

IMMIGRATION REGIME FOR FULL TIME NON-EEA STUDENTS

Guidelines for Degree Programme Students

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Immigration Service Delivery
irishimmigration.ie

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Introduction

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

The key recommendations include;

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

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

Degree Programme

What is the Degree Programme?

The Degree Programme refers to full-time, day-time academic courses leading to major awards or equivalent at or above Level 7 of the [National Framework of Qualifications](#) (see Appendix 1).

There are six types of major award available in Ireland at these levels:

- NFQ Level 7 = Ordinary Bachelor Degree (3 years duration)
- NFQ Level 8 = Honours Bachelor Degree (3-4 years duration)
- NFQ Level 8 = Higher Diploma (1 year duration)
- NFQ Level 9 = Postgraduate Diploma (1 year duration)
- NFQ Level 9 = Masters Degree (1-2 years duration)
- NFQ Level 10 = Doctoral Degree (approximately 4 years duration)

The course must be included in the [Interim List of Eligible Programmes \(ILEP\)](#)

The maximum time a student may stay in Ireland for the purpose of attending courses at degree level is limited to seven years and students are responsible for managing their studies to ensure compliance with this time limit¹.

It is not permissible for Students who come to Ireland on a Degree Programme course to enrol in a Non Degree or Language Course².

Note : The primary purpose for a student to be in the State is to study. It is not permissible for a student to come to Ireland to undertake a part-time course, or a distance learning course.

¹ An exception to this rule may be made where the programme of study is of such long duration (e.g. medicine) as to make it difficult to complete the course in that time. Also, the Minister may make an exception to the 7 year rule where special circumstances exist (e.g. illness preventing the student from completing their course in time)

² Students may be permitted to undertake a foundation course before the Degree Programme, if required, where this has been arranged in advance. This must be clearly stated in any application for a visa or leave to remain. The student should continue to be enrolled on their primary course of study with the Higher Education provider.

Travelling to and Arriving in Ireland

Conditions for all non-EEA Students

There are conditions that all students must satisfy before they will be granted permission to remain in Ireland as a student.

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

- Your primary purpose for being in the State is to engage in study
- You are enrolled on a privately funded course leading to a major award or equivalent in the Degree Programme at Level 7 or above of the [National Framework of Qualifications](#) (see Appendix 1) which is listed on the [ILEP](#), and where you are in receipt of a scholarship you must be able to show evidence of this;
- A Letter of Acceptance from the college, confirming you have been accepted and enrolled on an ILEP-listed course of full-time education,
- You must have paid the fees to the college. Where your fees are below €6,000, the full amount of the fees must be paid in advance. Where your fees exceed €6,000 then at least this amount must be paid in advance.
- While at present, certain students may engage in casual employment (see section Working while Studying), you must be able to pay for your course and support yourself, live in Ireland without going into business or getting a job, or availing of any State Benefits (see Appendix 2);
- You will need to provide proof of finances and the ability to support yourself in the State:
 - Students from [visa required countries](#) need to provide proof of access to €10,000 per year of study, which is checked as part of the [visa application](#).
 - Students from [non-visa required countries](#) must prove that they had direct access to €7,000 per year of study at the time of arrival in the State.
- Students are required to have private medical insurance, either personally or through a group scheme operated by your college, at time of registration. Thereafter at every subsequent registration, students are required to have proof that they are in possession of private medical insurance³ for the duration of their next year or course of study by way of a letter of renewal. Travel insurance will not be accepted.

Do I need a Visa to come to Ireland?

Students from some countries coming to Ireland are required to hold a valid Visa. If your country does not appear in the list of [Non-Visa Required countries](#) then you will require a Visa. Before continuing, please read the [guidelines for applying for a student Visa](#).

Note : Visa Required students are required to demonstrate access to €10,000 before they may be issued with a visa, in line with the rules set out above.

³ See ISD website for more information on [private medical insurance requirements](#)

Registration in the State

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

Yes. It is a requirement for non-EEA students who intend staying in Ireland for more than 90 days to register their immigration permission. ([documents required](#))

You must [make a registration appointment](#) in advance to attend the public Registration Office in Burgh Quay, Dublin.

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

First Registration

Proof of the following is required at registration:

- that the student is enrolled on a privately funded course listed on the [ILEP](#);
- a Letter of Acceptance from the college, confirming you have been accepted and enrolled on a course of full-time day-time education;
- you must have proof that fees have been paid to the college. Where your fees are below €6,000, the full amount of the fees must be paid in advance. Where your fees exceed €6,000 then at least this amount must be paid in advance;
- Proof of finance and ability to support themselves in the State. Students from [non-visa required countries](#) must prove at registration that, at the time of arrival in the state, they had direct access to €7,000 per year of study. This is checked at the time of the visa application for students from [visa required countries](#)
- Students are required to have private medical insurance at time of registration. Thereafter at every subsequent registration, students are required to have proof that they are in possession of private medical insurance for the duration of their next year or course of study by way of a letter of renewal. Travel insurance will not be accepted.

You will receive your Irish Residence Permit (IRP) card within approximately 10-15 working days of processing your application.

The registration will be for one year and will be renewable on an annual basis, up to a maximum of 7 years. There is currently a charge of €300 each time you register or renew an immigration permission.

Second and Subsequent Registration

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

- A student has been engaging in full time daytime education on a course listed on the ILEP at NFQ Level 7 or above
- A student can show verifiable academic progress (progress to the next year of the course)
- Proof that fees have been paid to the college
- Proof that the student maintained private medical insurance, for the previous registration period for example by way of a letter of renewal. See ISD website for more information on [private medical insurance](#)

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

Conditions of being a Degree Programme Student

What are the conditions attached to my student permission on the Degree Programme?

There are certain conditions a student must satisfy in order to maintain permission on a Degree Programme.

- Students enrolled in courses on the Degree Programme will be required to demonstrate that they are progressing academically i.e. to the next year of the course in order to maintain their permission,
- Students must provide proof that course fees have been paid in full to their school/college,
- Students must not avail of any State Benefits,
- Students are required to plan their educational programme to fit in with the allowable timeframe of seven years,
- It will not be permissible for students to move from the Degree Programme to an English Language or Non Degree Programme
- Students must demonstrate that they have maintained private medical insurance, for the previous registration period for example by way of a letter of renewal

What type of immigration permission?

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

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

The immigration permission is valid for up to 12 months and is a renewable permission up to a maximum of 7 years.

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

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

Changing courses or Education Providers

Can I change course?

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

- Students will not be allowed to change course during the first year of study⁴;
- Students will only be permitted to change to a new course of study of a programme listed on the ILEP leading to a major award or equivalent on the same level of the NFQ or a higher NFQ level;
- It will not be permissible for Students to move from the Degree Programme to a Language Course or a programme at a lower level on the NFQ

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

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

Can I change to a part-time course?

No. Your immigration permission has been granted for the purpose of allowing you engage in a full time educational course. You cannot transfer to a part-time course.

Can I change from Stamp 2 Student permission to Stamp 1A Trainee Accountant permission?

The purpose of non-EEA Student Immigration is to facilitate students coming to Ireland for full time studies. It is not intended to support students coming to study part time.

In that regard current non-EEA Degree programme students who have not completed their degrees, and who are within the time limits as set out above, are not permitted to move from Stamp 2 or Stamp 2A Student Permission to Stamp 1A Trainee Accountant permission.

I originally entered the State to complete a 3rd level qualification but I now wish to do a language course instead – can I change course?

No. You will not be allowed to transfer from a Degree Programme course into Language course. Also, it will not be permissible for students enrolled on an NFQ Level 8 course to enrol in a course below that level.

⁴ In exceptional circumstances a student may be permitted to change course during the first year of their studies. Each case will be considered on its merits.

If a student requires a foundation programme in Ireland to bring them up to the required standard before starting the Degree Programme, this should be arranged in advance and be clearly stated in any application for a visa or leave to remain.

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

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

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

Working while Studying

Non-EEA nationals with permission to remain in the State as students, on immigration Stamp 2 permission and enrolled on courses with education providers listed on the [ILEP](#), have been afforded the opportunity to work.

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

Non-EEA students will be permitted to take up employment in accordance with the rules set out below.

Note: Students registered with Stamp 2A permission are not permitted to work.

Can I work while I am studying in Ireland?

It is permissible for Degree Programme students to engage in casual employment where they are

- Registered with Stamp 2 permission,
- Enrolled on a course listed on the [ILEP](#),
- Attending a full time course of education at or above NFQ Level 7,
- On a course of at least one year's duration,

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

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

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

No. This will breach the conditions attached to your permission. Any breach of the conditions attached to permission to remain in Ireland as a student will be taken very seriously by the immigration authorities. In the event that a student breaches the conditions of their student permission to be in the State as a student may be withdrawn. Such students will be considered illegal in the State and may be required to leave the State.

Can I conduct business or be self-employed?

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

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

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

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

Yes. Students enrolled on courses on the Degree Programme (major awards at NFQ Level 7 or equivalent and above – see diagram in Appendix 1) are allowed to undertake an internship where this forms part of their course. This is subject to the following rules:

- The internship or work placement component of the course cannot exceed 50% of the duration of the course e.g. a 4 year course would permit 2 years of work placement. In addition, the employment cannot be in a self-employed capacity.
- Work placements as part of an academic programme must form an integral part of the course and their completion contribute to the final award.
- Educational establishments must also ensure that the placements are appropriate to the nature and level of the academic programme being pursued

Note: Outside of the Degree Programme certain named exceptions may be permitted to engage in Internship programmes in relation to EU-funded programmes ⁴.

⁴ For example, established Fáilte Ireland approved and certified training programmes, including those funded under the Leonardo, Comenius and Grundvig Grant Programmes.

Family Reunification

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

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

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

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

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

Can my children come and visit me in Ireland?

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

Are there exceptions to the rules as set out above?

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

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

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

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

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

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

Note : Children born in Ireland and who are ordinarily resident in Ireland will not be subject to the immigration levy

Post Study Pathways

Can I extend my stay as a student?

You may only stay in Ireland as a student for a maximum aggregate time of 7 years.

Can I stay in Ireland after I complete my studies to seek employment?

It may be possible to stay in Ireland after you complete your studies for the purpose of seeking employment under the [Irish Third Level Graduate Programme](#). This scheme exists to allow legally resident non-EEA third level graduates to remain in Ireland for the purpose of seeking employment and applying for a work permit.

During the period of permission under the Irish Third Level Graduate Programme a student can work full time (up to 40hrs per week).

Students must hold a current Stamp 2 student immigration permission and an up-to-date immigration registration card, and must apply within six months of being notified by the relevant awarding body or institution that they have achieved the award for which they had enrolled as a student. Eligible students will be granted a Stamp 1G.

One Year Permission under the Third Level Graduate Scheme Permission

To be eligible for a one year permission under the third level graduate scheme a student is required to have

- studied in Ireland on an ILEP-listed programme and completed a qualification at NFQ Level 8-10,
- an award granted by a recognised Irish awarding body (overseas accreditation will not be accepted), i.e.
 - QQI
 - Institutes of Technology or technological universities
 - Royal College of Surgeons in Ireland
 - Universities
 - Other bodies that have statutory award-making powers in Irish law.

Graduates with an award at NFQ Level 9 or above may have their permissions renewed for a further period of twelve months (subject to the overall eight year limit on student conditions not being exceeded) where the graduate satisfies the immigration authorities that he or she has taken appropriate steps to access suitable graduate level employment (for example, attendance at job interviews, signing up with graduate employment agencies).

Can I switch from Stamp 2 Student permission to Stamp 1A Trainee Accountant permission as a graduate?

Yes in certain circumstances this is permitted.

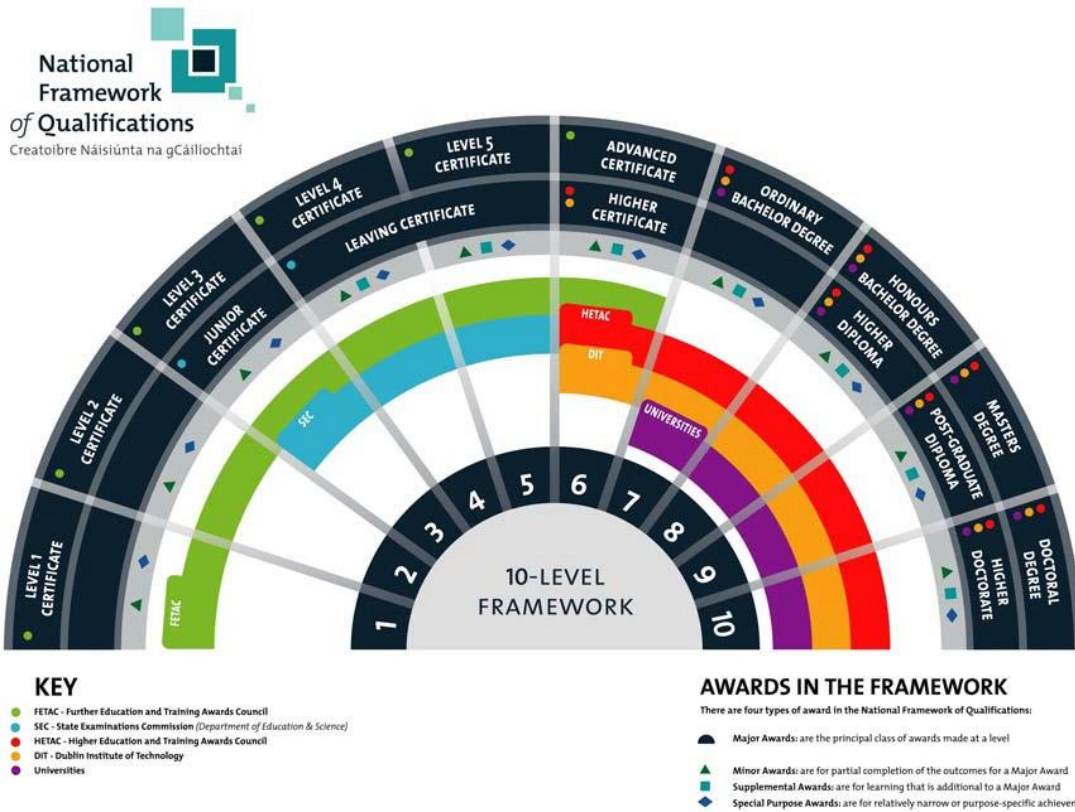
Non-EEA graduates, on Stamp 2 or Stamp 2A Student permission who having studied in Ireland complete a qualification (NFQ 7-10) granted by an Irish Authority (overseas accreditation will not be accepted) and who have not exceeded the overall 7 year time limit may transfer to Stamp 1A Trainee Accountant Permission for the balance of the 7 year time limit⁵. To stay beyond the 7 years the graduate would be required to secure an alternative immigration permission from that of a Stamp 2 or Stamp 2A student or Stamp 1A Trainee Accountant (for example as an employment permit holder).

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

Permission to work is granted by the Department of Enterprise, Trade and Employment. Check [their website](#) for details on how to obtain a working permit.

⁵ For example a non-EEA graduate who has been registered in Ireland for 4 years and who has completed an honours degree awarded by an Irish Authority, may be permitted to transfer to Stamp 1A Trainee Accountant Permission for a maximum period of 3 years. Renewal of registration will be dependent on satisfying the criteria set out by immigration authorities in relation to Stamp 1A Trainee Accountants.

Appendix 1 – National Framework of Qualifications



Further information is available [here](#)

Appendix 2 –Rules regarding State Benefits

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

Can I access State Benefits?

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

Why can I not access State Benefits?

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

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

What happens if I access State Benefits?

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