



An Roinn Dlí agus Cirt
Department of Justice



An Roinn Breisoideachais agus Ardoideachais,
Taighde, Nuálaíochta agus Éolaíochta
Department of Further and Higher Education,
Research, Innovation and Science

**DEPARTMENT OF JUSTICE
IMMIGRATION SERVICE DELIVERY (ISD)**

Interim List of Eligible Programmes for Student Immigration Permission

**Arrangements Applying to English Language Programmes from
1 October 2015
(Updated 28 February 2024)**

Section 1: Introduction

A series of reforms to the student immigration system for international education were implemented in 2015 in line with the policy statement [Reform of the International Education Sector and Student Immigration System](#).¹ The Interim List of Eligible Programmes (ILEP) was introduced as a more restrictive list of education programmes eligible for student immigration purposes, used as a reference point for Immigration Service Delivery (ISD) of the Department of Justice, in considering visa and residency applications from non-EEA applicants² wishing to study on a full-time basis in Ireland.

The ILEP is available [here](#) and includes details of programmes meeting specified criteria. The inclusion of programmes in the ILEP enables providers to recruit non-EEA students to study full-time in Ireland. The types of programmes eligible for inclusion are set out in Section 2. New overseas accredited/validated programmes or further education or vocational education and training programmes are not included in the ILEP. Only those providers who can demonstrate that they have reached an acceptable standard, and demonstrate compliance with the criteria and requirements set out in this document, will be permitted to have English language programmes included in the ILEP. To retain a programme listing, providers are required to remain in compliance with the ILEP criteria contained in this document and comply with all immigration requirements. The ILEP is administered by the Department of Justice. The Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) has an advisory role in identifying appropriate criteria for the inclusion of programmes in the ILEP.

The ILEP was developed as an interim measure, pending the introduction by Quality and Qualifications Ireland (QQI) of the International Education Mark (IEM)³. QQI will award the IEM to higher education and English language providers who demonstrate that they meet national standards to ensure a quality experience for international learners. When fully operational and following a transition period, the IEM will supersede the ILEP for student immigration purposes. Once the ILEP is discontinued, only education providers granted authorisation to use the IEM will be eligible to recruit students from outside the EEA to English language programmes, foundation programmes and higher education programmes leading to awards within the [National Framework of Qualifications](#). In anticipation of the introduction of the IEM, the ILEP will be closed to new applicant providers following the April 2024 application cycle. For a limited time, providers with programmes already listed on the ILEP may apply for the inclusion of additional programmes while engaging in the IEM application process. Information pertaining to dissolution of the ILEP and transitional arrangements will be communicated on the [Irish Immigration](#) website.

Study Visas and Stamp 2 immigration permissions will only be granted in respect of participation in a course listed in the ILEP or an eligible course offered by a provider with authorisation to use the IEM. Whether recruitment is on the basis of an ILEP programme listing or authorisation to use the IEM, all providers seeking to recruit students from non-EEA countries must cooperate with ISD in the Department of Justice and ensure compliance with immigration law. Providers must ensure all students, including prospective students, are aware of their immigration obligations.

Where a provider has programmes listed on the ILEP and remains in compliance with ILEP criteria, it may continue to recruit non-EEA nationals until the ILEP ceases operation. To remain eligible to recruit non-EEA nationals, providers must gain authorisation to use the IEM. Providers are advised to apply to QQI for authorisation to use the IEM as soon as it is available to continue to be eligible to offer programmes to non-EEA nationals requiring immigration permission.

¹ This built on a previous government decision announced by the Ministers for Education and Justice: [Regulatory Reform of the International Education Sector](#)

² The members of the European Economic Area: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden. These arrangements/regulations apply to programmes for students who are citizens from countries other than those listed above or Switzerland.

³ QQI has published information on [IEM requirements and the application process](#).

In light of the impending availability of the IEM, new applicant providers have a final opportunity to submit an application for inclusion of programmes in the ILEP. Details are set out on the [Irish Immigration](#) website. New applicant providers must also apply to QQI for authorisation to use the IEM, as soon as it is available. A provider seeking inclusion of programmes in the ILEP for the first time must meet the criteria contained in this document, including, *inter alia*, the following:

- Comply with student protection measures and have public, documented policies, systems and procedures in place for the support of students.
- English language programmes must meet programme requirements specified in Section 2.
- ISD must be satisfied with the operation of all providers from an immigration perspective. All private providers must provide a clear declaration of ownership, shadow directors, physical infrastructure and teaching capacity and comply with certain conditions relating to ownership, management, operation and quality assurance.
- Demonstration of a track record in English language education - where a provider is seeking inclusion in the ILEP for the first time, it must demonstrate having brought a cohort of EEA students through to the point of successful completion of the programmes for which inclusion is sought and achieving the relevant certification. *Please note:* this is a process whereby a provider is seeking to have programmes accepted as a valid basis for the granting of immigration permission to non-EEA students. It is not about the right to operate a business. This is a concession and therefore the immigration authorities must be fully satisfied in relation to the *bona fides* and capacity of the provider. The onus of proof rests on the provider in that regard.

Where an application from a new applicant provider is refused and an appeal against refusal is unsuccessful, there will be no further opportunities to apply for inclusion of programmes in the ILEP. Applicants are advised to apply to QQI for authorisation to use the IEM. Programmes listed on the ILEP will only be valid for the duration of the ILEP. When the ILEP is discontinued, only providers with authorisation to use the IEM will be permitted to recruit non-EEA nationals requiring immigration permission to reside here for the purpose of study.

Information for English language students requiring immigration permission:

A student will be eligible to apply for a Study Visa and/or Stamp 2 immigration permission when participating in a programme listed on the ILEP or an eligible full-time English language course offered by a provider with authorisation to use the IEM. English language programmes must be at least 25 weeks in duration. Immigration permission up to 8 months may be granted, at the discretion of the Immigration Official. Students must progress in their studies and demonstrate at least 85% attendance. Students should refer directly to the [Irish Immigration](#) website before [coming to study in Ireland](#) and with regard to [registration requirements and the registration process](#). A detailed set of [questions and answers](#) is also available.

Section 2: Programme Requirements

Please note: these requirements are without prejudice to any additional requirements or measures that may be imposed by Irish immigration authorities or Irish Government Departments.

Programmes included in the ILEP are divided into the following categories:

- (a) Higher education programmes leading to major Awards;
- (b) Higher education programmes leading to non-major awards;
- (c) Professional awards;
- (d) English language programmes; and
- (e) Foundation programmes.

The criteria for categories (a), (b) and (c) and (e) are published on the [ISD website](#). The criteria and requirements for English language programmes are set out in this document.

Definition and Interpretation

English language programmes which are eligible for inclusion in the ILEP must have the following characteristics:

- a) Be a minimum of 25 weeks in duration and offered within a seven month period with a minimum of 15 classroom tuition hours per week, excluding breaks, delivered Monday to Friday between the hours of 9am and 5pm;
- b) Have a defined learning pathway (i.e. a course programme), with specified learning outcomes stating the learning goals to be achieved at the end of the programme;
- c) Have an assessment framework aligned to the programme and its learning outcomes;
- d) Be subject to internal quality assurance; and
- e) Be offered exclusively to students who are speakers of other languages, for whom English is not their first language, and conclude in one of the English language proficiency exams (with a specified score / grade where the exam is a system) listed in Table 1; **or**
- f) Lead to a recognised English Language Teaching (ELT) award made by a recognised national or international awarding body.

Each programme is considered on its own merits. The Department of Justice may liaise with regulatory authorities, awarding bodies and external quality assurance agencies as appropriate to confirm that individual programmes meet the specified programme criteria. Where deemed appropriate, the Department of Justice, on behalf of the Minister, will seek advice from Quality and Qualifications Ireland (QQI) where education-related queries arise.

Please note:

English language programmes with a specific professional or occupational domain focus, e.g. IT or tourism, will typically contain a module or strand of the overall English programme focusing on a specific lexis or subject-area. Such programmes must culminate in a minimum B1 or equivalent grade, as formally calibrated by the exam provider should the programme not culminate in an award.

English for Business programmes will have learning outcomes within the relevant language systems and language skills descriptions. Programmes will culminate in a relevant exam identified as assessing English for business purposes. Such programmes must culminate in a minimum B1 or equivalent grade, as formally calibrated by the exam provider should the programme not culminate in an award.

The following criteria apply for English language programmes listed on the ILEP:

- The provider must be able to demonstrate to the Department of Justice that it has the capacity, resources and expertise (including qualifications and experience of staff) to deliver its programmes.
- The immigration and academic track record and pass rates on the programme must be to the satisfaction of the Department of Justice.
- The examining body must also be in good standing with the regulatory authorities, including immigration authorities, in its home jurisdiction. In this regard, the Department of Justice may liaise with such authorities to confirm the awarding body's current standing.
- All relevant records setting out the relationship between the examining body and the Irish provider, together with the terms and conditions applicable to the provision of programmes, must be provided on request to the Department of Justice.
- Programmes listed on the ILEP must demonstrate progression of at least one full CEFR level during the course of the 25-week programme.
- Providers must ensure programmes are listed on the ILEP in advance of marketing to, or recruiting, non-EEA students.
- Information provided to the immigration authorities will be shared as necessary with DFHERIS and members of the ILEP Committees.

Table 1: English language proficiency exams: end-of-course exams with minimum scores/grades:⁴

Exam Title	Examining Body	Minimum Exit Score⁵
Test of Interactive English (TIE)	ACELS /IELT Ltd	A2
English Test for Academic and Professional Purposes (ETAPP)	ACELS /IELT Ltd	B1
IELTS (Academic)	British Council/Cambridge University Press & Assessment (CUPA)/IDP Australia	4.0/ B1
IELTS (General)	British Council/Cambridge University Press & Assessment (CUPA)/IDP Australia	4.0/ B1
CUPA B1 Preliminary (also known as Preliminary English Test – PET)	Cambridge University Press & Assessment (CUPA)	Pass/B1
CUPA B2 First (also known as First Certificate in English – FCE)	Cambridge University Press & Assessment (CUPA)	Pass at Grade C/B2
CUPA C1 Advanced (also known as Certificate in Advanced English – CAE)	Cambridge University Press & Assessment (CUPA)	Pass at Grade C/C1
CUPA C2 Proficiency (also known as Certificate in Proficiency of English – CPE)	Cambridge University Press & Assessment (CUPA)	Pass at Grade C/C1+ - C2
CUPA B1 Business Preliminary (also known as Business English Certificate Preliminary – BEC 1)	Cambridge University Press & Assessment (CUPA)	Pass/B1
CUPA B2 Business Vantage (also known as Business English Certificate Vantage – BEC 2)	Cambridge University Press & Assessment (CUPA)	Pass at Grade C/B2
CUPA C1 Business Higher (also known as Business English Certificate Higher – BEC 3)	Cambridge University Press & Assessment (CUPA)	Pass at Grade C/C1
Pearson Test of English Academic (PTE Academic)	Pearson	43/ B1
Integrated Skills in English (ISE) Foundation (F)	Trinity College London	ISE F Pass /A2
Integrated Skills Exam (ISE) I	Trinity College London	ISE I Pass /B1
Integrated Skills Exam (ISE) II	Trinity College London	ISE II Pass /B2
Integrated Skills Exam (ISE) III	Trinity College London	ISE III Pass /C1
TOEFL iBT	ETS	42 / B1 72/ B2 95/ C1

⁴ Further information: TIE/ETAPP www.ielt.ie ; CELA: www.cambridgeenglish.org; IELTS: www.ielts.org; Pearson: www.pearsonpte.com; Trinity College London: www.trinitycollege.co.uk; ETS www.ets.org

⁵ A programme must prepare a student to exit with language competence of at least the minimum exit score or above.

Duration and attendance requirements

Duration and attendance requirements for English Language Programmes listed on the ILEP:

1. Programme attendance requirements include the following:
 - a) Non-EEA students must be attending the programme on a full-time, daytime basis, which is defined as students attending between the hours of 9am and 5pm on a minimum of four days between Monday and Friday each week.
 - b) Programmes must be delivered fully through in-person classes to best meet the pedagogical needs of students and optimum student experience, except where a move to blended or wholly online delivery is in response to Government advice or public health restrictions.
 - c) Formal timetabled hours for student contact must amount to at least 15 hours (15 x 60 minutes) per week, excluding breaks.
 - d) The programme must operate for a minimum of 25 weeks over a 7-month period; and the tuition element must constitute at least 375 hours during that period.
2. The hours of tuition must be appropriate in terms of the aims, objectives and learning outcomes set for the programme to enable the student to successfully achieve the minimum exit score / grade for the end-of-programme exam. Modifying the tuition hours for the purposes of meeting the minimum duration criteria for the ILEP is not acceptable.
3. A provider must display the detailed timetables (in calendar format) for all its programmes on its website in a manner freely accessible to the public.
4. On enrolment, the provider must give each student a written timetable clearly identifying the daily and weekly tuition times with dates. The programme schedule, including holiday periods, must be presented by the student to the Immigration Officer for inspection during the student's registration.
 - a) Holiday periods must be outlined in advance.
 - b) Calculation of a student's programme end date must take into account bank holidays and holiday closures to ensure a minimum of 375 tuition hours.
 - c) The programme timetable must be set out in such a way that holiday periods cannot at any point exceed 1/3 of the total weeks elapsed (front loading of holidays will not be permitted).
 - d) It is the responsibility of providers to provide students with tuition as stated in this timetable. Any changes to the timetable must be with the agreement of the student.
5. Attendance by students is defined as attending the full designated tuition hours - i.e. arriving more than 15 minutes late, or leaving before the class has concluded, means the student is marked absent for the class / class segments. Providing this leeway should not be adopted by providers as a mechanism for allowing students to regularly arrive late without being marked absent. The design and operation of the system for recording attendance must be in line with ILEP requirements, whether manual, electronic or a mix. Attendance must be recorded in each class and class teachers must also record the overall number of students in attendance. Manual attendance sheets must be retained by the provider for a minimum of 12 months for inspection and will be checked against any computer records. ISD also reserves the rights to request data on monitoring of students' attendance.

Section 3: Eligibility Criteria for Providers of Programmes listed on the ILEP

Eligible Providers

An English Language programme, as defined in Section 2, is eligible for inclusion in the ILEP when it meets the programme criteria set out in Section 2 and the provider offering the programme meets the programme, provider ownership, track record, governance criteria and all conditions and requirements **set out in Sections 2, 3, 4, and 5 of this document.**

Or alternatively

An English Language programme, as defined in Section 2, is eligible for inclusion in the ILEP when it meets the programme criteria set out in Section 2 and is offered by one of the following recognised Irish awarding bodies, which meet the 'Other Conditions' set out in Section 5 of these criteria:

- an institute of technology
- a university⁶ or technological university⁷ in the State
- National University of Ireland
- Royal College of Surgeons in Ireland

Provider Ownership

A statement of ownership of the legal entity, signed on affidavit by an owner of the company/ legal entity must be submitted with the application form. This statement must:

- list all persons who are owners⁸, beneficial owners*, directors, shareholders and/or investors in the provider, or holding company of which the provider is a subsidiary, including shadow directors or persons otherwise having a beneficial ownership of the provider company / legal entity.
- set out shareholding arrangements and confirm that all shares held by persons listed as a shareholder, or director of a provider are in the name of the persons listed and are entirely at their disposal. Where shares are held in trust this must be so stated, detailing for whom they are held in trust.
- provide a declaration as to whether any individuals who hold an interest in the provider also act as a recruitment agent, and
- declare all other shareholdings, directorships or interest(s) held by the listed shareholders and/or directors in other education and training providers in Ireland or in any other jurisdiction.

**For the purposes of this criterion a “beneficial owner” is an individual who benefits from at least 25 per cent of the business (i.e. the provider), where this has been established i.e.:*

- if the individuals who benefit from the business have been determined, any individual who benefits from at least 25 per cent of the business;*
- if the individuals who benefit from the business have yet to be determined, the class of such individuals in whose main interest the business is set up or operates,*
- any individual who exercises control over at least 25 per cent of the business.*

NB: Any individual who is the beneficial owner of a body corporate that benefits from or exercises control over the business is taken to benefit from or exercise control over the business.

Failing to make a full and accurate disclosure, or making a false or misleading disclosure, will result in an application being rejected or programmes being removed from the ILEP. Providers who make false, misleading or incomplete declarations will be prohibited from having programmes included in the ILEP and /or its successor. Providers are also obliged to ensure that the information submitted to ISD remains up-to-date and are therefore required to communicate any changes of ownership to ISD within 5 working days of such changes taking place. Failure to do so will result in programmes being removed from the ILEP unless a successful appeal is lodged.

Section 4: Provider Track Record and Governance

Requirements of providers:⁹

- All owners, shareholders, directors and managers of the provider must have a sound track record in educational provision and with immigration compliance nationally and in any other jurisdiction. Managers include individuals employed as “*Director of Studies*”.

⁶ Dublin City University; University of Galway; Maynooth University; Trinity College Dublin; University College Cork; University College Dublin; or University of Limerick.

⁷ These are established pursuant to the provisions of Part 2 of the Technological Universities Act 2018.

⁸ For the purpose of these criteria, owners are defined here as anyone who has a financial investment or interest in the legal entity. An owner may be active or not active in the business, sole, part or co-owner, beneficial owner, shareholder, any person for whom shares are held in trust by another person etc.

⁹ These criteria apply to providers seeking to recruit non-EEA students and do not impact providers recruiting EEA students only.

2. Owners, shareholders, directors and/or managers must not have been involved in the last five years in the ownership of an education and training provider, in this or any other jurisdiction, which closed leaving students disadvantaged, e.g. out of fees or without an arrangement to complete their studies.
3. The provider must not have owners or majority shareholders acting as a recruitment agent. Information on individuals who hold an interest in a provider and also act as a recruitment agent must be included in the *affidavit* submitted in support of the provider's application.
4. Owners, shareholders, directors and/or managers must not have been convicted of an indictable offence in connection with a business or a company either in Ireland or in any other jurisdiction.
5. Owners, shareholders, directors and/or managers must never have been convicted of an offence involving fraud or dishonesty in Ireland or in any other jurisdiction.
6. The provider must never have been the subject of an order under Section 160 of the Companies Act 1990, as amended¹⁰.
7. The provider must demonstrate a track record in English language education. Where a provider is seeking inclusion in the ILEP for the first time, it must demonstrate having brought a cohort of EEA students through to the point of successful completion of the programmes for which inclusion is sought and achieving the relevant certification. The immigration authorities must be fully satisfied in relation to the capacity of the provider to address all aspects of the provision of English language education to students.
8. The owners, shareholders, directors and managers must meet all other national legal requirements, e.g. employment regulations. The owners, shareholders, directors and managers must also satisfy all immigration requirements.
9. The provider must be tax compliant and in good financial standing¹¹.
10. The provider must have a current business plan which identifies:
 - a. the staff-to-student ratio on programmes for which inclusion in the ILEP is sought.
 - b. the maximum number of such programmes and maximum number of enrolled students the provider can accommodate on such programmes.
 - c. how these programmes and students are, and will be, accommodated within the current premises with the resources available.
 - d. the number of classrooms available for the delivery of these programmes.
 - e. projected recruitment of EEA and non-EEA students on such programmes for the next three years. The annual student recruitment declaration must be based on a maximum class size of 15 students, a maximum of two sessions per day between 9am and 5pm i.e. annual student recruitment = (number of students per class [maximum 15]) x (number of available classrooms) x (number of daily classes [maximum 2]) x number of full programmes delivered annually [maximum 2]).
 - f. the duration of the current lease arrangements for the classrooms as set out above. Changes to leasing arrangements, or the location of the provider or provision **must be communicated** to ISD within 5 working days of such changes taking place. Failure to do so will result in programmes being removed from the ILEP unless a successful appeal is lodged.
11. The provider must have appropriate administrative staffing arrangements:
 - i. administrative positions in any management role with responsibility for non-EEA students, attendance records and/or the attendance system must not be filled by non-EEA students.
 - ii. all academic staff must have a minimum of a major award at level 7 on the [National Framework of Qualifications](#) (or equivalent) and a recognised ELT certificate (or equivalent). Providers must submit details of the qualifications held by all staff members at the point of application and such documents must be available for inspection at any time. Changes to teaching staff must be communicated to ISD in the required format¹² within 5 working days of such changes taking place. Failure to do so may result in the removal of programmes from the ILEP. It should also be noted that where high instances of teacher turnover are present, the provider will be subject to greater scrutiny;

¹⁰ Companies Act 1990 and amendments: <http://www.irishstatutebook.ie/eli/1990/act/33/enacted/en/html>

¹¹ ISD reserves the right to request management accounts and, in certain circumstances, audited accounts from applicants. ISD will also liaise with the appropriate authorities in relation to a provider's broad requirements.

¹² Completion of Appendix A (available in the application form). This requirement does not apply to designated awarding bodies, institutes of technology, technological universities and other bodies granted statutory power to make awards under Irish law.

- iii. all academic management staff must have a minimum of five years' recent and consecutive experience in the field of English language teaching of adults.

The provider must have documented published procedures in place for the following:

- i. checking of qualifications prior to granting employment;
- ii. the actions to be taken where qualifications are found not to meet the minimum requirements;
- iii. the dismissal of a staff member or removal of a staff member from teaching duties where issues are subsequently identified regarding qualifications.

12. The provider must have public, documented policies, systems and procedures in place, utilising a plain English approach and clear language that students can reasonably be expected to understand. The following will be considered in the context of an application for the inclusion of programmes in the ILEP:
 - a. **refund of student fees and other payments:** The policies and procedures for refunds must include provisions for refund arrangements for students who withdraw from a programme prior to commencement of the programme, shortly post commencement, or during the programme. These provisions must specify the maximum time from receipt of a refund request to the issue of a refund (this must not exceed two months). In the case of a visa refusal or refusal of entry into Ireland, the fees, less any pre-indicated handling charge, must be returned to the student within 20 working days of the request being communicated to the provider. Any portion of fees/administrative charges retained by the provider must be advised to the student prior to purchase and must be fair and proportionate. The basis for any such deductions must be advised to the student prior to purchase. The policy must also set out any circumstances under which the student is not eligible for a refund and the name and contact details for the person(s) responsible for operating the refunds system.
 - b. **punctuality and attendance, including recording of attendance:** There must be a clear system for the recording of attendance identifying the nominated responsible person(s) and the rules on punctuality and penalties for lateness. Such records should be available for inspection by / submission to ISD.
 - c. **absenteeism and expulsion:** There must be a clear system in place for the recording of student absences, for which any procedures should describe the steps which are taken and by whom in the case of an absent student. This system should identify the person(s) responsible for recording absences, their contact information, and any associated procedure as to how a student can have an absence recorded as a medical appointment or some other qualification of the circumstances pertaining to the absence, i.e. in the context of disciplinary action arising. It must be clear at which point in this procedure that steps for expulsion of the student are activated and by whom, with a clear description of the actions and requirements at each stage in the warning system. All standard correspondence as part of this process must be retained and be available to relevant internal personnel and external authorities on request. Absenteeism and expulsion procedures must be implemented in a timely manner, i.e. the disciplinary action must follow immediately after the absenteeism issue has been identified by management. It is not acceptable that non-EEA students are expelled towards the end of their programmes in relation to issues identified at an earlier point in the programme. The disciplinary system which may ultimately lead to expulsion must be clearly laid out in writing, including the issue of forfeiture of fees. The disciplinary process must be progressive with the student receiving at least two warnings, and provided with opportunities to respond at preceding stages before the step of expulsion. The only exception is in the case of a serious incident, for example where the student has engaged in violent conduct against staff or students. The student should have recourse to some form of appeal or review and this process should be set out clearly and recorded.
 - d. **student sick leave:** There must be a procedure for contacting the designated person(s) responsible in the provider on the first day of sickness and each day subsequently, together with the instructions relating to submission of a doctor's certificate(s). The procedure regarding absenteeism and expulsion must be communicated to, and understood by, students including reference to requirements in relation to uncertified sick leave beyond the statutory entitlement.
 - e. **holidays and breaks:** No unscheduled breaks will be permissible except in documented cases of illness or close family bereavement. Circumstances where these requests may be considered must be listed and available to the student. The criteria for accepting or refusing a request must be documented and this must include the decision-making process. The name(s) of the person(s)

responsible must be documented and publicly available. Student holidays and breaks must comply with immigration requirements and attendance requirements.

- f. **end-of-course exam entry and recording of grades / scores received:** The following must be documented:
- i. the process of evaluation of student achievement based on exit grades / scores, or in the case of programmes leading to awards the process of external authentication of exam results/grades achieved by students;
 - ii. the obligations of the student to take the exam and the obligation of the provider to enter the student for the exam, i.e. the provider and student must sign an agreement at the beginning of the programme stating that the provider will enter the student for the end-of-programme exams and that the exams are mandatory. The student will sign the agreement stating that they understand the exam is mandatory and agree to sit the exam. The document must be available for inspection in respect of each student;
 - iii. documentary evidence of entering students for the required exams. Exams must be scheduled to take place after 25 weeks of tuition have been delivered but within a student's 8 month immigration permission;
 - iv. the name and contact details of the person(s) responsible for the activities under i – iii above. The record of grades received must be available on request to students, ISD and relevant internal personnel. The relevant data protection permissions should be agreed with students accordingly and in line with GDPR requirements¹³.
- g. **complaints and grievances:** The following must be documented:
- i. clear information describing what constitutes a complaint or grievance by a student;
 - ii. the procedure to be followed by the provider in the event of receipt of a complaint / grievance;
 - iii. the name and contact details of the person(s) responsible for managing this procedure;
 - iv. the maximum duration from receipt of a complaint to resolution of the issue;
 - v. the means of appeal/review where claims are not resolved to the satisfaction of the student.
13. The provider must not accept payment of fees by cash. Payment must be documented and a receipt provided to the student, whether the student is paying for a first programme or is based in the State and renewing their student immigration permission.

Please note: Providers must adhere to the policies they articulate in the documents submitted to ISD. Failure to demonstrate that policies are being implemented to the satisfaction of ISD may result in programmes being removed from the ILEP.

Section 5: Other Conditions

Providers must also comply with any additional requirements imposed by Irish Immigration Authorities or Irish Government Departments.

Section 5A¹⁴ Protections for Students

Providers must have arrangements in place for the protection of students in the event that a programme ceases prematurely, i.e. financial bonding arrangements for a student to have their unspent fees and related costs reimbursed as part of an insurance policy; or academic bonding arrangements where the student completes the programme with another provider(s). Learner protection arrangements must cover the period from when a student enrolls on a programme and pays the relevant fees, until the time the student has completed the programme and the end-of-programme exams. Details of the arrangements which will apply

¹³ Further information is available at www.dataprotection.ie

¹⁴ Requirements set out in Section 5A do not apply to the designated awarding bodies, technological universities, institutes of technology or other bodies granted the statutory power to make awards under Irish law.

must be notified to students prior to enrolment/payment of fees and referenced on letter(s) provided to enrolled students.

- a. *Insurance arrangements* must be via a body which is regulated by the Central Bank of Ireland with the individual student being the policy holder. The student must be covered from enrolment through to completion of the end-of-programme exam. Students' details must be communicated to the insurance provider once fees are paid. The name of the insurance provider must be set out on the enrolment letter and a copy of their policy documentation with clear details of the claims procedure must be provided to each student by the insurance provider.
- b. *Academic bonding arrangements* must not be made with providers with whom there is shared ownership or directorship and must take into account the types and levels of programmes to be covered. The arrangements must reflect cover of the maximum student numbers with at least two other providers i.e. a provider with a maximum capacity of 100 students must have coverage of at least 100 students at each of the other two providers included in the bonding agreement. If the bonding arrangement is with four or more other providers, each proportion of the maximum capacity must be covered by two providers. The arrangements for cover must be clearly set out, including possibilities of teaching out students in their current location. Where an alteration or suspension of an existing academic bonding agreement will affect another provider(s), they must be notified in advance.
- c. Providers participating in the new statutory *Learner Protection Fund* (LPF) must supply evidence to demonstrate their compliance with QQI's arrangements for the protection of enrolled learners.¹⁵

Evidence of the learner protection arrangements in place must be submitted in respect of all programmes for which inclusion in the ILEP is sought. Such evidence must comprise statements from the relevant financial body(ies) in the case of financial bonding arrangements; or letters of confirmation from awarding bodies and/or alternate providers in the context of academic bonding arrangements. All students must be protected, with no gap in cover. Any learner protection arrangements presented in support of an application must be clear and transparent. Details of proposed changes to learner protection arrangements must be submitted to ISD for approval.

For handling of advance payments dependent on the visa application process, providers must operate an escrow/delayed payment account with a payments institution authorised by a designated competent authority under Directive (EU) 2015/2366¹⁶ or a separate client visa/escrow account with a financial body regulated by the Central Bank of Ireland. The operation of the account must be in accordance with the following key steps:

- Students pay programme fees in advance of making a visa application;
- Funds must remain in this account until the student's visa application is determined:
 - a. If the student confirms the successful visa application, the funds are released to the provider's current account; *or*
 - b. If the visa application is refused, the funds (less any pre-indicated handling charge) must be refunded within 20 working days of the decision being communicated to the provider.

Statements/reconciliation reports in relation to the account must be available for inspection and/or provided to ISD on request. Evidence of arrangements to satisfy this requirement must be submitted in respect of all programmes for which inclusion in the ILEP is sought. Such evidence must comprise statements from the relevant financial body(ies).

Failure to comply with these requirements will result in the provider being removed from the ILEP unless a successful appeal is lodged.

¹⁵ Details of the statutory Protection of Enrolled Learners (PEL) scheme and the Learner Protection Fund (LPF) will be published by QQI.

¹⁶ [Directive \(EU\) 2015/2366 of the European Parliament and of the Council of 25 November 2015](#), articles 11(4) and 100 refer to competent authorities.

Section 5B Teaching and Learning

1. Providers must enrol no more than 15 students per class, i.e. each student is enrolled for the duration of the programme and registered for a specific class. No more than 15 students should either be listed on the class attendance list or physically present in a class. Students cannot change programmes, or attend any classes other than the one for which they are registered for the duration of the programme.
2. Providers must have mandatory attendance requirements of a minimum 85% attendance for all enrolled students. The system of taking and recording attendance must be documented and publicly available. Where a student has 25% or more uncertified absence in the first six weeks of their programme, this must be communicated to ISD. This communication must also set out the provider's attendance policy being applied in this instance, i.e. what measures are or have been taken to address non-attendance. Where a student cannot make up attendance to a minimum of 85% before the programme ends, the student must be informed that they do not meet the attendance requirements and this fact will be communicated to ISD. There is no mechanism permitted whereby students can make up an uncertified absence(s) through additional classes, either during or after the end of the programme.
3. Providers must have documentation which clearly states the number of classroom tuition hours, i.e. a minimum of 15x60 minutes per week. This tuition time minimum does not include breaks. The minimum programme duration is 375 tuition hours, delivered over at least 25 weeks.
4. Providers must have a "student handbook" or equivalent document, which is available to students with information on the programme, its operation and obligations on the part of the student. The information contained in the student handbook must be up-to-date and relevant to the Irish context.
5. Providers must have a "teacher handbook" or equivalent document, which is available to teachers with information on their responsibilities and duties, including a code of conduct and disciplinary measures to be taken by the provider.

Section 5C Student Services

1. Providers must provide assistance and support to students on immigration-related issues. An employee(s) who does not require immigration permission must be available to students in this regard. Administrative positions in any management role responsible for non-EEA students, and / or positions with responsibility for attendance records and the attendance system must not be filled by non-EEA students. A non-EEA student enrolled in a programme of study should not have an employment role within the same provider in view of a potential conflict of interest.
2. Providers must be compliant with Section 67 of the Qualifications and Quality Assurance (Education and Training) Act, 2012. In so doing, providers must make information on relevant external accreditations and awarding bodies available to students. Where memberships of professional bodies are also listed in public materials, the relationship of these to the programme(s) must be made clear.
3. In respect of each programme listed on the ILEP, providers must publish information in a clear and transparent manner that can be verified by the immigration authorities and/or students. This must include:
 - a. details of all agents with which a recruitment arrangement has been agreed; and
 - b. information on fees and all other ancillary charges associated with the delivery of the programme to ensure prospective students are made aware of all costs associated with the programme prior to enrolment.
4. Providers must provide students with clear information on health insurance requirements. The cost and extent of the insurance must be clear. Where a student pays for health insurance through the provider, documented evidence of payment and cover provided by the insurance company must be supplied by the provider to the student.
5. Providers¹⁷ must have arrangements in place for the protection of students in the event that a programme ceases prematurely, i.e. arrangements for a student to complete the programme with another provider(s), or have their unspent fees and related costs reimbursed. Learner protection arrangements must be clear and transparent.

¹⁷ Requirements set out in full in Section 5A- Protections for students.

6. Providers¹⁸ must operate an escrow/delayed payment account with a payments institution authorised by a designated competent authority under Directive (EU) 2015/2366 or a separate client visa/escrow account with a financial body regulated by the Central Bank of Ireland for receipt of advance fee payments dependent on the visa process. Statements and reconciliation reports in relation to this account must be maintained, available for inspection and provided to ISD on request.
7. Providers must provide students with pastoral care, advice and assistance, e.g. on immigration-related issues; with finding accommodation; opening a bank account; gaining access to medical services etc.
8. Providers must have emergency procedures in place, both during and outside of office hours, including emergency contact numbers, which are documented and publicly available to students.

Section 5D Premises and Related Resources

1. If premises are occupied under lease, providers¹⁹ must indicate the duration of the lease and must have evidence available (upon request) of the duration of the lease and the name of the property owner(s) with whom the lease is held in the business plan. When a lease expires, ISD must be informed of the new lease arrangements in place. Where a provider moves or operates from an additional centre, ISD must be notified within 5 working days and updated details must be supplied. A Capacity Statement, evidence of relevant planning permission, fire safety certification and confirmation of the learner protection arrangements in place must be supplied in respect of all centres and locations of the provider.
2. English language programmes eligible for inclusion in the ILEP must be offered in premises which:
 - a) have adequate capacity to deliver the maximum number of programmes offered by the provider to the maximum number of enrolled students outlined in the provider's business plan [See Section 4 (10)];
 - b) are fit-for-purpose and have a suitable means of heating capable of maintaining, when required, a room temperature of 18.5 C;
 - c) have classroom(s) which have:
 - i. a floor area for seated occupancy of not less than 1.56 sq. meters per person;
 - ii. at least one window with a minimum glass area equivalent to one-tenth of the floor area, and of which at least one part shall open; and
 - iii. suitable fittings and equipment.
 - d) have a room(s) exclusively available to academic staff adequate to the number of staff for the preparation of lessons etc..
 - e) have a student 'common room' and library facilities adequate for the maximum student numbers.
 - f) have a student media / resource centre adequate for the maximum student numbers.
 - g) meet national legal requirements to operate as an educational premises, e.g. has relevant planning permission, complies with fire safety and health and safety regulations etc..
 - h) have appropriate furnishings and equipment adequate for all provision by the provider, based on a maximum number of enrolled students as set out in the provider's business plan.
3. Providers must accurately represent their facilities in all marketing and promotional materials. Misrepresentation of facilities may result in a provider being removed from the ILEP or refused a listing where a provider is applying for the first time.

Section 5E Student Profile

1. Providers must have clear, documented admissions criteria for programmes which enable a student to successfully engage with the programme, e.g. a placement test which is fit-for-purpose.
2. Providers must register students for the relevant end-of-programme exam(s) and retain records of exam registration and results for a three-year period. Evidence of registration of students for exams must be supplied to ISD on request. Failure to register students for end-of-programme exams may result in a provider being removed from the ILEP. Providers must ensure students are aware of their obligations to sit the end-of-programme exam and that evidence will be required by immigration officers at renewal.

¹⁸ Requirements set out in full in Section 5A- Protections for students.

¹⁹ This requirement does not apply to bodies granted the statutory power to make awards under Irish law.

The letter of completion provided to the student must include the details of the end of programme exam.

3. Providers must seek to ensure a good linguistic mix in the class, i.e. a multi-cultural classroom and students with a variety of mother tongues, and provide a student profile to facilitate language learning opportunities as evidenced in the business plan and in the current enrolments.
4. Providers must ensure student progression across programmes, i.e. a non-EEA student cannot be enrolled on a second consecutive programme at the same or lower level than the preceding programme on which they were enrolled.

NOTE:

Any other information required regarding the programme(s), the award(s) to which they lead, the awarding body and/or the Irish or EU English language services recognition authority, will be sought by ISD from the provider and/or the awarding body and/or the Irish, UK or EU English language services recognition authority, as appropriate. This information will inform the decision-making process regarding the inclusion of programmes in the ILEP.

Providers must immediately inform, and not later than 5 working days, ISD in the Department of Justice of any changes since its previous ILEP application, including, *inter alia*, changes to ownership, shareholdings, directorships, governance, any changes to its status or operations (such as protections for students), staffing arrangements or location(s) of provision. Failure to do so, or the provision of false or misleading information, will result in the immediate removal of all programmes of the provider from the ILEP unless a successful appeal is lodged. Additional documentation must be supplied in respect of changes to records previously supplied and on the request of ISD.

The Department of Justice and the Garda National Immigration Bureau (GNIB), reserve the right to seek information, at any time, on programmes included in the ILEP, their provision and the awards to which they lead.

Section 6: Operation of the ILEP

Application cycles

Details of each application cycle will be announced in advance on the [ISD website](#). Programmes cannot be added to the ILEP outside of the published application cycles. However, there is scope to remove programmes (and providers) between cycles as detailed in these criteria or when a provider has gained authorisation to use the IEM.

Application process

Once the IEM is available, the ILEP will be closed to new applicant providers. For a limited time²⁰, providers with programmes already listed on the ILEP may apply for the inclusion of additional programmes while engaging in the IEM application process. Application forms for the ILEP are available on the [ISD website](#). Dates for the receipt of applications are published on the ISD website. Only complete and accurate applications received during the application submission window will be considered. Incomplete and / or inaccurate applications will not be processed and applicants will be notified.

All applicant providers will receive an email confirming receipt of their application, after the application submission window has closed. This is purely to confirm the application has been received as it will not have been reviewed at this stage. An unannounced on-site inspection of applicant providers may be conducted at any time to determine compliance with the criteria for inclusion in the ILEP. Applications are processed by

²⁰ Details on dissolution of the ILEP will be communicated on the [Irish Immigration](#) website.

the ISD staff responsible for the ILEP and their findings presented to the ILEP Committee. The Department of Justice will determine which programmes are included in the ILEP, and will be advised in its decisions by the ILEP Committee, comprising of membership of the Departments of Justice and DFHERIS. Applications and information provided to the immigration authorities will be shared with members of the ILEP Committee. The ILEP Committee meet in advance of each ILEP update, although extraordinary meetings may also be held as required.

Where an application has been approved in full, the provider will receive an email confirming this but advised that students cannot be recruited to those programme(s) until the official ILEP update is published on the specified date. Until such time as the programmes appear on the published ILEP, applications for visa/ student permission will be refused. As soon as the updated ILEP is published, the provider should check that the information contained in its listings are accurate. A programme listing on the ILEP will only be valid until the date of cessation of the ILEP.

In the case of unsuccessful applications or applications where some of the programmes were refused, email correspondence will issue and the applicant will be provided with an opportunity to appeal the decision of the ILEP Committee by lodging an appeal application by email within five working days of the decision being communicated. Applications may be refused or awarded provisional status by the ILEP Committee and either decision may be appealed. *[Provisional status means that programmes will be listed on the ILEP until the next update. During this period, a provider must demonstrate significant improvements to rectify the concerns of the Committee which led to the assignment of a provisional status listing. Failure to satisfy the Committee's concern(s) will result in the provider and/or programmes being removed from the ILEP, unless a successful appeal is lodged.]*

Any additional documents or communication (e.g. emails) received after the five day appeals window has passed cannot be considered. In requesting an appeal, the grounds for appeal should be set out in the email, along with details of an action plan to remedy the grounds on which the application was refused. The appeal application will be examined by senior officials of the two Departments who will review the initial findings of the ILEP Committee and any additional information / documentation provided. Applicants may be contacted for additional clarification or information where necessary. Where one of the reasons for rejecting an application was the failure to provide certain requested information or documents, applicants may provide such information or documents as part of the appeal process. However, if the validity of such documents cannot be ascertained, or documents are not provided within the five-day appeals window, the application will remain refused.

The findings of the Appeals Committee will be communicated to applicants in advance of the ILEP being updated. New applicant providers whose ILEP application is refused and compliance with the criteria cannot be verified within the 5 day appeals window, must gain authorisation to use the IEM to be eligible to recruit non-EEA students.

Monitoring, Inspections and Investigations

Monitoring activities are conducted to determine ongoing compliance with ILEP criteria and requirements. Monitoring activities can include routine or specific requests for records and information to determine compliance with ILEP requirements. The Department of Justice and the GNIB reserve the right to conduct unannounced inspections of applicant providers, and providers with programmes included in the ILEP, at any time. Such inspections will form part of ongoing monitoring activities to ensure compliance with immigration regulations. However, in certain circumstances, an inspection or investigation may take place on foot of a complaint, identification of possible non-compliance or other concerns regarding the operation of a provider. Information may be shared with DFHERIS and members of the ILEP and/or Appeals Committee.

The following are (non-exhaustive) examples of the type of information sought as part of monitoring activities and during on-site inspections:

- Provider and ownership / management details including [CRO](#) information; revenue number; tax clearance certificate; names of directors and principal; and connections with other providers (including shared directorships);

- Provider capacity details, including *inter alia*:
 - Number of students (EEA and non-EEA) and completion rates per programme / award over a specific timeframe;
 - Number of intended intakes and enrolment dates for each programme the provider is seeking to include in the ILEP or has included in the ILEP;
- Lease details, evidence of relevant planning permission and fire safety certification;
- Teachers' qualifications documents;
- Samples of student enrolment letters and induction materials;
- Documentation pertaining to learner protection arrangements;
- Statements and reconciliation reports relating to the use of the separate client visa/escrow or delayed payment account for holding course fees;
- Evidence of registration of students for end-of-course examinations. Evidence of payment of examination fees will be sought in this regard;
- Records of attendance monitoring and details of warnings and expulsions;
- Evidence of progression of students enrolled on a second or subsequent programme;
- Records of the handling of refund requests, complaints and grievances;
- Documented policies and procedures in place.

A report is produced following an inspection or when instances of non-compliance with ILEP criteria are identified. The report is presented to the ILEP Committee for consideration. The same process, as set out above for applications, applies to the consideration of the report by the Committee, with an appeal mechanism available in the case where the ILEP Committee directs that the provider's programmes should be removed or granted provisional status. In cases where instances of non-compliance with ILEP criteria are identified, providers are given notice of the ILEP Committee's decision to remove programmes from the ILEP. Providers may appeal the ILEP Committee decision, to remove programmes or grant provisional status, by submitting an appeal within 5 working days of the decision being communicated.

Removal of Programmes from the ILEP/Suspension of Issuance of Immigration Permissions

The inclusion of programmes in the ILEP enables providers to seek to recruit non-EEA students to study full-time in Ireland. Students enrolled on an ILEP programme may reside in Ireland with an accompanying concession to take up casual employment in the State, in accordance with stipulated conditions for the duration of their studies. It is therefore important to articulate the circumstances under which certain programmes of a provider, or a provider and all of its programmes, will be removed from the ILEP.

The primary circumstances under which a provider and / or its programme(s) will be removed from the ILEP is when the provider or one or more of its programmes no longer meets the criteria for inclusion in the ILEP. **In all cases, the onus is on the provider to inform ISD in the Department of Justice of any change to its status which impacts upon its ability to continue to meet the criteria for inclusion of programmes in the ILEP. Failure to inform the Department of Justice of any change in circumstances from its previous or original application will result in the removal of the provider and its programmes from the ILEP unless a successful appeal is lodged.**

The principal circumstances under which a provider and / or its programme(s) will be removed from the ILEP, and the process which will normally apply in these circumstances, are set out below:²¹

Basis and process for removal of programmes from the ILEP:

- ***On cessation of the ILEP:*** All providers will cease to benefit from the rights incurred as a result of a programme listing on the ILEP. From that time, only providers with authorisation to use the IEM will be permitted to recruit non-EEA nationals to full-time programmes which meet immigration requirements.
- ***Significant failures identified by QQI:*** Where significant failings of relevance to ISD and ILEP are identified during a provider's engagement with QQI, including through an application for the IEM, this

²¹ Other circumstances may arise, outside those listed, which warrant the removal of a provider and/or programmes from the ILEP.

information will be shared with ISD, and the provider and all of its programme(s) will be removed from the ILEP after 5 working days unless a successful appeal is lodged.

- **Where significant failings are identified which affect the ability of the provider to trade, deliver courses to students, comply with student protection requirements and/or meet academic standards,** the provider and all of its programme(s) will be removed from the ILEP after 5 working days unless a successful appeal is lodged.
- **Provider has ceased trading:** All details regarding a provider that has ceased trading will be removed from the ILEP within 5 working days.
- **Provider is no longer offering a programme(s):** If a provider has decided not to offer a given programme(s), it must inform the Department of Justice immediately, and no later than 5 working days. In addition, the provider will be required to provide information regarding the status of all international students associated with the relevant programme(s).
- **Provider is no longer recruiting non-EEA students to any of its programmes:** If a provider has ceased offering ILEP programmes to non-EEA students it must inform ISD in the Department of Justice. The provider will be required to provide information regarding the status of all international students associated with the relevant programme(s). Where a provider has never recruited students to programmes listed on the ILEP or has not recruited students for an extended period of time, all provider and programme details will be removed from the ILEP after 5 working days unless a successful appeal is lodged.
- **The English language examining body associated with a programme listed on the ILEP has ceased its relationship with the provider:** If any English language programme included in the ILEP no longer leads to an exam listed in the criteria, the programme will be removed after 5 working days unless a successful appeal is lodged. In addition, the provider will be required to provide information regarding the status of all international students associated with the relevant programme(s).
- **Providers found to have made false, misleading or incomplete declarations in support of an application for inclusion of programmes will be prohibited from having programmes included in the ILEP:** The provider and all of its programme(s), if already listed, will be removed from the ILEP after 5 working days unless a successful appeal is lodged.
- **Providers found to have failed to notify ISD of changes since its previous application was submitted:** Where such changes arise, the provider must inform ISD in the Department of Justice immediately, and no later than 5 working days. Failure to do so will result in removal from the ILEP after 5 working days unless a successful appeal is lodged.
- **Providers found to regularly permit students to arrive up to 15 minutes late to avoid students being marked absent:** Where such behaviour occurs regularly, the provider and all of its programme(s) will be removed from the ILEP after 5 working days unless a successful appeal is lodged.
- **Provider is shown to have made false or misleading statements in its marketing, advertising or promotional material regarding its status / recognition or the status / recognition of its programmes with regard to the ILEP or the bodies that administer it:** The provider and all of its programme(s) will be removed from the ILEP unless a successful appeal is lodged within 5 working days.
- **Provider is shown to have made false or misleading statements in its marketing, advertising or promotional material:** The provider and all of its programme(s) will be removed from the ILEP unless a successful appeal after 5 working days unless a successful appeal is lodged.
- **Provider allows the use of false information or misrepresentation of facilities, immigration requirements, costs and accommodation in marketing, advertising or promoting courses to students, either in published materials or by agents:** The provider and all of its programme(s) will be removed from the ILEP after 5 working days unless a successful appeal is lodged.
- **Provider is no longer tax compliant:** Where a provider cannot produce a current tax clearance certificate valid for a 12-month period on request, it will normally be deemed to no longer meet the criteria for continued inclusion in the ILEP and will be removed after 5 working days unless a successful appeal is lodged.
- **Provider failed to demonstrate compliance with the ILEP criteria during the course of an inspection, investigation or monitoring activity:** If a provider fails to demonstrate compliance with any element of the ILEP criteria, the provider and all of its programme(s) will be removed from the ILEP after 5 working days unless a successful appeal is lodged.

- **Provider has failed to demonstrate eligibility to move from a provisional to full listing:** If a provider fails to demonstrate that it has adequately addressed the issues leading to it being designated a provisional listing, the provider and all of its programme(s) will be removed from the ILEP after 5 working days unless a successful appeal is lodged.

Where a breach of the criteria and requirements has been identified, information will be shared with DFHERIS and members of the ILEP and/or Appeals Committee. Providers will be given 5 working days notification of the intention to remove a programme(s) from the ILEP. Providers may appeal the decision to remove by lodging an appeal application within this 5 working day period. The appeal application will be examined by senior officials of the two Departments who will review the decision to remove the programmes and consider any additional information supplied by the provider in its appeal application. Any applications / additional documents received after the 5 working day window cannot be considered and ISD will proceed with removal of programmes. However, such documents may be submitted as part of a new application in a subsequent application cycle if the provider is eligible to apply to have programmes reinstated on the ILEP.

The Department of Justice and the GNIB reserve the right to remove a provider and its programme(s) from the ILEP at any time on immigration grounds, once 5 working days' notice has been served and in circumstances where an appeal is lodged, the Appeal Committee upholds the original decision.

In addition to the above bases for removal of programme(s) from the ILEP, certain, or all, programmes of a provider(s) may be subject to an immediate temporary suspension of issuance of visa / student immigration permission for non-EEA students pending the outcome of investigation by the Department of Justice or GNIB. Such suspension may occur in the event of the following, *inter alia*:

- notification from QQI of significant and serious failings of the provider;
- allegations or concerns regarding serious breaches of immigration rules;
- where the stated policies of the provider are not being adhered to, e.g. in the case of attendance monitoring and expulsion;
- serious disruption to provision on which non-EEA students are enrolled, i.e. more than two consecutive days of classes not being provided. In such cases the provider must notify ISD in the Department of Justice and confirm plans for the resumption of classes. Such plans must also be communicated to enrolled students;
- serious concern regarding the ability of the provider to continue trading, e.g. non-payment of staff; non-provision of refunds to students in the specified timeframe;
- where it becomes clear from examination data that students are being accepted onto programmes for which they are not academically prepared, or where they lack the language competency to complete their programme;
- where the provider fails to co-operate with immigration authorities, including refusing to co-operate with an unannounced inspection;
- failure to report in a timely manner incident(s) of student(s) failure to engage with programme(s), [i.e. sustained failure to complete course work, attend classes or sit exams].

Note: The Department of Justice wishes to remind providers with programmes listed on the ILEP or applying to have new programmes listed that the information provided in the context of previous applications can be reviewed and verified by immigration authorities at any time. Providers may be requested to reconfirm information and provide additional documents / information in this regard.