

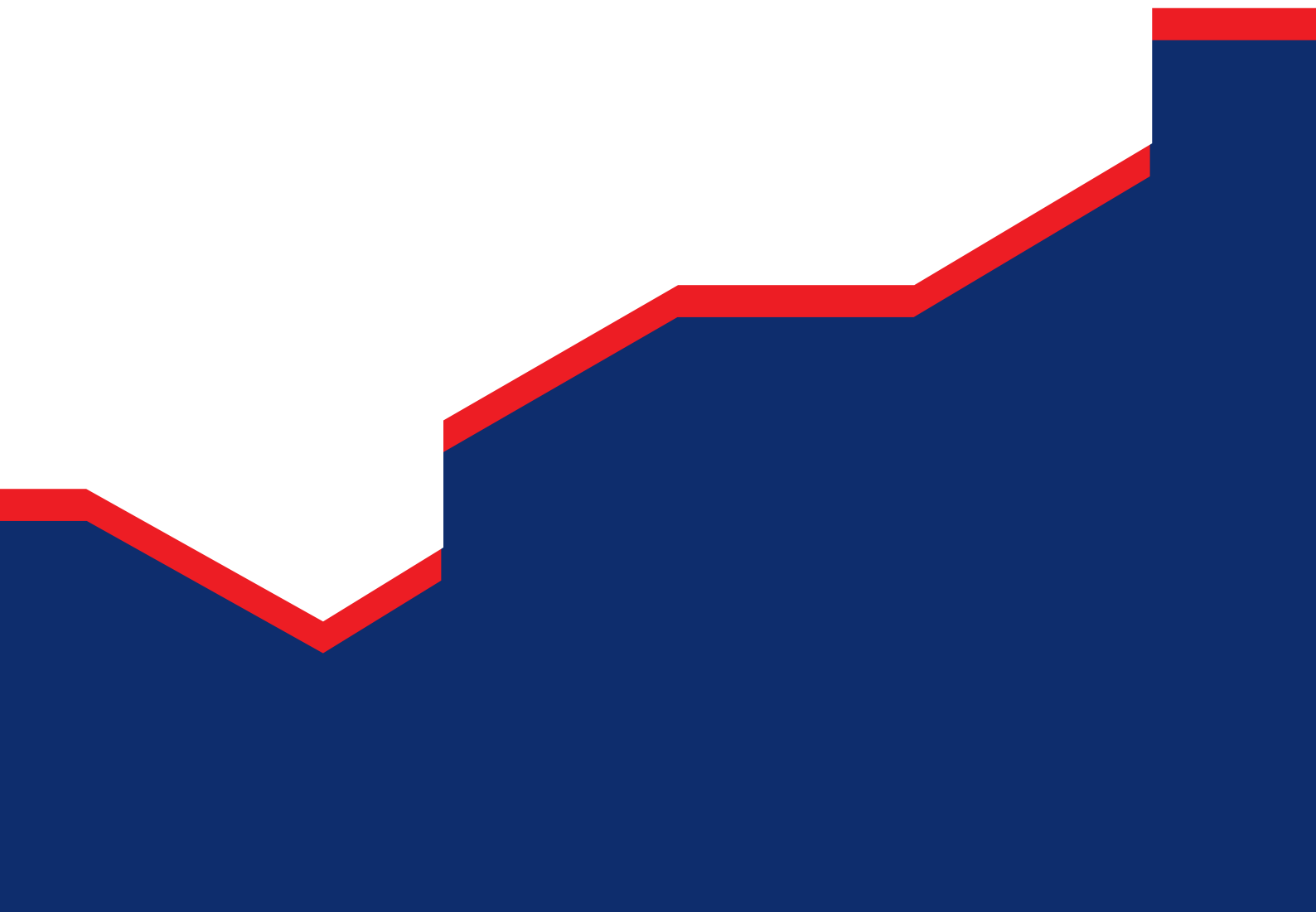


SECURING OUR BORDER CONTROLLING MIGRATION

POINTS-BASED SYSTEM TIER 4 ATTENDANCE AT PRIVATELY FUNDED COLLEGES

ANNEX: BACKGROUND INFORMATION

March 2011



BACKGROUND INFORMATION

CONTEXT

The paper on attendance at privately funded colleges sought to provide further information on the outcomes of students issued visas to study at these types of institution. The information presented in this annex relates to additional evidence of adverse outcomes established during that research, both from privately funded colleges and, in some instances, other educational institutions.

CAVEATS

Please note the information provided below is Management Information. As such it may be subject to change and has not been fully quality assured in the manner of officially published migration statistics. These data are therefore intended to provide an insight into trends only, and should not be read as definitive.

FORGERY DETECTIONS¹

Tier 4 applications were responsible for 41 per cent of all forgery detections in applications for visas

made in 2010, compared to 27 per cent for Visit visas, and 3 per cent for Tier 1. This represented a total of just over 10,500 forgeries detected which equates to just fewer than 4 per cent of all Tier 4 applications. The vast majority of forgeries relate to supporting documents, mainly bank statements submitted as evidence of funds. It should be noted that not all documents are verified and the total number of forgeries submitted is not known.

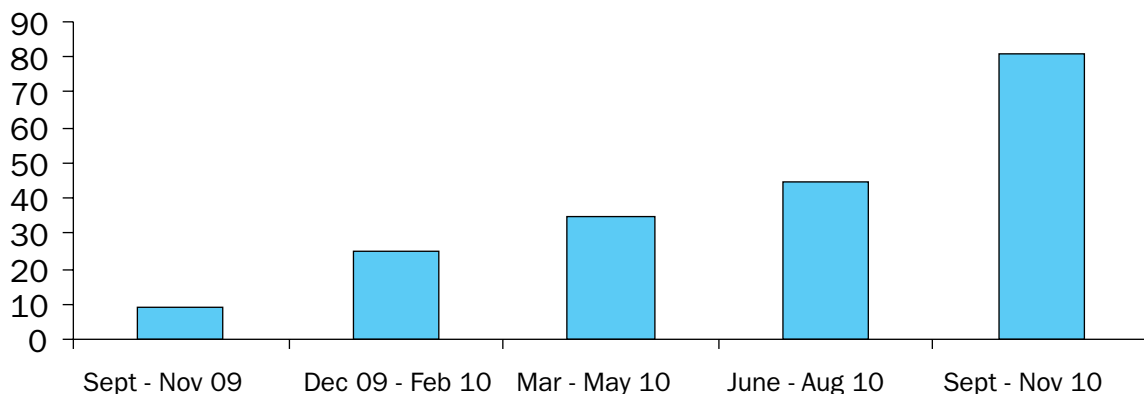
PORT REFUSALS²

Tier 4 visa holders were responsible for 41 per cent of the 2,086 port refusals linked to visa holders in 2010. The next highest was 31 per cent for Visit visa holders, and Tier 1, 2 and 5 visa holders were responsible for less than 1 per cent each (figures are for main applicants only in each case).³

To place these figures into context, in 2010, 253, 845 visas were issued for study (excluding student visitors), which was 14 per cent of the total visas issued in 2010 (figures are for main applicants only in each case).

A visa holder can normally only be refused entry

No. of Tier 4 visa arrests by enforcement



1 The data on forgery detections relates to applications for visas and is recorded locally.

2 The data on port refusals has been extracted from the UK Border Agency's Case Information Database.

3 Source: Control of Immigration Quarterly Statistical Summary United Kingdom, Fourth Quarter 2010. Please note that 2010 figures are provisional.

if there has been a material change in circumstances since the visa was issued or that material facts were not disclosed when the visa was obtained. Anecdotal evidence suggests that many Tier 4 visa holders refused entry at port are refused because the Immigration Officer determined that they cannot speak English to the standard required and the college has subsequently withdrawn their sponsorship.

ENFORCEMENT ARRESTS⁴

As shown in the graph below, the number of enforcement arrests for Tier 4 visa holders has increased steadily over the past year, standing at nearly 30 a month in the period September to November 2010. In the same period, Tiers 1, 2 and 5 all had less than one arrest per month on average. It should be noted that Tier 4 has received increased enforcement attention following the first review of Tier 4 in early 2010, and this is likely to have affected these figures.

ENCOUNTERS⁵

From 1 April to 31 October 2010, students accounted for 11 per cent (964) of all encounters and 15 per cent (633) of overall arrests in UK Border Agency enforcement activity (totalling over 1500 individuals). The majority of these arrests were for working in breach and overstaying.

Forty-nine per cent of those arrested have

been removed, or twenty per cent of all those encountered and/or arrested have been removed.⁶

BIOMETRIC ASYLUM MATCHES⁷

The number of biometric asylum matches increased from less than 20 per month in late 2009 to an average of 60 per month in the last quarter of 2010 (see graph below) and a high of 90 in December. Tier 4 visa applicants were responsible for 13.5 per cent of asylum claims matched to previous visa applications in 2010, compared to 0.4 per cent for Tier 1 and 0.7 per cent for Tier 5.

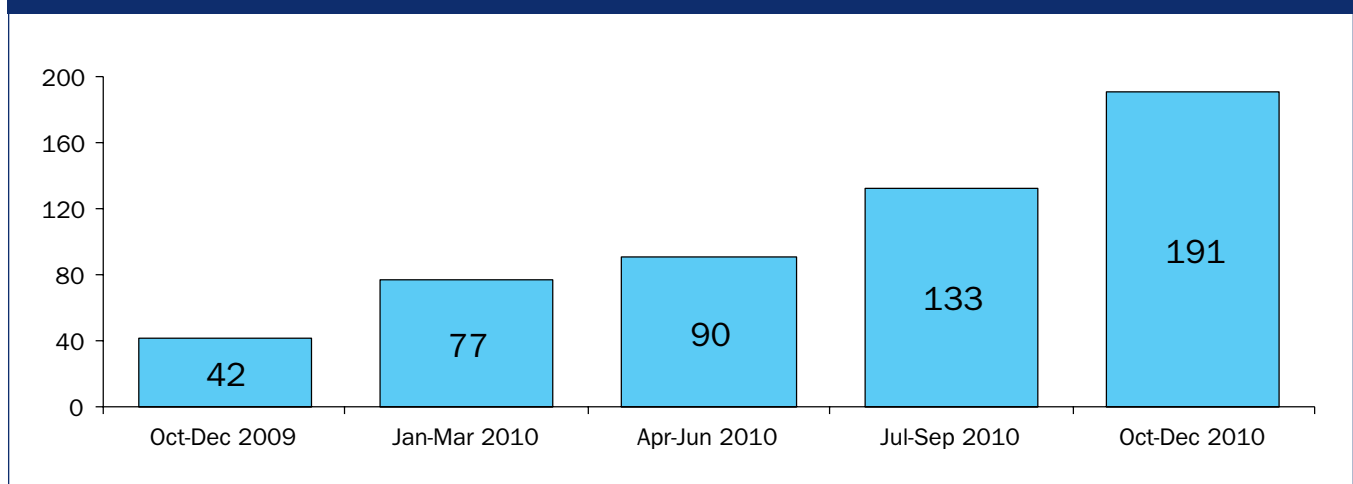
STUDENT VISA EXTENSIONS

In 2010, 120,060 extensions of leave to remain were granted to students in the UK, and a further 20,255 extensions of leave to remain were granted to their dependants.⁸

The UK Border Agency examined a subset of visa extension cases (granted between 1st September 2010 and 31st January 2011). During this period, 2,457 applications were made by students who appeared to be extending for the fifth time or more. This equates to approximately 5 per cent of applications made during this period.

A randomly chosen subset of these multiple extender records were analysed in more detail (n = 91). Amongst these, the date when the applicant was initially granted either leave to enter the UK

Asylum Applications matched to PBS T4 (General) Student Visas



4 The data on enforcement arrests is sourced from the National Operations Database (NOD) system. The NOD is a management information tool and data from it is not quality assured under National Statistics protocols. Figures provided from the NOD do not constitute part of National Statistics and should be treated as provisional.

5 Encounters are those people that the UK Border Agency come across as part of their operational activities.

6 See footnote 4 above.

7 The data on biometric asylum matches is extracted from the Visa asylum database.

8 Source: Control of Immigration Quarterly Statistical Summary United Kingdom, Fourth Quarter 2010. Note that 2010 data are provisional.

or leave to remain in the UK was analysed, and the breakdown was as follows:

- 10 were granted in 2000
- 44 were granted in 2001
- 23 were granted in 2002
- 14 granted other years or unknown or multiple entry

This means that in a majority of cases within the sample, the applicant had been in the country for eight years or more. To place this in context, UK Border Agency research has shown that of the students who were granted visas and came to study in 2004, 21 per cent were still here in 2009. Of those who remained in the UK, 7 per cent had moved into the work route, 6 per cent were still students and 1 per cent had changed into the family route. Very few of these migrants (3 per cent) had reached settlement after five years in the UK.⁹

Within the sample of students extending for the fifth time or more, the following cases were also observed¹⁰:

- **Case study one:** a student who entered the country in 2002 has studied at NVQ level 4-5¹¹ ever since, spending three years on business diplomas and a further four years on a diploma in health and social care. The student's electronic record showed no record of course completion.
- **Case study two:** a student entered the country in 2002 and studied accountancy for the next seven years, failing exams at least twice and switching between three education providers. In his/her most recent extension, the student was granted a visa for a degree in management at NVQ level 6, having previously been studying a course at NVQ level 7.

- **Case study three:** a student who entered in 2002 has spent more than eight years studying business and accounting, initially at NVQ level 7, then dropping to levels 4, 5, before progressing to level 6 and then back to level 7. His/her electronic record included course failures and expulsion from one institution for non-payment of fees.
- **Case study four:** a student arrived as a visitor in 2001 and then was granted a dependant visa in 2002. He/she then spent two to three years studying tourism and hospitality at NVQ levels 1-4, then one year on a learning and development programme at level 4, then four to five years on a learning and development programme at level 5. His/her most recent extension was for a three-year diploma at level 5.

INFORMATION FROM OVERSEAS VISA ISSUING POSTS

Deferred applications

In January and February 2011 applications to study accountancy courses in the UK were held for further checks at posts in South Asia as UK Border Agency staff had concerns that the sponsoring institutions were not approved learning providers and that these students were not genuine. In February, 454 of these students were invited for interview by the UK Border Agency in South Asia.

Sixteen per cent of invited applicants did not attend the interview. Of the 381 who did attend, 65 per cent failed to demonstrate the required level of English language competence and over a fifth could speak no English at all. Nineteen per cent of interviewed applicants were recommended for a visa, 24 per cent were recommended for refusal and 37 per cent were referred back to the sponsor for reconsideration the remainder are pending further checks.

In New Delhi, these deferred applications accounted for 11 per cent of the 3,976 applications received between 17 January and 21 February 2011. Here, 165 students were interviewed and 7 per cent of these applicants were recommended for a visa. Although the applications were for a specific accountancy course, only one applicant said he worked in accounts. The other posts covered by this study were Dhaka, Colombo and Mumbai.

9 Source: Achato, L., Eaton, M. and Jones, C., The Migrant Journey, Home Office Research Report 43.

10 These records appear to be cases of non-progression, in which the student takes a seemingly long period of time over his/her studies, with limited or non-existent upward progression. However, caution must be exercised in labelling them as such because the information held in electronic records is limited in scope and is heavily reliant on the accuracy of the caseworker inputting the data. Note that no claim is being made for the typicality of these data.

11 Courses below NQF level 6 are below degree. Level 5 and level 4 are sub-degree, but above 'A' level and equivalents e.g. professional diplomas and foundation degrees. Level 3 is A level and equivalents, and levels 2 and 1 are below A level.

Dependants

In Mumbai, between September and December 2010, 207 enquiries were made with sponsoring private sector institutions to confirm that students whose dependants had applied to join them in the UK were still studying. Of the 185 responses received from the institutions, in 35 cases (17 per cent) the college reported either that the college letter was forged (two cases), or the lack of attendance had resulted in sponsorship being withdrawn (30 cases) or the college was in the final stages of withdrawing sponsorship (3 cases still deferred). The dependants in all of these cases were interviewed by UK Border Agency staff overseas and they all claimed that their spouse or partner was still studying in the UK. These applications were then refused as it was evident that deception was being used in the visa application.