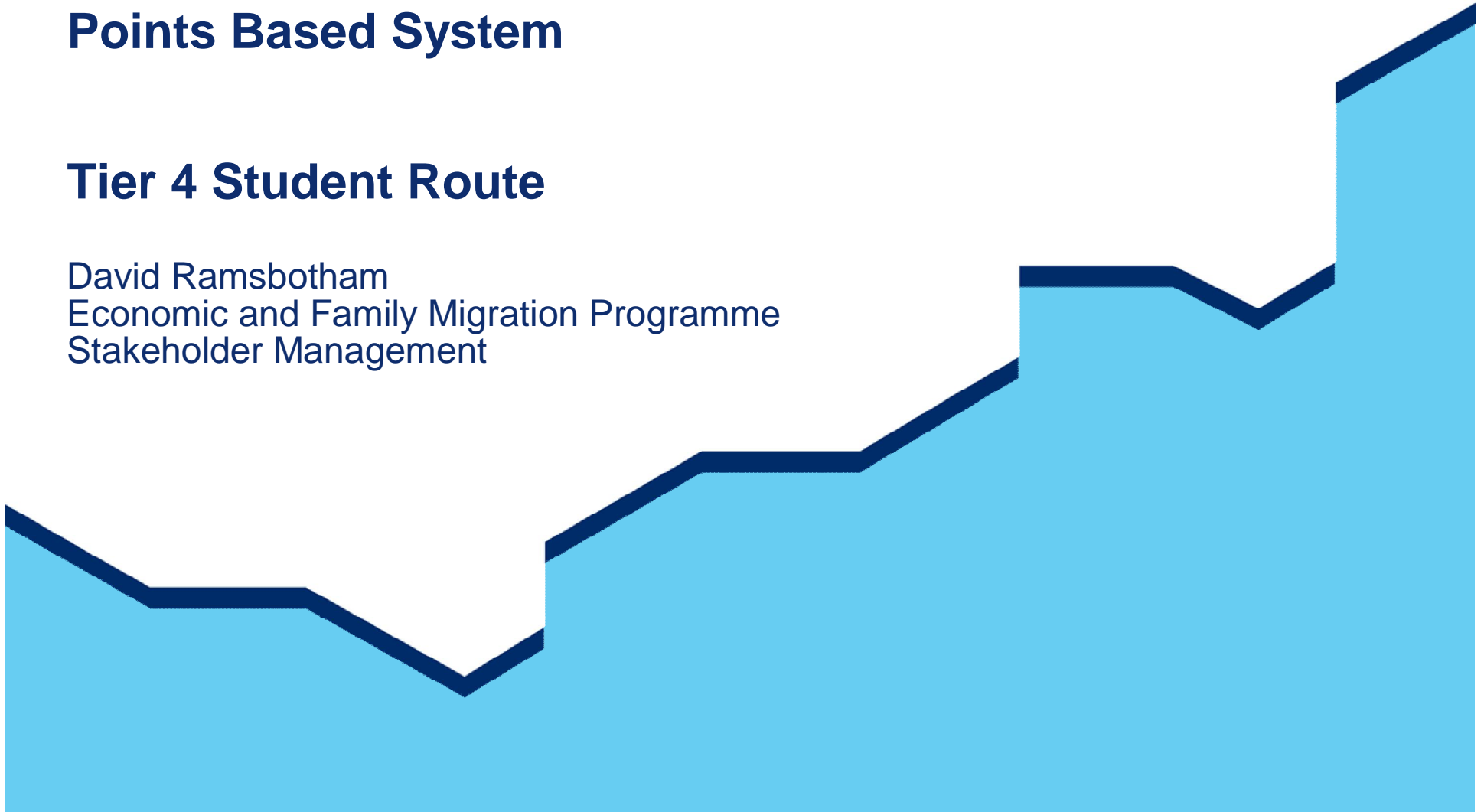# Points Based System

Tier 4 Student Route

David Ramsbotham
Economic and Family Migration Programme
Stakeholder Management

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 Student Route

Real students

Real institutions

Real qualifications

Those who benefit most directly from migration play their part in ensuring the system is not abused

We are trusting Tier 4 sponsors to assess that the migrant is able to study in the UK

This does have risks. Sponsors have their part to play in ensuring that the system is not abused

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Sponsorship - How a Licence application is decided

The UK Border Agency needs 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 its sponsorship obligations.

- Only applicants that qualify in line with the licence criteria for the specific Tier will be approved.

Ratings for Sponsors

All sponsors are rated A or B.

The B rating is a transitional one. Organisations need to comply with a time limited action plan to gain an A rating.

Sponsor ratings appear on the UKBA website.

General Student visa applications will only be accepted from a licensed institution listed on the UKBA register of Tier 4 sponsors which you can view at:
http://www.bia.homeoffice.gov.uk/employers/points/sponsoringmigrants/registerofsponsors/

Tier 4 – Phased Implementation

Home Office
UK Border Agency

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.
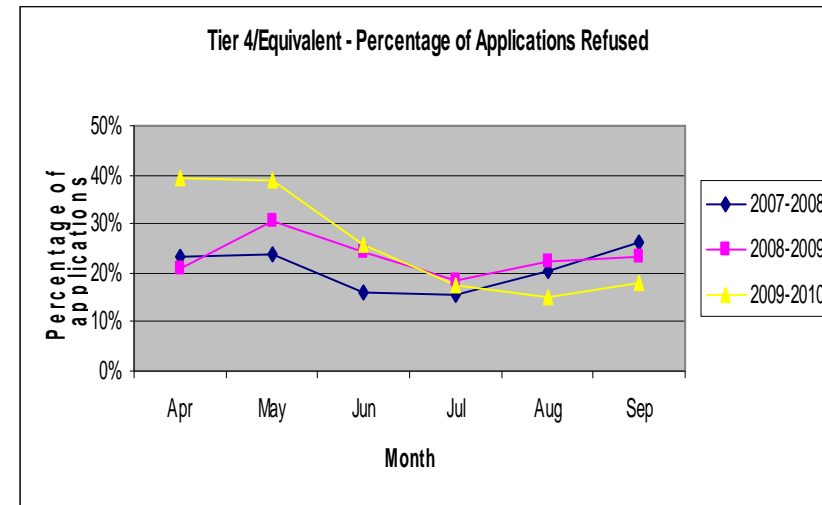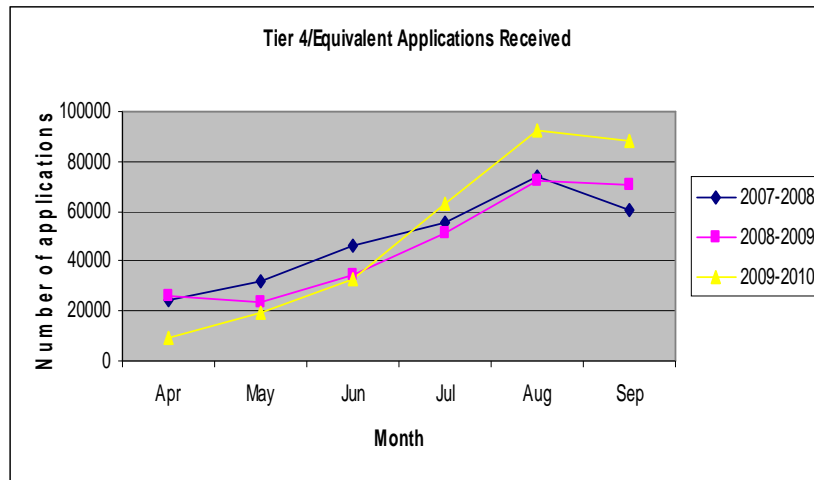Mandatory
Confirmation of
Acceptance for
Studies (CAS)
usage

Tier 4 - How it is progressing

Tier 4 has been operational since 31 March 2009

Just over 2000 institutions on the sponsor register

- Approximately 335,000 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/Equivalent Applications Received

Tier 4/Equivalent - Percentage of Applications Refused

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.

We are working closely with the Joint Education Taskforce, responding to stakeholder queries

We have listened and made amendments to policy

We are targeting communications to share the facts about PBS with sponsors including:

- All Points Monthly Bulletin which is sent direct to all Tier 4 Sponsors which contains all the latest information.

- Attending Key Educational Stakeholder events

- International Team working with partners overseas

Transition Exercise

Why you need to perform the 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'.

Before you can use the Sponsorship Management System (SMS), you must convert these (CoS) into Confirmations of Acceptance for Studies (CAS). You must then choose how to split these (CAS) between the two Tier 4 categories:

• Tier 4 General; and

• Tier 4 Child.

You can convert a Tier 4 Student CoS to a Tier 4 General CAS instantly. However, the UK Border Agency will need to consider any request to convert part or all of your CoS allocation into Tier 4 Child CAS, so you will not be able to issue CAS in the Tier 4 Child category immediately. Full details are available on the link:

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

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Main benefits of Phase 3 Trial

- Manage Sponsor Licence

- Request additional Level 1 & Level 2 users

- Issue CAS to all in-country student applications giving you the opportunity to trial the Sponsorship Management System including the reporting functions

- Help and Support on the SMS system is available at the following link:

http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/sms-user-manual-t4/

Bulk Data Transfer

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).

The 3 BDT functionalities that are now available for sponsors:

• Bulk data upload

• Bulk data export

• Bulk data reporting

Full details available on the following link:

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

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.

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 continually check and monitor all student applications and colleges to ensure that they meet the required standards

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

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

- 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

Sponsor Responsibilities

Paragraph 280(d) makes clear your responsibilities regarding agents, stating you must report

details of any third party or intermediary, whether in the United Kingdom or abroad, that has assisted it in the recruitment of migrant students.

Following a series of intelligence-led visits to Tier 4 Sponsors. A number of sponsors have had their licence suspended and are pending further action, which in some cases will mean revocation.

We are aware that some Tier 4 Sponsors have withdrawn their sponsorship from these applicants, whilst others have curtailed recruitment from that particular region.

If you have concerns about which agent to use I suggest you consult with the British Council who will be happy to advise you of reputable agents operating in South China.

Finally, as per paragraphs 102 – 113 of the Sponsor Guidance, please be reminded that only a paid staff member, an office holder within your organisation, or a member of staff supplied to you, but employed by an employment agency, is able to issue a Confirmation of Acceptance for Studies – the same applies to Visa Letters.

Maintenance change

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**

Tying student leave to institutions

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 <u>new</u> leave application leave accompanied by CAS / Visa letter from the new Sponsor.**
- **The student <u>cannot</u> start their studies with the new sponsor until their leave application has been approved**

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