



Home Office

# Covid-19: Guidance for Tier 4 Sponsors and Migrants and for Short-term students

## Temporary concessions in response to Covid-19

Version 04/2020 - This guidance is to be used from 17 April 2020

This guidance covers temporary concessions for:

- Tier 4 sponsors
- Tier 4 migrants
- Short-term study migrants

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## 1. About this guidance

- 1.1 The Home Office and its Ministers are very clear that no one will have a negative outcome through the immigration system due to a circumstance that was beyond their control.
- 1.2 This guidance sets out temporary policy concessions for Tier 4 Sponsors, Tier 4 students and short-term study students in response to the outbreak of Covid-19. The concessions will all be kept under regular review and will be withdrawn once the situation returns to normal.
- 1.3 For Tier 4 sponsors, this guidance must be read alongside the [Tier 4 Sponsor Guidance](#), which sets out the requirements for education providers wishing to apply for, and hold, a licence to sponsor international students to come to the UK under Tier 4 of the Points Based System. Document 1 covers applying for a Tier 4 licence, Document 2 covers sponsorship duties, Document 3 covers compliance assessments and sanctions for non-compliance, and Document 4 covers the effect of Higher Education regulatory reform on Tier 4 sponsors. Sponsors, and education providers who would like to apply for a Tier 4 licence, should read all four documents and ensure they understand them and comply with them.
- 1.4 For Tier 4 students, this guidance must be read alongside the [Tier 4 policy guidance](#).
- 1.5 For short-term students, this guidance must be read alongside the [Short-term study guidance](#) and [Part 3 of the Immigration Rules](#).
- 1.6 An index of the Covid-19 guidance published on the GOV.UK website for sponsors and migrants is available here: <https://www.gov.uk/government/collections/coronavirus-covid-19-immigration-and-borders>. You should regularly check this page for any updates.
- 1.7 Additional guidance and information is available on GOV.UK: <https://www.gov.uk/coronavirus>.

## Coronavirus immigration help centre

- 1.8 If you have immigration queries related to coronavirus, please email the Coronavirus Immigration Help Centre. Email: [CIH@homeoffice.gov.uk](mailto:CIH@homeoffice.gov.uk). Your email must be in English.

## Publication

Below is information on when this guidance was published:

- Version: 1.0
- Published on 17 April 2020

## Changes since last publication

<b>Current paragraph number</b>	<b>Previous paragraph number</b>	<b>Changes made</b>
		This is the first version of this guidance

## 2. Tier 4 Sponsors

This section gives information on:

- Educational oversight
- Student absences related to Covid-19
- Distance learning
- Basic compliance assessment
- Attendance monitoring
- Validity of CAS which have already been issued
- Original documents
- English language requirements and pre-sessional courses
- Commencing studies
- Right to work checks
- Child students

### Educational oversight

- 2.1 Tier 4 sponsors are required to maintain Educational Oversight throughout the period of their licence. For private education providers, this operates on a 4 year inspection cycle, with annual interim health checks. Providers which are subject to statutory inspections, for example by Ofsted, are inspected on a cycle determined by their statutory inspection body. All these inspection cycles will be affected and potentially delayed by restrictions on physical inspection visits during the Covid-19 outbreak.
- 2.2 Unless we already have serious concerns about a sponsor, for example based on evidence of current non-compliance or failings in Educational Oversight, we will take a pragmatic approach and allow inspection bodies to utilise other inspection methods such as desk-based assessments and virtual meetings, with the methods to be determined by the inspecting body.
- 2.3 We will also adopt a flexible approach to unavoidable delays in inspection caused by the Covid-19 outbreak. We will not reduce a sponsor's CAS allocation to zero or make them a Legacy Sponsor due to delays for this reason, on the expectation that any delayed interim reviews or full inspections will be conducted as soon as possible. Sponsors must keep a record of any communications from their EO body about cancelled, delayed or desk-based inspections.

### Student absences related to Covid-19

- 2.4 We will not take enforcement action against sponsors who continue to sponsor students who are absent from their studies due to Covid-19.
- 2.5 Sponsors do not need to report student absences related to Covid-19. This can include absences due to illness, their need to isolate or inability to travel due to travel restrictions.

- 2.6 Sponsors must maintain records of students who are absent for this reason.
- 2.7 Sponsors do not need to withdraw sponsorship if a student is unable to attend for more than 60 days due to Covid-19 but intends to resume their studies.
- 2.8 If a student has permanently withdrawn from their studies, or deferred their studies for reasons unrelated to Covid-19, sponsors must report this as usual.

## Distance learning

- 2.9 Tier 4 sponsors can continue to sponsor existing Tier 4 students who are continuing their studies through distance learning, whether they are in the UK or another country.
- 2.10 Sponsors do not need to withdraw sponsorship for new students who have been issued a Tier 4 visa but are undertaking distance learning because they have been unable to travel to the UK.
- 2.11 Where a student is continuing to study via distance learning, whether within the UK or abroad, sponsors do not need to report this as a change of student circumstances.
- 2.12 New international students who have not yet applied for a visa but want to start a course by distance learning do not require sponsorship under Tier 4. This is because they do not need to travel to the UK. Sponsors do not need to tell the Home Office when students have moved to distance learning. These arrangements will apply until 31 May, when they will be reviewed.
- 2.13 Students accessing courses below degree level via distance learning are not required to meet the 15 hours study per week to be considered full-time, if the sponsor is unable to provide sufficient tuition during this period. Sponsors should make efforts to provide the stipulated number of hours of teaching where possible.

## Attendance monitoring

- 2.14 Students who are no longer attending classroom based learning as a result of moving to a distance learning model, or are absent as a result of Covid-19 related illness or travel, and will therefore not meet requirements for recording physical contact points under a sponsor's duty to monitor attendance, do not need to be reported for missing expected contact points.
- 2.15 Where a student is studying by distance learning, where possible sponsors should use expected online contact points such as logging into online learning portals, attending virtual lectures and tutorials, and online submission of coursework to monitor attendance. We will not take action against sponsors who are unable to monitor online contact points due to practical or technical limitations. As stated in paragraph 2.4 – 2.8, sponsors are not required to withdraw sponsorship when students are absent from studies, including online

studies, due to Covid-19. If a student has stopped attending their online studies for other reasons, the normal attendance monitoring policy applies to online learning.

## Basic compliance assessment

- 2.16 Students who withdraw from their studies as a result of Covid-19 will be discounted from sponsor's data in future Basic Compliance Assessments. Sponsors must notify UKVI of the reason for withdrawal and keep their own records of such cases.

## Validity of CAS which have already been issued

- 2.17 Tier 4 visa applications can still be made using CAS that were previously issued. The start date for the course may now be later than that stated on the CAS for the original course or the CAS may have expired. The Home Office will take a pragmatic approach to considering applications to study courses with significantly different start dates to those stated on CAS or expired CAS.
- 2.18 Where the course date has changed, if the CAS is not marked as 'used' or 'expired' and is showing as 'assigned', sponsors must update the new course start date (if known) in the sponsor notes field. The information on the CAS will then be considered as normal when the case is decided.
- 2.19 Where a CAS has become invalid because it has expired, or was marked as 'used' in an application and the student was unable to travel due to Covid-19, the Home Office will consider exceptionally accepting that CAS with a new visa application on a case by case basis. The CAS will be accepted if the caseworker is satisfied that the reason the student couldn't previously use it in an application or travel to the UK was due to Covid-19.

## Original documents

- 2.20 Tier 4 sponsors are required to see certain documents from students and keep records as set out in [Appendix D](#). Where it is no longer practical or safe for a student to submit these documents in person, or where sponsor sites are closed due to Covid-19 social distancing measures, it is acceptable for a digital copy such as a photograph to be provided and kept on file.

## English language requirements and pre-sessional courses

- 2.21 Where students are required to take a SELT overseas but a test centre is unavailable, sponsors which are higher education providers with a track record of compliance will be able to self-assess students as having a B1 level of English, where progression on to the main course is dependent upon passing the pre-sessional course.
- 2.22 Sponsors which are higher education providers but have not yet gained a track record of compliance due to pending registration with the Office for Students may also self-assess English Language.

- 2.23 Higher education providers which were not eligible to register with the Office for Students and have a track record of compliance may also self-assess English language.
- 2.24 Any sponsors who use this temporary concession must ensure that the student has the required English language ability and must keep records of how they undertook the assessment.
- 2.25 Self-assessment of English at B1 level must only be used when assigning a CAS for a student who cannot take a SELT as a result of the closure of test centres in the country they are applying from. This must be noted on the CAS being assigned in the 'sponsor notes' section.

## Commencing studies

- 2.26 We will permit new students who are applying to switch into Tier 4 in the UK to commence study ahead of their application being decided if:
- They are studying with a Tier 4 sponsor other than a Legacy Sponsor
  - The Tier 4 sponsor has assigned a Certificate of Acceptance for Studies (CAS)
  - The student has submitted an in-time application and has provided the sponsor with confirmation of that
  - The student has a valid ATAS certificate if [required](#) for their course of studies
- 2.27 The conditions for allowing the student to commence studying in these circumstances are:
- The course must be that specified on the CAS
  - The sponsor's reporting duties for the individual commence from the date the CAS is issued– not the date the application is granted
  - The sponsor agrees that they will end their sponsorship and teaching of the student if the Home Office ultimately rejects as invalid or refuses the application

## ATAS certificates

- 2.28 It is not currently possible to directly apply to the Foreign and Commonwealth Office for a new ATAS certificate due to current circumstances. Current rules on the requirement to obtain an ATAS certificate continue to apply. If a student urgently needs to commence their studies and requires an ATAS certificate, they must email the Coronavirus Immigration Help Centre. Email: [CIH@homeoffice.gov.uk](mailto:CIH@homeoffice.gov.uk)

## Right to work checks

- 2.29 Right to work checks are a requirement on employers to make sure a job applicant is allowed to work in the UK before employing them.



- 2.30 Right to work checks [have been adapted](#) to make it easier for employers to carry them out during the Covid-19 outbreak. Temporary changes mean the Home Office will not require employers to see original documents and will allow checks to be undertaken over video calls. Prospective workers are also now able to submit scanned documents, rather than originals, to show they have a right to work.
- 2.31 If a prospective or existing employee cannot provide any of the accepted documents, the employer should use the Employer Checking Service.
- 2.32 Checks continue to be necessary and it is an offence to knowingly employ to anyone who does not have legal immigration status in the UK. Once the temporary changes end, employers will be asked to carry out the full checks on existing employees who started work during the pandemic.
- 2.33 More information can be found [here](#).

## Child students

- 2.34 Any sponsor which is currently sponsoring a child student (aged under 18) has a continuing duty of care to that child student, even if they have stopped studying, while the child remains under its sponsorship and is in the UK. The child safeguarding duties set out in Document 2 of the [Tier 4 Guidance for Sponsors](#) continue to apply.

## 3. Tier 4 migrants

This section gives information on:

- Distance learning
- Extending a Tier 4 visa
- Police registration
- Working hours
- Right to rent checks
- Graduate route

### Distance learning

- 3.1 Tier 4 students are not normally permitted to undertake distance learning courses. However, due to the current exceptional circumstances, we will not consider it a breach of sponsor duties to offer distance learning to existing Tier 4 students in the UK or who have chosen to return overseas but wish to continue their current studies.
- 3.2 New international students who have been issued a Tier 4 visa but have been unable to travel to the UK are permitted to undertake distance learning and sponsorship does not need to be withdrawn.
- 3.3 New international students who have not yet applied for a visa but wish to commence a course by distance learning do not need to travel to the UK to do so and therefore do not require sponsorship under Tier 4.

### Extending a Tier 4 visa

- 3.4 Students whose leave expires between 24 January 2020 and 31 May 2020, who would otherwise be unable to extend in country, will be able to exceptionally apply for further leave within the UK. This includes students studying at providers who would otherwise be required to apply from their home country for further leave, such as students at non Higher Education Providers with a track record of compliance.
- 3.5 To be granted further leave to complete an existing course, or to begin a new course students must still meet all other requirements of Tier 4, including academic progression and maintenance requirements.
- 3.6 This means that students unable to complete their course of study within the current period of leave due to Covid-19, will be able to apply in country to complete that course. Students who need to repeat a year, retake a module, or resit an exam are exempt from demonstrating academic progression as would normally be the case for those applying in the UK. Further to this exemption, students who otherwise need more time to complete a course as a result of Covid-19 will be exempt from demonstrating academic progression, e.g. where a sponsor suspends studies for the duration of any social

distancing measures.

- 3.7 Students applying to study a new course can commence study at the institution from the date of the application. Students must obtain a valid ATAS certificate before they commence their studies, if one is [required](#) for their course of studies. The sponsor must end their sponsorship and teaching of the student if the Home Office ultimately refuses the application.

## Police registration

- 3.8 Tier 4 students who would normally be subject to police registration who are extending their leave in the UK during the period in which the Government advises not to leave home unless it is essential to do so, are not required to register with their local police force after leave is granted, or if any other change of circumstances that normally requires police to be notified applies. This policy is applicable to students applying from 21 March 2020 whilst social distancing restrictions are in place. Such students must register with the police or update their information once social distancing measures are lifted.
- 3.9 Students who have already registered with the police and are making a new application in the UK should submit their Police Registration Certificate along with any other documents in support of their application as normal.

## Working hours

- 3.10 Tier 4 students who have work rights and are employed by an NHS trust as a doctor, nurse or paramedic will not be restricted to 20 hours work per week during term time and may work without limit on the number of hours permitted.
- 3.11 Tier 4 students with work rights whose sponsor suspends all study as a result of the Covid-19 outbreak will be considered to be in vacation time and so will be permitted to work full-time during this period.

## Volunteering

- 3.12 The existing rules regarding volunteering and undertaking voluntary work as set out in the [Tier 4 Migrant Guidance](#) will still apply during this period. However, Tier 4 Students who want to assist the NHS in being an [NHS Volunteer Responder](#) are permitted to do so providing they comply with the 'Stay at Home' rules and only volunteer if they fulfil the relevant conditions as set out on the [NHS England webpage](#).
- 3.13 These students will not be considered to be working in breach of their terms of their visa and can carry out any necessary tasks required of them within this role.

## Social distancing

- 3.14 Students who are permitted to work or volunteer must follow government

guidance on social distancing and non-essential work. More information on social distancing can be found [here](#), and further guidance including in languages other than English can be found [here](#). Failure to adhere to the government guidance can result in a fine or further action being taken by the police.

## Time limits

- 3.15 The maximum length of time that a Tier 4 (General) student can be granted leave as a student for will remain the same. However, discretion may be applied by UKVI in future where any period of leave that would cause someone to exceed the limit will do so as a result of Covid-19.

## Right to rent checks

- 3.16 The 'right to rent' scheme requires landlords to check that all tenants who occupy their properties have legal status to live in the UK.
- 3.17 Right to rent checks have been adapted to make it easier for landlords to carry them out during the Covid-19 outbreak. Temporary changes mean the Home Office will not require landlords to see original documents and will allow checks to be undertaken over video calls. prospective renters are also now able to submit scanned documents, rather than originals, to show they have a right to rent.
- 3.18 If a prospective or existing tenant cannot provide any of the accepted documents, the landlord should use the Landlord Checking Service.
- 3.19 Checks continue to be necessary and it is an offence to knowingly let property to anyone who does not have legal immigration status in the UK. Once the temporary changes end, landlords will be asked to carry out the full checks on existing tenants who rented a property during the pandemic.
- 3.20 More information can be found [here](#).

## Graduate route

- 3.21 The Graduate route is still scheduled to be launched in summer 2021, as previously announced. Further information about the route will be published in due course.

## 4. Short-term study

This section gives information on:

- Switching into Tier 4 in the UK
- Permitted study
- Extending short-term study leave in the UK

### Switching into Tier 4 in the UK

- 4.1 Switching into Tier 4 from short-term routes including Visit and Short-term Study will be allowed on an exceptional basis. Applicants must still meet the other requirements of the route such as maintenance. This will be allowed until 31 May, at which point the concession will be reviewed.
- 4.2 Students applying to switch from Short-term study into Tier 4 will be able to commence the new course of study from the date of the application rather than the date the decision is made, subject to obtaining an ATAS certificate for their proposed course of studies [if required](#). The sponsor must end their sponsorship and teaching of the student if the Home Office ultimately refuses the application.
- 4.3 It is not currently possible to directly apply to the Foreign and Commonwealth Office for a new ATAS certificate due to current circumstances. If a student urgently needs to commence their studies and requires an ATAS certificate, they must email the Coronavirus Immigration Help Centre. Email: [CIH@homeoffice.gov.uk](mailto:CIH@homeoffice.gov.uk)

### Permitted study

- 4.4 Short-term students who have been given an exceptional extension of leave in this category as a result of Covid-19 will be permitted to study on a further course other than that which they originally entered the UK to undertake.

### Extending short-term study leave in the UK

- 4.5 There is no provision in the Immigration Rules to make an in country application to extend leave in the short-term study category. A person who wishes to extend their leave as a short-term student will need to make an [application for leave outside the Immigration Rules](#). Alternatively, if the person intends to study with an education provider which is a Tier 4 sponsor and willing to sponsor them, they can apply to switch into the Tier 4 category. Short-term students whose leave is due to expire before 31 May can [request a short extension of leave until 31 May](#).

## 5. Additional information on closure of Visa Application Centres (VAC) and Secure English Language Test (SELT) providers overseas

Many UK Visa Application Centres (VACs) are closed or offering limited services. For advice on visa services in your country, contact:

- [TLS contact](#) if you're in Europe, Africa and parts of the Middle East
- [VFS global](#) for all other countries

In some areas the UK cannot send visa vignettes across some borders and routes due to border restrictions.

If you have an appointment and the VAC is now closed, you'll be contacted and told your appointment will not take place.

English Testing Centres are also affected. [Visit the International English Language Testing System \(IELTS\)'s website](#) or contact your test centre for more information.

When VACs are reopened we will review the need for any concession relating to the local availability of English language testing for students who being recruited for pre-sessional courses English by Tier 4 sponsors.