

1. GENERAL

Q. What type of Student Visa do I need?

A. There is a range of student visas that vary based on the type of application you wish to make:

Tier 4 (Child) Student

You can apply as a child student if you are between 4 and 17 years old. If you are between 4 and 15 years old, you must be coming to the United Kingdom to be educated at an independent fee-paying school.

Child Visitor

You can apply as a child visitor if you are 17 years old or under and you want to come to the United Kingdom to do a course of study for up to six months.

You will not be able to switch and apply for a child student visa while you are in the United Kingdom as a child visitor. If you want to apply for a Tier 4 child student visa, you must apply from the country you live in.

Tier 4 (General) Student

You can apply as an adult student if you are coming to the United Kingdom for your post-16 education.

Student Visitor

You can apply as a student visitor if you are 18 years old or over, you want to come to the United Kingdom to do a course for up to six months, and you do not want to work while you are here.

You will not be able to switch and apply for an adult student visa while you are in the United Kingdom as a student visitor. If you want to apply for an adult student visa, you must apply from the country you live in.

Prospective Student

You can apply as a prospective student if you want to come to the United Kingdom to help you decide which course to study or if you plan to start a course of study within six months.

You will be able to switch and apply for an adult or child student visa while you are in the United Kingdom.

Q. What are the restrictions on employment for students?

A. Students may work part-time for a number of hours during term time depending on their course, and full time during vacations.

- Students following a course of degree level study or a foundation degree course can work for no more than 20 hours per week in term time;
- Students following a course of study below degree level study (excluding a foundation degree course) can work for no more than 10 hours per week in term time.

They do not have to seek approval from the UK Border Agency for such employment. “**Foundation degree**” means a programme of study which leads to a qualification awarded by a UK higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or level 8 on the Scottish Credit and Qualifications Framework.

Q. What are the restrictions on work placements for students?

A. Students may undertake work placements as part of their course, providing the work component comprises no more than 50% of their total course and is an assessed part of the course. The only exception to this 50% rule is where there is a UK statutory requirement for a course to contain a specific period of work placement that exceeds this limit.

Q. Can applications be processed in a Public Enquiry Office (PEO)?

A. Yes, students can make a Tier 4 application in person at a Public Enquiry Office in the UK although the fees are higher than making an application by post.

Q. How far in advance of the start of the course can a student apply for their visa?

A. 3 months.

Q. Will the visa have the name of the Sponsoring school written on it?

A. The "Visa", "Vignette" or "Identity Card for Foreign Nationals (ICFN)" will have the Sponsor licence number of the student's Sponsoring organisation on it.

Q. Where can I check to see if I score enough points for Tier 4?

A. You will be able to use the Points Based Calculator to check if you are likely to score enough points to qualify for Tier 4 before you make an application. The calculator can be found at:

[HTTP://WWW.UKBA.HOMEOFFICE.GOV.UK/POINTSCALCULATOR](http://www.ukba.homeoffice.gov.uk/pointscalculator)

Q. What are the most common reasons for a Tier 4 application being refused?

A. The most common reasons are:

- Maintenance requirements not being satisfied
- No CAS submitted with the application
- Incorrect fees
- Original supporting documents not provided or not translated
- There is more than one month between the end of the current grant of leave and the start of the new course (this applies to in-country applications)
- Where switching into Tier 4 is not allowed from an applicant's previous immigration route.

2. MAINTENANCE FOR ADULT STUDENTS

Q. Can parents or legal guardians provide money for adult students?

NOT PROTECTIVELY MARKED

A Tier 4 (General) Students may give evidence of having the required maintenance (funds) for their course fees and living costs using money held by one of the student's parent(s)/ legal guardian(s).

The specified original legal documentation (or a notarised copy) establishing the relationship must be provided with the application, which must include one of:

- The applicant's birth certificate, showing name of the parent(s) showing the funds;
- Certificate of adoption showing the name of the student and the parent(s) showing the funds;
- Court document stating the name of the legal guardian(s) of the named student showing the funds.

and

Students must also provide an original signed and dated letter from the parent(s) or legal guardian showing the funds when they submit their application form, confirming

- the relationship between the parent(s)/legal guardian(s) and the named student; and
- that the parent(s) or legal guardian(s) have given their consent to the funds being available to the student for study in the UK

Q. I understand maintenance varies if I am studying within London. What areas do you consider as within London?

A. We consider London to be the following boroughs; Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham, Southwark, Tower Hamlets, Wandsworth, and Westminster.

Q. When does the maintenance / funds assessment take place?

A. When the Student applicant requests Entry Clearance or Leave to Remain.

Q. Why is it necessary for dependants to meet the maintenance requirement?

A. One of the requirements for family members of Points Based System students is that they must be able to support themselves for the entire duration of their stay in the United Kingdom without needing help from public funds (for example benefits provided by the state). If they cannot, they could face financial hardship because they will not have access to most state benefits.

Q. What if I want to use a joint account as proof?

A. The applicant must be named on the account along with one or more other people.

3. MAINTENANCE FOR CHILD STUDENTS

Q. Can the accompanying parents or guardians of Child Students work in the UK?

NOT PROTECTIVELY MARKED

A. Usually no - unless they are of a different nationality that allows them to do so. For example an EEA national who has no restriction on work in the UK. Alternatively they might have leave in their own right that allows them to work.

Q. Will account be taken of students who have already paid large proportions of their accommodation costs when consideration is made as to whether they meet the Maintenance test?

A. We are aware that some students will have been required to pay some or all of the fees for their course and accommodation before they enter the UK. Arrangements have been built into the guidance and application forms to accommodate such pre-paid fees.

4. ENGLISH LANGUAGE

Q. How should students coming to the UK to follow an English Language course demonstrate that their English language skills are at the appropriate level?

A. Students studying English must be studying at Level B2 of the European Common Framework of Reference (CEFR) for Language. This was raised from level A2 to B2 level on 3 March 2010. The only exceptions to this are for overseas Government sponsored students and those on unconditional pre-session courses as a preparation for a full degree course. In terms of pre-course assessment, it is the responsibility of the Sponsor to ensure and demonstrate to us that the sponsor has assessed that the potential student is suitably qualified (i.e. the potential student's English language proficiency is already at level B1) to undertake and complete the course.

Q. How should complete beginners in English apply to come to the UK?

A. Beginners may apply for a student visitor visa to study courses below level B2, for a maximum of 6 months and with no entitlement to work. Such students have no proven track record and so it is right that they come under this route where ECOs can still apply intentions tests. The student visitor visa is not part of Tier 4.

Q. Will students coming to the UK to follow courses that are not English language courses have to demonstrate that they have English language skills?

A. We will expect sponsors of students who are following courses that are below degree level (except students on foundation degree courses) to demonstrate to us that they have tested the student's English language ability, and that the sponsor is satisfied that the student is at or above CEFR level B1. If the sponsor's own requirements are for a higher level of English language ability than B1 the student must meet the sponsor's requirements, but the sponsor must still demonstrate to us that they have tested the student's English language ability to CEFR level B1 or above.

Q. Why has the standard been set at NQF level 3 for adults?

A. The UK Border Agency has worked closely with representatives from both the private and public education sector to ensure that Tier 4 is pitched at the correct level. We believe it is right to expect that those who come to the UK to study as adults have already completed their basic education. Students studying an English language course are required to study courses at CEFR level B2. Students coming for courses below this level can apply in the student visitor route.

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Q. Why do visas issued under the Student Visitor Route only last 6 months?

A. The Student visitor route is designed to accommodate short periods of study. Students wishing to pursue longer courses need to do so through Tier 4 of PBS where they qualify.

5. PRE-SESSIONAL COURSES

Q. Will students require separate Confirmations of Acceptance for Studies (CAS) for a pre-sessional course?

A. Where a Tier 4 student will attend a pre-sessional course prior to starting their main course of study, they may be able to apply for a single grant of leave, if:

- the pre-sessional provider is the same as the provider for their main course; or
- the pre-sessional provider is named as a 'branch' on the main provider's Sponsor licence; and
- the student's main course of study is not conditional upon them successfully completing the pre-sessional course.

If the potential Student's main course of study is based on a conditional offer, they need to apply for leave for the duration of the course to prepare them for study first. If they successfully finish that course, they should apply for a new period of leave to continue their studies on a full-time course while inside the United Kingdom. If the course to prepare them for study is below the acceptable level, they may want to apply under a different immigration route. It is not possible to switch into the adult or Child student category if they are in the United Kingdom as a Child visitor or student visitor. They must leave at the end of their course and apply from outside the United Kingdom.

6. SWITCHING

Q. What Tiers can migrants switch to or from Tier 4?

A. Switching into Tier 4 is only possible from the following categories or their predecessor routes.

- Tier 1 – Highly Skilled (Post Study Work Only)
- Tier 2 – Skilled Workers
- Tier 2 – Skilled Workers (Intra-Company Transfers)
- Tier 2 – Skilled Workers (Minister of Religion)

Switching from Tier 4 – General Students is only possible into one of the following categories.

- Tier 1 – All Highly Skilled Sub-Categories
- Tier 2 – Skilled Workers
- Tier 2 – Skilled Workers (Minister of Religion)

Switching from Tier 4 – Child Students is only possible into one of the following categories

- Tier 4 – General Students

Q. If a Potential Student is already in the UK on a Training and Work Experience visa can they switch into Tier 4?

A. No. In order to apply under Tier 4, they would have to leave the UK and make an application from overseas. However, it should be noted that the two year wait period which was in place under the old system has been removed under PBS.

Q. Can someone switch from Tier 1 Post-Study to Tier 4 and then back again to Tier 1 Post-Study?

A. No, post-study leave can only be obtained once.

Q. If a student switched course in-country at the same educational establishment would this require a new CAS or would the previous CAS be amended?

A. Switching courses within the same institution does not require a new CAS or fresh application to the UK Border Agency. The student does not need to get permission from us if they have enough time left in their permission to stay and want to do a different course of study with the same education provider. Education providers (Sponsors) should tell us that the student has changed course. If the new course is shorter than the course the student got their permission to stay for, they must tell us by contacting:

MIGRANTREPORTING@UKBA.GSI.GOV.UK

7. LENGTH OF LEAVE

Q. How long will the UK Border Agency allow at the end of a grant of leave for students to obtain results and attend graduation ceremonies etc?

A. The duration we permit a student to remain in the UK after the end of their course depends on what they have been studying:

Type of Course	Length of Course	Length of stay
Degree level or above	12 months +	Full length of course & <u>four months</u>
Degree level or above	Six months +, less than 12m	Full length of course & <u>two months</u>
Pre-sessional Course	Less than six months	Full length of course & <u>seven days</u>
Short Course	Less than six months	Full length of course & <u>seven days</u>
Below Degree level	12 months +	Full length of course & <u>four months</u>
Below Degree level	Six months +, less than 12m	Full length of course & <u>two months</u>
Post grad docs/dents	Max of 3 years	Full length of course & <u>one month</u>

Q. Are there any changes to the start dates for student visas? When can the students travel once they have obtained their visa?

A. If they are doing a course that is six months or more, or it is a course to prepare them for study (known as a pre-sessional course) that is less than six months, they will be able to come to the United Kingdom up to one month before the date they start the course.

If they are doing a course that is less than six months and is not a course to prepare them for study, they will be able to come to the United Kingdom up to seven days before the date they start the course they are studying.

NOT PROTECTIVELY MARKED

Q. If a student is given a student visa, enters the UK and falls ill and has to return home, what is the process when the student wants to re-enter?

A. This depends on a number of factors, including the length of the absence, and whether or not the absence was authorised by the Sponsor. In the case of authorised absence, the student can re-enter the UK using their existing visa. If the student must defer their studies, they will need to make a fresh application when they wish to return.

8. CHANGING INSTITUTIONS/COURSES

Q. What happens if a student arrives to study on one course but then decides to move to another?

A. If a student wishes to change sponsor they must make a new application to the UK Border Agency if they last applied for leave on or after 5 October 2009. A student will not be permitted to commence study at the new institution until he/she has received a decision on the outcome of the application. This power stems from Section 50 of Borders Citizenship and Immigration Act 2009 and was incorporated into the Immigration Rules from 5 October 2009.

Q. Can a student who last applied for leave on or after 5 October 2009 start at their new institution at their own risk before they receive a decision from the UK Border Agency?

A. No they cannot. The UK Border Agency will make every effort to ensure that applications from students wishing to change institution are considered within our published service standard, to allow them to move to the new institution as quickly as possible.

Q. I wanted to change education provider and submitted a new Tier 4 application for this purpose. My application was refused; can I continue to study at my original education provider?

A. You will be permitted to stay with your original education provider providing you have current leave for that purpose, unless we inform you otherwise in the refusal letter.

Q. I hold a Tier 4 visa, and sent an email to the migrant reporting mailbox but have not received my permissions letter. Can I commence study with my new education provider before I receive this?

A. If a student who last applied for leave before 5 October 2009 has told us about changing their Tier 4 sponsor, they can start the new course before they get permission, but they do so at their own risk as we could refuse permission. We will send a letter saying we have received the request to change Tier 4 sponsor. Under the immigration rules, we can limit a student's permission to stay as a student if they change education provider without permission. For students who last applied for leave on or after 5 October 2009, they must make a fresh application to us to vary their leave, and should await the decision before commencing studying with the new sponsor.

Q. I submitted an email to the migrant reporting mailbox requesting to change education provider. They have advised me that I must submit a Tier 4 application. I have friends who have been able to change education provider on receipt of a permissions letter, why do I have to submit and pay for a new Tier 4 visa?

A. The advice offered in these circumstances is dependent on the date the student submitted their Tier 4 visa application. Those students who applied for their Tier 4 visa before 5 October 2009 will be required only to obtain a permissions letter. Those who applied on or after 5 October 2009 are required to apply and pay for a new Tier 4 visa.

Q. What do I do if I change course but stay with the same education provider?

A. Students do not need to get permission from us if they have enough time left in their permission to stay and want to do a different course of study with their Tier 4 sponsor. The Tier 4 sponsor will have to tell us that they have changed course. If the student's new course is shorter than the course they were issued the visa form, the student must advise us of this by email. The email address for this purpose is: migrantreporting@ukba.gsi.gov.uk

Q. If I have dependants, how will they be affected by the change in policy?

A. Tier 4 (General) students who will be studying in the UK for **six months or less** cannot bring their partners and/or children (also known as dependants) to the United Kingdom with them.

Tier 4 (General) students who will be studying in the UK for **longer than six months** can bring their partners and/or children (also known as dependants) to the United Kingdom with them. Any partners or children who want to come to the United Kingdom with a student must make an application under the points based system dependants rules. Dependants will only be granted permission to work in the UK if the student will be following a foundation degree course, or a course at degree level. The points based system dependants guidance provides more information on this and can be found on our website at: www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants.

Dependants of Tier 4 migrants who are not given permission to work because the student is following a course of study that is below degree level (but which is not a foundation degree), and who qualify in their own right under Tier 1 (General) as a highly skilled migrant or as a skilled worker under Tier 2 (General), sportsperson or Minister of Religion will be able to apply to enter these categories in the UK.

The policy on Tier 4 (Child) students is not changed. They are not able to bring dependants into the UK.

12. 16 – 18 YEAR OLDS

Q. Which category do 16 and 17 year students fall under?

A. 16 and 17 year olds studying courses below NQF level 3 (typically GCSEs) may do so as Child Students only. They will need to be studying either at an independent school or a publicly funded Further Education College or a private college with the appropriate safeguards in place to be able to teach minors.

16 and 17 year olds studying courses at NQF level 3 or above will have a choice of whether they obtain a Child or General Student visa. Where, exceptionally, a 16 or 17 year old is enrolled on such a course at a Higher Education Institution they should obtain a General Student visa.

The number of hours 16-17 year olds on a Child Student visa will be able to work has been reduced to 10 hours per week term-time, and full-time during vacations.

Q. Can a student study GCSEs and move on to A-levels within the same grant of leave?

A. A student may commit to come for four years to do both GCSEs and A levels but there is no guarantee that they will obtain the GCSE grades to study A levels. A levels and GCSEs are two separate courses and we only grant leave for one course at a time. Such students may be granted two years leave and will need to seek an extension for the next two years.

Q. Do they have to re-qualify with the same 40 points to be eligible for application?

A. Yes.

Q. May they apply in-country or do they have to do this from their home country?

A. They can apply in-country (from within the United Kingdom) or from their home country.

Q. Should pupils who will be 19 when they take their A levels apply as General Students?

A. The key factor is the age of the student when they make their Tier 4 application. If they will be under 18 on the date of application they can be either a Child or a General Student depending on what suits them best.

13. CONFIRMATIONS OF ACCEPTANCE FOR STUDIES (CAS)

Q. What are Confirmations of Acceptance for Studies (CAS)?

A. A CAS is a unique reference number that has replaced Visa Letters for all Tier 4 applications. Sponsors will provide students with a CAS number to quote on their application form. The number will be generated by the sponsor using the Sponsorship Management System. Sponsors must also provide applicants with a list of documents

Q. What are the timescales from a student being issued the CAS to them applying for entry clearance?

A. This is entirely up to the student. However, a CAS expires after six months so if the Entry Clearance application is not made within six months of receiving the CAS from the Sponsor the student will need a new CAS.

Q. When should the CAS be issued – conditional offer or unconditional offer stage?

A. A CAS must only be issued at unconditional offer stage.