



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
(Updated 21 March 2025)**

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 included in the ILEP are set out in Section 2. Only full-time programmes are eligible. New overseas accredited/validated programmes or further education or vocational education and training programmes are not included. **The ILEP will remain closed to new providers.** Existing providers with programmes listed in the ILEP must remain in compliance with the criteria and requirements contained in this document and immigration requirements to retain an ILEP programme listing. Where a provider can demonstrate it is acting in line with QQI's Code of Practice and has submitted an application for the TrustEd education mark, this may be taken into consideration where practices are found to deviate from ILEP 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), which was launched in 2024. QQI will award the IEM ([TrustEd Ireland](#) quality mark) to higher education and English language providers who demonstrate that they meet national standards to ensure a quality experience for international learners. Once the TrustEd Ireland scheme is fully operational, the ILEP will cease to operate. Once the ILEP is discontinued, only education providers granted authorisation to use the TrustEd Ireland mark 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 \(NFQ\)](#). 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 full-time course offered by a provider with authorisation to use the TrustEd Ireland mark. Whether recruitment is on the basis of an ILEP programme listing or authorisation to use the TrustEd Ireland mark, 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. Students will not be granted visas or immigration permission in respect of a part-time or online course. Where changes to a programme result in the programme no longer meeting programme and/or delivery requirements, non-EEA students should not be recruited and the provider must contact ISD to ensure the programme is removed from the list.

Where a provider has programmes listed in the ILEP and remains in compliance with ILEP criteria, it may continue to recruit non-EEA nationals until the ILEP ceases operation. In April 2025 there will be one final opportunity for listed providers to apply for the inclusion of additional programmes in the ILEP. The final ILEP update will be published in June 2025, after which point there will be no further additions to the list. The ILEP will then be gradually phased out in line with the implementation of the TrustEd Ireland scheme. To remain

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.

eligible to recruit non-EEA nationals, providers must gain authorisation to use the TrustEd Ireland mark.

Providers are referred to [QQI's information page](#) for more information about IEM requirements, QQI's TrustEd Ireland quality mark and the application process. Any questions should be addressed to the International Education Division at international.education@qqi.ie

A programme listing in the ILEP will only be valid for the duration of the ILEP. After this time, only providers with authorisation from QQI to use the TrustEd Ireland mark will be permitted to recruit non-EEA nationals requiring immigration permission to reside here for the purpose of study. Information pertaining to dissolution of the ILEP and transitional arrangements will be communicated on the [Irish Immigration](#) website.

Providers with programmes listed in the ILEP, must apply for, and be authorised to use, the TrustEd Ireland mark to continue to recruit non-EU/EEA international students who require study permission or student visas. Providers who have achieved the authorisation to use the Trusted Ireland mark will be eligible to recruit non-EEA students to full-time programmes meeting immigration requirements.

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 TrustEd Ireland mark. Students should refer directly to the [Irish Immigration](#) website before planning to [come to study in Ireland](#) and with regard to visa requirements, [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 university³ or technological university⁴ in the State
- National University of Ireland
- Other bodies that have been granted the statutory power to make awards under Irish law⁵

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 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.

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 listed in the ILEP, 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 regulations. The provider should also ensure the international students' support or welfare needs are addressed for the duration of the placement.

(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

³ 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.

⁴ These are established pursuant to the provisions of Part 2 of the Technological Universities Act 2018.

⁵ For the purposes of inclusion in the ILEP, King's Inns is considered to be an awarding body.

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 in the ILEP on a case-by-case basis.

PLEASE NOTE: For any of the above categories of programmes, providers must ensure programmes are listed in 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 report⁶ 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.

⁶ [Report of the Task Force on students affected by private college closures](#)

Publishing information for students

Providers should not market programmes to students or recruit students to programmes in advance of achieving a programme listing in the published ILEP. 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 as to the level of programme, progression paths and immigration requirements.

Section 3: Providers listed in the ILEP

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 a provider with programmes currently listed in the ILEP. The ILEP is closed to new providers.

Providers* with programmes listed in the ILEP must comply with all conditions and requirements **set out in Sections 2, 3, 4, and 5 of this document in order to retain a listing in the ILEP.**

*Recognised Irish awarding bodies⁷ must comply with the Programme Requirements in Section 2 and the 'Other Conditions' set out in Section 5 of this document.

Provider Ownership

Where there are changes to the arrangements previously advised to ISD, a revised statement of ownership of the legal entity, signed on affidavit⁸ by an owner of the company/ legal entity, must be submitted. This statement must:

- i. list all persons who are owners⁹, 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 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.

⁷ Designated awarding bodies, institutes of technology, technological universities and other bodies granted statutory power to make awards under Irish law.

⁸ The Affidavit must be completed in the presence of a person authorised by law to administer oaths, e.g. a Solicitor or Commissioner for Oaths.

⁹ 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.

Failing to make a full and accurate disclosure, or making a false or misleading disclosure, may result in the provider and its 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 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: Requirements of Providers¹⁰

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. All 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 set out in the Statement of Ownership¹¹.
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 amended¹².
7. The provider must comply with all immigration requirements. The immigration authorities must be fully satisfied in relation to the continued capacity of the provider to address all aspects of the provision of higher education to students, including related supports.
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. In respect of student data to be provided to ISD for immigration purposes, the relevant data protection permissions should be agreed with students accordingly and in line with GDPR requirements¹³. ISD and the Department of Justice do not require the provision of biometric data.
9. The provider must be tax compliant and remain in good financial standing¹⁴.
10. 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.
 - 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

¹⁰ This section does not apply to bodies granted statutory power to make awards under Irish law. All other providers must maintain compliance, particularly where arrangements previously advised to ISD, including the Statement of Ownership are being revised.

¹¹ See section 3 for full requirements.

¹² Companies Act 1990 and amendments: <http://www.irishstatutebook.ie/eli/1990/act/33/enacted/en/html>

¹³ Further information is available at www.dataprotection.ie

¹⁴ 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.

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 requirements.

- 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 advised to students; published and articulated in 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 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 published, the relationship of these to the programme(s) must be made clear.
3. In respect of each programme listed in 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. Providers¹⁵ must have arrangements in place for the protection of all students on ILEP programmes 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

¹⁵ Point 5 does not apply to bodies that have been granted the statutory power to make awards under Irish law.

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 statutory *Learner Protection Fund* (LPF) must demonstrate their compliance with QQI's arrangements for the protection of enrolled learners (PEL).

Evidence of the learner protection arrangements in place must be provided to ISD on request. Such evidence must comprise statements from the relevant financial body(ies) in the case of financial bonding arrangements; letters of confirmation from awarding bodies and/or alternate providers in the context of academic bonding arrangements; or confirmation of compliance with QQI's arrangements for PEL. All students must be protected, with no gap in cover. Learner protection arrangements 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, providers¹⁶ must operate an escrow/delayed payment account with a payments institution authorised by a designated competent authority under Directive (EU) 2015/2366¹⁷ 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.

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 ISD on request. 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.

¹⁶ Point 6 does not apply to bodies that have been granted the statutory power to make awards under Irish law.

¹⁷ [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.

Premises and Related Resources

1. If premises are occupied under lease, providers¹⁸ 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;
 - 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 may result in a provider being removed from the.

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.

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 may 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,

¹⁸ This requirement does not apply to bodies granted the statutory power to make awards under Irish law.

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

Final Application cycle

The ILEP is closed to new applicant providers. Application forms for listed providers and submission dates are published on the [ISD website](#). After the closing date for the final application cycle it will no longer be possible for listed providers to apply for inclusion of additional programmes. However, there is scope to remove programmes (and providers) as detailed in these criteria or when a provider has achieved authorisation to use the TrustEd Ireland mark.

Providers applying for additional programmes will receive an email confirming receipt of their application, after the application submission window has closed. This is purely to confirm the submission has been received as it will not have been reviewed at this stage. 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. Applications are processed by 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 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 in 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 in 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 in 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 any action plan necessary 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. Where possible the Appeals Committee will meet in advance of the ILEP update..

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:

- 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 (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 in 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 in 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 or the provider no longer has ACCA platinum status:*** If any programme included in the ILEP no longer meets the programme requirements set out in Section 2, or the provider no longer has ACCA platinum status, the provider must 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. Where it is found that programmes/professional awards do not meet ILEP criteria they will be removed from the ILEP and the provider notified. If a provider has no other programmes/awards included in the ILEP, the provider listing 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).
- ***Programme(s) offered by the provider no longer meet the higher education programmes criteria:*** If any

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

programme included in the ILEP no longer meets the programme requirements set out in Section 2, the onus is on the provider to inform ISD. Where it is found that programmes do not meet ILEP criteria they will be removed from the ILEP and the provider notified. If a provider has no other programmes/awards included in the ILEP, the provider listing will be removed after 5 working days unless a successful appeal is lodged. 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 will be prohibited from having programmes included in the ILEP:** The provider and all of its programme(s), 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, the TrustEd mark, or the bodies responsible:** 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 programme is not available to non-EEA students, this must be made clear.
- **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 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.

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 e.g. in the issuing of refunds;
- 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 programmes for which they are not academically prepared, or they 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 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 in the ILEP 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.