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## Tier 4: some of your questions answered

### Where to find information

**Policy guidance and application forms for leave to remain for General Students** (now called Adult Students by the UK Border Agency (UKBA)):

[www.ukba.homeoffice.gov.uk/studyingintheuk/quickguideforstudent/adultstudents/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/quickguideforstudent/adultstudents/)

**Policy guidance and application forms for leave to remain for Child Students:**

[www.ukba.homeoffice.gov.uk/studyingintheuk/quickguideforstudent/childstudents/](http://www.ukba.homeoffice.gov.uk/studyingintheuk/quickguideforstudent/childstudents/)

**Policy guidance and application forms for leave to remain for dependants** (at the time of writing they had not yet been added to the student area of the UKBA website but the guidance and forms for workers also apply to the dependants of Tier 4 students):

[www.ukba.homeoffice.gov.uk/workingintheuk/tier4/general/applicationsbydependants/](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier4/general/applicationsbydependants/)

**Entry clearance application forms** (VAF9 and Appendix 8 for General Students; VAF9 and Appendix 9 for Child Students; VAF10 for dependants):

[www.ukvisas.gov.uk/en/howtoapply/vafs/](http://www.ukvisas.gov.uk/en/howtoapply/vafs/)

**Information for Tier 4 sponsors:**

[www.ukba.homeoffice.gov.uk/employers/points/whatisthepointsbasedsystem/sponsoringstudents/](http://www.ukba.homeoffice.gov.uk/employers/points/whatisthepointsbasedsystem/sponsoringstudents/)

**Questions we have asked the UKBA about the Tier 4 policy guidance and application forms:**

[www.ukcisa.org.uk/members/immigration.php](http://www.ukcisa.org.uk/members/immigration.php)

**Our information for students:**

[www.ukcisa.org.uk/student/immigration.php#tier4\\_application\\_forms\\_comments](http://www.ukcisa.org.uk/student/immigration.php#tier4_application_forms_comments)

## The new system

When dealing with Tier 4 queries and applications, the first point of principle is to forget the Immigration Rules which were in place until 31 March and to start again with the new Rules and policy guidance. Areas which were previously the responsibility of UKBA caseworkers and entry clearance officers are now largely your responsibility. For example, it is now up to your institution to decide if a student is capable of undertaking and intends to follow a course and whether a student has attended and made satisfactory progress. All of this will be evidenced through your issue of a single Visa Letter.

The Visa Letter must, as far as possible, conform to the templates in the sponsor guidance. This is a way of working which was introduced with the Highly Skilled Migrants Programme, and has developed further with each tier of the Points Based System, so it is not entirely unexpected.

Students who can produce genuine documents which meet the requirements in the policy guidance and which show that specified amounts of money are available to them must be awarded the 10 points for maintenance, and there should not be any arguments from UKBA staff about whether this sum is disproportionate for a student from a particular part of the world.

Where there are real difficulties for students and their dependants to meet the requirements of Tier 4, please let us know. However, many elements have been discussed at length and over long periods of time, and it is highly unlikely that significant changes can be effected at this stage, unless you can produce compelling examples of how the new system is going to discourage or exclude your new or existing students.

Please call our Advice Line if you have queries about Tier 4 which are not answered by this Special Briefing or by any other information produced by us or by the UK Border Agency. We have not yet received a response to any of our queries, which are available on our website. When we do receive answers, we will let you know through the immigration pages of our website.

## Eligible courses

### **Is an HND or a foundation degree course a "full-time course of study that leads to a UK recognised bachelor or postgraduate degree"?**

It is unlikely that the UKBA intended this to include HNDs or foundation degrees, and we have asked them what they mean by this. In the meantime, it is safest to assume that it does not include HNDs and foundation degrees. They are stand-alone courses which do not necessarily lead to a UK recognised bachelor or postgraduate degree, as required under the Immigration Rules (Appendix A paragraph 119(c)(i)).

HND and foundation degree courses must therefore involve a minimum of 15 hours per week of organised daytime study, as required under the Immigration Rules (Appendix A paragraph 119(c)(iii)). The only exception to this is for Child Students, who are not required to undertake 15 hours a week of organised daytime study as long as the course is "taught in accordance with the National Qualification Framework".

The same requirement of 15 hours a week of organised daytime study applies to courses leading to postgraduate certificates and postgraduate diplomas.

HND and foundation degrees are also below "degree level", as defined in the Immigration Rules, and so time spent studying them counts towards the three-year total for courses below degree level.

A recent High Court case has, however, cast doubt on this interpretation of "degree level" study and on whether courses which added together can, potentially, lead to a degree or degree level course can be included in that definition. It concerned a student who was held to have "embarked on a course of study leading to a level 6 qualification" and who was, therefore, seen as having been accepted for a course of study at degree level, even though the course for which she had applied for immigration permission was below level 6. This implies that A Levels could be seen as a course which leads to a degree. You might wish to seek legal advice about the implications of this case for your courses and students. You can find the case report at <[www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2009/347.htm](http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2009/347.htm)>.

### **What is organised daytime study?**

This is defined in paragraph 73 of the Tier 4 policy guidance. The study must be daytime study, which takes place between 8 am and 6 pm from Monday to Friday. This is the same as the previous student provisions, which were

clarified through cases in the Asylum and Immigration Tribunal. Such cases confirmed that periods of study undertaken without supervision, for example, in the library or in a student's room, are not included in the 15 hours a week.

### **Can time spent working be included in the 15 hours a week?**

No. This concession has been removed, and students on any courses which involve work placements must spend at least 50% of the course engaged in study.

### **What about students who are enrolled part-time?**

If students are enrolled as part-time students on a temporary basis in order, for example, to re-sit exams, retake modules, take top-up credits or to write up a thesis, but the course as a whole can be described by your institution as a full-time course of study that leads to a recognised bachelor's or postgraduate degree, you can still issue a Visa Letter for such students. Alternatively, they should be spending at least 15 hours a week in organised daytime study.

### **Are PGCE courses eligible?**

Only if the period of time spent on work placements does not exceed 50% of the total time on the course. We are aware that this is a particular problem with the PGCE course aimed at those who wish to teach in secondary schools. At present, there are no exceptions in the Immigration Rules or in the policy guidance to cover this situation. We contacted the Department for Innovation, Universities and Skills to ask them if they are concerned about this. In the meantime, students should only be accepted on courses where the work placements do not exceed 50% of the total time of the course.

If this is also a problem with the PGDE course, members in Scotland are invited to let us know as soon as possible about this with details of the courses they run and the problems this will cause under Tier 4.

### **What about students who need to study abroad as part of a UK course?**

The sponsor guidance, at paragraph 2.27, states that "other than when the migrant is on work placement, all study that forms part of the course must take place on the premises of the sponsoring educational institution, or at a temporary location authorised by the sponsor. For example, if the student is on a field trip, this would be acceptable". It is reasonable to assume that study abroad would be accepted as study at a temporary location

authorised by the sponsor. When reporting is introduced, this would also be an authorised absence.

For students who study in a number of countries, and who might start and end their studies in the UK, the absence in other countries would also seem to count as "a temporary location authorised by the sponsor". If students do not know until later in the course whether they will spend the final period of study back in the UK, it is up to you as a Tier 4 sponsor to decide whether to put the end of the whole course as the end date on the Visa Letter or whether to restrict it to the end of the first period of study in the UK. If you choose the latter, students must be warned that they will have to apply again for entry clearance in order to return to the UK, and this is likely to involve a trip back to their home country. If you choose to provide the later date (the end of the whole course), students should be warned that if they choose not to complete their studies in the UK this is likely to be reported to the UKBA as an early end to their course and they should not rely on being able to re-enter the UK on their current immigration permission.

### **Students taking courses abroad with a short period of study in the UK**

The Immigration Rules for this provision are not very carefully worded. They state that the student must be on "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".

"Degree level study" is defined in the Immigration Rules as "a course which leads to a recognised United Kingdom degree at bachelor's level or above, or an equivalent qualification at level 6 or above of the revised National Qualifications Framework, or levels 9 or above of the Scottish Credit and Qualifications Framework". However, "Higher Education" is not defined in the Immigration Rules. Paragraph 7.5 of the Tier 4 policy guidance states that for students to come under this provision, the qualification must be "validated as the same level or above as a United Kingdom degree by UK NARIC".

Work placements for this group of students are subject to the same requirements as for all other Tier 4 students. This means that the time they spend in a work placement, which can be full-time, must not exceed 50% of the total time spent on the course. The work placement must also be an assessed part of the course. The Immigration Rules do not specify whether the work placement must be an assessed part of the course in the UK or of the course in the country where the degree is provided. Therefore, it would appear that either is likely to be acceptable.

## Maintenance

### Are there special provisions for students staying with family members?

No. These students must meet exactly the same maintenance requirements as all other students. Arguments for special provisions for them have been made at various meetings with the UK Border Agency. However, the UKBA is not prepared to provide special arrangements for them unless, perhaps, the education sector can provide concrete examples of students who are no longer able to pursue their studies as a result of this provision.

### Parents will not want their children to have their own bank accounts

General Students cannot meet the maintenance provisions of Tier 4 unless they have money in an account in their name. The only exception is those supported completely by an official financial sponsor. Those applying as Child Students can rely on money in parents' or guardians' bank accounts.

Parents who do not trust their children with large amounts of money in their bank accounts might want to consider paying in advance and in full their children's tuition fees for the first year of study and the charges for accommodation which is arranged or provided by your institution. As long as there is evidence in the required format, ie in the Visa Letter or through original receipts, that the sums have been paid, they will be deducted from the amounts required under the maintenance provisions. There is no requirement that the money for tuition fees and rent must have come from an account in the student's name. Joint accounts are also possible as long as the student is named on the account.

### Students will lose the chance to earn interest on their money

The money has to be in an account which meets the requirements of the Tier 4 policy guidance for the purpose of making the immigration application. As long as sufficient money is still available to students to pay their outgoings in the UK, there is nothing to prevent them from later putting some of their money in an account in which it will earn higher rates of interest.

### Can students still rely on work guaranteed by the institution?

Predicted earnings are not acceptable evidence for meeting the maintenance requirements. Where payment of tuition fees, accommodation and/or board have been included as part of the package, institutions might be able to confirm in their Visa Letters that this has a specified value and that it has already been paid, with receipts, so that this sum can be deducted from the fixed sum students are expected to demonstrate. Universities can act as official financial sponsors and confirm the extent to which they are providing financial support to their students, which again means that students are required to show lower amounts or nothing in their bank or loan accounts.

Money earned through work during studies, as long as work conditions are not breached, can be used to show that students can meet the maintenance requirements for further immigration applications. The only requirement is that the money is in an account and evidenced in a way which is described in the Tier 4 policy guidance.

### Who benefits from the need to provide only two months' worth of funding?

This is badly worded in the Immigration Rules, and the application form does not cover all of those who do benefit from this provision.

However, it appears that it is intended to benefit those who are already studying or who have already studied in the UK with student immigration permission, whether they apply in the UK or abroad, unless:

- they are moving from one course to another and the course they have just completed was under six months long, and this includes pre-session courses, or
- they are moving from one course to another and they completed the last course more than four months before this application.

Appendix A paragraph 11 for General Students and Appendix A paragraph 15 for Child Students provide that those extending leave previously granted under Tier 4 or under Part 3 of the Immigration Rules (the 'old' Rules) benefit from the two months' provision. The only exceptions are those listed above. However, the Tier 4 policy guidance originally omitted this group, although it is now included, at paragraph 99, and the entry clearance and leave to remain application forms still fail to provide for this group.

We have drawn this to the attention of the UKBA, but in the meantime, students should be advised to tick the box which leads to the question about two months' worth of maintenance funding rather than any of the boxes which lead to questions about nine months' worth of funding.

In the case of Tier 4 (G), the student should tick the last box in answer to question K6.

In the case of Tier 4 (C), the student should tick the last box in answer to question K23.

In the case of Appendix 8 to VAF9, a General Student should complete question 6.10 extension application.

In the case of Appendix 9 to VAF9, a Child Student should put a cross in the last box in answer to question 6.21.

Students who qualify for the two-month funding provision but who have no problems in providing the full amount of maintenance might wish to select the initial application box simply in order to avoid any danger of refusal because of a lack of understanding on the part of caseworkers of the intention of the UKBA in relation to this provision.

Those who 'switch' into Tier 4 status from some other category of the Immigration Rules, other than the 'old' student Rules (Part 3), do not benefit from this provision.

### **What does the 1 June concession mean for our students?**

Paragraph 135 of the Tier 4 policy guidance provides that those who apply for immigration permission, whether by way of entry clearance or for leave to remain, before 1 June only need to provide proof that they have the money needed on the day on which they apply.

They still have to provide the correct documents to support their application. This appears to mean that any bank statements etc must cover a 28-day period, although there is no requirement that the relevant sum of money has been held in the account for that 28-day period. It also appears to mean, however, that the evidence must be no more than one month old. Students should be advised to obtain evidence which is dated as close as possible to the date of their immigration application. If students who provide evidence that is no more than one month old are refused because the evidence is not of the same date as the immigration application, please let us know as a matter of urgency so that we can pursue this.

Students who do not already have their own bank accounts, and who will need to make an immigration application, should be urged to open an account as soon as possible so that they will not have any problems in meeting this requirement.

Paragraph 77 of the dependants' policy guidance also includes this concession for applications made before 1 June.

## **Re-sits, writing up and other extension applications**

### **What's happened to the Rules for re-sits and writing up?**

They have gone and students who need more time to re-sit an exam, re-take a module or write up a thesis apply under Tier 4 in the same way as all other students who apply to extend their stay. They can also apply abroad for entry clearance.

They are existing students extending their stay, so your Visa Letter can simply state that you have assessed their eligibility to continue their course on the basis of their progress. There is no requirement to state more than this on the Visa Letter, and you do not have to provide a list of the qualifications you used to offer continuing students a place on their course.

A student can re-sit an exam or re-take a module a maximum of two times per exam or module, which means that they have up to three attempts to pass. If they need to apply for more time, they must not have re-sat the exam or retaken the module more than once already. Students who meet this requirement can be said on the Visa Letter to have been making progress, if your institution is happy for them to continue their course. There are no transitional provisions, so you cannot issue a Visa Letter for a student who has already re-sat an exam or repeated a module more than once, and students should be warned of this. If you do issue a Visa Letter for a student who has already exhausted their number of attempts and the UKBA becomes aware of this, the student's application will be refused and your institution's Tier 4 licence can be downgraded or withdrawn.

There are no comparable limits for the number of extensions a PhD student can make, or the length of time they can spend on their doctorate. However, you should not issue a Visa Letter if you are not happy with students' progress.



The end date you provide in the Visa Letter will determine the length of leave a student will be granted by the UKBA. If you mention more than one date, it is likely that the earlier date will be used, and this means that a student will probably have to apply again. It is up to you whether you wish to provide the date of the exam or the date for submission of the thesis, which will probably involve further applications by the student, or the new end date of the whole course, assuming the student passes on this occasion or submits the thesis on time. If you choose to provide the date of the end of the whole course and the student fails and so cannot continue the course, you will be expected to report this premature end to their studies to the UKBA when reporting becomes mandatory later this year for some Tier 4 students and from February 2010 for all Tier 4 students, according to the current schedule.

### **Where on the Visa Letter do we mention attendance and progress?**

If students need more time in order to complete a course which they have already started, you just need to state that you have assessed their suitability to continue the course on the basis of their progress thus far. You can choose to provide further details, but this is not advisable if it is likely to confuse a caseworker. Issuing a Visa Letter constitutes evidence that you are satisfied with a student's attendance and no further information is required. This will be backed up by reporting unauthorised absences and deferrals when reporting becomes mandatory.

### **If a student is already studying in the UK, is this an 'initial' application under Tier 4, or an 'extension' application?**

This is relevant to the question of whether students have to provide two months or up to nine months of funding. See above under Maintenance for more information about this. Generally, however, the UKBA seems to use 'initial' for those who are not already studying with student immigration permission, and 'extending' for those who are already engaged in study with student immigration permission, even if the students are applying for entry clearance from abroad.

### **How much extra leave will be granted to a student who is extending to complete a course?**

This is not clear. However, the additional periods of leave at the end of studies are listed in the Immigration Rules and are linked to the length of the course as a whole. The additional period of leave should, therefore, depend on the length of the course as a whole, which means that those

studying courses of 12 months or more should be given an additional four months, unless their official financial sponsor has stated that leave should be restricted in length. If your students receive different additional periods, please let us know.

## **Moving between courses**

### **There is more than a month between the end of one course and the start of the next. Do our students really have to go home?**

Paragraph 245ZX(l) of the Immigration Rules states that "the applicant must not be applying for the purpose of studies which would commence more than one month after the applicant's current entry clearance or leave to remain expires". Paragraph 245ZY(b) of the Immigration Rules, however, also states that, in the case of a course which is under six months long and which is not a pre-session course, the period of leave to remain to be granted before the course starts is limited to seven days.

This is also explained in paragraph 81 of the Tier 4 policy guidance.

This means that you have to check when the student immigration permission comes to an end and when the next course starts. If there is a gap of more than one month between these two dates, the student will have to return home, unless he or she can undertake further relevant study for which you or another Tier 4 sponsor is prepared to issue a Visa letter.

There are no transitional measures for students who are already in the middle of a course and whose leave expires more than a month before the start of the next course. These students will have to return home in order to make an entry clearance application to start their next course. For future students, you might want to consider whether it is possible to:

- make unconditional offers for the following course
- bring forward the start date of the following course by, for example, using any induction periods for the start date on the Visa Letter
- reorganise the first course so that the gap between the end of students' immigration permission and the start of the next course is no more than one month
- reorganise the first course so that the gap between the end of the first course and the start of the next course is long enough for a student to get home and make an entry clearance application in good time.

**Our students are doing a pre-session course, followed by another course for which we have given them an unconditional offer. How long a gap can there be between these courses?**

This is not specified in the Immigration Rules, the Tier 4 policy guidance or the sponsor policy guidance. Until we receive clarification from the UKBA on this question, therefore, there is in theory no limit on the time between courses. However, remember that you remain responsible for your students for the entire time during which they have Tier 4 immigration permission which is linked to your institution. It is quite likely that the UKBA would expect there to be a gap of no longer than one month between these courses, in line with the provisions for those who do not have unconditional offers or who have to change institution.

**Our students do short English courses, and they get their results after their current immigration permission has expired. In the past they have made an immigration application and forwarded the results. Can we still do that?**

No. You cannot rely on being able to forward documents in order to complete an application. There is no separate address on the application form, which would enable you to do this. Information from the Batch Scheme about whether this will be allowable under Tier 4 has been ambiguous. Therefore, it would be dangerous to rely on being able to do this in the future. It was always risky in any event.

Departments need to be made aware of the problem that this causes international students. But in the meantime, it is possible to assess students' ability to do the next English language course on the basis of references. Perhaps tutors would be prepared to issue such references, at least until courses have been sorted out to ensure that results can be issued during the currency of students' immigration permission.

**How will the UKBA know that we are happy to take a student who has a Visa Letter from a different institution?**

Paragraphs 278-287 of the sponsor guidance make it clear that a student with Tier 4 immigration permission must email the UKBA before starting a course at your institution, and that the UKBA will then seek confirmation from the new course provider that it wants to be the student's new Tier 4 sponsor. The UKBA should let you know the format in which it wants this confirmation. The student can start the new course as

soon as he or she has notified the UKBA. If you are the new provider, you should check that the student has received acknowledgment of receipt of the request for permission to change sponsor.

Students with 'old' immigration permission are not required to obtain the UKBA's permission to change institutions.

## Making applications

### The application forms make no sense

We have passed a number of comments and queries about the leave to remain application forms to the UKBA. They are not prepared to reissue the forms and they have not yet addressed our concerns about them. Our questions are on our website. Please let us know through the ukcisa-discussion mail base or through our advice line if you have additional queries.

Note that in some cases, questions which appear to be irrelevant (for example, which box in C10 does a General Student tick if s/he has never been issued with an identity card?) should not be answered by students in this situation. Such students should have ticked the No box for question C9 and then gone straight to C14. The same applies to questions about travel details in section D – questions D6 to D10 should be answered only by students who cannot provide passports they have used to travel to, and remain in, the UK, ie those who have to tick the Yes box to question D5.

When answering some questions, students might have to write on the application form to explain the way in which they interpret a particular question. If in doubt, for example, about whether course fees should be for the whole course or for one year only, students should use the information in the Visa Letter, which is the required evidence, and use the figure for one year's fees. 'Maintenance' has a set meaning, ie the lump sum required for an individual student (2 months x £600 or £800 or up to 9 months x £600 or £800). The only sum which can be deducted from this figure is the rent for accommodation arranged or provided by your institution which is evidenced in the required format. The only other additional sum is one year's worth of tuition fees.

When completing the entry clearance application form, VAF9, students should put 30 in the box for Attributes, 0 or N/A in the box for English and 10 in the box for Maintenance.

### Can we still forward missing documents after an application has been made?

We have asked the UKBA how students who for good reasons do not have required documents at the time of making an application, or who make a mistake and need to correct it, can do this without having to make a whole new application. There is no address on the application form to which additional documents can be forwarded.

This might remain possible for those applying through the Batch Scheme, at least in the early days of the new system, but it is unlikely to remain possible for those applying outside the Batch Scheme. Students who apply in good time for police registration certificates and ATAS clearance certificates which are not issued promptly should still ensure that they make their immigration applications in time and, if necessary, appeal against any refusals. Appeals against entry clearance refusals are no longer possible and have been replaced by administrative review.

## Dependants

### Who are the dependants of Tier 4 students?

Those who can apply to come to or to stay in the UK as the dependants of Tier 4 students are:

- spouse or civil partner
- children aged under 18, or aged 18 or older if they already have immigration permission as a dependant
- unmarried partner or same sex partner in a relationship akin to marriage or civil partnership respectively.

Both the student and his or her spouse, civil partner, unmarried or same sex partner must be 18 or older on the date on which they arrive in the UK.

Paragraph 3 19C(c) of the Immigration Rules states that: *“An applicant who is the unmarried or same-sex partner of a Relevant Points Based System Migrant must also meet the following requirements:*

- (i) any previous marriage or civil partnership or similar relationship by the applicant or the Relevant Points Based System Migrant with another person must have permanently broken down,*
- (ii) the applicant and the Relevant Points Based System Migrant must not be so closely related that they would be prohibited from marrying each other in the UK, and*
- (iii) the applicant and the Relevant Points Based System Migrant must have been living together in a relationship similar to marriage or civil partnership for a period of at least 2 years”.*

Neither the dependants' policy guidance nor the application forms indicates that evidence of any of these matters is required to be submitted with the application.

Children must not be married or in a civil partnership, they must not have formed an independent family unit and they must not be living an independent life. Therefore, children who are over the age of 16 have to submit specified documents in support of their applications in order to prove this. These documents are explained in detail in paragraphs 84 to 87 of the dependants' policy guidance.

### Can current students apply as a Tier 4 student so that they can bring an unmarried or same-sex partner to the UK?

The dependants of students with immigration permission granted under the 'old' Rules (Part 3) are still limited to spouse, civil partner and children. We have asked the UKBA if students who wish to be able to bring an unmarried or same-sex partner to the UK are able to make an application under Tier 4 even though they do not require any extra time in the UK. Whilst this is not a ground for refusal, students in this situation should be advised to wait until we have received a response from the UKBA before making such an application, particularly as there are continuing delays in the processing of student applications at present.

### Can dependants benefit from the two-month maintenance requirement?

Tier 4 students who can rely on the two-month maintenance requirement are described above.

The situation for dependants is even less straightforward. The Immigration Rules do not provide any two-month funding exceptions for them. However, the dependants' policy guidance, in paragraphs 60 to 65, does make provision for family members of Tier 4 General Students who are applying to extend their stay. The UKBA appears to use the phrase 'extension of stay' now to include those who are making entry clearance applications if they have already had leave under either Tier 4 or Part 3 of the Immigration Rules.

This is confusing, particularly because the dependants' policy guidance does not mention entry clearance applications, nor does it mention the exceptions to this provision. Perhaps the safest assumption to make, until we receive further clarification from the UKBA, is that if a student can rely on the two-month funding provision, family members can also rely on it. Paragraphs 62 and 65



of the dependants' policy guidance state that this applies even if the dependants apply separately from the student.

The PBS dependant application form makes absolutely no provision for the two-month funding exception for those extending their leave in the UK. Again, those who have no problems in meeting the full requirements should be advised to provide evidence that they can do this, simply in order to avoid confusion. Those who have to rely on the two-month funding provision should indicate in their answers to questions J5 to J11 of the form that they are relying on paragraphs 60 to 62 of the dependants' policy guidance, if the student is based in London, or on paragraphs 63 to 65 if the student is based outside London. 'London' is defined by the UKBA in paragraph 49 of the dependants' policy guidance. Perhaps, this should be noted when answering question J7 or J9. Question J6 is clearly inaccurate when it tells the dependants of those studying outside London to go to question J7 – this should read 'Go to question J9'.

The entry clearance form for dependants (VAF10) does not ask specific questions about the amount of money but instead just requires evidence of the relevant amount. A covering letter or an explanation in a free text box on the online application system should deal with the two-month issue.

### **Can dependants rely on funding provided by an official financial sponsor?**

No. There is no provision for this in the Immigration Rules or in the dependants' policy guidance, even if the student is supported by an official financial sponsor. However, acceptable evidence of finances includes accounts in the name of the student.

### **Applications by dependants**

Dependants who apply for leave to remain at the same time as the student are charged £50 per person.

This does not apply to children who are aged 18 or over. They are charged the same fee as dependants who apply separately from the student. At the time of writing, this fee is £395 for a postal application or £595 for an in-person application. From 6 April, this fee is set to increase to £465 for a postal application or £665 for an in-person application. We have not yet seen the approved regulations, so this might change. However, dependants should be warned to check that they are completing the version of the form which is the latest on the website. The £50 fee will not increase on 6 April.

## **Under 18s**

### **What's different for students who are under 18 years old?**

The extra provisions for students who are under 18 are exactly the same whether they apply as Child Students or as General Students. These consist of the need for written support from parents or guardians to the study and their consent to the travel, reception and accommodation arrangements which have been made for them.

If you arrange accommodation for students aged 16 or 17 after they have been issued with entry clearance, your students' parents or guardians will still need to have sufficient information to provide their consent to the general arrangements that have been made. Full details of what must be included in the letter are at paragraphs 151 to 153 of the Tier 4 policy guidance.

Only Child Students can rely on evidence of funding which is in their parents' or guardians' names.

Only Child Students can take courses which are above or below NQF Level 3, or equivalent, or English courses which are below Level A2. Only General Students can take English courses at Level A2 or above.

Study which is below degree level does not count as part of the three-year limit if the student is younger than 18. This applies whether the student has Child Student or General Student immigration permission.

### **Do Child Students still have to show that they are in private foster care or boarding school?**

No. Child Students who are aged 16 or 17 when they apply can meet the same maintenance requirements as General Students.

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