Briefing Paper 2.8

An Overview of non-EU Students to the UK

Summary

1 This document provides a briefing on foreign (non EU) students in the UK. It outlines the visa system, the number of students, the colleges involved, and the role of the UKBA.

Student Visas

2 Previously the 'Student' visa was used to cover all study from short English language courses to undergraduate or postgraduate degrees. This has now been phased out for new applicants and replaced with two visas categories: Student Visitor and PBS Tier 4.

3 PBS Tier 4 is for students on courses of over six months either at university level or in Higher Education of some kind. It started to operate in 2009. 40 points are required. 30 points are awarded for possessing a Confirmation of Acceptance for Studies (CAS) issued by the sponsoring college and ten point s for maintenance. The student must demonstrate that they have enough funds to cover the first year of their course fees and their living costs. The living costs are £800 per month in Inner London and £600 for the rest of the country. These students can bring in dependants. Students at degree level can work 20 hours a week and students below degree level can work 10 hours a week. The dependants of students at degree level are allowed to work without any restrictions on their hours. The dependants of those at below degree level cannot work. For more detail on eligible courses and English language requirements see Annex A.

4 The Student Visitor category was introduced in September 2007 for courses of less than six months. Such students are not entitled to bring dependants, neither can they work, and they cannot extend their stay.

Student Numbers

5 PBS Tier 4 and Student visa numbers can be taken from Entry Clearance visa data. Some nationalities of student visitors can be admitted without having obtained visas in advance so student visitor numbers are taken from the data for passengers being given leave to enter.

6 The Long Term International Migration data are based on the International Passenger Survey –a sample survey which records the main reason for migration. This shows that the number arriving for study has doubled between 2001 and 2008 rising from 87,000 to 175,000 (see figure 1 below).

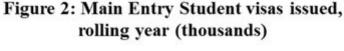**Figure 1: LTIM - Formal Study (thousands)**
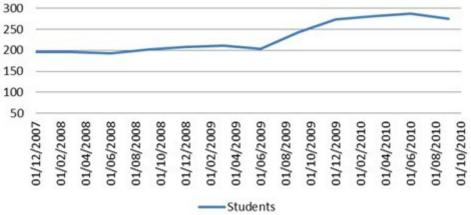

7 The introduction of the PBS has seen a dramatic increase in student numbers. Figure 2 shows the rolling year figures for the number of student visas issued (Student and PBS Tier 4) from 2008 to September 2010.

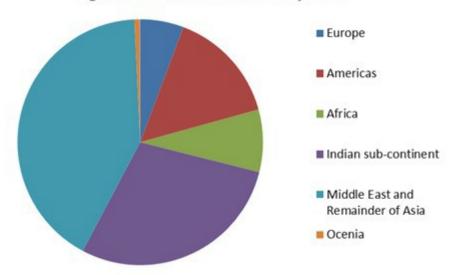**Figure 2: Main Entry Student visas issued, rolling year (thousands)**

The year to the end of 2008 saw 209,000 main entry student visas issued (excluding student visitors). By the end of 2009 this had risen to 273,000, and the year ending September 2010 saw 275,575 student visas issued. When dependants are included in this number, for the year ending September 2010, the figure rises to a massive 309,000.

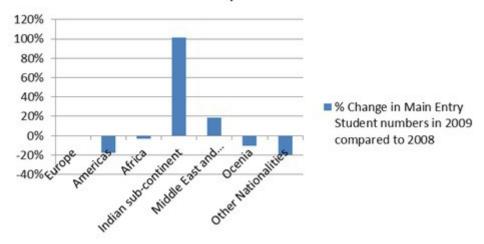8. Figure 3 below shows the region of origin for the students.

Figure 3: Students Main Entry 2009

- Europe
- Americas
- Africa
- Indian sub-continent
- Middle East and Remainder of Asia
- Ocenia

The two largest categories, which make up 70% of the total number of student visas are the 'Middle East and the Remainder of Asia' with 112,000 (41%) and the 'Indian sub-continent' with 78,000 (29%) students.

9 Figure 4 below shows the percentage in main entry student number s in 2009 compared with 2008.

Figure 4:% Change in Main Entry Student numbers in 2009 compared to 2008

- % Change in Main Entry Student numbers in 2009 compared to 2008

This shows a dramatic rise of over 100% in the number of students from the Indian sub-continent. There are much smaller changes among the other categories with a growth of the Student Visitor visa perhaps accounting for the fall seen in some regions. The doubling of student visas for the Indian sub-continent would suggest the very strong possibility of abuse.

10 There were around 110,000 extensions to student visas in 2009 and also in the year ending September 2010. For 2009 there was refusal rate of 13%.

11 The number of people entering on a Student Visitor visa increased from 143,000 in 2008 to 198,000 in 2009. Although a large proportion of Student Visitors are from the Americas and non-EU Europe, there were still nearly 50,000 from the Middle East and Remainder of Asia, the Indian sub-continent and Africa.

12 In 2009 the total for all students entering the UK (Students and Student Visitors, main and dependants) was 489,000, up from 389,000 in 2008.

Overview of the Sponsoring Colleges

13 There are currently over 2,250 educational institutions registered with the UKBA who are able to sponsor students to study in the United Kingdom. To sponsor students an institution must be an educational provider, inspected, audited or reviewed by the relevant authorities or be an accredited educational provider if it is a private organisation. Once approved by the UKBA, a sponsor may issue a 'Confirmation of Acceptance for Studies' (CAS), which allows the student to then apply for leave to study in the UK.

14 Colleges are required by the UKBA to ensure that their students possess the skills and abilities, including English Language to complete their course. If a student fails to turn up for their course or stops attending it then the college has a duty to report it to the UKBA. Adequate paperwork including registration and attendance data is required. Based on their work in monitoring their students a college is given a rating by the UKBA. Standard sponsors are rated A or B by the UKBA. B Sponsors are subject to an Action Plan to improve their practices. An institution with B rating may have experienced a higher non-enrolment rate and a higher drop-out rate and may adopt practices that do not fully align with those of the UKBA and 'have potential to adversely impact on immigration control.' In addition educational providers may apply to become a highly trusted sponsor. This allows them to offer courses at NVQ level 3 and is based on their past performance in working with the UKBA. Standard sponsors can offer courses at NVQ level 4 and above.

The split in college ratings is

- Highly Trusted Sponsors - 718 (32%)
- A (Trusted) - 1376 (61%)
- B (Sponsors) - 171 (8%)

Overview of the courses

15 Of the 280,000 student visas issued in 2009, 130,000 were issued to students taking qualifications below degree level. Of the students studying below degree level 90,000 were at private colleges. The lowest level courses on offer are at NVQ level 3 which includes vocational courses, BTECs and A-levels (although some newspaper reports mention GCSEs). A course below degree level requires a minimum of 15 hours a week organised study (this is not defined in the guidance).

Weaknesses in UKBA Enforcement of Colleges

16 Institutions that the UKBA believes must improve their practices i.e. they are not meeting the criteria of a trusted sponsor and are a potential risk to immigration control, are still able to issue a CAS so long as they agree to make improvements by signing up to an action plan. An educational institution can be granted a licence without ever coming under the scrutiny of a visiting UKBA official. It is not clear what percentage of institutions actually receive a visit from the UKBA before approval. Even after an application has been refused, a subsequent application does not automatically require a visit from the UKBA. Applications will be considered from individuals who have been issued with civil penalties under Section 15 of the Immigration, Asylum and Nationality Act 2006, allowing an individual previously fined for employing illegal workers to set up an educational institution with the right to grant a CAS

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References
1 Tier 4 of the Points Based System –Policy Guidance, version 07/10, UKBA
2 Tier 4 of the Points Based System –Sponsor Guidance
3 LTIM Reason for Migration 1991-2008
4 Control of Immigration Statistics 2009
5 Control of immigration: Quarterly Statistical Summary, July-September 2010
6 http://www.telegraph.co.uk/news/uknews/immigration/8182346/Foreign-student-crackdown.html

Annex A: Study level and English Language requirement

1 The National Qualifications Framework (NQF) sets out the levels against which a qualification can be recognised in England, Wales and Northern Ireland. There are nine levels: the lowest level being "entry" followed by levels one to eight. The lowest level that a non-EU level student can study is level 3 (e.g. A-levels or a NVQ level 3). A Bachelor degree is level 6, a Masters level 7 and a PhD level 8.

2 The Common European Framework of Reference for Languages is used across Europe to describe language ability. It divides learners into three broad divisions, each with two levels (see table 1). UKBA approved English language tests have been mapped to a CEFR level.

3 For courses at level 6 and above there is no English language requirement.

4 For courses below level 6 English is required at B1

5 The lowest level English course now available for study in the UK is at B2 level

6 Table 1 below describes the different levels.

Proficient

User | C2 | Can understand with ease virtually everything heard or read. Can summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. Can express him/herself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations. |
| | C1 | Can understand a wide range of demanding, longer texts, and recognise implicit meaning. Can express him/herself fluently and spontaneously without much obvious searching for expressions. Can use language flexibly and effectively for social, academic and professional purposes. Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices. |
| Independent

User | B2 | Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his/her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options. |
| | B1 | Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans. |
| Basic

User | A2 | Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need. |
| | A1 | Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help. |

Annex B: Summary of Government Proposals

1 Raising the level of courses:

- Only Highly Trusted Sponsors will be permitted to offer courses below degree level to adults. Debate on how quickly to bring this in.

2 Toughening entry criteria:

- Raising the language criteria to B2 for all students (including degree level).

3 Ensuring Students return home

- To stay on as a student progression needs to be shown.
- Students must return home and apply for a new course from overseas.

4 Close post-study work route

5 Work Entitlements and dependents

- Only work on campus during the week and as long as they like for an external employer at the weekend and vacations. This is simpler for a rule abiding employer to understand.
- Remove permission to work for all dependents except if they qualify in own right under Tier 1 or Tier 2.
- For courses under 12 months no one can bring dependents.

6 Simpler procedures for checking low-risk applications

- Differential approach based on evidence by nationality such as of forged documents and non-attendance. Steps made to prevent use of bogus bank accounts. Low risk students "self-declare"

7 Stricter accreditation schemes for education providers in the private sector

- Review work of current accreditation bodies