

Tier 4 English Language Requirement Changes – 21 April 2011

The Immigration Rules set out the requirements for English language proficiency for students sponsored under Tier 4 of the points-based system.

Students who wish to study at NQF/QCF level 6 (SCQF 9) and above normally need to produce a Secure English Language Test (SELT) certificate, from a UK Border Agency approved provider, showing that they have achieved level B2 on the Common European Framework of Reference for languages (CEFR) in each of the 4 components: speaking; listening; reading; and writing.

Students who wish to study between NQF/QCF levels 3 and 5 (SCQF 6-8) normally need to produce a SELT certificate, from a UK Border Agency approved provider, showing that they have achieved level B1 on the CEFR in each of the 4 components: speaking; listening; reading; and writing.

However, different rules apply to those students who wish to study at a higher education institution (HEI):

- For students who wish to study at NQF/QCF 6 (SCQF 9) and above, there is no requirement to produce a SELT certificate; the HEI can vouch on the conformation of acceptance for studies (CAS) that the student has attained B2 level on the CEFR in all 4 components.
- HEIs are not required to use a UK Border Agency approved provider to assess the level of English language competence for students who wish to study at NQF/QCF 6 (SCQF 9) and above. But where a test from an approved provider is used, the prescribed scores must be obtained in each of the 4 components.
- Where the student will be undertaking a pre-sessional course of up to 3 months' length, and has an unconditional offer to progress to a degree-level course, a single CAS can be issued for the pre-sessional and the main course; the HEI can vouch on the CAS that the student has attained B1 level on the CEFR in all 4 components; and a single grant of leave will be issued to cover the pre-sessional and the main course.

The following frequently asked questions offer further detail and clarification, and should be read in conjunction with the Immigration Rules and [sponsor guidance](#).

Frequently asked questions

Higher education institutions (HEIs) and English language

1. What is a higher education institution (HEI)?

An HEI is a recognised body, or a body in receipt of public funding as an HEI from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding

Council for Wales or the Scottish Funding Council. This is essentially recognised bodies, university colleges and small number of other institutions.

Institutions, including further education colleges, which receive some public funding to deliver higher education courses do not fall within this definition of an HEI.

For further information on whether your institution is an HEI, please see <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsoring-students/sponsoring-general-students/>

2. How are HEIs required to assess English language competence?

If an HEI is assigning a CAS for a course at QCF/NQF level 6 (SCQF 9) or above, they can choose their own method of assessing CEFR level B2 English language competence. The HEI must ensure that the student is proficient to B2 level in each of the 4 components (speaking, listening, reading and writing).

If an HEI is assigning a CAS for a course below NQF/QCF level 6 (SCQF 9) then, unless the student is a national of a majority English-speaking country, or has completed a qualification equivalent to a UK degree taught in English in a majority English-speaking country, or has studied in the UK as a Tier 4 (Child) student, they must check the student's CEFR level B1 English language competence through the provision of a valid SELT certificate from our list of approved test providers. The student must have achieved a minimum level B1 in all 4 components.

Degree-level study

3. If an HEI is using a test offered by a provider on the UK Border Agency's approved list to assess English language, do students need to meet the minimum scores for B2 in all 4 competencies?

Yes.

4. Do HEIs need to include SELT scores on the CAS where they have used them to assess CEFR level B2 English language competence?

No. Where an HEI has used a test provider on our list of approved test providers, they must have seen scores that align to level B2 in all 4 components. While the breakdown of the component scores does not need to be included on the CAS, we may wish to look at this during a compliance visit.

5. Where an HEI has relied on a SELT to demonstrate English language competence at B2 level, does the student need to submit their test certificate with their application for entry clearance/leave to remain?

No, this is not necessary. We will trust that the HEI has taken necessary steps to verify the validity of the certificate.

6. What if an HEI is using a test offered by a provider on the UK Border Agency's approved list to assess English language, and the student does not meet the minimum scores for B2 in all 4 competencies?

They may be able to come for a short pre-session course to bring their level of English up to B2 level, or they may be re-tested. The test does not have to be the same as the original test and does not have to be on the UK Border Agency approved list. See question 15 for information on pre-session courses.

7. Where HEIs have made unconditional offers to prospective students before 21 April 2011, but have not yet issued a CAS, how should they satisfy the English language requirement?

Students must meet the B2 requirement across all 4 components. If the HEI is not satisfied that the prospective student meets this requirement, they will need to take additional measures to ensure that they meet this standard. This may include a short pre-session course in advance of enrolment on the main course. The HEI may decide the course length and structure, but only pre-session courses of up to 3 months' length can be covered by a single CAS and a single grant of leave. See question 15 for information on pre-session courses.

8. What if the HEI is not using a test from a UK Border Agency approved provider?

The HEI can use other methods to confirm that a student meets the CEFR level B2 English language requirement. The HEI must be satisfied that students are B2 level in all 4 components. The UK Border Agency is being flexible and is not being prescriptive of the methods that HEIs can use. These might include tests that are not on the UK Border Agency approved list, or an assessment of the student's previous track record of study in English.

The UK Border Agency will monitor how this works in practice. If we find that HEIs are not being rigorous in requiring B2 in all 4 components, we will review the situation.

9. What consideration should HEIs give to waiving the English language requirement for gifted students?

This requirement should only be waived in cases where the HEI believes that the student is outstanding in their field and, because of the nature of the student's course of study, English language proficiency is not integral to that course and a pre-session course would be inappropriate or not possible. These cases should be exceptional and very few in number each year. The English language requirement should not be waived simply where a student does not meet the required level or has not achieved the required minimum level across all 4 components of a SELT.

If the HEI has a gifted student for whom they want to waive the English language requirement, then the Academic Registrar, or institution's equivalent, will need to approve this. The HEI must take the following action:

- When completing the CAS they must confirm in the 'evidence provided' field:
 - that they are treating the student as gifted; and
 - the reason why they are treating them as gifted; and
 - the name of their Academic Registrar, or institution's equivalent, contact number and email address.

- They must provide the student with an original letter which must be signed by their Academic Registrar, or institution's equivalent, and confirm:
 - the sponsor name; and
 - the sponsor licence number; and
 - the student's name; and
 - the student's course, including the level of study; and
 - that the Academic Registrar, or institution's equivalent, considers the student to be gifted and the reason why.

If we have concerns about the number of gifted students an HEI assigns a CAS to, we will contact the Academic Registrar or institution's equivalent.

10. Can HEIs use a generic statement on the CAS on B2 English language competence?

Yes, generic statements can be used for all students at B2 level. If the way in which they have made this assessment is based on the student's previous track record of study with them, a statement to this effect should be included on the CAS. This statement must confirm that the student is competent in English to B2 in all 4 components, and that this assessment is made on the basis of their previous track record.

11. Do students need to meet the new English language requirements if they are applying for an extension of leave and their CAS will be issued after 21 April 2011?

Yes. The new requirements apply to all students, including existing students applying for an extension of leave to remain, where their sponsor assigns a CAS on or after 21 April.

If the student is studying at degree level or above, it is up to the HEI sponsor to decide appropriate methods of checking that the student meets the English language requirement.

If the way in which they have made this assessment is based on the student's previous track record of study with them, a statement to this effect should be

included on the CAS. This statement must confirm that the student is competent in English to B2 in all 4 components, and that this assessment is made on the basis of their previous track record.

Study Abroad programmes

12. Do students sponsored by a UK-based HEI for 1 or 2 academic years via articulation/Study Abroad agreements for degree-level study need a SELT to demonstrate English language competence with a minimum score of B2 in all 4 components?

No. The HEI can use other methods to confirm that a student meets the CEFR level B2 English language requirement. The HEI must be satisfied that students are level B2 in all 4 components.

13. Do students sponsored by an overseas HEI for 1 or 2 academic years via articulation/Study Abroad agreements for degree-level study need a SELT to demonstrate English language competence with a minimum score of B2 in all 4 components?

Yes.

Non-degree-level study

14. Do HEIs have to include all SELT component scores on the CAS to demonstrate level B1 competence for students on courses below degree level?

Yes.

15. What English language requirement do students need to satisfy where they are coming to study a pre-sessional course of less than 3 months followed by a degree-level course (for which they have an unconditional offer)?

Students must achieve level B1 to be issued leave to start their pre-sessional course. As a transitional measure, for this year only, students may be issued leave for a pre-sessional course of no more than 3 months and the main course without requiring a SELT where:

- the offer of the main degree level course is unconditional on satisfactory completion of the pre-sessional course; and
- the HEI is satisfied that the student is at B1 level in all 4 areas.

A single CAS may be issued to cover both the pre-sessional and main course, and leave may be granted to cover both courses.

Prior to starting the degree-level study, the HEI must be satisfied that level B2 has been attained, through whichever method of assessment they deem appropriate. Sponsors must report by exception (using the sponsorship

management system) situations where a student has not managed to reach level B2 and is therefore not permitted to start on the degree course.

16. Can students who are assessed as being at level B2 still voluntarily do a pre-sessional course?

Yes. Students who already have level B2 will be able to attend pre-sessional courses. This will enable them to consolidate their knowledge and become more familiar with the language before starting their degree.

17. What are the English language requirements for integrated programmes where the course is 4 years, ending at NQF6 but where the first year is at level NQF3?

If the offer is for a single 4-year course, a single CAS can be issued, but the student will need to demonstrate level B2 prior to enrolment as it will be considered an NQF 6 course for Tier 4 purposes.

If the offer is for the first year prior to moving onto the main course, the student must be able to provide a B1 SELT. The CAS should be issued for the first year, and leave will be issued for the first year. After completion of the first course, the university must assess that the student is at B2 level before issuing a CAS for the main course.

18. What records are HEIs required to keep of how they have assessed a student's English language competence?

The HEI must keep records of how it assesses a student's ability and intention to complete a course, including evidence of how they have assessed their English language competence, in case this is required in a sponsorship compliance visit.

Non-HEIs and English language

19. How are non-HEIs required to assess English language competence?

Non-HEIs must check that their students are proficient in English language to level B1 (for those wishing to study courses below degree level) or B2 (for those wishing to study at or above degree level) through the provision of a valid SELT from our list of approved test providers. The student must have achieved the minimum required level in all 4 components.

The only exemptions that apply to the SELT requirement for non-HEIs are students who:

- are from a majority English-speaking country; or
- have achieved a qualification equivalent to a UK degree, which was taught in a majority English-speaking country; or

- have recently and successfully completed a course in the UK as a child student under Tier 4 or its predecessor route.

The list of approved test providers is online at

<http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf>

20. Do non-HEIs need to include all SELT component scores on the CAS?

Yes.

21. What action should a non-HEI sponsor take where a prospective student has taken a SELT but has not achieved a score which conforms to the expected minimum in all 4 components?

If a student does not achieve the expected minimum score in each of the 4 components, they are not at the required level and therefore do not meet the English language requirement. Sponsors should not issue a CAS unless the student has obtained a SELT with the expected minimum score in each of the 4 components.

22. Do students need to meet the new English language requirements if they are applying for an extension of leave and their CAS will be issued after 21 April?

Yes. The new requirements apply to all students, including existing students applying for an extension of leave to remain, where their sponsor assigns a CAS on or after 21 April.

Government Sponsored students

23. What level of English language competence must Government Sponsored students achieve?

Unless the Government Sponsored student is a national of a majority English-speaking country, or has completed a qualification equivalent to a UK degree taught in English in a majority English-speaking country, or has studied in the UK as a Tier 4 (Child) student, they are required to demonstrate their English language at CEFR level B2 if they are studying a course at NQF/QCF level 6 (SCQF 9) or above, or CEFR level B1 if they are studying below NQF/QCF level 6 (SCQF 9).

Please note that the student visitor route was extended in January 2011 to enable English language students wishing to attend English language courses to apply for a student visitor visa of up to 11 months.

General – all sponsors

24. How will entry clearance officers/border force officers assess a student's English language competence?

UK Border Agency staff will assess whether a student is able to answer very basic questions in English that a person proficient at level B1 or B2 would be expected to know. The officer will not judge whether level B1 or B2 has been obtained. He will test whether the student can hold a simple conversation without an interpreter. If they cannot, clearly the required level has not been attained. This will be applicable whether or not the student has been required to present a SELT certificate. We will not, however, routinely interview.

25. Where can I find the up-to-date list of approved English language test providers?

The list of approved tests can be found at <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf>

26. How have the English language equivalencies on the UK Border Agency website been established?

These scores have been aligned to the Common European Framework of Reference for Languages (CEFR) on the basis of research undertaken by the test providers themselves, as validated by an independent language expert. If you are unhappy with the level at which the scores for specific tests have been aligned to the CEFR, this must be taken up with the test providers directly.

27. Do SELT providers have sufficient capacity worldwide to meet the demand this change in policy has created?

The UK Border Agency believes that the approved test providers have the capacity to meet demand worldwide. If you are aware of any specific concerns about global coverage, please contact us and we will discuss with the individual test providers.

28. Does an English language test need to be within its validity date on the date when the student's course commences?

No. The test must be valid on the date when the CAS is assigned. Test validity periods are also given on our website.

Where an HEI is assigning a CAS for a course at NQF/QCF level 6 (SCQF 9) or above for a student whose B2 SELT is no longer valid, they can use their own method of assessing whether the student has maintained level B2 English language competence.

29. What will the UK Border Agency's approach to compliance and enforcement be regarding the HEI's own methods of assessment of English language competency?

Our initial approach if concerns arise regarding a student or cohort of students for whom an HEI has issued a CAS vouching for B2 competence will be a discussion with the HEI on the method of assessment. This will give the HEI the opportunity to explain why this might have occurred and what quality assurance processes were in place and why they believe that a particular method of assessment is suitable (for example, agreement by the HEI's admissions standards board that a given certificate is appropriate evidence of competence). If a problem is identified, we will expect to see the HEI take action and implement improved controls for future admissions.