

TrustEd Ireland Scheme and Immigration Requirements

Information for Education Providers

The immigration requirements set out in this document apply to providers who have received authorisation from Quality and Qualifications Ireland (QQI) to use the TrustEd Ireland mark. Providers who continue to benefit from a listing on the Interim List of Eligible Programmes (ILEP) must remain in compliance with all relevant ILEP criteria and immigration regulations in order to retain this listing, until such a time as they gain authorisation to use the TrustEd Ireland mark or their listing on the ILEP comes to an end. Instances of non-compliance with immigration requirements may result in the removal of all of a provider's programme listings, with subsequent loss of entitlement to recruit non-EU/EEA/Swiss students.

Introduction:

The Interim List of Eligible Programmes (ILEP) will be superseded by the **TrustEd Ireland** statutory quality mark for student immigration purposes. All education providers intending to recruit non-EU/EEA/Swiss students that require study visas and/or immigration permissions to reside here for the purpose of study must secure authorisation from **Quality and Qualifications Ireland (QQI)** to use the TrustEd Ireland mark.

It should be noted that securing the TrustEd Ireland mark does not guarantee that every course you offer is eligible for visas and/or Stamp 2 registration of Irish immigration residence permission.

QQI is the state agency responsible for promoting the quality, integrity and reputation of Ireland's further and higher education system. They are empowered under the *Qualifications and Quality Assurance (Education and Training) Act 2012*, as amended, to remove a provider's authorisation to use the TrustEd Ireland mark in cases where there is persistent or serious failure on the part of the provider to co-operate with Immigration Service Delivery (ISD) of the Department of Justice, Home Affairs & Migration in monitoring student compliance with immigration law.

Providers with authorisation to use the TrustEd Ireland mark must adhere to the following policy documentation, which builds on existing quality assurance structures for higher education and establishes quality assurance principles and criteria for English language education:

- **Code of Practice for Provision of Programmes of English Language Education to International Learners,**
- **Statutory Quality Assurance Guidelines for English Language Education,**
- **Code of Practice for Provision of Programmes of Higher Education to International Learners,**
- **Policy on Authorisation to Use the International Education Mark.**

In addition, all providers seeking authorisation to use the TrustEd Ireland mark are obliged to co-operate with Immigration Service Delivery (ISD) in the Department of Justice, Home Affairs & Migration in monitoring student compliance with immigration law. Providers must

ensure that all students, including prospective students, are fully aware of their immigration obligations.

Immigration authorities must be fully satisfied in relation to the continued capacity of providers to fulfil immigration requirements concerning the provision of higher and English language education to non-EU/EEA/Swiss students. In respect of student data to be provided to Immigration Service Delivery (ISD) in the Department of Justice, Home Affairs & Migration for immigration purposes, the relevant data protection permissions should be agreed with students accordingly and in line with GDPR requirements. Where changes to a programme result in the programme no longer meeting programme and/or delivery requirements, non-EU/EEA/Swiss students should not be recruited.

Programme duration and attendance requirements for English Language Programmes:

- a) Non-EU/EEA/Swiss 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. Part-time, evening or weekend classes are not permitted.
- b) Programmes must be delivered fully through in-person classes to meet the pedagogical needs of students and to optimise the student experience. Students will not be granted visas or immigration permission in respect of an online course.
- 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.
- e) Providers must have mandatory attendance requirements of a minimum 85% attendance for all enrolled students.
- f) 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 tuition hours to match the minimum duration criteria for the purposes of meeting immigration policy requirements is not acceptable.

On enrolment, Providers 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.

Providers should also be aware of the following:

- i) Holiday periods must be outlined in advance.
- ii) 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.

- iii) 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).
- iv) The tuition weeks should not exceed 7 months to allow time to sit the end-of-programme exam.
- v) 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.

Programmes must be clearly described in published material and in communications with potential students. Information should accurately describe the programme content and the aims/outcomes on completion. Students should be informed of the entry level of the programme, possible progression pathway options and immigration requirements.

Recording of attendance for English Language Programmes:

Immigration permission up to 8 months may be granted, at the discretion of the Immigration authorities. Students must progress in their studies and demonstrate at least 85% attendance. Students should refer directly to the Irish Immigration website before seeking to study in Ireland. English language education providers must have a clear system for the recording of attendance identifying the nominated responsible person(s) and the rules on punctuality and penalties for lateness. The system of taking and recording attendance must be documented and publicly available. Such records should be available for inspection by/submission to Immigration Service Delivery (ISD) in the Department of Justice, Home Affairs & Migration.

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 must not be adopted by providers as a mechanism for allowing students to regularly arrive late without being marked absent. 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 the monitoring of students' attendance.

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 must be communicated to Immigration Service Delivery (ISD) in the Department of Justice, Home Affairs & Migration. 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.

Programme duration and attendance requirements for Higher Education Programmes:

For Higher Education Programmes leading to either major or non-major awards, these must have an associated workload of at least 60 ECTS (or equivalent) credits per academic year and be at least one full-time academic year in duration.

Non-EEA students attending higher education programmes 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.

Internships/Placements students enrolled on courses leading to major awards at Level 7 or above on the NFQ may undertake an internship/placement where this forms an integral part of an academic course or an eligible programme offered by a provider with authorisation to use the TrustEd mark. It is the responsibility of the provider to ensure that the placements are appropriate to the nature and level of the academic programme and do not exceed 50% of the total duration of the course. Completion of the placement(s) must count for ECTS credits and contribute to the final award achieved. Providers should assist students in finding placements and, where requested, provide a letter of confirmation to the student/employer indicating that the placement forms an integral part of a programme and does not affect the terms and conditions of the student's Stamp 2 permission. Students on a Stamp 2 immigration permission may work more than 20 hours per week in these placements/internships. Students cannot be self-employed as part of the placement and working hours and conditions must be in accordance with all applicable employment regulations. The provider should also ensure the international students' support or welfare needs are addressed for the duration of the placement.

Programme Duration and Attendance Requirements for Foundation Programmes:

A foundation programme is defined as a programme which provides “the formation necessary to enable an international student meet the minimum academic requirements (all other things being equal) for participation in a higher education programme in an Irish higher education institution and to cope with living and studying in Ireland”¹

A foundation programme must lead to one of the following foundation qualifications:

- a) QQI-validated Preparation for Undergraduate Programme, leading to NFQ Level 5 Special Purpose Award
- b) QQI-validated Preparation for Postgraduate Programme, leading to NFQ Level 8 Special Purpose Award
- c) Equivalent awards that are included in the NFQ and validated by an Irish awarding body

A foundation programme must be accompanied by a conditional offer from an Irish higher education provider. The higher education provider must offer either undergraduate (NFQ Level 8) or postgraduate (NFQ Level 9 or 10) awards validated by one of the following Irish awarding bodies:

- QQI

¹ QQI Awards Standards for Pre-Higher Education Foundation Awards for International Students

- A university, technological university or institute of technology in the State
- National University of Ireland
- Listed awarding bodies approved by QQI

Where a provider offers both foundation and higher education programmes, it must confirm that it retains the places on conditional offer until the student has completed their foundation programme. It must also specify the higher education programme associated with the conditional offer. In circumstances where a foundation programme provider does not offer higher education programmes, it must submit a Memorandum of Understanding (MoU) between it and the provider(s) offering higher education programme(s) for which students are being prepared. The MoU must confirm that each student is provided with a conditional offer to a specified higher education programme.

A foundation programme must have a duration of at least 25 weeks, with at least 15 hours' classroom tuition each week, excluding breaks. Non-EEA students must attend the programme on a full-time, daytime basis, which is defined as students attending between the hours of 9am and 5pm on at least four days between Monday and Friday each week. Programmes must be delivered fully through in-person classes to best meet the pedagogical needs of students and optimum student experience. The programme must be structured and offered in a fashion which allows the student to progress to the higher education programme in advance of seeking renewal of their student immigration permission.

Private Health/Medical Insurance:

All non-EU/EEA/Swiss students are required to have private medical insurance when coming to and residing in Ireland for the purposes of study. Education providers must provide students with clear information on medical 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.

End-of-course exam entry and recording of grades / scores received:

The following must be documented in relation to end of course exams:

- 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 exam and that 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 requirements.

Payment of fees:

Providers must not accept payment of fees in 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.

For handling of advance payments dependent on the visa application process, providers must operate an account in compliance with Section 65(8) of the Qualifications and Quality Assurance (Education and Training) Act 2012. Money paid in advance must remain in the relevant account until:

- a. the commencement of the programme if the student visa application is successful, or
- b. confirmation of visa refusal is received, in which case, the funds (less any pre-indicated handling charge) must be refunded within 20 working days of the decision being communicated to the provider.

Should a provider be benefitting from transitional provisions under the amended Qualifications and Quality Assurance (Education and Training) Act 2012 where Section 65(8) does not yet apply, it must continue to 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 in line with previous ILEP requirements. These arrangements must be maintained until the provider's transition period has concluded and it satisfies the requirements of Section 65(8) of the Act of 2012.

Evidence of arrangements to satisfy this requirement, statements from the relevant financial body(ies) and statements/reconciliation reports in relation to the account must be available for inspection and/or provided to Immigration Service Delivery (ISD) in the Department of Justice, Home Affairs & Migration on request.

Ongoing Monitoring of Providers:

Providers must comply with immigration regulations and TrustEd Ireland criteria and requirements. Immigration Service Delivery (ISD) in the Department of Justice, Home Affairs & Migration reserve the right to conduct unannounced inspections, spot checks and monitoring activity of providers, at any time to ensure ongoing compliance with immigration law and policy requirements. Monitoring activities can include routine or specific requests for records and information.

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

- Provider capacity details, including *inter alia*:
 - Number of students (EEA and non-EEA) and completion rates per programme / award.
 - Number of intended intakes and enrolment dates for each programme.
- Samples of student enrolment letters and induction materials.
- 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.

In addition to the above, 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, Home Affairs & Migration. Below is a non-exhaustive list of when such suspension may occur:

- notification from QQI/DFHERIS of failings of the Provider.
- allegations or concerns regarding 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 or the issuing of refunds.
- 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 and confirm plans for the resumption of classes. Such plans must also be communicated to enrolled students.
- 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 lack the language competency to complete.
- 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].

All education providers (higher education and English language education) are required to submit a monthly update on student records in a standardised format to the Department of Justice, Home Affairs and Migration, via a dedicated mailbox, to include details of:

- Student withdrawals (where formally notified)
- Any warnings issued in relation to student attendance percentages (English language providers only)
- Serious matters or complaints which have been upheld following student disciplinary processes
- Student expulsions (both confirmed and potential)

Provision of this information is **mandatory** and will be used in consideration of requests to renew student immigration permissions and to revoke student based permissions for individuals where no longer valid or applicable. Visas and Stamp 2 permissions cannot be granted in respect of programmes delivered by a Provider who does not engage with these updates.

Student complaints and grievances:

As per the requirements stipulated in the **Code of Practice for Provision of Programmes of English Language Education to International Learners**, English language providers are obliged to have a clear and accessible internal complaints and grievance policy in place for learners and other stakeholders to ensure that issues are dealt with efficiently. Should the internal complaints and grievance procedures not reach a mutually accepted resolution, access to an independent procedure, established by the English language provider, or by a representative group, and independent of QQI, forms part of this process.

As per the **Code of Practice for Provision of Programmes of Higher Education to International Learners**, higher education providers are obliged to inform learners about complaints processes including the relevant fees for complaints and appeals procedures.

Providers must adhere to the policies advised to students, published and articulated in documents submitted to QQI, DFHERIS and/or ISD in the Department of Justice, Home Affairs & Migration. QQI, DFHERIS and/or ISD reserve the right to seek information, at any time, on programmes, their provision and the awards to which they lead.

Study Visas and Stamp 2 immigration permissions:

Visas to enter Ireland for the purpose of study and Stamp 2 immigration permissions will only be granted in respect of an eligible programme offered by a provider with authorisation to use the TrustEd Ireland mark. A list of eligible programmes is available here: <http://www.trustedireland.ie>

Providers must ensure that all students, including prospective students, are aware of their immigration obligations from enrolment through to course completion.

Please refer to the Irish immigration website for full information with regards to study visas, student registrations and renewals (links below).

<https://www.irishimmigration.ie/coming-to-study-in-ireland/what-are-my-study-visa-options/>

<https://www.irishimmigration.ie/registering-your-immigration-permission/how-to-register-your-immigration-permission-for-the-first-time/required-documents/#stamp2>