



Tier 4 visa update

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SERVICES FOR
INTERNATIONAL
EDUCATION
MARKETING
CONFERENCE 2014





UK Visas
& Immigration

Tier 4 Update

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UK Visas & Immigration

Policy Update – HTS

- New Refusal Rate introduced on 1st November 2014
- HTS applications made on or after 1st November 2014 will be considered against a reduced refusal rate – 10%
- To allow sponsors, who may be immediately affected by the change, to bring their refusal rate in line with the new criteria, we will only take into account CAS used since 1 August 2014. This transitional arrangement will remain in place until 31 July 2015.



- Other criteria such as enrolment rate and course completion rate will be calculated using data from the 12 months immediately preceding the date of application.
- We have also removed the core measurable assessment / near miss policy from our Tier 4 sponsor guidance, which has taken effect from 1 November.
- Discretionary Assessment
 - If no assigned CAS have been used for leave in the 12 months prior to applying for HTS
 - If you have fewer than 50 CAS



Discretionary Assessment

- The factors we will consider may include but are not limited to:
 - Why were the visa applications refused?
 - Why did the students not enrol/complete their course?
 - Are you complying with your general sponsor duties?
 - Are you still suitable and eligible to hold a sponsor licence?
 - What is your previous history with us?
 - Do you pose any threat to immigration control



Visitor Visas

We are currently exploring options to make the immigration system for visitors clearer and more accessible for applicants and staff.

Our aims are to have:

- a simplified policy for visitors including more streamlined routes;
- a single set of Immigration Rules for visitors which contain everything relevant to visitors (accessible in one place and written in plain English)
- a clear set of guidance that provides a single-source of truth.



Visitor Visas

Simplifying the architecture of visitor routes:

- **Streamlining 15 routes to approximately 4** to provide a clearer and more flexible structure.
- **More flexibility for applicants** - individuals will be able to carry out more permitted activities on a single visa rather than applying for separate visas to carry out different activities.
- **Rebranding student visitor routes** (6 and 11 month routes) into “short-term study” routes to make it conceptually clearer.
- **Reviewing the “permitted activities”** to ensure they are more easily understood and sufficiently flexible to assist legitimate business activities.



Immigration Act

- The Immigration Bill received royal assent on 14 May and is now the Immigration Act 2014.
- The Act makes fundamental changes to the UK's current removals and appeals system and will have a major impact on the way Immigration Enforcement, UK Visas & Immigration and Border Force operate.

The Act is designed to:

- Deter illegal migrants from coming here in the first place;
- Encourage more of those people here unlawfully to leave;
- Make it easier to identify illegal migrants and enforce their removal;
- Simplify a complex system and provides an appeal right only where an appeal is the most appropriate remedy; and
- Reduce pressure on services



What's in the Act

The Act contains a raft of measures that will be implemented by April 2015, covering:

- Appeals
- Non-suspensive appeals for deportees
- Single Decision
- Family returns
- Enforcement powers
- Bail
- Biometrics
- Article 8
- Hostile environment (landlords, health, bank accounts, driving licences)
- Illegal working
- Sham marriage
- OISC
- PONI
- Deprivation of citizenship / nationality
- Embarkation checks
- Fees



Appeals – top level summary

- Removes the in-country Right of Appeal from many categories including all PBS routes; and replaces them with ‘Administrative Review’
- Administrative Review is an ‘independent’ review of the original decision by UKVI.
- Right of Appeal retained only on ‘human rights’ grounds – so refusal of a Human Rights claim; refusal of a protection claim; revocation of a protection claim
- Overall reduction in the number of immigration decisions that can be appealed from the current 17 to 4.
- We will make a single combined refusal and removal decision on all cases.
- A person’s liability to removal will be a consequence of having no leave (e.g. as a result of a refusal decision)



Administrative Reviews

- Applicants can ask for their application to be reviewed if one of the following apply:
 - Their application was refused
 - Their application was accepted but they are unhappy with the amount or conditions of their leave
- They must apply for an administrative review within 14 days of getting the decision. Apply within 7 days if they have been detained. It costs £80.
- If they have been refused, their refusal letter will tell them how to apply. There's an online application form.
- Administrative Review is an 'independent' review of the original decision by UKVI. The Admin Review will be considered by different caseworkers and different managers (in Manchester)
- UKVI will operate a 28-day service standard for Admin Reviews
- UKVI will refund the £80 fee if we overturn our original decision because of an Admin Review



Types of Administrative Reviews

One or more of the following errors can be raised in an Administrative Review:

UKVI:

- applied the wrong rules
- did not apply the rules correctly
- did not calculate the points correctly
- granted the wrong period of leave
- did not consider all the evidence provided
- did not consider the evidence correctly
- made an incorrect credibility assessment
- claimed documents were false when they were genuine
- Incorrectly assessed the applicant as an overstayer
- failed to follow published policy or guidance



What happens next....

What happens if we uphold our decision at the Administrative Review; or if an applicant does not apply for an Administrative Review in time?

- The applicant is removable from the UK as they no longer have valid leave to be here
- There is no longer a separate 'removal' decision
- We will send the applicant a 'Section 120' notice
- The Section 120 notice asks the applicant for:
 - reasons they have for wishing to remain in the United Kingdom
 - grounds on which they should not be removed from, or required to leave, the United Kingdom



Immigration Health Surcharge

- Total cost to NHS England of visitors and temporary migrants accessing NHS services estimated to be £1.9 - £2 billion a year.
- The Immigration Act 2014 provides for the introduction of an immigration health surcharge through which most non-EEA temporary migrants coming to the UK for more than six months (i.e. to live, work, study) will make a proportionate financial contribution to the NHS, commensurate with their immigration status.
- Intention is to set the surcharge at a rate of £200 per year; students will benefit from a discounted rate of £150 per year. Dependants will be charged the same amount as the main applicant.



Immigration Health Surcharge

- Migrants will be required to pay upfront a surcharge amount that covers the full length of leave for which they are applying to enter or remain in the UK.
- Intention is that surcharge payers (and those exempt from the surcharge) will receive NHS care in the same manner as a permanent resident, i.e. they will only pay charges that a UK resident would also be expected to pay
- Secondary legislation required to set out exemptions, level of the surcharge, and arrangements for payment and refunds.
- Certain vulnerable groups such as victims of trafficking, children in local authority care, and asylum seekers will be exempt from the surcharge and will continue to receive NHS care free of charge.



Immigration Health Surcharge

- Income generated from the surcharge will be allocated to the Department of Health and devolved administrations to support the running of devolved health services.
- The NHS (overseas visitor managers) already checks the eligibility of patients for free care and that will continue.
- Visitors and illegal migrants will not pay a surcharge. They will remain, as now, chargeable for their healthcare at the point of access. DH is taking forward a separate programme of work to reform the administration of the NHS overseas visitor charging regime in England.

NB: urgent and necessary treatment is never withheld from any migrant, regardless of their chargeable status. Treatment for specified public health conditions is also free of charge



Private Tenancies

- The Immigration Act 2014 disqualifies people without lawful immigration status from entering into private residential tenancies.
- Duty on landlords to check a prospective tenant's right to rent, and this is underpinned by a civil penalty scheme. Whoever is responsible for letting the accommodation is responsible for conducting the checks. It could be a landlord, agent or individual renting a room.
- Phase 1 of the scheme began on 1st December 2014 in West Midlands: Birmingham, Walsall, Sandwell, Dudley and Wolverhampton. This will be evaluated and decisions made about how and when to roll out the scheme nationally.
- For new tenancies starting on/after 1 December in these areas, landlords will need to conduct simple document checks for all adults (over 18 years) who will live at the property – whether or not listed on the tenancy agreement – to avoid liability to a civil penalty.



Private Tenancies

- There are exemptions to this duty, including local authority accommodation, hostels and refuges, student accommodation, holiday accommodation and care homes.
- Penalties for breaching the scheme: sliding scale of penalties:
Category A (lodgers in private household) £80 - £500
Category B (tenants in rented accommodation) £1,000 - £3,000.
- Administration of the civil penalty scheme (similar process to illegal working): involving a referral notice, civil penalty notice and rights to object and appeal.
- Support for the scheme:
 - Codes of practice, guidance, and aid to assist landlords on gov.uk; helpline and
 - setting up of an expert panel of representatives of national organisations on housing, letting and homelessness.



Online System

- Launched in June 2013.
- Print & Send form is now no longer available.
- Secure Document Handling.
- Online Payment.



Questions....

Questions





Visas, immigration & Safety

Helen Clews, British Council

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Insight Survey – 2012 results:

UK has very multicultural society

People in the UK are unarmed

Good medical care

Low crime rate

Shared language

High police presence



Police Registration

Immigration (Registration with the Police) Regulations 1972 & Para 325 & 326 of part 10 Immigration Rules HC 395)

- History – 1918 – 1983 (EC Nationals no longer required to register with the Police).

May 1998 reviewed to reflect the needs of the Police & Security Service for information about foreign nationals. Large number of countries removed.

- 106 Visa Nationals
- 36 Register with the Police
- 3 Non-Visa Nationals required to register (Argentina, Brazil and Israel)

Crime Rates in the UK

Competition Time!

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OFFICER**

Prevalence rates for crime 2013

- 5% Vandalism
- 4.6% Vehicle related theft
- 4.1 Other household theft
- 3.3% Bicycle theft
- 2.6% All violence
- 2.1% Burglary
- 1.9% Other theft of personal property
- 1.1% Theft from the person



Creating Confidence Survey 2014

2014 survey **2043** replies **39.5% Male 60.5% Female**

Age 19-25 62%

Tier 4 46.9%

From 124 countries

Police Registration

Registered 83.3%

Local station 61.4% Their institution 27.7% OVRO 0.7%

Rated Easy 69.8% OK 26.5% Difficult 3% Very Difficult 0.7%

167 gave opinions about having to register

Creating Confidence Survey 2014

Personal Safety Talk in UK 1877 answered

7.0% Police

24.7 Institution

68.4 NO

Accommodation

46.8% Private flat or house 1770 answered

Only 1% did not feel at all safe in their accommodation 53.7% Very.

Only 0.4% in their institution 67.8% felt very safe.

Creating Confidence Survey 2014

Victim of Crime

1677 answered the question

Yes 4.9% 86

No 95.1%



34.9% Theft from the person (mobile phone, wallet, purse, cash)

Reported it to the Police 57.0%

Staff 5.8% Employer 2.3% Doctor/Hospital 0 **Crimestoppers 0**

Family 5.8% Friend 9.3% Other 4.7% **Did not report it 15.1 %**

Creating Confidence Survey 2014

| | |
|----------------------------------|-------|
| Vandalism | 1.2% |
| Vehicle related theft | 4.7% |
| Other household theft | 4.7% |
| Bicycle theft | 8.1% |
| Violence | 8.1% |
| Burglary | 14.0% |
| Other theft of personal property | 18.6% |
| Theft from the person | 34.9% |
| Hate Crime | 8.1% |
| Other | 18.6% |



In conclusion

When choosing a country to study in - Issue of personal safety has risen sharply in importance from 17 out of a possible 19 to position 5 last year.

All International students agree the host has the responsibility to create a safe environment free from threats and danger.

They are exposed to larger number of risks and the most vulnerable of students.

We received 452 responses on how we can all help them address issues relating to personal safety.

Essential Reading

Creating Confidence and Safety First



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Crime is falling

Police in the UK

