. In this market place countries like the USA, Canada and Australia have more developed systems and attractive sets of rights for immigrants.

It is worth noting that the Australian government has actually decided to scrap its current system of work permits for international students in favour of a system that is closer to the current, simpler, cheaper and more attractive Irish system where work permits are not required. This new system comes into effect on April 26th of this year and will allow the Australian authorities to issue work permission with the visa. (Previously in Australia there was a separate process to apply for work permission - which continues to be free from job mobility restrictions). See copy of Australian Immigration Fact sheet enclosed.

Proposals

There is some anecdotal evidence that some students work more than the allocated 20 hours per week during term time. It must be stated that the degree and prevalence of such breaches has not been formally documented in any comprehensive and reliable fashion. If such transgressions were proven to be severe and widespread some preventative measure would need to be taken. However, CMP believes that policy decisions that are based on incomplete evidence and which restrict people's human rights are inherently ill conceived.

CMP believes that the resources needed to enact the proposed changes could be used more efficiently and effectively to reduce the number of breaches of student visa conditions by focussing on and penalising employer transgressions of employment law and continued monitoring of student compliance with their permission/visa conditions. CMP believes that the challenge to reduce worker exploitation in Ireland would be better served by the current system which allows students to work for any employer and to move freely between employers.

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