



# QQI POLICY.

**Code of Practice for Provision of  
Programmes of Higher Education  
to International Learners**



**Dearbhú Cáilíochta  
agus Cáilíochtaí Éireann**  
Quality and  
Qualifications Ireland



# Code of Practice for Provision of Programmes of Higher Education to International Learners

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## 1 FOREWORD

Quality and Qualifications Ireland (QQI) was established in November 2012 by the Qualifications and Quality Assurance (Education and Training) Act 2012. The 2012 Act sets out the functions of QQI, which includes the establishment of a code of practice for the provision of programmes of education and training to international learners, and the authorisation of an international education mark (IEM).

The 2012 Act was amended by the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019. References to the legislation hereafter will be to the 2012 Act as amended.<sup>1</sup> The 2012 Act as amended provides that QQI shall publish a code of practice in such form and manner as it thinks appropriate, and that it may include different provisions in respect of different providers or providers of different classes.

QQI policy, which is set out in its *Policy on Authorisation to Use the International Education Mark*,<sup>2</sup> is to establish and publish two codes of practice in respect of providers of different classes:

- one for higher education (HE) providers and
- one for English language education (ELE) providers.

This document is the code of practice for HE providers (the HE Code) and sets out expectations related to education provision, including supports, available to international learners in Ireland enrolled on programmes leading to awards included within the National Framework of Qualifications (NFQ), and learners outside the state enrolled on programmes leading to awards included within the NFQ. In relation to higher education providers, this document supersedes QQI's *Code of Practice for Provision of Programmes of Education and Training to International Learners* (2015). The HE Code should be read in conjunction with QQI's *Policy on Authorisation to Use the International Mark*.

QQI policy is developed through a consultative process. Details of QQI's consultation framework and policy development processes are available on [www.qqi.ie](http://www.qqi.ie). QQI policy is adopted by the Board and implemented by the executive accordingly.

<sup>1</sup> 2012 Act as amended Revised Acts ([lawreform.ie](http://lawreform.ie)).

<sup>2</sup> Policy on Authorisation to Use the International Education Mark. <https://www.qqi.ie/sites/default/files/2023-10/iem-04-policy-on-authorisation-to-use-the-iem-october-2023.pdf>

## 2 INTRODUCTION

The HE Code is one of a suite of measures, provided for in the 2012 Act as amended, that are designed to protect the interests of learners engaged with the Irish education and training system.<sup>3</sup> The particular purpose of the HE Code is to ensure that international learners attending institutions that have demonstrated their compliance with the HE Code, and have obtained authorisation to use the IEM, receive a high-quality and consistent learning experience.

The HE Code is intended to enhance the existing quality assurance infrastructure in Irish higher education by focusing on the quality of the service and supports made available to international learners in Ireland, and to learners outside the state, enrolled on programmes leading to awards in the National Framework of Qualifications (NFQ). In addition, through demonstrating their adherence to the standards contained within it, the HE Code will also enable the HE providers themselves, both individually and collectively, to continue to play their part in upholding the integrity and reputation of Ireland's higher education system internationally. As well as fostering and strengthening Ireland's reputation for international education, the HE Code and IEM will also support the promotion of Irish higher education to overseas students and Ireland's national immigration strategy.

### 2.1 WHO IS EXPECTED TO COMPLY WITH THE HE CODE?

Compliance with the HE Code is required of HE providers who enrol international learners, both inside and/or outside the state, on programmes that lead to awards included within the NFQ, for the purpose of obtaining authorisation from QQI to use the IEM. Awards included within the NFQ are made by:

- QQI
- HE providers with delegated authority from QQI to make awards
- Designated awarding bodies (universities, technological universities, the Royal College of Surgeons in Ireland (RCSI) and institutes of technology).

HE providers who are relevant or linked providers, under the 2012 Act as amended, are eligible to apply for the IEM.

Relevant providers are defined in section 2(1) of the 2012 Act as amended and, in relation to the HE Code, comprise:

- previously established universities
- technological universities
- RCSI

<sup>3</sup> Apart from the HE and ELE Codes and the IEM, the measures also include a due diligence assessment process for independent/private providers (see section 4.4 and Appendix One below); a national scheme for the protection of learners enrolled on programmes delivered by independent/private providers (PEL), underpinned by a learner protection fund (see section 4.5.2 and Appendix Two below); the inclusion of awards within the NFQ made by universities and other designated awarding bodies, and also by international, professional, and sectoral bodies; and measures to protect the academic integrity of the Irish education and training system.

- HE providers whose programmes are validated by QQI
- institutes of technology
- HE providers with delegated authority from QQI to make awards
- listed awarding bodies providing one or more programmes leading to their own awards that are awards included within the NFQ.<sup>4</sup>

A linked provider is defined under section 2(3) of the 2012 Act as amended as a provider who has a place of business in the state and is not a designated awarding body, but who enters an arrangement with a designated awarding body, under which it provides a programme of education and training that satisfies all or part of the prerequisites for an award of the designated awarding body.

## 2.2 DEFINITION OF AN INTERNATIONAL LEARNER

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Section 2(1) of the 2012 Act as amended defines an international learner ‘as a person who is not an Irish citizen but is lawfully in the state primarily to receive education and training’. In relation to the establishment of codes of practice for the purpose of QQI authorising providers to use the international education mark, section 60(1) of the same act further defines an international learner as one who:

- is in the state enrolled on a programme leading to an award included within the NFQ;
- or
- is in the state enrolled on an English language programme;
- or
- is a learner outside the state enrolled on a programme leading to an award included within the NFQ.

For the purposes of establishing this HE Code and QQI’s role in authorising HE providers to use the IEM, these definitions include the following categories of learners:

- EU/EEA students in the state undertaking programmes that lead to major or non-major awards that are included within the NFQ;
- Non-EU/EEA students in the state undertaking programmes leading to major or non-major awards that are included within the NFQ;
- learners outside the state enrolled on programmes that lead to major or non-major awards included within the NFQ, whether offered in transnational education settings and/or through remote, fully online modes of learning.

<sup>4</sup> Listed awarding bodies are excluded from applying for the IEM for the purposes of offering programmes to learners outside the state that lead to awards within the NFQ. Listed awarding bodies (LABs) are defined in the Glossary of Abbreviations, Acronyms and Terms in [Appendix Four](#) below.

For the purposes of establishing this HE Code and QQI's role in authorising HE providers to use the IEM, these definitions do not include the following categories of learners:

- Erasmus exchange students<sup>5</sup>;
- learners enrolled on study abroad programmes that do not lead to awards included within the NFQ<sup>6</sup>;
- learners enrolled on continuous professional development programmes, and other professional training programmes, that do not lead to awards included within the NFQ.

In addition to the above categories, the definition of an international learner does not include citizens of Great Britain and Northern Ireland undertaking programmes that lead to major or non-major awards that are included within the NFQ. Under the Common Travel Area agreement between the governments of Ireland and the United Kingdom, Irish and British citizens are afforded the right to access all levels of education and training, and associated student support, in each other's state, on terms no less favourable than those for the citizens of that state.<sup>7</sup>

## 2.3 SCOPE AND CONTENT OF THE HE CODE

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In practice, the HE Code is a set of threshold requirements particular to the provision of higher education to international learners in Ireland, and outside the state, which builds upon the strengths of the existing quality assurance system and is underpinned by national strategy.

These requirements specifically relate to:

- ethical and transparent marketing and recruitment processes;
- fair and transparent admission processes that support the successful participation of international students in their chosen programmes;
- the provision of accurate and clear information on study and subsistence costs;
- academic supports and other services for international learners;
- the provision of coherent English language supports to international learners whose first language is not English;
- provision of programmes to learners outside the state, offered in transnational education settings and/or through remote, fully online modes of learning.

In establishing these threshold requirements, the HE Code has drawn upon

<sup>5</sup> Irish HE providers participating in the major European exchange programme, Erasmus +, are required to achieve accreditation under the Erasmus Charter for Higher Education (ECHE), which is monitored by the Higher Education Authority (HEA). The ECHE encourages excellence in European universities' internationalisation policies and the concrete execution of their mobility activities. On the ECHE generally, see [Erasmus Charter for Higher Education | Erasmus+ \(europa.eu\)](https://www.europa.eu/erasmus-plus/).

<sup>6</sup> For the purposes of establishing this HE Code and QQI's role in authorising HE providers to use the IEM, these definitions do not include students on any form of study abroad, visiting student or exchange programme that does not lead to awards included within the NFQ.

<sup>7</sup> Memorandum of Understanding between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Common Travel Area and associated reciprocal rights and privileges: [Memorandum-of-Understanding-Ire-version.pdf \(dfa.ie\)](https://www.dfa.ie/understanding-ire-version.pdf).



international effective practice, as well as effective practice nationally.<sup>8</sup> It recognises, however, that the needs and expectations of international learners may vary or change from pre-enrolment through to graduation or exit, and that the HE providers themselves, through their engagements with their international learners, are best placed to accommodate those varying or changing needs during the lifecycle of the learner. It also recognises that HE providers are best placed to judge the way particular criteria are applied in particular circumstances. Individual criteria should be applied appropriately and proportionately in different circumstances. For example, it would not be appropriate to provide information on the cost of studying in Ireland to learners undertaking remote online programmes. In a similar fashion, it would not be proportionate to provide the same level of learner supports to a learner undertaking a remote online programme leading to a micro-credential, and a learner moving to Ireland to undertake a programme leading to a major award. Furthermore, there exists significant diversity in institutional missions and practice across providers. Thus, it is possible that not all the requirements of the HE Code will necessarily be relevant to all HE providers but will be dependent upon their circumstances and the range of programmes and services they offer. In evaluating their compliance with the HE Code for the purpose of applying for authorisation to use the IEM, individual providers should carefully identify the provisions in the HE Code that are relevant to their activities with international learners.

Finally, the HE Code acknowledges the important role that an internationalised campus can play in enhancing the quality of the international learner's experience. Such an approach has the potential to support an enriched experience for all the learners, staff and stakeholders associated with the HE provider, and to assist in promoting equality, intercultural diversity, inclusion, multi-culturalism, plurilingualism and social integration.

<sup>8</sup> Key international benchmarks include *inter alia* the Australian Government's *National Code of Practice for Providers of Education and Training to Overseas Students 2018*: [National Code of Practice for Providers of Education and Training to Overseas Students 2018 \(internationaleducation.gov.au\)](https://www.internationaleducation.gov.au); the New Zealand Qualification Authority's *The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021*: [NZQA\\_Pastoral-Care-Code-of-Practice\\_English.pdf](https://www.nzqa.govt.nz/assets/Uploads/Pastoral-Care-Code-of-Practice-English.pdf); the Quality Assurance Agency for Higher Education's (UK), *Supporting and Enhancing the Experience of International Students in the UK (2023)*: [https://www.qaa.ac.uk/docs/qaa/international/supporting-and-enhancing-the-experience-of-international-students-in-the-uk.pdf?sfvrsn=8e39ab81\\_4](https://www.qaa.ac.uk/docs/qaa/international/supporting-and-enhancing-the-experience-of-international-students-in-the-uk.pdf?sfvrsn=8e39ab81_4) "Supporting and Enhancing the Experience of International Students in the UK (qaa.ac.uk); the UK Council for International Student Affairs' (UKCISA) *Code of practice for members 2021*: [Code of practice.pdf \(ukcisa.org.uk\)](https://www.ukcisa.org.uk) and The National Code of Ethical Practice for UK Education Agents 2021: [National-Code-of-Ethical-Practice-for-UK-Education-Agents-FINAL-Flag-version-2.pdf \(buila.ac.uk\)](https://www.buila.ac.uk).

### 3 STRUCTURE OF THE HE CODE

The HE Code comprises criteria to be met by providers organised under seven categories:

- General statutory requirements
- Marketing and recruitment
- Admissions and qualifications' recognition
- Fees, refunds, and subsistence
- Supports and services for international learners
- English language policy for international learners and international foundation year programmes
- Provision to international learners outside the state.

Apart from the general statutory requirements, which are considered in the following section, all of the categories are addressed in section 5 of the HE Code. Each is described by an overarching principle and supported by a series of criteria. It is of note that many of these criteria relate to how a provider communicates with its international learner cohort. Collectively, they emphasize that providers should make a focussed effort to communicate clearly and honestly with international learners in relation to the specific needs of this cohort.

The following principles are embedded throughout the seven categories:

- Learner integration<sup>9</sup> and its importance in fostering a sense of community;
- Learner protection;
- Comprehensive information provision which is clear, accurate, transparent, accessible, relevant and up to date;
- Feedback mechanisms which enable the provider to identify issues and respond proactively;
- Opportunities for the forming of academic and social networks.

The HE Code also includes five appendices. Appendices One and Two include information on related learner protection measures and the providers they apply to. Appendix Three reproduces the text of the London Statement, an internationally recognised statement of principles for the ethical recruitment of international students by education agents, recruitment partners and consultants. This document is referenced as the required benchmark in section 5.1.2 (criteria d, e, and h) of this HE Code. Appendix Four provides a glossary of acronyms, abbreviations and terms used in the text. Appendix Five provides a list of references to useful sources of information for providers and learners. These resources may also be of interest to other stakeholders.

<sup>9</sup> For examples of effective practice in international student integration see Australia, Government of, *Examples of good practice in assisting international students to integrate with Australian students and the wider community* (2009): [Good Practice.pdf](https://www.internationaleducation.gov.au/good-practice) ([internationaleducation.gov.au](https://www.internationaleducation.gov.au/good-practice)); New Zealand, Government of, *The International Student Wellbeing Strategy 2017: internationalStudentWellbeingStrategyJune2017.pdf* ([education.govt.nz](https://www.education.govt.nz/international-student-wellbeing-strategy-2017/)); (UK) Office for Students, Topic Briefing – Supporting International Students: Topic briefing: Supporting international students - Office for Students.

## **4 GENERAL STATUTORY REQUIREMENTS**

### **4.1 QUALITY ASSURANCE**

In invoking the HE Code for the purpose of applying for authorisation to use the IEM, a HE provider must:

- ✓ have established procedures for quality assurance under Section 28 of the 2012 Act as amended. These should address, in an appropriate manner, the requirements of this HE Code and other requirements for authorisation to use the IEM as set out in Part 5 of the same act.

Mindful of this requirement, the HE Code builds on existing sectoral practice and QQI policy to establish a focused set of standards for the provision of programmes to international learners by HE providers in Ireland. It can be used by HE providers to check their practices and to identify areas that may require development. It can also assist each HE provider in its efforts to ensure a positive experience for its international learners from the first point of engagement through to graduation or exit. Compliance with the HE Code should be integrated into providers' quality assurance policies and procedures.

In the case of a linked provider invoking the HE Code for the purpose of applying for authorisation to use the IEM, its quality assurance procedures must have been approved by the relevant designated awarding body, and published and implemented by the linked provider, under section 33 of the 2012 Act as amended. It is not a requirement of HE Code compliance, and IEM authorisation, that a review of effectiveness of the linked provider's quality assurance procedures shall have been completed by the relevant designated awarding body prior to a linked provider applying for authorisation to the use the IEM.

### **4.2 ACCESS, TRANSFER, AND PROGRESSION**

In invoking the HE Code for the purpose of applying for authorisation to use the IEM, a HE provider must:

- ✓ have established procedures for access, transfer, and progression under Section 56 of the 2012 act as amended.

These procedures should be cognisant of the interests and needs of international learners, and reference, in an appropriate manner, where information is provided by the HE provider on the pathways for international learners for further study, employment, and residency, where applicable.

### 4.3 PROGRAMMES AND AWARDS

A HE provider may invoke the HE Code for the purpose of applying for authorisation to use the IEM:

- if all programmes offered by the provider to international learners lead to one or more awards included within the NFQ;
- in respect of each programme offered by the provider which leads to an award that is included within the NFQ.

Under section 79 of the 2012 Act as amended, QQI maintains a database, the Irish Register of Qualifications (IRQ),<sup>10</sup> to provide authoritative information on the awards included within the NFQ, and their associated programmes. HE providers and/or designated awarding bodies will collaborate with QQI in order to furnish the information required to populate the database. The IRQ is the authoritative information source on programmes leading to awards included within the NFQ and will support national policy and strategy related to the internationalisation of Irish higher education, including the implementation of the IEM.

### 4.4 STATUTORY DUE DILIGENCE ASSESSMENT

In invoking the HE Code for the purpose of applying for authorisation to use the IEM, specified HE providers or listed awarding bodies, except those expressly exempted under section 65(6) of the 2012 Act as amended, must demonstrate to QQI that they meet certain criteria concerning governance, finance, and compliance with the law (Section 29(B) 2012 Act as amended). The providers that are exempt from this requirement, including all designated awarding bodies, are specified under 65(6) of the 2012 Act as amended.

The purpose of this due diligence requirement is to give QQI reasonable assurance that the said providers or listed awarding bodies have the capacity and capability to implement robust quality assurance procedures, and to provide coherent programmes of education and training.

Specified HE providers who have had their quality assurance procedures approved by QQI under the 2012 Act as amended, and who have had higher education programmes validated by QQI under the same act, will not be required to undergo a due diligence assessment as part of their application for authorisation to use the IEM. In assessing a specified HE provider's compliance with HE Code, QQI may, in its discretion, request a specified HE provider to demonstrate to QQI that it meets the criteria specified under the Ministerial regulations (section 29A(1) 2012 Act as amended). Additional information on the due diligence assessment process is set out in Appendix One below.

<sup>10</sup> [Irish Register of Qualification \(irq.ie\)](http://Irish Register of Qualification (irq.ie))

## **4.5 REQUIREMENTS RELATING TO THE PROTECTION OF ENROLLED LEARNERS (PEL); THE COLLECTION OF FEES; THE TAX COMPLIANCE OF PROVIDERS; AND THE MANAGEMENT OF PROVIDER HUMAN RESOURCES**

Section 60(6) of the 2012 Act as amended requires that the HE Code shall specify requirements relating to the:

- collection of fees from enrolled learners;
- arrangements for the protection of enrolled learners;
- tax compliance of providers;
- providers' policies and procedures for the management of human resources.

These requirements are addressed in the following manner in this HE Code (sections 4.5.1-4.5.4 below).

### **4.5.1 Collection of fees**

The statutory requirement in relation to collection of fees is addressed below in section 5.3.1 of this HE Code.

### **4.5.2 Arrangements for the protection of enrolled learners (PEL)**

General arrangements for the protection of international learners are embedded throughout the principles and criteria set out in section 5 of this HE Code.

The arrangements for the new, statutory PEL scheme are set out in the Appendix Two of this HE Code.

### **4.5.3 Tax compliance of providers**

HE providers must be fully tax compliant on an ongoing basis. This requirement is addressed in the context of the statutory due diligence assessment referred to above in section 4.4, and in Appendix One, of this HE Code.

### **4.5.4 Providers' policies and procedures for the management of human resources**

The statutory requirement in relation to providers' policies and procedures for the management of human resources is addressed in the context of the statutory due diligence assessment referred to above in section 4.4, and in Appendix One of this HE Code.

## 5 PRINCIPLES AND CRITERIA

### 5.1 MARKETING AND RECRUITMENT

#### Principle

HE providers recruit international learners in a transparent and ethical manner. In their marketing and promotional materials, they ensure that clear, accurate, transparent, accessible, relevant and up to date information is provided.

HE providers shall demonstrate compliance with the following criteria in the areas of marketing and recruitment.

#### 5.1.1. Marketing

- (a) HE providers shall endeavour proactively to understand the information needs of prospective international learners.
- (b) HE providers shall ensure that information provided to potential international learners about the institution and its provision is clear, accurate, transparent, accessible, relevant and up to date. This shall include information about the intended purpose of the provision e.g., to prepare a learner for further study or specific employment. Where necessary, it should also include information on associated immigration requirements, including requirements for students requiring entry visas and/or immigration permission.
- (c) Where applicable, information should also be provided on the professional accreditation status of programmes.
- (d) Where applicable, information on practice placement requirements, and how these may be fulfilled, should also be made known to prospective international learners.
- (e) HE providers shall be compliant with information for learner requirements, as set out in Section 67 of the 2012 Act as amended (see also section 4.3 above). They shall confirm:
  - (i) whether or not the successful completion of the programme entitles the learner to an award;
  - (ii) the awarding body making the award;
  - (iii) the title of the award;

- (iv) whether the award is one that is included within the NFQ;
  - (v) the level at which the award is included within the NFQ;
  - (vi) whether the award is a major, minor, special purpose or supplemental award, as identified within the NFQ;
  - (vii) the procedures for access, transfer and progression that are in place, including the pathways for international learners for further study, employment, and residency, where applicable (see also section 4.2 above);
  - (viii) details, where appropriate, of the arrangements in place for the protection of enrolled learners under Section 65 of the 2012 Act as amended (see section 4.5.2 above and Appendix Two of this code).
- (f) HE providers shall ensure that information is provided in a way that is accessible to international learners and assists them in making informed decisions. This information should support international learners in understanding all matters related to a programme prior to enrolment. If provided in a different language, it is the responsibility of the HE provider to ensure that the information is clear, accurate, transparent, accessible, relevant and up to date.
- (g) HE providers shall accurately represent their organisation and facilities in all marketing and promotional materials and ensure that no false or misleading information is issued.
- (h) HE providers shall provide appropriate contact details for an appropriate person or persons to provide assistance with queries from international learners prior to enrolment.
- (i) HE providers shall state the commencement dates for all programmes.

### 5.1.2 Recruitment

- (a) Prior to enrolment, HE providers shall ensure the availability and provision of relevant financial information pertaining to the study and average subsistence costs of their programme provision, from the period of enrolment through to graduation.
- (b) Prior to enrolment, HE providers shall ensure that the learner is made aware of any insurance requirements, e.g., medical or travel insurance, and of the availability of accommodation, and any accommodation services provided.
- (c) HE providers shall have a written agreement with each **education agent, recruitment partner or consultant** that formally represents their programme provision.

- (d) HE providers shall ensure that any contractual arrangements entered with an **education agent, recruitment partner or consultant** incorporate the principles of the London Statement. Existing contracts that do not incorporate these principles shall be amended appropriately within two years of the date of the HE provider's application for authorisation to use the IEM.<sup>11</sup>
- (e) The contract between the HE provider and **education agent, recruitment partner or consultant** shall include a termination clause in instances where the agent does not comply with the principles of the London Statement or is found to have acted in an unethical fashion to the detriment of international learners.
- (f) HE providers shall conduct due diligence e.g., three reference checks, to verify the track record of **education agents, recruitment partners or consultants**, in relation to learner protection issues, prior to entering into a contractual agreement.
- (g) HE providers shall ensure that all **education agents, recruitment partners or consultants** contracted to them are in possession of accurate and up to date information regarding the provider and its provision.
- (h) HE providers shall have in place a transparent process for monitoring and reviewing the activities of **education agents, recruitment partners or consultants** including, where appropriate, feedback from applicants, to ensure that the **education agent, recruitment partner or consultant** is operating within the spirit of the HE Code and the London Statement.
- (i) HE providers required to put in place arrangements for the protection of enrolled learners under Section 65 of the 2012 Act as amended shall do so prior to the recruitment of learners (see also section 4.5 and Appendix Two of this HE code).

<sup>11</sup> The text of the London Statement is set out in the Appendix One below. Another useful resource is the British Universities International Liaison Association (BUILA) and UK Council for International Student Affairs (UKCISA) document, *The Code of Ethical Good Practice for UK Education Agents 2021*: [National-Code-of-Ethical-Practice-for-UK-Education-Agents.pdf](https://www.buila.ac.uk/national-code-of-ethical-practice-for-uk-education-agents.pdf) (buila.ac.uk).



## 5.2 ADMISSIONS AND QUALIFICATIONS' RECOGNITION

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### Principle

HE providers operate fair, transparent and consistent admission policies that support the successful participation of international learners in their chosen programmes.

- (a) HE providers shall clearly specify entry requirements for international learners that support the successful participation of the learners in their chosen programmes.
- (b) HE providers' entry requirements shall clearly specify English language proficiency requirements for applicants whose first language is not English. These should include references to the benchmarks used in assessing proficiency requirements and, like other entry requirements, support the successful participation of international learners in their chosen programmes.
- (c) HE providers shall adopt the principles, and follow the guidance, contained in the Lisbon Recognition Convention (LRC) and subsidiary texts in assessing the qualifications presented by international learners for the purpose of admission to their programmes.<sup>12</sup> Qualifications should be assessed in an accessible and fair manner and within a reasonable timeframe.<sup>13</sup>
- (d) HE providers should recognise qualifications that are recognised for the purpose of access to programmes in an international applicant's own higher education system, unless a substantial difference can be demonstrated between the requirements for admission in the applicant's own higher education system and those of the Irish HE provider.<sup>14</sup>
- (e) HE providers shall provide a timely written response to international applicants who are refused admission.
- (f) Where a HE provider decides to withhold recognition of a qualification from an international learner for the purpose of admission, the reasons for the refusal to grant recognition shall be stated, and information provided concerning possible measures the applicant may take to obtain recognition at a later

<sup>12</sup> The LRC represents the principal international legal document aimed at helping achieve fair recognition of both completed higher education qualifications and qualifications providing access to higher education in the European Region. Ireland ratified this joint Convention of the Council of Europe (CoE) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2004. The text of the convention is available at: [CETS 165 - Convention on the Recognition of Qualifications concerning Higher Education in the European Region \(coe.int\)](https://www.coe.int/t/t09/education/education_levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications). In Ireland, the competence to make decisions under the LRC in recognition matters for the purposes of admission to higher education programmes, lies with individual higher education institutions.

<sup>13</sup> LRC Articles III.1, III.2 and III.5. See also the European Council's recommendation on automatic recognition: <https://education.ec.europa.eu/education-levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications>. See also QCI's Core Statutory Quality Guidelines: [qg-1-core-statutory-quality-assurance-guidelines.pdf \(qqi.ie\)](https://www.qqi.ie/education-levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications); and its *Policy and Criteria for Facilitating the Academic Recognition of Foreign Qualifications*, section 2, p.4: [qp-14-policy-and-criteria-for-facilitating-the-academic-recognition-of-foreign-qualifications.pdf \(qqi.ie\)](https://www.qqi.ie/education-levels/higher-education/inclusive-and-connected-higher-education/automatic-recognition-of-qualifications)

<sup>14</sup> LRC Articles IV.1 and IV.3.

stage. If a HE provider decides to withhold recognition of a qualification for the purpose of admission, or if no decision is taken, the applicant shall be able to make an appeal within a reasonable time limit.<sup>15</sup>

- (g) HE providers shall support QQI, as appropriate, in implementing its statutory function to facilitate the recognition outside the state of awards made in the state, including the home countries of their international learners.<sup>16</sup>

<sup>15</sup> LRC Article III.5.

<sup>16</sup> 2012 Act as amended Section 9(2)(m)(ii).

## 5.3 FEES, REFUNDS AND SUBSISTENCE

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### Principle

HE providers provide all learners with clear, accurate, transparent, accessible, relevant and up to date information on all study costs, including subsistence and accommodation. HE providers shall inform learners about fees and other costs associated with undertaking a programme of study in Ireland.

### 5.3.1. Tuition and tuition-related fees

- (a) HE providers shall provide information on compulsory fees for the full duration of the programme from registration and admission to graduation or exit from the programme. Where fees may change, this shall be clear to applicants in the information provided.
- (b) HE providers shall provide information on the collection or payment of fees, including sanctions for late payment and debt collection for moneys owed.
- (c) HE providers shall establish a fees structure that supports the mission of the organisation and reflects the costs associated with quality provision.
- (d) HE providers shall ensure that there are no additional fees or unexpected charges that international learners have not been made aware of.
- (e) HE providers shall issue a receipt to international learners upon receipt of payment of fees which will include a breakdown of fees paid.
- (f) HE providers shall establish and publish a procedure on full and partial refunds. This procedure shall outline the conditions under which a refund will be granted e.g., a refused entry visa application, in the case of a non-EU/EEA learner.
- (g) HE providers shall provide information on any financial supports or resources that exist within the organisation, or nationally, for international learners.

### 5.3.2. Other costs

- (a) HE providers shall provide information on the indicative costs of studying on their programmes e.g., the costs of textbooks, electronic resources, computer requirements, protective equipment.
- (b) HE providers shall furnish prospective learners with general advice regarding the average cost of living e.g., accommodation, food, transport and medical care, for the programme duration.

- (c) HE providers shall provide information on:
  - (i) fees for accommodation services, if offered by the HE provider or other accommodation service providers;
  - (ii) fees for complaints and appeals procedures as relevant e.g., rechecking of exam results.
- (d) HE providers shall provide information on any other costs related to the provision of student services as considered relevant by the provider.

## 5.4 SUPPORTS AND SERVICES FOR INTERNATIONAL LEARNERS

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### Principle

HE providers shall foster a supportive environment which supports the well-being and integration of all learners into the student body and ensures a positive learning experience for all learners.

### 5.4.1 General Learner Supports and Services

- (a) HE providers shall designate appropriate personnel to be responsible for inquiries about learner support issues from international learners e.g., course coordinator, counsellor, or international officer.
- (b) HE providers shall offer information to international learners prior to their arrival to help them adjust to their new surroundings e.g., information on transport, banking, availability of accommodation and accommodation services.
- (c) HE providers shall ensure that inductions offered to learners also meet the needs of international learners, including intercultural awareness. They should direct learners to services, supports and facilities relevant or appropriate to their programme of study. They should also remind international students requiring entry visas and/or immigration permission of their responsibilities under the Department of Justice's student immigration regime.<sup>17</sup>
- (d) The induction programme shall be provided to all cohorts of international learners who register or enrol at various times of the year, including learners who access programmes through advanced entry.
- (e) HE providers shall provide information on appropriate learner supports and services to facilitate learner integration into the wider HE community.
- (f) HE providers shall ensure that international learners are aware of opportunities to participate in, and be represented at, engagements between the provider and the student body. Where possible, they should provide, in collaboration with student representative bodies, information on national student engagement initiatives and opportunities for international learners to avail of training opportunities.
- (g) HE providers shall have mechanisms in place to support international learners financially in instances of personal or other emergency or hardship.

<sup>17</sup> The relevant information is available at: *How to apply for long term study visa - Immigration Service Delivery* <https://www.irishimmigration.ie/coming-to-study-in-ireland>.

- (h) HE providers shall facilitate and encourage feedback from international learners on the delivery of any supports and services. This includes informing learners about complaints processes for these services.
- (i) Institutional approaches to quality assuring student services and supports will include all students, including international students.

#### 5.4.2 Academic Supports and Services

- (a) HE providers shall offer induction that is accessible to all learners and, where appropriate, tailored to the needs of international learners. They shall provide full information and advice on all relevant institutional and academic policies.
- (b) Induction shall be provided to learners and cohorts who enrol at different points during the year, including those accessing programmes through advanced entry.
- (c) HE providers shall ensure the information provided at induction is easily accessible throughout the academic year and shall offer reminders of this information at key points during the year e.g., in the lead-up to examinations or submission of assignments.
- (d) HE providers will include academic integrity as a core component of induction for all learners, including international learners. Recognition will be given in inductions to the different education cultures of international learners, and the content, advice and support they impart will be relevant and specific to the Irish higher education context. Formal and informal conversations about academic integrity should be held on an ongoing basis throughout the period of enrolment of all learners, including international learners.<sup>18</sup>
- (e) HE providers shall endeavour to integrate their international learners, through their inductions and through their policies, procedures, and services, into the wider learner community.

#### 5.4.3 Staff Training

HE providers shall continue to provide staff with training and support to facilitate an appropriate and effective delivery of programmes and services to international learners. This should include, where appropriate, training in intercultural competence and support for the development of English language education competence.

<sup>18</sup> National Academic Integrity Network (NAIN), *National Academic Integrity Guidelines* (QQI, 2021), sections 3.1.3, 3.2.2, and 3.2.14: [academic-integrity-guidelines.pdf \(qqi.ie\)](#).

## 5.5 ENGLISH LANGUAGE POLICY STATEMENT AND INTERNATIONAL FOUNDATION YEAR PROGRAMMES

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### Principle

The English language supports provided by HE providers to international learners, including through the provision of international foundation year programmes, are underpinned by a coherent and transparent institutional policy approach.

HE providers will demonstrate compliance with the following criteria in relation to English language supports.

- (a) HE providers shall have an English language policy statement for international learners that shall
  - (i) document the policy approach and process to the assessment of English language proficiency entry requirements (see also section 5.2 above);
  - (ii) document, as appropriate, the institution's policy approach to the provision, support, and development of English for Academic Purposes;
  - (iii) set out the institution's policy approach to the provision of English language supports to non-native English speakers prior to commencement and throughout the duration of their higher education programmes;
  - (iv) document the arrangements, including, as appropriate, the quality assurance, credit and/or awarding arrangements, for different types of EAP programmes, such as:
    - pre-sessional programmes/modules,
    - in-sessional programmes/modules.
- (b) HE providers offering international foundation year programmes<sup>19</sup> shall set out in their English language policy statement for international learners
  - (i) the quality assurance, credit and/or awarding arrangements for these programmes,
  - (ii) the corporate and academic governance arrangements in place where such programmes are provided in partnership with other entities e.g., a

<sup>19</sup> See [Appendix Four](#) for a definition of international foundation year programmes.

private English language school, other independent/private education provider or campus company.

- (c) For compliance with this HE Code, an international foundation programme shall lead to one of the following awards included within the NFQ:
  - (i) QQI preparation for undergraduate programmes, leading to NFQ Level 5 Special Purpose Award (foundation qualification)
  - (ii) QQI preparation for postgraduate programme, leading to NFQ Level 8 Special Purpose Award (foundation qualification)<sup>20</sup>
  - (iii) Equivalent programmes leading to awards that are included within the NFQ and validated by an Irish awarding body.
- (d) Where HE providers currently offer international foundation year programmes that do not lead to awards that are included within the NFQ, they must secure programme validation/course approval for such programmes through an Irish awarding body within two years of the date on which they are authorised to use the IEM.<sup>21</sup>

<sup>20</sup> On the QQI international foundation awards, see *QQI Awards Standards for Pre-Higher Education Foundation Awards for International Students* (QQI, 2015): [ify-standards-201115-lr3.pdf \(qqi.ie\)](#).

<sup>21</sup> This criterion is intended to clarify the nature of international foundation year programmes for international learners and their relationship to other programmes and awards within the NFQ. Its fulfilment will be a condition of continuing authorisation to use the IEM.



## 5.6 INTERNATIONAL LEARNERS OUTSIDE THE STATE

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### Principle

HE providers ensure that learners outside the state who are enrolled on their programmes receive quality learning experiences, where these programmes lead to awards that are included within the NFQ, and whether they are offered in transnational education settings and/or through remote, fully online modes of learning.

HE providers will demonstrate compliance with the following criteria in the areas of transnational education and remote online provision.

### 5.6.1 Transnational education

- (a) HE providers, having regard to their statutory quality assurance obligations, shall ensure that the academic quality, standard and recognition of their transnational education programmes are equivalent to the academic quality, standard and recognition of the programmes they provide within the state.
- (b) HE providers shall apply the principles and criteria set out in this HE Code in an equivalent manner in transnational education settings, including in relation to the provision of student support services.
- (c) HE providers shall support QQI, as appropriate, in implementing its statutory function to facilitate the recognition outside the state of awards made in the state. This facilitatory function extends to awards included within the NFQ, where the programmes leading to these awards are provided outside the state.
- (d) Linked providers who intend to offer transnational education programmes that lead to awards within the NFQ shall only do so with the agreement of the designated awarding body or bodies making the awards.

### 5.6.2 Remote online provision

- (a) HE providers, having regard to their statutory quality assurance obligations, shall ensure that the academic quality, standard and recognition of their remote online programmes are equivalent to the academic quality, standard and recognition of the programmes they provide through other teaching and learning modes.
- (b) HE providers shall apply the principles and criteria set out in this HE Code in an equivalent manner in relation to learners outside the state enrolled on

remote online programmes that lead to awards included within the NFQ, including in relation to the provision of student support services.

- (c) HE providers shall support QQI, as appropriate, in implementing its statutory function to facilitate the recognition outside the state of awards made in the state. This facilitatory function extends to awards included within the NFQ, where the programmes leading to these awards are offered as remote online programmes.
- (d) Linked providers who intend to offer remote online programmes to learners outside the state that lead to awards within the NFQ shall only do so with the agreement of the designated awarding body or bodies making the awards.

## 6 APPENDIX ONE: STATUTORY DUE DILIGENCE ASSESSMENT

Listed awarding bodies and specified providers invoking the HE Code for the purpose of applying for authorisation to use the IEM, except for those expressly exempted under section 65(6) of the 2012 Act as amended, must demonstrate to QQI that they meet certain due diligence criteria specified in regulations under section 29B(1) of the same Act. The regulations are determined by the Minister for Further and Higher Education, Research, Innovation and Science, and their intent is to afford a reasonable assurance to QQI that the specified HE provider or listed awarding body has the capacity and capability to:

- implement quality assurance procedures,
- and provide programmes of education and training consistent with the requirements of the 2012 Act as amended.

The following institutions are exempt from the statutory due diligence requirements under section 65(6) of the 2012 Act as amended:

- previously established universities;
- technological universities;
- institutes of technology;
- the Institute of Public Administration, the Royal College of Surgeons in Ireland, the Royal Irish Academy of Music, Mary Immaculate College, Marino Institute of Education, and the National College of Art and Design.

Specified providers who offer predominantly higher education programmes who have had their quality assurance procedures approved by QQI under the 2012 Act as amended and who have had higher education programmes validated by QQI under the same act, will not be required to undergo a due diligence assessment as part of their application for authorisation to use the IEM, though they will be required to do so at a later date. Similarly, non-exempt linked providers who have had their quality assurance procedures approved by a designated awarding body, and have satisfied all or part of the prerequisites for an award of the designated awarding body, will not be required to undergo this statutory due diligence assessment as part of their application for authorisation to use the IEM, though they will be required to do so at a later date. In assessing a specified HE provider's compliance with HE Code, QQI may, in its discretion, request a specified HE provider to demonstrate to QQI that it meets the criteria specified under the Ministerial regulations (section 29A(1) 2012 Act as amended).

## **7 APPENDIX TWO: ARRANGEMENTS FOR THE PROTECTION OF ENROLLED LEARNERS (PEL)**

Part 6 of the 2012 Act as amended provides for a new statutory PEL scheme underpinned by a Learner Protection Fund. The new scheme applies to programmes of education and training of three months duration or longer, and English language programmes. It will apply to:

- HE providers with programmes leading to QQI awards;
- linked providers in respect of provision that is made through designated awarding bodies, unless named as exempt in the 2012 Act as amended;
- listed awarding bodies and their associated providers;
- ELE providers who receive authorisation to use the IEM.

The requirements for PEL specified in this HE Code generally refer to this scheme. Some providers have previously existing PEL arrangements in place. The Minister for Further and Higher Education, Research, Innovation, and Science has the discretion to provide for the continuity of existing statutory PEL arrangements for a maximum of three years from the commencement of section 29 of the 2012 Act as amended.

The following institutions are exempt from the statutory PEL scheme

- previously established universities;
- technological universities;
- institutes of technology;
- the Institute of Public Administration, the Royal College of Surgeons in Ireland, the Royal Irish Academy of Music, Mary Immaculate College, Marino Institute of Education, and the National College of Art and Design.

## **8 APPENDIX THREE: THE LONDON STATEMENT 2012<sup>22</sup>**

Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants

### **1. INTRODUCTION**

#### **1.1. CONTEXT**

Increasing numbers of students now move across national borders seeking education and training opportunities to gain internationally recognised qualifications. The OECD publication Education at a Glance 2010 sources OECD and UNESCO Institute for Statistics, which estimated that more than three million tertiary students were educated outside their home country in 2008. Some commentators project that global demand for international education could be expected to rise to almost eight million by 2025.

The growth in the number of international students has been accompanied by an increase in the number of education agents and consultants who provide services to them. Education agents and consultants are integral and important stakeholders in international education.

#### **1.2. BACKGROUND TO THE INITIATIVE**

The Roundtable on the Integrity of International Education is a forum at which the UK, Australia, Canada, Ireland, New Zealand and the US meet to share knowledge and experience and identify common areas of practice and concern, as well as scope for collaboration. At the initial meeting of the Roundtable in 2010 Australia proposed developing a joint international code of ethics for international education agents which would facilitate a common approach and raise ethical standards.

The development of a 'Statement of Principles for the Ethical Recruitment of International Students by Education Agents and Consultants' is the initiative that flowed from that proposal. The UK, Australia, Ireland and New Zealand agreed to the statement of principles on 16 March.

Each of these countries is now working towards implementing the principles. This includes training and communications for Agents.

#### **1.3. PURPOSE**

This high-level Statement of Principles promotes best practice among the education agents and consultant professions that support international students. The Statement of Principles is a unifying set of understandings for the recruitment of, and related

<sup>22</sup> [london\\_statement.pdf \(britishcouncil.org\)](#)

services provided to, students in international education which serve to promote best practice among education agents and consultants. The Statement will be reflected in each country's approach to international education.

A report on activity will be presented to the Roundtable meeting in 2013.

A number of factors which could be addressed under each principle when developing initiatives and actions are provided in an attachment to this Statement of Principles.

## 2. ETHICAL FRAMEWORK

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The Statement of Principles is based on an underlying ethical framework of:

- **Integrity** – being straightforward and honest in all professional and business dealings;
- **Objectivity** – not allowing professional judgment to be compromised by bias or conflict of interest;
- **Professional competence and due care** – maintaining professional knowledge and professional service, and acting diligently;
- **Transparency** – declaring conflicts of interest to all clients, especially when service fees are charged to both the education provider and the prospective student;
- **Confidentiality** – respecting and preserving the confidentiality of personal information acquired and not releasing such information to third parties without proper authority;
- **Professional behaviour** – acting in accordance with relevant laws and regulations and dealing with clients competently, diligently and fairly; and
- **Professionalism and purpose** – acting in a manner that will serve the interests of clients and the wider society even at the expense of self-interest; recognising that dedication to these principles is the means by which the profession can earn the trust and confidence of stakeholder groups (individual clients, the public, business and government).

## 3. PRINCIPLES

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- **Principle 1** - Agents and consultants practice responsible business ethics.
- **Principle 2** - Agents and consultants provide current, accurate and honest information in an ethical manner.
- **Principle 3** - Agents and consultants develop transparent business relationships with students and providers through the use of written agreements.
- **Principle 4** - Agents and consultants protect the interests of minors.
- **Principle 5** - Agents and consultants provide current and up-to-date information that enables international students to make informed choices when

selecting which agent or consultant to employ.

- **Principle 6** - Agents and consultants act professionally.
- **Principle 7** - Agents and consultants work with destination countries and providers to raise ethical standards and best practice.

The attachment to the London Statement is available at: [Attachment-to-the-London-Statement.doc \(live.com\)](#)

## 9 APPENDIX FOUR: GLOSSARY OF ABBREVIATIONS, ACRONYMS AND TERMS

|  |  |
|--|--|
| <b>Advanced entry</b>                          | Advanced entry to a higher education programme occurs in instances where a learner has attained the learning outcomes of part of the programme through prior educational and/or work experience, and is admitted by the HE provider to a later stage of the programme (Year 2, Year 3 etc.)  |
| <b>Agent</b>                                   | see recruitment agent/recruitment partner/recruitment consultant   |
| <b>Designated awarding bodies (DABs)</b>       | Designated awarding bodies comprise previously established universities, the National University of Ireland, technological universities, institutes of technology and RCSI.  |
| <b>ELE</b>                                     | English language education   |
| <b>HE</b>                                      | higher education   |
| <b>IEM</b>                                     | international education mark   |
| <b>Induction</b>                               | Induction comprises a series of activities conducted by providers with new students, which serve to welcome the students; introduce them to the structures and processes of the provider; ensure familiarity with the facilities and services offered by the providers; and inform them where they can obtain guidance and support during their time as a student.   |
| <b>International foundation year programme</b> | An international foundation year programme, sometimes referred to as a 'pathway' programme, is defined as a programme which provides the formation necessary to enable an international student to meet the minimum academic requirements (all other things being equal) for participation in a higher education programme in an Irish higher education institution and to cope with living and studying in Ireland. |
| <b>Internationalised campus</b>                | An internationalised campus may be defined as one where the higher education institution consciously endeavours to embed international and comparative perspectives into its teaching, research, and engagement missions.  |
| <b>Linked provider</b>                         | A linked provider is a provider who has a place of business in the state and is not a designated awarding body, but which enters an arrangement with a designated awarding body, under which it provides a programme of education and training that satisfies all or part of the prerequisites for an award of the designated awarding body.   |



|   |   |
|---|---|
| <b>Listed awarding bodies (LABS)</b>                                | Listed awarding bodies are a new category of awarding body, which, under the 2012 Act as amended, may obtain regulated access to the NFQ for their awards. The formal inclusion of such awards within the NFQ will benefit those learners who hold these awards, and further develop the NFQ as a mechanism for relating learning achievements and enhancing qualifications recognition. Listed awarding bodies may include professional bodies in areas such as law and accountancy; UK awarding bodies that issue vocational and technical qualifications; and international organisations or sectoral bodies that award qualifications linked to specific industries, technologies, or occupations |
| <b>LRC</b>  | Lisbon Recognition Convention   |
| <b>NFQ</b>  | National Framework of Qualifications  |
| <b>Programme of education and training</b>                          | A programme of education and training is defined in section 2(1) of the 2012 Act as amended as a process by which a learner acquires knowledge, skill or competence and includes a course of study, a course of instruction and an apprenticeship   |
| <b>Recruitment agent/recruitment partner/recruitment consultant</b> | A recruitment agent, recruitment partner or recruitment consultant is an individual or organisation commissioned by a higher education provider to advise prospective international students on its programmes and assist them with the application process.  |
| <b>Relevant provider</b>  | A relevant provider is defined under section 1 of the 2012 Act as amended. For the purposes of this HE Code, they include universities; technological universities; institutes of technology; RCSI; providers whose programmes have been validated by QQI; providers with delegated authority from QQI to make awards; providers authorised by QQI to use the IEM; linked providers; and listed awarding bodies providing one or more programmes leading to its own awards that are included within the NFQ.  |
| <b>Transnational education</b>                                      | For the purposes of this HE code, transnational education is defined as the provision or partial provision by a provider and/or awarding body based in Ireland, of a programme of education leading to an award in the Irish NFQ in another country.  |

## 10 APPENDIX FIVE: RESOURCES FOR PROVIDERS AND LEARNERS

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