



SERVICES FOR
INTERNATIONAL
EDUCATION
MARKETING

CONFERENCE 2015

Visas for further education colleges
Helen Clews, British Council
Nichola Carter, Carter Thomas Solicitors

#siem2015

www.britishcouncil.org/siem

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GeoXoLabs



The British Council's role in visas & immigration

International students – the bigger picture

- Immigration and compliance continue to dominate but the UK also focus on the whole international experience
- China 52% increase India 47% decrease (09-14) and we know 1 in 8 students in the UK is international (1 in 3 postgraduate)
- Other government led campaign
- Good news British Council 2014 report *Integration of International students: a UK perspective*
- Increasing importance of safety

Spreading the good news

- Overall, international students in the UK have a positive experience – it's crucial to spread the good news
- Messages need clarifying and improving overseas to counter current perceptions and misconceptions about immigration
- We will continue to work with partners to work on a positive policy (in the UK and

overseas) focusing less on bogus colleges and more on the incredible opportunities to students

- Continued dialogue is required with the Home Office to ensure changes to policies and procedures introduced without further damage to the reputation of the UK as a study destination

Getting the messages to staff

← → ↻ | intranet.britishcouncil.org/uk/sites/education%20centre/Visas/default.aspx

collaboration Sites > Education iCentre

Welcome Clews, Helen (Education and Soci... | My Site | My Links |

BRITISH COUNCIL Visas and immigration

This Site: Visas and immigratic

Education iCentre | **Visas and immigration** | Education market intelligence (EMI) | Professional development and training

Site Actions

View All Site Content

Documents

- Document Library

News

- More visa news

Points based system

- Introduction
- Core messaging script

Podcasts

- Webinars

Resources

- Contacts
- Predeparture presentation
- Publications
- Visa library
- Visa websites

Surveys

- PBS implementation survey

Recycle Bin

Education iCentre > Visas and immigration

Welcome to visas, pre-departure information and orientation

The British Council works closely with UK Visas and Immigration, the Department for Business, Innovation and Skills, UKCISA, educational institutions and other sponsors and partners to ensure that visa and entry arrangements are more user-friendly for international students and to make their stay in the UK a positive experience. <http://www.britishcouncil.org/education/ihe/what-we-do/preparation-study-work-uk>

We are a stakeholder in the Education Sector Forum chaired by the Home Office, where we develop and share research, resources and insights into immigration issues affecting international students.

One of our main areas of focus is to help international students, agents and educational communities and British Council staff around the world understand any changes to the immigration system and what it means for them. We do this by providing information through the Education UK website, newsletters, publications, pre-departure briefings and through local outreach and media.

The latest policy guidance and visa application links are available from the UKVI website.

IMPORTANT: All colleagues working with visas should read the 'PBS Tier 4 and Tier 5 Policy Documents' downloadable from the visa library and listen to the 'Points based system' podcasts. They should also read the PDF The British Council's role in visas and immigration.

If you have any queries about our work in visas and immigration, please contact [Helen Clews](#) - Advisor - External Relations (Visas)


Keep up to date - set up an alert

Keeping up to date: It's easy to keep up to date with what's happening in visas. Go to your name in the top right hand corner and choose 'My alerts'. Whenever content is changed in this site you will be sent an automatic email.

Visa news

- 12 Nov Education Sector Forum meeting - any comments welcome** 23/10/2015 13:01
by Clews, Helen (Education and Society)
Your views and comments are invited on the items below - the next Education Sector Forum Meeting will take place at the Home Office on 12 Nov in London. The agenda is still being finalised. However, I would suggest that the following are likely (not...)
- British Council's role in visas and immigration briefing note** @ 22/10/2015 13:45
by Clews, Helen (Education and Society)
A have a look at the work we do in this area. PDF enclosed

Welcoming students to the UK



Contact details

- Clews, Helen (Education and Society)
Immigration Adviser

Visa library

Type	Name	Modified By
	F076 Creating Confidence Form FINAL_v2_WEB	Clews, Helen (Education and Society)
	F076 First Steps A4_FINAL_v2_WEB	Clews, Helen (Education and Society)

UKVI Licences

UKVI Sponsor Operations

Number of sponsors licensed: under
Tier 2: 27,503
Tier 5: 3,752
Tier 4: 1,447
(Sponsors may be licensed under multiple Tiers)

Scotland & NI
6.4% of sponsors
(1,900+)

Wales & SW
6.2% of sponsors
(1,850+)

North West
5.3% of sponsors
(1,600+)

NEYH
5.3% of sponsors
(1,600+)

Midlands
15.4% of sponsors
(4,600+)

London & SE
61.9% of sponsors
(18,500+)

 UK Visas & Immigration

Visa and immigration system

- Dealing with the constant change in legislation is a major challenge (avoidance of risk and certain academic pathways do not fit

- Visa application process and credibility interviews can have a negative impact on students (isolated and unsettled while their application and academic future is being decided)

- Immigration compliance is an important part for students and institutions. It can also be used to monitor student wellbeing

- The lack of parity between HE and FE is problematic

- Working with the Home Office has seen the introduction of on-line application forms but the implementation of the Immigration Act has been concerning.

Complexity of immigration for students

The screenshot shows the UKCISA website interface. At the top, there is a navigation bar with 'International Students' and 'Info for universities, colleges & schools'. The UKCISA logo is prominently displayed. Below the logo, there are search and navigation links. The main content area is divided into several tabs: 'Preparing & Planning', 'When You Arrive', 'Fees & Finance', 'Immigration' (which is highlighted), 'Study, Work & More', and 'The Next Stage'. Under the 'Immigration' tab, there are five columns of links: 'Protecting your Tier 4 status', 'Making a Tier 4 (General) application in the UK', 'Dependants', 'Student Union sabbatical officers', and 'Other immigration matters'. Below this, there is a section titled 'STUDY IN THE UK: A PRACTICAL GUIDE' with a grid of boxes containing links to various topics like 'Preparing & planning', 'When you arrive', 'Studying, living, working', 'Fees, student support, money', and 'Immigration'. To the right of this grid is a 'LATEST NEWS' section with three news items.

International Students Info for universities, colleges & schools My UKCISA Log In

UKCISA UK Council for International Student Affairs

Search About UKCISA Sitemap Webmaster

Preparing & Planning When You Arrive Fees & Finance **Immigration** Study, Work & More The Next Stage

Protecting your Tier 4 status
Tier 4 conditions
Immigration rules
Good practice
Your sponsor's duties to the Home Office
Changing institution
Overstaying

Making a Tier 4 (General) application in the UK
Can I apply in the UK?
Courses you can study under Tier 4
Time limit (cap) on study
Where, when, how to apply
Requirements and evidence
Submitting your application
When your leave is issued
Conditions and sponsor duties
Refusals

Dependants
Financial requirements
How to apply
Working
Babies born in the UK
Family members visiting you
If you are on Tier 1 Post-Study Work

Student Union sabbatical officers
Students and recent graduates
Students' Unions
Tier 4 sponsors

Other immigration matters
Schengen visas
Transferring your visa to a new passport
Biometric residence permits
Erasmus & study abroad
Sponsor problems, colleges closing
Correcting a visa error
Telephone frauds and scams

STUDY IN THE UK: A PRACTICAL GUIDE

Preparing & planning
› [Choosing a course](#)
› [Visas and immigration](#)
› [Funding & cost of living](#)

When you arrive
› [Immigration & customs](#)
› [Choosing accommodation](#)
› [Fees & funding](#)

Studying, living, working
› [Study tips](#)
› [Health and healthcare](#)
› [Working while studying](#)

Preparing for the next stage
› [Working after study](#)
› [Preparing to return home](#)

Fees, student support, money
› [Home or Overseas fees?](#)
› [EEA and Swiss students](#)
› [Student support](#)

Immigration
› [Tier 4 applications](#)
› [Protecting your Tier 4 status](#)
› [Dependants](#)

LATEST NEWS
Education UK Alumni Awards 2016
Final call for outstanding alumni from UK universi...
England Student Support: 'Tigere' interim policy
BIS introduces interim Student Support policy meas...

Continued dialogue with the Home Office

Education Sector Forum is run by the Home Office rather than UKVI and replaced JET in 2015 –

Members:

British Council

- *National Union of Students*
- *Universities UK*
- *BUILA (British Universities International Liaison Association)*
- *The Department for Business, Innovation and Skills*

- *UKCISA*
- *Association of Colleges*
- *Study UK*
- *English UK*
- *Guild HE & Independent Schools Council*

Sharing Information & Best Practice

Guidance for students, agents and the education community

The British Council provides information about studying, living and working in the UK to international students, agents and education providers.

Education UK website

Search through 1000s of courses and scholarships

Find out what it is like to study and live in the UK

Get advice on planning and preparing for UK student life

Student outreach events

Each year, the British Council runs over 100 Education UK exhibitions in countries around the world

Education UK website - visas

www.educationuk.org/global/articles/student-visas/

BRITISH COUNCIL

Education UK in your country: GB

Education UK
Innovative. Individual. Inspirational.


Why choose a UK education? Your study options Practical advice Living and studying in the UK After your studies

Search for: Courses Scholarships Uni/college/school Articles

Home » Practical advice » Visas » Student visas

Student visas


Like 265 Tweet 100 Share 138



Each year, thousands of international students successfully gain a visa to study in the United Kingdom. The UK government welcomes international students, and there is no limit on the number of student visas that can be issued.

This page provides an overview of visas for international students. More detailed information can be

Related articles


UK Visas & Immigration
Visa update - English language

Cambridge English
Cambridge English exams can help!

Sharing Information & Best Practice

Agents

The British Council works to train agents so that they understand the UK education system, visa and immigration requirements and are better equipped to advise and guide students who want to study in the UK. We make available a list of all agents who have passed our training course

www.britishcouncil.org/education/education-agents/training-agents

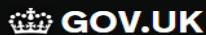
UKVI staff and website

UKVI regularly give presentations and seminars at Education UK exhibitions and events. We also direct students to the UKVI website via the Education UK website and social media channels.

www.educationuk.org

Tier 4 GOV.UK

//www.gov.uk/tier-4-general-visa/overview



[Home](#) > [Visas and immigration](#) > [Student visas](#)

Tier 4 (General) student visa

1. [Overview](#)
2. [Eligibility](#)
3. [Knowledge of English](#)
4. [Documents you must provide](#)
5. [Apply](#)
6. [Extend your visa](#)
7. [Switch to this visa](#)
8. [Family members](#)

1. Overview

You can apply for a Tier 4 (General) student visa to study in the UK if you're 16 or over and you:

- have been offered a place on a course
- can [speak, read, write and understand English](#)
- have enough money to support yourself and pay for your course - the

Student visas

[Tier 4 \(Child\) student visa](#)

[More](#)

Visas and immigration

[Visa processing times](#)

[Visa fees](#)

[More](#)

Elsewhere on GOV.UK

[Register of licensed sponsors: students](#)

Agents Training

<https://www.britishcouncil.org/education/education-agents/training-agents>

BRITISH COUNCIL FOUNDATION CERTIFICATE FOR AGENTS

- Online delivery over 8 study weeks
- Includes self assessment tests
- Assessed by a formal written exam and professional development record

ABOUT THE COURSE:

- UK education and training system; courses and qualifications
- Quality assurance
- Benefits of studying and living in the UK
- Lifestyle – travel, accommodation, living costs, welfare
- Course fees and scholarships
- UK application procedures, entry requirements, visas and immigration

BENEFITS:

- Recognition of commitment to quality and professionalism
- Quality of qualification acknowledged amongst UK education institutions
- Certificate to evidence successful completion
- Public listing on the British Council trained agents list

AM I ELIGIBLE?

To apply you'll need:

- To have agreements in place with at least two UK education institutions on the Register of

<http://www.britishcouncil.org/education/ihe/what-we-do/preparation-study-work-uk>



www.britishcouncil.org

Visas

1. International students bring huge academic, cultural and economic benefits to the UK.
2. The British Council is concerned about the current perceptions of the UK's visa policy in key markets.
3. The British Council is concerned that the UK is losing 'market share' of international students and is overly dependent on Chinese students.

International students bring huge benefits to the UK



The British Council is concerned about the current perceptions of the UK's visa policy in key markets



Facts



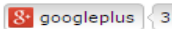
Impacts of visa changes



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3



5



1085

Tier 4 and Tier 5

Five Tiers – have different conditions, entitlements & entry clearance checks:

- Tier 1: Graduate Entrepreneur/Exceptional Talent
- Tier 2: Skilled workers with a job offer: **27,503**
- Tier 3: Limited numbers of low skilled workers
- **Tier 4: Students: 1,447**
- **Tier 5: Youth mobility and temporary workers (GAE):3,752**

- IAESTE

- Foreign Language Assistants
- Erasmus+
- UK India Education and Research Initiative
- EU Youth in Action Programme (EVS)
- BOND Business Internships
- British Council – Speak European

Nichola Carter
Carter Thomas Solicitors

Immigration law for Tier 4 sponsors

December 2015

Session outline

- What is sponsorship and is it lawful?
- Does a sponsor have to check all students and staff?
- Key sources of information
- Current key areas of compliance to focus on
- The Basic Compliance Assessment
- Reducing refusals
- Dealing with a UKVI unannounced compliance check and allegations of non-compliance
- What is next?

These slides are intended to provide a general overview only of the key areas that will be covered during the session.

What is sponsorship?

‘Sponsorship is a privilege and not a right so those who benefit most directly from student migration (education providers) must help to prevent the system from being abused’.

*Paragraph 2.2, document 1, Tier 4 Sponsor Guidance
(version 11/2015).*

What is sponsorship? (cont.)

‘When an education provider is granted a Tier 4 licence, significant **trust** is placed on them. With this trust comes a **responsibility** to act in accordance with the Immigration Rules and all parts of the Tier 4 Sponsor Guidance’.

Paragraph 2.3, document 1, Tier 4 Sponsor Guidance (version 11/2015).

Is the system of sponsorship lawful?

“The Sponsor Guidance is a large and detailed document issued on behalf of the Secretary of State, which may be amended at any time and has in fact been amended with bewildering frequency”.

“The rules contained in the Tier 4 Guidance for determining whether applicants are suitable to be sponsoring institutions, are in reality conditions of participation, and sponsors seeking the advantages of a licence cannot complain if they are required to adhere to them”.

Lord Sumption in R (on the application of New London College Ltd) v Secretary of State for the Home Department [2013] UKSC 51

Does a sponsor have to check all students and staff?

A sponsor has a duty to:

‘Comply with **all aspects** of the Immigration Rules and Sponsor Guidance, and support immigration control, including by taking steps to ensure that **every student** at your institution has permission to study in the UK throughout the whole period of their study’.

Checks on students and staff (cont.)

A sponsor has a duty to:

‘Take responsibility for all its Tier 4 students while it is sponsoring them, including by doing all it can to ensure that prospective students are genuine students who can comply with the Immigration Rules, and that students enrol, comply with their conditions of leave, and see their course through to completion’.

*Paragraph 2.3, document 2, Tier 4 Sponsor Guidance
(version 11/2015).*

Checks on students and staff (cont.)

UKVI considers the following breaches to be amongst the most serious:

- ‘Failure to comply, as an employer, with **illegal working requirements**’.
- ‘Operating in a manner that poses a risk to immigration control, such as failing to take steps to ensure non-EEA students have leave to remain in the UK’.

*Paragraph 3.15, document 3, Tier 4 Sponsor Guidance
(version 11/2015).*

Key sources of information

- The Immigration Rules and annexes (the law concerning leave to enter / remain for students):
<https://www.gov.uk/government/collections/immigration-rules>
- Guidance documents – for sponsors and applicants
- Modernised guidance – detailed instructions for case workers on a range of issues:
<https://www.gov.uk/immigration-operational-guidance/modernised-guidance>
- Home Office website

Current key areas to focus on

- Illegal working sanctions and breaches under Tier 2.
There has been an escalation in Home Office investigations and action. Consider holding separate licences for employees and students.
- Is the information on the licence up to date and correct?
- Are there any changes in circumstances that need to be reported? Has the Educational Oversight body been notified if required?
- Is there compliance with general business regulations and laws – VAT, planning, fire and safety, etc.

Current key areas to focus on (cont.)

- Is the institution too reliant on international students? Would it survive for up to two years without a sponsor licence?
- Does the institution need to invest in better systems?
- Is there sufficient resource and training for compliance personnel?
- Are they up to date on the latest changes?
- Is the institution performing full right to work/right to study checks on students and staff?

Current key areas to focus on (cont.)

- Does the institution have robust recruitment practices?
- Are there clear rules concerning the use of agents – due diligence, contracts and policies, monitoring and taking necessary action?
- Is there any 'abuse' of the visitor and/or short-term study arrangements?

Current key areas to focus on (cont.)

- Are any sponsored migrants studying/working off-site and is that permitted under the licence?
- Is there full compliance with monitoring and reporting requirements?
- Are there clear attendance records and robust policies. Would this act as a defence if a student was working in breach?
- Does the institution take action if there are other signs that a migrant may not be considered by UKVI to be a genuine student? (Poor progression, etc.).

Current key areas to focus on (cont.)

- Is the institution checking current sponsored students to ensure that no obvious signs of abuse have been overlooked:
 - are they making good progress/did they complete the course?
 - was their English language of a suitable level?
 - is the file complete in the event that UKVI alleges in the future that the student should not have been sponsored?
- This obviously leads to potential resource issues but at the very least the risks need to be considered.

Current key areas to focus on (cont.)

- When UKVI receives an application from an applicant seeking ILR after 10 years continuous residence in the UK it may trace back through the various sponsors of that individual and may allege that the sponsor should not have recruited the student. Could the institution provide a robust response?
- TOEIC fall-out: could the institution provide a robust response to an accusation that it should not have sponsored a student who UKVI believes is a 'cheat?'
- We have seen UKVI raise issues with students from as far back as 2009/2010 who left the sponsor a long time ago...

Current key areas to focus on (cont.)

- The cap on studying below degree level, when applying for Tier 4 General leave, was reduced from three years to two years from 12.11.15. This combined with the new rules requiring students to make applications from abroad (which we look at later on) may lead to an increase in the number of overstayers.
- Has the institution started to consider what it would do to protect its licence in the event that UKVI applies sanctions against sponsors who have sponsored students who have then overstayed following the end of their course?

General non-compliance

- UKVI will revoke a sponsor's licence for general non-compliance where it considers that the sponsor is a threat to immigration control.
- If the breach is isolated or minor and the sponsor is willing and able to correct it UKVI will, in most cases, issue an Action Plan. This fact will appear on the Sponsor Register next to the sponsor's name.
- Where there are serious breaches UKVI will revoke the licence.
- The sponsor should undertake regular checks to ensure that it is compliant with all aspects of sponsorship.

Basic Compliance Assessment

We are already starting to see evidence that high numbers of sponsors will fail the Basic Compliance Assessment this year.

Mandatory requirements

- No more than a 10% refusal rate for leave to remain (in-country) and leave to enter (visa / entry clearance applications out of country) excluding students with a live Admin Review or appeal.
- Enrolment rate of at least 90% from the prior 12 months.

Basic Compliance Assessment (cont.)

- Course completion rate of at least 85% excluding students who have:
 - deferred their studies and temporarily left the UK;
 - switched institution; or
 - switched to another immigration category; or
 - left the course and left the UK.
- Essential to try and retain evidence to prove a student is excluded from the measure. Where necessary ensure reports are made via the SMS.

Basic Compliance Assessment (cont.)

The Sponsor Guidance states that a discretionary assessment *may* be applied if:

- the sponsor has issued fewer than 50 CAS in the assessment period, or
- the sponsor is an independent school.

Such narrow rules relating to the exercise of discretion *may* be unlawful. Any sponsor wishing to try and persuade UKVI to allow it to retain its sponsor licence should request that discretion is exercised.

Basic Compliance Assessment (cont.)

Factors UKVI are likely to take into account when considering whether or not to exercise discretion:

- Why were the visa applications refused? (i.e. your fault or the student's fault? Poor recruitment procedures? etc.)
- Why did the students not enrol / complete their course? (Do you know? Are the reasons valid? etc.)
- Are you complying with your general sponsor duties? (Are you reporting correctly? Monitoring attendance accurately? Checking your employees? etc.)

Basic Compliance Assessment (cont.)

- Are you still suitable and eligible to hold a sponsor licence? (Are your processes still acceptable? Has your corporate structure changed? Are your courses approved? etc.)
- What is your previous history with UKVI? (Has UKVI previously raised concerns about you? Have you previously failed HTS / BCA assessments? etc.)
- Do you pose any threat to immigration control? (Are your students working in breach? Failing to leave at the end of study? etc. Any breaches of illegal working provisions for employees? UKVI's definition of 'threat' centres mainly around unlawful working /overstaying / economic factors rather than purely around crime/terrorism).

Basic Compliance Assessment (cont.)

- If the sponsor fails the BCA UKVI will commence revocation action by removing the sponsor from the register.
- The sponsor will have 20 working days to make representations against the decision to revoke the licence.
- Those representations should be comprehensive and robust and should deal not only with any material errors made by UKVI but also seek to persuade them to exercise discretion.

Reducing refusals

- From 12.11.15, only Tier 4 (General) students who have, or who have last been, sponsored by one of the following can apply to remain in the UK under Tier 4 (General):
 - a UK recognised body or body in receipt of public funding as an HEI; or
 - an overseas HEI (if undertaking a short-term study abroad programme in the UK); or
 - an embedded college.
- This will undoubtedly lead to an increase in Tier 4 refusals from students who have previously studied in the UK and who must apply from abroad.

Reducing refusals (cont.)

- It is essential to understand what the most common causes of refusals are concerning YOUR students.
- Every student who is refused should be asked to provide you with a copy of the refusal notice and ideally the interview record. Ensure you have general consent from the student or their parents to obtain information (refusals, interview records, other data) from UKVI and obtain this consent at the beginning.
- The reasons for refusal should be analysed and a decision made as to whether or not the refusal is lawful and whether or not the school could have provided more assistance.

Reducing refusals (cont.)

- If further help could have been given, consider whether or not it is viable to offer further assistance in the future to other students. Is the issue likely to affect others or be an isolated issue?
- If you think the refusal was incorrect, it is important to try and persuade the student to seek an [Administrative Review](#).
- Issuing CAS early allows time for the AR process to be factored in.

Reducing refusals (cont.)

- One of the benefits of the premium customer service is that you can ask them to contact Entry Clearance posts to ensure ARs are dealt with in the 28 day time-frame.
- Another is that, with the permission of the student, you can ask your premium customer service manager to provide you with information as to the immigration history of specific students. This can help you to ascertain, for instance, how long they have studied in the UK, whether there have been any adverse decisions, etc.

Reducing refusals (cont.)

Maintenance requirements

- One of the most common causes of refusal.
- Usually due to the student / their parents failing to understand the importance of providing **original documents** in the **format specified** covering the **amount specified** for the **time specified**.
- Think about having a process in place where you provide simplified information to the majority of applicants and applicants with more complex needs can contact you.

Reducing refusals (cont.)

- Do you / can you check the documents?
- As a sponsor you can provide immigration advice / information as long as you are not charging for it.
- Do not issue a CAS until you are satisfied that they are likely to comply with the maintenance requirement.

Reducing refusals (cont.)

Genuine student/credibility refusals

- Another of the most common causes of refusal – applies to Tier 4 (General) only.
- Often due to the applicant not presenting themselves as a genuine student in the first place or being poorly prepared.
- Sponsors can provide general information to help genuine students to prepare – about the institution, the local area, what types of questions have others been asked, what are the key areas that are often reviewed?

Reducing refusals (cont.)

- Are you collecting and analysing refusal notices and interview records?
- Are you asking for detailed information from applicants about their previous immigration history, previous studies, financial circumstances, future plans?
- Is someone analysing that information to ensure that the applicant appears to be suitable for sponsorship? Is this being done before the CAS is issued?

Reducing refusals (cont.)

Other reasons

- Student fails the General Grounds of Refusal ('GGR') requirements (applied to both General and Child applicants). Think of steps you are willing to take to try and reduce GGR refusals by collating information from the applicant up front.
- UKVI is using increasingly sophisticated data collection / sharing / analysis measures and GGR refusals are on the increase.
- Don't rely on agents to undertake strong recruitment checks – as the sponsor with the most to risk, you should do them.

Reducing refusals (cont.)

Other reasons

- Student has reached his / her time limit (seek information from the premium customer service and/or the student). (This is becoming a key area of focus for UKVI).
- Refusals due to failing a TB test are on the increase. Ask for confirmation of a pass prior to the visa application being filed if possible. (Clinician will decide if child needs an x-ray).

Dealing with a UKVI unannounced compliance check

- Be prepared by practising. Know your files and your statistics. Consider running mock audits. Ensure files are tidy and complete.
- Ensure you have people on site at all times who can handle a visit.
- Ensure policies and other relevant documents are easy to access and up to date.
- Be polite and engage – or they will disengage.

Dealing with a UKVI unannounced compliance check

- Be factual. Don't annoy them with intellect or policy debate.
- Be responsive – how are your files stored? Can you access them quickly as they may not be willing to wait for you to gather information from multiple sources and may instead come back with a larger team.

Responding to allegations of non-compliance

- 20 working days passes quickly. Extensions of time are increasingly unlikely. *Move fast.*
- Organised data collation is key (and will also help reduce legal fees).
- UKVI will often accept considered, polite and reasonable explanations but the quality of the initial decision to sponsor is often key.
- If errors have been made explain how they have already been addressed, how compliance has been strengthened and include evidence.

What next?

- Noticeable increase in UKVI enforcement action concerning unlawful employment. A civil penalty may trigger enforcement action by the sponsor licence unit.
- Refusal rate for Tier 4 sponsors may be reduced to 5% from the current 10%.
- New sanctions for Tier 4 sponsors whose students do not leave the UK at the end of studies.
- Zero tolerance of sponsors that continue to make mistakes. UKVI expects sponsor to have their houses in order by now – clear policies, comprehensive information, full compliance with both the actual rules and the spirit of the rules.

The silver lining..

There are going to be fewer and fewer Tier 4 sponsors and there is no cap on international student numbers.

Those that place knowledge, compliance and quality at the heart of their organisation and constantly analyse risk and take measures to strengthen compliance will see significant growth.

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For latest immigration news visit

Twitter @ct_law

www.carterthomas.co.uk



What they say about us...

'..an exceptionally strong reputation amongst the education sector'.

The Legal 500

'... a huge amount to develop the law of Tier 4 sponsorship for higher education institutions...successfully repealed UKBA decisions to strip colleges of their sponsor statuses'.

Chambers & Partners

'...a leading adviser on compliance and risk management'.

Chambers & Partners

'...conscious of the need to give clients value for money'.

Chambers & Partners

Our education sector services

- Strategic advice and training
- Guidance on new course offerings, partnerships and other growth initiatives
- Sponsor licence and BCA applications
- Tier 4 compliance checks
- Child visitors, student visitors and extended student visitors
- International student policies: reviews and advice
- Tier 2 and Tier 5 (for employees, tutors, etc.)
- Post Study Work options

For up to date news and information visit
www.carterthomas.co.uk