



STUDENTS UNDER THE POINTS BASED SYSTEM - (TIER 4)

IMPLEMENTATION PLAN

Change history

This document was updated in August 2009 in accordance with approved revisions to Phase 3 of the Tier 4 Implementation Plan. Changes have been made primarily to paragraphs 12 – 16

THE TIER 4 IMPLEMENTATION PLAN

1. The ‘Students under the Points Based System - (Tier 4) Statement of Intent’, published in July 2008, committed to publishing an Implementation Plan for Tier 4 in October 2008. The new student route under the Points Based System will introduce five key changes to the current system, which can be found in the Statement of Intent. Following consultation with the education sector over the summer, the original Implementation Plan for Tier 4 was published.
2. The original Implementation Plan was revised in August 2009 in accordance with Ministerial approval of refinements to Phase 3 of the Tier 4 Implementation Plan.
3. Tier 4 of the Points Based System will be delivered across four phases:

PHASE 1: SPONSOR REGISTRATION

4. Since Monday **28 July 2008**, the sponsor register has been open to all education providers to apply to the UK Border Agency to become licensed sponsors.
5. Education providers who want to be able to sponsor would-be students through Tier 4 should apply for a sponsor licence as soon as possible. Sponsors were encouraged to apply no later than **2 February 2009** in order for the UK Border Agency to ensure that sponsor applications were processed in time for the March 2009 policy implementation. Applications made after 2 February 2009 are still being accepted. The UK Border Agency will adopt a risk based approach to compliance visits for Tier 4.
6. Further information on sponsorship under the Points Based System can be found at: www.ukba.homeoffice.gov.uk/employers/points/

PHASE 2: POLICY IMPLEMENTATION

7. Since the end of March 2009, students applying to come to the UK have been assessed under the new points system. Changes to the current system for students included:
 - Only allowing adult students from overseas to study in the UK where they have a proven track record in studying before they come here; and
 - All adult students must be enrolled on a course at Level 3 or above on the National Qualification Framework (NQF) or its equivalent or a course at Level A2 of the European Common Framework of Reference for Language if they are seeking to learn English.
8. All education providers wishing to bring students from outside the European Economic Area (EEA); into the UK need a licence from the UK Border Agency. Education providers not recruiting students at this time still need to ensure they are licensed by the UK Border Agency in time for any student intake after this date. Any student visa applications or applications for an extension of leave made after the end of March will be refused if the education provider is not licensed by the UK Border Agency on the new Sponsor Register. Education providers can still apply for a sponsors licence.
9. Since March 2009, students applying to come to the UK have had to demonstrate that they have:
 - Evidence of sufficient funds to pass a maintenance test; and
 - The education documents used to obtain an offer from the sponsor, such as qualification certificates.
10. Since March 2009, education providers have had to:
 - Ensure that students comply with the terms of their visa; and
 - Comply with record keeping duties – keeping copies of passports, keeping and updating student contact details.
11. Since March 2009, sponsors have had to issue potential

students with a letter confirming the students' details, course of study, course duration, along with their sponsor registration number (Phase 2). This letter is generally referred to as the visa letter. Reporting failure to enrol on a course, non-attendance and discontinuation of a course will only be mandatory once the IT system is trialled in Autumn 2009 (Phase 3), although sponsors are able to provide these details voluntarily prior to this date.

PHASE 3: TRIAL AND IMPLEMENTATION OF THE SPONSORSHIP MANAGEMENT SYSTEM FOR IN-COUNTRY MIGRANT APPLICATIONS

12. In Autumn 2009 the UK Border Agency will implement the IT system to support the PBS Tier 4 route (Phase 3). This IT system is the sponsorship management system (SMS). Detailed discussions have been held with education sector representatives in regards to the IT and the opportunity has been provided for educational institutions to contribute to the development process.
13. The implementation of the SMS will enable institutions to issue Confirmations of Acceptance for Studies (CAS) to potential students and to fulfil their sponsorship obligations to report back to the UK Border Agency if a student fails to enrol.
14. Phase 3 is voluntary and allows sponsors the option to use the SMS to issue CAS to Migrants in the UK instead of the paper visa letter (Phase 2). As the use of the SMS to issue CAS will not be mandatory during phase 3, sponsors will have the following options:

- Continue to issue students in the UK with visa letters as per Phase 2 and not use the SMS to issue CAS until Phase 4.
 - Use the SMS to issue CAS to some students in the UK while continuing to issue visa letters to others; allowing the sponsor to gradually adopt the full use of the SMS.
 - Use only the SMS to issue CAS to all in-country Migrants.
15. The SMS will be available from Autumn 2009 for sponsors to trial the gradual roll-out of issuing CAS to migrants in the UK and phase-in the SMS in the most appropriate way for their institution. Phase 3 enables sponsors to use the SMS to issue CAS to:
- Would-be students in the UK who are switching from another Tier (or predecessor route) into Tier 4.
 - Would-be students in the UK who are extending their current student visa.
16. All out-of-country (non-UK based) Tier 4 applications will still require a visa letter during phase 3. CAS will not be accepted for Tier 4 applications made from outside of the UK.

PHASE 4: SPONSORSHIP MANAGEMENT SYSTEM AND CAS FOR ALL APPLICATIONS

17. From February 2010, all potential students applying in- and out-of-country will require a sponsor issued CAS to apply to the UK Border Agency. It will be mandatory for sponsors to use the SMS to issue a CAS to all potential students who are applying in- or out-of-country. Students will not be able to use visa letters to apply to the UK Border Agency for a Tier 4 visa once CAS are mandatory.

