

IMMIGRATION:WHAT YOU NEED TO KNOW

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TIER 4 POINTS BASED SYSTEM(STUDENTS)

- 6 April 2010 new Highly Trusted Sponsor Licence was launched. (check for lists & limited transitional arrangements @ www.ukba.homeoffice.gov.uk)
- For applications made on or after 6 April 2010, Students will only be able to study courses at level 3 on the National Qualifications framework (NQF) or its direct equivalents and courses below degree level (excluding foundation degrees) which include a work placement, with a sponsor that holds a Tier 4 Highly Trusted Sponsor Licence.
- A sponsor can also on the standard register of sponsors(rated as either A (Trusted) or B (Sponsor). B sponsor means the sponsor is still working with ukba to improve their systems.
- Sponsor with a standard Tier 4 sponsor licence rated either A or B cannot offer courses that contain work placements.

DUTIES OF THE TIER 4 SPONSOR

- RECORD KEEPING
- A) The institution must keep copy of student's passport, identity card or immigration status document
- B) Student's contact details
- REPORTING DUTIES

If student obtained visa using a confirmation of Acceptance for studies, his sponsor will report on :

- 1) student's failure to enrol on his course within the enrolment period
- 2) if student misses 10 expected contacts without his Tier 4 sponsor's permission
- 3) Any significant changes in the student's circumstances e.g the length of a course of study becomes shorter
- 4) Any suspicion that the student is breaking the conditions of his permission stay.
- 5) If the institution stops being the student's immigration sponsor for any reason.

- UKBA may investigate and take action against the Tier 4 sponsor if a student does not provide all the information needed by the institution to meet the duties above.
- The duties are voluntary if a student obtained his Tier 4 visa using a visa letter before 5 October 2009.
- A student can report to UKBA he thinks the sponsor is not complying with their duties or has given false information about the student.
- UKBA Compliance officer can visit the institution at any time to check whether they are complying with their duties .The officer may want to speak to any of the students during their visit.

SUSPENSION/WITHDRAWAL OF SPONSOR'S LICENCE

- **SUSPENSION:** if student is already studying with Tier 4 sponsor UKBA will not inform student if sponsor's licence is suspended, however student will be informed if licence is withdrawn and student's permission to stay in the country will be limited.
- A student may still apply to extend his permission to stay if it runs out when sponsor's licence is suspended, as long as student has a Confirmation of Acceptance for Studies. (CAS) The application will not be decided until the suspension is resolved.
- **WITHDRAWN:**UKBA will limit the student's existing permission to stay to 60 days if the student was not involved in the reasons why the Tier 4 sponsor had their licence withdrawn.
- The student's permission to stay will not be limited if the student has less than six months left. The student may want to apply for permission to stay with another Tier 4 sponsor during the time.
- If the student has a pending application with UKBA, the CAS become invalid and the application will be refused. Student must either make new Tier 4 application with a new sponsor, apply for permission to stay in a different category or leave the country.

THE CONFIRMATION OF ACCEPTANCE FOR STUDIES(CAS)

- Replaced visa letters on 22 February 2010
- It's a virtual document
- Has a unique reference number to be provided by the Tier 4 sponsor and must be included on the application form
- Contains information about the course of study for which it was issued and student's personal details, course fees
- Will expire after six months of issue if not used or application was refused and cannot be used more than once
- Can be withdrawn /cancelled at anytime by Tier 4 sponsor or UKBA

- If existing permission to stay runs out more than 1 month before the start date of the proposed next course of study, student is expected to leave UK and apply from outside the UK . Application will be refused if applied within UK .
- However, if student's course has ended and he is applying from inside the UK to extend his stay, he should apply in the last 3 months of his permission to stay.

MAINTENANCE

- Must show enough money to cover the course fees (for 1st year of course or entire course if less than a year long) and living costs depending on where the student is studying in UK
- £800 per month (inner London Boroughs: Camden, Islington, Southwark, City of London, Kensington and Chelsea, Tower Hamlets, Lambeth, Hackney, Wandsworth, Hammersmith and Fulham, Lewisham, Westminster, Haringey, or Newham)
- £600 per month studying in outer London /anywhere else in UK
- Maximum of 2 months
- Must show that he 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 application
- Evidence of money in cash funds in bank, loan letter or official financial or government sponsorship
- Student can use money held in account owned by parent : must show he is related to parent/legal guardian and has their permission to use the money

HOURS OF WORK

A .Student on degree level study or above or foundation degree:

- 20 hours a week during term-time, part time work
- Full time during vacations
- On a work placement as part of the course
- As a post graduate doctor or dentist on a recognised foundation programme
- As a student union sabbatical officer for up to 2 years

B. Course of study below degree level (not a foundation degree course):

- Part- time during term time (not more than 10 hours per week)
- Full time during vacations
- On a work placement as part of a course
- As a student union sabbatical officer for up to 2 years

- Students allowed to do extra courses (on any subject & does not have to relate to the main course of study) as well as their main studies
- Do not need permission of UKBA and need not inform the Tier 4 Sponsor
- Ensure the extra course does not get in the way of course that you have permission to stay for

TIER 1 (POST- STUDY WORK

- Self assessment calculator on UKBA website for both initial applications and transitional arrangements
- At least 75 points for attributes (including previous grant of leave under International Graduates Scheme, Science & Engineering Graduates Scheme or Fresh Talents working in Scotland Scheme)
- 10 points for English language
- 10 points for maintenance (at least £800 held for 90days before application)
- Applicants will be free to seek employment without having a sponsor for their post – study leave
- Single grant of leave for two years & not allowed to extend their leave under this category
- Leave in Tier 1(Post –Study work) does not lead to settlement. Time spent in the category does not count towards the period a person needs to spend in UK before being eligible for indefinite leave to remain.
- Students already in UK can switch
- Dependants in UK may apply but unable to switch into becoming main applicant. Dependant must leave the UK & make application for entry clearance overseas

NEW TIER 1 GENERAL SCHEME

- Age under 30:20 points
- Age 30 to 34:10 points
- Age 35 to 39: 05 points
- Age 40+ :00 points
- Bachelor's Degree: 30 points
- Master's Degree:35 points
- Ph.D :45 points
- Those without a Bachelor's degree will be able to qualify if they earn over £150,000.
- Earnings of Under £25,000.00: 00 Points

OTHER ROUTES

- Marriage to British citizen/settled spouse before leave expires (initial 2yrs) & indefinite leave if marriage is still subsisting and no criminal record
- Marriage to EEA whether with valid or expired leave to remain
- Continuous valid student visa for 10yrs
- NOTE: Applicants who have been refused entry clearance after using deception in their applications will have future applications refused for 10 years
- If you over stay your leave for over 28days and did not leave at your own expense, your applications will be refused for the following periods:
 - 1year if, following your breach , you left UK voluntarily at your own expense
 - 5years if, following your breach, you left UK voluntarily at public expense
 - 10 years if you were removed or deported from the UK following your breach