

**Federal Decree by Law No. (48) of 2021
on Higher Education**

We Khalifah Bin Zayed Al Nahyan, President of the United Arab Emirates,

- Upon reviewing the Constitution; and
- Federal Law No. (1) of 1972 Concerning the Jurisdictions of Ministries and the Powers of Ministers, and any amendments thereto; and
- Based upon the proposal of the Minister of Cabinet Affairs, and the approval of the Cabinet,

Have promulgated the following Decree by Law:

Article (1)

Definitions

In application of the provisions of this Decree by Law, the following words and expressions shall have the meanings ascribed thereto, unless the context otherwise requires:

State	: United Arab Emirates
Ministry	: Ministry of Education.
Minister	: Minister of Education.
Higher Education	: Education that follows the stage of general education and is provided by Higher Education Institutions that grant the student a scientific or professional degree according to the stages stipulated in Article (5) hereof, upon successful completion of all academic curricula approved by the Ministry.
Higher Education Institution(s)	: Public and private Higher Education Institutions in the State that offer study programs approved by the Ministry to obtain a scientific or professional degree in accordance with the stages stipulated in Article (5) hereof.

Governmental Higher Education Institutions	: Higher Education Institutions owned by the State, one of the Member Emirates of the Federation or one of their institutions, which provide real, virtual or mixed higher education services, including universities, colleges and higher education institutes.
Private Higher Education Institutions	: Non-governmental educational institutions that provide real, virtual or mixed higher education services, including universities, colleges and higher education institutes. These institutions may be profit or non-profit entities.
Institutional license	: The document issued by the Ministry to the Higher Education Institution, according to which it is authorized to operate and provide higher education services and to be included in the national registry of Higher Education Institutions licensed to operate in the State.
Program Accreditation	: The document under which the Ministry acknowledges and agrees that the program or programs of a Higher Education Institution have been evaluated and have met the required standards and conditions which authorize the Higher Education Institution to start offering the program to students and include the program in the national registry of approved higher education programs.

Article (2)

Objectives

This Decree by Law is intended for:

1. Regulating the licensing of all types of Higher Education Institutions in the State and approving their programs.
2. Supervising the educational process at Higher Education Institutions, in coordination with the federal and local government entities concerned with higher education.
3. Ensuring effective governance and management of Higher Education Institutions.
4. Improving the quality and competitiveness of higher education in the State; and

5. Encouraging scientific research at Higher Education Institutions.

Article (3)

Scope of Application

1. The provisions of this Decree by Law shall apply to all Higher Education Institutions in the State, except for those operating in the free zones of the State.
2. Subject to Clause (1) of this Article, any natural or legal person may offer or announce the provision of higher education services in the State for the purpose of granting a certificate only after obtaining a license to do so and having its study programs approved by the Ministry.
3. The Council of Ministers, based on the Minister's proposal, may exclude any Higher Education Institution from some provisions of this Decree by Law.

Article (4)

Competences of the Ministry

For the purposes of implementing the provisions of this Decree by Law, the Ministry shall undertake the following competences:

1. Institutional license and Program Accreditation for Higher Education Institutions in the State of all types, levels, and specializations, as defined by the Executive Regulations of this Decree by Law.
2. Evaluating the performance of Higher Education Institutions, the quality of their educational outputs, their classification and periodically monitoring them.
3. Developing and supporting scientific research activities in the State, in coordination with Higher Education Institutions and government and private entities.
4. Withdrawing and cancelling the Institutional license and Program Accreditation, suspending the Higher Education Institution, imposing other administrative penalties on it, and taking the necessary measures to maintain the rights of students, including the management of the Higher Education Institution, in accordance with the Executive Regulations of this Decree by Law; and
5. Any other tasks assigned thereto by the Council of Ministers.

Under a resolution of the Council of Ministers and based on the proposal of the Minister,

any local government entity concerned with education affairs may be granted some of the competences assigned to the Ministry in this Decree by Law and its Executive Regulations, with respect to Higher Education Institutions located in that Emirate.

Article (5)

Stages of the higher education system

1. The Ministry is trying to integrate the higher education system with the public education system within the framework of a future and sustainable vision, through the system of consecutive and sequential educational stages, in a manner that provides the society with a qualified, modern, and integrated workforce, serves the market and achieves the State's goals and future and development plans.
2. The higher education system consists of stages, each of which corresponds to a specific level in the National Qualifications System in the State.
3. Higher education in the State is divided into the following stages:
 - a. Diploma stage.
 - b. Higher Diploma stage.
 - c. Bachelor's stage.
 - d. Postgraduate Diploma stage.
 - e. Master's stage; and
 - f. PhD stage.

The Executive Regulations of this Decree by Law specify the conditions for passing each of those stages, including the number of years of study, the number of credit hours for each stage and the level of each stage according to the levels of the National Qualifications System in the State.

Article (6)

General controls for licensing Higher Education Institutions

1. Operating, promoting, or advertising any Higher Education Institution in the State is prohibited by any natural or legal person, except after obtaining the Institutional License from the Ministry.

2. To establish a Higher Education Institution in the State, the requirements of the competent local authority shall be fulfilled, considering that the location, building and facilities of the Higher Education Institution shall be suitable for the practice of the educational process and meet health conditions, security and safety standards, in accordance with the Executive Regulations of this Decree by Law.
3. The Ministry grants Institutional License based on a comprehensive assessment of the Higher Education Institution's compliance with the standards and conditions of Institutional License set by the Ministry, including the conditions for accepting students and their rights and general conditions for employees of the Higher Education Institution.
4. The Institutional License issued to a Higher Education Institution may not be transferred, sold, replaced, or assigned, expressly or implicitly, without the approval of the Ministry.
5. The Higher Education Institution shall obtain the Ministry's prior approval before making any fundamental changes it intends to apply to the institution, as per the Executive Regulations of this Decree by Law, as well as the standards and conditions of Institutional License.
6. The License granted to a Higher Education Institution shall be limited to the practice of educational, training, research, and scientific activities in accordance with what is specified in the Executive Regulations of this Decree by Law.
7. To grant a license to a Higher Education Institution, it is required that it shall have a distinct name, according to the conditions and controls specified by the Executive Regulations of this Decree by Law.
8. The owner of a Higher Education Institution shall provide financial guarantees and insurances that ensure the institution's ability to fulfil its financial obligations, in accordance with what is specified in the Executive Regulations of this Decree by Law.
9. Any other conditions stipulated in this Decree by Law and its Executive Regulations.

Article (7)

General Controls for Program Accreditation

1. Promoting or declaring any study program, admission of students or the commencement

of study shall be prohibited for the Higher Education Institution before obtaining the Program Accreditation from the Ministry.

2. The Ministry grants the Program Accreditation based on a comprehensive assessment of the Higher Education Institution's compliance with the standards and conditions for the Program Accreditation set by the Ministry.
3. The Higher Education Institution shall obtain the Ministry's prior approval before making any fundamental amendments to its programs, as defined by the Executive Regulations of this Decree by Law, standards, and conditions for the Program Accreditation.

Article (8)

Classification and evaluation of Higher Education Institutions

Licensed Higher Education Institutions shall be subject to classification, periodic evaluation, performance quality and educational control by the Ministry in accordance with the Executive Regulations of this Decree by Law.

Article (9)

Information and Data of Higher Education Institution

1. The Higher Education Institution shall submit to the Ministry any information, documents, or records related to the higher education work that it undertakes or related to its performance, upon the request of the Ministry, as set out by the Executive Regulations of this Decree by Law.
2. The Higher Education Institution shall submit all details of students, graduates, and its employees on a regular basis to the Ministry, in accordance with what is specified by the Executive Regulations of this Decree by Law.

Article (10)

Penalties

1. Without prejudice to any more severe penalty stipulated in any other law, any person

who commits any of the following actions shall be punished by imprisonment for a period not exceeding one year and a fine of no less than (AED 10,000) ten thousand Emirati Dirham and no more than (AED 1,000,000) one million Emirati Dirham, or either of these two penalties:

- a. Undertaking higher education activity without a license from the Ministry.
 - b. Providing, teaching, or advertising higher education programs not approved by the Ministry.
 - c. Announcing the granting of certificates according to the stages stipulated in Article (5) of this Decree by Law before fulfilling the necessary requirements and licenses.
 - d. Violating the standards and conditions of Institutional License or Program Accreditation.
 - e. Failing to provide the information, documents and data requested by the Ministry.
 - f. Failing to cooperate with the judicial officers stipulated in Article (11) of this Decree by Law; and
 - g. Violating the provisions of this Decree by Law, its Executive Regulations and the resolutions issued for the implementation thereof.
2. The penalties stipulated in this Article shall not prejudice the authority of the Ministry to impose the administrative penalties stipulated in this Decree by Law, its Executive Regulations and the resolutions issued for the implementation thereof.

Article (11)

Judicial Seizure

The officials of the Ministry or the competent local authority, who are designated by a resolution of the Minister of Justice based on a recommendation of the Minister, or for whom a resolution is issued by the head of the local judicial authority, as the case may be, shall have the capacity of judicial seizure officers in proving any violation of the provisions of this Decree by Law and its Executive Regulations. They shall be entitled to enter any Higher Education Institution, review its records, and take any other necessary procedures, in order to define the extent of the Higher Education Institution's commitment to implementing the provisions of this Decree by Law, its Executive Regulations and the

resolutions issued for the implementation thereof.

Article (12)

Governance of Federal Governmental Higher Education Institutions

Except for any provision in the laws of establishing federal government universities, the Council of Ministers shall issue a resolution on the governance of Federal Governmental Higher Education Institutions in the State, including the organization of their boards of trustees, the mechanisms for appointing their directors, the organization of administrative and financial matters, human resources, contractual affairs, their scholarship schemes, and their financing mechanisms.

Article (13)

Regularisation

Higher Education Institutions established prior to the enforcement of the provisions of this Decree by Law shall regularize their status and the conditions of their employees within one year from the date of enforcement of the provisions of the Executive Regulations of this Decree by Law. This period may be extended for similar periods by a resolution of the Council of Ministers based on a proposal by the Minister.

Article (14)

The Executive Regulation

1. Without prejudice to any other provision stated in this Decree by Law, its Executive Regulations shall regulate the following:
 - a. Requirements and conditions for Institutional License, Program Accreditation, periodic monitoring, classification, evaluation, quality of performance and terms of financial guarantees and insurances to be provided by Higher Education Institutions.
 - b. Conditions for passing each of the stages stipulated in Article (5) of this Decree by Law, including the number of years of study, the number of credit hours for each stage, and the level of each stage according to the levels of the National

Qualifications System in the State.

- c. Cases of withdrawing and cancelling the Institutional License and Program Accreditation and the measures the Ministry can take in these cases.
 - d. Gifts and donations given to Higher Education Institutions.
 - e. Controls for advertisements, publishing, and the use of titles related to higher education.
 - f. Leaves and official holidays for Higher Education Institutions.
 - g. Violations and administrative penalties; and
 - h. The dates and methods of grievance against the resolutions issued by the Ministry for implementation of the provisions of this Decree by Law and its Executive Regulations.
2. The Council of Ministers, based on a proposal of the Minister, shall issue the Executive Regulations for this Decree by Law within three months from the date of its enforcement.

Article (15)

The provisions of this Decree by Law shall not prejudice any of the competences established for the Ministry in any other legislation.

Article (16)

Repeals

1. Any provision that violates or contradicts the provisions of this Decree by Law shall hereby be repealed.
2. The regulations and resolutions issued prior to the enforcement of the provisions of this Decree by Law shall remain valid and in force, without any conflict with its provisions, until the issuance of the regulations and resolutions that replace them pursuant to the provisions of this Decree by Law.

Article (17)

Publication & Enforcement of this Decree by Law

This Decree by Law shall be published in the official gazette and shall come into force as of 01 December 2021 AD.

Khalifah Bin Zayed Al Nahyn
President of the United Arab Emirates,

Issued by us at the Presidency Palace in Abu Dhabi:

On: 13 / Safar / 1443 AH

Corresponding: 20 / September / 2021 AD