



# **POINTS BASED SYSTEM**

## **TIER 4 QUESTIONS & ANSWERS**

### **SPONSORS**

**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 SPONSORS 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**

**FOR THE VERY LATEST INFORMATION, GUIDANCE AND FORMS 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 can the Immigration Rules, guidance notes and application forms be found?

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 Points Based System 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 the points-based system 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/employersandponsors/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 followed where the work-placement makes up no more than 50% of the total length of the course.

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- 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.
- 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) /Confirmations of Acceptance for Studies (CAS) (from October 09 for students within the UK) issued to them by their Sponsoring institution. A student applying from overseas must continue to apply with a Visa letter until February 2010 – 30 points
  - Evidence of sufficient funds to pass a maintenance test. – 10 points. See section on maintenance for full details.

**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.

**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. Should the Sponsor inform students after reporting them to the UK Border Agency?**

**A.** The Sponsor guidance sets out a Sponsor’s reporting duties. It is up to the Sponsor whether or not they inform the student.

**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. 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. 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 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) Prospective 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 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 students are studying within London. What do you consider as London?**

**A.** We will use the address given in the visa letter/CAS as the main study site to assess whether the applicant will study for the majority of the time in or out of London (i.e. more than 50% of their study time). The following London boroughs are subject to the £800 per month maintenance requirement; Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham, Southwark, Tower Hamlets, Wandsworth, and Westminster.

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. To what extent are Sponsors meant to assess a student's ability to meet the maintenance requirement?**

**A.** Sponsors are not required to do so: it is up to the Entry Clearance Officer abroad/Case worker in the UK to check this. An application can be refused if the requirements are not met.

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

**A.** When the would-be Student applies for their 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.

**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

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- 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 cannot be used

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. 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 1<sup>st</sup> 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 1<sup>st</sup> 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<sup>st</sup> 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 1<sup>st</sup> February 2010. Applicants must still provide the correct documents to support their application.

From 1<sup>st</sup> 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.

## **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 9 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 9 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. I understand new rules relating to maintenance come into effect after the 1st October 2009, how does this affect in-country applicants?**

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**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<sup>st</sup> 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 1<sup>st</sup> February 2010. Applicants must still provide the correct documents to support their application.

From 1<sup>st</sup> 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.

### **3. 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. What about complete beginners in English, how can they 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 a standard as high as NQF level 3 been set 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 is the Student Visitor Route only 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. This 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.

#### **4. LEVEL OF COURSE**

**Q. For Further Education studies, 16-18 year old students need to have a minimum of 5 GCSEs, however a large number of mature students do not have these qualifications. If these mature students were home students they may be allowed on a course with life experiences. Can the same approach be used for International students?**

**A. Under Tier 4 the assessment of a student's suitability to study is assessed by the student's Sponsor and as such is an academic decision, the Sponsor must explain to the UK Border Agency how they have assessed the applicant.**

## 5. PRE-SESSIONAL COURSES

### **Q. Will students require a separate Confirmations of Acceptance for Studies (CAS) / 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 Prospective 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.

## 6. SWITCHING \*

**Q. If a Prospective 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 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.

**Q. What Tiers can Prospective Students 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 student 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 student is only possible into one of the following categories

- Tier 4 – General student

**Q. If a student switched course in-country at the same educational establishment:**

**(i) Would this require a new CAS/visa letter or would the previous CAS/visa letter be amended.**

**(ii) If a new CAS/visa letter had to be issued would a new visa be required?**

**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.go.uk](mailto:migrantreporting@ukba.gsi.go.uk)

## 7. 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.

## 8. SPONSOR DUTIES

**Q. Would an electronic, i.e., scanned version of a passport be an acceptable copy of a passport for a Sponsor to keep?**

**A.** A photocopy or electronic copy of each Sponsored student's passport or United Kingdom immigration status document (and in time his/her ID card), showing evidence of his/her entitlement to work or study, is acceptable. For employers this is in line with the responsibilities laid down for them by regulations under section 15 of the Immigration and Asylum Act 2006.

**Q. What is a contact defined as? And can universities work to fewer than 10 contacts?**

**A.** Reporting requirements and "Contacts" are as per the Statement of Intent and the published Sponsor Guidance on the UK Border Agency website. As part of these requirements, a Sponsor must report if a student misses 10 expected contacts. For students in schools, Further Education (FE) and English Language Colleges this will normally be where the student has missed two weeks of a course without an appropriate explanation. In the Higher Education (HE) sector, where daily registers are not kept we will accept this reporting where the student has missed 10 expected interactions (e.g. Tutorials, submission of coursework etc).

It is up to the educational institution to define what their 'expected interactions' are. This requirement has been conceived to allow institutions the flexibility to utilise their standard practices, as appropriate to the level or type of course, to meet the requirements of the UK Border Agency, whilst providing the UK Border Agency with the assurance that institutions will be able to report that a student is no longer participating in their study.

Some example expected interactions, provided by the education sector, to be used as guidance by education institutions in planning for Tier 4, are listed below:

- Attendance at any lesson, lecture, tutorial or seminar (as relevant to the level of study)
- Attendance at any test, examination or assessment board
- Submission of assessed or un-assessed coursework
- Submission of "interim" dissertation/ coursework/ etc reports
- Attendance at any meeting with supervisor or personal tutor
- Attendance at any "research method" or "research panel" meetings or "writing up" seminars or "doctoral workshops"
- Attendance at a viva
- Registration (aka matriculation/enrolment)
- Attending an appointment with a welfare/international student adviser
- Participation in a course-related field trip

This list is not exhaustive and Sponsors may have other practices in use that are different to or supplement the examples above. The UK Border Agency will consider carefully, all applications for a licence under Tier 4. As part of this licence application UKBA will assess whether an educational institution is capable of carrying out its duties as a Sponsor. We will judge this by looking at the organisation's processes and human resource 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.

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**Q. With respect to the “10 expected contacts” does the UK Border Agency have a perceived maximum timescale acceptable for these interactions?**

**A.** There are no specified timelines. Reporting requirements and "Contacts" are as per the Statement of Intent and Sponsor Guidance.

**Q. What will the effect of deferrals and interruptions be on a CAS?**

**A.** Any deferral or break in studies means the student is no longer studying and needs to return home. Sponsors should notify the UK Border Agency where such breaks are approved but such students will need to make a fresh visa application with a new visa letter or CAS before they can return to the UK to resume their studies.

**Q. Where a student has deferred their studies and returned to their home country do they need a new visa letter/CAS to re-enter or do they obtain entry clearance using their original visa letter /CAS. Is it a Sponsor’s responsibility to advise the UK Border Agency that student has recommenced studies?**

**A.** Deferring studies after arrival into the United Kingdom means the student’s permission to be in the United Kingdom will cease to be valid as they will no longer be actively studying. The Sponsor will need to notify the UK Border Agency of the deferral, and when the student is ready to resume their studies they will need to make a fresh visa application with a new visa letter or CAS. A student deferring their studies may lead to their leave becoming invalid in the UK. If so we will curtail their leave and the student must return home.

**Q. What are the requirements with ATAS certificates, does the Institution need to keep a record of these for students?**

**A.** There is no formal process for recording these however it would be good practice to keep these numbers/details. Where the applicant has applied for a course which requires an ATAS certificate they must supply it with their application for leave.

**Q. Reporting is voluntary for those Sponsors who issue a Visa Letter. How do Sponsors do this?**

**A.** Up until October 2009, reporting on non compliance for all Tier 4 students is voluntary. From October 2009 until February 2010, those Sponsors who wish to can issue a CAS can do so but it is not mandatory and so, the Visa Letter can be issued instead. Therefore, during this period, mandatory reporting will be in place for those students to whom Sponsors have issued a CAS and the CAS has been used in the application to the UK Border Agency.

If you have issued a Visa Letter and wish to report on a student you can email us at [migrantreporting@ukba.gsi.gov.uk](mailto:migrantreporting@ukba.gsi.gov.uk). The information we require is included in the following link:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/EMPLOYERS/POINTS/SPONSORINGMIGRANTS/SPONSORSHIPDUTIES/REPORTING/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsorshipduties/reporting/)

**Q. What are the reporting requirements for non-attendance?**

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**A.** Reporting failure to enrol on a course, non-attendance and discontinuation of a course will only start to become a mandatory requirement once the IT system, the SMS, is trialled in October 2009, although Sponsors will be able to provide these details voluntarily prior to this date.

From October 2009 Sponsors who opt to issue a CAS to a student and that CAS is used in an application to UKBA, will need to tell us if that student:

- fails to enrol with your institution no later than 10 working days after the end of the enrolment period;
- misses 10 expected contacts. For students in schools, further education and English language colleges, this will normally be where the student has missed two weeks of a course. In the higher education institutions, where daily registers are not kept UK Border Agency will accept reports of where the student has missed expected interactions, for example, tutorials or submission of coursework;
- stops attending an institution, either because the institution has withdrawn them from the course or the student has stopped attending because they are leaving, within 10 working days of this being confirmed;
- defers their studies after their arrival in the United Kingdom. The student's permission to be in the United Kingdom will no longer be valid as they will not be actively studying, and your organisation must notify us of the deferral and advise the student to leave the United Kingdom. When the student is ready to continue their studies they will need to make a new visa application.

From February 2010 the use of CAS and reporting against migrant activity will be mandatory.

**Q. How will information on students be sent to the UK Border Agency – automatically once a student has passed a ‘trigger point’, via phone / email / letter?**

**A.** All reports of non-attendance, early cessation of studies etc should be reported to the UK Border Agency via the Sponsorship Management System (SMS), once mandatory reporting is operational. Prior to this, it is on a voluntary basis and you can email us at:  
[migrantreporting@ukba.gsi.gov.uk](mailto:migrantreporting@ukba.gsi.gov.uk)

**Q. Will the UK Border Agency need information on students as and when it comes to the attention of the university or on a daily / weekly / fortnightly / monthly / quarterly basis?**

**A.** Sponsors should inform the UK Border Agency of relevant changes ideally as soon as it comes to their attention, however for further guidance on timescales please go to:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/EMPLOYERS/POINTS/SPONSORINGMIGRANTS/SPONSORSHIPDUTIES/REPORTING/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsorshipduties/reporting/)

**Q. Do the reporting arrangements only apply to the student themselves or do they apply to their dependants as well?**

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**A.** The reporting arrangements apply to students who have been granted a visa to study in the UK under Tier 4. Dependants are managed separately under the Immigration Rules.

## **9. CONFIRMATIONS OF ACCEPTANCE FOR STUDIES (CAS)**

### **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 (SMS) to potential students applying from within the UK 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 February 2010 the use of SMS to issue CAS to all students will be compulsory.

### **Q. During the trial period for CAS (October 2009 to February 2010) will we have to pay for CAS?**

**A.** Yes, for each CAS issued the fee is currently set at £10. We would encourage Sponsors to trial the system with a number of applicants to embed the process for when it becomes compulsory at the end of the trial.

### **Q. Will there be multiple CAS or not?**

**A.** Once the ability to issue CAS is implemented in October 2009 we recognise that several educational establishments may want to offer a student an unconditional place on a course. Therefore, a student will be able to hold multiple CAS from different institutions. They must, however, apply to the UK Border Agency with only the CAS from their chosen institution as their leave will be tied to the institution from which the CAS was issued. They can also hold multiple CAS from one institution.

### **Q. When do institutions find out whether a visa has been issued or not?**

**A.** When CAS and the Sponsorship Management System are in place in October 2009 Sponsors will be able to see if a CAS they have issued to a potential Student has been used in a visa application or not. This does not mean they can see the decision that has been made.

### **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. I am a Sponsor, how do I pay for the CAS I want to issue?**

**A.** Sponsors can pay for CAS using the electronic payment functionality linked to the Sponsor Management System. They can also pay by cheque but CAS numbers will only be released once payment has cleared.

**Q. How do I receive the CAS numbers I have paid for?**

**A.** A Sponsor paying for a CAS via e-payment will receive the CAS number(s) immediately via the SMS, whereas a cheque can take up to 14 days to clear at which point the Sponsor user assigning the CAS will be notified of payment clearance by the Sponsor Licensing Unit and advised to locate the CAS number(s) on the SMS.

**Q. When generating a batch of CAS applications do Sponsors make one payment?**

**A.** If a Sponsor produces a batch of CAS they will only pay once for each batch. For example if a Sponsor issues a batch of 100 CAS they will pay one fee of £1000 (£10x100).

**Q. Once an educational institution has issued a CAS for a student are they then tied to them?**

**A.** The student is only tied to an institution when they make a successful application for leave to enter or remain using a visa letter or CAS (October 2009) from a particular institution. Until the point that the student applies to the UK Border Agency they can hold multiple CAS or visa letters but must only use one in their Tier 4 application.

**Q. How will last minute admissions work with Tier 4, is the process of issuing CAS a lengthy one?**

**A.** Last minute admissions would still require a CAS. A CAS, once the SMS is introduced in October 09, will take approximately 30 minutes to create manually and pay for. If the Sponsor wishes to pay by cheque the Sponsor will have to wait for the cheque to clear.

**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.

**Q. If the issuing of CAS isn't implemented until October 2009; does the Sponsor still need to apply for a certain number of CAS in advance of October 2009 or, will the process be altered with a new timescale?**

**A.** The Sponsor still needs to apply for a number of CAS when applying for their Sponsor licence to ensure that the CAS requested by the Sponsor are available to issue from October 2009.

**Q. What is the position regarding school Sponsors who may need to cancel or withdraw a CAS, e.g. the pupil does not pass exams which are a pre-requisite to enrolment? Some exam results only become available very late in the summer holiday and if a potential pupil fails those exams, the school will need to be able to revoke its CAS – and, ideally, receive a rebate of the cost of issuance?**

**A.** Sponsors should not issue CAS until they are in a position to make an unconditional offer. Once the SMS is introduced for Tier 4 in October 09, a Sponsor will be able to withdraw a CAS they have issued at any point up to that CAS being used by the student in a visa application. Once used in an application to the UK Border Agency by the student however, the CAS is 'used' and cannot be used again or withdrawn. There will not be a rebate for withdrawn CAS.

**Q. After a Sponsor has been allocated a certain number of CAS, can they request more?**

**A.** The number of CAS will be reviewed and agreed on registration as a Sponsor. At any stage, an organisation is able to request more CAS through the SMS.

**Q. How will the Sponsor be informed if the student doesn't arrive on the agreed date? If the student has got multiple CAS and decides to go to another school, how will the Sponsor know? (e.g. a student may ask us to arrange accommodation, but then decide to go to another Sponsor, and will incur cancellation fees from the accommodation owner)**

**A.** Until CAS and the SMS are introduced, the system will work broadly as now - a student can hold multiple offers but from March 2009 could apply under Tier 4 with one Visa letter only. The UK Border Agency will not inform Sponsors whether or not a student has used their visa letter as part of an application. When CAS and the SMS are introduced in October 09, Sponsors will be able to see whether the CAS they have issued to a student has been used in an application to the UK Border Agency. It would be prudent for Sponsors to check themselves whether a student is planning to accept their offer or not, if arranging accommodation, etc. A Sponsor can use the SMS to check whether the potential Student has used the CAS they were issued to make an entry clearance application. If it reads 'used' then it has been presented in an application to the UK Border Agency.

## **10. SPONSORSHIP MANAGEMENT SYSTEM (SMS)**

### **Q. What is the Sponsorship Management System?**

**A.** The Sponsorship Management System (SMS) is a secure IT system which allows licensed Sponsors to manage their students under Tier 4 of the points-based system. It is being trialled for Tier 4 from October 2009. It is already in place for Tier 2 and Tier 5 of PBS.

Sponsors will get access to the system once they are granted a Sponsor licence. They are sent their log in information at the same time as the confirmation of their licence. If they are a licensed Sponsor and do not have access, they can contact the Sponsorship helpline for advice. (0300 123 4699)

### **Q Why is the UK Border Agency calling the roll-out of the IT system a ‘trial’?**

**A.** The phased roll-out of the SMS allows Sponsors to trial the IT in a controlled and gradual manner in advance of full implementation in February 2010. This allows Sponsors and students to get used to the process and adapt the changes in a way that is best for them.

### **Q Has the UK Border Agency already trialled the technology?**

**A.** The SMS went live in November 2008 for Tiers 2 and 5 and has been successfully used since then. Extensive testing has taken place on the Tier 4 functionality in advance of Tier 4 go-live.

### **Q. What do Sponsors have to do before the IT is in place?**

**A.** Between March 2009 and the introduction of the SMS in October 2009, Sponsors need to issue potential students with a visa letter. What the visa letter needs to include is detailed in the Migrant and Sponsor guidance, available on the UKBA website.

Please see the following website for more details:

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

### **Q. Who can use the Sponsorship Management System?**

**A.** Only licensed Sponsors have access to the Sponsorship Management System (SMS).

There are different levels of users within their organisation. Further information about SMS user levels can be found in the Sponsor Policy Guidance, which can be downloaded from the UK Border Agency website at:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/SITECONTENT/DOCUMENTS/EMPLOYERSANDSPONSORS/PBSGUIDANCE/GUIDANCEFROM31MAR09/SPONSORAPPLICATIONSGUIDANCE.PDF](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandspendors/pbsguidance/guidancefrom31mar09/sponsorapplicationsguidance.pdf)

Only the level 1 user of licensed Sponsors can access the system for the first time. The name and details of their level 1 user will be supplied when they apply for their licence online. They can then add further level 1 and level 2 users in the system.

All users will need access to the internet and an email address. They must also have Adobe Acrobat reader to view payment notes.

**Q. What is the difference between a level 1 user and level 2 user of the Sponsorship Management System?**

**A.** SMS users will either be allocated Level 1 or Level 2 SMS responsibilities by the Sponsor. Further information on the duties and responsibilities can be found at:

[HTTP://WWW.UKBORDERAGENCY.HOMEOFFICE.GOV.UK/EMPLOYERS/POINTS/SPONSORINGMIGRANTS/APPLYFORLICENCE/ROLESTOALLOCATE/](http://www.ukborderagency.homeoffice.gov.uk/employers/points/sponsoringmigrants/applyforlicence/rolestoallocate/)

**Q. Can a Sponsor appoint a representative to the role of level 1 or level 2 user?**

**A.** Yes a Sponsor can choose to use a representative in the role of level 1 or level 2 user.

**Q. What can a Sponsor use the Sponsorship Management System for?**

**A.** They can use the system to:

- manage users and change organisation details;
- view all of their assigned Confirmations of Acceptance for Studies;
- create and assign Confirmations of Acceptance for Studies;
- comply with Sponsorship duties such as reporting student activity and withdrawing Confirmations of Acceptance for Studies;
- pay for Confirmations of Acceptance for Studies;
- use the bulk data facility to upload the details of and make payment for multiple Confirmations of Acceptance for Studies;
- Changing passwords;
- Division of CAS allocations between T4 General and T4 Child categories during transition to new system;
- search, view and download CAS activity;
- manage live CAS (i.e. update fees fields, add Sponsor notes, withdraw CAS);
- transfer CAS from one user to another;
- create and assign batches of CAS;
- apply for additional allocation of CAS for the same year;
- apply for the next period's allocation of CAS.

**Q. What contingency plans are there for when the SMS is down or crashes?**

**A.** We have industry standard Disaster Recovery plans in place.

**Q. Will the SMS advise if a visa has been issued to a student and how long will the time delay be from its issue to this information being available on SMS?**

**A.** When CAS and the Sponsorship Management System are in place in October 2009 Sponsors will be able to see if a CAS they have issued to a potential Student has been used in a visa application or not. To do this the Sponsor Management System can be used to check CAS status. If it is marked as 'used' then this indicates they have used their CAS in an application for leave. This does not mean that sponsors can see the outcome of the application.

**Q. Do the SMS users need to be named? Does the UK Border Agency need any other information about these users – job title, level of responsibility etc.?**

**A.** SMS users will either be allocated Level 1 or Level 2 SMS responsibilities by the Sponsor. Further information on the duties and responsibilities can be found at

[HTTP://WWW.UKBORDERAGENCY.HOMEOFFICE.GOV.UK/EMPLOYERS/POINTS/SPONSORINGMIGRANTS/APPLYFORLICENCE/ROLESTOALLOCATE/.](http://www.ukborderagency.homeoffice.gov.uk/employers/points/sponsoringmigrants/applyforlicence/rolestoallocate/)

Level 1 users will be subject to security checks, level 2 users will not. This is because of the increased level of responsibility level 1 users have.

**Q. If a Sponsor requires more users, how can a Sponsor do this?**

**A.** In the online application, a prospective Sponsor can only nominate one Level 1 User. However, after obtaining a licence the Sponsor will be able to nominate additional Level 1 Users, using the Sponsorship Management System. The Sponsor can add further Level 1 Users. Level 1 Users are able to set up accounts for Level 1 and 2 Users.

**Q. Is there a limit to the number of times within a 12 month period that the university could ask to increase its number of database users?**

**A.** The Sponsor may set up as many Level 1 and/or 2 Users as it wishes. However, as the authorising officer is responsible for the actions of all users, it is advisable to keep the number of users to a manageable level.

**Q. When does a Sponsor need to register in order to Sponsor a student?**

**A.** The Tier 4 Sponsor register opened in June 2008. A Sponsor should register if they intend to enrol non EEA students. It is advisable to make the application as soon as the need is identified. Following the Tier 4 policy implementation in March 2009, only institutions with a Sponsor licence may bring non EEA students to study in the UK.

**Q. What happens if a Sponsor forgets their password to SMS?**

**A.** If the Sponsor user has forgotten their password but otherwise knows their logon ID they can request a new password using the SMS. There is no need to contact the Sponsor helpline or Sponsor Licensing Unit.

**Q. When I first use the Sponsor Management System is there anything I need to do?**

**A.** Yes. An institution will already have an allocation of CAS. The SMS requires Sponsors to split their existing allocation between the General and Child categories. Though they can elect to have all their allocation under one category. The SMS will not allow a Sponsor to assign CAS until they have undertaken the exercise.

**Q. If I choose not to use the SMS to issue CAS until the full implementation in February 2010 can I still use the SMS for anything?**

**A.** A Sponsor is not obliged to use SMS to assign their CAS until February 2010. For those who elect to continue to issue visa letters until this time there are still a number of activities that Sponsors can use the SMS for;

- setting up their users;
- reporting change of circumstances;
- transition activity (splitting allocation of CAS between General & Child);
- setting up common addresses.
- requesting more CAS

## 11. 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 5<sup>th</sup> 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 UKBA 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 UKBA 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 5<sup>th</sup> 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 UK Border Agency 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. A student wanted to change education provider and submitted a new Tier 4 application for this purpose. The application was refused; can they continue to study at the original education provider?**

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

**Q. I am a Tier 4 sponsor and have a student who holds a current Tier 4 visa for another education provider. What do I have to do so that they can now study with us?**

**A.** The student's action is dependent on when they applied for their last Tier 4 visa. If they applied before 5th October then they can obtain a permissions letter from UK Border Agency confirming they are able to switch education providers. A permissions letter will only be issued to the student if they have time left in their permissions to stay and if UK Border Agency are content that; the Tier 4 sponsor is approved by them and is on the Tier 4 sponsor register, they can confirm that the Tier 4 sponsor wants to act as the student's new Tier 4 sponsor and the course meets the requirements for the General or Child Student category.

**Q. I am a Tier 4 sponsor and issued a CAS to a student holding a Tier 4 visa issued for them to attend another education provider. Does the migrant need to obtain a new Tier 4 visa before I can allow him to enrol on a course with us?**

**A.** This is dependent upon when the student applied for their last Tier 4 visa. If they applied for their visa before 5th October they will be required to seek a permission letter from us. If they applied for their visa on or after 5th October, then they must apply for a new Tier 4 visa and **be in receipt** of that visa prior to enrolling on your course.

**Q. I am a Tier 4 sponsor and I have been informed by one of our students that they wish to transfer to another education provider. What information should I report via SMS and when should I report it?**

**A.** It is mandatory to report if a student who entered the country on a CAS does not meet 10 contacts or if the student has informed the sponsor that they are leaving. It is useful in this circumstance if the Tier 4 sponsor could provide any forwarding contact details for the student.

## **12. 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 Sponsoring organisation 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.

### **13. 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.

#### **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.

#### **Q. Until the IT is ready, the Sponsor will be issuing modified paper visa letters. Will they pay the £10 fee for each letter that they issue?**

**A.** Until the SMS is introduced in October 2009, institutions will issue an unconditional offer or "Visa Letter" to the students they wish to Sponsor, in lieu of Confirmations of Acceptance for Studies (CAS). There will be no charge for offer or Visa Letters, whereas the CAS, when introduced, will cost £10. Any student applying for a Tier 4 General or Child visa needs the correct information on their Visa Letter. The same information is not specified for the student visitor route because this route is not part of the Points Based System, but it would be helpful to include these details in such a letter for those wishing to use that route.

NOT PROTECTIVELY MARKED

## 14. SPONSOR APPLICATIONS

### **Q. Will Sponsors have to quantify and name their Level 1 and 2 Users?**

**A.** On registration, the Sponsor will need to name a single Level 1 user. Additional Level 1 and all Level 2 Users will be added via the SMS when organisations have access to this.

### **Q. What revisions can be made to an application to be on the Sponsor register or a Sponsor licence (e.g. number of CAS allocated or named officers at Level 1 or 2)?**

The number of CAS will be reviewed and agreed on registration as a Sponsor. However, Sponsors are able to request more CAS through using the SMS. The named officer listed as the Level 1 User can also be changed by contacting the SLU. This change would not be made immediately as the appropriate checks would need to be made on the new user. Level 2 Users are not listed on the application. A change of circumstances form in order to change the initial Level 1 user is required. The form is available outside the SMS from the UKBA website.

### **Q. Who should be accredited and who needs to apply for a Sponsor licence if an institution is working in partnership with another institution.**

**A.** The fundamental rule is that all Sponsors and all partner institutions must have the required accreditation. The final decision on working in partnership is up to the education provider as they are best placed to know what will work for them. We recommend that institutions taking responsibility for students at a partner institution ensure that they are satisfied that they will be able to fulfil their reporting duties in respect of their students who will study there. Where a Sponsor is happy to send students to a partner institution whilst retaining responsibility for them, that partner institution must be a named 'branch' on the Sponsor's licence. If the Sponsor does not want to be responsible for students who are studying at a partner institution, the partner institution will have to register for its own Sponsor licence.

### **Q. Does a school have to apply for two licences because of student age levels, 4-16 and 16 upwards?**

**A.** No, one licence per institution.

### **Q. Does a Sponsor have to apply for a licence for each individual student?**

**A.** You only require one Sponsor licence for Tier 4. You will then receive an allocation of CAS - each student you Sponsor will require one CAS.

### **Q. Will the Sponsor be given a designated contact?**

**A.** Not at the application stage but if visited, your Visiting Officer will be clearly identified and can be contacted subsequently.

**Q. Given that the timescales are being extended for the full implementation of Tier 4, will those institutions that have had one, continue to have a dedicated Account Manager during this extended process?**

**A.** Account Managers will continue to liaise with institutions for as long as the institution requires them to do so; however no Sponsor has a dedicated account manager.

**Q. How often will Visiting Officers visit?**

**A.** At least once a year, maybe more if there are action plans to follow up with review points to be met.

**Q. Will the Register of Sponsors always be a PDF file or will it become a searchable database at some stage?**

**A.** A searchable database is not envisaged at this stage.

## 15. 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 (the UK) 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.

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## 16. FEES \*

### Q. What will the fees be?

A. You must ensure that the correct fee is included with your application to prevent your application from being rejected. The cost of a licence to join the register of Sponsors will depend on if you are registering for the first time or if you are applying to add more tiers.

- The fees are as indicated on the UK Border Agency website at:  
[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/EMPLOYERS/POINTS/SPONSORINGMI/GRANTS/COSTS/COSTOFALICENCE/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmi/grants/costs/costofallicence/)
- Each Confirmation of Acceptance for Studies will cost £10.

## 17. BULK DATA TRANSFER

### Q. What is bulk data transfer?

**A.** Bulk data transfer (also known as BDT) is a facility that will allow you (the Sponsor) to upload data created on your local student record IT system to the Sponsorship Management System (SMS) in bulk.

Three bulk data transfer functionalities will be available when Confirmations of Acceptance for Studies (CAS) are introduced in October 2009: bulk data upload, bulk data export and bulk data reporting.

### Q. Who can use bulk data transfer?

**A.** Any Tier 4 Sponsor can use the bulk data transfer functions as long as they conform to the XML Schema Documentation available on the UKBA website. However the level of user has been restricted to level 1 only.

### Q. What is a bulk data upload?

**A.** Bulk data upload is the function of the Sponsorship Management System (SMS) that allows an authorised logged-on user of the SMS to upload an XML file created on your own internal system to pre-populate all of the fields required to create Confirmations of Acceptance for Studies (CAS). The upload does not automatically create CAS (payment must be confirmed before a CAS Number is issued); it removes the need to manually enter the data needed to create each CAS individually.

The XML Specification Documentation (XSD) contains the rules that govern how this data needs to be formatted for the upload to be successful. The XSD contains two XML specifications, one for each category of Tier 4: General students and Child students.

### Q. What is a bulk data export?

**A.** Bulk data export is the function of the Sponsorship Management System (SMS) that allows you to export Confirmations of Acceptance for Studies (CAS) numbers and the status of the CAS from the SMS, in order for you to provide this data back to your own internal systems. This allows you to update records in your own system with the CAS number that is assigned to them in the SMS.

The XML Specification Documentation (XSD) contains the rules that govern how this data will be formatted when it leaves the SMS.

**Q. What is bulk data reporting?**

**A.** There is a duty on registered Sponsors to report students who have used a CAS from your institution but who have not enrolled 10 working days after the end of your enrolment period (these students are sometimes referred to as “no-shows”).

Bulk data reporting allows you to fulfil the duty of a Sponsor to report student “no shows” by uploading a data file that reports on multiple Confirmations of Acceptance for Studies (CAS) in a single file generated by your own internal systems. You may still report this student activity on individual CAS in the SMS.

Please note that other reporting responsibilities, such as reporting students who have ceased their course of study with you, are not included as part of the bulk data transfer facility and will be performed on the SMS by you on a one to one basis.

**Q. How does bulk data transfer work?**

**A.** Files are transferred from your local system to the Sponsorship Management System (SMS) across the internet using the Secure Sockets Layer (SSL) protocol. You will have to log into the SMS to facilitate this, the file transfer is not automatic.

**Q. Is this an interface similar to how some education providers send files to UCAS?**

**A.** No. This is a facility to upload and export files in a specified format. It is not an automated interface, the upload and export of files will need to be done manually by a logged on user of the Sponsorship Management System.

**Q. What format do the bulk data transfer files have to be in?**

**A.** The bulk data is transferred in an Extended Mark-up Language (XML) data file contained within a compressed ZIP file. The ZIP file has no functional significance and is used solely as a vehicle for data compression. Only XML files are compatible with the bulk data facility, Excel or CSV files are not compatible with the bulk data functionalities.

**Q. What format does the information in the bulk data transfer files have to be in?**

**A.** The required structure and format of the information in bulk data transfer files is outlined in the XML Specification Documentation (also called the XSD) available on the UK Border Agency website at

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/SITECONTENT/DOCUMENTS/EMPLOYERSANDSPONSORS/POINTSBASEDSYSTEM/BULK-DATA-TRANSFER/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandspendors/pointsbasedsystem/bulk-data-transfer/)

This information must be in the format specified by the XSD for the bulk data transfer file to be accepted by the Sponsorship Management System (SMS).

**Q. What will happen to the file I attempt to upload if it is rejected?**

**A.** If the file you attempt to upload contains errors it will be rejected and none of the data will be uploaded on to the SMS.

**Q. Can I send more than one file in a single bulk data transfer?**

**A.** Bulk data transfer will only process a single data file (single XML file within a single ZIP file) as part of any business operation (whether data upload or download). Any attempt to upload multiple ZIP files or a ZIP file with multiple XML files inside will be automatically rejected. You can have more than one Confirmation of Acceptance for Studies (CAS) record in a single XML file.

**Q. Why is the UK Border Agency introducing the bulk data transfer facility?**

**A.** The Bulk data transfer facility has been developed following consultation with the education sector. It will reduce the amount of manual data entry you have to undertake to ensure that all your non-EEA students comply with the requirements to have Confirmations of Acceptance for Studies (CAS) under Tier 4 and to complete some of your Sponsor duties.

**Q. Why is the Bulk Data Transfer specification being introduced before the Sponsorship Management System (SMS) for Tier 4?**

**A.** The bulk data transfer facility is not being introduced before the Sponsorship Management System for Tier 4. It will only become available for use when the Sponsorship Management System (SMS) is launched for Tier 4, in October 2009.

We appreciate that you may need to make changes to your student record IT system/s to ensure they are compatible with the bulk data transfer functionalities. Therefore, we communicated the bulk data transfer specification from early 2009, in the form of the XML Specification Documentation (XSD), to allow a period of time to identify and make any changes that are necessary.

**Q. Do I have to use the Bulk Data Transfer?**

**A.** No. There is no requirement to use the bulk data transfer facility. It is being introduced to enable Sponsors who anticipate that they will issue large numbers of CAS to do so more easily than creating them one at a time.

Everything that the bulk data transfer facility enables you to do in bulk will be possible for individual CAS using the Sponsorship Management System (SMS).

**Q. Can I conduct all my duties as a Sponsor by bulk data transfer?**

**A.** No. Some Sponsor duties and administration will only be able to be conducted manually and individually on the Sponsorship Management System (SMS), for example reporting that a student has ceased to study with you or withdrawing a Confirmation of Acceptance for Studies (CAS) from a would-be student.

**Q. I have a problem in applying the XML Specification Document (XSD) to my internal student system, what support is available?**

**A.** Implementing the XSD may involve changes to your own IT systems, as such the primary route for implementation enquiries should be your own technical implementation support services.

The UK Border Agency will provide some limited implementation support for enquiries around implementing the bulk data transfer XSD. If your own technical support staff are unable to assist in your enquiry, and it is not addressed in these Frequently Asked Questions, you can email the UK Border Agency at [Tier4Enquiries@homeoffice.gsi.gov.uk](mailto:Tier4Enquiries@homeoffice.gsi.gov.uk). You should ensure that your email clearly explains the problem you are experiencing and contains 'Bulk data transfer implementation toolkit query' in the subject line.