

Tier 4 - Monday 2nd November 2009 2:30pm

What are the responsibilities of the Sponsor Institutions re: Research Student? School of African Studies (SOAS)

The record keeping and reporting responsibilities of the sponsor of a Research Student are the same as for any Tier 4 student, and are given in full in the Tier 4 (Sponsor) Policy Guidance available on

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/> with special reference to paragraphs 280 to 286.

As for all Tier 4 students, if a research student misses ten expected contacts then the Sponsor should contact UK BA through the Sponsor Management System (SMS). Expected contacts are explained further in paragraph 285.

If a student is moving to another institution after enrolment does the Sponsor Institution need to let the UKBA know? Derby College

This depends on when the student's application was approved, because the rules changed in October 2009. Full information is given in the sponsor guidance in paragraphs 241-254.

If a student whose current leave is based on an application made on or after 5 October 2009 wants to move to a different Tier 4 sponsor he/she must make a new application for leave supported by a visa letter or confirmation of acceptance for studies from his/her new sponsor. The student must not start his/her new course until his/her new application for leave has been approved.

If the student's leave was based on an application made before 5 October 2009, and subsequently wants to take up a course of study with a new sponsor, he/she must get permission from us. To get permission from us, students in the Tier 4 (General) Student category must email details of the proposed change to us, including:

- the new sponsor's name, address and contact details; and
- details of the new course, including the start and end date.

Where the student is in the Tier 4 (Child) Student category, his/her parent or guardian must report the change to us.

The appropriate email address for students wishing to notify us of such a change is MigrantReporting@ukba.gsi.gov.uk

With reference to Level 3 criteria in English language; would they (students) have level 3 English before applying? If yes, do the institutions need to see the original copies of certificates to evidence this? Hackney College

Under Tier 4 we do set a minimum level of course that meets the criteria for this category, but we do expect the sponsor to assess the level of the student in order to ensure that he/she can complete the course. For general courses it would be up to the institution to assess the level of English language ability that the student has to make sure that he/she is able to study at the level that the course requires.

If a student turns up after the 5th October wanting to switch course what happens? Bradford College

They will need to apply through the normal channels but they do need to go through a re-application process. There is a same day service available at UK BA centres through out the country; migrants wishing to use these facilities will need to make an appointment in advance.

Is there a way of finding out which colleges have been suspended or taken off the sponsor list? Oxford College International

No, the only list displayed (on the UKBA website) is the current sponsors list.

Should a sponsor admit an individual with the wrong sponsorship details in error, what impact would be made on the sponsor's licence? Durham University

Human error will of course be taken into consideration however, if a large number of mistakes are detected the UKBA will intervene/investigate.

The Sponsor Management System (SMS) does not show retrospective course start dates for students extending their leave? How should sponsors process applications of this type?

This is a known problem. The SMS does not currently allow sponsors the opportunity to put in retrospective dates; work is being undertaken to correct this problem. In the future the date that will need to be entered will be an 'extended leave from' date.

It would also be prudent to make a note on the SMS any additional information until these changes have been implemented.

What are the reporting duties for a sponsor if the individual is only changing course and not institution? City of Bristol College

As long as the course is the same duration then noting on the SMS will be sufficient information/recording. They would only be concerns if/when there are significant differences in length; in this case, the student would need to apply for fresh leave by way of a new CAS. This is set out in full in paragraphs 255 to 257 of the Sponsor guidance as above.

What if the student wanted to change to a course where there was a placement?

A course with a work placement must meet the Tier 4 criteria, including the requirement that no more than 50% of the course overall must be work placement. This is expanded in paragraphs 269 – 271. The process for moving courses would be the same as for other courses.

Are there staff members in each university allocated to the task of Tier 4 reporting? University of the Arts, London

Reporting processes and the roles of individuals within institutions vary from institutions to institution; really it is up to sponsors to work out the best way to manage these processes. However, if an institution would like advice, please contact your local visiting UKBA Officer for advice.

What facility is provided to enable migrant students to make decisions after they complete their course so that they can decide on the best progression route? Quality Assurance Agency (QAA)

We do give extra time at the end of the course dates given in the CAS for the student to change their immigration status, or make a fresh application, or wind up their affairs and leave the UK. The length of this period depends on the length of the course, but for a course of a year or more we give four months additional time to allow migrants to apply for a further course. We also offer a reduced maintenance requirement to students who have been studying in the UK in some circumstances. Please see the Tier 4 Policy Guidance for migrants on <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/Tier4migrantguidance.pdf> with reference to paragraph 67. Some students will also be able to take advantage of the Tier 1 Post Study route to look for employment in the UK.

With regard to lower level courses (e.g. below Bachelor level), migrants are allowed a maximum of three years to complete sub-Bachelor level qualifications over their lifetime. If they wish to continue their studies they will need to progress to the next level.

We have start dates in February and August, but the enrolment period for the August course could be the end of September. Which date should be used on the SMS? Aberdeen College

The date to use would be the latest possible start date, this information will be included in the next edition of the Help text.

Would evidence of 14 hours of study at low-level be sufficient? Exeter College

No – it is expected that 15 hours minimum should be spent in organised daytime study, please see paragraph 198 of the Sponsor guidance.

Certain members have requested clarification about the level of English language required to enter a course. Is there anything specific under Tier 4? UK NARIC

We would expect that the institution has ensured that their prospective student is able to complete the course of study. The minimum course level for English Language is CEFR A2.

Certain applicants are finding it difficult to indicate the financial sponsor they are receiving because of the very tight definitions that UKBA use. Can you tell us how we should progress? Cambridge University

Again, this is a known problem and UKBA are looking at the definitions. The new definitions will be published on the UKBA website in the near future.

Students wishing to take short courses have to apply through Tier 4 because they wish to work; can you explain why they can't apply through the Student Visitor route? Cambridge University

Under the old system individuals could come through the Student Visitor route to study Level 1 and 2 courses. Very often these individuals would then work but not attend the course. Under the new system migrant students wishing to work need to

apply through Tier 4, the option to work under the Student Visitor Visa is no longer available.

With regard to pre-sessional courses, would it be possible to cover the student with one visa?

There are two possible routes open in this circumstance; two courses can be covered by one visa but only if there are no conditions on the entry to the second course and that the pre-sessional course provider is either the same institution as the main course provider, or the pre-sessional course provider is named as a branch on the main provider's licence.

If the pre-sessional course and the main course are at institutions which are not linked as above, or if entry is conditional on successful completion of the pre-sessional course, then two visas are required.

One of the key aspects of Tier 4 is encouraging progression; what would be the situation when a migrant student decides to enter a particular course with a lower level than a qualification they already hold, for example an individual might hold a Level 4 qualification, but chose to do a level 3 course because the employment prospects are better. What would UKBA's view on this?

UKBA will not comment on a student's choice of course. There is a restriction under the current rules in that the migrant can only study a Level 3 qualification for three years.

How would part-time postgraduate students coming to the UK periodically to study modules fit into the PBS? University of Lancaster

Students coming under Tier 4 must be here to study only, and this must be full time study, as explained in the sponsor guidance. Students who do not need to be in the UK for full time study are expected to use the student visitor route to visit for short periods such as modules of study.

Under the SMS institutions are able to see whether a CAS has been used in an application, but they are not able to see the outcome. Will this change in the future? Greenwich University

No, this issue is all connected to data protection and the legal advice is that this information can not be listed on the SMS.

If a migrant has a visa application refused and then asks the HEI to see why this happened, is it possible for the HEI to find out this information? University of London

Again this is linked to data protection. If there is a specific instruction from the migrant then UK BA is able to share information with the institution. The migrant will be given a letter or document explaining why their application was refused.

What options are available to an individual who is in the UK and has had their application refused? West College London

They can obviously appeal against the decision; but there is also a route whereby if a migrant still has Leave to Remain under their current visa they can apply again, but they will have to do so under a new CAS.

Could UK BA confirm the length of pre-sessional courses?

At the moment we do not specify a length for the pre-sessional course.

We have received an application from an individual who holds a qualification from an institution that is no longer listed as a T4 sponsor. What should we do?

If the qualification is bona fide then it can be used as the basis of the offer. If the new sponsor is unsure about the quality of the student's qualification then they should use other methods to assess the student.