



Home Office

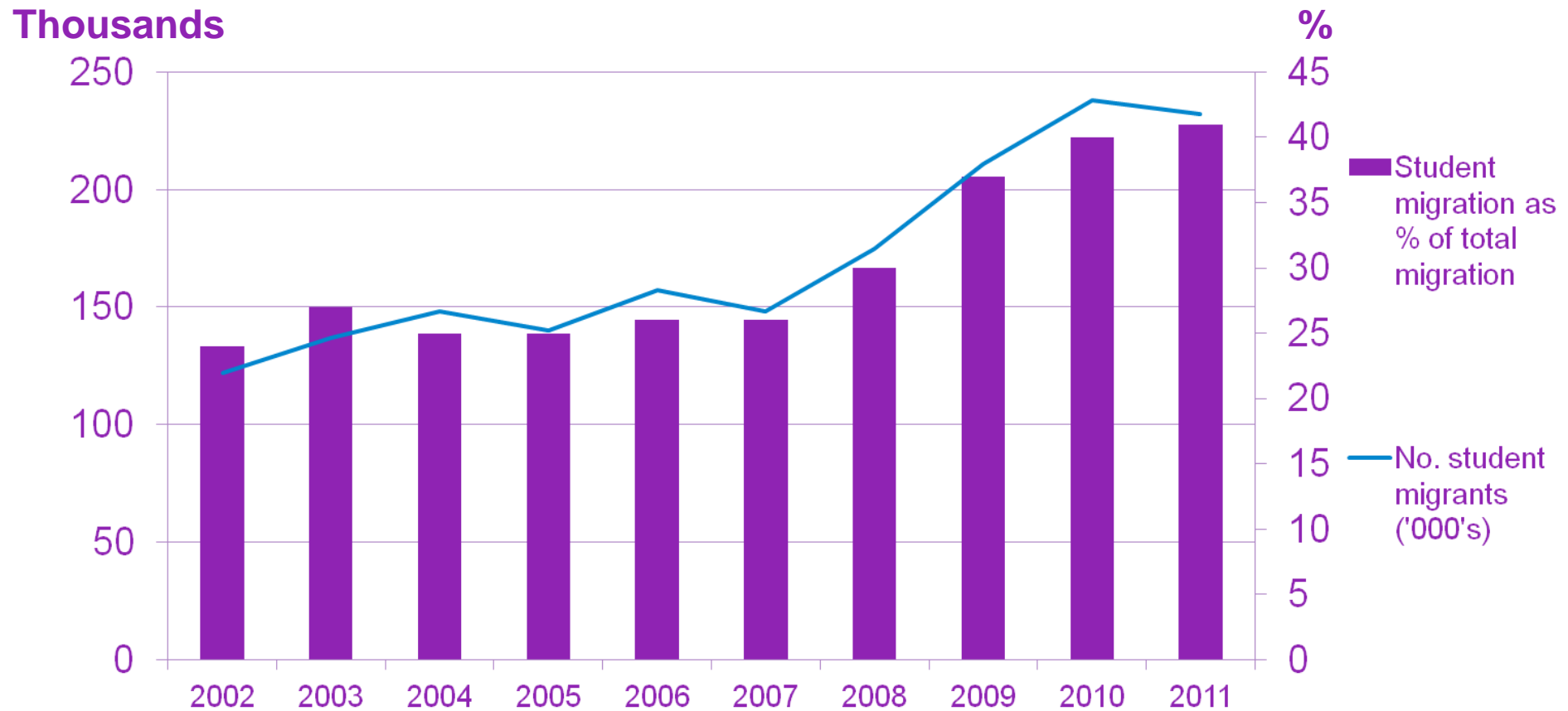
# Strengthening the student visa regime to ensure high-quality migration

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Home Office Science: Migration and Border Analysis

# Students are where the largest growth in migration has occurred in the UK in recent years

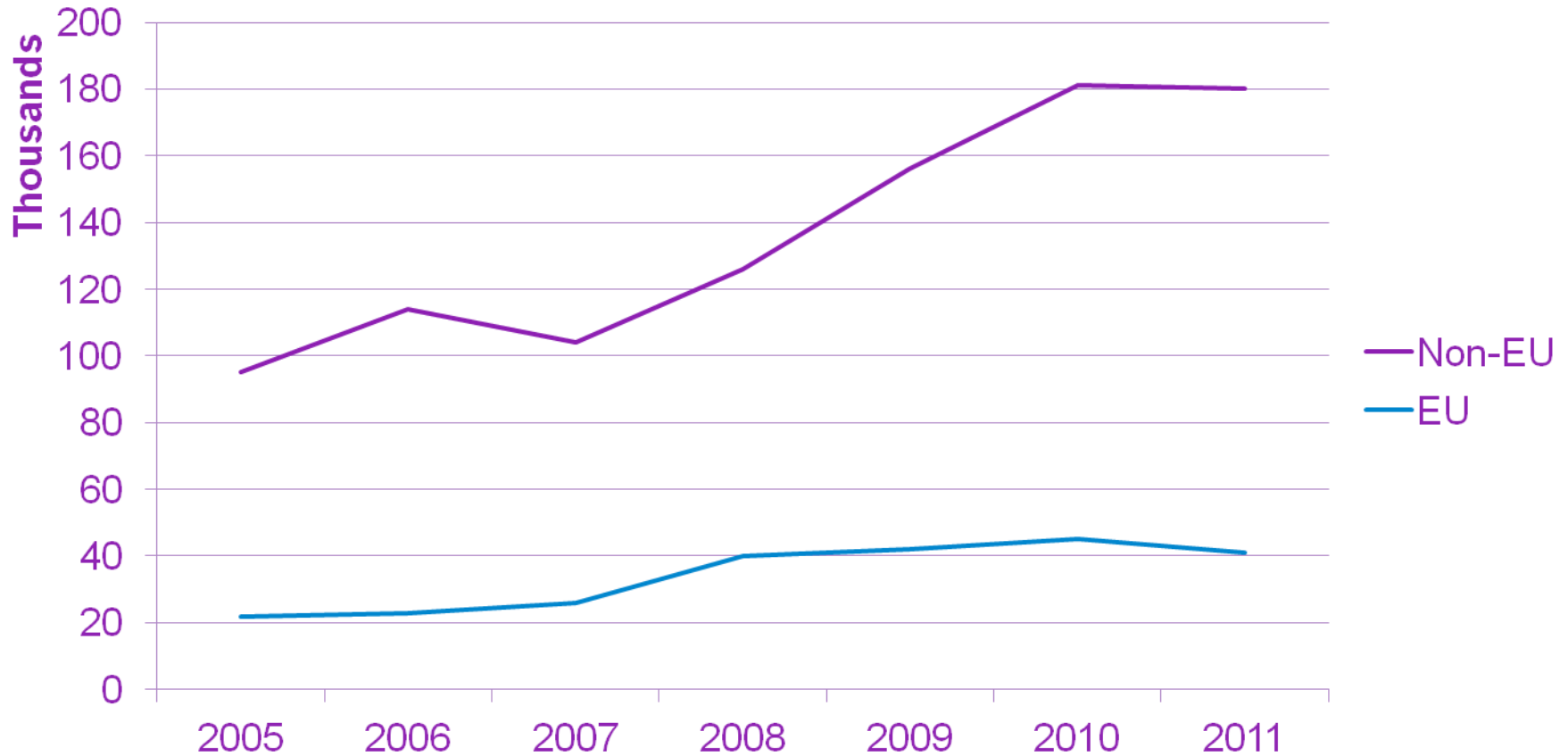
Student migration to the UK in thousands and as a % of total migration



Source: ONS International Passenger Survey

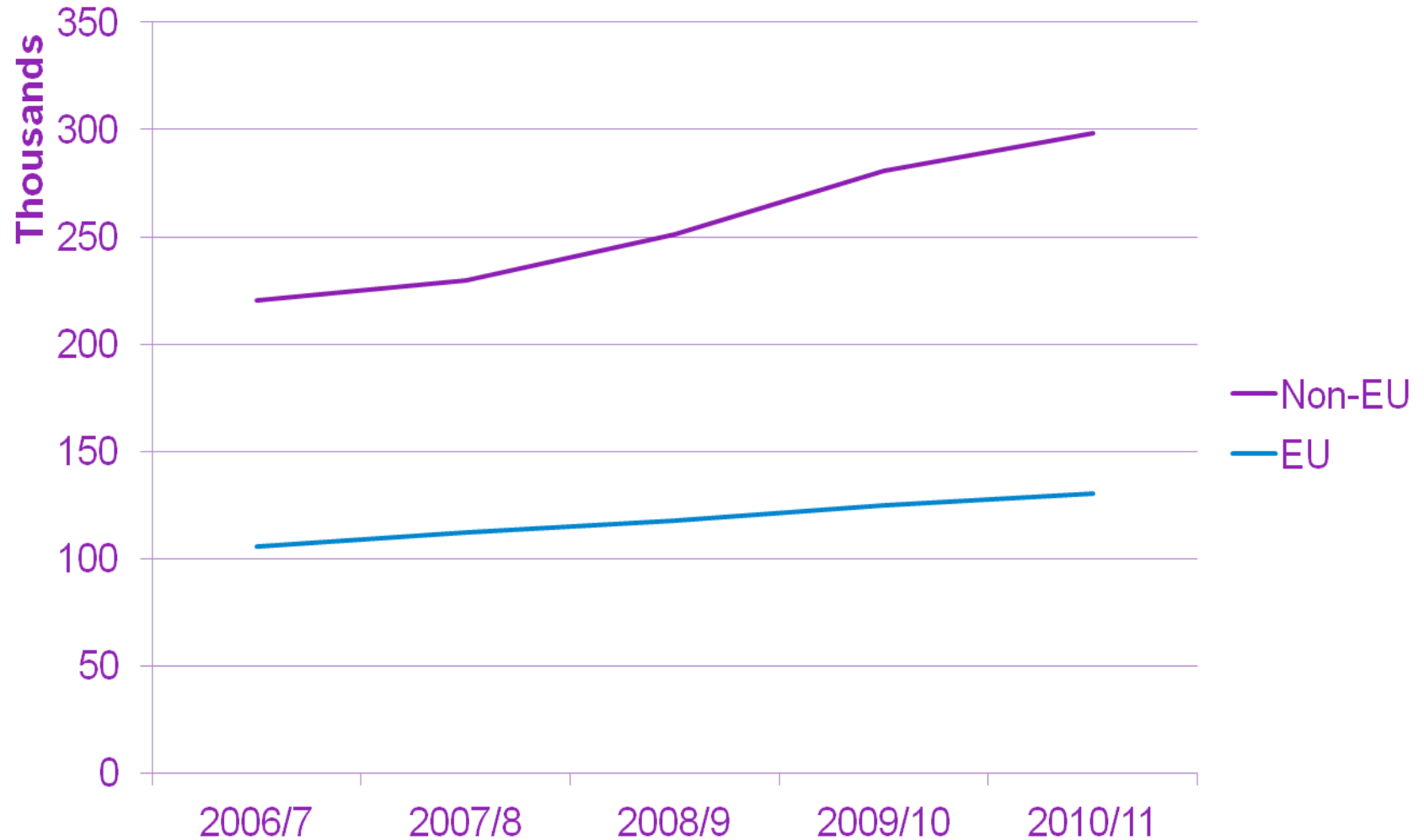
# The growth in student migration has been strongest for TCNs from outside the EU.....

Inflows of those migrating for formal study (stays of over a year only), 2005-11



Source: ONS: International Passenger Survey

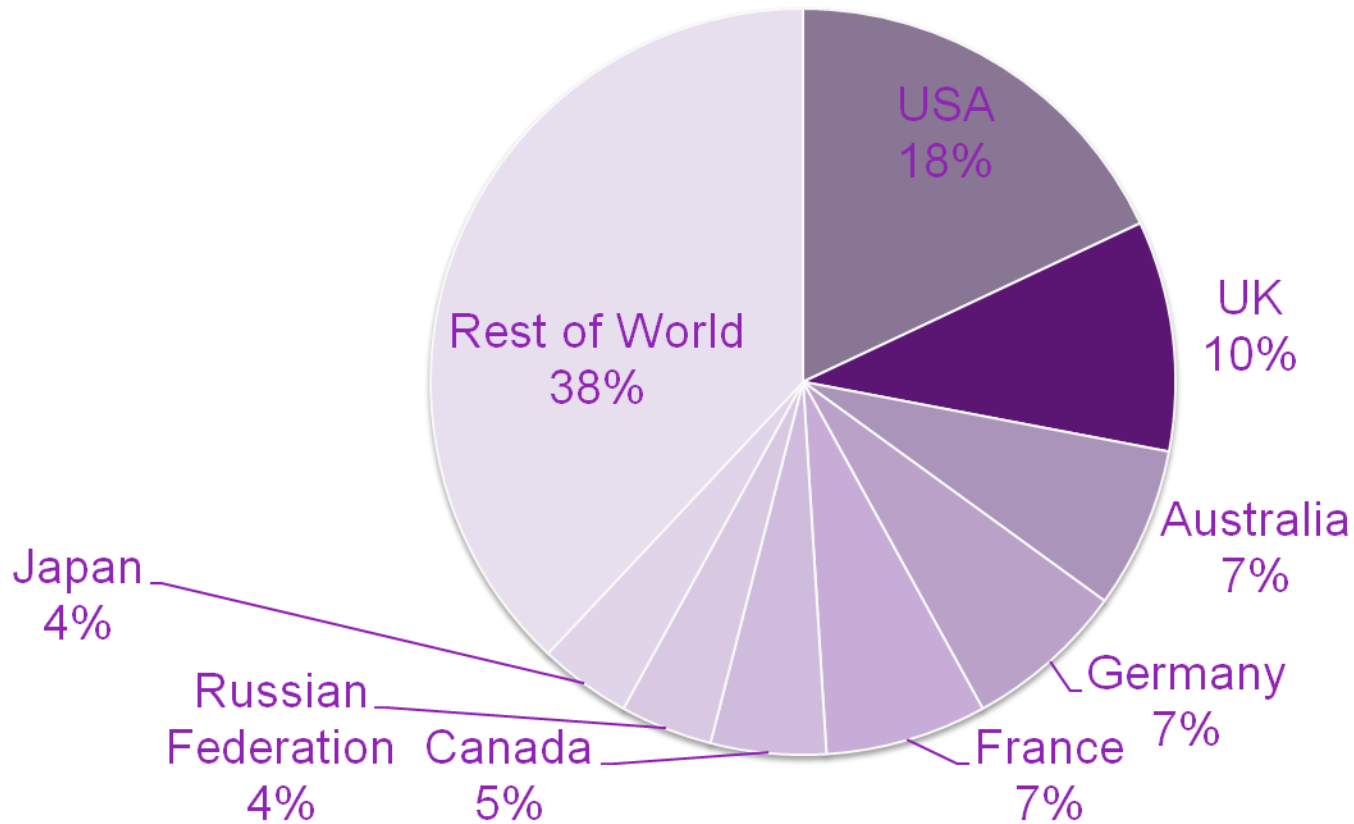
## ....reflected in total student enrolment on HE courses



Source: HESA

# The UK is a key player globally

## Distribution of foreign students in HE, by country of destination (2009)



## The UK's policy objectives on students are to

Attract and retain the brightest and best students, academics and researchers

Eliminate abuse of student visas

## which have meant reforms in three key areas

**Tighter sponsorship standards:** ensuring all institutions meet highest standards of education quality and immigration compliance

**Tougher rules for students:** better English language skills, restricting permission to work and bring dependants

**Encouraging students to leave at the end of the course:** maximum time limits for study, requirement for academic progression, closing post study work but keeping a route to skilled employment

**Some students arrived but did not leave at the end of their courses, despite having failed to obtain suitable employment.**

**Under the previous Post Study Work scheme, students could remain to take skilled jobs, but a survey showed that over half were in unskilled employment.**

#### **Employment status of Tier 1 visa holders (June 2010)**

<b>Visa Type</b>	<b>Skilled</b>	<b>Unclear</b>	<b>Un-skilled</b>
General	30%	49%	21%
Post study	9%	30%	61%

Source: UKBA: Points Based System Tier 1: An operational assessment (study sample: 909 Tier 1 General cases and 253 Post-Study cases)



## **Student compliance was found to be an issue in privately funded institutions (rather than the publicly-funded Universities)**

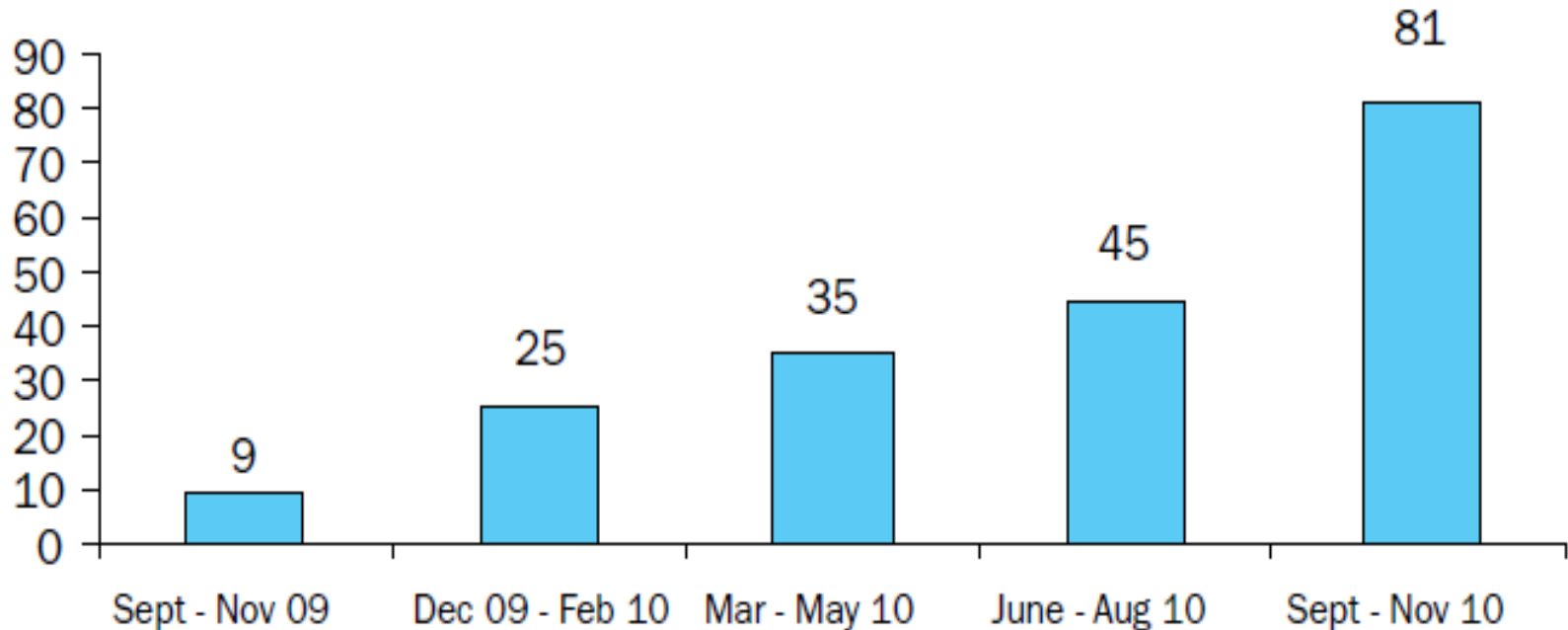
- In one study 26% of students at privately funded HE/FE institutions had no record of leaving the country and did not have a valid reason to remain (e.g. were potentially non-compliant).
- By comparison, only 2% of students at Universities in the same study were found to be potentially non-compliant.

Source: Home Office Occasional Paper 90: Overseas students in the immigration system

- The National Audit Office estimated that 40-50,000 individuals who entered the UK as students in 2009/10 entered to work rather than study.

# Former students have increasingly appeared in Border Agency enforcement operations checking on illegal workers

Number of arrests by enforcement involving a former Tier 4 visa holder, Sept 2009 – Nov 2010



Source: Home Office: Points-based system Tier 4 attendance at privately funded colleges; Annex: Background Information

## ...and former students also appear in significant numbers of in-country asylum applications

- Over 500 asylum applications were biometrically matched to former student visa holders between October 2009 and December 2010.
- The number of biometric asylum matches to students increased from less than 20 per month in late 2009 to an average of 60 per month in the last quarter of 2010 and a high of 90 in December.

# The policy changes put in place

- Tougher requirements on colleges by requiring
  - Educational Oversight (a requirement for a college to be accredited by a statutory educational inspection body) and
  - Highly Trusted Sponsor status, under which colleges would be assessed by UKBA based on the record of compliance with immigration rules.
- Raised minimum English language requirements for students
- Tightened the maintenance requirements
- Removed the right to work from those at private colleges
- Introduced a time limit to how long a student can remain in the UK as a student (3 years below degree level and 5 years at degree level or above (with limited exceptions))
- Closure of the post study work route – replacing this with a requirement for a salary of £20K or the graduate entrepreneur route

## The impact of these changes has mainly affected the private and non-HE sector

- More than 500 colleges are no longer able to recruit international students
- Student visas fell by 26% in the year ending September 2012, so far only amongst those applying to FE/non-HE sector
- In the year ending September 2012, there was a 1% increase of sponsored student visa applications (main applicants) for the university sector (UK-based Higher Education Institutions) and a fall of 67% for the further education sector (Tertiary, further education or other colleges), compared to the previous year.

# London Metropolitan University

This year, UK Border Agency also found serious deficiencies in monitoring arrangements at one University - London Metropolitan in March 2012

- Of 101 students whose leave had been refused, 25% were found to have studied at London Metropolitan without valid permissions
- In an audit of 600 London Metropolitan student files over 60% raised concerns in one of three areas: (a) students studying without a valid visa (b) their recruitment and ability to study (c) the students' attendance
- The UKBA's decision to remove HTS from London Metropolitan is currently being challenged in the courts.

# At the same time the UK is looking to attract genuine students, and has introduced a special scheme to make it easier for exceptionally talented scientists and academics to come to the UK

- Home Office has re-formed TIER 1 to focus on investors, entrepreneurs and the exceptionally talented, which provides special provisions to allow sponsorship for academics seeking to come to the UK
- UK Border Agency works overseas with agents and host Governments to communicate the requirements for students clearly
- The Agency website also provides information on the visa application process and the conditions of entry, along with policy guidance on international students.
- The Agency also works with the British Council, Foreign and Commonwealth Office and organisations such as Universities UK in outreach activities to attract the best students overseas. This work also aims to explain to prospective overseas students the visa rules during and after study, as well as the visa application process

# UK now places greater weight on testing a student's ability to study

- Students coming to the UK to study at degree level or above are required to be competent in English at level B2 of the Common European Framework for Reference for Languages (CEFR)
- Since August, the UK Border Agency has rolled out student credibility interviewing globally and has new powers to refuse visas if they are not satisfied the applicant is genuine
- Students can still come to the UK for a pre-sessional English course if required, before going to University
- Students are still able to remain in the UK to work but need to find a graduate job with an employer willing to pay £20,000 or more, or apply through the new Graduate Entrepreneur scheme



# Key rights for students working.....

- Working:
  - Those who are studying at degree level or above at a University can work part-time during term time (20 hours per week) and work full-time during vacations.
  - Those studying below degree level at a University or at a publicly funded further education (FE) college can work up to ten hours per week during term time and work full-time during vacations.
  - Those studying at a private college are not able to work.
- Work Placements (e.g. internships):
  - Those studying at degree level or above at a University can spend half of their course time on a work placement, which must be an assessed part of their course.
  - Others can spend one-third of their course on a work placement, if it is an assessed part of their course.

## .....and bringing dependants

- dependants may only be brought into the UK with a student if:
  - the student is sponsored by an HEI on a postgraduate course that lasts 12 months or longer; or
  - the student is a new overseas government-sponsored student following a course that lasts longer than six months.

# Key routes for those wanting to work post-study

- There are three possible routes to work post-study:
  - Graduates who have a job offer with a minimum salary of £20,000 or the appropriate rate for the job (whichever is higher) from an employer accredited by UKBA
  - Graduate entrepreneur – graduates identified by UK HEIs as having developed world-class innovative ideas or entrepreneurial skills – Granted 12 months leave in the first instance, with the possibility of another 12 months extension and switching into Tier 1 (Entrepreneur) if they have access to at least £50,000.
  - Graduates wishing to undertake professional training (which may not satisfy the Tier 2 requirements) to supplement their qualification, before pursuing a career overseas, may do so by switching into Tier 5 (Government Authorised Exchange). This training cannot lead to a permanent job in the UK.
- All of the above routes can bring dependants if it can be proved to UKBA that the applicants have sufficient funds to support their dependants for the entirety of their stay, without needing help from public funds.

## And the numbers of international students coming to the UK remain buoyant

- Although the numbers of applications for undergraduate courses at UK universities decreased 8% in 2012, including a 13% decrease from EU applicants, the number of applications from non-EU students rose by 8%.
- The number of non-EU students accepted to study at undergraduate level at a UK university was also 4% higher in 2012, despite a fall in total acceptances of 7%, and a fall in EU acceptances of 14%.

Source: UCAS (2012)