



**SECURING
OUR BORDER
CONTROLLING
MIGRATION**

**OVERSEAS STUDENTS IN
THE IMMIGRATION SYSTEM**
TYPES OF INSTITUTION AND
LEVELS OF STUDY

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AIM

The main aim of this research paper is to provide estimates of the proportions of non-EEA students, required to apply for visas under Tier 4 of the Points Based System (PBS), who are coming to study in the UK at different types of institution and at different levels (in particular the split between degree level and sub-degree level).

A secondary aim was to provide information on student behaviours, in particular the degree of compliance with their permission to enter the UK between institution types.

METHODOLOGY

Tier 4 of the PBS allows non-EEA students to come to the UK to study for a designated period. There are two student categories in Tier 4:

- General student – for students coming to the UK for post-16 education;
- Child student – for children between 4 and 17 to come to the UK for their education.

To gain a Tier 4 visa, students must meet the full requirements of the Immigration Rules and must have the requisite number of points (40). Points are awarded for having sufficient funds to cover course fees and living costs (10 points) and for a valid Confirmation of Acceptance for Studies (CAS) from a Tier 4 sponsoring institution (30 points). All Tier 4 sponsoring institutions must be registered with the UK Border Agency, and approximately 27 per cent of these have highly trusted status (HTS).¹ The CAS is issued by the sponsor, and the student quotes the unique CAS number in support of his/her application. Without a valid CAS, the student will not be allowed to study in the UK.

For this study, the register of licensed Tier 4 sponsors held by the UK Border Agency was analysed and sponsors categorised into 1 of 5 categories:

- University
- Publicly funded HE or FE college
- Privately funded HE or FE college
- English language school
- Independent school

Sponsors are required to categorise themselves when completing their application. Where this was unclear, the sponsor's self classification was supplemented by internet and Ofsted searches to provide a robust assignment of each sponsor, and their CASs, by institution type.

In order to determine the proportions of students studying at different levels, a total of 75 institutions were chosen from the sponsor register. Institutions were chosen at random within their categories and the sample checked to ensure it was representative of the institutions in each category registered as a Tier 4 sponsor. The sample of CASs was also found to be representative of the spread across the sponsor register (see Tables 1 and 2).² The final sample consisted of the 17,034 CASs assigned by the 75 institutions between the introduction of Tier 4 (April 2009) and the end of August 2010. The sample included CASs assigned to both in and out-of-country applicants.

1 To qualify as a highly trusted sponsor, an education provider must have a proven track record in recruiting genuine international students who comply with immigration rules while they are in the UK.

2 When a CAS is issued it does not mean that a visa is necessarily issued or that the migrant comes to the UK and begins study. It is not possible with the current MI to analyse only those migrants who are successful in their visa application and come to the UK.

Table 1: Analysis of the sponsor register, by type of institution³

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

Table 2: Breakdown of the sample of 17,034 CASs, by type of institution

Types of institution	Number of institutions in sample	Institution type as a percentage of sample	Percentage of total sample of CASs assigned, by institution type
Universities	5	7%	49%
Publicly funded HE/FE institutions	9	12%	6%
Privately funded HE/FE institutions	25	33%	34%
English language schools	15	20%	8%
Independent schools	21	28%	3%
Total	75	100%	100%

This sample of 17,034 CASs were then analysed to establish the National Qualifications Framework (NQF) level for the course being offered.⁴

³ As at 31st August 2010. Please note that these data are given as at a particular point in time and will change over time.

⁴ This information is free text data provided by the sponsor. This free text was analysed to establish the NQF level for the course being offered. Whilst every effort was made to ensure that this data was accurately categorised, there remains a small possibility of some data being incorrectly categorised due to the limited or ambiguous information input by the sponsor.

FINDINGS

The analysis indicated that 59 per cent of the total CASs assigned across all institutions in the sample were for study at degree level and above, and 41 per cent were for study below degree level. This split varied by institution type. For example, an estimated 87 per cent of CASs assigned by universities were degree level and above, compared to 35 per cent and 43 per cent of CASs issued by publicly funded HE/FE institutions and privately funded HE/FE institutions respectively (see Figure 1). The full breakdown is given in Table 3.

HESA⁵ statistics for 2008/09 confirm that some 12 per cent of international students in the UK are on “other undergraduate” (i.e. below first degree level) courses, and this constitutes approximately 41,500 students. Whilst this 12 per cent figure is not directly comparable to our estimates (as it covers all publicly funded HE institutions not just universities), it is close to the figure of 13 per cent for university study at below degree level in the current sample (see Table 3). According to HESA, 38 per cent of these are first degree equivalent courses, 17 per cent are on HND and Diploma courses, 9 per cent are on foundation degrees, and 36 per cent are on other sub-degree courses. In terms of subjects, 37 per cent are in teaching, nursing and social work.

Table 3: Estimated percentages of non-EEA students sponsored to study in the UK by establishment type and level of study, 2010⁶ (from a survey of 17,034 CASs)

	Above degree ⁷		Below degree ⁸			Total % ⁹
	Post-Grad (NQF 7&8)	Under-Grad (NQF 6)	NQF Level 5	NQF Level 4	NQF Level 3 and below	
Universities	57%	30%	7%	1%	5%	100% (n=8,300)
Publicly funded HE/FE institutions	25%	10%	23%	3%*	40%	100% (n=1,004)
Privately funded HE/FE institutions	15%	28%	20%	25%	13%	100% (n=5,777)
English language schools	0%	0%	18%	2%*	80%	100% (n=1,381)
Independent schools	0%	0%	0%	0%	100%	100% (n=572)
Overall percentage students at each level, including all institution types	34%	25%	13%	9%	19%	100% (n=17,034)

* small numbers in this category means this estimate may be unreliable.

5 Source: HESA (Higher Education Statistics Authority) student record data, analysed by the Department for Business, Innovation and Skills. HESA data covers all publicly funded institutions in the UK.

6 Study covered the period 31 March 2009 to 31 August 2010, although CASs only became compulsory from February 2010.

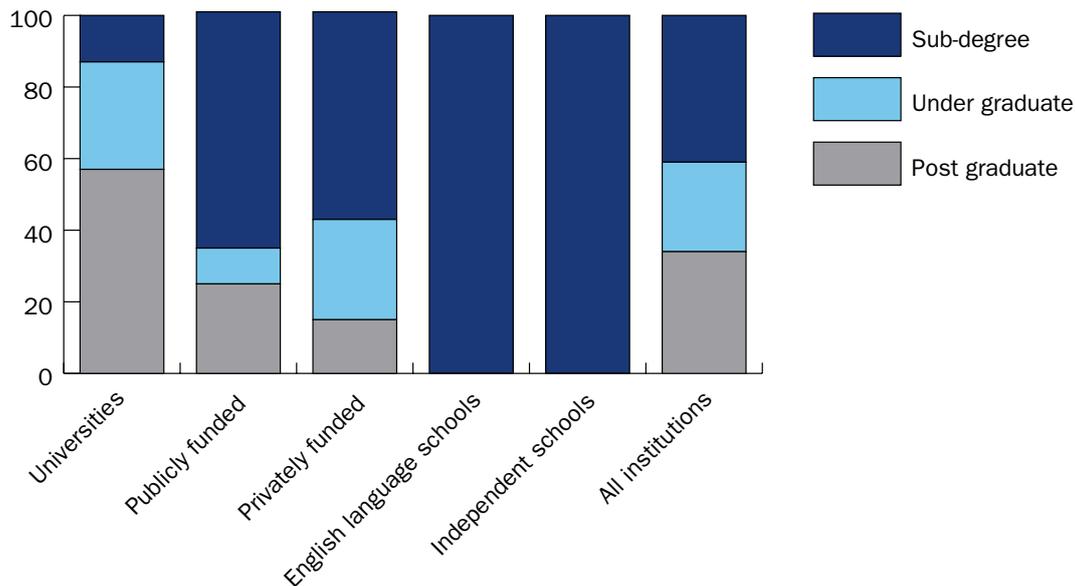
7 Level 6 and above.

8 Anything below NQF level 6 is sub-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.

9 Percentages may be less than or exceed 100 due to rounding.

10 Excluding universities.

Figure 1: Estimated percentages of overseas (non-EEA) students sponsored to study in the UK, 20106 by establishment type and level of study



Of CASs assigned to students for study at degree level and above (n = 10,041), an estimated 72 per cent were for study at universities, 25 per cent were for study at privately funded FE or HE institutions and 4 per cent were for publicly funded HE/FE institutions (see Figure 2). Of CASs assigned to students for study at below degree level (n = 6,993),

an estimated 48 per cent were for study at privately funded HE/FE institutions, 20 per cent were for study at English language schools, 15 per cent were for study at universities and 9 per cent were for study at publicly funded HE/FE institutions and 8 per cent were for study at independent schools (see Figure 3).

Figure 2: Breakdown of CASs assigned for study at degree level and above, by institution type

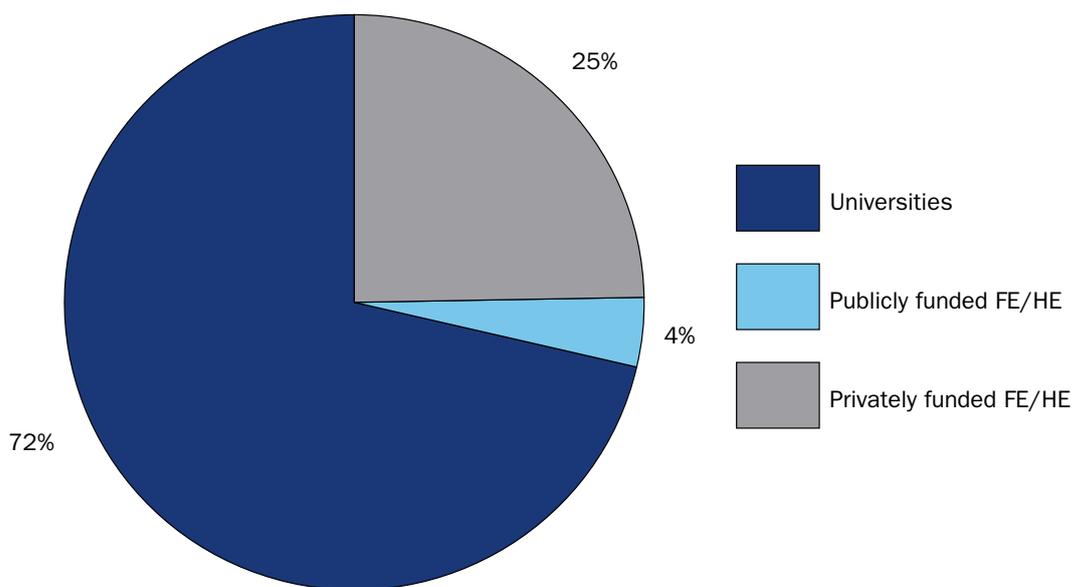
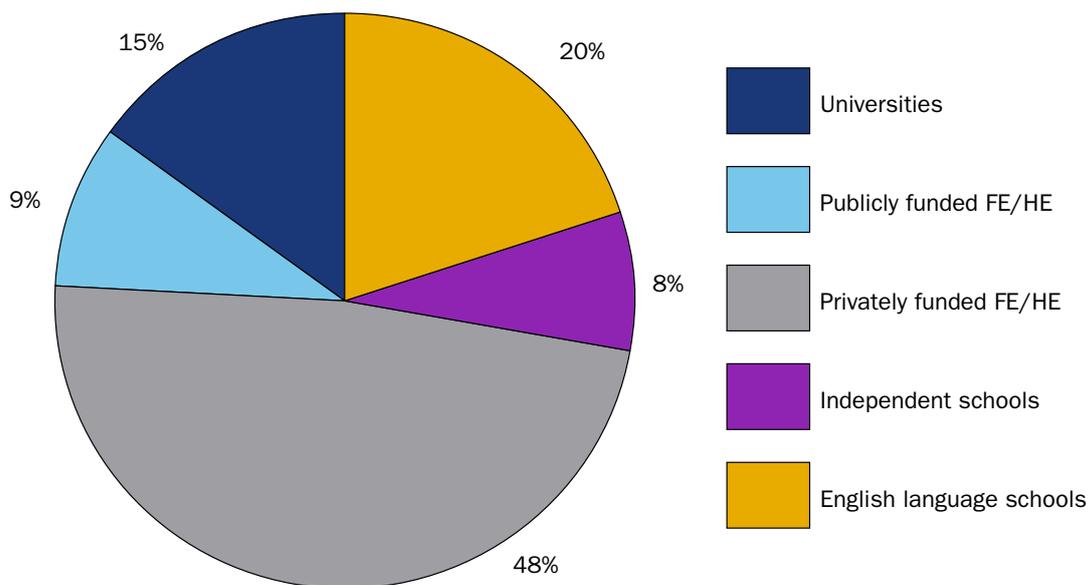


Figure 3: Breakdown of CASs assigned for study below degree level, by institution type

ANALYSIS OF STUDENT COMPLIANCE

In a separate exercise, the UK Border Agency also carried out two analyses of the compliance with their conditions to remain of 12,656 overseas (non-EEA) students studying at universities, and 5,648 publicly funded and privately funded FE or HE institutions and English language schools. Compliance is reported by institutions applying for highly trusted sponsor (HTS) status and by institutions which have been subject to a roll-call

check by the UK Border Agency because there are concerns over suspected abuse.

A convenience sampling method was used, such that the university sample (n = 12,656) was randomly selected from universities on the HTS list, and the sample from other institutions (n = 5,648) was randomly selected from institutions which had been subject to a roll-call investigation. For this reason, the analysis for the university sample is not comparable with that of the non-university sample.

Table 4: Overall picture of students' compliance by type of Tier 4 sponsoring institution: universities

	Universities (n = 12,656)
Enrolled on course and continuing to study ¹¹	84%
Regularised their stay or left the UK ¹²	4%
Did not enter UK having been issued with a visa letter or a CAS	9%
Have no record of leaving the UK and do not have a valid reason to remain ¹³ (potentially 'non-compliant')	2%
Total	100% ¹⁴

11 Where the sponsor has confirmed that a student is enrolled and attending, are not attending due to illness or have changed to a different institution, they are recorded as 'compliant'. Students awaiting a visa whilst in the UK are recorded as compliant, as are those with a successful subsequent application.

12 Where a current application is undecided on CID, the student has a valid reason to remain in the UK until the outcome is known.

13 Where a student remains in the UK without regularising their stay – whether on completion of the course, expulsion from the institution, drop out or non-enrolment on the course or by not submitting a valid in time application – they are recorded as potentially being non-compliant.

14 Actual total is less than 100% due to rounding.

As shown in the above table, only 2 per cent of the sample of university students were potentially non-compliant, although it should be noted that because these students were attached to institutions that were applying for HTS, this sample might be expected to be more compliant than average. However, the coverage of eBorders estimates for non-departure are likely to represent the potential upper limit of any such estimates (see footnote¹⁵).

For non-university institutions, our analysis shows that over half (52%) of the students included in our sample of 5,648 cases were enrolled and studying, 14 per cent had either left the UK or were not studying but had a valid leave to remain, and 20 per cent had not entered the UK after a CAS or visa letter¹⁶ was issued. 14 per cent of these students did not have a valid reason to remain and had not

been recorded as leaving the UK. Comparing the different institution types, privately funded HE/FE institutions had the highest proportion of students in this potentially non-compliant group, at 26 per cent. These percentages should be considered the maximum potential estimate of non-compliance, as the coverage for those leaving the UK and the focus of roll-call investigations mean that the actual levels of non-compliance are likely to be lower.

Although this study was not able to look at all students across a fully representative sample of institutions, and for the technical reasons outlined cannot identify actual levels of non-compliance, it does provide an indication of the relative risk of non-compliance across the four types of educational institutions.

Table 5: Overall picture of students' compliance by type of Tier 4 sponsoring institution: privately funded HE/FE institutions, publicly funded HE/FE institutions and English language schools

	Privately funded HE/FE institutions (n = 1,191)	Publicly funded HE/FE institutions (n = 2,397)	English Language schools (n = 2,060)	All three types of institutions (n = 5,648)
Enrolled on course and continuing to study	39%	47%	65%	52%
Regularised their stay or left the UK	12%	15%	15%	14%
Did not enter UK having been issued with a visa letter or a CAS	23%	30%	6%	20%
Have no record of leaving the UK and do not have a valid reason to remain (potentially 'non-compliant')	26%	8%	14%	14%
Total	100%	100%	100%	100%

¹⁵ Information to determine where a student had left the UK is based on flight mandate information, but this does not cover all carriers and all routes into and out of the UK, so that it is possible that a student *entered or left* without being recorded as doing so. Approximately 50 per cent of all routes and carriers are currently covered by e-Borders, although key routes are all covered. The figures in the table therefore represent the upper bounds of estimates of potential non-arrival in the UK and overstaying.

¹⁶ A visa letter is the predecessor to a CAS.