



Temporary measures to assist international language students during COVID-19

26th May 2020

Dear ILEP members,

Further to my letter of 24th April 2020, I would like to update you on recent developments and provide some clarification on issues which have arisen.

On May 13, The Minister for Justice and Equality, Charlie Flanagan, T.D., announced that immigration permissions, due to expire between 20 May and 20 July 2020, will be automatically extended for two months. Any permission which was renewed by the earlier notice of 20 March 2020 and which therefore has a new expiry date between 20/05/2020 and 20/07/2020 is automatically renewed again by this notice.

The Minister made clear that for international English Language Students, the extensions mean that they may continue to work if they wish, but must also re-enroll in an on-line course of study to adhere to the conditions of their permission.

Stamp 2 Permission

To be eligible for Stamp 2 permission, students must be enrolled in a course listed on the ILEP, and if re-enrolling, students must re-enroll on a course where classes are actually being provided.

Students may not re-enroll in a course where no classes are currently being provided. To do so means they will no longer be entitled to a Stamp 2 permission and the associated right to work.

Further, any student who enrolls in a non ILEP listed course is not eligible for a stamp 2 permission and therefore is not entitled to take up employment. This includes where an ILEP listed college purports to offer courses of a different duration to those listed. While permissions have been renewed for 2 months, students are still required to re-enroll in courses of standard duration.

Online classes

One of the requirements for an English Language Programme to be included in the ILEP is that Non-EEA students must be physically attending the programme on a full-time, daytime basis. Where a college is physically closed due to the COVID-19 pandemic, and seeks to facilitate students to continue their education through the provision of online learning, the requirement that students must be physically present has been suspended. This exceptional, short term and temporary measure remains in place.

Where a college is providing courses online, then students are required to enroll and 'virtually' attend in the same way as if they were physically present in the classroom. Further, where online courses are being provided, all other criteria remain including the requirement to provide a minimum of 15 hours of student contact per week and have no more than 15 students in a class.

While colleges are now physically closed, as per the Government road map we can expect restrictions to be lifted during the year and colleges move to resume some degree of in-person tuition. It is therefore important to note that the capacity requirements under ILEP remain and colleges may not enroll more students than their current reported capacity.

Colleges physically closed and not providing online classes

Where a college is physically closed and no classes, including online classes, are being provided to existing students, then those students who attended classes prior to the college's physical closure, will be considered to have met their attendance requirement. This is a pragmatic move to ensure no student is unfairly penalized by the immigration system for non-attendance outside their control.

If a college is physically closed due to the COVID 19 pandemic, including being unable to provide online courses, a student's Stamp 2 permission will remain until its expiry date. That expiry date will not be extended, nor is it proposed to extend the overall duration of a student's Stamp 2 permission for any period that a college may be closed and unable to provide classes.

Exams

Due to the current COVID-19 restrictions, it is understood that in-person exams are not possible at this time. As an exceptional, short term and temporary measure, and in the absence of online exams being available, ISD will accept a teacher's assessment in lieu of the exam for Registration purposes. The exam shall be completed by students when available.

First time registration

As registration offices are currently closed and in light of the difficulties some students may encounter due to not having an IRP card, as a temporary measure between now and 20th July 2020 prospective students can apply to the Registration Office to request a letter confirming their permission to remain in the State and the conditions attached.

Students who have left the State

Students who left the State before completion of their studies due to COVID-19 may return and resume their studies and the duration of their absence will not count towards the 2 years maximum period of English language study allowed.

Students who have completed the maximum 2 years English language study

Language students with a current, valid permission who are still in the State and who have completed the maximum 2 years permitted as a language student, but due to COVID-19 are unable to return home, may remain as students until the end of the year provided they re-enrol in an online course of study for the remainder of the year. For these students, the duration of a course shall be from the date of enrollment to 31 December 2020.

Permission to work

Students who hold Stamp 2 permissions and who attend colleges which have physically closed due to the COVID-19 pandemic, may in these exceptional circumstances work 40 hours a week. This is conditional on the student completing their course online if this service is provided by their college and represents a short term and temporary measure.

Breaches of Permission

If a student does not complete an online English Language Programme, where provided by the college concerned, then they will be considered to have breached the conditions of their permission by both failing to attend classes and, where applicable, working in excess of the permitted 20 hours and this may result in future registration being refused.

Students, including those who have completed 2 years study and who wish to remain in the State as students, are required to re-enroll in a course of study as soon as the previous course has been completed with no gaps between courses allowed. Failure to do so will also be considered a breach of the permission and may result in future registration being refused.

Registration

Once the Registration Offices reopen all students are expected to register as normal.

As the situation develops further updates will be issued. I and my team are, as always, also available to address any issues or queries which may arise.

Regards

Brien Henderson
Principal Officer
Registration Office