

Student Support/Education

Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019

Most relevant to

- Educational institutions and students in Ireland and Northern Ireland



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Under the Student Support Act 2011, Student Universal Support Ireland (SUSI, which is an operation of the City of Dublin Education and Training Board) awards higher education grants to students. To be eligible for a grant, a student must be:

1. ordinarily resident in the State
2. accepted to pursue, or pursuing, an 'approved course' at an 'approved institution'
3. be a national of a Member State, an EEA state or Switzerland, a member of a family of such a national as prescribed by the Minister, a refugee, or in one of certain other categories permitted to reside in the State

What does the Act say?

The Act allows the Minister for Education to extend point (3) to cover:

- a. nationals of other countries. For this, the Minister must have regard to whether there are reciprocal arrangements with the country specified, the needs for skills and knowledge in identified sectors, the qualification to be awarded, available resources for student support, and the contribution that people from the country will make to higher education here
- b. UK nationals or Irish citizens. This is focused on Northern Ireland. Here the Minister must have regard to promoting greater tolerance, understanding, exchange of ideas, integration and co-operation between the people of the State and Northern Ireland, and greater understanding of and respect for the diversity of cultures on the island of Ireland

- c. their families

The Act introduces the term 'relevant specified jurisdiction' (RSJ). When dealing with third country nationals specified by the Minister under (a) above, the RSJ is a country specified by the Minister in regulations. When dealing with UK and Irish nationals specified under (b), the RSJ is Northern Ireland.

The requirement to be 'ordinarily resident in the State' remains. It means resident in the State for at least three out of the five years ending when a year of study starts, or the course started. There is an exception for temporary absence to study abroad in a Member State. The Act extends this exception to temporary absence from the State to study in the RSJ.

In reckoning time of residence in the State, periods of 'unlawful presence in the State' do not count. This factor is disapplied for Irish citizens and people entitled to be in the State under European freedom of movement law. The Act also disapplies it to people entitled to be in the State under common travel arrangements with the UK or with an RSJ.

'Approved institutions' includes publicly funded educational institutions in Member States. The Act extends this to institutions in an RSJ funded by public funds of the RSJ or any Member State.

The Act also extends to UK residents the 'Free Fees Initiative' under which the State pays tuition fees for eligible EU residents pursuing undergraduate courses at eligible institutions.