

## **How is ethnic minority understood for the purposes of the 1916 Bursary Fund?**

### **Students from ethnic minorities who are lawfully present in the State and are:**

- a national of an EU Member State, a state which is a contracting state to the EEA agreement, the UK or the Swiss Confederation,
- or person whose current immigration status or leave to remain under the Department of Justice, is one of the following:

#### **Refugee, Programme Refugee, Family Reunification:**

- o A refugee or other person entitled for the time being to the rights and privileges specified in section 3 of the Refugee Act 1996, including a person granted:
  - o Leave to enter and remain in the State as a programme refugee under section 24 of that Act, or
  - o permission to enter and reside in the State as a family member of a refugee pursuant to section 18 of that Act;
    - A person who is, pursuant to the International Protection Act 2015:
    - given a refugee declaration under section 47(1) of that Act, or
    - a programme refugee under section 59 of that Act.

#### **Subsidiary Protection:**

- o A person, pursuant to the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006) –
  - 1. who the Minister for Justice and Law Reform has determined is eligible for the time being for subsidiary protection pursuant to Regulation 4 of those Regulations, or –
  - 2. to whom the Minister for Justice and Law Reform has granted permission for the time being in writing to enter and reside in the State pursuant to Regulation 16 of those Regulation.
- o A person, pursuant to the European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013):
  - who is a person eligible for subsidiary protection and in relation to whom a subsidiary protection declaration is in force and to whom a permission to reside within the State has been granted pursuant to those Regulations; or
  - to whom the Minister for Justice and Equality has granted permission to enter and reside in the State pursuant to Regulation 25 of those Regulations; or
  - to whom the Minister for Justice and Equality has granted permission to reside in the State pursuant to Regulation 26 of those Regulations.
- o A person who is given a subsidiary protection declaration under section 47(4) of the International Protection Act 2015.

### **European Communities (Free Movement of Persons Regulations) 2006 and 2008**

A person who is a family member of a person who is a national of –

- an EU Member State,
- a state which is a contracting state to the EEA Agreement,
- the Swiss Confederation, and
- has permission to remain in the State as a family member of such person 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 of 29 April 2004.

### **Spouse, civil partner or dependent child of Irish national residing in the State**

A person who has permission to remain in the State –

- (i) by virtue of marriage to, or a civil partnership with, an Irish national residing in the state, or –
- (ii) as a dependent child of a person coming with clause (i)

### **Dependent child of naturalized Irish citizen residing in the State**

- o A person who has permission to remain in the State as a dependent child of a person who has acquired Irish Citizenship by naturalization, residing in the State.

### **Humanitarian leave to remain**

- o A person in respect of whom the Minister for Justice and Equality has granted humanitarian leave to remain in the State under any enactment for the time being in force.
- o A person granted permission to reside in the State under section 49 of the International Protection Act 2015 –

### **Decision not to deport under section 3 of the Immigration Act 1999**

- o A person in respect of whom the Minister for Justice and Equality has granted permission to remain following a determination not to make a deportation order under section 3 of the Immigration Act 1999.

For further clarification, see section 14 of the Student Support Act 2011 and Regulation 5 of the Student Support Regulations 2021 (Statutory Instrument No. 132 of 2021).

**Note:** *Persons who are in the protection system or at the leave to remain or at deportation order stage are not eligible to apply for a 1916 Bursary. Persons who are in the protection system or at the leave to remain (not at deportation order) stage however can apply to be considered for support under the Student Support Scheme for Asylum Seekers (otherwise known as the Student Support Scheme). Students who are currently living in direct provision are not eligible for support under the 1916 Bursary*

*Fund; the only exception is in respect of those residents who have been granted either refugee status, subsidiary protection status or leave to remain, and who are currently transitioning out of direct provision*