

## New UKBA requirements

I thought it might be helpful for you all to have a summary of the main points made in my slides that relate to the monitoring of students.

### 1. Significant changes introduced by UKBA on 06/04/2012

- a) Leave of Absence. This is referred to in the UKBA system as 'deferring' study. We must report the start date of a visa-holding student's leave of absence to the UKBA within 10 working days of it beginning. We must withdraw our sponsorship of the student as "*their permission to stay will no longer be valid as they will not be actively studying*". The UKBA will curtail the student's visa from the start date of the LoA, at the point of our reporting the withdrawal, no matter how long their existing visa has to run or how short the authorised period of LoA. If we report a retrospective LoA it is likely that they will curtail the visa retrospectively, which may leave the student with a very short period to leave the country. Students will need to make and pay for a completely new visa application in order to re-enter the UK at the end of the absence.
  
- b) Approved Absences: our sponsorship responsibilities mean that we are required to know where visa-holding students are at any time. When departments are authorising periods of absence (e.g. requests to return home because of bereavement or for study; field trips inside or outside UK) these should not be for any period longer than 60 days, excluding published vacation periods. After 60 days we are required to withdraw sponsorship and students must re-apply for a new visa in order to return.

*We recommend you report periods of authorised absence and their length to the PBIS Compliance team at the beginning of the leave period to help with monitoring the 60-day period.*

- c) Maximum period of study in Tier 4 at degree level is now 5 years (excluding PhD or other study at NQF8; note that MPhil study is NQF7, although exceptions may be able to be argued). PhD students will not be granted any further leave under Tier 4 once they have completed their PhD if it would result in them spending more than eight years in the UK as a Tier 4 student. Study undertaken in other UK universities will count towards the maximum period. It may be extended to 6 years for a four-year undergraduate programme + a Masters, but not if it is to allow extensions for resits or repeat study.
  
- d) Academic progression must be established as a student moves between programmes and confirmed to the UK Border Agency when a CAS is issued for that study. This has implications for students undertaking a second Masters-level programme within Tier 4, including between Taught Masters and Research Masters.
  
- e) Other routes: Post-study Work Visas under Tier 1 have been withdrawn. A Tier 1 Graduate Entrepreneur route has been introduced with strict qualifying criteria and a very limited (max. 10) allocation per institution. Recent graduates may obtain work under Tier 2 provided they have a job offer from a T2 sponsor with qualifying salary conditions.

- f) Visitor for 'paid engagements' new category. This allows visiting lecturers or examiners to come to the UK to undertake short-term permitted fee-paying engagements for up to one month. A visitor under this route must have an invitation from a UK HEI, and must intend to examine students (ie as an external examiner), act as a visiting lecturer, and/or participate in or chair selection panels as a visiting academic. They must be highly qualified within their own field of expertise, must be able to show that the engagement relates to their area of expertise and/or qualifications, and have a full-time occupation overseas. NB: *This is in addition to the Academic Visitor route already in place that allows a longer period of time in the UK.*
- g) Fees. There has been a significant increase in visa application and license fees for both students and sponsors, and the cost of each CAS issued has risen from £10.00 to £13.00.
- h) Work placements. These are coming under greater scrutiny. They may form not more than 50% of a programme at degree-level and above; one-third of the length of a programme below degree-level.

## **2. The UKBA's expectations and protocols for visiting universities have changed**

A reformed UKBA now has a unit responsible for audit visits. They have new job titles, responsibilities, new uniforms and new ways of approaching the management of the relationship with sponsoring institutions. They will be undertaking 50% of their audit visits unannounced and will be using intelligence gathered from the information in the SMS, from Border staff, caseworkers, other students and members of the public. They may undertake audits of 'clusters' of universities where the Sponsorship Investigations Team has noted a pattern of trends across a *group* of institutions.

The UKBA have advised that all audit visits will seek to establish four elements are operating 'correctly' within the institution visited:

- a) Recruitment processes (robust processes, genuine sponsored students)
- b) Immigration statuses are correct and documentation in place
- c) Sponsored students are appropriately monitored
- d) Continuity Check (the procedures are robust and comprehensive over time)

Sanctions for non-compliance are temporary suspension, downgrading, or ultimately withdrawal of the HTS license.

They will be checking the immigration status of sponsored students; student contact details; availability and comprehensiveness of institution records; recruitment practices (including agents' details and pre-admission checks); making independent cross-checks of records and student accounts in relation to monitoring, information gathering, whether students are studying and engaging, etc. They will also look at details of the institution's partnerships and placement arrangements.

Inspection teams will expect to be able to see the records of between 30 and 150 students when they visit, and to be able to interview those students face-to-face.

It is likely that they will ask for copies of the students' timetables as part of the records request. Even if the University doesn't require attendance at particular events, the expectation is that Tier 4 students will attend all their classes to demonstrate that they are 'engaging' with their studies. The UKBA state that they expect that institutions will know and be able to evidence whether or not students have attended specific events, and unless there are regular monitoring points in place already, that PGT students should be required to come onto campus and 'sign in' regularly while preparing their dissertations over the Summer.