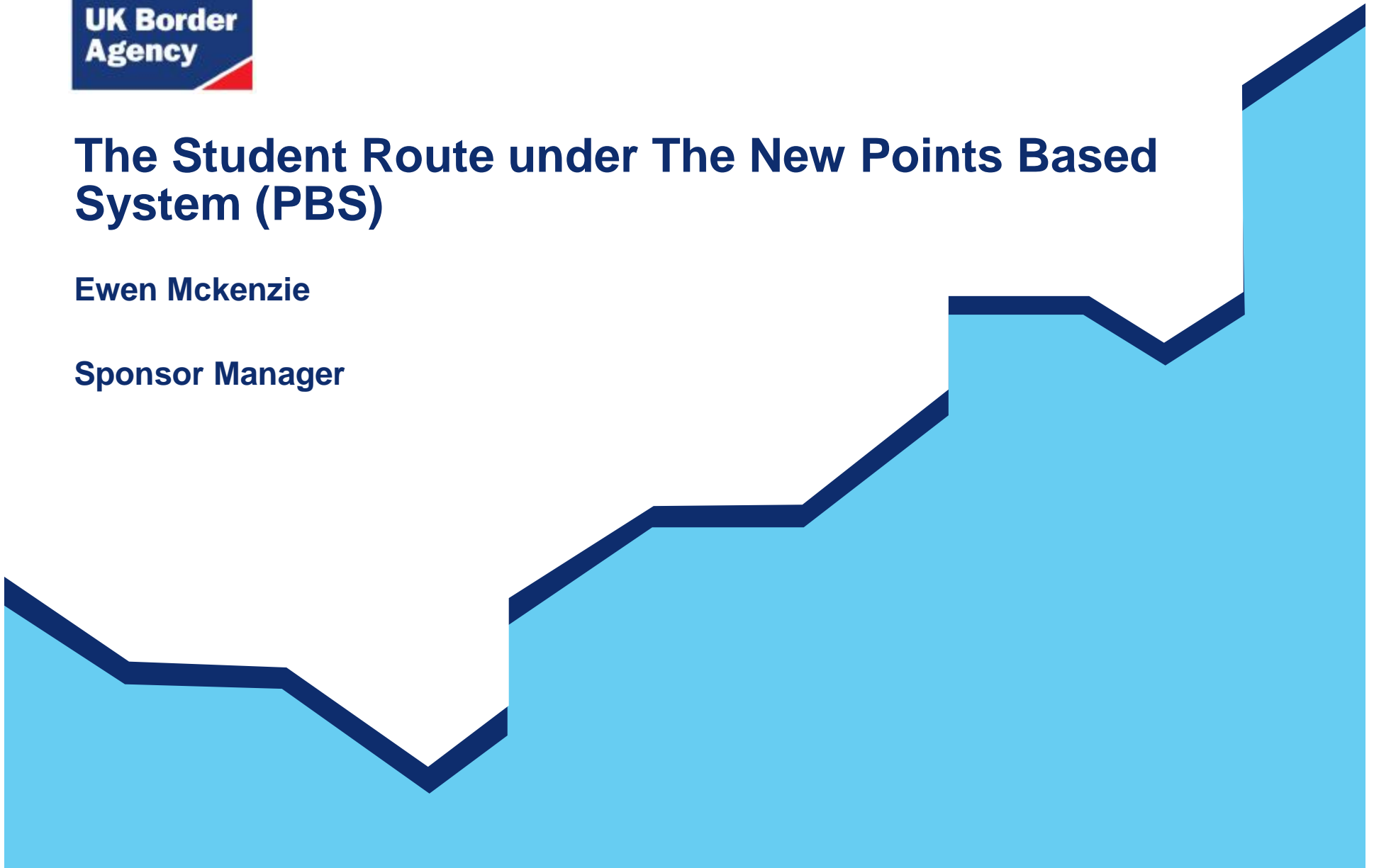




# The Student Route under The New Points Based System (PBS)

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# Why a Points Based System?

## Points Based System takes us from...

- 80 schemes designed to meet particular needs as they have arisen
- A complex mix of application routes, many of which requires separate work permits & visas
- Decisions based on wide range of entry criteria, some of which are subjective.

## To...

A 5-tiered system designed to deliver on UK economic and control objectives

A one stage application process for workers and a simpler qualifying criteria for international students.

Decisions made using an expanded points system and other objective criteria with greater transparency

# Who will the new system affect?

## Includes:

Routes to work, train and study

## Does not include:

Student visitors  
Prospective students  
Visitors  
Family reunification  
UK ancestry routes  
ECAA business visitors

# POINTS BASED SYSTEM

## The tier structure

Tier 1 – Highly skilled individuals to contribute to growth and productivity

### Sponsorship tiers

Tier 2 – Skilled workers with a job offer

Tier 3 – Low skilled workers filling temporary labour shortages.  
Currently indefinitely suspended

Tier 4 – Students

Tier 5 – Youth mobility and temporary worker

## The Current Student Route

**The current Student route remains open to abuse from:**

- **Disreputable colleges**
- **Disreputable colleges offering bogus courses**
- **Bogus students using the route to work in the UK**

**Entry Clearance Officers make subjective decisions on applications, looking at intention and ability to study. These are unpopular with genuine institutions and their students.**

# How a Licence application will be decided

The UK Border Agency will need to be satisfied that:

- The potential sponsor is a bona fide organisation, operating lawfully in the UK; and
- There are no reasons to believe that the potential sponsor represents a threat to immigration control; and
- The organisation is committed to, and capable of, complying with the obligations of sponsorship.
- Only applicants who qualify in line with the licence criteria for that specific Tier will be approved.

# Tier 4 Specific Sponsor Requirements

**In order to join the Sponsors' Register as Tier 4 Sponsor, Education Institutions will need to provide evidence that:**

As a publicly funded institution they have been inspected or audited by The Quality Assurance Agency for Higher Education, Ofsted, Her Majesty's Inspectorate for Education (Scotland), Estyn, or the Education and Training Inspectorate; **or**

That as private schools providing education for children up to the age of 18 they have been inspected by Ofsted or the Independent Schools Inspectorate (ISI); **or**

That as private institutions they either:

hold valid accreditation from an accreditation body approved by the UK Border Agency; **or**

that they have passed an inspection by the Office for Standards in Education (Ofsted).

# Sponsorship Obligations

## These include:

- Keeping a copy of all sponsored students' passports showing evidence of his or her entitlement to study
- Keeping each sponsored student's contact details and updating them as necessary.

## **The reporting of the following is voluntary until Autumn 2009 as explained in the Tier 4 Implementation Plan:**

- If a sponsored student does not enrol on his or her course, institutions must provide a report to UKBA within 10 working days of the end of the enrolment period and must include any reason given by the student for his or her non-enrolment (e.g. missed flight).
- If a sponsored student misses 10 expected contacts, without the sponsor's reasonably granted permission a report must be provided within 10 working days of the tenth absence.
- If a sponsored student discontinues his or her studies, such a report must be given within 10 working days and should include the name and address of any new institution that the student has joined, if the sponsor knows it.
- If there are any significant changes in the student's circumstances, for example if the duration of a course of study shortens.

# Ratings for Sponsors

- All sponsors will be rated A or B.
- The B rating is a transitional one. Organisations will need to comply with a time limited action plan to gain an A rating.
- Non compliance of a sponsor in one capacity will affect rating in a separate category e.g. educational establishment acting as a sponsor for students and also as an employer.
- Sponsor ratings will appear on the website.

# Renewing membership of the Register

- Licence will be valid for 4 years.
- Licence must be renewed if Sponsor wants to continue to sponsoring students or migrant workers under the Points Based System even if it does not propose to sponsor any more students or migrant workers.
- Renewal applications will be considered under the same principles for initial licence.
- Renewal must take place before expiry of existing licence.

# Confirmation of acceptance for studies (CAS)

- **Policy: those who benefit from migration should help in maintaining the integrity of our immigration control.**
- When applying for a licence, Sponsors will be required to give an indication of the number of CAS required.
- A CAS will be a unique reference number – there is no physical document.
- Sponsors will issue CAS to students they choose to sponsor via the Sponsorship Management System (SMS). The Sponsor will be vouching for the ability and intention of the student to follow the course of study concerned.
- The unique reference number will be required by the student as part of their entry clearance or leave to remain application to confirm they have a sponsor.
- The CAS will tie the student to the sponsoring institution. If the student wishes to change institution a new CAS will be required.

# Visa letters

- Visa letter is a formal offer by a educational institution which is a registered Sponsor under Tier 4 to the migrant for the course of study he/she is seeking to undertake.
- The Tier 4 Sponsor issues the visa letter to a migrant it wishes to sponsor to enable them to apply for entry clearance or leave to remain
- Issue of a visa letter does not guarantee that entry clearance or leave to remain will be granted to a migrant
- A migrant may be issued multiple visa letters from multiple Tier 4 Sponsors

# Visa letters

- **From the end of March 2009 sponsors will need to issue prospective students with a visa letter which includes certain information specified by the UK Border Agency**
- **Visa letters will be replaced by an electronic reference number, called a Confirmation of Acceptance for Studies (CAS)**
- **CAS will be issued by the sponsor once the Sponsorship Management System is available for Tier 4 Sponsors in Autumn 2009**

## Tier 4 - Students

There will be 2 types of visa under Tier 4:

**Child Student** – for those studying at independent schools from aged 4-17; and

**General Student** - for all those coming to the UK for their post -16 education. General Student applicants will only be able to apply to study for courses at a minimum level of National Qualifications Framework (NQF) level 3 or equivalent or above. English language students: the minimum level of course acceptable for this type of student will be at Common European Framework of Reference for Languages level A2.

For both, applicants will need to hold a valid visa letter and have sufficient funds to meet the Maintenance Test. They will also need to provide the same evidence of any previous qualifications used to obtain their place with their Sponsor.

# Tier 4 - Students

- Leave granted for the duration of the course and a reasonable additional period to tie up affairs or seek an extension up to a **MAXIMUM** of 4 years.
- “General students” will be allowed to spend a maximum of 3 years in the UK on studies below degree level
- “General students” will be permitted to re-sit examinations or repeat any element of a course on up to 2 occasions
- “General Students” will be allowed to bring their dependants. They may work if the student is in the UK for more than 12 months.
- As with the current system, students will be able to work part-time (20 hours per week) during term-time and full time during vacations.
- Switching: permitted for General students into Tiers 1 and 2 where meet the points criteria

## Tier 4: Courses with Work-placements

- The course will need be taught in the UK at an institution on the Sponsor Register.
- Any work placement will need to form an integral and assessed part of the course;
- The course should lead to a UK qualification based at NQF level 3 or above or an overseas degree recognised as being at a UK equivalent degree-level by NARIC;
- Study (teaching) must be in the form of direct instruction from a suitably qualified lecturer/ teacher and within the institution; and
- the total proportion of work experience allowed for courses under the PBS may not exceed one half of the total course length ;or
- for students studying overseas and completing part of their programme in the UK, it may not be more than 50% of the academic period spent in the UK.

# Implementation of Tier 4

The Implementation Plan is due to be published at the end of October. Still subject to change but, essentially, the IT (Sponsor Management System) will be de-coupled from the main policy changes. A phased implementation is being proposed:

**Phase 1:** Already started: since 28 July, colleges and universities have been able to apply to register as sponsors.

**Phase 2:** From 1<sup>st</sup> quarter 2009, all students applying for a student entry clearance or extension of stay will be assessed under the new Tier 4 rules. Without a Confirmation of Acceptance for Studies (CAS) they will need to have a letter showing they have a place to study from their sponsoring institution in the UK (which includes the sponsor licence no.) and show sufficient funds. Their EC/visa will tie them to that institution. We will also implement other key rules changes in relation to level of course and courses with work placements to tighten up the system. 4 year max also introduced but no more intentions tests.

**Phase 3:** In autumn 2009: begin trialling the new IT with sponsors using the Sponsor Management System to issue the more secure CASs (with a unique identifier number) and to fulfil their sponsorship duties to report if a student fails to enrol/attend. Will apply ONLY to students applying for extensions in the UK at this point.

**Phase 4:** Tier 4 fully implemented for all institutions for all applicants in-country and out of country in February 2010.

# Student Visitor Route

## Key Points:

- Remains outside of PBS
- Is a visitor route
- Student visitors cannot work or do work paid or unpaid as part of a course
- Student visitors will nonetheless need to show that they are studying at an appropriately accredited institution IF their institution in the UK is NOT on the Sponsor Register

# Fees

## Sponsor's Licence Application Fee

Sponsor's Licence for Tier 4 (only) £400

Sponsor's Licence for Tiers 2&4 – Small Business/Charity £400

Sponsor's Licence for Tiers 2&4 – Medium/Large Business £1000

Sponsor's Licence for Tiers 4&5 £400

Sponsor's Licence for Tiers 2,4 & 5 - Small Business/Charity £400

Sponsor's Licence for Tiers 2,4 & 5 – Medium/Large Business £1000

Confirmation of Acceptance for Studies (CAS) £10 (not applicable until Autumn 2009)

## Visa Fees

Student Visa Application £99

Dependant of Student Visa Application £99

## Visa Extension Fees (In Country)

Postal Applications £295

Premium Applications (24 Hour Turnaround) £500



## Useful Links

UK Border Agency

[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

Points Based System

[www.ukba.homeoffice.gov.uk/employers/points/](http://www.ukba.homeoffice.gov.uk/employers/points/)

Guidance documents for employers and sponsors

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>

General Queries

– 0870 606 7766 (Tier 1)

– 0114 207 4074 (other Tiers)

