

# **Reform of the International Education Sector and Student Immigration System**

## **Government Policy Statement**

**May 2015**

### **1. Introduction**

In September 2014, a policy statement entitled “Regulatory Reform of the International Education Sector and the Student Immigration Regime” was launched jointly by the Ministers for Education and Skills and Justice and Equality.

The document contained a series of reforms considered necessary to address significant problems in part of Ireland’s private college sector. During 2014 some 10 colleges closed their doors and over 3,000, mainly non-EEA, students were left without the education programmes for which they had paid. There was also a disturbing level of immigration abuse in the sector and it was clear that a number of institutions were operating a business model based on little more than facilitating the economic migration of non-EEA nationals seeking to come and work in Ireland. Moreover, the use of overseas accredited courses as a means of bypassing Irish quality assurance oversight was a key element in this business model.

Work is continuing on the development of overarching and comprehensive immigration and quality assurance processes for international education. Central to this is the introduction of the International Education Mark which is currently in development and is planned to come on stream in 2016. However, given the urgent requirement to address the problems in the sector and to maintain Ireland’s reputation as a high quality destination for international students, it was necessary to take certain immediate remedial actions regarding the regulation of immigration permission for study purposes.

The reform package announced in September included the creation of a new more restricted list of eligible programmes for immigration purposes. This was intended to replace the existing Internationalisation Register of courses. The new list of programmes referred to as the Interim List of Eligible Programmes (ILEP) was due to come into force on 1 January 2015 and would

have consisted, barring some specific exceptions, of Irish accredited higher education courses, certain professional programmes and English language programmes offered by language providers who have achieved ACELS<sup>1</sup> recognition (ACELS is a long-standing voluntary quality assurance process for providers). This approach was also more in line with Ireland's international education strategy.

However, a legal challenge by two colleges to some aspects of the reforms relating to the language sector was upheld by the High Court<sup>2</sup>. While the legal issues are complex, the effect of the judgement was, in summary, that ACELS recognition could not be an exclusive prerequisite for language providers to have programmes included on the ILEP, particularly in circumstances where ACELS was no longer accepting applications for recognition. As a result, while certain reforms relating to the student work concession (under which non-EEA students have access to the labour market) were introduced as planned from 1 January 2015, the implementation of the ILEP was temporarily deferred.

The Government remains fully committed to deliver substantial and necessary reform in this area. In this regard, the rationale for change as set out in the September 2014 policy statement remains valid and is hereby reaffirmed. Indeed the pattern of immigration abuse and college closures has continued. It is important that a strong message is sent out that there is no room for so-called "visa factories" in the Irish educational sector. Therefore the focus is now on delivering the necessary reforms in a manner consistent with the court ruling.

However, in the light of the financial dealings of certain colleges in relation to their students and other poor practices, the reforms need to go further and some additional measures now considered necessary to underpin the initial reform programme are also to be adopted.

It should be noted that the immigration-related measures set out in this document relate only to non-EEA nationals and do not impact in any way on the provision of educational services to

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<sup>1</sup> The Accreditation and Co-ordination of English Language Services (ACELS) was established in 1969 under the auspices of the Irish Department of Education & Science to control standards in ELT schools and organisations through an inspection/recognition scheme.

<sup>2</sup> Academic Bridge Limited -v- Minister for Justice and Equality and Qualifications and Quality Assurance Authority of Ireland and National Employee Development Centre Limited -v- Minister for Justice and Equality and Qualifications and Quality Assurance Authority of Ireland

Irish or EU nationals, or indeed to non-EEA nationals who have acquired immigration permission on some other basis.

## 2. Ireland's International Education Strategy and Immigration Policy Priorities

Ireland's international education strategy and its marketing is founded on the quality of Irish higher education and our strong track record in delivering quality-assured English language programmes to overseas students<sup>3</sup>. In the higher education sector, the aim, in addition to generating valuable fee income, is to attract high quality students who will make a positive contribution to the overall learning environment and hopefully go on to achieve Irish degrees at undergraduate and postgraduate level. Our immigration policy is aligned with these objectives and offers possibilities to such students to remain on post qualification as high-skilled workers, researchers or entrepreneurs. If they do not chose to stay, there is considerable value in establishing an educational diaspora of people in positions of influence who hold Irish degrees. In the English language sector Ireland positions itself as a high-end niche supplier competing first and foremost on the basis of quality provision.

It is important from the outset to distinguish between the right of a provider to trade in educational services and the granting of immigration permission to an individual for the purpose of attending an educational course. The policy set out in this document does not prevent any person who seeks to offer educational courses from doing so. Such courses can be offered in Ireland, via the internet or overseas. Any person who lives in Ireland or is an EU citizen with the right of free movement can attend such courses. That is a vast available market and the prospective customer will make his or her choice on the basis of their perception of the quality and value for money of the service. The fact that an educational enterprise wishes to sell courses to non-EEA nationals does not of itself create any entitlement for such persons to come to Ireland to attend the course. Immigration permission is granted to the student and not the college and there is no obligation whatsoever on the authorities to grant such permission for a purpose in which it does not have confidence, or where that purpose is not in line with public policy.

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<sup>3</sup> Traditionally the bulk of overseas students coming to Ireland to learn English have come from other EU countries

Ireland's immigration regime for non-EEA students is a generous one, comprising the right to live and study in Ireland and access to the labour market. While Ireland needs to compete internationally in this market and the immigration regime is an essential part of the package, in order to justify the granting of such permission, three essential conditions at a policy level must be satisfied. Firstly there must be confidence that the industry is operating to an acceptable standard and that the students are immigration compliant. Secondly, the programmes themselves must be of a type that reflects Ireland's strategic priorities in international education as outlined above. Thirdly, the immigration regime offered to students must be consistent with both immigration policy in general and good labour market management.

As stated, Ireland's priorities in international education as a traded service are Irish accredited higher education and Irish quality assured English language provision and it is clearly logical that the immigration system should be aligned with these priorities. This is in addition to the necessity of managing immigration risk. Ultimately, immigration permission should be reserved as a general rule for the purpose of facilitating attendance at courses that meet Ireland's strategic priorities and, crucially, which the State can stand over in terms of quality assurance. In brief, Ireland cannot afford to stake its considerable reputation as a quality learning destination for international students on course offerings that are not subject to Irish standards of quality assurance and it follows that immigration permission should not, as a matter of course, be extended to educational offerings that cannot demonstrably meet such standards.

Ireland's immigration offering can accommodate the aspirations of only a fraction of those who might want to come here to study from outside of the EU and therefore policy choices have to be made. Overseas accredited programmes combine the highest level of immigration risk, with the least strategic value. They do not lead to an Irish qualification and it is self-evident that a course that is accredited outside of Ireland can equally be studied outside Ireland, in some cases in the country of origin of the non-EEA students themselves.

In addition, it is both the Irish and international experience that it is generally not possible to guarantee sufficiently robust application of accreditation or quality assurance procedures by bodies operating at a remove, particularly outside of the country of service delivery.

As a means of giving effect to these policy choices, the Government has decided to proceed without further delay with the implementation of the Interim List of Eligible Programmes (ILEP) in place of the current Internationalisation Register. This will be done on a phased basis. The ILEP will be implemented fully by 1 October and will remain in place until the International Education Mark is fully operational, at which point a more permanent system for programme eligibility will be established.

### 3. Implementation of Interim List of Eligible Programmes

The ILEP will be now implemented as set out below.

#### **General Requirements for ILEP listing**

All private providers seeking to have a listing on the ILEP from 1 October 2015 for their programmes will be required to comply with certain conditions, relating to ownership, operation, and quality assurance by that date. This is dealt with in more detail in Section 7 in this document.

#### **ILEP Implementation**

The implementation of the ILEP will be in two steps. The initial implementation phase on 1 June 2015 will, in line with the approach announced in September 2014, de-list all further education programmes and all overseas accredited vocational education and training programmes. This change was due to take place from 1 January 2015 and was not the subject of the court proceedings. However, it was considered preferable, in the interests of clarity and coherence, to delay its implementation until it could be included in an overall reform package. Existing overseas degree programmes leading to awards of recognised awarding bodies at undergraduate and post graduate level will be retained (unless the college is suspended for immigration reasons) on a temporary basis to early 2016. Retention beyond that date, and for EU accredited courses only, will be subject to a new application process for existing and new EU accredited degree programmes set out in Section 5 of this document. Courses lacking Irish or EU accreditation will be delisted at that point for new students.

The second step, to be implemented with effect from 1 October, will address the question of English language programmes, taking account of the ruling of the High Court in January. The Government has approved the putting in place jointly by the Departments of Education and Skills and Justice and Equality an interim vetting process for English language providers as set out in Section 4 of this document. Further details and guidelines on this process will be published shortly and where necessary the process will be fine tuned by the two Departments. The purpose of this process is to provide an additional opportunity for those English language programme providers currently on the Internationalisation Register but who do not have

ACELS recognition to demonstrate that they have reached an equivalent acceptable standard of quality provision and immigration requirements in their operation that would merit inclusion on the ILEP on 1 October 2015. The requirement for higher standards is not new: providers have been on notice of this at least since September 2014 but the general direction has been signalled much earlier.

In the meantime, for the intervening period i.e. 1 June to 1 October 2015, the Internationalisation Register will continue to operate on the current basis for English Language programmes. In effect, the list of courses which will be eligible as the basis for the granting of immigration permission as a full time student<sup>4</sup> during this period will be in two parts, namely the ILEP for academic programmes and the Internationalisation Register for language courses. The ultimate decision on whether a course should be included on the listing will rest with the Department of Justice and Equality in both cases.

It is intended that the ILEP will thereafter be updated every 4 months. The ILEP will be co-managed by the Department of Education and the Department of Justice and Equality. As the ILEP operates for immigration purposes the final decision on whether a programme should appear on the ILEP will be taken by the Department of Justice and Equality. Quality and Qualifications Ireland (QQI) will retain their existing advisory role in line with function 9(I) of the Qualifications and Quality Assurance Act (Education and Training) 2012<sup>5</sup> and provide technical advice on higher education, professional programmes and ACELS English language programmes. QQI will have no decision making function in relation to inclusion of programmes on the ILEP.

## **Phase 1 – with Effect from 1 June 2015**

### **A. Non-Language Programmes**

The Government reaffirms the policy announced on 2 September 2014 to the effect that outside of the English language sector, and subject to certain exceptions that may arise on a

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<sup>4</sup> This does not apply to short courses which can be attended during a tourist permission of up to 90 days or limit the Minister's discretion to grant immigration permission by way of exception to a non-EEA student seeking to attend a course that is not included on the list.

<sup>5</sup> to "advise and consult with the Minister [for Education and Skills], or any other Minister on any matter which relates to its functions at that Minister's request".



case by case basis, only the following programmes should be regarded as an appropriate basis for immigration permission<sup>6</sup>:

- Higher education programmes leading to major awards at NFQ 6 and above which are made by statutory Irish awarding bodies<sup>7</sup> and have a minimum of 60 ECTS<sup>8</sup> associated with the programme <sup>9</sup>;
- Higher education programmes leading to non-major awards at NFQ 6 and above which are made by statutory Irish awarding bodies and which have an associated workload of at least 60 ECTS credits per year;
- ACCA professional accountancy programmes at providers that have been designated by ACCA as Platinum Providers;
- Existing overseas accredited bachelor and masters degree programmes currently on the Internationalisation Register with a minimum of 180 ECTS (or equivalent credits) at undergraduate level, and 60 ECTS (or equivalent credit value) at postgraduate level. (On a temporary basis up to the first published ILEP in 2016. Retention of non-Irish EU accredited degree programmes beyond that date will be subject to the process set out in Section 5 of this document).

## B. English Language Programmes

In this first phase the Internationalisation Register will continue to operate on the current basis for English Language programmes.

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<sup>6</sup> Subject in all cases to the college being in good standing with the Immigration authorities

<sup>7</sup> Joint accreditation by Irish and overseas awarding bodies is permitted

<sup>8</sup>The European Credit Transfer and Accumulation System (ECTS) is a tool that helps to design, describe, and deliver study programmes and award higher education qualifications. Course descriptions contain ‘learning outcomes’ (i.e. what students are expected to know, understand and be able to do) and workload (i.e. the time students typically need to achieve these outcomes). Each learning outcome is expressed in terms of credits, with a student workload ranging from 1 500 to 1 800 hours for an academic year, and one credit generally corresponds to 25-30 hours of work

<sup>9</sup> For the purposes of this document this means that the award it leads to is made by one of the following types of awarding body:

(i) QQI

(ii) A recognised Irish awarding body i.e.,

o Dublin Institute of Technology

o Higher Education and Training Awards Council

o Institutes of Technology with delegated authority to make awards

o Royal College of Surgeons in Ireland

o Universities

o Other bodies that have statutory powers under Irish law to make awards

## **Phase 2 - with effect from 1 October 2015**

A 2<sup>nd</sup> iteration of the ILEP will be published on 1 October 2015. All private<sup>10</sup> providers seeking to have English language programmes listed on the ILEP at this date must have complied with the additional requirements set out in Section 4 of this document. It will be comprised as follows:-

### A. Non-English Language Programmes

- As in Phase 1
- EU accredited bachelor and masters degree programmes with a minimum of 180 ECTS (or equivalent credits) at undergraduate level, and 60 ECTS (or equivalent credit value) at postgraduate level that have met the criteria set out in Section 5 below.

### B. English Language Programmes

Eligibility for inclusion of English Language programmes on the September 7 ILEP will be confined to providers who meet the conditions set out in Section 4 and come under one of the following headings:

- i. Providers which hold ACELS Recognition at the time of the 1 October ILEP (this requires also that they have not come to adverse attention for immigration purposes).

or

- ii. Providers that can demonstrate to the satisfaction of the Departments of Education and Skills and Justice & Equality, and subject to inspection by those Departments, that they have passed a credible and comprehensive quality assurance process operated by a national or international regulatory body that is at least as stringent as that carried out by the voluntary national quality assurance process of ACELS. Representatives of any such body will have to make themselves available to officials of the two Departments so that they can satisfy themselves as to the thoroughness of the quality assurance process in respect of course delivery in Ireland.

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<sup>10</sup> A private provider in this context is a provider established other than by statute or by the Minister for Education and Skills

or

- iii. Providers that pass the new process referred to in Section 4 below, *Interim (non-ACELS) Process for vetting English Language Programmes* more detailed guidelines on this process along with application forms will be published by the Departments of Justice & Equality and Education & Skills in the coming days.

### **Further Explanatory Notes on ILEP**

*Note 1 The fact that a course appears on the ILEP is not an absolute guarantee that a student will be granted immigration permission to attend it. The student's application is considered on its merits, including assessment of previous immigration history, good character, their finances and the credibility of their study plan.*

*Note 2. Foundation programmes will not be included on the ILEP. However a limited number of 1-year preparatory programmes may still be accepted, by way of exception, as a basis for student immigration permission and subject to such conditions as may be set down by the Department of Justice and Equality. Students would have to already have been accepted on an Irish accredited degree programme but deemed by the degree programme provider to need to undertake a preparatory course in order to be in a position to undertake their degree studies. The number of such students will be capped and the preparatory programme must be based on a written agreement between the institution offering the degree and the provider delivering the preparatory programme. Regard will also be had to the admission criteria operated for entry to the degree programme, the track record of the provider in delivering preparatory programmes (including the progression of students on to Degree programmes) and the ability to demonstrate the necessity for such a programme to be included. Foundation or preparatory programmes will not be permitted to operate as a means of circumventing other controls put in place.*

*Note 3 Established semester programmes (primarily involving students from US universities attending courses in Irish colleges) will be dealt with outside of the ILEP arrangements by the Department of Justice and Equality. The Government recognises the cultural*

*exchange potential of such programmes and the linkages between prestigious universities overseas and Irish colleges with a track record in this field and supports their continued operation.*

*Note 4 Under existing rules for the international register English Language courses that fall short of the required 375 guided learning hours (GLH) do not qualify for inclusion and accordingly will be removed, save in exceptional circumstances.. No bundling of short courses in order to reach the required GLH is permitted. From the October iteration of the ILEP onwards therefore such courses will be dealt with under the arrangements for tourists (i.e. stays of less than 90 days). An ILEP listing is not required for short courses that can be attended during a tourist permission of less than 90 days).*

*Note 5 One year top-up degree programmes, where a student studies outside Ireland initially and comes to this country for a one year programme in order to complete their degree, will be considered for inclusion on the ILEP in accordance with the procedure in Section 5. However it is intended that such courses can only be pursued within the first two years of their stay in Ireland.*

*Note 6 Failure to provide any information as required by the Departments of Justice and Equality and Education and Skills for the purpose of determining whether a programme/provider should be included on ILEP or provision of misinformation or any failure to co-operate will be deemed to be a withdrawal from the application process.*

*Note 6 The ILEP represents an interim process. When it comes to an end and the IEM is fully in place a new list of programmes will be required for immigration purposes. Providers would, first and foremost, have to have acquired the IEM to appear on the new list. In terms of individual programmes outside of the language sector the same principles will be applied as in the ILEP.*

**NB 1. Immigration permission for a non-EEA student is not a right and a business seeking to engage in selling educational courses cannot assume that non-EEA students whom it seeks to enrol on its programmes will be granted immigration permission to come to Ireland for that purpose or renew their permission in-country. Just as the**

*onus is on the student to satisfy the Irish authorities that immigration permission is justified in their individual case, the onus is on a college to demonstrate, on an ongoing basis as required, that attendance at its courses should be an acceptable basis for the granting of immigration permission. This principle informs the operation of the ILEP. Providers that fail to meet their obligations in this respect are liable to be refused a listing on the ILEP or removed from it. Where issues arise with a particular college, students seeking immigration permission on the basis of pursuing a course there may be refused.*

**NB 2.** *In considering whether a course should be on the ILEP or whether a college should be permitted to have courses listed, a highly relevant factor will be the past conduct in the industry of the individuals involved and whether they were previously involved in the ownership, operation or administration of a college that has been engaged in immigration abuse or has closed its doors leaving student creditors (in particular where it has failed to refund monies owed to people refused a visa). Such individuals cannot have any reasonable assumption that a new venture in which they have a significant involvement or ownership should be trusted for immigration purposes. This is entirely without prejudice to their ability to run a business or the operation of company law generally. Each case will be looked at on its merits.*

## 4. Interim (non-ACELS) Process for vetting English Language Programmes

The process will involve a written application and applicant providers will be subject to unannounced inspection. There will be an appeal process in respect of a negative decision where more senior officials will review the initial findings. The appeal process may also provide for a further follow-up inspection as necessary. It is expected that an administrative charge will be applied. Applications would aim to be turned around at first instance within 6 weeks, provided all necessary information is furnished.

The Departments of Justice and Equality and Education and Skills will consider all relevant matters, including programme and provider standards, immigration compliance (including track record) and issues of governance, ownership and the capacity of the premises to cater for the students, as appropriate.

The interim process described here in respect of English language programmes will remain in place until the International Education Mark is fully rolled out. This process will be open for application from 1 June to 30 June 2015 for the 1 October iteration of the ILEP and will remain open thereafter with periodic cycles of application for the lifetime of the ILEP. Cut-off dates will be applied in respect of each application cycle with late applications held over until the next iteration of the ILEP. Providers who applied unsuccessfully for inclusion on the October ILEP will be permitted to reapply for the next available iteration.

The interim process for English language programmes being put in place for the period between now and the introduction of the International Education Mark is for the limited purpose of establishing whether a provider should be permitted to appear on the ILEP. It is not an endorsement of the particular programme or the provider and cannot be marketed as such. Nor is it an absolute guarantee that immigration permission will be granted to students to attend such programmes.

## 5. Application Process for EU accredited degree programmes

Some provision is necessary to address the position of overseas accredited degree programmes, both in the case of those already on the Internationalisation Register and new degree programmes that providers may seek to have included on the ILEP. New applications for inclusion on the ILEP will only be considered from EU universities. Any other requests will be dealt with on a student by student basis by the Department of Justice and Equality outside of the ILEP process.

The current arrangements for considering whether such programmes should be permitted to be on the Internationalisation Register are unsatisfactory and lack the rigour of quality assurance that is provided for by statute where the degree programme is accredited by an Irish awarding body. The issue may not be with the overseas university itself but with the manner in which the course is delivered in Ireland or the extent to which quality assurance in the delivery of the programme is subject to adequate oversight or verification by an institution situated outside of the State and not subject to its laws .

Therefore the following process will be put in place and will apply to all undergraduate and postgraduate degree programmes that are solely accredited by an EU University based outside of the State.

Application for inclusion of the course on the ILEP must be made jointly by the EU University and the Irish provider. The Memorandum of understanding regulating the provision of the course in Ireland must be furnished. The application must address, at a minimum:

- The numbers of students permitted to attend the course in any academic year
- The entry requirements for the course
- Verification by the accrediting University that the course comprises a minimum of 180 ECTS (or equivalent credits) at undergraduate level, and 60 ECTS (or equivalent credit value) at postgraduate level
- The teaching arrangements for the course including the involvement of the university's academic staff in lecture delivery

- The entry requirements for the course (academic and language competency)
- Confirmation that all students on the course must be registered with the accrediting University on enrolment and must be registered for examinations
- An undertaking by both parties that all data required by INIS, including in relation to attendance and exam progression, will be supplied on demand to the INIS
- A statement by the University as to the adequacy of the learner protection arrangements it provides in the event that the college in Ireland ceases trading
- Details of any due diligence carried out by the University into the track record of the Irish provider in academic programmes that would equip them to deliver a degree programme (Note the Irish authorities will also examine the question of track record independently – Irish providers are required to meet certain criteria in this respect before progressing to inclusion of degree courses on the ILEP for immigration purposes.
- The ongoing oversight arrangements the accrediting University will apply to the Irish Provider, including site visits. Essentially the quality assurance provided in respect of course delivery at the accrediting university's home campus should be matched by that in place when the course is delivered in Ireland by a provider. It should also comply with the Code of Good Practice in the Provision of Transnational Education.
- Any other information required from time to time by the Irish immigration authorities to ensure quality of education, protection of learners or the integrity of Ireland's borders.

The Department of Justice and Equality will make the final decision on whether such courses should be permitted to appear on the register, having consulted with the Department of Education and Skills. QQI may play an advisory role also within its statutory remit.

Further details of these arrangements will be announced shortly.

**NB. Because (solely) overseas accredited degree programmes do not form part of the Government's internationalisation strategy it does not follow that the incentive offered through the work concession should be available for such courses. That matter will be considered separately by the relevant Government Departments.**



## 6. Attendance by students at courses not on the ILEP

Where a student seeks to attend an academic or cultural course that is not eligible for the ILEP or otherwise is not listed on it, the Minister for Justice and Equality retains the discretion to grant immigration permission (with or without a right to work) on a case by case basis. It is always open to any foreign national to apply for immigration permission, whether as a student or otherwise, and cases will be considered on their merits. In other words, a blanket refusal policy will not be operated. The onus will of course be on the student to demonstrate their reasons to attend the course in question and why an exception to the agreed policy is justified in their particular case.

While it is not intended that new degree programmes accredited solely by non-EU overseas bodies will be added to the ILEP, the Department of Justice and Equality, in exercise of the Minister's discretion, will be available, outside the ILEP framework, to engage with providers seeking to bring in small numbers of non-EEA students to attend specialised advanced academic programmes accredited by such overseas universities.

A person coming to Ireland as short term tourist (less than 90 days) can potentially attend a course of study in the same way that they can engage in any other tourist pursuit and it is open to providers to offer short-term programmes of this nature without a requirement that they be listed on the ILEP. It is clear that many of the vocational, professional and language courses currently on offer have comparatively low guided learning hours and could be accommodated within a 90-day period.

## 7. Additional Requirements for all private providers on ILEP

In the past 12 months at least 15 private colleges have closed. Issues have arisen regarding the governance of a number of these colleges. Attempts have been made in some cases to conceal the true ownership, and there are apparent links between a number of colleges of concern. Students have been left without courses or refunds and in some cases staff have not been paid, in spite of the colleges taking in substantial levels of fees. It is therefore intended to implement the following requirements. Providers must have complied with these requirements prior to the 1 October 2015 ILEP release. These requirements will apply to all institutions applying to have courses included on the ILEP.

- (1) All private providers seeking to have programmes registered on the October iteration of the ILEP will be required to make a complete disclosure of all directors, including shadow directors and any person with a beneficial interest in the business. Owners, directors and directors of studies will be required to make a statutory declaration as to any beneficial interests they hold in other colleges, in Ireland and overseas. Failure to comply with this requirement or the provision of false, incorrect or misleading information will render the provider liable to be de-listed from ILEP at the decision of the Department of Justice and Equality. Subsequent changes in ownership must be notified to the Departments of Education and Skills and Justice and Equality immediately and in a manner that will be set out in due course. Failure to make such a disclosure will render the provider liable to be de-listed from ILEP at the decision of the Department of Justice and Equality.
  
- (2) All private providers receiving monies in advance from students pending the outcome of a visa application<sup>11</sup> will be required to establish an escrow type of account with a bank or financial institution regulated by the Central Bank of Ireland that will hold the funds on behalf of the student and the provider pending the visa decision. If the visa decision is positive the funds are transferred to the provider and if the visa application is refused the funds (less any pre-agreed charges) are refunded to the student. The

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<sup>11</sup> In this regard the term “visa application” relates to an application by a person living abroad for an Irish visa through the AVATS system

Department of Justice and Equality will engage in discussions with the industry on this but all private institutions must have such arrangements in place by the end of the year. In the meantime and by the time of the 1 October ILEP they will be required as a minimum to operate a separate client visa account for advance payments dependent on the visa process. Funds must remain in this account until the student's visa application is determined. If the visa application is refused, the funds must be returned within 20 working days of the decision being received by the provider less any pre-indicated handling charge. These accounts must be open to inspection by Immigration officers.

- (3) Learner protection will be compulsory from 1 October 2015 onwards. All Private providers will be required to provide documentary evidence verifying the mode and adequacy of their learner protection arrangements. These arrangements may consist of an agreement between a group of providers that they will, in the event of closure of one of their number, make available to the affected students replacement courses free of charge or, alternatively, some form of insurance or bond arrangement with a financial institution that would refund the student with, as a minimum, the cost of the unused part of the course for which they had paid. In such circumstances the cover being provided to the student cannot be voided by the actions or inactions of the college.
- (4) All Providers will be required to declare the maximum annual student capacity of each programme they have entered on the ILEP. Student capacity will be based on the teaching space, i.e. number of classrooms and dimensions of same, and the teaching resources available to the College at the time of application.

**NB. These regulations are entirely without prejudice to the right of the immigration authorities to carry out inspections into immigration compliance by providers and to refuse to grant immigration permission to students in respect of attending a programme at a provider that is found to be engaging in immigration abuse or operating in a manner that indicates that granting permission to students studying there is contrary to the interests of Ireland's immigration system.**

## 8. Immigration Permission for English Language Students and Access to Work.

The reforms announced in September 2014 made some adjustment to the student work concession by standardising the times during which the student could work for a maximum of 20 hours per week and those periods to which a higher limit of 40 hours applied. The higher limit applies now in the months May to August and during a one-month period running from mid-December to mid-January. It is intended to maintain these arrangements.

It has also been the practice for a number of years to treat a language course in the same manner as if it were an academic programme although, in reality, the tuition hours for language courses is very considerably less than that required of undergraduate or postgraduate students on a degree programme. In the past a student doing a language programme of 25 weeks and 375 hours was nevertheless granted a full 12 months immigration permission. This situation is no longer tenable and is regarded as contributing to some of the problems in the sector. Therefore, and subject to ministerial discretion to deal more favourably with individual cases where an exception is justified, the general maximum student permission for attending a 375 hour plus language programme is now being reduced from 12 months to 8 months i.e. approximately 34-35 weeks. A student can obtain up to three such permissions as before. As a result, a new student will be able to spend a maximum of 2 years studying English rather than 3 years at present. There is no reduction in the minimum overall level of tuition however (3 X 375 hours). The net effect of the change is to reduce the time when the student is not in class. This change will apply to all registrations taking place from 1 October onwards onwards. Providers will have to adjust timetables accordingly.

It is intended to keep the work concession under review. It is also planned during the course of the year to introduce additional immigration categories so that it is easier to differentiate students depending on the nature of their programmes. This should make it easier to identify language students, degree programme students and those availing of the graduate extension (12 months for those graduating with an Irish-accredited honours bachelor degree or above).

## 9. Attendance Requirements and Registration for English Language Students

Students seeking immigration permission for the purposes of attending an English Language Programme will be required to furnish a full timetable (see below) for their course when they present to the immigration authorities for registration showing the hours of tuition and holiday periods. Course timetables must meet the following requirements.

- Courses must consist of a minimum of 25 weeks tuition at a minimum of 15 tuition hours per week.
- The 25 weeks tuition must take place within an overall window of 8 months.
- Available tuition hours are between 9am – 5pm Monday to Friday only.
- The student must attend classes on at least 4 days of the week.
- Holiday weeks cannot be front-loaded and can never exceed 1/3rd of the overall lapsed time since the course commenced.

INIS will introduce a standardised manual recording sheet for language students required to be signed by the class teacher and retained for inspections.

INIS will also introduce a standardised template for registration letters from providers seeking to enrol non-EEA students on their language programmes. The letter must state clearly the commencement date and the completion date of the programme, the qualification or award that is being pursued and the dates of any holidays or breaks over the course of the timetabled programme.

NB Students will only be issued with an immigration permission for programmes with a commencement date that is within two weeks from the date of registration. Where a programme is delayed, a written explanation for the delay must be supplied by the provider, detailing the alternative provision being made available for the student due to start the delayed programme.

## 10. Conclusion

The development of Ireland's International Education services sector remains a high priority. That sector must be driven by quality in programme delivery, in the student experience and in governance. This can only happen when that part of the sector that has manifestly failed to perform in this manner has ceased or radically reformed its practice. This is in the interests of all of those providers who have sought to maintain high standards. It is ultimately in the interest also of genuine students who come to Ireland for an excellent educational experience and for those who teach them.

Following implementation of the necessary reforms set out in this document, ongoing consideration will be given to additional measures that will incentivise genuine students to choose Ireland as a quality learning destination for international education.

## General Summary of New Measures

Date Effective	Action	What does this mean
1 June 2015	First Iteration of ILEP published	<p>A new list of programmes in two parts. This will comprise</p> <p><u>Higher Education Programmes</u></p> <ul style="list-style-type: none"> <li>• ILEP listing of a much more restricted list of academic programmes</li> </ul> <p><u>English Language Programmes</u></p> <ul style="list-style-type: none"> <li>• Temporary retention of the that part of the International Register for English language programmes and under current rules to allow providers without ACELS recognition an opportunity of applying under an alternative process</li> </ul>
1 June 2015	New process for Language Providers not holding ACELS recognition	A new process will be open to providers without ACELS recognition to have their operation and programmes evaluated for the purposes of inclusion on the 1 October ILEP
30 June 2015	Cut – off date for application for inclusion on October ILEP for language programmes	Applications for inclusion on the 1 October ILEP by language providers seeking to undergo the new evaluation process must have been submitted by this date. Late applications will be considered for the following update
1 October 2015	Reduction in length of immigration permission for language programmes	Students registering with immigration authorities for language programmes will receive a maximum single permission of 8 months as opposed to the current 12 months
1 October 2015	Second Iteration of ILEP published	<p>Revised ILEP consisting of</p> <ul style="list-style-type: none"> <li>• a much more restricted list of academic programmes</li> <li>• English Language Programmes where providers have ACELS recognition or have passed alternative evaluation process</li> </ul> <p>All Private providers must have complied with additional requirements regarding disclosure of ownership, capacity, learner protection and fees arrangements.</p>
January/February 2016	Third iteration of ILEP	The ILEP will be updated on a 4 monthly basis until the IEM is fully in place