



Immigration Law: Update for Tier 4 Sponsors

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TOPICS OF THE PRESENTATION

- Recent changes in the Immigration Rules affecting Tier 4 Migrants and Sponsors
- Future changes
- Applying for Highly Trusted Status
- Best practice compliance procedures
- What happens when UKBA pays you a visit
- Services we offer as immigration and educational consultants

Recent changes affecting Tier 4 migrants

- Restricted permission to work
- Restricted right to bring dependants
- Low risk nationals
- Blacklisted financial institutions
- Criteria for issuing CAS
- Study abroad programmes

RECENT CHANGES:

RESTRICTED PERMISSION TO WORK

- Students at HEI's on degree courses may work 20 hours a week
- Students at HEI's on below degree level courses – 10 hours a week
- Students on Study Abroad programmes of overseas HEI with bases in the UK – same as UK HEI students
- Students at Publicly Funded Further Education Colleges – 10 hours a week
- Other students not allowed to work.

RECENT CHANGES: RESTRICTED RIGHT TO BRING DEPENDANTS

New students are not allowed to bring their dependants unless:

- on a postgraduate course lasting 12 months or more at a Higher Education Institution
- Government sponsored students on a course over 6 months

Dependants of students already in the UK may remain on existing conditions and can extend, provided they apply at same time as Tier 4 G student and course at least 6 months.

RECENT CHANGES: LOW RISK COUNTRIES

Argentina

Australia

BNOs

Brunei

Canada

Chile

Croatia

Hong Kong

Japan

New Zealand

Singapore

South Korea

Taiwan

Trinidad

USA

RECENT CHANGES: BLACKLISTED FINANCIAL INSTITUTIONS

- No points awarded where the student's funds are held in blacklisted Financial Institutions
- List of financial institutions which do not meet UKBA criteria to be published

RECENT CHANGES: CRITERIA FOR ISSUING CAS

- Genuine academic progress
- English Language requirements
 - B1 level (below honours degree)
 - B2 level for NVQ 6 and above (Honours degree and above)

RECENT CHANGES: STUDY ABROAD PROGRAMMES

- NARIC confirmation of overseas accreditation equivalent to UK degrees
- No more than half of the degree programme be taught in the UK

APPLYING FOR HIGHLY TRUSTED STATUS

- Current criteria
 - Most of the criteria will be assessed over previous 12 months
 - A rated status for not less than six months
 - Recruitment processes
 - No civil penalty in last three years
 - Procedures in place to minimise visa refusals
 - Failure to enrol not more than 2% within a month of course starting
 - Of those who enrolled, no more than 1% cease course within 33% duration of course
 - No more than 2% cease course within 66% of course
 - No more than 3% of those who enrolled failed to complete course
 - No more than 5% failed to enrol or failed to complete course
 - Ensure attendance/progression monitoring completed correctly
 - No serious concerns following inspection or review

APPLYING FOR HIGHLY TRUSTED STATUS

- Current criteria continued:
 - Failure to achieve standards in one or two areas may lead to HTS not being approved or being removed as HTS.
 - No right of appeal against refusal.
 - Must wait 6 months to reapply for HTS.

FORTHCOMING CHANGES

- From April 2012 all Tier 4 sponsors must become HTS.
- By the end of 2012 all sponsors must have been inspected, audited or reviewed by educational accreditation agency.
- Application for inspection to be made to QAA/ISI by Friday 9th September 2011.
- Interim CAS limit for institutions with Highly Trusted status without satisfactory accreditation.

FORTHCOMING CHANGES: INSPECTION

- **Accrediting bodies:**
 - Quality Assurance Agency (UK-wide)
 - Ofsted
 - The Bridge Schools Inspectorate (England)
 - Schools Inspection Service (England)
 - HM Inspectorate of Education (Scotland)
 - Estyn (Wales)
 - Education and Training Inspectorate (N Ireland)
 - Independent Schools Inspectorate (UK-wide)

PROPOSED CHANGES: REQUIREMENTS FOR HTS

Consultation announcement by UKBA inviting comments from the public by August 5, 2011 to

Tier4HTSReview@UKBA.gsi.gov.uk

Introducing:

- Mandatory requirements
- Measurable requirements

PROPOSED CHANGES: REQUIREMENTS FOR HTS

- **Mandatory requirements:**
 - Minimum qualifying period -12 months on the Sponsor Register; of which not less than 6 months as A rated
 - No civil penalties for 3 years;
 - Refusal rate no more than 20%;
 - Enrolment rate no less than 90%;
 - Course completion rate over 85%;
 - Declaration of progression 100 %;
 - No serious concerns



PROPOSED CHANGES: REQUIREMENTS FOR HTS

- Three measurable requirements
- Must score minimum 70 points starting at 100 points on a sliding scale

PROPOSED CHANGES: REQUIREMENTS FOR HTS

Refusal rate	Less than 5%	No points lost
	5 – 10%	- 5
	10 – 15%	- 10
	Over 15%	- 20
Enrolment rate	Over 98%	No points lost
	96 – 98%	- 5
	93 – 96%	- 10
	Less than 93%	- 15
Course completion	Over 98%	No points lost
	95 – 98%	- 5
	90 – 95%	- 10
	Less than 90%	- 15

PROPOSED CHANGES: FAILURE TO MEET REQUIREMENTS

- Those failing 1 mandatory requirement become a legacy sponsor: unable to sponsor new students and licence revoked from April 2012
- Those failing to score 70% can reapply after three months

BEST PRACTICE COMPLIANCE PROCEDURES

- Comprehensive record keeping
- Robust attendance monitoring
- Robust document authentication system
- System ensuring compliance with the sponsor's duties (reporting to the UKBA)

INSPECTIONS BY THE UKBA

- What they want to see
 - Premises
 - Records
 - Timetable
- Who they want to speak to
- What they are interested to know

OUR SERVICES

- HR training: how to play by the rules
- Applications for Highly Trusted status
- UKBA compliance monitoring and mock inspections
- Avoid refusals: issuing CAS
- Avoid refusals: professional handling of all visa applications
- Challenging UKBA sanctions: decisions to downgrade or suspend from the sponsor register
- Maximise exposure to genuine student market