

Frequently asked questions on the new policy for highly trusted sponsorship (HTS) under Tier 4 of the points-based system

Does a sponsor have to meet 100 per cent of each criterion of the new policy?

- Tier 4 sponsors that wish to bring in students to the UK must undertake their sponsorship duties seriously when assessing the intention and ability of students to complete their course of study.
- The new HTS policy does not require an institution to ensure that all its sponsored students are approved, have enrolled or completed the course to obtain HTS. We recognise that some students will legitimately fail at various points in the system, and have made allowances for these cases by allowing sponsors to obtain HTS with a pass mark of 70 out of a possible 100 points.
- The new policy does not change the method of calculation in any way from the one we have used for the past 18 months.

How are refusal rates calculated and how does this impact on an HTS application?

- A high refusal rate is an indication of poor compliance and recruitment practices. However when a sponsor applies for HTS status, we are aware that on some occasions an error may occur.
- When calculating refusal rates, we will count all visa refusals for the previous 12 months. When calculating this figure, we will not include any refusal that has been overturned.
- Equally, any refusal where a formal right of appeal is being exercised will not count towards the calculation of refusal rates.
- If an appeal has been heard and the original decision to refuse is upheld before we decide any HTS application it would at that point count towards the calculation of the refusal rate.
- When the data is analysed as we consider an HTS application, we will look to see if there are any trends that might be useful to feed back to the sponsor and, if requested, this information may be made available to them.

How are enrolment rates calculated and how has this changed under the new policy?

- A high enrolment rate gives clear indication of sound recruitment practices that assign confirmations of acceptance for studies (CAS) to genuine students only.
- While the enrolment percentage rates for HTS are different under the new policy, the use of this criterion as a measure for HTS has been in place since March 2010 and we plan to continue to calculate this in the same way as we have done over the past 12 months.
- Enrolment rates are calculated by assessing who enrolls on their course of study within the accepted timescales. When a CAS has been used in an application and the application was refused, this may be calculated as part of the refusal rate. In this case we will not include this as part of the enrolment rate calculation.
- We accept that after being issued a visa, students may change their mind about attending a particular institution. Our experience of enrolment rates over the past 12 months, coupled with the sliding scale of percentage rates under the new policy, means that sponsors who undertake their sponsor duties seriously should not be penalised.

What will the situation be for a student who withdraws from their course before travelling and notifies the institution? Will this count as a non-enrolment?

- Yes. When a CAS has been used by a student, this is confirmation that the Tier 4 sponsor wishes to bring that overseas student to the UK and to the best of their knowledge the student meets the requirements of the rules for a valid CAS. In this case, this student is being sponsored and therefore must be reported as a non-enrolment.

How are course completion rates calculated?

- Course completion rates are already used for HTS and the new policy is based on the introduction of a new sliding scale of percentages. Details are in the new policy.
- High course completion rates are an indication of sound recruitment practices. The method of assessment for course completion dates has not changed. Course completion is when the particular course has been completed whether that is as a pass or a fail. If a course is not completed this is classed as a 'drop-out'.

Will a holistic approach continue to be applied to small Tier 4 sponsors?

- We have always said we will use a holistic approach to small Tier 4 sponsors and recognise that a small number of reports in these circumstances can have a disproportionate effect.
- However, all factors are taken into account to ensure an appropriate balance between effective immigration control and the impact on genuine students.

What if the institution narrowly misses the required level for HTS?

- We recognise that any refusal of HTS status will have a serious impact on institutions and their ability to remain on the sponsor register. We therefore give a second opportunity to those institutions which narrowly miss the required level for HTS. They can apply again no later than 6 months after the first refusal.
- A near miss is when a sponsor scores between 50 and 70 points on its HTS application.

What sort of dialogue will take place before an HTS application is rated a near miss? Will there be any engagement with sponsors?

- We recognise that any near miss of HTS status will impact on institutions and their ability to recruit international students. We will, where necessary, have a dialogue with institutions and share data as requested so that we are able to assist in improving their performance against the HTS criteria.

What information is required to demonstrate academic progression?

- We want to be sure that students progress academically between courses.
- Confirmation of progression was introduced in July 2011 and will only be a measure for CASs when it is mandatory for progression to be stated.
- We appreciate that a few students may need to repeat a year or may change their course. The new policy expects those Tier 4 sponsors applying for HTS, where required, to declare academic progression in 100 per cent of CASs issued.

If I applied to renew my highly trusted sponsor status before 5 September 2011 but have yet to receive a decision, which criteria will the UK Border Agency use to decide the case?

- Applications will be decided against the criteria that were in place on the date the application was submitted. Therefore all applications posted to us on or before 5 September will be decided on the previous criteria.

Will everyone who applies after 5 September be required to meet the new criteria?

- Yes. All applications made after 5 September will be decided against the new criteria. This will include all renewal applications submitted after 5 September 2011.

When will sponsors gain access to information on the SMS on whether a used CAS has led to a successful or unsuccessful visa application?

- We are currently working to further enhance the sponsor management system to allow sponsors to view whether the migrant's visa or extension application was successful. We aim to implement this improvement in 2012.

Will an unsuccessful first visa application that is then followed by a second successful application still be counted? Or will it be excluded from the data on the basis that the second application was successful?

- We will always look at an application in the round and consider the full details of any refusal and also look at any subsequent application for a visa or extension.
- Yes, the first refusal will count but the issue of a second CAS which is then granted also counts. The percentages are such that a small number of errors by migrants will not affect the overall result of the application.