



**QQI**

Quality and Qualifications Ireland  
Dearbhú Cáilíochta agus Cáilíochtaí Éireann

# WHITE PAPER

## Draft Policy on Authorisation to Use the International Education Mark

**FOR CONSULTATION**

**Submissions may be emailed to**

**[international.education@qqi.ie](mailto:international.education@qqi.ie)**

(please put 'POLICY IEM' in the subject field)

**In your submission please clearly indicate:**

1. *Your contact details.*
2. *Whether you are responding as an individual or on behalf of an organisation.*
3. *If you do not wish your submission to be published.*

**The closing date for submissions is 16<sup>th</sup> December 2022**

This White Paper contains a proposed Policy on Authorisation to Use the International Education Mark. Following publication and consideration of the outcomes of consultation, this paper will lead to a further draft Policy on Authorisation which will be proposed for adoption by the Board of QQI.

This policy will be supplemented by:

- Code of Practice for Provision of Programmes of English Language Education to International Learners
- Statutory Quality Assurance Guidelines for English Language Education Providers
- Code of Practice for Provision of Programmes of Higher Education to International Learners

QQI is seeking feedback from stakeholders on the draft Policy on Authorisation contained in this White Paper.

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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 was amended subsequently by the Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019, and references to the legislation hereafter will be to the 2012 Act as amended.

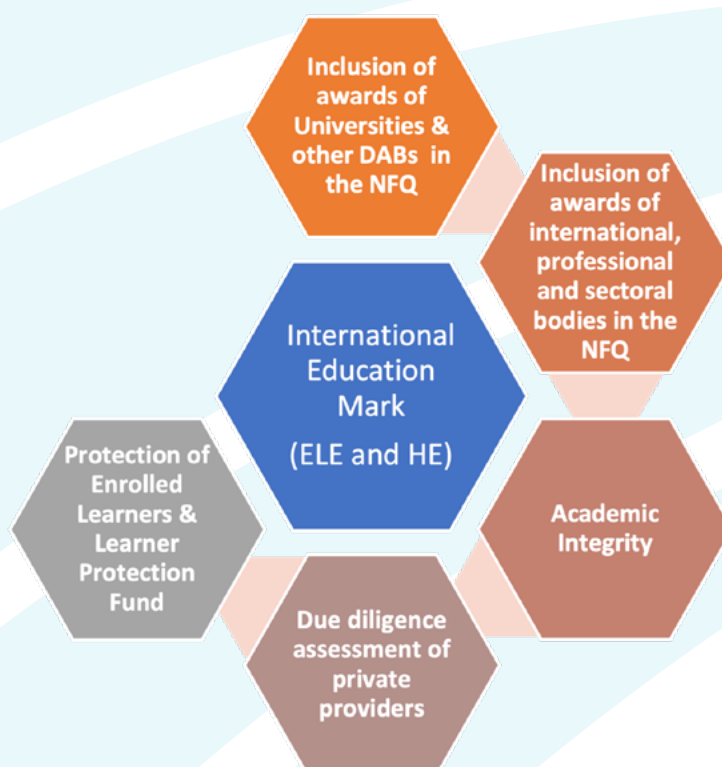
The 2012 Act as amended sets out the functions of QQI. These include the requirements to establish a code of practice for the provision of programmes of education and training to international learners, and to authorise the use of the international education mark by providers that comply with the code of practice. This document proposes policy and criteria for providers of higher education (HE) and English language education (ELE) programmes seeking authorisation to use the international education mark.

## 2. EXPLANATORY BACKGROUND AND POLICY CONTEXT

### 2.1 The International Education Mark (IEM) in context

The international education mark (IEM) is one of a suite of measures, which was passed by the Houses of the Oireachtas in 2019<sup>1</sup> and consolidated in the 2012 Act as amended, that are designed to protect the interests of learners engaged with the Irish education system. These learner interests range widely, spanning general welfare, the quality and consistency of the learning experience and the recognition of learning achievements. They thus involve a mix of quality assurance, qualifications, and regulatory matters, encompassing, besides the IEM, a due diligence assessment for private providers, and a national scheme for the protection of enrolled learners by private providers (PEL), underpinned by a statutory learner protection fund. They also include provisions relating to the inclusion in the National Framework of Qualifications (NFQ) of awards made by universities and other designated awarding bodies (DABs),<sup>2</sup> and made by international, professional, and sectoral bodies. They are completed by provisions concerning the academic integrity of the Irish education and training system, specifically in relation to combatting the facilitation of learner cheating.<sup>3</sup>

*Fig. 1: The IEM in context: learner protection measures established in the 2012 Act as amended*



<sup>1</sup> [Qualifications and Quality Assurance \(Education and Training\) \(Amendment\) Act 2019 \(irishstatutebook.ie\)](#)

<sup>2</sup> The formal inclusion of the awards of designated awarding bodies in the NFQ is now provided for in a joint-sectoral protocol between the DABS and QQI: [Joint-sectoral protocol DABs.pdf \(qqi.ie\)](#).

<sup>3</sup> 2012 Act as amended [Revised Acts \(lawreform.ie\)](#): ss. 60-63 (IEM); sections 29A-29C (due diligence); ss. 64-67 (PEL and learner protection fund); ss. 55A-55I (inclusion of awards in the NFQ); s. 43A (learner cheating services).

In several respects, the 2019 measures are interlocked and are intended to reinforce each other, including in relation to the development and implementation of the IEM. Some of this interlocking is regulatory in nature and directly provided for in the legislation. For example, all private higher education (HE) and English language education (ELE) providers that engage on a statutory basis with QQI are expected to be compliant with certain due diligence requirements under section 29(B) of the 2012 Act as amended.

**ELE providers who, in seeking authorisation to use the IEM will be engaging with QQI on a statutory basis for the first time, will thus be required to undergo a due diligence assessment as part of their IEM applications.** Specifically, they will be required to meet certain criteria concerning governance, finance, compliance with the law, and the maintenance of an appropriately qualified and stable complement of staff,<sup>4</sup> in order to give QQI reasonable assurance that they have the capacity and capability to implement robust quality assurance procedures, and to provide coherent programmes of education and training.

**Specified private HE providers that 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 are expected to be compliant with the due diligence requirements.**<sup>5</sup> The overall intent is that only providers with sufficient financial resources, sound business practices, and a genuine commitment and capacity to meet learners' needs will secure state recognition for the education and training provision they offer.<sup>6</sup>

Other areas where the 2019 measures interlock are less prescriptive, but nonetheless important. A case in point is the work of the National Academic Integrity Network (NAIN). The NAIN, which is coordinated by QQI on foot of its new regulatory role in this area, is a national peer-driven network of higher education institutions and student representatives, which has been established to enable higher education institutions address the challenges presented by academic misconduct, and embed a culture of academic integrity across the system. It is actively developing national resources and tools to address these challenges and, where appropriate, these resources and tools will inform the development of the IEM and the associated codes of practice for provision of HE and ELE programmes to international learners<sup>7</sup>.

Outside the new suite of learner protection measures legislated for in 2019, there are existing obligations on providers that will have a bearing on QQI's decisions on the authorisation of the use of the IEM. These include, for example, the obligation on providers to furnish information on their programmes and awards to enrolled learners.<sup>8</sup> In addition, QQI is obliged to maintain a database of programmes that lead to awards included in the NFQ together with the awards themselves, and any other programmes QQI thinks appropriate, such as ELE programmes.<sup>9</sup> The database will also contain

4 On the staffing criterion see also QQI's Sector Specific Statutory Quality Assurance Guideline developed by QQI for Independent /Private Providers coming to QQI on a Voluntary Basis: [qq-2-sector-specific-qa-guidelines-for-private-and-independent-providers.pdf \(qqi.ie\)](#), pp. 2-3, 5, 8.

5 In assessing a specified HE provider's compliance with the HE Code, QQI may, at 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).

6 It is of note that parallel arrangements are in place for publicly funded providers, who are already subject to a range of corporate governance requirements as independent autonomous institutions, including requirements under their own legislation, and the Department of Public Expenditure and Reform's Code of Practice for the Governance of State Bodies [gov.ie - Code of Practice for the Governance of State Bodies \(www.gov.ie\)](#). It is also of note that the new Higher Education Authority (HEA) Bill 2022 includes additional governance oversight measures for higher education providers designated under this Act.

7 The resources are available at: [National Academic Integrity Network | Quality and Qualifications Ireland \(qqi.ie\)](#).

8 2012 Act as amended [Revised Acts \(lawreform.ie\)](#): s. 67.

9 2012 Act as amended [Revised Acts \(lawreform.ie\)](#): s. 79.

information on whether a particular provider is authorised to use the IEM, and the cooperation of providers and awarding bodies in populating it will be a key part of the IEM implementation process. It is intended that the database, the Irish Register of Qualifications (IRQ),<sup>10</sup> will become the authoritative information source on programmes leading to awards included in the NFQ, those awards, and other programmes offered by IEM-authorised providers. As such, the IRQ will support national policy and strategy on international education, and immigration (see sections 2.3 and 2.4 below).

QQI is responsible for implementing the statutory learner protection measures introduced in 2019. These give QQI certain new statutory functions or strengthen some of its existing responsibilities. In implementing them, QQI is determined to work in partnership with all stakeholders based on their shared commitment to the interests of learners, and to enhancing Ireland's reputation as a preferred destination for international learners. QQI can only serve the interests of learners in collaboration with learners themselves, providers of education and training, government departments and their agencies, and all those of goodwill who want to help learners realise their potential, and contribute to Irish society and its economy, by providing them with safe learning opportunities, positive learning experiences and trustworthy qualifications. The introduction of the IEM has the potential to transform perceptions about international education in Ireland and to contribute to achieving a vision where the country is 'internationally recognised for the development of global citizens through our internationalised education system and a market leader in attracting international student talent.'<sup>11</sup>

## 2.2 The IEM: a new quality assurance tool and international statement

The IEM is, first and foremost, a quality mark and intended to represent and promote public confidence in the quality of Irish providers delivering programmes to international learners. Quality is understood as a comprehensive concept that applies to all types of providers and the programmes of education and training, research, and related services they offer. It also concerns the effectiveness of institutional strategies aimed at enhancing the international dimension of education afforded to all enrolled learners.

The IEM, when awarded to individual providers, should attest to:

- the **quality** of the international students' learning experiences in the institutions
- the **protection of the welfare** of international students in the institutions
- and the existence of a **consistent standard** of provision of academic and pastoral supports to international students across the institutions.

To achieve these objectives, the IEM will be grounded in the existing national quality assurance infrastructure, enhanced through new statutory codes of practice for providers.

The legislation underpinning the IEM enables QQI to authorise its use by different groups of providers (see section 3 below).

***QQI has decided that it will specify and authorise the use of the IEM for HE providers and ELE providers. These provider groups will demonstrate their compliance with distinct codes of practice developed for each group: one for higher education, the HE Code; and one for English language education, the ELE Code (see section 5 below).***

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

<sup>11</sup> *Irish Educated. Globally Connected. An International Education Strategy for Ireland, 2016-2020* (Department of Education and Skills), p. 7.



This policy decision is informed, in part, by the distinction made in Section 60(1)(a)(i) of the 2012 Act as amended between programmes leading to awards included in the NFQ and English language programmes. The Act distinguishes, in effect, different classes of programmes – ELE programmes and programmes that lead to awards in the NFQ – which, in practice, are offered by different provider types. It clearly points the way to establishing a code of practice to be complied with by providers of English language education for the purpose of obtaining authorisation to use the IEM.

The other category of programmes referenced in Section 60(1)(a)(i) of the 2012 Act as amended – programmes leading to awards included in the NFQ – is less fine-grained. In determining that this category will be confined to HE providers, QQI has taken its lead from successive national strategies on international education, which have identified higher education and English language education as the key areas for strategic development in establishing the Irish education system as a fully internationalised system that attracts international student talent.<sup>12</sup> The same strategic focus on higher education and English language education is otherwise reflected in the established immigration criteria on the eligibility of certain programmes and providers for non-EEA students wishing to study on a full-time basis in Ireland (see also section 2.4 below).

While QQI has decided to authorise use of the IEM by HE and ELE providers initially, the legislation also gives QQI discretionary authority to revoke or amend an existing code of practice, or to issue different codes of practice. Through the mechanisms of amending an existing code of practice, or issuing different codes of practice, QQI could extend the authorisation to use the IEM to other categories of providers at a future date, if there was a sufficient policy imperative to proceed in this direction. The introduction of different codes of practice by QQI could also be applied to different types of programme provision associated with international education, such as international foundation year programmes or transnational education programmes, which again, if policy dictated, would enable QQI to authorise the use of the IEM specifically in relation to these areas of provision.

Initially, QQI will authorise the IEM in relation to international education provision in the HE and ELE sectors. It is noteworthy that the HE and ELE sectors have evolved in distinct ways historically, one consequence of which is that there has been significant variation between the two sectors in the way they have engaged with the state's quality assurance and qualifications' systems. As a result, the codes of practice for the respective sectors, while sharing some common features, will also have distinct characteristics. These relate to the way quality assurance features in the two codes of practice, and how it will underpin the authorisation by QQI to use the IEM.

In higher education, statutory quality assurance arrangements have been in place since the late 1990s and are encapsulated in Part 3 of the 2012 Act as amended. These statutory quality assurance arrangements are set out in a comprehensive set of policy documents developed by QQI since its establishment in 2012, including *the Core Statutory Quality Assurance Guidelines developed by QQI for use by all providers*.<sup>13</sup> Any higher education institution seeking authorisation to use the IEM must comply with these arrangements. Specifically, the 2012 Act as amended requires applicant higher education institutions to have established procedures for quality assurance under Section 28 of the Act, and the IEM will be an attestation, in large measure, of the strength and effectiveness of the existing procedures. The 2012 Act as amended also provides for the enhancement of the existing procedures through the establishment of a statutory code of practice for providers offering HE programmes to

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<sup>12</sup> *Irish Educated. Globally Connected*, pp.7-9. See also section 2.3 of this document.

<sup>13</sup> [qq-1-core-statutory-quality-assurance-guidelines.pdf \(qqi.ie\)](#). The full suite of QQI's quality assurance guidelines are available at: [Quality assurance guidelines | Quality and Qualifications Ireland \(qqi.ie\)](#) <http://ehea.info/page-standards-and-guidelines-for-quality-assurance>

international learners. The code is intended to establish clear expectations in relation to the quality of service and supports available to international learners in Ireland, and to learners outside the state enrolled on programmes leading to awards included in the NFQ.

In general, ELE providers do not offer programmes that lead to awards that are included in the NFQ. Consequently, the sector has not had cause hitherto to formally engage with the statutory quality assurance arrangements that underpin the provision and resultant qualifications in the tertiary education system. Section 61(6) of the 2012 Act as amended, however, makes provision for an additional class of providers that may be treated as relevant providers for the sole purpose of authorisation to use the IEM. This class of providers encompasses ELE providers. Any ELE provider wishing to obtain authorisation to use the IEM will be required to become a relevant provider and must establish procedures for quality assurance under section 28 of the 2012 Act as amended.

***The establishment of quality assurance procedures by ELE providers will be a key component of IEM implementation in the ELE sector. The IEM implementation process will embed compliance with a formal quality assurance system for ELE providers that is grounded in new statutory quality assurance guidelines for ELE providers. The new guidelines, which are compatible with QQI's core statutory quality assurance guidelines, will also support the alignment of ELE programmes to the Common European Framework of Reference for Languages (CEFR).<sup>14</sup> In effect, the IEM authorisation process will extend the national quality assurance infrastructure to the ELE sector in a formal manner.***

### 2.3 International education policy

The IEM, as provided for in the 2012 Act as amended, assumes the policy objectives of the 'Quality Mark' that have been referenced in public policy on international education prior and subsequent to QQI's establishment in 2012.<sup>15</sup> Successive national strategies on international education have identified two distinct strands in these policy objectives. The first, which is reflected in section 2.2 above, relates to quality. Specifically, the objectives have been, and continue to be, to place educational quality at the heart of the internationalisation of Ireland's education and training system, and to ensure that the quality of the learning experience is maintained and enhanced for all learners through a holistic approach to internationalisation.<sup>16</sup>

The second, and related strand, relates to regulation, and the recognition of an 'imperative' to maintain a 'robust regulatory environment' to protect and enhance the overall quality of the international student experience. This regulatory imperative extends both to student immigration procedures (see section 2.4 below), and the regulatory requirements for providers recruiting international students. The policy objectives here are to protect the interests of learners, to ensure the sustainability of Ireland's international education offering and, ultimately, to safeguard Ireland's reputation internationally.<sup>17</sup>

It is in this context that the 2012 Act as amended has provided for a due diligence assessment, and a scheme for the protection of enrolled learners (PEL), including a statutory learner protection fund. For private providers who recruit international learners and who, in seeking authorisation to use the IEM,

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<sup>14</sup> [Common European Framework of Reference for Languages: Learning, Teaching, Assessment \(CEFR\) \(coe.int\)](https://coe.int/)

<sup>15</sup> *Investing in Global Relationships. Ireland's International Education Strategy 2010-15* (Department of Education and Skills 2010), pp. 14-16, 18, 35-36, 40, 44-46, 49, 53-54, 57, 59-60, 69, 79; *Irish Educated. Globally Connected*, pp. 29, 42, 47.

<sup>16</sup> *Investing in Global Relationships*, pp 44-48; *Irish Educated. Globally Connected*, pp 23-25.

<sup>17</sup> *Investing in Global Relationships*, pp 48-49; *Irish Educated. Globally Connected*, pp 28-29. See also the Government Policy Statement (May 2015) on the 'Reform of the International education Sector and Student Immigration System', available at: [6794897b14064e08bae9a9068a849075.pdf \(assets.gov.ie\)](https://assets.gov.ie/6794897b14064e08bae9a9068a849075.pdf)

will be engaging with QQI on a statutory basis for the first time, the due diligence assessment will form a key component of the IEM authorisation process. This process will enable QQI to assess the business operations of such providers and to assess whether they have the capacity and capability to implement quality assurance procedures and to provide coherent programmes of education and training. While past and sudden college closures may have motivated the development of this new, holistic, and integrated quality and regulatory infrastructure under the IEM banner, its advent also provides a real opportunity to renew and represent Ireland's commitment to quality internationally, and to highlight Ireland as a destination for quality learning experiences to prospective international learners.

Participation in the statutory protection of enrolled learners (PEL) scheme, including contributing to the Learner Protection Fund, will be a requirement for all private providers who are authorised to use the IEM. The scheme will ensure that all learners who commence a programme, or enrol in a programme, that leads to a QQI award, or that is delivered by a provider authorised to use the IEM, will be able to complete their programme, where their chosen provider ceases to trade or ceases to provide the programme. In circumstances where it is not possible to facilitate programme completion for affected learners, they will receive a refund of the most recently paid fees in respect of that programme.

## 2.4 Immigration policy

In 2015, the Irish Government introduced a series of reforms to the student immigration system for international education to support the State's international education strategy generally, and to address abuses of the immigration regime and labour market identified at that time.<sup>18</sup> These reforms included the establishment of an Interim List of Eligible Programmes (ILEP). The list is a reference point primarily for the Immigration Service Delivery (ISD) of the Department of Justice, in considering visa and residency applications for non-EEA students wishing to study on a full-time basis. It is restricted to programmes and providers that meet certain specified criteria.<sup>19</sup> The programmes are divided into five categories:

- Higher education programmes leading to major awards in the NFQ
- Higher education programmes leading to non-major awards in the NFQ
- Professional awards
- English language programmes
- Foundation programmes.

The ILEP is an interim measure pending the introduction of the IEM. Once the IEM is fully implemented, institutions will be required to gain authorisation to use the IEM in order to be eligible to recruit international students. Transitional arrangements will be put in place to support providers in managing this change.

<sup>18</sup> Government Policy Statement (May 2015) on the 'Reform of the International education Sector and Student Immigration System', available at: [6794897b14064e08bae9a9068a849075.pdf \(assets.gov.ie\)](#)

<sup>19</sup> The criteria are available at: [Interim List of Eligible Programmes \(ILEP\) - Immigration Service Delivery \(irishimmigration.ie\)](#).

## 2.5 Uses and benefits of the IEM

The IEM, when fully implemented, will take effect, and make an impact at a variety of levels in the Irish education and training system. The following are the anticipated uses and benefits of the IEM for key stakeholders:

- *For international learners the IEM*
  - will provide a reliable guide to trustworthy and quality assured providers of higher education and English language education programmes in Ireland;
  - will ensure that they are recruited by Irish HE and ELE providers in an ethical manner;
  - will contribute to ensuring the quality and consistency of their learning experiences through the provision of good quality academic and pastoral supports by their providers;
  - will guarantee the protection of their interests in circumstances where their chosen provider ceases to trade or ceases to deliver their chosen programme.
- *For providers of education and training the IEM*
  - will provide state attestation to the quality of providers and their programmes;
  - will support their marketing and promotional activities;
  - will establish clear, nationally agreed threshold standards for the care of international students.
- *For the national qualifications and quality assurance systems the IEM*
  - will establish a new statutory basis for engagement between QQI and the ELE sector;
  - will connect ELE providers with the Irish qualifications and quality assurance systems;
  - will complement, strengthen, and enhance the existing suite of quality assurance and qualifications' tools and policies;
  - will assist QQI in establishing new quality assurance policies and guidelines in related areas such as online provision.
- *For the Irish education and training system, the IEM*
  - will further enhance the reputation of Ireland's educational offering internationally;
  - will support Ireland's international education strategy;
  - will support Ireland's immigration strategy;
  - will facilitate Government departments and state agencies in communicating key messages about the Irish education and training system with their peers in other jurisdictions.

### 3. THE LEGISLATIVE BASIS FOR THE IEM

#### 3.1 Statutory provisions

The 2012 Act as amended (Part 5 sections 60-63) establishes a statutory basis for the IEM.

Specifically, the Act requires QQI to:

- **publish and establish a code of practice** to be complied with by providers<sup>20</sup> of programmes of education and training to:
  - international learners in the State enrolled on programmes leading to awards that are included in the NFQ<sup>21</sup>;
  - international learners in the State enrolled on English language programmes;
  - learners outside the State enrolled on programmes leading to awards included in the NFQ.<sup>22</sup>
- **specify an international education mark** to indicate that a provider is in compliance with the code of practice;
- **authorise** the use of the international education mark by a provider who complies with the code of practice;
- **review** compliance by a provider with the code of practice and the use of the international education mark;
- **withdraw authorisation** where there is a failure of compliance by a provider with the code of practice or with the condition(s) attached to authorisation.

#### 3.2 Statutory requirements for IEM authorisation

All providers applying for authorisation to use the IEM must have:

- established procedures for quality assurance under Section 28 of the 2012 Act as amended;
- established procedures for access, transfer, and progression under Section 56 of the 2012 act as amended.

A provider may apply to QQI for authorisation to use the IEM:

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

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<sup>20</sup> On the eligible categories of providers that may seek authorisation to use the IEM see section 4 below.

<sup>21</sup> Awards included in the NFQ are made by QQI; higher education providers with delegated authority to make awards; other statutory awarding bodies referred to as designated awarding bodies (universities, technological universities, the Royal College of Surgeons in Ireland, and institutes of technology); or a listed awarding body providing one or more programmes leading to its own awards.

<sup>22</sup> Listed awarding bodies are excluded from seeking authorisation to use the IEM for the purposes of offering programmes to learners outside the State that lead to awards in the NFQ.

Figure 2: Overview of statutory requirements for providers seeking authorisation to use the IEM

Statutory Awarding Bodies and other HE Providers exempt from due diligence and PEL requirements	HE Providers (Private)	ELE Providers
<ul style="list-style-type: none"> <li>Established QA procedures</li> <li>Established access, transfer and progression (ATP) arrangements</li> <li>Programmes/awards included in the NFQ under the joint-sectoral protocol</li> <li>Compliance with HE Code of Practice</li> </ul>	<ul style="list-style-type: none"> <li>Established QA procedures</li> <li>Established access, transfer and progression (ATP) arrangements</li> <li>Programmes/awards included in the NFQ under the joint-sectoral protocol</li> <li>Compliance with HE Code of Practice</li> <li>Due diligence requirements met<sup>23</sup></li> <li>Participation in national Protection of Enrolled Learners (PEL) Scheme</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with new quality assurance guidelines for ELE Providers, and access, transfer and progression arrangements</li> <li>Compliance with ELE Code of Practice</li> <li>Due diligence requirements met</li> <li>Participation in national Protection of Enrolled Learners (PEL) Scheme</li> </ul>

### 3.3 General conditions relating to IEM authorisation

The authorisation of providers to use the IEM is subject to

- their cooperating with and assisting QQI in the performance of its functions in relation to the operation of the code of practice and the IEM;
- providing QQI with such information as QQI may require for the performance of these functions.

QQI may also impose any other conditions it thinks appropriate in relation to any authorisation of a provider to use the IEM, including specific conditions for an individual provider or classes of providers.<sup>24</sup>

<sup>23</sup> In assessing a specified HE provider's compliance with the HE Code, QQI may, at its discretion, request a specified provider to demonstrate to QQI that it meets the criteria specified under the ministerial regulations (section 29A(1) 2012 Act as amended).

<sup>24</sup> 2012 Act as amended [Revised Acts \(lawreform.ie\)](#): ss.61(8) and 61(9).



## 4. PROVIDERS SEEKING AUTHORISATION TO USE THE INTERNATIONAL EDUCATION MARK

### 4.1 Relevant and linked providers

Providers that 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 include:

- previously established universities;
- technological universities;
- institutes of technology;
- the Royal College of Surgeons in Ireland (RCSI);
- providers whose programmes are validated by QQI;
- providers with delegated authority from QQI to make awards;
- listed awarding bodies<sup>25</sup> providing one or more programmes leading to their own awards that are awards included in the NFQ.

Linked providers are defined under section 2(3) of the 2012 Act as amended. A linked provider is a provider that has a place of business in the state and is not a designated awarding body but 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.

### 4.2 Providers of English Language Education (ELE) Programmes

Section 61(6) of the 2012 Act (as amended) makes provision for an additional class of providers that treats those providers as relevant providers for the sole purpose of authorisation to use the IEM. This class includes providers of English language education programmes who do not generally offer programmes that lead to awards included in the NFQ.

ELE providers will be required to become relevant providers for the purpose of accessing the IEM and must establish procedures for quality assurance (under section 28 of the 2012 Act as amended), and procedures for access, transfer, and progression (under section 56 of the 2012 Act as amended).

ELE providers that establish a quality assurance relationship with QQI for the sole purpose of authorisation to use the IEM will be expected to satisfy comparable requirements relating to application, monitoring and review that apply to any other relevant or linked providers authorised to use the IEM, as set out in sections 30-31 and 34-36 of the 2012 Act as amended.

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<sup>25</sup> The 2012 Act as amended enables QQI to establish a new category of awarding body, called 'listed awarding bodies', who, on a voluntary basis, may obtain regulated access to the NFQ for their awards. The formal inclusion of such awards in 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.

## 5. THE CODES OF PRACTICE FOR PROVISION OF PROGRAMMES OF EDUCATION AND TRAINING TO INTERNATIONAL LEARNERS

### 5.1 Statutory basis of the codes of practice

Section 60 of the 2012 Act as amended requires QQI to establish and publish a code of practice to be complied with – for the purposes of obtaining authorisation from QQI to use the IEM – by providers of programmes of education and training to:

- international learners in the State enrolled on certain programmes leading to awards that are included in the National Framework of Qualifications (NFQ);
- international learners in the State enrolled on English language programmes;
- learners outside the State enrolled on certain programmes leading to awards included in the NFQ.<sup>26</sup>

Section 60 also provides that QQI:

- may establish and publish different codes of practice for different relevant or linked providers, or groups of relevant or linked providers;<sup>27</sup>
- may publish different codes of practice for different classes of programmes or different types of provision;
- shall publish the code of practice in such manner and form as it thinks appropriate;
- and may amend or revoke a code established under this section, specifying the date on which the code of practice shall come into operation.

QQI will establish and publish two codes of practice in respect of providers of different types of programme: one for providers of higher education programmes (the HE Code) and one for English language education programmes (the ELE Code). This approach is informed by the distinction made in Section 60 of the 2012 Act as amended between programmes leading to awards included in the NFQ and English language programmes. It is also informed by established immigration criteria on the eligibility of certain programmes and providers for non-EEA students wishing to study on a full-time basis in Ireland.<sup>28</sup>

### 5.2 Specified requirements in the codes of practice

Section 60(6) of the 2012 Act as amended also provides that the code(s) of practice shall specify requirements relating to:

- arrangements for the protection of enrolled learners;
- the collection of fees from enrolled learners;
- tax compliance of providers;

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<sup>26</sup> See also Section 3.1 above.

<sup>27</sup> See Section 4 above for the providers eligible to seek authorisation to use the IEM.

<sup>28</sup> See Section 2.2 and 2.4 above.



- providers' policies and procedures for the management of human resources.

QQI's policy approach is to address these requirements:

- in specific criteria included in the HE and ELE Codes;
- in specific regulations under section 29B(1) of the 2012 Act as amended – the latter are determined by the Minister for Further and Higher Education, Research, Innovation and Science, and will be evaluated by QQI in a due diligence assessment that will form part of the IEM application process or, as appropriate, in the context of other statutory engagements with private providers;
- or in the statutory scheme for the protection of enrolled learners – participation in the latter will be a requirement for all private providers, both in relation to HE and ELE provision, that obtain authorisation to use the IEM.

### 5.3 HE and ELE codes of Practice

#### 5.3.1 Policy Objectives: The Quality Assurance and Regulatory Environments

As set out in section 2.3 above, the IEM and the associated codes of practice will be informed by key national policy objectives relating to quality assurance and the regulatory environment. These objectives are:

- to place quality at the heart of the internationalisation of Ireland's education training system;
- to ensure that the quality of the learning experience is maintained and enhanced for all learners through a holistic approach to internationalisation;
- to protect the interests of learners;
- to ensure the sustainability of Ireland's international education offering;
- and to safeguard Ireland's reputation internationally.

These will be addressed through a combination of the due diligence assessment for private providers (section 2.3 above); the statutory scheme for the protection of enrolled learners and the learner protection fund (section 2.3 above); the statutory requirements for IEM authorisation (section 3.2 above); and through the principles and criteria set out in the HE and ELE codes. QQI has drawn upon international effective practice, as well as effective practice nationally, in preparing the principles and criteria of the respective HE and ELE Codes.<sup>29</sup>

#### 5.3.2 The HE Code of Practice

The HE Code is intended to supplement the *Core Statutory Quality Assurance Guidelines developed by QQI for use by all providers*.<sup>30</sup> Specifically, it establishes a set of principles and criteria requiring

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<sup>29</sup> These 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 \(internationalcodeofpractice.gov.au\)](http://nationalcodeofpractice.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 UK Quality Assurance Agency for Higher Education's Supporting and Enhancing the Experience of International Students in the UK (2015): [Supporting and Enhancing the Experience of International Students in the UK: A Guide for UK Higher Education Providers \(qaa.ac.uk\)](https://www.qaa.ac.uk/Portals/0/PDFs/Supporting_and_Enhancing_the_Experience_of_International_Students_in_the_UK_A_Guide_for_UK_Higher_Education_Providers.pdf); the UK Council of for International Student Affairs' (UKCISA) Code of practice for members 2021: [Code of practice.pdf \(ukcisa.org.uk\)](https://www.ukcisa.org.uk/wp-content/uploads/2021/06/Code-of-practice.pdf) 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/wp-content/uploads/2021/06/National-Code-of-Ethical-Practice-for-UK-Education-Agents-FINAL-Flag-version-2.pdf).

<sup>30</sup> [qqi-1-core-statutory-quality-assurance-guidelines.pdf \(qqi.ie\)](https://www.qqi.ie/core-statutory-quality-assurance-guidelines.pdf). The full suite of QQI's quality assurance guidelines are available at: [Quality assurance guidelines | Quality and Qualifications Ireland \(qqi.ie\)](https://www.qqi.ie/quality-and-qualifications-ireland/)<http://ehea.info/page-standards-and-guidelines-for-quality-assurance>

compliance from HE providers in the areas of:

- ethical marketing and recruitment (including the role of agents)
- accurate information provision to international learners
- fair, transparent, and consistent admission policies that encompass an institution's role in qualifications' recognition
- English language policy, including requirements relating to international foundation year programmes
- fees, refunds, and subsistence
- academic and pastoral supports for international learners
- international learners outside the state enrolled on programmes leading to NFQ awards (transnational education and remote online provision).

### **5.3.3 The ELE Code of Practice**

The ELE Code of Practice, in tandem with new statutory quality assurance guidelines for ELE providers, establishes a formal quality assurance process for the ELE sector in Ireland, that is compatible with QQI's core statutory quality assurance guidelines, and which supports the alignment of ELE programmes to the Common European Reference Framework for Languages (CEFR). The ELE Code of Practice establishes a set of principles and criteria requiring compliance from ELE providers in the areas of:

- requirements for premises
- operational, risk and human resources management
- programme design
- supports and services for international learners
- ethical marketing and recruitment (including role of agents)
- enrolment, fees, refunds, and subsistence.

## **5.4 Compliance with the codes of practice**

QQI will determine an application from an eligible provider seeking authorisation to use the IEM by assessing the compliance of the provider with the HE Code or ELE Code of Practice for the provision of programmes to international learners and, where applicable, assessing the compliance of certain providers under the ministerial regulations established under section 29(B)1 of the 2012 Act as amended (see sections 2.1, 2.3 and 5.2 above).

The effect of the HE and ELE codes of practice will be determined by how they are supported and implemented by providers and how they are seen to be implemented. Providers will be expected to demonstrate the effectiveness of their policies and procedures for the provision of education and training programmes and related services and supports to international learners.

## **5.5 Education and training provision covered by the codes of practice**

HE and ELE providers authorised to use IEM will be expected to apply the code of practice to all provision offered by them to international learners. For HE providers, this will include programmes

offered to learners outside the state who are enrolled on programmes that lead to awards in the NFQ, whether these programmes are offered in transnational education settings and/or through remote, fully online modes of learning.

*It is of note that some providers offer predominantly ELE programmes and fewer HE programmes, and others offer predominantly HE programmes and fewer ELE programmes. It is QQI policy that any single provider should apply for authorisation to use one IEM, based on the predominant class of provision they offer.*

A provider should apply for the IEM HE:

- where the total number of non-EU/EEA and non-UK international students enrolled on higher education programmes of at least 60 ECTS credits has exceeded the total number of non-EU/EEA and non-UK international students enrolled on general English and/or examination preparation programmes of over 12 weeks' duration, in each of the academic years 2018/19 and 2021/22.

English language programmes of over 12 weeks' duration that are offered by a HE provider and are formally linked to its HE provision, e.g., English for academic purposes or international foundation year programmes, should not be reckoned for this purpose.

A provider should apply for the IEM ELE:

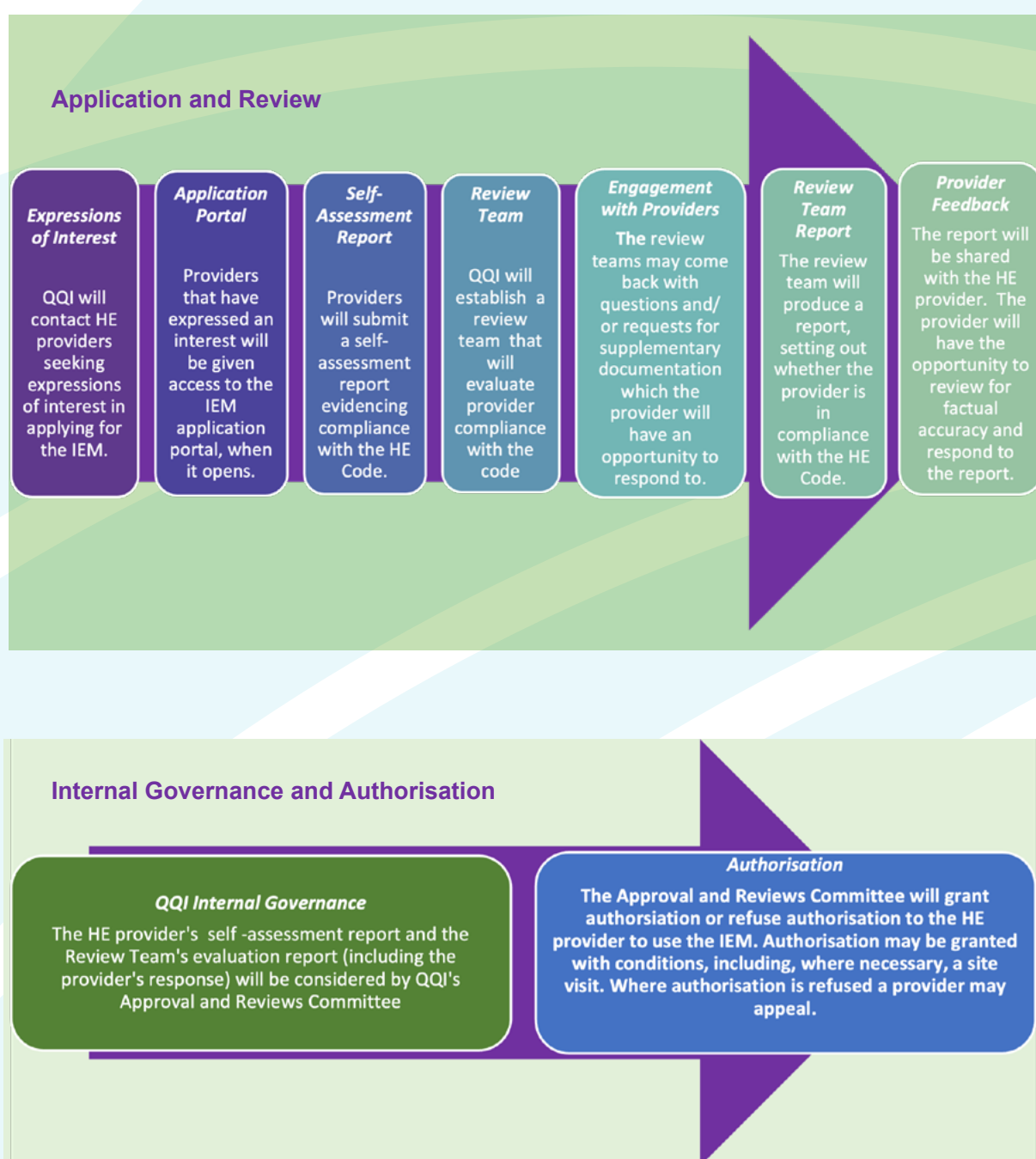
- where the total number of non-EU/EEA and non-UK international students enrolled on general English and/or examination preparation programmes of over 12 weeks' duration has exceeded the total number of non-EU/EEA international students enrolled on higher education programmes of at least 60 ECTS credits, in each of the calendar years 2018, 2019 and 2022. A provider should contact the International Education unit in QQI if it is in any doubt about which IEM it should apply for.

## 6. OVERVIEW OF AUTHORISATION PROCESS

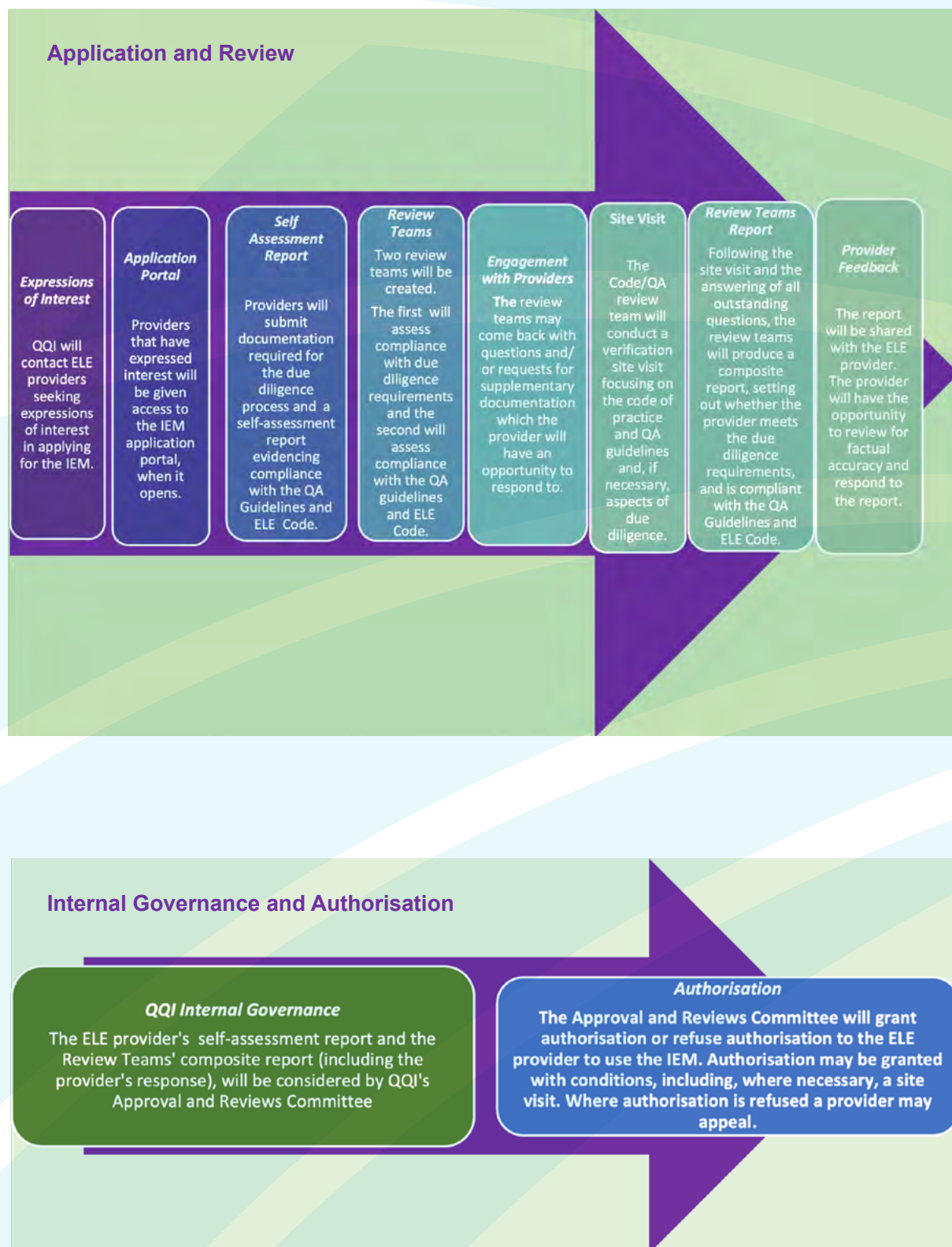
### 6.1 IEM Authorisation Process Documentation

QQI will publish separate and detailed documentation, including guidelines for providers, on the process to be followed by providers applying for authorisation to use the IEM. An overview of the main elements of the authorisation process are set out below for the different provider types.

### 6.2 HE Providers



## 6.3 ELE Providers



## **7. MONITORING AND REVIEW OF A PROVIDER'S COMPLIANCE WITH THE CODE OF PRACTICE AND USE OF THE INTERNATIONAL EDUCATION MARK**

### **7.1 Monitoring**

English language education providers authorised to use the IEM will be subject to a review of such authorisation at least once every three years. The compliance of higher education providers authorised to use the IEM will be monitored through the regular cycle of quality assurance engagements with QQI, including, as appropriate, cyclical institutional reviews, annual quality reports (AQRs), and quality dialogue meetings (QDMs).

### **7.2 Review**

QQI may at any time review compliance by a provider authorised to use the IEM with:

- the applicable code of practice
- the conditions imposed by QQI in relation to IEM authorisation.

In carrying out such a review, QQI will have regard to any other review of the provider carried out under the 2012 Act as amended, where that review is relevant to the IEM.

There are no current plans for separate reviews of IEM compliance in higher education. International education will feature in future statutory institutional reviews. A full review of IEM authorisation across the sector would necessarily follow a substantial revision of the HE Code, or the establishment of a new code of practice related to a discrete area of international education provision.



## 8. WITHDRAWAL OF AUTHORISATION TO USE THE INTERNATIONAL EDUCATION MARK

Providers and statutory awarding bodies have an interest in contributing to confidence in and the integrity of the IEM. The IEM and the associated codes of practice will enable providers, individually and collectively, to play their part in upholding the reputation of Ireland's education and training system internationally. It is also recognised that many providers have implemented programme provision and academic and pastoral supports for international students that may exceed the requirements proposed in association with the IEM.

The 2012 Act as amended requires that QQI shall withdraw a provider's authorisation to use the IEM in cases where:

- QQI considers that the provider no longer complies with the code;
- QQI considers that a condition imposed in relation to the operation of the IEM is not being complied with by the provider;
- QQI has withdrawn the approval of quality assurance procedures established by a relevant provider;
- a designated awarding body has withdrawn the approval of quality assurance procedures established by a linked provider;
- QQI has withdrawn the approval of access, transfer and progression procedures established by a relevant provider.

Where QQI, following a review by QQI of the compliance of a provider authorised to use the IEM, considers that a provider no longer complies with the code of practice, the statutory requirements for applying for IEM authorisation, or any conditions imposed by QQI in relation to that provider's authorisation to use the IEM, QQI shall inform the provider, by notice in writing, that it proposes to withdraw the provider's authorisation to use the IEM.

A provider informed by notice in writing that QQI proposes to withdraw its authorisation to use the IEM may submit written observations to QQI in relation to the reasons for the proposed withdrawal, not later than one month after service of the notice to the provider. Where QQI, having considered the provider's observations, considers that the provider is not in compliance with the code of practice, the statutory requirements for applying for IEM authorisation, or any conditions imposed by QQI in relation that provider's authorisation to use the IEM, it shall withdraw the provider's authorisation to use the IEM by notice in writing to the provider from such date as it considers appropriate.

A provider may appeal a decision of QQI to withdraw the authorisation to use the IEM by that provider (see section 13 below).

## **9. IMPLICATIONS FOR THE EXISTING QUALITY ASSURANCE SCHEME FOR ELE: ACCREDITATION AND COORDINATION OF ENGLISH LANGUAGE SERVICES (ACELS)**

QQI is establishing, in tandem with the IEM and the associated ELE Code of Practice, a new statutory quality assurance scheme for ELE providers. QQI will issue accompanying statutory quality assurance guidelines to support the new scheme. The existing non-statutory ACELS scheme, which is currently overseen by QQI on an administrative basis, will be discontinued from the time existing ELE providers with ACELS accreditation, and who wish to apply for authorisation to use the IEM, complete the application and review process for IEM authorisation. ACELS providers who do not wish to apply for authorisation to use the IEM will no longer have ACELS accreditation once the ACELS scheme is discontinued.

The IEM authorisation process embeds compliance with the quality assurance guidelines alongside the assessment of compliance with the ELE Code. Existing providers accredited by ACELS and interested in applying for authorisation to use the IEM will be required to establish procedures for quality assurance under the new scheme as one of the pre-conditions of their application for authorisation (see section 3.2 above).

There will be no automatic transition from the existing ACELS scheme to the IEM, though there will be a transition period in place while ELE providers with ACELS accreditation complete their initial IEM application and review process. To avail of this transition period, existing ELE providers with ACELS accreditation, and who wish to apply for authorisation to use the IEM, must do so within six months of the IEM application process opening.

In addition, should any ELE providers with ACELS accreditation be refused authorisation to use the IEM by QQI following an initial application and review, the ACELS transition period will not be extended beyond the period of this initial IEM application and review, even if any such providers elect to reapply for IEM authorisation in a subsequent application cycle.

Maintaining a recognisable quality assurance scheme for the ELE sector is consistent with Government strategy for international education and with international practice.



## 10. FEES AND ANNUAL CHARGE ASSOCIATED WITH THE INTERNATIONAL EDUCATION MARK

The 2012 Act as amended makes provision for fees and an annual charge associated with authorisation to use the IEM.<sup>31</sup> Providers seeking authorisation to use the IEM may be subject to the following fees and charge:

- an initial application fee payable with application;
- a fee in relation to a review of provider compliance with the HE or ELE Code;
- an annual charge prescribed by the Minister payable on or before the anniversary date of a provider's authorisation to use the IEM.

The fees and charges related to the IEM will be set on the basis of recovering the full cost to QQI of operating the scheme, and otherwise in accordance with QQI's fees policy.

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<sup>31</sup> 2012 Act as amended [Revised Acts \(lawreform.ie\)](http://lawreform.ie); ss. 62; 80(1)(m); 80(1)(n).

## 11. PUBLIC INFORMATION ON PROVIDERS AUTHORISED TO USE THE INTERNATIONAL EDUCATION MARK

Under section 79 of the 2012 Act as amended, QQI maintains a database, the Irish Register of Qualifications (IRQ),<sup>32</sup> to provide authoritative information on the awards included in the NFQ, and on the programmes of education and training that lead to awards in the NFQ. This database will indicate whether a provider of a programme is authorised to use the IEM. It will also include information on ELE programmes aligned to the CEFR and ELE programmes leading to proficiency examinations, where the providers of these programmes have been authorised to use the IEM.

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<sup>32</sup> [Irish Register of Qualification \(irq.ie\)](http://Irish Register of Qualification (irq.ie))

## 12. THE INTERNATIONAL EDUCATION MARK: BRANDING AND PROMOTION

### 12.1 Branding

QQI will develop and monitor the IEM brand with core stakeholders. The IEM as a statutory mark may include such words as QQI decides, subject to the agreement of the Minister. Any such wording and associated visual emblems or logos will communicate the purpose of the IEM, essentially signalling confidence in providers of education and training programmes to international students. QQI will be the proprietor of the IEM and authorise its use by a provider under the seal of QQI. QQI will issue guidelines on the use of emblems or logos and communications protocols for providers in relation to the use of the IEM. It is an offence for a provider to use the IEM without the authorisation of QQI, or to falsely claim or represent that QQI has authorised the use of the IEM by the provider.

### 12.2 Promotion

QQI will develop and implement a branding and promotion strategy for the IEM. The initial objective of this strategy will be to establish awareness and understanding of the IEM among relevant stakeholders.

Authorisation to use the IEM will also be a condition for providers wishing to access national marketing and promotional supports. The existing Education in Ireland brand, overseen by Enterprise Ireland, will continue to play a central role in promoting awareness of Ireland as a destination for international learners to the benefit of providers authorised to use the IEM.<sup>33</sup>

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<sup>33</sup> [Enterprise Ireland is responsible for the international marketing and promotion of Irish Higher Education Institutions - Education in Ireland](#)

### **13. DECISION, REVIEW AND APPEALS PROCESS**

Parts 5 and 7 of the 2012 Act as amended provide for appeals procedures. Providers may appeal to the Appeals Panel if QQI:

- refuses to authorise the use of the IEM
- following a review, proposes withdrawal of a provider's authorisation to use the IEM.



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**Submissions may be emailed to**

**[international.education@qqi.ie](mailto:international.education@qqi.ie)**

(please put 'POLICY IEM' in the subject field)

In your submission please clearly indicate:

1. *Your contact details.*
2. *Whether you are responding as an individual or on behalf of an organisation.*
3. *If you do not wish your submission to be published.*

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The closing date for submissions is **16<sup>th</sup> December 2022**

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