

visabytes

Your quarterly immigration newsletter by Fernandes Vaz – March 2011

SUMMARY OF THE NEW STUDENT POLICY

ACCREDITATION

- All sponsors must have been accredited by either Ofsted and its devolved equivalents, QAA, the Independent Schools Inspectorate, the Bridge Schools Inspectorate or the Schools Inspection Service and all must become Highly Trusted Sponsors.
- Sponsors will be required to achieve Highly Trusted Status by April 2012, and accredited by a relevant agency by the end of 2012. They will be required to apply for HTS status and accreditation by a date to be specified.
- During the transition period there will be an interim limit on numbers sponsored by those who do not meet the above criteria.
- Private providers will be able to provide courses, including pathway courses, by working in partnership and where the licensed sponsor takes responsibility and sponsors the student directly.

ENTRY REQUIREMENTS

English Language requirement

- B2 in each of the four disciplines is the appropriate level for those coming to study at level 6 (undergraduate) and above.
- B1 is the appropriate level for lower courses, including the Pathways.
- In order to get a visa, those outside of universities will have to present a test certificate from an independent test provider proving they have attained that level; universities will be able to vouch for a student's ability where they are coming to study at degree level or above.
- This requirement will be waived for truly exceptional students only following individual requests by university academic registrars.
- UK Border Agency Officers will be able to refuse a migrant who cannot speak without an interpreter.



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Evidence of student funding

- All applicants to sign a declaration that the funds they present to meet the maintenance requirement are genuinely available for use in coming to the UK to study. This will make refusals easier on grounds of deception.
- Applications will be refused where the bank statements are from a bank that cannot be trusted to verify the statements. Local lists of proscribed banks will be established.
- A streamlined process will be introduced for low risk applicants going to Highly Trusted Sponsors, in general waiving the requirements to provide documents beyond the CAS and passport/ identity document. This is based on robust supporting evidence of compliance and abuse. This will bring about a system which is more targeted and responsive for both staff and applicants.

ENTITLEMENTS

- Work during term and work placements
- Students at Recognised Bodies (universities) will retain their right to work 20 hours a week part-time and to do work placements where the study: work ratio is 50:50.
- Students at publicly funded FE colleges will continue to be able to work 10 hours a week part-time.
- Other students will have no right to work part-time and work placements will have to be 66:33 in favour of study: work.

Dependants

- For a student to sponsor a dependant, the student will have to be on a post graduate course (NQF 7 and above) at a university which is of more than 12 months' duration, or a Government Sponsored student.
- The dependants will be able to work.

AT THE END OF THE COURSE

- Time allowed as a student
- Maximum of 3 years at NQF 3-5 and 5 years at NQF 6-7.
- For those at the higher level doing a PhD, there will be exceptions, as well as for those courses which require as a matter of professional qualification a longer duration than 5 years (e.g. medicine, architecture).
- The sponsor will have to vouch for academic progression where students are not moving up to the next NQF level.

Post-Study Work

- The current Post-Study Work route will be closed from April 2012.
- Those graduating from a UK university with a recognised degree, PGCE, or PGDE will be able to switch into Tier 2.
- There will not be a limit on these switchers.
- They will only be able to switch if they are in the UK, before their student visa expires.
- The normal Tier 2 requirements will apply, except for the Resident Labour Market Test.
- Genuine student entrepreneurs with a great idea will be able to stay on in the UK to develop their business proposition.

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