



**SECURING  
OUR BORDER  
CONTROLLING  
MIGRATION**

# **GUIDE TO SPONSORING STUDENTS UNDER TIER 4 OF THE POINTS-BASED SYSTEM**

Valid from 5 September 2011



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# WHO SHOULD READ THIS GUIDANCE?

1. This guidance is about sponsoring students who want to study full-time in the UK under Tier 4 of the points-based system. It is for education providers who:
  - want to apply for a sponsor licence or highly trusted sponsor status under Tier 4;
  - already have a sponsor licence under Tier 4; or
  - have highly trusted sponsor (HTS) status.
2. It includes new policy introduced on 5 September 2011 and explains:
  - how to apply for a sponsor licence;
  - what we expect from licence holders;
  - the processes you must follow when sponsoring a migrant; and
  - the duties and responsibilities you must comply with as a licensed sponsor.
3. If you also want to apply for a licence to sponsor workers under Tier 2 and/or Tier 5 you must read the separate guidance for those employment routes. It explains the specific requirements and extra duties for those routes.
4. This guidance refers to documents that are available on our website at <http://ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance>.
5. When we refer to 'we' or 'us' in this guidance, we mean the UK Border Agency. When we refer to 'you' or 'your', this means the sponsor or prospective sponsor organisation. When we refer to 'a relevant person' we mean any owner, director, authorising officer, key contact, level 1 user, or anyone involved in your day-to-day running

# CHANGES TO THE TIER 4 SPONSORSHIP GUIDANCE

6. This version of the guidance sets out a series of changes which will affect you if you already have a sponsor licence but you do not meet the new requirements for Educational Oversight or you do cannot meet the standards we have set for highly trusted sponsor status.
  - Sponsor ratings – the only ratings for Tier 4 sponsors are highly trusted sponsor and ‘A’ rating.
  - When we will revoke your sponsor licence – the circumstances that could lead to your licence being revoked have been revised.
7. We are making the changes to make sure that Tier 4 sponsor licences are only granted to education providers who can meet the standards we have set for highly trusted sponsors. The changes will allow the majority of existing Tier 4 sponsors to carry on sponsoring students.
8. Some sponsors may not be able, or may not want, to meet the new requirements that we have already announced, and which are described in detail in this guidance. We have also set out what will happen if this applies to you.
9. We have included detailed instructions about how some of the changes will affect you:
  - Educational oversight – you must already be inspected, audited or reviewed by one of the bodies listed in this section. If you are not, you must apply to the appropriate body by the given deadline. See the sections called ‘Educational oversight’ and ‘Deadlines for applying for educational oversight’.
  - Highly trusted sponsorship – you must already have highly trusted sponsor status. If you do not have this status, you must apply for it by the given deadline. See the section called ‘Eligibility requirements for highly trusted sponsor (HTS) status’.
10. It is important that you read these sections because there are specific deadlines which you must meet if you fall into certain categories. If you miss these deadlines you will not be able to sponsor any new students and in some cases your licence will be revoked.
11. If you are currently a B-rated sponsor and subject to an action plan under the guidance in place before 5 September 2011 it is important that you read the section called ‘Transitional arrangements for sponsor ratings’. This sets out the different circumstances which will lead to you either being able to stay on the sponsor register or not.

# COMPLAINTS

12. If you are unhappy about any aspect of our service you can use our complaints procedure. More information about this is on our website at: <http://ukba.homeoffice.gov.uk/contact/makingacomplaint/>



# BRIEF OVERVIEW OF TIER 4 AND SPONSORSHIP

13. This section briefly tells you about the process of sponsoring students to come to the UK under Tier 4 of the points-based. We explain them in detail later in this guidance. See the following sections:

- Becoming a sponsor – to find out if you can become a sponsor, and for details of sponsor licences and how to apply for one.
- Sponsoring students – for details of how to sponsor students once you have a sponsor licence.
- Your responsibilities as a sponsor – for details of what you must do as a sponsor, the consequences if you do something wrong, and what to do if your circumstances change.

## WHAT IS TIER 4 AND WHO IS IT FOR?

14. Tier 4 of the points-based system is the primary immigration route available to students who want to study full-time in the UK. They must be sponsored by an education provider that has a sponsor licence. Education providers can apply for a licence in two categories:

- Tier 4 (General) student. This is for anyone who comes to the UK for their post-16 education.
- Tier 4 (Child) student. This is for children between the ages of 4 and 17 (inclusive) who come to the UK for their education. Children aged between 4 and 15 (inclusive) may only be educated at independent, fee-paying schools.

If the student is over the age of 16 and under the age of 18, then they can apply under either the General or the Child category.

15. The Student Visitor and Child Visitor routes are available for students to come to the UK for short periods of study. You can find out more about the visitor routes on our website: <http://www.ukba.homeoffice.gov.uk/visitingtheuk>

16. State schools, including those with sixth forms, cannot admit students who come to the UK under Tier 4. If we receive an application for a Tier 4 sponsor licence from a state school, we will reject it and refund the fee.

## WHAT IS SPONSORSHIP?

17. Before someone can apply to come to, or stay in the UK to study under Tier 4 of the points-based system, they must have a sponsor. The sponsor is an education provider that offers courses of study within the UK and has a licence to sponsor migrants so they can take those courses. Sponsorship:

- provides evidence that the migrant will study for an approved qualification; and
- places duties on the sponsor that it must abide by.

18. A Tier 4 sponsor is an education provider that offers courses of study to full-time students. There are three exceptions.

- The UK Foundation Programme Office is the sponsor for all students on the two-year foundation programme for postgraduate doctors.
- The Yorkshire and Humber Strategic Health Authority is the sponsor for all students on the two-year foundation programme for postgraduate dentists.

- If the student's programme of study forms part of an overseas degree course and the prospective sponsor in the UK is linked by common ownership or control to the overseas university. In these cases we will ask for proof of those links before we can consider granting a sponsor licence.

19. Sponsorship is based on two basic principles. They are that:
- those who benefit most directly from migration (employers, education providers or other bodies that bring in migrants) help to prevent the system being abused; and
  - those applying to come to the UK to work or study are eligible to do so and a reputable employer or education provider genuinely wishes to take them on.

### THE TIER 4 SPONSOR LICENCE

20. We expect all Tier 4 sponsors to be education providers who can meet the standards we have set for highly trusted sponsors. When you successfully apply for a Tier 4 sponsor licence, we will give you an A rating. This is a transitional rating for 12 months. When you have been licensed for 12 months, you must apply for highly trusted sponsor (HTS) status.
21. We will revoke your licence if you:
- cannot meet the standards we have set for highly trusted sponsor status (HTS) after you have had your licence for 12 months; or
  - already have HTS and you do not apply to renew it before it expires; or
  - your application to renew your HTS status is refused.
22. See the section called 'Eligibility requirements for highly trusted sponsor (HTS) status' for more details.

23. Once you have a sponsor licence under Tier 4 you will be able to assign confirmations of acceptance for studies (CAS) to students wishing to come to the UK to study. We will decide how many CASs you can assign.

### DUTIES AS A SPONSOR

24. As a licensed sponsor you must comply with certain duties, including a duty to inform us if:
- students do not arrive for their course;
  - students are absent without permission for a significant period;
  - they leave their course earlier than expected; or
  - you ask them to leave the course.
25. You must keep proper records of the students you sponsor, including contact details and a copy of their biometric residence permit (BRP) (previously known as the identity card for foreign nationals (ICFN)), and give them to us when we ask for them.
26. You have a duty to act honestly in any dealings you have with us. For example, you must not make false statements and you must ensure you disclose all essential information when you apply for a sponsor licence or assign a CAS.
27. We will monitor your compliance with your duties. In particular, we will:
- set a limit on the number of CASs you can assign and review your performance after you have assigned a certain number;
  - make visits, pre-arranged or not, to check compliance; and
  - issue civil penalties if we find evidence that you have breached the illegal working regulations.

28. If we consider that you have not been complying with your duties, have been dishonest in your dealings with us or you are a threat to immigration control in some other way, we will take action against you. This action may be to:
- revoke or suspend your licence; or
  - reduce the number of CASs you can assign.
29. If we decide to take action against you, we will give you an opportunity to explain your case to us. The 'Penalties' section of 'Your responsibilities as a sponsor' has details of the process we will follow.

### ABUSE OF SPONSORSHIP

30. We treat any allegation of abuse of the sponsorship arrangements in the strictest confidence. Anyone with information about abuse of the sponsorship arrangements can contact us by emailing: [SponsorshipPBSenquiries@ukba.gsi.gov.uk](mailto:SponsorshipPBSenquiries@ukba.gsi.gov.uk).

### HIGHLY TRUSTED SPONSOR STATUS

31. 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 meet the standards of compliance with the terms of their visa or permission to stay in the UK (known as 'leave to remain').
32. When you have had a sponsor licence for 12 months, you must be able to successfully apply for highly trusted sponsor status. If you do not meet the HTS requirements we will revoke your licence. See 'Eligibility requirements for highly trusted sponsor (HTS) status' for full details of the HTS criteria.
33. Highly trusted sponsor status was automatically given for a year to A-rated independent schools in April 2011.

### SPONSORING STUDENTS – THE CONFIRMATION OF ACCEPTANCE FOR STUDIES

34. A confirmation of acceptance for studies (CAS) is your way of confirming, as a licensed sponsor, that:
- you wish to bring an overseas student to the UK to study; and
  - to the best of your knowledge, that student meets the requirements of the rules for a valid CAS and will be able to make a successful application for leave to come to or stay in the UK.
35. For students, a CAS is an essential part of qualifying for a visa (if they are outside the UK) or permission to extend their stay while in the UK but it does not guarantee they will qualify. They must meet other requirements set out in the immigration rules. They must score enough points for other criteria (for example maintenance), and we are likely to refuse them if there is anything in their personal or immigration history which suggests that their presence in the UK is not desirable. We will make the final decision about who is allowed to come to or stay in the UK.
36. A CAS is a virtual document, similar to a database record. You complete a process that produces a unique CAS reference number, which you give to the student. The student must give us that number when they apply to us for a visa or an extension of stay.
37. A CAS is valid for six months from the date it was assigned. If the student does not use it within this period to apply for a visa or extension of stay under Tier 4 it will automatically become invalid.

# SPONSORSHIP FEES

38. This section explains the costs involved in becoming a sponsor and sponsoring students under Tier 4 of the points-based system.

## LICENCE APPLICATION FEE

39. Full details of the different fees and how to pay are on our website at <http://ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/costs/>. If you do not pay the correct fee when you apply, we will reject your application and send it back to you. You must then apply again with the correct fee.  
From 1 October 2011 we will no longer accept cheque payments for sponsor applications. We will only accept on-line payments for these transactions.

## First application for a sponsor licence

40. The fee depends on whether you apply for just Tier 4 or for other tiers at the same time, and what type of organisation you are. Table (i) sets out the current fees.

41. The Companies Act 2006, Chapter 15, Part 1 paragraphs 381-384 [<http://www.legislation.gov.uk/ukpga/2006/46/contents>] and the 2008 amendment to that act (SI 2008 No. 393 Part 2) [http://www.legislation.gov.uk/uksi/2008/393/pdfs/uksi\\_20080393\\_en.pdf](http://www.legislation.gov.uk/uksi/2008/393/pdfs/uksi_20080393_en.pdf) set out the qualifying criteria for a **small company**.

## Application for highly trusted sponsor status

42. The fee is £410. From 1 October 2011 we will continue to accept cheque payments for highly trusted sponsor (HTS) applications and renewals

## Extending your licence to other tiers

43. If you already have a sponsor licence for one or more tiers, you can apply to extend it to add other tiers. If you apply to add an extra tier all the details you give on your further application must be the same as those we already have for you, including your authorising officer and key contact. You may have to pay a fee for this application, depending on what tier you already have a licence for and which new tier you want to apply for. Table (ii) sets out the fees for adding more Tiers and/or categories to an existing licence

Table (i)		
Tier	Fee for small sponsors or sponsors with charitable status	Fee for medium or large sponsors
Tier 4 only	£410	£410
Tier 2 and Tier 4	£410	£1,025
Tier 4 and Tier 5	£410	£410
Tier 2 and Tier 4 and Tier 5	£410	£1,025

Table (ii)			
Tier you have already registered under	Tier you want to add	Fee for small sponsors or sponsor with charitable status	Fee for large sponsor
Tier 2 only	Tier 4	£100	£0
	Tier 5	£100	£0
	Tier 4 and Tier 5	£100	£0
Tier 2 and Tier 4	Tier 5	£0	£0
Tier 2 and Tier 5	Tier 4	£0	£0
Tier 4 only	Tier 2	£0	£615
	Tier 5	£0	£0
	Tier 2 and Tier 5	£0	£615
	Highly trusted sponsor	£410	£410
Tier 4 and Tier 5	Tier 2	£0	£615
Tier 5 only	Tier 2	£0	£615
	Tier 4	£0	£0
	Tier 2 and Tier 4	£0	£615

## FEE FOR ASSIGNING A CONFIRMATION OF ACCEPTANCE FOR STUDIES

44. You must pay a fee of £10 for every confirmation of acceptance for studies (CAS) that you assign. From 1 October 2011 we will no longer accept cheque payments for CASs. We will only accept on-line payments for these transactions.
45. Even if a student does not use the CAS in an application to us, you will pay the fee for assigning it. To ensure that you do not waste a CAS, you should check that the student is likely to apply and pass the points-based assessment. The Tier 4 Policy Guidance for students will help you and you can find it on our website using this link <http://www.bia.homeoffice.gov.uk/studyingintheuk/adult-students/>

# BECOMING A SPONSOR

46. This section explains:

- what requirements you must meet to become a Tier 4 sponsor;
- how to apply for a sponsor licence or highly trusted sponsor status;
- what temporary arrangements we have made if you were granted your licence based on an application you made before we changed our policy on 21 April 2011;
- what the sponsor ratings mean; and
- what the sponsor management system is.

47. The guidance refers to Appendices A, B, C and D. They are separate documents because they contain detailed information. You can find them on our website using this link <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>.

48. If you have any questions about the application process, please phone us on 0300 123 4699 or email [SponsorshipPBSenquiries@ukba.gsi.gov.uk](mailto:SponsorshipPBSenquiries@ukba.gsi.gov.uk)

## CAN YOU BE A SPONSOR?

49. You must meet both the eligibility and the suitability requirements to become a sponsor.

### Eligibility requirements for a Tier 4 sponsor licence

50. If you are applying for a sponsor licence you must meet the requirements and send us the documents we ask for in Appendix A. We may ask for further documents that are not listed in Appendix A.

51. We will use these documents to check that you are genuine and that you have an operating or trading presence in the UK. If you do not, we will refuse your application or revoke your licence.

52. From the date you are first granted a sponsor licence, you can spend 12 months as an A-rated sponsor. After that you must be able to make a successful application for highly trusted sponsor status.

53. State schools, including those with sixth forms, cannot admit students under Tier 4. We will reject any application from a state school and refund the fee.

### Educational oversight

54. When you apply for a sponsor licence, you must show that as an education provider you:

- have been inspected or audited by an appropriate body;
- are subject to review by an appropriate body; or
- for overseas providers, you offer short-term 'study abroad' programmes in your own premises in the UK.

55. If you are subject to the system of public reviews because:

- you receive public funding; or
- have awarding powers for UK degrees; or
- there is a statutory requirement for inspection

you must have a current and satisfactory full inspection, review or audit from one of the appropriate bodies listed below.

- Quality Assurance Agency for Higher Education;
- Ofsted;
- Education Scotland;
- Estyn;
- Education and Training Inspectorate;
- Independent Schools Inspectorate;
- Bridge Schools Inspectorate; or
- School Inspection Service.

We call this educational oversight.

56. If you are a private provider in the higher education sector and not subject to the system of public reviews, you must have a current and satisfactory full inspection, audit or review from the Quality Assurance Agency for Higher Education (QAA).
57. If you are a private further education provider or English language college in England, Scotland or Wales, you must have a current and satisfactory full inspection, audit or review from one of the following appropriate bodies:
  - Ofsted;
  - Education Scotland;
  - Estyn;
  - Independent Schools Inspectorate;
  - Bridge Schools Inspectorate; or
  - School Inspection Service.
58. The Independent Schools Inspectorate offer inspections of private colleges in England and Wales, Bridge Schools Inspectorate offer inspections of faith based private colleges in England and Wales, School Inspection Service offer inspections of Steiner and Montessori colleges in England and Wales, and Education Scotland offer inspections of private colleges in Scotland.
59. The position for private further education providers and English language colleges in Northern Ireland will be confirmed on our website in September 2011.
60. If you are a private provider and you run courses that attract public funding, you must still have a current and satisfactory full inspection, audit or review from one of the above bodies that cover the private further education sector. This is because a full inspection may not have been carried out where only part of your business is to deliver publicly funded courses.
61. If you are a new, private independent school, you will not have a report from one of the inspectorates for independent schools. Instead, you must send evidence that you have been formally registered by the relevant authority:
  - England – your school number, issued by the Department for Education (DfE).
  - Scotland – your Scottish Executive Education Department (SEED) code.
  - Northern Ireland – confirmation of registration letter from the Department of Education Northern Ireland (DENI), School Governance Team.
  - Wales – confirmation of registration letter from the Welsh Assembly Government (WAG), School Governance Team, which will include your unique school reference number.
62. If you are not appropriately audited or inspected as described in this section and do not have a current and satisfactory full inspection, audit or review from one of the appropriate bodies, we will refuse your application for a sponsor licence.



## Higher education institutions that are based overseas

63. If you are an overseas higher education institution, offering short-term study abroad programmes in your own premises in the UK, you are exempt from the educational oversight requirements. Your students must:
  - enrol in their home country;
  - study in the UK for no more than 50 per cent of the total length of their course; and
  - return home to finish their degree course (which must be equivalent to a UK degree).
64. You must provide evidence of all of the following to show us that you are a genuine institution.
  - You have overseas accreditation which can be confirmed by UK NARIC as offering degree programmes resulting in qualifications which are equivalent to UK degree-level or above.
  - You only teach part of your programmes in the UK. For example, your students enrol on full-time degree programmes at your overseas university and study only part of their overall degree programme in the UK before returning overseas to finish their studies.
  - If you run your study abroad programme in your own premises in the UK, you have full legal control of those premises, including holding the appropriate planning permission or local planning authority consent to operate your type or class of business, and you own or have a lease agreement for those premises.
65. If you rent or use classroom space in the UK that is provided by a third party for your study abroad programme it must be within an institution which also has a Tier 4 sponsor licence and you must provide evidence:
  - of the facilities you are renting or using; and
  - that you have full legal control of the offices you use.
66. If the third party's own sponsor licence is revoked you must make arrangements to find classroom space with another Tier 4 sponsor within six months of that licence being revoked.
67. The exemption from our requirements on educational oversight does not apply if your study abroad programme is delivered by a third party, for example a UK higher education institution. Where that is the case, the UK institution must be inspected, audited or reviewed by the appropriate body as detailed in this section of the guidance.
68. If you are an overseas institution and you offer full, recognised degree programmes to students enrolled in the UK for the full duration of their course, the QAA will provide educational oversight.
69. Accredited US institutions listed on the US Department of Education website that offer US degree courses are able to apply to the QAA. This also applies to associate members (or third party providers) of the Association of American Study Abroad Programmes UK (AASAP/UK). Overseas providers that offer complete degrees from other countries should contact QAA first. It will take advice on whether the provider is recognised and confirm whether it is able to review their education provision. Where QAA cannot review their education provision, the educational oversight requirement will not be met.

## Transitional arrangements for educational oversight

70. If you already have a sponsor licence and it was granted on the basis that you have been accredited by one of the following bodies:
  - Accreditation UK;
  - The Accreditation Service for British language Schools (ABLS);
  - The Accreditation Service for International Colleges (ASIC);
  - The British Accreditation Council (BAC);
  - The Church of England Inspectorate – Ministry Division;



this is no longer sufficient to meet the eligibility requirements for Tier 4 sponsors. You must now apply for a full inspection, audit or review from the appropriate body listed in the ‘Educational oversight’ section of this guidance.

71. If you have partial or interim accreditation from one of these previously approved bodies it is up to you to decide whether you want to continue to pursue full accreditation with them. If your licence is B-rated under the guidance in place before 5 September 2011 on the basis that you have partial or interim accreditation from one of these bodies, you must read the section called ‘Transitional arrangements for B-rated sponsors who are subject to an action plan’.
72. Regardless of whether you pursue full accreditation, you must still apply for a full inspection, audit or review from an appropriate body.
73. Table (iii) sets out which appropriate body you must apply to and by what date.
74. We announced on our website on 13 June 2011 that applications for educational oversight would need to be made to the Quality Assurance Agency (QAA) and Independent Schools Inspectorate (ISI) by 9 September 2011. This was followed up by a supplementary

announcement on 28 July 2011 and QAA and ISI have each published their own guidance on the submission of applications. The following table re-iterates information provided in these previous announcements.

75. The Independent Schools Inspectorate offer inspections of private colleges in England and Wales, Bridge Schools Inspectorate offer inspections of faith based private colleges in England and Wales, School Inspection Service offer inspections of Steiner and Montessori colleges in England and Wales, and Education Scotland offer inspections of private colleges in Scotland.
76. Until you have achieved a full satisfactory inspection, audit or review from the appropriate body and have obtained highly trusted sponsor status we will limit the number of students you may sponsor.
77. If you do not apply to the appropriate body by the given deadline you will become a ‘legacy sponsor’ at the deadline. The following section called ‘Legacy sponsors’ explains what this means.
78. We will publish further guidance setting out, for each appropriate body, details of which inspection ratings or grades meet our requirements to have a satisfactory, full inspection, audit or review

Table (iii)		
If you are a	Appropriate body	On or before
private provider in the higher education sector and not subject to the system of public reviews	You must apply to the Quality Assurance Agency (QAA)	9 September 2011
private further education or English language college in England, Scotland or Wales	You must apply to a one of the following appropriate bodies. <ul style="list-style-type: none"> <li>• Independent Schools Inspectorate;</li> <li>• Bridge Schools Inspectorate; or</li> <li>• Education Scotland</li> </ul>	9 September 2011 7 October 2011 11 November 2011
Private further education or English language college in Northern Ireland	The position for private further education providers and English language colleges in Northern Ireland will be confirmed on our website in due course.	The position for private further education providers and English language colleges in Northern Ireland will be confirmed on our website in due course.
Montessori or Steiner provider in England or Wales	School Inspection Service	7 October 2011

**Legacy sponsors**

79. There are some circumstances described in this guidance which may result in you becoming a legacy sponsor. Legacy sponsors are those who either
- do not try to meet the requirements for educational oversight by the deadlines set out in this guidance; or
  - do try to meet the new requirements for educational oversight by the deadlines set out in this 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.
80. If you become a legacy sponsor we will remove your entry from the online register of sponsors and your CAS allocation will be set to zero. You will not be allowed to sponsor any new students but you can continue to sponsor students who are already studying with you until either they finish their course or until your sponsor licence expires, whichever happens first.
81. If any of your existing students need to extend their leave so that they can complete their course with you, you will be able to apply to us for a CAS to assign to them.
82. If you become a legacy sponsor and you have assigned a CAS which has not yet been used to support an application for leave to enter the UK, the student you have assigned it to will still be able to apply for leave. We will also process any application for leave to enter the UK, supported by a CAS that you have assigned, which has been made but not yet been decided at the point you become a legacy sponsor. In both cases, if the student's application is successful they will be allowed to travel to the UK and to study with you.
83. If you have a sponsor licence that covers multiple Tiers and not just Tier 4, the legacy status will only apply to the Tier 4 part of your licence.

84. As a legacy sponsor you must continue to comply with your sponsor duties. If you do not continue to comply with your sponsor duties, we will take action against you which may result in your licence being revoked.
85. As a legacy sponsor you must still apply for highly trusted sponsor status by the given deadlines. If you do not meet the mandatory requirements for highly trusted sponsor status or you do not apply on time, your licence will be revoked. See the section called 'Applying for highly trusted sponsor status' for full details.

**Suitability for a sponsor licence**

86. We will use the suitability requirements to decide whether to:
- grant or refuse your application for a Tier 4 sponsor licence;
  - grant or refuse your application for highly trusted sponsor status (HTS); or
  - revoke your licence.
87. To decide your suitability we will assess whether you have:
- systems that enable you to meet your sponsor duties; and
  - complied with immigration rules in the past (for example for any migrants you employ now or have employed in the past).
88. We also check whether any relevant person (owner, director, authorising officer, key contact, level 1 user, or anyone involved in your day-to-day running) has:
- an unspent criminal conviction, particularly for any offence listed in Appendix B (we do not consider any convictions that are spent under the Rehabilitation of Offenders Act 1974);
  - received a civil penalty for immigration offences; or
  - previously come to our notice for potential investigation.

89. We will visit you before making a decision on your application and may also visit you after we grant your licence.

### Scoring system

90. We will score you on each area of suitability as follows:

- met – meets all of the criteria
- not met – does not meet one or more of the criteria.

91. If you applying for a new sponsor licence we will grant it and give you an A rating if you meet all of the criteria in all areas and there are no other reasons for us to refuse your application.

92. We will refuse your application if you score 'not met' in any area.

93. If we visit you after you have been granted a licence, we will score you again against the suitability criteria as well as making any other checks we need to carry out. If you score 'not met' on any of the suitability areas we will take action against you.

### When we will refuse a sponsor licence application

94. We will refuse your application in any of the circumstances below. When mentioned, a relevant person is an owner, director, authorising officer, key contact, level 1 user, or anyone involved in your day-to-day running.

- You, or a relevant person submit any false documents with your application. If this happens, and we believe a criminal offence has been committed, we may prosecute you as well.
- You do not meet the requirements of Tier 4 or the category you are applying for.
- You, or a relevant person are legally prohibited from becoming a company director (unless this is because you are an undischarged bankrupt, although the authorising officer, and any Sponsorship Management System (SMS) User cannot be an undischarged bankrupt).

- You, or a relevant person have previously held a sponsor licence under any tier and we revoked that licence in the six months before your current application.

- We find information that suggests you do not have the processes you need to comply with your sponsorship duties.

- We ask, or have ever asked you or a relevant person to send us evidence so we can decide if you:

- can comply with sponsorship duties; or
- have previously complied with sponsorship duties; or
- complied with previous work permit arrangements; and
- you do not or did not send it to us within the relevant timescales.

- You or a relevant person have ever been dishonest in any previous dealings with us (or the former Immigration and Nationality Directorate or Border and Immigration Agency). Dishonesty includes (but is not restricted to):

- applying for work permits or certificates of sponsorship when you do not have or are not in the process of establishing, an operating or trading presence in the UK;
- making false statements in any application to us, including an application for a work permit; and
- assigning a CAS to a student who you knew did not intend or was not able to follow the course of study for which the CAS was assigned.

## Offences and civil penalties

95. We will refuse your application as explained below if you or a relevant person have, within the previous 12 months, been issued with a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 for employing one or more illegal workers and you are still liable once your objection and appeal rights have been exhausted.

- If the fine for at least one of those workers was set at the maximum amount of £10,000, or if the fine was for a repeat offence and set below the maximum amount we will refuse your application if:
  - you paid the fine within the given time limit and applied within six months of the date the fine became payable; or
  - you paid the fine after the given time limit and applied within 12 months of the date the fine became payable.
- If the fine was for a first offence and set below the maximum amount, we will refuse your application if you paid the fine after the given time limit and applied within six months of the date the fine became payable.

96. We will refuse your application if you, or a relevant person, have not paid an outstanding illegal working civil penalty issued since the penalties were introduced in February 2008 and you are still liable once your objection and appeal rights have been exhausted.

97. We will also refuse your application if you or a relevant person have been issued with a civil penalty for one of the other offences in Appendix C and have not paid it.

98. We will refuse your application if you, or a relevant person have been convicted of one of the offences below, unless the conviction is spent under the Rehabilitation of Offenders Act 1974.

- Any offence under the:
  - Immigration Act 1971;
  - Immigration Act 1988;

- Asylum and Immigration Appeals Act 1993;
- Immigration and Asylum Act 1999;
- Nationality, Immigration and Asylum Act 2002;
- Immigration, Asylum and Nationality Act 2006;
- UK Borders Act 2007

- Trafficking for exploitation.
- Any other unspent conviction, especially those which:
  - in our opinion, indicate that you pose a risk to immigration control, for example, offences involving dishonesty or deception, including any of the offences listed in Appendix B.
  - in our opinion cast doubt upon your suitability, or the suitability of a relevant person to teach or be in contact with students, for example sex offences.

### When we will consider refusing a sponsor licence application

99. We may refuse your application in any of the circumstances below. When mentioned, a relevant person is an owner, director, authorising officer, key contact, level 1 user, or anyone involved in your day-to-day running.

- You or a relevant person have a previous record of not complying or poor compliance with the duties of sponsorship, or with the work permit arrangements.
- You or a relevant person have had a sponsor licence revoked by us. You will have to show that you have put right any issues which led to us revoking it before we will consider granting you a new licence
- The Office of the Immigration Services Commissioner (OISC) has removed your authorisation to provide immigration advice, or authorisation of any organisation that you or a relevant person have been involved with in a similar role.

100. The action we take will depend on:

- the seriousness of the past conduct (including conduct that led to revocation of a licence, removal from the register of education or training providers, or removal of OISC authorisation);
- how long it is since the conduct took place and any mitigating circumstances; and
- the seriousness of the issues which led us to revoke your previous licence, and what you have done to improve the situation.

### **Applying for a sponsor licence**

101. You apply for a sponsor licence online, and then send us your supporting documents. Before you apply, you need to make some decisions and arrangements, which we explain below.

#### Choose how many licences to apply for

102. If you have a number of branches you can register in a number of ways. These include:

- applying for a single licence that includes your 'head office and all branches' in the UK (for example, a UK-wide language school might choose to register all of its branches in England, Scotland, Wales and Northern Ireland in a single licence);
- each branch applying for a separate licence; or
- grouping a number of branches in a single licence (for example, a UK-wide language school might choose to register all its branches in London in a single licence).

103. We may ask for evidence that your head office and/or the group of branches you list in your application are linked by common ownership or control.

104. You can show common ownership or control if:

- one entity controls the composition of the other entity's board; or

- one entity is in a position to cast, or control the casting of, more than half the maximum number of votes that might be cast at a general meeting of the other entity; or
- one entity holds more than half the issued share capital of the other entity (excluding any part of that issued share capital that carries no right to participate in a distribution of either profits or capital beyond a specified amount); or
- both entities have a common parent entity that itself or through other entities meets one of the requirements of the first three bullet points above in relation to both entities that are the subject of the intra-company transfer; or
- one entity is related to the other entity as both entities are party to a joint venture agreement; or
- one entity is related to the other entity in that one entity is party to a joint venture agreement and the other entity is the entity formed by that joint venture agreement; or

105. If you have a number of branches with individual licences, and we revoke a licence for one of those branches, we will not automatically remove or downgrade the licences for the other branches, but we will investigate them.

106. If you are licensed as a 'head office and all UK branches' (for example an English language school with branches across the UK) and we revoke your licence this will apply to all of your branches. If we revoke your licence, none of your branches will be able to sponsor students. If you have existing students when we revoke your licence, we will limit the permission those students have to be in the UK, because they will no longer be studying with a licensed sponsor.

107. If you are a large education provider with a number of campuses, for example a university, they will automatically be included in your licence. If you want to, you can apply for separate licences for your different campuses, but you do not have to.



108. If you have named a ‘partner institution’ on your licence and we revoke that institution’s own licence, we will consider all of the circumstances and may consider taking action against your licence. If you have existing students when we revoke your partner institution’s licence, we will limit the permission those students have to be in the UK, because they will no longer be studying with a licensed sponsor.
109. If any of your branches later apply for an individual licence, we will take into account any evidence of previous abuse or non-compliance, and the reasons for it, when we consider the application.

### Franchises

110. If you are an organisation, sole trader or partnership with a number of franchises under your control, you can apply for a Tier 4 sponsor licence as a ‘head office and all UK branches’ or make a separate application for each franchise.
111. You must make a separate application for each franchise if they are separate businesses, not under your control as the parent organisation.

### Allocate key personnel

112. When you apply for a sponsor licence, you must nominate members of your staff as ‘key personnel’. Key personnel will have important responsibilities including access to the sponsorship management system (SMS). They must all be permanently based in the UK.
113. The roles are:
- authorising officer;
  - key contact;
  - level 1 user of the sponsorship management system; and
  - level 2 user of the sponsorship management system .
114. You can find details of each role, its responsibilities and its requirements later in this section.

115. You must name your authorising officer, key contact and level 1 user on the application form. These roles can all be filled by the same person, or by a combination of different people, but you can:

- only have one authorising officer and one key contact;
- add more level 1 users once you have a sponsor licence; and
- only appoint level 2 users once you have your licence.

116. If you want a representative to assign confirmations of acceptance for studies (CAS), you must add their relevant employees to the sponsorship SMS as level 1 or level 2 users. It is your responsibility to make sure they meet the requirements to be a level 1 or 2 user.

117. You are responsible for anything done by anyone you set up as a user of the sponsorship management system (SMS), including representatives. We treat anything a representative does on your behalf as if you had done it yourself so you should only employ representatives who are reputable, honest and competent. You should check the identity of any representative you employ and make sure they meet their responsibilities. If you do not comply with your responsibilities, we will take action against you.

### Contact details for key personnel

118. You must give us the contact details of your key personnel when you:
- apply for a licence; and
  - change or add key personnel after you have a licence.
119. The contact address for all key personnel must be your main address or the address of any branch or head office you include in your licence. If you appoint a representative as key contact or level 1 user, their address must be the same as the representative’s main business address. If you appoint a level 2 user employed by a third party organisation engaged by you to deliver all or part of your HR function, their address must be the main business address of that organisation.

120. When you give us an email address for a person, only that named person must be able to access emails we send to that address.

#### Checks we make on key personnel

121. We will check your authorising officer, key contact and level 1 user against our records, and the Police National Computer or its equivalent in Northern Ireland. We may also check your owner(s), director(s) and anyone involved in your day-to-day running. We call these people 'relevant persons' in this guidance.

122. We will make checks:

- while we consider your application for a sponsor licence;
- at any time while you have a sponsor licence; and
- if new people take up key personnel roles while you have a sponsor licence.

123. If any of these people have unspent criminal convictions or we have issued them with a civil penalty in the past 12 months, we may:

- refuse your application for a sponsor licence;
- if you already have a licence, refuse to accept a person you later nominate for a key personnel role; or
- revoke your licence.

#### Authorising officer

124. You must:

- always have an authorising officer while you have a sponsor licence;
- ensure they always meet the requirements below; and
- tell us if you want to change your authorising officer.

If you do not, we will take action against you.

125. You are fully responsible for the authorising officer's actions, so you should only give this position to a responsible and competent person within your organisation.

126. The authorising officer decides how many of your staff will have access to the sponsorship management system (SMS) and the level of permission they will have.

127. The authorising officer does not have automatic access to the SMS. If they need access they must be set up as a level 1 or level 2 user of it.

128. They will be responsible for the activities of all users of the SMS, who must comply with our requirements for using the system.

129. They must be a paid staff member or office holder within your organisation. They must not be:

- a representative;
- a contractor or consultant who is contracted for a specific project;
- a temporary staff member supplied by an agency; or
- an undischarged bankrupt;

130. A person who holds an office under one of the following types of appointment, is likely to be an 'office holder':

- a statutory appointment (such as registered company directors or secretaries, board members of statutory bodies, judges or tribunal members, or crown appointments, for example, the police);
- an appointment under the internal constitution of an organisation (such as club treasurers or trade union secretaries);
- an appointment under a trust deed (such as trustees); or
- an ecclesiastical appointment (such as members of the clergy).

131. An office holder is not an employee or a worker. But holding an office does not prevent someone from becoming a worker or an employee. They can be an office holder and an employee if their working arrangements are a contractual relationship and satisfy the test for employee status. You can find more information on the Direct Gov website: [http://www.direct.gov.uk/en/Employment/Understandingyourworkstatus/Workersemployeesandselfemployment/DG\\_183505](http://www.direct.gov.uk/en/Employment/Understandingyourworkstatus/Workersemployeesandselfemployment/DG_183505)

### Key contact

132. The key contact can be the authorising officer or another person in your organisation.

133. The key contact will be your main point of contact with us. We will contact them if we have any queries about your application, the documents you sent or the fee. A key contact must be a paid staff member or office holder within your organisation. They can also be a UK-based representative.

134. They must not be:

- a contractor;
- a consultant who is contracted for a specific project;
- an employee of a third party organisation you have engaged to deliver all or part of your HR function; or
- a temporary staff member supplied by an agency

135. The key contact does not have automatic access to the SMS. If they need access to the system they must be set up as a level 1 or level 2 user of it.

### Level 1 user

136. The level 1 user can be the authorising officer or another person in your organisation.

137. The level 1 user must carry out your day-to-day sponsorship activities by using the sponsorship management system (SMS). They can:

- request more level 1 users and add level 2 users to the SMS or remove them;

- assign confirmations of acceptance for studies to students;
- request an increase in the number of confirmations of acceptance for studies you can assign (your limit);
- tell us about minor changes to your details;
- notify us of change of circumstances on the SMS;
- report student activity to us (for example, inform us if a student goes missing or does not attend their course);
- withdraw confirmations of acceptance for studies;
- inform us of changes to study or work placement addresses;
- use the bulk data transfer feature (which we explain later on);
- change user details.

138. When you first apply for a sponsor licence, you can only nominate one level 1 user. Once you have a licence you can use the SMS to nominate more level 1 users. We will check new level 1 users before we give them access to the SMS.

139. You can decide how many level 1 users you need. The authorising officer is responsible for them, so we recommend that you do not have more level 1 users than you really need. You should make sure that you have at least enough to be able to cover periods of leave or sickness.

140. The level 1 user must be:

- a paid staff member or office holder within your organisation; or
- an employee of a third party organisation engaged by you to deliver all or part of your HR function; or
- a UK-based representative.



141. They must not be:

- a contractor;
- a consultant who is contracted for a specific project;
- a temporary staff member supplied to you by an employment agency; or
- an undischarged bankrupt.

#### Level 2 user

142. Level 2 users have fewer permissions than level 1 users. A level 2 user may:

- assign confirmations of acceptance for studies (CAS) to students; and
- report student activity to us (for example, inform us if a student goes missing, or does not attend their course).

143. You can decide how many level 2 users you need. The authorising officer is responsible for them, so we recommend that you do not have more level 2 users than you really need.

144. The level 2 user must be:

- a paid staff member or office holder within your organisation; or
- an employee of a third party organisation engaged by you to deliver all or part of your HR function; or
- a temporary staff member supplied to you by an employment agency; or
- a UK-based representative.

145. They must not be:

- a contractor;
- a consultant who is contracted for a specific project; or
- an undischarged bankrupt.

#### Estimate the number of students you will want to sponsor

146. When you apply for a sponsor licence, you must give us an estimate of the number of confirmations of acceptance for studies (CAS) you expect to assign in your first year in each category of Tier 4 that you are applying for. The number must include existing students who will apply for extensions of their permission to stay and any new students you wish to sponsor. You will need to justify your request.

147. The number of CASs we will allow you to assign will depend on when you applied for your sponsor licence. On 21 April 2011 we changed the policy and requirements for education providers to obtain a sponsor licence. We also imposed a limit on the number of CASs certain sponsors can assign. We explain this in the section called 'Our interim limit on CASs'

#### Applications for a sponsor licence made on or after 21 April 2011

148. If you apply, or have applied for a licence on or after 21 April 2011 and we approve your application, we will consider your estimate of the CASs you require and the reason for this request. We will then allocate you CASs up to a maximum of 50 per cent of your total student body. We will calculate this using information in your latest inspection report. The limit may be:

- the number of CASs you asked for;
- a lower limit if you are a start-up organisation, have any history of not complying with immigration rules, or you do not justify the number you asked for.

149. When we set your CAS allocation, we will take into account all the circumstances, including your estimated requirements. This includes:

- your previous record in dealing with us (including your previous dealings with the work permits arrangements);
- the type and size of your organisation;
- your total student capacity; and
- how long you have been operating.

150. You may ask us to increase your CAS allocation if you reach your existing limit. You can do this using the sponsorship management system (SMS). We will use these same principles to decide what new CAS allocation to give you.
151. We may reduce your CAS allocation, including reducing it to zero if your circumstances change, for example you downsize, or if we believe you are a threat to immigration control.
152. We will monitor your performance and may set a review point when we will reconsider the number of CASs we allow you to assign. We may do that review earlier if we think it is necessary.
153. We will allocate the agreed number of CASs to your SMS account. You will have 12 months from the date your licence started to assign them. After that time, any unassigned CASs will expire and be removed from the SMS. You cannot carry over any unused CASs to the next year.
154. At the end of the 12-month period, you must tell us how many CASs you need for the next year and why. This will happen every 12 months.

#### Applications for a sponsor licence made before 21 April 2011

155. On 21 April 2011 we made some changes to the sponsor licence requirements. On that date we:
  - changed the requirements for educational oversight – please see the section called ‘Educational oversight’;
  - introduced a requirement for all Tier 4 sponsors to become highly trusted sponsors – please see the section called ‘Applying for highly trusted sponsor status’; and
  - introduced an interim limit on the number of CASs that certain existing sponsors can assign – please see the section called ‘Estimate the number of students you will want to sponsor’.

156. If you have a licence that was granted under the guidance that was in place before 21 April 2011 and you were not a highly trusted sponsor or did not meet the new educational oversight requirements, or both, you were allowed to stay on the Tier 4 sponsor register but we limited the number of CASs you can assign. This guidance sets out what you must now do to keep your sponsor licence. You must apply for educational oversight by the appropriate deadline and you must also apply for highly trusted sponsor status by the appropriate deadline.

157. Annex A sets out:
  - the new sponsorship requirements for educational oversight and highly trusted sponsor status from 21 April 2011 (Table A); and
  - how the interim limit has affected you from April 2011 (Table B).

158. You should also read the sections of this guidance called ‘Educational oversight’ and ‘Applying for highly trusted sponsor status’.

#### Our interim limit on CASs

159. This section was included in the previous version of this guidance. It is here only to remind you of:
  - how we worked out your CAS allocation if you were subject to the interim limit; and
  - what will happen if you stop being subject to the interim limit.
160. Between 21 April 2011 and 5 April 2012 we have limited the number of confirmations of acceptance for studies (CAS) certain sponsors can assign.
161. There is no overall limit on the number of CASs that can be assigned during this period. We have calculated it individually for each sponsor. All sponsors who already had a licence before 21 April 2011 have already had their CAS limit adjusted, apart from the following, which are all exempt from the limit:
  - any sponsor who was both:
  - highly trusted; and

- subject to full institutional inspection, review or audit by one of the currently accepted bodies listed under 'Educational oversight';
- independent schools;
- the Foundation Programme Office;
- the Yorkshire and Humber Strategic Health Authority; and
- Tier 4 sponsors who apply for their licence after 21 April 2011 and are subject to educational oversight by one of the currently approved bodies.

162. If you are affected by the interim limit:

- any CAS you had already assigned to a prospective student before 21 April will be valid for the student to use in an application, provided you assigned it in line with the immigration rules and guidance that applied when you assigned it;
- you must use the new CASs we allocate to you for both new students and existing students, whether they apply overseas or in the UK; and
- you should consider whether you should keep a number of your limited CASs for students who need more time to complete a course they have already started.

#### Calculating the interim limit

163. We used what we called a comparative period, which is between 1 March 2010 and 28 February 2011.
164. We calculated the interim limit based on the number of CASs you assigned during the comparative period to students who successfully used them to gain a visa or an extension of stay within that period. It did not include CASs you assigned to students who did not then apply to us or who applied but were refused.
165. If this number was zero we gave you a zero CAS allocation for the interim limit. You are not able to assign a CAS to a new student or existing student during the period of the interim limit.

166. You are not able to request any more CASs during the period of the limit, even if you have used all of your interim limit or were given an initial interim limit of zero.

#### **If you were licensed continuously for the entire comparative period**

167. In this case your interim limit was the total number of CASs you assigned during this period to students who successfully used them to gain a visa or an extension of stay within that period.
168. For example, you were granted your sponsor licence on 5 January 2010. Between 1 March 2010 and 28 February 2011 you were licensed continuously and assigned 100 CASs to prospective students.
169. Of these 100 CASs, students used 90 to apply for a visa or an extension of stay between 1 March 2010 and 28 February 2011. Of these 90 applications, 80 students received a visa or permission to stay by 28 February 2011.
170. Your interim limit for 21 April 2011 to 5 April 2012 would be 80 CASs.

#### **If you received your sponsor licence part-way through the comparative period**

171. In this case your interim limit was the total number of CASs you assigned to students who successfully used them to gain a visa or an extension of stay within that period multiplied by the appropriate factor to make your allocation proportional to what you would receive if you had been licensed for the whole comparative period.
172. For example, you were granted your sponsor licence on 6 June 2010. Between 6 June 2010 and 28 February 2011 you were licensed continuously and assigned 50 CASs to prospective students.
173. Of these 50 CASs, students used 40 to apply for a visa or an extension of stay between 6 June and 28 February 2011. Of these 40 applications, 30 students received a visa or permission to stay by 28 February 2011. You were only licensed for nine of the 12 months of the comparative period, so we divide 30 CASs by nine and then multiply by 12 to give your 12-month interim allocation.

174. Your interim limit for 21 April 2011 to 5 April 2012 would be 40 CASs.

**If you applied for a licence before 21 April 2011 but were not licensed during the comparative period**

175. We assessed you against the sponsor requirements in place at the time you submitted your application. How we calculated your interim limit depended on whether you obtained your sponsor licence before or after 21 April.

176. In either case, we reduced your CAS allocation by 26 per cent. This is because we calculated that 26 per cent was the average percentage of CASs that were assigned between 1 March 2010 and 28 February 2011 that did not result in a student receiving a visa or an extension of stay during that period.

177. If you applied for your sponsor licence after 28 February 2011 and received a decision before 21 April you did not assign any CASs during the comparative period.

- We calculated your interim limit based on the initial CAS allocation we gave you minus 26 per cent. For example, you were granted your sponsor licence on 15 March 2011. You were given an initial CAS allocation of 100. We reduce this by 26 per cent, which is 26 CASs.
- Your interim limit for 21 April 2011 to 5 April 2012 would be 74 CASs.

178. If you applied for your sponsor licence before 21 April 2011 but did not obtain it until after that date you did not assign any CASs during the comparative period.

- We produced an indicative CAS number based on the estimated number of CASs you expect to assign in the first year you are licensed and your justification for this. We took into account:
  - your previous record in dealing with us (including your previous dealings with the work permits arrangements);
  - the type and size of your organisation; and
  - how long you have been operating..

- We then reduced this by 26 per cent. For example, you were granted your sponsor licence on 15 May 2011. You requested a CAS allocation of 200 for the first year of your sponsor licence. We assessed this and your justification for it and produce an indicative allocation of 150 CASs. We reduce this by 26 per cent, which is 39 CASs.
- Your interim limit for 15 May 2011 to 5 April 2012 would be 111 CASs.

**If you become subject to the interim limit after 21 April 2011**

179. You may become subject to the interim limit after 21 April 2011, for example if you become a legacy sponsor. If you do, we will calculate your interim limit depending on whether you were licensed for all, part or none of the comparative period. This is explained above.

180. We will then reduce this by the number of CASs you assigned after 21 April regardless of the outcome of the student's visa or leave application.

- For example, you were licensed for the entire comparative period and assigned 100 CASs.
- On 10 September 2011 you become a legacy sponsor and become subject to the interim limit. You assigned 20 CASs since 21 April 2011. We subtract this from the 100 CASs.
- Your interim limit for 1 September 2011 to 5 April 2012 would be 80 CASs.

**If you stop being subject to the interim limit**

181. If you achieve full institutional inspection by one of the currently accepted bodies and highly trusted sponsor status during the period of the interim limit, you will no longer be subject to it. You must notify us using the change of circumstances option on your sponsor management system account. Where appropriate, you must also email a copy of your inspection report to **SCOC@ukba.gsi.gov.uk** or post it to

Sponsor Licensing Unit  
 UK Border Agency  
 Vulcan House – 4th Floor Steel  
 North East, Yorkshire and Humber Region  
 PO Box 3468  
 Sheffield  
 S3 8WA

182. On 1 October 2011 we will introduce changes to the SMS that will make it easier to notify us of changes to your circumstances. We will publish SMS user guides on our website in mid-September 2011 to tell you how to use the new features when we introduce them.
183. You will remain subject to the interim limit until the date we write to you to confirm that you are exempt.

### Supporting documents

184. When you apply for a Tier 4 sponsor licence you must send us specified documents to show that you are eligible. We list these documents in Appendix A, which is separate to this guidance. We may ask for other documents at any time.
185. When you complete and submit your online application for a sponsor licence, the system takes you to a submission sheet page. You must print this and complete it.
186. Then you must send all of the following, together, within 14 calendar days for your application to be valid. If you do not, we will reject your application and refund your fee.
- All pages of the original submission sheet (not certified copies), signed and dated in the designated space by the authorising officer.
  - All of the documents listed on the submission sheet as mandatory documents (either originals or certified copies).
  - The correct fee (unless you have already paid online). From 1 October 2011 we will no longer accept cheque payments for sponsor applications. We will only accept on-line payments for these transactions.
187. If you do not send documents specified in Appendix A that are not mandatory, or we need any other documents, we will write to you giving you seven calendar days to send us those documents. If we do not receive them within that time we will refuse your application and will not refund your fee.
188. If you want to be licensed under any other tiers and/or categories of the points-based system, you must meet all of the requirements for those tiers and categories and send us the required documents.
189. If you are including any ‘branches’ or partner institutions in your application for a sponsor licence you must submit all the relevant evidence for each individual branch or partner institution. For example, a private college with branches across the UK which it wants to include in its licence must send evidence showing that each branch has undergone a full institutional inspection, or has been audited by an approved body – see the section called ‘Educational oversight’.
190. You must send the original documents or certified copies. A certified copy is one that includes a signed statement, either by the issuing authority or by a practicing solicitor or notary. The certifier must confirm that it is an accurate copy of the original document. Each certified document must be clearly detailing the certifier’s name, signature and the organisation they represent. If we cannot check a certifier’s details we will reject the document. Sometimes, when a document has more than one page, the certifier does not want to certify every page. We will accept the document if the pages are all attached together (such as stapling) and the top page is certified as described. The certification must also state clearly how many pages have been certified.
191. We know you often receive original documents by email as a PDF attachment. You must have printouts of PDF files certified and the person who certifies the document must have seen the original email containing the PDF file.
192. If you provide documents that are not in English or Welsh you must also send us a certified translation. You must provide the translator’s credentials, along with their official confirmation that the translation is accurate.



193. If you provide certified copies of documents and/or certified translations we may ask for the original documents.

194. We will make more checks if we doubt that you can meet the requirements for the category in which you have applied. We may ask for more documents.

195. We will return all your documents by recorded delivery to the address on your application. If you want us to return the documents by special delivery, you must enclose a prepaid special delivery envelope.

### How to apply

196. If you use deception to obtain a licence you may be committing a criminal offence.

197. We treat all sponsorship applications as confidential. We will not pass on information you send with your application to anyone except other government departments, agencies and local authorities and only when it is necessary to enable them to carry out their functions. However, we will publish sponsors' ratings on our website.

198. To join the sponsor register you must meet all of the requirements below. You must:

- complete the appropriate online sponsor application;
- pay the correct fee;
- provide proof that you are based in the UK;
- be able to provide original or certified copies of the documents listed in Appendix A, unless we say otherwise, to establish that you are genuine and operating or trading lawfully in the UK, and with the appropriate planning permission or local planning authority consent to operate the type or class of business at your trading address;
- meet the suitability requirements;
- show there are no reasons to believe that you are a threat to immigration control; and
- agree to comply with the duties of sponsorship.

199. If you do not pay the correct fee, we will reject your application and return it with your fee.

### Process of applying

200. You can only apply online. The process for applying is:

- Register online with your name and email address at <https://www.points.homeoffice.gov.uk/gui-sponsor-jsf/SponsorHome.faces>
- Complete the online application – you can download a copy of the sponsor application form to help you prepare your application: [http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/mock\\_sponsor\\_form.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/mock_sponsor_form.pdf)
- Complete your application online, print off your submission sheet and send it to us with your fee and supporting documents. From 1 October 2011 we will no longer accept cheque payments for sponsor applications. We will only accept on-line payments for these transactions
- We process your sponsor application, making any checks that are necessary.
- We notify you of our decision.
- If we give you a sponsor licence, your organisation name and rating are published on our register of sponsors.

201. The online sponsor application asks you to indicate which tiers, categories, or sub-categories you wish to be licensed under. You can select as many as you will need.

202. If your licence is granted, these will be the only tiers under which you will be able to sponsor migrants.

203. If you gather all the necessary information before starting, the application should take about 30 minutes to complete. If you want to keep a copy of it for your records, you must write down what you have put in the application as you complete it because we cannot provide copies of sponsor licence applications.

### Using a representative to apply for a sponsor licence

204. You must make the application. A representative may help you complete your application, but they may not submit it for you. If they do, we will refuse your application and will not refund your fee.
205. A representative can be one of two things.
- They can be a person who is qualified to provide immigration advice or services in accordance with section 84 of the Immigration and Asylum Act 1999 because they:
    - are regulated by the Office of the Immigration Services Commissioner (OISC);
    - are exempt by ministerial order from the requirement to be regulated; or
    - otherwise comply with section 84.
  - They can be a regulated member of a designated professional body, or working under the supervision of such a person. The bodies listed in the 1999 act are the:
    - Law Society;
    - Law Society of Scotland;
    - Law Society of Northern Ireland;
    - Institute of Legal Executives;
    - General Council of the Bar;
    - General Council of the Bar of Northern Ireland; and
    - Faculty of Advocates.
206. To act on your behalf a representative must be:
- in one of the above categories; and
  - based in the UK.
207. If they act on your behalf without being 'qualified' under the Immigration and Asylum Act 1999, they may be committing a criminal offence.
208. A representative that complies with Section 84 by exemption by ministerial order must comply with the OISC code of standards.
209. If you do not know your representative's status you should contact the OISC, which has a list of organisations and advisers it has authorised.
- By post:  
 The Office of the Immigration Services Commissioner (OISC)  
 5th Floor  
 Counting House  
 53 Tooley Street  
 London  
 SE1 2QN
- By phone: 0845 000 0046 (calls charged at local rate)
- By fax: 020 7211 1553
- By email: [info@oisc.gov.uk](mailto:info@oisc.gov.uk)
- Website: <http://oisc.homeoffice.gov.uk/>
210. If you wish to use the services of a representative after you have a sponsor licence, you must formally appoint one using the sponsor change of circumstances form on our website at <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/sponsors/sponsorcircumstancesform>
211. On 1 October 2011 we will introduce changes to the SMS that will mean you can make a request to formally appoint a representative using your SMS account. We will publish SMS user guides on our website in mid-September 2011 to tell you how to use the new features when we introduce them.
212. We will not deal with your representative unless you have formally appointed them.

## How we consider and check your application

213. Our checks may include an on-site visit, particularly if we know very little about your organisation or have any doubt about whether or not it is genuine. The visits may be announced or unannounced.
214. Our compliance officers are trained to refer cases for civil penalties or prosecutions if they find evidence of wrongdoing or criminal activity. If you use deception to obtain a licence you may be committing a criminal offence. The compliance officer will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, inform the police and/or any relevant authority.

### Application for Tier 4 sponsor licence

215. When we consider your licence application, we ask three main questions.
- Are you a genuine organisation operating lawfully in the UK and complying with all appropriate local planning authority regulations? To prove this, you must provide the documents in Appendix A.
  - Are you dependable and reliable? We look at your history and background, the key personnel you name on the application and any people involved in your day-to-day running. We view any history of dishonest conduct or immigration crime seriously and may refuse your application because of it.
  - Are you capable of carrying out your duties as a sponsor? We look at your processes and how you monitor student attendance to ensure you will be able to fulfil your sponsor duties. We may do this by visiting you either before your licence is granted, or afterwards. If we have significant doubts after visiting you we may refuse your application. If you are an existing sponsor and doubts arise, we may revoke your licence.

### Checks we make

216. We will check your documents and other aspects of your application, especially if we have reasonable doubts about them. We may

check that documents are correct and genuine by contacting:

- other government departments (in the UK and overseas);
- banks;
- universities; and
- professional bodies.

217. We aim to make checks as quickly as possible, but allow up to 15 working days for answers to our enquiries. We use a standard format to record the results of enquiries, to ensure we record feedback consistently.

218. There are three possible outcomes of these checks.

- Document confirmed as genuine. We will consider your application as normal.
- Document confirmed as false. We will refuse your application, whether or not the document is essential to your application.
- Check inconclusive. If we cannot verify that a document is either genuine or false we will not use the document as evidence to support your application. We may instead ask for more supporting documents.

### **What happens after we make a decision on your application**

219. We will write to you to tell you:

- whether we have granted or refused your application for a sponsor licence; and
- the reasons for the decision if we have refused it.

### **If we approve your application**

220. We will write to you to tell you:

- we have granted you a sponsor licence;
- the maximum number of confirmations of acceptance for studies (CAS) you will be allowed to assign.



**Sponsor licence number**

221. We will send you a sponsor licence number. You must quote it in all communications with us.

**If we refuse your application**

222. You have no right of appeal if we refuse your application. You may reapply at any time but you must ensure that the reasons we refused you no longer apply. If you cannot do this, we are likely to refuse your application again. We may visit you if you have previously been refused a licence to ensure that you can meet your duties as a sponsor.
223. If we refused your application because you have previously been issued with a civil penalty, you should only reapply either 6 or 12 months after the date the fine became payable, depending on the circumstances (See 'When we will refuse a sponsor licence application').
224. If we refused your application because you previously held a sponsor licence and we revoked it less than six months ago, you should not reapply until six months have passed.
225. If you reapply you must pay the appropriate fee and produce all of the required documents. However, if we refused your application by mistake, you must still complete a new application but you will not have to send any supporting documents or pay a fee.

**Adding more tiers and categories to your licence**

226. Once we have granted your sponsor licence, you can add more tiers, categories and sub-categories to it. For example, if you have registered for Tier 4 (General), but then you want to bring migrants to the UK to work under Tier 2 (General), you can apply to extend your licence.
227. To do this, you must go through the application process again, quoting your sponsor licence number where asked, and select the tiers, categories and sub-categories you wish to add. You must send in any extra mandatory documents we require along with any extra fee.
228. If you apply to add an extra tier to your existing licence, all the details you give on your further application must be the same as those we already have for you, particularly for

your authorising officer and key contact. A sponsor licence can only have one authorising officer and one key contact. If you want different people to be the authorising officer and key contact for the tier you want to add, you cannot amend your existing licence. You must apply for another licence and pay the appropriate fee.

229. If the level 1 user you name on the application is different to the ones on your existing licence you must say on the application whether you intend to replace an existing level 1 user or add a new one. If you do not give this information, we will contact you to ask. If you do not reply within 10 working days we will reject your application.

**Renewing your licence**

230. A licence lasts for four years, unless we revoke it or you surrender it before then. The four years will run from the date on which we issue your licence.
231. If we issue you with a licence and you then apply for another tier, category or sub-category, the expiry date of your original licence will apply to all the extra tiers.
232. You must renew your licence every four years so that we know that you are still operating and still wish to be a sponsor. We will deal with applications for renewal in the same way as we deal with applications for a new licence. You will not usually need to provide the documents you sent with your original sponsor licence application, but you will normally need to provide your most recent inspection report, and we may ask for other documents.
233. If you apply to renew your licence before it has expired, you will be able to continue acting as a sponsor until we have made a decision on your renewal application.
234. If your licence expires and you do not renew it:
- you cannot assign CASs;
  - you can no longer act as a sponsor; and
  - we will cancel existing students' permission to stay.

235. We will remind you when your licence is due to expire, but it is your responsibility to renew. We will not accept late applications for renewal. If you fail to renew your licence in time you will have to reapply for a licence.
236. If you have sponsored students studying with you, you must renew your licence for as long as you wish to continue sponsoring them, even if you do not plan to sponsor any new students.

## SPONSOR RATING

237. Your licence can have two possible ratings: A rating, and highly trusted sponsor status (which we call HTS).
238. When we first grant your licence you will be given an A rating. This is a transitional rating that will last for 12 months from the date we grant your licence.
239. To meet the criteria for HTS, you must first establish a good record of performance with us and that is why you will be A-rated for 12 months. The period that you are A-rated will give you the chance to establish yourself as a Tier 4 sponsor and prove that you can meet all of your sponsor duties. After 12 months you must apply for HTS and must meet all of the criteria we have set out for highly trusted sponsors.
240. Your rating will appear on the published register of licensed sponsors.
241. Your rating will usually be the same for all the tiers for which you are registered. In exceptional cases, if we find inadequate systems in place in only one tier, we will apply a different rating only to that tier. For example, we might do this if a college has adequate procedures in place for managing its migrant students, but not for its workers.
242. As an A-rated sponsor you are not allowed to do certain things that highly trusted sponsors can do. This is because it is a transitional rating for new sponsors who have not had enough time to build up an established record of compliance with their sponsor duties.

- You cannot offer:
  - courses at Qualifications and Credit Framework (QCF) or National Qualifications Framework (NQF) level 3 (and equivalent); and
  - courses below degree level that include work placements.
- You cannot allow a student to re-sit an examination more than twice.
- A student cannot start studying with you if you have assigned a confirmation of acceptance for studies (CAS) but we have not yet decided their application to stay in the UK.

243. If you have a sponsor licence that was granted before 5 September 2011, you should read the following section called 'transitional arrangements for sponsor ratings' because it tells you what you must do if you have not already achieved highly trusted sponsor status and also tells you what will happen if you have been B-rated under the guidance in place before 5 September 2011.

## Transitional arrangements for sponsor ratings

### Highly trusted sponsor (HTS) status

244. If you will have had your licence for at least 12 months on 9 October 2011 and you do not have highly trusted sponsor status and have never applied for it, you must apply for it on or before that date. You can apply up to one month in advance but we will not decide your application until after 9 October 2011. If you do not apply for HTS by 9 October 2011, your licence will be revoked.
245. If you already have highly trusted sponsor status and it is due for renewal, you must apply to renew it before it expires. You can apply up to one month in advance. If you do not apply in time to renew your HTS status, your licence will be revoked.

246. If you have previously had an application for highly trusted sponsor status refused you must apply again either

- no later than six months after the date we wrote to you to tell you that your application had been refused; or
- no later than 9 October 2011.

Which ever of those dates is the latest.

For example:

- if you were refused on 20 June 2011 you must apply again before 20 December 2011.
- if you were refused on 28 March 2011, you must apply again on or before 9 October 2011.

If you do not apply in time, your licence will be revoked.

247. If you have not had your licence for 12 months on 9 October 2011, you must apply for highly trusted sponsor status as soon as you have had your licence for 12 months. (You can apply up to one month in advance but we will not decide your application until you have had your licence for 12 months.) If you do not apply in time, your licence will be revoked.

248. The HTS requirements are set out in detail in the section called 'Eligibility requirements for highly trusted sponsor (HTS) status'.

#### Transitional arrangements for B-rated sponsors who are subject to an action plan

249. Under the guidance in place before 5 September 2011, it was possible for some sponsors to be B-rated. This was either because we had concerns about their ability to meet all of their sponsor duties or because they had interim accreditation from one of the previously approved accreditation bodies. The previously approved accreditation bodies were:

- Accreditation UK;
- The Accreditation Service for British Language Schools (ABLS);
- The Accreditation Service for International Colleges (ASIC);

- The British Accreditation Council (BAC); and
- The Church of England Inspectorate Ministry Division.

250. If you are B-rated and your action plan is due for a review, we will carry out that review based on the guidance that was in place when you were given your action plan.

251. If you have not met all of the conditions of your action plan by the review date set, your licence will be revoked. If you have met all of the conditions your licence will be re-rated to an A rating.

252. Under the current requirements, if you have had your licence for 12 months on or before 9 October 2011, you must apply for highly trusted sponsor status on or before that date. If you have not had your licence for 12 months on the 9 October 2011, you must apply for HTS as soon as you have had your licence for 12 months.

253. One of the mandatory requirements for HTS is that you must have been A-rated for the six-month period immediately before you apply. If you are currently B-rated then you may not be able to meet this requirement.

254. If you are currently B-rated and able to achieve an A rating, and maintain that rating for six months before the date you need to apply for highly trusted sponsor status, then you will be able to meet this requirement. For example if your licence was granted on an application made on 10 May 2011 with a B rating and your action plan is reviewed on 10 September 2011 and you are given an A rating, you will be eligible to apply for highly trusted sponsor status on 9 May 2012 – one year after your licence was granted.

255. If the only reason you are currently B-rated is because you have partial or interim accreditation from one of the previously approved accreditation bodies, and your action plan required you to achieve full accreditation with this body, then you may still wish to pursue that full accreditation.

256. However, regardless of whether you choose to pursue full accreditation with the previously approved accreditation body, you must apply for educational oversight from the appropriate body listed in the 'educational oversight' section of this guidance if you want to continue to sponsor new students. If you apply for educational oversight from the appropriate body by the specified deadline, and we have no other concerns about you, then we will up-rate your sponsor licence to an A rating.

257. We will calculate how many CASs you will be allowed to assign for a period of six months. For details of how we will calculate your CAS limit please see the section called 'if you become subject to the interim limit after 21 April 2011'. You must then apply for highly trusted sponsor (HTS) status after six months as an A-rated sponsor. If you do not apply for HTS after six months then we will revoke your licence.

258. If you are currently B-rated for a number of reasons, including partial or interim accreditation with one of the previously approved accreditation bodies, then you must meet all of the other conditions of your action plan by the review date set. If you meet all of the other conditions of your action plan, and have applied for educational oversight with the appropriate body by the specified deadline, and we have no other concerns about you then we will up-rate your sponsor licence to an A rating.

259. If you are currently B-rated and not able to achieve an A rating and maintain that rating for six months before you need to apply for HTS then the following arrangements will apply, depending upon:

- whether you were given a B rating at the point your licence was granted, and if so, when you obtained your licence; or
- whether your licence was downgraded to a B rating after a period of being A-rated.

260. If you applied for your licence between 1 March and 20 April 2011 and it was granted with a B rating then you must apply for highly trusted sponsor (HTS) status as soon as you have had your licence for 12 months. We will review your action plan on the target date. If, after this review, we give you an A-rating

then we will give you a limited number of CASs so that you can go on to sponsor new students. For details of how we will calculate your CAS limit please see the section called 'if you become subject to the interim limit after 21 April 2011'. If you do not apply for highly trusted sponsor (HTS) status when you have been licensed for 12 months then we will revoke your sponsor licence.

261. If:

- you applied for a sponsor licence before 1 March 2011 and it was granted with a B rating and you are still B-rated; or
- your sponsor licence has been downgraded to a B rating and you are still B-rated,

we will review your action plan on the target date. If, after this review, we give you an A-rating, we will then calculate how many CASs you will be allowed to assign for a period of six months. For details of how we will calculate your CAS limit please see the section called 'if you become subject to the interim limit after 21 April 2011'. You must then apply for highly trusted sponsor (HTS) status after six months as an A-rated sponsor. If you do not apply for HTS after six months then we will revoke your licence.

#### Transitional arrangements for sponsors who have recently been re-rated from B rating to A rating

262. If you are A-rated when you need to apply for highly trusted sponsor (HTS) status but have been B-rated at some point in the last six months then you will not be able to meet the mandatory requirement to have been A-rated for the six-month period immediately before you apply. In these circumstances we will allow you to delay your application for HTS until you have been A-rated for six months. You must make your application for HTS when you have been A-rated for six months. If you do not apply for HTS when you have been A-rated for six months then we will revoke your sponsor licence.

## APPLYING FOR HIGHLY TRUSTED SPONSOR STATUS

263. You must apply for highly trusted sponsor status (which we call HTS) when;
- you have had your licence for 12 months. (You can apply up to one month in advance but we will not decide your application until you have had your licence for 12 months.);
  - you already have highly trusted sponsor status but it is about to expire. (You can apply up to one month in advance);
  - you have had your licence for more than 12 months but have never had to apply for highly trusted sponsor status before. (See the section called ‘Transitional arrangements for sponsor ratings.’);
  - you have previously applied for highly trusted sponsor status but your application was refused. (See the section called ‘Transitional arrangements for sponsor ratings.’)

### How to apply

264. You must first ensure you meet the requirements. See the next section called ‘Eligibility requirements for highly trusted sponsor (HTS) status’.
265. Then you should complete the application form ‘Application for highly trusted sponsor status under Tier 4 of the points-based system’ which is on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/sponsors/hts-form.pdf>.
266. Send the form, with the correct fee, to:

UK Border Agency  
Highly Trusted Sponsors  
PO Box 589  
Durham  
DH99 1AB

267. Your current registered authorising officer must sign the application form. If you do not complete it in full we will return it to the key contact named on your application. We will give you 10 working days to return the application fully completed. If you do not, it will automatically fail to meet the requirements and we will refuse it. We will not refund your fee.

### Eligibility requirements for highly trusted sponsor (HTS) status

268. You must meet all of the requirements set out in this section. If you do not meet all of the requirements you will, in some circumstances be allowed to apply again. In some circumstances your licence will be revoked.

### How we consider an application for HTS

269. There are two stages in considering your application.

#### Stage one: mandatory requirements

270. At the first stage we assess you against the mandatory requirements in table (iv). We base our assessment only on students sponsored under Tier 4 and whose application to come to, or stay in the UK was supported by a CAS assigned by you.



Table (iv)	
<b>Minimum qualifying period</b>	<p>You must have held a Tier 4 sponsor licence for 12 consecutive months.</p> <p>Unless you are applying to renew your HTS status, your licence must have been A-rated for the six months immediately before you apply.</p>
<b>No civil penalties</b>	During the three-year period immediately before you apply, you must not have become liable to pay a civil penalty which still stood once your objection and appeal rights were exhausted.
<b>Refusal rate</b>	<p>Your refusal rate must be less than 20 per cent.</p> <p>This means that of all the CAS you have assigned which students have used to support an application for a visa or permission to stay, the total number of applications we refused must be less than 20 per cent. We will assess this using CAS data from the SMS for the 12-month period immediately before you apply. We will take into account all CASs that students have used and applications we refused during this 12-month period.</p>
<b>Enrolment rate</b>	<p>Your enrolment rate must be at least 90 per cent.</p> <p>This means that of all the CASs you have assigned to students who have been granted a visa or permission to stay, at least 90 per cent must have enrolled on their course within the enrolment period.</p> <p>We will assess this using CAS data from the SMS for the 12-month period immediately before you apply. We will take into account all the CASs students have used in a successful application where the student has enrolled on their course within the past 12 months.</p>
<b>Course completion rate</b>  (If none of your students were due to complete their course in the past 12 months then we will not assess you against this requirement.)	<p>Your course completion rate must be at least 85 per cent.</p> <p>This means that at least 85 per cent of students sponsored under Tier 4 who enrol with you, must complete their course</p> <p>We will assess this using all CAS data available from the SMS. To determine your course completion rate we will calculate the number of students whose course was due to end in the past 12 months and who dropped out of their course before the course end date. It does not matter when they started their course. We will then calculate the percentage of drop-outs compared with all students who were due to complete their course and subtract this from 100 per cent.</p>
<b>Declaration of academic progression</b>	<p>100 per cent</p> <p>This means that you have, where required, confirmed the student's academic progression on all CASs you have assigned during the past 12 months.</p>

271. If you do not meet one or more of these requirements, we will refuse your HTS application and your licence will be revoked. This is because you will have failed to meet the minimum standards for sponsors who have been licensed for 12 months or longer.

#### Stage two: core measurable requirements

272. If you do meet all of the mandatory requirements, we will look more closely at your refusal rate, enrolment rate and course completion rate. We call these the 'core measurable requirements'. We will score how you measure up to these requirements and your final score determines the outcome of your application. You will start with a score of 100 and we will deduct points as shown in table (v).

Table (v)		
<b>Refusal rate percentage</b>	Less than 5 per cent	0 points deducted
	5.0 – 9.99 per cent	5 points deducted
	0 – 14.99 per cent	10 points deducted
	15 – 19.99 per cent	20 points deducted
<b>Enrolment rate percentage</b>	More than 98 per cent	0 points deducted
	96 – 98 per cent	5 points deducted
	93 – 95.99 per cent	10 points deducted
	90 – 92.99 per cent	15 points deducted
<b>Course completion rate percentage</b>	More than 98 per cent	0 points deducted
	95 – 98 per cent	5 points deducted
	90 – 94.99 per cent	10 points deducted
	85 – 89.99 per cent	15 points deducted

273. If you score 70 points or more, we will grant your application.

274. If you score less than 70 points we call this a 'near miss'. See the section called 'If my application scores a near miss' for more information on near misses.

#### **When we will refuse an application for highly trusted sponsor status**

275. We will refuse your application for highly trusted sponsor status in any of the circumstances below.

- You do not meet one or more of the mandatory requirements.
- You do not send us the evidence we request within the given time limit and/or send incomplete information.
- We revoke your Tier 4 licence before we have been able to decide your application.

276. We will also refuse your HTS application for any of the reasons set out in the section called 'When we will refuse a sponsor licence application'.

#### **If we refuse your application for HTS**

277. If we refuse your application for highly trusted sponsor status we will revoke your licence. This is because you will have failed to meet the minimum standards we have set out for sponsors who have held their licence for 12 months or more.

278. You have no right of appeal if we refuse your HTS application.

#### **If your application scores a near miss**

279. If your application for highly trusted sponsor status scores less than 70 points, we call this a 'near miss'. If you score a near miss, we will allow you to stay on the sponsor register as an A-rated sponsor with a limit on the number of CASs you can assign.

280. If your application is a 'near miss' we will:

- write to tell you:
- that you have scored a near miss (including how many points you scored); and
- how many CASs you can assign; and
- when you need to reapply for HTS; and
- where appropriate, update your details on the Tier 4 register of sponsors to show your A rating.

281. When you apply again after previously scoring a near miss, you must complete a new application form and pay the relevant fee and you must score 70 points or more. If you do score 70 points or more you will be awarded highly trusted sponsor status. If your application is refused, your licence will be revoked. If your application scores a near miss again, you will become a legacy sponsor. The section called 'Legacy sponsors' gives more detail on what this means.

### If we approve your application for HTS

282. We will:

- write to tell you that we have approved you as a highly trusted sponsor;
- update your details on the Tier 4 register of sponsors to show your highly trusted sponsor status; and
- send you a contact email address and telephone number for our team in your region.

283. From 1 October 2011 we will also update your rating on your SMS account.

### Renewing your highly trusted sponsor status

284. Highly trusted sponsor status is valid for 12 months from the date on which we gave you the status. You must renew it every year using by completing a new application and paying the appropriate fee. You must renew it before it expires. We will remind you when your status is due to expire, but it is your responsibility to renew it. You can apply up to one month in advance and we will consider your renewal against the full requirements that apply at that time.

285. If you already have highly trusted sponsor status and applied to renew it before 5 September 2011 we will decide it against the guidance in place before that date.

286. If your highly trusted sponsor status expires and you do not apply to renew it in time your licence will be revoked.

## THE SPONSORSHIP MANAGEMENT SYSTEM

287. Once you have a sponsor licence, you will have access to the online sponsorship management system (SMS). It allows you to:

- carry out your day-to-day sponsor activities;
- tell us about changes to your organisation, such as a change of address or key personnel;
- assign confirmations of acceptance for studies (CAS); and
- meet your duties to report on your sponsored students.

288. It is on our website at: <http://ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sms/>.

289. On 1 October 2011 we will introduce changes to the SMS that will make it easier to notify us of changes to your circumstances. We will publish SMS user guides on our website in mid-September 2011 to tell you how to use the new features when we introduce them.

### SMS users

290. We call a person who has access to the SMS a user. There are two different levels of access – level 1 user and level 2 user. The level determines the type of access the user has to the system, and what they can do on it.

291. To maintain security we will:

- send the user name for the level 1 user to the authorising officer by post; and
- send the password directly to the level 1 user by email.

292. SMS users must never tell anyone else their password. If they do, we will take action against you.



293. You are fully responsible for the actions of anyone who assigns confirmations of acceptance for studies (CAS) on your behalf. If you break any of our rules on assigning CASs we will take action against you. If we find that you employed an illegal migrant worker because you have negligent recruitment practices, we may issue you with a civil penalty. If we find that you have knowingly employed an illegal worker we will refer the case for prosecution.
294. You must have at least one SMS user while you are a licensed sponsor. If we find you have no users, you cannot meet your sponsor duties and we will take action against you.

# SPONSORING STUDENTS

295. This section explains:

- the types of student you can sponsor;
- what courses they may take;
- the conditions we place on their stay in the UK; and
- how to issue and amend confirmations of acceptance for studies.

## HOW TO SPONSOR MIGRANT STUDENTS

296. All students who wish to come to the UK under Tier 4 of the points-based system must obtain a visa before they travel. Students who are already in the UK under Tier 4 can apply for an extension of their permission to stay. We call this 'further leave to remain'.

297. They cannot apply for a visa or extension of stay without a confirmation of acceptance for studies (CAS). When you give a student an unconditional offer of a place on a course, you will issue the CAS using the sponsor management system. For details of the sponsor management system, see 'Becoming a sponsor'.

298. The CAS will not guarantee that we will grant a student a visa or permission to stay longer in the UK. Before you assign a CAS, you should ensure that the student will meet the requirements for a visa or permission to extend their stay. You can find details of these on our website at <http://ukba.homeoffice.gov.uk/studyingintheuk/>

299. A student cannot apply to us under Tier 4 more than three months before their course starts.

## Should the student apply under Tier 4 (General) or Tier 4 (Child)?

300. Tier 4 (Child) is for children between the ages of 4 and 17 (inclusive) who come to the UK for their education. Tier 4 (General) is for anyone who comes to the UK for their post-16 education.

301. Students aged 16 or 17 who are studying a course at Qualifications and Credit Framework (QCF) or National Qualifications Framework (NQF) level 3 or above (for example A-levels) can apply for a visa under either Tier 4 (Child), or Tier 4 (General). Students aged 16 or 17 who wish to take QCF or NQF level 2 courses (for example GCSEs) may only apply as child students.

302. Students aged 16 or 17 who wish to study English as a foreign language can only apply under Tier 4 (General) unless they are taking a pre-sessional language course before their main course of study.

303. You must not offer English language courses to students aged 15 or under using Tier 4 (Child). They should apply to come to the UK as a 'child visitor'.

## Requirements for Tier 4 (General) students

### What courses may a Tier 4 (General) student take?

#### Level of course

304. You can only assign a confirmation of acceptance for studies (CAS) to Tier 4 (General) students for courses at a minimum level of:

- Qualifications and Credit Framework (QCF) or National Qualifications Framework (NQF) level 3 or above in England, Wales and Northern Ireland (or the equivalent in Scotland).
- Level B2 of the Common European Framework of Reference for Languages (CEFR) for English language students. However, students who currently have permission to stay in the UK, and applied for that before 5 October 2009, are exempt from this requirement. They are allowed to start a new English language course at a minimum of CEFR level A2. But if their current permission to stay expires before their new course starts, they cannot extend it to complete an English language course that is below CEFR level B2.

305. If you are an A-rated sponsor, you cannot offer courses (including pre-sessional courses) at QCF or NQF level 3 (or equivalent) to students, but you can offer English language courses regardless of your sponsor status.
306. If you are a B-rated sponsor and are still subject to an action plan under the guidance in place before 5 September 2011, you cannot enrol any new students. You can only assign a CAS to existing students who needs to extend their leave to finish their course. The number of CASs you need to allow your existing student to extend their leave will have been agreed with you when your action plan was issued.
307. We will take action against you if you assign a CAS for a student to take courses under Tier 4 (General) that are:
- below QCF or NQF level 3; or
  - below level B2 for English language students (except those who currently have permission to stay in the UK, and applied for it before 5 October 2009).

#### Full-time and leads to approved qualification

308. The course must be full-time, which we define as:
- a full-time course of study that leads to a UK-recognised qualification at Level 6 or above on the QCF or NQF or equivalents;

- an overseas higher education course that:
  - the student is studying for in the UK; and
  - leads to a qualification from an overseas higher education institution that is recognised as being equivalent to a UK higher education qualification; or
- a course of study below UK degree level that involves a minimum of 15 hours a week of classroom-based, daytime study (08:00 – 18:00, Monday to Friday).

309. The course must lead to an approved qualification. We define an approved qualification as one that is:

- validated by Royal Charter;
- awarded by a body that is on the list of recognised bodies produced by the Department for Business, Innovation and Skills (<http://www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies>);
- recognised by one or more recognised bodies through a formal articulation agreement with the awarding body;
- in England, Wales and Northern Ireland, on the Register of Regulated Qualifications (<http://register.ofqual.gov.uk/>) at QCF or NQF level 3 or above;
- in Scotland, accredited at Level 6 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority;
- an overseas qualification that UK NARIC can assess as valid and equivalent to level 3 or above on the NQF;
- covered by a formal legal agreement between a UK-recognised body and another education provider or awarding body. An authorised signatory for institutional agreements within the recognised body must sign this. The agreement must confirm the recognised body's own independent assessment of

the level of your or the awarding body's programme compared to the NQF (or its equivalents). It must also state that the recognised body would admit any student who successfully completes your or the awarding body's named course onto a specific or a range of degree-level courses it offers.

310. We do not accept distance learning courses or courses designed specifically to support students taking distance learning courses, as leading to an approved qualification. This is because distance learning courses are specifically designed in a way that does not require the learner to be physically present in a traditional educational setting such as a classroom. Courses offered in the UK that are designed to support students on distance learning courses can be undertaken using the Student visitor route if the conditions of that route are met.
311. Pre-sessional courses must meet the requirements for the level of the course but the course does not have to lead to a recognised qualification.
312. Except when a student is on a work placement, all study that is part of the course must take place on your premises, or at a temporary location you authorise. For example, it is acceptable if a student is on a field trip. We do not accept the location of a student's work placement as a temporary, authorised location. Any study they do there cannot contribute to the 15 hours of classroom study we require for courses below QCF or NQF level 6.
313. This only applies to the student's main course of study. Supplementary studies can be at any level.

#### Place of study

314. We will accept a course that involves periods of study outside of the UK but the student must meet all the immigration requirements of the country in which they will study. If the student intends to return to the UK to continue or complete their course, it may be practical for you to continue sponsoring them for the period they are outside the UK.
315. This means you must continue to meet all of your reporting duties for the student but it

also means their permission to stay in the UK will remain current and they will be allowed to return to the UK without having to apply again. However, we will assess the reports you make on the student, and may not allow them to re-enter the UK after studying abroad if they have failed to meet any requirements.

316. If a student does not plan to return to the UK or you do not want to continue to be responsible for them while they are out of the UK, you can end their sponsorship at the time they travel overseas. If you do this, we will cancel their permission to stay in the UK. If they want to return to the UK later on, they will have to apply for a visa again. They may have to return to their country of normal residence to apply to re-enter the UK under Tier 4.

#### Postgraduate doctors and dentists

317. Students may take up a recognised foundation programme as a postgraduate doctor or dentist in the UK under Tier 4 (General).
318. They must have a valid CAS from their sponsor. For postgraduate doctors the only sponsor is the UK Foundation Programme Office. For postgraduate dentists the only sponsor is the Yorkshire and Humber Strategic Health Authority.
319. A student who wishes to take a recognised foundation programme under Tier 4 (General) must also:
  - have successfully completed a recognised UK degree in medicine or dentistry at:
    - an institution with a Tier 4 (General) student sponsor licence;
    - a UK publicly funded institution of further or higher education; or
    - a genuine UK private education institution which maintains satisfactory records of enrolment and attendance; and
  - previously have been granted permission to stay in the UK as a student (under either Tier 4 (General) or the student rules that applied before 31 March 2009), for the final academic year and at least one other academic year of their studies leading to that degree.

English language ability

320. If you assigned a CAS to a student before 21 April 2011, and assessed their English language ability under the requirements in place before that date, the student can use that CAS to apply to us under Tier 4 (General). If you are assigning a new CAS, you must meet the requirements below.

**Students studying at degree level and above**

321. When you assign a CAS to a student to study at QCF or NQF level 6 (SCQF level 9 in Scotland) and above you must ensure they are competent in English language at a minimum level B2 on the Common European Framework of Reference for Languages (CEFR).

322. Depending on whether you are a higher education institution (HEI) or not, you must assess this competence in one of two ways. (See below for our definition of an HEI.)

- If you are an HEI we will allow you to choose your own way to assess it. (You may not have to do this for 'gifted' students. See 'Gifted university students' below). However, you must ensure they are proficient to level B2 in each of the four components (speaking, listening, reading and writing), unless they are exempt from being proficient in a component because of a disability.
- If you are not an HEI you must make students demonstrate their level B2 English language competence by providing a recent secure English language test (SELT) from one of our approved test providers. They must have achieved at least CEFR level B2 in all four components (unless a test provider exempts them from sitting a component because of a disability). You can read the list of our approved English language tests at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf>.

323. Our definition of a UK higher education institution (HEI) for Tier 4 is: 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:

- 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 <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsoring-students/sponsoring-general-students/>
- The UK Foundation Programme Office, as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate doctors.
- The Yorkshire and Humber Strategic Health Authority, as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate dentists.

324. Our officials may interview a Tier 4 (General) student, either as part of their Tier 4 application overseas, or when they arrive in the UK (for example at the airport). If we interview a Tier 4 (General) student who has a CAS issued on or after 21 April 2011 and they cannot hold a simple conversation without an interpreter we will refuse their application or refuse them permission to enter the UK. This is because they have not met the required standard of English.

**Students studying below degree level**

325. When you assign a CAS to students studying courses at QCF or NQF level 3, 4 or 5 (SCQF level 6, 7 or 8 in Scotland) you must ensure they are competent in English language at a minimum level B1 on the CEFR.

326. Whether or not you are an HEI, you must assess your students' English language competence at CEFR level B1 by making them provide a recent secure English language test (SELT) which confirms that they have achieved at least level B1 in all four components (unless a test provider exempts them from sitting a component because of a disability).

327. This requirement also applies to students who are:

- undertaking foundation degrees;
- taking pre-sessional courses which are below QCF or NQF 6 before a degree course; or
- studying English as a foreign language under Tier 4 at CEFR level B2 or above.

### Exceptions

328. You do not have to confirm English language competence for:

- Tier 4 (Child) students;
- students moving from Tier 4 (Child) into Tier 4 (General);
- those who have previously completed an academic qualification equivalent to a UK degree which was taught in one of the following countries (which we call 'majority English-speaking' countries):
  - 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
- United Kingdom; or
- United States of America; or

- those who are nationals of one of the following countries (which we call 'majority English-speaking' countries):

- 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; or
- United States of America.

329. Our website has a list of the approved English language tests for Tier 4, including how long tests are valid for, and the scores a Tier 4 (General) student must achieve to meet CEFR levels B1 and B2 in all four components (reading, writing, speaking and listening).



See <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf>.

### What to put on the CAS

330. You must state on the CAS at what level you have assessed the student's language ability, and give the name of any formal assessment they have, if appropriate.
331. If you have used an approved English language test to check that a student is competent in English language at a minimum of CEFR level B1 or B2, you put their test result for each component on the CAS and the name of the test provider. You must put this information in the text box 'Evidence used to obtain offer' under the 'Evidence provided' section on the CAS.
332. However, you do not have to do this if you are an HEI and you have used an approved English language test to assess a student's competence at level B2 (for courses at QCF or NQF 6 (SCQF level 9 in Scotland)) or above. In these cases you must have seen scores that the approved test provider specifies are equivalent to level B2 in each of the four components, but you only need to state on the CAS that the student is proficient to B2 level in each of the four components.
333. You must keep records of the specific method or combination of methods you used to ensure your student's language competence.
334. The student automatically meets the English language requirements if they have successfully completed a course as a Tier 4 (Child) student (or under the student rules that applied before 31 March 2009, if they were given permission to stay in the UK while they were under 18 years old). The course must have lasted for at least six months, and must have ended no more than two years before the date when you assign the CAS. If you have used this to prove their competence in English language, you must state this on the CAS.

### Gifted university students

335. In exceptional circumstances, you may waive the English language requirement for a student if you are a higher education institution, the student is studying at degree level and you consider the student to be gifted.

You must only do this if English language proficiency is not integral to that particular course of study and a pre-sessional course would be inappropriate.

336. If you want to waive the English language requirement for a gifted student, your academic registrar, or your institution's equivalent, must approve this. Then you must follow the process below.
337. When you complete the CAS you must confirm in the 'evidence provided' field:
  - that you are treating the student as gifted;
  - the reason why you are treating them as gifted; and
  - the name of your academic registrar, or your institution's equivalent, their contact number and email address.
338. You must give the student an original letter signed by your academic registrar, or your institution's equivalent. This must confirm:
  - your sponsor name;
  - your sponsor licence number;
  - the student's name;
  - the student's course including the level of study; and
  - that the academic registrar, or your institution's equivalent, considers the student to be gifted and the reason why.
339. If the student is applying from overseas they must have this letter with them when they enter the UK.
340. You must also email us details of each CAS you assign to a gifted student. Please email [T4GiftedStudents@UKBA.gsi.gov.uk](mailto:T4GiftedStudents@UKBA.gsi.gov.uk). Put the CAS reference number in the title of the email and your contact details and sponsor licence number in the main body of the email.
341. If we are concerned about the number of gifted students you have assigned a CAS to, we will contact your academic registrar, or your institution's equivalent.

### Money for the student's support

342. A student coming to the UK under Tier 4 must be able to support themselves for the entire length of their stay in the UK without using public funds (state benefits). This includes course fees and living expenses. We call this 'maintenance'.

343. Full details of the maintenance requirements are in the Tier 4 student guidance on our website at <http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/can-you-apply/money/how-much/>

### Care arrangements for children under 18

344. You must ensure suitable care arrangements are in place for a child under the age of 18 who will study in the UK. These include arrangements for their:

- travel;
- reception when they arrive in the UK; and
- living arrangements while in the UK.

345. If you fail to do this, we will immediately revoke your licence.

346. A student aged 16 or 17 has the legal right to live independently in the UK, and may make their own accommodation arrangements. However, when a 16 – or 17-year-old applies for a visa under Tier 4 (General), they must have their parents' permission to both travel to the UK and to live independently. For more information, see the Tier 4 migrant guidance on our website at <http://ukba.homeoffice.gov.uk/studyingintheuk/adult-students/can-you-apply>

### **Requirements for Tier 4 (Child) students**

#### What courses may a Tier 4 (Child) student take?

347. You can only assign a confirmation of acceptance for studies (CAS) to child students where their main course of study is:

- taught in line with the National Curriculum;
- taught in line with the Qualifications and Credit Framework (QCF) or National Qualification Framework (NQF);

- accepted as being of equivalent academic status by Ofsted (England), or the appropriate bodies in the devolved regions, including the Education and Training Inspectorate (Northern Ireland), Education Scotland (Scotland) and Estyn (Wales); or

- taught in line with the prevailing inspection standards for independent school education;

348. You can also assign a CAS to a Tier 4 (Child) student to undertake a pre-sessional course to prepare them for their main course of study.

349. You must not offer English language courses to students aged 15 or under using Tier 4 (Child).

350. You must assign a CAS for each separate course of study the student will take. A 'course' of study is, for example, the period of study for GCSEs or A-levels. You cannot assign a single CAS that covers both GCSE and A-level studies.

### Money for the student's support

351. A student coming to the UK under Tier 4 must be able to support themselves for the entire length of their stay in the UK without using public funds (state benefits). This includes course fees and living expenses. We call this 'maintenance'.

352. Full details of the maintenance requirements are in the Tier 4 student guidance on our website at <http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/can-you-apply/money/how-much/#>.

### Care arrangements

353. You must ensure suitable care arrangements are in place for a child under the age of 18 who will study in the UK. These include arrangements for their:

- travel;
- reception when they arrive in the UK; and
- care while in the UK.

354. The maintenance requirements for a student in Tier 4 (Child) depend, in part, on:

- their care arrangements; and
- the location of the school at which they will study.

355. All arrangements for a child's care and accommodation in the UK must comply with relevant UK legislation and regulations. You can find information on the regulations for private foster care arrangements and inspection regulations for national minimum standards at:

- Accommodation of students under 18 by further education colleges: national minimum standards, 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)

356. If a student in Tier 4 (Child) will be cared for in a private foster care arrangement during their stay in the UK or when a private foster care arrangement starts for a Tier 4 (Child) student who is already in the UK, you must, as soon as you are either aware that they have arrived or aware of the change, give the local authority in whose area the child will live:

- the name of the foster carer; and
- the address where the foster carer and the student will live.

## Pre-sessional courses

357. Some students may need to do a short pre-sessional (preparatory) course before they start their full-time course of study in the UK. A pre-sessional course will be either an intensive English language course or any other course which prepares a student for their main course of study in the UK. The pre-sessional course must meet the full requirements of the relevant Tier 4 category for the level of the course but the course does not have to lead to a recognised qualification. A Tier 4 (General) student must pass a secure English language test (SELT) showing proficiency at CEFR level B1 or B2 depending on the academic level of the pre-sessional course.

358. As the sponsor for the main course, you may also be providing the pre-sessional course, but sometimes a 'partner' institution may provide the pre-sessional course. In those cases, you may be the sponsor for both the main course and the pre-sessional course.

359. You must name the pre-sessional provider as a 'branch' on your licence if it is a 'partner' institution, even if it is already a licensed sponsor in its own right.

360. You may also provide a pre-sessional course independently of the prospective sponsor of the main course. In these cases you must be a licensed sponsor under Tier 4 in your own right.

361. There are two circumstances in which you can assign a single CAS to cover both the main course and the pre-sessional course.

- If you are a higher education institution that has made an unconditional offer to a Tier 4 (General) student for a main course of study, and the student will also take a pre-sessional course no more than three months long. This applies whether the student takes the pre-sessional course with you or with a partner institution named on your licence. The main course of study must be at degree level and must start no later than one month after the date when the pre-sessional course ends.

- If you are an independent school that has made an unconditional offer to a Tier 4 (Child) student for a main course of study and the student will also take a pre-session course. The total length of the pre-session course plus main course of study must not be more than the maximum time for which we will give the applicant permission to stay in the UK. See 'Conditions of sponsored students' stay' for more information about these maximum periods.

362. You may not assign a single CAS if:

- the student's main course of study is conditional on them completing or undertaking a pre-session course of study; and/or
- the pre-session course is more than three months long.

363. In these cases there must be one CAS for the pre-session course and a second for the main course once the student has completed the pre-session course and the offer for the main course is no longer conditional. The student will have to make two separate applications for permission to come to or stay in the UK – one for the pre-session course and one for the main course.

## Work placements

364. A course of study for Tier 4 (General) students (or child students aged 16 or above) may include a work placement if that is an assessed part of the course, but it must not be more than 50 per cent of the length of the course in the UK. For example, the course may be:

- a two-year year masters with 12 months at the institution and a 12-month work placement;
- a QCF or NQF level 4 diploma with 26 weeks of classroom study (of at least 15 hours a week) and a 26-week work placement during or at the end of the course;
- at NVQ level 3 with a part-time work placement running alongside the course – at least 15 hours a week of classroom study at the institution with up to 15 hours

a week of work placement. (If the student works extra hours in the week as part of their entitlement to work part-time during term-time, you cannot assess these as part of the course.)

365. The only exception to this 50 per cent rule is when there is a UK statutory requirement for a course to contain a specific period of work placement which exceeds this limit. The work placement must also be an assessed part of the course.

366. Students who are undertaking a course of study in music at NQF/QCF 6 or SCQF 9 or above, 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 the course.

367. If you are an A-rated sponsor, or a B-rated sponsor that is still subject to an action plan under the guidance in place before 5 September 2011, you cannot offer courses to new Tier 4 (General) students that are below QCF or NQF level 6 and include a work placement. This does not apply to foundation degrees.

368. A student who is enrolled on a higher education course at an overseas higher education institution and comes to the UK to do part of their course may also complete a work placement during their time in the UK. You can assign a CAS to cover the period of UK study and the work placement, if:

- the student will study with a licensed sponsor for at least 50 per cent of the total time they spend on the course in the UK;
- the work the student does will be an assessed part of their overseas qualification; and
- the student will work for an employer in the UK for no more than 50 per cent of the total time they spend on the course in the UK.

369. You will be responsible for the student throughout the period of their work placement and must continue to comply with all your sponsor duties during this time.

370. We will take action against you if you offer courses with work placements to students and:

- you are an A-rated sponsor, or a B-rated sponsor that is still subject to an action plan under the guidance in place before 5 September 2011 and the course is below QCF or NQF level 6 (except for foundation degrees); or
- the work placement element is more than 50 per cent of the total course and there is no UK statutory requirement that specifies otherwise; and/or
- the study element of the course is not taken in an education institution; or
- you do not continue to fulfil your sponsor duties to monitor the student while they are on their work placement.

### Academic progression

371. Since 4 July 2011, if you assign a CAS to a student to take another course in the UK after they finish one, it must be academic progression from the previous course. This applies whether the student is applying from overseas or in the UK.

372. You do not need to show academic progression if this will be the student's first course of study in the UK or you are assigning a CAS for a student to complete an existing course. For example, the student may be completing a course with you that they started with another Tier 4 sponsor.

373. To show academic progression the student's new course should normally be above the level of the previous course for which we gave them permission to stay in the UK as a student. For example, if a student's previous course was at QCF or NQF6 (and equivalents) we expect their next course to be at least at level QCF or NQF7.

374. However, academic progression may involve further study at the same level. In these cases, you must confirm that the new course complements the previous course. For example, a student may be moving from a taught masters degree to an MBA or research-based masters degree, or taking a course to develop a deeper specialisation in a particular field.

375. Sometimes the further study may be at a lower level but we expect these cases to be rare. We may not question your confirmation of progression, but we will closely monitor the situation.

376. If the student is taking a further course in the UK you must confirm that this is academic progression in the 'evidence provided' box on the CAS. When the course is at the same level or a lower level you must justify this as progression. When we visit you, we may also ask you to show why it is academic progression and how you assessed it.

377. If you do not confirm the student's academic progression on the CAS we will refuse the student's application. We will take action against you if:

- you cannot show how you assessed the progression, or we are concerned about how you assessed it; or
- we find, after you have assigned a CAS stating that there is academic progression, that there is no academic progression.

### ASSIGNING A CONFIRMATION OF ACCEPTANCE FOR STUDIES

378. This section explains:

- what to consider before you assign a confirmation of acceptance for studies (CAS);
- how to assign a CAS;
- how to assign a CAS to a student who wants to stay longer in the UK;
- how you, or we, can cancel a CAS.

379. We have produced a document to help you complete a CAS. This 'sponsorship management system help document for Tier 4 sponsors' is under 'related documents' on our website at: <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sms/>



## What to consider before you assign a CAS

380. If you wrongly assign a CAS, we may take action against you.
381. If you use all of your CASs we may not allocate more to you.
382. You may only assign a CAS under Tier 4 if you are satisfied that a student both intends and is able to follow the course of study concerned.
383. You may only assign a CAS under Tier 4 if the course the student intends to follow leads to an approved qualification.
384. You may only assign a CAS for a student to continue their studies in the UK if the CAS you are assigning is for a course that represents academic progress. See 'Academic progression' in the previous section.
385. You must assess a student's ability to follow a course of study. You must state on the CAS what evidence you have used to make this assessment. For example, you might:
- confirm any qualifications the student already has which make them suitable for the course you are offering, such as checking a masters degree if they are going to do a PhD; or
  - base the assessment on their progress in their existing course or a recently completed course.
386. You must not assign one CAS to cover more than one course (unless the student is taking a pre-session course). You must assign a separate CAS for any stage of the course that leads to a recognised qualification in its own right. For example:
- if a series of modules leads to a certificate or a diploma, each of which is a recognised qualification in its own right; or
  - if a student will do an HND and then a bachelor's degree.
387. You must assign a new CAS before each stage starts.

388. If a student is specifically studying towards an Association of Certified Chartered Accountants (ACCA) qualification, you can only assign a CAS for them to study this course if you are an ACCA approved learning partner – student tuition (ALP-st) at either Gold or Platinum level. For more information about the levels of ACCA approval please see: <http://www.accaglobal.com/students/study/alps>.

## How to assign a confirmation of acceptance for studies

389. You will use the sponsorship management system (SMS) to assign CASs. The person who assigns the CAS must be a level 1 or 2 user of the SMS. Each time you assign a CAS a unique CAS reference number is generated.
390. You must complete all the relevant details in the SMS, for example the student's personal details, course level and information about fees. Complete the 'evidence provided' section in detail. This includes the following.
- State how you assessed the student's English language ability, when this is required.
  - Explain how you assessed the student's ability to follow the course.
  - Explain how the course represents academic progression when this is required.
  - State the course fees and how much the student has paid towards their fees
  - Give the required details for gifted university students.
391. You can find more details of what to write on the CAS in the sections on requirements for Tier 4 (General) and Tier 4 (Child) students. We have also produced a document to help you complete a CAS. This 'sponsorship management system help document for Tier 4 sponsors' is under 'related documents' on our website at: <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sms/>



392. When you assign a CAS, you must give the unique reference number to the student to use when they apply to us. Give the student the CAS details too, such as information on the qualifications you assessed. This will help them with their application. The CAS is valid for six months from the date you assign it. However, it does not guarantee that we will grant the student's application.
393. A CAS can only be used to support one application, whether or not that application is successful. If the student's application fails and they wish to reapply, you must assign a new CAS to them to send in with their new application. They will not need a new CAS if their original application was rejected or withdrawn.
394. Treat the CAS number as a secure and confidential document. Make sure you send it securely and directly to the student personally because anyone could try to use it to apply for permission to come to or stay in the UK.
395. You are responsible for anyone who assigns CASs on your behalf. If you do not comply with the rules on assigning CASs we will take action against you.

### **Assigning a CAS to a student who wants to extend their stay**

396. If you are considering assigning a CAS to someone who is already in the UK, but not as a Tier 4 student, you should discuss their current immigration status with them. They may not be allowed to switch from one immigration category to another.
397. A Tier 4 student who is in the UK may want to extend their stay to:
- complete their existing course with the same sponsor; or
  - take a different course with the same sponsor.
398. A Tier 4 student may also want to take a different course with a new sponsor. They will need to obtain a CAS from the new sponsor and apply for permission to stay. See the section called 'Changing to a different sponsor' for more details on what happens if a student wants to change sponsors.

399. If the student intends to stay with the same sponsor, we treat their application as an extension to their existing permission to stay in the UK. If they want to change to a different sponsor, we treat their application as a completely new one.

### **Continuing course with the same sponsor**

400. If one of your existing students applies to extend their permission to stay in the UK to continue the same course, the course start date on the CAS must be the day after their current permission expires. You should state on the CAS that the student will continue on the same course. Put this in the 'evidence provided' box. You must also explain that their ability to continue the course is based on their progress to date and any other assessments you have made.
401. We will only extend permission to stay to the maximum time allowed under the relevant sub-category, and only if the student meets all of the Tier 4 requirements at the time they apply.
402. You can assign a CAS up to six months before the student's current permission to stay expires.

### **New course with the same sponsor**

403. If a student wants to stay with their existing sponsor but change their course, they do not need permission from us. You can tell us about the change and we will update our records but you do not have to do this.
404. If the student's new course is longer than their original one, they can apply to extend their permission to stay immediately or wait until shortly before their existing permission expires.
405. If they are already in the UK, they can only apply for an extension of their permission if their proposed new course will start within one month of their current permission expiring. If their existing permission expires more than one month before the new course starts, they must return overseas and apply from there.
406. If the student's new course is shorter than their original one, they must tell us immediately.

**Changing to a different sponsor**

407. When a student changes to a new course with a different sponsor, they must apply again under Tier 4, with a CAS from their new sponsor. There is an exception for students whose current permission to stay was based on an application before 5 October 2009 – see the next section called ‘students who applied before 5 October 2009’.
408. They must not start their new course until we have approved their new application unless:
- the new sponsor has highly trusted sponsor status; and
  - the new sponsor has assigned them a CAS; and
  - they applied to us before their existing permission to stay expired.
409. Students moving to an A-rated sponsor must not, under any circumstances start their new course until we have approved their new application.
410. The new sponsor will be responsible for them as soon as we grant the new permission.
411. A student can study only with the sponsor named on their CAS. This includes studies at any partner institution named on the CAS. Students should not apply for permission to start a new course with a new sponsor too early. If they do, they may be unable to complete their existing course because their new permission only allows them to study with their new sponsor.
412. If a student leaves their original sponsor before we approve their new application, they may not be able to return to the course with their original sponsor if we refuse their application.

**Students who applied before 5 October 2009**

413. If a student wants to take a course with a new sponsor, and their current permission to stay is based on an application made before 5 October 2009, they must get our permission. Tier 4 (General) students can do this using application form T4(PTS), ‘Application for permission to switch Tier 4 educational sponsor’.

414. If the student is Tier 4 (Child), their parent or guardian must complete the form.
415. We will give permission for the student to change sponsors if we can confirm that:
- the institution they want to move to is licensed by us under the relevant Tier 4 category;
  - the new institution wants to be their new sponsor; and
  - the new course meets the requirements in this guidance.
416. We will acknowledge a student’s request for permission to change their sponsor and will write to them as soon as possible to either give them permission to start studying with their new sponsor, or to refuse permission.
417. A student who has applied for permission to change their sponsor may start their new course before receiving it, but should be aware that we may refuse to give this permission. We may cancel a student’s permission to stay under Tier 4 if they change their academic institution without our permission.

**Exemptions for students who applied before 5 October 2009**

418. Students who want to change their course and currently have permission to stay based on an application made before 5 October 2009 are exempt from two changes introduced in 2010.
- English language courses do not need to be at CEFR level B2. They are permitted to start a new English language course at a minimum of CEFR level A2.
  - They can start a new course with the same sponsor even if that sponsor does not hold highly trusted sponsor status. But if their current permission expires before their new course starts, they cannot extend their stay to start a new course at QCF or NQF level 3, or below QCF or NQF level 6 (except foundation degrees) which includes a work placement, unless their sponsor holds highly trusted sponsor status (or is deemed to hold it while we consider an application to renew it).

**Examination re-sits and repeating study**

419. In exceptional circumstances we will allow students to re-sit examinations or repeat any part of their course more than twice for any individual examination or module but we may ask you to justify this.
420. If you are an A-rated sponsor, or a sponsor that is B-rated and still subject to an action plan under the guidance in place before 5 September 2011, your students cannot re-sit examinations or repeat any part of their course more than twice.
421. If the student's permission to stay expires before they finish the re-sit or repeat, they must apply to extend it before their current permission expires. You must decide whether or not to continue sponsoring them, based on your assessment of their ability to pass the course.
422. You may continue to sponsor a student during the re-sit or repeat period if you require their continued participation (in classes or by contact) and are confident you can meet your sponsor duties for them during the re-sit or repeat period.
423. If you do not require their continued participation within 60 days of the next academic period starting (except for recognised vacation periods) you should not continue to sponsor them.

- If they have ongoing permission to stay in the UK, you should tell us this and advise them to leave the UK; or
- If their permission is due to expire, you must not assign a CAS and they must arrange to leave the UK. You may later assign a CAS which they may use to apply to return to the UK.

**Writing up (postgraduate students)**

424. You may continue to sponsor a postgraduate student to write up a dissertation or thesis if you require their continued participation (in classes or by contact) and you are confident you can meet your sponsor duties for them during the period leading up to its final submission, including an oral examination, if required.

425. If you do not require their continued participation for a period (normally 60 days or more) you must be confident you can meet your sponsor duties for them during the writing-up period. If you cannot meet your duties during this period you should tell us this, and advise them to leave the UK. You may later assign a CAS which they may use to apply to return to the UK.

**Cancelling a confirmation of acceptance for studies**

426. We can cancel a CAS you have assigned under Tier 4 at any time if we find you were not entitled to assign it, for example if it was assigned:
- through misrepresentation or fraud; or
  - for a course that you are not permitted to offer to Tier 4 students.
427. You can withdraw a CAS that you have assigned to a student if they have not yet used it to support an application for a visa or an extension of stay. You must do this using the SMS.
428. If a CAS is cancelled or withdrawn we will not refund your fee.
429. Once a CAS has been cancelled or withdrawn, we will automatically refuse any application supported by that CAS.
430. If the student is already in the UK, we will cancel or reduce their permission to stay if we find that the CAS on which we based that permission was improperly assigned. We will:
- reduce their permission to 60 calendar days (to give them a chance to find a new sponsor) if they were not actively involved in the CAS being assigned improperly; or
  - immediately end it (curtail it) if they were actively involved.

## CONDITIONS OF SPONSORED STUDENTS' STAY

431. A student can study only with the sponsor named on their confirmation of acceptance for studies (CAS) or visa letter, including at any partner institution named on the CAS or visa letter.

### How long can the student stay in the UK?

432. We decide how long a student can stay based on the length of their course. We will calculate the length of the course from the course start and end dates you put in the CAS.

433. If a student receives government or other official financial sponsorship, we will limit their permission to stay in line with any requirements the sponsor specifies.

434. Full details of how long students may stay are in the Tier 4 student guidance on our website at <http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/can-you-apply/money/how-much/>.

### Supplementary courses

435. Tier 4 students are allowed to take extra (supplementary) courses such as evening classes. The course does not have to be relevant to the course for which we gave them permission to stay in the UK.

436. Students do not need our permission to take extra courses and do not have to inform you, but they must continue to meet the conditions of their permission to stay.

### Working (including sabbatical officers)

437. Tier 4 (General) students and Tier 4 (Child) students aged 16 or over are allowed to work while they are in the UK. The work they do can be in addition to any work placement that is part of their course.

### Limits on working hours

438. There are limits on students' working hours that depend on when they applied for permission to come to or stay in the UK, the type of course they study and what type of sponsor you are.

439. If the student used a CAS to apply to us before 4 July 2011 and they are studying:

- a foundation degree course or degree courses at QCF or NQF level 6 (and equivalents) or above, they can work 20 hours a week during term time and full-time during vacations;
- below QCF or NQF level 6 (and equivalents), (except students on foundation degree courses), they can work 10 hours a week during term time and full-time during vacations.

440. If the student used a CAS to apply to us on or after 4 July 2011 they can work 20 hours a week during term time and full-time during vacations if:

- they are studying at degree level (QCF or NQF level 6 (and equivalents)) or above and you are a recognised body or a body that receives public funding as a higher education institution; or
- you are an overseas higher education institution and they are on a short-term study-abroad programme in the UK.

441. If the student used a CAS to apply to us on or after 4 July 2011 they can work 10 hours a week during term time and full-time during vacations if they are studying:

- at below degree level (QCF or NQF level 6 (and equivalents)) and you are a recognised body or a body that receives public funding as a higher education institution; or
- at minimum QCF or NQF level 3 (and equivalents) if you are a highly trusted sponsor, or QCF or NQF level 4 if you are not a highly trusted sponsor, and you are a publicly funded further education college.

442. You must ensure students know what their term and vacation dates are, so they can comply with these limits.

Work that is not allowed

443. Students cannot work if they do not fit into any of the categories in the section called 'Limits on working hours'.
444. They cannot be self-employed or employed as:
- a doctor in training (except on a recognised foundation programme);
  - a professional sportsperson (including a sports coach); or
  - an entertainer.
445. The only exception to this is where the student is undertaking a course of study in music at NQF/QCF 6 or SCQF 9 or above. They 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 the course.
446. They must not fill a full-time, permanent vacancy (except on a recognised foundation programme or as a students' union sabbatical officer).
449. If the student wants to take up a post as a sabbatical officer at the end of their course and their permission to stay has expired, they must apply again with a new CAS from their licensed sponsor that gives details of the post.
450. The term of office for a sabbatical officer is normally one academic year and if the student takes the post after their course is finished we may grant them permission to stay under Tier 4 (General) to cover this period. If the student is re-elected after one year, they must apply again with a new CAS from their licensed sponsor that gives details of the post. They cannot apply again for a third year.
451. Although a work placement must be no more than 50 per cent of a student's overall course in the UK, this does not include any time they spend as a sabbatical officer. If they have another job as well as sabbatical officer duties, they can work part-time during term-time and full-time during vacations if they do not work full-time for the students' union in the vacations.

Students' union sabbatical officers

447. A students' union sabbatical post is a full-time, salaried, elected, executive union position. A Tier 4 (General) student may be a students' union sabbatical officer for a maximum of two years, either during their course or in the academic year immediately after they graduate. The post must be at the institution that sponsors them.
448. If the student takes up the sabbatical officer post while they have current permission to stay under Tier 4 (General), you must notify us of this change in their circumstances. If the student's permission was granted on the basis of a visa letter, you can email the change to: [MigrantReporting@UKBA.gsi.gov.uk](mailto:MigrantReporting@UKBA.gsi.gov.uk). If the student's permission was granted on the basis of a CAS, you must report the change using the sponsorship management system.



# YOUR RESPONSIBILITIES AS A SPONSOR

452. This section explains:

- what you must do as a sponsor;
- the penalties if you do something wrong; and
- what to do if your circumstances change.

## SPONSORSHIP DUTIES

453. As a sponsor you have a number of duties that you must meet so that you can keep your licence and achieve or maintain highly trusted sponsor status. You will have to show that you are able to meet them before we will give you a sponsor licence.

454. Some duties apply to all sponsors under the points-based system, others are specific to sponsors who are licensed under certain tiers or categories. You must meet these duties to ensure that immigration controls remain effective. These duties aim to:

- prevent you abusing our process for assessing you;
- quickly find and address any patterns of student behaviour that may cause concern;
- address weak processes which can cause those patterns; and
- monitor your and your students' compliance with the immigration rules.

455. Your responsibilities as a sponsor start on the date we issue your licence and end:

- if you surrender your licence; or
- if we revoke your licence.

456. Your responsibilities for each student you sponsor start when you assign a CAS to them.

457. Your responsibilities for each student you sponsor end when:

- you tell us they have prematurely ended their course of study and give us details of their plans to leave the UK or apply for new permission to stay in the UK;
- they leave the UK and their visa or permission to stay lapses; or
- we give them permission to stay in the UK with a different sponsor or in another immigration category which means you do not need to sponsor them under Tier 4 any more.

## Complying with the law

458. To ensure that you are complying with our immigration laws, you must only assign a CAS to a student whom you believe will:

- meet the requirements of the Tier 4 category under which you assign the CAS; and
- comply with the conditions of their permission to stay in the UK.

459. You must also hold the appropriate planning permission or local planning authority consent to operate your type or class of business at your trading address (where this is a local authority requirement).



## Record-keeping duties

460. You must keep all of the documents listed in Appendix D. You can store them as paper copies or electronically. We do not tell you how to store the documents, but you must be able to make them available to us when we ask.

## Reporting duties

461. Unless stated otherwise, you must report the following information to us within 10 working days using the sponsor management system. It tells us about students who do not attend, do not comply with our requirements, or disappear. We use the information to take enforcement action against them when necessary.
462. You must report on students even if they are on a pre-session course at a partner institution named on their CAS or a work placement which forms part of their course.

## Students who do not enrol

463. You must tell us if a student you have assigned a CAS to does not enrol on their course within the enrolment period. You must report this no later than 10 working days the enrolment period has ended. You must include any reason the student gives for not enrolling for example if they:

- missed their flight;
- have decided not to come to the UK;
- have decided to take up a course with a different sponsor; or
- have had their application for permission to come to, or stay in the UK refused.

## Student contact stops

464. These reporting duties are not compulsory if we gave the student permission to come to the UK on the basis of a visa letter. Visa letters were a paper version of what is now the confirmation of acceptance for studies. They were phased out on 22 February 2010 when the sponsorship management system was fully implemented.

465. However, if you wish to report on these students you can do this by emailing **MigrantReporting@UKBA.gsi.gov.uk**.
466. If you are a highly trusted sponsor you can make two checkpoints (re-registrations) during any rolling 12 month period and report any students who have missed 10 consecutive expected contacts without you reasonably giving them permission. You must report these students within 10 working days you completing your checkpoint process.
467. If you are A-rated and a student misses 10 consecutive expected contacts without you reasonably giving them permission, you must tell us within 10 working days of the 10th missed contact. (Highly trusted sponsors can also choose to report after the student has missed 10 consecutive expected contacts but this is not mandatory.)
468. Examples of expected interactions include, but are not limited to:
- attending any lesson, lecture, tutorial or seminar (as relevant to the level of study);
  - attending any test, examination or assessment board;
  - submitting assessed or unassessed coursework;
  - submitting an interim dissertation, coursework or report;
  - attending any meeting with a supervisor or personal tutor;
  - attending any research-method or research-panel meetings, writing-up seminars or doctoral workshops;
  - attending an oral examination (viva);
  - registration (matriculation or enrolment);
  - attending an appointment with a welfare advisor or international student adviser.

469. If you tell us that a student has missed the required expected contacts or interactions, but you then re-establish contact with them and are happy to reinstate them on their course, you must tell us that you wish to resume sponsorship. If the student's permission to stay in the UK has expired or been cancelled by us while they were not studying with you, they will have to apply for new permission to stay before they can start studying again.

470. It is your responsibility to judge whether a student's absence is authorised or unauthorised. For example, if a student will be absent for a prolonged period, perhaps because they are ill or pregnant, you may decide this is authorised. You must judge whether or not they will then be able to pick up their studies straight away without repeating a previous period of study. If they need to repeat, you and the student should probably agree that they will need to defer. See 'Sponsorship ends' for details of how to report that.

### Sponsorship ends

471. All sponsors must report on any students who formally withdraw from their studies, or defer their studies.

472. If a sponsored student withdraws from, or defers their studies you must tell us within 10 working days of them doing so. This includes where a student defers or withdraws before they have travelled to the UK. Where appropriate, you must include the name and address of any new institution that the student has joined, if you know it.

473. If you stop sponsoring a student for any other reason (for example, if they move into a different immigration route with a different sponsor or one which does not require a sponsor) you must tell us within 10 working days.

474. If a student defers their studies after they arrive in the UK, their permission to stay will no longer be valid as they will not be actively studying. As well as telling us about their deferral you must also advise them to leave the UK. When they are ready to resume their studies they will have to make a new application for a visa.

475. This does not apply to students sponsored by the Foundation Programme Office who defer their studies. Their sponsorship will continue until they leave the foundation programme permanently, or until they switch into another immigration category. For example they may switch into Tier 2 for an out-of-programme experience, which is not part of the foundation programme.

### Significant change in circumstances

476. You must tell us within 10 working days:

- if there are any significant changes in a sponsored student's circumstances, for example if:
  - the location they are studying at changes.
  - their start date is deferred and they have not yet entered the UK (it must be agreed between you and the student that they will be still able to complete the course within their granted leave period otherwise you must assign a new CAS and the migrant must apply to vary their leave to include a later finish date).
  - their course of study shortens;
- anything that suggests that a sponsored student is breaching the conditions of their permission to stay in the UK.

477. You must tell us within 28 calendar days if there are any significant changes in your circumstances, for example if:

- you cease trading or become insolvent;
- there are substantial changes to the nature of your business; or
- you are involved in a merger or you are taken over.

478. If you are a private further or higher education institution and you appoint a new principal or change owners, you must give us the name(s) of the new principal and/or owners of the institution within 28 calendar days. If you do not, we will revoke your licence.

**Other information you must report**

479. You must report:

- details of any third party or intermediary, whether in the UK or abroad, that has helped you to recruit migrant students;
- to the police any information you may have that suggests that the student may be engaging in terrorism or other criminal activity.

**Additional duties (includes cooperating with us)**

480. When a sponsored student is undertaking a work placement as part of their course, the work placement must be an assessed part of the course. You must continue to monitor regularly the time they spend working at the work placement and ensure it does not exceed 50 per cent of the length of the course.

481. We will take action against you if we find that a sponsored student is undertaking a work placement which is:

- not an assessed part of the course;
- more than 50 per cent of the total length of the course unless there is a UK statutory requirement that states otherwise.

482. You must do all you can to ensure students you sponsor arrive to take up their course and see that course through to completion. We will take action against you if we have evidence that an unacceptable number of students do not arrive or do not complete their course.

483. You must meet the requirements for your inspection or audit and the types of courses you may offer. For example if you sponsor students under Tier 4 (Child) you must have been inspected or audited on the basis that you teach children under the age of 18.

484. To keep your licence, you must:

- continue to be audited and/or inspected at a satisfactory and existing level;
- offer courses to international students which comply with our conditions;

- notify the local authority of any private foster care arrangements for Tier 4 (Child) students, where appropriate (see 'Requirements for Tier 4 (Child) students' for details).

**Cooperating with us**

485. To allow us to manage the sponsorship system properly, you must:

- allow our staff access to any of your premises on demand (whether visits are prearranged or unannounced);
- continue to adhere to any action plan in place if we are B-rated under the guidance in place before 5 September 2011, including any additional duties which form part of the plan;
- try to minimise the risk of immigration abuse by complying with any good practice guidance we produce or any sector body may produce with our agreement.

**Concerns or queries about your duties**

486. Please ask us if you have any questions about your duties as a sponsor. You can email us at **[sponsorshipPBSenquiries@ukba.gsi.gov.uk](mailto:sponsorshipPBSenquiries@ukba.gsi.gov.uk)** or you can telephone us on 0300 1234699.

487. If you are also an employer, you can use the employer checking service to help you identify whether a migrant is allowed to work in the UK. Information on the service is on our website at **<http://ukba.homeoffice.gov.uk/employers/preventingillegalworking/support/ecs/>**

## Compliance checks

488. We will visit you before we decide your sponsor licence application and we will check your current monitoring arrangements. We will make further checks after we have granted your licence. This is to ensure the information you provided on your application form is accurate and that you are able or continuing to do what is required of a licensed sponsor. We will check that:

- the information given about you is accurate and complete;
- you are able to offer courses of study which meet the current requirements;
- you are genuine and are trading or operating lawfully in the UK;
- you have the appropriate planning permission or local planning authority consent to operate your type or class of organisation at your trading address;
- there are no reasons to believe that you as a prospective or existing sponsor are a threat to immigration control; and
- you will be able to comply or are already complying with your sponsor duties.

489. You agree to cooperate with these checks when you submit your online sponsor application.

490. Our compliance officers carry out the checks. Our visit may be announced or unannounced. If we make an unannounced visit it does not mean we have any doubts about you.

491. The compliance officer will gather material to support the information you gave on your sponsor application. This is to confirm that the information you gave was full and accurate, and that you are meeting (or will be able to meet) your duties and responsibilities as a licensed sponsor. They may wish to speak to people involved in recruiting or enrolling students and to sponsored students. They will not discuss the outcome of the assessment during the visit.

492. In certain cases we may make follow-up checks either by telephone or by letter. We will ask for evidence to support any information you gave on your application.

493. The compliance officer, or any third party working on our behalf, will have official UK Border Agency identification. If you doubt that an official is genuine, you should telephone us on 0300 123 4699.

## Compliance checks for highly trusted sponsors

494. As well as your other duties, we may ask you to complete a spreadsheet showing the details of each student you sponsor and their attendance. We may ask you to do this or repeat this at any time to ensure that you still meet the requirements for highly trusted sponsor status.

495. If we ask you to complete a spreadsheet you must send it to us electronically within 21 days and give us all of the information we requested.

## After the check

496. If we have carried out a check before making a decision on your application, we will base our decision on all of the information you gave us and that we gathered during the checks.

497. We will write to you to give you the outcome of the checks. Many checks will reveal no problems.

498. If there are differences between what you told us and what we find during a check and we discover this before we make a decision on your application, we will let you know whether we require more information before we make the decision.

499. If we have already made our decision and then find differences between what you told us on your application and what we find during a check, we will take action against you, we will assess the evidence we have and we will take action against you if we:

- find evidence that you, a representative, a relevant person or a person employed by you who appears to act on your behalf have knowingly deceived us; or
- cannot verify statements this person has made or documents they gave us.

500. Where we find problems that are linked to a specific individual we may prosecute and/or refuse future applications involving that individual.

## PENALTIES

501. It is our duty to protect the border and to protect sponsors who are meeting all of the requirements we expect of them. If we believe you have not been complying with your duties, have been dishonest in any dealings with us or are a threat to immigration control, we will take action against you.

502. We may:

- revoke your licence;
- suspend your licence;
- reduce the number of CASs you are allowed to assign.

503. We also reserve the right to suspend your licence while we carry out further checks to find out if any failure on your part is serious enough to potentially lead to us revoking your licence.

### **Suspending a licence because we have concerns about you**

504. We will immediately suspend your licence while we make further enquiries if we have reason to believe that you are breaching your sponsorship duties and/or are a threat to immigration control (for example, assigning CASs to students who do not enrol, or fail to complete their course) to the extent that we may have to revoke your licence.

505. You will not be able to assign any CASs while your licence is suspended. You must continue to comply with all of your sponsorship duties throughout the period of suspension.

506. If your licence is suspended it will be suspended in all the tiers, categories and sub-categories in which you are registered and while it is suspended we will remove your entry from the register of sponsors on our website.

507. If after an investigation, we decide not to revoke your licence we will lift the suspension and reinstate your entry on the register of sponsors on our website.

## **How suspension affects your sponsored students**

508. Students you are sponsoring at the time of the suspension will not be affected, unless they need to apply for an extension of stay and you have not already assigned a CAS to them. Students will be affected if we decide to revoke your licence.

509. You will not be able to assign any CASs while your licence is suspended.

510. While your licence is suspended, if a student applies for a visa or extension of stay with a valid CAS that you assigned before we suspended your licence, we will not decide their application until we have resolved the reason for suspending you.

511. We will not consider any applications from students whose CAS shows they will take a pre-sessional course with a partner institution if we have suspended the licence of that partner institution.

512. If a student has already been given a visa on the basis of a CAS you assigned but they have not yet travelled to the UK, we will allow them to enter and start studying with you. We do advise students to check the status of their sponsor's licence before they travel and not to travel to the UK if their sponsor's licence has been suspended.

513. While you are preparing your response to the suspension and we are considering it, we will not tell students to whom you have assigned a CAS about the suspension if they are already in the UK.

### **Process we will follow if we suspend your licence**

514. We start from one of two positions.

- If we are satisfied that we have enough evidence to suspend your licence without the need for further investigation, we will write to you giving detailed reasons for suspending your licence.
- If we have evidence that warrants your licence being suspended pending a full investigation, we will write to you giving our initial reasons for the suspension and informing you that an investigation will take place. It may not be possible at that point to say how long the investigation



will take, but we will update you on our progress at regular intervals. During this period, you can make any written statements you think are necessary to respond, including sending in evidence. Any statement or evidence you send to us during this period will be taken into account during the investigation. When we have finished our investigation, we will write to you again, giving detailed reasons for suspending your licence.

515. When we write to you giving detailed reasons for suspending your licence, you will then have 28 calendar days from the date of that written notification, to respond to us in writing. We may extend this period at your request if we are satisfied that there are exceptional circumstances. You may make any written statements you think are necessary to respond, including sending in evidence. However, we will not hold an oral hearing.
516. If any new evidence comes to light during that 28-day period, we will write to you again, giving you another 28 days to respond in writing on the new evidence.
517. When we receive a response from you, we will consider it and may request information from any relevant compliance officer, other law enforcement agencies, government departments, agencies, local authorities, the police, foreign governments and/or other body. We will notify you of our decision within 28 calendar days of receiving your response.
518. If we do not receive a response from you within the time allowed, we will proceed with whatever action we believe to be appropriate and will notify you of our decision in writing. Appropriate action may be to reinstate or revoke your licence. If we reinstate your licence we may reduce the number of CASs you are allowed to assign.
519. Any action we take as a result of our decision will take effect from the date of the letter we send you to tell you about our decision. We will send this letter by recorded delivery.

### Reinstating your licence after suspension

520. If your licence has been suspended from the sponsor register and we do not subsequently revoke it we will reinstate it but may reduce the number of CASs you can assign (including reducing that number to zero) and highlight areas of improvement which will be assessed at the next visit.

### **Revoking a licence**

521. We will revoke your licence immediately for any of the following reasons.
  - We find, after your licence has been granted, that you or a relevant person knowingly gave false information on your sponsor licence application.
  - You stop trading or operating for any reason including insolvency.
  - You stop being accredited with, or inspected or audited by, any body that you were accredited, inspected or audited by to meet the requirements set out in this guidance on educational oversight. We will not immediately revoke your licence if your accreditation is with any of the accreditation bodies previously approved by us and your accreditation expires. In these circumstances the future status of your licence will depend on whether or not you can meet the full requirements for educational oversight and highly trusted sponsor status as set out in this guidance.
  - You are an existing sponsor and (where required) do not apply for educational oversight by the relevant agency by the dates specified as deadlines elsewhere in this guidance and do not obtain this by the end of 2012.
  - You do not apply for highly trusted sponsor status by the dates specified as deadlines elsewhere in this guidance.
  - Your highly trusted sponsor status expires and you do not apply in time to renew it.
  - Your application for highly trusted sponsor status is refused.



- You also have a Tier 2 and/or Tier 5 licence and you have certified that a migrant under Tier 2 and/or Tier 5 will not claim state benefits, and that migrant then did claim benefits, with your knowledge.
- The courses you offer to sponsored students under Tier 4 (General) are below the level allowed according to whether you are an A-rated sponsor or have highly trusted sponsor status, unless the student is exempt because they applied before 5 October 2009. This does not apply to supplementary studies which can be at any level.
- Any work placement associated with a course for Tier 4 (General) students, or for child students age 16 and over, accounts for more than 50 per cent of the total length of the course (except where there is a UK statutory requirement for the work placement to take up more than 50 per cent of the course).
- The study element of any course you offer to sponsored students is not taken on your premises.
- You have offered places and assigned CASs for students who are not from the countries we define as ‘majority English-speaking countries’, without first properly assessing their English language ability. This also applies to CASs you issued before 21 April 2011 when you were required to assess English language ability for students studying English language courses or courses below degree level (excluding foundation degrees).
- You are an A-rated sponsor and you have offered places to Tier 4 (General) students on courses at QCF or NQF level 3 (or equivalent).
- You are an A-rated sponsor and you have offered places to Tier 4 (General) students for courses below degree level (excluding foundation degrees) which include a work placement.
- You have offered places to Tier 4 (General) students and the main course of study does not lead to an approved qualification for our purposes.
- You have assigned a CAS to a Tier 4 (General) student to take a distance learning course or a course designed only to support students taking distance learning courses.
- You or a relevant person are issued with a civil penalty for employing one or more illegal workers, and the fine for at least one of those workers stood at the maximum £10,000 once your objection and appeal rights have been exhausted.
- You or a relevant person are issued with a civil penalty as above for a first offence, where the fine is below the maximum amount, and you have failed to pay the fine in full or set up a payment instalment plan with us, by the 29th day after you are notified of liability which may be after an initial objection or appeal determination.
- You or a relevant person, are issued with a civil penalty as above for another offence within the period that your sponsor licence is valid and you are still liable once your objection and appeal rights have been exhausted.
- You or a relevant person are paying a civil penalty fine by an agreed payment instalment plan and you breach the conditions of that plan.
- You do not hold, or you stop holding, appropriate planning permission or local planning authority consent to operate your type or class of business at your trading address (where this is a local authority requirement).
- You or a relevant person are convicted of one of the following offences (unless the conviction is spent under the Rehabilitation of Offenders Act 1974):
  - any offence under the Immigration Act 1971;
  - any offence under the Immigration Act 1988;
  - any offence under the Asylum and Immigration Appeals Act 1993;
  - any offence under the Immigration and Asylum Act 1999;

- any offence under the Nationality, Immigration and Asylum Act 2002;
- any offence under the Immigration, Asylum and Nationality Act 2006;
- any offence under the UK Borders Act 2007;
- any offence under the National Minimum Wage Act or related to benefit fraud;
- trafficking for exploitation; or
- any other offence which, in our opinion, indicates that you or a relevant person are a risk to immigration control, for example, offences involving dishonesty or deception, including any of the offences listed in Appendix B

- you or a relevant person are dishonest in any dealings with us. This includes, among other things:
  - making false statements, or failing to disclose any essential information, when applying for a sponsor licence; or
  - making false statements, or failing to disclose any essential information, when assigning a CAS.

522. Additionally, if you are a B-rated sponsor and subject to an action plan under the guidance in place before 5 September 2011, we will immediately revoke your licence in the following circumstances:

- You have been B-rated and you have not complied with your current action plan within the specified target date for completing it.
- You have been B-rated and you have not complied with an action plan for 12 months or more.
- You are a private further or higher education institution and you have not reported a change in your ownership or the appointment of a new principal within 28 days of the change.

- You have been given or downgraded to a B rating under the guidance in place before 5 September 2011 and you have failed to pay the action plan fee within 14 calendar days.
- You have used a CAS to sponsor a new student when we gave it to you specifically to extend an existing student's permission to stay.
- You continue to sponsor a student after they have failed a re-sit twice, or repeated a period of study twice.

523. We will write to you to inform you that we have revoked your licence. There is no right of appeal to this decision and you will not be eligible to apply again for a sponsor licence for a minimum of six months from the date we revoked your licence.

524. We will consider revoking your licence for the following reasons.

- You or a relevant person are convicted of an offence that we consider to be serious, unless the conviction is spent under the Rehabilitation of Offenders Act 1974.
- You or a relevant person becomes legally prohibited from acting as a company director.
- You or a relevant person becomes an undischarged bankrupt.
- You fail to comply with any of your duties.
- You fail to keep any of the documents specified in Appendix D of this guidance.
- We find that students that you have sponsored have not complied with the conditions of their permission to stay in the UK.
- You, or any organisation that you or a relevant person have been involved with in a similar role, have their authorisation removed by the Office of the Immigration Services Commissioner (OISC). (This applies to people or organisations that provide immigration advice or services.)

- You assign a CAS stating that the course represents progression but you cannot show how you assessed the progression, or we are concerned about how you assessed it; or
- We find, after you have assigned a CAS stating that there is academic progression, that there is no academic progression.
- Any of your users of the (SMS) disclose their SMS password to another person.
- You have no authorising officer.
- You have no SMS users.
- You do not supply, when requested and within the specified time limit, any document we request to support any changes that you have reported to us using the SMS or the sponsor change of circumstances form.
- You are an A-rated sponsor and you continue to sponsor a student after they have failed a re-sit twice, or repeated a period of study twice.
- You issue a CAS to a student who obtains a visa using it, but fails to enrol when they enter the UK.
- You do not have enough control over any overseas agent acting on your behalf. For example we may find evidence:
  - of a significant increase in the volume of applications from a particular part of the world with no explanation; and/or
  - that we are refusing significant volumes of student applications from a particular part of the world .

525. We may not always revoke your licence in the circumstances above, but we cannot precisely define the exceptional circumstances in which we will not. However, we may immediately suspend it and may withdraw any CAS that you have assigned but which have not yet been used to support an application for leave to come to or stay in the UK. We will look for evidence that you were either not responsible for what happened or, if you were, you took

prompt and effective action to remedy the situation when it came to light. For example if one of your employees was wholly responsible for what has happened and that person was dismissed when it came to light.

#### How revocation affects your sponsored students

526. If we believe that students were actively involved (complicit) in the circumstances which led to your licence being revoked, for example, if the student agreed that you would arrange a non-existent course for them so they could come to the UK we will immediately cancel their permission to stay in the UK and they will have to leave the UK or face enforced removal.
527. If we believe that students were not actively involved in the circumstances which led to your licence being revoked, we will reduce their permission to stay in the UK to 60 calendar days to give them a chance to find a new sponsor. If a student has less than six months' permission left, we will not cancel it. When their permission expires, if they have not found a new sponsor they will have to leave the UK or face enforced removal.
528. We will take action against any student who remains in the UK after their permission to stay here has expired. This may result in them being detained and removed from the country. We may also refuse any applications they make to come to the UK for up to 10 years after their removal.
529. If we revoke your licence, any CASs you have assigned will automatically become invalid. This means we will refuse any application a student makes on the basis of that CAS.
530. If a student has already been given a visa when we revoke your licence, we will cancel it if they have not yet travelled to the UK. If they then travel to the UK, we will refuse them entry.

#### Can you apply again if your licence is revoked?

531. If we revoke your licence, we will not reinstate it. You will have to wait a minimum of six months from the date we revoked the licence before you can apply to rejoin the sponsor register, unless we revoked your licence by mistake.

532. If you do apply to rejoin the sponsor register, we will treat the application as a new one. You will have to pay the appropriate fee and produce all the relevant documents for the tier, category, or sub-category you are applying for. If we revoked your licence by mistake you will still have to complete a new online application but you will not have to send any supporting documents or pay a fee.

### **Penalties for illegally employing migrants**

533. Tier 4 sponsors are also employers so you must make sure that your employees are entitled to work for you if you wish to avoid us taking any action against you. We impose a range of penalties on those who employ people illegally.

534. We take tough action against those who illegally employ people. If we find you are employing workers illegally you will be treated in exactly the same way as any other employer.

535. You can protect yourself against possible action by checking documents to establish a person's right to work in the UK before you recruit a new member of staff. You should also carry out further document checks at least every 12 months when we have put a time limit on an employee's stay in the UK.

536. If we find you are employing workers illegally you may face any of the following penalties.

- We may revoke your sponsor licence.
- We may issue you with a civil penalty fine for up to £10,000 for each illegal worker.
- You may be prosecuted for having in your possession or under your control without reasonable excuse an identity document that is false or improperly obtained or that belongs to someone else. You may go to prison for up to two years and receive an unlimited fine.
- You may be prosecuted for knowingly employing an illegal migrant worker. You may go to prison for up to two years and/or receive an unlimited fine.
- You may be disbarred as a company director or officer as a result of being

convicted of knowingly employing an illegal migrant worker. You may be disqualified from forming or managing a company.

- You may be prosecuted for facilitation or trafficking. You may go to prison for up to 14 years and/or receive an unlimited fine.
- We may give you a formal written warning for employing an illegal worker, after which we will monitor you closely.

537. If we find that you have employed someone illegally we may inform other bodies such as:

- the Gangmasters Licensing Authority (GLA);
- the Office of the Immigration Services Commissioner (OISC); or
- another government body.

538. More information on the penalties for employing illegal workers is on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/preventingillegalworking>.

## **IF YOUR CIRCUMSTANCES CHANGE**

### **Changing your sponsor details**

539. As part of your duties, you must notify us of any changes to your details, for example if you want to change your key contact or authorising officer, or if you change address. We may ask for more details or clarifications.

540. You must use the sponsorship management system (SMS) 'request change of circumstances' function to:

- change your address (you can also report this by emailing [SCOC@ukba.gsi.gov.uk](mailto:SCOC@ukba.gsi.gov.uk));
- change your name;
- change your key contact or their details;
- tell us about changes to your structure, such as more branches, sites or partner institutions;

- update us on criminal convictions; and
- tell us about a change in the status of any registration by a governing body that you are required to hold.

541. There are specific functions on the SMS to:

- request an increase in your CAS allocation;
- renew your CAS allocation;
- request an additional level 1 user; and
- amend minor details for your existing users (such as email address, telephone number or immigration status).

542. On 1 October 2011 we will introduce specific features to the SMS to enable you to:

- replace your authorising officer and/or key contact;
- amend the details of your authorising officer and/or key contact;
- amend your own details including notifying us of takeovers and mergers; and
- notify us of any other changes to your circumstances, for example adding or removing a representative or surrendering your licence.

543. When you submit the changes we will tell you what documents you must send us as evidence of the changes. For some changes, for example replacing your authorising officer or surrendering your licence, you will also have to sign a short declaration.

544. For some changes in circumstances you will have to complete more than one action on the SMS. For example, if you notify us of a change to your organisation address, you may also need to notify us of a change to the working address for your key personnel.

545. We will publish SMS user guides on our website in mid-September 2011 to tell you how to use the new features when we introduce them.

546. You cannot use the SMS for reporting all changes of circumstances. Until 1 October

2011, you should use the sponsor change of circumstances form to:

- change your authorising officer or replace the level 1 user when you have no other SMS user to do this on the SMS (for example when the previous level 1 user was the only SMS user and has left your organisation);
- replace the key contact when you have no other SMS user to do this on the SMS (for example when the previous key contact was the only SMS user and has left your organisation);
- appoint or remove a representative;
- surrender a sponsor licence.

547. The change of circumstances form is on our website at: <http://www.bia.homeoffice.gov.uk/sitecontent/applicationforms/sponsors/sponsorcircumstancesform>.

548. From 1 October 2011 you will only need to use the change of circumstances form to:

- replace the level 1 user when you have no other SMS user to do this on the SMS (for example when the previous level 1 user was the only SMS user and has left your organisation);
- replace the key contact or authorising officer when you have no other SMS user to do this on the SMS (for example when the previous key contact or authorising officer was the only SMS user and has left your organisation); or
- appoint a representative when you have no other SMS user to do this on the SMS (for example when the previous level 1 user was the only SMS user and has left your organisation);

549. We may ask for (and check) documents to support any change you request through the SMS or the change of circumstances form, and they may not always be documents we have listed in this guidance. Once you have reported the change, we will let you know what (if any) documents we need.



## Takeovers, mergers and de-mergers

550. This section explains what you must do if you:

- take over an existing sponsor organisation;
- as an existing sponsor, you are taken over in full or in part by another organisation and some of your students transfer to that organisation; and
- as an existing sponsor, you carry out a demerger and some students transfer to a new organisation.

551. What happens to your sponsor licence will depend on whether you are:

- being taken over completely by another organisation;
- being taken over in part by another organisation; or
- splitting out to form additional, new organisations.

552. You must report a takeover or merger. If you do not, we will take action against you. This may lead to us cancelling the permission to stay of any students involved.

553. Your authorising officer must report it. If they are no longer available because you have been completely taken over or merged into another organisation, we will accept the report from the authorising officer at the new sponsor organisation. Once you have reported the change, we will ask for (and check) documents to support the change you are reporting, and they may not always be documents we have listed in this guidance.

554. On 1 October 2011 we will introduce specific features to the SMS to enable you to amend your organisation details including notifying us of takeovers and mergers.

555. When you submit the change we will tell you what documents you must send us to support the changes.

556. We will publish SMS user guides on our website in mid – September 2011 to tell you how to use the new features when we introduce them.

557. A student involved in a merger, de-merger or takeover does not need to apply for new permission to stay and the new sponsor does not have to assign a new CAS.

## 558. Complete takeovers and mergers

559. If you are being completely taken over or merged into another organisation and your sponsored migrants are transferring to a new organisation you must report the following.

- Report the change, to us within 28 days, using the SMS or, preferably, by emailing SCOC@ukba.gsi.gov.uk Include details of any students who will transfer to the new organisation.
- Report any students who will not transfer to the new sponsor. We will cancel their permission to stay in the UK. If the student received their permission to stay on the basis of a CAS, make the report using the SMS and if it was on the basis of a visa letter, email MigrantReporting@UKBA.gsi.gov.uk.
- Confirm if you need to surrender your sponsor licence, using the change of circumstances form.

560. If you have completely taken over, or merged with, another sponsor organisation and their sponsored migrants are transferring to you, you must do one of two things.

- Make a valid application for a sponsor licence, if you do not already have one, within 28 days of the change. If your application is unsuccessful, we will cancel the permission to stay of all students who were due to transfer to you; or
- If you already have a sponsor licence, report the change, including details of any migrants for whom you have accepted full sponsorship responsibility.

561. You can use the SMS to apply for an increase in your current allocation of CASs if you already have a sponsor licence and expect to sponsor more students in the future as a result of the takeover or merger.



562. If you ask us, we will give you access to the original sponsor's licence on the SMS, so that you can report activity for the sponsored students who have moved.

### Partial takeovers and mergers

563. This section explains what you must do if an organisation takes over part of an existing sponsor organisation, or if part of an existing sponsor organisation splits away to form a new organisation, and at least some sponsored students will transfer to the new organisation.

#### **If you are the existing sponsor and no longer need your licence**

564. If you are the existing sponsor, and the change means that you will no longer have any sponsored migrants, you must report the change to us (including details of all students who will transfer to the new organisation) within 28 days of it taking place, by emailing [MigrantReporting@ukba.gsi.gov.uk](mailto:MigrantReporting@ukba.gsi.gov.uk)

565. You may surrender your licence if you wish. You can do this using the sponsor change of circumstances form, but only if you no longer have any sponsored students of your own. If you surrender your licence but then need to sponsor students again in the future, you will need to apply for a new sponsor licence.

566. If you are left with no sponsored students, but are not sure if you will need to sponsor any new students in the future, you may choose to keep your licence. If you do keep your licence, we will reduce your current allocation of CASs to zero.

#### **If you are the new organisation and the existing sponsor does not need its licence**

567. You must make a valid application for a sponsor licence, if you do not already have one, within 28 days of the change. If your application is unsuccessful, we will cancel the permission to stay for all students who were due to transfer to you.

568. You can use the SMS to apply for an increase in your current allocation of CAS, if you already have a sponsor licence and the change means that you may need to recruit more students in the future.

569. You must report the change, including details of any students for whom you have accepted full sponsorship responsibility.

570. As the new sponsor you will not be able to report in the usual way on the students who have transferred from the original sponsor organisation because you will not have an SMS record for them. However, you must email [MigrantReporting@ukba.gsi.gov.uk](mailto:MigrantReporting@ukba.gsi.gov.uk) giving:

- the original sponsor organisation's name;
- the original sponsor organisation's licence number (if known);
- the student's details; and
- details of the change (for example, if the student has missed 10 expected contacts).

#### **If you are the existing sponsor and still need your licence**

571. You must:

- report the change (including details of any students who will transfer to the new organisation) to us within 28 days of it taking place by emailing [SCOC@ukba.gsi.gov.uk](mailto:SCOC@ukba.gsi.gov.uk).
- tell us if you need to amend your current allocation of CASs. For example, if you need fewer than was agreed before the change.
- continue to report as usual on any sponsored students who are still enrolled, although you will no longer have any responsibility for reporting on students who have moved to the new organisation.

572. If you do not know whether or not you will sponsor any more students in the future, we will reduce your current allocation of CASs to zero.

#### **If you are the new organisation and the existing sponsor still needs its licence**

573. You must make a valid application for a sponsor licence, if you do not already have one, within 28 days of the change. If your application is unsuccessful, we will cancel the

permission to stay for all students who were due to transfer to you.

574. You can use the SMS to apply for an increase in your current allocation of CASs, if you already have a sponsor licence and the change means that you may need to sponsor more students in the future.

575. You must report the change, including details of any students for whom you have accepted full sponsorship responsibility.

576. As the new sponsor you will not be able to report in the usual way on the students that have transferred from the original sponsor organisation, and whose permission to stay has been granted on the basis of a CAS, because you will not have an SMS record for them. However, you must email [MigrantReporting@ukba.gsi.gov.uk](mailto:MigrantReporting@ukba.gsi.gov.uk) giving:

- the original sponsor organisation's name;
- the original sponsor organisation's licence number (if known);
- the student's details; and
- details of the change (for example, if the student has missed 10 consecutive expected contacts).

580. You must provide evidence that you are no longer responsible for any students you may have previously sponsored in that tier, category or sub-category. If you still have responsibility for students, we will revoke your licence, cancel the students' permission to stay and may remove them from the UK.

581. On 1 October 2011 we will introduce specific features to the SMS to enable you to surrender your licence.

582. When you submit the change we will tell you what documents you must send us to support the changes. When you submit the change you will also have to sign a short declaration.

583. We will publish SMS user guides on our website in mid-September 2011 to tell you how to use the new features when we introduce them.

## SURRENDERING A LICENCE

577. If you no longer wish to sponsor students, and have no sponsored students currently studying with you, you may choose to surrender your licence. You should do this using the sponsor change of circumstances form which is on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/sponsors/sponsorcircumstancesform>

578. We will remove you from the register of licensed sponsors, and you may apply for a new licence at any time.

579. You may choose to surrender your licence in all the tiers, categories and sub-categories for which you are licensed at the same time or you may choose to surrender part of your licence in certain tiers, categories or sub-categories. You must clearly indicate on the change of circumstances form which part you are surrendering.

# ANNEX A

**TABLE A**

**Transitional arrangements – new sponsorship requirements for educational oversight, highly trusted sponsor (HTS) status and how the interim limit will affect you (from April 2011 onwards)**

Sponsor status	Impact of new requirements
If you are an existing sponsor and you meet the new requirements on both educational oversight and HTS status	No restriction on your CAS allocation.
If you are a new sponsor and you meet the new requirements on educational oversight	<ul style="list-style-type: none"> <li>You will be granted a licence, but your CAS allocation will be limited to 50 per cent of your total student body.</li> <li>You must achieve HTS status within 12 months to remain on the sponsor register</li> </ul>
If you are an existing sponsor and you meet the new requirements on <u>educational oversight</u> but not HTS	<ul style="list-style-type: none"> <li>If you have been licensed for at least 12 months by 10 October 2011 then you must apply for HTS status by this date. The interim limit will apply to your CAS allocation until you obtain HTS status.</li> <li>If you have been licensed for less than 12 months on 10 October 2011, then you must apply for HTS status when you have been licensed for 12 months.</li> <li>If you been licensed for at least 12 months but your licence has been B rated for any part of the last 6 months, you must apply for HTS when you have been A rated for 6 months.</li> <li>If you do not apply for HTS status by the deadlines set out in this guidance, your licence will be revoked.</li> </ul>
If you are an existing sponsor with HTS status but you do not meet the new educational oversight requirements	<ul style="list-style-type: none"> <li>You must apply to the appropriate body by the specified deadline and meet the new educational oversight requirements by the end of 2012. The interim limit will continue to apply to your CAS allocation.</li> <li>If you do not apply for educational oversight with the appropriate body by the specified deadline you will become a legacy sponsor and will not be allowed to sponsor any new students.</li> <li>If you do apply for educational oversight by the specified deadline then the interim limit will continue to apply to your CAS allocation until you receive a decision on your application for educational oversight.</li> </ul>
If you are an existing sponsor and you <u>do not</u> meet the new requirements on either educational oversight or HTS status	<ul style="list-style-type: none"> <li>If you do not apply for educational oversight by the deadlines set out in this guidance you will become a legacy sponsor and will not be allowed to sponsor any new students. Even if you become a legacy sponsor, you must still apply for HTS by the deadlines set out in this guidance if you want to continue sponsoring your existing students.</li> <li>If you do not apply for HTS by the deadlines set out in this guidance, your licence will be revoked.</li> </ul>

**TABLE B****Transitional arrangements – Tier 4 (General) students**

Assessment of a student's English language ability – CEFR level of competence required

When a CAS was issued	Level or type of course	QCF or NQF level 6 or above	QCF or NQF level 3, 4 or 5	Foundation degree (Scottish HND)	English language	Pre-sessional
<b>CEFR level required if CAS issued on or before 20 April 2011</b> <b>How assessment can be made</b>		N/A	B1 SELT required	N/A	B1 Sponsor assessment	N/A
<b>CEFR level required if CAS issued on or after 21 April 2011</b> <b>How assessment can be made</b>		B2 Higher education institution – university assessment Non-universities – SELT required	B1 SELT required	B1 SELT required	B1 SELT required	B1 SELT required

A SELT is a secure English language test and must be obtained from one of a limited number of our approved test providers (see main body of guidance).

It is required unless a student is exempt because they are from a majority English speaking country, obtained a qualification equivalent to a UK degree in majority English-speaking country, or studied in the UK recently as a child student.

