

# European Migration Network: Immigration of International Students to the EU: Empirical evidence and current policy practice



Home Office

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Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled European Migration Network (EMN) Focused Study. The contributing EMN National Contact Points have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN National Contact Point’s Member State.

# Glossary

APPG	All-Party Parliamentary Group (on migration)
BIS	Department for Business, Innovation and Skills
CAS	Confirmation of Acceptance for Study
CEFR	Common European Framework of Reference for Languages
EEA	European Economic Area
FCO	Foreign and Commonwealth Office
FE	Further education
HE	Higher education
HEI	Higher education institution
HESA	Higher Education Statistics Agency
HO	Home Office
HTS	Highly Trusted Sponsor
ISCED	International Standard Classification of Education
ITN	Initial Training Network (Marie Curie fellowship)
JET	Joint Education Taskforce
MAC	Migration Advisory Committee
MP	Member of Parliament
MS	Member State
NCP	National Contact Point
NQF	National Qualifications Framework
PBS	Points-Based System
PS	Pre-sessional (courses)
PSW	Post-study work (route)
UKBA	UK Border Agency
UKCISA	UK Council for International Student Affairs
UKNARIC	UK National Academic Recognition Information Centre
SELT	Secure English Language Test
T4	Tier 4

# Executive summary

- International students from outside the European Economic Area (EEA) and Switzerland can enter the UK through two routes depending on the length of the course and what they will be studying: Tier 4 (T4) (general) student visa; or student visitor visa. T4 includes both students at higher education institutions (HEIs) and students studying outside the HE sector. To be granted a T4 student visa, prospective students must be accepted by a T4 sponsor. Students must then meet certain criteria to obtain entry clearance, such as being proficient in English language and having enough maintenance funds to support themselves. EU students coming to study in the UK do not require a visa to study in the UK under the Freedom of Movement Directive.
- International students have no recourse to public funds but some can work limited hours during their studies. Working entitlements are differentiated depending on level of study and type of institution.
- The student immigration route is designed to be a temporary one; students must return home after completing their studies. The exceptions to this are if a student obtains a Tier 2 visa after their studies by securing a skilled job with a minimum salary of £20,000 or if the student qualifies under the new Tier 1 (graduate) entrepreneur route.

## MEASURES TO ATTRACT INTERNATIONAL STUDENTS FROM OUTSIDE THE EUROPEAN ECONOMIC AREA

The UK offers some competitive funding for high-quality non-EEA students to come and study in the UK, and offers approximately 1,800 government-funded places for postgraduate students each year.

## MISUSE OF THE STUDENT IMMIGRATION SYSTEM

Home Office (HO) research indicates that, in the past, there has been significant abuse of the student migration route. This has been most notable in privately-funded colleges in the further education (FE) sector. For example, in a UK Border Agency (UKBA) study of over 5,500 international students, 14 per cent of those enrolled in non-university institutions were found to be potentially non-compliant (Home Office, 2010; UK Border Agency, 2010b). Some pre-arrival abuse of the student immigration route has also been identified. For example, T4 applications were responsible for 41 per cent of all forgery detections in applications for visas made in 2010, compared with 27 per cent from visit visas and 3 per cent for Tier 1 (UK Border Agency, 2011a).

- Recent policy changes have been designed to address and overcome misuse of the student route, including:
  - limiting dependant rights to postgraduate and government-sponsored students;
  - limiting working rights;
  - higher English language requirements with a minimum of B1 CEFR<sup>1</sup> for National Qualifications Framework (NQF) 3 study;
  - higher maintenance fund requirements;
  - having a maximum duration of stay as a student in the UK;
  - introducing a requirement of academic progression; and
  - requiring T4 sponsors to obtain Highly Trusted Sponsor (HTS) status and educational oversight.

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1 Common European Framework of Reference for Languages.

## **IMPACTS OF INTERNATIONAL STUDENTS**

- Student immigration has been estimated to contribute £2.2 billion in tuition fees in 2008/09 to HEIs (UK Border Agency, 2010a, p 3; Department for Business, Innovation and Skills, 2011, p 28). Aside from tuition fees, it was estimated that international students generate a further £2.3 billion in local economies (Universities UK, 2009; Hansard, 2011, c389W).
- The Home Office is currently reviewing its impact assessment on recent changes to student visa policy, taking into account advice from the independent Migration Advisory Committee that such assessments should be based on a number of factors. These factors include total welfare of the resident population, taking into account impacts on employment and employability of UK workers; net public finance and public service impact of migrants; and congestion impacts (Migration Advisory Committee, 2012).

# 1. Introduction: Scope, definitions and methodology

This report aims to provide an overview of student immigration policy in the UK and the evidence that has instigated recent policy change.

## 1.1 SCOPE AND DEFINITIONS

The conditions of admission for non-EU students to study in EU Member States are regulated by Council Directive 2004/114/EC for those Member States that are signatories. The UK is not bound by this Directive, and is therefore not regulated by these conditions. The UK does not participate in the issue of EU visa for third country nationals because it is not a full Schengen<sup>2</sup> member. Instead UK visas are governed by UK domestic legislation.

The study focuses on students arriving in the UK from third countries, since EEA citizens (citizens of EU Member States plus citizens of Iceland, Liechtenstein and Norway), and citizens of Switzerland, are entitled to visa-free travel within the EU. Therefore this report is concerned with students arriving in the UK from outside the EEA and Switzerland.

This report is also only concerned with the post-compulsory education sectors. Post-compulsory education begins at age 16 in the UK and comprises two stages.

- Further education (FE): Education below degree level for people who are 16 and older. Qualifications attained are needed for entering HE. FE includes level 3 on the National Qualifications Framework (NQF)<sup>3</sup> and levels 3–4 on the International Standard Classification of Education (ISCED).
- HE: Education at a college or a university, typically for ages 18+. HE includes level 4 of the NQF, and level 5 of the ISCED. HE includes students undertaking a bachelor or master degree (ISCED level 5) and doctorate degrees leading to a PhD (ISCED level 6).<sup>4</sup>

Students undertaking research specifically for a doctoral degree do not require a work permit but must apply for a student visa and are therefore included in the scope of this report.

Data and information on international students taking up FE courses (ISCED level 3) and English language courses (which are not classified on the ISCED) are included because a significant proportion of international students undertake below degree-level courses, approximately 41 per cent of all international students in the UK (UK Border Agency, 2010b), and much of the misuse of the student immigration system has occurred in the private FE sector (see Chapter 6.1). This report includes data on non-EEA student immigration to the UK over the period 2006 to 2012.

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2 By the Schengen Agreement Belgium, France, Germany, Luxembourg and the Netherlands agreed that they would gradually remove controls at their common borders and introduce freedom of movement for all nationals of the signatory Member States, other Member States or third countries. The UK chose not to opt-in to the border and visa elements of the Schengen Agreement, and therefore preserves its own national borders and visa policy.

3 The NQF sets out the level at which a qualification can be recognised in England, Northern Ireland and Wales.

4 The ISCED set up by the UN Educational, Scientific and Cultural Organization (UNESCO) classifies education levels into six levels to facilitate comparisons of education statistics and indicators across countries.

## **1.2 METHODOLOGY**

This study was compiled and written by staff in the European Migration Network (EMN) UK National Contact Point (NCP) based in the UK. Where quantitative evidence is needed statistical sources have been used. These include data from the Higher Education Statistics Agency (HESA), visa admissions, and large-scale national surveys, such as the Labour Force Survey (LFS) and the International Passenger Survey (IPS).

The study was primarily based on desk research, including analysis of secondary sources. Key sources of information for this report include the Department for Business, Innovation and Skills (BIS), Foreign and Commonwealth Office (FCO), UKBA and HO public websites, the HO intranet and published reports and research. Wider literature from key academic sources and stakeholders were used where relevant.

In addition to written sources, policy and operational colleagues from across UKBA, HO, FCO and BIS provided information and clarification on policies and procedures. Other stakeholders, such as the British Council, UK Council for International Student Affairs (UKCISA), and UK Research Office in Brussels, also provided input where appropriate.



# Part A: UK student immigration policy

## 2. International students: Policy

### 2.1 NATIONAL IMMIGRATION STRATEGY

Student immigration has been part of the substantial increase in immigration to the UK, with immigration for the purposes of study increasing from 114,000 in 2006 to 181,000 in 2010 and accounting for 60 per cent of total non-EU migration to Britain in 2010.

Non-compliance by international students and sponsors has informed recent policy changes see Chapter 6.1. The Government has acted to strengthen the student route against abuse, increasing the selectivity of the system to ensure that the students accepted into the UK to study are the brightest and the best, and raising the quality of educational sponsors (HM Government, 2010, p 21; Home Office, 2011a, p 9).

### 2.2 STUDENT IMMIGRATION POLICY

Since 2008 the UK has operated a Points-Based System (PBS) to manage entry of third country nationals for the purposes of work and study. The PBS comprises five Tiers and is the primary non-visit visa route for migrants coming to the UK. The principle of responsible sponsorship is at the heart of the PBS.

Tier 4 (T4) was introduced in March 2008 and is the primary route for international students. All international students undertaking post-compulsory courses that last longer than six months must obtain a T4 (general) visa.<sup>5</sup> International students aged 16 or 17 can apply for a T4 (child) visa. International students undertaking short courses (six months) may enter the UK under a student visitor visa.

At the time of writing (July 2012), in order to qualify a student migrant must obtain 40 points in the UK Border Agency's (UKBA's) point assessment. A student can obtain 30 points for having a valid Confirmation of Acceptance for Study (CAS), which an applicant gets for studying a course at an acceptable level with an approved education provider (also known as a "T4 sponsor"<sup>6</sup>), and for having acceptable English language skills. The other ten points needed for obtaining a T4 (general) student visa are acquired through access to sufficient funds (also known as maintenance or funds) to cover the student's course fees and living costs for a defined period of time. In addition, the applicant must speak English at an appropriate level, and the Entry Clearance Officer assessing the application must be satisfied that s/he is a genuine student.

### 2.3 POLICY AND OPERATIONAL PARTNERS

The Home Office (HO) is the lead government department in developing immigration and asylum policy. UKBA is an agency of the HO responsible for protecting the UK border, including maintaining controls at the port of entry, preventing illegal entry and securing compliance within the conditions imposed on individuals. The Department for Business, Innovation and Skills (BIS) is responsible for developing FE and HE policies in the UK. For the other relevant stakeholders, actors and their role in developing student immigration policy see Appendix A.

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5 If the student is 16 or 17 years old and studying a course at or above National Qualifications Framework (NQF) level 3, the student and his/her sponsor can agree whether the student applies as a T4 (general) student or a T4 (child) student. If the student is 16 or 17 and wishing to study English as a foreign language, then they must obtain a T4 (child) student visa.

6 A sponsor is an institution or employer that acts as a guarantor for the migrant, ensuring that they meet their visa terms and conditions.

## **2.4 NON-GOVERNMENT ORGANISATIONS AND DEBATES**

### **2.4.1 Non-government actors**

The Government held a national consultation on the student immigration route, which ran from December 2010 to January 2011. The consultation generated over 30,000 responses from the education sector. The consultation addressed concerns about abuses of the student visa system, particularly in the private FE sector (Gower, 2011). A number of proposals were made and have since been brought into effect (see Chapters 6.2 and 7.2 for policy changes).

## **2.5 DATA ON STUDENT IMMIGRATION**

### **2.5.1 People coming in (flows)**

There are a number of different measures that can be used to give an idea of immigration of international students to the UK for the purposes of study. These include issuances of visas, surveys taken at the border, figures on passenger arrivals and the number of out of country applications. These various statistics and research can appear to offer different conclusions on student immigration. This can be because the latest data for different measures cover different time periods. In addition, they also count different aspects of the immigration process, with some showing intentions or permissions, while others show actual events. All figures include main applicants and dependants unless otherwise stated.

### **Home Office Immigration Statistics – visas**

Before travelling to the UK for study, a person may be required to apply for and be issued with an entry clearance visa, depending on their nationality. The figures of entry clearance visas issued show intentions to visit rather than actual arrivals, and individuals can arrive at any time during the period that the visa is valid. Entry clearance visa data therefore provide an indication of the number of people who have an intention to enter the UK.<sup>7</sup>

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<sup>7</sup> Entry clearance visa figures are available on a more timely basis than admissions of passengers given leave to enter and estimates from the Office for National Statistics on long-term international migration. The number of entry clearance visas issued is an indicator of the level of immigration of non-EEA nationals.

**Table 1:** Entry clearance visas, applications and resolution for study categories, all nationalities, 2006–2011

Year	Applications	Total Decisions*	Issued		Refused	
			Number	%	Number	%
2006	333,037	329,466	234,329	71	93,084	28
2007	346,454	346,756	246,196	71	98,266	28
2008	393,608	383,118	274,215	72	106,386	28
2009	474,243	459,838	341,070	74	110,744	24
2010	425,628	449,323	334,737	74	98,664	22
2011	385,186	392,022	322,653	82	63,574	16

Source: Home Office, Immigration Statistics January–March 2012

\* Decisions include issued, refused, withdrawn and lapsed. Latter two categories not shown here for ease of understanding.

Figures include EEA and Swiss nationals. These nationalities account for small numbers, e.g. in 2011, 21 study visas were issued to EEA and Swiss nationals.

Applications for visas in the study category reached a peak in 2009 when 474,000 applications were received. Since then the number of applications has decreased to around 385,000. The proportion of applications resulting in issuance of a study visa has increased from 71 per cent in 2006 to 82 per cent in 2011.

**Table 2:** Entry clearance visas issued, by category, all nationalities, 2006–2011

Type	Total		Work		Study		Family route		Dependants joining/ accompanying		Other	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
2006	2,228,267	100%	249,635	11%	234,329	11%	70,119	3%	27,559	1%	1,646,625	74%
2007	2,062,647	100%	205,826	10%	246,196	12%	64,389	3%	42,088	2%	1,504,148	73%
2008	1,954,623	100%	184,712	9%	274,215	14%	53,545	3%	41,460	2%	1,400,691	72%
2009	1,995,389	100%	155,691	8%	341,070	17%	49,474	2%	17,481	1%	1,431,673	72%
2010	2,144,684	100%	160,743	7%	334,737	16%	53,717	3%	15,359	1%	1,580,128	74%
2011	2,272,371	100%	149,181	7%	322,653	14%	45,697	2%	14,146	1%	1,740,694	77%

Source: Home Office, Immigration Statistics January–March 2012.

Figures include EEA and Swiss nationals. These nationalities account for small numbers, e.g. in 2011, 21 study visas were issued to EEA and Swiss nationals.

From 2006 to 2011 the proportion of visas issued to students increased from 11 per cent of all visas to 14 per cent. From 2006 to 2009 the number of visas issued for the purpose of study increased by 107,000 (an increase of 46%). In 2009 the number of visas issued for study reached a peak at 341,000. From 2009 to 2011, visas issued for the purpose of study decreased by 18,417 (5%). In 2011, study made up 14 per cent (323,000) of visas issued for all reasons, compared with 7 per cent issued for work reasons, 2 per cent issued for family reasons and 77 per cent issued for other reasons (including visit visas).

Of the 323,000 visas issued in 2011 for study, around one-fifth (19%, 61,000) were student visitor visas. These visas are valid for six months from the point of issue. Therefore, people entering the UK on a student visit visa would not be captured in the Office for National Statistics (ONS) International Passenger Survey (IPS) definition of a long-term migrant.

**Table 3:** Entry clearance visas issued in 2011 for study, by country of nationality (excluding student visitors), main applicants only

Country of nationality	Study (excluding visitors and dependants) total	
	Number	%
<b>Total*</b>	236,961	100
China (see note)	52,032	22
Pakistan	32,576	14
India	29,972	13
United States	14,004	6
Nigeria	10,901	5
Hong Kong	7,231	3
Malaysia	6,801	3
Bangladesh	5,666	2
Saudi Arabia	5,259	2
Korea (South)	4,877	2

Source: Home Office, Immigration Statistics January – March 2012

Note: China excludes Hong Kong

\*The total figure includes EEA and Swiss nationals. These nationalities account for small numbers, e.g. in 2011, 21 study visas were issued to EEA and Swiss nationals.

Of the 237,000 visas issued for study to main applicants in 2011, the most common countries of nationality for student visas were China (52,000; 22%), Pakistan (33,000; 14%) and India (30,000; 13%), collectively accounting for almost one-half of all visas issued in that year. Students from China, India and Pakistan have been the most common countries for student visas since 2008.

### **Office for National Statistics, International Passenger Survey estimates of long-term migration**

The IPS provides estimates of long-term international migration, including both inflows and outflows.<sup>8</sup> The IPS is a voluntary sample survey conducted at air and sea borders and the Channel Tunnel. The resultant figures are grossed up by weighting factors dependent on route and time of year, and are therefore estimates, not exact counts.

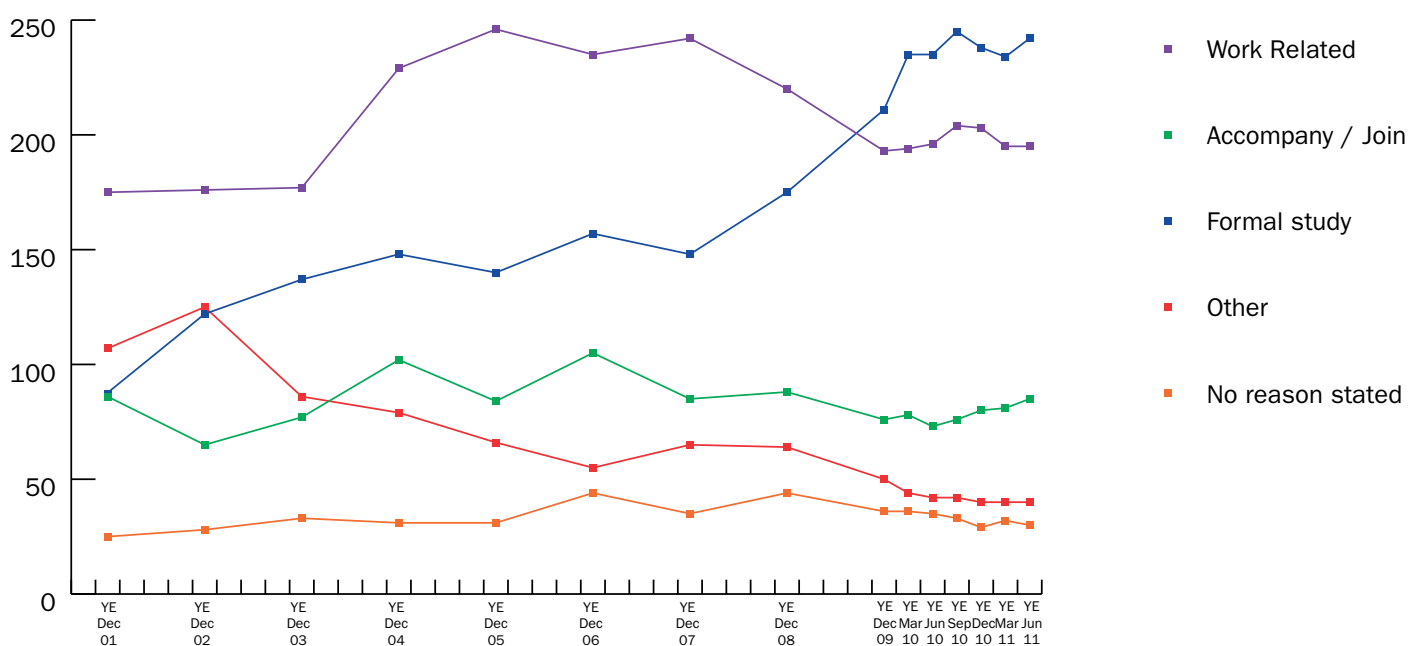
<sup>8</sup> 'Long-term' is defined using the UN standard. That is, a migrant is someone who changes his or her country of usual residence for a period of at least a year, so that the country of destination effectively becomes the country of usual residence.

**Table 4:** Estimates of long-term international migration to the UK of non-EU citizens, 2006–2010

Year	Study ('000s)	All ('000s)
	Estimate	Estimate
2006	114	315
2007	104	283
2008	126	278
2009	155	280
2010	181	304

Source: Office for National Statistics, International Passenger Survey

**Figure 1:** Long-term international immigration to the UK, by main reason for migration, 2001–2011



Rolling year (YE = Year Ending, p Year includes provisional estimates for 2011)

Long-Term International Migration estimates by reason for migration are only available for calendar years up to YE Dec 2009

Source: Office for National Statistics, International Passenger Survey

From 2006 to 2010 the number of non-EU citizens coming to the UK for study for a period of a year or more increased by 59 per cent (67,000), despite a small drop in 2007. Conversely, from 2006 to 2010 non-EU citizens coming for all reasons decreased by 3 per cent (11,000). In 2010 non-EU citizens migrating to the UK for the purposes of study accounted for 60 per cent of migration of all non-EU citizens. This proportion has risen steadily since 2006 when the proportion stood at 36 per cent.<sup>9</sup>

## HOME OFFICE IMMIGRATION STATISTICS – ADMISSIONS

Figures on admissions show the number of journeys made by people entering the UK, for those subject to immigration controls. Therefore the figures do not cover British, other EEA and Swiss nationals. Where an individual enters the country more than once, each arrival is counted. Due to the volume of passengers arriving at Heathrow and Gatwick airports some data are estimated from monthly samples.

**Table 5:** Passengers given leave to enter the UK, by purpose of journey, 2006–2010

	Total (all reasons)		Study		Total (excluding transit and visitors)	
	Number ('000s)	% of total	Number ('000s)	% of total	Number ('000s)	% of total (excluding transit and visitors)
2006	12,900	3	326	3	3,920	8
2007	12,800	3	367	3	3,980	9
2008	12,400	3	384	3	4,120	9
2009	12,300	4	489	4	4,260	11
2010	12,500	4	535	4	4,340	12

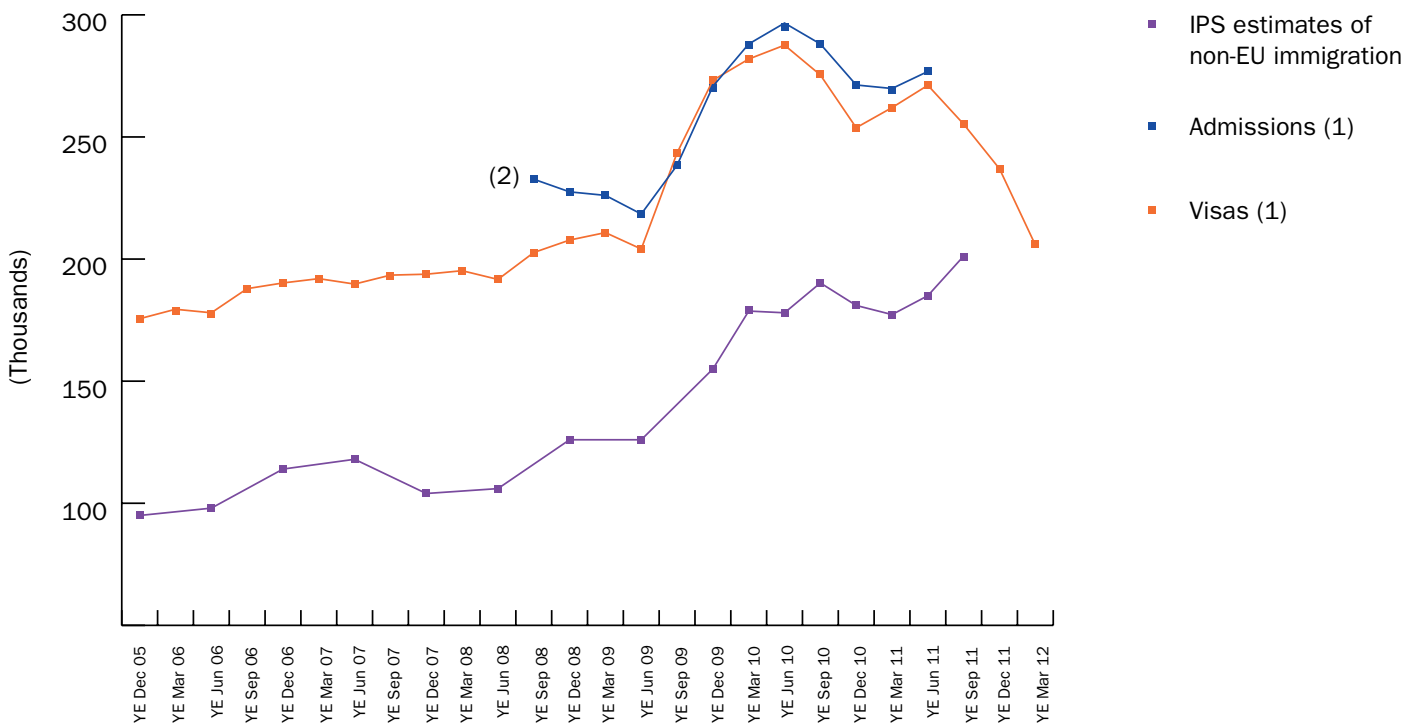
Source: Home Office, Immigration Statistics January–March 2012

While the total number of arrivals to the UK remained roughly constant from 2006 to 2010, since 2006 the estimated number of non-EEA passengers arriving for the purposes of study increased by 64 per cent (209,000), consistent with the rise seen in the IPS figures and the visa data. As a proportion of all reasons, study accounted for 4 per cent (535,000) in 2010; however these figures include large visitor numbers coming to the UK. Excluding visitors and passengers in transit, passengers arriving for study accounted for 12 per cent of all arrivals in 2010.

<sup>9</sup> Data are only available up to year ending (YE) June 2011, therefore there are no full year 2011 data available at the time of writing (July 2012).

While there are a number of measures of immigration to the UK (for the purposes of study), they all tell a similar story since 2006. **The number of non-EU students coming to the UK for study increased steadily from 2006 to 2009.** Visa data show intentions to come to the UK and are more timely than admissions or IPS data. Visas issued for the purposes of study peaked in 2009. **Since 2009 visas issued for the purposes of study and visa applications for study have decreased.**

**Figure 2:** Migration for purposes of study, by type of data, 2005–12



Source: Home Office, Immigration Statistics January–March 2012

(1) Excludes dependants and student visitors for greater consistency with non-EU immigration estimates based on the International Passenger Survey

(2) For periods prior to the year ending September 2008, the count of student arrivals is not comparable with student visas issued. This is because student arrival numbers include short-term students that can be excluded from the visa time series.

The above chart shows that IPS estimates are substantially lower, due to excluding those who intend to stay for less than one year, but follow a broadly similar trend to student visas issued and passenger arrivals, with increases in all three series during 2009.

The UK does not count people who exit the UK. However, as e-borders coverage expands the UK will be able to collect data on exits.

## 2.5.2 People here already (stocks)

The UK does not have a population register and does not count people out of the country. Therefore data collected by the Higher Education Statistics Agency (HESA) are used to give an idea of the size of the non-EU HE student population. The HESA student record covers all students registered at UK higher education institutions (HEIs) (therefore does not collect data for FE courses) following courses that lead to the award of a qualification, excluding those registered as studying wholly overseas. The student record counts instances of engagement,<sup>10</sup> not people, with the UK HE sector and therefore it will exceed the number of students.

**Table 6:** Students at UK higher education institutions, by domicile, 2009/10 and 2010/11

Domicile	2009/10	2010/11	% change
UK	2,087,615	2,073,070	-0.70
Non-UK	405,805	428,225	5.50
Other EU	125,045	130,120	4.10
Non-EU	280,760	298,110	6.20
Total	2,493,415	2,501,295	0.30

Source: HESA Students in Higher Education Institutions 2009/10, 2010/11

From 2009/10 to 2010/11 the number of non-EU students enrolled at UK HEIs increased by 6 per cent (17,000). In 2010/11 students from outside the EU comprised 12 per cent of all students at UK HEIs. The main policy changes were brought into effect in summer 2011 and spring 2012, therefore the impact of these policy changes on the stock of international students attending HEIs in the academic years 2011/12 and 2012/13 is not fully known at the time of writing.

<sup>10</sup> The data specification of the record uses the term 'instance' to describe a student's engagement with the institution, which, because a student can have more than one instance of engagement, will exceed the number of students.

Note: The term 'non-EU' domicile refers to those whose normal residence prior to commencing their programme of study was outside the EU.



**Table 7:** Top ten non-EU of domicile in 2009/10 and 2010/11 for higher education students in UK higher education institutions

Country of domicile	2009/10	2010/11	% change
China	56,990	67,325	18.10
India	38,500	39,090	1.50
Nigeria	16,680	17,585	5.40
United States	15,060	15,555	3.30
Malaysia	14,060	13,900	-1.10
Hong Kong	9,945	10,440	4.90
Saudi Arabia	8,340	10,270	23.10
Pakistan	9,815	10,185	3.70
Thailand	5,505	5,945	8.00
Canada	5,575	5,905	5.90
All other non-EU countries	100,290	101,915	1.60
<b>Total non-EU domicile</b>	<b>280,760</b>	<b>298,110</b>	<b>6.20</b>

Source: HESA Students in Higher Education Institutions 2009/10, 2010/11

Note: China excludes Hong Kong

Of the 298,000 non-EU domiciled students enrolled at UK HEIs in 2010/11, the most common non-EU country of origin was China, accounting for almost one-quarter (23%; 67,000) of all non-EU students.

**Table 8:** Passengers given leave to enter the UK in study categories, 2006–2010

Year	Study – total	Students (excluding dependants and student visitors) – total	Dependants of students – total	Student visitors
2006	326,000	309,000	17,000	N/A
2007	367,000	346,000	17,100	3,370
2008	384,000	223,000	20,300	140,000
2009	489,000	270,000	21,200	198,000
2010	535,000	271,000	23,300	240,000

Source: Home Office, Immigration Statistics January–March 2012

From 2006 to 2010, the number of dependants of students given leave to enter the UK increased by 37 per cent in total. This is consistent with the increased number of student entry clearance visas issued. In 2011, around 8 per cent (24,000) of the 323,000 student visas were issued to dependants.

From 2008 to 2010, student visitors increased by 100,000 (45%) in total. The countries of origin of student visitors are different from those for T4 student visas, with the largest number coming from Europe.

**Table 9:** Entry clearance visas issued, by region of nationality, 2011

<b>Region of nationality</b>	<b>T4 study visas issued - Main applicants only</b>	<b>Student Visitors</b>
Total	236,961	61,319
Total Africa	19,095	6,793
Total Americas	23,666	3,571
Total Asia	166,254	16,851
Total Europe	11,524	23,203
Total Middle East	15,004	10,755
Total Oceania	1,344	99
Total Other	74	47

Source: Home Office Immigration Statistics, January–March 2012.

Figures include EEA and Swiss nationals. These nationalities account for small numbers, e.g. in 2011, 21 study visas were issued to EEA and Swiss nationals.

# 3. UK post-compulsory education system

## 3.1 STRUCTURE OF UK EDUCATION SYSTEM

International students can access any post-compulsory education course at colleges and universities, and while there are set limits to how many UK and EU students a university can enrol, there are no limits to how many international students an institution can recruit. The boundary between an institution that offers further education (FE) and higher education (HE) in the UK is ambiguous. While universities usually offer levels 5 and 6 International Standard Classification of Education (ISCED) courses only, privately funded and publicly funded colleges offer a range of courses from levels 3 to 5. Privately funded institutions take on a large proportion of total international students<sup>11</sup> and evidence of non-compliance of international students who attend these institutions led the Government to differentiate slightly their student immigration policy according to the public–private divide (see Chapter 6.1). At the time of writing (July 2012), there are:

- 115 UK universities;
- 165 higher education institutions (HEIs) (including universities);
- 411 FE colleges; and
- 700 colleges that provide courses leading to a degree (including FE colleges).<sup>12</sup>

Most UK universities are publicly funded<sup>13</sup> and are therefore subsidised by the Government (with the exception of two private universities). However, there are two types of colleges that offer both FE and HE courses:

- publicly funded – which like universities are subsidised by the Government; and
- privately funded – which rely on tuition fees for their income.

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<sup>11</sup> A Home Office (HO) study took a sample of Confirmations of Acceptance for Study (CASs) and found that 34 per cent of CASs assigned were for privately funded institutions and 8 per cent for English language schools, compared with 6 per cent for publicly funded institutions.

<sup>12</sup> Not all institutions hold a Tier 4 (T4) sponsor licence.

<sup>13</sup> See Appendix B for an outline of public bodies that administer public funding for education institutions.

**Table 10:** Distribution of international students according to institutions, by the number of Confirmations of Acceptance for Study (CASs) issued, 2010

Types of institution	Number of institutions on sponsor register	Institution type as a % of all sponsors	%of total number of CASs assigned, by institution type
Universities	155	7	51
Publicly funded HE/FE institutions	428	19	6
Privately funded HE/FE institutions	744	32	34
English language schools	299	13	7
Independent schools	666	29	2
Total	2,292	100	100

Source: UKBA, 2010b, p 4

Publicly funded institutions are subject to compulsory inspection by the Quality Assurance Agency (QAA), the UK's HE accreditation agency. In contrast, privately funded institutions are not obliged to be inspected by an accredited body. However, in order to recruit international students, by the end of 2012 they must obtain educational oversight by the appropriate accreditation body.<sup>14</sup>

### 3.2 ENTRY TO HIGHER EDUCATION

The most common qualification for entry into HE is the General Certificate of Education at 'Advanced' level (A-level). Other appropriate ISCED level 3 qualifications may also provide a route to HE. Two A-levels or equivalent (ISCED level 3) are usually the minimum requirement for entering HE, but the more popular universities have higher requirements. The entry requirements to attend any education institution ultimately lie with each individual institution.

<sup>14</sup> See Appendix C for an outline of accreditation bodies.

Generally, HE in the UK means undertaking an undergraduate degree, which normally takes three years to complete (four years in Scotland) and normally leads to a Bachelor of Arts (BA) or a Bachelor of Science (BSc).<sup>15</sup> Following completion of an undergraduate degree, students can undertake a postgraduate qualification such as a Master of Arts (MA) or Master of Science (MSc), which normally takes one to two years to complete. Students may then undertake a doctorate degree, which takes a minimum of three years to complete leading to a Doctor of Philosophy (PhD/DPhil). Professional courses, such as in medicine, veterinary medicine and law are usually undertaken as five-year undergraduate degrees. There are various other HE and sub-degree courses available for international students at UK universities and colleges, such as a Higher National Certificate.<sup>16</sup>

Many international students study an English language course either as a preparatory course for their main study or as an independent qualification.<sup>17</sup> These courses are offered at a variety of educational providers. The type of accredited courses varies in level, duration, full-time/part-time and purpose (such as ‘business English’).

### 3.3 NON-COMPLETION RATES<sup>18</sup>

From 2006/07 to 2009/10 the proportion of non-EU students who left an HEI without a qualification decreased by 1,250 (2.6%). Approximately four per cent of all non-EU students attending HEIs left the institution without obtaining a qualification in 2009/10.

**Table 11:** Number of non-EU students who left a UK higher education institution without a qualification, 2006/07–2009/10

Academic year	Number of non-EU students who left with no award	% of non-EU students who left with no award out of all students who left with no award.	% of non-EU students who left with no award out of all non-EU students (excluding N/A)
2006/07	10,510	9.4	5.6
2007/08	11,470	9.8	5.8
2008/09	10,530	9.5	4.8
2009/10	9,260	8.6	3.7

Source: Higher Education Statistics Agency Student Record (2012)

Note: The figures supplied have been subjected to standard rounding methodology. Percentage calculations are based on unrounded data. Students with unknown data are excluded from the calculation.

<sup>15</sup> For an overview of the English, Welsh and Northern Irish education system, see: [http://www.uknec.org.uk/documents/ds\\_chart.pdf](http://www.uknec.org.uk/documents/ds_chart.pdf). For an overview of the Scottish education system, see: [http://www.uknec.org.uk/documents/ds\\_scotland\\_chart.pdf](http://www.uknec.org.uk/documents/ds_scotland_chart.pdf)

<sup>16</sup> See Appendix D for list of main courses available.

<sup>17</sup> A survey (UK Council for International Student Affairs, 2011) of international students found that 18 per cent of respondents attended a pre-session course before their main study.

<sup>18</sup> Students who did not leave an HEI with no award could either have continued at an institution, gained an award or been recorded as ‘dormant’ or ‘writing-up’ status in the second of the comparison years and not obtained a qualification.

### 3.4 TUITION FEES

Publicly funded HEIs charge two levels of fee: the lower ‘home’ fee (for UK and EU students) and the higher ‘overseas’ fee. Private sector institutions set their own individual fee levels and often have only one level of tuition fee, which all students must pay. For studies in publicly funded educational institutions some students will be charged the lower ‘home fee’. To be eligible for the lower home fee the student must meet certain criteria.<sup>19</sup>

Tuition fees for non-European Economic Area (EEA) students are left to each education provider to determine. Unlike home fees, the maximum level that can be charged is not capped by the Government. Fees vary depending on the institution and the level and type of course. Fees have increased around three and four per cent annually over the last six to eight years, at or a little above levels of inflation. Given that the number of international students coming to the UK increased from 2006/07 to 2009/10, fee increases in recent years appear to have had little or no impact on the number of students coming to the UK. Average (median) non-EEA annual tuition fees for the academic year 2011/12 are shown below:

- £11,200 for taught undergraduate degrees;
- £12,000 for classroom-based postgraduate degrees;
- £13,900 for laboratory-based or workshop-based undergraduate degrees;
- £13,900 for laboratory-based or workshop-based postgraduate degrees;
- £16,300 for postgraduate MBA; and
- £27,600 for clinical medicine (Universities UK, 2012).

### 3.5 RECOGNISING QUALIFICATIONS FOR ENTRY

The autonomy of the UK HE system means that it is ultimately up to each educational institution to decide on what qualifications they will accept as entry or credit towards their programmes.

The UK National Academic Recognition Information Centre (UKNARIC) is the UK’s national agency responsible for providing knowledge on vocational, academic and professional qualifications from across the world. UKNARIC is the only official source of information on international education and training systems, qualifications and skills attained outside the UK. UKNARIC provides an online paid service whereby students can have qualifications from outside the UK compared with the UK’s qualification framework, including through a ‘statement of comparability’ (SoC), which is an official document that confirms the recognition of an overseas qualification and its comparable level in the UK. The information is then used by prospective students to guide them through the education enrolment system. UKNARIC also supplies universities and colleges with access to online databases that provide information on equivalence, so that the university/college can make an informed decision about the qualifications held by individuals who do not have an SoC.

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<sup>19</sup> See Appendix E for further details on the criteria for eligibility of home fees.

## 4. Student visa process

See Chapter 2 for overall policy. The visa processes for all adult students (aged 18 and over) and the documents required are outlined below.

### 4.1 ENTRY

#### 4.1.1 Tier 4 (general) visa

A Tier 4 (T4) applicant must have a T4 sponsor (see below) and obtain a Confirmation of Acceptance for Study (CAS) from the sponsor, which is proof that the applicant has been accepted onto the course stated. The applicant must also register their biometric data (fingerprints and facial image) at a visa application centre overseas to obtain their biometric residence permit. To qualify for a T4 visa the student must be able to speak English at level B2 of the Common European Framework of References for Languages (CEFR) if studying degree level and above, or at level B1 of the CEFR<sup>20</sup> if studying at National Qualifications Framework (NQF) level 3 or below. If the student is applying to a higher education institution (HEI) then the institution can choose its own method of assessing B2 English language competency. If the applicant is applying for a lower-level course or with a different education provider, then the provider must use an approved English language test to confirm language competency.

The applicant must also show that they can financially cover at least their first year of study (or the entire course if the course lasts for less than one year) and their living costs for nine months. UKBA will refuse applications where bank statements are from banks that cannot be trusted to verify the statements.<sup>21</sup> The amount of money needed depends on the length of the course, the location of study and whether the applicant has recently been studying in the UK.<sup>22</sup> Entry clearance officers must be satisfied that the applicant is a genuine student who speaks English to an appropriate level before issuing a visa to a Tier 4 applicant.

Some students may need to apply for an Academic Technology Approval Scheme certificate (ATAS). The ATAS is a mandatory entry clearance requirement for those intending to undertake postgraduate studies in certain designated subjects that are of weapons of mass destruction proliferation concern. Once granted a T4 (general) visa, some international students may need to register with the police if this is required under paragraph 326 of the Immigration Rules.<sup>23</sup>

The UK allows international students to come to the UK for preparatory pre-sessional (PS) courses as part of their T4 visa. PS courses are intensive English language courses or any other course that prepares the student for their main course of study in the UK. If the student has an unconditional offer at a university for a main course of study, then the education sponsor should issue a single CAS. If the student has a conditional offer, or if the PS course is at a different education provider from their main course, then the student must apply to UKBA for permission to undertake a PS course. To be granted permission by UKBA to undertake a PS course as part of a T4 visa, the course must be at an acceptable general T4 level, with some exceptions.<sup>24</sup>

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20 See: [http://www.coe.int/t/dg4/linguistic/cadre\\_EN.asp](http://www.coe.int/t/dg4/linguistic/cadre_EN.asp) for more information on CEFR and levels.

21 For lists of financial institutions that do not satisfactorily verify financial statements, see: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

22 If the student has 'established presence' then the applicant only has to show that they can cover their living costs for the next two months. A student may have an 'established presence' if (a) the student is applying to continue studying on a single course in the UK and they have already completed six months of the course; or (b) if the prospective student has completed a course of study lasting at least six months under T4 during their most recent permission to stay in the UK.

23 See Immigration Rules: <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part10/>

24 See Appendix G for exceptions.

### **4.1.2 Points-Based System Tier 4 sponsors**

A T4 sponsor is an institution that acts as a guarantor for the migrant, ensuring that they meet their visa terms and conditions. Under the Points-Based System (PBS) T4, an education provider usually acts as the sponsor. If an education provider wants to recruit international students, it must apply to UKBA for a T4 sponsor licence. There are currently (July 2012) 2,060 licensed T4 sponsors; this has been reduced from 2,403 since September 2011.

T4 sponsors must comply with a number of record-keeping duties and reporting duties, such as reporting to UKBA of non-enrolment of students and non-attendance.<sup>25</sup> From April 2012 all T4 sponsors must be Highly Trusted Sponsors (HTSs), which require educational institutions to meet standards laid out by UKBA to ensure that sponsors are taking their obligations on immigration seriously.<sup>26</sup> By the end of 2012 all T4 sponsors must have also achieved educational oversight, where an education provider is inspected by an accredited body to ensure that education standards are being met. UKBA officers can visit T4 sponsors at any time to check compliance. If UKBA finds that an education sponsor is not complying with its sponsorship duties, UKBA can restrict the amount of CASs that an institution is permitted to allocate, or revoke the sponsorship licence altogether. UKBA has revoked 141 T4 sponsor licences since 2009 for failure to carry out sponsor duties adequately (National Audit Office, 2012). UKBA can also issue civil penalties if there is evidence of an institution breaching illegal working regulations.

### **4.1.3 Student visitor visa**

Students who come to the UK to study for six months or less (or 11 months on an English language course) may be eligible to enter the UK under a student visitor visa. This route requires fewer documents, lower entry requirements and visa applications are less costly than a T4 (general) visa. For example, a student visitor does not require a formal CAS. The same conditions for a T4 (general) visa apply except for any language requirement. The student is not permitted to work or bring dependants, and cannot apply for further leave to remain.

The cost of obtaining both a T4 visa and a student visitor visa has increased since 2006, as shown below.

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<sup>25</sup> For sponsorship policy guidance, see: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>

<sup>26</sup> See Appendix F for criteria to achieve HTS status.



**Table 12:** Cost of obtaining student visas (Tier 4 and visitor), 2006/07–2012/13

Year	Tier 4 visa	Student visitor visa
2006/07	No charge	£50
2007/08	No charge	£63
2008/09	£99	£65
2009/10	£145	£67
April 2010/ October 2010	£199	£68
October 2010/March 2011	£220	£70
2011/12	£255	£76
2012/13	£289	£78

Source: UKBA

#### 4.1.4 Method of application

The method of visa application depends on the location of the applicant; this could be done either online or by filling out a form available on the UKBA website. In-country applications can be made for a T4 (general) student visa if the applicant is legally switching from certain Tiers or immigration categories and if their last leave to remain is still valid when applying.<sup>27</sup> In-country applications cannot be made for any visitor visa, including a student visitor visa.

In-country applications for a T4 visa aimed to be processed from 4 to 14 weeks from the day after the applicant enrolls their biometric data. Visa processing times for overseas applications depends on the country and the visa application centre.

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<sup>27</sup> See Appendix H for list of Tiers and immigration categories eligible to switch to T4 in-country

#### **4.1.5 Streamlined documentary requirements: low-risk countries**

From April 2012 UKBA introduced a streamlined process for some low-risk students. In general UKBA require fewer documents from these students when they submit a Tier 4 application.<sup>28</sup> However, UKBA reserves the right to request any specified documentation. The aim is to bring about a system that is more targeted and responsive (UKBA, 2012). In order to qualify as low-risk, the student must:

- be registered at a T4 sponsor with an HTS sponsor rating;
- already be in the UK or applying for a T4 visa in their country of nationality; and
- be either a British national (overseas) or a national of one of the following: Argentina, Australia, Botswana (from 1 October 2012) Brunei, Canada, Chile, Croatia, Hong Kong, Japan, Malaysia (from 1 October 2012) New Zealand, Singapore, South Korea, Taiwan, Trinidad and Tobago, and the US.

The list of low-risk countries is reviewed annually.

#### **4.1.6 Intra-EU mobility**

As the UK is not part of the Schengen area, a visa for an international student from another Member State (MS) does not give any entitlement to be admitted or reside in the UK.

Unless the applicant is applying for further leave to remain in the UK, then the visa application must be made from outside the UK. If the applicant is 'living' in another MS then they would be able to submit an application for a T4 visa to continue studies in the UK. In this context, 'living' refers to having any non-temporary visa. However, if the applicant is a national of one of the countries to whom streamlined documentary requirements apply (see above), they must apply from their country of nationality in order to benefit from those arrangements.

#### **4.1.7 Rejections and appeals**

Those who have applied for a T4 student visa outside of the UK and are refused entry clearance do not have full rights of appeal, but can request that the decision be reassessed under the 'administrative review' process. Administrative review is where an entry clearance manager (who was not involved in the initial decision of refusal) reviews the case. An application refused in-country does not have an automatic right of appeal though an applicant can appeal a decision that will result in him being without leave to enter or remain or require his removal from the UK.

In 2011, 16% (63,600) of student visa applicants were refused entry clearance (Home Office, 2011c).

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<sup>28</sup> Child protection documents and police registration documents are always required.

## 4.2 STAY

### 4.2.1 Duration of stay permitted

Under T4 of PBS, students are granted visas for the length of their course, plus an additional limited time to enter the UK before the course starts. The UK also permits students to remain in the UK for a limited time after completion of studies for logistical purposes, such as attending a graduation ceremony. The length of time permitted to enter and stay in the UK pre- and post-completion of studies depends on the course level and length, but is ultimately a maximum of four months.

T4 visa holders at NQF level 6/International Standard Classification of Education (ISCED) level 5 are restricted to a five-year time limit.<sup>29</sup> The five-year time limit includes any other studies undertaken under T4 (general) and as a student previously (that is, before PBS was introduced in 2009). The duration of stay permitted for those undertaking a master degree is a total of six years, where an undergraduate degree has been completed in the UK and lasted four or five academic years. A T4 (general) student aged 18 or over is allowed to spend no longer than three years studying below UK degree-level in his/her lifetime. Some courses are exempt from the five-year rule, such as those for architecture, medicine and law.<sup>30</sup> If a T4 (general) student has a CAS and previously had permission to stay in the UK as a student, then a T4 sponsor can only give them a new CAS for a new course if that new course represents an academic progression from previous studies. For example, a student could not move from an ISCED level 6 course to an ISCED level 5 course.

### 4.2.2 Accessing the labour market while studying

Some of those who have obtained a T4 (general) student visa are allowed to work while studying, subject to restrictions. These are differentiated depending on the level of study and the institution type. If the student does work then the employment must not fill a full-time permanent vacancy and the student must not be self-employed, employed as a doctor in training (except on recognised foundation programmes), work as an entertainer, or work as a professional sportsperson or coach.

Those who are studying NQF level 6 or above or undertaking a short-term study abroad degree programme (ISCED level 5) at a recognised body or HEI can work part-time during term time (20 hours per week) and work full-time during vacations. Those studying at NQF level 3 or above (ISCED level 3) can work up to ten hours per week during term time and work full-time during vacations. Those studying at a publicly funded further education (FE) college can work up to ten hours per week during term time and work full-time during vacations.

If students have the right to work under a T4 (general) student visa, they are protected by the same legislation in relation to employers' legal duties as EU nationals.<sup>31</sup> Migrants on T4 (general) student visas do not have access to most state benefits. Applicants under T4 (general) visas have no recourse to public funds or state benefits, but have access to the National Health Service (NHS).

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<sup>29</sup> BA courses in Scotland, which last four years, are exempt.

<sup>30</sup> There is no time limit that will prevent a student from completing a doctorate, as long as the student is showing academic progression. However, if the student completes their doctorate, and then applies for further leave to remain, if that period of further leave would take the student beyond eight years of studying in the UK altogether, then they would be refused that leave to remain.

<sup>31</sup> Legal duties that employers must comply with include: anti-discrimination measures; health and safety requirements; the obligation to pay the minimum wage; compliance with laws relating to maximum working hours and breaks; paying national insurance contributions; and providing wage slips.

### 4.2.3 Dependants

Dependants may only be brought into the UK with a student if:

- the student is sponsored by an HEI on a postgraduate course that lasts 12 months or longer; or
- the student is a new government-sponsored student following a course that lasts longer than six months.

Spouses may work and may take up any employment including self-employment.<sup>32</sup>

In order to be granted entry clearance, spouses must be aged 18 or over on the date he/she arrives in the UK. Dependants of applicants on a T4 (general) student visa have no recourse to public funds or state benefits. If the dependant wishes to study in the UK they must make a separate application for a T4 (general) student visa. Dependants, including children, have access to most services of the NHS, provided that the student and the dependant are in the UK for at least six months and that the UK is currently their main home. If the child of a dependant is aged 16 or under and the student and child dependant will be in the UK for at least six months, then the child is entitled to attend a state primary or secondary school free of charge.

If students breach any of their terms and conditions, such as contravening working rights or non-attendance at the agreed education sponsor, then they will be removed from the UK. UKBA has removed 2,700 students since April 2009 for non-compliance (National Audit Office, 2012, p 7).

## 4.3 POST-COMPLETION

### 4.3.1 Extensions

If a student wishes to stay longer in the UK to re-sit an exam or part of the course, they must apply to extend their leave before their current leave to remain expires. UKBA recommends that the student applies for an extension for leave to remain three months before their current visa expires. The visa application process for an extension of leave to remain is the same as the visa process on entry as outlined above. The only exception is that the student may be allowed to show less maintenance funds. It is up to the education provider whether they wish to continue sponsoring the student. Education providers should base their assessment on their perception of the student's ability to finish the course. If the student needs to re-sit an exam, but does not need to reside in the UK, he/she can enter the UK under a student visitor visa. The latest data (year ending December 2011) show that there were 103,000 grants of extension for study in 2011 (excluding dependants).<sup>33</sup>

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<sup>32</sup> With the exception of doctor or dentist in training, if the dependant's biometric residence permit prohibits it.

<sup>33</sup> Home Office Immigration Statistics, January–March 2012, Table ex.0.1.

### 4.3.2 Accessing the labour market after completion

Only those who graduate from a university and have a skilled job offer with a minimum salary of £20,000<sup>34</sup> from an employer accredited by UKBA will be able to stay to work under a Tier 2 visa (Skilled work). The graduate would need to apply for a Tier 2 visa. Students switching to the Tier 2 category are exempt from the resident labour market test<sup>35</sup> and, unlike other Tier 2 categories, there is no quota restriction on students switching into Tier 2. The applicant may commence their work placement while waiting for UKBA approval.

Alternatively an international graduate may be eligible for a Tier 1 (graduate entrepreneur) visa. The Tier 1 (Graduate entrepreneur) category allows the UK to retain non-European Economic Area (EEA) graduates identified by UK HEIs as having developed world-class innovative ideas or entrepreneurial skills, to extend their stay in the UK after graduation to establish or move businesses into the UK. HEIs play a fundamental role as they must select candidates, maintain regular contact and assess their progress at regular intervals.<sup>36</sup> The criteria for application are set by HEIs individually. The graduate will be granted leave for a period of 12 months, which may be extended for a further 12 months. The graduate will be able to work on their business, as well as working 20 hours a week in other work to support themselves. The applicant must meet standard visa requirements and must have access to a minimum of £50,000. The UK Government limits the amount of applications that can be made under this route to 1,000 places (divided equally between participating sponsors, with no more than 10 endorsements for each sponsor) for each year.

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34 Or the appropriate rate for the job according to Tier 2 Codes of Practice.

35 The resident labour market test is a provision where employers must advertise a vacancy for at least 28 days to the settled population (EU population) before offering the job to a third country national

36 At the time of writing (July 2012) there are 91 HEIs sponsoring international students on the graduate entrepreneur scheme.

# 5. Measures to attract international students

The quality and reputation of education institutions is the main pull factor for international students to study in the UK, alongside other factors such as the availability of information on the host country and active recruitment policies (Times Higher Education, 2010; Becker and Kolster, 2012, p 12).

There are many online information sources for international students on their visa and study terms and conditions, as well as some advice helplines. Sources that contain detailed and accurate information on their websites for international students include:

- the UK Border Agency (UKBA);
- the British Council;
- the UK National Academic Recognition Information Centre (UKNARIC);
- the UK Council for International Student Affairs (UKCISA); and
- the Foreign and Commonwealth Office (FCO).

Colleges and universities also provide detailed information on courses and visa processes for international students. Universities and colleges are the most widely used and the highest rated source of information on Tier 4 (T4) visas (UK Council for International Student Affairs, 2011, p 3). For more information see Appendix I.

## 5.1 FUNDING SCHEMES FOR INTERNATIONAL STUDENTS

While funding for non-European Economic Area (EEA) students is limited, some higher education institutions (HEIs) run their own funding schemes, which have varying levels of criteria and conditions. These tend to be competitive, such as the Rhodes scholarship at the University of Oxford. Most funded places are offered on postgraduate courses rather than undergraduate studies, and often involve some combination of financing from research councils, the private sector or charities. The criteria and amount of funding varies widely according to institution, discipline, and level of study. UK-based expenditure on scholarships for overseas students was estimated at £49.9 million in 2009/10 (Department for Business, Innovation and Skills, 2011, p 26). The following funding schemes are available for non-EEA students.<sup>37</sup>

### 5.1.1 UK-funded programmes

- Commonwealth Scholarships and Fellowships Plan (CSFP): CSFP funding is available for any Commonwealth citizen, refugee or British protected person. The CSFP offers postgraduate funding for up to 700 non-EEA students.
- Marshall scholarship: This programme offers up to 40 scholarships for US citizens to study in the UK at postgraduate level.
- Chevening scholarships: The Chevening scholarship programmes are offered to students in 110 countries (excluding EU and US citizens) and offer approximately 700 awards for one-year taught master degree courses.

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<sup>37</sup> See Appendix K for further details of funding schemes outlined.

### 5.1.2 EU-funded programmes

- **Erasmus Mundus:** The Erasmus Mundus (EM) programme is a co-operation and mobility programme in the field of HE funded by the EU Commission. EM has three actions, two of which offer funding to non-EEA students wishing to study in the EU. The number of awards offered vary each year. There were 307 non-EU nationals funded by the Erasmus Mundus programme studying at a UK institution in the academic year 2011/12. Being funded on an Erasmus Mundus programme does not change anything in the standard visa application process for international students.<sup>38</sup>
- **Marie Curie fellowships:** Marie Curie fellowships are European research grants funded by the EU Commission, which are available to researchers regardless of their nationality and field of research. The Marie Curie scheme funds PhD fellows indirectly through 'Initial Training Networks' (ITN), in which consortia of institutions apply for a programme of fellowships. The UK co-ordinates a significant proportion of these networks (30–40%).

## 5.2 BILATERAL/MULTILATERAL AGREEMENTS

The UK participates in the following bilateral agreements involving the mobility of international students.

- **UK–India Education and Research Initiative (UKIERI).** Second phase signed November 2010. The student mobility strand of the UKIERI aims to strengthen cultural links between India and the UK by creating mutual opportunities for student mobility and to work on key areas, like mutual recognition of qualifications and credit transferability. Institutional tie-ups to support study tours, summer programmes and other short visit opportunities with special emphasis on India's heritage and culture are also being structured in the programme delivery. Key objectives include developing policies to support mutual recognition of learning and achievement; developing joint doctoral and masters programmes between India and the UK; creating opportunities for student mobility and, in turn, strengthening cultural linkages.
- **UK–China Partners in Education: Action Plan.** Signed by both countries' Ministers in October 2011, the agreement builds and promotes mobility partnerships between UK and Chinese HEIs and colleges. The partnership includes:
  - agreement to provide £800,000 over two years to enable the exchange of PhD students;
  - providing £400,000 over two years to fund work experience placements for UK students in companies in China;
  - providing £1 million over two years for vocational training initiatives with China;
  - providing £600,000 over two years to raise school standards, including a teacher exchange programme aimed at upskilling UK maths teachers by introducing them to teaching methods in China.

As at July 2012, there were over 160 partnerships between UK and Chinese HEIs, including Liverpool and Nottingham joint campuses in China.

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<sup>38</sup> See Appendix L for more information on Erasmus Mundus funding for international students.

- **Science without Borders.** Under an agreement signed in December 2011, the UK Government is committed to welcoming up to 10,000 Brazilian students and researchers to study in the UK until 2014. As part of a wider strategy on joint co-operation between the Brazil and the UK on science and technology and furthering bilateral relations between the two countries, the Brazilian Government will provide scholarships for up to 2,500 Brazilian students at undergraduate and postgraduate studies in science, technology, engineering and maths across 77 British universities in 2012.
- **Fulbright Scholarships.** Created by treaty on 22 September 1948, the US–UK Educational Commission (Fulbright Commission) fosters mutual cultural understanding through educational exchanges between both nations. Over 12,000 US nationals have studied in the UK on a Fulbright exchange programme. There are around 50 scholarships each year for US students to study, research and lecture in the UK. The US–UK Fulbright Commission also offers summer institutes for US citizens who are undergraduate students to come to the UK for up to six weeks on an academic and cultural programme.
- **International Association for the Exchange of Students for Technical Experience.** IAESTE is an independent, worldwide association of 85 member countries. Each year, IAESTE enables science, engineering and architecture undergraduates to take up paid course-related work placements in other countries. Non-EEA students studying at UK universities are not eligible to apply for a placement. However, as the agreement includes non-EEA partners, the UK receives non-EEA students studying at institutions from all over the world in UK work placements under IAESTE. There were 120 non-EEA students from overseas institutions working in the UK in 2011, and 111 non-EEA students in 2012.
- **Government-authorised exchanges.** The UK Government runs specific authorised exchanges under the temporary workers route – Tier 5.<sup>39</sup> The schemes under Tier 5 are not generally for international students currently studying in the UK. Rather the schemes enable work experience or training to people studying or recently graduated from specific professions. For example, the longstanding Medical Training Initiative (MTI) enables a small number of international medical postgraduates to enter the UK to experience training and development in the National Health Service (NHS) for up to two years. The MTI helps the NHS to increase medical workforce capacity but has also been shown to have a positive influence on the development of sending countries, in terms of brain gain (Wiese and Thorpe, 2011)

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<sup>39</sup> The list of all government-authorised schemes are available on UKBA website, see: <http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/eligibility/tier5govauthorisedexchange/#header1>



# Part B: Evidence, impact and discussion

## 6. Misuse of the student route

There is evidence that in the past, the student migration route was frequently abused. The Government's recent reforms of the student visa system have aimed to reduce this abuse. At the time of writing, these policy changes are still taking effect. Most of the evidence included in this section relates to abuse that took place before the recent reforms.

### 6.1 MISUSE BY EDUCATION SPONSORS

A number of analyses have been conducted that look at student migration through Tier 4 (T4) of the Points-Based System (PBS) to increase understanding of migration through the student route and to try to prevent abuse. Non-compliance and abuse of the student route can mean the non-compliance of the education sponsor or the student. An education institution has certain duties in their sponsoring role, and evidence of non-compliant, unaccredited institutions has led to the removal of some institutions' T4 sponsor licences. In response, the Home Office has made T4 sponsorship licences more stringent, including the introduction of Highly Trusted Sponsor (HTS) status and educational oversight.

### 6.2 MAIN FORMS OF MISUSE BY STUDENTS

Students not fulfilling the terms of their leave to remain in the UK are considered to be non-compliant. Non-compliance can include:

- overstaying;
- working beyond the hours permitted (during or upon completion of studies);
- use of forged qualifications/documentation as part of the student's application process;
- non-attendance for studies; or
- limited or no progression in their studies.

#### 6.2.1 Private/public non-compliance

A UKBA study of over 5,500 students at privately and publicly funded institutions found that compliance<sup>40</sup> was lower for students at private institutions as opposed to public institutions (Home Office, 2010; UKBA, 2010b). The study found that in a sample of T4 sponsors, only two per cent of students enrolled at universities were potentially non-compliant. In comparison, 14 per cent of students enrolled in non-university institutions were potentially non-compliant, of which privately funded further education (FE)/higher education (HE) institutions had the highest proportion of students in this potentially non-compliant group (at least 26%).

In a separate analysis of a random sample of 1,000 students at private institutions, attendance rates at private institutions were found to vary by nationality, between institutions, and by visa length (UK Border Agency, 2011a).

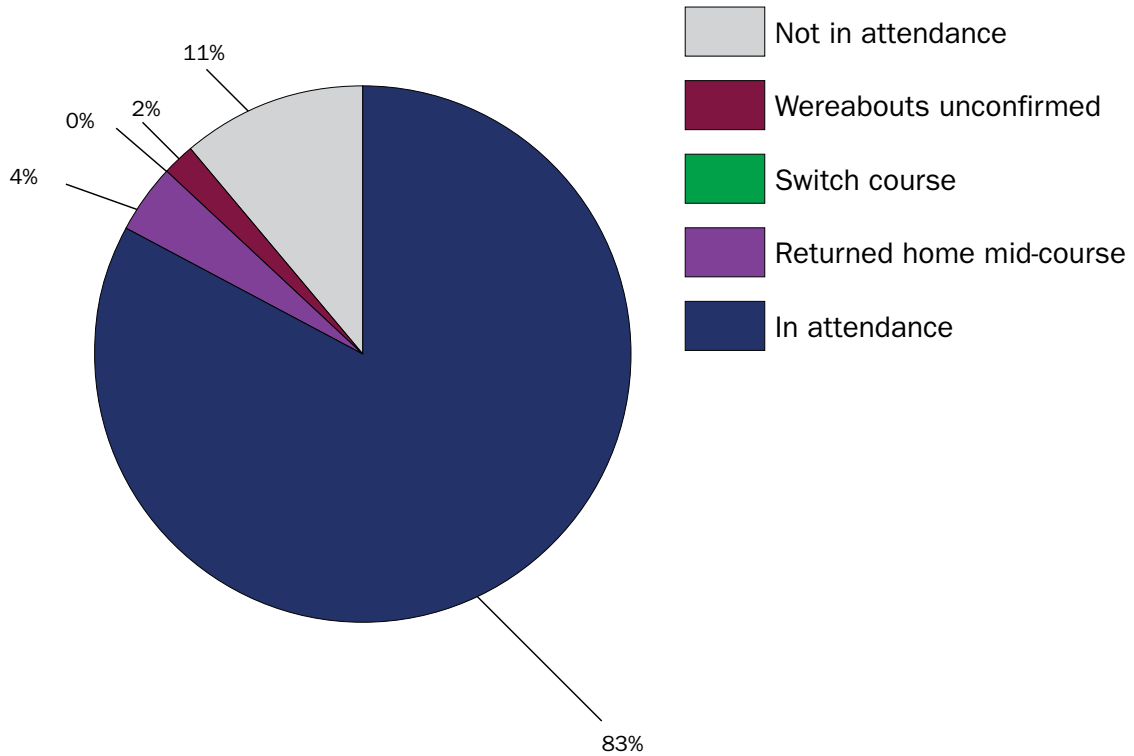
- Non-attendance rates for Indian (25%) and Pakistani (21%) students in the sample were the highest. These nationalities also had the greatest number of students studying at private institutions.<sup>41</sup>
- Levels of non-attendance also varied widely from one college to another.
- The non-attendance rate by students with two- to three-year visas was greater than for those with shorter visas, and also greater than the relatively small number of students with lengthier visas in this study.

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40 A student was deemed non-compliant if they had no record of leaving the UK and did not have a valid reason to remain.

41 The sample for this study was small (1,000) therefore results may not be representative.

**Figure 3:** Non-attendance in sample of privately funded colleges, 2011



Source: UK Border Agency, 2011a

### 6.2.2 Refusals at the port

A Home Office (HO) pilot study was conducted into the value of interviewing powers for entry clearance officers (ECOs). The study included a sample of 2,316 interviews with ECOs in 13 overseas posts. The study found that when applicants were tested on credibility grounds,<sup>42</sup> ECOs reported that they might have potentially refused 32 per cent of those granted visas<sup>43</sup> had further powers been available to them:

- the rate of potential credibility refusals varied across posts and some (Bangladesh, Burma, India, Nigeria, Pakistan, Philippines, Sri Lanka) had a higher rate than the weighted average, and;
- around three in five applicants (61%) to privately funded FE/HE colleges could potentially have been refused on credibility grounds after interview, compared with around one in seven applicants (14%) to universities.

<sup>42</sup> 'Credibility' refers to intentions to study proposed course, intentions to leave the UK at the end of the course, and the ability to maintain themselves and dependants.

<sup>43</sup> These were hypothetical refusals as a visa had already been granted under T4 of PBS.

Management information also highlights the high port refusal rates for T4 visa applications and holders (UK Border Agency, 2011a).

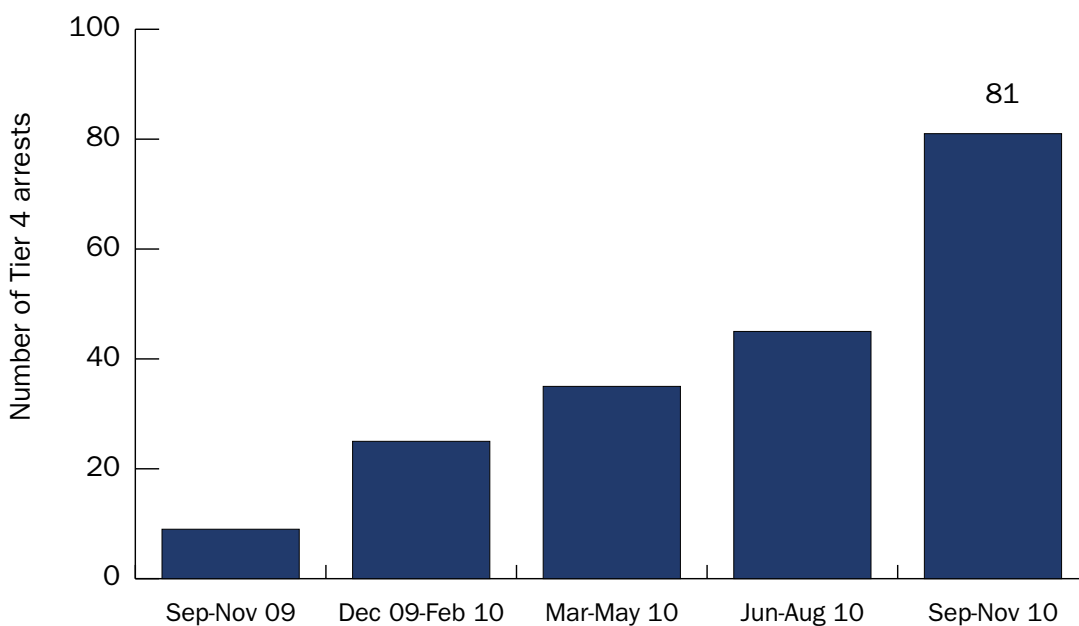
- T4 applications were responsible for 41 per cent of all forgery detections in applications for visas made in 2010, compared with 27 per cent for visit visas, and three per cent for Tier 1. This represented a total of just over 10,500 forgeries detected, which equates to just less than four per cent of all T4 applications.<sup>44</sup>
- The vast majority of forgeries related to supporting documents, mainly bank statements submitted as evidence of funds. The top three posts where T4 applications were refused on the basis of forged documents in 2010 were: New Delhi (India), Islamabad (Pakistan) and Dhaka (Bangladesh) (UK Border Agency, 2010a, p 21).

### 6.2.3 Working

A report by the National Audit Office based on college enrolment rates and changes in patterns of applications and refusals, estimated that between 40,000 and 50,000 individuals may have entered through T4 in its first year of operation (2008/09) to work rather than study (National Audit Office, 2012, p 6).

Other evidence suggests that some students breach their working while studying entitlements, such as by working more hours than permitted. For example, the 2009 Labour Force Survey revealed that 53 per cent of those studying below degree level and 30 per cent studying full-time at degree level and above reported working more than 21 hours per week (UK Border Agency, 2010a, p 17), that is above the limit imposed for T4 students. A UKBA study (2011a) found that from April to October 2010, international students accounted for 11 per cent (964) of all encounters<sup>45</sup> and 15 per cent (633) of overall arrests from UKBA enforcement activity. The majority of these arrests were for working in breach and overstaying.

**Figure 4:** Number of Tier 4 visa arrests by enforcement, September 2009 – November 2010



Source: UK Border Agency, 2011a, Annex.

<sup>44</sup> It should be noted that not all documents are verified and the total number of forgeries submitted is not known.

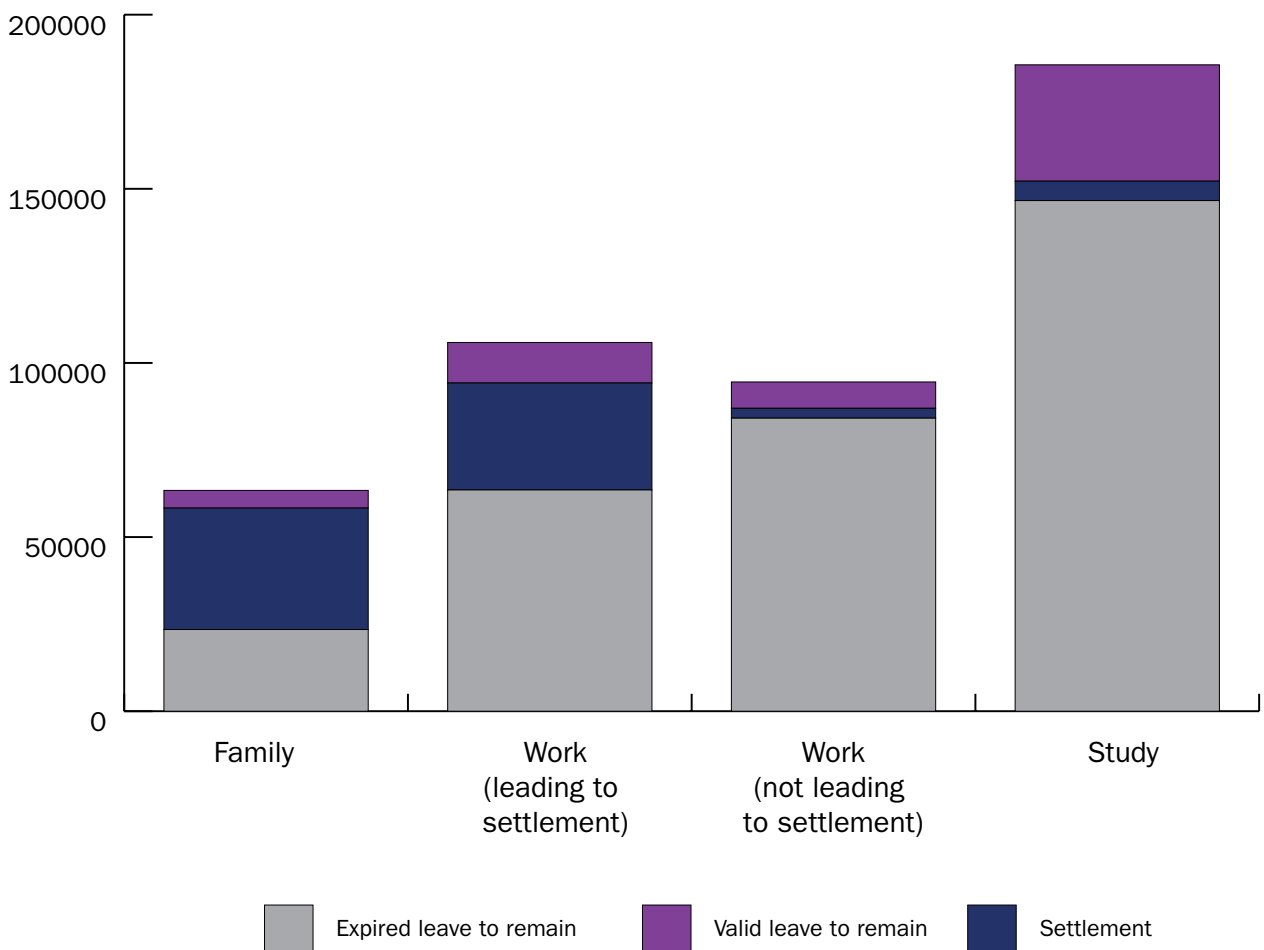
<sup>45</sup> Encounters are those people that the UK Border Agency come across as part of their operational activities

### 6.2.4 Stay

A HO study (Achato et al., 2010) found that 21 per cent of international subjects who entered the UK under a student visa in 2004 still had valid visas after five years, including 18 per cent who had valid leave to remain, six per cent being students (see Figure 5). Those still studying were found not to be on long courses, but were primarily studying more than one course. In the sample, the most common number of courses studied per migrant was three. The study also found that:

- of the 22 per cent of Chinese who entered as a student and remained in the UK after 5 years, 12 per cent were still studying;
- Nigerians were the nationality most likely to still be students after 5 years (16%);
- compared with other nationalities, a high proportion of Pakistani students (47%) remained in the UK after 5 years, 13 per cent as students; and
- a case-file analysis looking at 219 cases found that there were some instances where migrants' last qualification was not their highest qualification, with 28 out of the 219 case histories indicating a lack of progression or possibly evidence of a migrant prolonging their stay in the UK by continual study (ibid., p 28).

**Figure 5:** The 2004 cohort: Immigration status in 2009, five years after their initial visa, by route



Source: Home Office The Migrant Journey Second Report.

Moreover, a UKBA study (UK Border Agency, 2011a) examined a sample of extensions of leave to remain for students. This found that 2,457 applications were made by students who appeared to be extending their leave for the fifth time or more. The study found that in a majority of cases within the sample, the applicant had been in the country for eight years or more.

### **6.3 IMPACT OF EVIDENCE**

The evidence collected by the HO on the student immigration route has led to a number of policy changes. Evidence that suggested that non-compliance was significantly higher for students attending privately funded institutions than publicly funded institutions led to clarification of the policy on working entitlements of students, establishing that only those attending a higher education institution (HEI) or publicly funded college can work while studying. The proportionately higher levels of non-compliance of international students attending privately funded colleges (in contrast to HEIs, including universities) also led the HO to change T4 sponsorship rules, so that all sponsors must achieve HTS,<sup>46</sup> and all must obtain educational oversight from the approved body. Until a T4 sponsor has achieved HTS and educational oversight they can only allocate a limited number of Confirmations of Acceptance for Study (CASs), known as an interim limit. If the education sponsor does not meet the requirements/standards of the education oversight inspection, then UKBA will take action, which may result in the education provider losing their sponsor licence.

Intelligence reports from ECOs suggested that many T4 applicants were not able to speak sufficient English. This led to policy changes in the minimum level of English language proficiency required to level B1 of the Secure English Language Test (SELT) for all courses at National Qualifications Framework (NQF) levels 3 to 5, and level B2 SELT for NQF level 6 and above. This helped to support the case for further research in the form of the 'credibility pilot' (Hill, 2012). The HO has also put in place measures where the student applicant must, if required to do so on examination or ECO interview, be able to demonstrate English language proficiency. This must occur without the assistance of an interpreter and of a standard to be expected from an individual who has reached the standard specified in their CAS.

Given that student immigration is designed to be temporary, evidence that a significant proportion of students were extending their leave to remain to study courses at a lower level than they had previously studied has led to other policy changes. The Government introduced the criterion of academic progression, where a student can only apply to extend their leave to remain as a student if the course they are studying represents progression. Moreover, the Government placed limits on the time that can be spent studying at degree level and introduced a maximum duration of overall study in the UK of eight years. In addition, the Government restricted dependant rights to postgraduate and government-sponsored students only, to signal that student immigration is temporary and is not a reason to establish a basis that might lead to settlement, whilst still recognising the legitimate and reasonable rights of any person to family life.

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<sup>46</sup> See Appendix F for details what a sponsor must do to achieve HTS.

There is evidence of fraudulent documents presented to ECOs by international students, such as bank statements/letters and fake educational qualifications. As a result, UKBA now holds a list of financial institutions that have not verified financial statements with a sufficient level of integrity.<sup>47</sup> The Government has also added a 'declaration' that student visa applicants must sign, which states that documents are genuine. English language requirements must also be confirmed with a verified SELT certificate, which should minimise fraudulent language documents.

Evidence from the credibility pilot (*ibid.*) led to a targeted interviewing system for students considered to be high-risk. From 30 July 2012, ECOs will be able to refuse a student visa if they are not satisfied that the applicant is a genuine student, according to a specified set of criteria.

The educational institutions that are predicted to be most affected by the policy changes are private colleges and language schools. From 2010 to 2011 entry clearance applications for student visas decreased by approximately 10 per cent (40,442) and visas issued decreased by 2 per cent. In contrast, tentative data show that applications from international students to study at undergraduate level at universities have increased by 8.5 per cent for the upcoming academic year (2012/13) (UCAS, 2012).

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<sup>47</sup> For the list of financial institutions that do not satisfactorily verify financial statements, see: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

# 7. Labour market: Evidence and policy impact

International students cannot stay to work in the UK after completing their studies unless they secure a job with a minimum salary of £20,000 and switch to a Tier 2 visa, or they stay under the Tier 1 graduate entrepreneur scheme. The UK does not have specific initiatives that match labour market shortages with international student skills during or after their studies.

Depending on the level of course and the institution type, international students can work while studying. It is not known exactly how many students work part-time while studying. Tentative evidence from an analysis of the Labour Force Survey for the year ending September 2010, showed that 36 per cent (164,000) of non-EU students described themselves as employed or self-employed compared with 48 per cent (1,950,000) of UK students and 45 per cent (65,000) of EU students (Home Office, 2011a). The analysis found that non-EU students worked mostly in the hotels and restaurants, banking, finance and public administration, education, and health sectors while studying. In contrast, a survey of a sample of international students suggested that the majority of international students do not work while studying (81%) and those who do work while studying are, on the whole, not working in an area relevant to their studies. Certain nationalities are more likely to work while studying in the UK, namely Nigerians (27%) and Indians (27%) (Archer and Cheng, 2012, pp 72–74).

## 7.1 WORKING AFTER STUDIES

A number of research reports reveal patterns of labour market activity among international students after completing their studies. The number of international graduates who apply for a work visa post-completion of studies varies each year. The majority of international students who remain in the UK after completing their studies do so by transferring to work routes (Achato et al., 2010).

**Table 13:** Grants of permission to stay issued to third country nationals for persons changing their reason to stay from education reasons, 2008–2010

UK	Previous permission granted – education			
	Total	Subsequent reason for stay		
		Family	Remunerated activities (work)	Other reasons
2008	46,342	4,248	41,744	350
2009	38,185	4,506	33,113	566
2010	45,036	5,225	38,878	933

Source: Eurostat, Residence Permits. Available at: <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>

Notes: (1) The UK does not issue residence permits. Such permits would comprise all initial permissions granted for an individual to reside within a country for at least three months and would exclude visitors. Whilst the UK does provide estimates of 'residence permits' for third country nationals who are granted permission to reside in the UK by reason, the UK system is actually designed to count decisions rather than the movement or residence of individuals. As a consequence, UK passenger arrivals (permissions to enter) are used to count the total number of passengers who enter the UK.

(2) Data supplied by the UK to Eurostat under Article 6 of Regulation 862/2007 include a table on grants of permission to stay issued to third country nationals on the occasion of a person changing immigration status or reason to stay, or those who 'switch' from one category of visa to another. This includes those who have previously been in the UK on a study visa and switched to other categories (that is, family, work, and other). These data are available for 2008 onwards and are adapted from the grants of extensions of stay data.

In 2010 the majority of students originally granted permission to stay for education reasons ‘switched’ into the ‘remunerated activities (work)’ category. Only 14 per cent switched to ‘other’ and ‘family’ categories. This was consistent with the previous two years.

Particular nationalities of international graduates are more likely to stay to work in the UK than others, and the types of jobs they do vary. A report commissioned by the Department for Business, Innovation and Skills (BIS) surveyed international graduates of publicly funded higher education institutions (HEIs) to establish the circumstances and destinations of non-European Economic Area (EEA) graduates. The survey was conducted across four different samples that graduated in different years. The BIS report (Archer and Cheng, 2012) found that:

- 17 per cent (from the 2008 sample) and 22 per cent (from the 2010 sample) of international graduates remained in the UK and were working three years after graduating;
- out of the 22 per cent of international students who stayed in the UK after graduating in 2010, 77 per cent were employed full-time, 15 per cent were employed part-time, 4 per cent were volunteering or doing unpaid work and 4 per cent were self-employed or freelancing;
- in terms of nationality, 2010 graduates from Pakistan (41%), India (39%), and Nigeria (39%) were more likely to stay in the UK to work after completing their studies; and
- Nigerian graduates (39%) were the most likely group to apply for a work visa post-studies;
- in contrast, Chinese graduates were the group least likely to apply for a work visa post-studies;
- the majority of international graduates who work in the UK were earning an average annual salary of £20,000 to £29,000; the average salary for 2008 graduates in their third year post-graduation was higher, at £30,029.

## **7.2 POST-STUDY WORK VISA: POLICY IMPLICATIONS**

Prior to April 2012 international students could apply for a Tier 1 post-study work route (PSW) visa. From April 2012 non-European graduates identified by UK HEIs as having developed world class innovative ideas or entrepreneurial skills are able to extend their stay in the UK after graduation in the T1 (graduate entrepreneur) category. A student may also obtain a Tier 2 visa after their studies by securing a skilled job with a minimum salary of £20,000.



# 8. Impacts of international students

This chapter outlines the main impacts of international students, namely on the further education (FE) and higher education (HE) sectors and on public opinion in the UK.

## 8.1 BRAIN DRAIN OF INTERNATIONAL STUDENTS

The UK does not have an official policy or initiatives to deal with the risk of brain drain for sending countries of international students. However, the UK Government emphasises that student immigration is designed to be a temporary route that does not lead to settlement. Time spent as a student in the UK cannot count towards any settlement or citizenship rights. Programmes such as the Medical Training Initiative (MTI), where doctors in training are permitted to come to the UK for two years to work in a hospital, have proved valuable experience and ultimately ‘brain gain’ for international students and the countries they then return to.

Funding schemes for non-European Economic Area (EEA) students, such as the Commonwealth Scholarship for developing countries (of which the UK is the biggest state contributor), have likewise provided brain gain for those sending countries. For example, an evaluation of the impacts of the Commonwealth and Fellowship scheme on the Caribbean region found that most alumni (87%) were active in professional and managerial roles and were working in their country of origin or the wider Caribbean region (Commonwealth Scholarship Commission in the United Kingdom, 2010; Wiese and Thorpe, 2011, p.23). The UK considers that providing opportunities to international students to experience UK HE, while ensuring their eventual return, is an extremely effective way of improving the knowledge base in developing countries and contributes to the development of sending countries.

## 8.2 IMPACTS OF INTERNATIONAL STUDENTS ON THE EDUCATION SECTOR

At the undergraduate level, because there is no limit to admissions there is no competition for places between non-EEA and EEA students. At postgraduate level it is possible that EEA students may compete with non-EEA students for funded degrees. However, funded degrees for non-EEA students are limited as many funding schemes are for EEA students only. For unfunded places on taught master degrees there may be competition for admissions, but there is no evidence to suggest that non-EEA students are crowding out EEA students. The distribution of places between EEA and non-EEA students is essentially up to each higher education institution (HEI) to decide.

Based on finance records from the Higher Education Statistics Agency (HESA), non-EEA students contributed £2.2 billion to HEIs in 2008/09 (UK Border Agency, 2010a, p 3; Department for Business, Innovation and Skills, 2011, p 22). This figure includes data submitted by all HEIs that receive direct public funding (plus the University of Buckingham). The income from tuition fees paid by non-EU students constitutes 9 per cent of the sector’s total fee income, but can reach as high as 30 per cent of total income for some institutions (UK Council for International Student Affairs, 2010; Mulley et al, 2011, p.15).

## 8.3 PUBLIC OPINION ON INTERNATIONAL STUDENTS

Since the late 2000s immigration as a public issue for Britons has become increasingly important, ranking as the second most important policy issue facing Britain at the last general election in 2010 (Ipsos-MORI, 2010), and ranking as the third most important issue the following year (Ipsos-MORI, 2012).

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# Appendices

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# Appendix A: Policy and operational partners

The following table outlines the main actors and institutional bodies and their roles in developing or contributing to student immigration policy.

Department/organisation	Functions in students immigration policy
<b>Home Office</b>	<ul style="list-style-type: none"> <li>- Lead department in developing immigration and asylum policy.</li> <li>- Under the leadership of the Secretary of State for the Home Department (Home Secretary) who is supported by a Minister of State who has specific responsibility for borders and immigration (Immigration Minister).</li> </ul>
<b>UK Border Agency (UKBA)</b>	<ul style="list-style-type: none"> <li>- Agency of the Home Office responsible for protecting the UK border, including: maintaining controls at ports of entry; preventing illegal entry and other abuses of immigration control; and securing compliance within the conditions imposed on individuals, including their departure. Administers all tiers of the Points-Based System.</li> </ul>
<b>Department for Business, Innovation and Skills (BIS)</b>	<ul style="list-style-type: none"> <li>- Responsible for the development of further and higher education policies in the UK, including international education policy and initiatives.</li> <li>- BIS maintains the official list of all Recognised Bodies and Listed Bodies, oversees accreditation of higher education institutions, and oversees various international education funding schemes, such as the Fulbright scheme.</li> <li>- Provides the secretariat for the International Education Advisory Forum (IEAF), which enables a disciplined, structured and strategic approach to the UK's international education strategy and enhanced strategic relationship with key partners, such as the British Council. The Forum is chaired by David Willetts (BIS Minister for Universities and Science). Permanent members of IEAF include BIS, the Foreign and Commonwealth Office, the Department for Education, UK Trade International, Department for International Development, devolved administrations, the British Council, Universities UK, the International Unit, Association of Colleges, the Quality Assurance Agency, Research Councils UK. Others, stakeholders such as the Home Office/UK Border Agency, can be copied in to papers and invited to attend for discussion of areas of specific interest to them.</li> </ul>
<b>Foreign and Commonwealth Office (FCO)</b>	<ul style="list-style-type: none"> <li>- FCO runs and awards the prestigious Chevening scholarships.</li> <li>- FCO is also involved in administering other scholarships, such as the Marshall programme and the Commonwealth scholarship in conjunction with other countries and organisations.</li> </ul>
<b>Joint Education Taskforce (JET)</b>	<ul style="list-style-type: none"> <li>- Comprises senior figures and representative bodies from both the further and higher education sectors, including the UK Border Agency, the Home Office and the UK Council for International Student Affairs.</li> </ul>
<b>Migration Advisory Committee (MAC)</b>	<ul style="list-style-type: none"> <li>- Advises the Government on migration issues from an economic perspective. The Government sets questions on specific aspects of migration for the MAC to investigate, and it reports with its recommendations accordingly.</li> <li>- MAC is a non-statutory, non-time limited, non-departmental public body sponsored by the UK Border Agency, made up of a chair and four independent economists.</li> <li>- Meets at least quarterly and regularly consults with corporate partners and employers to gather evidence.</li> </ul>
<b>UK Council for International Student Affairs (UKCISA)</b>	<ul style="list-style-type: none"> <li>- UKCISA is the UK's national advisory body of international student relations. This includes advising and training its members and students, and monitoring and consulting with government on international education.</li> <li>- Aims to increase support for international education and raise awareness of its values and benefits; promotes opportunities for greater student mobility; encourages best practice and institutional support throughout the education sector.<sup>48</sup></li> </ul>
<b>British Council (BC)</b>	<ul style="list-style-type: none"> <li>- UK's international cultural relations body. The BC is regulated as a charity and is a non-departmental public body funded by the Foreign and Commonwealth Office, as well as by commercial businesses, but has day-to-day operational independence.</li> <li>- Aims to promote international education and cultural opportunities. Runs initiatives to promote UK education.</li> <li>- Has the current contract for delivery in the UK of EU schools and higher education mobility programmes, and to act as the national contact point for Tempus and Erasmus Mundus programmes.</li> </ul>

<sup>48</sup> <http://www.ukcisa.org.uk/about/index.php>.

Other departments that contribute to further development or are consulted on proposed changes to student immigration policy include:

- the Department for Education (responsible for education and children's services);
- the Department for International Development;
- the Department of Health;
- HM Treasury;
- the Department for Communities and Local Government;
- the Department for Work and Pensions; and
- the devolved administrations.



# Appendix B: Public education funding sources and bodies

<b>Funding source</b>	<b>Non-departmental public body</b>
Department for Business Innovation and Skills	Higher Education Funding Council for England (HEFC)
Northern Ireland Executive	Department for Employment and Learning for Northern Ireland (DELNI)
Scottish Government	Scottish Further and Higher Education Funding Council (SFC)
Welsh Assembly Government	Higher Education Funding Council for Wales (HEFCW)

# Appendix C: Education accreditation bodies by type of institution

Type of institution	Accreditation body
Higher education institutions	Quality Assurance Agency (QAA)
Pre-sessional	QAA
Privately funded further education colleges	Independent Schools Inspectorate (England and Wales); Bridge Schools Inspectorate (for colleges with clear religious purpose in England and Wales); Education Scotland (Scotland); The Education and Training Inspectorate (Northern Ireland)
English language colleges	Independent Schools Inspectorate (England and Wales); Accreditation Unit (British Council); Education Scotland (Scotland); The Education and Training Inspectorate (Northern Ireland)

# Appendix D: List of courses available at further and higher education institutions

Course	Summary	Qualification	Average duration (full-time)	ISCED level	NQF
Undergraduate	Any subject	Bachelor of Arts (BA) or Bachelor of Science (BSc) or Bachelor of Education (BEd)	Three years; in Scotland four years	5A medium	6
Master degree (taught or research)	Any subject	Master of Arts (MA) or Master of Science (MSc) or Master of Business Administration (MBA)	One to two years	5A long	7
Higher National Certificate (HNC)	Roughly equivalent to one half-year of university and a Certificate of Higher Education but being slightly less than that of a Higher National Diploma (HND) and one below that of a bachelor's degree	HNC	One year	5B short	5
Certificate of Higher Education (Cert. HE)	Various disciplines; an independent, tertiary award	Cert. HE	One year		4
Higher National Diploma (HND)	This qualification can be used to gain entry into the UK and is considered as the second year in a three-year university undergraduate degree.	HND	Two years	5B short	5
National Vocational Qualifications (NVQs)	These are work-based awards. To achieve an NVQ, candidates must prove that they have the 'competence' to carry out their job to the required standard. There are five levels of NVQ ranging from level 1, which focuses on basic work activities, to level 5 for senior management. A sub-degree NVQ is classified from level 4. An NVQ level 4 is roughly equivalent to a BTEC Higher National Certificate (HNC) or a Higher National Diploma (HND).	NVQ levels 4–5	9–18 months	5B	5
Foundation Degree	Combines academic and work-based learning.	Foundation Degree in Arts (FdA) or Science (FdSc)	Two years	5B short	5

Course	Summary	Qualification	Average duration (full-time)	ISCED level	NQF
Higher Education Diploma	Includes nurse training. More academic equivalent of a Higher National Diploma	HE Diploma	Two to three years	5B medium	5
Professional postgraduate on the job training	Professional qualifications in, for example, accountancy, law, and professions allied to medicine	Various	One to three years	5A long	7
Postgraduate diplomas and certificates	For example, Postgraduate Certificate in Education (PGCE), a common route into teaching for degree holders	Various	One year	5A long	7
Doctorate	Any subject	Doctor of Philosophy (PhD, DPhil)	Three+ years	6	8
First professional degree	Specific subjects such as: dentistry, medicine, engineering, and veterinary medicine.	Various, for example, Bachelor of Medicine (MB), Bachelor of Science (BS)	Four+ years	7	7

# Appendix E: Categories of people eligible for ‘home fees’

- 1.) Those who are ‘settled’ in the UK and meet the main residence requirement.
- 2.) Those who are ‘settled’ in the UK and have exercised a ‘right of residence’ in the European Economic Area (EEA) and/or Switzerland.
- 3.) EU nationals and their family members.
- 4.) EU nationals in the UK.
- 5.) EU nationals/family members with the right of permanent residence in the UK.
- 6.) EEA/Swiss workers and family members.
- 7.) Child of a Swiss national.
- 8.) Child of a Turkish worker.
- 9.) Refugees, their spouses/civil partners, and children.
- 10.)
  - a) (for study in England) those not granted refugee status but allowed to remain in the UK with humanitarian protection and their family;
  - b.) (for study in Northern Ireland) those not granted refugee status but allowed to remain in the UK with limited leave, and their family members;
  - c.) (for study in Wales) those not granted refugee status but allowed to remain in the UK, and their family.<sup>49</sup>

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<sup>49</sup> For specific details on each category, see:  
[http://www.ukcisa.org.uk/student/info\\_sheets/tuition\\_fees\\_ewni.php#home\\_overseas](http://www.ukcisa.org.uk/student/info_sheets/tuition_fees_ewni.php#home_overseas)

# Appendix F: Details on criteria to become a Highly Trusted Sponsor

To achieve Highly Trusted Sponsor (HTS) status, the sponsor must meet all the mandatory requirements set out below.

<b>Minimum qualifying period</b>	<b>12 months, with the last 6 months as an A-rated sponsor</b>
Minimum period with no civil penalties	3 years
Refusal rate	Less than 20 per cent
Enrolment rate	More than 90 per cent
Course completion rate	More than 85 per cent
Declaration of progression	100 per cent
No serious concerns	(Linked to the new visiting officer report)

The education provider is then assessed against the core measurable requirements with points deducted according to a sliding scale. The maximum a sponsor can achieve on these measures is 100 points, with a minimum requirement of 70 points to achieve HTS status. The core measurable requirements are detailed in the table below.

<b>Refusal rate</b>	Less than 5 per cent	-0
	5–10 per cent	-5
	10–15 per cent	-10
	More than 15 per cent	-20
<b>Enrolment rate</b>	More than 98 per cent	-0
	96–98 per cent	-5
	93–96 per cent	-10
	Less than 93 per cent	-15
<b>Course completion rate</b>	More than 98 per cent	-0
	95–98 per cent	-5
	90–95 per cent	-10
	Less than 90 per cent	-15

For example, a sponsor meets all the mandatory requirements and has an 18 per cent refusal rate, a 94 per cent enrolment rate and a 92 per cent course completion rate. They are deducted 20 points for the refusal rate, 10 points for the enrolment rate and a further 10 for the course completion rate, losing 40 points in total. This leaves a score of 60 points so their application is refused (UK Border Agency, 2011b).

# Appendix G: Details of where pre-sessional courses do not have to meet Tier 4 acceptable level

## **PRE-SESSIONAL (PS) COURSES DO NOT HAVE TO MEET TIER 4 (T4) ACCEPTABLE LEVEL IN THE FOLLOWING INSTANCES:**

- a PS course at an independent school, which may include some academic study as well as English language, to prepare the student for a main full-time course at National Qualifications Framework (NQF) level 3/ International Standard Classification of Education (ISCED) level 3A or above; or
- a PS English language course that the student completes immediately before taking up an unconditional offer of a full-time course at NQF level 6/ISCED 5 or above, and that is covered with the main course of study under a single Confirmation of Acceptance for Study (CAS) issued by the same T4 sponsor; or
- a PS English language course that will allow the student to undertake a full-time course at NQF level 6/ ISCED 5 or above. The student must have the same T4 sponsor for both courses, and that sponsor must have already given them a CAS for the PS course and a conditional offer for the main course.

If the student then successfully completes their PS course, they can apply in-country for further leave to remain for their main study

# Appendix H: Tiers eligible to switch in-country to Tier 4

An applicant can switch into Tier 4 (general) without leaving the UK if they have, or were last given, permission to stay in one of the following categories:

- Tier 1 (post-study work);
- Tier 2 (general);
- Tier 2 (intra-company transfer);
- Tier 2 (minister of religion);
- Tier 4 (child);
- prospective student;
- student (under the rules in place before 31 March, 2009);
- student re-sitting an examination;
- student nurse;
- student writing up a thesis;
- student union sabbatical officer;
- work permit holder;
- postgraduate doctor or dentist;
- person on the Science and Engineering Graduates Scheme;
- person on the International Graduates Scheme;
- person on the Fresh Talent: Working in Scotland Scheme.



# Appendix I: Information available to international students pre-arrival

- UK Border Agency (UKBA): Website provides information on the visa application process and the conditions of entry for Tier 4 (T4) visas and student visitor category. The website provides detailed policy guidance for international students. UKBA staff, who are located in visa application centres overseas, are not able to give advice about applications or visa types. If the applicant experiences problems with the application procedure, UKBA recommends seeking advice from a qualified immigration adviser.
- UK National Academic Recognition Information Centre (UKNARIC): Website provides information on the recognition of foreign diplomas, degrees and other qualifications, the education system, and opportunities for studying abroad, including information on available funding and scholarships.
- UK Council for International Student Affairs (UKCISA): Website provides detailed advice on visa applications and on studying in the UK for international students. UKCISA also offers an advice helpline.
- Foreign and Commonwealth Office (FCO): Provides detailed information on each of its embassy/high commission websites, including information about scholarships and loans that are available to students, along with useful links and information on 'student life'. For some embassies, such as the Brazilian Embassy, the website offers the 'student express'. The student express is a facility that simplifies the UK's student visa application process and helps to ensure that Brazilian students are able to access UKBA-trained and accredited education agents.
- British Council: Website provides accessible information on an easy to search database of courses on offer in the UK; local information about studying in the UK; education information sheets that provide all the basics the applicant needs to know when considering studying in the UK; learning English in the UK; funding studies in the UK; UK visa advice; and a booklet on living in the UK (British Council, Comfort Zone). The British Council also offers visa advice at most of its worldwide centres (200 offices in 110 countries).
- United Nations Educational, Scientific and Cultural Organization (UNESCO): Provides an online booklet called Study abroad, which covers higher-education opportunities and scholarships offered by universities and international organisations.
- University websites: Most provide information on courses of study, terms and conditions, pre-arrival information, accommodation tips and usually a contact point/helpline.

# Appendix J: Other marketing activities run by the British Council

## **Education UK website [www.educationuk.org](http://www.educationuk.org)**

Visited by 1.9 million students each year, this is the number one website worldwide for international students interested in UK study. Alongside inspiring articles about life in the UK, students can browse over 150,000 courses and 3,000 scholarships.

## **Club UK and Postgraduate UK magazines**

Distributed to students in 80 countries each year, these two annual magazines offer inspirational and fun articles about living and learning in the UK, and promote the excellence of UK institutions.

## **Education UK guides (Undergraduate and pre-university and Post-graduate and MBA)**

Published annually, these two guides offer comprehensive information about institutions and courses in the UK, and are distributed to students in 80 countries.

## **Education UK newsletter**

Sent monthly to over 80,000 international students, this includes articles, fun competitions, tips on applying for courses and visas, subject features and more.

## **Education UK brand**

The Education UK brand is highly trusted and recognised by international students. It is applied across all of the British Council's tools and communications with students and agents. Suitable UK institutions can buy a brand logo as a 'kitemark'.

## **Education UK communications**

The British Council's communications strategy aims to show what the UK education has to offer, counter misleading/damaging stories about the UK and offer advice to students to help them have a safe and enjoyable experience.

The strategy involves a:

- bi-weekly newsletter to agents;
- regular student communications;
- press briefings and press releases.

## **The Education UK/GREAT BRITAIN campaign**

As part of the UK Government's 'GREAT BRITAIN' campaign, Education UK has received additional funding to promote the UK as a study destination to international students. With this funding, the British Council will be producing:

- two promotional films (one focused on the 'adventure' of studying in the UK, the other on the 'academic excellence/employability');
- a suite of brochures;
- 3 interactive features for the website;
- a global Facebook site; and
- several other marketing initiatives.

**International student working group**

Managed by the British Council Education UK, this group includes senior colleagues from Universities UK (UUK), English UK, UKCISA, FCO, the Department for Business, Innovation and Skills (BIS), UKBA, Scotland Colleges, the Quality Assurance Agency (QAA) and other sector organisations. The group works together to promote the UK to international students, and to ensure the welfare of international students. For example, a number of jointly produced guidance documents have been published, aimed at students affected by college closures and visa issues, PR campaigns about tuition fees introduced, and joint training sessions for agents hosted.

**Education UK road-shows and pre-departure briefings** (managed by individual British Council country teams). Many British Council teams run road-shows touring schools in their country, where students can speak to British Council staff and UK institutions to find out first hand about what it is like to study in the UK. The pre-departure briefings are aimed at students who have secured a place to study in the UK, and offer practical tips on preparing to come to the UK, from finding accommodation, to opening a bank account, to deciding what clothes to pack for the UK weather.

**Agent training and seminars**

The British Council runs a very popular online training scheme for agents. This gives them a real understanding of the UK's education system, to help them advise students.

**Education UK exhibitions** (managed by the British Council SIEM team)

British Council exhibitions are held each year in 30 countries. From sector-focused events, to huge events attracting over 30,000 students, they are a chance for students to meet face to face with institutions to get the low-down on studying in the UK.

# Appendix K: Funding schemes for non-European Economic Area students studying in the UK

Name of award	Marshall scholarships	Fulbright scholarships	Chevening scholarships	Commonwealth Scholarships and Fellowships Plan (CSFP)	Marie Curie Fellowships	Erasmus Mundus
<b>Source funding</b>	<ul style="list-style-type: none"> <li>- Foreign and Commonwealth Office (FCO).</li> <li>- Overseen by Marshall Aid Commemoration Commission.</li> </ul>	<ul style="list-style-type: none"> <li>- US and UK Governments.</li> <li>- For UK the Department for Business, Innovation and Skills (BIS) and the Scottish Government provide funding to UK Fulbright Commissioner.</li> <li>- UK Fulbright Commissioner decides.</li> </ul>	<ul style="list-style-type: none"> <li>- Mainly FCO with contributions from universities and other partners.</li> <li>- Overseen by Public Diplomacy Team in FCO, who contract out the administration. Contract currently (2012) held by the Association of Commonwealth Universities.</li> </ul>	<ul style="list-style-type: none"> <li>- Awards funded by Department for International Development (DfID) for developing countries and BIS and the Scottish Government for developed countries.</li> <li>- Overseen by Commonwealth Scholarship Commission.</li> </ul>	<ul style="list-style-type: none"> <li>- EU Commission.</li> </ul>	<ul style="list-style-type: none"> <li>- EU Commission.</li> </ul>
<b>Level and subject</b>	<ul style="list-style-type: none"> <li>- Postgraduate.</li> <li>- Any subject.</li> </ul>	<ul style="list-style-type: none"> <li>- Master degrees and PhD studies.</li> <li>- Any subject, except medicine.</li> </ul>	<ul style="list-style-type: none"> <li>- Taught master degrees.</li> <li>- Any subject.</li> </ul>	<ul style="list-style-type: none"> <li>- Developed countries: PhD only.</li> <li>- Developing countries: Master degrees or PhD.</li> <li>- Falkland Islands, Maldives, Seychelles, and St Helena: Undergraduate funding available.</li> <li>- Any subject.</li> </ul>	<ul style="list-style-type: none"> <li>- PhD fellowships under Initial Training Networks.</li> </ul>	<ul style="list-style-type: none"> <li>- Action 1: Provides funding for consortia of institutions. Minimum of three higher education institutions (HEIs) from different European countries come together to design and deliver either a master degree or doctoral programme.</li> <li>- Action 2: funding for student and staff mobility between third countries and European institutions.</li> <li>- Action 2 consists of five HEIs (three of which from EU Member States). Funding available for undergraduates, master degrees, and doctorates.</li> </ul>

Name of award	Marshall scholarships	Fulbright scholarships	Chevening scholarships	Commonwealth Scholarships and Fellowships Plan (CSFP)	Marie Curie Fellowships	Erasmus Mundus
<b>Criteria</b>	<ul style="list-style-type: none"> <li>- US citizens only.</li> <li>- Candidate must hold a first degree from an accredited four-year college or university in the US with a minimum Grade Point Average (GPA) of 3.7.</li> </ul>	<ul style="list-style-type: none"> <li>- US citizens only.</li> <li>- Candidate must be academically strong and hold a relevant undergraduate degree to planned studies.</li> </ul>	<ul style="list-style-type: none"> <li>- Talented individuals who have been identified as potential future leaders in their country of origin.</li> <li>- Excludes US and EU citizens.</li> </ul>	<ul style="list-style-type: none"> <li>- Must be Commonwealth citizens, refugees, or British protected persons.</li> <li>- Must be permanently resident in a Commonwealth country other than the UK, the Channel Islands or the Isle of Man.</li> <li>- Must hold a 2:1 undergraduate degree or above or second class degree and an appropriate postgraduate qualification.</li> </ul>	<ul style="list-style-type: none"> <li>- Selected by consortium institutions.</li> <li>- Must have less than four years experience full-time research experience.</li> <li>- Must not have resided or carried out main activity (work, study) in UK for more than 12 months in the immediate 3 years prior to appointment.</li> </ul>	<ul style="list-style-type: none"> <li>- Selected by consortium institutions.</li> <li>- Must have recognised undergraduate degree.</li> <li>- Will be ineligible if candidate has carried out 'main activity' (work, study) for more than a total of 12 months in any EU Member State.</li> </ul>
<b>How many in the UK per year?</b>	- Up to 40.	- 50–60 (split between postgraduate student scholars and US scholars and professors).	- 700 approximately.	- 700 approximately.	- European Commission (EC) does not collect data on this.	- Depends on consortiums. For year 2011–12 there were 300 approximately.
<b>Duration of funding</b>	- Usually 2 years but 8 out of 40 scholarships are for 1-year posts and occasionally funding awarded for three years.	- First year of study.	- One year.	- One to three years.	- Three years.	- One to three years
<b>Covering</b>	<ul style="list-style-type: none"> <li>- Tuition fees; cost of living expenses; annual book grant; thesis grant; research and daily travel grants; travel fares; contribution towards dependant spouse.</li> </ul>	<ul style="list-style-type: none"> <li>- Depends on award category. The award is meant as a contribution towards tuition fees and living expenses.</li> <li>- The 2012/13 cycles postgraduate awards amounted to £12,000 (studying outside Greater London).</li> </ul>	<ul style="list-style-type: none"> <li>- Tuition fees; maintenance allowance; travel costs; additional grants to cover essential expenditure.</li> </ul>	<ul style="list-style-type: none"> <li>- Tuition fees; travel costs; research costs; maintenance allowance; marriage allowance; child allowance.</li> </ul>	<ul style="list-style-type: none"> <li>- Tuition fees; employment contract; travel allowances.</li> <li>- Provides two sets of flat-rate funding to the host institution, £1,800 per researcher month to cover training, research expenses, etc., and 10 per cent of the total other costs towards overheads.</li> </ul>	<ul style="list-style-type: none"> <li>- Action 2: €24,000 per student for a 1-year course (travel expenses, tuition fees, monthly stipends, accommodation, etc.) or €48,000 per student for a 2-year course.</li> </ul>

# Appendix L: Details on Erasmus Mundus actions for international students

## **Action one**

Provides grants enabling consortia of institutions to set up high-quality master degree courses and doctoral programmes. Each consortium consists of a higher education institution (HEI) from a minimum of three different European countries; at least one of which must be an EU Member State (MS). Funding is made available for scholarships that non-European Economic Area (EEA) students can apply for in order to attend the above mentioned master degree courses and doctoral programmes.

## **Action two**

Provides funding for student and staff mobility between European institutions and institutions outside Europe. Each Action 2 partnership must consist of five HEIs from at least three EU MSs plus HEIs from outside Europe. Under this action students can undertake study at any level. However, the partnership does not design a specific course/programme for this purpose. The number of students involved and their place of study depend on the agreements reached between the partners. There are currently (June 2012) 131 Erasmus Mundus master degree courses and 34 joint doctorate programmes.

Where the student applies for their UK visa depends on their individual learning track defined by the relevant master degree course or doctoral programme. In the past it has been the case that students have sometimes had to return to their home country to apply for a visa, rather than being able to apply from the MS in which they were studying before the period of their UK study. There were 307 non-EU nationals funded by the Erasmus Mundus programme studying at a UK institution in the academic year 2011/12.



Home Office