



International Students and the new points-based system (Tier 4)

Introduction

In April 2007 the government unveiled the timetable for introducing the UK's new points-based system for migration based on the Australian model. In the face of a challenging public debate the government is seeking:

- a) to tighten up immigration controls;
- b) to secure the country's borders; and
- c) to make migration to the UK's benefit.

The new points based system is the new immigration system for managing applications by people who wish to come to the United Kingdom to work, train or study. The new points-based system is possibly the most significant change to the immigration system for around 40 years. The system will replace over 80 existing routes to work and study in the United Kingdom with five tiers.

The five tiers are as follows:

- tier 1 - highly skilled workers, for example scientists and entrepreneurs;
- tier 2 - skilled workers with a job offer, for example teachers and nurses;
- tier 3 - low skilled workers filling specific temporary labour shortages, for example construction workers for a particular project;
- tier 4 - students;
- tier 5 - youth mobility and temporary workers for example musicians coming to play in a concert.

Key aspects of the system: sponsorship, registration and reporting obligations

Universities and colleges have to:

- obtain a Sponsor's Licence by registering on the Government's new Sponsors' Register
- appoint an Authorising Officer who will be responsible to UKBA (Gill Slater)
- appoint a Level 1 User who will manage the University's system and ensure it complies with UKBA regulations
- appoint Level 2 users who will issue Certificates of Acceptance of Study (CAS), Certificates of Sponsorship (COS) to any migrant the University employs and maintain accurate use of UKBA's Sponsor Management System (SMS)
- issue a Certificate of Acceptance of Study (CAS) to every non EEA student who accepts an Offer of Study from the University
- report any non-compliance on the part of a student to UKBA

Foreign workers or students other than the ones applying under the highly skilled tier of the points system (Tier 1) will also need a sponsor (UK employer or publicly-funded higher education institution) to vouch for them. In order to sponsor migrants, employers/HEIs will need to be registered on a list of approved sponsors operated by the UKBA (see implementation plan below).

It is the sponsor's responsibility to assure itself, before issuing a Confirmation of Acceptance of Study (CAS) certificate, that the applicant is *bona fide*. The certificate will act as an assurance that the migrant is able to do a particular job or course of study.

Sponsors will be expected to inform the government of:

- a) any migrant's failure to turn up for their first day of work or to enrol on their course;
- b) any discontinuation of studies;
- c) termination of a contract of employment; and
- d) migrants leaving employment or changing educational institution.

This will indicate that sponsors are acting responsibly and providing information on compliance for action by the Home Office. Sponsors who have a good track record will be rated A and those who have a less good record B. Failing sponsors who do not comply with UKBA requirements will be removed from the register of approved sponsors and could be prosecuted where the UKBA believes an offence has been committed. Such an action would result in the University being removed from the Sponsors' Register which would mean it would not be permitted to recruit international students. Sponsors will be able to make representations prior to removal.

UKBA will make the final decision on who is permitted to study in the UK and will check all documentation provided.

The costs of administering the new scheme will be recovered through fees and charges.

What a student has to achieve to obtain a visa

Students must obtain 40 points before they can apply for Tier 4 (General Student) entry clearance/study visa. To achieve this score each student must have:

- 30 points for CAS (Certificate of Acceptance of Study)
to obtain this, they must accept the offer of study from the university they have decided to study at. The university will then issue them with a Certificate of Acceptance of Study (CAS);
- 10 points for Maintenance and Funds
 - students on courses of less than 1 year must show they have sufficient funds to cover the full cost of their course fee plus £600 per month for each month of the course (outside London).
 - students on courses which are more than 12 months must show they have sufficient funds to pay the first year of course fees plus £5,400 to cover living costs the first nine months (outside London).
 - students wishing to bring dependants with them will need to show they have a further £400 per month for up to 12 months for each dependant they bring with them

a Tier 4 (General Student) will be given a visa linking them to their sponsor (UW) for up to maximum period of 4 years.

a Tier 4 (General Student) will be allowed to work part-time during term time and full-time during vacations and will not have to seek approval from UKBA before they commence such employment (Note: postgraduate students are not permitted to work full-time during the summer vacation if they have not completed their writing-up or dissertation or any aspect of their course of study)

Under the Student Tier, students will be permitted to re-sit examinations or repeat an element of a course on up to two occasions per individual examination or module.

ATAS certification and Police Registration will be retained as at the present time

Implementation Plan

The Tier 4 implementation plan was published on 30 October. It contains the key dates by which Tier 4 (the student tier of the points-based immigration system) will be introduced in phases.

Phase 1

Universities who want to teach non European Economic Area (EEA) nationals must have a licence issued by the UK Border Agency. Licensed institutions can then sponsor non EEA students to come to study in the UK. Institutions which want to be on the list of sponsors must aim to apply for a sponsor licence by 2 February 2009.

The University been successful in its applications and has been awarded licences to cover both Tiers 2 and 4, (staff and students) and has been rated A.

Phase 2

The second stage of implementation is the introduction of the Immigration Rules and policy guidance for Tier 4 at the end of March 2009. From this date, any student applications, made inside or outside the UK, will be assessed under the Tier 4 criteria and not the current student Immigration Rules.

The University will continue to issue offer letters to prospective students. New offer letters have been developed to include a new 'Visa' page which includes in one place all the information the UK Border Agency recommends including in these letters.

From March 2009, students applying to come to the UK must show that they have:

- Evidence of sufficient funds to pass a maintenance test; and
- The education documents used to obtain an offer from the sponsor, such as qualification certificates.

The University must:

- Ensure that students comply with the terms of their visa; and
- comply with record keeping duties – keeping copies of passports showing evidence of their entitlement to study and the period that they have permission to stay in the United Kingdom, keep and update student contact details.

The University must also:

- report any students who fail to enrol on their course to us within 10 working days of the end of their prescribed enrolment period;
- Where daily registers are not kept we are required to report where the student has missed an expected interactions, for example, tutorials or submission of coursework;
- report any students who discontinue their studies (including any deferrals of study) or who stop attending an institution either because the institution has withdrawn them from the course or because the student has told them they are leaving, within 10 working days of this being confirmed;
- report any significant changes in students' circumstances, for example, if the length of a course of study shortens, to us;

Phase 3

In autumn 2009, the UK Border Agency aims to trial the sponsor management system in two stages. When this trial starts, institutions will issue online Confirmations of Acceptance for Studies and reporting will become mandatory. The first stage will apply only to students who are in the UK with immigration permission other than as a student, in other words, those who need to switch to student, or Tier 4, status. The second stage will apply to all students either switching or extending their immigration permission in the UK. The trial will not apply to those who are outside the UK and who need entry clearance. If the trial goes ahead as proposed, institutions need to consider now how the staff issuing Confirmations of Acceptance for Studies will know which students do not currently have student or Tier 4 immigration status, and whether they can make such an application in the UK. We will consult our committee members and others about possible ways of dealing with this stage of the test effectively.

Phase 4

Tier 4 should be fully implemented in February 2010. This means that institutions will issue Confirmations of Acceptance for Studies to all students, wherever they are applying, and the reporting requirements will also apply to all students.

Implications for the University

Admission of new students

The new system has significant implications for the University in the processing of applications and registrations, monitoring non-arrivals and in reporting non-arrivals to the UKBA. These entail additional administrative tasks for the Admissions Office.

As well as the general sponsorship duties, the University will also need to:

- Issue acceptance of confirmation letters which include the following:
 - Students name, nationality and address;
 - Sponsors licence number;
 - Course title;
 - Course start date;
 - Expected course end date;
 - List of documents used by sponsor to assess ability to complete the course;
 - The students passport number.

- keep a copy for all non-EU students:
 - Copy of all students' passport pages showing all personal identity details (including biometric details), leave stamps, or immigration status document including their period of leave to remain (permission to stay) in the United Kingdom. This must show the migrants entitlement to study with a licensed sponsor in the United Kingdom;
 - Copy of the migrants United Kingdom Biometric Card;
 - A history of the student's contact details (United Kingdom residential address, telephone number, mobile telephone number). This must be updated regularly;
 - Record of the student's absence/attendance, this may be kept either electronically or manually.
 - Copies (or originals where possible) of any evidence assessed by the sponsor as part of the process of making an offer to the student. For example copies of references, examination certificates etc

Copies of this information has generally been kept on file in the past.

There is currently no direct interface between the Student Record System and UKBA systems used for generating and monitoring sponsor certificates. SITS/Tribal (suppliers of the Student Record System) are currently monitoring the additional data collection requirements for these processes and will release updates in due course to enable the University to record the appropriate data require for the operation of the new system.

Monitoring Students after arrival

The most significant challenge of the new points based system will be the monitoring of attendance for students. The UKBA places a duty on HEI sponsors to report non-attendance, without the sponsor's permission, for more than 10 'interactions' to the UKBA. The University needs to ensure that it is in a position to meet compliance standards.

We will be using the student record system to assist with this monitoring – this will include:

- Checking that a student has registered on-line within a specified time period;
- Recording when a student has arrived by recording the issue/collection of a student ID card;
- Attendance at International Student Induction;
- Participation in census week – non participation will trigger an automatic email which will be sent to the International Office, Personal Tutor and Student Records Office;
- Monitoring submission of coursework – we will need to record in the student record system ALL coursework submission deadlines. This will be of benefit to all students as they will be able to sort their tracking receipts by date order. Non submission (after 24 hours of submission date) will trigger an automatic email which will be sent to the International Office, Personal Tutor and Student Records Office;
- Attendance at additional language and assessment preparation sessions arranged through the Language Centre.

Not all students will engage in all of the items listed above but during the year all students will register, collect ID cards and submit coursework. This spread of activity will mean the University will be able to meet the requirement of '10 interactions' and will have effective reporting systems using the student record system to investigate a missing interaction before alerting the UKBA.

The University will update the Terms and Conditions that students sign when registering to include a new statement confirming that the University will notify the UKBA if a student misses an interaction and appears no longer to be in attendance. In addition international students will receive a summary of the types of monitoring that the university will be undertaking as part of registration and be included in the International Student Handbook.

Summary of risks

There is a significant risk attached to failure to monitor attendance effectively and to report students who cease attending to the UKBA within their prescribed timescale.

Deregistration or 'relegation' from the league of A-rated organisations and/or prosecution may result from failures described above. Either of these outcomes would result in serious damage to the reputation of the University. In the event of deregistration the University would effectively be prevented from recruiting international students and would lose a significant income stream.