



An Roinn Dlí agus Cirt
Department of Justice



An Roinn Breisoideachais agus Ardoideachais,
Taighde, Nuálaíochta agus Eolaíochta
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 HIGHER EDUCATION
AND PROFESSIONAL PROGRAMMES**

2 June 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 higher education programmes and professional awards 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 \(NFQ\)](#). 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

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](#).

nationals requiring immigration permission.

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 higher education programmes in the ILEP for the first time must meet all the criteria contained in this document, including, *inter alia*, the following:

- Providers must comply with student protection measures and have public, documented policies, systems and procedures in place for the support of students.
- 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 capacity and comply with certain conditions relating to ownership, management, operation and quality assurance.
- New applicant providers are required to demonstrate a track record in higher education. Primarily, this will be evidenced through demonstrating that a provider has brought a cohort of Irish and EEA students through to the point of successfully completing the programmes for which inclusion is sought and achieving the relevant certification. With consideration of the duration and level of programme(s), a track record in delivery at undergraduate or postgraduate level to EEA students for a minimum of two years is required. In cases where a new applicant provider has not previously offered HE programmes for the two academic years immediately preceding the application, inclusion of programmes in the ILEP may be possible, if:
 - the senior academic manager(s), senior administrator(s), and academic staff, collectively have a satisfactory track record in delivery of undergraduate or postgraduate programmes to EEA students for a minimum of two years, and
 - the institution has a track record in the State of offering programmes of education or training, and
 - the programmes for which inclusion is sought meet the requirements set out in Section 2 and lead to awards made by a recognised Irish higher education awarding body.

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 students

A student will be eligible to apply for a Study Visa and/or Stamp 2 immigration permission when participating in a programme listed in the ILEP or an eligible full-time higher education programmes leading to an award at level 6-10 on the [NFQ](#) offered by a provider with authorisation to use the IEM. Students should refer directly to the [Irish Immigration](#) website 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 the immigration authorities or Irish Government Departments.

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

- i. Higher Education Programmes leading to Major Awards;
- ii. Higher Education Programmes leading to Non-major Awards;
- iii. Professional Awards;
- iv. English language programmes; and
- v. Foundation Programmes.

Criteria for categories (iv) and for (v) are published on the [ISD website](#). The criteria and requirements for higher education programmes and professional awards are set out in this document.

(a) Higher Education Programmes leading to Major Awards

Definition and interpretation

A *Higher Education Programme leading to a Major Award* is defined as a nationally awarded programme at [National Framework of Qualifications](#) (NFQ) level 6 or above, which leads to one of the following major awards of at least 60 [ECTS](#), made by a recognised national higher education awarding body:

- Higher Certificate
- Ordinary Bachelor Degree
- Honours Bachelor Degree
- Higher Diploma
- Postgraduate Diploma
- Masters Degree
- Doctoral degree

Subject to meeting the criteria set out in Sections 3, 4 and 5 of this document, a *Higher Education Programme leading to a Major Award*, as defined above, is eligible for inclusion in the ILEP if the programme leads to an award made by one of the following Irish higher education awarding bodies:

- QQI
- an Institute of technology with delegated authority to make awards
- a university⁴ or technological university⁵ in the State
- National University of Ireland
- Other bodies that have been granted the statutory power to make awards under Irish law⁶

The entire Higher Education Programme leading to a Major Award must be awarded by the recognised Irish higher education awarding body and offered by the same provider in its entirety in order to be considered eligible for inclusion in the ILEP. The programme must be fully validated at the time of application.

Duration, volume and attendance requirements

Programmes in the *Higher Education Programmes leading to Major Awards* category in the ILEP, must have an associated workload of at least 60 ECTS (or equivalent) credits per academic year and be at least one full-time

⁴ Dublin City University; University of Galway; Maynooth University; Trinity College Dublin; University College Cork; University College Dublin; University of Limerick and Royal College of Surgeons in Ireland.

⁵ These are established pursuant to the provisions of Part 2 of the Technological Universities Act 2018.

⁶ For the purposes of inclusion in the ILEP, King's Inns is considered to be an awarding body.

academic year in duration. Non-EEA students must attend the programme on a full-time, daytime, face-to-face basis, which is defined as students attending between the hours of 8am and 6pm on at least three days between Monday and Friday each week. Programme delivery must be predominantly through in-person classes to provide a high quality educational experience for students coming to Ireland, with the exception of instances where Government advice or public health restrictions require a move to wholly online delivery.

(b) Higher Education Programmes leading to Non-major Awards

Definition and interpretation

A *Higher Education Programme leading to a Non-major Award* is defined as a programme at NFQ level 6 or above, which leads to a non-major award made by a recognised national higher education awarding body. Such programmes must be at least 60 [ECTS](#) and at least one full-time academic year in duration.

Subject to meeting the criteria set out in Sections 3, 4 and 5 of this document, a *Higher Education Programme leading to a Non-Major Award*, as defined above, is eligible for inclusion in the ILEP if the programme leads to an award made by one of the following Irish higher education awarding bodies:

- QQI
- an institute of technology with delegated authority to make awards
- a university or technological university in the State
- National University of Ireland
- Other bodies that have been granted the statutory power to make awards under Irish law

The entire Higher Education Programme leading to a Non-major Award must be awarded by the recognised Irish higher education awarding body and offered by the same provider in its entirety in order to be considered eligible for inclusion in the ILEP. The programme must be fully validated at the time of application.

Duration, volume and attendance requirements

Programmes in the *Higher Education Programmes leading to Non-major Awards* category in the ILEP must have a minimum associated workload of at least 60 ECTS (or equivalent) credits per academic year. Non-EEA students must be attending the programme on a full-time, daytime face-to-face basis, which is defined as students attending between the hours of 8am and 6pm on at least three days between Monday and Friday each week. Programmes delivery must be predominantly through in-person classes to provide a high quality educational experience for students coming to Ireland, with the exception of instances where Government advice or public health restrictions require a move to wholly online delivery.

(c) Professional Awards

Definition and interpretation

Providers who have been awarded 'platinum status' by the Association of Chartered Certified Accountants (ACCA) are eligible to apply for the inclusion of their ACCA examination preparatory programmes in the ILEP. This is in accordance with the [Reform of the International Education Sector and Student Immigration System](#) (Government Policy Statement, May 2015).

Other programmes leading to professional awards, and which have a demonstrated academic and immigration track record will be considered for inclusion on the ILEP on a case-by-case basis.

PLEASE NOTE: For any of the above categories of programmes, providers must ensure programmes are listed on the ILEP (or a provider has been granted authorisation to use the IEM) in advance of marketing to or recruiting non-EEA students.

Note on Overseas accredited programmes

As outlined by the report⁷ of the *Taskforce on Students Affected by Private College Closures*, overseas accredited and validated programmes were frequently used as a means of bypassing Irish quality assurance and oversight. Overseas accredited programmes are perceived to combine the highest level of immigration risk with the least strategic value for international education. Extensive revisions to the statutory framework were made in 2019 to facilitate the introduction of the IEM. The ILEP continues to give effect to the May 2015 Government Policy Statement. In this regard, no new applications for overseas accredited or validated higher education programmes will be accepted by the Department of Justice in this or any other future cycle of the ILEP.

Section 3: Eligibility Criteria for Providers

Eligible Providers

A Higher Education Programme or Professional Award, as defined in Section 2, is eligible for inclusion in the ILEP when it satisfies the programme criteria set out in Section 2, and the provider offering the programme meets all 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

A Higher Education Programme or Professional Award, as defined in Section 2, is eligible for inclusion in the ILEP when it satisfies the programme criteria set out in Section 2, and is offered by one of the following Irish awarding bodies which meet the 'Other Conditions' as set out in Section 5 of this document:

- an institute of technology
- a university or technological university in the State
- National University of Ireland
- other bodies that have been granted the statutory power to make awards under Irish law

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:

- i. 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;
- ii. 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;
- iii. provide a declaration as to whether any individuals who hold an interest in the provider also act as a recruitment agent, and
- iv. declare all other shareholdings, directorships or interest(s) held by the listed shareholders and directors in other education and training providers in Ireland and 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*

⁷ [Report of the Task Force on students affected by private college closures](#)

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.

the business, (i.e. the provider), where this has been established, i.e.:

- a. if the individuals who benefit from the business have been determined, any individual who benefits from at least 25 per cent of the business*
- b. if the individuals who benefits from the business have yet to be determined, the class of such individuals in whose main interest the business is set up or operates, and*
- c. any individual who exercises control of 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 providers⁹ :

1. 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.
2. Owners, shareholders, directors and/or managers must have not been involved in the last 5 years in the ownership of an education and training provider, in this or any other jurisdiction, which closed leaving students disadvantaged, i.e. 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 have never been convicted of an offence involving fraud or dishonesty in Ireland or in any other jurisdiction.
6. The provider must have never 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 the provision of higher education. A provider seeking inclusion on the ILEP for the first time must demonstrate having brought a cohort of EEA students through to the point of successfully completing the programmes for which inclusion is sought and achieving the relevant certification.
8. Owners, shareholders, directors and managers must meet 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-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

⁹ Criteria apply to providers seeking to recruit non-EEA students and do not impact on providers recruiting Irish/EEA students only.

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.

- can accommodate on such programmes;
 - c. how these programmes and students are, and will be, accommodated within the current premises and with the resources available;
 - d. the number of classrooms available for the delivery of these programmes;
 - e. projected recruitment of Irish, EEA and non-EEA students on such programmes for the next three years;
 - f. the duration of the current lease arrangements for the classrooms as set out above. Changes to leasing arrangements, or the location(s) of 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. Administrative positions in any management role responsible for non-EEA students and/or staff responsible for attendance records and the attendance system must not be filled by a non-EEA student(s);
 12. The provider must have public, documented policies, systems and procedures in place, published in plain English. 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 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 designated person(s) responsible and the rules on punctuality and penalties for lateness. Such records should be available for inspection by / submission to ISD at any time.
 - 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 on request to relevant internal personnel and external authorities. 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. It should be communicated to the student in language that they can reasonably be expected to understand. 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 to this can be 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. Front loading of holidays is not permitted. Periods of holiday / tuition must be made clear to both the student and immigration officers (where relevant) at the point of registration.
- f. **end-of-course exam entry and recording of grades/scores received:** The following must be documented:
 - i. 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;
 - iii. the procedure for entering students for the required exams; and
 - iv. the name and contact details of the person(s) responsible for the activities outlined 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 requirements¹².

- 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 open to students should a claim not be resolved to their satisfaction.
- 13. The provider must not accept payment of fees by cash. Payment should be documented and a receipt provided to the student, whether the student is paying in advance for a first programme/year or 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 the Immigration Authorities or Irish Government Departments.

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

¹² Further information is available at www.dataprotection.ie

positions in any management role responsible for non-EEA students, and / or positions responsible for attendance records and the attendance system must not be filled by non-EEA students.

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 which 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 must be supplied by the provider from the insurance company to the student.
5. Providers¹³ 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 student has completed the programme and final exams. Details of the arrangements which will apply must be notified to students prior to enrolment/payment of fees and referenced on letters 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 to completion of final exams. 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. Academic bonding arrangements must take into account the types and levels of programmes offered, covering maximum student numbers on each programme by least two other providers. The arrangements for cover must be clearly set out, detailing the programmes covered by each provider and referencing possibilities of teaching out students in their current location. Where an alteration or suspension of an existing academic bonding arrangement 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.¹⁴

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

6. For handling of advance fee payments dependent on the visa application process, providers¹⁵ must operate an escrow/delayed payment account with a payments institution authorised by a designated competent

¹³ Point 5 does not apply to bodies that have been granted the statutory power to make awards under Irish law.

¹⁴ Details of the statutory Protection of Enrolled Learners (PEL) scheme and the Learner Protection Fund (LPF) will be published by QQI.

¹⁵ Point 6 does not apply to bodies that have been granted the statutory power to make awards under Irish law.

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 this criterion will result in the provider being removed from the ILEP unless a successful appeal is lodged.

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.

Premises and Related Resources

1. If premises are occupied under lease, providers ¹⁷ 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. Higher education programmes and Professional Awards 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 classrooms which have suitable fittings and equipment;
 - d) have a room(s) exclusively available to academic staff adequate to staff numbers for the preparation of lessons etc.;
 - e) have a student 'common room' and/or library facilities adequate for the maximum student numbers;
 - f) have a student library / resource centre adequate for the maximum student numbers and programmes;
 - 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.; and
 - 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 will result in a provider being removed from the ILEP or refused a listing

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.

¹⁷ This requirement does not apply to bodies granted the statutory power to make awards under Irish law.

where a provider is applying for the first time.

Student Profile

1. Providers must have clear, documented admissions criteria for programmes which enable a student to successfully engage with the programme, i.e. a placement test which is fit-for-purpose;
2. Providers must register students for the relevant end-of-programme exam(s) upon commencement of their studies and retain records of exam registration and, where possible, results, for a three year period. Evidence of registration of students must be supplied to ISD on request. Failure to do so may result in a provider being removed from the ILEP;
3. Providers must ensure non-EEA student progression across programmes, i.e. a non-EEA student cannot be enrolled on a second consecutive programme at the same or lower NFQ level than the first programme on which they were enrolled.

Track Record in the delivery of Higher Education programmes

Providers must be able to demonstrate that they have the capacity, resources and expertise (including appropriately qualified and experienced staff) to deliver the programmes for which inclusion in the ILEP is sought.

Subject to the conditions outlined in Section 1, with consideration to the NFQ level and duration of the programme(s) for which inclusion is sought:

- In order to have a new programme at levels 6 to 8 on the NFQ included in the ILEP, a provider must demonstrate a track record of delivering programmes at these NFQ levels to Irish and EEA students for a minimum of two years.
- In order to have a new programme at levels 9 and / or 10 on the NFQ included in the ILEP, a provider must demonstrate a track record of delivering programmes at these NFQ levels to Irish and EEA students for a minimum of two years.

NOTE:

Any other information required regarding the programme(s) submitted by the provider, the award(s) to which they lead, the awarding body, or the provider will be sought by the Department of Justice 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 learner protection or client visa arrangements), 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 time¹⁸, 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 inclusion of programmes in the ILEP are available on the [ISD website](#). Applications should be submitted in hard copy to the address included in the application form before the deadline. Dates for the receipt of applications are published on the ISD website. Programmes must be fully validated at the time of application in order for an application to be considered complete. Only complete and accurate applications received during the applications 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 providers may be conducted at any time to determine compliance with the criteria for inclusion in the ILEP. Applications are processed by 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 Department 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.

Where an application has been approved in full, the provider will receive an email confirming this and notified that students cannot be recruited to programme(s) until the ILEP update is published on the specified date. Until such time as the programmes appear on the ILEP, visa / student immigration permission applications 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 / 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 5 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

¹⁸ Details on dissolution of the ILEP will be communicated on the [Irish Immigration](#) website.

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.

When conducting an inspection the following are (non-exhaustive) examples of the type of information that may be sought as part of monitoring activities and during on-site inspections:

- Institution and ownership / management details including [CRO](#) information; revenue number; tax clearance certificate; names of directors and principal; and connections with other institutions (including shared directorships).
- Institution capacity details including *inter alia*:
 - Number of students (Irish, EEA and non-EEA) and completion rates per programme / award;
 - Number of intended intakes and enrolment dates for next 12 month period for each programme the provider is seeking to include or has included in the ILEP;
 - Number of programmes and award type(s);
- Lease details, evidence of relevant planning permission and fire safety certification;
- Samples of student enrolment letters and induction materials;
- Documentation pertaining to learner protection arrangements;
- Statements and reconciliation reports relating to the client visa account or international payments holding service operated by the provider for the purpose of holding course fees;
- Records of attendance monitoring and details of warnings and expulsions;
- Records of the handling of refund requests; and 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/Suspension of Issuance of Immigration Permissions

As identified above, 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, can 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:¹⁹

Basis and process for removal of Higher Education and Professional 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 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 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.
- ***Programme(s) offered by the provider no longer lead to an award of a recognised Irish higher education awarding body; no longer meet the higher education criteria; the provider no longer has ACCA platinum status:*** If any programme included in the ILEP no longer leads to an award of one of the awarding bodies set out in Section 2 of these criteria, or the provider no longer has ACCA platinum status, the provider must

¹⁹ Other circumstances may arise, outside of those listed above, which warrant the removal of a provider and/or its programmes from the ILEP.

inform the Department of Justice immediately. The Department of Justice may seek written confirmation of the change of status of the programme(s) from the awarding body in question. If it has no other programmes / awards included in the ILEP, the provider will also 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 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.
- ***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 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:*** 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 application 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 if 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 within this 5 working day period by lodging an appeal application. The appeal application will be examined by senior officials of the two Departments who will review the initial decision to remove programmes and consider any additional information provided in the appeal application. Any applications / additional documents received after the 5 working day window for lodging such documents has passed 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 their 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 may be subject to an immediate temporary suspension of visa issuance / student immigration permission for non- EEA students pending the outcome of investigation by the Department of Justice or the GNIB. Such suspension may occur in the event of *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;
- 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 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 within the specified timeframe;
- where accreditation by an awarding body has been suspended and / or where a provider is subject to sanctions by an awarding body and / or where the awarding body is subject to sanctions by the relevant external quality assurance body;
- where it becomes clear from examination data that students are being accepted on to 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 to incident(s) of student(s) failure to engage with programme(s), [i.e. sustained failure to complete course work, attend classes or sit exams]; and
- failure by the provider to comply with the terms of their agreement with the relevant awarding body(ies).

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.