

## **Addendum**

Before making his/her application, a Tier 4 Student should consider the additional guidance at Annex 6 of this document. This appendix updates some of the existing guidance elsewhere in this document and should be considered in addition to the existing guidance.

Areas covered are:

### **1. Arrangements for Students using the Pearson Test of English Academic (PTE Academic)**

This section explains how Tier 4 (General) students using the Pearson Test of English Academic (PTE Academic) to demonstrate their English language ability should make their application.

### **2. Arrangements allowing 18 and 19 year olds to apply for additional permission to stay as a Tier 4 (Child) Student.**

This section explains how an 18 or 19 year old student can apply for additional permission to stay as a Tier 4 (Child) Student if he/she is currently studying in the UK as:

- a Tier 4 (Child) student; or
- as a student under the student rules that were in force before 31 March 2009, where the student was granted permission to stay whilst he/she was under 18 years old.

### **3. Arrangements for International Baccalaureate Students with awards issued on 5 July 2012**

This section explains how Tier 4 students receiving the results of their International Baccalaureate on 5 July 2012 should make their application.

### **4. Introduction of credibility testing**

This section explains how Tier 4 students will be affected by new rules introducing credibility testing which will come into effect from 30 July 2012.

### **5. Changes to visa applications from overstayers**

Applications for leave to remain under Tier 4 of the Points Based System that are decided on or after 1 October 2012 will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances which prevented him/her from applying within the 28 day period.

# Tier 4 of the Points Based System – Policy Guidance

This guidance is to  
be used for all Tier 4  
applications made on  
or after 4 September  
2012

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## INTRODUCTION

1. This document gives the policy guidance for students coming to the UK under Tier 4 of the points based system, and should be read with paragraphs 245ZT to 245ZZD of the Immigration Rules (these can be found on our website at: [www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/)). It is correct at the time of publication but some sections may change, so students should always check they have the right version by going to our website.
2. A student making an application from either inside the UK (leave to remain) or outside the UK (Entry Clearance) should go to the UK Border Agency website to find the application form at: [www.ukba.homeoffice.gov.uk/studyingintheuk/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/)
3. For the Immigration Rules in full and more information on how to apply, go to our website which can be found at: [www.ukba.homeoffice.gov.uk/studyingintheuk/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/).
4. A full glossary of terms used in this guidance can be found at Annex 1.

## KEY PRINCIPLES

5. There are two student categories in Tier 4 of the points-based system:
- Tier 4 (General) student – for students coming to the UK for post-16 education
  - Tier 4 (Child) student – for children between 4 and 17 years old to come to the UK for their education. Children between 4 and 15 years old may only be educated at independent fee paying schools.
6. Students must meet the full requirements of the Immigration Rules and have 40 points in total as shown in the table below:

Points required: 40	
Having a valid Confirmation of Acceptance for Studies from a Tier 4 sponsor	30 points
Having enough money to cover course fees and monthly living costs (also known as maintenance or funds)	10 points

7. A student's application under Tier 4 can be refused under the general grounds for refusal listed in the Immigration Rules. This means that even if a student meets the requirements of the category they are applying for, there may be other reasons why we will refuse the application. For example, this could be because of the student's previous immigration history. Further information about general grounds for refusal can be found on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9/>.
8. All students making a Tier 4 application will have to submit his/her biometrics details. An application can only be assessed once these are received.

### Documents the student will need to send with his/her application

9. To claim points, a student must send the required documents listed in this guidance when he/she makes his/her application (paragraph 245AA of the Immigration Rules). We will only accept the documents listed in this guidance as evidence (proof).
10. Tier 4 Students who qualify for our differentiation arrangements because they are considered to be "low risk" will normally be required to provide fewer evidential documents. Where a Tier 4 Student is exempted from having to provide a document - or a group of documents - under our differentiation arrangements, this will be specifically stated in this guidance. Notwithstanding the differentiation arrangements, the UK Border Agency reserves the right to request the full range of documents from Tier 4 Students in all cases. **The UK Border Agency will refuse any application where a request is made for the supporting documents to be submitted, if the specified documents are not provided to the Agency within the period specified in that request.**

11. A Tier 4 Student qualifies for our differentiation arrangements if he/she:

- is sponsored by a Highly Trusted Sponsor; and
- is applying for entry clearance in his/her country of nationality or for leave to remain in the UK; and
- is a national of one of one of the countries listed at Appendix H of the Immigration Rules:

<http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixh/>

We will confirm the Tier 4 student's nationality using his/her passport.

The list of low risk nationalities will normally be reviewed on an annual basis.

12. Documents must be issued by an authorised official of the issuing organisation and be:

- original (unless we say otherwise); and
- on the official letter-headed paper or stationery of the organisation.

13. For students already in the UK, where a document is not in English or Welsh, the original must be accompanied by a fully certified translation by a professional translator/translation company. This translation must include:

- details of the translator/translation company's credentials; and
- confirmation that it is an accurate translation of the original document; and
- the translator/translation company's contact details.

It must also be dated and include the original signature of the translator or an authorised official of the translation company.

14. For students overseas, any documents that have to be submitted in support of points claimed, which are not in English or Welsh must be accompanied by a full translation that can be independently verified by the UK Border Agency. The original translation must contain confirmation from the translator/translation company that it is an accurate translation of the original document, the date of the translation, the translator/an authorised official of the translation company's full name and signature, and the translator/translation company's contact details.

15. Where a translation of an overseas qualification or award certificate is submitted, we will not take it as a direct translation of the academic level of that award. We will always use UK NARIC to assess the equivalency of overseas qualifications.

16. If a student does not provide the specified documents, we will not ordinarily contact him/her to ask for them. Therefore, if they fail to send the correct documents we may refuse the application. However, there may be occasions where we will contact them or their representative to ask for documents only if they have submitted:

- A sequence of documents, and some of the documents in the sequence have been omitted (for example, if one bank statement from a series is missing);
- A document that is in the wrong format;

- A document that is a copy and not an original document.

In these circumstances we would contact the student or their representative in writing to request this. If we request evidence, then it must be received by the UK Border Agency processing centres within 7 working days of the date of the request. If the correct documents are not submitted within the specified timescale then we may refuse the application. We will not ask for further information where none of the information has been submitted (for example an English language certificate is missing); or where we do not anticipate that a correction of minor errors or omissions will lead to an approval because the application will fail for other reasons.

## **TIER 4 SPONSORS**

17. To apply under Tier 4, a student must have a Tier 4 sponsor. All Tier 4 sponsors who want to provide courses for international students need a licence from the UK Border Agency. Once they get a licence, they are added to the Tier 4 register of sponsors.

18. The register of sponsors has the name, location and rating of the organisation. Students should check whether their sponsor has a licence by looking at the Tier 4 register of sponsors on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation>

19. A student's Tier 4 sponsor will assign the student a Confirmation of Acceptance for Studies (CAS) reference number, which is an official and unconditional offer of a place on a course of study. More information on the role of approved Tier 4 sponsors can be found in Annex 2.

20. On 21 April 2011 we made some changes to the sponsor licence requirements. On that date we:

- changed the requirements for educational oversight;
- introduced a requirement for all Tier 4 sponsors to become Highly Trusted Sponsors; and
- introduced an interim limit on the number of CASs that certain existing sponsors can assign.

21. If sponsors had a licence that was granted under the guidance that was in place before 21 April 2011 and they were not a Highly Trusted Sponsor or did not meet the new educational oversight requirements, or both, they were allowed to stay on the Tier 4 sponsor register but we limited the number of CASs they could assign.

## **New Requirements for Tier 4 Sponsors**

22. Highly Trusted Sponsor status (which we call HTS) is designed to ensure that all education providers are taking their obligations on immigration compliance seriously. It recognises sponsors who show a good history of compliance with their sponsor duties and whose students comply with the terms of their visa or permission to stay in the UK (known as 'leave to remain').

23. 'A' rating is reserved for new licence holders as a transitional rating before being able to apply for HTS. After 12 months sponsors must apply for HTS and must meet all of the criteria we have set out for Highly Trusted Sponsors.

24. Under the sponsor ratings system in place before 05 September 2011 it was possible for some sponsors to be B rated. The Tier 4 sponsor guidance details the requirements for sponsors who are currently B-rated, sets out what sponsors must now do to keep their sponsor licence and provides information on transitional arrangements.

25. Legacy sponsors are Tier 4 sponsors who either:

- do not try to meet the requirements for educational oversight by the deadlines set out in the sponsor guidance; or
- do try to meet the new requirements for educational oversight by the deadlines set out in the sponsor guidance, but fail; or
- meet the mandatory requirements for Highly Trusted Sponsor but score a 'near miss' on the core measurable requirements and when they re-apply, score a second near miss.

If sponsors become legacy sponsors they will retain their original sponsor rating however they may not sponsor any new students or any existing students for a new course.

Full details of these requirements and all the Tier 4 sponsorship changes are available in the Tier 4 sponsor guidance, which is available on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>

## **THE CONFIRMATION OF ACCEPTANCE FOR STUDIES**

### **What is a Confirmation of Acceptance for Studies?**

26. The Confirmation of Acceptance for Studies (CAS) is not an actual certificate or paper document but is a virtual document similar to a database record. Each Confirmation of Acceptance for Studies has a unique reference number and contains information about the course of study for which it has been issued and the student's personal details. The information that the sponsor will include in a Confirmation of Acceptance for Studies can be found on our website: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/sponsor-prep-phase-4>.

27. We will not provide the student with his/her Confirmation of Acceptance for Studies reference number as this is the Tier 4 sponsor's responsibility to do so.

28. The Tier 4 sponsor will also need to provide the student with some of the information they used when they assigned the Confirmation of Acceptance for Studies, for example course details, documents the Tier 4 sponsor has used to assess the student and fees due for the appropriate period of study. The student will need this information to accurately complete his/her application and to make sure that he/she knows which documents to send when he/she applies.

29. A student cannot make his/her Tier 4 application more than three months before the start of his/her course.

### **When is a Confirmation of Acceptance for studies valid?**

30. A valid Confirmation of Acceptance for Studies is one that:

- has the same details on it as in the student's passport; and
- was assigned no more than six months before the date of application; and
- has not been withdrawn or cancelled by the Tier 4 sponsor or us.

The Immigration Rules and Tier 4 Sponsor Guidance contain full details of the information a Confirmation of Acceptance for Studies must contain in order to be valid.

31. The Confirmation of Acceptance for Studies will expire if it is not used for a leave application within six months of it being issued. If a student makes an application using a Confirmation of Acceptance for Studies that has expired, the application will be refused. The student must get a new Confirmation of Acceptance for Studies from his/her Tier 4 sponsor.
32. A Confirmation of Acceptance for Studies cannot be used more than once. If a student's Tier 4 application is refused, and he/she wishes to make another application, he/she will need to get a new Confirmation of Acceptance for Studies from his/her sponsor.
33. Having a valid Confirmation of Acceptance for Studies does not guarantee that a student's application will be successful. The student must meet all the requirements of the category and any other requirements of the Immigration Rules.
34. A Confirmation of Acceptance for Studies can be withdrawn/cancelled at any time by either us or the Tier 4 sponsor. Where a Confirmation of Acceptance for Studies has been withdrawn/cancelled, the same procedures apply as where a Confirmation of Acceptance for Studies becomes invalid.

## **MONEY (ALSO KNOWN AS MAINTENANCE OR FUNDS)**

### **Money needed by a Tier 4 Student**

35. A student will not have access to most state benefits (known as public funds) so must have enough money to support himself/herself so that he/she does not face financial difficulties whilst studying in the UK. The money a student needs depends on the length of the course and where he/she will study.
36. The money a student will need to show must be enough to cover his/her course fees for his/her first period of study or, if the student is continuing a course, for the next period of study, and living costs for up to a maximum of nine months. Living costs might include payments towards the costs of the student's accommodation (a maximum of £1,000 paid to the sponsor in advance for accommodation can be deducted from the amount of maintenance the student must show he / she has, even if the student has paid more than £1,000 in advance) or purchasing study materials such as books or stationery.
37. The amount a student will need to show for course fees will be given by the Tier 4 sponsor on the student's Confirmation of Acceptance for Studies.
38. For students starting out on a new course the Tier 4 sponsor must give the fees for the first year of the course, or for the entire course (if the course is less than a year long).
39. For students who are continuing on an existing course and are applying for an extension to continue to study the course, the Tier 4 sponsor must give either:

- the fees that the student still needs to pay as stated on the student's Confirmation of Acceptance for studies – if the student is part way through the year; or
- the fees that the student needs to pay for the next academic year, if the student will continue the course at the start of the next academic year.

40. If a student is coming to the UK as part of a Study Abroad Programme, the Tier 4 sponsor must only include any fees that must be paid to them for the first year of the course (or for the entire course if it is less than a year long). If the student has no fees to pay to the UK Tier 4 sponsor, the Confirmation of Acceptance for Studies must confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

41. The amount a student will need to show for living costs will depend on his/her individual circumstances.

### **Money needed for Dependants (partners and children)**

42. Any partners or children (also known as dependants) that a student wants to bring to the UK with them must have money in place to support them. The points based system dependants' guidance provides more information on this and can be found at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants>.

43. Only Tier 4 (General) students are permitted to bring dependants with them to the UK.

### **RESTRICTIONS ON SOME STUDENTS WITH OFFICIAL FINANCIAL SPONSORSHIP**

44. A student may be sponsored by an official financial sponsor. An official financial sponsor is Her Majesty's Government, the student's home government, the British Council or any international organisation, international company, university or UK independent school.

45. Within the last 12 months, a student may have been financially sponsored to be in the UK by a government or an international scholarship agency in one of the following categories:

- student; or
- Tier 4 (General); or
- Tier 4 (Child) student ; or
- student nurse; or
- student re-sitting an examination; or
- student writing up a thesis; or
- postgraduate doctors and dentists.

46. For the purposes of this section of the guidance 'sponsored' means wholly supported by an award which covers both fees and living costs.

47. If a student is currently financially sponsored by a government or an international scholarship agency, or this financial sponsorship ended within 12 months of his/her application being made, the student will need the sponsor's permission to stay in or re-enter the UK. The student must provide us with his/her financial sponsor's unconditional consent in writing. This must confirm that the sponsor has no objection to the student continuing his/her studies in the UK. If the financial sponsor does not give consent, we will refuse the application.



## Protecting Children

48. Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the UK Border Agency must have regard to the need to safeguard children and to promote their welfare. All children studying in the UK must have suitable care arrangements in place for their travel, reception on arrival in the UK and living arrangements while here. Children are all students under 18 years old.
49. If a student is 16 or 17 years old and applying as a Tier 4 (General) student, he/she must have his/her parent(s) or legal guardian(s) written consent that he/she can live and travel independently.
50. All arrangements for children's care and accommodation in the UK must comply with relevant UK legislation and regulations. More information can be found on the Department of Health website:
- Accommodation of students under eighteen by further education colleges: national minimum standards and inspection regulations: [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4005629](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629)
  - Boarding schools: national minimum standards, inspection regulations [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006331](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006331)
  - Residential special schools: national minimum standards, inspection regulations: [http://www.dh.gov.uk/en/PublicationsandStatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006472](http://www.dh.gov.uk/en/PublicationsandStatistics/Publications/PublicationsPolicyAndGuidance/DH_4006472)

## Private foster care arrangement

51. Children (applicants under 16 years old, or under 18 years old if the applicant is disabled) are privately fostered when they are cared for on a full-time basis by adults, who are not their parents or a close relative, for more than 28 days. It is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement (including the Tier 4 sponsor), to notify their UK local authority of the private fostering arrangement
52. In the UK local authorities are responsible for safeguarding and protecting children. They must make sure that private foster carers are suitable and that they get any support and guidance that they may need to help them care for the child.
53. A close relative, parent or legal guardian caring for the child is not considered to be a private foster carer and so will not need to register with a UK local authority. A close relative is a grandparent, brother, sister, step-parent, uncle (brother or half-brother of the child's parent) or aunt (sister or half-sister of the child's parent) who is aged 18 or over.

## TIER 4 (GENERAL) STUDENTS

### Specific guidance for Tier 4 (General) students

54. See paragraphs 245ZT to 245ZY of the Immigration Rules for full details of the requirements of the Tier 4 (General) student category.

## **What is the Tier 4 (General) student category?**

55. The Tier 4 (General) student category is for people coming to the UK for post-16 education.

56. If the student is 16 or 17 years old and studying a course at or above National Qualification Framework level 3 the student and his/her Tier 4 sponsor can agree whether the student applies as a Tier 4 (General) student or Tier 4 (Child) student. A student who is 16 or 17 has to apply as a Tier 4 (General) Student if they wish to study English as a foreign language.

## **Who can switch into the Tier 4 (General) student category?**

57. A person can apply under the Tier 4 (General) student category if he/she has, or was last given, permission to stay in any of the following categories:

- Tier 4 (General) Student,
- Tier 4 (Child) Student,
- Tier 1 (Post-study Work) Migrant,
- Tier 2 Migrant,
- Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),
- Participant in the Fresh Talent: Working in Scotland Scheme,
- Postgraduate Doctor or Dentist,
- Prospective Student,
- Student,
- Student Nurse,
- Student Re-sitting an Examination,
- Student Writing-Up a Thesis,
- Student Union Sabbatical Officer,
- Work Permit Holder.

## **What type of study can a Tier 4 (General) student do?**

58. A Tier 4 (General) student must either be doing full-time study in the UK on:

- a full-time course of study that leads to a qualification at Level 6 or above of the revised National Qualification Framework (NQF) or its equivalents; or
- an overseas course of degree level study that is recognised as being equivalent to a UK Higher Education course and is being provided by an overseas Higher Education Institution; or
- a full time course involving a minimum of 15 hours per week organised daytime study (daytime study is 8am - 6pm, Monday to Friday) and (except in the case of a pre-sessional course) leading to a qualification below degree level but which must be at a minimum of NQF Level 3 or its equivalents.

Or undertaking:

- a recognised Foundation Programme as a postgraduate doctor or dentist in the UK;
- work as a student union sabbatical officer.

## What are the acceptable levels of courses that a Tier 4 (General) student can do?

59. A Tier 4 (General) student studying with a Tier 4 sponsor that has a Highly Trusted sponsor licence can obtain a CAS for a course that leads to an approved qualification for UKBA purposes and is:

- Approved at level 3 or above on the National Qualifications Framework (NQF) or Qualifications and Credits Framework (QCF) in England, Wales and Northern Ireland;
- Accredited at level 6 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority;
- A short-term Study Abroad programme in the UK as part of the Tier 4 (General) student's qualification at an overseas university, as long as the qualification is confirmed as being at the same level as a UK degree by UK NARIC. Contact details for UK NARIC can be found on their website at: [www.naric.org.uk/](http://www.naric.org.uk/); or
- An English language course at level B2 or above of the Common European Framework of Reference for Languages.

Please note that in addition to the above, Highly Trusted Sponsors can offer courses which include work placements.

60. A Tier 4 (General) student studying with a Tier 4 sponsor that has a standard licence and is rated either A (Trusted) or B (Sponsor) can obtain a CAS for a course that leads to an approved qualification for UKBA purposes and is:

- Approved at level 4 or above on the National Qualifications Framework (NQF) or Qualifications and Credits Framework (QCF) in England, Wales and Northern Ireland;
- Accredited at level 7 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority;
- A short-term Study Abroad Programme in the UK as part of the Tier 4 (General) student's qualification at an overseas university, as long as the qualification is confirmed as being at the same level as a UK degree by UK NARIC. Contact details for UK NARIC can be found on their website at: [www.naric.org.uk/](http://www.naric.org.uk/); or
- An English language course at level B2 or above of the Common European Framework of Reference for Languages.

Sponsors with a standard Tier 4 sponsor licence rated either A (Trusted) or B (Sponsor) cannot offer courses below degree level that contain work placements.

61. If a Tier 4 (General) student has a CAS and previously had permission to stay as a Student or a Tier 4 (General) Student then a Tier 4 Sponsor can give them a CAS for a new course, only if that new course represents academic progress from the previous study. An example of academic progress would be where a student will be studying for a new qualification at a higher academic level – for instance moving from a course at NQF 6 to one at NQF 7, or study at the same academic level that complements or enhances previous study at the same level.

The only exception to this is where a Tier 4 (General) student is:

- re-sitting examinations or repeating modules, or
- making a first application to move to a new institution to complete a course commenced elsewhere.”

## English language courses

62. A Tier 4 (General) Student can come to the UK to study an English language course. The minimum level of English language study, other than for those exceptions detailed above, is set at Common European Framework of Reference for Languages (CEFR) Level B2.
63. A Tier 4 (General) Student is studying an English language course if he/she is studying English as a foreign language.
64. If a Tier 4 (General) Student wants to do another English language course after his/her first course, he/she will need to show the formal assessment of the English language level he/she achieved from the first course.

## Higher education courses at overseas institutions

65. A Tier 4 (General) Student who is enrolled on a higher education course at an overseas higher education institution, can do a short-term Study Abroad Programme in the UK as part of his/her qualification. This is as long as the qualification is validated as the same level or above as a UK degree by UK NARIC. Contact details for UK NARIC can be found on their website at <http://www.naric.org.uk/>.
66. A Tier 4 (General) Student does not need to provide us with evidence that his/her overseas course is at the right level. The Tier 4 sponsor will check this before they assign a Confirmation of Acceptance for Studies.

## Post-graduate doctors and dentists

67. Tier 4 (General) Students are allowed to do a recognised Foundation Programme as a postgraduate doctor or dentist in the UK in the Tier 4 (General) student category, as long as they meet all the requirements for the category.
68. The Tier 4 (General) Student must have successfully completed a recognised UK degree in medicine or dentistry from:
- a Tier 4 sponsor who has a licence to bring in students; or
  - a UK publicly funded institution of further or higher education; or
  - an institution on the Department for Innovation, Universities and Skills list of recognised bodies or listed bodies list, which keeps satisfactory records of enrolment and attendance. These lists can be found at the following website: <http://www.dcsf.gov.uk/recognisedukdegrees/>
69. The Tier 4 (General) Student must have been given permission to stay in the UK as a student under the rules in place before 31 March 2009 or as a Tier 4 (General) student. This permission must have covered his/her final academic year and at least one other academic year of his/her studies leading to the above degree.
70. The Tier 4 (General) Student can get a maximum period of three years permission to stay as a Tier 4 (General) student to do a recognised Foundation Programme as a postgraduate doctor or dentist.

## **Student union sabbatical officer**

71. A Tier 4 (General) Student union sabbatical job is a full-time, salaried, elected executive union position. A Tier 4 (General) Student may take this job during their studies or in the academic year immediately after they graduate.
72. If a Tier 4 (General) Student takes the job while they still have time left in his/her permission to stay as an Tier 4 (General) student, his/her Tier 4 sponsor must let us know as they are responsible for the student until his/her permission to stay (known as leave to remain) runs out.
73. If a Tier 4 (General) Student wants to do the job at the end of their course, and they have no more time left in their permission to stay as a Tier 4 (General) Student, they must apply again and meet the requirements of the category.
74. A sabbatical job is normally for one academic year and Tier 4 (General) Students may be given permission to stay to cover this time. If a Tier 4 (General) Student is re-elected after one year, they will have to apply again for further leave in this category. A Tier 4 (General) Student can only have a student union sabbatical job for a maximum of two years.
75. The time that a Tier 4 (General) student spends with leave to work in a student union sabbatical job will not count towards the maximum period that a Tier 4 student is permitted to spend in this category. For example, it will be acceptable for a Tier 4 student to spend 5 years studying at or above degree level in as well as spending 1 year working in a student union sabbatical role.
76. The requirement that a work placement be no more than 50% or 33% (depending upon the course/sponsor) of a Tier 4 (General) student's course in the UK does not include any period that the Tier 4 (General) student is in post as a student union sabbatical officer.
77. Tier 4 (General) Student can do additional work but it is restricted to part-time work during term-time (no more than 20 hours a week) and full-time work during vacations, if the Tier 4 (General) Student is not working full-time for the Students' Union in the vacations.

## **WHEN CAN A TIER 4 (GENERAL) STUDENT COME TO THE UK?**

78. A Tier 4 (General) student's course start date is the date given by his/her Tier 4 sponsor on the Confirmation of Acceptance for Studies.
79. If a Tier 4 (General) student is doing a course that is six months or longer, or for a pre-sessional course that is less than six months, the Tier 4 (General) student will be able to come to the UK up to one month before the start date of the course.
80. If a Tier 4 (General) student is doing a course that is less than six months and is not a course to prepare them for study, they will be able to come to the UK up to seven days before the start date of the course.

## How long can a Tier 4 (General) student come to the UK for?

81. The table below explains how much time a Tier 4 (General) Student can come to the UK for:

Type of course	Length of course	Length of stay allowed
Main course of Study (including Sabbatical Officers)	12 months or more	The full length of the course plus four months after the end of the course
	Six months or more, but less than 12 months	The full length of the course plus two months after the end of the course
	Less than six months	The full length of the course plus seven days after the end of the course
Pre-sessional courses	12 months or more	The full length of the course plus four months after the end of the course
	Six months or more, but less than 12 months	The full length of the course plus two months after the end of the course
	Less than six months	The full length of the course plus one month after the end of the course
Postgraduate doctors and dentists on a recognised Foundation programme		The full length of the course (up to a maximum of three years) plus one month after the end of the course

82. The Confirmation of Acceptance for Studies issued by a Tier 4 (General) student's Tier 4 sponsor will include the start and end dates of the course. A course will be considered to be 12 months long if it lasts a full calendar year. For example, a course starting on 1 January 2011 and ending on 31 December 2011 will be considered to be 12 months long.

83. A Tier 4 (General) student who is 18 years old or over is allowed to spend no more than three years in the UK studying below UK Bachelors degree level in his/her lifetime. We cannot approve new leave for a Tier 4 (General) student to study below UK Bachelors degree level, if he/she has already been studying below UK Bachelors degree level for three years.

84. These three years can be spent studying one course or a number of courses.



85. This three year limit does not include any time that a Tier 4 (General) student has spent studying below UK Bachelors degree level under:

- the student rules that were in place before 31 March 2009; or
- Tier 4 (General) when they were 16 or 17 years old; or
- Tier 4 (Child) when they were aged 17 years or under; or
- any other non Tier 4 category which permits study.

86. If a Tier 4 (General) student has official financial sponsorship which wholly covers their fees and living costs, and the financial sponsor limits the time he/she may study in the UK, the permission to stay will be limited to that length of time plus the usual post-course period allowed.

87. In addition to the 3 years of permitted study below degree level for Tier 4 (General) students and any time spent in the Tier 4 (Child) category, the time that a Tier 4 student can spend studying at or above degree level will be limited to 5 years, except in the following circumstances:

- Those Tier 4 (General) students studying a course at or above degree level in one of the following subject areas:
  - Architecture;
  - Medicine;
  - Dentistry;
  - Law, where the applicant has completed a course at degree level in the UK and is progressing to:
    - the Common Professional Examination;
    - the Graduate Diploma in Law and Legal Practice Course; or
    - the Bar Professional Training Course.
  - Veterinary Medicine & Science; or
  - Music at a Conservatoire.
- Those Tier 4 (General) students studying for Master's degrees at a Recognised Body or at a Higher Education Institution (HEI), following completion of an undergraduate degree where the duration of that degree course was 4 or 5 academic years. For these students the limit will be set at 6 years in total instead of 5.
- Those Tier 4 (General) students studying for a PhD at a Recognised Body or at an HEI providing that on completion of the PhD, the time spent in Tier 4 (General) student category will not exceed 8 years. If, as a result of the application for an extension of leave, the time spent in the category would exceed 8 years, the extension application will be refused.

In calculating the maximum amount of time that a Tier 4 student spends studying at or above degree level, we will only include the length of the course and will not take into account the additional periods of leave granted before or after the main course of study that are referred to in the table at paragraph 83.

88. The following scenarios are examples of course combinations that would be acceptable:

- A Tier 4 migrant spends 1 year studying a foundation degree programme, followed by 4 years studying a Bachelor's degree, followed by 2 years studying a Master's degree at an HEI.
- A Tier 4 migrant spends 2 years studying a Scottish HND, followed by 2 years studying a

- Scottish Honours degree, followed by 2 years studying a Master's degree at Recognised.
- A Tier 4 migrant spends 2 years studying A levels (as an adult student), followed by 4 years studying a Bachelor's degree in Engineering, followed by 2 years studying a research or professional Master's degree at an HEI.
- A Tier 4 migrant spends 3 years studying a university validated degree at a private college, followed by a one or two year master's at a Recognised Body or private college.
- A Tier 4 migrant spends 4 years studying an undergraduate course, followed by a 1 year post graduate diploma at an HEI, followed by a 1 year MBA at an HEI
- A Tier 4 migrant spends 4 years studying an integrated Master's course at an HEI, followed by a two year MPhil at Recognised Body, would be able to meet this requirement of the Immigration Rules.
- A Tier 4 migrant spends 5 years studying an integrated masters degree, followed by a 1 year MBA.
- A Tier 4 migrant spends 5 years studying an undergraduate degree followed by a three year Masters degree in music.

89. The following scenarios are examples of course combinations that **would not** be acceptable:

- A Tier 4 migrant who spends 2 years studying at NQF 3, followed by more than 1 years studying at NQF 5 would not be able to meet this requirement of the Immigration Rules.
- A Tier 4 migrant who spends 3 years studying at NQF 3, followed by 3 years on an NQF 6 course, followed by a further three year course at NQF 6 would not be able to meet this requirement of the Immigration Rules.
- A Tier 4 migrant who spends 3 years studying an undergraduate degree at an HEI, followed by a doctorate at a private college validated by a university would not be able to meet this requirement of the Immigration Rules.
- A Tier 4 migrant who spends 4 years studying an undergraduate degree, followed by a 2 year post graduate management qualification at a private college would not be able to meet this requirement of the Immigration Rules.
- A Tier 4 migrant who spends 5 years studying an integrated masters degree with sandwich year at an HEI, followed by a 2 year research masters at an HEI would not be able to meet this requirement of the Immigration Rules.
- A Tier 4 migrant who studies spends more than 5 years studying an NQF6 accountancy course would not be able to meet this requirement of the Immigration Rules.

## **Students applying from inside the UK**

90. Up to and including 30 September 2012, if a student is already in the UK and his/her existing permission to stay runs out more than one month before the start-date of his/her proposed next course of study, he/she will be expected to return overseas and apply from outside the UK. If the applicant applies from inside the UK, his/her application will be refused. A month will be considered a calendar month (for example, if an applicant's leave expires on 14 January his/her new course must start no later than 13 February).

90a. From 1 October 2012, all applications for further leave to remain will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances which prevented them from applying within the 28 day period. The 28 day period of overstaying is calculated from the latest of:

- the end of the last period of leave to enter or remain granted, or
- the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971, or



- the point a written notice of invalidity is deemed to have been received, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

If there are exceptional circumstances which prevented the student from applying in time, they must submit evidence of the exceptional circumstances with your application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of the case, but for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that a student or their representative were unable to submit the application in time (where supported by appropriate medical documentation).
- travel or postal delays which meant that a student or their representative were unable to submit the application in time.
- inability to provide necessary documents.

This would only apply to exceptional or unavoidable circumstances beyond your control, such as UK Border Agency being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought).

91. We suggest that if a student's course has ended and he/she is applying from inside the UK to extend his/her stay, he/she should apply in the last three months of his/her permission to stay if possible. This is because as soon as we give permission to stay (if the application is approved), the student's new Tier 4 sponsor becomes responsible for them.

## **ENGLISH LANGUAGE ABILITY**

92. All Tier 4 Sponsors will assess their Tier 4 (General) students' level of English language competence as part of the sponsor's academic assessment of the Tier 4 (General) student's ability to follow a particular course.

93. The level of English language ability that a Tier 4 (General) student must have and how his/her Tier 4 sponsor is allowed to assess that a Tier 4 (General) Student is competent in English will depend on:

- when his/her Confirmation of Acceptance for studies was assigned;
- the type of course the Tier 4 (General) student is following; and
- the type of institution at which the Tier 4 (General) student will be studying.

94. A Tier 4 (General) student may sometimes be required to attend an interview with UK Border Agency officials, either as part of their Tier 4 application overseas, or when arriving in the UK (for example at the airport). From 21 April 2011, if a Tier 4 (General) student is required to attend an interview and cannot show at that interview that his/her English language ability is at the standard required by the Immigration Rules and set out in this guidance, his/her entry clearance application may be refused or he/she may be refused permission to enter the UK.

95. A list of the approved English language tests for Tier 4, including the time period tests are valid for, and the scores a Tier 4 (General) must achieve all four components (reading,

writing, speaking and listening), is available on our website via this link: [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf)

96. Where the Tier 4 (General) student's sponsor has used an approved English language test to check that he/she is competent in English language, they must include information about this test in the Confirmation of Acceptance for Studies.
97. Where the Tier 4 (General) student's sponsor has used a course that he/she successfully completed as a Tier 4 (Child) student (or under the student rules that were in force before 31 March 2009, where the student was granted permission stay whilst he/she was under 18 years old) to prove that he/she is competent in English language at a minimum of CEFR level B1, they must include information about this course in the Confirmation of Acceptance for Studies.

#### **ALL TIER 4 (GENERAL) STUDENTS ASSIGNED A CAS**

98. If a Tier 4 (General) student was assigned a CAS for a course at NQF 6/QCF 6/SCQF 9 and above, his/her Tier 4 sponsor must ensure that he/she is competent in English language at a minimum of CEFR level B2 before issuing them with a Confirmation of Acceptance for studies, unless he/she is a gifted student, studying at a Higher Education Institution.
99. If a Tier 4 (General) student was assigned a CAS for a course at NQF 3, 4 or 5/QCF 3, 4 or 5/SCQF 6, 7 or 8, his/her Tier 4 sponsor must ensure that he/she is competent in English language at a minimum of CEFR level B1 before issuing them with a Confirmation of Acceptance for studies."

#### **Tier 4 (General) Students following a course at NQF 6/QCF 6/SCQF 9 or above at a Higher Education Institution**

100. If a Tier 4 (General) student, who is not a gifted student, will be following a course at NQF 6/QCF 6/SCQF 9 and above at a Higher Education Institution, his/her Tier 4 sponsor must check the Tier 4 (General) student's English language proficiency is at B2 by ensuring that he/she:
- is from a majority English-speaking country; or
  - has completed an academic qualification at least equivalent to a UK Bachelors degree which was taught in a majority English-speaking country; or
  - has successfully completed a course as a Tier 4 (Child) student (or under the student rules that were in force before 31 March 2009, where the student was granted permission stay whilst he/she was under 18 years old) which was:
    - at least six months in length; and
    - ended within two years of the date the sponsor assigned the Confirmation of Acceptance for Studies; or
  - is proficient at CEFR level B2 in each of the four components of language learning, (reading, writing, speaking and listening) by choosing its own method of assessing the Tier 4 (General) student's English language ability.
101. If a Tier 4 (General) student, who is considered by his / her Tier 4 Sponsor to be a gifted Student, will be enrolling on a course at NQF 6/QCF 6/SCQF 9 and above at a UK university the English language requirement can be waived. The Academic Registrar at the

Higher Education Institution will need to personally authorise the issue of the CAS for the Tier 4 (General) student, which must confirm that the Academic Registrar has approved the waiving of the language requirement.

#### **Tier 4 (General) Students following a course at NQF 6/QCF 6/SCQF 9 or above at a non-Higher Education Institution**

102. If a Tier 4 (General) student will be following a course at NQF 6/QCF 6/SCQF 9 with a Tier 4 sponsor who is not a Higher Education Institution, his/her Tier 4 Sponsor must check the Tier 4 (General) student's English language ability is at CEFR level B2 by ensuring that he/she:

- is from a majority English-speaking country; or
- has completed an academic qualification at least equivalent to a UK Bachelors degree taught in a majority English-speaking country
- has passed an English language test from the list of approved tests for Tier 4 that is still within its validity date, and has achieved at least CEFR level B2 in all four components (reading, writing, speaking and listening) unless exempted from sitting a component by a test provider on the basis of the Tier 4 (General) student's disability; or
- has successfully completed a course as a Tier 4 (Child) student (or under the student rules that were in force before 31 March 2009, where the student was granted permission stay whilst he/she was under 18 years old) which was:
  - at least six months in length; and
  - ended within two years of the date the sponsor assigned the Confirmation of Acceptance for Studies.

#### **All Tier 4 (General) students following a course at NQF 3, 4 or 5/QCF 3, 4 or 5/SCQF 6, 7 or 8,**

103. If a Tier 4 (General) student will be following a course at NQF 3, 4 or 5/QCF 3, 4 or 5/SCQF 6, 7 or 8, his/her Tier 4 Sponsor must check the Tier 4 (General) student's English language ability is at CEFR level B1 by ensuring that he/she:

- is from a majority English-speaking country; or
- has completed an academic qualification at least equivalent to a UK Bachelors degree which was taught in English in a majority English-speaking country
- has passed an English language test from the list of approved tests for Tier 4 that is still within its validity date, and has achieved at least CEFR level B1 in all four components (reading, writing, speaking and listening) unless exempted from sitting a component by a test provider on the basis of the Tier 4 (General) student's disability; or
- has successfully completed a course as a Tier 4 (Child) student (or under the student rules that were in force before 31 March 2009, where the student was granted permission stay whilst he/she was under 18 years old) which was:
  - at least six months in length; and
  - ended within two years of the date the sponsor assigned the Confirmation of Acceptance for Studies.

## How we will confirm a Tier 4 (General) Student's English language ability

104. A Tier 4 (General) student is from a majority English language speaking country if he/she is a national of:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Canada;
- Dominica;
- Grenada;
- Guyana;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago;
- United States of America.

We will confirm the Tier 4 (General) student's nationality using his/her passport.

105. A Tier 4 (General) student has completed an academic qualification at least equivalent to a UK Bachelors degree which was taught in a majority English-speaking country if the qualification was taught in:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Dominica;
- Grenada;
- Guyana;
- Ireland;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago;
- The UK;
- United States of America.

Where the Tier 4 (General) student's sponsor has used such a qualification to check that he/she is competent in English language, they must include information about this qualification in the Confirmation of Acceptance for Studies. The Tier 4 (General) student must include his/her course certificate with his/her application. We will check that the qualification is at least equivalent to a UK degree using UK NARIC.

106. Where the Tier 4 (General) student is following a course of study below NQF 6/QCF 6/ SCQF 9, his/her sponsor must use an approved English language test to check that he/

she is competent in English language at a minimum of CEFR level B1 in each of the four components. The Tier 4 (General) Student's Tier 4 sponsor must include information about this test in the Confirmation of Acceptance for Studies. A list of the approved English language tests for Tier 4, including the time period for which tests are valid, and the scores a Tier 4 (General) must achieve, is available on our website via this link: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf>. The Tier 4 (General) Student must include his/her test certificate with his/her application.

107. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a Tier 4 sponsor that is not a UK Higher Education Institution, his/her sponsor must use an approved English language test to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The Tier 4 (General) Student's Tier 4 sponsor must include information about this test in the Confirmation of Acceptance for Studies. A list of the approved English language tests for Tier 4, including the time period for which tests are valid, and the scores a Tier 4 (General) must achieve, is available on our website via this link: <http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/evidence/visa-letter/>. The Tier 4 (General) Student must include his/her test certificate with his/her application.
108. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a Tier 4 sponsor that is a UK Higher Education Institution, his/her sponsor may choose its own method to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The Tier 4 (General) Student's Tier 4 sponsor must confirm that the student is proficient to the required level in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student does not need to send in any documents to support this.
109. Where the Tier 4 (General) student's sponsor has used a course that he/she successfully completed as a Tier 4 (Child) student (or under the student rules that were in force before 31 March 2009, where the student was granted permission stay whilst he/she was under 18 years old) to prove that he/she is competent in English language, they must include information about this course in the Confirmation of Acceptance for Studies. The Tier 4 (General) student must include his/her course certificate with his/her application.
110. If a Tier 4 (General) student is considered by his/her Tier 4 Sponsor to be a gifted Student, the Tier 4 sponsor will explain this on his/her CAS. The Tier 4 sponsor will also give the Tier 4 (General) student a letter confirming that the Academic Registrar has approved the waiving of the English language requirement. If the Tier (General) student is applying from overseas, he/she should ensure that he/she has the letter with them when he/she enters the UK.

## **Claiming points for a Confirmation of Acceptance for Studies**

111. To claim 30 points for a valid Confirmation of Acceptance for Studies, the Tier 4 (General) student must send us:
- i. **The Confirmation of Acceptance for Studies reference number he/she has been assigned by his/her Tier 4 sponsor.**

This number must be written on the Student's application form

## Documents used to obtain a Tier 4 (General) CAS

Please note, this excludes students studying English Language Courses at level B2 of the Common European Framework of Reference for languages (CEFR) and students taking a recognised Foundation Programme for Postgraduate Doctors/Dentists.

112. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 General student must however confirm on his/her application form that he/she meets the requirements set out in this section, and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all of the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements.

113. If the Tier 4 sponsor has assessed the Tier 4 (General) student’s qualifications in order to assign the Confirmation of Acceptance for Studies, the Tier 4 (General) student must send us these qualifications with their application. For each qualification listed, the Tier 4 (General) student must provide either:

**i. The original certificate(s) of qualification;**

Each document must be the original (not a copy) and must clearly show the:

- applicant’s name;
- title of the award;
- date of the award; and
- name of the awarding institution.

We will not accept original provisional certificates.

Or

**ii. The original transcript of results.**

Each document must be the original (not a copy) and must clearly show the:

- applicant’s name;
- name of the academic institution;
- course title; and
- confirmation of the award.

114. The Tier 4 (General) student will need to know what evidence his/her sponsor has included on his/her Confirmation of Acceptance for Studies so he/she can include it with her application. The Tier 4 (General) student must get this information directly from the Tier 4 sponsor before making the application. The UK Border Agency will not provide this information to the Tier 4 (General) student.

115. If the Tier 4 (General) student’s course is at National Qualifications Framework level 3 or above and he/she has been assessed by other means (for example, references or a portfolio of artwork, interview or the Tier 4 sponsor’s own test or entrance exam), he/she does not have to include these documents with his/her application, but the Tier 4 (General) student’s Tier 4 sponsor must still include details of how they assessed the Tier 4 (General) student on



the Confirmation of Acceptance for Studies.

116. If the Tier 4 (General) student has been offered a place because of progress he/she has made on an existing course, his/her Tier 4 sponsor must include this information on the Confirmation of Acceptance for Studies. The Tier 4 (General) student will not need to send any documents if this is how he/she has been assessed.
117. Where the Tier 4 (General) student is following a course of study below NQF 6/QCF 6/ SCQF 9, his/her sponsor must use an approved English language test to check that he/she is competent in English language at a minimum of CEFR level B1 in each of the four components. The sponsor must include information about this test in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student must include his/her test certificate with his/her application. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements.
118. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a sponsor that is not a UK Higher Education Institution, his/her sponsor must use an approved English language test to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The sponsor must include information about this test in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student must include his/her test certificate with his/her application. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements.
119. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a sponsor that is a UK Higher Education Institution, his/her sponsor may choose its own method to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The sponsor must confirm that the student is proficient to the required level in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student does not need to send in any documents to support this.

## **Do I require an Academic Technology Approval Scheme (ATAS) Clearance Certificate?**

120. A Tier 4 (General) student applying for a course starting before 1 January 2012 must obtain an Academic Technology Approval Scheme (ATAS) Clearance Certificate if he/she is applying for leave to take one of the following:
- postgraduate studies leading to a Doctorate or Masters degree by research in one of the subjects listed in paragraph 1 of Appendix 6 of the Immigration Rules; or
  - postgraduate studies leading to a taught Masters degree in one of the subjects listed in paragraph 2 of Appendix 6 of the Immigration Rules; or
  - study or research in the UK of longer than six months which is part of an overseas postgraduate level course, in any subject listed in Appendix 6 of the Immigration Rules.
121. A Tier 4 (General) student applying on or after 1 October 2011 for a course starting on or after 1 January 2012 must obtain an Academic Technology Approval Scheme (ATAS)

Clearance Certificate if he/she is applying for leave to take one of the following:

- undergraduate or postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of the Immigration Rules, or
- undergraduate or postgraduate studies leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of the Immigration Rules, or
- a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification.

122. Applications for an ATAS clearance certificate must be made online on the Foreign and Commonwealth Office website at [www.fco.gov.uk/atas](http://www.fco.gov.uk/atas). This site also contains information about the scheme and the list of designated subjects.

123. An ATAS certificate is issued for a specific course with a named Tier 4 sponsor and remains valid as long as the Tier 4 sponsor and/or course details do not change, including the length of the course.

124. A Tier 4 (General) student will need to apply for a new ATAS if:

- he/she changes his/her course or
- the area of research/modules change for the course he/she originally applied to, or
- he/she moves to another institution or
- his/her Visa was issued on or after 30 November 2007, and he/she needs further permission to stay for writing up a thesis.

If a Tier 4 (General) student is applying for further permission to stay to write up his/her thesis and his/her previous visa did not require ATAS clearance as it was issued before 30 November 2007, ATAS clearance is not required.

125. If a Tier 4 (General) student is applying to study a course which required an ATAS certificate, he/she must provide:

i. **A print-out of his/her ATAS clearance certificate.**

**DOCUMENTS USED TO OBTAIN A TIER 4 (GENERAL) CAS ASSIGNED FOR ENGLISH LANGUAGE COURSES AT LEVEL B2 OF THE COMMON EUROPEAN FRAMEWORK OF REFERENCE FOR LANGUAGES (CEFR)**

126. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements.

127. If the Tier 4 sponsor has assessed the Tier 4 (General) student’s qualifications in order to assign the Confirmation of Acceptance for Studies, the Tier 4 (General) student must send us these qualifications with their application. For each qualification listed, the Tier 4 (General) student must provide either:



**i. The original certificate(s) of qualification;**

Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- title of the award;
- date of the award; and
- name of the awarding institution.
- We will not accept original provisional certificates

Or

**ii. The original transcript of results.**

Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- name of the academic institution;
- course title; and
- confirmation of the award.

128. The Tier 4 (General) student must get this information directly from the Tier 4 sponsor before making the application. The UK Border Agency will not provide this information to the Tier 4 (General) student.

129. If the Tier 4 (General) student's Tier 4 sponsor has assessed him/her by using one or more references, the Tier 4 sponsor must include details of the references assessed on the Confirmation of Acceptance for Studies.

130. For each reference assessed, the Tier 4 (General) student must send:

**i. The original reference(s).**

References provided must contain:

- the student's name; and
- confirmation of the type and level of course or previous experience; and dates of study or previous experience; and
- date of the letter; and
- contact details of the referee.

If the student cannot provide the original reference(s), he/she can provide a copy, together with a letter from his/her Tier 4 sponsor confirming it is a true copy of the reference they assessed.

131. If the Tier 4 (General) student has been offered a place because of progress he/she has made on an existing course, his/her Tier 4 sponsor must include this information on the Confirmation of Acceptance for Studies. The Tier 4 (General) student will not need to send any documents if this is how he/she has been assessed.

**DOCUMENTS USED TO GET A CONFIRMATION OF ACCEPTANCE FOR**

## **STUDIES FOR TIER 4 (GENERAL) STUDENTS TAKING A RECOGNISED FOUNDATION PROGRAMME FOR POSTGRADUATE DOCTORS/DENTISTS**

132. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements
133. If a Tier 4 (General) student is applying to take a recognised Foundation Programme as a Postgraduate Doctor or Dentist, the qualification(s) he/she sends with the application must include:
- i. The original certificate and/or original transcript of results of the UK recognised degree in Medicine or Dentistry that he/she completed whilst in the UK as a student.**

### **WHAT MONEY DOES A TIER 4 (GENERAL) STUDENT NEED?**

134. To claim 10 points for his/her Maintenance (funds) a Tier 4 (General) student must show that he/she has enough money to cover the course fees and living costs.

#### **Course fees**

135. A Tier 4 (General) student starting a new course must show that he/she has enough money to pay for his/her course fees for the first year of his/her course or for the entire course, if it is less than a year long.
136. A Tier 4 (General) student who has already started his/her course and is applying for a new permission to stay to continue that course must show that they have enough money to pay for his/her course fees to the end of the current academic year; or for the next academic year if he/she will continue on his/her course at the start of the next academic year.
137. A Tier 4 (General) student who is in the UK as part of a Study Abroad Programme must show that he/she has enough money to pay for any fees he/she is required to pay to the Tier 4 sponsor for the first year of his/her course or for the entire course, if it is less than a year long.
138. The amount a Tier 4 (General) student will need to show for course fees will be given by the Tier 4 sponsor on the Tier 4 (General) student’s Confirmation of Acceptance for Studies.
139. The Tier 4 sponsor will provide us with details of the cost of the course fees once the CAS has been issued. If the Tier 4 (General) student does not know what these fees are, he/she will need to check this with his/her Tier 4 sponsor.
140. If a Tier 4 (General) student has no fees to pay to his/her Tier 4 sponsor, the Confirmation of Acceptance for Studies, must confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

## Living Costs

141. The amount of money a Tier 4 (General) student must show for living costs will depend on where he/she is studying in the UK. A Tier 4 (General) student may also have to show a lower amount of money if he/she already has an established presence studying in the UK.

## WHERE A TIER 4 (GENERAL) STUDENT IS STUDYING

142. The monthly living costs that a Tier 4 (General) student will need to show will depend on where he/she will be studying in the UK.

143. A Tier 4 General student must show that he/she has:

- £1000 per month for living costs if the Tier 4 (General) student is studying in inner London for the majority of his/her study (more than 50% of their study time);
- £800 per month for living costs if the Tier 4 (General) student is studying in outer London or anywhere else in the UK, for the majority of his/her study (more than 50% of their study time).

144. A Tier 4 (General) Student will be studying in inner London if the majority of his/her study (more than 50% of his/her study time) is in any of the following London boroughs:

- Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham Southwark, Tower Hamlets, Wandsworth, or Westminster.

145. If a Tier 4 (General) student wants to check whether the address of his/her main site of study is in inner London, he/she can put his/her Tier 4 sponsor's postcode in to the 'About my vote website' which can be found at ([www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)).

146. If the Tier 4 (General) student is unsure as to the address of his/her main study site, he/she will need to get this address from the Tier 4 sponsor.

## HOW MANY MONTHS MONEY MUST I HAVE?

147. A Tier 4 (General) student must show that they have enough money to cover their monthly living costs whilst they are studying in the UK. The amount of money a Tier 4 (General) student has to show will depend on whether he/she already has an established presence studying in the UK. A Tier 4 (General) student that has an established presence studying in the UK needs to show less money for living costs.

148. A Tier 4 (General) student (including Post-graduate Doctors and Sabbatical Officers) has an established presence studying in the UK if he/she has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant, as a student, or as a Post-graduate Doctor or Dentist when applying for further leave and on the date of application he/she:

- has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or
- is applying for a continued study on a single course where the applicant has completed at least six months of that course

A Tier 4 (General) student can qualify for the reduced maintenance levels whether he/she is applying from inside the UK or from overseas.

149. A Tier 4 (General) student that does not have an established presence studying in the UK must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 9 months.

150. A Tier 4 (General) student with an established presence studying in the UK must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 2 months.

## HOW MUCH MONEY MUST I HAVE?

151. A Tier 4 (General) student that does not have an established presence studying in the UK, must show that he/she has money for his/her course fees plus:

- **Inner London**\_ £1000 for living costs for each month of their course up, to a maximum of 9 months.
- **Outer London or anywhere else in the UK**\_ £800 for living costs for each month of their course, up to a maximum of 9 months.

152. A Tier 4 (General) student that does have an established presence studying in the UK must show that he/she has money for his/her course fees plus:

- **Inner London**\_ £1000 for living costs for each month of their course, up to a maximum of 2 months.
- **Outer London or anywhere else in the UK**\_ £800 for living costs for each month of their course up to a maximum of 2 months.

153. If the length of a Tier 4 (General) student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the Tier 4 (General) student must show that they have enough money for eight months.

154. Examples of the money required are given in Annex 5.

## MONEY THAT CAN BE USED

155. A Tier 4 (General) student can use money held in an account owned by them or by his/her parents. If the Tier 4 (General) student is using funds held by his/her parent he/she will need to show us evidence that he/she is related to his/her parent(s)/legal guardian and that the Tier 4 (General) student has his/her parent(s)/legal guardian's permission to use this money.

156. The evidence of money held must be of cash funds in the bank (this includes savings accounts and current accounts even when notice must be given), as a loan letter or official financial or government sponsorship available to the applicant. Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards and pension funds are not acceptable, regardless of notice period.

157. The money a Tier 4 (General) student shows us must be for his/her use for studying and living in the UK. The full amount of this money – which should be held in the manner specified in this guidance - must continue to be available to the Tier 4 (General) student after his/her application is made, except for any money the student has had to pay for course fees and living costs.

For example, a Tier 4 (General) student should retain the full amount of money they have shown us in his/her bank account, minus the balance he/she has paid for his/her course fees.

158. If a Tier 4 (General) student is using overseas currency, we will expect him/her to show (write on their application form) the closing balance in pounds sterling. We use the official exchange rate on the OANDA website, which can be found at [www.oanda.com/convert/classic](http://www.oanda.com/convert/classic).

159. When we assess a Tier 4 (General) student's documents we will use the exchange rate on the date of the closing balance of his/her account to check the value of the money in pounds sterling.

160. A Tier 4 (General) student will not be awarded points for maintenance where the money he/she is showing us is held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. This will be considered using the list in use on the date of the Tier 4 (General) student's application. A list of financial institutions which do not satisfactorily verify financial statements will be published on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

161. We will not consider money earned during a time when the Tier 4 (General) student or their parent(s)/ Legal Guardian was in breach of the UK's immigration laws as evidence of maintenance funds.

For example: Earnings made from UK employment will only be considered if the applicant had leave to enter or remain in the UK at the time they were earned, and in a category which permitted the applicant to take that employment.

## **MONEY ALREADY PAID TO THE TIER 4 SPONSOR**

162. If the Tier 4 (General) student can show that he/she has already paid all or some of his/her course fees to his/her Tier 4 sponsor before making his/her application this amount can be taken away from the total amount of money he/she will need to show.

163. If the Tier 4 (General) student can show that he/she has already paid all or some of his/her accommodation fees to his/her Tier 4 sponsor before making his/her application, this amount will also be taken away from the total amount of money he/she will need to show for living costs up. The amount taken away cannot exceed a maximum of £1,000, even if the student has paid more than £1,000 in advance for accommodation.

For example, a Tier 4 (General) Student is studying inside Inner London, is on a course of more than 12 months, has paid their course fees in full and has an established presence.

The amount of maintenance they would need to show would be £2,000 (£1,000 for 2 months), however, as they have already paid £1,000 to their University as a contribution

towards their accommodation, the amount they need to show is reduced to £1,000:

Amount of Maintenance - £2,000

Amount paid to Sponsor for accommodation - £1,000

Total maintenance they are required to show - £1,000.

This only applies if the Tier 4 (General) student will be staying in university or college arranged accommodation.

## **OFFICIAL FINANCIAL SPONSORSHIP OR GOVERNMENT SPONSOR**

164. Financial sponsorship is where a Tier 4 (General) student is given money to cover some or all his/her course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.
165. A Tier 4 (General) student can receive official financial sponsor from Her Majesty's Government, the Tier 4 (General) student's home government, the British Council or any international organisation, international company, university or an Independent School.
166. If the Tier 4 (General) student's financial sponsor is only covering some of his/her course fees or living costs, he/she must show that he/she has the rest of the money needed.

## **DOCUMENTS NEEDED TO CLAIM POINTS FOR MAINTENANCE (FUNDS)**

167. To claim 10 points for Maintenance (funds) a Tier 4 (General) student must show evidence that he/she:
- has paid all or part of his/her course fees and up to £1,000 towards accommodation fees to his/her Tier 4 sponsor; and/or
  - is receiving official financial sponsorship; and/or
  - has enough money to cover his/her remaining course fees and living costs, if any.

## **DOCUMENTS NEEDED TO SHOW MONEY ALREADY PAID TO THE TIER 4 SPONSOR**

168. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements
169. A Tier 4 sponsor can include details of the money the Tier 4 (General) student has already paid to them on his/her Confirmation of Acceptance for Studies. If a Tier 4 (General) student's Tier 4 sponsor has included details of money paid to them on a Tier 4 (General) student's Confirmation of Acceptance for Studies, no further documents are needed to show that this money has been paid. If the Tier 4 (General) student does not know if his/her Tier



4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor. Any money for fees and maintenance that are not shown on the Confirmation of Acceptance for Studies must be shown by the Tier 4 (General) student.

170. If a Tier 4 (General) student's Tier 4 sponsor has not included details of the money the Tier 4 (General) student has already paid on the Confirmation of Acceptance for Studies, the Tier 4 (General) student must send:

**i. An original paper receipt issued by the UK Tier 4 sponsor confirming that the Tier 4 (General) student has paid:**

- all of his/her fees; or
- the amount that has been paid.

## **DOCUMENTS NEEDED TO SHOW OFFICIAL FINANCIAL SPONSORSHIP OR GOVERNMENT SPONSOR**

171. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements.

172. A Tier 4 sponsor can include details of Official Financial Sponsorship that they are giving to the Tier 4 (General) student on his/her Confirmation of Acceptance for Studies. No further documents are needed to show this Official Financial Sponsorship. If the Tier 4 (General) student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor.

173. In all other circumstances a Tier 4 (General) student who is being given Official Financial Sponsorship must provide:

**i. A letter of confirmation from his/her Official Financial Sponsor on official letter-headed paper or stationery of the organisation of the official financial sponsor; and have the official stamp of that organisation on it.**

The letter must show:

- the student's name;
- the name and contact details of the official financial sponsor;
- the date of the letter;
- the length of the sponsorship; and
- the amount of money the sponsor is giving to the student or a statement that the student's official financial sponsor will cover all of his/her fees and living costs.

## **DOCUMENTS NEEDED TO SHOW MONEY AVAILABLE TO THE TIER 4**

## (GENERAL) STUDENT

174. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements
175. A Tier 4 (General) student must show that he/she has held the required money for a consecutive 28 day period (finishing on the date of the closing balance) ending no more than 1 month before his/her application.
176. Where a Tier 4 (General) student is providing evidence of maintenance from a single account, we will always assess the funds available to the Tier 4 (General) student from the closing balance given on the document provided as evidence.
177. Where two or more pieces of evidence from a single account are used (for example two bank consecutive bank statements) we will assess the funds available to the Tier 4 (General) student from the closing balance of the most recent document.
178. Where evidence from two or more accounts is submitted, we will assess the funds available to the Tier 4 (General) student as being:
- the closing balance of one account, plus
  - any additional money available to the student on the date of that closing balance, for which the student has provided the required evidence.
179. We will always use the closing balance date from the account that most favours the Tier 4 (General) student.
180. Where a Tier 4 (General) student is providing evidence of Official Financial Sponsorship, in addition to evidence of his/her own personal funds, any money paid to the Tier 4 (General) student by his/her Official Financial Sponsor will not be considered as available personal funds. Money cannot be counted twice as evidence of maintenance.
181. The following documents can be used to show money available to the Tier 4 (General) student:
- i. Personal bank or building society statements covering a consecutive 28 day period ending no more than 1 month before the date of the student’s application:**
- The student’s personal bank or building society statements must show:
  - the student’s or their parents(s)/legal guardians name; and
  - the account number; and
  - the date of the statement; and
  - the financial institution’s name and logo; and
  - the amount of money available.

Ad hoc bank statements printed on the bank’s letterhead are admissible as evidence (this



excludes mini-statements from cash points).

If the student wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the student will need to provide a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements provided.

Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp must appear on every page of the statement.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that the applicant holds enough funds for the full period needed.

If a student wants to use a joint account as proof of his/her money, he/she must be named on the account along with one or more other person.

**ii. Building society pass book covering a consecutive 28 day period ending no more than 1 month before the date of the student's application.**

- The student's building society pass book must show:
- the student's or their parents(s)/legal guardians name; and
- the account number; and
- the financial institution's name and logo; and
- the amount of money available.

**iii. Letter from the student's bank confirming funds have been held for a consecutive 28 day period ending no more than 1 month before the date of the application.**

The student's letter from a bank or building society must show:

- the student's or their parents(s)/legal guardians name; and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account; and
- that there is enough money in the account (to cover your course fees and living costs).

**iv. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming funds have been held for a consecutive 28 day period ending no more than one month before the date of the application.**

The student's letter from the financial institution regulated by the Financial Services Authority or home regulator must show:

- the student's or their parents(s)/legal guardians name; and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and the money in the student's account.

**v. Letter from a financial institution regulated by either the Financial Services**

**Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming the loan.**

The loan letter must be dated no more than 6 months before the date of the application. The student's letter from the financial institution regulated by the Financial Services Authority or home regulator must show:

- the student's name; and
- the date of the letter; and
- the financial institution's name and logo;
- the money (or funds) available as a loan; and
- Loans held in a parents(s)/legal guardians name cannot be used as evidence of money held by the student.

For students applying from overseas, the loan funds must be available to the student before he/she travels to the UK, unless that loan will be an academic/student loan from his/her country's national government and the loan will be released to the student by his/her national government or via his/her Tier 4 sponsor on arrival in the UK.

There must be no conditions placed upon the release of the loan funds to the student, other than the student making a successful Tier 4 application.

## **A TIER 4 (GENERAL) STUDENT USING MONEY HELD BY HIS/HER PARENTS**

182. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

183. If a Tier 4 (General) student is relying on money held by his/her parents(s)/legal guardian, he/she must show that he/she is related to his/her parent(s)/legal guardian. Tier 4 (General) students must provide one of:

**i. the student's birth certificate showing names of his/her parent(s);**

**ii. the student's certificate of adoption showing names of both parent(s) or legal guardian;**

**iii. a Court document naming the legal guardian of the student.**

The document use must be the original legal document or a notarised copy.

184. If a Tier 4 (General) student is relying on money held by his/her parents(s)/legal guardian, he/she must also show that his/her parent(s)/legal guardian has given their permission for the Tier 4 (General) student to use this money. The Tier 4 (General) students must provide:

**i. a letter from his/her parent(s) or legal guardian.**

The letter must confirm:

- the relationship between the student and his/her parent(s) or legal guardian; and
- that the parent(s) or legal guardian have given their consent to the student using their funds to study in the UK.

## **PARENTAL CONSENT (TIER 4 (GENERAL) STUDENTS UNDER 16 AND 17 YEARS OLD STUDENTS ONLY)**

### **Letter of parental consent**

185. A 16 and 17 year old Tier 4 (General) student has the legal right to live independently in the UK, and so may make their own arrangements for accommodation. However he/she requires the consent of his/her parent(s)/legal guardian to do this and to travel to the UK (if they applying from overseas).

186. Tier 4 (General) students who are 16 or 17 years old and living independently must provide:

#### **i. A letter from their parent(s) or legal guardian, confirming:**

- the relationship between the parent(s) or legal guardian and the child;
- that the parent(s) or legal guardian have given their consent to the application;
- that the parent(s) or legal guardian have given their consent to the child student living independently in the UK;
- that the parent(s) or legal guardian have given their consent to the child student's independent travel to the UK.

187. The letter must confirm if the parent(s) or legal guardian has legal custody or sole responsibility for the child. If they have sole custody they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the contents of the letter and must be signed by each parent or legal guardian.

## **TIER 4 (CHILD) STUDENTS**

### **SPECIFIC GUIDANCE FOR TIER 4 (CHILD) STUDENTS**

188. See paragraph 245ZZ to 245ZZD of the Immigration Rules for full details of the requirements of the Tier 4 (Child) student category.

### **What is the Tier 4 (Child) student category?**

189. The Tier 4 (Child) student category is for children coming to the UK to be educated between four and 17 years old. Children between four and 15 years old must be educated at independent fee-paying schools.

190. It is not possible for a Tier 4 (Child) student to study at a publicly funded school. Tier 4 (Child) students may only study at a publicly funded Further Education College which is able to charge for International Students, and then only once they are aged 16 or 17 years old.

191. A student and his/her Tier 4 sponsor can agree whether the student applies as a Tier 4 (General) or Tier 4 (Child) student if the student is 16 or 17 years old and studying a course at or above National Qualification Framework level 3.

192. A student must apply as a Tier 4 (Child) student if he/she wants to study at National Qualifications Framework level 2, or below.

### **Who can switch in to the Tier 4 (Child) student category?**

193. A child can switch into the Tier 4 (Child) student category if he/she has, or was last given, permission to stay as:

- A Tier 4 (General) student
- A Tier 4 (Child) student
- a prospective student, or
- as a student under the Immigration Rules in place before 31 March 2009.

### **What are the acceptable levels of courses a Tier 4 (Child) student can do?**

194. A Tier 4 (Child) student can do a course that is:

- taught in line with the National Curriculum; or
- taught in line with the National Qualification Framework (NQF); or
- accepted as being the same academic level as the National Curriculum or the National Qualification Framework by Ofsted (England), the Education and Training Inspectorate (Northern Ireland), Her Majesty's Inspectorate of Education (Scotland) or Estyn (Wales); or
- taught in line with existing (also known as prevailing) independent school education inspection standards; or
- pre-sessional courses to prepare a Tier 4 (Child) student for their main course of study. The main course of study must meet the conditions above.

### **When can a Tier 4 (Child) student come to the UK?**

195. A Tier 4 (Child) student's course start date is the date given by his/her Tier 4 sponsor on the Confirmation of Acceptance for Studies.

196. A Tier 4 (Child) student can come to the UK up to one month before the start date of his/her course.

### **How long can a Tier 4 (Child) student come to the UK for?**

197. The length of stay a Tier 4 (Child) student can have will depend on their age. A Tier 4 (Child) student under 16 years old can be given:

- the length of stay a Tier 4 (Child) student asks for; or
- the length of a Tier 4 (Child) student's course; or
- six years;

whichever is shortest, **plus** four months after the end of the course.

198. A Tier 4 (Child) student who is 16 or 17 years old can be given:

- the length of stay a Tier 4 (Child) student asks for; or
- the length of a Tier 4 (Child) student's course; or
- three years;

whichever is shortest, **plus** four months after the end of the course.

199. If a Tier 4 (Child) student turns 18 years old, he/she can carry on with his/her course until his/her permission to stay ends. If he/she wants to do further study in the UK, he/she will have to apply under another category, for example Tier 4 (General).

200. If a Tier 4 (Child) student has official financial sponsorship which wholly covers their fees and living costs, and the financial sponsor limits the time he/she may study in the UK, the permission to stay will be limited to the same length of time plus the usual post-course period allowed.

## **Tier 4 (Child) Students applying from inside the UK**

201. Up to and including 30 September 2012, if a Tier 4 (Child) student is already in the UK and his/her existing permission to stay runs out more than one month before the start-date of his/her proposed next course of study, he/she will be expected to return overseas and apply from outside the UK. If the applicant applies from inside the UK, his/her application will be refused. A month will be considered a calendar month (for example, if an applicant's leave expires on 14 January his/her new course must start no later than 13 February).

201a. From 1 October 2012, all applications for further leave to remain will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances which prevented them from applying within the 28 day period. The 28 day period of overstaying is calculated from the latest of:

- the end of the last period of leave to enter or remain granted, or
- the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971, or
- the point a written notice of invalidity is deemed to have been received, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

201b. We suggest that if a student's course has ended and he/she is applying from inside the UK to extend his/her stay, he/she should apply in the last three months of his/her permission to stay if possible. This is because as soon as we give permission to stay (if the application is approved), the student's new Tier 4 sponsor becomes responsible for them.

If there are exceptional circumstances which prevented the student from applying in time, they must submit evidence of the exceptional circumstances with your application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of the case, but for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that a student or their representative were unable to submit the application in time (where supported by appropriate medical documentation).
- travel or postal delays which meant that a student or their representative were unable to submit the application in time.
- inability to provide necessary documents.

This would only apply to exceptional or unavoidable circumstances beyond your control, such as UK Border Agency being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought).

## **CLAIMING POINTS FOR A CONFIRMATION OF ACCEPTANCE STUDIES**

202. To claim 30 points for a valid Confirmation of Acceptance for Studies, the Tier 4 (Child) student must send us:

- i. The Confirmation of Acceptance for Studies reference number he/she has been assigned by his/her Tier 4 sponsor.**

This number must be written on the Student's application form

203. The Tier 4 (Child) student will only be given 30 points if the Tier 4 sponsor has met all the requirements of the Immigration Rules when they assign the Confirmation of Acceptance for Studies.

### **Documents used to get a Confirmation of Acceptance for Studies for Tier 4 (Child) students under 16 years old**

204. For a Tier 4 (Child) student under the age of 16, he/she will only have to provide the Confirmation of Acceptance for Studies reference number. The Tier 4 (Child) student will not need to send any documents if this is how he/she has been assessed.

### **Documents used to get a Confirmation of Acceptance for Studies for Tier 4 (Child) students who are 16 or 17 years old**

205. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

206. For 16 and 17 year old Tier 4 (Child) students, if his/her Tier 4 sponsor has assessed his/her qualifications in order to assign the Confirmation of Acceptance for Studies, the Tier 4 (Child) student must send us these qualifications with their application. For each qualification

listed, the student must provide either:

**i. The original certificate(s) of qualification;**

Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- title of the award;
- date of the award; and
- name of the awarding institution.

We will not accept original **provisional** certificates

**Or**

**ii. The original transcript of results.**

Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- name of the academic institution;
- course title; and
- confirmation of the award.

207. The Tier 4 (Child) student will need to know what evidence his/her sponsor has included on his/her Confirmation of Acceptance for Studies so he/she can include it with her application. The Tier 4 (Child) student must get this information directly from the Tier 4 sponsor before making the application. The UK Border Agency will not provide this information to the Tier 4 (Child) student.

208. If the Tier 4 (Child) student has been assessed by other means (for example, references or a portfolio of artwork, interview or the Tier 4 sponsor's own test or entrance exam), he/she does not have to include these documents with his/her application, but the Tier 4 (Child) student's Tier 4 sponsor must still include details of how they assessed the Tier 4 (Child) student on the Confirmation of Acceptance for Studies.

209. If the Tier 4 (Child) student has been offered a place because of progress he/she has made on an existing course, his/her Tier 4 sponsor must include this information on the Confirmation of Acceptance for Studies. The Tier 4 (Child) student will not need to send any documents if this is how he/she has been assessed.

**WHAT MONEY DOES A TIER 4 (CHILD) STUDENT NEED?**

**What money does a Tier 4 (Child) student need if he/she is a boarding student?**

210. To claim 10 points for his/her Maintenance (funds) a Tier 4 (Child) student must show they have the money available to pay their school fees (course fees and board or lodging fees) for the first year of his/her course or for the entire course, if it is less than a year long.

211. A Tier 4 (Child) student who has already started his/her course and is applying for new



permission to continue that course must show that they have enough money to pay for his/her school fees to the end of the current academic year; or for the next academic year if he/she will continue on his/her course at the start of the next academic year.

212. A Tier 4 (Child) student who is in the UK as part of a Study Abroad Programme must show that he/she has enough money to pay for any school fees he/she is required to pay to the Tier 4 sponsor for the first year of his/her course or for the entire course, if it is less than a year long.
213. The amount a Tier 4 (Child) student will need to show for course fees will be given by the Tier 4 sponsor on the Tier 4 (Child) student's Confirmation of Acceptance for Studies.
214. If the Tier 4 (Child) student has been assigned a Confirmation of Acceptance for Studies, the Tier 4 sponsor will already have given us details of the cost of the course fees. If the Tier 4 (Child) student does not know what these fees are, he/she will need to check this with his/her Tier 4 sponsor.
215. If a Tier 4 (Child) student has no fees to pay to his/her Tier 4 sponsor, the Confirmation of Acceptance for Studies, must confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).
216. If the length of a Tier 4 (Child) student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the Tier 4 (Child) student must show that they have enough money for eight months.

### **What money does a Tier 4 (Child) student need if he/she is a non-boarding student?**

217. To claim 10 points for his/her Maintenance (funds) a non-boarding Tier 4 (Child) student must show that he/she has enough money to cover his/her course fees and living costs. A non-boarding student is any Tier 4 (Child) student who is not being accommodated by their Tier 4 Sponsor.
218. The money a Tier 4 (Child) will need for living costs depends on their care arrangements while in the UK. These may be:
- the Tier 4 (Child) will be staying in the UK with a carer who is a resident British citizen or other UK resident;
  - the Tier 4 (Child) will be staying with a parent or a legal guardian who will be accompanying them to the UK (under 12 year olds only);
  - the Tier 4 (Child) is 16 or 17 years old and will be living independently in the UK.

### **Course fees**

219. A Tier 4 (Child) student starting a new course must show that he/she has enough money to pay for his/her course fees for the first year of his/her course or for the entire course, if it is less than a year long.
220. A Tier 4 (Child) student who has already started his/her course and is applying for new permission to continue that course must show that they have enough money to pay for his/her course fees to the end of the current academic year; or for the next academic year if he/she will continue on his/her course at the start of the next academic year.

221. A Tier 4 (Child) student who is in the UK as part of a Study Abroad Programme must show that he/she has enough money to pay for any fees he/she is required to pay to the Tier 4 sponsor for the first year of his/her course or for the entire course, if it is less than a year long.
222. The amount a Tier 4 (Child) student will need to show for course fees will be given by the Tier 4 sponsor on the student's Confirmation of Acceptance for Studies.
223. The Tier 4 sponsor will provide us with details of the cost of the course fees once the CAS has been issued. If the Tier 4 (Child) student does not know what these fees are, he/she will need to check this with his/her Tier 4 sponsor.
224. If a Tier 4 (Child) student has no fees to pay to his/her Tier 4 sponsor, the Confirmation of Acceptance for Studies, must confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

### **WHAT MONEY FOR LIVING COSTS DOES A TIER 4 (CHILD) STUDENT NEED IF THEY ARE STAYING WITH A CARER WHO IS A RESIDENT BRITISH CITIZEN OR OTHER UK RESIDENT?**

225. A Tier 4 (Child) student who is staying with a carer who is a resident British citizen or other UK resident must show that he/she has money for his/her course fees plus:
- the intended carer has agreed to look after and accommodate the Tier 4 (Child) student in the UK for the length of his/her course;
  - the intended carer has at least £550 per month to look after and accommodate the Tier 4 (Child) student in the UK for each month of their course up, to a maximum of 9 months; and
  - confirmation that the intended carer is a resident British citizen or other UK resident.
226. If the length of a Tier 4 (Child) student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the student must show that they have enough money for eight months.

### **WHAT MONEY DOES A TIER 4 (CHILD) STUDENT UNDER 12 YEARS OLD ACCOMPANIED TO THE UK BY A PARENT OR LEGAL GUARDIAN NEED FOR LIVING COSTS?**

227. Tier 4 (Child) students under 12 can be accompanied to the UK by a parent or legal guardian. The student's parent or legal guardian must apply as a special visitor. The money needed depends on how many Tier 4 (Child) students are coming with a parent or legal guardian.
228. A Tier 4 (Child) student under 12 accompanied to the UK by a parent or legal guardian must show he/she has money for his/her course fees plus:
- £1500 for living costs for the Tier 4 (Child) student for each month of his/her course up, to a maximum of 9 months; and
229. If a Tier 4 (Child) student's parent or legal guardian is accompanying two or more of their children to the UK as Tier 4 (Child) students, the first Tier 4 (Child) student must show he/

she has money for his/her course fees plus:

- £1500 for living costs for the Tier 4 (Child) student, for every month of his/her course up, to a maximum of 9 months; and

Each additional Tier 4 (Child) student must show he/she has money for his/her course fees plus:

- £600 for living costs for the Tier 4 (Child) student for each month of his/her course up, to a maximum of 9 months.

230. If the length of a Tier 4 (Child) student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the Tier 4 (Child) student must show that they have enough money for eight months.

### **What money does a 16 or 17 year old living independently need to show for living costs?**

231. The amount of money a 16 or 17 year Tier 4 (Child) student living independently must show for living costs will depend on where he/she is studying in the UK. A 16 or 17 year Tier 4 (Child) student living independently may also have to show a lower amount of money if he/she already has an established presence studying in the UK.

### **Where a Tier 4 (Child) student is studying**

232. The monthly living costs that a 16 or 17 year Tier 4 (Child) student living independently will need to show will depend on where he/she will be studying in the UK.

233. A 16 or 17 year Tier 4 (Child) student living independently must show that he/she has:

- £900 per month for living costs if the student is studying in inner London for the majority of his/her study (more than 50% of their study time);
- £700 per month for living costs if the student is studying in outer London or anywhere else in the UK, for the majority of his/her study (more than 50% of their study time).

234. A 16 or 17 year Tier 4 (Child) student living independently will be studying in inner London if the majority of his/her study (more than 50% of his/her study time) is in any of the following London boroughs:

- Camden, City of London, Hackney, Hammersmith and Fulham, Haringey, Islington, Kensington and Chelsea, Lambeth, Lewisham, Newham Southwark, Tower Hamlets, Wandsworth, or Westminster.

235. If a Tier 4 (Child) student wants to check whether the address of his/her main site of study is in inner London, he/she can put his/her Tier 4 sponsor's postcode in to the 'About my vote website' which can be found at ([www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)).

236. If the Tier 4 (Child) student is unsure as to the address of his/her main study site, he/she will need to get this address from the Tier 4 sponsor.

## How many months money must I show I have?

237. A 16 or 17 year Tier 4 (Child) student living independently must show that they have enough money to cover their monthly living costs whilst they are studying in the UK.
238. The amount of money a 16 or 17 year Tier 4 (Child) student living independently has to show will depend on whether he/she already has an established presence studying in the UK. A Tier 4 (Child) student that has an established presence studying in the UK needs to show less money for living costs.
239. A Tier 4 (Child) student has an established presence studying in the UK if he/she has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant, as a student, or as a Post-graduate Doctor or Dentist when applying for further leave and on the date of application he/she:
- has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or
  - is applying for a continued study on a single course where the applicant has completed at least six months of that course.

A student cannot amalgamate two or more courses to make up the six months study.

240. A 16 or 17 year Tier 4 (Child) student living independently can qualify for the reduced maintenance levels whether he/she is applying from inside the UK or from overseas.
241. A 16 or 17 year Tier 4 (Child) student living independently that does not have an established presence studying in the UK must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 9 months.
242. A 16 or 17 year Tier 4 (Child) student living independently with an established presence studying in the UK must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 2 months.

## How much money must I show I have?

243. A 16 or 17 year Tier 4 (Child) students living independently who does not have an established presence studying in the UK, must show that he/she has money for his/her course fees plus:
- **Inner London** - £900 for living costs for each month of their course up, to a maximum of 9 months.
  - **Outer London or anywhere else in the UK** - £700 for living costs for each month of their course, up to a maximum of 9 months.
244. A 16 or 17 year Tier 4 (Child) student living independently who has an established presence studying in the UK must show that he/she has money for his/her course fees plus:
- **Inner London** - £900 for living costs for each month of their course, up to a maximum of 2 months.

- **Outer London or anywhere else in the UK** - £700 for living costs for each month of their course up to a maximum of 2 months.

245. If the length of a Tier 4 (Child) student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the Tier 4 (Child) student must show that they have enough money for eight months.

246. Examples of the money required are given in Annex 5.

## **Money that can be used by a Tier 4 (Child) Student**

247. A Tier 4 (Child) student can use money held in an account owned by them or by his/her parents. No additional evidence of this relationship is required.

248. The evidence of money held must be of cash funds in the bank (this includes savings accounts and current accounts even when notice must be given), as a loan letter or official financial or government sponsorship available to the applicant. Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards and pension funds are not acceptable, regardless of notice period.

249. The money a Tier 4 (Child) student shows us must be for his/her use for studying and living in the UK. The full amount of this money – which should be held in the manner specified in this guidance - must continue to be available to the Tier 4 (Child) student after his/her application is made, except for any money the student has had to pay for course fees and living costs.

For example, a Tier 4 (Child) student should retain the full amount of money they have shown us in his/her bank account, minus the balance he/she has paid for his/her course fees.

250. If a Tier 4 (Child) student is using overseas currency, we will expect him/her to show (write on their application form) the closing balance in pounds sterling. We use the official exchange rate on the OANDA website, which can be found at [www.oanda.com/convert/classic](http://www.oanda.com/convert/classic).

251. When we assess a Tier 4 (Child) student's documents we will use the exchange rate on the date of the closing balance of his/her account to check the value of the money in pounds sterling.

252. A Tier 4 (Child) student will not be awarded points for maintenance where the money he/she is showing us is held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. This will be considered using the list in use on the date of the Tier 4 (Child) student's application. A list of financial institutions which do not satisfactorily verify financial statements will be published on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/>

253. We will not consider money earned during a time when the Tier 4 (Child) student or their parent(s)/ Legal Guardian was in breach of the UK's immigration laws as evidence of maintenance funds.

For example: Earnings made from UK employment will only be considered if the applicant had leave to enter or remain in the UK at the time they were earned, and in a category which

permitted the applicant to take that employment.

## **Money already paid to the Tier 4 sponsor**

254. If the Tier 4 (Child) student can show that he/she has already paid all or some of his/her course fees to his/her Tier 4 sponsor before making his/her Tier 4 application, this amount can be taken away from the total amount of money he/she will need to show.

255. If the Tier 4 (Child) student has already paid some money to his/her Tier 4 sponsor for his/her accommodation fees before making his/her Tier 4 application, this money can be deducted from the total amount of money he/she will need to show for living costs. The amount deducted cannot exceed £1,000, even if the student has paid more than £1,000 in advance for accommodation. This only applies if the Tier 4 (Child) student will be staying in school or college arranged accommodation.

## **Official Financial Sponsorship or Government Sponsor**

256. Financial sponsorship is where a Tier 4 (Child) student is given money to cover some or all his/her course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.

257. A Tier 4 (Child) student can receive official financial sponsor from Her Majesty's Government, the student's home government, the British Council or any international organisation, international company, university or UK independent school.

258. If the a Tier 4 (Child) student's financial sponsor is only covering some of his/her course fees or living costs, he/she must show that he/she has the rest of the money needed.

## **DOCUMENTS NEEDED TO CLAIM POINTS FOR MAINTENANCE (FUNDS)**

259. To claim 10 points for Maintenance (funds) a Tier 4 (Child) student must show evidence that he/she:

- has paid all or part of his/her school fees, or course fees and up to £1,000 towards his/her accommodation fees to his/her Tier 4 sponsor; and/or
- is receiving official financial sponsorship; and/or
- has enough money to cover his/her remaining course fees and living costs, if any.

## **Documents needed to show money already paid to the Tier 4 sponsor**

260. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

261. A Tier 4 sponsor can include details of the money the Tier 4 (Child) student has already



paid to them on his/her Confirmation of Acceptance for Studies. If a Tier 4 (Child) student's Tier 4 sponsor has included details of money paid to them on a Tier 4 (Child) student's Confirmation of Acceptance for Studies, no further documents are needed to show that this money has been paid. If the Tier 4 (Child) student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor. Any money for fees and maintenance that are not shown on the Confirmation of Acceptance for Studies must be shown by the Tier 4 (Child) student.

262. If a Tier 4 (Child) student's Tier 4 sponsor has not included details of the money the Tier 4 (Child) student has already paid on the Confirmation of Acceptance for Studies, the Tier 4 (Child) student must send:

i. **An original paper receipt issued by the UK Tier 4 sponsor confirming that the student has paid:**

- all of his/her fees; or
- the amount that has been paid.

## **Documents needed to show official financial sponsorship or government sponsor**

263. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

264. A Tier 4 sponsor can include details of Official Financial Sponsorship that they are giving to the Tier 4 (Child) student his/her Confirmation of Acceptance for Studies. No further documents are needed to show this Official Financial Sponsorship. If the Tier 4 (Child) student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor.

265. In all other circumstances a Tier 4 (Child) student who is being given Official Financial Sponsorship must provide:

i. **A letter of confirmation from his/her Official Financial Sponsor on official letter-headed paper or stationery of the organisation of the official financial sponsor; and have the official stamp of that organisation on it.**

The letter must show:

- the Tier 4 (Child) student's name;
- the name and contact details of the official financial sponsor;
- the date of the letter;
- the length of the sponsorship; and
- the amount of money the sponsor is giving to the student or a statement that the student's official financial sponsor will cover all of his/her fees and living costs.



## **Documents needed to show money available to the Tier 4 (Child) student**

266. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

267. A Tier 4 (Child) student applying must show that he/she has held the required money for a consecutive 28 day period (finishing on the date of the closing balance) ending no more than 1 month before his/her application.

268. Where a Tier 4 (Child) student is providing evidence of maintenance from a single account, we will always assess the funds available to a Tier 4 (Child) student from the closing balance given on the document provided as evidence.

269. Where two or more pieces of evidence from a single account are used (for example two bank consecutive bank statements) we will assess the funds available to the Tier 4 (Child) student from the closing balance of the most recent document.

270. Where evidence from two or more accounts is submitted, we will assess the funds available to the Tier 4 (Child) student as being:

- the closing balance of one account, plus
- any additional money available to the student on the date of that closing balance, for which the student has provided the required evidence.

We will always use the closing balance date from the account that most favours the Tier 4 (Child) student.

271. Where a Tier 4 (Child) student is providing evidence of Official Financial Sponsorship, in addition to evidence of his/her own personal funds, any money paid to the Tier 4 (Child) student by his/her Official Financial Sponsor will not be considered as available personal funds. Money cannot be counted twice as evidence of maintenance.

272. The following documents can be used to show money available to the Tier 4 (Child) student:

**i. Personal bank or building society statements covering a consecutive 28 day period ending no more than 1 month before the date of the student’s application.**

The student’s personal bank or building society statements must show:

- the student’s name; or
- the name of the child’s parent(s) or legal guardian(s); and
- the account number; and
- the date of the statement; and
- the financial institution’s name and logo; and
- the amount of money available.

Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

If the student wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the student will need to provide a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp must appear on every page of the statement.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that the applicant holds enough funds for the full period needed.

If a student wants to use a joint account as proof of his/her money, he/she must be named on the account along with one or more other person.

**ii. Building society pass book covering a consecutive 28 day period ending no more than 1 month before the date of the student's application.**

The student's building society pass book must show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the financial institution's name and logo; and
- the amount of money available.

**iii. Letter from the student's bank confirming funds have been held for a consecutive 28 day period ending no more than 1 month before the date of the application.**

The student's letter from a bank or building society must show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account; and
- that there is enough money in the account (to cover your course fees and living costs).

**iv. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming funds have been held for a consecutive 28 day period ending no more than one month before the date of the application.**

The student's letter from the financial institution regulated by the Financial Services Authority or home regulator must show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account.

**v. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming the loan.**

The loan letter must be dated no more than 6 months before the date of the application. The student's letter from the financial institution regulated by the Financial Services Authority or home regulator must show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the date of the letter; and
- the financial institution's name and logo; and
- the money (or funds) available as a loan.

For students applying from overseas, the loan funds must be available to the student before he/she travels to the UK, unless that loan will be an academic/student loan from his/her country's national government and the loan will be released to the student by his/her national government or via his/her Tier 4 sponsor on arrival in the UK.

There must be no conditions placed upon the release of the loan funds to the student, other than the student making a successful Tier 4 application.

## **PARENTAL CONSENT**

273. A Tier 4 (Child) student requires the consent of his/her parent(s)/Legal guardians to travel to the UK, Tier 4 (Child) students must provide:

**i. A letter from their parent(s) or legal guardian, confirming:**

- the relationship between the parent(s) or legal guardian and the Tier 4 (Child) student;
- that the parent(s) or legal guardian have given their consent to the application;
- that the parent(s) or legal guardian agrees to their living arrangements in the UK;
- that the parent(s) or legal guardian agrees to the arrangements made for their travel to and reception in the UK (for people applying from outside the UK only);

The letter must confirm if the parent(s) or legal guardian has legal custody or sole responsibility for the Tier 4 (Child) student. If they have sole custody they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the contents of the letter and must be signed by each parent or legal guardian.

## **Additional evidence for a 16 or 17 year old Tier 4 (Child) student living independently**

274. 16 and 17 year olds have the legal right to live independently in the UK, and so may make their own arrangements for accommodation.

275. Tier 4 (Child) students who are 16 or 17 years old and living independently must provide:

i. **A letter from their parent(s) or legal guardian, confirming their consent to:**

- the Tier 4 (Child) student living independently in the UK;
- the Tier 4 (Child) student's independent travel to the UK.

This information can also be included in the parental consent letter.

**Additional evidence for a Tier 4 (Child) student staying with a resident British citizen or other UK resident who is a close relative or in a private foster care arrangement**

276. Tier 4 (Child) students who are living with a resident British citizen or other UK resident who is a close relative or in a private foster care arrangement must show that he/she has suitable arrangements in place for his/her care. A Tier 4 (Child) student must show us all the below evidence:

i. **A written (undertaking) letter from the intended carer confirming the care arrangement.**

This must show:

- the name, current address and contact details of the intended carer;
- the address where the carer and the Tier 4 (Child) student will be living in the UK if different from the intended carer's current address;
- confirmation that the accommodation offered to the Tier 4 (Child) student is a private address, and not operated as a commercial enterprise, like a hotel or a youth hostel;
- the nature of the relationship between the Tier 4 (Child) student's parent(s) or legal guardian and the intended carer;
- that the intended carer agrees to the care arrangements for the Tier 4 (Child) student;
- they have at least £550 per month (up to a maximum of nine months) available to look after and accommodate the Tier 4 (Child) student for the length of the course;
- a list of any other people that the intended carer has offered support to; and
- signature and date of the undertaking.

ii. **A letter from his/her parent(s) or legal guardian confirming the care arrangement.**

This must show:

- the nature of their relationship with the intended carer;
- the address in the UK where the Tier 4 (Child) student and the Tier 4 (Child) student's intended carer will be living;
- that the parent(s) or legal guardian support the application, and authorise the intended carer to take responsibility for the care of the Tier 4 (Child) student during their stay in the UK.

iii. **Proof to confirm the intended carer is allowed to be in the UK.**

This must be either:

- their current UK or European Union passport; or
- their current passport or travel document to confirm that they are allowed to stay in the UK; or
- their certificate of naturalisation.

- (We will accept a notarised copy of the original passport or travel document, but reserve the right to request the original.)

277. If a Tier 4 (Child) student is living with a close relative, no further documentation is required.

278. If a Tier 4 (Child) student is staying in a private foster care arrangement, they must receive permission from the private foster carer's UK local authority. This is explained in the 'Children (Private Arrangements for Fostering) Regulations 2005'. Details of the act can be viewed at: <http://www.opsi.gov.uk/si/si2005/20051533.htm>.

279. If a Tier 4 (Child) student is staying in a private foster care arrangement and he/she is under 16 years old, he/she must provide both:

i. **A copy of the letter of notification from the Tier 4 (Child) student's parent(s), legal guardian or intended carer to the UK local authority.**

This must confirm that the Tier 4 (Child) student will be in the care of a private foster carer while in the UK.

and

ii. **The UK local authority's confirmation of receipt.**

This must confirm that the local authority has received notification of the foster care arrangement.

## **FURTHER POLICY GUIDANCE– FOR ALL STUDENTS**

### **What do we mean by 'Date of Application'?**

280. The date of a student's application for applications made in the UK will be taken to be the following:

- where the application form is sent by post, the date of posting; or
- where the application form is sent by courier, the date on which it is delivered to the UK Border Agency of the Home Office;

281. The date of a student's application for applications made outside of the UK will be taken to be the following:

- the date that the fee associated with the application is paid. This means the date shown on the payment receipt, which depends on how the student paid for his/her visa application, for example, at a British Diplomatic Post, visa application centre or online.

282. For Tier 4, a student's age will be considered to be the age he/she is on the date that he/she applies to us.

### **Can students bring their partners and/or children with them?**

283. From 4 July 2011, only new students sponsored by a higher education institution on a

course at NQF level 7 or above lasting 12 months or more, and new Government sponsored students following a course that is longer than six months, will be able to bring their partners and/or children (also known as dependants) to the UK with them.

284. Dependants with existing permission wishing to extend their stay in the UK will be allowed to extend provided they apply at the same time as the Tier 4 (general) student applies to undertake a course of study that is longer than six months in duration. Any partners or children who want to come to the UK must make an application under the points based system dependants' rules. The points based system dependants' guidance provides more information on this and can be found on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/pbsdependantspolicy1.pdf>
285. Tier 4 (Child) students are not allowed to bring partners to the UK with them as dependants. Anyone who has any children under the age of 18 who are living with them or who they are financially responsible for, is not able to come to the UK as a Tier 4 (Child) student.
286. If a Tier 4 (Child) student is married or has a partner who wants to come with them, the only way they can do so is if they make an application of their own. This could be in another immigration category.
287. A parent accompanying a child under 12 must apply as a special visitor using the special visitors provision. More details can be found on the UK Border Agency website at: <http://www.ukba.homeoffice.gov.uk/visas-immigration/visiting/parent/>

## **What general conditions will be attached to a student's stay in the UK?**

288. Whilst in the UK a student must meet the following:

- not claim any state benefits (known as public funds) that they are not entitled to;
- register with the police, if this is needed by paragraph 326 of the Immigration Rules.

## **Can a student work whilst in the UK?**

289. Where a Tier 4 (General) student is following a course at NQF 6/QCF 6/SCQF 9 or above with a sponsor which is a Recognised Body or a UK Higher Education Institution, or is undertaking a short-term study abroad degree programme at an overseas Recognised Body or Higher Education Institution, the following work is allowed:

- part-time during term-time, which is no more than 20 hours a week;
- full-time during vacations;
- on a work placement as part of the course, providing the work placement does not amount to more than 50% of the course;
- as a postgraduate doctor or dentist on a recognised Foundation Programme;
- as a student union sabbatical officer for up to two years.

290. Where a Tier 4 (General) student is following a course at NQF 3, 4 or 5/QCF 3, 4 or 5/SCQF 6, 7 or 8, with a sponsor which is a UK Higher Education Institution, the following

work is allowed:

- part-time during term-time, which is no more than 10 hours a week;
- full-time during vacations;
- on a work placement as part of the course, providing the work placement does not amount to more than 33% of the course;
- as a student union sabbatical officer for up to two years.

291. Where a Tier 4 (General) student is following a course at any level with a sponsor which is a publicly funded further education college, the following work is allowed:

- part-time during term-time, which is no more than 10 hours a week;
- full-time during vacations;
- on a work placement as part of a course, providing the work placement does not amount to more than 33% of the course;
- as a student union sabbatical officer for up to two years.

292. Where a Tier 4 (General) student is following a course at any level with a Tier 4 sponsor which is not a UK Higher Education Institution, a short-term study abroad degree programme at an overseas Higher Education Institution or a publicly funded further education college, he/she is not allowed to work whilst in the UK.

293. Where a Tier 4 (General) student is allowed to work, he/she must not be self-employed, employed as a doctor in training (unless the course that they are being sponsored to do (as recorded on the CAS) is a recognised Foundation Programme) or as a professional sportsperson (including coach) or entertainer. This restriction does not apply where a student is undertaking a course of study in music or dance at NQF/QCF 6 or SCQF 9 or above, as these students are able to undertake work placements which involve professional performance, where the performance has been arranged by the sponsoring education provider and is an assessed part of their course.

294. Where a Tier 4 (General) student is allowed to work, he/she must not fill a full-time permanent vacancy (other than on a recognised Foundation Programme) unless he/she:

- has successfully completed of course at degree level or above at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; and
- has made a Tier 2 application supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor before his/her Tier 4 leave has ended (and any appeal against that decision has been determined) and
- will be employed in the role for which that Certificate of Sponsorship was assigned; and
- he/she has yet to receive a decision on his/her Tier 2 application.



295. A Tier 4 (Child) student under 16 years old cannot work at all during their time in the UK

296. A Tier 4 (Child) student who is 16 years old or older, is allowed to work if it is:

- part-time during term-time, which is no more than 10 hours a week;
- full-time during vacations;
- on a work placement as part of the course, providing the work placement does not exceed 50% of the course;
- as a student union sabbatical officer for up to two years.

297. Where a Tier 4 (Child) Student is allowed to work, he/she must not fill a full-time permanent vacancy and the student must not be self-employed, employed as a doctor in training or as a professional sportsman (including coach) or entertainer.

298. Where a Tier 4 Student is allowed to work, he/she can work full-time during vacation periods, within the limits detailed above. If a Tier 4 student, having completed his/her course, makes an application for leave under the Points Based System before his/her existing leave expires, he/she will be permitted to work full-time, within the limits described above, until his/her application is decided.

### **What types of work placements are students permitted to take?**

299. In certain circumstances, Tier 4 students will be permitted to undertake a work placement as part of their course, providing it is an assessed part of the course. Whether or not a Tier 4 Student is permitted to have a work placements as part of their course together with the amount of time they can spend on the work placements will depend on the level of their course and where the student is studying

300. If the student is doing a course at NQF level 6 or above, with a Recognised Body, Higher Education Institution or as part of a study abroad programme, any work placement(s) he/she takes must be no more than 50% of the length of the student's course in the UK, unless there is a legal (statutory) requirement for a longer period of work placement.

For example: The course is a 2 year Masters – 12 months at the institution + 12 months work-placement.

301. If the student's course is at NQF level 5 or below with an HTS sponsor, or if he/she is studying a course at any level with a sponsor that is not an HEI, any work placement(s) he/she takes must be no more than 33% of the length of the student's course in the UK, unless there is a legal (statutory) requirement for a longer period of work placement.

For example:

**Example 1** . The course is an NQF level 4 Diploma – 20 weeks classroom with minimum of 15 hours a week + 10 weeks work-placement arranged at end of course or at any time throughout

**Example 2** . The course is at NVQ level 3 with a work-placement running concurrent to the student's study – 20 hours classroom each week at the sponsor + 10 hours work-placement.

302. Tier 4 (Child) students who are under 16 years old are not allowed to work in the UK, and so cannot do work placements as part of their course of study here.
303. If a student is enrolled on a higher education course at an overseas higher education institution and is coming to the UK to do part of their course, they may also do a work placement as part of their course as long as it is no more than 50% of their study in the UK.
304. If a student has a Confirmation of Acceptance for Studies for a course which involves a work placement, their tier 4 sponsor will remain responsible for them throughout the work placement.

### **Can a student take a Pre-sessional course to prepare him/her for their main course of study in the UK?**

A pre-sessional course to prepare a student for study is an intensive English language course or any other course he/she may take to prepare him/her for their main course of study in the UK.

305. A Tier 4 student (General) can be given permission to stay to cover both his/her pre-sessional course and his/her main course where the Confirmation of Acceptance for Studies is:
- issued by a UK Higher Education Institution to cover both a pre-sessional course of no longer than three months' duration; and
  - the applicant has an unconditional offer of a place on a course of degree level study at that UK Higher Education Institution; and
  - the course of degree level study commences no later than one month after the end date of the pre-sessional course.
306. A Tier 4 student (Child) can be given permission to stay to cover both his/her pre-sessional course and his/her main course where the Confirmation of Acceptance for Studies is:
- issued by an independent school to cover both a pre-sessional course and a course at an independent school; and
  - the applicant has an unconditional offer of a place on a course at that independent school; and
  - the duration of the pre-sessional course and the main course does not exceed maximum length of permission to stay that a Tier 4 (Child) student can be given.
307. All other Tier 4 students wishing to do a pre-sessional course before their main course must make a separate Tier 4 application for each course. Both courses must satisfy the full criteria of Tier 4, including the English language testing requirements (where they apply) and the minimum course level.

### **Can a student do extra studies whilst in the UK?**

308. Tier 4 (General) students and Tier 4 (Child) students are allowed to do extra courses, for example, evening courses, as well as their main studies. The course can be on any subject, and does not have to relate to the main course of study. Students do not need permission

from us to do extra studies, and do not need to tell their Tier 4 sponsors. They must make sure that the extra course does not get in the way of the course that they have permission to stay for.

## **What do Students have to do if they want to take the same or a different course of study in the UK with a new Tier 4 Sponsor?**

309. The type of permission a student needs if he/she wants to study with a new Tier 4 sponsor will depend on the sponsor rating of his/her Tier 4 Sponsors and when he/she applied for his/her last grant of leave. There are different rules for students studying with a highly trusted sponsor and for students who made their last Tier 4 application on or after 5 October 2009.

### **Students who applied on or after 5 October 2009**

310. If a student wants to study with a new Tier 4 sponsor and he/she made his/her last Tier 4 application on or after 5 October 2009, he/she must apply for new permission to stay.

311. A student can start his/her new course before his/her new Tier 4 application has been approved if:

- he/she has applied for permission to stay to study with a Tier 4 sponsor that has a highly trusted sponsor rating; and
- he/she has existing leave to study in the UK; and
- his/her Tier 4 sponsor has assigned a Confirmation of Acceptance for Studies to the student for his/her new course.

A Tier 4 student does this at his/her own risk as it is possible that his/her application will be refused.

312. If a student is applying to study with a Tier 4 sponsor that has an A (Trusted) or B (Sponsor) sponsor rating, he/she cannot start his/her new course until his/her new Tier 4 application has been approved.

313. If a student is applying to study with a Tier 4 sponsor that is not HTS he/she cannot start his/her new course until his/her new Tier 4 application has been approved.

314. A student can leave his/her current Tier 4 sponsor before his/her new Tier 4 application has been decided. However, a student does this at his/her own risk, as if his/her new Tier 4 application is refused, he/she may not be able to go back to his/her old course.

### **Students who have valid permission to stay following an application made before 5 October 2009**

315. If a student wants to study with a new Tier 4 sponsor and he/she made his/her last Tier 4 application before 5 October 2009, from 21 April 2011 he/she must get permission from us if they have time left in their permission to stay, and want to do the same or a different course of study with a new Tier 4 sponsor. The Tier 4 student should apply using the Tier 4 (Permission to Switch) application form.

316. We will consider the application and write to the student saying he/she is allowed to use his/her existing permission to stay to study with the new Tier 4 sponsor if:
- the Tier 4 sponsor is approved by us and on our tier 4 register of sponsors (which can be found on our website); and
  - we can confirm the Tier 4 sponsor wants to act as the student's new Tier 4 sponsor; and
  - the course meets the requirements for the Tier 4 (General) or Tier 4 (Child) student category, although students may continue to study a English language course at CEFR level A2, or above.
317. If a student has told us about changing his/her Tier 4 sponsor, he/she can start the new course before he/she gets permission from us, but he/she does so at his/her own risk as we could refuse the permission. We will write to the student saying that we have received the request to change Tier 4 sponsor.
318. Under the Immigration Rules, we may limit a student's permission to stay as a student if he/she changes his/her Tier 4 sponsor without getting our permission.
319. If a student wants to take up a new course of study, either with his/her existing Tier 4 sponsor or with a new Tier 4 sponsor, and the length of the new course goes over his/her current permission to stay, he/she will need to apply with a new application to us.

### **What do students have to do if they want to do a different course of study with their Tier 4 sponsor?**

320. Students do not need to get permission from us if they have enough time left in their permission to stay and want to do a different course of study with their Tier 4 sponsor. The student's Tier 4 sponsor will tell us that you have changed course.
321. If a student's new course is shorter than the course he/she got permission to stay for, he/she must tell us by emailing us. The email address the student should send this to is: [migrantreporting@ukba.gsi.gov.uk](mailto:migrantreporting@ukba.gsi.gov.uk)
322. If a student's new course is longer than the course he/she got permission to stay for, he/she must make a new application for extra permission to stay to finish his/her new course. A student can make this application at any time during his/her permission to stay, although recommend that a student makes his/her application as soon as possible.

### **What happens if a student's course ends early?**

323. If a student has at least 60 days leave remaining, then we will limit the student's permission to stay to 60 days if his/her course ends earlier than expected. This may be, for example, if the student's Tier 4 sponsor cancels his/her place on the course, or if the student finishes the course early.

### **What checks will you make on the documents sent with an application?**

324. Annex 3 provides full details of the verification and other checks that we may make when we consider the documents sent with a student's application.

## **What can a student do if his/her application is refused?**

325. Even if a student meets the requirements for the category he/she is applying under, there may be other reasons like the student's previous immigration history that may mean we refuse the application. More information on general grounds for refusal can be found at on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter9/>.

### **Appeal Rights - applications from inside the UK**

326. If we refuse a student's application for permission to stay and he/she thinks that we have made a mistake, he/she may be able to appeal against the decision. Details on how and if a student can appeal against our decision will be included with the reasons for refusal letter.

### **Administrative review - applications from outside the UK only**

327. If we refuse a student's application for entry clearance and he/she thinks that a mistake has been made, he/she can ask us to check our decision. This is known as an 'administrative review' Full guidance on the administrative reviews can be found at Annex 4. Please note, applicants who are already in the UK cannot apply for an administrative review.

## ANNEX1: GLOSSARY OF TERMS

Term	Definition
Tier 4 sponsor/ licensed sponsor	A Tier 4 sponsor that is approved by us and has been given a licence to bring students to the UK under tier 4 of the points-based system. This can be as Tier 4 (General) student or as a Tier 4 (Child) student, or both.
Care arrangements	Suitable arrangements for any children for their travel to the UK, reception at port and living arrangements while in the UK
Close relative	A grandparent, brother, sister, step parent, uncle (brother or half brother of the child's father or mother) or aunt (sister or half sister of the child's parent) who is aged 18 years or over.
Confirmation of Acceptance for Studies	<p>This is not an actual certificate or paper document but is a virtual document similar to a database record. This record will be generated by the Tier 4 sponsor for each student they will be sponsoring.</p> <p>Each Confirmation of Acceptance for Studies has a unique reference number and contains information about the course of study for which it has been issued and the student's personal details.</p>
Course	Course at an acceptable level – the levels are different for tier 4 (general) and tier 4 (child) students
English language course	For PBS this means a course where a student is studying English as a Foreign Language.
Foundation degree	<p>A programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations.</p> <p>In Scotland, a Higher National Diploma at level 8 on the Scottish Credit and Qualifications Framework, awarded by the Scottish Qualifications Authority is equivalent to a foundation degree.</p>
Intended carer	A resident British citizen or other UK resident who is a close relative or in a private foster care arrangement
Maintenance/funds money	Money for course fees and living costs
Parent(s) or legal guardian	The child's parent(s) or legal guardian, or just one parent who has the sole legal responsibility for the child
Partners or children dependants	Married, civil, unmarried or same-sex partners or children of the student applying.
Private foster care	Where children (under 16 years old or 18 years old if disabled) are cared for on a full-time basis by adults, who are not their parents or a close relative for more than 28 days
Pre-sessional course	Course to prepare a student for his/her main course of studies
Tier 4 register of sponsors	The register that all Tier 4 sponsors appear on once we have given them a licence to bring students to the UK.

<p>UK Higher Education Institution</p>	<p>A recognised body, or a body that receives public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council. We also accept:</p> <ul style="list-style-type: none"> <li>• Richmond, the American International University in London, as an HEI because it is recognised in statute in the Education (Recognised Awards) (Richmond The American International University in London) Order 2006. You can find more information on our website at <a href="http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsoring-students/sponsoring-general-students/">http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsoring-students/sponsoring-general-students/</a></li> <li>• The UK Foundation Programme Office as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate doctors.</li> <li>• The Yorkshire and Humber Strategic Health Authority, as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate dentists.</li> </ul>
<p>We/us/our</p>	<p>UK Border Agency</p>



## **ANNEX 2: TIER4 SPONSOR DUTIES AND LICENCE STATUS**

### **The duties of the Tier 4 sponsor**

1. Tier 4 sponsor is the student's licensed sponsor while he/she is in the UK and they have a number of duties that they must comply with.

### **Record keeping duties**

2. The student's Tier 4 sponsor must keep:
  - a copy of his/her passport, Biometric Residence Permit (BRP) or UK immigration status document (the student must keep the original);
  - the student's contact details.

### **Reporting duties**

3. If a student got his/her Tier 4 visa using a Confirmation of Acceptance for Studies, his/her sponsor will report on:
  - if the student fails to enrol on his/her course within the enrolment period;
  - if the student misses 10 expected contacts without his/her Tier 4 sponsor's permission;
  - if the Tier 4 sponsor stops being the student's immigration sponsor for any other reason, for example, if the student moves in to an immigration category that does not need an Tier 4 sponsor;
  - if there are any significant changes in the student's circumstances, for example, if the length of a course of study becomes shorter;
  - any suspicions they may have that the student is breaking the conditions of his/her permission to stay.
4. The student must give his/her Tier 4 sponsor all the information they need to be able to meet the duties above. If the student does not, we may investigate him/her and take action against the Tier 4 sponsor which may affect the student.
5. If a student got his/her Tier 4 visa using a visa letter before 5 October 2009, these sponsor duties are voluntary, but we encourage sponsors to report.

### **What a student should do if he/she thinks the Tier 4 sponsor is not complying with their duties**

6. If a student thinks his/her Tier 4 sponsor is not complying with their duties or has given false information to us about the student, he/she must tell us his/her concerns.
7. We treat any allegation of abuse of the Tier 4 sponsor's duties (known as the sponsorship arrangements) in the strictest confidence. Anyone with information about abuse of the sponsorship arrangements can contact us on 0300123 4699 or at [sponsorshipbsenquiries@ukba.gsi.gov.uk](mailto:sponsorshipbsenquiries@ukba.gsi.gov.uk).

## Account manager or compliance officer visits

8. The Tier 4 sponsor can get a visit from our visiting officers at any time to check they are complying with their duties. During the visit, our teams may want to speak to the student and any other students they are sponsoring.

## Changes to the Tier 4 sponsor's licence

9. There are certain circumstances where the status of the Tier 4 sponsor's licence may have an effect on a student and his/her application.

## If the Tier 4 sponsor's licence is suspended

10. If the Tier 4 sponsor's licence is suspended, they cannot assign any new confirmations of acceptance for studies.

<b>Licence suspended</b>	<b>What will happen</b>
Before the student applies to come	We will not consider any applications for leave, for any student who has a Confirmation of Acceptance for Studies which has been issued by a sponsor whose licence is suspended.  We will not consider any applications for leave where the student's Confirmation of Acceptance for Studies shows that they will be undertaking a pre-session course with a partner institution and that partner institution's own licence has been suspended.
Before the student travels to the UK	If the student has a Confirmation of Acceptance for Studies that he/she got before his/her approved education provider's licence was suspended and has already been granted permission to enter the UK but he/she has not yet travelled, the student is advised not to come until we have resolved the suspension. Students are advised to check the sponsor's register before he/she travels in case there has been a change in his/her sponsor's circumstances.

If the student does travel to the UK	If the student does travel to the UK, he/she will be allowed to enter (subject to satisfactorily meeting all immigration requirements) and start studying with the Tier 4 sponsor.
If the student is already in the UK studying	If the student is already in the UK and studying with the Tier 4 sponsor, we will not tell him/her if we suspend their licence. However, if the result of the suspension is that the Tier 4 sponsor loses their licence, we will tell the student and his/her permission to stay will be limited.
If the student is extending his/her stay	A student can still apply to extend his/her permission to stay if it runs out when the Tier 4 sponsor's licence is suspended, as long as he/she already has a Confirmation of Acceptance for Studies. However, we will hold the application until the suspension is resolved.

### **If their licence is revoked**

If a student's Tier 4 sponsor's licence is revoked, all confirmations of acceptance for studies will become invalid.

<b>If the student's Tier 4 sponsor's licence is revoked</b>	<b>What will happen</b>
Before the student applies to come	If the Tier 4 sponsor's licence is revoked, the student's Confirmation of Acceptance for Studies will become invalid and he/she will not be able to use it to apply for a student visa to come to the United Kingdom. Any applications made using an invalid Confirmation of Acceptance for Studies will be refused.
Before the student travels to the UK	If the student has been given permission to come but has not travelled yet, his/her permission to come is cancelled. If he/she travels to the UK he/she will not be allowed to enter.
If the student is already in the UK studying and does not have an application under consideration with the UK Border Agency	We will limit the student's existing permission to stay: <ul style="list-style-type: none"> <li>to 60 days if the student was not involved in the reasons why the Tier 4 sponsor had their licence revoked. We will not limit the student's permission to stay if he/she has less than 60 days left. The student may want to apply for permission to stay with another Tier 4 sponsor during this time.</li> <li>immediately if we think the student was involved in the reasons why the Tier 4 sponsor's licence was revoked.</li> </ul>

If the student has an application under consideration with the UK Border Agency

If the Tier 4 sponsor's licence is revoked, the student's Confirmation of Acceptance for Studies will become invalid and his/her application will be refused.

If the student was not involved in the reasons why the Tier 4 sponsor had their licence revoked we will delay the refusal of his /her application for 60 days to allow the student to regularise his / her stay or leave the UK. The action a student can take to regularise his / her stay in the UK depends on what leave he / she has:

- If the student still has at least 60 days permission to stay remaining, his / her remaining leave will be curtailed to 0 days once the period of 60 days has expired. During this 60 days the student can obtain a new Confirmation of Acceptance for Studies from a different sponsor and either vary their application, make a new application or leave the UK.
- If the student's permission to stay has expired whilst he/she was awaiting a decision on his/her application we will delay the refusal of his / her application for 60 days to allow the student to obtain a new Confirmation of Acceptance for Studies from a different sponsor and vary their application or leave the UK.
- If the student's permission to stay will expire in less than 60 days, we will delay the refusal of his/her application for 60 days to allow the student to obtain a new Confirmation of Acceptance for Studies from a different sponsor and vary their application or leave the UK. The student will also be able to make a new application while his leave, as granted under the Immigration Rules, remains current.

In all cases we will write to the student informing him/her of the date by which he/she should provide a new Confirmation of Acceptance for Studies. If the student fails to provide a new Confirmation of Acceptance for Studies within the specified period his/her application will be considered on the basis of the evidence submitted with his/her application.

If we think the student was involved in the reasons why the Tier 4 sponsor's licence was revoked, we will refuse his/her application immediately and limit any existing permission to stay that the student may have.

## **If their licence is withdrawn**

11. If a student's Tier 4 sponsor's licence is withdrawn, all confirmations of acceptance for studies will become invalid.

<b>If the student's Tier 4 sponsor's licence is withdrawn</b>	<b>What will happen</b>
Before the student applies to come	If the Tier 4 sponsor's licence is withdrawn, the student's Confirmation of Acceptance for Studies will become invalid and he/she will not be able to use it to apply for a student visa to come to the United Kingdom. Any applications made using an invalid Confirmation of Acceptance for Studies will be refused.
Before the student travels to the UK	If the student has been given permission to come but has not travelled yet, his/her permission to come is cancelled. If he/she travels to the UK he/she will not be allowed to enter.
If the student is already in the UK studying	We will limit the student's existing permission to stay: <ul style="list-style-type: none"> <li>• to 60 days if the student was not involved in the reasons why the Tier 4 sponsor had their licence withdrawn (we will not limit the student's permission to stay if he/she has less than 60 days left. The student may want to apply for permission to stay with another Tier 4 sponsor during this time).</li> <li>• immediately if we think the student was involved in the reasons why the Tier 4 sponsor's licence was withdrawn.</li> </ul>
If the student has an application under consideration with the UK Border Agency	If the Tier 4 sponsor's licence is withdrawn, the student's Confirmation of Acceptance for Studies will become invalid and his/her application will be refused.  The student must either make new Tier 4 application with a new Tier 4 sponsor, apply for permission to stay in a different category, or leave the UK.

## If they are taken over

If the student's Tier 4 sponsor is taken over	What will happen
If the student is inside or outside the UK	<p>If the Tier 4 sponsor is taken over by another organisation, the new organisation must apply to become a Tier 4 sponsor within 28 calendar days of them taking over the business (if they are not already licensed by us).</p> <p>If they do not already have a licence or do not apply for one within 28 days, we will limit the student's permission to stay to 60 days. The student may want to apply for permission to stay with another Tier 4 sponsor. We will not limit the student's permission to stay if he/she has less than 60 days left.</p> <p>If the new Tier 4 sponsor does not get a licence, the student cannot study with them.</p>

A Tier 4 sponsor's licence can no longer be downgraded from HTS rating to an A or B- rating. If a sponsor fails to maintain HTS standards, they will have their licence revoked.

A Tier 4 sponsor can however become a legacy sponsor, please see the table below which explain the impact this will have on Tier 4 students in further detail:

If the student's Tier 4 sponsor becomes a legacy sponsor:	What will happen
Before the student makes an application to the UK Border Agency	<p>Legacy sponsors are not allowed to sponsor any new students or offer any new courses to existing students.</p> <p>If the student's sponsor becomes a legacy sponsor and the student was assigned a CAS before the sponsor became a legacy sponsor which has not yet been used to support an application for leave to enter the UK, they will still be able to apply for leave using the assigned CAS to support their application.</p>
Before the student travels to the UK	<p>We will process any application for leave to enter the UK, supported by a CAS that the student's sponsor has assigned before it became a legacy sponsor, which has been made but not yet been decided at the point your sponsor has become a legacy sponsor.</p> <p>The student will be allowed to enter the UK (subject to satisfactorily meeting all immigration requirements) and to study his/her course with his/her Tier 4 sponsor for the rest of his/her current permission to stay.</p>

<p>If the student is already in the UK studying</p>	<p>Legacy sponsors can continue to sponsor students who are already studying with them until either they finish their course or until their legacy sponsor's licence expires, whichever happens first.</p> <p>If students need to extend their leave so that they can complete their course, re-sit exams or repeat periods in order to complete their course, their legacy sponsor will be able to apply to us for a CAS to assign to them.</p>
<p>If the student has an application under consideration with the UK Border Agency</p>	<p>We will process any application for leave to remain, supported by a CAS that the student's sponsor has assigned before becoming a legacy sponsor, which has been made but not yet been decided at the point your sponsor has become a legacy sponsor.</p>



## **ANNEX3: VERIFICATION AND OTHER CHECKS**

1. We will ask for a number of verifiable documents to allow us to consider the application.
2. We may want to check the supporting documents an applicant sends with his/her application. Therefore he/she must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.

### **When we will do a check?**

3. There are two situations in which we will undertake a check:
  - verification checks – where we have reasonable doubts that the documents are genuine; or
  - other checks – where we carry out further checks, for example, where we have doubts about an application or the documents sent with the application but the doubts are not serious enough for us to make a verification check.

### **Verification checks**

4. Where we have reasonable doubts that a specified document is genuine we may want to verify the document with an independent person or government agency.
5. The purpose of these checks is to make sure that the document provided is genuine and accurately reflects statements made in the application. If the document is being used as evidence to score points, we also want to ensure that it entitles the applicant to claim those points.
6. Verification may delay our decision on an application so we will only do it when there are clear reasons for it.

### **Reasonable doubt**

7. There are many reasons why we may doubt that specified document is genuine and what we consider to be a reasonable doubt will depend on each individual application. However, our judgments will be based on the facts we have.

### **Outcome of verification check**

8. There are three possible outcomes of a verification check:
  - Document confirmed as genuine - if we can conclude the document is genuine, we will consider the application as normal.
  - Document confirmed as false - if we can conclude the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse the application for more than one reason. For example, if an applicant has provided us with a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is

likely to jeopardise any future application.

- Verification check inconclusive - if we cannot verify that the document is either genuine or false, we will ignore it as evidence for scoring points. If the applicant has sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If the applicant has not sent any other documents, we will give zero points in that area.

## **Refusing applications without making verification checks**

9. We may refuse an application without making verification checks in two circumstances:

- where we are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will always verify passports if we doubt they are genuine.
- where there is evidence that proves a particular document is false. If we can confirm that a document is false we will normally refuse the application for more than one reason. For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document.

## **Other checks**

10. We will make other checks where, for example, we have doubts about an application or the documents sent with the application but these are not serious enough for us to make a verification check.

11. These checks may delay our decision on an application, so we will only make them when we have clear reasons to.

## **Extra checks**

12. Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, this may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases we may carry out more checks.

## **Outcome of other checks**

13. There are four possible outcomes of these checks:

- Document confirmed as genuine – if we can conclude the document is genuine, we will consider the application as normal.
- Document confirmed as false – if we can conclude the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse the application for more than one reason. For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we

will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is likely to jeopardise any future application.

- Check inconclusive - if we cannot verify that the document is either genuine or false then we will consider the application as if the document is genuine.
- Check gives us cause to have reasonable doubt about the genuineness of a specified document. – if we cannot verify the document is either genuine or false but as a result of checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

## **Procedure for verification and other checks**

14. The procedures for both verification checks and other checks will usually be similar and will vary from case-to-case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the UK and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

## **Standard procedure**

15. We will use a standard form to record the results of our enquiries, to make sure that we record any feedback consistently.

16. If we cannot get an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.

17. Our compliance team may visit the applicant's sponsor before we make a decision on the application.

## **ANNEX4: ADMINISTRATIVE REVIEW (ENTRY CLEARANCE APPLICATIONS ONLY)**

### **What is Administrative Review?**

1. Administrative Review is the mechanism for reviewing refusal decisions made under the Points Based System where an applicant believes an error has been made in the decision. The Administrative Review is free of charge.
2. Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by the applicant. For time limits for making a request, see further paragraphs 6 and 7 below.
3. Administrative Review is a non-statutory scheme; that is there is no legislation setting out what it covers or who is eligible to apply. The policy is contained in this guidance.

### **What if the Administrative Review request refers to matters outside the scope of the Administrative Review?**

4. Where this occurs the matters should be dealt with under the normal complaints procedure. In such cases the applicant will be advised in writing.

### **Who conducts the Administrative Review?**

5. An Entry Clearance Manager will conduct the administrative review. This may mean that in some cases, an Entry Clearance Manager from another Post will conduct the Administrative Review. The applicant may receive the result of the Administrative Review from an entry clearance post that is different to the one that considered the original entry clearance application.

### **Who can apply for Administrative Review?**

6. Anyone refused entry clearance under Points Based System, where they believe the Entry Clearance Officer has made an incorrect decision.

### **How does the applicant apply?**

7. The applicant will receive the Administrative Review Request Notice with the entry clearance refusal notice.
8. The applicant must complete the Request Notice in full and send it directly to the address stated on the Request Notice.
9. Applicants must not send any additional documents such as passport or supporting documents with the Administrative Review request notice. If the refusal is subsequently overturned, the applicant will be asked to send in their passport.

### **What is the deadline for applying for Administrative Review?**

10. The applicant has 28 days from the date of receipt of the refusal notice, to submit a request for Administrative Review.

## **What if an application is submitted late?**

11. Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional circumstances to accept the application outside of the deadline.
12. If the Administrative Review request is late and the administrative reviewer decides not to perform the Administrative Review, the request notice will be returned to the applicant with a letter explaining why it is not being accepted.

## **How many times can an applicant request an Administrative Review?**

13. Applicants may request only one Administrative Review per refusal decision. Any further review requests received for the same refusal decision will not be accepted. They will be returned to the applicant.
14. However, where the Administrative Review upholds a refusal but with different refusal grounds, the applicant may request an administrative review of these new refusal grounds.
15. If the applicant has new or further information, documents or other paperwork that they failed to submit with their original application, they will need to make a new application and pay the appropriate fee.

## **How long will the Administrative Review take?**

16. The administrative reviewer will complete their review and notify the applicant in writing of their decision within 28 days from the date of receipt of the Administrative Review request notice.
17. If, in exceptional circumstances, the administrative reviewer is unable to complete the Administrative Review within the 28 days, they will notify the applicant in writing as to when to expect a decision.

## **What will the administrative reviewer look at?**

18. The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post.
19. The applicant is not allowed to provide new evidence. Any new evidence must be disregarded unless the applicant was refused under paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal (see paragraph 12).
20. Any new evidence submitted by the applicant must be returned to them together with the outcome of the Administrative Review.

## **How are Administrative Review decisions made?**

21. The administrative reviewer must review all aspects of the refusal not just the part of the refusal, which the applicant has asked to be reviewed. They will check that:
  - points have been correctly awarded;
  - documents have been correctly assessed; and
  - verification checks have been properly carried out.
22. The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:
  - failed to properly consider evidence submitted with the original application;

- failed to apply the Immigration Rules correctly;
- made a mistake in processing the application;
- failed to give adequate reasons for refusing entry clearance. In this case, the administrative reviewer will recommend the Entry Clearance Officer revoke the original refusal and serve a new refusal notice giving a full explanation for the refusal.

23. Where the administrative reviewer recommends in line with the above, that the reasons for refusal should be revoked, the applicant may still be refused but with new grounds for refusal.

24. The administrative reviewer will not recommend that the original decision is overturned simply because the applicant claims there is a fault with UK Border Agency's underlying processes or policies.

### **DOES ADMINISTRATIVE REVIEW COVER GENERAL GROUNDS FOR REFUSAL?**

25. Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on "General Grounds for Refusal."

### **REVIEWS OF REFUSALS MADE UNDER PARAGRAPHS 320(7A) AND 320(7B) OF THE IMMIGRATION RULES**

26. The applicant may submit further information with the Administrative Review request, if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal.

27. If an application has been refused because a false document was used or a false representation was made, the applicant may claim that they were unaware of the false documents or false representations. The refusal will still stand but the applicant would have to prove that they did not know that false documents or false representations were used, if they are not to have any future applications automatically refused for 10 years. Where the documents related directly to the applicant (for example, employment references, qualifications or financial details), such a claim would be likely to fail unless the applicant has clear evidence that an error has been made (for example, written confirmation from an employer, financial institution or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

28. If the administrative reviewer does accept that the applicant did not knowingly use false documents or false representations, the refusal will still stand, but the applicant will not automatically have any future applications refused under the rules (paragraph 320 (7B) where false documents or false representations were used.

### **DOES ADMINISTRATIVE REVIEW COVER VERIFICATION?**

29. Yes. As part of the administrative review process the administrative reviewer will ensure that the Entry Clearance Officer has followed the correct verification procedures.

### **WHAT ARE THE POSSIBLE OUTCOMES OF ADMINISTRATIVE REVIEW?**

30. There are three possible outcomes of Administrative Review:

- Uphold decision, reasons for refusal remain the same;
- Uphold decision, with revised reasons for refusal;
- Overturn decision and issue entry clearance.

## **HOW IS THE APPLICANT INFORMED OF THE RESULT OF THE ADMINISTRATIVE REVIEW?**

31. Decision upheld and the reasons for refusal remain the same:

- the administrative reviewer will notify the applicant by letter. The applicant will not be entitled to a further Administrative Review as the grounds for refusal has not changed.

32. Decision upheld but with revised reasons for refusal:

- A new refusal notice (GV51) will be served along with the Administrative Review letter from the administrative reviewer stating why the refusal has still been upheld. If there are fresh
- reasons for refusal which were not notified originally, the applicant will be able to submit a further Administrative Review request limited to those fresh reasons.

33. Decision overturned and entry clearance to issue:

- The administrative reviewer will notify the applicant by letter and request the applicant's passport.

### **LIMITED RIGHT OF APPEAL**

34. The applicant can only appeal on any or all of the grounds referred to in section 84 (1) (b) and (c) of the Nationality, Immigration and Asylum Act 2002. These are that the decision is unlawful by virtue of section 19B of the Race Relations Act 1976 (discrimination by public authorities), and/or that the decision is unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.

35. All entry clearance applicants under the Points Based System who are refused will be limited to residual grounds of appeal stated above.

36. The process for dealing with limited rights of appeal remains unchanged.



## ANNEX 5: HOW MUCH MONEY MUST I SHOW THAT I HAVE?

**STUDENTS WHO DO NOT HAVE ESTABLISHED PRESENCE STUDYING IN THE UK WILL NEED TO SHOW THAT THEY HAVE:**

Length of course	Where the student will be studying	Maintenance (funds) needed
Nine months or less	Inner London	Course fees  <b>and</b>  £1000 to cover living costs for each calendar month of the course up to nine months
	Outer London or anywhere else in the UK	Course fees  <b>and</b>  £800 to cover living costs for each calendar month of the course up to nine months
More than nine months	Inner London	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £9,000 to cover living costs for nine months in the UK
	Outer London or anywhere else in the UK	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £7,200 to cover living costs for nine months in the UK



**STUDENTS WHO HAVE ESTABLISHED PRESENCE STUDYING IN THE UK WILL NEED TO SHOW THAT THEY HAVE:**

Length of course	Where the student will be studying	Maintenance (funds) needed
Two months or less	Inner London	Course fees  <b>and</b>  £1000 to cover living costs for each calendar month of the course up to two months
	Outer London or anywhere else in the UK	Course fees  <b>and</b>  £800 to cover living costs for each calendar month of the course up to two months
More than Two months	Inner London	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £2,000 to cover living costs for two months in the UK
	Outer London or anywhere else in the UK	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £1,600 to cover living costs for two months in the UK

## **ANNEX 6 ADDENDUM FURTHER INFORMATION**

### **1. Pearson Test of English Academic (PTE Academic)**

If a student is using PTE Academic test to prove that he/she is competent in English language at a minimum of CEFR level B1, he/she will not receive a physical paper certificate. Students must instead provide:

#### **1.a print out of their online score report.**

Tier 4 (General) students will also need to ensure that they have made their online results available to the UK Border Agency listing on the Pearson verification service on the Pearson website. Where a Tier 4 General student fails to do this we will not be able to accept this English language test.

The UK Border Agency will verify all these score reports through the Pearson Language Tests online verification service.

This provision only applies to the PTE Academic test as no physical paper certificate is produced by the test provider for this test. Where an applicant undertakes an English language course which results in an official paper certificate, this certificate must always be submitted in support of their application.

### **2. Arrangements to allow 18 and 19 year olds to apply for an additional 12 months permission to stay as a Tier 4 (Child) Student.**

On 6 April 2010 we extended the maximum amount of time that a 16 or 17 year old could apply for as a Tier 4 (Child) student from 2 to 3 years.

To ensure that students given permission to stay before 6 April 2010 receive the same opportunity to stay for this longer period, we will allow 18 and 19 year old students to apply for additional permission to stay as a Tier 4 (Child) Student if he/she is currently studying in the UK as:

- a Tier 4 (Child) student; or
- as a student under the student rules that were in force before 31 March 2009, where the student was granted permission stay whilst he/she was under 18 years old.
- The student must have a valid Confirmation of Acceptance for Studies from his/her Tier 4 Sponsor for this additional period of study.
- The maximum amount of new permission to stay that can be given to the student is three years, minus the length of their last permission to stay.

For example:

If a student's last permission to stay was for two years, the student can be given 1 year's extra permission to stay.

### **3. Arrangements for International Baccalaureate Students with awards issued on 5 July 2012**

This section updates paragraph 113 and paragraph 206 of this guidance document.

The International Baccalaureate Organisation will not be producing paper documents showing the official confirmation of this year's exam results until the end of August 2012. We have therefore put special arrangements in place for Tier 4 Students who will be receiving their IB results on 5 July 2012.

Where a Tier 4 student has been offered a course place on the basis of his/her International Baccalaureate award and he/she **has not** yet received his/her original award certificate, he/she should include:

- A print out from the UCAS or International Baccalaureate Office online checking service confirming their results.

The Tier 4 Sponsor offering the course must also confirm that they have checked the Tier 4 Student's International Baccalaureate award online in their Confirmation of Acceptance for Studies.

Where a Tier 4 student has been offered a course place on the basis of their International Baccalaureate award and they have received their award certificate they should include this with their application.

**Students may apply using this concession from 5 July 2012 until 15 September 2012.**

### **4. Introduction of credibility testing**

From 30 July, a Tier 4 student applying from outside the UK may be asked to undertake an interview, either in person, or on the telephone. If as a result of this interview the UK Border Agency is not satisfied that the applicant is a genuine student, or the applicant cannot speak English to the required standard (judged as set out at paragraph 94 of this guidance), or the application is shown to fall for refusal under the General Grounds for Refusal, the application will be refused.

If a Tier 4 student is asked to undertake an interview but does not attend without reasonable explanation being given, his/her application will be refused.

The genuine student requirement will not be applied where the applicant is a national of one of the low risk countries specified at Appendix H of the Immigration Rules. Appendix H can be viewed on our website at: [www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixh/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixh/)

The application of the genuine student requirement will only be considered at interview in order to provide the applicant with every opportunity to demonstrate how he or she satisfies it, other than in certain limited circumstances set out in separate entry clearance guidance. The entry clearance guidance can be viewed on our website at: [www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/sty/](http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/sty/)

Where an application has been refused following an interview (under paragraph 245 ZV(k)), the applicant can request that the decision is reviewed by an Entry Clearance Manager (ECM). The

applicant has 28 days from the date of the refusal notice to submit a request for an ECM review. The request should be made in writing and should include full details of the reasons why the applicant believes they meet paragraph 245 ZV(k) and why the visa should have been issued. The ECM will review the decision to ensure that the decision has been made in accordance with the Immigration Rules. The section of the Immigration Rules containing paragraph 245 ZV(k) can be viewed on our website at:

[www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part6a/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part6a/)

Detailed entry clearance guidance available on the UK Border Agency website provides further information about the operation of this requirement.

### **5. Changes to visa applications from overstayers**

From 1 October 2012, applications for further leave to remain under the Points Based System will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances which prevented him/her from applying within the 28 day period. The 28 day period of overstaying is calculated from the latest of:

- the end of the last period of leave to enter or remain granted,
  - the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971,
- or
- the point that a migrant is deemed to have received a written notice of invalidity, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

If there are exceptional circumstances which prevented the student from applying in time he/she must submit evidence of the exceptional circumstances with his/her application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of the case, but for example may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that the student or his/her representative were unable to submit the application in time (where supported by appropriate medical documentation).
- travel or postal delays which meant that student or his/her representative were unable to submit the application in time.
- inability to provide necessary documents. This would only apply to exceptional or unavoidable circumstances beyond your control, such as UK Border Agency being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought).