



POINTS BASED SYSTEM

TIER 4 QUESTIONS & ANSWERS

STUDENTS

September 2009

Version 1.0

THESE QUESTIONS AND ANSWERS DO NOT REPLACE OR SUPERSEDE THE MIGRANT OR SPONSOR POLICY GUIDANCE. THIS SET OF QUESTIONS AND ANSWERS PROVIDES RESPONSES TO SOME OF THE MOST FREQUENTLY ASKED QUESTIONS FROM STUDENTS REGARDING TIER 4 OF THE UK POINTS BASED SYSTEM

WE HAVE FLAGGED ITEMS MARKED WITH AN ASTERIX * THROUGHOUT THE DOCUMENT AS COMMON REASONS THAT STUDENT VISA APPLICATIONS ARE REFUSED

THE CONTENT OF THIS DOCUMENT WAS CORRECT WHEN IT WENT TO PRESS HOWEVER FOR THE VERY LATEST INFORMATION, FORMS AND GUIDANCE YOU SHOULD CHECK:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/STUDYINGINTHEUK/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/)

A FULL GLOSSARY OF TERMS USED IN THIS REPORT CAN BE FOUND AT:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/GLOSSARY](http://www.ukba.homeoffice.gov.uk/glossary)

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1. GENERAL

Q. Where online can I get information about applying to be a student in the UK?

A. The following website address provides an overview of the different ways to come to the UK to study. It also contains a number of useful quick guides that will help with your application.

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/STUDYINGINTHEUK/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/)

Q. What type of Student Visa do I need?

A. There are a range of student visas that vary based on the type of application you wish to make:

Child Student

You can apply as a child student if you are between 4 and 17 years old. If you are between 4 and 15 years old, you must be coming to the United Kingdom to be educated at an independent fee-paying school.

Child Visitor

You can apply as a child visitor if you are 17 years old or under and you want to come to the United Kingdom to do a course of study for up to six months.

You will not be able to switch and apply for a child student visa while you are in the United Kingdom as a child visitor. If you want to apply for a child student visa, you must apply from the country you live in.

Adult Student

You can apply as an adult student if you are coming to the United Kingdom for your post-16 education.

Student Visitor

You can apply as a student visitor if you are 18 years old or over, you want to come to the United Kingdom to do a course for up to six months, and you do not want to work while you are here.

You will not be able to switch and apply for an adult student visa while you are in the United Kingdom as a student visitor. If you want to apply for an adult student visa, you must apply from the country you live in.

Prospective Student

You can apply as a prospective student if you want to come to the United Kingdom to help you decide which course to study or if you plan to start a course of study within six months.

You will be able to switch and apply for an adult or child student visa while you are in the United Kingdom.

Q. Where can the immigration rules, guidance notes and application forms be found?

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A. The following website link contains a number of quick guides for adult students applying for a student visa. The application form and guidance for adult students applying under Tier 4 of the PBS can be found in the applications section

Adult:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/STUDYINGINTHEUK/QUICKGUIDEFORSTUDENT/ADULTSTUDENTS/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/quickguideforstudent/adultstudents/)

The following website link contains a number of quick guides for Child Students applying for a student visa. The application form and guidance for Child Students applying under Tier 4 of PBS can be found in the applications section

Child:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/STUDYINGINTHEUK/QUICKGUIDEFORSTUDENT/CHILDSTUDENTS/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/quickguideforstudent/childstudents/)

The following website link contains the full guidance for Tiers 2, 4 and 5 for employers and Sponsors, as well as separate appendices from the guidance as separate documents.

Sponsor:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/SITECONTENT/DOCUMENTS/EMPLOYERSANDSPONSORS/PBSGUIDANCE/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandspendors/pbsguidance/)

Q. What are the key changes resulting from the implementation of Tier 4 of the Points Based System?

A. The key changes to the immigration system as a result of Tier 4 are:

- Education providers can only bring students from outside the European Economic Area (EEA) to the UK where they hold a valid Sponsor licence issued by UK Border Agency.
- Education providers will only be able to obtain a Sponsor licence where they hold the appropriate accreditation or have passed the required inspection and will only be licensed where they can show that they can meet their Sponsor licensing duties, for example, the reporting of student non-enrolment and non-attendance.
- There are two categories of student under Tier 4: Child Student and General Student. The student's leave is tied to their sponsoring institution, on the Sponsor Register.
- All students must study a recognised programme/qualification.
- Students in the General Student category must provide evidence that they have a proven track record of study before they come to the UK. General Students will need to be enrolled on a course at Level 3 or above on the National Qualification Framework (NQF) or its equivalent or a course at Level A2 of the European Common Framework of Reference for Language if they are seeking to study English.
- Those coming to the UK to study as adults are only permitted to spend three years on courses below degree level.
- Courses which involve work-placements may only be undertaken where the work-placement makes up no more than 50% of the total length of the course.
- Student leave will be granted for the full length of the course with time for the student to settle their affairs or seek an extension.

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- Students applying to come to the UK from 31 March 2009 must pass a points test and show that they can meet the minimum 40 point criteria through:
 - A valid Visa Letter (from March 09 until February 2010) issued to students overseas and in-country. Or alternatively a Confirmations of Acceptance for Studies (CAS) (from October 09 onwards). A Visa Letter or CAS is worth 30 points.
 - Evidence of sufficient funds to pass a maintenance test. – 10 points.

Q. Why has the system changed?

A. PBS has been introduced to deliver a number of benefits for different groups:

- **For Students** –assurance that they are applying to study at genuine educational institutions which have demonstrated their suitability to obtain a sponsor licence. The ability to determine in advance whether they are likely to score sufficient points to meet the requirements of the Tier.
- **For Education Providers** –a more objective and transparent process. Confirmations of Acceptance for Studies (CAS) are accompanied by a fast, electronic process for CAS generation. CAS will also allow Sponsors to send the information a student needs to apply from overseas much more quickly than when a Visa Letter is issued.
- **For All: students, educational institutions and the UK Border Agency staff** 10 existing student routes have been replaced by one tier with two categories and a much simpler, transparent and robust process.

Q. What action will UK Border Agency staff take, once informed of a student who is not following the rules?

A. The Sponsor: We will only take action against a Sponsor who has been knowingly complicit in any breach of the rules. The action taken will depend on the severity of the breach. If we identify areas where we feel improvements could be made in the monitoring of students or the practical areas associated with being a Sponsor, we will work with the licence holder to advise.

A. The Student: The action taken would depend on the severity of the breach and whether it was purposeful. Deliberate breaches of the rules could result in the student's leave being revoked and them being removed from the UK.

Q. What are the restrictions on employment for students?

A. Students may work part-time (up to 20 hours) during term time and full time during vacations. They do not have to seek approval from the UK Border Agency for such employment. Students may also undertake work placements as part of their course, providing the work component comprises no more than 50% of their total course.

Q. Will the student continue to be able to work part-time during any period of the extension?

A. If a student extension is granted then yes.

Q. Can applications be processed in a Public Enquiry Office (PEO)?

A. Yes, students can make a Tier 4 application in person at a Public Enquiry Office in the UK although the fees are higher than making an application by post.

Q. Where can I check to see if I score enough points for Tier 4?

A. From 5th October 2009 you will be able to use the Points Based Calculator to check if you are likely to score enough points to qualify for Tier 4 before you make an application. The calculator can be found at:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/POINTSCALCULATOR](http://www.ukba.homeoffice.gov.uk/pointscalculator)

Q. What are the most common reasons for a Tier 4 application being refused?

A. The most common reasons are:

- Maintenance requirements not being satisfied
- Visa letters missing mandatory information
- Incorrect fees
- Original supporting documents not provided or not translated
- There is more than one month between the end of the current course and the start of the new course (this applies to in-country applications)
- Where switching into Tier 4 is not allowed from an applicant's previous immigration route.

2. FEES*

Q. What are the fees?

A. Applications for student visas made outside the UK are currently £145 and extension applications made inside the UK are currently £357 (postal) or £565 at a Public Enquiry Office. You must ensure that the correct fee is included with your application to prevent your application from being rejected.

3. MAINTENANCE FOR ADULT STUDENTS*

Q. How much are the maintenance fees for General Students (also known as adult students)?

A. Full detail regarding maintenance requirements can be found on the UKBA website;

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/SITECONTENT/APPLICATIONFORMS/PBS/TIER4MIGRANTGUIDANCE.PDF](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier4migrantguidance.pdf)

General Students on courses of nine months' duration or less will be required to provide evidence of sufficient funds to cover the full costs of their course fees, plus £800 (Inner London) or £600 (outer London or anywhere else in the UK) per month for each month of the course up to a maximum of nine months;

Students on courses of more than nine months' duration will be required to evidence sufficient funds to pay the first year of fees only, plus £7,200 (London) or £5,400 (outside London) to cover the costs of a typical academic year in the UK (i.e. nine months);

A lower maintenance requirement has been agreed for those students seeking to extend their leave (either in or out of the country) in the student category. This arrangement is applicable only to students who are currently studying and need more time to finish their course and to students who have completed a course of study in the UK in the past four months that was at least six months long. This operates as outlined below:

- (i) Students applying for an extension of leave to complete a current course, or for an extension of leave to undertake a further course (application should be made within four months of previous course completion), will be required to provide evidence of fees for the course (or fees for the first year only if the new course is longer than nine months) plus two months maintenance. Students falling under these criteria will have a proven record in maintaining themselves whilst studying in the UK;
- (ii) Students completing a course of six months or less (including a pre-session course) and seeking an extension within one month to pursue further studies, will be required to provide evidence of fees for their new course (or fees for the first year only if the new course is longer than nine months) plus maintenance of £800 (London) or £600 (outside London) per month for each month of the course, up to a maximum of nine months;
- (iii) Potential Students switching into the student route from outside Tier 4 and its predecessor routes, will be required to provide evidence of fees for the course (or fees for the first year if the course is longer than nine months) plus maintenance of £800 (London) or £600 (outside London) per month for each month of the course, up to a maximum of nine months.

Q. Can parents or legal guardians provide money for adult students?

A Following a review of the maintenance (funds) requirements under Tier 4, we have extended this provision beyond the Tier 4 (Child) Student category, so that Tier 4 (General) Students may

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give evidence of having the required maintenance (funds) for their course fees and living costs using money held by one of the student's parent(s)/ legal guardian(s).

The specified original legal documentation (or a notarised copy) establishing the relationship must be provided with the application, which must include one of:

- The applicant's birth certificate, showing name of the parent(s) showing the funds;
- Certificate of adoption showing the name of the student and the parent(s) showing the funds;
- Court document stating the name of the legal guardian(s) of the named student showing the funds.

and

Students must also provide an original signed and dated letter from the parent(s) or legal guardian showing the funds when they submit their application form, confirming

- the relationship between the parent(s)/legal guardian(s) and the named student; and
- that the parent(s) or legal guardian(s) have given their consent to the funds being available to the student for study in the UK

Q. I understand maintenance varies if I am studying within London. What areas do you consider as within London?

A. We consider London to be the following boroughs; Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham, Southwark, Tower Hamlets, Wandsworth, and Westminster. Students studying in these areas more than 50% of their study time are subject to the increased £800 per month maintenance requirement.

If we do not have the borough in the address we will enter the postcode into [HTTP://WWW.ABOUTMYVOTE.CO.UK/](http://www.aboutmyvote.co.uk) and if it confirms that the address is in the Greater London Boroughs we will apply the London maintenance requirement.

All other London boroughs and any other area in the United Kingdom will be subject to the £600 per month maintenance requirement.

Q. When does the maintenance / funds assessment take place?

A. When the Student applicant requests Entry Clearance or Leave to Remain.

Q. Why is it necessary for dependants to meet the maintenance requirement?

A. One of the requirements for family members of Points Based System students is that they must be able to support themselves for the entire duration of their stay in the United Kingdom without needing help from public funds (for example benefits provided by the state). If they cannot, they could face financial hardship because they will not have access to most state benefits.

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Q. What documentation will be acceptable to the Entry Clearance Officer to prove that students have sufficient funding for fees and maintenance costs?

A. A list of documents the UK Border Agency will consider is in the published guidance for applicants. This can be proven with:

- cash in an account in students name (this includes joint accounts); or
- cash in an account in a parent / legal guardian's name (this includes joint accounts); or
- a loan in the students name; or
- official financial or government sponsorship.

The documents we accept are:

- Personal bank or building society statements covering a 28 day period ending no more than 1 month before the date of the application
- Building society pass book covering a 28 day period ending no more than 1 month before the date of the application
- Letter from the bank confirming funds covering a 28 day period ending no more than 1 month before date of the application
- Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming funds covering a 28 day period ending no more than one month before the date of the application.
- Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming the loan.

We feel that this provides an effective balance between ensuring the money is genuinely available to the applicant whilst remaining mindful that it is unreasonable to expect students to hold large sums of money for a number of months.

Q. What form of documentation will be considered as proof of availability of finances?

A. Personal bank or building society statements covering a 28 day period ending no more than 1 calendar month before the date of your application. The bank statements must be printed on bank letter-headed paper as evidence and must include:

- name; or
- name of a would-be student's parent(s) or legal guardian(s) and
- account number; and
- date of the statement; and
- financial institution's name and logo; and
- amount of money available.

Mini statements from cash points i.e. ATMs can not be used.

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Electronic bank statements from an online account are acceptable if they include all the information above. Each electronic bank statement should be stamped by the official stamp of the bank on every page of the statement.

Q. What if I want to use a joint account as proof?

A. The applicant must be named on the account along with one or more other people.

Q. How long should students have the money in their bank account prior to applying for their visa out of country?

A. If student applied before 1st October 2009 they will only need to show proof that they have the money needed on the day that they apply. They must still provide the correct documents to support their application. After the 1st October 2009 they will need to show they have had the money for at least 28 days for out of country applications.

Q. I understand new rules relating to maintenance come into effect after the 1st October 2009, how does this affect in-country applicants?

A. Normally when applying for a Tier 4 visa in the United Kingdom, an applicant must show that they have held the money needed for their course fees and maintenance for a 28 day period ending no more than 1 month before their application. As many customers will be aware we have operated a concession, allowing applicants to only show that have the required funds in place on the date that they apply. This concession ends on 1 October 2009.

However, we recognise that many students already in the United Kingdom will not have had to show this money before, so we have agreed to allow a longer transitional period for all Tier 4 applications made in the United Kingdom to allow for this adjustment.

Applicants making a Tier 4 application from in the United Kingdom will only need to show proof that they have the money needed, on the day that they apply. This concession will run until 1st February 2010. Applicants must still provide the correct documents to support their application.

From 1st October 2009 people applying from outside the United Kingdom must show that they have held the required money for a 28 day period ending no more than 1 month before their application.

4. MAINTENANCE FOR CHILD STUDENTS*

Q. What financial maintenance does a Child student need to be able to demonstrate?

A. Because a variety of care arrangements may be made for Children studying in the UK, we will assess Children's funds in accordance with a number of scenarios, some of which have been included here for reference. For the full list of scenarios, and to assess which is most relevant, please refer to the Tier 4 policy guidance at:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/SITECONTENT/APPLICATIONFORMS/PBS/TIER4MIGRANTGUIDANCE.PDF](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier4migrantguidance.pdf)

Residential Independent Schools

- For a Child studying and boarding at a residential independent school we will require evidence of sufficient funds to pay school fees for a year plus any additional accommodation fees required by the school. Access to funds will need to be demonstrated through either money in the Child's own name or money in accounts held by a parent or legal guardian.

Non-Residential Independent School (private foster care arrangement or staying with and cared for by a close relative)

- For a Child studying at a non-residential independent school in a private foster care arrangement, or staying with and being cared for by a close relative, we will require evidence of sufficient funds to pay school fees for one year plus an undertaking from a UK resident or citizen to provide maintenance and accommodation for the duration of the course. The undertaking must set out the nature of the relationship with the Child and the Child's parent(s). In addition, the individual providing maintenance and accommodation will need to be able to demonstrate that they have accommodation and the funds to sustain a Child in addition to their own existing commitments (available income of at least £500 per month up to a maximum of nine months will be required).

Independent School (Parent accompanying a Child under 12)

- We will continue to allow Children under the age of 12 studying at independent schools to be accompanied to the UK by a parent who will be responsible for their care. In this case, we will require evidence of funds required to pay school fees for one year plus £1333 per month for each month up to a maximum of nine months. If more than one Child is studying then as well as evidence of ability to pay annual fees for each additional Child, evidence of a further £533 per month will need to be shown to be available for each additional Child.

Q. Can the accompanying parents or guardians of Child Students work in the UK?

A. Usually no - unless they are of a different nationality that allows them to do so. For example an EEA national who has no restriction on work in the UK. Alternatively they might have leave in their own right that allows them to work.

Q. Will account be taken of students who have already paid large proportions of their accommodation costs when consideration is made as to whether they meet the Maintenance test?

A. We are aware that some students will have been required to pay some or all of the fees for their course and accommodation before they enter the UK. Arrangements have been built into the guidance and application forms to accommodate such pre-paid fees.

Q. I understand new rules relating to maintenance come into effect after the 1st October 2009, how does this affect in-country applicants?

A. Normally when applying for a Tier 4 visa in the United Kingdom, an applicant must show that they have held the money needed for their course fees and maintenance for a 28 day period ending no more than 1 month before their application. As many customers will be aware we have operated a concession, allowing applicants to only show that have the required funds in place on the date that they apply. This concession ends on 1 October 2009.

However, we recognise that many students already in the United Kingdom will not have had to show this money before, so we have agreed to allow a longer transitional period for all Tier 4 applications made in the United Kingdom to allow for this adjustment.

Applicants making a Tier 4 application from in the United Kingdom will only need to show proof that they have the money needed, on the day that they apply. This concession will run until 1st February 2010. Applicants must still provide the correct documents to support their application.

From 1st October 2009 people applying from outside the United Kingdom must show that they have held the required money for a 28 day period ending no more than 1 month before their application.

5. ENGLISH LANGUAGE

Q. How should English Language students demonstrate that their English language skills are at the appropriate level?

A. Students studying English must be studying at Level A2 of the European Common Framework of Reference for Language. In terms of pre course assessment, it is the responsibility of the Sponsor to ensure that the potential student is suitably qualified to undertake and complete the course.

If the approved education provider has assessed the applicant by using one or more reference(s), the Visa Letter must confirm the details of the reference(s). In these circumstances, for each reference listed on the Visa Letter, the applicant must send:

The original reference(s).

References provided must contain:

- applicant name; and
- confirmation of the type and level of course or previous experience; and
- dates of study or previous experience; and
- date of the letter; and
- contact details of any referee.

If the applicant cannot provide the original reference(s), they can provide a copy, together with a letter from the approved education provider confirming it is a true copy of the reference they assessed.

Q. English language students do not study for a qualification so how will the UK Border Agency decide if they qualify for an extension?

A. If an applicant wishes to extend their stay the Sponsor should assess the individual on progress to date. This must be explained on the Visa Letter.

Q. How should complete beginners in English apply to come to the UK?

A. Beginners may apply for a student visitor visa to study courses below level A2, for a maximum of 6 months and with no entitlement to work. Such students have no proven track record and so it is right that they come under this route where ECOs can still apply intentions tests. The student visitor visa is not part of Tier 4.

Q. Why has the standard been set at NQF level 3 for adults?

A. The UK Border Agency has worked closely with representatives from both the private and public education sector to ensure that Tier 4 is pitched at the correct level. We believe it is right to expect that those who come to the UK to study as adults have already completed their basic education. Students studying an English language qualification are required to study courses at CEFR level A2, a lower level than NQF 3. Students coming for courses below this level can apply in the student visitor route.

Q. Do students need to take an exam to gain a qualification?

A. There is nothing in the Statement of Intent that requires a student to take an exam at the end of their course. It solely states that the course itself should lead to an accredited qualification. We do not require a student to take an exam, although their Sponsor will be required to ensure that their teaching and assessment complies with our requirements. Any student who does not sit their final exam or assessment however, will not have any independent proof to demonstrate their progress and so will not be able to apply for an extension.

Q. Why do visas issued under the Student Visitor Route only last 6 months?

A. The Student visitor route is designed to accommodate short periods of study. Students wishing to pursue longer courses need to do so through Tier 4 of PBS.

Q. What happens if students self-assess as meeting the English requirements, but are below standard when they arrive to take up their course of study?

A. Students can only apply for a visa if they have a valid Visa Letter or CAS issued by their education provider who must be a licensed Sponsor. It is the Sponsor's responsibility to ensure the individual has the appropriate qualifications and is studying at the appropriate level prior to issuing the Visa Letter or CAS.

Q. Why aren't students with English qualifications below Common European Framework of Reference for English language (CEFR) A2 level allowed to study in the UK for more than 6 months?

A. Following consultation with the education sector, we agreed that it is difficult for an English Language school to assess whether a student with no prior English language study is genuine. The minimum standard of A2 that has been set for English language students means they have to be able to demonstrate that they have at least started to learn English before they come to the UK. They can do this in their own country or undertake a complete beginner's introduction course in the UK, but only as a student visitor. Following a consultation with the English Language sector CEFR A2 level is considered to be the appropriate level and an applicant can study below this level via the student visitor visa route.

6. PRE-SESSIONAL COURSES

Q. Will students require separate Confirmations of Acceptance for Studies (CAS) or Visa Letters for a pre-sessional course?

A. Where a Tier 4 student will attend a pre-sessional course prior to starting their main course of study, they may be able to apply for a single grant of leave, if:

- the pre-sessional provider is the same as the provider for their main course; or
- the pre-sessional provider is named as a 'branch' on the main provider's Sponsor licence; and
- the student's main course of study is not conditional upon them successfully completing the pre-sessional course.

If the potential Student's main course of study is based on a conditional offer, they need to apply for leave for the duration of the course to prepare them for study first. If they successfully finish that course, they should apply for a new period of leave to continue their studies on a full-time course while inside the United Kingdom. As long as they make their application before their permission to stay runs out, they can start the full-time course in the meantime, but do so at their own risk as we could refuse their application. If the course to prepare them for study is below the acceptable level, they may want to apply under a different immigration route. It is not possible to switch into the adult or Child student category if they are in the United Kingdom as a Child visitor or student visitor. They must leave at the end of their course and apply from outside the United Kingdom.

7. SWITCHING*

Q. If a Potential Student is already in the UK on a Training and Work Experience visa can they switch?

A. No, they cannot switch into Tier 4 while in the UK. In order to apply under Tier 4, they would have to leave the UK and make an application from overseas. However, it should be noted that the two year wait period which was in place under the old system has been removed under PBS.

Q. Can someone switch from Tier 1 Post-Study to Tier 4 and then back again to Tier 1 Post-Study?

A. No, post-study leave can only be obtained once.

Q Can a Tier 4 Student switch Sponsors in-country? Is there a limit to how many times they can do this?

A. Any student who decides to change education provider after arriving in the UK must obtain a new Visa Letter or CAS from their new education provider. They should then apply to the UK Border Agency to ensure that their period of leave is tied to the new institution. There is no limit to the number of times this can be done but if the student has been in the UK for three years and at the end of this period is not seeking leave to remain on a degree course then they will not qualify to stay any longer. Education providers that have issued CAS to students will need to update the reporting details for any student who leaves their institution for another.

Q. What Tiers can migrants switch to or from Tier 4?

A. Switching into Tier 4 is only possible from the following categories or their predecessor routes.

- Tier 1 – Highly Skilled (Post Study Work Only)
- Tier 2 – Skilled Workers
- Tier 2 – Skilled Workers (Intra-Company Transfers)
- Tier 2 – Skilled Workers (Minister of Religion)

Switching from Tier 4 – General Students is only possible into one of the following categories.

- Tier 1 – All Highly Skilled Sub-Categories
- Tier 2 – Skilled Workers
- Tier 2 – Skilled Workers (Minister of Religion)

Switching from Tier 4 – Child Students is only possible into one of the following categories

- Tier 4 – General Students

Q. If a student switched course in-country at the same educational establishment would this require a new CAS/Visa Letter or would the previous CAS/Visa Letter be amended?

A. Switching courses within the same institution does not require a new CAS/Visa Letter or fresh application to the UK Border Agency. The student does not need to get permission from us if they have enough time left in their permission to stay and want to do a different course of study with the same education provider. Education providers (Sponsors) should tell us that the student has changed course. If the new course is shorter than the course the student got their permission to stay for, they must tell us by contacting the following e-mail address:

MIGRANTREPORTING@UKBA.GSI.GOV.UK

8. LENGTH OF LEAVE

Q. How long will the UK Border Agency allow at the end of a grant of leave for students to obtain results and attend graduation ceremonies etc?

A. The duration we permit a student to remain in the UK after the end of their course depends on what they have been studying:

Type of Course	Length of Course	Length of stay
Degree level or above	12 months +	Full length of course & <u>four months</u>
Degree level or above	Six months +, less than 12m	Full length of course & <u>two months</u>
Pre-sessional Course	Less than six months	Full length of course & <u>seven days</u>
Short Course	Less than six months	Full length of course & <u>seven days</u>
Below Degree level	12 months +	Full length of course & <u>four months</u>
Below Degree level	Six months +, less than 12m	Full length of course & <u>two months</u>
Post grad docs/dents	Max of 3 years	Full length of course & <u>one month</u>

Q. Are there any changes to the start dates for student visas? When can the students travel once they have obtained their visa?

A. If they are doing a course that is six months or more, or it is a course to prepare them for study (known as a pre-sessional course) that is less than six months, they will be able to come to the United Kingdom up to one month before the date they start the course.

If they are doing a course that is less than six months and is not a course to prepare them for study, they will be able to come to the United Kingdom up to seven days before the date they start the course they are studying.

Q. If a student is given a student visa, enters the UK and falls ill and has to return home, what is the process when the student wants to re-enter?

A. This depends on a number of factors, including the length of the absence, and whether or not the absence was authorised by the Sponsor. In the case of authorised absence, the student can re-enter the UK using their existing visa. If the student must defer their studies, they will need to make a fresh application when they wish to return.

9. CHANGING INSTITUTIONS/COURSES

Q. What happens if a student arrives to study on one course but then decides to move to another?

A. A recent change in the Immigration Rules now means that if a student wishes to change sponsor they must make a new application to the UK Border Agency if they applied on or after 5th October. A student will not be permitted to commence study at the new institution until he/she has received a decision on the outcome of the application. This is because a student who changes institution ahead of the variation of his condition of stay, would be committing a criminal offence for which he or she could be prosecuted, or removed from the UK. This rule is set out in Section 50 of Citizenship and Immigration Act 2009.

Q. What is Section 50?

A. It has always been the intention, since plans for the Points Based System (PBS) were published in the Command Paper in March 2006, that migrants coming to the UK would have their leave tied to their PBS sponsors. The PBS Command Paper *“A Points-Based System: Making Migration work for Britain”* specified that a student’s leave would be tied to his or her sponsoring institution.

We had thought that the Immigration Act 1971 allowed UK Border Agency to impose a restriction of this nature on a student’s studies, but a decision by the Court of Appeal in 2008 made clear that we do not currently have this power. We therefore needed to correct this position and did so via the Borders, Citizenship and Immigration Act 2009 – specifically Section 50 of that Act.

The Bill was enacted on 21 July, and it was agreed that the new condition would be included within the subsequent change to the Immigration Rules to allow UK Border Agency to apply it to applicants from a specified date.

Failure to observe the condition will be an offence under section 24(1)(b) of the Immigration Act 1971. A person found guilty of an offence under section 24(1)(b) of the 1971 Act will be liable to a fine of not more than level 5 on standard scale, imprisonment of up to 6 months, or both.

Q. Why are you making this change to the rules now?

A. Senior officials within UK Border Agency took the decision that the condition should be applied to new Tier 4 applicants from the earliest opportunity, in parallel with the implementation of phase 3 of Tier 4.

This will further strengthen Tier 4 and UK Border Agency’s ability to formally tie a student to their institution, in the same way that Tier 2 and Tier 5 migrants are already tied to their sponsors.

Q. Can a student who applies after the 5th October start at their new institution at their own risk before they receive a decision from the UK Border Agency?

A. No they cannot. To start studying with an organisation before the UK Border Agency has made a decision on their application constitutes a criminal offence. The UK Border Agency will make every effort to ensure that applications from students wishing to change institution are considered within our published service standard, to allow them to move to the new institution as quickly as possible.

Q. Will you apply this rule change retrospectively?

A. Although the power in the new Act allows UKBA to apply the condition to those granted leave before the Bill was enacted, it has been agreed that we will not seek to use this power, and we will consult and involve the sector should there be a need to do this at a later date.

Q. I have a Tier 4 visa to attend my college, but now wish to attend another college. What should I do?

A. The action you need to take is dependent on when you applied for your last Tier 4 visa. There are different rules in place for students who made their last application for a Tier 4 visa **on or after 5th October**.

The date of a student's application for applications made in the UK will be taken to be the following;

- Where the application form is sent by post the date of post mark;

Or

- Where the application form is sent by courier, the date on which it is delivered to the UK Border Agency of the Home Office

Students who applied on **or after 5th October** must apply for a new charged Tier 4 visa. They will be unable to start their new course until the new Tier 4 visa has been approved.

Students who applied **before 5th October** must get written permission from us if they have time left in their permission to stay and want to study with a different Tier 4 sponsor. Students must contact us via email at; migrantreporting@ukba.gsi.gov.uk and notify us of the new course and the start and finish times and the new Tier 4 sponsor's name, address and contact details. We will issue the student a permissions letter if the Tier 4 sponsor is approved by us and is on the Tier 4 register of sponsors, we can confirm the Tier 4 sponsor wants to act as the students new Tier 4 sponsor and the course meets the requirements for the General or Child student category.

Q. I wanted to change education provider and submitted a new Tier 4 application for this purpose. My application was refused; can I continue to study at my original education provider?

A. You will be permitted to stay with your original education provider, providing you have current leave for that purpose. In some circumstances, UK Border Agency may have grounds to curtail leave of student at the time they refuse the Tier 4 visa application, which means you will be unable to continue their course of study.

Q. I obtained my Tier 4 visa and subsequently was issued with a letter confirming I could change education provider. I would like to change education provider again. Should I just email the same mailbox as I did before?

A. Yes. If your last Tier 4 visa application was submitted before 5th October, you are only required to obtain written permission from UK Border Agency if you have sufficient time left on your visa.

Q. I hold a Tier 4 visa, and sent an email to the migrant reporting mailbox but have not received my permissions letter. Can I commence study with my new education provider before I receive this?

A. If a student has told us about changing their Tier 4 sponsor, they can start the new course before they get permission, but they do so at their own risk as we could refuse permission. We will send a letter saying we have received the request to change Tier 4 sponsor. Under the immigration rules, we can limit a student's permission to stay as a student if they change education provider without permission.

Q. I submitted an email to the migrant reporting mailbox requesting to change education provider. They have advised me that I must submit a Tier 4 application. I have friends who have been able to change education provider on receipt of a permissions letter, why do I have to submit and pay for a new Tier 4 visa?

A. The advice offered in these circumstances is dependent on the date the student submitted their Tier 4 visa application. Those students who applied for their Tier 4 visa before 5th October will be required only to obtain a permissions letter. Those who applied on or after 5th October are required to apply and pay for a new Tier 4 visa.

Q. What do I do if I change course but stay with the same education provider?

A. Students do not need to get permission from us if they have enough time left in their permission to stay and want to do a different course of study with their Tier 4 sponsor. The Tier 4 sponsor will have to tell us that they have changed course. If the student's new course is shorter than the course they were issued the visa form, the student must advise us of this by email. The email address for this purpose is: migrantreporting@ukba.gsi.gov.uk

Q. If I have dependents, how will they be affected by the change in policy?

A. All migrants with dependents are advised to ensure their leave is in line with the main applicant. It is advised that any migrant submitting a new Tier 4 application, regardless of the length of leave being requested should include their dependents in the new application.

10. VISA APPLICATIONS

Q. How far in advance can a student apply for their visa?

A. 3 months.

Q. Can a student apply for their visa using the documentation previously issued to them before Tier 4 was implemented?

A. No, students will need all of the correct documentation as required under Tier 4.

Q. Will the visa have the name of the Sponsoring school written on it?

A. The "Visa", "Vignette" or "ID for foreign nationals card" will have the Sponsor licence number of the student's Sponsoring organisation on it.

11. SPONSOR VISA LETTER*

Q. When do Visa Letters cease to be in use?

A. Visa Letters can be used in an application to the UK Border Agency until February 2010 when the use of the SMS becomes mandatory and CAS will be issued in place of a Visa Letter. In the interim trial period between October 2009 and Feb 2010 either a CAS or a Visa Letter can be used by students applying within the UK. Only Visa Letters should continue to be used for students overseas until Feb 2010.

Q. Which qualifications need to be listed?

A. Where qualifications have been used to obtain an offer of a place the Sponsor must list what they have assessed, this includes English Language courses. This may include:

- level or type of qualification (if applicable)
- qualification awarding body and/or institution (if applicable)
- confirmation that an Academic Technology Approval Scheme (ATAS) clearance certificate is needed (if applicable)

If the applicant is extending/continuing their studies a Sponsor can assess their suitability to do so through progress.

Q. Where can information be found to show how to draft Visa Letters?

A. Examples are currently available on the UK Border Agency website and detailed information is in the published guidance. There is no requirement to produce Visa Letters in any particular format. The UK Border Agency only requires that a Visa Letter contain all mandatory information as outlined in the Sponsor Guidance. The documents in the following links are not intended for use as Visa Letter templates, they are for reference only, as examples of best practice and should be used to supplement the Points Based System Sponsor Guidance.

For example Visa Letters – please refer to

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/SITECONTENT/DOCUMENTS/EMPLOYERSANDSPENDORS/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandspendors/)

Q. What qualifications does the Sponsor need to check to issue a CAS?

A. The qualifications a sponsor checks are at their discretion. UK Border Agency staff will not assess the student's intentions and ability to do the course, but they will want to see the documents sponsors have considered to check whether any are fake or forged.

12. 16 – 18 YEAR OLDS

Q. Which category do 16 and 17 year students fall under?

A. 16 and 17 year olds studying courses below NQF level 3 (typically GCSEs) may do so as Child Students only. They will need to be studying either at an independent school or a publicly funded Further Education College or a private college with the appropriate safeguards in place to be able to teach minors.

16 and 17 year olds studying courses at NQF level 3 or above will have a choice of whether they obtain a Child or General Student visa. Where exceptionally a 16 or 17 year old is enrolled on such a course at a Higher Education Institution they should obtain a General Student visa.

16-17 year olds on a Child Student visa have the same permission to work part-time term time and full time in vacations as General Students.

Q. Some of the Children applying to establishments commit to come for both GCSE and A Levels, which is a four year course. If it is known in advance that the duration of the course will be two or four years, could they not be granted a Child Student visa up until the end of the course, which then negates the necessity of reapplying?

A. A student may commit to come for four years to do both GCSEs and A levels but there is no guarantee that they will obtain the GCSE grades to study A levels. A levels and GCSEs are two separate courses and we only grant for one course at a time. Such students may be granted two years and will need to seek an extension for the next two years. We only grant for the duration of the particular course.

Q. Do they have to re-qualify with the same 40 points to be eligible for application?

A. Yes.

Q. If they have to apply as a General Student to the same school, will they have to be issued a new CAS and score the same 40 points to be eligible for the visa?

A. Yes

Q. May they apply in-country or do they have to do this from their home country?

A. They can apply in-country (from within the United Kingdom) or from their home country.

Q. Pupils who will be 19 when they take their A levels should apply as General Students only? Is this right?

A. The key is the age of the student when they **begin** their course. If they are under 18 they can be either a Child or a General Student depending on what suits them best.

13. CONFIRMATIONS OF ACCEPTANCE FOR STUDIES (CAS)

Q. What are Confirmations of Acceptance for Studies (CAS)?

A. A CAS is a unique reference number that will be optionally used instead of Visa Letters from October 2009 for in-country applicants. From February 2010 the use of CAS will be mandatory for all (overseas and in-country) students and this will replace the use of Visa Letters. Sponsors who issue CAS instead of Visa Letters will provide students with a reference number to quote on their application form. The number will be generated by the sponsor using the Sponsorship Management System.

Q. When will Sponsors be able to issue CAS to students under Tier 4?

A. In October 2009 the UK Border Agency will trial the IT system to support this route. This will enable institutions to issue Confirmations of Acceptance for Studies (CAS) via the Sponsor Management System to potential students instead of the Visa Letter to in-country students. It will be up to institutions to decide whether or not to trial the IT; institutions can begin issuing CAS at any time from October 2009. In Feb 2010 the use of SMS to issue CAS to all students will be compulsory.

Q. What are the timescales from a student being issued the CAS to them applying for entry clearance?

A. This is entirely up to the student. However, a CAS expires after six months so if the Entry Clearance application is not made within six months of receiving the CAS from the Sponsor the student will need a new CAS.

Q. When should the CAS be issued – conditional offer or unconditional offer stage?

A. A CAS or Visa Letter must only be issued at unconditional offer stage.