

NEW IMMIGRATION REGIME FOR FULL TIME NON-EEA STUDENTS

**Notice regarding certain vocational, business or other programmes
offered by institutions and which do not meet the Degree or Non-
Degree Programme criteria for inclusion in the Internationalisation
Register**

February 2011



Introduction

Since the introduction of the new regime for full time non-EEA Students on 1 January 2011 a number of questions have been raised by colleges and students regarding the status, vis-à-vis the internationalisation register, of certain types of programme leading to awards made by UK vocational awarding bodies e.g. ICM, ABE, CTH etc. The following note sets out the arrangements for these programmes with regard to the Internationalisation Register.

Definition of Degree and Non-Degree Programmes

In dealing with this issue it is useful to re-state the definition of 'Degree Programme' and 'Non-Degree Programme' as outlined under 'New Immigration Regime for Full Time Non-EEA Students' which was approved by government and published on 22 September 2010.

With Effect from 1 January 2011

(R1) Student Immigration will in the future operate on a differentiated basis. The student regime will be divided into two categories. The Degree Programme will apply to students enrolled in a nationally accredited higher education programme at National Framework of Qualifications (NFQ) level 7 or above. The Language and Non Degree Programme will consist of students engaged in English language courses or academic courses below Level 7 in the National Framework of Qualifications (NFQ) with NFQ Level 5 being the minimum level of study allowable.

In that regard Degree programme courses are defined as courses which lead to an award of

- o Ordinary Bachelor Degree
- o Honours Bachelor Degree
- o Higher Diploma (after completion of an Honours Bachelor Degree)
- o Postgraduate Diploma (after completion of an Honours Bachelor Degree)
- o Masters Degree
- o Doctoral degree

The 'award' as set out above must be made by one of the following types of *awarding body*:

A recognised Irish awarding body i.e.

- o Dublin Institute of Technology
- o Higher Education and Training Awards Council
- o Institutes of Technology with delegated authority to make awards
- o Royal College of Surgeons in Ireland
- o Universities

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

Certain 'awards' offered by international universities which satisfy the above definition will also be regarded as Degree Programme courses. See document *Internationalisation Register New Arrangements to Apply from 01 January 2011*, section 1 A (ii) and (iii) for further information (available at <http://www.nqai.ie/documents/InternationalisationRegisterCriteria01.01.11.pdf>).

Vocational, business, management or other programmes (certificates, diplomas, advanced diplomas, graduate diplomas).

Since the introduction of the new regime however it has become apparent that institutions in Ireland are offering programmes, often of a vocational nature, that lead to qualifications which are included in the National Qualifications Framework (NQF) or the Qualifications and Credit Framework (QCF) and made by awarding bodies in England, Wales and Northern Ireland recognised by the Office of Qualifications and Examinations Regulation (Ofqual). Although these courses typically run for one year, (compared to an Irish bachelors degree which takes three to four years), they may be at high levels on the vocational frameworks in England, Wales and Northern Ireland. Some of these awards may also entitle their holders to mid-point entry to degree programmes.

In this regard and in the context of the definition of Degree Programme courses it is clear that programmes such as Certificates, Diplomas, Advanced Diplomas or Graduate Diplomas accredited by awarding bodies, such as ICM, ABE, CTH England, Wales and Northern Ireland and which are included on the QCF and NQF and are recognised by Ofqual, do not meet the definition of a 'Degree Programme' as set out under 'New Immigration Regime for Full Time Non-EEA Students'. Equally, there are a number of institutions offering programmes leading to non-major awards (minor, special purpose and supplemental) included in the NFQ at levels 7-10, which do not meet the definition of Degree Programme. However it is apparent at the same time that such programmes do not match the description of language or non-degree programme as set out under the new regime for full time non-EEA Students.

It is therefore necessary to clarify the position with regard to such programmes in the context of the operation of the new fulltime non-EEA Student Regime.

This is essential in particular for those students who are contemplating enrolling in courses of this nature in the belief that they are regarded as degree programmes and as such will permit them to remain in Ireland for up to 7 years on the same basis as those engaged in higher education at bachelors level and above. Some students have already enrolled on this basis. Clarification is also necessary for institutions to ensure that they can answer student queries and also plan their programmes.

It has been agreed that such programmes may remain on the internationalisation register. They will be classified as language and non degree programmes and will be subject to the same conditions for such awards as is set out in section 1 (b) '*Internationalisation Register – Eligibility Criteria and Details from 01 January 2011* (available at <http://www.nqai.ie/documents/InternationalisationRegisterCriteria01.01.11.pdf>).

Students will be permitted to study on these courses for a maximum of 3 years or combine their studies with an English language or non-Degree course subject to the 3 year limit.

The Internationalisation register is currently being updated and the intention is to have every eligible course clearly marked “degree” or “Language/Non Degree”. While that process is being completed and in recognition of the possible ambiguity in relation to these courses an interim arrangement has been put in place.

Interim Arrangements for ‘Timed Out’ Students

Recognising that some students have already paid fees and are already enrolled on vocational, business or other courses, the following interim arrangements will apply

- Students, who meet the criteria as set in Note 1 below and who wish to enrol on a **vocational, business or other programmes** and whose registration expires up to and including 30 June 2011 may enrol for one further year on a vocational course of the type set out in Appendix 1;
- Students must complete the course they enrol on within the one year time limit. No extra time will be permitted for repeat exams;
- Students who avail of this special one year registration to undertake a vocational course will not be eligible for the special ‘Timed Out’ six month concession, which allows – as a special concession – ‘Timed Out’ Students to apply for a work permit/green card from within the State and to work for 40hrs per week for the duration of the six months;
- Colleges and students are responsible for delivering and completing these courses within the one year period, which is in line with recommended time limits as set by the accrediting bodies;
- This one year registration period will be non-renewable. There will be no extension to this one year period for students who are timed out under the new regime.
- From 1 July 2011 vocational, business or other programmes will be classified as language and non degree programmes and will be subject to the same conditions for such awards.

NOTE :

(1) The interim arrangements as set out above will apply to Timed Out Students who will not breach the 7 year overall time limit for non-EEA Students in Ireland, if they enrol for one further year. Students whose permission to be in Ireland will exceed the 7 year overall time limit if they enrol for one further year will not be allowed to avail of these interim arrangements.

Students whose permission already exceeds the 7 year overall time limit for non-EEA Students will not be allowed to avail of these interim arrangements.

(2) Students whose registration expires after 1 July 2011 are not permitted to enrol on any course on or before that date.

Status of these Courses from 1 July 2011

It is proposed that in order to facilitate students attending programmes leading to the awards described above, and colleges delivering these programmes, that these programmes be permitted to be included on the internationalisation register in the same way as non-Degree programmes and must meet the criteria set out for non-degree/language programmes. Such courses will be subject to the following additional rules

- The maximum time a student may stay in Ireland for the purpose of attending these programmes is limited to 3 years and students are responsible for managing their studies to ensure compliance with this time limit.
- Where a student seeks to progress through certificate, diploma advanced diploma and graduate diploma, each of these will be as a discrete course with its own discrete award
- It is not permissible for students who come to Ireland to enrol in such programmes for longer than 3 years.
- These programmes must be listed on the Internationalisation Register

By 1 July 2011 when these interim arrangements come to an end a new internationalisation register will be available. It will indicate clearly for each eligible course whether it is classified as a degree programme or otherwise.

Immigration and Citizenship Policy / Student Review Unit
February 2011

Appendix One

As outlined in the Notice above, since the introduction of the new regime for full time non-EEA Students on 1 January 2011 a number of questions have been raised by colleges and students regarding the status, vis-à-vis the internationalisation register, of certain types of programme leading to awards made by vocational awarding bodies in England, Wales and Northern Ireland e.g., ICM, ABE, CTH etc.

The interim arrangements set out above address these questions. By way of reference for students and colleges the interim arrangements will apply to the following qualifications. Please note that the Framework levels refer to the NQF and the QCF of England, Wales and Northern Ireland.

Level 6 Advanced Diploma

Level 6 Graduate Diploma

Level 7 Diploma

Level 7 Postgraduate Diploma

This course listing is not exhaustive. Colleges should address queries regarding other qualifications directly to studentreviewgroup@justice.ie