

| TIER/ CATEGORY | CHANGE | PARA |
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| General | For ease of reference for sponsors, the sponsor guidance has been split into two, to cover different Tiers of the points-based system. One set of guidance is specifically for Tiers 2 and 5 sponsors and the other guidance is specifically for Tier 4 sponsors. | |
| Tier 2 (General) | Included an addendum which organisations should consider. This guidance updates some of the existing guidance elsewhere in the document and/or should be considered in addition to the existing guidance. The topic covered is the sponsorship of Postgraduate Doctors and Dentists who are proposing to undertake specialist training. | |
| Tier 2 (General) | The OISC website has links to websites for solicitors, advocates barristers and legal executives and the Community Legal Service. These links can be found at http://www.oisc.gov.uk/people_seeking_immigration_advice/how_to_choose_an_adviser/ | 29 |
| Tier 2 (General) | <p>The sponsor within Tier 2 is normally the employer and is responsible for paying the migrant. We are however aware that in certain circumstances, for example in parts of the creative sector, migrants may meet all of the Tier 2 criteria where there is no direct employer/employee relationship. It remains the case that even in such circumstances there must be a sponsor who is able and willing to take on all of the sponsorship duties.</p> <p>There will also be circumstances where there is a clear statutory relationship between the employing body and a publicly funded body, where the publicly funded body has powers to intervene in the running or funding of the employing or paying body. In these cases, the publicly funded body with powers to intervene can be the sponsor. For example a Local Authority has certain reserve powers of control and direction over otherwise self-governing schools, even though it is not the paying body or the employer of teachers in those schools. In such a case, the Local Authority can be the sponsor for migrants employed as teachers. Another example would be in England where a Strategic Health Authority, through its Deanery or provider/commissioning organisation, has funding control of the further specialised training posts for doctors and dentists within NHS Trusts, even though it is not the paying body. In such a case, the Deanery can be the sponsor.</p> | 176 and 177 |
| Tier 2 (General) | <p>The addition of milkround recruitment exercises to the list, that do not require the job to be advertised in Jobcentre Plus. See the guidance for the full list.</p> <p>The only jobs under Tier 2 (General) which do not have to be advertised in Jobcentre Plus (or in Northern Ireland, JobCentre Online) from 31 March 2009 are:</p> <ul style="list-style-type: none"> • milkround recruitment exercises | 191 |
| Tier 2 (General) | <p>The only exceptions to this six month limit are:</p> <ul style="list-style-type: none"> • where a migrant has been recruited via a milkround, when a certificate of sponsorship must be assigned within 48 months of the milkround taking place. • where the post being filled is for a research fellow who will be employed at a Higher Education Institution, when a certificate of sponsorship must be assigned within 12 months of the start of the recruitment process. However, we will exceptionally allow a certificate of sponsorship to be assigned outside of this 12 month limit but only if the certificate of sponsorship is assigned to the migrant on or before 31 December 2009. From 1 Jan 2010 a certificate of sponsorship must be assigned within 12 months of the start of the recruitment process. | 194 |

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| Tier 2 (General) | <p>If the code of practice specifies this, the sponsor may recruit using a milkround. 'Milkround' is the name popularly given to the annual recruitment programme where sponsors from a wide range of industrial and commercial sectors visit universities to give presentations and/or interview students, usually as part of university careers fairs. Sponsors using the milkround must visit a minimum of 3 United Kingdom universities.</p> <p>If you have carried out a milkround as described above, the job does not need to be advertised in Jobcentre Plus, or Jobs and Benefits Offices or JobCentres in Northern Ireland, in order for the resident labour market test to be met. However, in addition to the milkround, the job must be advertised through two external recruitment channels permitted by the relevant code of practice, one of which must include one of the recruitment websites listed in that code of practice.</p> | 206 -207 |
| Tier 2 (General) | We will additionally accept the letter the sponsor issues to the migrant to certify maintenance to be scanned and emailed | 340 |
| Tier 2/5 | If we find that a sponsor has assigned a certificate of sponsorship whilst the sponsor was suspended, we will take further action against the sponsor. | 445 |
| Tier 2/5 | If a migrant applies for leave and his/her certificate of sponsorship was assigned during a period that his/her sponsor was suspended, we will refuse the application for leave on the basis that the certificate of sponsorship is invalid. | 462 |
| Tier 4 | <p>The only available immigration route for full-time students is Tier 4 and prospective sponsors can apply for a licence in the following categories:</p> <ul style="list-style-type: none"> • Tier 4 (Child) Student - will allow children between the ages of 4 and 17 to come to the United Kingdom for their education. Children between 4 and 15 years old may only be educated at independent fee-paying schools. • Tier 4 (General) Student - for all those wishing to come to the United Kingdom for their post -16 education. | 3 |
| Tier 4 | Providers which are private higher education institutions and are outside of the system of public reviews, but who subscribe privately to the Quality Assurance Agency must submit evidence of their last QAA inspection report. Some organisations receive public funding from QAA because some of the programmes the organisations deliver are in partnership with a degree awarding Higher Education Institute. However, this funding is for students on a particular programme – it is NOT funding for the institution and therefore does not meet our requirements. All other providers outside this system of public reviews must show that they hold valid accreditation from one of the following bodies which are approved by us; (see guidance for list). | 23 |
| Tier 4 | The OISC website has links to websites for solicitors, advocates barristers and legal executives and the Community Legal Service. These links can be found at: http://www.oisc.gov.uk/people_seeking_immigration_advice/how_to_choose_an_adviser/ | 37 |
| Tier 4 | <p>Appendix A lists the documents you must send to support your licence application. Most education providers will only need to supply one piece of documentary evidence and that is proof that they are subject to a system of reviews or hold valid accreditation as shown in paragraph 21 to 31. However, in some circumstances we may need to see additional documents.</p> <p>Prospective sponsors must send in their last full inspection report from their inspection or accreditation body. This is particularly important for prospective sponsors under the Tier 4 (Child) student category when we would expect the report to specifically state that they have been inspected on the basis that they teach children under the age of 18.</p> | 39 and 40 |
| Tier 4 | If an organisation is including any 'branches' or partner institutions in its licence | 43 |

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| | <p>application, then they must submit all relevant evidence for each individual branch or partner institution. For example a private college which has branches across the UK which it wants to include in its licence must send us evidence of valid accreditation for each branch. Or if a University wants to include a partner institution on their licence they must send evidence of that partner institution's valid accreditation. Branches and partner institutions are explained more fully in paragraph 57.</p> | |
| Tier 4 | <p>Is the applicant capable of carrying out its duties as a sponsor? We will judge this by looking at the organisation's processes and student attendance monitoring practices to ensure that it will be able to fulfil its sponsor duties. We may do this by visiting the sponsor either before their licence is granted, or afterwards. If, following a visit, we have significant doubts we may award a B-rating to a prospective new sponsor, or in more serious cases, refuse the application. Where an existing sponsor already has an A-rating, we may downgrade them to a B-rating.</p> | 56c |
| Tier 4 | <p>grouping a number of branches in a single licence (for example, a United Kingdom-wide language school might choose to register all its branches in London in a single licence).</p> | 57c |
| Tier 4 | <p>If the sponsor has named a 'partner institution' on its licence and we have cause to remove the partner institution's own licence, we will consider all of the circumstances and may consider taking action against any sponsor who has named then as a partner. If a sponsor has existing students when their licence is removed, we will limit the permission those students have to be in the United Kingdom, because they will no longer be studying with a licensed sponsor. More information on what happens to students if we are considering action against a sponsor, or if we withdraw a sponsor's licence, is available in paragraphs 350 to 360.</p> | 61 |
| Tier 4 | <p>If the information available to us suggests that the prospective sponsor does not yet have the processes necessary to comply with its duties as a sponsor. For example, a sponsor's internal communications may not be good enough for it to know whether a sponsored student is absent without their permission.</p> | 118c |
| Tier 4 | <p>If we have refused the application because the sponsor has previously been issued with a civil penalty for the maximum amount (currently £10,000), the prospective sponsor should not reapply until six months after the relevant fine was issued. If it does reapply before this date, we will refuse it again.</p> | 124 |
| Tier 4 | <p>This section details that from 5th October 2009, Sponsors will be able to issue CAS's, Visa Letters, or a combination of both to prospective students applying from within the UK,</p> | 150 to 159 |
| Tier 4 | <p>Once a confirmation of acceptance for studies has been assigned, the sponsor must give the unique reference number to the student to enable him/her to apply in-country for leave to remain in the United Kingdom. (Please note paragraph 176 which explains when a confirmation of acceptance for studies can be assigned.) The sponsor may also want to give details from the confirmation of acceptance for studies to the student to help him/her with his/her application for leave. For example, details of the amount of fees paid to date and the qualifications assessed etc.</p> <p>When you give the confirmation of acceptance for studies unique number to the student you should treat it as you would a secure and confidential document.</p> | 163 and 164 |
| Tier 4 | <p>A confirmation of acceptance for studies can only be used once. When a student applies for leave, the confirmation of acceptance for studies that he/she has submitted to support his/her application is marked by us as having been used and cannot then be used again. In addition, any other confirmations of acceptance for studies that the student has been given by other potential sponsors will be marked by us as obsolete. (In these circumstances, sponsors</p> | 166 |

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| | will not be refunded when their confirmation of acceptance for studies is marked as obsolete.) | |
| Tier 4 | The number must include existing students who will apply for extensions of their permission to stay and any new students it wishes to sponsor. We ask the sponsor to justify the number of confirmations of acceptance for studies it intends to assign. (Sponsors should offset the number of confirmations of acceptance for studies against any visa letters they plan to issue until February 2010 when visa letters are phased out.) | 170 |
| Tier 4 | a lower limit if the sponsor is B-rated, a start-up organisation or has any history of not complying with immigration rules, or there is insufficient justification for the number requested. | 172b |
| Tier 4 | Visa letters will be phased out in February 2010, after which all students must be assigned a confirmation of acceptance for studies and we will not accept visa letters in support of any application for leave under Tier 4. | 183 |
| Tier 4 | <p>A visa letter will be valid for;</p> <ul style="list-style-type: none"> • up to 6 months from the date it was issued by the sponsor; or • until confirmations of acceptance for studies are fully implemented in February 2010. <p>Whichever period is shorter.</p> <p>Although sponsors can continue to issue visa letters to students they will only remain valid for the periods shown above. All applications for leave under Tier 4 after February 2010 must be supported by a confirmation of acceptance for studies.</p> <p>Any application received after then, supported by a visa letter will be refused.</p> <p>How many visa letters will our organisation be allowed to issue?</p> <p>There is no limit on the number of visa letters a sponsor can issue, however where we find that a sponsor has issued so many visa letters that they exceed their capacity to enrol overseas students we will look very closely at the institution's recruitment practices involving the relevant inspection authority or accreditation body, and where necessary, we will take appropriate action. This could mean downgrading to a B-rating, suspending the sponsor's licence or revoking their licence.</p> <p>Cancelling a visa letter</p> <p>Unlike a confirmation of acceptance for studies, it is not possible to cancel a visa letter. If a sponsor has issued a visa letter in error it should inform the student that he/she must not use that visa letter to apply for leave to enter or remain in the United Kingdom.</p> | 191 to 195 |
| Tier 4 | <p>The course must also be a full-time course of study, which is defined for UKBA purposes as either;</p> <ul style="list-style-type: none"> • a full time course of study that leads to a United Kingdom recognised qualification at Level 6 or above of the revised National Qualification Framework; or <p style="text-align: center;">etc</p> | 198 first bullet |
| Tier 4 | Where the course will involve periods of study outside of the United Kingdom this will also be acceptable but the student will have to meet all of the immigration requirements of the country in which he/she will be studying. If the student intends to return to the United Kingdom to continue/complete his/her course then it may be practical for the sponsor to continue sponsoring him/her for the period he/she is outside the United Kingdom. This will mean that the sponsor must continue to meet all of their reporting duties in respect of the student but it also | 203 and 204 |

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| | <p>means the student's leave will remain current and he/she will be allowed to return to the United Kingdom without having to apply again. Depending on the nature of any report the sponsor makes on the student, he/she may not be permitted to re-enter the United Kingdom following a period of study abroad.</p> <p>If the student does not plan to return to the United Kingdom or the sponsor does not want to continue being responsible for the student whilst he/she is out of the United Kingdom, then sponsorship can end at the point the student travels overseas. This will result in the student's leave being curtailed and if he/she subsequently does need to return to the United Kingdom he/she will have to make a new application for leave. Please note that in this situation, the student may be required to return to his/her country of normal residence in order to apply to re-enter the United Kingdom under Tier 4.</p> | |
| Tier 4 | <p>A course of study for general students (or child students aged 16 or above) may include a work placement, but the work placement element of the course must not exceed 50% of the length of the course in the United Kingdom. For example:</p> <ul style="list-style-type: none"> • Course is a 2 year Masters with 12 months at the institution and a 12 month work-placement; • Course is NQF level 4 Diploma with 26 weeks of classroom study (at a minimum of 15 hours a week) and a 26 week work-placement arranged at the end of the course or at any time throughout; • Course is NVQ level 3 with a work-placement running at the same time as a minimum of 15 hours classroom study per week at the institution and 15 hours work-placement per week. (Any additional hours worked in the week as part of the student's entitlement to work part-time during term-time can not be an assessed part of the course.) | 223 |
| Tier 4 | <p>Students can be granted leave to enter, or remain in the United Kingdom under Tier 4 as follows. Please note that all applications for leave made on or after 5 October 2009 will restrict the student to study <u>only</u> with the sponsor named on his/her visa letter or confirmation of acceptance for studies. This includes studies at any partner institution named on the visa letter or confirmation of acceptance for studies.</p> | 229 |
| Tier 4 | <p>A student cannot apply for leave under Tier 4, more than 3 months in advance of his/her course start date.</p> | 230 |
| Tier 4 | <p>A confirmation of acceptance for studies can be assigned up to six months in advance of the expiry date of the student's current leave. However, students who are already in the United Kingdom can only apply to extend their leave if there is less than one month between the expiry date of their current leave and the date their proposed course of study will commence. Any in-country application made where there is more than 1 month between the end date of the student's existing leave and the start-date of his/her proposed course of study will be refused. Therefore if the student is already in the United Kingdom and his/her existing leave expires more than 1 month before the start-date of his/her proposed course of study, he/she will be expected to return overseas and make an out-of-country application. (Please note paragraph 151 which explains that all out-of-country applications made under Tier 4 before February 2010 can only be supported by a visa letter. Any student applying out-of-country with a confirmation of acceptance for studies will have his/her application rejected.)</p> | 239 |
| Tier 4 | <p>Please note that all applications for extensions of leave made on or after 5 October 2009 will restrict the student to study <u>only</u> with the sponsor named on his/her visa letter or confirmation of acceptance for studies. This includes studies at any partner institution named on the visa letter or confirmation of acceptance for studies.</p> | 240 |
| Tier 4 | <p>Change of sponsor where the student's current leave is based on an</p> | 242 to |

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| | <p>application made on or after 5 October 2009</p> <p>If a student whose current leave is based on an application made on or after 5 October 2009, subsequently wants to move to a different Tier 4 sponsor he/she must make a new application for leave under Tier 4, supported by a visa letter or confirmation of acceptance for studies from his/her new sponsor.</p> <p>He/she must not start his/her new course until his/her new application for leave has been approved.</p> <p>He/she can leave his/her original sponsor before his/her new application for leave has been decided, but this is at his/her own risk because if the new application for leave is refused, he/she may not be able to return to the course with his/her original sponsor.</p> | 244 |
| Tier 4 | <p>Change of sponsor where the student's current leave is based on an application made before 5 October 2009</p> <p>Any student whose current leave was based on an application made before 5 October 2009, who subsequently wants to take up a course of study with a new sponsor 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:</p> | 245 |
| Tier 4 | <p>It is appropriate for a Tier 4 sponsor to continue its sponsorship of a student throughout the re-sit or repeat period, where the Tier 4 sponsor requires the student's continued participation, and where the Tier 4 sponsor is confident that it will be able to meet its sponsor duties with respect to that student during the re-sit or repeat period. Where the Tier 4 sponsor does not require the student's continued participation within 60 days of the start of the next academic period (with the exception of recognised institutional vacation periods), the Tier 4 sponsor should not continue to sponsor the student. Where the student has continuing leave, but the Tier 4 sponsor does not require participation during this 60-day period, the Tier 4 sponsor should notify the UK Border Agency of this and advise the student to leave the United Kingdom. If the student's leave is due to expire, and the Tier 4 sponsor does not require continuing participation within 60 days of the start of the next academic period, the Tier 4 sponsor should not issue a visa letter or confirmation of acceptance for studies, and the student should make arrangements to leave the UK. The Tier 4 sponsor may then, at a later point, issue a visa letter or confirmation of acceptance for studies which the student may use in his/her application to return to the United Kingdom</p> | 259 |
| Tier 4 | <p>Continued sponsorship of a postgraduate student for the purposes of writing-up</p> <p>It is appropriate for a Tier 4 sponsor to continue its sponsorship of a postgraduate student for the purposes of writing-up, where the Tier 4 sponsor requires the student's continued participation, and where the Tier 4 sponsor is confident that it will be able to meet its sponsor duties with respect to that student during the period leading up to final submission of the dissertation or thesis and including an oral examination, as required. Where the Tier 4 sponsor does not require the student's continued participation for a period of time (normally for normally for 60 days or more) the sponsor must be confident that they are able to meet their sponsor duties with respect to that student during the writing-up period. If the sponsor cannot meet their duties during this period the sponsor should notify UKBA of this, and advise the student to leave the United Kingdom. The Tier 4 sponsor may then, at a later point, issue a visa letter or confirmation of acceptance for studies which the student may use in his/her application to return to the United Kingdom.</p> | 261 |
| Tier 4 | <p>In any case students must not fill a full-time permanent vacancy (other than on a recognised Foundation Programme or as a Students' Union Sabbatical Officer).</p> | 271 |

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| Tier 4 | All sponsors must report the following information or events to us, within any time limit specified. This includes reporting events during any period that a student is on a pre-session course at a partner institution which was named on the student's visa letter or confirmation of acceptance for studies. | 280d |
| Tier 4 | Clarification of one of the reporting duties. if the sponsor stops sponsoring the student for any other reason (for example, if the student moves into a different immigration route with a different sponsor or one which does not require a sponsor, or the student's period of leave to remain in the United Kingdom comes to an end) the report must be provided within 10 working days; | 280d |
| Tier 4 | Please note that these reporting duties will not be compulsory for all students until February 2010 but we encourage all sponsors to report voluntarily. Where the student has been granted leave using a visa letter, voluntary email reports can be made to MigrantReporting@UKBA.gsi.gov.uk . Where the student has been granted leave using a confirmation of acceptance for studies, reporting is <u>mandatory</u> and should be done using the sponsorship management system, migrant reporting function. | 280d |
| Tier 4 | Where migrants work in the United Kingdom when they have no permission to do so, we take this very seriously and will impose a range of penalties on those who employ people illegally. Sponsors must therefore make sure that any migrants who work for them and who are not settled in United Kingdom are entitled to do so. | 317 |
| Tier 4 | If we find that a sponsor has assigned a visa letter or confirmation of acceptance of studies whilst the sponsor was suspended, we will take further action against the sponsor. | 331 |
| Tier 4 | We will not consider any applications for leave, for any student who has a visa letter or confirmation of acceptance for studies which has been issued by a sponsor whose licence is suspended. We will not consider any applications for leave where the student's visa letter or confirmation of acceptance for studies shows that he/she will be undertaking a pre-session course with a partner institution and that partner institution's own licence has been suspended. If a student applies for leave and his/her visa letter or confirmation of acceptance for studies was assigned during a period that his/her sponsor was suspended, we will refuse the application for leave on the basis that the visa letter or confirmation of acceptance for studies is invalid. | 351 to 353 |
| Tier 4 | It is the sponsor's duty to report a takeover or merger and failure to do so will result in appropriate action being taken by us. Sponsors must also, where required, notify their inspection or accreditation body of any change in ownership of their organisation. | 382 |
| Appdx A | The addition that care homes may also be registered with the Care Quality Commission. | |
| Appdx D | If the job was not advertised in JobCente Plus because of Stock Exchange disclosure requirements, the sponsor must keep a copy of the formal announcement (for example a screen shot of the published announcement) made via a regulated information service approved by the Financial Services Authority (FSA) and named on their website at http://www.fsa.gov.uk/pages/Doing/UKLA/RIS/Contact/index.shtml . | |