

NEW IMMIGRATION REGIME FOR FULL TIME NON-EEA STUDENTS

Guidelines for Language and Non-Degree Programme Students

December 2010



Table of Contents	Page
Introduction	3
Language and non- Degree Programme	4
Travelling to and Arriving in Ireland	5
Registration in the State	7
Conditions of being a non-EEA Degree Student	9
Working while Studying	11
Family Reunification	13
Post Study Pathways	15
Appendix 1 - National Framework of Qualifications	16
Appendix 2 – Rules regarding State Benefits	17
Appendix 3 – Non Visa Required Countries	18

Introduction

The '*New Immigration Regime for Full Time Non-EEA Students*' which will reform the non-EEA student immigration regime was published on 22 September 2010

The key recommendations include;

- capping the length of time a person can spend in Ireland as a student,
- introducing a differentiated system which will facilitate the targeting of incentives towards the upper end of the academic spectrum,
- the introduction of a statutory quality mark for education providers,
- a tighter inspection regime,
- new guidelines on work placement and internship,
- new proposals regarding Post Study Pathways for high end students, including the extension of the Third Level Graduate Scheme to 12 months for graduates pursuing programmes leading to major awards or equivalent at or above NFQ Level 8 (see the NFQ “fan diagram” at Appendix 1).

These guidelines outline for full time non-EEA students how the new regime will operate for them should they wish to travel to Ireland in the future for the purpose of pursuing a course of study in the Language and Non-Degree Programme.

Transitional measures for non-EEA students currently in Ireland pursuing a course in the Language and Non-Degree Programme are set out [here](#).

Language and Non - Degree Programme

What is the Language and Non Degree Programme?

The Language and Non-Degree Programme refers to two types of course.

English Language Course¹

English Language courses for the purpose of non-EEA Student Immigration must be included in the Internationalisation Register, administered by the National Qualifications Authority of Ireland (NQAI) (Visit www.nqai.ie for more information).

Further Education Non-Degree Course

Further Education courses refer to full-time, day-time academic courses leading to non-school major awards at Level 5 or Level 6 of the *National Framework of Qualifications* (see NFQ “fan diagram” at Appendix 1).

The course that you are going to pursue must be included in the Internationalisation Register administered by the National Qualifications Authority of Ireland (NQAI) (Visit www.nqai.ie for more information).

Maximum length of Time

For the purposes of this programme English language courses will be taken to have a maximum duration of 1 year. Students may enrol on three separate English language courses to a maximum of three years.

The maximum time a student may stay in Ireland for the purpose of attending courses at Language or Non Degree level is limited to 3 years and students are responsible for managing their studies to ensure compliance with this time limit.

It is not permissible for students who come to Ireland on a Language or Non Degree Programme course to enrol in such courses for longer than 3 years.

It is permissible for students who come to Ireland on a Language or Non-Degree Programme course to enrol on a course on the Degree Programme courses leading to major awards or equivalent at or above Level 7 of the NFQ subject to the overall limit of 7 years not being exceeded.

Courses under this programme must be listed on the Internationalisation Register.

Note : It is not permissible for a student to come to Ireland to undertake a part-time course, or a distance learning course.

¹ Any reference to English language courses should be taken to apply equally to courses in any other language, including Irish, where it is studied at below degree level.

Travelling to and Arriving in Ireland

What do I need to do to travel to Ireland as a full time Student?

There are conditions that all students (both visa required and non visa required) must satisfy before they will be granted permission to remain in Ireland as a student.

With regard to Language and non-Degree Programme Courses you must be able to show that -

- You have entered the State to engage in full time study
- You are enrolled on a privately funded course either on an English Language Course or Further Education Course. The Further Education course must lead to a non-school major award at Level 5 or Level 6 of the NFQ (see Appendix 1);;
- A Letter of Acceptance from the college, confirming you have been accepted and enrolled on a course of full-time education, involving a minimum of 15 hours organised daytime tuition each week;
- You must have paid the fees to the college. Where your fees are below €6,000, the full amount of the fees must be paid in advance. Where your fees exceed €6,000 then at least this amount must be paid in advance.
- While at present, certain students may engage in casual employment (see section Working while Studying) you must be able to pay for your course and support yourself, live in Ireland without going into business or getting a job, or availing of any State Benefits (see Appendix 2);
- From 1 April 2011 you must have access to €3,000 at first registration. This is in addition to your course fees;
- Students are required to have private medical insurance², either personally or through a group scheme operated by your college, at time of registration. Thereafter at every subsequent registration students are required to have proof that they were in possession of private medical insurance for all of the previous registration period by way of a letter of renewal. Travel insurance will not be accepted.

Do I need a Visa to come to Ireland?

Students from some countries coming to Ireland are required to hold a valid Visa. If your country does not appear in the list of Non-Visa Required countries at Appendix 3 below then you will require a Visa

Before continuing please read the guidelines for applying for a student Visa by clicking into the Student Visa Guidelines which are available on this website.

² The student is required to have Private Medical Insurance at a level that will cover the cost of hospital accommodation.

Note : Visa Required students are required to demonstrate access to €7,000 before they may be issued with a visa. In line with the rules set out above such students from 1 April 2011 must have access to €3,000 at first registration.

Registration in the State

Am I required to Register and seek Permission to be in the State

Yes. It is a requirement for non-EEA students who intend staying in Ireland for more than 90 days to register with the Garda National Immigration Bureau (GNIB).

This can be done at the main Garda National Immigration Bureau Office at at 13-14 Burgh Quay, Dublin 2, or with the Immigration Officer in the area in which you are residing (see full list of Immigration Offices).

Please Note ; It is the responsibility of the student to satisfy the requirements set out in this section. Where a student fails to satisfy these requirements then they will not be registered

What happens when I register?

First Registration

When you register with GNIB you will be required to provide proof of the following -

- that the student is enrolled on a privately funded course in the Language and non-Degree Programme which is included in the Internationalisation Register, administered by the NQAI;
- a Letter of Acceptance from the college, confirming you have been accepted and enrolled on a course of full-time education, involving a minimum of 15 hours organised daytime tuition each week;
- you must have proof that fees have been paid to the college. Where your fees are below €6,000, the full amount of the fees must be paid in advance. Where your fees exceed €6,000 then at least this amount must be paid in advance;
- a bank statement, from an Irish bank, showing that from 1 April 2011 you have access to €3,000 at first registration, to support yourself, live in Ireland without going into business or getting a job, or availing of any State Benefits.
- students are required to have private medical insurance at time of registration. Thereafter at every subsequent registration students are required to have proof that they were in possession of private medical insurance for all of the previous registration period for example by way of a letter of renewal. Travel insurance will not be accepted.

Upon successful registration a student will be given a certificate of registration indicating that you have been given an immigration permission allowing you to study in the State.

The registration will be for one year and will be renewable on an annual basis, up to a maximum of 3 years.

There is currently a charge of €150 each time you register.

Second and Subsequent Registration

Renewal of registration may be granted if the following conditions are satisfied, and no other adverse circumstances exist:

- A student has been engaging in full time daytime education of at least 15 hours per week
- That a student can demonstrate a level of 80% attendance at class via a letter from their education provider
- You must have proof that fees have been paid to the college;
- Proof that the student maintained private medical insurance, for the previous registration period for example by way of a letter of renewal (see definition of Private Medical Insurance in footnote)

Note: A person will only be able to renew their immigration permission where there are no concerns about that person in terms of an adverse Garda record or other concerns related to national security, public security, public order or public policy ("ordre public").

Conditions of being a Language or non-Degree Programme Student

What are the conditions attached to my student permission on the Language/Non-Degree Programme?

There are certain conditions a student must satisfy in order to maintain permission on a Language or Non-Degree Programme, or any combination thereof.

- Students must demonstrate a level of 80% attendance at class via a letter from their education provider;
- Students must provide proof that course fees have been paid in full to their school/college;
- Students must not avail of any State Benefits;
- Students are required to plan their educational programme to fit in with the allowable timeframe of 3 years;
- Students must demonstrate that they have maintained private medical insurance, for the previous registration period for example by way of a letter of renewal.

What type of immigration permission?

Your permission is limited purpose permission which allows you take up your course of studies.

It is not reckonable or taken into account in any application for long term residence or citizenship.

The immigration permission is valid for up to 12 months and is a renewable permission up to a maximum of 3 years, for study under this programme.

What will happen if I breach one or many of the conditions attached to my Student permission?

Any breach of the conditions attached to permission to remain in Ireland as a student will be taken very seriously by the immigration authorities. In the event that a student breaches the conditions of their student permission your permission to be in the State as a student may be withdrawn. Such students will be considered illegal in the State and may be required to leave the State.

Changing courses or Education Providers

Can I change course?

Yes it is permissible for students to change courses. Some conditions however will apply -

- Students will not be allowed to change course during the first year of study;

- Students will only be permitted to change course to a new course of study leading to a major award or equivalent at the same level of the NFQ or a higher NFQ level in the case of non-Degree courses
- Students are permitted to move from Language to Non-Degree Courses and vice versa once they do not exceed the maximum allowable time of 3 years in this category

It is not permissible for students to renew their registration early in order to change course and by so doing to extend their immigration permission.

The validity of your permission to remain is conditional on you attending the course for which you were permitted to enter the State and/or for which your study visa was granted. The express written consent of the Minister is required if you wish to transfer to another course.

Can I change to a part-time course?

No. Your immigration permission has been granted for the purpose of allowing you engage in a full time educational course of at least 15 hours day time tuition each week; you cannot transfer to a part-time course.

I originally entered the State to complete an English Language Course or Further Education course but I now wish to do a degree course instead – can I change course?

Yes. You will be allowed to transfer to a Degree Programme course from a Language or Non Degree course, subject to the maximum overall time limit of 7 years.

My Education Provider's approval to deliver my chosen course has been removed – what can I do?

In exceptional circumstances such as these, it will be possible for you to transfer to a new education provider so long as the course to which you transfer leads to a major award or equivalent at the same NFQ level, or higher, as the course you originally attended in the case of non Degree courses.

Language students will be permitted to change course so long as the course provider and programme is included on the Internationalisation Register administered by the NQAI.

In such cases a student should contact the Irish Naturalisation and Immigration Service for further advice and information about this.

Working while Studying

Since April 2001 non-EEA nationals with permission to remain in the State as students, on immigration Stamp 2 permission and enrolled on courses with education providers listed on the internationalisation register, have been afforded the opportunity to work.

This allows non-EEA Students to take up casual employment to supplement their income while studying in Ireland. During term time non-EEA Students can work up to 20 hours per week and during normal college holiday periods non-EEA Students can work on a full time basis up to 40 hours per week.

This has been and continues to be a valuable concession to students especially in the current more difficult economic climate. For 2011 non-EEA students will be permitted to take up employment in accordance with the rules set out below.

However, all non-EEA Students should be aware that the student work concession is being reviewed in 2011 and this may result in changes to this concession.

Note: Students attending courses not on the Internationalisation Register are not permitted to work and are registered with Stamp 2A permission.

Can I work while I am studying in Ireland?

It is permissible for Language and Non-Degree Programme students to engage in casual employment where they are -

- Registered with Stamp 2 permission
- Enrolled on a course listed on the Internationalisation Register
- Attending a full time course of education,
- Undertaking a minimum of 15 hours day time tuition, between the hours of 8am and 6pm per week for a minimum of 25 weeks per annum
- On a course of at least one year's duration
- Pursuing a course leading to a qualifications recognised by the Minister for Education and Skills [target for English language]

Students will also be required to comply with the Universal Social Contribution, Pay Related Social Insurance, employment laws and taxation requirements

Casual employment is defined as up to a maximum of 20 hours part-time work per week during the academic semester, or full time work (up to 40 hours per week) during normal college holiday periods.

Can I work for more than 20 hours per week during term time?

No. This will breach the conditions attached to your permission. Any breach of the conditions attached to permission to remain in Ireland as a student will be taken very seriously by the immigration authorities. In the event that a student breaches the conditions of their student permission your permission to be in the State as a student

may be withdrawn. Such students will be considered illegal in the State and may be required to leave the State.

Can I conduct business or be self-employed?

No. This will breach the conditions attached to your permission.

Can I work full-time in a permanent job while I am studying?

No. This will breach the conditions attached to your permission.

I have to do an internship as part of my course of study – is this allowed under the immigration rules?

No. The current rules regarding internship applies only to Degree Programme students. A new general scheme regarding internship is being developed by INIS and details of this scheme will be published in 2011. Details of this will be available on the INIS website in the near future.

Note: Outside of the Degree Programme certain named exceptions may be permitted to engage in Internship programmes in relation to EU-funded programmes³.

³ For example, established Fáilte Ireland approved and certified training programmes, including those funded under the Leonardo, Comenius and Grundvig Grant Programmes.

Family Reunification

Can I bring my husband, wife, civil partner or children with me?

No. In general students will continue to have no rights to Family Reunification. Some exceptions to this rule are set out below.

For visa required students your husband, wife, civil partner or child will need to make their own Visa application and this application will be judged on its own merit.

Partners, spouses and/or children will be considered as applicants in their own right but cannot advance their application for entry or residence on the basis of their relationship to another student.

Students will not be permitted to be accompanied or joined by children other than those born during their stay.

Can my children come and visit me in Ireland?

In general no, family reunification will be achieved by you visiting your children and family during academic holidays.

Are there exceptions to the rules as set out above?

Exemptions from the policy of no Family Reunification will be considered where;

- The student is pursuing a course at PhD level (NFQ 10). In these cases the student will be required to progress academically (verified by letter from academic supervisor) and to complete their doctorate within 4 years; or
- The student is a participant in an academic programme agreed between the Irish State and another state whereby the student and dependents are sufficiently well funded in respect of all expenses in Ireland, or where any such agreement provides an exemption; or
- The student can demonstrate private means on an annual basis at a level that clearly allows them to support themselves and their family without recourse to public funds and without engaging in employment and where children are accompanying the parent has paid an immigration levy set by the Government as a means of recovering the costs of the child's education; or
- The child is on a short visit to their parent(s) who can show special circumstances and can guarantee that the child will return home at the end of their holiday. Failure to comply with this condition could result in the termination of the parent's own permission on the basis that they had breached their immigration conditions

If my children have been granted permission to accompany me to Ireland, can they attend a State primary/secondary school?

Any child lawfully in the State is permitted to attend a school for education purposes. However children attending secondary level schooling are required to attend a private fee paying school.

From the 2012 / 2013 school year these rules will change. From the 2012 / 2013 school year children may attend a State primary/secondary school only where the parent has paid an immigration levy set by the Government as a means of recovering the costs of the child's education.

Also the placement of the child in a State School must be expressly approved in writing by the Department of Education and Skills who are responsible for the operation of the education system.

Post Study Pathways

I have completed 3 years in a Language or Non Degree Course Can I stay in Ireland after I complete my studies to seek employment?

No it is not permissible for you to stay in Ireland after your course to seek employment.

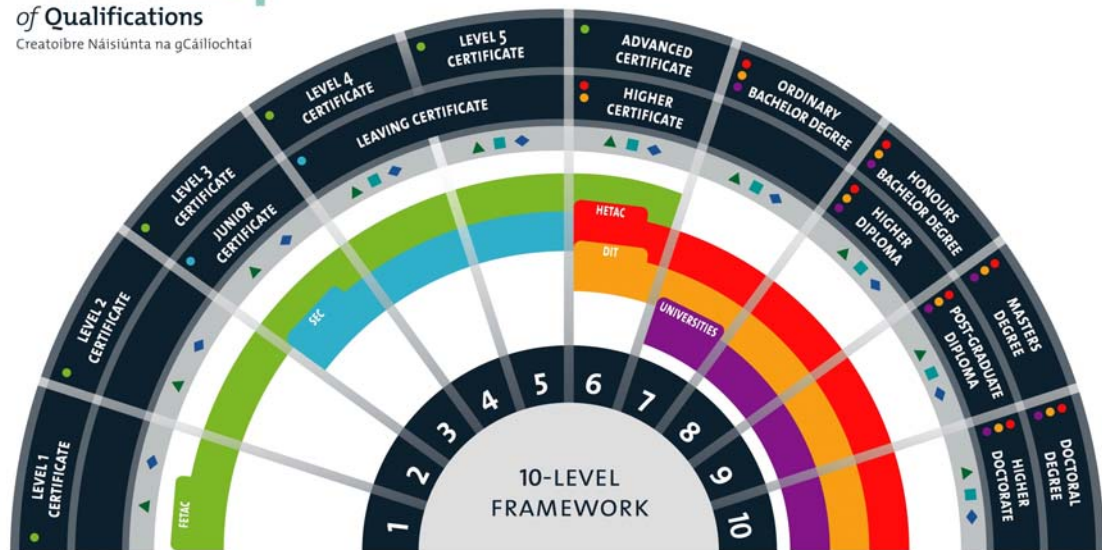
You may only extend your stay in Ireland if you enrol in a course in the Degree Programme i.e. a course leading to a major award or equivalent at or above Level 7 of the NFQ.

For more information regarding Post Study Pathways please read the guidelines for Degree Programme students which can be found on this webpage.

Can I switch to work permit employment when I am in Ireland to study?

Permission to work is granted by the Department of Enterprise Trade and Innovation. Check their website for details on how to obtain a working permit. (Available at <http://www.deti.ie>).

Appendix 1 – National Framework of Qualifications



KEY

- FETAC - Further Education and Training Awards Council
- SEC - State Examinations Commission (Department of Education & Science)
- HETAC - Higher Education and Training Awards Council
- DIT - Dublin Institute of Technology
- Universities

AWARDS IN THE FRAMEWORK

There are four types of award in the National Framework of Qualifications:

- Major Awards: are the principal class of awards made at a level
- ▲ Minor Awards: are for partial completion of the outcomes for a Major Award
- Supplemental Awards: are for learning that is additional to a Major Award
- ◆ Special Purpose Awards: are for relatively narrow or purpose-specific achievement

Appendix 2 –Rules regarding State Benefits

In Ireland there are many forms of State Benefits that are available to people. These include a range of income related benefits, medical cards and other social welfare benefits.

Can I access State Benefits?

No it is not permissible for non-EEA Students to access State Benefits and this is irrespective of eligibility. One of the key conditions applicable to a student coming to Ireland is that you must be able to support yourself and live without claiming state benefits.

Why can I not access State Benefits?

Non-EEA students are admitted to Ireland on the understanding that they will not make claims on State funds and, as outlined above, this is irrespective of eligibility.

From an immigration perspective a person who applies to come to Ireland as a student enters into some form of a contract with the State. Their immigration status is conditional. Moreover the conditions that the State applies are inseparable from the decision to admit them. In other words, the State will only admit the migrant on the basis that they agree to abide by certain conditions. Breach of that "agreement" by the migrant undermines the rationale for admitting them to the State and ultimately the basis of their residence permission.

What happens if I access State Benefits?

Where a student is found to have accessed state benefits this may lead to a student's permission to be in the State being withdrawn by the immigration authorities, on the basis that they have contravened the decision to admit the student.

Appendix 3 – Non Visa Required Countries

Citizens of certain countries require an entry visa for Ireland.

If you are a citizen of a country that is on schedule 1 below, you do NOT require an entry visa for Ireland. Citizens of countries which are not on the list must apply for a visa before they travel to Ireland.

Please note that a Schengen or UK visa or residence permission is NOT valid for travel to Ireland. If you are a national of a visa-required country you will need to apply for an Irish visa in advance of travel to Ireland.

Transit Visas ARE required by citizens of the countries listed in schedule 2 below.

All citizens of non-EU countries, whether they require a visa or not, are subject to immigration control at the point of entry to Ireland.

LIST OF COUNTRIES WHOSE PASSPORT HOLDERS DO NOT REQUIRE VISAS TO ENTER IRELAND:

ANDORRA
ANTIGUA and BARBUDA
ARGENTINA
AUSTRALIA
AUSTRIA
BAHAMAS
BARBADOS
BELGIUM
BELIZE
BOLIVIA
BOTSWANA
BRAZIL
BRUNEI
BULGARIA
CANADA
CHILE
COSTA RICA
CROATIA
CYPRUS
CZECH REPUBLIC
DENMARK
DOMINICA
EL SALVADOR
ESTONIA
FIJI
FINLAND
FRANCE
GERMANY

GREECE
GRENADA
GUATEMALA
GUYANA
HONDURAS
HONG KONG (Special Administrative Region) (*See further information below).
HUNGARY
ICELAND
ISRAEL
ITALY
JAPAN
KIRIBATI
LATVIA
LESOTHO
LIECHTENSTEIN
LITHUANIA
LUXEMBOURG
MACAU (Special Administrative Region)
MALAWI
MALAYSIA
MALDIVES
MALTA
MEXICO
MONACO
NAURU
NETHERLANDS
NEW ZEALAND
NICARAGUA
NORWAY
PANAMA
PARAGUAY
POLAND
PORTUGAL
ROMANIA
SAINT KITTS & NEVIS
SAINT LUCIA
SAINT VINCENT & THE GRENADINES
SAMOA
SAN MARINO
SEYCHELLES
SINGAPORE
SLOVAK REPUBLIC
SLOVENIA
SOLOMON ISLANDS
SOUTH AFRICA
SOUTH KOREA
SPAIN
SWAZILAND
SWEDEN
SWITZERLAND

TAIWAN
TONGA
TRINIDAD & TOBAGO
TUVALU
UNITED KINGDOM & Dependent Territories (noted below)
UNITED STATES of AMERICA
URUGUAY
VANUATU
VATICAN CITY
VENEZUELA

BRITISH DEPENDENT TERRITORIES

ANGUILLA
BERMUDA
BRITISH ANTARCTIC TERRITORY (South Georgia, South Sandwich Islands)
BRITISH INDIAN OCEAN TERRITORIES (Chagos Archipelago, Peros Banos, Diego Garcia, Danger Island)
CAYMAN ISLANDS
FALKLAND ISLANDS and DEPENDENCIES
GIBRALTAR
MONTSERRAT
PITCAIRN (Henderson, Ducie and Oneno Islands)
St. HELENA and DEPENDENCIES (Ascension Island, Tristan Da Cunha)
The SOVERIGN BASE AREAS of AKROTIRI and DHEKILA
TURKS and CAICOS ISLAND
BRITISH VIRGIN ISLANDS

***HONG KONG SAR**

A person in possession of a Hong Kong certificate of identity requires an entry visa for the State.

Persons who are holders of a **British Hong Kong Passport** who have a right of abode in Great Britain do not require entry visas.

Persons who are holders of a **British Hong Kong Passport** who have a right of abode in Hong Kong only do not require entry visas but they are subject to full foreign national controls in respect of registration, permission to remain, work permits etc.

CONVENTION TRAVEL DOCUMENTS

Visas are not required by persons who are holders of Convention travel documents issued by the following countries:

BELGIUM
CZECH REPUBLIC
DENMARK

FINLAND
GERMANY
ICELAND
ITALY
LIECHTENSTEIN
LUXEMBOURG
MALTA
NETHERLANDS
NORWAY
POLAND
PORTUGAL
ROMANIA
SLOVAKIA
SPAIN
SWEDEN
SWITZERLAND.

Applicants who are holders of Convention travel documents issued by EEA states should refer to Article 3 of the **Immigration Act 2004 Order 2009 (PDF 109kb)** (Short visits only).

SCHEDULE 2

TRANSIT VISAS ARE REQUIRED BY CITIZENS OF THE FOLLOWING:

AFGHANISTAN
ALBANIA
CUBA
DEMOCRATIC REPUBLIC OF THE CONGO
ERITREA
ETHIOPIA
GHANA
IRAN
IRAQ
LEBANON
MOLDOVA
MONTENEGRO
NIGERIA
SERBIA
SOMALIA
SRI LANKA
ZIMBABWE

