

Council

17th January 2011

ICU Submission to the Home Office Public Consultation on the Student Immigration System

Two aims of the Government are to reduce net migration and reduce abuse of the student visa system by people immigrating to the UK to stay permanently or work rather than for study. To this end, they are planning to reform several elements of the student immigration system encompassing both further and higher education. They are currently holding a public consultation on the changes which will close on the 31st January. The submission form for this is an online survey, which we as a Union are completing and submitting with as many views taken into account as possible, which is what we are seeking here. To this end, this submission will also be online for student comments. We would also encourage as many individuals as possible to complete the survey online (<https://www.surveymonkey.com/s/BDPMGTM>).

Commonly used phrases:

There are a number of official routes through which students apply for a student visa. These are classified as Tier 4 Routes.

Tier 4 (General) Route is the route by which all overseas students over seventeen years of age applying for further and higher education courses over 6 month's duration apply for a student visa.

The Tier 4 (Child) Route is for students aged four to seventeen who want to study in the UK and therefore need a visa.

A sponsor is an educational institution which offers courses to overseas students.

Trusted sponsors are educational institutions which have committed to ensuring that their courses are genuine and that the student visa route is not abused.

Highly Trusted Sponsors (HTSs) are educational institutions which have committed to more stringent regulations than Trusted Sponsors.

The Government's proposals are summarised as follows:

- Restrict Tier 4 visas granted mostly to degree-level courses and child students. Only Highly Trusted Sponsors will be permitted to offer courses below degree level to adults (NOTE: This is because privately run below degree level courses are where most abuse of the system occurs).
- No tightening of the Tier 4 (Child) route; this is a small part of the Tier 4 and one which poses least risk.
- Raise the Tier 4 language bar. All Tier 4 (General) applicants will be subject to a secure English language test showing competence at level B2 of the Common European Framework of Reference for languages (CEFR).
- Require students wanting to remain in the UK after their initial course to extend their studies to show clear evidence of academic progression to a higher level.
- Consider whether such students should be required to leave the UK and re-apply from overseas.

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- Close the Tier 1 Post Study Work route. This route enables international graduate students to move from study to work in the UK. All students who have studied in the UK and have been awarded a UK recognised bachelor's or postgraduate degree are eligible to switch into the Tier 1 Post Study Work route. This then allows the former student to stay in the UK for up to two years to look for skilled work, and then switch into one of the main work routes (Tier 1 or Tier 2) as soon as they are able to do so.
- This would not close the post study work route entirely, as there is an alternative route available. International graduates who wish to enter the UK labour market are also able to do so by being sponsored as a Tier 2 migrant. Their student visa is valid for four months after completion of their studies if the course was longer than 12 months in duration, enabling them to secure sponsorship from a UK employer.
- Students on a degree can currently work for 20 hours a week, and below degree 10 hours a week. Limit this further, as well as students' ability to sponsor dependants, allowing them to also immigrate.
- Students should only be allowed to work on campus during the week and for any external employer at weekends and during vacation periods.
- Where a course includes a work placement, raise the minimum ratio of study to work placement from 50:50 to 66:33.
- Remove permission to work for all dependants of Tier 4 students, except where they qualify in their own right.
- Only those Tier 4 students studying for more than 12 months to be allowed to bring their dependants to the UK.
- Impose different requirements as regards evidence of maintenance and previous qualifications. (NOTE: Based on the assumption that countries and institutions with a bad track record of fraudulence will be likelier to commit fraud in future)
- Tighten the accreditation regime to ensure the quality of education provision within private institutions of further and higher education for Tier 4 purposes.

Imperial College Union's Submission Draft

Raising the level of courses students can study

Q1. Do you think that raising the minimum level of study sponsors with a standard sponsor licence can offer under Tier 4 (General) to degree-level and above is an effective way of reducing abuse of Tier 4 (General) route, increasing selectivity and simplifying the current rules?

- **Yes**
- No
- Don't know

If you answered yes or no to the question, please give your reason(s) in the box below.

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Sponsors offering below degree level courses are currently an area of high abuse. If we require these sponsors to adhere to more stringent criteria, this will reduce the likelihood of abuse occurring.

Q2. Do you think that only Highly Trusted Sponsors should be permitted to offer study below degree level at NQF levels 3, 4 and 5 / SCQF levels 6, 7 and 8 in the Tier 4 (General) category?

- **Yes – only HTS should be able to offer these sub-degree level courses**
- No – all sub-degree level study should be prohibited under Tier 4 (General)
- No – study at NQF level 3 should be prohibited, even where the sponsor is HTS
- Don't know

If you answered yes or no to the question, please give your reason(s) in the box below.

Since the main problem with abuse of the system falls into the category of institutions offering below degree level courses, then this group of institutions should be subject to more rigorous inspection to reduce this abuse. Trusted sponsors should be encouraged to qualify as HTSs and given the support required to do so.

Q3. Do you think that the changes discussed in this section should be phased in?

- **Yes**
- No
- Don't know

If you answered yes or no to the previous question, what time period do you think is appropriate for phasing in these new measures?

- 0 - 11 months
- **1 - 2 years**
- 2 - 3 years
- 3+ years

Q4. Do you think that, in the light of the low risk of abuse amongst users of the Tier 4 (Child) route, there should be no changes to the route?

- **Yes**
- No
- Don't know

Introducing tougher entry criteria for students

Q5. Do you think that all students using Tier 4 (General) category should have passed a secure English language test to demonstrate proficiency in English language to level B2 of the Common European Framework of Reference for Languages (CEFR), in order to improve selectivity and to simplify the current system?

- **Yes**

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- No
- Don't know

Q6. Do you think that students from majority English-speaking countries, those who have been awarded a qualification equivalent to UK degree-level or above that was taught in English in a majority English-speaking country, and those who have recently studied in the UK as children should be exempt from any new language testing requirement?

- **Yes**
- No
- Don't know

Ensuring students return overseas after their courses

Q7. Do you think that students wishing to study a new course of study should be required to show evidence of progression to study at a higher level?

- Yes
- **No**
- Don't know

If you answered yes, what is the best way to demonstrate progression?

Q8. Do you think that students wanting to study a new course should return home to apply from overseas?

- Yes
- **No**
- Don't know

If you answered no, do you have any alternative proposals?

Asking students to return overseas not only deters students from studying a second course here, it is time-consuming, costly, environmentally wasteful, and imposes an unnecessary financial burden on the student. Students should be able to apply to UK HEIs regardless of current location if they are seeking to progress without taking a break from education.

An alternative would be using a form of the Tier 2 route, which allows four months in which to find work, to allow students to find another course, with appropriate monitoring to ensure that the system isn't abused.

Q9. What changes do you think we should make to the Tier 1 Post Study Work route?

- Close the route entirely
- Restrict it significantly
- **Other**

If you chose the second or third options, please provide additional comments and suggestions, including on the timing of any changes and any transitional arrangements you feel would be necessary.

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The Tier 1 Post Study Work Route should be retained as it provides a path for highly-educated and English-literate graduates, who may have spent up to nine years in the UK already, to settle and contribute to the UK economy and society. Any reduction of this route for successful graduates, particularly in the sciences, will also be harmful to HE-sector wide attempts to promote commercialisation of research and the creation of 'spin-out' companies, adding as it would an extra onerous burden of seeking citizenship within 4 months for recent international graduates.

An alternative proposal would be to allow overseas graduates two years to find work, on the condition that they regularly report evidence of searching for a job in order to remain in the country, and on the condition that if they are offered a job, that they accept it.

Limiting the entitlements of students to work and sponsor dependants

Q10. Do you think that we should restrict further the amount of work students should be allowed to undertake while studying?

- Yes
- **No**
- Don't know

Q11. Do you think we should make it simpler for employers to understand the rules around student work, by limiting it to set times, except where they are working on campus? (Ask HO)

- Yes
- **No**
- Don't know

Q12. Do you think that the minimum ratio of study to work placement permitted should be increased from the current 50:50 to 66:33, except where there is a statutory requirement that the placement should exceed one-third of the total course length?

- **Yes**
- No
- Don't know

Q13. Do you think that only those studying for longer than 12 months should be permitted to bring their family members with them to the UK?

- Yes
- **No**
- Don't know

Q14. Do you think that family members permitted to accompany the student should be prohibited from working?

- Yes
- **No**
- Don't know

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Simpler procedures for checking low-risk applications

Q15. Do you agree that differential requirements for high and low risk students should be adopted?

- **Yes**
- No
- Don't know

Q16. Do you believe that we should focus on the abuse of documentary evidence for maintenance and/or qualifications as the basis of differential treatment?

- **Yes**
- No
- Don't know

Q17. Do you believe that we should also, or alternatively look at the sponsor's rating as a basis for differential treatment?

- **Yes**
- No
- Don't know

Stricter accreditation procedures for education providers in the private sector

Q18. Do you think that more should be done to raise accreditation and inspection standards to ensure the quality of education provision within private institutions of further and higher education for Tier 4 purposes?

- **Yes**
- No
- Don't know

Q19. In the light of the proposals described in this document, what do you think will be the main advantages / disadvantages, including any financial impacts, to you, your business or your sector?

As a student union we can see no advantages to our students in the proposed measures. Many of the measures proposed will deter or significantly disadvantage our overseas students - especially those with partners or children. International students are an integral part of Imperial's student experience, currently making up a third of the student population.

They bring immense diversity and expose our home and EU students to a wealth of culture, fostering an environment of tolerance and respect and shaping the people they will be when they graduate. They are a vital part of the wealth of extracurricular activities we offer our students, forming their own clubs and societies to celebrate their heritage and educate other students. They produce several of the largest arts performances of the university year, often securing large corporate sponsorship to do so, and carry out many charitable activities.

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They also bring a huge amount of financial benefit to our institution via their tuition and accommodation fees, and enrich the local economy with off campus spending. Imperial is famed for its innovation and spin out companies, but this asset will be severely limited by restricting the Tier 1 Post Study Work route. Imperial attracts some of the best and brightest minds in the world. To deter them from applying to study in the UK and encourage them to leave the country would be detrimental to the quality of an Imperial degree for all of our students, and would also remove people from our society who are economically, socially, and academically highly valuable.

Background consultation questions

Are you responding to this consultation as:

- An individual
- **On behalf of an organisation/institution etc**

Please indicate whether you are:

- A student
- An academic
- **Other**

Please select your organisation/institution type:

- University
- Publicly funded FE College or institute of further/higher education
- Private FE College or institute of further/higher education
- Independent School
- English Language School
- Local Authority or other public sector
- **An institution or business not directly involved in providing education**

If you are responding on behalf of an organisation/institution involved in providing education: Please state the name of your organisation/institution:

How many students started new courses at your institution in the 2009/2010 academic year? (Please estimate and tick one box)

- Less than 500
- Between 500 and 999
- **Between 1,000 and 4,999**
- Between 5,000 and 14,999
- Between 15,000 and 25,000
- Over 25,000

What is your estimate of overseas students (non-EEA) as a proportion of your total student population?

- Less than 5%

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- 5% up to 10%
- 10% up to 15%
- 15% up to 20%
- **20% up to 50% (30.2% as of 2009)**
- More than 50%