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Academic Registrar

The Points Based System (Tier 4) Opinion, Policy and Regulation



Aims of the Session



- To set the context and reasons for the PBS Tier 4
- To give an understanding of the policy objectives of the PBS Tier 4
- To give an update on the major changes in force from 21 April 2011
- To give an overview of the implications for Universities

N.B. Many of the slides are taken from a UKBA presentation to the Academic Registrars Council, these have the UKBA logo on them

Why the PBS and the Recent Changes



The Introduction PBS over 2 years ago and the recent changes were due to:

British Public Opinion

which drove

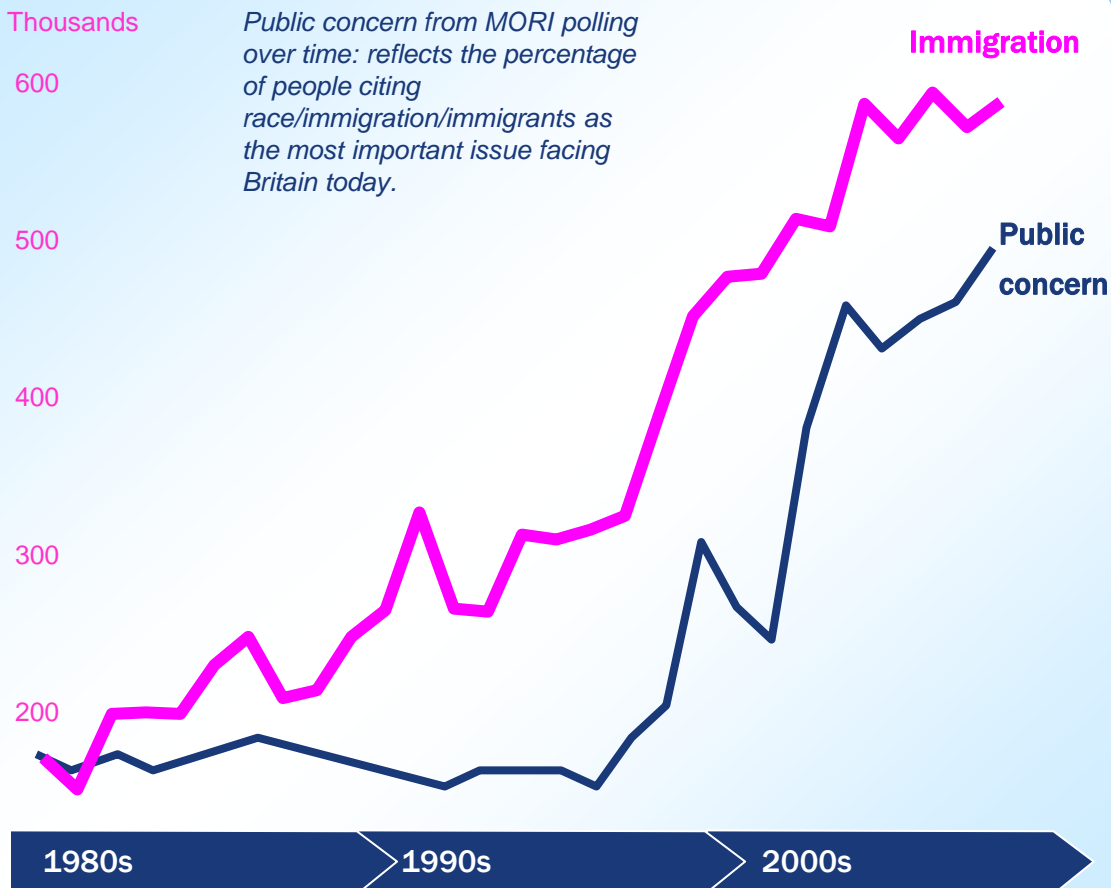
Government Policy

and resulted in

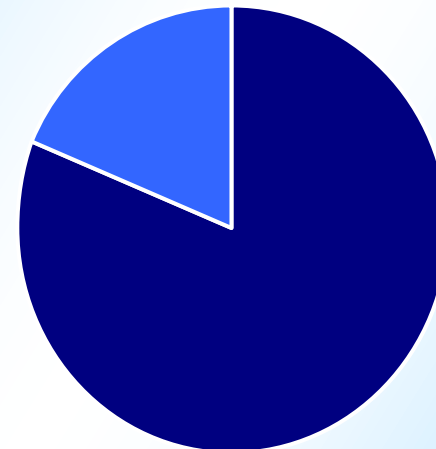
Regulation for Universities

PUBLIC OPINION: Public concern has risen in line with immigration

Thousands

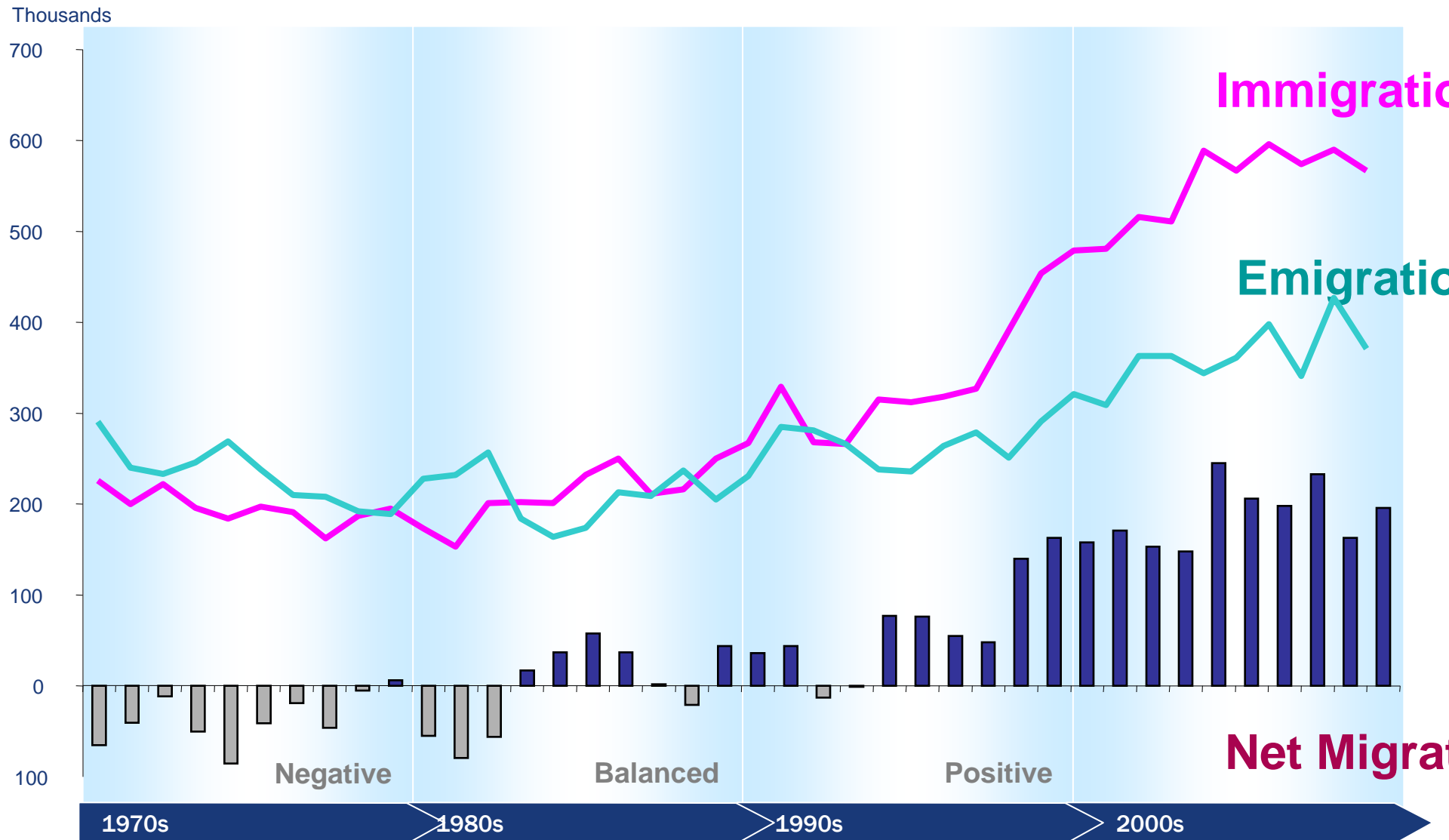


81% of people think there should be a **limit** on the number of immigrants allowed into the UK each year

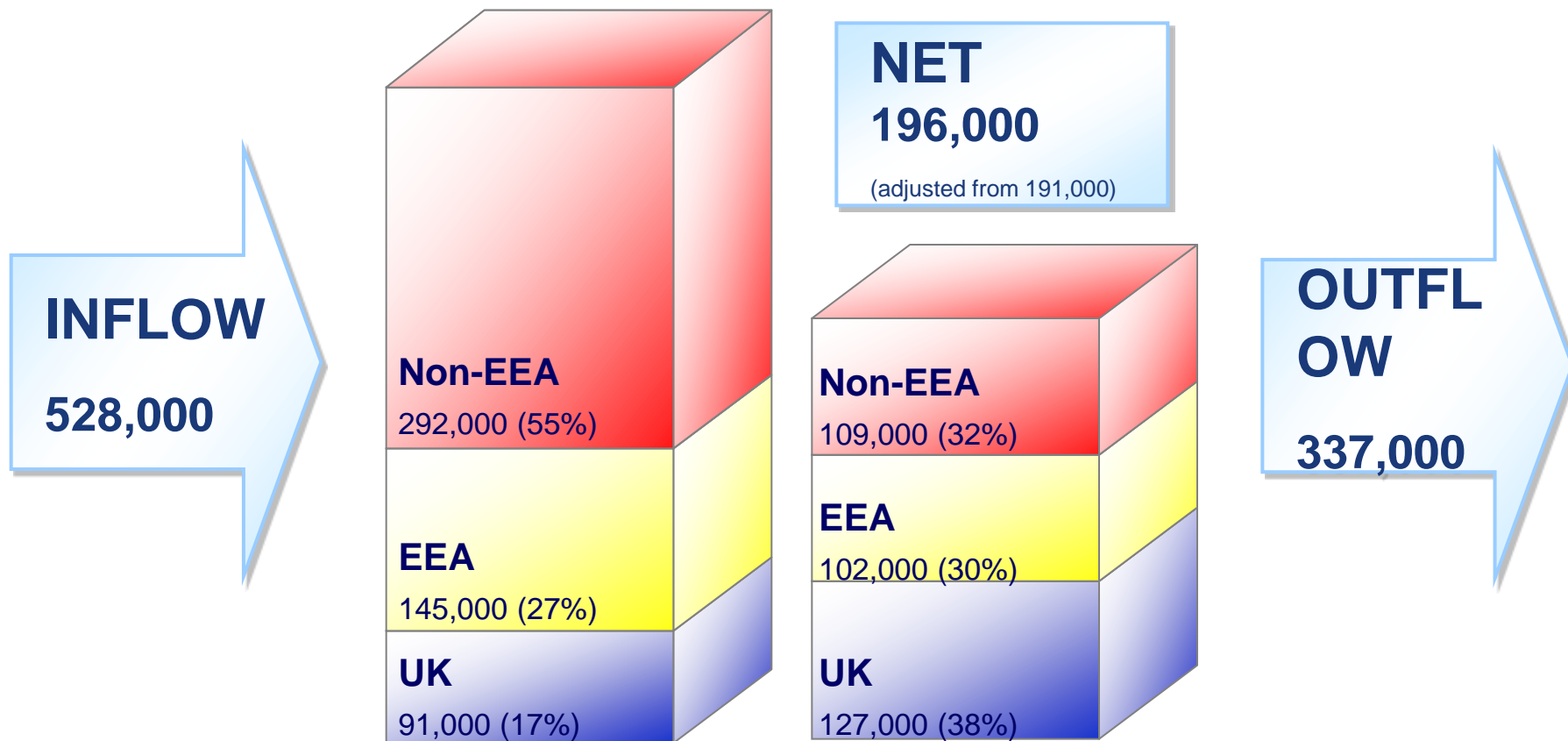


Source: YouGov polling for Migrationwatch UK – November 2010.

HISTORICAL NET MIGRATION: Recent levels of net migration have been unprecedented – with a fourfold increase between the mid-1990s and mid-2000s



NET MIGRATION 2009: UK and EEA inflows and outflows almost cancel out – the surplus is nearly all non-EEA



Challenge to the UKBA Data



- There has been some disquiet in the sector about the quality and accuracy of the data used by UKBA
- Edward Acton, Vice-Chancellor of the University of East Anglia, wrote a briefing paper published by HEPI entitled ***“The UKBA’s Proposed Restrictions on Tier 4 visas: implications for University recruitment of overseas students”***
- The main contention is that the UKBA data does measure net migration accurately and overstates the problem
- The UKBA are to continue to use their data and gather more accurate data in the future.

SCOPE FOR ACTION: A reduction in economic migration alone will not be enough; action will need to be taken across all routes



Work

55,000 visas issued in 2009

10%

Temp Work

58,000 visas issued in 2009

11%

Study

273,000 visas issued in 2009

51%

Family

145,000 visas issued in 2009

27%

EVIDENCE: We estimate that around two-fifths of students are studying below degree level

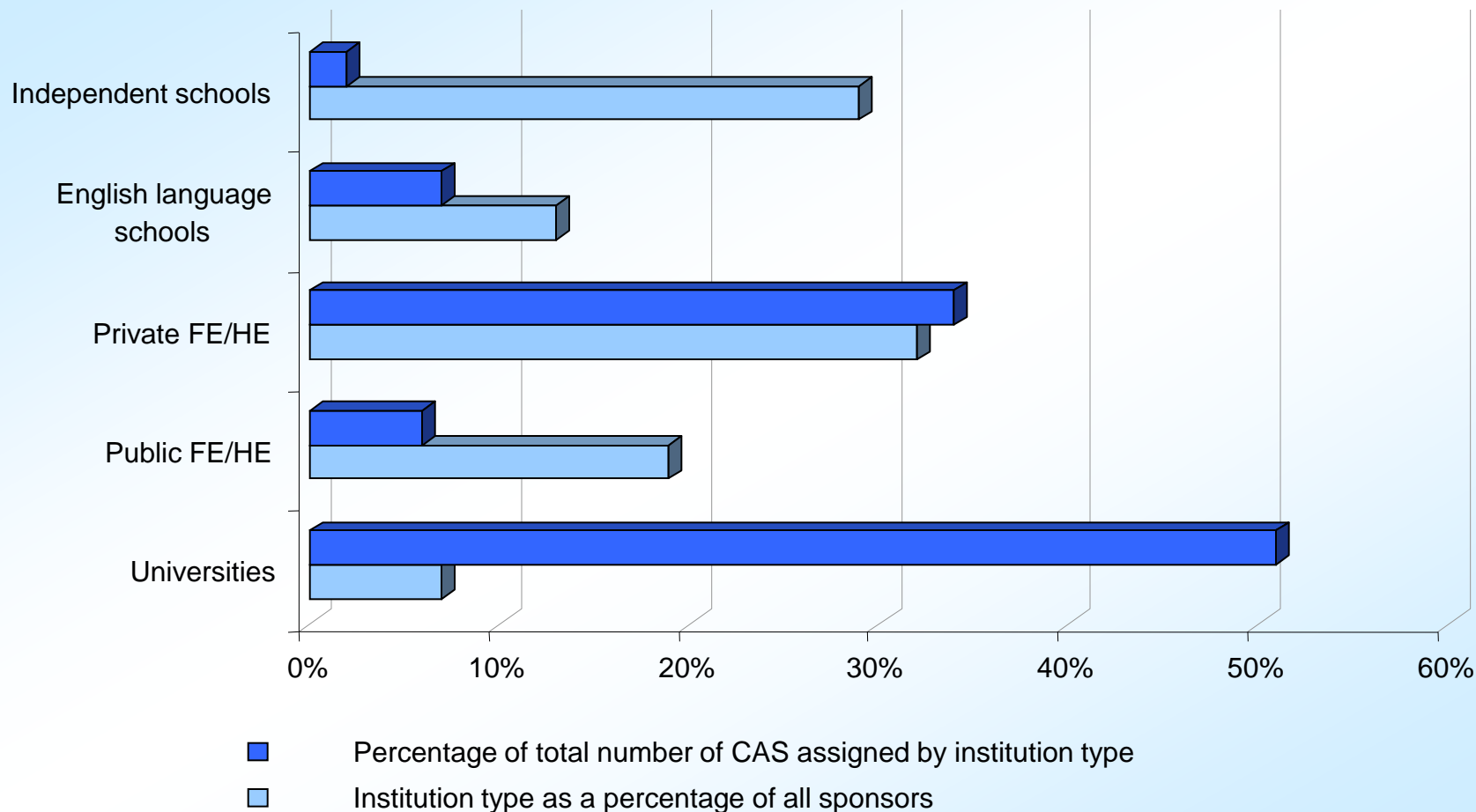
NQF 7 Postgraduate 34%	NQF 6 Undergraduate 25%	NQF 5 Diploma 13%	NQF 4 Cert. 9%	NQF 3 A-Level and below 19%
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A recent study found that **up to 26% of students investigated at private FE and HE colleges were shown to be potentially non-compliant**, that is they did not have a valid reason to remain and had not been recorded as leaving the UK. A separate study for Universities showed potential non-compliance rates (calculated on a different basis) of around 2%.

Of the adults using the Tier 4 (General) category for study below degree level*, **more than half are studying at private FE and HE institutions** – the group of institutions we estimate to have the least compliant students.

** excluding those studying at independent schools*

IMPACTS: We recognise that our proposals will have different impacts in different sectors



EVIDENCE: Large numbers stay beyond the expiry of their initial grant of leave

More than one-fifth of students granted visas in 2004 were still here in 2009. Certain nationalities are more likely to stay in the UK for longer periods than others.

UK Border Agency caseworkers report **significant proportions of those seeking to extend their student visas showing limited evidence of academic progression.**

13% of those granted settlement in 2009 were originally admitted as a student. That was 23,000 grants of settlement in one year to former students.

CONTEXT: The challenge

Reducing net migration and protecting economic growth.

Building confidence in the immigration system.

Selecting the best and the brightest to work and study here.

Bearing down on abuse; easier routes for those who are low risk.

Less automatic settlement; discouraging sequential applications.

SUMMARY: The UKBA think it is right to focus on attracting the brightest and the best students, whilst tackling abuse in high risk institutions

The **significant majority of non-EEA migrants are students**, so to reduce overall net migration we cannot delay in taking decisive action on this route.

UKBA will have **a more selective approach**, attracting the brightest and best students, but reducing numbers by weeding out those who abuse the system and do not deserve to be allowed in.

But UKBA will do nothing to prevent those coming here to study degree level courses and will **protect our world class academic institutions**, both above and below degree level.

PROPOSALS: The UKBA has focussed on six key areas of concern



1. Raising the level of courses that students can study.

2. Introducing tougher entry criteria for students.

3. Ensuring students return overseas after their course.

4. Limiting entitlements on student routes.

5. Simpler procedures for checking low-risk applications.

6. Stricter accreditation procedures for education providers in the private sector.

Changes from 21 April 2011



- New sponsors not already on the Tier 4 register will have to meet the new educational accreditation criteria in order to be issued a Tier 4 licence.
- Existing sponsors will be subject to an interim limit on the number of students they can sponsor unless they:
 - hold Highly Trusted Sponsor status; **and**
 - meet the new accreditation criteria.
- Existing sponsors that do not already meet the new accreditation criteria will be required to apply to the relevant inspection body by a date to be announced..
- B rated sponsors will not be able to assign CAS to new students (only to those seeking to complete a course).

Changes from 21 April 2011



- A sponsor who is not subject to the interim limit may sponsor, using his own CAS allocation, students studying at a sponsor who is subject to the interim limit
- UKBA will tighten the English language requirements for Tier 4 (General) students:
 - B1 SELT for all courses at NQF 3-5/ QCF 3-5 / SCQF 6-8
 - B2 SELT for courses at NQF 6 /QCF 6 / SQCF 9 and above, with an exception for HEIs who make their own assessment;
 - A student may be refused a visa or entry to the UK if he cannot speak English without assistance.
- A CAS may only be issued in respect of a single course, except a pre-sessional not more than 3 months' duration and unconditional offer of a place at an HEI

Changes from July 2011



- Sponsors will have to vouch for academic progression for students changing course, where the new course is not a step up the NQF/ QCF / SCQF scale.
- Students will have to declare at the visa application stage that they hold and will continue to hold required maintenance funds to support them UKBA shall publish local lists of financial institutions with whom we are unable to verify financial statements to our satisfaction.
- Students of designated low-risk nationalities attending courses at an HTS will not routinely have to present the specified documents at the visa application stage in respect of their maintenance funds or qualifications

Changes from July 2011



- UKBA will restrict permission to work during studies for new students, so that only students at higher education institutions and publicly funded further education colleges can do so, retaining their current entitlements.
- UKBA will only allow new students studying at a higher education institution on a course on NQF 7 / QCF 7 / SQCF 11 or above lasting 12 months or more to sponsor their dependants. The dependants will be able to work.

Changes from April 2012



- All sponsors must have acquired HTS status.
- UKBA will extend the interim limit in respect for existing sponsors who acquired HTS status but not met the new accreditation requirements.
- Courses offering work placements will have to have a study:work ratio of 66:33 except at higher education institutions.
- UKBA will set a maximum time of 5 years in Tier 4 studying at degree level and above, with exceptions for some courses and PhD students.
- The Tier 1 Post Study Work Route but allow switching into Tier 2 as described below.
- We will make provision for student entrepreneurs.

An overview of the Implications for Universities



- Uninformed views of the changes leading to drop in recruitment
- Closure of Post Study Work route may make the UK seem less attractive
- The reduction in the potential number of students progressing from language Schools, though Universities could either work with these providers to sponsor their students or expand thier own provision.
- No limit on student recruitment
- More onerous criteria for HTS
- Less onerous monitoring and reporting duties

Overall I think the changes will have little effect
on most UK Universities

To Recap..



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End of Presentation

