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schools
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Recruiting Overseas Pupils: the impact of Tier 4

This guidance to ISC schools is split into the following sections:

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This guidance is based on our current understanding of how the UK Border Agency will implement Tier 4 in relation to independent schools and overseas pupils. We have made every effort to ensure it is accurate and reliable, but unfortunately cannot guarantee this. More detailed information on Tier 4 and other aspects of UK immigration law and policy is available on the UK Border Agency website, www.ukba.homeoffice.gov.uk

General

	Question	Answer
1.	What is Tier 4?	<p>Tier 4 is the generic visa category applicable to non-EEA students who wish to come to the UK to study. There are two sub-categories of Tier 4:</p> <ul style="list-style-type: none"> ○ General Student (in general terms, for students aged 18 and over coming to the UK to take up HE/FE courses); and ○ Child Student (in general terms, for children aged under 18 coming to the UK to study at independent schools).
2.	Which category is relevant for children applying to schools?	<p>Except in one very limited situation (see below), Child Student will be the appropriate visa category for school applicants.</p> <p>The one situation where Child Student will be inapplicable is where the applicant is, or will be, aged 18 or over as at the date of application for his/her visa - in that case, the applicant will only be eligible to apply for a General Student visa.</p> <p>Note that a pupil who is under 18 at the date of application for a Child Student visa may remain in the UK and pursue his/her studies when he/she turns 18 (or even 19) so long as he/she still has unexpired leave to remain under his/her visa. See section on “Child Visa” for further information.</p> <p>The remainder of this document only deals with the Child Student visa category.</p>
3.	What are the requirements of obtaining a Child Student visa?	<p>There are two main requirements:</p> <ul style="list-style-type: none"> ○ The applicant must have a valid Visa Letter issued by an independent school which is registered with UKBA as a licensed sponsor; and ○ The applicant must be able to demonstrate that he/she meets the applicable financial maintenance requirements. <p>See later sections for further information on each of these requirements.</p>
4.	What does all this mean for the school?	<p>In summary, all schools wishing to recruit overseas pupils from non-EEA countries will have to:</p> <ul style="list-style-type: none"> ○ Be registered with UKBA as a licensed sponsor; ○ Issue valid Visa Letters to pupils who are offered a place; and

	Question	Answer
		<ul style="list-style-type: none"> ○ Comply with reporting and record-keeping requirements in relation to the sponsored pupils.
5.	What about non-EEA pupils who are already at the school?	A school's responsibilities under Tier 4 only extend to pupils applying for a visa or an extension of a visa after the end of March 2009. In relation to pupils already studying at the school and who do not need to extend or change their visa, nothing has changed.
6.	So does a school have any responsibility to verify the immigration status of non-EEA pupils already at the school?	No, because the school is not the sponsor of pupils already at the school. It is UKBA's responsibility to deal with an overseas pupil whose visa is expiring.
7.	What happens when a current non-EEA pupil reaches the end of his/her visa period?	<p>When/if the visa of a current non-EEA pupil expires, the pupil will have to leave the UK unless he/she applies for a new visa or for an extension to the existing visa. In either case, the application will be made under Tier 4 and the pupil will effectively be treated like any other new applicant for a Child Student visa (see question 3 above).</p> <p>If the pupil makes the application whilst in the UK, he/she will be required to apply for a UK ID card at that point as well. See the section on "ID Cards" below.</p> <p>UKBA expect pupils whose visas expire more than one month before the start of a new course of study to return to their home country and make the application abroad.</p>
8.	What about non-EEA pupils who come to the UK as dependents, eg: their parents have work visas?	Tier 4 only applies to students who need a visa to come to the UK to study. If they come to the UK under another visa category, for example as a dependent of their parents, and apply to the school for a place then they will be no different to any local pupil applying for a place. In particular, the school will not act as the student's sponsor.
9.	Can a sponsored pupil start at a school before they have obtained a Child Student visa?	<p>We can foresee certain situations in which a child is already in the UK and, once here, applies for a Child Student visa to take up a school place:</p> <ul style="list-style-type: none"> ○ The child has entered the UK sponsored by another school and wishes to move schools; or ○ The child has entered the UK with a "Prospective Student" visa (which allows him/her to visit a number of schools that have offered places before choosing one). <p>In each such case, so long as the pupil has actually made an application for a Child Student visa with the school as his/her sponsor (ie: using the school's Visa Letter), the school may allow the pupil to start pending receipt of the visa. The school should request and retain a copy of the pupil's application to UKBA in its files.</p>

	Question	Answer
10.	What are the costs?	<p>There are two types of cost: a cost to the school as sponsor, and a cost to visa applicants.</p> <p><u>Schools</u> will pay £400 for registration as a licensed Tier 4 sponsor. There is no cost to a school for the issue of a Visa Letter, although once the UKBA's IT system is functional (expected Autumn 2009) and Visa Letters are replaced by online offers, there will be a cost of £10 per offer.</p> <p><u>Applicants</u> for a Tier 4 visa will pay:</p> <ul style="list-style-type: none"> ○ £145 for an application overseas; ○ £357 for a postal application in the UK (new application or extension of existing visa); and ○ £565 for an in-person application in the UK (new application or extension of existing visa).

Schools as Sponsor

	Question	Answer
1.	What are the school's reporting responsibilities as regards any sponsored student?	<p>Schools will need to report to UKBA each of the following, within 10 working days:</p> <ul style="list-style-type: none"> ○ any student who fails to enrol on his/her course, including the reason the student gives for non-enrolment, for example, a missed flight; ○ any unauthorised absences where the student has missed 10 consecutive "expected contacts" - during term time, this will normally be where the student has missed two weeks of a course; ○ any student who discontinues his/her studies (including any deferrals of study) or who stops attending either because the school has withdrawn him/her from the course or because the student has told the school he/she is leaving - including the name and address of any school or institution that the student has joined, if the school has this information; ○ any significant changes in a student's circumstances, for example, if the length of a course of study shortens; ○ if the school stops sponsoring the student for any reason, for example, if he/she moves into another immigration category; ○ if the school has information which suggests that the student is breaching the conditions of his/her leave; ○ details of any third party or intermediary, in the UK or abroad, that helped recruit students. <p>Schools will need to report to UKBA the following within 28 calendar days:</p> <ul style="list-style-type: none"> ○ if there are any significant changes in circumstances, for example, cessation of trading, insolvency, substantial change in the nature of business, merger or take over.
2.	When do the reporting requirements to UKBA start?	<p>Reporting to UKBA will only become mandatory once the UKBA's IT system, known as the "Sponsor Management System" goes live. This is currently expected to be Autumn 2009.</p> <p>In the meantime, reporting is voluntary although strongly encouraged by UKBA.</p>

	Question	Answer
3.	What are the school's record-keeping responsibilities as regards sponsored students?	<p>Schools will need to:</p> <ul style="list-style-type: none"> ○ keep a copy of the passports of all sponsored students showing evidence of their entitlement to study and the period that they have permission to stay in the UK; ○ keep a copy of the ID cards of all sponsored students, if they have one; ○ keep each student's contact details and update them as necessary. <p>If the pupil has started at the school pending receipt of his/her visa, the school should request and retain a copy of the pupil's application to UKBA (so long as the application has been made, the school may allow the pupil to commence studies).</p>
4.	What is the scope of a school sponsor's responsibility for pupils outside of term time, eg: over summer holidays, or in the four months following the end of a course?	<p>The school remains the student's sponsor during these periods and therefore retains the reporting and record-keeping responsibilities of a sponsor.</p> <p>In practice, however, unless the school actually knows that the student is breaching one of the conditions of leave, the school should have nothing to report to UKBA and UKBA will not expect to hear from the school. For example, schools will not expect to see the pupil during the holidays and therefore the requirement to report when a pupil fails to attend 10 consecutive "expected contacts" will have no practical application.</p> <p>As a minimum requirement, we would expect schools to hold up to date contact details for sponsored pupils during holiday periods.</p>
5.	Where can I check to see if the school is registered with UKBA as a licensed sponsor?	<p>UKBA will confirm to the school once it is registered. Enquiries should be followed up direct with UKBA. UKBA's website also has a pdf list of registered sponsors which is regularly updated. In time a searchable web-based UKBA database will be created.</p>
6.	Is there a deadline by which the school must be registered with UKBA?	<p>If the school wishes to be registered in time for the end of March 2009 (when Tier 4 goes live), UKBA advises that the application must have been made by 2 February 2009.</p> <p>However, there is nothing preventing a school applying to be registered at any time after 2 February 2009.</p>

Visa Letters

	Question	Answer
1.	What is a Visa Letter?	The Visa Letter is a formal letter from the school to the applicant containing or confirming the offer of a place at the school. Without a valid Visa Letter, the applicant will not be able to apply for a Tier 4 visa.
2.	Are there minimum prescribed contents for a Visa Letter?	<p>Yes. The Visa Letter must be issued on the school's letterhead and must contain all the following information (although some items are optional as indicated below):</p> <ul style="list-style-type: none"> ○ A statement that the school is sponsoring the applicant for a Child Student visa ○ Applicant details, as follows: <ul style="list-style-type: none"> ○ Applicant name (as it appears on the applicant's passport) ○ Applicant nationality ○ OPTIONAL: Applicant passport/travel document number ○ Sponsor details, as follows (if the details are contained on the school's letterhead they do not need to be repeated): <ul style="list-style-type: none"> ○ Sponsor's licence number ○ Sponsor's address ○ Sponsors contact details ○ Name & address of any "partner institution" if the student is studying at another institution as part of the main course of study ○ Whether the sponsor is providing accommodation to the applicant ○ Course details, as follows: <ul style="list-style-type: none"> ○ Title of course/curriculum, if applicable, or confirmation that course/curriculum is provided in accordance with prevailing independent school education inspection standards (see question 3 below for further information) ○ Course start date ○ Expected course end date ○ Course hours (per week) ○ Address of the applicant's primary site of study (if different to the sponsor's main address) ○ <u>For applicants aged 16 or 17 only</u>, and where the offer of a place is made on the basis of qualifications already obtained or to be obtained: <ul style="list-style-type: none"> ○ The qualification(s)/grade(s) obtained or required ○ The qualification awarding body/institution

	Question	Answer
		<ul style="list-style-type: none"> ○ <u>For applicants aged 16 or 17 only</u>, where the offer of a place is made on a basis other than qualifications already obtained or to be obtained, a description of the basis on which the school has satisfied itself that the applicant is suitable (eg: interview; reference; performance at school entry exam) ○ Financial details, as follows: <ul style="list-style-type: none"> ○ School fees for the first year of the course (making clear that boarding fees are inclusive and cover all tuition, board and lodging costs) ○ If applicable, amount of school fees prepaid (eg: deposit) ○ If applicable, amount of reduction of school fees due to bursary or other fee remission arrangement.
3.	How should a course or curriculum be described in a Visa Letter?	<p>There is no UKBA guidance on how courses should be described. Schools should be aware that the description of the course is significant for two reasons:</p> <ul style="list-style-type: none"> ○ If the course/curriculum description is too limited (eg: to particular qualifications or exam boards), it may constrain the pupil’s ability to pursue other subjects or exams; and ○ If the course description is limited in time, UKBA will only grant a visa for that period (see section on “Child Visa” for duration of visas). <p>Accordingly, we recommend that a broad description of course and curriculum is adopted in Visa Letters, such as:</p> <ul style="list-style-type: none"> ○ For sixth form entry: “Study for [A levels/IB/Pre-U] provided in accordance with prevailing independent school education inspection standards” ○ For senior/all through school entry below sixth form: “Study up to [GCSE/iGCSE levels] provided in accordance with prevailing independent school education inspection standards” ○ For prep school entry: “Study up to [Key Stage 2/3] provided in accordance with prevailing independent school education inspection standards”
4.	Is there a cost involved in the issue by a school of a Visa Letter?	No. When UKBA’s IT system goes live and Visa Letters are replaced by online offers (known as “Certificates of Acceptance of Studies”, or CAS), there will be a £10 charge per CAS.
5.	Can the school’s offer of a place have conditions attached?	A school can of course impose any conditions it sees fit, but the school needs to be aware that the applicant may not be able to use a conditional Visa Letter to apply for a visa and/or may

	Question	Answer
		<p>have to wait for the conditions to be satisfied before applying for a visa:</p> <ul style="list-style-type: none"> ○ If the conditions relate to attendance at a pre-sessional course in the UK and/or attaining a certain level of proficiency as a result of attending a pre-sessional course in the UK, then the applicant will not be able to satisfy these conditions at the point of application for a visa to enter the UK. Therefore the pupil's application for a Child Student visa will be rejected. See section on "Pre-Sessional Courses" for more information. ○ If the conditions relate to obtaining certain exam results (eg: GCSE results) the school must make these criteria clear on the face of the Visa Letter. See the next few questions for further information
6.	<p>GCSE results are only available late in August, and term can start only a few days later. What should we do to make sure that pupils applying for sixth form entry have the best chance of obtaining their visas and arriving in time?</p>	<p>There are a few options:</p> <ul style="list-style-type: none"> ○ First, consider whether your school's offer needs to be conditional at all, or whether it can be wholly unconditional. If so, then the pupil can apply for a visa up to three months before the start of term, allowing plenty of time for the issue of the visa. ○ If your school's offer needs to be conditional, consider whether it can be conditional on something other than GCSE results, eg: references, school test papers, interview etc. If so, then the timing of meeting these conditions can be under your control. Once these conditions have been satisfied, you should issue an unconditional Visa Letter which contains a description of the basis on which you have satisfied yourself that the applicant is suitable. ○ If your school's offer needs to be conditional upon GCSE results, advise the pupil to make an early application for a visa <u>before</u> the GCSE results are published. We have sought UKBA's agreement that early applications will not be rejected but will be part-processed in readiness for the production of GCSE results at the end of August. Remember that there will inevitably be a delay, particularly this year with GCSE results only being published on 27 August 2009 and an anticipated surge of applications immediately afterwards. Unfortunately, this surge cannot be avoided but it can at least be managed by a two-stage application so that the visa can be issued as soon as possible after production of GCSE results.
7.	<p>If my school's offer is conditional upon GCSE results, how should I describe this in the Visa Letter?</p>	<p>We recommend you avoid language such as "this offer is conditional on..." or "this offer is subject to..." since we suspect in practice that these Visa Letters risk being rejected overseas. We recommend you use more neutral language such as "this offer is based on [<i>insert required grades and qualifications</i>]", which is less likely to be rejected by entry clearance officers</p>

	Question	Answer
		overseas.
8.	If the offer of a place is conditional upon exam results which are not achieved, does the school need to notify UKBA or withdraw the Visa Letter?	No. The applicant will be refused a visa by the entry clearance officer on the basis of not meeting the requirements of the Visa Letter.
9.	At what point during the school year should a school issue a Visa Letter?	<p>A school can issue a Visa Letter at any point in the academic year. However, an applicant must present the Visa Letter within six months of the date of issue and no more than three months before the course start date. So in practice:</p> <ul style="list-style-type: none"> ○ a Visa Letter issued more than nine months before the course start date will not be usable by an applicant; and ○ a Visa Letter issued before late-February containing GCSE conditions which will only be met in late-August will not be usable by the applicant. <p>Schools may, of course, reissue a Visa Letter at any point to the applicant.</p>
10.	Will a school know if a pupil has presented its Visa Letter to UKBA for issue of a visa?	No.
11.	Will a school know if a visa has been granted or refused by UKBA following presentation of its visa letter?	UKBA will inform a school if a sponsored applicant has been refused entry, although it will not give reasons for refusal.
12.	Can a potential pupil apply for Visa Letters from more than one school?	Yes, although the applicant must choose which Visa Letter to present as part of his/her application for a visa.
13.	Is there a limit on the total number of Visa Letters a school may issue?	No. We are aware that, as part of the sponsor registration process, schools may have been asked to indicate how many Visa Letters they might issue annually, but this does not operate as a limit.

Child Visa

	Question	Answer
1.	How long will a Child Student visa last?	UKBA will grant leave to remain for the shortest of the following periods plus four months: <ul style="list-style-type: none"> ○ Period requested by the applicant ○ Length of course ○ Six years - for applicants aged under 16 ○ Two years - for applicants aged 16 or 17
2.	Will a pupil aged under 16 have to reapply when he/she turns 16?	No, so long as he/she is still within the visa period granted by UKBA. For example, if a pupil taking GCSEs in summer turns 16 in January, the Child Student visa will have been granted until October so as to cover the duration of the GCSE course and an additional four months.
3.	Will a pupil aged under 18 have to reapply when he/she turns 18 (or 19)?	No, so long as he/she is still within the visa period granted by UKBA. For example, if a pupil taking A levels in summer turns 18 (or 19) in January, the Child Student visa will have been granted until October so as to cover the duration of the A level course and an additional four months.
4.	Will a pupil who has completed GCSEs have to reapply to study A levels?	Yes, since UKBA regard A levels as a new course. The pupil's original visa would have been limited to a course of study up to and including GCSEs.
5.	Will a pupil have to reapply to UKBA to move to a different school?	Yes, involving costs of up to £565 for a new visa application. The pupil may start at the receiving school before the new visa is obtained so long as his/her application has been lodged with UKBA.
6.	Will a pupil at a prep school have to reapply to UKBA to move up to a senior school?	Yes. The senior school is likely to have a separate sponsor registration to the prep school, so moving from one to the other will be regarded as a change in sponsor. Also, the course of study described in the prep school's Visa Letter will come to an end once the pupil moves up to senior school.
7.	Can a pupil take additional courses not named in the visa/Visa Letter?	A pupil is able to take supplemental courses so long as they are clearly supplementary to the main course of study covered by the Visa Letter.

Pre-Sessional Courses

	Question	Answer
1.	What is a pre-sessional course?	A pre-sessional course is a course aimed at preparing an applicant for the main course of study applied for, eg: an English language course.
2.	Can a school offer a pre-sessional course to an applicant who has also applied to enrol as a full-time pupil?	Yes. The school will act as sponsor for the applicant for both the pre-sessional course and the main course.
3.	Can one school (School X) offer a pre-sessional course to an applicant who wishes to enrol as a full-time pupil in a different school (School Y) after completing the pre-sessional course?	<p>Yes. School X will only act as sponsor for the applicant for the pre-sessional course. The student will then need to apply for a Child Student visa with School Y as the sponsor for the full-time course (unless School X and School Y have identified themselves in advance to UKBA as “partner institutions”, in which case the applicant may apply for a single entry visa which covers both courses, with School Y as sponsor).</p> <p>So long as the visa for the pre-sessional course with School X is a Child Student visa, the student will be able to apply in the UK for his/her visa to study at School Y and enrol as a full-time pupil with School Y pending receipt of his/her visa and ID card. The student does not need to leave the UK after completing the pre-sessional course in order to make a fresh application in respect of School Y.</p>
4.	Can a school issue a Visa Letter which is conditional upon the applicant attending a pre-sessional course in the UK or attaining particular results on a pre-sessional course in the UK?	<p>No. The school can of course make its offer of a place conditional in this manner, but the applicant would not be able to use this type of conditional offer as a valid Visa Letter.</p> <p>The applicant would instead need to obtain a visa for the pre-sessional course first and only once he/she has met the conditions of the school’s offer apply for a Child Student visa with the school (and with a new, unconditional, Visa Letter). So long as the visa for the pre-sessional course is a Child Student visa, the student will be able to remain in the UK after successful completion of the pre-sessional course and enrol as a full-time pupil with the school pending receipt of his/her visa and ID card.</p>
5.	What if the course provider of the pre-sessional course is not registered as a licensed sponsor and/or does not bring the student into the UK on a Child Student visa?	If the student takes a pre-sessional course with a provider under another visa category (most likely “Child Visitor”), the student may not be able to remain in the UK after the end of the pre-sessional course to apply for a Child Student visa. This is because the Child Visitor visa is outside the points-based system (PBS) of immigration, whereas the Child Student visa is within the points-based system: and as a matter of general immigration policy, an applicant cannot switch from a non-PBS visa to a PBS visa without

	Question	Answer
		<p>returning to his/her home country to make the application.</p> <p>The clear recommendation to schools, therefore, is to ensure that where the school offers a place to a non-EEA student and requires the student to attend an external pre-session course, the pre-session course provider:</p> <ul style="list-style-type: none"> ○ is a licensed sponsor under Tier 4; and ○ acts as sponsor for the student for the duration of the pre-session course. <p>The student will then be able to remain in the UK and start studies at school after completion of the pre-session course, without needing to return home.</p> <p>We understand that UKBA is likely to require all English language colleges to register as Tier 4 sponsors.</p>
6.	Are there other ways in which a school can require a pupil to attend a pre-session course first?	Successful applicants will be allowed to enter the UK up to 4 weeks prior to the start of term. Therefore schools could look at including a short pre-session course as part of an induction programme for overseas pupils in that 4 week period.

Financial Maintenance

	Question	Answer
1.	How much money must a boarder have to pass the maintenance test?	An applicant who will be a full time boarder at school will need to show that he/she has enough funds to cover one academic year's boarding fees.
2.	How much money must a day pupil have to pass the maintenance test?	We expect that there will be few applicants for Child Student visas who will be day pupils, since they will either need to be accompanied by a parent/carer to look after them outside of school hours or they will need some form of alternative permanent care arrangement outside school. In either case, the financial support requirements are more onerous than for boarders, since an applicant will need to demonstrate not just that he/she is able to cover one year's school fees but also that his/her parent/carer in the UK has sufficient income to support both the parent/carer and the day pupil. The amounts vary depending on the nature of the care arrangement, the location of the school and how many family members are coming to study in the UK.
3.	Does a school have any responsibility for verifying the financial support of a sponsored pupil and/or their accompanying parents?	No. Responsibility for verifying means rests with the entry clearance officer in the home state of the applicant.
4.	What if the school itself is subsidising some or all of the fees (eg: by scholarship or bursary)?	The Visa Letter must be very clear as to the net amount of fees payable by the applicant for the first year of the course, since it is this amount that the applicant will need to show to the entry clearance officer in his/her home state. If the pupil is on a 100% bursary, the Visa Letter must be clear that boarding fees are zero.
5.	What if the fees are subsidised by a third party (eg: a charity or foreign government)?	<p>If the school is aware of third party support for the fees, it should refer to this in its Visa Letter.</p> <p>The applicant will need to demonstrate to the entry clearance officer in his/her home state that the third party funding is genuine and reliable. Only two types of third party funding will be recognised:</p> <ul style="list-style-type: none"> ○ Government(s) ○ "Official financial sponsors" <p>In order to be a recognised "official financial sponsor", the organisation will need to be registered with UKBA.</p>

	Question	Answer
6.	If the applicant has paid a deposit to the school, will this be credited towards the maintenance test?	<p>Yes, so long as the applicant can demonstrate that the deposit has been paid. There are two ways:</p> <ul style="list-style-type: none"> ○ If the deposit has been paid before the issue by the school of its Visa Letter, the school can refer to the payment of the deposit in the Visa Letter; or ○ If the deposit is paid after the issue by the school of its Visa Letter, the school should issue a receipt for the deposit to the applicant on the school's letterhead. UKBA advise that entry clearance officers will not accept email or electronic receipts - hard copies only will be accepted.

ID Cards

	Question	Answer
1.	Will all non-EEA pupils be required to have an ID card?	No. Only pupils who are making an application to UKBA in the UK will need an ID card. In practice, this will mostly comprise existing or future pupils whose visas are expiring and who need to extend them, or whose circumstances have changed (eg: change in sponsor) where a new application in the UK is made.
2.	What does a school need to do in relation to ID cards?	<p>The responsibility for obtaining an ID card will rest with the pupil, not the school. Once a pupil makes an application in the UK to UKBA, the pupil will be informed by UKBA that he/she needs to make an appointment at one of currently eight UKBA centres to give biometric details.</p> <p>Children under the age of 16 giving biometric details must be accompanied by a responsible adult. If this is not the child's parent or legal guardian, the parent/legal guardian must nominate an adult to discharge this responsibility. If a school employee is happy to act in this capacity, he/she must take ID and the parent/legal guardian's written approval when accompanying the child.</p> <p>A school is obliged to retain a copy of a sponsored pupil's ID card if he/she has one - see section on "School as Sponsor".</p>

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