



Points Based System

Tier 4 Student Route

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Presentation 20.11.09 – information contained in this slide pack is for information only and accurate at time of production. Full guidance on PBS is available on the UKBA website

The Previous Student Route

The previous Student route was open to abuse from:

- **Bogus colleges**
- **Disreputable colleges offering bogus courses**
- **Disreputable colleges offering courses which were really disguised employment**
- **Bogus students using the route to work in the UK**

It's in all our interests to ensure the student route works well and free from abuse

Phil Woolas: ***'Abuse of the student visa has been the biggest abuse of the system, the major loophole in Britain's border controls.'***

Tier 4 – Phased Implementation

Phase 1

28 July 2008.
Sponsor register
opens to Tier 4
sponsors

Phase 2

31 March 2009.
Tier 4 policy is
launched

Phase 3

5 October 2009.
Issue Confirmation
of Acceptance for
Studies (CAS) on a
voluntary/trial basis

Phase 4

February 2010. Full
IT implementation
for all students in
and out of country.
Mandatory
Confirmation of
Acceptance for
Studies (CAS)
usage

Tier 4 - How it is progressing

Tier 4 has been operational since 31 March 2009

Just over 1970 institutions on the sponsor register

- Approximately 381,000 migrant applications have been made
- Applications numbers saw an initial dip, as we saw with all Tiers immediately after introduction, and have now returned to levels which are comparable with last two years
- Refusal rates were initially higher than last year and have now returned to pre-PBS levels
- Overseas application turnaround times are strong: the standard target of 90% within 3 weeks is being met globally. 100% of applications are completed within 6 weeks.



Tier 4 Phase 3 is now live

Phase 3 introduced 5th October 2009

- Sponsors are now able to issue **Confirmations of Acceptance for Studies (CAS)** to in-country students.
- A CAS is a unique reference number, not a paper document, and is issued from the web-based **Sponsorship Management System (SMS)**.
- Institutions can see the status of the CAS they issue and whether it has been used in an application to the UK Border Agency.
- Migrant reporting on SMS will become mandatory for students issued with a CAS from Phase 3 where it has been used in an application to UK Border Agency.



Phase 3 Sponsor Activity and Tools

Transition Exercise

If you became a licensed Tier 4 sponsor before 5 October 2009, you were given an allocation of Certificates of Sponsorship (CoS) for 'Tier 4 Student'. You can convert a Tier 4 Student CoS to a Tier 4 General CAS. Full details available on the following link:

<http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sms/transition/>

Bulk Data Transfer - (also known as BDT) is a facility that allows you (the sponsor) to transfer data in bulk from your local student record IT system to the Sponsorship Management System (SMS).

Full details available on the following link:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/bulk-data-transfer>

Reporting duties

If a student obtained a Tier 4 visa using a Confirmation of Acceptance for Studies (CAS) their sponsor will report on:

- if the student fails to enrol on his/her course within the enrolment period;
- if the student misses 10 expected contacts without their Tier 4 sponsor's permission;
- if the Tier 4 sponsor stops being the student's immigration sponsor for any other reason, for example, if the student moves in to an immigration category that does not need an Tier 4 sponsor;
- if there are any significant changes in the student's circumstances, for example, if the length of a course of study becomes shorter;
- If it becomes apparent that the student is breaking the conditions of their permission to stay.

The student must give their Tier 4 sponsor all the information they need to be able to meet the duties above. If the student does not, UK Border Agency may investigate and take action against the Tier 4 sponsor which may affect the student.

Maintenance concession ended on 30 September 2009

- From 1 October 2009 people applying from outside the UK must show that they have held the required money for a 28 day period
- Students applying in the UK will have a longer transitional period
- Until 31 January 2010 student applying in the UK will only need to show that they have the money needed on the day that they apply

Section 50 of the Borders, Citizenship and Immigration Act 2009 allows for restrictions to be placed on a Tier 4 migrant's studies.

- Policy applies from 5 October only; it is not retrospective.
- Students are “tied” to their sponsoring educational establishment for the duration of their leave.
- A student wishing to change their sponsor now has to make a new leave application accompanied by CAS / Visa letter from the new Sponsor.
- The student cannot start their studies with the new sponsor until their leave application has been approved



The Next Steps - Phase 4

Phase 4 will be introduced in February 2010.

- Roll out of CAS will be complete for all in- and out-of-country applications
- The CAS will be a mandatory document; visa letters will no longer be accepted
- Mandatory reporting will be fully implemented



Monitoring applications and colleges

We get evidence from overseas and in-UK about student applications about possible abuse

We have seen an increase in applications in China for migrants to study English Language and NVQ level 3 courses

We have temporarily stopped accepting applications at the Visa Application Centres in Fuzhou, Guanzhou and Shenzhen for these type of courses

We are also closely monitoring applications made in India and Nepal

- We have recently undertaken a series of intelligence-led visits to Tier 4 Sponsors in order to assess their recruitment methods and record-keeping
- Sponsors have had their licences suspended
- All sponsors must fulfil their responsibilities or risk losing their licence
- We need to work together to ensure that the student route works well and is free from abuse



Tier 4 Review - The UK government has decided to undertake a review of the system

What is the Tier 4 review? Why is it happening?

We need to ensure that our student route under the new Points Based System strikes the appropriate balance between facilitating access of genuine students to education in the UK and preventing abuse by economic migrants.

The review will assess our current arrangements for Tier 4 against that benchmark and make any necessary recommendations for change.

The review will be conducted jointly by the Home Office and the Department for Business, Innovation and Skills and report in December.

How will the review target abuse without preventing genuine students coming to the UK?

As the Prime Minister made clear, the risk of abuse is higher for shorter, lower qualification, courses below degree level. The problem is not an issue in relation to higher education. International students entering further as well as higher education bring great benefits to the UK and its good relationships with key strategic countries, as well as to the institutions where they study.

Whilst the review will consider the wider aspects of our policy, it will look specifically at three main areas:

- the case for raising the minimum level of course at which overseas students can come through the Points Based System from NQF level 3 to level 4;
- the case for mandatory English language testing for all courses; and
- the rules under which students on lower qualification courses are allowed to work part-time.

Contributing to the Tier 4 review?

The review team will speak with key stakeholders and seek input from operational colleagues both overseas and in the UK. Further details about the review will follow shortly.



Useful Links

UK Border Agency

www.ukba.homeoffice.gov.uk

Guidance documents for employers and sponsors on the Points Based System

www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/

Studying in the UK different routes

<http://www.ukba.homeoffice.gov.uk/studyingintheuk/>

Latest news on Studying

<http://www.ukba.homeoffice.gov.uk/news-and-updates/?area=Studying>

General Queries about the Points Based System

- Sponsorship and Employer Helpline - 0300 123 4699 or email: sponsorshipPBSenquiries@ukba.gsi.gov.uk