

# IMMIGRATION OF INTERNATIONAL STUDENTS TO THE EU: IRELAND

Mairéad Finn  
Philip J. O'Connell

*August 2012*

**EMN**

European Migration Network



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## The European Migration Network

The aim of the European Migration Network (EMN) is to provide up-to-date, objective, reliable and comparable information on migration and asylum at Member State and EU-level with a view to supporting policymaking and informing the general public.

The Irish National Contact Point of the European Migration Network, EMN Ireland, is located at the Economic and Social Research Institute (ESRI).

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The opinions presented in this report are those of the authors and do not represent the position of the Irish Department of Justice and Equality, the European Commission Directorate-General Home Affairs, or the Economic and Social Research Institute.

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## Glossary of Abbreviations and Irish Terms

ACCA	Association of Chartered Certified Accountants
ACELS	Accreditation and Co-ordination of English Language Services
An Garda Síochana	Police
AVATS	Automated Visa Application Tracking System
CIC	Citizen's Information Centre
Crosscare	A Social Care Network of the Dublin Catholic Archdiocese
DES	Department of Education and Skills
DFA	Department of Foreign Affairs
DIT	Dublin Institute of Technology
DJE	Department of Justice and Equality
DJEI	Department of Jobs, Enterprise and Innovation
EEA	European Economic Area
EFQ	European Framework of Qualifications
EMN	European Migration Network
ESL	English as a Second Language
ESOL	English for Speakers of Other Languages
EU	European Union
Eurostat	Statistical Office of the European Union
Fáilte Ireland	Irish National Tourism Development Authority
FETAC	Further Education and Training Awards Council
GNIB	Garda National Immigration Bureau
HEA	Higher Education Authority
HECA	Higher Education Colleges Association
HETAC	Higher Education and Training Awards Council
ICAI	Chartered Accountants of Ireland
ICI	Immigrant Council of Ireland
ICOS	Irish Council for International Students
IHEQN	Irish Higher Education Quality Network



IIN	Immigration Information Network
INIS	Irish Naturalisation and Immigration Service
IOT	Institute of Technology
IOTI	Institutes of Technology Ireland
ISCED	International Standard Classification of Education
IUQB	Irish Universities Quality Board
MBA	Masters in Business Administration
MEI	Marketing English in Ireland
NFQ	National Framework of Qualifications
NGO	Non-Governmental Organisation
NQAI	National Qualifications Authority of Ireland
NUI	National University of Ireland
Oireachtas	Parliament
PES	Principal Economic Status
PhD	Philosophy Doctorate
PPSN	Personal Public Service Number
QQAAI	Qualifications and Quality Assurance Authority of Ireland
QNHS	Quarterly National Household Survey
RCSI	Royal College of Surgeons in Ireland
SFI	Science Foundation Ireland
UNESCO	United Nations Educational, Scientific and Cultural Organisation
USI	Union of Students in Ireland

## Executive Summary

This report is the Irish contribution to the EMN study on the ‘Immigration of International (non-EEA) Students to the EU’. This EMN study topic is particularly timely in the Irish case, as it follows a period of significant policy activity in this domain throughout 2010 and 2011. In September 2010, the Irish Government launched its first international education strategy, entitled *Investing in Global Relationships: Ireland’s International Education Strategy 2010-15*. The publication of the strategy was the culmination of efforts to facilitate a more joined-up approach to the provision of international education, with efforts co-ordinated by a High-Level Group on International Education. The Irish contribution to the EMN study is set within this overarching context.

Ireland’s International Education Strategy represents a coherent approach to achieve a series of inter-related objectives that together strike a balance between expanding the market and controlling abuse. These objectives include increasing student numbers, expanding Irish education in international markets, strengthening marketing and promotion at the national level, quality assurance in education provision and a strengthened student immigration regime. An Interdepartmental Committee on non-EEA Student Immigration co-ordinated the reforms of the student immigration regime. This reform introduced significant policy changes, with the introduction of a two-tier approach taken between ‘Degree Programme’ and ‘Non-Degree and Language Programme’ students, among many other changes.

What is less clear and still emerging are the policies and practices that are taking place since the introduction of the International Education Strategy. The policy landscape in relation to student immigration, quality assurance and key target markets is emerging and shifting and the current study is set within a period of significant change in this area.

Chapter One details the study methodology and definitions. Data for the study were drawn from a variety of sources including Eurostat, the Irish Naturalisation and Immigration Service, the Department of Education and Skills, the Higher Education Authority, Enterprise Ireland and Fáilte Ireland. The study covers only those students arriving from outside of the European Economic Area, and defines ‘international students’ in these terms. International students arriving in Ireland for study can access education courses in the higher education sector, the further education sector and the language education sector and the study discussion and analysis incorporates all three.

Chapter Two outlines the Irish national education system in some detail. International students in Ireland attend courses across a range of education institutions in both the public and private sector. Some education institutions<sup>1</sup> in the higher education sector are authorised to confer their own awards. The remainder set their awards through the Higher Education and Training Awards Council (HETAC). This is the State awarding body for third-level education and training institutions outside of the university sector. The Further Education and Training Awards Council (FETAC) is the State body which makes awards for further education and training in Ireland. Awards made through these bodies are quality assured and are aligned with the National Framework of Qualifications. This is a framework providing a means for learners to compare qualifications, to ensure they are quality assured and that they are recognised in Ireland and abroad. A number of other providers make awards through international awarding bodies.

Relevant bodies and organisations in the field of international student migration are also outlined in Chapter Two, including: the Department of Education and Skills; the Higher Education Authority; the National Qualifications Authority of Ireland and the Qualifications and Quality Assurance Authority of Ireland; Education in Ireland; Fáilte Ireland; The Irish Naturalisation and Immigration Service; the Garda National Immigration Bureau; the Irish Council for International Students; Marketing English in Ireland and the Higher Education Colleges Association.

As discussed, the Irish policy landscape regarding the immigration of international students changed radically in 2010. The reforms came about as part of a desire to improve the ability to promote international education more effectively overseas and to strengthen the immigration system in response to suspected abuse. Reform of the immigration system took place following a consultation process led by an Interdepartmental Committee on non-EEA Student Immigration. The following changes were implemented as part of this reform:

- A differentiated approach to ‘Degree Programme’ and ‘Non-Degree and Language Programme’ students.
- Time limits on length of stay, with a seven year stay allowed for ‘Degree Programme’ students and a three year stay allowed for ‘Language and Non-Degree Programme’ students.
- Fast-tracking of visa applications for ‘Degree Programme’ students.

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<sup>1</sup> The Universities, the Royal College of Surgeons in Ireland, Dublin Institute of Technology and the National University of Ireland.

- Students attending courses of less than three months duration to be designated as 'Educational Tourists'.
- Proof of progression and course attendance at GNIB registration.

Chapter Three provides information on the legal and practical conditions at national level that apply to international students. Enterprise Ireland co-ordinates the marketing of Irish education in international markets, under the brand 'Education in Ireland'. To participate in this marketing scheme, education providers must be recognised by the State. A number of providers implement their own marketing strategies but may also participate in the marketing activities of Education in Ireland. In recent years a 'Trusted Agents Scheme' has been introduced, which is a scheme to enhance relationships with education agents in priority markets such as India. Marketing English in Ireland, an association of recognised English language schools in Ireland, also operates a 'Trusted Agents Scheme' in China.

Applicants for a visa to come and study in Ireland may apply for either a 'C' study visa or a 'D' study visa. The former is for those on courses of less than three months duration and the latter for those on courses greater than three months duration. Since 2011, applications for visas are made online, under the Automated Visa Application Trafficking System (AVATS) on the Irish Naturalisation and Immigration Service (INIS) website. Not all nationalities need to apply for a visa and a list of exemptions is supplied in Appendix IV. As a permission to land, a visa does not automatically grant residency. International students must register at the Garda National Immigration Bureau within three months of landing, providing evidence of registration at the education institution, of private medical insurance and of access to €3,000. Non-EEA students receive one of three registration stamps in their passport: Stamp 1A, Stamp 2 or Stamp 2A. Respectively, these are for non-EEA nationals studying accountancy; non-EEA nationals attending a full-time course of study; and non-EEA nationals attending courses of study not recognised by the Department of Education and Skills.

International students on Stamp 2 can avail of a 'Student Work Concession', which allows for students to work 20 hours per week during term-time and 40 hours per week during holidays. In reality it is not considered feasible to monitor the work activities of students. There is some work by the National Employment Rights Authority in this area, although recourses are limited.

In general, international students are not entitled to bring family members to Ireland under the terms of their student permission. There are some exceptions to this: PhD students, certain Masters students and students on the King Abdullah Scholarship Programme are permitted to bring family members. International students' family members do not have access to State supports during their stay in Ireland.

'Post-Study Pathways' are provided for in the Irish immigration system. Students may remain in Ireland where they are progressing to more advanced courses during their studies. A 'Third Level Graduate Scheme' is also in place. This scheme provides for students on courses at Level 8 or higher on the National Framework of Qualifications to remain in the State on a student permission for one year for the purposes of work, when they may then transfer to a work permit or Green Card.

Chapter Four details the diverse forms of transnational cooperation in the area of international students. Transnational cooperation takes many forms, including bilateral and multilateral agreements; institutional partnerships and links with education institutions internationally; joint degree programmes; overseas campuses; and student and staff exchange programmes.

Chapter Five analyses the impact of international students in Ireland. It is currently estimated that the international education sector is worth €1 billion to the Irish economy and the international education strategy aims to increase this to €1.2 billion.

To conclude, the current state of play is best described as one in transition as the Irish system implements a stronger student immigration regime and centralises its quality assurance mechanisms, guided by an overarching strategy but with practices and policies continuing to emerge.

# Chapter 1

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## Introduction: Purpose of the Study, Methods and Definitions Used

### 1.1 INTRODUCTION

This report is Ireland's national contribution to a European Migration Network (EMN) study on the 'Immigration of International Students to the EU'. The study aims to provide an overview of immigration policies implemented in Ireland regarding nationals from outside the European Economic Area (non-EEA) arriving in Ireland for education purposes. The perspective of the study will remain on migration behaviour rather than on wider aspects of education, with a particular focus on the balance between actively attracting international students into the EU for the purposes of study and preventing the misuse of international student routes to migration. It is envisaged that this national study will be of interest to policy makers, NGOs and researchers working in the field of migration in Ireland. A similar report will be produced by each Member State across the European Union (EU), with an EU overview synthesis report produced by the EMN.

### 1.2 METHODOLOGY

The study has principally been carried out through secondary, desk-based research comprising a review and analysis of government policy documents, published reports, parliamentary questions, and reports from relevant bodies such as education providers and their umbrella organisations. This has been supplemented by interviews with key actors in the fields of immigration and the provision of education to international students. Statistics on international students are publicly available in various reports<sup>2</sup> and on the website of the

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<sup>2</sup> Fitzpatrick and Associates. 2003. *Provision of Undergraduate and Taught Postgraduate Education to Overseas Students in Ireland: Final Report*. Dublin: Higher Education Authority.  
Education in Ireland. 2004. *International Students in Higher Education in Ireland 2004*. Dublin: The International Education Board Ireland.  
Education in Ireland. 2007. *International Students in Higher Education in Ireland 2007*. Dublin: The International Education Board.  
Education in Ireland. 2010. *International Students in Higher Education in Ireland 2009/2010*. Dublin: Enterprise Ireland.

Department of Education and Skills (DES). Some recent figures on student visa applications are available on the website of the Irish Naturalisation and Immigration Service (INIS). As part of this study, statistics on registrations and enrolments were provided by relevant bodies by request. These statistics capture different facets of the international student demographic and do not lend themselves to a cohesive description of the sector. These difficulties are acknowledged by actors in the sector and mapping its true size remains a challenge. The range of data sources may be summarised as follows:

**Table 1.1 Statistical Sources on International Students in Ireland**

Organisation	Statistics Held
Eurostat	Immigration Registrations for the Purpose of Education
INIS	Registrations for Study Purposes
INIS	Visa Applications Granted, Refused and Appealed
DES	Domiciliary of Origin of Full-time Students Registered at Higher Education Institutions
HEA	Domiciliary of Origin of Full-time Students Registered at Higher Education Institutions
Enterprise Ireland	Student Registrations at Education Institutions covered by the Education in Ireland brand
Fáilte Ireland	Numbers of students registered on English language courses

The principal challenge encountered during the study centres around this absence of statistics that capture the sector in its entirety. It is possible to paint a general picture of numbers and trends, but detailed analysis of nationality, course type, length of stay, and post-study experiences are not possible. In particular, the number of international students outside of the higher education system is difficult to quantify.

### 1.3 DEFINITIONS

#### International Student

This EMN study defines an international student as a Third Country National<sup>3</sup> arriving in the EU from a Third Country for *the purposes of study*. A Third Country National ‘student’ in the context of migration is defined in the EMN Glossary as

*a third country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading*

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Indecon International Economic Consultants. 2007. *International Competitor Analysis and Benchmarking of Ireland's English Language Learning Sector*. Dublin: Fáilte Ireland.

<sup>3</sup> Note that, in accordance with the EMN Glossary, a Third Country National is any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty of the Functioning of the European Union and who is not a person enjoying the Union right to freedom of movement, as defined in Article 2(5) of the Schengen Borders Code. This definition means that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be Third Country Nationals.

*to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation*

This is based on the definition of ‘student’ under Article 2 of Council Directive 2004/114/EC. This definition focuses on Third Country Nationals arriving in a Member State to study at higher education institutions only and does not incorporate the full range of courses that international students can access in Ireland. International students coming to Ireland for study can access both higher education and further education courses, as well as a range of language courses. Students can also arrive for occasional study visits as part of an Erasmus or study abroad programme. Therefore, a wider definition better encapsulates the Irish experience and the current study will broaden the focus to include all education institutions to which Third Country Nationals can gain access.

In the context of Irish immigration policy, international students are grouped into two categories: ‘Degree Programme’ and ‘Non-Degree and Language Programme’.<sup>4</sup> The former category includes all courses at higher level which lead to the award of degree or higher, and the latter category covers all students registered on a vocational or language course. Both levels will be referred to in this study, with details for both outlined when necessary.

## Education Levels

### *International Standard Classification of Education*

The current study uses the International Standard Classification of Education (ISCED), a framework employed to compare statistics on the education systems of countries worldwide. ISCED classifies education into six levels. Further education courses correspond to Level 4 (post-secondary, non-tertiary) on the ISCED and higher education courses correspond to Level 5 (first stage of tertiary education) and Level 6 (second stage of tertiary education). These three levels are defined in the ISCED as follows:

- Level 4 defines programmes that cross the boundary between upper secondary and post-secondary education, from an international perspective, but which in terms of content, cannot be regarded as tertiary. Such programmes may be designed to prepare students for studies at Level

<sup>4</sup>

As defined in the Final Report and Recommendations of the Interdepartmental Committee on the New Immigration Regime for Full-Time Non-EEA Students.  
Available at: <http://www.inis.gov.ie/en/JELR/BookletA4.pdf/Files/BookletA4.pdf>.



5 and may allow entry to Level 5, for example pre-degree foundation courses as well as short vocational programmes.

- Level 5 is defined as Bachelor and Master Degree level, with programmes having a cumulative theoretical duration of at least two years from the beginning of Level 5.
- Level 6 is defined as Doctorate Degree level, with this level typically requiring the submission of a thesis or dissertation of publishable quality which is the product of original research and represents a significant contribution to knowledge.

Language courses are not formally included in the ISCED definitions. Not all language courses lead to formally recognised qualifications, but where they do, they are likely to be reported as vocational qualifications for the purpose of ISCED returns and correspond to levels 3 and 4 on the ISCED.<sup>5</sup> For a more detailed account of the ISCED classification, see Appendix I.

The classifications employed in Irish immigration policy towards international students, ‘Degree Programme’ and ‘Non-Degree and Language Programme’, correspond to Levels 4, 5 and 6 on the ISCED.

### *National Framework of Qualifications*

Qualifications in Ireland, both national and international, are aligned with the National Framework of Qualifications<sup>6</sup> (NFQ) so as to achieve comparability and understanding. Launched in 2003, the NFQ is comprised of ten levels, with level one as the lowest and level ten as the highest. Alignment with the NFQ provides a means for learners to compare qualifications, to ensure that they are quality assured and that they are recognised in Ireland and abroad. In Ireland, the rules of the student immigration regime<sup>7</sup> are aligned with the NFQ and during the course of this report reference will be made to its various levels where they are relevant to international students. A diagrammatic illustration of the NFQ can be found in Appendix II.

### *Higher Education*

‘Higher Education’ in Ireland refers to all universities, institutes of technology (IOTs), other higher education institutions and some privately run colleges. The first three groups receive recurrent funding via the Higher Education Authority (HEA)<sup>8</sup>, the statutory planning and policy development body for higher

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<sup>5</sup> In correspondence with the National Qualifications Authority of Ireland, May 2012.

<sup>6</sup> The National Framework of Qualifications (NFQ) provides a way to compare qualifications and to ensure that they are quality assured and recognised at home and abroad. For further details see [www.nfq.ie](http://www.nfq.ie).

<sup>7</sup> International students attending courses above NFQ Level 7 are viewed as ‘Degree Programme’ students and those attending courses below Level 6 are viewed as ‘Non-Degree and Language Programme’ students, with different immigration rules for each group. This will be outlined in greater detail later.

<sup>8</sup> For further details see the website of the Higher Education Authority: [www.heai.ie/en/funding](http://www.heai.ie/en/funding).

education and research in Ireland. The HEA also has wide advisory powers throughout the whole of the third-level sector. Privately run higher education institutions do not receive any direct funding from the Department of Education and Skills but may receive funding under certain targeted programmes.<sup>9</sup> Awards in the higher education sector correspond to Level 6 and above on the NFQ and to Levels 5 and 6 on the ISCED.

### *Further Education*

The term ‘Further Education’ refers to all other education and training which takes place after second-level schooling but which is not part of the third-level system. Courses in this sector are run by a considerable number of both public and private colleges and institutions. There are a wide range of subjects and awards available in this sector, with awards typically corresponding to Levels 1 to 6 on the NFQ and to Levels 3 and 4 on the ISCED. International students can access further education courses which award qualifications corresponding to Levels 5 and 6 on the NFQ<sup>10</sup> and to Level 4 on the ISCED.

### *Language Education*

There are approximately 110 quality assured English language teaching institutions recognised by the National Qualifications Authority of Ireland (NQAI).<sup>11</sup> These schools are monitored and inspected by the Accreditation and Co-ordination of English Language Services (ACELS), a function of the NQAI. The ACELS recognition scheme is voluntary, and the operation of an English language school is not dependent on it.<sup>12</sup> English language teaching organisations offer a wide range of courses including General English for Adults and Juniors, Business English, English for Academic and Professional Purposes to name but a few. These organisations generally provide a full package of tuition, accommodation and extra-curricular activities.<sup>13</sup> Approximately 15% of the overall market is comprised of international students as defined in the current study.<sup>14</sup>

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<sup>9</sup> Correspondence with the Department of Education and Skills for the purposes of this study, August 2012.

<sup>10</sup> Irish Naturalisation and Immigration Service. 2010a. *New Immigration Regime for Full-Time, non-EEA Students: Final Report and Recommendations of the Interdepartmental Committee*. Dublin: INIS. Available at: <http://www.inis.gov.ie/en/JELR/BookletA4.pdf/Files/BookletA4.pdf>.

<sup>11</sup> The NQAI took over this function from the Department of Education and Skills in 2012.

<sup>12</sup> According to correspondence with the NQAI, August 2012. There are also incentives to encourage schools to gain accreditation, such as inclusion on the Internationalisation Register (see Section 2.2.1) and marketing by State bodies such as Fáilte Ireland and Education in Ireland.

<sup>13</sup> Details of studying English in Ireland are provided on the website of Education in Ireland: <http://www.educationireland.ie/index.php/irish-education/learn-english-in-ireland/introduction>.

<sup>14</sup> Interview with Marketing English in Ireland and the National Qualifications Authority of Ireland for the purposes of this study, June and July 2012.

# Chapter 2

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## The National Education System and International Students

International students coming to Ireland for the purposes of study can access courses in the higher education sector, further education sector, and the English language sector, corresponding respectively to Levels 6, 5 and 4 on the ISCED. As outlined earlier, English language courses do not directly correspond to the ISCED but will be included here as they form an important component of the education market open to international students in Ireland.

### 2.1 THE STRUCTURE OF THE NATIONAL EDUCATION SYSTEM IN IRELAND

#### 2.1.1 The National Education System

The Irish system of further and higher education comprises public and private institutions including post second-level courses, vocational and technical training, full degree courses and higher postgraduate degree levels.

The higher education system incorporates the universities, institutes of technology (IOTs), colleges of education, designated Higher Education Authority (HEA) colleges, private colleges that provide higher education qualifications, colleges recognised by the National University of Ireland, and some other State-aided third-level institutions. The institutions which fall within the first three groupings are autonomous and self-governing,<sup>15</sup> but substantially State-funded.<sup>16</sup> Private, independent colleges do not receive any core State funding and rely largely on student fees. They are in receipt of some State funding for specific programmes such as Springboard.<sup>17</sup> All other courses at third level but outside the higher education system are termed *Further Education*.<sup>18</sup> These are education and training courses which occur after second-level schooling but are not formally part of the higher education sector. Courses in this sector are run by a wide range of both public and private colleges and institutions and are known as ‘Post-Leaving Certificate’ programmes. Generally, they are full-time programmes aimed at assisting young people who have completed second-level education, or who require

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<sup>15</sup> This does not extend to awards. The Colleges of Education receive their awards from the universities. IOTs make most of their awards under delegated authority from HETAC, with HETAC making some awards directly to IOT students at Levels 9 and 10 on the NFQ, according to correspondence with staff members of the Department of Education and Skills, August 2012. See Section 2.1.2 for further details on awards.

<sup>16</sup> From the website of Education in Ireland: <http://www.educationireland.ie/index.php/irish-colleges/introduction>.

<sup>17</sup> In correspondence with the Department of Education and Skills and the NQAI, August 2012. Springboard is a back-to-work education scheme. See [www.springboard.ie](http://www.springboard.ie).

<sup>18</sup> Education in Ireland. See <http://www.educationireland.ie/index.php/irish-education/further-education>.

further vocational education and training to enhance their prospects of employment or progression on to other studies. They are also aimed at adults returning to education who may not have completed second-level education but are deemed by the provider to have the necessary competencies to undertake the programme. Another Irish Government awards agency, the Further Education and Training Awards Council (FETAC) makes awards in this sector.

### **2.1.2 Awards**

A number of institutions are authorised to confer their own awards. These institutions include the Universities, the Dublin Institute of Technology, the Royal College of Surgeons in Ireland and the National University of Ireland. Universities make their own awards under Statute and the Irish Universities Quality Board (IUQB) assists in external validation of the quality of these awards. Other higher education institutions set their awards through the State awarding agency, the Higher Education and Training Awards Council (HETAC) or through other non-Irish awarding bodies. HETAC is the qualifications awarding body for third-level education and training institutions outside the university sector. The Further Education and Training Awards Council (FETAC) is the statutory awarding body for further education and training in Ireland. FETAC makes quality assured awards that are part of the NFQ. VEC Colleges, FÁS, Fáilte Ireland and Teagasc are among the education institutions providing programmes which are post-secondary but non-tertiary and whose awards are made by FETAC. A number of other awarding bodies operate in the professional and private sector. Those recognised through the NFQ include the Institute of Chartered Accountants of Ireland (ICAI), the Association of Chartered Certified Accountants (ACCA) and the Irish Taxation Institute, among many others. National qualifications in other countries are also recognised through the NFQ where they are aligned with the European Framework of Qualifications (EFQ). Finally, education providers in the private sector offer a broad range of awards from international awarding bodies. Some private institutions have direct awarding links to domestic and international universities. Qualifications awarded for English for Speakers of Other Languages (ESOL) are provided both in English language teaching organisations and colleges of further education, with awards conferred from a range of bodies such as City and Guilds, Cambridge ESOL, Trinity College London, to name but a few. The range of awarding bodies is diverse at all levels and the NFQ, outlined above, provides a means of comparing, contrasting and recognising quality-assured awards within a national qualifications framework.

### 2.1.3 Relevant Bodies and Organisations in the Field of International Student Migration

#### *The Department of Education and Skills*<sup>19</sup>

Overall responsibility for policy relating to, and funding of, education in Ireland lies with the Department of Education and Skills, which administers all aspects of education policy including curricula, syllabi and national examinations<sup>20</sup>. The HEA, HETAC, FETAC and the NQAI are all under the aegis of the Department of Education and Skills. The International Section of the Department plays a central role in the development of national policy towards international student migration.

#### *The Higher Education Authority*

The HEA is the statutory planning and development body for higher education and research in Ireland. The HEA has wide advisory powers throughout the whole of the third-level education sector. In addition, it is the funding authority for the universities, the institutes of technology and a number of designated higher education institutions.

#### *The Qualifications and Quality Assurance Authority of Ireland*<sup>21</sup>

This body is to be established in the autumn of 2012, as provided for in the Qualifications and Quality Assurance (Education and Training) Act 2012, enacted in July 2012.<sup>22</sup> The new body will incorporate the functions of the IUQB, HETAC, FETAC and the NQAI, with the NQAI having already incorporated the functions of ACELS. Each body is now to be amalgamated under one government agency responsible for the accreditation and recognition of quality courses in Ireland. The functions of the new body are set out in the Act.<sup>23</sup> Its principal remit will be responsibility for the validation and recognition of courses, awarding qualifications, the development of an 'International Education Mark' and Code of Practice and with quality assurance. QQAAI will manage and develop the National Framework of Qualifications and externally review the quality assurance arrangements of the bulk of State-funded providers as well as many private providers. For providers who do not have the power to make their own awards, QQAAI will validate programmes of education and training and make awards. QQAAI may also delegate the power to make awards to providers.<sup>24</sup>

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<sup>19</sup> Formerly the Department of Education and Science.

<sup>20</sup> This latter statement relates to second-level education only and is carried out in conjunction with the State Examinations Commission.

<sup>21</sup> This is the legal name of the new organisation as set out in the Qualifications and Quality Assurance (Education and Training) Act 2012. The operational name of the new organisation is not yet agreed according to correspondence with the NQAI, August 2012.

<sup>22</sup> Qualifications and Quality Assurance (Education and Training) Act 2012. Act Number 28 of 2012. Available at: <http://www.oireachtas.ie/documents/bills28/acts/2012/a2812.pdf>.

<sup>23</sup> *Ibid.*

<sup>24</sup> In correspondence with staff members of the Department of Education and Skills, August 2012.

### *Enterprise Ireland: Education in Ireland*

Enterprise Ireland was tasked with the promotion and branding of the international education sector in Ireland in 2009. In 2009 the International Education Board Ireland, a function of the Department of Education and Skills, was transferred to Enterprise Ireland in order to tap into the marketing expertise and network of Enterprise Ireland.<sup>25</sup> This body is now responsible for the brand of 'Education in Ireland', a brand to which education institutions can sign up and under which they can access the expertise and networks of Enterprise Ireland.<sup>26</sup> Enterprise Ireland organises education promotion overseas, within which the Department of Education and Skills can facilitate Ministerial participation.<sup>27</sup>

### *Fáilte Ireland*

Fáilte Ireland is the National Tourism Development Authority, whose function is to support the tourism industry and to promote Ireland as a high-quality and competitive tourism destination. Fáilte Ireland provides business supports to businesses in the tourism sector, works with other State agencies to implement strategies that will benefit Irish tourism and the Irish economy and promotes Ireland as a holiday destination through its domestic marketing campaign. Fáilte Ireland is responsible for marketing, promotion and research in the English language education sector. Fáilte Ireland liaises and carries out marketing initiatives with the recognised ELT sector in conjunction with the recognised ELTO representative group, Marketing English in Ireland (MEI).

### *The Irish Naturalisation and Immigration Service*

The Irish Naturalisation and Immigration Service<sup>28</sup> (INIS) was established in 2005 as a service for all matters in relation to asylum, immigration, citizenship and visas. INIS carries out the administrative functions of the Minister for Justice, Equality and Defence in relation to asylum, immigration (including visas) and citizenship matters. In relation to the current study, INIS is responsible for decision making on student visas and liaises with the education sector in this regard. The interaction is a key element of the Irish International Education Strategy<sup>29</sup> and has been characterised as a robust working relationship with education providers.<sup>30</sup>

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<sup>25</sup> Education in Ireland, 2010. *International Students in Higher Education in Ireland 2010*. Available at: <http://www.educationireland.ie/index.php/about-ireland/publications>.

<sup>26</sup> Interview with staff members of Education in Ireland for the purposes of this study, June, 2012.

<sup>27</sup> In correspondence with the Department of Education and Skills, August 2012. For further details on the activities of Enterprise Ireland see Section 3.1.1 of this report.

<sup>28</sup> <http://www.inis.gov.ie/>.

<sup>29</sup> *Investing in Global Relationships: Ireland's International Education Strategy 2010–2015*. Available at <http://www.merrionstreet.ie/wp-content/uploads/2010/09/GLOBAL-REPORT-Sept-20101.pdf>.

<sup>30</sup> Interview with staff members of the Department of Justice and Equality, June 2012.

### *The Garda National Immigration Bureau*

The Garda National Immigration Bureau (GNIB), a body of An Garda Síochána, is tasked with Irish border control and investigations related to illegal immigration and human trafficking in Ireland. All international students studying in Ireland for more than three months must register with An Garda Síochána and at all times have a valid registration certificate in the form of a GNIB Card, which costs €150 at registration.<sup>31</sup> This registration is required on an annual basis, with documented evidence of proving progression in studies, and in some cases, attendance records.<sup>32</sup>

### *The Irish Council for International Students*

The Irish Council for International Students (ICOS)<sup>33</sup> provides a national platform for analysis, representation, shared learning and quality promotion in international education. Legally, it is a voluntary organisation currently comprised of over 30 institutional members including all universities in Ireland, some IOTs and one independent college as well as the Union of Students in Ireland (USI) and some faith organisations and interested individuals. Members of ICOS must be approved by relevant authorities, have a legal identity in Ireland and be accepted by the Council at its AGM. ICOS was originally set up in 1970 to provide welfare support for international students at a time when there was none in place for any students. ICOS represents the interests of international students on the High-Level Group on International Education<sup>34</sup> and is also currently contracted by the Department of Foreign Affairs to provide professional support services for the Irish Aid Fellowship Training and IDEAS programmes.

### *Marketing English in Ireland*

Marketing English in Ireland (MEI) is an association of approximately 60 English language schools. Members must be accredited by the Accreditation and Co-ordination of English Language Service (ACELS) for the previous two years and have to be nominated by two existing members in order to join. They must have a clear and transparent business trading history. MEI covers about 95% of the overall English language market.<sup>35</sup> The organisation works with five government departments: Foreign Affairs; Justice and Equality; Enterprise, Trade and Innovation; Tourism, Culture and Sport; and Education and Skills. MEI has four areas of responsibility: marketing, pastoral care, lobbying, and ongoing teacher development, training and up-skilling.

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<sup>31</sup> All non-EEA citizens must pay this fee of €150, with the following exemptions: Convention refugees; persons who have been reunified with such refugees under section 18 of the Refugee Act 1996; Persons who are under 18 years of age at time of registration; spouses, widows and widowers of Irish citizens; spouses and dependents of EU nationals who receive a residence permit under EU Directive 2004/38/EC and programme refugees as defined by Section 24 of the Refugee Act, 1996.

<sup>32</sup> Proof of attendance of at least 85% is required for students registered on a 'Non-Degree and Language' programme.

<sup>33</sup> Formerly the Irish Council for Overseas Students.

<sup>34</sup> See Section 2.2 for further information on the High Level Group on International Education.

<sup>35</sup> Interview with staff members of Marketing English in Ireland, June 2012.

## 2.2 NATIONAL POLICY FRAMEWORK REGARDING INTERNATIONAL STUDENTS

The policy landscape regarding non-EEA students was radically reformed throughout 2010 and 2011. These reforms came about as part of a desire to improve Ireland's ability to promote international education overseas more effectively and to strengthen the visa and immigration system in response to suspected abuse of the student migration route for access to the labour market. The reforms brought an overarching coherence in the policy framework regarding international students in Ireland. The framework provides for the wider parameters of international student migration, including marketing Irish education abroad, processing student visa and residency applications and the assurance of quality education and qualifications. A twin-track approach to reform was adopted by the Irish Government, with two complementary processes and accompanying structures put in place. One pillar was a series of measures announced by the Minister for Education and Skills,<sup>36</sup> and the establishment of a High-Level Group on International Education, to facilitate a more joined up national approach to the promotion of Ireland as a centre of education for international students.<sup>37</sup> These measures culminated in the publication of a national strategy on international education, entitled *Investing in Global Relationships: Ireland's International Education Strategy 2010-2015*. This strategy was supported by a second-pillar reform of the student immigration system by the Department of Justice and Equality. An Interdepartmental Committee on non-EEA Student Immigration was established to oversee this process, with a new regime introduced in January 2011, following a consultation process launched in September 2009 and conducted throughout 2010.<sup>38</sup> Prior to these policy changes there had been no enforcement of student status in terms of progression in studies or length of stay in Ireland.

Before charting the immigration policies regarding international students, it is necessary to outline some parallel changes in the education sector, which contribute to the new co-ordinated approach to international education:

- As referred to earlier, the promotion of the 'Education in Ireland' brand to overseas markets is now under the remit of Enterprise Ireland, having formerly been a function of the International Education Board of Ireland. Fáilte Ireland, the State authority for tourism development, is responsible

<sup>36</sup> Department of Education and Skills. (22 September 2010). 'Government Launches New Strategy to Dramatically Expand International Student Numbers'. Press Release. Available at <http://www.education.ie/en/Press-Events/Press-Releases/2010-Press-Releases/PR10-09-22.html>.

<sup>37</sup> For a diagrammatic illustration of the Government departments and State agencies facilitated under the Strategy see Appendix III of this report. (Source: *Investing in Global Relationships: Ireland's International Education Strategy 2010–2015*. 2010: 68).

<sup>38</sup> Irish Naturalisation and Immigration Service. 2010. *New Immigration Regime for Full-Time non-EEA Students: Final Report and Recommendations of the Interdepartmental Committee*. Dublin: INIS. Available at: <http://www.inis.gov.ie/en/JELR/BookletA4.pdf/Files/BookletA4.pdf>.



for the development and promotion of the English language sector in overseas markets.

- The Qualifications and Quality Assurance (Education and Training) Act 2012<sup>39</sup> provides for the statutory establishment of the Qualifications and Quality Assurance Authority of Ireland (QQAAI).<sup>40</sup> This new body will streamline existing accrediting bodies under one Government agency responsible for the accreditation and recognition of quality courses in Ireland. It is envisaged that this organisation will create an ‘International Education Mark’ to be awarded to education providers who comply with a statutory ‘Code of Practice’.<sup>41</sup> The Code of Practice will provide guidelines on best practice for quality assurance, course entry requirements, pastoral care of the student, progression through studies, and grievance procedures. Policy for the International Education Mark has yet to be developed and the Code of Practice remains to be identified. Establishing the International Education Mark will be a priority for the QQAAI once it is established.<sup>42</sup>

### 2.2.1 Overview of National Policy on International Students

As outlined above, the current policy framework of the Irish Government towards the immigration of international students was launched in January 2011. Following a consultation process held by the Interdepartmental Committee on Non-EEA Student Immigration, a range of recommendations were introduced. The new regime for full-time non-EEA students introduced several new elements to the management of non-EEA student immigration. The main elements of the non-EEA student immigration regime are listed below. Prior to this policy reform there was no limit on the length of time that a non-EEA national could remain in Ireland as a student, nor was there any mechanism to verify their academic progression. They were verified as students simply through their renewal.

#### *A Differentiated Approach to ‘Degree’ and ‘Non-Degree and Language’ Students*

The non-EEA student regime is now divided into two categories. The ‘Degree Programme’ category applies to students enrolled in nationally accredited higher education programmes at NFQ Level 7 or above. The ‘Non-Degree and Language Programme’ category is comprised of students attending certain English language courses or academic courses below Level 7 on the NFQ. Non-EEA students are no longer permitted residence in the State for courses below Level 5 on the NFQ. These

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<sup>39</sup> *Ibid.*

<sup>40</sup> This is the legal title given to this organisation in the Qualifications and Quality Assurance (Education and Training) Act 2012. At the time of writing, its working title is yet to be determined. (In correspondence with the NQAI, August 2012).

<sup>41</sup> This ‘Code of Practice’ will be developed by the QQAAI upon its establishment. An earlier framework document is available through the Irish Higher Education Quality Network. Available at: [http://www.iheqn.ie/\\_fileupload/File/IHEQN\\_62439738.pdf](http://www.iheqn.ie/_fileupload/File/IHEQN_62439738.pdf).

<sup>42</sup> Interview with the NQAI for the purposes of this study, July 2012.

two categories receive differential treatment in the immigration system as detailed below.

### *Time Limits on Length of Stay*

International students now face a cap on the length of time they can stay in Ireland for the purposes of study. The maximum length of stay for a degree course is now seven years,<sup>43</sup> with a three-year cap on non-degree and language courses. Students on non-degree and language courses may progress upwards to a degree course with an extension of their stay on a student permission, but the reverse is not permitted. Degree students cannot, upon completion of their studies, transfer to a non-degree or language course. Post-study pathways, with students progressing to a higher qualification or to the labour market, are available to graduates of Ordinary and Honours Degrees (i.e. NFQ Level 7 or above).

### *Fast-Tracking of Visa Applications for Degree Programme Students*

Priority is to be given to the processing of visa applications for degree courses, without having a negative impact on the service provided to applicants of other courses.

### *New Education Tourist Visa for Students on Courses of Less Than Three Months*

International students arriving in Ireland for courses of less than three months duration (typically English language courses) are now categorised as 'Educational Tourists' rather than 'International Students'. These short-term students will arrive on a tourist visa and will not have to register with the Garda National Immigration Bureau (GNIB), nor be permitted to stay in Ireland any longer than three months.

### *Proof of Progression and Attendance at GNIB Registration*

All international students must now present to the Garda National Immigration Bureau (GNIB) with a letter from their education provider confirming registration at the institution. At first registration, international students must also provide proof of means in the form of a bank statement and evidence of private medical insurance. On every subsequent registration, international students must provide proof of progression on their course (i.e. exam results). Students on non-degree and language programmes must also provide an attendance record showing they have attended at least 85% of their classes.

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<sup>43</sup> This may be extended for PhD and certain Masters students on a discretionary basis.

### *Irish Third Level Graduate Scheme*

The 'Irish Third Level Graduate Scheme'<sup>44</sup>, introduced in April 2007, provides for students qualifying at degree level to remain in Ireland for a period of one year upon successful completion of their studies. During this year they remain on a student permission, with access to the labour market for up to 40 hours per week, as is allowed during the holiday period in the student work concession (see below). This one-year timeframe was an extension under the new immigration regime. Prior to 2011, the timeframe was six months. The one-year scheme is only open to degree programme students: those on a non-degree or language programme cannot avail of it. Applications for the scheme must be made to the local office of An Garda Síochána.<sup>45</sup>

### *Student Work Concession*

Government policy on working during studies is known as the 'Student Work Concession'. Introduced in 2001, this allows for students to avail of part-time work during their studies, with 20 hours per week permitted during term-time and 40 hours per week permitted during holidays. The work concession is viewed as an important element in the attraction of Ireland as a study destination, with competitor countries operating similar systems.<sup>46</sup> However it remains potentially problematic as it is also the route through which the student immigration permission has been misused for access to the labour market.<sup>47</sup> The 'Student Work Concession' was not immediately affected by the new policy regime introduced in 2011, however a detailed evaluation of the effectiveness of and rationale for it was proposed. This is currently on the agenda, involving collaboration with the Departments of Education and Skills, and Jobs, Enterprise and Innovation.<sup>48</sup>

### *The Internationalisation Register*

The Internationalisation Register is a register of programmes, administered by the NQAI on behalf of DJE and DES. It was set up in 2004 and was managed by the Department of Education and Skills until the policy changes in January 2011 when its administration was transferred to the NQAI. The register is a list of full-time programmes that meet a defined set of criteria. Learners attending these programmes are eligible to avail of the 'Student Work Concession', whereby they can access the labour market throughout the course of their studies. At its core, the

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<sup>44</sup> Details of the scheme are available at the Department of Jobs, Trade and Innovation: <http://www.djei.ie/labour/workpermits/graduatescheme.htm>.

<sup>45</sup> The documents required at registration are a passport, letter from the education institution stating completion of studies, and a current registration certificate, along with the normal registration fee of €150.

<sup>46</sup> Irish Naturalisation and Immigration Service, 2010. *New Immigration Regime for Full-Time Non-EEA Students: Final Report and Recommendations of the Interdepartmental Committee*. Available at: <http://www.inis.gov.ie/en/JELR/BookletA4.pdf/Files/BookletA4.pdf>.

<sup>47</sup> The Student Work Concession has recently been revoked in the United Kingdom for this reason. English Language Gazette, July 2012.

<sup>48</sup> Interview with the Department of Education and Skills for the purposes of this study, June 2012.

register is a list of full-time courses approved and accredited by national and international accreditation bodies.<sup>49</sup> Applicant non-EEA students can check this register to verify that their course is listed on it and that they may avail of the ‘Student Work Concession’. The register was set up as an interim measure prior to the development and implementation of the International Education Mark, and will be replaced by a list of full-time accredited programmes offered by institutions who have been awarded this mark. The register is also used by immigration authorities in verifying the eligibility of non-EEA applicants to access the State via the visa system. Information about the register is available for education providers and learners on the website of the NQAI.<sup>50</sup> Amendments to it were introduced in August 2012 to support changes in the new regime.<sup>51</sup>

The New Immigration Regime and the Internationalisation Strategy introduced a general mechanism for the enhancement of relations in the international education sector. In the absence a system of formal licensing in Ireland, there is no mechanism to control the provision of international education. Education providers are subject to a range of external quality assurance processes, although these processes are not compulsory. A confusing aspect is that a single institution can offer a range of courses with a range of accreditations and monitoring systems operated by different awarding bodies for its provision. In this environment there is scope for ‘rogue operators’ to set up schools and for students to misuse the student immigration route for access to the labour market. The enhancement of quality and the strengthening of the non-EEA student immigration regime are the main mechanisms to address this, with an interconnecting sequence of elements provided for through the Government’s International Education Strategy.

### 2.2.2 Overview of National Strategy on International Students

Recent policy changes in Ireland are underpinned by a national strategy on international education for the period 2010–2015.<sup>52</sup> Launched in September 2010, this strategy, *Investing in Global Relationships: Ireland’s International Education Strategy 2010–2015*, was the completion of a process of development in train since 2004, when the first report on the internationalisation of Irish education services was published.<sup>53</sup> In the context of increasing internationalisation and arising from the national strategy for economic renewal, *Building Ireland’s Smart Economy: A Framework for Sustainable Economic Renewal*, the strategy “sets out the

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<sup>49</sup> Interview with the NQAI for the purposes of this study, June 2012.

<sup>50</sup> The Internationalisation Register: <http://www.nqai.ie/internationalisation.html>.

<sup>51</sup> INIS. 2010. *Internationalisation Register: New Arrangements to Apply From 18 August 2012*. Available at: [http://www.nqai.ie/documents/Internationalisation\\_Register\\_RegulationsFINAL03July2012.pdf](http://www.nqai.ie/documents/Internationalisation_Register_RegulationsFINAL03July2012.pdf).

<sup>52</sup> *Investing in Global Relationships: Ireland’s International Education Strategy 2010–2015*. Available at: <http://www.merrionstreet.ie/wp-content/uploads/2010/09/GLOBAL-REPORT-Sept-20101.pdf>.

<sup>53</sup> Education in Ireland. 2004. *International Students in Higher Education in Ireland 2004: Current Status, Future Trends*. Dublin: International Education Board Ireland. Available on the website of Education in Ireland at: <http://www.educationireland.ie/index.php/about-ireland/publications>.

international context in which Ireland will seek to improve its position, the national objectives and targets, and the steps necessary to improve the Irish position”.<sup>54</sup> A High-Level Group on International Education was established by Government to develop and co-ordinate this strategy. This High-Level Group brought together the relevant Government departments and State agencies along with representatives of the higher education and English language sectors, as detailed in Section 2.2.<sup>55</sup> This High-Level Group continues to meet on a regular basis. The strategy has underpinned activity by the Government, State agencies and other stakeholders.<sup>56</sup> Practically, this has resulted in a streamlining of relationships between visa offices abroad, education providers and the Garda National Immigration Bureau.<sup>57</sup>

These regulatory changes were implemented as part of the Strategy’s aim to increase the economic impact of the international education sector for Ireland by approximately €300 million to €1.2 billion by 2015.<sup>58</sup> Arising from the national strategy for economic renewal, *Building Ireland’s Smart Economy: A Framework for Sustainable Economic Renewal*,<sup>59</sup> and complementing the target of doubling international student numbers in the *Programme for Government 2011 - 2016*,<sup>60</sup> the strategy reflects the wider policy aim of the development of internationalisation as a long-term and sustainable process. Attracting international students is part of a wider set of actions including the greater outward mobility and international experience of Irish staff and students, widening and deepening collaborative institutional and research links, internationalising curricula, developing involvement in international education, engaging in EU and multilateral initiatives and contributing to overseas development. Overall, the primary objective of the strategy is ‘to become internationally recognised and ranked as a world leader in the delivery of high-quality international education by providing a unique experience and long-term value to students’.<sup>61</sup> The strategy sets out medium-term targets as a step towards projected targets in 2020. Under this remit, its broad targets are to increase student numbers across a range of sectors by 2012.<sup>62</sup>

- Increase total international student numbers (full-time, part-time and exchange, EEA and non-EEA) from 26,000 to 38,000.<sup>63</sup>

<sup>54</sup> *Investing in Global Relationships: Ireland’s International Education Strategy 2010-2015* (2010: 21).

<sup>55</sup> For a diagrammatic illustration of all Government departments, State agencies, and co-ordination mechanisms see Appendix III.

<sup>56</sup> *Ibid.*

<sup>57</sup> Interview with the international office of a higher education institution for the purposes of this study, May 2012.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Building Ireland’s Smart Economy: A Framework for Sustainable Economic Renewal*, 2008.

<sup>60</sup> [http://www.taoiseach.gov.ie/attached\\_files/BuildingIrelandsSmartEconomy.pdf](http://www.taoiseach.gov.ie/attached_files/BuildingIrelandsSmartEconomy.pdf).

<sup>61</sup> *Programme for Government, 2011 - 2016*.

<sup>62</sup> [http://www.merrionstreet.ie/wp-content/uploads/2010/05/Programme\\_for\\_Government\\_2011.pdf](http://www.merrionstreet.ie/wp-content/uploads/2010/05/Programme_for_Government_2011.pdf).

<sup>63</sup> *Ibid.*

<sup>62</sup> Note that in the international education strategy, the term ‘International Student’ refers to all students arriving from outside of the jurisdiction of Ireland, and not only non-EEA students as is employed in the current study.

<sup>63</sup> This figure does not include students enrolled on courses in Irish higher education institutions whose campuses are abroad.

- Increase full-time international students in higher education from 17,000 to 25,500.
- Increase international students undertaking advanced research to 3,800.
- Increase the number of international students undertaking taught postgraduate programmes to 5,100.
- Increase the number of students from outside the EEA on exchange and junior year abroad programmes from 3,600 to 6,000.
- Increase the number of English-language students to 120,000 (from approximately 90,000). (This figure includes students from within the EU and those under 18 years who are on short-term courses ranging from one to eight weeks, predominantly in the summer).

A concurrent strategy is *The National Strategy for Higher Education to 2030*,<sup>64</sup> published in January 2011 and structured in the context of the Government Framework for the Smart Economy. Running to 2030, the National Strategy for Higher Education sets out the context, missions, and governance, structures and funding for Irish education, providing a policy and operational framework for the development of the Irish higher education system. Within this strategy, the internationalisation of education is regarded as a key aspect of future demand for the Irish education sector, involving collaboration between institutions in different countries, students following all or parts of their studies abroad, and staff movements between institutions.

### 2.3 CIVIL AND POLITICAL DISCUSSION ON THE TOPIC OF NON-EEA STUDENT IMMIGRATION

The topic of non-EEA student immigration has been on the political agenda since the early 1990s, with the establishment of the International Education Board of Ireland in 1992, and the targeting of international students in non-EEA markets such as China throughout this decade.<sup>65</sup> In more recent years, it had been envisaged to set up a statutory agency responsible for international education but this did not happen in the context of the economic recession and a rationalising of government bodies, and the functions of the IEBI were distributed among existing State agencies.<sup>66</sup> These relationships were to be overseen by the High-Level Group on International Education.

<sup>64</sup> Department of Education and Skills (2011) *National Strategy for Higher Education to 2030: Report of the Strategy Group*. Available at: [http://www.heai.ie/files/files/DES\\_Higher\\_Ed\\_Main\\_Report.pdf](http://www.heai.ie/files/files/DES_Higher_Ed_Main_Report.pdf).

<sup>65</sup> Based on interviews with the HEA, MEI and HECA for the purposes of this study, July and August 2012.

<sup>66</sup> *Investing in Global Relationships: Ireland's International Education Strategy 2010–2015*. Available at: <http://www.merrionstreet.ie/wp-content/uploads/2010/09/GLOBAL-REPORT-Sept-20101.pdf>.

There was general cross-party support for the development of the International Education Strategy and the developments were supported and sustained across a change of Government in March 2011. Within parliamentary and senate debates there has been a general consensus on the changes taking place in the student immigration regime and in quality assurance.<sup>67</sup>

Outside of Government, among advocacy groups, there is a desire to see greater supports provided to students and an enhancement of the arrival and registration experience. A shared theme for ICOS and the Union of Students in Ireland<sup>68</sup> (USI) for 2011-12 was 'Listening to International Students'.<sup>69</sup> ICOS and USI held two forums for international students, funded by the Department of Education and Skills and held in November 2011 and February 2012. ICOS hold annual seminars, with interested parties in the field of international education in attendance. These seminars focus mainly on student supports, the treatment of students at immigration registration, concern for the internationalisation register being used inappropriately, and the financial difficulties of international students. ICOS and USI continue to advocate for the ring-fencing of a proportion of the income derived from international student fees and its dedication towards student support in order to maintain quality standards and protect students. A specific proposal is the idea of setting up a hardship fund (with a similar function to social security support for EU students). This hardship fund would involve setting aside 1% of the HEA budget and using it for student support.<sup>70</sup>

There is also advocacy from interested parties in relation to issues with the immigration system. USI communicate with the GNIB on matters related to first and subsequent registrations and organise group registrations for international students attending the USI member colleges. The Immigrant Council of Ireland include international students in their campaigns and makes representations to the Government of behalf of international students when required.<sup>71</sup> This issue and others largely appear to arise in the context of policy changes and complications emerging during these transitional periods.<sup>72</sup> Other organisations<sup>73</sup> concerned with recruiting international students would communicate their interests and

<sup>67</sup> Seanad Debates. 20 September 2011. *Qualifications and Quality Assurance Bill (Education and Training) Bill, 2011: Second Stage*. Available at <http://www.kildarestreet.com/sendebates/?id=2011-09-20.79.0>.

<sup>68</sup> The Union of Students in Ireland is a federation of Student Unions from across the higher education institutions in Ireland. It represents 250,000 students across 30 education institutions. [www.usi.ie](http://www.usi.ie).

<sup>69</sup> Details at [http://www.icosirl.ie/eng/news/listening\\_to\\_international\\_students\\_forum\\_and\\_survey](http://www.icosirl.ie/eng/news/listening_to_international_students_forum_and_survey).

<sup>70</sup> Irish Council for International Students. 2003. *Submission to the Minister for Education and Science from the Irish Council for International Students*. Available at [www.icosirl.ie](http://www.icosirl.ie).

<sup>71</sup> In 2007 the ICI initiated High Court proceedings against the Government on behalf of an American student who was refused an extension of her residence permit halfway through her studies because her young son was attending a public school. This arose in the context of a policy change denying international students permission to reside in Ireland if they had children at non fee-paying schools after this person had arrived in Ireland. For details see <http://www.immigrantcouncil.ie/campaigns/international-students>.

<sup>72</sup> Parliamentary Question No. 178. 5 October 2011. <http://debates.oireachtas.ie/dail/2011/10/05/00151.asp>.  
Parliamentary Question No. 167. 17 November 2011. <http://debates.oireachtas.ie/dail/2011/11/17/00129.asp>.

Parliamentary Question No. 200. 2 February 2012. <http://debates.oireachtas.ie/dail/2012/02/02/00146.asp>.

<sup>73</sup> For example Marketing English in Ireland and the Higher Education Colleges Association.

experiences to INIS. Within the immigration sphere, discussion is generally around the balance between safeguarding the immigration system and facilitating student immigrants during their study period in Ireland.

In general, in the education sphere, it is considered by stakeholders that it is important to strike a balance between commercialisation and marketing of courses at an attractive price and the quality of the entire student experience, with education provision being at the core of this.<sup>74</sup> A different focus is required for delivering good customer service and delivering quality education. Within the business of international education, it is felt that learning needs to remain at the heart of the education experience for learners and students in the classroom generally. This remains a concern for actors within the sector. It is felt that a focus must be kept on maintaining quality in education and not veering towards over-commercialisation.<sup>75</sup>

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<sup>74</sup> Interviews with Education in Ireland and the NQAI for the purposes of this study, June, July, 2012.

<sup>75</sup> Interviews with Education in Ireland and Department of Education and Skills for the purposes of this study, June 2012.



# Chapter 3

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## Legal and Practical Conditions at National Level that Apply to International Students

This section explores the conditions that apply to international students to study in Ireland, covering the specific measures in place to facilitate international students at all stages including admission, during stay and following completion of studies. The section also examines triggers for student mobility. All of the measures covered are those founded on the policy and legal framework currently in place in Ireland.

### 3.1 ADMISSION

#### 3.1.1 Measures to Encourage Third Country Nationals to Pursue Study Opportunities in Ireland

A wide range of measures are in place in Ireland to encourage Third Country Nationals to pursue study opportunities, encompassing marketing initiatives, funding opportunities, qualifications recognition and fast-tracking of visas for degree programme students.

##### *Marketing*

Enterprise Ireland is tasked with the marketing of education in Ireland to international students, under the 'Education in Ireland' brand. It operates a marketing strategy in line with one of the key strategic objectives set out in *Investing in Global Relationships*, to promote Ireland as a destination of choice to international students for higher education through development of a new brand 'Education in Ireland', strengthening networks of influence and undertaking initiatives and events in priority markets.<sup>76</sup> The organisation prepares a substantial amount of the groundwork in enhancing international relationships, by preparing scholarship agreements, increasing brand awareness and assisting with college applications.<sup>77</sup> Education institutions also implement their own marketing strategies, and liaison with Enterprise Ireland allows for collaboration and networking on a national level. The universities and IOTs have their own global relations strategies, and market and develop their own networks, while tapping into the Education in Ireland brand. Education providers attend overseas fairs under

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<sup>76</sup> *Ibid.*

<sup>77</sup> Interview with Education in Ireland for the purposes of this study, June 2012.

the umbrella of Education in Ireland, as well as developing their own relationships. For example, Trinity College has an alumni development officer in New York, and international office staff who specialise on recruitment in specific markets. Enterprise Ireland and the International Section in the Department of Education and Skills provide advice to education providers on their marketing strategies. Regional expertise is required by staff, because the motivations and experiences in regions are so diverse (U.S., the Gulf, Russia). If specific staff focus on one region, they will become intimately familiar with that region and the issues that students there face and experience. One focus will also allow for the development of consistent networks in the countries of that region.<sup>78</sup>

### *Trusted Agents Programme*

The Trusted Agents Programme is a scheme to enhance relationships with education agents. Education agents recruit international students on behalf of Irish institutions. They are particularly important in certain major markets such as India and China, where schemes are currently in place with agents.<sup>79</sup> The Government launched its trusted agents programme in India in April 2011, to promote Irish higher education there<sup>80</sup> and there are 25 agents on the 'Trusted Agents' list used by MEI in China.<sup>81</sup> The scheme involves education institutions liaising solely with agents who have built up proven sound reputations with education providers in other countries and who submit quality applications on behalf of their clients (prospective students). Agents send visa applications on behalf of the student to the embassy, having verified all of the documents. Good quality relationships are enhanced with agents who consistently submit quality and genuine applications. Agents who submit applications of a low or disingenuous nature will be excluded from the Scheme. Essentially, the 'Trusted Agents Scheme' is a methodical way of entering a new market in tandem with DJE. The objective is to develop a marketing strategy in collaboration with DJE. The core aim of this scheme is to build trustworthy relationships between DJE, education providers in Ireland and education agents in sending countries.<sup>82</sup>

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<sup>78</sup> Interview with the international office of an education provider, May 2012.

<sup>79</sup> Interview with Education in Ireland and Marketing English in Ireland for the purposes of this study, June 2012. Education in Ireland operates a Trusted Agents Scheme in India and MEI operates one in China.

<sup>80</sup> *'Minister Bruton announces moves to increase Ireland's share of 100,00 Indian students for international education sector'*. Enterprise Ireland, Press Release, 18 April 2011.

Available at: <http://www.enterprise-ireland.com/en/News/PressReleases/2011-Press-Releases/Bruton-announces-moves-to-increase-Ireland%E2%80%99s-share-of-100,000-Indian-students-for-international-education-sector.html>.

<sup>81</sup> Interview with Marketing English in Ireland for the purposes of this study, June 2012.

<sup>82</sup> Interviews with the international office of an education provider, MEI and Education in Ireland as part of this study, May and June 2012.

### Market Tiers

Enterprise Ireland has 32 overseas offices around the world, with one office in New York dedicated to Education in Ireland, and education consultants in regional markets such as China, Malaysia and India. These consultants facilitate Enterprise Ireland in accessing these markets by building relationships with universities, schools and agents. Priority markets are currently divided into three tiers, as outlined in Table 3.1, although priorities continuously shift in response to market conditions. For example, Brazil is increasingly important and will become a main priority. Table 3.1 reflects the current status, but the tiers are continuously under discussion and development.

**Table 3.1 Priority Markets, Education in Ireland, August 2012**

	Tier 1	Tier 2	Tier 3
Market	United States Canada China Malaysia India	Saudi Arabia Gulf Region Russia (and Kazakhstan)	Brazil Mexico Chile Argentina Colombia Turkey Vietnam

*Source:* Education in Ireland

Marketing strategies vary according to the specific needs of the location and/or discipline in question. For example:<sup>83</sup>

- In the United States, the focus is on undergraduate and summer abroad students. Careers counsellors in US high schools are targeted to promote Irish universities to students, a student ambassador event is held, and there is a recruitment week in springtime in cities across the US. There is also an increasing emphasis on specialised postgraduate offers, in particular in the Humanities.
- In India, postgraduates are targeted for study in Ireland. Promotional activities include trade missions, promotional and marketing campaigns in Indian universities, an Ambassador programme<sup>84</sup> and reception for students, and a Trusted Agents Programme. Ireland has also participated in the London Statement in March 2012.
- In China, there is a substantial focus on undergraduate programmes, and postgraduates are also being targeted through education fairs and digital campaigns.
- In Malaysia market research is currently underway to identify Malaysian higher education institutions for partnering, in order to enter non-medical markets such as IT, Engineering, Science, Business and Hospitality. Education in Ireland is participating in education fairs in Malaysia throughout 2012.

<sup>83</sup> Information provided in interview with Education in Ireland for the purposes of this study, June 2012.

<sup>84</sup> For details of the Student Ambassador Programme see <http://blog.educationinireland.com>.

- In the Gulf Region, undergraduates are being targeted at education fairs in Riyadh and Muscat.

The Education in Ireland brand only covers those education institutions that provide higher education courses and that are accredited by the NQAI, HETAC and FETAC. The further education sector is not similarly promoted under the Government's International Education Strategy and eligibility of international students to study on courses below NFQ Level 5 is being phased out.<sup>85</sup> While international students may in practice access these courses, the courses are no longer being promoted internationally by the Government. Courses in the English language sector accredited by ACELS (part of the NQAI) are part of the Education in Ireland brand. Fáilte Ireland, the State authority for tourism in Ireland, also facilitates the promotion of English language schools.

A second body, Marketing English in Ireland (MEI) arranges marketing activities on behalf of its members, all of whom must be accredited by ACELS (now a part of the NQAI). Marketing and promotional campaigns are carried out in countries such as Turkey, Kazakhstan and Russia, in conjunction with the Department of Foreign Affairs. MEI and DFA collaborate in these markets to provide information on studying English in Ireland and on immigrating to Ireland. At the time of writing, two major marketing initiatives of MEI are underway in Turkey and in China:

- Market research by MEI in 2009<sup>86</sup> revealed that 32,000 Turkish students (both adult and junior) went to the UK for study, while just six came to Ireland. MEI has now set up a pilot scheme to attract Turkish students to Ireland. In preparation for this, MEI and DFA toured Turkey, providing information and training courses to agents on study application and entry to Ireland. To be eligible for this scheme, students must be registered at a University in Turkey, and must be attending an MEI school in Ireland. There has also been collaboration with DJE, with visas processed in Ankara. This process has been eased with a four day turnaround and a reduction in the number of documents required for the application. Students receive a 90-day permission for study and travel, without access to the labour market. This pilot scheme will be reviewed at the end of the year. MEI are keen to show that this programme has been a success and to widen the scheme to other students outside of the University system.<sup>87</sup>
- MEI is currently promoting its English language courses in China and is the only Irish organisation to participate in a 'Trusted Agents Scheme' in that country. Following a visit to education fairs in nine Chinese cities in February 2012, MEI, in the context of its marketing strategy, proposed this scheme for

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<sup>85</sup> *Ibid.*

<sup>86</sup> Interview with MEI for the purposes of this study, June 2012.

<sup>87</sup> Information provided by MEI for the purposes of this study, June 2012.

agents with a clear history of trading and recommendations from other embassies in China. There are 25 agents on the trusted agents list in China, with sales offices throughout China. The current marketing initiative of MEI, which is driven via these agents, is aimed at young adults between 18 and 30 years of age who are students, graduates or professionals. The visa conditions for these applicants currently allow for students following English language courses as part of this scheme a residency of 18 months in Ireland.

### *Fast-Tracking of Applications*

As discussed, the *New Immigration Regime for Full-Time Non-EEA Students* introduced a differentiated approach between ‘Degree Programme’ and ‘Non-Degree and Language Programme’ students. Applications for degree courses are now processed more quickly than those of students applying to non-degree and language courses.<sup>88</sup> Generally, visas are processed speedily where strong quality relationships between visa officials, diplomats, agents and education providers ensure that a good quality application is submitted, with all necessary documentation in the correct order. While there is no formal fast-tracking in place other than at degree level, in practice, quality relationships appear to assist with certain visas being processed in good time.<sup>89</sup> For example, students participating in the Irish Aid Fellowship Training programme have their names sent to immigration from DFA for speedy processing of visas.<sup>90</sup> Fast-tracking is also in place for applications submitted via agents under the ‘Trusted Agents Programme’.

### *Qualifications Recognition*

The recognition of qualifications is provided for by the NQAI, which implements a service for the recognition of qualifications.<sup>91</sup> They will provide a letter to students stating that the qualification is recognised and will identify a corresponding qualification relevant to the Irish context to which it can be likened. The NQAI recommendation is in an advisory capacity; it does not have a legal standing and does not have to be considered. Ireland’s European National Information Centre (ENIC) / National Recognition Information Centre (NARIC) is also located at the NQAI.<sup>92</sup> Some education providers also use the UK NARIC office for this service as they will verify academic transcripts in terms of authenticity and quality and will provide a translation of transcripts from countries such as China.<sup>93</sup>

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<sup>88</sup> *Ibid.*

<sup>89</sup> Interview with staff members of the Department of Justice and Equality for the purposes of this study, June 2012.

<sup>90</sup> Interview with ICOS for the purposes of this study, June 2012.

<sup>91</sup> Qualifications Recognition: [www.qualrec.ie](http://www.qualrec.ie).

<sup>92</sup> ENIC-NARIC: <http://www.qualrec.ie/about-us-enic.html>.

<sup>93</sup> Interview with the international office of an education provider for the purposes of this study, May 2012.

### *Enrolments of International Students*

There is no one, comprehensive, source of statistics on international students in Ireland, although a range of reliable sources can be drawn upon. The principal issue is that students attending HEIs in the public sector are well quantified, but those in private sector colleges, and further education and English language courses are less well so. Statistics in this section will be presented separately for higher education, further education and English language. Existing reports in Ireland typically define international students as all students from outside of Ireland, both EU and non-EU/non-EEA. For the current study it was possible to disaggregate non-EEA students based on correspondence with the organisations holding the data.

The two main statistical sources on international students in Ireland are the Higher Education Authority and Education in Ireland. The most recent comprehensive reports on the numbers of international students in Ireland are the HEA *Key Facts and Figures 2010/2011* and the Education in Ireland document *International Students in Higher Education in Ireland 2009/2010*. These reports indicate the total number of international students (EEA and non-EEA) as 11,500 and 25,781 respectively.

The difference in these figures lies in the counting methods used by the HEA and Education in Ireland. The HEA counts full-time students registered in the 'Student Records Systems' of the education providers, but does not capture occasional students such as those on Erasmus schemes or on study abroad programmes. Education in Ireland counts returns from the international offices of education providers and includes all types of international students arriving to study at that education institution. The official figures are those registered with the HEA.

In its report *Key Facts and Figures for 2010/2011*,<sup>94</sup> the HEA recorded a total student population in higher education of 156,268. Of this total, 144,732 were of Irish domiciliary origin and 11,536 were non-Irish. Table 3.2 is extracted from the HEA report<sup>95</sup> and illustrates the student population in Ireland for the academic years 2009/2010 and 2010/2011, categorised by domiciliary of origin. A gender breakdown is provided for the year 2010/2011.

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<sup>94</sup> Higher Education Authority. 2012. *Key Facts and Figures 2010/2011*. Dublin: Higher Education Authority. Available at <http://www.heai.ie/files/HEA%20Key%20Facts%20%26%20Figures%2010.11%20Final.pdf>.

<sup>95</sup> *Ibid.*

**Table 3.2 Domiciliary of Origin of all Full-Time Enrolments 2010/2011 for all HEA Funded Institutions**

Country of Origin	As % of Total	Male	Female	Total 2010/11	Total 2009/10
Ireland (incl. NI)	92.9%	73,254	76,252	149,506	144,732
Africa	0.3%	314	217	531	561
America North	2.1%	1,113	2,196	3,309	3,362
America South	0.0%	19	22	41	66
Asia	1.9%	1,592	1,414	3,006	3,021
European Union	2.5%	1,786	2,163	3,949	3,796
Other European	0.2%	97	147	244	258
Oceania	0.0%	37	30	67	100
Other & Unknown	0.2%	187	132	319	372
Total	100.0%	78,399	82,573	160,972	156,268

**Source:** Higher Education Authority (2012:108).

Of the total population of non-Irish students (11,536), 7,517 are from outside the EEA and are international students as defined in this report. The largest numbers of students come from North America, followed by students from the Asia region. The percentage breakdown of the total number of students from outside of Ireland in the academic year 2010/2011 is as follows:

**Table 3.3 Non-Irish Domiciled Students by Region of Domicile for all HEA Funded Institutions, 2010/2011**

Country of Origin	% of Total
European Union	34.4%
America North	28.9%
Asia	26.2%
Africa	4.6%
Other & Unknown	3.0%
Other European	2.1%
Oceania	0.6%
America South	0.4%
Total	100%

**Source:** Higher Education Authority (2012:108).

Enterprise Ireland (Education in Ireland, 2010), reports a total of 25,781 international students (EEA and non-EEA) across the four higher education sectors, with the key countries of origin being the USA, China, France, the UK, Germany, Spain, Malaysia, India and Canada. Table 3.4, extracted from Education in Ireland,<sup>96</sup> displays the numbers of students in all higher education institutions in Ireland, with their country of origin/domicile registered as non-EEA:

<sup>96</sup> Education in Ireland (2010:14). *International Students in Higher Education in Ireland, 2009/2010*. Dublin: Enterprise Ireland. Available at: <http://www.educationireland.ie/index.php/about-ireland/publications>.

**Table 3.4 Country of Origin/Domicile – Main non-EEA Countries**

Country of Origin	2009 / 2010	2006 / 2007	Difference	Income € Million
USA	4,467	4,408	59	32.3
China and Hong Kong	3,355	3,573	-218	28.8
Malaysia	1,094	1,289	-195	31.6
India	1,125	1,094	31	7.8
Canada	710	500	210	19
Nigeria	618	482	136	4.5
Pakistan	450	497	-47	2.7
Kuwait	255	291	-36	9.5
Japan	186	354	-168	1
Russian Federation	169	143	26	1.6
Korea	157	212	-55	1.4
Brazil	152	65	87	1
Bangladesh	134	211	-77	1

**Source:** Education in Ireland 2010.

There are no statistics on international students publicly available for the private sector. The HEA does not publish these figures in its annual reports or publications, and these numbers were provided by request for the purposes of this study.<sup>97</sup> Indeed it has been acknowledged that quantifying non-EEA students in private colleges is very difficult to do.<sup>98</sup> It is important to note that these figures for the private sector do not represent a comprehensive account, as colleges do not consistently submit their returns each year.<sup>99</sup> They are included here as they are the only type of collated information available. Table 3.5 below displays the numbers of non-EEA students in the university sector, in the IOT sector and in the private colleges from the 2007/2008 academic year onwards.

**Table 3.5 Students of Non-EEA Domiciliary of Origin across Education Sectors, 2007 – 2012**

Institution	2007 / 2008	2008 / 2009	2009 / 2010	2010 / 2011
University	7,051	7,519	7,109	6,928
IOT	675	712	629	589
Total University and IOT	7,726	8,231	7,738	7,517
Private Colleges	389	234	904	790
All Total	8,115	8,465	8,642	8,307

**Source:** Higher Education Authority, Statistics Office.

Statistics for private colleges are only available for those in the higher education sector, as detailed above. International students attending courses in the section of the education market not recognised or accredited by the State and/or in the

<sup>97</sup> Thanks are due to the Statistics Section of the Higher Education Authority for providing these figures.

<sup>98</sup> According to an interview with the Higher Education Colleges Association for the purposes of this study, August 2012.

<sup>99</sup> In Table 3.5, the numbers for 10/11 are based on returns from 12 private colleges, with returns from 21, nine and 13 colleges respectively in the academic years 2009/2010, 2008/2009 and 2007/2008. Individual colleges are not always consistent in making returns each year.



further education sector are not quantified. There are no statistics readily available. There are no figures available on the numbers of international students studying in further education on courses below Level 6 on the NFQ.

Fáilte Ireland produces statistics on the English language sector, gathered through a survey of English language schools. In 2011, from a total of 112 English language schools, (the total number of schools accredited by ACELS (now part of the NQAI)), Fáilte Ireland received 63 responses to an online questionnaire. They present results on location of schools, courses offered, activities offered, staff numbers, estimated student numbers, estimated numbers by region and age, average length of stay and estimated revenue generated. Total student numbers were calculated by grossing up from responses of the schools in the sample and were estimated as follows:

**Table 3.6 Estimated Number of English-as-Second-Language Students 2008 - 2010**

Year	2008	2009	2010
Estimated Number of ESL Students	116,030	96,850	96,250

*Source:* Fáilte Ireland Survey, 2008, 2009, 2010.

Of the 96,250 counted in 2010, 26,000 were from outside the EU, and the majority were in adult programmes rather than junior programmes. The average length of stay for EU students was three weeks for both adult and junior programmes. For non-European students, 20 weeks was the average length of stay for those on adult programmes, and eight weeks for those on junior programmes. MEI and NQAI-ACELS would estimate that up until 2011, about 84% of the market has been coming from within the EU.<sup>100</sup> The remainder are non-EU and this sector is the one that is to be targeted in the future. Currently, Insight Consultants<sup>101</sup> have been commissioned to collate the numbers of students in MEI schools. Figures will be collected for junior and adult students (under and over 18 years of age), for EU and non-EU, and among the non-EU, for visa-requiring and non-visa requiring.<sup>102</sup> The majority of these non-EEA students come from Saudi Arabia, the UAE, Russia, China, Japan and Korea.<sup>103</sup>

### 3.1.2 Information to International Students on the Terms and Conditions of their Study at Educational Establishments

Information on studying in Ireland, including visa and immigration requirements, is available on the website of Education in Ireland, on the websites of Irish embassies and consulates around the world, and on the website of the immigration services and of ICOS. There is no legal requirement to do this, although it is recognised as good practice among education providers.<sup>104</sup> The most extensive information is on

<sup>100</sup> Interviews with MEI and NQAI-ACELS for the purposes of this study, June and July 2012.

<sup>101</sup> [www.insightconsultants.ie](http://www.insightconsultants.ie).

<sup>102</sup> Interview with MEI and the NQAI for the purposes of this study, June 2012.

<sup>103</sup> Interview with MEI for the purposes of this study, June 2012.

<sup>104</sup> Irish Higher Education Quality Network. 2009. Provision of Education to International Students: Code of Practice and Guidelines for Higher Education Institutions. Available at: <http://www.iheqn.ie/publications/default.asp?NCID=154>.

the Education in Ireland website, at Enterprise Ireland. Education in Ireland are in the process of developing an education application roadmap on their website so that students can reference the website and click through to an application page. They are currently developing this, and it is due to be launched in September 2012.<sup>105</sup>

The application process to universities can be quite cumbersome, according to those involved in the recruitment of international students.<sup>106</sup> Students can receive correspondence from various offices at Universities including student records, fees offices, and Admissions Offices. There is no one centralised place of application to Universities. The application process for courses and for visas is quite lengthy and cumbersome and Education in Ireland hope to address this through their education application roadmap.

The European Network of National Information Centres links to the Department of Education and Skills and to the National Qualifications Authority of Ireland.<sup>107</sup> INIS also have a section on their website dedicated to information for non-EEA students on the immigration rules that apply to them according to the type of course they are applying to.<sup>108</sup>

### 3.1.3 The Process of Issuing Visas

When arranging to study in Ireland, students must first apply and be accepted by the education institution before applying for a student permission to enter Ireland. Applications for this permission are made by filling in an application form and sending it to the visa office in Dublin or to an overseas visa office. Ireland has overseas visas offices in six locations: Abu Dhabi, Ankara, Beijing, Moscow, New Delhi, Riyadh.

The documents required as part of the visa application are fully set out in the guidelines for students on the website of the Irish Naturalisation and Immigration Service.<sup>109</sup> It is the responsibility of students to familiarise themselves completely with these guidelines. The documents required in the visa application are:

- A letter of acceptance from a recognised education provider in Ireland confirming acceptance to a course of study. This course must be full-time with a minimum of 15 hours per week.
- Evidence of academic ability to pursue chosen course through English.
- Evidence that the fees for the course have been paid in full.

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<sup>105</sup> Interview with Education in Ireland for the purposes of this study, June 2012.

<sup>106</sup> Interview with the international office of an education provider and Education in Ireland for the purposes of this study, May and June, 2012.

<sup>107</sup> ENIC-NARIC Ireland: <http://www.enic-naric.net/index.aspx?c=Ireland>.

<sup>108</sup> See <http://www.inis.gov.ie/en/INIS/Pages/Students>.

<sup>109</sup> Details available at: <http://www.inis.gov.ie/en/INIS/Pages/Students>.

- Evidence of monetary support (€7,000) for initial part of stay.
- Evidence of access to fees and to €7,000 living costs for each subsequent year of studies.
- Evidence of private medical insurance.

Since 2011, applications for visas are made online, under the AVATS system at the INIS website. Applicants can find all information in relation to visa requirements and check on their application at this site.<sup>110</sup>

The most common grounds for rejection of a visa are to do with insufficient documentation or bad quality documentation. There is a distinction between quality applicants who overlook one aspect of the application form and those who submit applications of a generally low quality. As discussed above, the average processing time for visas is two to three weeks. Degree courses are fast-tracked, and within that, those connected to Enterprise Ireland and to the Department of Education and Skills' 'Trusted Agents Programme' would be processed immediately.<sup>111</sup> All universities and IOTs use the 'Trusted Agents Programme'. Higher education institutions and Enterprise Ireland have working relationships with visa officials in Dublin and in overseas visa offices. On visits, they would drop in to offices in these regions.<sup>112</sup> Officials signing off on the visa applications are from DJE.<sup>113</sup>

There are two types of study visa; a 'C' study visa and a 'D' study visa. Students on courses under three months duration (typically short term language courses) must apply for a 'C' study visa i.e. an educational tourist visa, rather than a student visa. All students applying for courses over three months must apply for a 'D' study visa.

Visa statistics are available only for 2011 onwards, since the introduction of AVATS, the online visa application system.<sup>114</sup> Before this year figures were not centrally collated but were held at separate visa offices. 5,412 visa applications were made in 2011, with 4,741 granted and 671 refused, giving an overall approval rate of 87.6%. These figures are also broken down by mission where application was lodged.

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<sup>110</sup> The AVATS Online Application Facility is at: <https://www.visas.inis.gov.ie/avats/OnlineHome.aspx>.

<sup>111</sup> Interview with staff members of the Department of Justice and Equality for the purposes of this study, June 2012.

<sup>112</sup> Interview with the international office of an education provider and Education in Ireland, May and June 2012.

<sup>113</sup> Interview with Department of Justice and Equality as part of this study, June 2012.

<sup>114</sup> Statistics for 2011 are provided on the INIS website at: [www.inis.gov.ie/en/INIS/Pages/Statistics%20on%20Visas%20for%20Non-EEA%20Students](http://www.inis.gov.ie/en/INIS/Pages/Statistics%20on%20Visas%20for%20Non-EEA%20Students).

**Table 3.7 Visas Approved and Refused, 2005 – 2011**

Year	Approved	Refused	Approval Rate
2005	3,213	4,625	41%
2006	3,548	2,968	54%
2007	4,849	4,405	52%
2008	4,563	2,238	67%
2009	4,034	1,140	78%
2010	5,123	754	87.2%
2011	4,741	671	87.6%

**Source:** 2005 – 2008, Parliamentary Questions<sup>115</sup>, 2009 and 2010 provided by MEI for the purposes of this study (based on a Freedom of Information request) and 2011 available on the website of INIS.<sup>116</sup>

### Residency

As permission to land in Ireland, a visa does not automatically grant residency. There is no automatic entitlement to a residency permission upon the granting of a visa. Some students are exempt from applying for a visa, according to the Immigration Act 2004 (Visas) Order 2011<sup>117</sup> and may land in Ireland with only a letter of acceptance from the education institution. International students must register at the Garda National Immigration Bureau (GNIB) within the first three months of arriving in Ireland, where they must provide evidence of registration at the education institution, evidence of private medical insurance and of access to €3,000. Evidence of financial resources will only be checked at first registration, this will not be done at subsequent registrations.<sup>118</sup> At subsequent annual registrations evidence must be provided of progression, exams taken and grades awarded, along with an attendance record of 85% or more for students in non-degree and language courses. Residency is not granted automatically upon satisfying these conditions. It can be refused in the case of serious discrepancies. However, in practice, residency is only refused in extreme cases such as evidence of criminal activity i.e. cases which would lead to a deportation. Greater problems with registrations arise for students from non-visa requiring countries, normally to do with inadequate documentation. Usually, they are instructed to return with sufficient documentation.<sup>119</sup> If a student were to present for registration with a serious problem, such as evidence of a criminal record, then they could not be registered, and this could lead to the deportation of a person under Section 3 of the Immigration Act, 1999. Students would then have 15 days to appeal.

Prior to the introduction of the new regime on non-EEA student immigration in 2010, duration of studies did not feature in the decision to grant authorisation to land and/or remain. In the changes introduced under the new regime, non-degree

<sup>115</sup> Parliamentary Question No. 82. 2 July 2009.

<sup>116</sup> Thanks are due to MEI for providing the figures from 2005–2010.

<sup>117</sup> S.I. No. 146 of 2011. Schedule 1. For a list of these countries see Appendix IV.

<sup>118</sup> Interview with Department of Justice and Equality for the purposes of this study, June 2012.

<sup>119</sup> Interview with Department of Justice and Equality for the purposes of this study, June 2012.

and language students are now limited to three years residence in Ireland, with stay limited to a maximum of seven years for students on degree courses, except in special circumstances.<sup>120</sup> There are no registration requirements for students staying under three months; these students are now designated as ‘educational tourists’. Students staying for up to six months must show that they have €500 euro per month. Students registering for a preparatory year are subject to the conditions for language and non-degree students. These students receive permission to stay for one year (of the total of three for a student at that level) and when they transfer to a degree course, can remain for a total of seven years.<sup>121</sup> The immigration Certificate of Registrations issued to non-EEA students are the ‘Stamp 1’, ‘Stamp 2’ and ‘Stamp 2A’.<sup>122</sup> Table 3.8 sets out the meaning of these stamps in greater detail:

**Table 3.8 Explanation of Registration Stamps for non-EEA Students**

Certificate of Registration	Type of Student	Conditions of Stay
<b>Stamp 1A</b>	Non-EEA national studying accountancy	This person is permitted to remain in Ireland for the purposes of full-time training with a named body until a specified date. Other employment is not allowed.
<b>Stamp 2</b>	Non-EEA national attending a full-time course of study	This person is permitted to remain in Ireland to pursue a course of studies on condition that the holder does not engage in any business or profession other than casual employment (defined as 20 hours per week during school term and up to 40 hours per week during school holidays) and does not remain later than a specified date. Also the person has no recourse to public funds unless otherwise provided.
<b>Stamp 2A</b>	Non-EEA national attending courses of study not recognised by the Department of Education and Skills	This person is permitted to remain in Ireland to pursue a course of studies on condition that the holder does not enter employment, does not engage in any business or profession, has no recourse to public funds and does not remain later than a specified date.

**Source:** INIS <http://www.inis.gov.ie/en/INIS/Pages/Stamps>.

Table 3.9 lists the total registrations by Stamp from 2006 – 2011. As outlined above, student registrations fall under Stamp 1A, Stamp 2 and Stamp 2A and comprise approximately a quarter of the total immigration registrations.

<sup>120</sup> For the completion of a PhD, MBA or ACCA exams.

<sup>121</sup> *New Immigration Regime for Full-Time Non-EEA Students: Final Report and Recommendations of the Interdepartmental Committee on non-EEA Student Immigration, 2011.* <http://www.inis.gov.ie/en/JELR/BookletA4.pdf/Files/BookletA4.pdf>.

<sup>122</sup> Further details available at <http://www.inis.gov.ie/en/INIS/Pages/Stamps>.

**Table 3.9 Total Registrations by Stamp 2002 - 2010**

	2006	2007	2008	2009	2010	2011
Unrecorded	2,182	1,260	2,028	2,391	2,807	7,038
Stamp 1	29,872	31,472	31,944	23,417	15,542	11,759
Stamp 1A	-	-	67	887	708	397
Stamp 2	29,426	36,019	41,097	41,639	41,415	41,718
Stamp 2A	3,630	3,701	3,845	3,879	4,045	4,791
Stamp 3	16,004	17,220	17,437	17,554	16,601	12,981
Stamp 4	61,928	63,748	63,658	70,803	73,297	73,026
Stamp 4 EU Family	916	1,660	3,723	5,208	6,794	7,964
Stamp 5	117	149	218	548	1,138	1,516
Stamp 6	11	17	26	61	51	35
Total Registrations	144,086	155,246	164,043	166,387	162,398	161,225

**Source:** 2002 - 2010 in Joyce, C. 2011. Annual Policy Report 2010: Ireland.  
2011 in Joyce, C. Forthcoming. Annual Policy Report 2011: Ireland.

Statistics provided by INIS provide a snapshot of registrations at the GNIB in March 2010, 2011 and 2012.<sup>123</sup> They do not reveal the number of registrations throughout the entire year. Statistics are available for these three years by course category and year of first registration. The total number of students registered with the GNIB in March of these three years was 31,902 in 2010, 31,923 in 2011, and 30,324 in 2012. The comparison in numbers in March of 2010, 2011 and 2012, show that registration for students studying at higher level remained static, the number of English language students grew overall by 10%, and the number in the further education sector was down 40%. Table 3.10 below shows these figures in full.

**Table 3.10 Number of Residence Permits Issued by GNIB to non-EEA Nationals by Sector in March 2010, 2011 and 2012**

Sector	2010	2011	2012
Accountancy	n/a	n/a	294
English language	8,057	9,272	8,802
Further Education	10,206	9,921	6,285
Higher Education	12,888	12,730	12,856
Graduate Work Scheme	n/a	n/a	653
Timed Out Students	n/a	n/a	1,434
Other	751	n/a	n/a
Total	32,893	31,923	30,324

**Source:** Statistics provided by INIS.

Table 3.10 above shows figures for all international students. Numbers are also available from the GNIB on 'new students'<sup>124</sup> registering at Universities and IOTs.

<sup>123</sup> Thanks are due to staff members of the Immigration and Citizenship Division of the Irish Naturalisation and Immigration Service, Department of Justice and Equality, for providing these figures.

<sup>124</sup> 'New students' are those who have registered as a student for the first time in the 12 months prior.

New students are up by almost 15% in the former and 16% in the latter. Table 3.11 illustrates these new registrations, overall.

**Table 3.11 New Students Registering with the GNIB and attending Universities and IOTs, March 2010, 2011 and 2012**

Year	University Total	% Increase	IOT Total	% Increase
2010	2,910	-	7.06	-
2011	3,064	5.29%	736	4.25%
2012	3,325	14.26%	818	15.86%

**Source:** Statistics provided by INIS for the purposes of this study, June 2012.

Eurostat provide figures on first registration permits by reason, for the years 2008 – 2010, which show the permits issued for education reasons against the total number of permits. These statistics capture a different dimension to those outlined above, but give insight into the proportion of first permits for education reasons with the total permits. It would appear that the figures cited on Eurostat would correspond to the number of students registered for higher education in the figures given by INIS at Table 3.11 above.

**Table 3.12 First Registration Permits by Reason, 2008 - 2010<sup>125</sup>**

Reason	2008	2009	2010
Education	12,538	12,263	13,653
Remunerated Activities	5,808	4,827	3,208
Family Reasons	3,409	2,608	2,030
Other reasons	7,171	5,811	3,344
Total	28,926	25,509	22,235

**Source:** Eurostat.

### Fees

The Irish *International Education Strategy* sets out that the process of internationalisation is to be a self-financing expansion, and in general, non-EEA students should continue to pay fees.<sup>126</sup> Fees are set at an institutional level and are not a matter for Government. In general, consideration is given to the effects of higher fees on competitiveness, delivering a high quality of education and providing enhanced student support. The strategy encourages Irish institutions to compete with their global competitors rather than with each other and asks that maximum information is provided to students on the costs of studying and living in Ireland. One exception to the fee-paying rule is that of students on development cooperation programmes, such as Irish Aid Fellowships, where it is envisaged that institutions could consider charging EU level fees.<sup>127</sup>

Informally, there is a certain amount of fee remittance/concession, in order to attract good quality international students. This occurs on an institutional level

<sup>125</sup> Source: Eurostat, population statistics. First permits by reason. Annual data.

<sup>126</sup> *Ibid.*

<sup>127</sup> *Ibid.* Page 53.

and is visible when comparing fees to number of international students in certain sectors.<sup>128</sup>

**Table 3.13 Total Student Figures presented by Education in Ireland 2009/2010**

Tertiary Education Providers (Public Institutions)	215,558
Private Colleges and Further Education	14, 223
English Language and TESOL	93,800
Total Tuition Income	€449 million
Total Students	129, 581

**Source:** Education in Ireland (2010: 3).

## 3.2 STAY

### 3.2.1 International Students

Regulations regarding stay are set out in the *New Immigration Regime for Full-Time Non-EEA Students*, which limits length of stay to seven years for degree students and three years for non-degree and language students. Special exceptions may be made in the case of a student completing a Doctorate or Masters Programme. Students must register with the GNIB on an annual basis, showing proof of progression, access to income support and medical fees, and attendance of 85% or more on non-degree and language courses. The main way in which stay is regulated is through proof of progression. If students show evidence of academic progression, their registration is granted.

There is no information available on international students completing their courses of study. Generally speaking, students in the ‘quality’ end of the education market, i.e. in higher education institutions and State accredited institutions, do not for the most part fail their courses. If students at these institutions present with problems, they generally receive pastoral care at the institution and steps are taken to intervene.<sup>129</sup> It is mainly outside the mainstream section of the education market that problems for providers and students occur. Institutions lacking a rounded and supportive environment for the students are more likely to encounter problems.

The new regime of Non-EEA Student Immigration introduced the cap on length of stay for students for the first time and applies to all students, including those living in Ireland since before the changes. In order to facilitate international students already living in Ireland during this change in policy, special transitional arrangements were put in place. For example, international students who had been in Ireland for longer than the maximum time allowed but were currently enrolled in a higher education course were allowed to complete that course.

<sup>128</sup> Interview with staff member of HEA for the purposes of this study, August 2012.

<sup>129</sup> Interviews with education providers, ICOS and USI for the purposes of this study, May and June 2012.



Further examples are listed in the *Final Report and Recommendations of the Interdepartmental Committee*.<sup>130</sup>

In August 2012, INIS introduced a ‘Special Probationary Extension’ for international students who first registered their residence in Ireland and commenced their studies in Ireland before 1 January 2005. Under the conditions of this extension, an eligible student can register for a two-year probationary period on a Stamp 2.<sup>131</sup> At the end of this probationary period, students will have the opportunity to apply for a Stamp 4 permission to reside in the State provided they have met certain conditions. This initiative, available only to those registering before 1 January 2005, introduces a new opportunity for international students to reside in the State upon completion of their studies without a labour market requirement.<sup>132</sup>

### *Student Work Concession*

A ‘Student Work Concession’ for international students was introduced in 2001, in order to retain a competitive edge for Ireland in the international education global market. Access to the labour market during studies is key for students from countries such as China and India<sup>133</sup> who would be likely to choose another study destination if they could not access the labour market in Ireland. The student work concession allows for students to work twenty hours a week during term-time and 40 hours per week during holidays.<sup>134</sup> Interviews with immigration officials would suggest that it is not considered feasible to monitor the work activities of students to see if they are adhering to these time limits. The only mechanism to verify they are not impacting on study is through proof of progression and attendance on courses over the course of the year at registration with the GNIB each year.<sup>135</sup> The National Employment Rights Authority do conduct inspections of premises and monitor the hours that students work, although resources in this area are limited.<sup>136</sup> Students do not need a separate work permit or work authorisation to access the labour market during studies, this work permission is granted under the terms of their student permission. There are no statistics on the most common sectors in which students work.

Following their registration at the GNIB, students may then register for a PPSN at the Department of Social Protection. They are however not entitled to any social security benefits. They must have their own private medical insurance, are

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<sup>130</sup> *Ibid.* Page 45.

<sup>131</sup> Full details of this probationary period are available on the INIS website <http://www.inis.gov.ie/en/INIS/Pages/WP12000012>.

<sup>132</sup> Although they must prove they have not been a burden on the State during this probationary period.

<sup>133</sup> Interviews with the international office of an education provider and Education in Ireland for the purposes of this study, May and June, 2012.

<sup>134</sup> For further details on the ‘Student Work Concession’ see <http://www.inis.gov.ie/en/INIS/Pages/WP07000058>.

<sup>135</sup> Interview with staff members of the Department of Justice and Equality, June 2012.

<sup>136</sup> Correspondence with staff members of the Immigration and Citizenship Division at the Department of Justice and Equality, August 2012.

not entitled to any form of social protection in the event of loss of work, and cannot claim other social benefits related to sickness, unemployment or old age during their stay. Access to the labour market is dependent on attending programmes that are listed on the Internationalisation Register.

The INIS website states that:

*Full time non-EEA students pursuing a course on the Internationalisation Register are permitted to work 20 hours per week during term time and 40 hours per week outside that. There are no immediate plans to change this. However, it is proposed that, in the interests of general consistency and in the context of the current economic climate, the concession should be the subject of further analysis. Consideration of the work concession is a separate exercise from the review of the student immigration regime generally and will be carried out over a considerably longer timeframe. It will also have regard to the impact of the other measures proposed in the review document. Examination of the work concession will be conducted by the Interdepartmental Group on Student Immigration that the Minister has established. Ultimately any decision on this issue would be a matter for Government.*<sup>137</sup>

Generally, it is considered that a balance must be found between attracting students to Ireland for study and facilitating students to finance their studies versus guarding against the displacement of other workers in the labour market.

The QNHS is the only source of statistics on the labour market activity of international students in Ireland. Table 3.14 below illustrates figures from the second Quarter of 2007 and 2011, on the total numbers of students at work in these two years. The figures reveal that US students do not access the labour market, a fact supported in interviews with stakeholders in the preparation of this report, as these students tend to be focused on full-time study and cultural exchange. The number of students at work dropped sharply, from about 60,000 in 2007 to 34,000 in 2011 and the proportion working decreased from 2007 to 2011 for all nationalities except for the EU13 (EU15 excl. Ireland and the UK), a group which experienced a 3% rise in the number of students working during their studies. The group to experience the most substantial decrease were the Other Non-EU category. This category covers all countries outside of the EU and the USA. In 2007, 28% of students in this category were working during their studies. By 2011, this had fallen to 4%.

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Details on the website of the Irish Naturalisation and Immigration Service:  
<http://www.inis.gov.ie/en/INIS/Pages/WP07000058>.

**Table 3.14 Working Patterns of those with PES 'Student' by Nationality (15-24 age group)  
2007 Q2, 2011 Q2**

Nationality	2007 Q2			2011 Q2		
	Students	At Work	%	Students	At Work	%
Irish	296,746	56,426	19	295,471	33,166	11.2
UK	5,796	596	10.3	4,357	199	4.6
Other EU15	2,958	225	7.6	1,815	192	10.6
EU16-27	3,006	432	14.4	8,162	209	2.6
US	890	0	0	262	0	0
Other Non-EU	9,469	2,683	28.3	11,278	488	4.3
Total	318,865	60,362	18.9	321,345	34,254	10.7

**Source:** Quarterly National Household Survey, 2007 and 2011.

Unfortunately it was not possible to retrieve any data on the number of hours worked or on the sectors in which these people were working. These data would suggest that employment opportunities for students have contracted sharply in the Irish crisis, posing a significant challenge to the internationalisation strategy, particularly in the non-EU market.

The Department of Jobs, Enterprise and Innovation holds statistics on the number of work permits issued to Third Country Nationals previously on a student permission for the years 2011 and 2012. These are available by economic sector. A total of 88 Third Country Nationals on a student permission transferred to a work permit or Green Card in 2011, with a total of 44 transferring in 2012. The vast majority of these permits were issued in three employment sectors: Information Technology, Financial Services and Services. A small number (ranging from one to five) of work permits or Green Cards were issued for other employment sectors.<sup>138</sup>

### 3.2.2 International Students' Family Members

Thus far, the Irish experience of family reunification or non-EEA students has only applied to PhD students and on a very limited basis to Masters level students who wish to bring children of school going age to Ireland. Students arriving under the King Abdullah Scholarship Programme are also permitted to bring family members under the terms of the agreement between the Irish and Saudi Governments.<sup>139</sup> For the majority of international students, family members are not entitled to accompany the international student or to join after their entry. There have been no cases where students of this kind have brought over a partner under a family reunification scheme; all cases have involved family units with children.<sup>140</sup>

Non-EEA students' children cannot attend schools in the State education system and must attend private fee-paying schools. The rationale for this is to guard against the misuse of the non-EEA student permission to facilitate family member access to the State education system. There are some indications that the

<sup>138</sup> Department of Justice and Equality, August 2012.

<sup>139</sup> Interview with staff member of HEA for the purposes of this study, August 2012.

<sup>140</sup> Interview with the Department of Justice and Equality for the purpose of this study, June 2012.

Government is currently considering an immigration levy for students which would cover the costs of bringing family members to Ireland. The main issue in this regard is the appropriate amount to set for the levy and proof of means, to ensure that the student will not be a burden on the State. Under proposals (yet to be implemented) in the new regime, students pursuing a PhD or MBA in Ireland may pay an immigration levy to cover the costs of their children availing of State education in Ireland. In practice, introducing the levy will require legislation and so its introduction is still some way off.<sup>141</sup>

### 3.3 PERIOD FOLLOWING COMPLETION OF STUDY FOR INTERNATIONAL STUDENTS

Students on degree courses (NFQ Level 7 or above) may avail of the 'Irish Third Level Graduate Scheme', which provides for students on courses at NFQ Level 8 or above to remain in the State for one year following the completion of their studies. Those on courses at NFQ Level 7 may remain for six months.<sup>142</sup> The extension from six months to one year for students on programmes at NFQ Level 8 and above was granted in January 2010 to enhance the attractiveness of Ireland as a destination of study for international students at higher education institutions. Students on non-degree or language courses cannot avail of the Scheme unless they first progress to a degree course for completion. A snapshot of registrations in March 2012 shows 653 registrations under the 'Irish Third Level Graduate Scheme'.<sup>143</sup>

The rationale for the Graduate Work Scheme is to facilitate an ease of transition for international student graduates to the Irish labour market. Upon the expiration of the one-year allowance, students must then transfer on to an employment permit or Green Card permit. All normal rules for application of these permits apply, the only difference is that applicants can remain in Ireland for the duration of the application process. The ICOS remains concerned that the minimum income limits in place for work permits and work authorisations are prohibitive for graduate students, who may take more than one year to achieve enough experience to earn a sufficient income.<sup>144</sup> Work permits are also restricted to a particular list of occupations, updated by the Department of Jobs, Enterprise and Innovation. While on a student visa, for the year's duration following completion of study, students are not entitled to receive income support. Students are not permitted to start up a business upon completion of their studies.

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<sup>141</sup> Correspondence with Department of Education and Skills as part of this study, August 2012.

<sup>142</sup> For full details see <http://www.inis.gov.ie/en/INIS/GraduateScheme.pdf/Files/GraduateScheme.pdf>.

<sup>143</sup> Statistics provided by request from INIS for the purposes of this study, June 2012.

<sup>144</sup> Information available on the website of ICOS:  
[www.icosirl.ie/eng/student\\_information/third\\_level\\_graduate\\_scheme](http://www.icosirl.ie/eng/student_information/third_level_graduate_scheme).

Students remaining in Ireland on the scheme, upon completion of their studies, remain on a ‘Stamp 2’ residency permission under the same conditions as for students during the holiday period with 40 hours work permitted per week. Upon completion of the scheme, students must then transfer to a work permit or Green Card permit.

### 3.4 MISUSE OF THE ‘STUDENT ROUTE’ TO MIGRATION

The misuse of the student route to migration is a key concern for the Irish Government and was part of the rationale for the introduction of the New Immigration Regime for Full-Time Non-EEA Students in January 2011.<sup>145</sup> There is no reported evidence on the scale of such misuse,<sup>146</sup> although it is acknowledged in the sector as having been quite widespread up until 2010, with the issue of “bogus colleges” also arising in parliamentary debates.<sup>147</sup> Misuse of the student permission was occurring predominantly among low- or un-skilled nationals from third countries with low incomes, as through the student route they could access the labour market without a work permit. At that time the student immigration was not in any way monitored and immigrants registered as students could repeatedly re-register without providing evidence of attendance or progression on courses.

The introduction of the new immigration regime was the first practical measure introduced on a national scale to attempt to tackle the misuse of the student route to migration. The principal mechanisms introduced to eliminate the abuse of the system were the cap on length of stay and proof of progression through studies, in the context of the strategy to enhance the quality of the international education sector. Immigration authorities (both INIS and GNIB) also undertake inspections to ensure compliance with immigration law and procedure.<sup>148</sup>

Essentially, the international education sector is a liberal one with no formal licensing system. There are other controls in the form of checks and balances for quality that come into force later, but initially setting up a school is possible without a license. Education providers may set up very easily and it is the area outside of the mainstream, established education sector where there is the greatest potential for behaviour which is not centred on teaching or learning. This

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<sup>145</sup> The *Final Report and Recommendations of the Interdepartmental Committee on non-EEA Student Immigration* states “Legal residence itself coupled with access to the labour market is of considerable economic value in itself, often exceeding that of the educational course. The impact of this factor on the market for international education should not be understated. Indeed virtually all of the immigration abuse that is associated with student immigration is driven by this factor, whether through the operation of disreputable colleges or the behaviour of students who do not attend their classes” (2010: 2).

<sup>146</sup> It is worth noting here an anthropological study of Chinese student immigrants in Dublin carried out in 2008/2009 by a native Chinese speaker based at Stockholm University. Its findings are published in an academic journal. See: Pan, D. (2011). ‘Student visas, undocumented labour and the boundaries of legality: Chinese migration and English as a foreign language education in the Republic of Ireland’ *Social Anthropology* 19: 3: 268-287.

<sup>147</sup> Parliamentary Question No. 9. 3 June 2010. <http://debates.oireachtas.ie/dail/2010/06/03/00021.asp>.

<sup>148</sup> Correspondence with staff members of the Immigration and Citizenship Division at the Department of Justice and Equality, August 2012.

aspect is not quantified but is described in the report of the Interdepartmental Committee on non-EEA student immigration as a “small minority of colleges”.<sup>149</sup>

There is no direct information on the numbers of students working in excess of permitted hours while they are registered at education institutions. Indeed, education institutions have a policy of not interfering in students’ personal lives and time.<sup>150</sup> It is considered that evidence of the misuse of the student route to migration reveals itself in poor performance in study, either at the level of the individual student or at an institutional level. Misuse is also evident where schools advertise packages in international markets that include studying for 25<sup>151</sup> weeks and working for 27, without any set timetable or holidays.<sup>152</sup> Courses may also set up and use international accreditation systems which are not aligned with the NFQ.<sup>153</sup>

Statistics have been provided by INIS on the number of students who have exceeded their stay (i.e. more than three years for non-degree and language courses and more than seven years for degree courses), although it is important to note that this overstay does not directly correspond to ‘misuse’. A number of students currently have an extended permission to stay beyond the three- and seven-year deadline under transitional arrangements in place as part of the move to the new immigration regime. With this caveat, Table 3.15 below illustrates a snapshot from March 2012 of total registrations and those in excess of stay.

**Table 3.15 Snapshot of Students in Excess of Maximum Stay Permitted, March 2012**

Type	Total Registered	No. of these in Excess of Stay
Accountancy	294	41
English language	8,802	1,184
Further Education	6,285	3,613
Higher Education	12,856	539
Graduate Work Scheme	653	194
Timed-Out Students	1,434	1,154
Total	30,324	6,725

**Source:** Statistics provided by INIS for the purposes of this study, June 2012.

<sup>149</sup> *Ibid.* Page 3.

<sup>150</sup> Interview with the international office of an education provider, May 2012.

<sup>151</sup> This is the minimum number of teaching weeks required in the year for a course to be defined as ‘full-time’.

<sup>152</sup> Interview with the international office of an education provider and the NQAI for the purposes of this study, May and June 2012.

<sup>153</sup> Interview with staff members of the Department of Education and Skills for the purposes of this study, June 2012.

# Chapter 4

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## Transnational Cooperation in the Area of International Students

This section details the diverse range of cooperation in force between the Irish State, education institutions and Third Country institutions. There is a significant amount of collaboration and cooperation at both the national and institutional level, with great difficulty in collating it.<sup>154</sup> There is little collated information publicly available on the topic, although Education in Ireland are in the process of mapping this.<sup>155</sup> As an example, it is known that Irish higher education institutions have over 130 partnership agreements with institutions in China, but there is no such information available for other countries.<sup>156</sup> The HEA has also done some collation and analysis, via a survey of HEIs, although this information is unpublished and was provided in draft form for the purposes of this study.<sup>157</sup> The survey included universities, institutes of technology, colleges of education and private higher education colleges, and 25 of 38 institutions responded. The survey requested information on:

- Institutional partnerships and links with education/academic institutions internationally
- Joint degree programmes with overseas students
- Overseas campuses/programmes
- Student and staff exchange programmes

Overall, 2,400 institutional links and partnerships were reported by the HEIs. Almost 2,000 of these were links with institutions within the EU. Of the remaining institutional linkages, the USA and Canada were the partner countries for almost 200, China was the partner country for 60 linkages, followed by India, Japan and Australia at fourteen, eight and six, respectively. There were 39 joint degree programmes, of which 22 were with Chinese institutions.

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<sup>154</sup> Interview with staff member of HEA for the purposes of this study, August 2012.

<sup>155</sup> In correspondence with Education in Ireland, August 2012.

<sup>156</sup> In correspondence with staff members of the Department of Education and Skills, August 2012.

<sup>157</sup> Thanks are due to the HEA for providing this information.

#### 4.1 BILATERAL / MULTILATERAL AGREEMENTS INCLUDING MOBILITY PARTNERSHIPS

##### *Brazil*

In June 2012, the Minister for Environment, Community and Local Government, Mr. Phil Hogan TD, signed major education and research agreements with two Brazilian State agencies, on behalf of the Higher Education Authority and Science Foundation Ireland.<sup>158</sup> These agreements allow Ireland to access the Brazilian Science without Borders Programme (Ciência sem Fronteiras), and could see up to 1,500 scholarship students from Brazil come to Ireland over the next four years to study and undertake research in Irish higher education institutions, with a particular focus on science and technology. The agreements were negotiated by a team involving the Irish Embassy in Brasilia, Enterprise Ireland, the Department of Education and Skills, the HEA and SFI.

##### *Canada*

In November 2011, Institutes of Technology Ireland (IOTI) signed an agreement with Colleges Ontario.<sup>159</sup> The agreement will allow for Canadian students to progress to honours degrees at Level 8 and beyond in Ireland. Graduates of two-year college programmes in Ontario can secure an honours degree with two further years of study in Ireland. In some academic disciplines, graduates of three-year programmes will be able to secure an honours degree with one further year of study. The first wave of Canadian students coming to Ireland will study in the areas of electronics engineering, business, internet applications and web development and hospitality.

##### *China*

In April 2012, University College Dublin signed a Memorandum of Understanding with a leading Chinese dairy producer, Dairy United.<sup>160</sup> The MOU will result in multi-million euro contracts for products & services and envisages the development of a China-Ireland Agricultural demonstration farm in Hohhot (Inner Mongolia), collaborative research projects, the

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<sup>158</sup> 'Minister Hogan Signs €25 Million Deal to Accept 1500 Brazilian Scholars', 20 June 2012. <http://www.merrionstreet.ie/index.php/2012/06/hogan-signs-e25m-deal-to-accept-1500-brazilian-third-level-scholars-2>.

<sup>159</sup> '1,000 Canadians to study in Ireland's IoTs', 28 November 2011. [www.educationmatters.ie/2011/11/28/1000-canadians-to-study-in-irelands-iots/](http://www.educationmatters.ie/2011/11/28/1000-canadians-to-study-in-irelands-iots/).

<sup>160</sup> 'Developments in Ireland's Bilateral Relationships with China', 11 April 2012. [www.iiea.com/blogosphere/developments-in-irelands-bilateral-relationship-with-china](http://www.iiea.com/blogosphere/developments-in-irelands-bilateral-relationship-with-china).  
'UCD signs MOU with Leading Chinese Dairy Producer', 20 April 2012. [www.educationireland.ie/index.php/about-us/news/1187-university-college-dublin-signs-mou-with-leading-chinese-dairy-producer](http://www.educationireland.ie/index.php/about-us/news/1187-university-college-dublin-signs-mou-with-leading-chinese-dairy-producer).



provision of education and training services, and collaboration on the creation of a trade corridor to facilitate the introduction of Irish exporters to the Inner Mongolian region. Minister of State for Education and Skills Mr. Ciarán Cannon TD signed a Memorandum of Understanding for greater cooperation in the higher education sector. In China, they visited nine institutes of education and built links with education institutions. This was part of a wider trade mission to China, Singapore and Malaysia.<sup>161</sup> There is also a recognition agreement with China at a bilateral level managed by the NQAI on behalf of the State.<sup>162</sup>

### Malaysia

The Irish Government signed a Memorandum of Understanding with Malaysia in September 2011.<sup>163</sup> This involved twinning arrangements between Malaysian Universities and UCC and NUI Galway, who would receive fifty new Malaysian students in the 2011/12 academic year. RCSI involvement in delivering courses in Ireland would also be extended. The Memorandum of Understanding includes a relaxation of rules around Malaysian students' permission to enrol their children in Irish State schools by adding a specific exception for Malaysians studying in Ireland at PhD level.

### Oman

In August 2011 Oman's Honorary Consul in Ireland secured 425 scholarship places for Omani students to study in Ireland.<sup>164</sup> This followed the announcement by the Omani Government of its decision to increase its undergraduate scholarship programme for studies abroad to 1,500 each year for the next five years. 425 students from Oman started degrees at six Irish colleges in the 2011/12 semester; NUI Maynooth, Dublin City University, Dublin Institute of Technology, the National College of Ireland, Dundalk Institute of Technology and Carlow Institute of Technology.

### Saudi Arabia

In October 2010 the then Minister for Enterprise, Trade and Innovation, Mr. Batt O'Keefe, announced an agreement<sup>165</sup> between Irish and Saudi Arabian Governments to train several hundred Saudi students in vocational skills in

<sup>161</sup> The Irish Times, 13 March 2012. *'All Roads Lead to Asia for the Great and the Good'*. Available at [www.irishtimes.com](http://www.irishtimes.com)

<sup>162</sup> In correspondence with the NQAI for the purposes of this study, August 2012.

<sup>163</sup> *'Malaysian Government Signs Partnership Agreement with Irish Universities to Promote Study of Medicine in Ireland by Malaysian Students'*. Available at: <http://www.tcd.ie/Communications/news/pressreleases/pressRelease.php?headerID=1970&pressReleaseArchive=2011>.

<sup>164</sup> The Irish Times, 13 August 2012. *'425 Omani Students to Undertake Third-Level Degrees at Irish Universities'*. Available at [www.irishtimes.com](http://www.irishtimes.com).

<sup>165</sup> *'Minister O'Keefe announces €36m in deals for Irish firms on Middle-Eastern trade mission'*, 4 November 2010. Available at: <http://www.djei.ie/press/2010/20101104.htm>.

three Irish IOTs.<sup>166</sup> 150 students would study at each IOT, with existing working arrangements with the Saudi authorities for vocational training and education. Minister O’Keeffe also held a bilateral meeting with Saudi Arabia’s Minister for Higher Education, Dr. Khaled Al-Angari, in which they reaffirmed their commitment to developing education links between the two countries.

### *Vietnam*

In November 2011 Ireland signed a new cooperation agreement with Vietnam,<sup>167</sup> aimed at increasing the number of Vietnamese students attending third-level courses in Ireland. These education links are seen as part of the future centrality of wider bilateral economic relations between Ireland and Vietnam. 1,500 students in Vietnam receive scholarships from the Vietnamese Government each year to study abroad and in signing this agreement, Ireland hoped to promote itself as an attractive destination for these Vietnamese students.

There are no separate procedures for students who arrive based on these partnerships; the emphasis is more on the facilitation of quality relationships between countries. Extra measures that are in place centre around higher levels of assistance and information provision. For example, where students are applying to study in Ireland under a particular programme, the co-ordinators of that programme will frequently send a list of names to immigration officials so they will know what names to expect. A second element of this is that the education sector will have established links with the Irish Consulate or Honorary Consulate for the purposes of visa processing, ensuring applications are provided to the right quality and with all necessary supporting documentation. Details of the requirements for applications to study visas are centrally available on the Education in Ireland website.<sup>168</sup>

## **4.2 COOPERATION WITH EU OR INTERNATIONAL ORGANISATIONS**

Ireland has not transposed the provisions permitting the admission of Third Country Nationals participating in EU programmes facilitating mobility. However, in line with the targets in its International Education Strategy, students on these programmes, categorised as ‘Degree’ students under the Irish non-EEA student immigration regime, do have their applications fast-

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<sup>166</sup> Carlow IT, Cork IT and Blanchardstown IT.

<sup>167</sup> ‘Ireland Seeks to Attract Vietnamese Students’, 28 November 2011. Available at: <http://www.educationmatters.ie/2011/11/28/ireland-woos-vietnamese/>.

<sup>168</sup> See Visa Application Procedure, Ireland: [www.educationireland.ie/index.php/how-to-apply/visa-application-procedure](http://www.educationireland.ie/index.php/how-to-apply/visa-application-procedure).

tracked. Typically, in the Irish case, students on well recognised higher education courses do have a swift turnaround in visa processing times.

#### 4.2.1 Intra-EU Mobility

Erasmus Mundus<sup>169</sup> students may move to Ireland under the same terms and conditions as any non-EEA student arriving on a degree programme. The majority of EU mobility takes place through the EUs Lifelong Learning Programme (LLP) 2007-2013. The Department of Education and Skills is the national authority for the LLP which is delivered by two national agencies; the HEA delivers Erasmus<sup>170</sup> and Leargas<sup>171</sup> delivers other programmes.<sup>172</sup>

#### 4.2.2 Outside-EU Mobility

There are a wide range of Erasmus programmes facilitating individual exchanges, including universities in Melbourne, Singapore, China, and across the United States. There are Government level education agreements with Brazil, China, Vietnam, Saudi Arabia, Malaysia and Turkey.<sup>173</sup> There are also college to college partnerships, with formats such as a '2 x 2'. Two students from an Irish University will transfer with two students from an overseas university with no additional cost. Other formats are in operation such as '3 x 2', '2 x 3', etc. A greater number of people can participate in the exchange, subject to the sending college agreeing to pay for them.

Generally, students arriving in Ireland for partnership or exchange programmes are covered by all provisions for 'degree' students as defined in the policy literature on non-EEA student immigration.

### 4.3 OTHER FORMS OF NON-LEGISLATIVE COOPERATION BETWEEN COUNTRIES

In 2010, as part of the International Education Strategy, the Department of Education and Skills, in consultation with its bilateral partner countries, proposed to end its current exchange scholarship programme. These schemes had been developed on an ad hoc basis over the previous 30 years.<sup>174</sup> A proposal was then put forward to reallocate the resources for these Schemes into the establishment of a new international scholarship pool, which would comprise three programmes:

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<sup>169</sup> Erasmus Mundus aims to enhance quality in higher education through scholarships and academic cooperation between Europe and the rest of the world. European Commission see <http://ec.europa.eu/education>.

<sup>170</sup> <http://www.eurireland.ie>.

<sup>171</sup> [www.leargas.ie](http://www.leargas.ie).

<sup>172</sup> In correspondence with staff members of the Department of Education and Skills, August 2012.

<sup>173</sup> In correspondence with staff members of the Department of Education and Skills, August 2012.

<sup>174</sup> *Ibid.*

### *Government of Ireland International Scholarship*

This programme will be administered by the Higher Education Authority (HEA) and will be jointly funded by institutions and open to students seeking to attend higher education institutions that hold the International Education Mark. The details are emerging but it is anticipated that the Government scholarship pool will provide €10,000 to the student, to be matched by a full-fee remission provided by the institution. A call for proposals was initiated for this scheme in November 2011 by the HEA.<sup>175</sup> Eligible institutions<sup>176</sup> were invited to submit proposals for the 2012/13 academic year.

### *New Frontiers Programme*

This programme is open to Irish students and staff members in higher education institutions who wish to undertake a period of study in a non-English speaking non-EEA partner country. The State will contribute €2,500 to each scholar, with another contribution by the education institution. It is expected that this programme will commence in the 2013/2014 academic year.

### *Government of Ireland English Language Educators Scholarship*

Administered by Fáilte Ireland, this programme will provide for a period of study in Ireland by selected English language educators who would then become advocates for Ireland in their home countries. Available in institutions holding the International Education Mark, the Government award amounts to €5,000 with a further contribution by education institutions. Up to fifteen awards were available in the academic year 2011/12.

These funding opportunities will be targeted at students in priority partner countries, as identified in Section 3.1.1. The identification of priority partner countries will contribute to the improvement of the Irish performance in these countries, with branding and promotion, market intelligence and sponsorship. On a broader level, 'government departments will have regard to education issues in these countries when planning high-level visits, conducting intergovernmental discussions and signing partnership agreements'.<sup>177</sup> The list of strategic partner countries is to be developed by the working group on implementation and market access and will be reviewed annually with input from the Department of Justice and Equality. In

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<sup>175</sup> 'Call for Proposals – Scholarship Programmes 2012/2013'. 16 November 2011. Available at: [www.hea.ie/files/files/file/News/Call\\_for\\_Proposals\\_for\\_GOI\\_Scholarships.pdf](http://www.hea.ie/files/files/file/News/Call_for_Proposals_for_GOI_Scholarships.pdf).

<sup>176</sup> DIT, HETAC, IOTs with delegated authority to make awards, RCSI and the seven Irish Universities.

<sup>177</sup> *Investing in Global Relationships: Ireland's International Education Strategy 2010–2015*, (2010: 36).

identifying these priority partner countries, Irish long-term strategic interests, market intelligence, potential for collaboration and competitive immigration policies will be taken into consideration. Other current scholarship programmes include:

### *George Mitchell Scholarship Programme*<sup>178</sup>

This is designed to introduce American students to the island of Ireland, to foster intellectual achievement, leadership, and a commitment to community and public service. Up to twelve Mitchell Scholars between the ages of 18 and 30 are chosen annually for one year of postgraduate study in any discipline offered by institutions of higher learning in Ireland and Northern Ireland. The ‘Mitchell Scholars’ programme provides tuition, accommodations, a living expenses stipend, and an international travel stipend. Students may study at any university and selected IOTs<sup>179</sup> on the island of Ireland.

### *Irish Aid Fellowships*

There are two Irish Aid Fellowships Schemes, which are under the remit of the Department of Foreign Affairs and managed by ICOS. The two schemes, the ‘Irish Aid Fellowship Training Programme’ and the ‘Irish Aid IDEAS Programme’<sup>180</sup> are funded as part of a wider development cooperation budget. Under both schemes, fellowships are awarded for full-time study at Masters or Postgraduate Diploma level, with a focus on courses that are relevant to the development objectives of Irish Aid in each of its partner countries. On completion, fellowship recipients are committed to resume work and put their acquired skills into good use for the benefit of their home countries. The countries which are eligible under these Fellowship Training Programmes are Ethiopia, Lesotho, Malawi, Mozambique, Palestine, Tanzania, East Timor, Uganda, Vietnam and Zambia. The Irish Aid IDEAS Programme is exclusively focused on Vietnam.<sup>181</sup>

### *Science Foundation Ireland (SFI) Scholarships*<sup>182</sup>

SFI provide grants for outstanding international researchers in the fields of science and engineering.<sup>183</sup> The majority of SFI awards are in these two fields, underpinning three Government-prioritised industrial sectors: biotechnology; information and communications technology; and sustainable energy and energy-efficient technologies. On a smaller scale SFI also supports

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<sup>178</sup> *The George J. Mitchell Scholarship*. Details at: [www.usirelandalliance.org](http://www.usirelandalliance.org).

<sup>179</sup> Dublin Institute of Technology and Dun Laoghaire IADT.

<sup>180</sup> IDEAS is the acronym for ‘Irish Development Experience Sharing’.

<sup>181</sup> Interview with ICOS for the purposes of this study, June 2012.

<sup>182</sup> Science Foundation Ireland. Details at: [www.sfi.ie/funding/funding-overview/](http://www.sfi.ie/funding/funding-overview/).

<sup>183</sup> A full list of scholarships is available at [www.sfi.ie/funding/funding-calls/open-calls/](http://www.sfi.ie/funding/funding-calls/open-calls/).

a broad range of disciplines in Science, Mathematics and Engineering via its Research Frontiers Programme.

### *The Royal College of Surgeons in Ireland*

The Royal College of Surgeons in Ireland has a strong international presence, and establishes government contracts and scholarships in the Middle East and Malaysia. While linking it with the Education in Ireland brand, it has its own marketing activities and its approach has been described as something of a role model.<sup>184</sup> The college has a strong international presence with schools in Dubai and Malaysia, and a university in Bahrain.<sup>185</sup>

### *Other*

A number of other scholarships available through the Irish Government or at Irish higher education institutions are listed on the Education in Ireland website.<sup>186</sup>

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<sup>184</sup> In interviews with Education in Ireland and the HEA for the purposes of this study, June and August 2012.

<sup>185</sup> Details of these are available on the website of the RCSI, at <http://www.rcsi.ie/index.jsp?p=100&n=357>.

<sup>186</sup> Scholarships and Funding Information, Ireland: [www.educationireland.ie/index.php/study-advice/scholarships](http://www.educationireland.ie/index.php/study-advice/scholarships).

# Chapter 5

## Impact of International Students in Ireland

### 5.1 ECONOMIC IMPACT

The aim of the Government's International Education Strategy is to increase the economic impact of international education to a total of €1.2 billion per annum, an increase of some €300 million on current levels.

Overall, the economic, education, cultural and social benefits of international education are well recognised in the Irish case and the sector is an important one to the Irish economy. The 2009/2010 Education in Ireland report *International Students in Higher Education in Ireland 2009/2010* reported a total income generated of nearly €192 million according to programme level:

**Table 5.1 Level of Income by Programme 2009/2010**

Programme Level	No. of Students <sup>187</sup>	% of Students	Income €
Access/Foundation <sup>188</sup>	376	1%	1,215,619
Advanced/Higher Certificate/Diploma	513	2%	2,055,417
Bachelor Programme	16,664	65%	142,327,616
Postgraduate Certificate/Diploma	430	2%	2,210,422
Masters Programme (Taught)	2,926	11%	22,865,511
Masters Programme (Research)	448	2%	3,230,619
PhD	2,116	8%	13,239,973
Professional Qualification	341	1%	421,694
Summer Programme	795	3%	1,048,834
Language Centre	1,003	4%	2,286,658
Not Specified	169	1%	1,036,625
TOTAL	25,781	100%	191,938,988

**Source:** Education in Ireland (2010: 10)

Analysis carried out by Fitzpatrick Associates<sup>189</sup> in 2003 estimated the fees and expenditures by full-time overseas students in Irish HEIs and calculated total annual export earnings of about €140 million across all colleges, of which €68 million encompassed fees (non-EU students only) and €71 million

<sup>187</sup> This definition of international students includes both EEA and non-EEA.

<sup>188</sup> Generally, NFQ7 and above are included only. These Access/Foundation courses are specially included here on the assumption that the student will be going on to take a higher level programme.

<sup>189</sup> Fitzpatrick and Associates (2003: 90). *Provision of Undergraduate and Taught Postgraduate Education to Overseas Students in Ireland: Final Report*. Dublin: Higher Education Authority.

encompassed other expenses (EU and non-EU). The amount of €68 million at this time was equivalent to about 5% of the total HEA grant to the HEA funded colleges in 2001/02. The total earnings of €140 million were equivalent to about 3.5% of overseas tourism revenue in 2001.

A seminal evaluation of the English language sector, published in 2007,<sup>190</sup> incorporated an international competitor analysis and benchmarking of the sector. Indecon put forward an estimate of its likely economic contribution to the Irish economy, estimating it at around €500 million in the year 2006. No such analysis has been carried out in the intervening period, but the sector has grown since this time.

There is no published analysis regarding competition for study places but it is possible to conclude that this is not a major concern in the Irish context given the strong drive to attract international students. The emphasis is rather on the provision of quality education, pastoral care and a positive student experience.<sup>191</sup>

## 5.2 STUDENTS REMAINING TO WORK

As outlined in an earlier section, upon completion of their studies students on NFQ 7 and above (ISCED 5 and 6) may remain in Ireland on a 'Stamp 2' student registration for the purposes of work.<sup>192</sup> After this time, they must transfer to either a work permit or a Green Card permit in order to remain in Ireland for the purposes of work. The conditions for entering these permissions are the same as for any other immigrant, except that they can be applied for while in Ireland.

Those studying on courses at levels 6 and below (ISCED 4) cannot remain in Ireland for the purposes of work. It is within this sector that many students access the labour market during studies, and this sector is the one in which the misuse of the student immigration route in order to access the labour market. Again, there are no formal statistics on this, beyond what is available in the QNHS, and evidence remains anecdotal.

Misuse of this route to the Irish labour market was a significant factor influencing policy developments in Ireland. Policy development consequently required engagement from a wide range of stakeholders. The introduction of limitations on stay and increased evidence of progression as part of this strategy was the principal mechanism to cut down the misuse of the student permission for

<sup>190</sup> Indecon International Economic Consultants. 2007. *International Competitor Analysis and Benchmarking of Ireland's English Language Learning Sector*. Dublin: Fáilte Ireland.

<sup>191</sup> Interview with Department of Education and Skills and NQAI for the purposes of this study, June 2012.

<sup>192</sup> Students who complete an Ordinary Degree (NFQ Level 7) may stay for six months. Those completing any Higher Degree (NFQ Level 8 and above) may stay for one year.



access to the labour market. DES, INIS and quality education providers were concerned with the impact that this misuse was having on the reputation of the international education sector in Ireland.

At local level in Dublin, the *Peer Review on Developing and Promoting Dublin as an International Student City*,<sup>193</sup> sets out a number of recommendations to monitor the experiences of students, to facilitate their moving to work, to provide housing and support services, and to develop an information and branding policy.

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<sup>193</sup> Gebhardt, D. 2011. *Peer Review on Developing and Promoting Dublin as an International Student City*. Dublin: Dublin City Council.

# Chapter 6

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## Conclusions

The current report follows a period of significant policy activity around the provision of education to international students, with developments in relation to immigration, to monitoring and inspections of education providers, to a restructuring of bodies and their functions, and to the work entitlements of international students.

These policy changes have aimed to facilitate a greater balance between actively attracting international students to Ireland for the purposes of study and preventing the misuse of international student routes to access the labour market. Key to the Irish International Education Strategy has been the combination of a drive to enhance the quality of international education as well as to strengthen the visa and immigration system. Efforts to prevent misuse of the student route, through time limits on stay and proof of progression, have been matched by an ambitious and far-reaching marketing and promotional strategy, the impact of which is evident in the increased number of bilateral agreements incorporating an education focus in recent years. It is anticipated that this will translate into greater student numbers in the coming years.

While the overarching strategy is well conceived and it is broadly acknowledged that it provides a clear and coherent framework for policy in relation to international students,<sup>194</sup> at the time of writing there remains a considerable level of change and development in terms of policy and practice. Plans are proceeding for the formal establishment of the QQAAI, which will have the priority to establish the International Education Mark and Code of Practice. The changes to immigration policy are also being implemented since the introduction of the new immigration regime for non-EEA students.

The current state of play is best described as one in transition as the Irish system implements a stronger student immigration regime and centralises its quality assurance mechanisms, guided by an overarching strategy but with practices and policies continuing to emerge.

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<sup>194</sup> This was a general consensus across interviews with a range of stakeholders for the purposes of this study.

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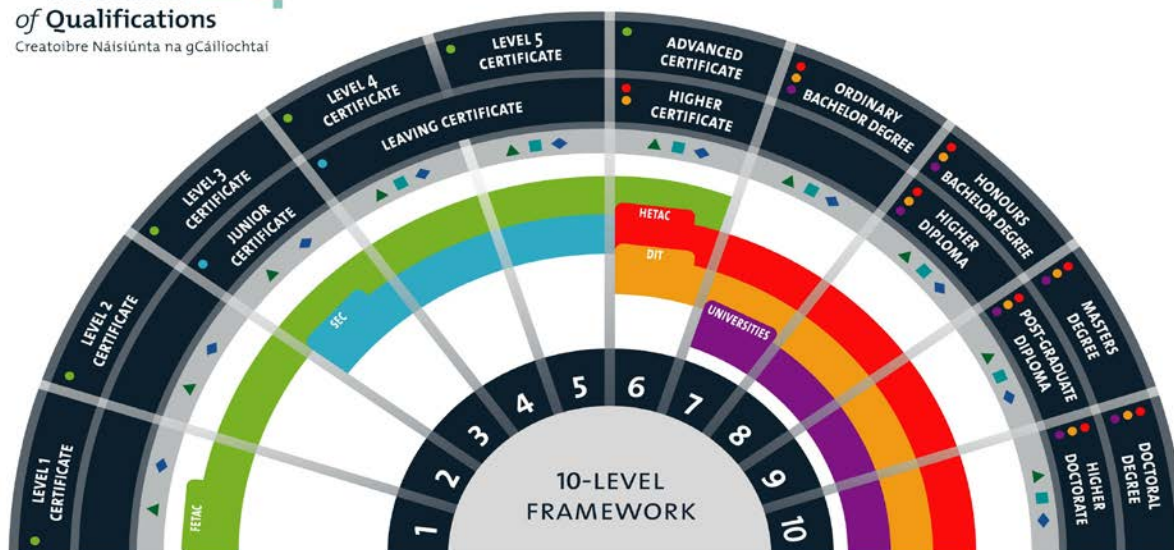
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## Appendix I International Standard Classification of Education

As education systems vary widely in terms of structure and curricular content, this system allows for countries to compare their education systems against other countries or to benchmark their progress against national or international goals. The ISCED classification was first developed by UNESCO in 1976, with revisions in 1997 and 2011 to better reflect the changed education environments in those years. The more recent review was requested formally by Member States in 2007. The changes requested at this time were the subject of a global consultation in 2010 and were formally adopted in 2011. The most far reaching changes in the framework were at the upper and lower ends of the education system. A sub-level was incorporated to the first level, pre-primary education for children over three years of age (ISCED 0), to include other pre-primary programmes for children under the age of three. At the other end of the scale (tertiary education), substantial changes were made. The revised ISCED will have four levels of tertiary education compared to the two categories employed in the current version. These four categories, to be introduced in 2014, incorporate Bachelor, Master and Doctorate degree levels and better reflect the tertiary education sector globally as well as the changes introduced since the Bologna Process in 1999.

An acknowledged limitation of the ISCED classification system is highlighted by the current study. Two future issues of concern for the advisory panel to the classification system are those of study subjects and the technical and vocational sector. The specified levels to be included in this study (ISCED 4 – 6) do not cover the full range of courses to which international students can access. Since migration behaviours across the entire international education sector are of central interest, in this study all sectors which receive international students will be included, even where they do not formally fit into the ISCED classification.

## Appendix II National Framework of Qualifications



### KEY

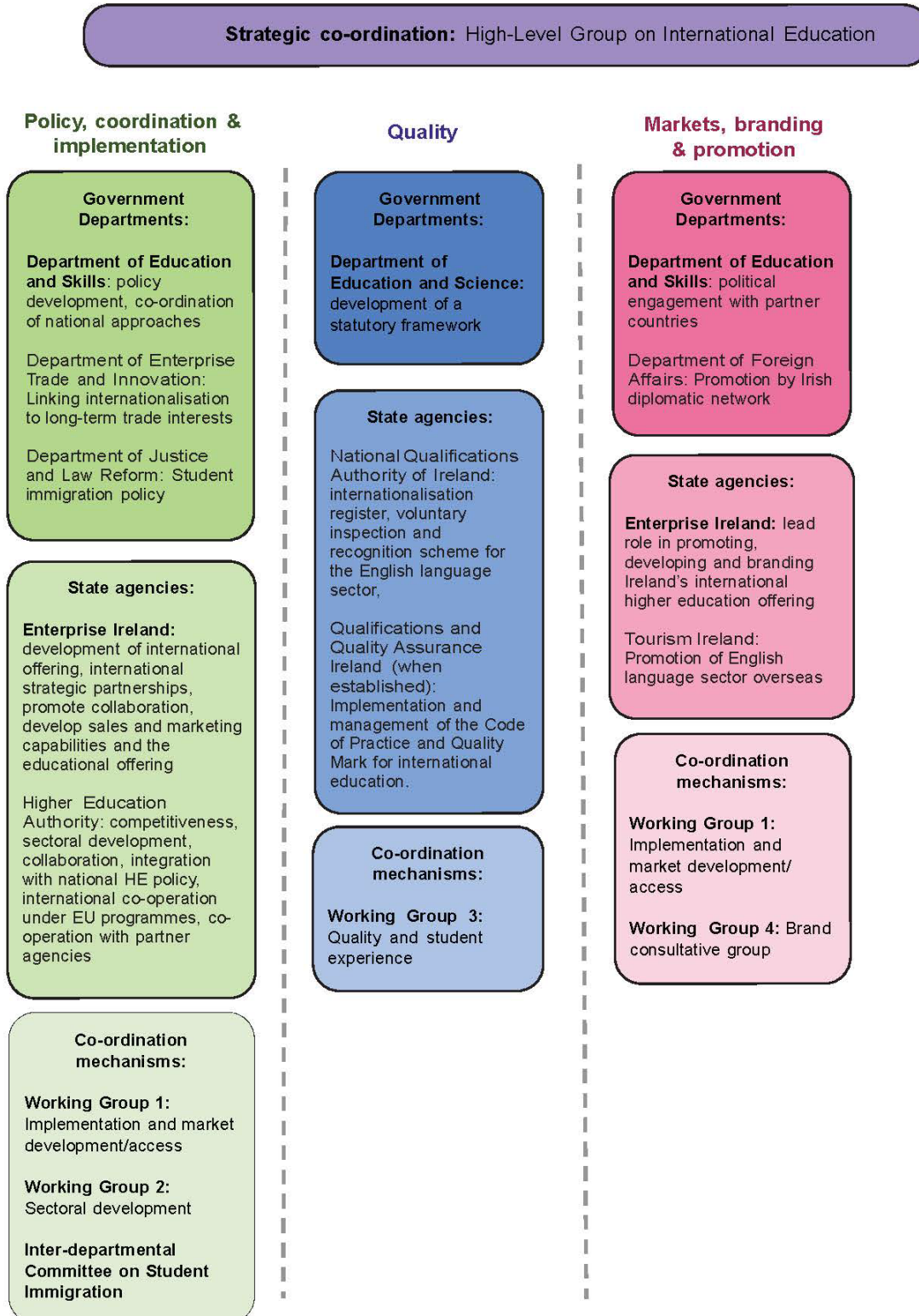
- FETAC - Further Education and Training Awards Council
- SEC - State Examinations Commission (Department of Education & Science)
- HETAC - Higher Education and Training Awards Council
- DIT - Dublin Institute of Technology
- Universities

### 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 III Framework for the Promotion, Quality Assurance and Co-Ordination of International Education



## Appendix IV Nationals Not Required to be in Possession of a Valid Irish Visa when Landing in the State (S.I. No. 345 of 2011).

Antigua and Barbuda	Guyana	Saint Lucia
Argentina	Honduras	Saint Vincent and the Grenadines
Australia	Hong Kong (SAR) <sup>195</sup>	Samoa
Bahamas	Israel	Seychelles
Barbados	Japan	Singapore
Belize	Kiribati	Solomon Islands
Bolivia	Lesotho	South Africa
Botswana	Macau (SAR)	South Korea
Brazil	Malawi	Swaziland
Brunei	Malaysia	Taiwan
Canada	Maldives	Tonga
Chile	Mexico	Trinidad and Tobago
Costa Rica	Nauru	Tuvalu
Dominica	New Zealand	United States of America
El Salvador	Nicaragua	Uruguay
Fiji	Panama	Vanuatu
Grenada	Paraguay	Venezuela
Guatemala	Saint Kitts and Nevis	

<sup>195</sup> Special Administrative Region.





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