



**SECURING
OUR BORDER
CONTROLLING
MIGRATION**

STUDENT VISAS

STATEMENT OF INTENT AND TRANSITIONAL MEASURES

March 2011



INTRODUCTION

On 22 March 2011, the Home Secretary announced the Government's plans to make changes to Tier 4 (Students) and Tier 1 (Post Study Work) of the points-based system. These changes will be introduced over a period of time in order to allow the sectors time to adjust.

This Statement provides information on how the new arrangements will operate. We are publishing it now to help ensure a smooth transition with minimal disruption to sponsors' recruitment plans and student decision making.

The first round of implementation, including interim measures, will be made by laying changes to the Immigration Rules before Parliament on 31 March which will come into effect on 21 April 2011. There will be further changes to the Immigration Rules taking effect in summer 2011, in April 2012 and by the end of 2012.

The measures outlined in this Statement should not be seen as a definitive account of the requirements that will apply in future. The definitive version will be set out in the Immigration Rules and published formal Guidance for Tier 4 sponsors and applicants. The Statement does, however, represent the Government's current intentions.

The Government will review the impact of the changes and, if necessary, make further changes in order to meet its objectives of tackling abuse of the student route and reducing net migration to sustainable levels.

OVERVIEW

We will phase in changes to the rules in order to give providers and students time to plan accordingly. In addition, during a transitional period beginning 21 April 2011, those sponsors who do not meet the new requirements as regards educational accreditation and Highly Trusted Sponsor status will be subject to a limit on their allocation of Confirmations of Acceptance for Studies until such time as they meet those new requirements. In summary the measures and timetable are as follows:

CHANGES FROM 21 APRIL 2011

- New sponsors not already on the Tier 4 register will have to meet the new educational accreditation criteria in order to be issued a Tier 4 licence.
- Existing sponsors will be subject to an interim limit on the number of students they can sponsor unless they:
 - hold Highly Trusted Sponsor status; **and**
 - meet the new accreditation criteria.
- Existing sponsors that do not already meet the new accreditation criteria will be required to apply to the relevant inspection body by a date to be announced, in order to be able to continue to sponsor new students, subject to the interim limit, during the transitional period.
- B rated sponsors will not be able to assign CAS to new students (only to those seeking to complete a course).
- A sponsor who is not subject to the interim limit may sponsor, using his own CAS allocation, students studying at a sponsor who is subject to the interim limit, but must take full responsibility for them (e.g. higher education institutions¹ could sponsor students at Pathway providers).
- We will tighten the English language requirements for Tier 4 (General) students:
 - a B1 Secure English Language Test (SELT) requirement for all courses at NQF 3-5 / QCF 3-5 / SCQF 6-8 (ending the current SELT exemptions on pre-sessionals / pathway / foundation degree courses);
 - a B2 SELT requirement for courses at NQF 6 / QCF 6 / SQCF 9 and above, with an exception for higher education institutions who can make their own assessment;
 - A student may be refused a visa or entry to the UK if he cannot speak English without assistance.
- We shall clarify that a CAS may only be issued in respect of a single course, except where the student is attending a pre-sessional course of not more than three months' duration and has an unconditional offer of a place at a higher education institution or at an independent school starting not more than one month after the end of the pre-sessional course.

¹ In this document "higher education institution" means a Recognised Body (i.e. an institution which has been granted degree awarding powers by either a Royal Charter, Act of Parliament or the Privy Council), or a body in receipt of funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council of England, the Higher Education Funding Council of Wales, or the Scottish Funding Council.

CHANGES FROM JULY 2011

- Sponsors will have to vouch for academic progression for students changing course, where the new course is not a step up the NQF/ QCF / SCQF scale.
- Students will have to declare at the visa application stage that they hold and will continue to hold the required maintenance funds to support themselves and pay for their course. We shall publish local lists of financial institutions with whom we are unable to verify financial statements to our satisfaction.
- Students of designated low-risk nationalities attending courses at Highly Trusted Sponsors will not routinely have to present the specified documents at the visa application stage in respect of their maintenance funds or educational qualifications, although we reserve the right to ask to see the evidence.
- We will restrict permission to work during studies for new students, so that only students at higher education institutions and publicly funded further education colleges can do so, retaining their current entitlements.
- We will only allow new students studying at a higher education institution on a course on NQF 7 / QCF 7 / SQCF 11 or above lasting 12 months or more to sponsor their dependants. The dependants will be able to work.

CHANGES FROM APRIL 2012

- All sponsors must have acquired HTS status.
- We will extend the interim limit in respect of those existing sponsors who have acquired HTS status but not met the new educational accreditation requirements.
- Courses offering work placements will have to have a study:work ratio of 66:33 except at higher education institutions.
- We will set a maximum time of five years in Tier 4 studying at degree level and above, with exceptions for some courses and PhD students.
- We will close the Tier 1 Post Study Work Route but allow switching into Tier 2 as described below.
- We will make provision for student entrepreneurs.

CHANGES FROM END OF 2012

- All sponsors have to meet the new educational accreditation criteria to be able to sponsor new students.

TIER 4 CHILD CATEGORY

We shall review in due course the provisions applying to child students, with a view to possible tightening of institutions' eligibility to sponsor child students and also relaxation of certain current rules.

SPONSOR REQUIREMENTS

We will introduce new requirements to ensure a high standard of education at sponsoring institutions and of immigration compliance. In general the sponsors who have given rise to difficulty in terms of suspended and revoked licences are those who are not subject to the inspection regimes applying to publicly-funded institutions and to the independent schools, and those who are not Highly Trusted Sponsors. Therefore we shall make these requirements the norm in order for sponsors to gain and keep a licence as a Tier 4 sponsor. From the end of 2012, existing sponsors that are not able to meet all the requirements will not be able to sponsor new students. New sponsors will only be admitted to the register if they meet the new accreditation requirements.

EDUCATIONAL OVERSIGHT

From 21 April 2011, in order to obtain a licence new sponsors must show that they have a current and satisfactory full inspection or audit by one of the bodies listed below:

- Quality Assurance Agency (QAA) for Higher Education;
- Ofsted (England);
- Her Majesty's Inspectorate of Education (Scotland);
- Estyn (Wales);
- Education and Training Inspectorate (Northern Ireland);
- The Bridge Schools Inspectorate (England);
- Schools Inspection Service (England);
- Independent Schools Inspectorate (ISI) (England).

We shall announce in due course a date by which existing sponsors who do not meet the above requirement must apply to the relevant body. If they do not do so they will lose the ability to sponsor new students.

We will consider further the eligibility of overseas higher education providers, which have campuses in the UK, where they are required to undergo inspection, accreditation or review in order to operate within their home country. It is envisaged that such providers would be able to continue offering study abroad programmes to their students, where they are following a course equivalent to UK degree level or above, and are spending no more than half the total length of the course in the UK.

UK BORDER AGENCY-APPROVED ACCREDITATION BODIES

For privately funded providers of further education, higher education and English language courses the UK Border Agency has previously recognised accreditation offered by five bodies as acceptable for granting a Tier 4 sponsor licence. These private accreditation bodies are:

- Accreditation UK;
- The Accreditation Service for British Language Schools (ABLS);
- The Accreditation Service for International Colleges (ASIC);
- The British Accreditation Council (BAC); and
- The Church of England Inspectorate – Ministry Division.

The UK Border Agency had arrangements with these providers for a period of two years, which have now lapsed in four cases and in the fifth, due to lapse in May 2011. The UK Border Agency does not intend to renew these arrangements for the purpose of Tier 4. The new requirements set out above will apply. Therefore, subject to the transitional period set out below, accreditation by one of the private accreditation bodies will no longer be sufficient to meet the criteria for entry onto the register of sponsors. Providers not yet on the register of sponsors who have received accreditation from one of the private accrediting bodies will, providing they meet all other criteria, be eligible for a Tier 4 licence provided they apply to the UK Border Agency before 21 April 2011, or in the case of education providers accredited by the Church of England Ministry Division, 10 May 2011.

During the transitional period, any sponsor who was accredited by a private accrediting body and whose accreditation lapses will continue to be able to sponsor new students, provided they meet the other requirements such as applying to the relevant public accrediting body by the date to be specified, obtaining HTS status in time, and not having their licence suspended or revoked.

Accreditation from the private accrediting bodies will still be acceptable for:

- providers that cater for student visitors and child visitors who study (even if not a Tier 4 sponsor); and
- private providers of courses in English for Speakers of Other Language for the purpose of applying for settlement and citizenship.

IMMIGRATION COMPLIANCE - HIGHLY TRUSTED SPONSOR STATUS

From the launch of Tier 4, sponsors have been rated 'A' or 'B' according to their level of compliance with immigration criteria. In 2010 a new Highly Trusted Sponsor licence was introduced, which required sponsors to demonstrate a higher level of compliance with the Tier 4 requirements. These higher requirements should become the norm. Therefore from April 2012, we will require that all sponsors are Highly Trusted.

By summer 2011, we shall review the current HTS criteria to see how they can be improved in the light of experience, to ensure that policy and enforcement objectives are being met. We will publish revised criteria (if any) as soon as possible. We will consult with the sectors to draw up the precise requirements.

During the transitional year, as currently, only HTS will be able to offer NQF 3/QCF 3/SQCF 6 level courses, and NQF 4 & 5/QCF 4 & 5/SCQF 7 & 8 courses containing work placements.

Education providers applying for the first time to register as sponsors, or to re-register following a licence revocation, will be granted a licence that allows them to issue a limited number of CAS based on their capacity. This will enable them to sponsor students and so demonstrate a commitment to complying with immigration requirements. After a year new sponsors will have to meet the full immigration compliance requirements; failure to meet the HTS criteria at that point will result in the suspension of their licence and a restriction on the ability to sponsor new students.

From April 2012, where a sponsor does not have or falls below the HTS standard, we will restrict their ability to sponsor new students. They will only be able to issue CAS to allow current students to be able to complete their original course.

Sponsors who, under the previous criteria, are downgraded to a 'B' rating will be prevented from sponsoring additional students.

If a sponsor has their licence revoked, we will refuse any application for a new licence until April 2012 or for a minimum period of six months, whichever is sooner. For revocations after April 2012, there must be at least six months between the date of the licence revocation and the new application, in order to enable the sponsor to address the concerns that led to the revocation.

INDEPENDENT SCHOOLS

In view of their lower risk and proven track record of compliance, independent schools will be automatically accorded HTS status. We will not impose the full burden of HTS requirements on independent schools or charge the associated fee for the first year. They will continue to be able to sponsor pupils from overseas under the Tier 4 (Child) category, and automatic qualification for HTS licences will allow them to sponsor those pupils who need to make an initial application or application for further leave under the Tier 4 (General) category. We will consider how independent schools can qualify for HTS status from April 2012 onward, ensuring processes are proportionate to the low level of immigration risk.

TRANSITIONAL ARRANGEMENTS AND INTERIM LIMIT

Recognising that existing sponsors will require some time to meet the new educational accreditation and HTS requirements, they will be able to continue to sponsor new students during the transitional period to the end of 2012, provided they:

- (a) apply for accreditation and HTS within timescales to be announced;
- (b) do not otherwise have their licence suspended or revoked or downgraded to B status; and
- (c) obtain HTS status by April 2012.

Those with an accreditation from the private accrediting bodies which lapses during the transitional period will be able to continue to sponsor new students if they meet the other conditions set out above.

It is anticipated that some existing licensed sponsors will not be able to meet the new requirements in due course. We must ensure that the ability to sponsor new students during the transitional period is not abused, resulting in a large number of students at legacy sponsors. Therefore in the transitional period we will limit the number of CAS available to those sponsors who do not fully meet the requirements and encourage careful usage of those CAS by the sponsor.

As soon as a sponsor is able to show they meet the new requirements we will remove this limit.

Interim Limit

There is no overall limit on the number of CAS that can be allocated to sponsors affected by the limit during the transitional period. Any sponsor that falls within the scope of the limit will have their CAS allocation reduced and limited in accordance with the calculation set out below.

From 21 April, for sponsors that do not already meet the new requirements we will limit their allocation of CAS to be the same as the number of CAS they issued which were “used and approved” between 1 March 2010 and 28 February 2011, i.e. those CAS which were both assigned and resulted in an approved application for entry clearance or leave to remain during that period. This will be the full allocation of CAS for the period until April 2012. This allocation will be for new students coming to the UK and also for those who may require a CAS in order to make an application to extend their leave and complete a course.

Any CAS assigned to a prospective student before 21 April 2011 will be valid¹ for use in making an entry clearance or leave to remain application. The prospective student will also need to meet the requirements in force on the date the application was made. Any CAS allocated to a sponsor but not assigned to a prospective student by 21 April 2011 will be cancelled.

From April 2012 all education providers, including those currently on the register, who want to sponsor new students will have to achieve HTS status. Those that have not achieved HTS status will be given a CAS allocation of zero. Those who have obtained HTS status, but do not meet the new criteria on educational oversight we will apply a limit to their CAS allocation based on the number “used and approved” in the period April 2011 to April 2012.

By the end of 2012 all education providers, including those currently on the register, who want to sponsor new students will have to meet the new requirements on educational oversight. Sponsors who do not have HTS status as of April 2012 or do not meet criteria on educational oversight by the end of 2012 will become legacy sponsors who can keep their existing students but not sponsor new ones (provided their licence is not suspended or revoked for other reasons).

Existing students at these legacy sponsors from April 2012 who at that time have not completed their course will be able to continue their courses, provided they continue to meet the requirements of their leave and the sponsor continues to comply with their duties in relation to their students. Where a student requires an extension to complete a course or to re-sit an exam, the sponsor will have to ask for an exceptional CAS by contacting the Sponsor Management Unit. Normally, only one extension will be granted per student.

Where we revoke a licence or a sponsor ceases operation, students will have 60 days to find another sponsor offering the same or similar course, leading to a similar qualification. Legacy sponsors will be able to apply for exceptional CAS to take over sponsorship of such students. Leave will only be granted to allow these students to complete the specified course.

1 Provided it was assigned in accordance with the Rules and guidance in place when it was assigned.

Sponsorship Requirements Summary	
Category	Effect
<ul style="list-style-type: none"> Existing sponsors meeting new requirements on both accreditation and HTS status 	<ul style="list-style-type: none"> No restriction on CAS allocation.
<ul style="list-style-type: none"> New sponsors meeting new requirements on accreditation 	<ul style="list-style-type: none"> Granted licence, but with CAS allocation limited Must achieve HTS status within 12 months to be able to continue to sponsor new students
<ul style="list-style-type: none"> Existing sponsors meeting new requirements on accreditation but not HTS 	<ul style="list-style-type: none"> Must obtain HTS status by April 2012 Interim limit on CAS allocation.
<ul style="list-style-type: none"> Existing sponsors with HTS status but not meeting new accreditation requirements 	<ul style="list-style-type: none"> Must obtain new accreditation by the end of 2012. Interim limit on CAS allocation.
<ul style="list-style-type: none"> Existing sponsors not meeting new requirements on either accreditation and HTS status 	<ul style="list-style-type: none"> Must obtain HTS status by April 2012. Must obtain new accreditation by the end of 2012. Interim limit on CAS allocation
<ul style="list-style-type: none"> Any sponsor - licence downgraded to B rating. 	<ul style="list-style-type: none"> Not able to sponsor new students.
<ul style="list-style-type: none"> Any sponsor - licence suspended. 	<ul style="list-style-type: none"> Not able to sponsor new students.
<ul style="list-style-type: none"> Any sponsor - licence revoked. 	<ul style="list-style-type: none"> Existing students have 60 days to find alternative sponsor.

ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS (ACCA) COURSE PROVIDERS

Where a sponsor is offering courses from the Association of Chartered Certified Accountants we will require that the sponsor is an ACCA² Approved Learning Partner offering student tuition at either “Gold” or “Platinum” level.

PARTNER PROVIDERS

We will allow education providers to provide courses where they are working in partnership with a Tier 4 sponsor, but we will require the licensed sponsor to take responsibility by sponsoring the students directly by issuing CAS.

These arrangements will for example accommodate short pre-sessional courses prior to study at a higher education institution or independent school, longer pre-higher education “pathway” and international foundation year courses and other courses organised through partnerships between education providers.

Where the level of immigration compliance of students studying with the partner provider is found to be below the required standard this will have an impact on the rating of the licensed sponsor and directly impact their ability to sponsor international students for all courses.

² For further details regarding the levels of ACCA approval please see: <http://www.accaglobal.com/students/study/alps>

ENTRY REQUIREMENTS

ENGLISH LANGUAGE REQUIREMENT

We will strengthen the current requirements on English language competence in Tier 4 (General). We will require that when a sponsor issues a CAS for any student commencing a course, they will have to confirm that the student is competent to an appropriate level. This requirement will apply for CAS issued after 21 April 2011, whether to be used by an entirely new applicant overseas or in the UK, as well as existing students applying for an extension of leave to remain.

As now, Tier 4 (Child) students will not be subject to an English language test requirement.

LEVEL OF COURSE

For all students following courses at NQF 6/QCF 6/SCQF 9 and above, the required level of English will be a minimum of level B2 on the Common European Framework of Reference for Languages (CEFR) in each of the four components of language learning (reading, writing, listening and speaking). Students not attending a higher education institution will be required to demonstrate this through the provision of a Secure English Language Test (SELT) certificate, which is within its validity date at the date of the Tier 4 application, from one of a limited number of test providers approved by the UK Border Agency. The list of approved providers will be published, and will indicate for each provider the minimum score required which equates to B2.

We will allow higher education institutions to choose their own method of assessing the English language competence at B2 level for their students studying at NQF 6/QCF 6/SCQF 9 and above.

For students following courses between NQF 3/QCF 3/SCQF 6 and NQF 5/QCF 5/SCQF 8 and English language courses, the required level of English will be a minimum of CEFR level B1. All students at this level, regardless of the status of their sponsor institution, will be required to demonstrate this through the provision of a recent SELT certificate which is within its validity date when the student applies under Tier 4. We will end some of the current exemptions and therefore apply this requirement where students are undertaking foundation degrees, pre-sessional and pathway courses before a degree course and for students coming to study English as a foreign language under Tier 4 at CEFR level B2 and above.

ENGLISH AS A FOREIGN LANGUAGE

Students who want to come to the UK to learn English as a foreign language at a level below CEFR B2 will be able to do so through the extended student visitor visa launched on 10 January 2011, which allows study on courses of up to 11 months which are exclusively to learn English as a foreign language.

EXEMPTIONS

We will also allow exemptions from the requirement for the production of Secure English Language Test certificates for:

- students moving from Tier 4 (Child) into Tier 4 (General) who have completed a course of study of at least six months duration;
- those who have completed a qualification equivalent to a UK degree which was taught in a majority English-speaking country (including degrees taught in the UK); and
- those who are nationals of a majority English-speaking country.

The majority English-speaking countries are:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Canada;
- Dominica;
- Grenada;
- Guyana;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago; and
- United States of America.

GIFTED STUDENTS AT HIGHER EDUCATION INSTITUTIONS

We accept that in very rare cases, a higher education institution will want to offer a place to a gifted student who does not meet the B2 requirement and where a requirement to attend a pre-sessional course is inappropriate. In such cases we shall accept a CAS where the academic registrar has indicated this to be the case in the free text field on the CAS form and has provided the student with an appropriate letter. We expect such cases to be exceptional and not to be used as a means of admitting average students who do not meet the language criteria.

Tier 4 (General) English Language Requirement Summary	
Category	Requirement
Exemptions: <ul style="list-style-type: none"> • students moving from the Tier 4 (Child) into Tier 4 (General); • those who have completed a qualification equivalent to a UK degree which was taught in a majority English-speaking country; and • nationals of a majority English-speaking country. 	No requirement.
Students following courses between NQF 3/QCF 3/SCQF 6 and NQF 5/QCF 5/SCQF 8 including: <ul style="list-style-type: none"> • foundation degrees; • pathway courses; • pre-sessional courses; • English as a foreign language at CEFR level B2. 	Valid SELT certificate at B1 level.
Non-higher education institution students following courses at NQF 6/QCF 6/SCQF 9 and above.	Valid SELT certificate at B2 level.
Higher education institution students following courses at NQF 6/QCF 6/SCQF 9 and above.	Confirmation from higher education institution that the student is competent to B2 level; or Confirmation from the sponsor that an exemption should apply on the basis that the student is exceptionally gifted.

UK BORDER AGENCY CHECKS

From 21 April 2011 we will introduce a rule that students must be able to demonstrate they can speak English to the required standard (B1 or B2), if interviewed by a UK Border Agency officer. The officer will not judge whether level B1 or B2 has been obtained. He will test whether the student can hold a simple conversation without an interpreter. If they cannot, then clearly the required level has not been attained. This will be applicable whether or not the student has been required to present a SELT certificate. We will not, however, routinely interview.

Where we have interviewed a student and we find they cannot speak English without assistance, we may refuse the visa application or entry to the UK. Refusals will require confirmation from a senior officer.

PRE-SESSIONAL COURSES

The current rules on pre-sessional courses are too broad, allowing students to obtain a grant of leave to cover both a long pre-sessional course and a main course, and giving them an exemption from our English language requirements.

Any CAS issued after 21 April 2011 will only be able to cover a single course, either a pre-sessional or a main course. We will make an exception for students attending a pre-sessional course prior to a course at a higher education institution where:

- the pre-sessional course is no more than 3 months' duration;
- there is an unconditional offer to proceed to the main course;

- the main course starts within one month of the end of the pre-sessionals; and
- the main course is at degree level or above.

We will also make an exception for students attending a pre-sessionals course prior to studying at independent schools where:

- there is an unconditional offer of a place at the school; and
- the duration of the pre-sessionals course plus the period of study at the independent school does not exceed the maximum period of leave that can be granted under the Tier 4 (Child) rules.

If these criteria are met a single CAS may cover both courses. Those intending to proceed to higher education institution study must show that they meet the English language requirement for study at NQF 5/QCF 5/SCQF 8 or below i.e. B1, before they can start the pre-sessionals. We expect they will have reached B2 standard before proceeding to the main course.

In all other cases, leave will initially only be granted for the first course and a new CAS and a further application for leave will be required in order to progress to study on the second course. This application may be made either overseas or from within the UK. Students going on to degree level study will have to meet the higher B2 English language requirement as set out in the section above.

EVIDENCE OF STUDENT FUNDING

From summer 2011 we will revise our requirements regarding the evidence a student must provide to show they can support themselves and their dependants whilst they are studying in the UK.

Currently students are required to show they have the specified funds available to them for 28 days prior to making an entry clearance application. There have, however, been cases where the student no longer holds the funds when the entry clearance application is being considered or on arrival in the UK.

We will add a declaration to the application form so that the student must confirm that the funds are genuinely available for the purpose of funding their study and upkeep in the UK. Where we have concerns regarding the student's ability to maintain and accommodate themselves without recourse to public funds or working in the UK, either when considering an application or on arrival in the UK, we shall check to confirm that funds continue to be available or that they have been spent to fund course fees or living expenses.

For the purpose of verifying maintenance funds, we shall maintain lists of financial institutions that we consider, on the basis of experience, do not verify financial statements to our satisfaction. Where we have a reasonable doubt about the declared funds and therefore would normally verify with the financial institution, we shall award no points and the application will be refused. Lists of these institutions will be published on the relevant sections of the UK Border Agency website, and locally at visa application centres.

STREAMLINED APPLICATION PROCESS FOR LOW-RISK STUDENTS

From summer 2011 we will introduce a streamlined application process for certain low risk students, in general waiving the requirements to provide documentary evidence of maintenance and qualifications at the time of application. The substantive requirements will remain the same, including the 28 day rules for maintenance funds, and students must be able to provide the appropriate documents if subsequently requested.

We have compiled significant evidence of high levels of compliance and low risk of abuse for students of the following nationalities:

- Argentina;
- Australia;
- British National Overseas;
- Brunei;
- Canada;
- Chile;
- Croatia;
- Hong Kong;
- Japan;
- Mexico;
- New Zealand;
- Singapore;
- South Korea;
- Trinidad and Tobago; and
- United States of America.

For main applicants of these nationalities who are sponsored by an institution that meets the new requirements on educational oversight and are Highly Trusted, and therefore considered to be very low risk, we shall, in general, waive the requirement to provide documents at the time of application other than the CAS and the passport/ identity document. We shall also waive these requirements for dependants where both the main applicant and dependant are of a nationality listed above. This will apply for applications in the UK and in their home country, but not for applications made in third countries. We will reserve the right to request the required documentation where necessary and at random to ensure that the system is robust.

Review

Risk patterns and patterns of compliance change over time and so we will build mechanisms to ensure that this “lighter touch” is regularly reviewed and updated. We will:

- re-assess the risk and evidence, normally on an annual basis;
- re-assess the list of nationalities as and when new risks are identified and revert to standard requirements if concerns are confirmed; and
- randomly assess a sample of applicants to ensure that the initiative is not being abused and that the risk profile remains accurate.

ENTITLEMENTS

STUDENT PERMISSION TO WORK

For students sponsored by and studying directly with higher education institutions, we will retain the current level of permission to work at 20 hours per week part-time during term-time for students undertaking courses at degree level or above and 10 hours per week part-time during term time for students undertaking courses below degree level. All students studying directly with higher education institutions will be able to work full-time during vacations.

For students sponsored by publicly-funded colleges of further education we will also retain the current level of permission to work at 10 hours per week part-time during term-time and full-time during vacations.

From summer 2011 students who are applying for entry clearance or leave to remain and who are not sponsored by a higher education institutions or publicly-funded further education college will not be granted permission to work at any time during their studies.

WORK PLACEMENTS

We will also retain the current rules around work placements for students sponsored by higher education institutions studying at degree level and above, and keep the minimum study to work ratio the same at 50:50.

From April 2012 where the sponsor is not a higher education institution, we will additionally require that students starting new courses including work placements can only do so where there is a minimum ratio of study to work of 66:33.

DEPENDANTS AND THEIR ENTITLEMENTS

From summer 2011 students applying for their initial grant of leave as a student will only be able to bring their dependent family members (limited to spouses/partners and children aged under 18) where the course is at least 12 months long and the student is either doing post-graduate level study at a higher education institution (NQF 7/QCF 7/SCQF 11 and above) or is Government sponsored.

These dependants will have unrestricted access to the UK labour market.

AT THE END OF THE COURSE – FURTHER STUDY

TIME ALLOWED AS A STUDENT IN TIER 4 (GENERAL)

We will maintain the current maximum total period of leave at three years for study below NQF 6/QCF 6/SCQF 9. From April 2012, we will additionally introduce a maximum total period of leave of five years for study at NQF 6 & 7/QCF 6 & 7/SCQF 9-11. This will limit the overall time spent in Tier 4 (General) to eight years, with some limited exceptions. Time studying through the Tier 4 (Child) route will not be counted toward these limits.

We will make exceptions for those advanced courses where, for example as a matter of professional qualification, the required total period of study is longer than five years.

We will work with the education and other relevant sectors to define a list of these courses by April 2012, to include:

- Architecture;
- Engineering;
- Law;
- Medicine (including dentistry and pharmacy);
- Veterinary Medicine & Science.

Students undertaking a PhD will not be subject to the time limit, but if they have eight or more years leave as a student or in Tier 4 (General) on completion of their PhD they will not be able to apply for further leave in Tier 4 (General).

Students who have already eight or more years leave as a student or in Tier 4 (General) from April 2012 will be able to complete their course, but not apply for further leave in Tier 4 (General) when that expires.

ACADEMIC PROGRESSION

We expect that most students who are extending their visa will be progressing to a higher course level. We will introduce, from summer 2011, a requirement for the sponsor to confirm that any student is making academic progress when they are applying for further leave to remain to commence a new course that is not at a higher level on the NQF/QCF/SCQF. In those circumstances the sponsor should confirm the new course is complementary to the previous course, for instance those moving from a taught Masters degree to an MBA or research based Masters degree or developing a deeper specialisation in a given area.

Confirmation of academic progression will be through the CAS, initially in the free text field and in due course through a tick box on the CAS form.

We will allow as exceptions:

- applications to move to a new course at the same level at a different institution before completion of the initial course (once only); and
- applications to take re-sits in order to complete the course provided this will not take the student over the relevant time limit (maximum of twice, except at higher education institution who set their own strict criteria on re-sits).

We will not generally seek to challenge an individual confirmation of progression from sponsors. However we shall monitor use of this provision and seek to develop benchmarks for the acceptable frequency of confirmations where student is not moving to a higher level.

AT THE END OF THE COURSE – WORKING IN THE UK

TIER 1 (POST STUDY WORK)

From April 2012 the Tier 1 Post-Study Work route will be closed to new applicants. Instead students graduating with a UK degree, PGCE, PGDE from a Recognised or Listed Body will be able to apply for a job with a UK Border Agency licensed Tier 2 sponsor.

They will only be able to switch into Tier 2 if they are in the UK, before their student visa expires. They must meet the normal criteria for Tier 2, but we will waive the Resident Labour Market Test requirement. They must be paid the minimum salary, i.e. £20,000 p.a. or the minimum set out in the relevant code of practice. We will keep the salaries in the Codes under review to ensure they are appropriate for new graduates.

Students switching as set out above will not be subject to the limit on Tier 2 migrants.

Students who switch into Tier 2 as set out above will be able to sponsor any dependants who accompanied them as students but will not be able to sponsor any new dependants.

The Government will monitor the numbers switching from Tier 2 and check for any evidence of abuse. If necessary it will consult the Migration Advisory Committee (MAC) on how to address any abuse (including the subsequent imposition of a limit) and will also ask the MAC in due course to review all the in-country exemptions from the Tier 2 limits.

STUDENT ENTREPRENEUR

We know that there are bright and innovative students who have a business idea and want to make it work in Britain. So we will ensure there is a place in our immigration system for those students who, through their studies, have developed world class innovative ideas for example in science, technology or design. For those students who do not want to be tied to an employer but who want to bring their ideas to market themselves, we will develop arrangements to enable them to stay in the UK to pursue their ideas. We will work with the education and business sectors to design a process to identify those whose ideas and innovation can help drive our growth and productivity.