

**Arrangements for International Baccalaureate Students with awards issued on 5 July 2009, who are applying on or before 30 October 2009**

The UK Border Agency has been notified that the International Baccalaureate Organisation (IBO) will not be producing documents showing the official confirmation of results to these students until the end of August 2009. The updated guidance explains the application process and documents that such International Baccalaureate students making their application **on or before 30 October 2009** should produce.



Home Office

**UK Border  
Agency**

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TIER 4

## Tier 4 of the Points Based System – Policy Guidance

This guidance  
is to be used  
for applications  
made on or after  
5 October 2009

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## INTRODUCTION

1. This document gives the policy guidance for students coming to the United Kingdom under Tier 4 of the points based system, and should be read with paragraphs 245ZT to 245ZZD of the Immigration Rules (these can be found on our website at: [www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/)). It is correct at the time of publication but may change, so students should always check they have the right version by going to our website.
2. A student making an application from outside the United Kingdom for entry clearance should go to the International Group website (formerly known as UK Visas) at [www.ukvisas.gov.uk/en/howtoapply/vafs](http://www.ukvisas.gov.uk/en/howtoapply/vafs) where he/she can find the forms and more information on how to fill them in.
3. A student making an application from inside the United Kingdom should go to the UK Border Agency website to find the application form at: [www.ukba.homeoffice.gov.uk/studyingintheuk/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/)
4. For the Immigration Rules in full and more information on how to apply, go to our website which can be found at: [www.ukba.homeoffice.gov.uk/studyingintheuk/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/).
5. A full glossary of terms used in this guidance can be found at Annex 1

## KEY PRINCIPLES

6. There are two student categories in Tier 4 of the points-based system:
  - General student – for students coming to the United Kingdom for post-16 education
  - Child student – for children between 4 and 17 years old to come to the United Kingdom for their education. Children between 4 and 15 years old may only be educated at independent fee paying schools.
7. Students must meet the full requirements of the Immigration Rules and have 40 points in total as shown in the table below:

<b>Points required: 40</b>	
Having a valid Confirmation of Acceptance for Studies (in country applications only) or a valid visa letter from a Tier 4 sponsor	30 points
Having enough money to cover course fees and monthly living costs (also known as maintenance or funds)	10 points

8. A student's application under Tier 4 can be refused under the general grounds for refusal listed in the Immigration Rules. This means that even if a student meets the requirements of the category they are applying for, there may be other reasons why we will refuse the application. For example, this could be because of the student's previous immigration history. Further information about general grounds for refusal can be found on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9/>.
9. All students will have to provide their biometric details with their applications. More information about biometrics can be found on our website or the application form.

## Documents the student will need to send with his/her application

10. To claim points, a student must send the required documents listed in this guidance when he/she makes his/her application (paragraph 245AA of the Immigration Rules). We will only accept the documents listed in this guidance as evidence (proof).

11. Documents must be issued by an authorised official of the issuing organisation and be:

- original (unless we say otherwise); and
- on the official letter-headed paper or stationery of the organisation.

12. For students already in the United Kingdom, where a document is not in English or Welsh, the original must be accompanied by a fully certified translation by a professional translator. This translation must include:

- details of the translator's credentials; and
- confirmation that it is an accurate translation of the original document; and
- the translator's contact details.

It must also be dated and include the original signature of the translator.

13. For students overseas, any documents that have to be submitted in support of points claimed, which are not in English or Welsh must be accompanied by a full translation that can be independently verified by the UK Border Agency. The original translation must contain confirmation from the translator that it is an accurate translation of the original document, the date of the translation, the translator's full name and signature, and the translator's contact details.

## **TIER 4 SPONSORS**

14. To apply under Tier 4, a student must have a Tier 4 sponsor. All Tier 4 sponsors who want to provide courses for international students need a licence from the UK Border Agency. Once they get a licence, they are added to the Tier 4 register of sponsors.

15. The register of sponsors has the name, location and rating of the organisation. All sponsors (who are approved Tier 4 sponsors) are given an A rating or B rating when they join the register. The B rating is a transitional rating and means that the sponsor is working with us to improve their systems.

16. Students can check whether their Tier 4 sponsor has a licence by looking at the Tier 4 register of sponsors on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorseducation>

17. A student's Tier 4 sponsor will assign the student a Confirmation of Acceptance for Studies reference number (in country applicants only) or issue a visa letter, which is an official and unconditional offer of a place on a course of study.

More information on the role of approved Tier 4 sponsors can be found at Annex 2.

## **CONFIRMATIONS OF ACCEPTANCE FOR STUDIES AND VISA LETTERS**

18. In February 2010 visa letters will be fully replaced by Confirmations of Acceptance for Studies. A Confirmation of Acceptance for Studies is an electronic reference number. The Tier 4 sponsor will need all the same information that is currently in a visa letter to assign a Confirmation of Acceptance for Studies.

19. From October 2009, Tier 4 sponsors will be able to choose how they want to sponsor a student applying for leave from inside the United Kingdom. Tier 4 sponsors will be able to assign a Confirmation of Acceptance for Studies or issue a visa letter for these students.

20. Tier 4 students applying from outside the United Kingdom are not yet able to use a Confirmation of Acceptance for Studies. Tier 4 students apply from outside of the United Kingdom will continue to use visa letters until February 2010.

### **The Confirmation of Acceptance for Studies (applicants in the UK only)**

21. The Confirmation of Acceptance for Studies (CAS) is not an actual certificate or paper document but is a virtual document similar to a database record. Each Confirmation of Acceptance for Studies has a unique reference number and contains information about the course of study for which it has been issued and the student's personal details.

22. We will not provide the student with his/her Confirmation of Acceptance for Studies reference number as this is the Tier 4 sponsor's responsibility to do so.

23. The Tier 4 sponsor will also need to provide the student with some of the information they used when they assigned the Confirmation of Acceptance for Studies, for example course details, documents the Tier 4 sponsor has used to assess the student and fees due for the appropriate period of study. The student will need this information to accurately complete his/her application and to make sure that he/she knows which documents they will need to send when he/she applies. A student cannot make his/her Tier 4 application more than three months before the start of his/her course.

### **What is a valid Confirmation of Acceptance for Studies?**

24. A valid Confirmation of Acceptance for Studies is one that:

- has the same details on it as in the student's passport; and
- was assigned no more than six months before the date of application; and
- has not been withdrawn or cancelled by the Tier 4 sponsor or us.

25. The Confirmation of Acceptance for Studies will expire if it is not used for a leave application within six months of it being issued. If a student makes an application using a Confirmation of Acceptance for Studies that has expired, the application will be refused. The student must get a new Confirmation of Acceptance for Studies from his/her Tier 4 sponsor.

26. Having a valid Confirmation of Acceptance for Studies does not guarantee that a student's application will be successful. The student must meet all the requirements of the category and any other requirements of the Immigration Rules.

27. A Confirmation of Acceptance for Studies can be withdrawn/cancelled at any time by either us or the Tier 4 sponsor. Where a Confirmation of Acceptance for Studies has been withdrawn/cancelled, the same procedures apply as where a Confirmation of Acceptance for Studies becomes invalid.

## **The Visa Letter**

28. For in country applicants, a Tier 4 sponsor can either assign a Confirmation of Acceptance for Studies or issue a Visa Letter. All out of country applicants must be issued with a visa letter.

29. The information in the visa letter depends on what category the student is applying under. Details of what the visa letter should include can be found at Appendix 3 of this guidance.

### **What is a valid visa letter?**

30. A visa letter must be issued no more than six months before a student applies. We will refuse applications where the visa letters are older than six months.

31. The visa letter must be:

- original;
- on the Tier 4 sponsor's letter-headed paper; and
- signed and dated by an authorised official (original or electronic signature). An electronic signature can be a digital signature or a scanned signature.

It is acceptable for letter-headed paper to be printed by the Tier 4 sponsor. There is no requirement that Tier 4 sponsors use letter-headed paper that has been commercially produced.

32. A student can only get a visa letter from his/her Tier 4 sponsor. A visa letter may not be issued by a representative (as defined in the sponsor policy guidance)

33. Having a valid visa letter does not guarantee that a student's application will be successful. The student must meet all the requirements of the category and any other requirements of the Immigration Rules.

## **MONEY (ALSO KNOWN AS MAINTENANCE OR FUNDS)**

### **Money needed**

34. A student will not have access to most state benefits (known as public funds) so must have enough money to support himself/herself so that he/she does not face financial difficulties whilst studying in the United Kingdom. The money a student needs depends on the length of the course and where he/she will study.

35. The money a student will need to show must be enough to cover his/her course fees for his/her first period of study or, if the student is continuing a course, for the next period of study, and living costs for up to a maximum of nine months.

36. The amount a student will need to show for course fees will be given by the Tier 4 sponsor on the student's Confirmation of Acceptance for Studies or visa letter.

37. For students starting out on a new course the Tier 4 sponsor should give the fees for the first year of the course, or for the entire course (if the course is less than a year long).

38. For students who are continuing on an existing course and are applying for an extension to continue to study the course, the Tier 4 sponsor should give either:

- the fees that the student still needs to pay as stated on the students visa letter or in their Confirmation of Acceptance for studies – if the student is part way through the year;  
or

- the fees that the student needs to pay for the next academic year, if the student will continue the course at the start of the next academic year.

39. If a student is coming to the United Kingdom as part of a Study Abroad Programme, the Tier 4 sponsor should only include any fees that must be paid to them for the first year of the course (or for the entire course if it is less than a year long). If the student has no fees to pay to the United Kingdom Tier 4 sponsor, the Confirmation of Acceptance for Studies, or visa letter, should confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

40. The amount a student will need to show for living costs will depend on his/her individual circumstances.

### **Money needed for partners and children (General students only)**

41. Any partners or children (also known as dependants) that a student wants to bring to the United Kingdom with them must have money in place to support them. The points based system dependants' guidance provides more information on this and can be found at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants>.

### **Restrictions on some Students with Official Financial Sponsorship**

42. A student may be sponsored by an official financial sponsor. An official financial sponsor is Her Majesty's Government, the student's home government, the British Council or any international organisation, international company, university or United Kingdom independent school.

43. Within the last 12 months, a student may have been financially sponsored to be in the United Kingdom by a government or an international scholarship agency in one of the following categories:

- student; or
- General or child student (known as Tier 4); or
- student nurse; or
- student re-sitting an examination; or
- student writing up a thesis; or
- postgraduate doctors and dentists.

44. For the purposes of this section of the guidance 'sponsored' means wholly supported by an award which covers both fees and living costs.

45. If a student is currently financially sponsored by a government or an international scholarship agency, or this financial sponsorship ended within 12 months of his/her application being made, the student will need the sponsor's permission to stay in or re-enter the United Kingdom. The student must provide us with his/her financial sponsor's unconditional consent in writing. This must confirm that the sponsor has no objection to the student continuing his/her studies in the United Kingdom. If the financial sponsor does not give consent, we will refuse the application.

### **Care Arrangements for Children**

46. Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the UK Border Agency must have regard to the need to safeguard children and to promote their welfare. All

children studying in the United Kingdom must have suitable care arrangements in place for their travel, reception on arrival in the United Kingdom and living arrangements while here. Children are all students under 18 years old.

47. If a student is 16 or 17 years old and applying as a General student, he/she must have his/her parent(s) or legal guardian(s) written consent that he/she can live and travel independently.

48. All arrangements for children's care and accommodation in the United Kingdom must comply with relevant United Kingdom legislation and regulations. More information can be found on the Department of Health website:

- Accommodation of students under eighteen by further education colleges: national minimum standards and inspection regulations: [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4005629](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629)
- Boarding schools: national minimum standards, inspection regulations: [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006331](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006331)
- Residential special schools: national minimum standards, inspection regulations: [http://www.dh.gov.uk/en/PublicationsandStatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006472](http://www.dh.gov.uk/en/PublicationsandStatistics/Publications/PublicationsPolicyAndGuidance/DH_4006472)

### **Private foster care arrangement**

49. Children (under 16 years old or 18 years old if disabled) are privately fostered when they are cared for on a full-time basis by adults, who are not their parents or a close relative, for more than 28 days. It is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement (including the Tier 4 sponsor), to notify their United Kingdom local authority of the private fostering arrangement.

50. In the United Kingdom local authorities are responsible for safeguarding and protecting children. They must make sure that private foster carers are suitable and that they get any support and guidance that they may need to help them care for the child.

51. A close relative, parent or legal guardian caring for the child is not considered to be a private foster carer and so will not need to register with a United Kingdom local authority. A close relative is a grandparent, brother, sister, step-parent, uncle (brother or half-brother of the child's parent) or aunt (sister or half-sister of the child's parent) who is aged 18 or over.

# GENERAL STUDENTS

## Specific guidance for General students

See paragraphs 245ZT to 245ZY of the Immigration Rules for full details of the requirements of the General student category.

## What is the General student category?

52. The General student category is for people coming to the United Kingdom for post-16 education.

53. If the student is 16 or 17 years old and studying a course at or above National Qualification Framework level 3 the student and his/her Tier 4 sponsor can agree whether the student applies as a General or Child student, unless they wish to study English as a foreign language. A student who is 16 or 17 years old must study English as a foreign language as a Tier 4 General Student.

## Who can switch into the General student category?

54. A person can apply under the Tier 4 (General) student category if he/she has, or was last given, permission to stay in any of the following categories:

- Tier 4 (General) Student,
- Tier 4 (Child) Student,
- Tier 1 (Post-study Work) Migrant,
- Tier 2 Migrant,
- Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),
- Participant in the Fresh Talent: Working in Scotland Scheme,
- Postgraduate Doctor or Dentist,
- Prospective Student,
- Student,
- Student Nurse,
- Student Re-sitting an Examination,
- Student Writing-Up a Thesis,
- Student Union Sabbatical Officer,
- Work Permit Holder.

## What type of study can a General student do?

### Full-time study

55. A General student must be doing full-time study in the United Kingdom on either:

- a full-time course of study that leads to a qualification at Level 6 or above of the revised National Qualification Framework; or
- an overseas course of degree level study that is recognised as being equivalent to a UK Higher Education course and is being provided by an overseas Higher Education

Institution; or

- a full time course of study involving a minimum of 15 hours per week organised daytime study and (except in the case of a Short (Pre-sessional) course) leading to a qualification below degree level (daytime study is 8am - 6pm, Monday to Friday).

### **What are the acceptable levels of courses that a General student can do?**

56. A General student can get a Confirmation of Acceptance for Studies or a visa letter for courses that lead to an approved qualification and are:

- approved at level 3 or the same as or above on the National Qualifications framework (NQF);
- approved at the same level in the Scottish Credit and Qualifications Framework (SCQF);
- approved at the same level by the Qualifications, Curriculum and Assessment Authority for Wales (ACCAC);
- approved at the same level by the Council for Curriculum, Examinations and Assessment (CCEA) in Northern Ireland;
- short-term Study Abroad Programmes in the United Kingdom as part of the student's qualification at an overseas higher education institution, as long as the qualification is confirmed as the same as a United Kingdom degree level by UK NARIC. Contact details for UK NARIC can be found on their website at: <http://www.naric.org.uk/>; or
- an English language course at level A2 or above of the Common European Framework of Reference for Languages.

### **English language courses**

57. A student can come to the United Kingdom to study an English language course. The minimum level of study is set at Common European Framework of Reference for Languages (CEFR) Level A2.

58. If a student wants to do another English language course after his/her first course, he/she will need to show the formal assessment of the English language level he/she achieved from the first course.

### **Higher education courses at overseas institutions**

59. A student who is enrolled on a higher education course at overseas higher education institution, can do a short-term Study Abroad Programme in the United Kingdom as part of his/her qualification. This is as long as the qualification is validated as the same level or above as a United Kingdom degree by UK NARIC. Contact details for UK NARIC can be found on their website at <http://www.naric.org.uk/>.

60. A student does not need to provide us with evidence that his/her overseas course is at the right level. The Tier 4 sponsor will check this before they assign a Confirmation of Acceptance for Studies or issue a visa letter.

### **Post-graduate doctors and dentists**

61. Students are allowed to do a recognised Foundation Programme as a postgraduate doctor or dentist in the United Kingdom in the General student category, as long as they meet all the requirements for the category.

62. The student must have successfully completed a recognised United Kingdom degree in medicine or dentistry from:

- a Tier 4 sponsor who has a licence to bring in students; or
- a United Kingdom publicly funded institution of further or higher education; or
- an institution on the Department for Innovation, Universities and Skills list of recognised bodies or listed bodies list, which keeps satisfactory records of enrolment and attendance. These lists can be found at the following website: <http://www.dcsf.gov.uk/recognisedukdegrees/>

63. The student must have been given permission to stay in the United Kingdom as a student under the rules in place before 31 March 2009 or as a General student. This permission must have covered his/her final academic year and at least one other academic year of his/her studies leading to the above degree.

64. The student can get a maximum period of three years permission to stay as a General student to do a recognised Foundation Programme as a postgraduate doctor or dentist.

### **When can a General student come to the United Kingdom?**

65. A student's course start date is the date given by his/her Tier 4 sponsor on the Confirmation of Acceptance for Studies or visa letter.

66. If a student is doing a course that is six months, or more, or it is a short course to prepare them for study (known as a pre-sessional course) that is less than six months, the student will be able to come to the United Kingdom up to one month before the start date of the course.

67. If a student is doing a course that is less than six months and is not a course to prepare them for study, they will be able to come to the United Kingdom up to seven days before the start date of the course.

## How long can a General student come to the United Kingdom for?

68. The table below explains how much time a General Student can come to the United Kingdom for:

Type of course	Length of course	Length of stay allowed
Main course of Study (including Sabbatical Officers)	12 months or more	The full length of the course plus four months after the end of the course
	Six months or more, but less than 12 months	The full length of the course plus two months after the end of the course
	Less than six months	The full length of the course plus seven days after the end of the course
Short courses (Pre-sessional)	12 months or more	The full length of the course plus four months after the end of the course
	Six months or more, but less than 12 months	The full length of the course plus two months after the end of the course
	Less than six months	The full length of the course plus one month after the end of the course
Postgraduate doctors and dentists on a recognised Foundation programme		The full length of the course (up to a maximum of three years) plus one month after the end of the course

69. The Confirmation of Acceptance for Studies or the visa letter issued by a student's Tier 4 sponsor will include the start and end dates of the course. A course will be considered to be 12 months long if it lasts a full calendar year. For example, a course starting on 1 January 2010 and ending on 31 December 2010 will be considered to be 12 months long.

70. A Tier 4 (General) student who is 18 years old or over is allowed to spend no more than three years in the United Kingdom studying below United Kingdom Bachelors degree level in his/her lifetime. We cannot approve a new visa for a student to study below United Kingdom Bachelors degree level, if he/she has already been studying below United Kingdom Bachelors degree level for three years.

71. These three years can be spent studying one course or a number of courses.

72. This three year limit does not include any time that a student has spent studying below United Kingdom Bachelors degree level under:

- the student rules that were in place before 31 March 2009; or
- Tier 4 (General) when they were 16 or 17 years old; or
- Tier 4 (Child) when they were aged 17 years or under; or
- Any other non Tier 4 category which permits study.

73. If a student has official financial sponsorship which wholly covers their fees and living costs, and the financial sponsor limits the time he/she may study in the United Kingdom, the permission to stay will be limited to that length of time plus the usual post-course period allowed.

### **Students applying from inside the UK**

74. If a student is already in the United Kingdom and his/her existing permission to stay runs out more than one month before the start-date of his/her proposed course of study, he/she will be expected to return overseas and apply from outside the United Kingdom. If the applicant applies from inside the United Kingdom, his/her application will be refused. A month will be considered a calendar month (for example, if an applicant's leave expires on 14 January his/her new course must start no later than 13 February).

75. We suggest that if a student's course has ended and he/she is applying from inside the United Kingdom to extend his/her stay, he/she should apply in the last three months of his/her permission to stay if possible. This is because as soon as we give permission to stay (if the application is approved), the student's new Tier 4 sponsor becomes responsible for them.

### **Claiming points for a Confirmation of Acceptance for Studies or a visa letter**

76. To claim 30 points for a valid Confirmation of Acceptance for Studies or visa letter, the student must send us either:

**i. The Confirmation of Acceptance for Studies reference number he/she has been assigned by his/her Tier 4 sponsor.**

- This number must be written on the Student's application form

**ii. The original visa letter issued by the Student's Tier 4 sponsor.**

- The student will only be given 30 points if the Tier 4 sponsor has met all the requirements of the Immigration Rules when they assign the Confirmation of Acceptance for Studies or issue the visa letter

**Documents used to get a General student Confirmation of Acceptance for Studies or visa letter – Excluding students studying English Language Courses at level A2 of the Common European Framework of Reference for languages (CEFR) and students taking a recognised Foundation Programme for Postgraduate Doctors/Dentists**

77. If the Tier 4 sponsor has assessed the student's qualifications in order to assign the Confirmation of Acceptance for Studies or issue the visa letter, the student must send us these qualifications with their application. For each qualification listed, the student must provide either:

**i. The original certificate(s) of qualification;** Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- title of the award;
- date of the award; and
- name of the awarding institution.
- We will not accept original **provisional** certificates

**or**

**ii. The original transcript of results.** Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- name of the academic institution;
- course title; and
- confirmation of the award.

78. If the student has been issued with visa letter, these documents will be listed on it.

79. If the student has been assigned a Confirmation of Acceptance for Studies reference number, he/she must get this information directly from the Tier 4 sponsor before making the application. The UK Border Agency will not provide this information to the student.

80. If the student's course is at National Qualifications Framework level 3 or above and he/she has been assessed by other means (for example, references or a portfolio of artwork, interview or the Tier 4 sponsor's own test or entrance exam), he/she does not have to include these documents with his/her application, but the student's Tier 4 sponsor must still include details of how they assessed the student on the Confirmation of Acceptance for Studies or visa letter.

81. If the student has been offered a place because of progress he/she has made on an existing course, his/her Tier 4 sponsor must include this information on the Confirmation of Acceptance for Studies or on the visa letter. The student will not need to send any documents if this is how he/she has been assessed.

### **Do I require an Academic Technology Approval Scheme (ATAS) Clearance Certificate?**

82. A student must obtain an Academic Technology Approval Scheme (ATAS) Clearance Certificate if he/she is applying for leave to take one of the following:

- postgraduate studies leading to a Doctorate or Masters degree by research in one of the subjects listed in paragraph 1 of Appendix 6 of the Immigration Rules; or
- postgraduate studies leading to a taught Masters degree in one of the subjects listed in paragraph 2 of Appendix 6 of the Immigration Rules; or
- study or research in the United Kingdom of longer than six months which is part of an overseas postgraduate level course, in any subject listed in Appendix 6 of the Immigration Rules.

83. Applications for an ATAS clearance certificate must be made online on the Foreign and Commonwealth Office website at [www.fco.gov.uk/atas](http://www.fco.gov.uk/atas). This site also contains information about the scheme and the list of designated subjects.

84. An ATAS certificate is issued for a specific course with a named Tier 4 sponsor and remains valid as long as the Tier 4 sponsor and/or course details do not change, including the length of the course.

85. A student will need to apply for a new ATAS if:

- he/she changes his/her course, or
- he/she moves to another institution, or
- he/she needs an extension to complete his/her course, unless the extension is needed solely to write up a thesis or take a re-sit/viva.

86. If a student is applying to study a course which required an ATAS certificate, he/she must provide:

**i. A print-out of his/her ATAS clearance certificate.**

### **Documents used to get a General student Confirmation of Acceptance for Studies or visa letter for English Language Courses at level A2 of the Common European Framework of Reference for languages (CEFR)**

87. If the Tier 4 sponsor has assessed the student's qualifications in order to assign the Confirmation of Acceptance for Studies or issue the visa letter, the student must send us these qualifications with their application. For each qualification listed, the student must provide either:

**i. The original certificate(s) of qualification;** Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- title of the award;
- date of the award; and
- name of the awarding institution.
- We will not accept original **provisional** certificates

**or**

**ii. The original transcript of results.** Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- name of the academic institution;
- course title; and
- confirmation of the award.

88. If the student has been issued with visa letter, these documents will be listed on it.

89. If the student has been assigned a Confirmation of Acceptance for Studies reference number, he/she must get this information directly from the Tier 4 sponsor before making the application. The UK Border Agency will not provide this information to the student.

90. If the student's Tier 4 sponsor has assessed him/her by using one or more references, the Tier 4 sponsor must include details of the references assessed on the Confirmation of Acceptance for Studies or visa letter.

91. For each reference assessed, the student must send:

**i. The original reference(s).** References provided must contain:

- the student's name; and
- confirmation of the type and level of course or previous experience; and
- dates of study or previous experience; and
- date of the letter; and
- contact details of the referee.

If the student cannot provide the original reference(s), he/she can provide a copy, together with a letter from his/her Tier 4 sponsor confirming it is a true copy of the reference they assessed.

92. If the student has been offered a place because of progress he/she has made on an existing course, his/her Tier 4 sponsor must include this information on the Confirmation of Acceptance for Studies or on the visa letter. The student will not need to send any documents if this is how he/she has been assessed.

### **Documents used to get a General student Confirmation of Acceptance for Studies or visa letter for students taking a recognised Foundation Programme for Postgraduate Doctors/Dentists**

93. If a student is applying to take a recognised Foundation Programme as a Postgraduate Doctor or Dentist, the qualification(s) he/she sends with the application must include:

**i. The original certificate and/or original transcript of results of the United Kingdom recognised degree in Medicine or Dentistry that he/she completed whilst in the United Kingdom as a student.**

### **What Money does a General Student Need?**

94. To claim 10 points for his/her Maintenance (funds) a student must show that he/she has enough money to cover the course fees and living costs.

### **Course fees**

95. A student starting a new course must show that he/she has enough money to pay for his/her course fees for the first year of his/her course or for the entire course, if it is less than a year long.

96. A student who has already started his/her course and is applying for a new visa to continue that course must show that they have enough money to pay for his/her course fees to the end of the current academic year; or for the next academic year if he/she will continue on his/her course at the start of the next academic year.

97. A student who is in the UK as part of a Study Abroad Programme must show that he/she has enough money to pay for any fees he/she is required to pay to the Tier 4 sponsor for the first year of his/her course or for the entire course, if it is less than a year long.

98. The amount a student will need to show for course fees will be given by the Tier 4

sponsor on the student's Confirmation of Acceptance for Studies or visa letter.

99. If the student has been assigned a Confirmation of Acceptance for Studies, the Tier 4 sponsor will already have given us details of the cost of the course fees. If the student does not know what these fees are, he/she will need to check this with his/her Tier 4 sponsor.

100. If the student has been issued a visa letter, the visa letter must be sent with the application and must include details of the course fees.

101. If a student has no fees to pay to his/her Tier 4 sponsor, the Confirmation of Acceptance for Studies, or visa letter, should confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

## **Living Costs**

102. The amount of money a student must show for living costs will depend on where he/she is studying in the United Kingdom. A student may also have to show a lower amount of money if he/she already has an established presence studying in the United Kingdom.

## **Where a student is studying**

103. The monthly living costs that a General student will need to show will depend on where he/she will be studying in the United Kingdom.

104. A Tier 4 General student must show that he/she has:

- £800 per month for living costs if the student is studying in inner London for the majority of his/her study (more than 50% of their study time);
- £600 per month for living costs if the student is studying in outer London or anywhere else in the United Kingdom, for the majority of his/her study (more than 50% of their study time).

105. A Student will be studying in inner London if the majority of his/her study (more than 50% of his/her study time) is in any of the following London boroughs:

Camden, Islington, Southwark, City of London, Kensington and Chelsea, Tower Hamlets, Hackney, Lambeth, Wandsworth, Hammersmith and Fulham, Lewisham, Westminster, Haringey, or Newham

106. If a student wants to check whether the address of his/her main site of study is in inner London, he/she can put his/her Tier 4 sponsor's postcode in to the 'About my vote website' which can be found at ([www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)).

107. We will use the address given in the student's visa letter as proof of his/her main study site. If the student has a Confirmation of Acceptance for Studies, he/she will need to get this address from the Tier 4 sponsor.

## **How many months money must I show I have?**

108. A student must show that they have enough money to cover their monthly living costs whilst they are studying in the United Kingdom.

109. The amount of money a student has to show will depend on whether he/she already has an established presence studying in the United Kingdom. A student that has an established presence studying in the United Kingdom needs to show less money for living costs.

110. A student has an established presence studying in the United Kingdom if:

- He/she has completed a course that was at least six months long within their last period of leave, and this leave finished within the last four months; or
- He/she is applying for continued study on a course where he/she has studied at least six months of that course and has been studying within the last four months; or
- He/she is applying to continue in Tier 4 as a sabbatical officer or as a Postgraduate Doctor or Dentist and he/she has completed a course that was at least six months long within his/her last period of leave, and this leave finished within the last four months.

111. A student can qualify for the reduced maintenance levels whether he/she is applying from inside the United Kingdom or from overseas.

112. A student that does not have an established presence studying in the United Kingdom must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 9 months.

113. A student with an established presence studying in the United Kingdom must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 2 months.

### **How much money must I show I have?**

114. A student that does not have an established presence studying in the United Kingdom, must show that he/she has money for his/her course fees plus:

- **Inner London** - £800 for living costs for each month of their course up, to a maximum of 9 months.
- **Outer London or anywhere else in the United Kingdom** - £600 for living costs for each month of their course, up to a maximum of 9 months.

115. A student that does have an established presence studying in the United Kingdom must show that he/she has money for his/her course fees plus:

- **Inner London** - £800 for living costs for each month of their course, up to a maximum of 2 months.
- **Outer London or anywhere else in the United Kingdom** - £600 for living costs for each month of their course up to a maximum of 2 months.

116. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the student must show that they have enough money for eight months.

117. Examples of the money required are given in Annex 6.

### **Money that can be used**

118. A student can use money held in an account owned by his/her parents. The student will need to show us evidence that he/she is related to his/her parent(s)/legal guardian and that the student has his/her parent(s)/legal guardian's permission to use this money.

119. The evidence of money held must be of cash funds in the bank (this includes savings accounts and current accounts even when notice must be given), as a loan letter or official financial or government sponsorship available to the applicant. Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards and pension funds are not acceptable, regardless of notice period.

120. If a student is using overseas currency, we will expect him/her to show (write on their application form) the closing balance in pounds sterling. We use the official exchange rate on the OANDA website, which can be found at [www.oanda.com/convert/classic](http://www.oanda.com/convert/classic).

121. When we assess a student's documents we will use the exchange rate on the date of the closing balance of his/her account to check the value of the money in pounds sterling.

### **Money already paid to the Tier 4 sponsor**

122. If the student can show that he/she has already paid all or some of his/her course fees to his/her Tier 4 sponsor before applying for his/her visa this amount can be taken away from the total amount of money he/she will need to show.

123. If the student can show that he/she has already paid all or some of his/her accommodation fees to his/her Tier 4 sponsor before applying for his/her visa, this amount also can be taken away from the total amount of money he/she will need to show for living costs. This only applies if the student will be staying in university or college arranged accommodation.

### **Official Financial Sponsorship or Government Sponsor**

124. Financial sponsorship is where a student is given money to cover some or all his/her course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.

125. A student can receive official financial sponsor from Her Majesty's Government, the student's home government, the British Council or any international organisation, international company, university or an Independent School.

**If the student's financial sponsor is only covering some of his/her course fees or living costs, he/she must show that he/she has the rest of the money needed.**

### **Documents Needed to Claim Points for Maintenance (funds)**

126. To claim 10 points for Maintenance (funds) a student must show evidence that he/she:

- has paid all or part of his/her course fees and accommodation fees to his/her Tier 4 sponsor; and/or
- is receiving official financial sponsorship; and/or
- has enough money to cover his/her remaining course fees and living costs, if any.

### **Documents needed to show money already paid to the Tier 4 Sponsor**

127. A Tier 4 sponsor can include details of the money the student has already paid to them on his/her Confirmation of Acceptance for Studies. If a student's Tier 4 sponsor has included details of money paid to them on a student's Confirmation of Acceptance for Studies, no further documents are needed to show that this money has been paid. If the student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor.

128. A Tier 4 sponsor can include details of the money the student has already paid to them on his/her visa letter. If a student's Tier 4 sponsor has included details of money paid to them on a student's visa letter, no further documents are needed to show that this money has been paid.

129. If a student's Tier 4 sponsor has not included details of the money the student has already paid on the Confirmation of Acceptance for Studies or on the visa letter, the student

must send:

**i. An original paper receipt issued by the United Kingdom Tier 4 sponsor confirming that the student has paid:**

- all of his/her fees; or
- the amount that has been paid.

### **Documents needed to show official financial sponsorship or government sponsor**

130. A Tier 4 sponsor can include details of Official Financial Sponsorship that they are giving to the student on his/her Confirmation of Acceptance for Studies. No further documents are needed to show this Official Financial Sponsorship. If the student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor.

131. A Tier 4 sponsor can include details of Official Financial Sponsorship that they are giving to the student in his/her visa letter. No further documents are needed to show this Official Financial Sponsorship.

132. In all other circumstances a student who is being given Official Financial Sponsorship must provide:

**i. A letter of confirmation from his/her Official Financial Sponsor on official letter-headed paper or stationery of the organisation of the official financial sponsor; and have the official stamp of that organisation on it.** The letter should show:

- the student's or their parents(s)/legal guardians name;
- the name and contact details of the official financial sponsor;
- the date of the letter;
- the length of the sponsorship; and
- the amount of money the sponsor is giving to the student or a statement that the student's official financial sponsor will cover all of his/her fees and living costs.

### **Documents needed to show money available to the student**

133. A Tier 4 (General) student applying from outside the United Kingdom must show that he/she has held the required money for a 28 day period (finishing on the date of the closing balance) ending no more than 1 month before his/her application.

134. Normally when applying for a Tier 4 (General) visa in the United Kingdom, a student must show that he/she has held the money needed for the 28 days. However, we recognise that many students already in the United Kingdom will not have had to show money before so we have agreed to allow a longer transition period for applications made in the United Kingdom to allow for this adjustment.

If the student applies from within the United Kingdom before 1 February 2010 he/she will only need to show proof that he/she has the money needed, on the day that he/she applies. The student must still provide the correct documents to support his/her application.

135. The following documents can be used to show money available to the student:

**i. Personal bank or building society statements covering a 28 day period ending no more than 1 month before the date of the student's application:**

- The student's personal bank or building society statements should show:

- the student's or their parents(s)/legal guardians name; and
- the account number; and
- the date of the statement; and
- the financial institution's name and logo; and
- the amount of money available.

Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

If the student wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the student will need to provide a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that the applicant holds enough funds for the full period needed.

If a student wants to use a joint account as proof of his/her money, he/she must be named on the account along with one or more other person.

**ii. Building society pass book covering a 28 day period ending no more than 1 month before the date of the student's application**

- The student's building society pass book should show:
- the student's or their parents(s)/legal guardians name; and
- the account number; and
- the financial institution's name and logo; and
- the amount of money available.

**iii. Letter from the student's bank confirming funds covering a 28 day period ending no more than 1 month before the date of the application**

- The student's letter from a bank or building society should show:
- the student's or their parents(s)/legal guardians name; and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account; and
- that there is enough money in the account (to cover your course fees and living costs).

**iv. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming funds covering a 28 day period ending no more than one month before the date of the application.**

The student's letter from the financial institution regulated by the Financial Services Authority or home regulator should show:

- the student's or their parents(s)/legal guardians name; and

- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account.

**v. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming the loan. The loan should be dated no more than 6 months before the date of the application.**

The student's letter from the financial institution regulated by the Financial Services Authority or home regulator should show:

- the student's name; and
- the date of the letter; and
- the financial institution's name and logo;
- the money (or funds) available as a loan; and
- the start date of the loan

Loans held in a parents(s)/legal guardians name cannot be used as evidence of money held by the student

### **A student using money held by his/her parents**

136. If a student is relying on money held by his/her parents(s)/legal guardian, he/she must show that he/she is related to his/her parent(s)/legal guardian. Students must provide either:

- the student's birth certificate showing names of his/her parent(s); or
- the student's certificate of adoption showing names of both parent(s) or legal guardian; or
- a Court document naming the legal guardian of the student.

The document must be the original legal document or a notarised copy.

137. If a student is relying on money held by his/her parents(s)/legal guardian, he/she must also show that his/her parent(s)/legal guardian has given their permission for the student to use this money. The students must provide:

**i.a letter from his/her parent(s) or legal guardian.** The letter must confirm:

- the relationship between the student and his/her parent(s) or legal guardian; and
- that the parent(s) or legal guardian have given their consent to the student using their funds to study in the UK.

### **Parental Consent (students under 16 and 17 years old students only)**

#### **Letter of parental consent**

138. A 16 and 17 year old student has the legal right to live independently in the United Kingdom, and so may make their own arrangements for accommodation. However he/she requires the consent of his/her parent(s)/legal guardian to do this and to travel to the United Kingdom (if they applying from overseas).

139. Students who are 16 or 17 years old and living independently must provide:

**i. A letter from their parent(s) or legal guardian, confirming:**

- the relationship between the parent(s) or legal guardian and the child;
- that the parent(s) or legal guardian have given their consent to the application;
- that the parent(s) or legal guardian have given their consent to the child student living independently in the United Kingdom;
- that the parent(s) or legal guardian have given their consent to the child student's independent travel to the United Kingdom.

The letter should confirm if the parent(s) or legal guardian has legal custody or sole responsibility for the child. If they have sole custody they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the contents of the letter and must be signed by each parent or legal guardian.

## **CHILD STUDENTS**

### **Specific guidance for child students**

140. See paragraph 245ZZ to 245ZZD of the Immigration Rules for full details of the requirements of the child student category.

### **What is the child student category?**

141. The child student category is for children coming to the United Kingdom to be educated between four and 17 years old. Children between four and 15 years old must be educated at independent fee-paying schools.

142. A student and his/her Tier 4 sponsor can agree whether the student applies as a General or Child student if the student is 16 or 17 years old and studying a course at or above National Qualification Framework level 3.

143. A student must apply as a child student if he/she wants to study at National Qualifications Framework level 2, or below.

### **Who can switch in to the child student category?**

144. A child can switch into the child student category if he/she has, or was last given, permission to stay as:

- a prospective student, or
- as a student under the Immigration Rules in place before 31 March 2009.

### **What are the acceptable levels of courses a child student can do?**

145. A child student can do a course that is:

- taught in line with the National Curriculum; or
- taught in line with the National Qualification Framework (NQF); or
- accepted as being the same academic level as the National Curriculum or the National Qualification Framework by Ofsted (England), the Education and Training Inspectorate (Northern Ireland), Her Majesty's Inspectorate of Education (Scotland) or Estyn (Wales); or

- taught in line with existing (also known as prevailing) independent school education inspection standards; or
- Short (Pre-sessional) courses to prepare a child student for their main course of study. The main course of study must meet the conditions above.

### **When can a child student come to the United Kingdom?**

146. A child student's course start date is the date given by his/her Tier 4 sponsor on the Confirmation of Acceptance for Studies or visa letter.

147. A child student can come to the United Kingdom up to one month before the start date of his/her course.

### **How long can a child student come to the United Kingdom for?**

148. The length of stay a child student can have will depend on their age. A child student under 16 years old can be given:

- the length of stay a child student asks for; or
- the length of a child student's course; or
- six years.

Whichever is shortest, **plus** four months after the end of the course.

149. A child student who is 16 or 17 years old can be given:

- the length of stay a child student asks for; or
- the length of a child student's course; or
- two years.

Whichever is shortest, **plus** four months after the end of the course.

150. If a child student turns 18 years old, he/she can carry on with his/her course until his/her permission to stay ends. If he/she wants to do further study in the UK, he/she will have to apply under another category, for example Tier 4 (General).

151. If a student has official financial sponsorship which wholly covers their fees and living costs, and the financial sponsor limits the time he/she may study in the United Kingdom, the permission to stay will be limited to the same length of time plus the usual post-course period allowed.

### **Students applying from inside the United Kingdom**

152. If a student is already in the United Kingdom and his/her existing permission to stay runs out more than one month before the start-date of his/her proposed course of study, he/she will be expected to return overseas and apply from outside the United Kingdom. If he/she applies from inside the United Kingdom, his/her application will be refused. A month will be considered a calendar month (for example, if an applicant's leave expires on 14 January his/her new course must start no later than 13 February).

## **CLAIMING POINTS FOR A CONFIRMATION OF ACCEPTANCE FOR STUDIES OR A VISA LETTER**

153. To claim 30 points for a valid Confirmation of Acceptance for Studies or visa letter, the child student must send us either:

**i. The Confirmation of Acceptance for Studies reference number he/she has been assigned by his/her Tier 4 sponsor.**

- This number must be written on the Student's application form

**or**

**ii. The original visa letter issued by the Students Tier 4 sponsor.**

154. The child student will only be given 30 points if the Tier 4 sponsor has met all the requirements of the Immigration Rules when they assign the Confirmation of Acceptance for Studies or issue the visa letter.

### **Documents used to get a Child student Confirmation of Acceptance for Studies or visa letter for Child students under 16 years old**

155. For a child student under the age of 16, he/she will only have to provide the Confirmation of Acceptance for Studies reference number or the visa letter. The child student will not need to send any documents if this is how he/she has been assessed.

### **Documents used to get a Child student Confirmation of Acceptance for Studies or visa letter for Child students who are 16 or 17 years old**

156. For 16 and 17 year old child students, if his/her Tier 4 sponsor has assessed the child student's qualifications in order to assign the Confirmation of Acceptance for Studies or issue the visa letter, the student must send us these qualifications with their application. For each qualification listed, the student must provide either:

**i. The original certificate(s) of qualification;** Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- title of the award;
- date of the award; and
- name of the awarding institution.

We will not accept original **provisional** certificates

**Or**

**ii. The original transcript of results.** Each document must be the original (not a copy) and must clearly show the:

- applicant's name;
- name of the academic institution;
- course title; and
- confirmation of the award.

157. If the student has been issued with visa letter, these documents will be listed on it.

158. If the student has been assigned a Confirmation of Acceptance for Studies reference

number, he/she must get this information directly from the Tier 4 sponsor before making the application. The UK Border Agency will not provide this information to the student.

159. If the student has been assessed by other means (for example, references or a portfolio of artwork, interview or the Tier 4 sponsor's own test or entrance exam), he/she does not have to include these documents with his/her application, but the student's Tier 4 sponsor must still include details of how they assessed the student on the Confirmation of Acceptance for Studies or visa letter.

160. If the student has been offered a place because of progress he/she has made on an existing course, his/her Tier 4 sponsor must include this information on the Confirmation of Acceptance for Studies or on the visa letter. The student will not need to send any documents if this is how he/she has been assessed.

## **WHAT MONEY DOES A CHILD STUDENT NEED?**

### **What money does a child need if he/she is a boarding student?**

161. To claim 10 points for his/her Maintenance (funds) a child student must show they have the money available to pay their school fees (course fees and board or lodging fees) for the first year of his/her course or for the entire course, if it is less than a year long.

162. A child student who has already started his/her course and is applying for a new visa to continue that course must show that they have enough money to pay for his/her school fees to the end of the current academic year; or for the next academic year if he/she will continue on his/her course at the start of the next academic year.

163. A child student who is in the UK as part of a Study Abroad Programme must show that he/she has enough money to pay for any school fees he/she is required to pay to the Tier 4 sponsor for the first year of his/her course or for the entire course, if it is less than a year long.

164. The amount a child student will need to show for course fees will be given by the Tier 4 sponsor on the child student's Confirmation of Acceptance for Studies or visa letter.

165. If the child student has been assigned a Confirmation of Acceptance for Studies, the Tier 4 sponsor will already have given us details of the cost of the course fees. If the child student does not know what these fees are, he/she will need to check this with his/her Tier 4 sponsor.

166. If the child student has been issued a visa letter, the visa letter must be sent with the application and must include details of the course fees.

167. If a child student has no fees to pay to his/her Tier 4 sponsor, the Confirmation of Acceptance for Studies, or visa letter, should confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

168. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the student must show that they have enough money for eight months.

### **What money does a child need if he/she is a non-boarding student?**

169. To claim 10 points for his/her Maintenance (funds) a non-boarding child student must show that he/she has enough money to cover his/her course fees and living costs.

170. The money a child will need for living costs depends on their care arrangements while in

the United Kingdom. These may be:

- the child will be staying in the United Kingdom with a carer who is a resident British citizen or other United Kingdom resident;
- the child will be staying with a parent or a legal guardian who will be accompanying them to the United Kingdom (under 12 year olds only);
- the child is 16 or 17 years old and will be living independently in the United Kingdom.

## **Course fees**

171. A child student starting a new course must show that he/she has enough money to pay for his/her course fees for the first year of his/her course or for the entire course, if it is less than a year long.

172. A child student who has already started his/her course and is applying for a new visa to continue that course must show that they have enough money to pay for his/her course fees to the end of the current academic year; or for the next academic year if he/she will continue on his/her course at the start of the next academic year.

173. A child student who is in the UK as part of a Study Abroad Programme must show that he/she has enough money to pay for any fees he/she is required to pay to the Tier 4 sponsor for the first year of his/her course or for the entire course, if it is less than a year long.

174. The amount a child student will need to show for course fees will be given by the Tier 4 sponsor on the student's Confirmation of Acceptance for Studies or visa letter.

175. If the child student has been assigned a Confirmation of Acceptance for Studies, the Tier 4 sponsor will already have given us details of the cost of the course fees. If the student does not know what these fees are, he/she will need to check this with his/her Tier 4 sponsor.

176. If the student has been issued a visa letter, the visa letter must be sent with the application and must include details of the course fees.

177. If a student has no fees to pay to his/her Tier 4 sponsor, the Confirmation of Acceptance for Studies, or visa letter, should confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

## **What money for living costs does a child need if they are staying with a carer who is a resident British citizen or other United Kingdom resident?**

178. A child student who is staying with a carer who is a resident British citizen or other United Kingdom resident must show that he/she has money for his/her course fees plus:

- the intended carer has agreed to look after and accommodate the child student in the United Kingdom for the length of his/her course;
- the intended carer has at least £500 per month to look after and accommodate the child student in the United Kingdom for each month of their course up, to a maximum of 9 months; and
- confirmation that the intended carer is a resident British citizen or other United Kingdom resident.

179. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the student must show that they have enough money for eight months.

## **What money does a child under 12 years old accompanied to the United Kingdom by a parent or legal guardian need for living costs?**

180. Child students under 12 can be accompanied to the United Kingdom by a parent or legal guardian. The money needed depends on how many child students are coming with a parent or legal guardian.

181. A child students under 12 accompanied to the United Kingdom by a parent or legal guardian must show he/she has money for his/her course fees plus:

- £800 for living costs for his/her parent or legal guardian for each month of the child student's course up, to a maximum of 9 months; and
- £533 for living costs for the child student for each month of his/her course up, to a maximum of 9 months.

182. If a child student's parent or legal guardian is accompanying two or more of their children to the United Kingdom as child students, the parent or legal guardian must only show that he/she has £800 for the first child student's application. For any further child student applications, each child student must show:

- £533 for living costs for the child student for each month of his/her course up, to a maximum of 9 months.

183. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the student must show that they have enough money for eight months.

## **What money does a 16 or 17 year old living independently need to show for living costs?**

184. The amount of money a 16 or 17 year child student living independently must show for living costs will depend on where he/she is studying in the United Kingdom. A 16 or 17 year child student living independently may also have to show a lower amount of money if he/she already has an established presence studying in the United Kingdom.

### **Where a student is studying**

185. The monthly living costs that a 16 or 17 year child student living independently will need to show will depend on where he/she will be studying in the United Kingdom.

186. A 16 or 17 year child student living independently must show that he/she has:

- £800 per month for living costs if the student is studying in inner London for the majority of his/her study (more than 50% of their study time);
- £600 per month for living costs if the student is studying in outer London or anywhere else in the United Kingdom, for the majority of his/her study (more than 50% of their study time).

187. A 16 or 17 year child student living independently will be studying in inner London if the majority of his/her study (more than 50% of his/her study time) is in any of the following London boroughs:

Camden, Islington, Southwark, City of London, Kensington and Chelsea, Tower Hamlets, Hackney, Lambeth, Wandsworth, Hammersmith and Fulham, Lewisham, Westminster, Haringey,

or Newham.

188. If a child student wants to check whether the address of his/her main site of study is in inner London, he/she can put his/her Tier 4 sponsor's postcode in to the 'About my vote website' which can be found at ([www.aboutmyvote.co.uk](http://www.aboutmyvote.co.uk)).

189. We will use the address given in the child student's visa letter as proof of his/her main study site. If the student has a Confirmation of Acceptance for Studies, he/she will need to get this address from the Tier 4 sponsor.

### **How many months money must I show I have?**

190. A 16 or 17 year child student living independently must show that they have enough money to cover their monthly living costs whilst they are studying in the United Kingdom.

191. The amount of money a 16 or 17 year child student living independently has to show will depend on whether he/she already has an established presence studying in the United Kingdom. A student that has an established presence studying in the United Kingdom needs to show less money for living costs.

192. A 16 or 17 year child student living independently has an established presence studying in the United Kingdom if:

- He/she has completed a course that was at least six months long within their last period of leave, and this leave finished within the last four months; or
- He/she is applying for continued study on a course where he/she has studied at least six months of that course and has been studying within the last four months; or
- He/she is applying to continue in Tier 4 as a sabbatical officer or as a Postgraduate Doctor or Dentist and he/she has completed a course that was at least six months long within his/her last period of leave, and this leave finished within the last four months.

A 16 or 17 year child student living independently can qualify for the reduced maintenance levels whether he/she is applying from inside the United Kingdom or from overseas.

193. A 16 or 17 year child student living independently that does not have an established presence studying in the United Kingdom must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 9 months.

194. A 16 or 17 year child student living independently with an established presence studying in the United Kingdom must show that he/she has money for his/her living costs for each month of his/her course up, to a maximum of 2 months

### **How much money must I show I have?**

195. 16 or 17 year child students living independently that do not have an established presence studying in the United Kingdom, must show that he/she has money for his/her course fees plus:

- **Inner London** - £800 for living costs for each month of their course up, to a maximum of 9 months.
- **Outer London or anywhere else in the United Kingdom** - £600 for living costs for each month of their course, up to a maximum of 9 months.

196. 16 or 17 year child students living independently that do have an established presence studying in the United Kingdom must show that he/she has money for his/her course fees plus:

- **Inner London** - £800 for living costs for each month of their course, up to a maximum of 2 months.
- **Outer London or anywhere else in the United Kingdom** - £600 for living costs for each month of their course up to a maximum of 2 months.

197. If the length of a student's course includes a part of a month, we will round the time up to the next month. For example, if a course is seven months and two weeks, the student must show that they have enough money for eight months.

198. Examples of the money required are given in Annex 6.

### **Money that can be used**

199. A child student can use money held in an account owned by his/her parents. No additional evidence of this relationship is required.

200. The evidence of money held must be of cash funds in the bank (this includes savings accounts and current accounts even when notice must be given), as a loan letter or official financial or government sponsorship available to the applicant. Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards and pension funds are not acceptable, regardless of notice period.

201. If a child student is using overseas currency, we will expect him/her to show (write on their application form) the closing balance in pounds sterling. We use the official exchange rate on the OANDA website, which can be found at [www.oanda.com/convert/classic](http://www.oanda.com/convert/classic).

202. When we assess a child student's documents we will use the exchange rate on the date of the closing balance of his/her account to check the value of the money in pounds sterling.

### **Money already paid to the Tier 4 sponsor**

203. If the child student can show that he/she has already paid all or some of his/her course fees to his/her Tier 4 sponsor before applying for his/her visa this amount can be taken away from the total amount of money he/she will need to show.

204. If the child student can show that he/she has already paid all or some of his/her accommodation fees to his/her Tier 4 sponsor before applying for his/her visa, this amount also can be taken away from the total amount of money he/she will need to show for living costs. This only applies if the child student will be staying in school or college arranged accommodation.

### **Official Financial Sponsorship or Government Sponsor**

205. Financial sponsorship is where a child student is given money to cover some or all his/her course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.

206. A child student can receive official financial sponsor from Her Majesty's Government, the student's home government, the British Council or any international organisation, international company, university or United Kingdom independent school.

207. If the child student's financial sponsor is only covering some of his/her course fees or living costs, he/she must show that he/she has the rest of the money needed.

## **Documents Needed to Claim Points for Maintenance (funds)**

208. To claim 10 points for Maintenance (funds) a child student must show evidence that he/she:

- has paid all or part of his/her school fees, or course fees and accommodation fees to his/her Tier 4 sponsor;  
and/or
- is receiving official financial sponsorship.  
and/or
- has enough money to cover his/her remaining course fees and living costs, if any.

## **Documents needed to show money already paid to the Tier 4 sponsor**

209. A Tier 4 sponsor can include details of the money the student has already paid to them on his/her Confirmation of Acceptance for Studies. If a student's Tier 4 sponsor has included details of money paid to them on a child student's Confirmation of Acceptance for Studies, no further documents are needed to show that this money has been paid. If the student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor.

210. A Tier 4 sponsor can include details of the money the student has already paid to them on his/her visa letter. If a student's Tier 4 sponsor has included details of money paid to them on a child student's visa letter, no further documents are needed to show that this money has been paid.

211. If a child student's Tier 4 sponsor has not included details of the money the student has already paid on the Confirmation of Acceptance for Studies or on the visa letter, the child student must send:

**i. An original paper receipt issued by the United Kingdom Tier 4 sponsor confirming that the student has paid:**

- all of his/her fees; or
- the amount that has been paid.

## **Documents needed to show official financial sponsorship or government sponsor**

212. A Tier 4 sponsor can include details of Official Financial Sponsorship that they are giving to the student his/her Confirmation of Acceptance for Studies. No further documents are needed to show this Official Financial Sponsorship. If the child student does not know if his/her Tier 4 sponsor has included this information he/she will need to check this with his/her Tier 4 sponsor.

213. A Tier 4 sponsor can include details of Official Financial Sponsorship that they are giving to the child student in his/her visa letter. No further documents are needed to show this Official Financial Sponsorship.

214. In all other circumstances a child student who is being given Official Financial Sponsorship must provide:

**i. A letter of confirmation from his/her Official Financial Sponsor on official letter-headed paper or stationery of the organisation of the official financial sponsor; and have the official stamp of that organisation on it. The letter should show:**

- the child student's name;
- the name and contact details of the official financial sponsor;

- the date of the letter;
- the length of the sponsorship; and
- the amount of money the sponsor is giving to the student or a statement that the student's official financial sponsor will cover all of his/her fees and living costs.

### **Documents needed to show money available to the student**

215. A child student applying from outside the United Kingdom must show that he/she has held the required money for a 28 day period (finishing on the date of the closing balance) ending no more than 1 month before his/her application.

216. Normally when applying for a Tier 4 (Child) visa in the United Kingdom, a child student must show that he/she has held the money needed for the 28 days. However, we recognise that many students already in the United Kingdom will not have had to show money before so we have agreed to allow a longer transition period for applications made in the United Kingdom to allow for this adjustment.

If the student is applying from within the United Kingdom before 1 February 2010 he/she will only need to show proof that he/she has the money needed, on the day that he/she applies. The child student must still provide the correct documents to support his/her application.

217. The following documents can be used to show money available to the child student:

#### **i. Personal bank or building society statements covering a 28 day period ending no more than 1 month before the date of the student's application**

The student's personal bank or building society statements should show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the date of the statement; and
- the financial institution's name and logo; and
- the amount of money available.

Ad hoc bank statements printed on the bank's letterhead are admissible as evidence (this excludes mini-statements from cash points).

If the student wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the student will need to provide a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that the applicant holds enough funds for the full period needed.

If a student wants to use a joint account as proof of his/her money, he/she must be named on the account along with one or more other person.

#### **ii. Building society pass book covering a 28 day period ending no more than 1 month before the date of the student's application**

The student's building society pass book should show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the financial institution's name and logo; and
- the amount of money available.

**iii. Letter from the student's bank confirming funds covering a 28 day period ending no more than 1 month before the date of the application**

The student's letter from a bank or building society should show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account; and
- that there is enough money in the account (to cover your course fees and living costs).

**iv. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming funds covering a 28 day period ending no more than one month before the date of the application.**

The student's letter from the financial institution regulated by the Financial Services Authority or home regulator should show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the account number; and
- the date of the letter; and
- the financial institution's name and logo; and
- the money in the student's account.

**v. Letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the home regulator (official regulatory body for the country the institution is in and where the money is held) confirming the loan. The loan should be dated no more than 6 months before the date of the application.**

The student's letter from the financial institution regulated by the Financial Services Authority or home regulator should show:

- the student's name; or
- the name of the child's parent(s) or legal guardian(s); and
- the date of the letter; and
- the financial institution's name and logo;

- the money (or funds) available as a loan; and
- the start date of the loan

## **Parental Consent**

218. A child student requires his/her parent(s)/Legal guardians consent to travel to the United Kingdom, Child students must provide:

### **i.A letter from their parent(s) or legal guardian, confirming:**

- the relationship between the parent(s) or legal guardian and the child;
- that the parent(s) or legal guardian have given their consent to the application;
- that the parent(s) or legal guardian agrees to their living arrangements in the United Kingdom;
- that the parent(s) or legal guardian agrees to the arrangements made for their travel to and reception in the United Kingdom (for people applying from outside the United Kingdom only);

The letter should confirm if the parent(s) or legal guardian has legal custody or sole responsibility for the child. If they have sole custody they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the contents of the letter and must be signed by each parent or legal guardian.

## **Additional evidence for a 16 or 17 year old child student living independently**

219. 16 and 17 year olds have the legal right to live independently in the United Kingdom, and so may make their own arrangements for accommodation.

220. Child students who are 16 or 17 years old and living independently must provide:

### **i.A letter from their parent(s) or legal guardian, confirming their consent to:**

- the child student living independently in the United Kingdom;
- the child student's independent travel to the United Kingdom.

This information can also be included in the parental consent letter

## **Additional evidence for a child student staying with a resident British citizen or other United Kingdom resident who is a close relative or in a private foster care arrangement**

221. Child students who are living with a resident British citizen or other United Kingdom resident who is a close relative or in a private foster care arrangement must show that he/she has suitable arrangements in place for his/her care. A child student must show us all the below evidence:

### **i.A written (undertaking) letter from the intended carer confirming the care arrangement.**

#### **This must show:**

- the name, current address and contact details of the intended carer;
- the address where the carer and the child will be living in the United Kingdom if different from the intended carer's current address;
- confirmation that the accommodation offered to the child is a private address, and not

operated as a commercial enterprise, like a hotel or a youth hostel;

- the nature of the relationship between the child's parent(s) or legal guardian and the intended carer;
- that the intended carer agrees to the care arrangements for the child;
- they have at least £500 per month (up to a maximum of nine months) available to look after and accommodate the child for the length of the course;
- a list of any other people that the intended carer has offered support to; and
- signature and date of the undertaking.

**ii. A letter from his/her parent(s) or legal guardian confirming the care arrangement. This must show:**

- the nature of their relationship with the intended carer;
- the address in the United Kingdom where the child and the child's intended carer will be living;
- that the parent(s) or legal guardian support the application, and authorise the intended carer to take responsibility for the care of the child during their stay in the United Kingdom.

**iii. Proof to confirm the intended carer is allowed to be in the United Kingdom. This must be either:**

- their current United Kingdom or European Union passport; or
- their current passport or travel document to confirm that they are allowed to stay in the United Kingdom; or
- their certificate of naturalisation.
- (We will accept a notarised copy of the original passport or travel document, but reserve the right to request the original.)

222. If a child student is living with a close relative, no further documentation is required.

223. If a child student is staying in a private foster care arrangement, they must receive permission from the private foster carer's United Kingdom local authority. This is explained in the 'Children (Private Arrangements for Fostering) Regulations 2005'. Details of the act can be viewed at: <http://www.opsi.gov.uk/si/si2005/20051htm>.

224. A child student is staying in a private foster care arrangement must provide both:

**i. A copy of the letter of notification from the child's parent(s), legal guardian or intended carer to the United Kingdom local authority. This must confirm:**

- that the child will be in the care of a private foster carer while in the United Kingdom.

**ii. the United Kingdom local authority's confirmation of receipt. This must confirm:**

- that the local authority has received notification of the foster care arrangement.

## **FURTHER POLICY GUIDANCE – FOR ALL STUDENTS**

### **What do we mean by ‘Date of Application’?**

225. The date of a student’s application for applications made in the United Kingdom will be taken to be the following:

- where the application form is sent by post, the date of posting; or
- where the application form is sent by courier, the date on which it is delivered to the UK Border Agency of the Home Office;

226. The date of a student’s application for applications made outside of the United Kingdom will be taken to be the following:

- the date that the fee associated with the application is paid. This means the date shown on the payment receipt, which depends on how the student paid for his/her visa application, for example, at a British Diplomatic Post, visa application centre or online.

227. For Tier 4, a student’s age will be considered to be the age he/she is on the date that he/she applies to us.

### **Can students bring their partners and/or children with them?**

228. General students can bring their partners and/or children (also known as dependants) to the United Kingdom with them. Any partners or children who want to come to the United Kingdom with a student must make an application under the points based system dependants’ rules. The points based system dependants’ guidance provides more information on this and can be found on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants).

229. Child students are not allowed to bring partners to the United Kingdom with them as dependants. Anyone who has any children under the age of 18 who are living with them or who they are financially responsible for, is not able to come to the United Kingdom as a child student. A parent accompanying a child under 12 must apply as a special visitor using the special visitors provision. More details can be found on the UK Border Agency website at: <http://www.ukvisas.gov.uk/en/ecg/visitandtransit/parentchildunder>

230. If a child student is married or has a partner who wants to come with them, the only way they can do so is if they make an application of their own. This could be in another immigration category.

### **What general conditions will be attached to a student’s stay in the United Kingdom?**

231. Whilst in the United Kingdom a student must meet the following:

- not claim any state benefits (known as public funds) that they are not entitled to;
- register with the police, if this is needed by paragraph 326 of the Immigration Rules.

### **Can a student work whilst in the United Kingdom?**

232. As a General student the following work is allowed:

- part-time during term-time, which is no more than 20 hours a week;
- full-time during vacations;

- on a work placement as part of the course;
- as a postgraduate doctor or dentist on a recognised Foundation Programme;
- as a student union sabbatical officer for up to two years.

The work a General student does must not fill a full-time permanent vacancy (other than on a recognised Foundation Programme) and the student must not be self-employed, employed as a doctor in training (other than on a recognised Foundation Programme) or as a professional sportsperson (including coach) or entertainer.

233. A child student under 16 years old cannot work at all during their time in the United Kingdom.

234. A Child student who is 16 years old or older, is allowed to work if it is:

- part-time during term-time, which is no more than 20 hours a week;
- full-time during vacations;
- on a work placement as part of the course.
- as a student union sabbatical officer for up to two years.

The work a Child student does must not fill a full-time permanent vacancy and the student must not be self-employed, employed as a doctor in training or as a professional sportsperson (including coach) or entertainer.

235. Tier 4 General students, and Child students over the age of 16, can work full-time during vacation periods, within the limits detailed above. If a student, having completed his/her course, makes an application for leave under the Points Based System before his/her existing leave expires, he/she will be permitted to work full-time, within the limits described above, until his/her application is decided.

### **What types of work placements are students permitted to take?**

236. General students and Child students who are 16 years old or over, will be allowed to do a work placement as part of their course of study, as long as the work placement is an assessed part of the course.

237. The work placement must be no more than 50% of the length of the student's course in the United Kingdom unless the student is doing a course where there is a legal (statutory) requirement for it to contain a specific period of work placement. For example:

#### **Example 1**

Course is 2 years Masters – 12 months at the institution + 12 months work-placement.

#### **Example 2**

Course is NQF level 4 Diploma – 26 weeks classroom with minimum of 15 hours a week + 26 weeks work-placement arranged at end of course or at any time throughout

#### **Example 3**

Course is NVQ level 3 with work-placement run concurrent with study – 15 hours classroom each week at the institution + 15 hours work-placement (any additional hours worked in the week could be allowed as part of the general student entitlement to work part-time during term-time – but such additional hours could not be an assessed part of the course and would need to

be arranged directly between the student and employer rather than by the education provider)

238. Child students who are under 16 years old are not allowed to work in the United Kingdom, and so cannot do work placements as part of their course of study here.

239. If a student is enrolled on a higher education course at an overseas higher education institution and is coming to the United Kingdom to do part of their course, they may also do a work placement as part of their course as long as it is no more than 50% of their study in the United Kingdom.

240. If a student has a Confirmation of Acceptance for Studies or visa letter for a course which involves a work placement, their tier 4 sponsor will remain responsible for them throughout the work placement.

### **Can a student take up a post as a Student union sabbatical officer?**

241. A student union sabbatical job is a full-time, salaried, elected executive union position. A student may take this job during their studies or in the academic year immediately after they graduate.

242. If a student takes the job while they still have time left in his/her permission to stay as an General student, his/her Tier 4 sponsor must let us know as they are responsible for the student until his/her permission to stay (known as leave to remain) runs out.

243. If a student wants to do the job at the end of their course, and they have no more time left in their permission to stay as a student, they must apply again and meet the requirements of the category.

244. A sabbatical job is normally for one academic year and students may be given permission to stay to cover this time. If a student is re-elected after one year, they will have to apply again. A student can only have the job for a maximum of two years.

245. The requirement that a work placement be no more than 50% of a student's overall course in the United Kingdom does not include any period that the student is in post as a student union sabbatical officer.

246. While the student's Tier 4 sponsor is not exempt (free) from their reporting duties, his/her contact with them is likely to be different because of the nature of this work.

247. Students can do additional work but it is restricted to part-time work during term-time (no more than 20 hours a week) and full-time work during vacations, if the student is not working full-time for the Students' Union in the vacations.

### **Can a student take a short course to prepare him/her for their main course of study in the United Kingdom?**

248. A short course to prepare a student for study is an intensive English language course or any other course he/she may take to prepare him/her for their main course of study in the United Kingdom. The course must be at the correct level for General students or child students, whichever applies.

249. If a student has an unconditional offer of a place on his/her main course, we will give permission for both courses at the same time if the student is doing the course to prepare him/her for study:

- with the same Tier 4 sponsor as the main course; or
- with a partner institution named on the Tier 4 sponsor's licence.

In such circumstances, a single Confirmation of Acceptance for Studies should be assigned, or a single visa letter should be issued, by the Tier 4 sponsor, to cover both the short course (Pre-sessional) and the main course of study. There should be a gap of no more than one month between the end of the short course and the start of the main course.

250. If a student only has a conditional offer to do his/her main course, he/she will need to apply to do the course to prepare them for study first. If the student successfully finishes that course, he/she should apply for a new visa while inside the United Kingdom to continue his/her studies on the full-time course. We will send the student a letter to let him/her know we have received the application. As long as the student makes the application before his/her permission to stay runs out, he/she can start the full-time course in the meantime. Students do so at their own risk as we could refuse your application.

251. If the course to prepare the student for study is below the acceptable level, the student may want to apply under a different immigration route. But it is not possible to switch into the General or Child student category if a person is in the United Kingdom as a child visitor or student visitor. People in these categories must leave at the end of their course and apply from outside the United Kingdom.

### **Can a student do extra studies whilst in the United Kingdom?**

252. General and Child students are allowed to do extra courses, for example, evening courses, as well as their main studies. The course can be on any subject, and does not have to relate to the main course of study. Students do not need permission from us to do extra studies, and do not need to tell their Tier 4 sponsors. They must make sure that the extra course does not get in the way of the course that they have permission to stay for.

### **What do Students have to do if they want to take the same or a different course of study in the United Kingdom with a new Tier 4 Sponsor?**

253. The type of permission a student needs if he/she wants to study with a new Tier 4 sponsor will depend on when he/she applied for his/her last visa. There are different rules for students who made their last application for a Tier 4 visa on or after 5 October 2009.

#### **Students who applied on or after 5 October**

254. If a student wants to study with a new Tier 4 sponsor and he/she made his/her last application for a Tier 4 visa on or after 5 October 2009, he/she must apply for a new Tier 4 visa.

If a student has entered the United Kingdom using his/her Tier 4 Visa, and the student wants to study with a new Tier 4 sponsor before that visa has expired, he/she must always make his/her new application from inside of the United Kingdom. If a student makes his/her new application from outside of the United Kingdom it will be refused.

255. A student can not start his/her new course until a new Tier 4 visa has been approved.

256. A student can leave his/her current Tier 4 sponsor before his/her new Tier 4 visa application has been decided. However, a student does this at his/her own risk, as if his/her new Tier 4 visa is refused, he/she may not be able to go back to his/her old course.

## **Students who applied before 5 October**

257. If a student wants to study with a new Tier 4 sponsor and he/she made his/her last application for a Tier 4 visa before 5 October 2009, he/she must get written permission from us if they have time left in their permission to stay, and want to do the same or a different course of study with a new Tier 4 sponsor. Students must tell us by sending an email including:

- the new course and the start and finish dates; and
- the new Tier 4 sponsor's name, address and contact details.

258. The email address the student should send this to is [migrantreporting@ukba.gsi.gov.uk](mailto:migrantreporting@ukba.gsi.gov.uk)

259. We will give the student a letter of permission saying he/she is allowed to use his/her existing permission to stay to study with the new Tier 4 sponsor if:

- the Tier 4 sponsor is approved by us and on our tier 4 register of sponsors (which can be found on our website); and
- we can confirm the Tier 4 sponsor wants to act as the student's new Tier 4 sponsor; and
- the course meets the requirements for the General or Child student category.

260. If a student has told us about changing his/her Tier 4 sponsor, he/she can start the new course before he/she gets permission from us, but he/she does so at his/her own risk as we could refuse the permission. We will send a letter saying we have received the request to change Tier 4 sponsor.

261. Under the Immigration Rules, we may limit a student's permission to stay as a student if he/she changes his/her Tier 4 sponsor without getting our permission.

262. If a student wants to take up a new course of study, either with his/her existing Tier 4 sponsor or with a new Tier 4 sponsor, and the length of the new course goes over his/her current permission to stay, he/she will need to apply with a new application to us.

## **What do students have to do if they want to do a different course of study with their Tier 4 sponsor?**

263. Students do not need to get permission from us if they have enough time left in their permission to stay and want to do a different course of study with their Tier 4 sponsor. The student's Tier 4 sponsor will tell us that you have changed course.

264. If a student's new course is shorter than the course he/she got permission to stay for, he/she must tell us by emailing us. The email address the student should send this to is: [migrantreporting@ukba.gsi.gov.uk](mailto:migrantreporting@ukba.gsi.gov.uk)

## **What happens if a student's course ends early?**

265. We will limit the student's permission to stay to 60 days if his/her course ends earlier than expected. This may be, for example, if the student's Tier 4 sponsor cancels his/her place on the course, or if the student finishes the course early.

266. If a student has less than six months left of his/her permission to stay, we will not limit his/her permission and the student can stay until his/her permission runs out.

## **What checks will you make on the documents sent with an application?**

267. Annex 4 provides full details of the verification and other checks that we may make when

we consider the documents sent with a student's application.

### **What can a student do if his/her application is refused?**

268. Even if a student meets the requirements for the category he/she is applying under, there may be other reasons like the student's previous immigration history that may mean we refuse the application.

269. More information on general grounds for refusal can be found at on our website at:<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9/>.

### **Appeal Rights - applications from inside the United Kingdom**

270. If we refuse a student's application for permission to stay and he/she thinks that we have made a mistake, he/she may be able to appeal against the decision. Details on how and if a student can appeal against our decision will be included with the reasons for refusal letter.

### **Administrative review - applications from outside the United Kingdom only**

271. If we refuse a student's application for entry clearance and he/she thinks that a mistake has been made, he/she can ask us to check our decision. This is known as an 'administrative review' Full guidance on the administrative reviews can be found at Annex 5. Please note, applicants who are already in the United Kingdom cannot apply for an administrative review.

## ANNEX 1: GLOSSARY OF TERMS

<b>Term</b>	<b>Definition</b>
Tier 4 sponsor/licensed sponsor	A Tier 4 sponsor that is approved by us and has been given a licence to bring students to the United Kingdom under tier 4 of the points-based system. This can be as General student or as a Child student, or both.
Care arrangements	Auitable arrangements for any children for their travel to the United Kingdom, reception at port and living arrangements while in the United Kingdom
Close relative	A grandparent, brother, sister, step parent, uncle (brother or half brother of the child's father or mother) or aunt (sister or half sister of the child's parent) who is aged 18 years or over
Confirmation of Acceptance for Studies	<p>This is not an actual certificate or paper document but is a virtual document similar to a database record. This record will be generated by the Tier 4 sponsor for each student they will be sponsoring.</p> <p>Each Confirmation of Acceptance for Studies has a unique reference number and contains information about the course of study for which it has been issued and the student's personal details.</p>
Course	Course at an acceptable level – the levels are different for General and Child students
Intended carer	A resident British citizen or other United Kingdom resident who is a close relative or in a private foster care arrangement
Maintenance/funds/money	Money for course fees and living costs
Parent(s) or legal guardian	The child's parent(s) or legal guardian, or just one parent who has the sole legal responsibility for the child
Partners or children/dependants	Married, civil, unmarried or same-sex partners or children of the student applying.
Private foster care	Where children (under 16 years old or 18 years old if disabled) are cared for on a full-time basis by adults, who are not their parents or a close relative for more than 28 days
Short(Pre-sessional) course	Course to prepare a student for his/her main course of studies

<b>Term</b>	<b>Definition</b>
Tier 4 register of sponsors	The register that all Tier 4 sponsors appear on once we have given them a licence to bring students to the United Kingdom.
Visa letter	An official unconditional offer confirming a place on a course from a Tier 4 sponsor. Tier 4 sponsors may issue a visa letter for a student they wish to sponsor, or may choose to generate an Confirmation of Acceptance for Studies (see above).
We/us/our	UK Border Agency

## **ANNEX 2: TIER 4 SPONSOR DUTIES AND LICENCE STATUS**

### **The duties of the Tier 4 sponsor**

1. Tier 4 sponsor is the student's licensed sponsor while he/she is in the United Kingdom and they have a number of duties that they must comply with.

### **Record keeping duties**

2. The student's Tier 4 sponsor must keep:
- a copy of his/her passport, identity card for foreign nationals or United Kingdom immigration status document (the student should keep the original);
  - the student's contact details.

### **Reporting duties**

3. If a student got his/her Tier 4 visa using a Confirmation of Acceptance for Studies, his/her sponsor will report on:
- if the student fails to enrol on his/her course within the enrolment period;
  - if the student misses 10 expected contacts without his/her Tier 4 sponsor's permission;
  - if the Tier 4 sponsor stops being the student's immigration sponsor for any other reason, for example, if the student moves in to an immigration category that does not need an Tier 4 sponsor;
  - if there are any significant changes in the student's circumstances, for example, if the length of a course of study becomes shorter;
  - any suspicions they may have that the student is breaking the conditions of his/her permission to stay.

The student must give his/her Tier 4 sponsor all the information they need to be able to meet the duties above. If the student does not, we may investigate him/her and take action against the Tier 4 sponsor which may affect the student.

4. At present, if a student got his/her Tier 4 visa using a visa letter, these sponsor duties are voluntary, but we encourage sponsors to report.

### **What a student should do if he/she thinks the Tier 4 sponsor is not complying with their duties**

5. If a student thinks his/her Tier 4 sponsor is not complying with their duties or has given false information to us about the student, he/she must tell us his/her concerns.

6. We treat any allegation of abuse of the Tier 4 sponsor's duties (known as the sponsorship arrangements) in the strictest confidence. Anyone with information about abuse of the sponsorship arrangements can contact us on 0845 010 6677 or at [sponsorshipbsenquiries@ukba.gsi.gov.uk](mailto:sponsorshipbsenquiries@ukba.gsi.gov.uk).

### **Account manager or compliance officer visits**

7. The Tier 4 sponsor can get a visit from our visiting officers at any time to check they are complying with their duties. During the visit, our teams may want to speak to the student and any other students they are sponsoring.

## Changes to the Tier 4 sponsor's licence

8. There are certain circumstances where the status of the Tier 4 sponsor's licence may have an effect on a student and his/her application.

### If the Tier 4 sponsor's licence is suspended

If the Tier 4 sponsor's licence is suspended, they cannot assign any new confirmations of acceptance for studies or issue any new visa letters.

Licence suspended	What will happen
Before the student applies to come	<p>We will not consider any applications for leave, for any student who has a visa letter or Confirmation of Acceptance for Studies which has been issued by a sponsor whose licence is suspended.</p> <p>We will not consider any applications for leave where the student's visa letter or Confirmation of Acceptance for Studies shows that they will be undertaking a pre-sessional course with a partner institution and that partner institution's own licence has been suspended.</p>
Before the student travels to the United Kingdom	<p>If the student has a visa letter that he/she got before his/her approved education provider's licence was suspended and have already been granted permission to enter the United Kingdom but he/she has not yet travelled, the student is advised not to come until we have resolved the suspension. Students are advised to check the sponsor's register before he/she travels in case there has been a change in his/her sponsor's circumstances.</p>
If the student does travel to the United Kingdom	<p>If the student does travel to the United Kingdom, he/she will be allowed to enter and start studying with the Tier 4 sponsor.</p>
If the student is already in the United Kingdom studying	<p>If the student is already in the United Kingdom and studying with the Tier 4 sponsor, we will not tell him/her if we suspend their licence. However, if the result of the suspension is that the Tier 4 sponsor loses their licence, we will tell the student and his/her permission to stay will be limited.</p>
If the student is extending his/her stay	<p>A student can still apply to extend his/her permission to stay if it runs out when the Tier 4 sponsor's licence is suspended, as long as he/she already has a Confirmation of Acceptance for Studies or a visa letter. However, we will hold the application until the suspension is resolved.</p>

## If their licence is withdrawn

If a student's Tier 4 sponsor's licence is withdrawn, all confirmations of acceptance for studies and visa letters will become invalid.

If the student's Tier 4 sponsor's licence is withdrawn	What will happen
Before the student applies to come	If the Tier 4 sponsor's licence is withdrawn, the student's Confirmation of Acceptance for Studies or visa letter will become invalid and he/she will not be able to use it to apply for a student visa to come to the United Kingdom. Any applications made using an invalid Confirmation of Acceptance for Studies or visa letter will be refused.
Before the student travels to the United Kingdom	If the student has been given permission to come but has not travelled yet, his/her permission to come is cancelled. If he/she travels to the United Kingdom he/she will not be allowed to enter.
If the student is already in the United Kingdom studying	<p>We will limit the student's permission to stay:</p> <ul style="list-style-type: none"> <li>• to 60 days if the student was not involved in the reasons why the Tier 4 sponsor had their licence withdrawn (we will not limit the student's permission to stay if he/she has less than six months left. The student may want to apply for permission to stay with another Tier 4 sponsor during this time).</li> <li>• immediately if we think the student was involved in the reasons why the Tier 4 sponsor's licence was withdrawn.</li> </ul>

## If they are taken over

If the student's Tier 4 sponsor is taken over	What will happen
If the student is inside or outside the United Kingdom	<p>If the Tier 4 sponsor is taken over by another organisation, the new organisation must apply to become an Tier 4 sponsor within 28 calendar days of them taking over the business (if they are not already licensed by us).</p> <p>If they do not already have a licence or do not apply for one within 28 days, we will limit the student's permission to stay to 60 days. The student may want to apply for permission to stay with another Tier 4 sponsor. We will not limit the student's permission to stay if he/she has less than six months left.</p> <p>If the new Tier 4 sponsor does not get a licence, the student cannot study with them.</p>

## ANNEX 3: EXAMPLE VISA LETTERS

## The visa letter for General students

The visa letter should include the following information:

Route of application	This should say 'general student' also known as 'adult student'
Migrant (Student) details	<ul style="list-style-type: none"> <li>• Name (as it appears in your passport if applicable)</li> <li>• Nationality</li> <li>• your passport or travel document number (optional)</li> </ul>
Tier 4 sponsor's details	<ul style="list-style-type: none"> <li>• Licence number</li> <li>• Address (if different from the letterhead)</li> <li>• Contact details (if different from the letterhead)</li> <li>• The name and address of any partner institution (if you are studying at another institution as part of this course)</li> <li>• The name and address of any overseas higher education institution (if the period of your United Kingdom study forms part of an overseas higher education course)</li> </ul>
Course details	<ul style="list-style-type: none"> <li>• Course title (if the visa letter is being issued for you to undertake a post as a sabbatical officer details of the post should be included here instead of the title of the course)</li> <li>• The academic level of the course or qualification awarded when finished (the National Qualifications Framework level or the type of qualification, for example, a bachelor's degree)</li> <li>• Where you are studying on an English language course the level of the course should be the Common European Framework of Reference for Languages (CEFR) level, for example CEFR level A2</li> <li>• Start date (the date you start your main studies, or the date you start an induction or course to prepare you for study if you have an unconditional offer to do your main course)</li> <li>• Latest date you can join the course (optional)</li> <li>• Expected end date</li> <li>• Hours per week (optional if studying a degree course that leads to a United Kingdom recognised bachelor or postgraduate degree or an overseas higher education course equivalent to a United Kingdom higher education course)</li> <li>• Address of your main place of study if different to the Tier 4 sponsor's main address</li> <li>• Address of the organisation offering you a work placement, if known and applicable</li> </ul>

Evidence used to obtain the offer (visa letter)	<ul style="list-style-type: none"> <li>• List of evidence the sponsor Tier 4 sponsor used to assess your academic ability to finish the course which may include: <ul style="list-style-type: none"> <li>• Level or type of qualification (if applicable)</li> <li>• Qualification awarding body and/or institution (if applicable)</li> <li>• Confirmation that an Academic Technology Approval Scheme (ATAS) clearance certificate is needed (if applicable)</li> </ul> </li> </ul> <p>If you are applying to continue or complete the course of study for which your last grant of leave was made, and Tier 4 sponsor has used your progress to date to assess your suitability to continue this course, they must explain this on the visa letter.</p>
Finances (Money)	<ul style="list-style-type: none"> <li>• Course fees for the first year (as stated on your visa letter), or the length of the course if the course will last for less than a year (this should be the amount that is relevant when the visa letter is issued)</li> <li>• Course fees paid so far (if applicable)</li> <li>• Accommodation fees paid so far (if applicable) (If you have already paid a portion of your course and/or accommodation fees before applying for your visa, this amount will be deducted from the total amount of maintenance funds (money) you are required to show. This only applies to circumstances in which you will be staying in University/college arranged accommodation.)</li> </ul>

All fields apart from those marked “optional” or “if applicable” are essential.

### The visa letter for postgraduate doctors and dentists

The visa letter for postgraduate doctors and dentists should contain the following information:

Route of application	This should say ‘general’ student also known as ‘adult student’
Migrant (Student) details	<ul style="list-style-type: none"> <li>• Name (as it appears in your passport if applicable)</li> <li>• Nationality</li> <li>• your passport or travel document number (optional)</li> </ul>
Tier 4 sponsor details	<ul style="list-style-type: none"> <li>• Licence number</li> <li>• Address (if different from the letterhead)</li> <li>• Contact details (if different from the letterhead)</li> <li>• The name and address of any partner institution (if you are studying at another institution as part of this course)</li> </ul>

Course details	<ul style="list-style-type: none"> <li>• Course title</li> <li>• If the visa letter is from the relevant postgraduate Dean, confirmation that the Foundation Programme is recognised by the medical community. (If the visa letter is not from the relevant postgraduate Dean you must include a separate letter containing this information with your application)</li> <li>• Start date (the date you start your main studies, or the date you start an induction or course to prepare you for study if you have an unconditional offer to do your main course)</li> <li>• Expected end date</li> <li>• Latest date you can join the course (optional)</li> <li>• Confirmation that the Foundation Programme is full time</li> <li>• Address of your main place of study if different to the Tier 4 sponsor's main address</li> </ul>
Evidence used to obtain the offer (visa letter)	<p>List of evidence your Tier 4 sponsor used to assess your academic ability to finish the course which must include:</p> <ul style="list-style-type: none"> <li>• your recognised United Kingdom degree in medicine or dentistry from a Tier 4 sponsor or an institution on the Department for Innovation, Universities and Skills list of recognised bodies or listed bodies.</li> </ul>
Finances (Money)	<ul style="list-style-type: none"> <li>• Course fees for the first year (as stated on your visa letter), or the length of the course if the course will last for less than a year (this should be the amount that is relevant when the visa letter is issued)</li> <li>• Course fees paid so far (if applicable)</li> <li>• Accommodation fees paid so far (if applicable) (If you have already paid a portion of your course and/or accommodation fees before applying for your visa, this amount will be deducted from the total amount of maintenance funds (money) you are required to show. This only applies to circumstances in which you will be staying in University/college arranged accommodation.)</li> </ul>

All fields apart from those marked “optional” or “if applicable” are essential.

## The visa letter for Child Students

The visa letter should include the following information:

Route of application	This should say child student
Migrant (Student) details	<ul style="list-style-type: none"> <li>• Name (as it appears in the child's passport if applicable)</li> <li>• Nationality</li> <li>• The passport or travel document number (optional)</li> <li>• Contact details of the child's parent(s)/legal guardian</li> </ul>
Tier 4 sponsor details	<ul style="list-style-type: none"> <li>• Licence number</li> <li>• Address (if different from the letterhead)</li> <li>• Contact details (if different from the letterhead)</li> <li>• The name and address of partner institution (if the child is studying at another institution as part of this course)</li> <li>• Confirmation that the child's Tier 4 is providing accommodation (if applicable)</li> </ul>
Course details	<ul style="list-style-type: none"> <li>• Title of course or curriculum to be studied or confirmation that the course or curriculum is taught in line with prevailing independent school education inspection standards (if applicable)</li> <li>• Start date (the date the child starts their main studies, or the date they start an induction or a course to prepare them for study if they have an unconditional offer to do their main course)</li> <li>• Latest date the child can join the course (optional)</li> <li>• Expected end date</li> <li>• Address of the child's main place of study if different to the Tier 4 sponsor's main address</li> </ul>
Finances (Money)	<ul style="list-style-type: none"> <li>• Non-boarding and day students:               <ul style="list-style-type: none"> <li>• course fees for the first year (as stated on the visa letter), or the length of the course if the course will last for less than a year (this should be the amount that is relevant when the visa letter is issued)</li> </ul> </li> <li>• Course fees paid so far (if applicable)</li> <li>• Accommodation fees paid so far (if applicable)</li> <li>• If the child has already paid a portion of their course and/or accommodation fees before applying for their visa, this amount will be deducted from the total amount of maintenance funds (money) they are required to show. This only applies to circumstances in which the child will be living in accommodation arranged by their Tier 4 sponsor.</li> </ul>

	<ul style="list-style-type: none"> <li>• Boarding students: <ul style="list-style-type: none"> <li>• boarding fees (being course fees and board or lodging fees) for the first year (this should be the amount that is relevant when the visa letter is issued)</li> <li>• boarding fees already paid (if applicable)</li> </ul> </li> </ul> <p>If the child has already paid a portion of their boarding fees before applying for their visa, this amount will be deducted from the total amount of maintenance funds (money) they are required to show. This only applies to circumstances in which the child will be living in accommodation arranged by their Tier 4 sponsor.</p>
<p>Evidence used to obtain the offer (visa letter) - this is only necessary for 16 or 17 year olds</p>	<ul style="list-style-type: none"> <li>• List of evidence the Tier 4 sponsor used to make sure the child will be able to finish the course, which may include: <ul style="list-style-type: none"> <li>• level or type of qualification (if applicable)</li> <li>• qualification awarding body or institution (if applicable)</li> </ul> </li> </ul> <p>If the child is applying to continue or complete the course of study for which their last grant of leave was made, and their Tier 4 sponsor) has used their progress to date to assess their suitability to continue this course, they must explain this on the visa letter.</p>

All fields apart from those marked “optional” or “if applicable” are essential.

## **ANNEX 4: VERIFICATION AND OTHER CHECKS**

1. We will ask for a number of verifiable documents to allow us to consider the application.
2. We may want to check the supporting documents an applicant sends with his/her application. Therefore he/she must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.

### **When we will do a check?**

3. There are two situations in which we will undertake a check:
  - verification checks – where we have reasonable doubts that the documents are genuine; or
  - other checks – where we carry out further checks, for example, where we have doubts about an application or the documents sent with the application but the doubts are not serious enough for us to make a verification check.

### **Verification checks**

4. Where we have reasonable doubts that a specified document is genuine we may want to verify the document with an independent person or government agency.
5. The purpose of these checks is to make sure that the document provided is genuine and accurately reflects statements made in the application. If the document is being used as evidence to score points, we also want to ensure that it entitles the applicant to claim those points.
6. Verification may delay our decision on an application so we will only do it when there are clear reasons for it.

### **Reasonable doubt**

7. There are many reasons why we may doubt that specified document is genuine and what we consider to be a reasonable doubt will depend on each individual application. However, our judgments will be based on the facts we have.

### **Outcome of verification check**

8. There are three possible outcomes of a verification check:
  - Document confirmed as genuine - if we can conclude the document is genuine, we will consider the application as normal.
  - Document confirmed as false - if we can conclude the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse the application for more than one reason. For example, if an applicant has provided us with a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is likely to jeopardise any future application.
  - Verification check inconclusive - if we cannot verify that the document is either genuine or false, we will ignore it as evidence for scoring points. If the applicant has sent other specified documents as evidence for scoring the relevant points, we will consider these as

normal. If the applicant has not sent any other documents, we will give zero points in that area.

## **Refusing applications without making verification checks**

9. We may refuse an application without making verification checks in two circumstances:
- where we are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will always verify passports if we doubt they are genuine.
  - where there is evidence that proves a particular document is false. If we can confirm that a document is false we will normally refuse the application for more than one reason. For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document.

## **Other checks**

10. We will make other checks where, for example, we have doubts about an application or the documents sent with the application but these are not serious enough for us to make a verification check.
11. These checks may delay our decision on an application, so we will only make them when we have clear reasons to.

## **Extra checks**

12. Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, this may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases we may carry out more checks.

## **Outcome of other checks**

13. There are four possible outcomes of these checks:
- Document confirmed as genuine – if we can conclude the document is genuine, we will consider the application as normal.
  - Document confirmed as false – if we can conclude the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false, we will normally refuse the application for more than one reason. For example, if an applicant sends us a bank statement to show that he/she has enough funds available, and we have evidence that the statement is false, we will refuse the application because the applicant does not meet the funds requirement and because he/she has sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is likely to jeopardise any future application.
  - Check inconclusive - if we cannot verify that the document is either genuine or false then we will consider the application as if the document is genuine.
  - Check gives us cause to have reasonable doubt about the genuineness of a specified document. – if we cannot verify the document is either genuine or false but as a result of checks we find other reasons to doubt the genuineness of a particular specified document,

we may decide to make a verification check.

### **Procedure for verification and other checks**

14. The procedures for both verification checks and other checks will usually be similar and will vary from case-to-case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

### **Standard procedure**

15. We will use a standard form to record the results of our enquiries, to make sure that we record any feedback consistently.

16. If we cannot get an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.

17. Our compliance team may visit the applicant's sponsor before we make a decision on the application.

## **ANNEX 5: ADMINISTRATIVE REVIEW (Entry clearance applications only)**

### 1. What is Administrative Review?

Administrative Review is the mechanism for reviewing refusal decisions made under the Points Based System where an applicant believes an error has been made in the decision. The Administrative Review is free of charge.

Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by the applicant. For time limits for making a request, see further paragraphs 6 and 7 below.

Administrative Review is a non-statutory scheme; that is there is no legislation setting out what it covers or who is eligible to apply. The policy is contained in this guidance.

### 2. What if the Administrative Review request refers to matters outside the scope of the Administrative Review?

Where this occurs the matters should be dealt with under the normal complaints procedure. In such cases the applicant will be advised in writing.

### 3. Who conducts the Administrative Review?

An Entry Clearance Manager will conduct the administrative review. This may mean that in some cases, an Entry Clearance Manager from another Post will conduct the Administrative Review. The applicant may receive the result of the Administrative Review from an entry clearance post that is different to the one that considered the original entry clearance application.

### 4. Who can apply for Administrative Review?

Anyone refused entry clearance under Points Based System, where they believe the Entry Clearance Officer has made an incorrect decision.

### 5. How does the applicant apply?

The applicant will receive the Administrative Review Request Notice with the entry clearance refusal notice.

The applicant must complete the Request Notice in full and send it directly to the address stated on the Request Notice.

Applicants must not send any additional documents such as passport or supporting documents with the Administrative Review request notice. If the refusal is subsequently overturned, the applicant will be asked to send in their passport.

### 6. What is the deadline for applying for Administrative Review?

The applicant has 28 days from the date of receipt of the refusal notice, to submit a request for Administrative Review.

### 7. What if an application is submitted late?

Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional circumstances to accept the application outside of the deadline.

If the Administrative Review request is late and the administrative reviewer decides not to perform the Administrative Review, the request notice will be returned to the applicant with a letter explaining why it is not being accepted.

8. How many times can an applicant request an Administrative Review?

Applicants may request only one Administrative Review per refusal decision. Any further review requests received for the same refusal decision will not be accepted. They will be returned to the applicant.

However, where the Administrative Review upholds a refusal but with different refusal grounds, the applicant may request an administrative review of these new refusal grounds.

If the applicant has new or further information, documents or other paperwork that they failed to submit with their original application, they will need to make a new application and pay the appropriate fee.

9. How long will the Administrative Review take?

The administrative reviewer will complete their review and notify the applicant in writing of their decision within 28 days from the date of receipt of the Administrative Review request notice.

If, in exceptional circumstances, the administrative reviewer is unable to complete the Administrative Review within the 28 days, they will notify the applicant in writing as to when to expect a decision.

10. What will the administrative reviewer look at?

The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post.

The applicant is not allowed to provide new evidence. Any new evidence must be disregarded unless the applicant was refused under paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal (see paragraph 12).

Any new evidence submitted by the applicant must be returned to them together with the outcome of the Administrative Review.

11. How are Administrative Review decisions made?

The administrative reviewer must review all aspects of the refusal not just the part of the refusal, which the applicant has asked to be reviewed. They will check that:

- points have been correctly awarded;
- documents have been correctly assessed; and
- verification checks have been properly carried out.

The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:

- failed to properly consider evidence submitted with the original application;
- failed to apply the Immigration Rules correctly;
- made a mistake in processing the application;

- failed to give adequate reasons for refusing entry clearance. In this case, the administrative reviewer will recommend the Entry Clearance Officer revoke the original refusal and serve a new refusal notice giving a full explanation for the refusal.

Where the administrative reviewer recommends in line with the above, that the reasons for refusal should be revoked, the applicant may still be refused but with new grounds for refusal.

The administrative reviewer will not recommend that the original decision is overturned simply because the applicant claims there is a fault with United Kingdom Border Agency's underlying processes or policies.

#### 12. Does Administrative Review cover General Grounds for Refusal?

Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on "General Grounds for Refusal."

Reviews of refusals made under paragraphs 320(7A) and 320(7B) of the Immigration Rules

The applicant may submit further information with the Administrative Review request, if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal.

If an application has been refused because a false document was used or a false representation was made, the applicant may claim that they were unaware of the false documents or false representations. The refusal will still stand but the applicant would have to prove that they did not know that false documents or false representations were used, if they are not to have any future applications automatically refused for 10 years. Where the documents related directly to the applicant (for example, employment references, qualifications or financial details), such a claim would be likely to fail unless the applicant has clear evidence that an error has been made (for example, written confirmation from an employer, financial institution or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

If the administrative reviewer does accept that the applicant did not knowingly use false documents or false representations, the refusal will still stand, but the applicant will not automatically have any future applications refused under the rules (paragraph 320 (7B) where false documents or false representations were used.

#### 13. Does Administrative Review cover verification?

Yes. As part of the administrative review process the administrative reviewer will ensure that the Entry Clearance Officer has followed the correct verification procedures.

#### 14. What are the possible outcomes of Administrative Review?

There are three possible outcomes of Administrative Review:

Uphold decision, reasons for refusal remain the same;

- Uphold decision, with revised reasons for refusal;
- Overturn decision and issue entry clearance.

#### 15. How is the applicant informed of the result of the Administrative Review?

Decision upheld and the reasons for refusal remain the same:

- the administrative reviewer will notify the applicant by letter. The applicant will not be

entitled to a further Administrative Review as the grounds for refusal has not changed.

Decision upheld but with revised reasons for refusal:

- A new refusal notice (GV51) will be served along with the Administrative Review letter from the administrative reviewer stating why the refusal has still been upheld. If there are fresh reasons for refusal which were not notified originally, the applicant will be able to submit a further Administrative Review request limited to those fresh reasons.

Decision overturned and entry clearance to issue:

- The administrative reviewer will notify the applicant by letter and request the applicant's passport.

#### 16. Limited Right of Appeal

The applicant can only appeal on any or all of the grounds referred to in section 84 (1)(b) and (c) of the Nationality, Immigration and Asylum Act 2002. These are that the decision is unlawful by virtue of section 19B of the Race Relations Act 1976 (discrimination by public authorities), and/or that the decision is unlawful under section 6 of the Human Rights Act 1998 (public authority not to act contrary to Human Rights Convention) as being incompatible with the appellant's Convention rights.

All entry clearance applicants under the Points Based System who are refused will be limited to residual grounds of appeal stated above.

The process for dealing with limited rights of appeal remains unchanged.

## ANNEX 6: HOW MUCH MONEY MUST I SHOW THAT I HAVE?

**Students who do not have established presence studying in the United Kingdom will need to show that they have:**

<b>Length of course</b>	<b>Where the student will be studying</b>	<b>Maintenance (funds) needed</b>
Nine months or less	Inner London	Course fees  <b>and</b>  £800 to cover living costs for each calendar month of the course up to nine months
	Outer London or anywhere else in the United Kingdom	Course fees  <b>and</b>  £600 to cover living costs for each calendar month of the course up to nine months
More than nine months	Inner London	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £7,200 to cover living costs for nine months in the United Kingdom
	Outer London or anywhere else in the United Kingdom	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £5,400 to cover living costs for nine months in the United Kingdom

Students who have established presence studying in the United Kingdom will need to show that they have:

Length of course	Where the student will be studying	Maintenance (funds) needed
Two months or less	Inner London	Course fees  <b>and</b>  £800 to cover living costs for each calendar month of the course up to two months
	Outer London or anywhere else in the United Kingdom	Course fees  <b>and</b>  £600 to cover living costs for each calendar month of the course up to two months
More than Two months	Inner London	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £1,600 to cover living costs for two months in the United Kingdom
	Outer London or anywhere else in the United Kingdom	First year of fees or, for continuing students, fees for next period of study  <b>and</b>  £1,200 to cover living costs for two months in the United Kingdom



## **Arrangements for International Baccalaureate Students with awards issued on 5 July 2009, who are applying on or before 30 October 2009**

This guidance updates the guidance in paragraph 83 on page 13 for students applying on or before 30 October 2009 who are using their IB award as evidence for their previous qualification only.

Where a student has been offered a course place on the basis of their International Baccalaureate award and they **have** received their award certificate they should include this with their application.

### **Students relying on their IB award who have not received their original award certificate, and their visa letter confirms that the sponsor has checked the award online**

Where a student has been offered a course place on the basis of their International Baccalaureate award and have not received their original award certificate, they should include:

- A print out from the UCAS or International Baccalaureate Office online checking service confirming their results.

### **Students relying on their IB award who have not received their original award certificate, and their visa letter DOES NOT confirm that the sponsor has checked the award online**

If the student's visa letter/Confirmation of Acceptance for Studies does not explain that the Student's Tier 4 sponsor has confirmed the student's results on the UCAS or International Baccalaureate Office online checking systems, the student must provide with their Tier 4 application:

- A print out from the UCAS or International Baccalaureate Office online checking service confirming their results; and
- A letter from their sponsor explaining that the sponsor has confirmed the student's results on the UCAS or International Baccalaureate Office online checking systems.