



Home Office

TIER 4  
version 07/16

# Tier 4 of the Points Based System – Policy Guidance

Guidance to be used for all Tier 4 applications made on or after 25 July 2016

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## Glossary

Term	Definition
Academy	An institution defined by and established under the Academies Act 2010, as amended. This includes academy schools, 16-19 academies and alternative provision academies.
BRP (Biometric Residence Permit)	A BRP is proof of the holder's right to stay, work or study in the UK. It can also be used as a form of identification (for example, if the holder wishes to open a bank account in the UK).
Care arrangements	Suitable arrangements for any children for their travel to the UK, reception at port and living arrangements while in the UK.
Close relative	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 years or over.
Confirmation of Acceptance for Studies (CAS)	<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 Tier 4 (general) and Tier 4 (child) students.
Embedded college offering pathway courses	A sponsor recognised by the Home Office as a private provider, usually part of a network and operating within or near to the premises of a higher education institution, delivering pathway courses which prepare students for entry to higher education programmes at that a higher education institution. This does not include pre-sessional courses. The higher education institution must be a UK recognised body, or a body in receipt of public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council.
English language course	For Tier 4 this means a course where a student is studying English as a foreign language.
Foundation course	A course which prepares a student for undergraduate study and entry to a Higher Education Institution. It includes undergraduate foundation programmes, university foundation courses, international foundation year courses, and international year one courses (and equivalents). It does not include pre-A-levels foundation courses, A-levels, or the International Baccalaureate (or equivalents).

Foundation degree	A programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the National Qualifications Framework, or is awarded on a directly equivalent basis in the devolved administrations. In Scotland, a Higher National Diploma at level 8 on the Scottish Credit and Qualifications Framework, awarded by the Scottish Qualifications Authority is equivalent to a foundation degree.
Independent school	<p>For schools in England and Wales, this means any school at which full time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not a) a school maintained by a local education authority, or b) a special school not so maintained.</p> <p>For schools in Scotland, a school at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school.</p> <p>For schools in Northern Ireland, this means a school that has been registered with the Department of Education.</p> <p>A school is not an independent school if it is an academy.</p>
Intended carer	A resident British citizen or other UK resident who is a close relative or in a private foster care arrangement
Maintenance/funds	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	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
Pre-sessional course	Course to prepare a student for his/her main course of studies
School maintained by a local authority	An institution defined within the School Standards and Framework Act 1998 or the Education Act 1996, both as amended. This includes community schools, foundation schools, voluntary aided schools, voluntary controlled schools, community special schools, foundation special schools, pupil referral units, and maintained nursery schools.
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 UK under Tier 4 of the Points Based System. A Tier 4 sponsor can be a Tier 4 (General) student sponsor, a Tier 4 (Child) student sponsor, or both.

Tier 4 Register of Sponsors	The register of education providers which have been issued and currently hold a Tier 4 sponsor licence.
UK Higher Education Institution	<p>A UK recognised body, or a body that receives public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council. We also accept:</p> <ul style="list-style-type: none"> <li>• Richmond, the American International University in London, as an HEI because it is recognised in statute in the Education (Recognised Awards) (Richmond The American International University in London) Order 2006.</li> <li>• The UK Foundation Programme Office as an HEI for sponsored students who were assigned a CAS before 1 July 2015 to undertake a recognised Foundation Programme for postgraduate doctors.</li> <li>• Health Education Yorkshire and the Humber, and Health Education South London (for students who were assigned a CAS on or after 1 July 2015), as HEIs for sponsored students undertaking a recognised Foundation Programme for postgraduate dentists.</li> </ul> <p>You can check whether an institution is a UK HEI using the following websites:</p> <p>England: <a href="http://www.hefce.ac.uk/TheRegister/">http://www.hefce.ac.uk/TheRegister/</a></p> <p>Scotland: <a href="http://www.sfc.ac.uk/aboutus.council_funded_institutions/W_hoWeFund.aspx">http://www.sfc.ac.uk/aboutus.council_funded_institutions/W_hoWeFund.aspx</a></p> <p>Wales: <a href="http://www.hefcw.ac.uk/about_he_in_wales/higer_education_institutions?he_institutions.aspx">http://www.hefcw.ac.uk/about_he_in_wales/higer_education_institutions?he_institutions.aspx</a></p> <p>Northern Ireland: <a href="http://www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division-htm">www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division-htm</a></p> <p>A list of UK recognised bodies is available on the Gov.uk website, using the following link: <a href="https://www.gov.uk/recognised-uk-degrees#recognised-bodies">https://www.gov.uk/recognised-uk-degrees#recognised-bodies</a> <a href="http://www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies">www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies</a></p>
We/us/our	Home Office



## Introduction

1. This document provides policy guidance if you are a student coming to the UK under Tier 4 of the Points Based System, and should be read with paragraphs 245ZT to 245ZZE of the Immigration Rules (these can be found on our Home Office pages at the GOV.UK website at: [www.gov.uk/government/collections/immigration-rules](http://www.gov.uk/government/collections/immigration-rules). It is correct at the time of publication but some sections may change, so you should always check that you have the right version by going to our website.
2. You can find application forms to apply under Tier 4 on the GOV.UK website at: [www.gov.uk/browse/visas-immigration/study-visas](http://www.gov.uk/browse/visas-immigration/study-visas)
3. You can find the Immigration Rules and more information on how to apply on the GOV.UK at: [www.gov.uk/browse/visas-immigration/study-visas](http://www.gov.uk/browse/visas-immigration/study-visas)
4. A glossary of terms used in this guidance can be found on page 6.

The table below sets out the paragraphs we have added, updated or moved since the last version of this guidance published on 6 April 2016, and gives a brief description of what has changed.

<b>Current paragraph number</b>	<b>Previous Paragraph number</b>	<b>Changes made</b>
59	59	Information on how a student can meet the academic progression rule has been updated.
302	302	Changes have been made to reflect an update to the temporary arrangement for students starting a new course with their existing HEI sponsor.
Annex 6	N/A	Added guidance for students participating in the Tier 4 pilot.

## Key Principles

5. There are two student categories under Tier 4 of the Points Based System:
- Tier 4 (General) student – This category is for students coming to the UK for post-16 education. A Tier 4 (General) student must be at least 16 years old.
  - Tier 4 (Child) student – This category is for children between 4 and 17 years old coming to the UK for their education. Tier 4 (Child) students can only study at independent schools.
6. You 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>	
You must have a valid Confirmation of Acceptance for Studies from a fully licensed Tier 4 sponsor.	30 points
You must have enough money to cover course fees and monthly living costs (also known as maintenance or funds)	10 points

7. Your Tier 4 application can be refused under the general grounds for refusal listed in the Immigration Rules. This means that even if you meet the other requirements of the category you are applying under, there may be other reasons why we will refuse your application. For example, this could be because of your previous immigration history. Further information about general grounds for refusal can be found on our Home Office pages at the GOV.UK website at: <http://www.gov.uk/government/collections/general-grounds-for-refusal-modernised-guidance>
8. All students making a Tier 4 application will have to submit their biometrics details and information. An application can only be assessed and processed once these have been received.

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

9. If you are applying from inside the UK, the date of your application will be taken to be the date that you paid for and submitted your online application. If, due to exceptional circumstances, you have made a paper application, the application date will be taken to be:
- the date of posting, where the application form is sent by post,
  - the date on which the application is accepted by a Premium Service Centre of the Home Office, where the application form is submitted in person,

- the date on which the application is delivered to the Home Office where the application form is sent by courier.

If you are applying from outside of the UK, the date of your application will be taken to be the date that the fee associated with the application is paid. This means the date shown on your payment receipt, which depends on how you paid for your visa application, for example, at a British Diplomatic Post, a visa application centre or online.

10. For the purposes of submitting a Tier 4 application, your age will be considered to be the age you are on the date that you apply to us.

## Documents you will need to send with your application

11. To claim points, you must send the documents required by the Immigration Rules that are applicable to you. We will only accept the documents specified in the Immigration Rules as evidence.
12. If you qualify for our differentiation arrangements you will normally be required to provide fewer evidential documents. If you are exempted from having to provide a document - or a group of documents - under our differentiation arrangements, this will be specifically stated in this guidance. We may request these or other documents from you.
13. The Home Office will refuse any application where a request is made for the supporting documents to be submitted, if the specified documents are not provided to us within the period specified in that request.
14. You qualify for our differentiation arrangements if:
  - you are sponsored by a sponsor with Tier 4 Sponsor status; and
  - you are applying for entry clearance in your country of nationality or for leave to remain in the UK; and
  - you are a national of one of the countries listed at Appendix H of the Immigration Rules. You can check this at: [www.gov.uk/government/collections/immigration-rules](http://www.gov.uk/government/collections/immigration-rules)

We will confirm your nationality using your passport.

15. 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.
16. If you are in the UK, where a document is not in English or Welsh, the original must be accompanied by a fully certified translation by a professional translator/translation company. This translation must include:
  - details of the translator/translation company's credentials; and

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

It must also be dated and include the original signature of the translator or an authorised official of the translation company.

17. If you are outside the UK, where a document is not in English or Welsh, the original must be accompanied by a full translation that can be independently verified by the Home Office. The original translation must contain confirmation from the translator/translation company that it is an accurate translation of the original document, the date of the translation, the translator/an authorised official of the translation company's full name and signature, and the translator/translation company's contact details.

18. Where a translation of an overseas qualification or award certificate is submitted, we will not take it as a direct translation of the academic level of that award. We will always use UK NARIC to assess the equivalency of overseas qualifications.

19. If you have submitted specified documents in which:

- Some of the documents in a sequence have been omitted (for example, if one bank statement from a series is missing); or
- a document is in the wrong format (for example, if a letter is not on letterhead paper as specified); or
- a document is a copy and not an original document; or
- a document does not contain all of the specified information,

we may contact you or your representative in writing, and request the correct documents. We must receive the requested documents at the address specified in the request within 7 working days of the date of the request. We will not ask for further information where we do not anticipate that a correction of minor errors or omissions will lead to an approval or where a specified document has been completely omitted.

20. If you have submitted a specified document that:

- in the wrong format, or
- is a copy and not an original document, or
- does not contain all of the specified information, but the missing information is verifiable from:
- other documents submitted with the application,
- the website of the organisation which issued the document, or
- the website of the appropriate regulatory body;

we may approve your application exceptionally if we are satisfied that the specified documents are genuine and that you meet all the other requirements. We reserve the right to request the original documents in the correct format and to refuse applications if the specified documents are not provided.

## Biometric Residence Permits (BRPs)

21. The Home Office has introduced BRPs for applicants applying for entry clearance to come to the UK for more than six months. You will apply for a BRP at the same time as you apply for entry clearance. If your entry clearance application is successful, you will be given a vignette valid for 30 days. This will allow you to enter the UK. You must then collect your BRP from the Post Office branch you selected as part of your application no later than 10 days after your arrival in the UK
22. Your Tier 4 sponsor must keep a copy of your BRP and you must keep the original. If you find a mistake on your BRP it must be corrected promptly. You must contact the Home Office immediately with details of the error and provide supporting documentation as required. Instructions on how to do this will be provided to you when you collect your BRP. In exceptional circumstances, you may be required to provide your fingerprints again. Further details are available on the Home Office pages on the Gov.UK website at: <https://www.gov.uk/biometric-residence-permits>. You must also notify the Home Office if there is an error on your visa – for instance that the period of leave is incorrect or it includes a right to work and you are not entitled to work.

## Immigration Health Surcharge

23. The immigration health surcharge is a financial contribution to the UK's National Health Service. You will pay the surcharge if you are a non-EEA national and you are granted immigration permission to enter the UK to study for a time-limited period of more than six months. You will also need to pay it if you are a non- EEA national who is already in the UK and you wish to apply to extend your stay.

You will pay the charge (currently £150 for each period of 12 months leave granted) when you make your application. Further information is available on the Home Office pages of the Gov.UK website:

<https://www.gov.uk/search?q=Immigration+health+surcharge>

## Interviewing

24. When you make your application you may be asked to undertake an interview, either in person, or on the telephone to check that you are a genuine student. If as a result of this interview the Home Office is not satisfied that you are a genuine student, or you cannot speak English to the required standard (see the '[English Language ability](#)' section of this guidance), or your application is shown to fall for refusal under the General Grounds for Refusal, the application will be refused.

25. If you are asked to undertake an interview but do not attend without reasonable explanation being given, your application will be refused.

## Tier 4 sponsors

26. To apply under Tier 4, you must have a Tier 4 sponsor. All Tier 4 sponsors who want to provide courses for international students need a licence from the Home Office. Once they get a licence, they are added to the Tier 4 Register of Sponsors. Academies and schools maintained by a local authority are not permitted to sponsor Tier 4 students<sup>1</sup>.
27. The register of sponsors has the name, location and rating of the organisation. You should check whether your sponsor has a licence by looking at the Tier 4 Register of Sponsors on our Home Office pages at the Gov.UK website at: [www.gov.uk/government/publications/register-of-licensed-sponsors-students](http://www.gov.uk/government/publications/register-of-licensed-sponsors-students)
28. A student's Tier 4 sponsor will assign the student a Confirmation of Acceptance for Studies (CAS) reference number, which is an official and unconditional offer of a place on a course of study. More information on the role of Tier 4 sponsors can be found in Annex 1.

## The Confirmation of Acceptance for Studies

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

29. 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 CAS 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. The information that the sponsor will include in a CAS can be found on our Home Office pages at the Gov.UK website at: [www.gov.uk/government/publications/confirm-acceptance-of-studies-guide-for-education-sponsors](http://www.gov.uk/government/publications/confirm-acceptance-of-studies-guide-for-education-sponsors)
30. We will not provide you with your CAS reference number as it is your Tier 4 sponsor's responsibility to do so.
31. Your Tier 4 sponsor will also need you to provide you with some of the information they used when they assigned the CAS to you, for example your course details, the documents they used to assess you and any fees due for the appropriate period of study. You will need this information to accurately complete your application and to make sure that you know which documents to submit to us when you apply.
32. You cannot make your Tier 4 application more than three months before the start of your course.

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<sup>1</sup> Where a Tier 4 sponsor becomes an academy or school maintained by a local authority, its existing Tier 4 students may continue to study until their leave expires but may not commence a new course of study at that institution.

## When is a CAS valid?

33. A valid CAS is one that:

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

The Immigration Rules and Tier 4 Sponsor Guidance contain full details of the information a CAS must contain in order to be valid.

34. Your CAS will expire if it is not used for a leave application within six months of it being issued. If you make an application using a CAS that has expired, your application will be refused. You must ensure that your CAS is valid when your application is submitted - you can check this with your Tier 4 sponsor.

35. A CAS cannot be used more than once. If your Tier 4 application is refused, and you wish to make another application, you will need to get a new CAS from your sponsor.

36. Having a valid CAS does not guarantee that your application will be successful. You must meet all of the requirements of the category and any other requirements of the Immigration Rules.

37. Your CAS can be withdrawn or cancelled at any time by either us or by your Tier 4 sponsor. Where your CAS has been withdrawn or cancelled, the same procedures apply as where a CAS becomes invalid. These procedures are explained in more detail in Annex1 of this document.

## Protecting children

38. Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the Home Office must have regard to the need to safeguard children and to promote their welfare. All children studying in the UK must have suitable care arrangements in place for their travel, reception on arrival in the UK and living arrangements while here. Children are all students under 18 years old.

39. If you are 16 or 17 years old and applying as a Tier 4 (General) student, you must have your parent(s) or legal guardian(s) written consent that you can live and travel independently.

40. All arrangements for children's care and accommodation in the UK must comply with relevant UK 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:  
<https://www.gov.uk/search?q=inspecting+residentia+provision+in+colleges>

- Boarding schools: national minimum standards, inspection regulations: <http://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>
- Residential special schools: national minimum standards, inspection regulations:  
<http://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards>

## Private foster care arrangement

41. If you are under 16 years old, or under 18 years old if you are disabled, you are privately fostered when you are cared for on a full-time basis by adults, who are not your parents or a close relative, for a period of more than 28 days. It is the responsibility of your parent, carer, and anyone else involved in making the private fostering arrangement (including your Tier 4 sponsor), to notify the UK local authority of the private fostering arrangement.
42. In the UK 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.
43. If a close relative, parent or legal guardian is caring for you, they are not considered to be a private foster carer and so will not need to register with a UK local authority. A close relative is a grandparent, brother, sister, step-parent, uncle (brother or half-brother of your parent) or aunt (sister or half-sister of your parent) who is aged 18 or over.

## Tier 4 (General students)

### Specific guidance for Tier 4 (General) students

44. See paragraphs 245ZT to 245ZY of the Immigration Rules for full details of the requirements of the Tier 4 (General) student category.

### What is the Tier 4 (General) student category?

45. The Tier 4 (General) student category is for people coming to the UK for post-16 education.
46. If you are 16 or 17 years old and studying a course at or above National Qualification Framework (NQF) level 3, you and your Tier 4 sponsor can agree whether you apply as a Tier 4 (General) student or Tier 4 (Child) student. If you



are 16 or 17 years old, then you should apply as a Tier 4 (General) Student if you wish to study English as a foreign language or wish to study a foundation course.

## Who can switch into the Tier 4 (General) student category?

47. You can apply under the Tier 4 (General) student category from inside the UK if you currently have, or you were last given, permission to stay in any of the following categories:

- Tier 4 (General) Student where your existing Tier 4 leave is sponsored by:
  - an HEI,
  - an overseas HEI,
  - an embedded college offering pathway courses, or
  - an independent school,
- 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 Tier 4 (General) student do?

48. You must be studying a course which is:

- a full-time course of study that leads to a qualification at Level 6 or above of the National Qualification Framework (NQF) or its equivalents; 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 HEI; or
- a full time course involving a minimum of 15 hours per week organised daytime study (daytime study is 8am - 6pm, Monday to Friday) and (except in the case of a pre- sessional course) leading to a qualification below degree level but which must be at a minimum of NQF Level 3 or its equivalents; or
- undertaking a recognised Foundation Programme as a postgraduate doctor or dentist in the UK; or
- undertaking work as a student union sabbatical officer at your Tier 4 sponsoring institution or at the National Union of Students.

## What are the acceptable levels of courses that a Tier 4 (General) Student can do?

49. If you are studying with a Tier 4 sponsor that has Tier 4 Sponsor status, you can obtain a CAS for a course that leads to an approved qualification for Home Office purposes and is:

- Approved at level 3 or above on the National Qualifications Framework (NQF) or Qualifications and Credits Framework (QCF) in England, Wales and Northern Ireland; or
- Accredited at level 6 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority; or
- A short-term study abroad programme in the UK as part of the Tier 4 (General) student's qualification at an overseas higher education institution, as long as the qualification is confirmed as being at the same level as a UK degree by UK NARIC. Contact details for UK NARIC can be found on their website at: [www.naric.org.uk/visasandnationality](http://www.naric.org.uk/visasandnationality) ; or
- An English language course at level B2 or above of the Common European Framework of Reference for Languages.
- Sponsors with Tier 4 Sponsor status can offer courses which include work placements.

50. If you are studying with a Probationary Sponsor, then you can obtain a CAS for a course that leads to an approved qualification for Home Office purposes which is:

- Approved at level 4 or above on the National Qualifications Framework (NQF) or Qualifications and Credits Framework (QCF) in England, Wales and Northern Ireland; or
- Accredited at level 7 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority; or
- A short-term study abroad programme in the UK as part of the Tier 4 (General) student's qualification at an overseas higher education institution, as long as the qualification is confirmed as being at the same level as a UK degree by UK NARIC. Contact details for UK NARIC can be found on their website at: [www.naric.org.uk/visasandnationality](http://www.naric.org.uk/visasandnationality): or
- English language course at level B2 or above of the Common European Framework of Reference for Languages.

Sponsors with a Tier 4 sponsor licence as a Probationary Sponsor cannot offer courses below degree level that contain work placements.

## Academic Progression

51. The academic progression rule is in place to ensure that you are progressing academically if you wish to study a further course in the UK, and are not merely seeking to extend your stay in the UK. If you have previously had permission to stay as a Student or a Tier 4 (General) Student then your Tier 4 sponsor can only give you a CAS for a new course, if your new course represents academic progress from your previous studies.

### Who is exempt?

52. You do not need to show academic progression if:

- a. you are a Tier 4 (Child) Student;
- b. you are making a Tier 4 (General) application from overseas;
- c. you are making a first application to complete an existing course commenced at a Tier 4 sponsor that had its licence revoked;
- d. you are applying to resit an examination or repeat a course module;
- e. you are applying to complete the PhD or other doctoral qualification for which you were last given Tier 4 or Student leave (including where you are completing the qualification at a new sponsor); or
- f. you are applying to complete the qualification for which you were last given Tier 4 or Student leave after a period as a student union sabbatical officer.

### How can you demonstrate academic progression?

53. To demonstrate academic progression, your new course must normally be above the level of the previous course for which you were given Tier 4 leave. For example, if your previous course was at QCF or NQF6 (and equivalents) your next course should be at least at level QCF or NQF7.
54. If your new course is at a lower level than your previous course, it will not represent academic progression and any application to extend your leave will be refused.
55. In order to demonstrate academic progression you must have either successfully completed (meaning you have achieved the qualification for which you were studying) the previous course for which you were last granted Tier 4 leave or, if you have changed courses with the same sponsor, the course you changed to. You can demonstrate this by having received the award or through formal written confirmation from your sponsor.
56. If you have failed to successfully complete your previous course, you will not be able to demonstrate academic progress and will have to apply from overseas if you wish to make a Tier 4 application to study a new course. A student who has been studying A-Levels, and achieves a qualification in at least one of the subjects they have been studying, will be considered to have successfully completed their course.
57. Qualifications obtained through supplementary study cannot be relied upon to meet this requirement.
58. If you have been studying a pre-sessional English language course and then apply to study a substantive course that will be considered to be academic progress. If you have completed a substantive course then wish to undertake a pre-sessional English language course at a lower level, before another substantive course, this will represent academic progression if:
  - you have been assigned a single CAS to cover both the pre-sessional course and the substantive course; and
  - the substantive course is at a higher level than the previous course for which you were last granted Tier 4 leave.

In all other circumstances, undertaking a lower level English language course between two substantive courses will not represent academic progression.

59. If you were given Tier 4 leave to study a bachelor's degree in medicine, veterinary medicine and science, or dentistry and have completed an intercalated bachelor's, or master's degree course or PhD during your initial leave, and you are applying for further leave to complete your bachelor's degree, that will be considered to be academic progression.
60. The following circumstances are examples of where the student meets the academic progression rule:

- Student is progressing from A-levels (NQF 3) at an independent school to a bachelor's degree (NQF 6) at an HEI.
- Student is progressing from a bachelor's degree (NQF 6) to a master's degree (NQF 7).

### Studying at the same level

61. If your new course is at the same level as the previous course, it may exceptionally be considered to represent academic progression if the course is at degree level or above and your sponsor teaching the course is an HEI with Tier 4 Sponsor status and:

- a. the new course is related to the previous course for which you were given Tier 4 leave (meaning that it is either connected to the previous course, part of the same subject group or involves deeper specialisation); or
- b. your previous and new course combined, support your career aspirations.

If you are studying at an embedded college, you will not be able to rely on this exception. You must be applying to study a course at a higher level than the previous course if you are applying within the UK.

62. In order to establish whether or not you meet this requirement, UKVI will take into account all relevant factors, including the following points. This is not an exhaustive list, and will not be appropriate in every case:

- The level of the course.
- The subject matter of the new and previous courses.
- Your education history.
- The credibility of your rationale for wishing to study the new course.
- Where you are not moving up an academic level, whether the HEI sponsor sufficiently explains why you are applying to study a course at the same level.

63. The following circumstances are examples of where you are likely to be considered to meet the exception to the academic progression rule, as long as your sponsor provides a strong justification:

- You have completed a master's degree in Modern Languages (NQF 7) and wish to study a master's degree in Latin American Studies (NQF 7) in order to deepen your specialist knowledge or to better prepare for doctoral study or a career in academia and research. In this case, there is a clear connection between the previous course and the new course.

- You have completed a master's degree (NQF 7) in Environmental Policy and wish to study a Masters of Business Administration (NQF 7), and the HEI confirms that the two courses in combination support your career aspirations in the energy industry. You may be asked for evidence to demonstrate that you are pursuing a career in this field.
64. An example of where you are unlikely to meet the academic progression rule is where you have completed an accountancy qualification (NQF 7) and are applying to study a master's degree (NQF 7) in music, as the two fields are unrelated.
65. If you are required to show academic progression, when assigning you a CAS, your sponsor must confirm on the CAS that you meet the requirement, and how. Where your sponsor is an HEI which has chosen exceptionally to assign a CAS to you where you wish to extend your leave to study a second course at the same level, your HEI must justify its decision by explaining its rationale on the new CAS. This explanation include confirmation that either a. or b. above applies and why. Abuse of this exception to the requirement to be moving up an academic level will be regarded as immigration abuse and compliance action may be taken against your sponsor.
66. CAS assigned before 10 August 2015 will be assessed under the Rules in place on and before 2 August, regardless of the date of application.
67. UKVI may take compliance action against your sponsor if:
- They assign a CAS without properly assessing your academic progression
  - They are required to confirm your academic progression on the CAS, and do not.
  - They abuse the exception to the requirement to be moving up an academic level.

## English language courses

68. You can come to the UK to study an English language course. The minimum level of English language study, other than for those exceptions detailed above, is set at Common European Framework of Reference for Languages (CEFR) Level B2.
69. You are studying an English language course if you are studying English as a foreign language.
70. If you want to do another English language course after your first course, you will need to show the formal assessment of the English language level you achieved from your first course.

## Higher education courses at overseas institutions

71. If you are enrolled on a higher education course at an overseas HEI, you can do a short-term study abroad programme in the UK as part of your qualification. This is as long as the qualification is validated as the same level as a UK degree or above by UK NARIC. Contact details for UK NARIC can be found on their website at. [www.naric.org.uk/visasandnationality](http://www.naric.org.uk/visasandnationality)
72. You do not need to provide us with evidence that your overseas course is at the right level as your Tier 4 sponsor will check this before they assign you a CAS.

## Postgraduate doctors and dentists

73. You are allowed to do a postgraduate doctor or dentist foundation programme in the UK in the Tier 4 (General) student category, as long as you meet all the requirements for the category and you are being sponsored by Health Education South London.
74. You must have successfully completed a recognised UK degree in medicine or dentistry from:
  - a Tier 4 sponsor who has a licence to bring in students; or
  - a UK publicly funded institution of further or higher education; or
  - an institution on the Department for Business, Innovation and Skills list of UK recognised bodies or listed bodies list, which keeps satisfactory records of enrolment and attendance. These lists can be found at the following website: [www.gov.uk/check-a-university-is-officially-recognised/recognised-bodies](http://www.gov.uk/check-a-university-is-officially-recognised/recognised-bodies)
75. You must have been given permission to stay in the UK as a student under the rules in place before 31 March 2009 or as a Tier 4 (General) student. This permission must have covered your final academic year and at least one other academic year of your studies leading to the above degree.
76. You can get a maximum period of three years permission to stay as a Tier 4 (General) student to do a recognised Foundation Programme as a postgraduate doctor or dentist.

## Student union sabbatical officer

77. A Tier 4 (General) Student student union sabbatical job is a full-time, salaried, elected executive union position. The job may be either at your Tier 4 sponsor's institution or with the National Union of Students of the UK. You may take this job during your studies or in the academic year immediately after you graduate.
78. If you take the job while you still have time left in your permission to stay as a Tier 4 (General) student, your Tier 4 sponsor must let us know as they are

responsible for you until your permission to stay (known as leave to remain) runs out.

79. If you want to do the job at the end of your course, and you have no more time left in your permission to stay as a Tier 4 (General) Student, you must apply again and meet the requirements of the category.
80. A sabbatical job is normally for one academic year and you may be given permission to stay to cover this time. If you are re-elected after one year, you will have to apply again for further leave in this category. You can only have a student union sabbatical job for a maximum of two years.
81. The time that you spend with leave to work in a student union sabbatical job will not count towards the maximum period that you are permitted to spend in this category. For example, it will be acceptable for a Tier 4 student to spend 5 years studying at or above degree level in as well as spending 1 year working in a student union sabbatical role.
82. The requirement that a work placement be no more than 50% or 33% (depending upon the course/sponsor) of your course in the UK does not include any period that you are in post as a student union sabbatical officer.
83. You are permitted to do additional work but it is restricted to part-time work during term-time (of no more than 20 hours a week) and full-time work during vacations, if you are not working full-time for the Students' Union in the vacations.

## **Doctorate Extension Scheme**

84. If you are currently following a course leading to the award of a PhD with a Tier 4 sponsor that is a UK HEI, you can apply for the Doctorate Extension Scheme to stay in the UK for 12 months after your course has ended. Once you have successfully completed your PhD there will be fewer restrictions on the work you can do and you can use the 12 months to gain further experience in your chosen field, seek skilled work, or develop plans to set up as an entrepreneur.
85. For the purposes of the Doctorate Extension Scheme, PhD means a PhD qualification or one of the doctorate qualifications listed at Annex 5 of this guidance. This does not include Research master's Degrees.
86. You can apply for the Doctorate Extension Scheme by making a new Tier 4 (General) application. You are expected to meet all the normal Tier 4 (General) criteria, including having a CAS from your Tier 4 sponsor.
87. You can only apply for the Doctorate Extension Scheme if you are in the UK when you make your application.
88. You can only apply for the Doctorate Extension Scheme up to 60 days before



the course end date stated on the CAS you have been given to apply for the Doctorate Extension Scheme. You cannot apply after you have completed your PhD.

89. To qualify for the Doctorate Extension Scheme you must:

- have permission to stay as a Tier 4 (General) student, or as a student under the old rules, to study a course that leads to the award of a PhD qualification;
- be studying with a Tier 4 sponsor that is a UK HEI; and not yet have completed your course; and
- have a CAS from your Tier 4 sponsor confirming that they expect you to complete your course on the stated expected course end date and that they will sponsor you during the 12 months you are on the scheme; and
- be applying no more than 60 days before the expected course end date specified on your new CAS.

90. The Doctorate Extension Scheme is a sponsored scheme. Your Tier 4 sponsor must agree to continue sponsoring you while you are on the scheme. Your sponsor is expected to maintain contact with you. As a minimum, there must be at least two contact points while you are on the scheme. Your sponsor will withdraw their sponsorship if you miss these contacts without reasonable explanation.

91. If your Doctorate Extension Scheme application is approved, you will be subject to new work conditions once you successfully complete your course. Under the new conditions, there will be no restrictions on the type of employment you may take except for as a Doctor or Dentist in training or a sportsperson (including coaches). You will be regarded as having successfully completed your course on the date that your sponsor formally confirms that your PhD is completed to the standard required for the award of a PhD.

92. If you finish your course without completing your PhD, or are awarded a lower qualification, you will not be subject to the new work conditions. Your Tier 4 sponsor will contact us and your permission to stay will be curtailed to the date you would normally receive after your course. For example if your course was three years long, your leave will be curtailed to four months from the date your course ended.

You do not need to hold or apply for an Academic Technology Approval Certificate (ATAS) to cover your time spent on the Doctorate Extension Scheme. If, however, you are currently studying a course (or period of research) that requires an ATAS Clearance Certificate, and your course end date given on the CAS is postponed for a period of more than 3 calendar months, you must apply for a new ATAS Clearance Certificate to cover the rest of your time on that course.

## At what point can a Tier 4 (General) student come to the UK?

93. Your course start date is the date given by your Tier 4 sponsor on your CAS.
94. If you are doing a course that is six months or longer, or for a pre-sessional course that is less than six months, you will be able to come to the UK either one month before your course start date or seven days before your intended date of travel, whichever is later.
95. If you are doing a course that is less than six months and is not a course to prepare you for study, you will only be able to come to the UK up to seven days before the start date of your course.

## How long can a Tier 4 (General) student come to the UK for?

96. The table below explains how much time a Tier 4 (General) Student can come to the UK for:

Type of course	Length of course	Length of stay allowed
Main course of study (including student union 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
Pre-sessional courses	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
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97. If you are approaching the end of a PhD you can make a further application for leave as a Tier 4 (General) Student on the Doctorate Extension Scheme. This will enable you to remain in the UK for 12 months beyond your expected course end date, during which time you will be able to work.
98. The CAS issued by your Tier 4 sponsor will include the start and end dates of your 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 2015 and ending on 31 December 2015 will be considered to be 12 months long.
99. You are allowed to spend no more than 2 years in the UK studying below UK bachelor's degree level since the age of 18. We cannot approve new leave for you to study below UK bachelor's degree level, if you have already been studying below UK bachelor's degree level for 2 years.
100. These 2 years can be spent studying one course or a number of courses
101. This year limit does not include any time that you spend studying below UK bachelor's degree level under:
- the student rules that were in place before 31 March 2009; or
  - Tier 4 (General) when you were 16 or 17 years old; or
  - Tier 4 (Child) when you were aged 17 years or under; or
  - any other non Tier 4 category which permits study.
102. If you have official financial sponsorship which wholly covers your fees and living costs, and your financial sponsor limits the time you may study in the UK, your permission to stay will be limited to that length of time plus the usual post-course period allowed.
103. The time that you can spend studying at or above degree level is limited to five years unless:
- you are studying a course or applying for leave to study a course at or above degree level in one of the following subject areas:
    - Architecture;
    - Medicine;
    - Dentistry;

- Veterinary Medicine & Science;
- Music at a music college that is a member of Conservatoires UK (CUK);

or

- Law, where the applicant has completed a course at degree level in the UK and is progressing to:
  - a) a law conversion course validated by the Joint Academic Stage Board in England and Wales, a Masters in Legal Science (MLegSc) in Northern Ireland, or an accelerated graduate LLB in Scotland; or
  - b) the Legal Practice Course in England and Wales, the Solicitors Course in Northern Ireland, or a Diploma in Professional Legal Practice in Scotland; or
  - c) the Bar Professional Training Course in England and Wales, or the Bar Course in Northern Ireland.

- you are studying or applying for leave to study for a master's degree at an HEI, following the successful completion of an undergraduate degree where the duration of that degree course was four or five academic years. If this applies to you, the limit will be set at six years in total instead of five.
- you are on the Doctorate Extension Scheme.
- the grant of leave is to follow a course leading to the award of a PhD, postgraduate research qualification or Research master's Degree (as listed in Annex 5 of this guidance) and the applicant is sponsored by an HEI.

104. In all cases, if you have already completed a course leading to the award of a PhD, Postgraduate research qualification or Research Masters Degree (as listed in Annex 5 of this guidance) in the UK, the grant of leave you are seeking must not lead to you spending more than 8 years in the UK as a Tier 4 (General) Migrant, or as a Student.

105. Time spent in the UK as a Tier 4 (Child) student, or a Tier 4 (General) student aged 16 or 17 years does not count towards these time limits.

## Calculating periods of leave counting toward time limits

106. To calculate the maximum amount of time that you spend studying at a specified level, we will consider how much leave you have already received to study courses as a Tier 4 (General) migrant or a Student, and add the length of leave that you will receive if your current application is granted.

107. We will include the periods of leave granted before and after your course as set out in the table at paragraph 96. Time spent studying on an exempt course will only be discounted from the maximum period of study if you are studying or applying to study such a course. Previous study on an exempt course will not be discounted.
108. To calculate leave counting towards the time limit, we will add the proposed period of leave together with any current leave. This period will be counted from:
- the date leave would begin if granted, if your application is for entry clearance; or
  - the date the current period of leave began, if your application is for leave to remain,
- until the day the leave would expire if granted.
109. We will also count any previous periods of leave you have held under Tier 4 (General) and/or the Student route, where you have subsequently left the UK. This period will be counted from the date the leave began until the date it expired. If you extended your Tier 4/Student leave, or received any period of continuing leave in accordance with section 3c of the Immigration Act 1971, this will be included. If your leave was curtailed, we will take the date the curtailed leave expired.
110. We will count time in months, with individual days rounded upwards or downwards to the nearest month. Dates falling on the middle day of the month will be rounded downwards. For the avoidance of doubt, time will not be double-counted.
111. We will count the periods based on the level and duration of course for which a CAS was assigned and leave granted, including where you changed to study a course at a different level or for a shorter duration without making a new application for leave.
112. We will count the full period unless there are exceptional compelling and compassionate circumstances that either prevented you from completing the course within the time given or caused you to prematurely leave your course (for example, serious illness or disability).
113. If the length of the course you apply for would lead to you having spent more than the maximum period permitted in the category, we will refuse your application unless the application is to study a new course or complete a current course within 11 months of the time limit being reached, and 1) to 3) below applies:
- 1) You are applying to study a course at below degree level, have never studied as a Tier 4 (General) migrant in the UK before, and are applying for leave to study a 2-year course.

Where	Worked example
A student has never studied in the UK as a Tier 4 (General) migrant before and is applying for entry clearance to study a 2 year A-levels course.	If granted, the student's leave would begin on 1 August 2015 and expire on 1 October 2017 (course duration 22 months + 1 month added before + 4 months added after the course). This is a total of 27 months, more than the two year time limit, but the concession will be applied to let the student complete their second year of study.

- 2) you are applying to study a course being taught by an HEI which is also your sponsor, and the strict application of the five-year time limit would prevent you from completing a fifth academic year at degree level or above. The following table provides a non-exhaustive list of examples where these circumstances apply.

Where	Worked example
A student has never studied in the UK before and is applying for entry clearance to study a 5-year pharmacy degree.	If granted, the student's leave would begin on 1 August 2015 and expire on 1 October 2020 (course duration 57 months + 1 month added before + 4 months added after the course). This is a total of 62 months, more than the five year time limit, but the concession will be applied to let the student complete their fifth year of study.
A student has completed a three-year bachelor's degree and a 12 month master's degree, and is applying for leave to remain to study a further 12 month master's degree.	Student's leave began on 1 August 2011. If their application was granted, they would receive 16 months' further leave, expiring on 1 January 2017 (12 months' course duration + 4 months' leave added at the end of the course). This is a total of 65 months, more than the five year time limit, but the concession will be applied to let the student complete their fifth year of study.
A student completed one year of a bachelor's degree and withdrew from the course, then completed a three-year bachelor's degree, and is applying for leave to enter to study a 12 month	Student's previous period of leave began on 1 August 2010 and ended on 1 October 2014, a total of 50 months' leave, and they completed four years' academic study. If granted, their entry clearance would start on 1 August 2015 and end on 1 January 2017, a total of 17 months (12 months' course duration + 1 month added before the course + 4 months

master's degree.	leave added at the end of the course). This is a total of 67 months, more than the five year time limit, but the concession will be applied to let the student complete their fifth year of study.
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- 3) you are applying to study a course being taught by an HEI which is also your sponsor, and are subject to the six-year limit for studying a four-year undergraduate degree followed by other courses at degree-level or above, and the application of the six-year time limit would prevent you from completing a sixth academic year at degree level and above. The following table provides a non-exhaustive list of examples where these circumstances apply.

<b>Where</b>	<b>Worked example</b>
A student has completed a four-year bachelor's degree and a 12 month master's degree, and is applying for leave to remain to study a further 12 month master's degree.	Student's current period of leave began on 1 August 2010. If granted, they would receive 16 months' further leave, expiring on 1 January 2017 (12 months' course duration + 4 months' leave added at the end of the course). This is a total of 76 months, more than the six year time limit, but the concession will be applied to let the student complete their sixth year of study.
A student completed one year of a bachelor's degree and withdrew from the course, then completed a four-year bachelor's degree, and is applying for leave to remain to study a 12 month master's degree.	Student's current period of leave began on 1 August 2010. If granted, they would receive 16 months' further leave, expiring on 1 January 2017 (12 months' course duration + 4 months' leave added at the end of the course). This is a total of 76 months, more than the six year time limit, but the concession should be applied to let the student complete their sixth year of study.

If these circumstances apply, we will not refuse the application on the basis that the time limit would be breached.

For the avoidance of doubt, this concession is not intended to extend the time limits for all students. Students who have already undertaken the maximum period of study will not benefit.

## Students applying from inside the UK

114. If you are applying to continue your studies in the UK, your new course must start within 28 days of the expiry of your permission to stay or, if you have overstayed, within 28 days of when that period of overstaying began.
115. All applications for further leave to remain will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances which prevented them from applying within the 28 day period. The 28 day period of overstaying is calculated from the latest of:
- the end of the last period of leave to enter or remain granted, or
  - the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971; or
  - the point a written notice of invalidity is deemed to have been received, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

If there are exceptional circumstances which prevent you from applying in time, you must submit evidence of the exceptional circumstances with your application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of your case, but for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- Serious illness which meant you or your representative were unable to submit the application in time (where supported by the appropriate medical documentation).
- Travel or postal delays which meant that you or your representative were unable to submit the application in time.
- Inability to provide necessary documents.

This would only apply to exceptional or unavoidable circumstances beyond your control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought).

116. If your course has ended and you are applying from inside the UK to extend your stay, you should apply in the last three months of your permission to stay if possible. This is because as soon as we give permission to stay (if the application is approved), your new Tier 4 sponsor becomes responsible for you.



## English language ability

117. Your Tier 4 Sponsor will assess your level of English language competence as part of their academic assessment of your ability to follow a particular course.
118. The level of English language ability that you must have and how your Tier 4 sponsor is allowed to assess that you are competent in English will depend on:
- when your CAS was assigned;
  - the type of course you are following; and
  - the type of institution at which you will be studying.
119. You may sometimes be required to attend an interview with Home Office officials, either as part of your Tier 4 application overseas, or when arriving in the UK (for example at the airport). If you are required to attend an interview and cannot show at that interview that your English language ability is at the standard required by the Immigration Rules, your entry clearance application may be refused or you may be refused permission to enter the UK.
120. A list of the approved English language tests for Tier 4, including the time period tests are valid for, and the scores you must achieve all four components (reading, writing, speaking and listening), is available on the Home Office pages at the Gov.UK website at:  
[www.gov.uk/government/publications/immigration-rules-appendix-o](http://www.gov.uk/government/publications/immigration-rules-appendix-o)

## All Tier 4 (General) students assigned a CAS

121. Before they issue you a Confirmation of Acceptance for Studies (CAS), your Tier 4 sponsor will assess your level of English language ability. In some circumstances they are required to check this using a Secure English Language Test (SELT) from an approved test provider. These approved providers are listed in [Appendix O](#) of the Immigration Rules.
122. We may also interview you, either as part of your Tier 4 application overseas, or when you arrive in the UK (for example at the airport). If you were assigned a CAS and you cannot show at that interview that your English language ability is of the standard required in the immigration rules and this guidance without an interpreter, we will refuse your application or refuse you permission to enter the UK.

## Students studying at degree level and above (NQF 6/QCF 6/SCQF 9 or above)

123. If your sponsor is an HEI, we will allow them to choose how to assess your English language ability. If you are a 'gifted' student, they may not have to do this. Your sponsor must, however, ensure that you are proficient to level B2 on the Common European Framework of Reference for languages (CEFR) in

each of the four components (speaking, listening, reading and writing), unless you are exempt from being proficient in a component because of a disability. If your Tier 4 Sponsor considers you are a gifted student, they will explain this on your CAS. Your Tier 4 sponsor will also give you a letter confirming that the Academic Registrar has approved the waiving of the English language requirement. If you are applying from overseas, you should ensure that you have the letter with you when you enter the UK.

124. If your sponsor is not an HEI, you must demonstrate your level B2 English language competence by providing a recent secure English language test (SELT) from one of our approved test providers. You must have achieved at least CEFR level B2 in all four components (unless a test provider exempts you from sitting a component because of a disability). The list of our approved English language tests is located on our pages on the Gov.UK website at:  
<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>.

This also gives details of how long tests are valid for, and the scores a Tier 4 (General) student must achieve to meet CEFR levels B1 and B2 in all four components (reading, writing, speaking and listening).

## Students studying below degree level

125. If you are studying at QCF or NQF level 3, 4 or 5 (SCQF level 6, 7 or 8 in Scotland) your sponsor must ensure that you are competent in English language at a minimum level B1 on the CEFR. Whether or not your sponsor is an HEI, they must assess your English language ability at CEFR level B1 by making you provide a recent secure English language test (SELT) which confirms that you have achieved at least level B1 in all four components (unless a test provider exempts you from sitting a component because of a disability).
126. This requirement also applies to you if you are:
- a) undertaking a foundation degree;
  - b) taking a pre-sessional course which is below QCF or NQF 6 before a degree course, this includes students who are sponsored by an HEI; or
  - c) studying English as a foreign language under Tier 4 at CEFR level B2 or above.

## Exceptions to the English language requirement

127. You do not have to demonstrate English language competence if you:
- a) are a Tier 4 (Child) student;
  - b) have successfully completed a course of study in the UK as a Tier 4

(Child) student or as a student under rules in force before 31 March 2009, where you were under 18 when granted leave, provided your course was at least six months long and it was completed no more than two years before your CAS was assigned;

- c) have successfully obtained an academic qualification (not a professional or vocational qualification) from an educational establishment in the UK, which meets the recognised standard of a Bachelor's or Master's degree or a PhD in the UK;
- d) have previously completed an academic qualification equivalent to a UK degree which was taught in what we call a 'majority English-speaking' country; (see the table below):

<b>A – H</b>	<b>I – P</b>	<b>Q – Z</b>
Antigua and Barbuda Australia The Bahamas Barbados Belize Dominica Grenada Guyana	Ireland Jamaica New Zealand	St Kitts and Nevis St Lucia St Vincent and the Grenadines Trinidad and Tobago United States of America

- e) are a national from what we class as 'majority English-speaking' countries; (see the table below)

<b>A – H</b>	<b>I – P</b>	<b>Q – Z</b>
Antigua and Barbuda Australia The Bahamas Barbados Belize Canada Dominica Grenada Guyana	Jamaica New Zealand	St Kitts and Nevis St Lucia St Vincent and the Grenadines Trinidad and Tobago United States of America

or

- f) are applying under Tier 4 (General) to undertake a short-term study abroad programme in the UK as part of your course at an overseas HEI in the USA which leads to a qualification of at least equivalent level to a UK bachelor's degree.

128. The immigration rules specify that only academic qualifications are acceptable for points c & d above. We will only consider a qualification to be an academic qualification if the awarding body consider it to be an academic qualification. Professional or vocational qualifications, regardless of whether or not they are equivalent to a UK bachelor's degree, are not acceptable. If you are unsure whether or not a qualification is acceptable, you should check this with the

awarding body.

129. If you are considered by your Tier 4 Sponsor to be a gifted student, your Tier 4 sponsor will explain this on your CAS. Your Tier 4 sponsor will also give you a letter confirming that the Academic Registrar has approved the waiving of the English language requirement. If you are applying from overseas, you should ensure that you have the letter with you when you enter the UK.

## Claiming points for a CAS

130. You must send us the CAS reference number you have been assigned by your Tier 4 sponsor. This number must be written on your application form.

## Documents used to obtain a Tier 4 (General) CAS

131. Please note, this does not apply if you are studying English Language Courses at level B2 of the CEFR or if you are taking a recognised Foundation Programme for Postgraduate Doctors/ Dentists. Documentary requirements for those courses are set out in the 'Documents used to obtain Tier 4 (General) CAS assigned for English language courses at level B2 of the Common European Framework for Reference (CEFR)' section below.
132. Where you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must however confirm on your application form that you meet the requirements set out in this section, and that you hold documentary evidence in the manner required. We may request any or all of the evidential documents from this section from you even where you qualify for our differentiation arrangements.
133. If your Tier 4 sponsor has assessed your qualifications in order to assign your CAS, you must send us these qualifications with your application. For each qualification listed, you must provide either:
- i. The original certificate(s) of qualification. Each document must be the original (not a copy) and must clearly show:
    - your name; and
    - the title of the award; and
    - the date of the award; and
    - the name of the awarding institution.

(We will not accept provisional certificates whether original or a copy) or

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

- the name of the academic institution; and
- your course title; and
- the confirmation of the award.

This transcript must be original unless you have applied for your course through UCAS (Universities and Colleges Admissions Service), and:

- you are applying in the UK to study at a Higher Education Institution which has Tier 4 Sponsor status, and
- the qualification is issued by a UK awarding body for a course that you have studied in the UK.

134. You will need to know what evidence your sponsor has included on your CAS so you can provide it with your application. You must get this information directly from your Tier 4 sponsor before making your application. We will not provide this information to you.
135. If your course is at NQF level 3 or above and you have been assessed by other means (for example, references or a portfolio of artwork, interview or your Tier 4 sponsor's own test or entrance exam), you do not have to include these documents with your application, but your Tier 4 sponsor must still include details of how they assessed you on your CAS.
136. If you have been offered a place because of the progress you have made on an existing course, your Tier 4 sponsor must include this information on your CAS. You will not need to send any documents if this is how you have been assessed.
137. Where you are following a course of study below NQF 6 or QCF 6 or SCQF 9, your sponsor must use an approved English language test to check that you are competent in English language at a minimum of CEFR level B1 in each of the four components. Your sponsor must include information about this test on your CAS.

You must include the specified evidence with your application. We reserve the right to request any or all the evidential documents from this section from you, even if you qualify for our differentiation arrangements.

138. Where you are following a course of study at NQF 6 or QCF 6 or SCQF 9 or above with a sponsor that is not a UK HEI, your sponsor must use an approved English language test to check that you are competent in English language at a minimum of CEFR level B2 in each of the four components. The sponsor must include information about this test in your CAS. You must include the specified evidence with your application. We reserve the right to request any or all the evidential documents from this section from you, even where you qualify for our differentiation arrangements.
139. In all cases, where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together,

for example a combined exam and certificate for reading and writing skills, the specified evidence you submit must show that you achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of disability.

140. Where you are following a course of study at NQF 6 or QCF 6 or SCQF 9 or above with a sponsor that is a UK HEI, your sponsor may choose its own method to check that you are competent in English language at a minimum of CEFR level B2 in each of the four components. The sponsor must confirm that you are proficient to the required level on your CAS. You do not need to send in any documents to support this.

### **Documents used to obtain Tier 4 (General) CAS assigned for English language courses at level B2 of the Common European Framework for Reference (CEFR).**

141. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask for these documents.
142. If your Tier 4 sponsor has assessed your qualifications in order to assign your CAS, you must send us these qualifications with your application. For each qualification listed, you must provide either:

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

- your name; and
- the title of the award; and
- the date of the award; and
- the name of the awarding institution.

We will not accept provisional certificates

or

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

- your name; and
- the name of the academic institution; and

- the course title; and
- confirmation of the award.

This transcript must be original unless the applicant has applied for their course through UCAS (Universities and Colleges Admissions Service), and:

- the applicant is applying in the UK to study at an HEI which has Tier 4 Sponsor status, and
- the qualification is issued by a UK awarding body for a course that the applicant has studied in the UK.

143. You must get this information directly from the sponsor before making your application. We will not provide this information to you.

144. If your Tier 4 sponsor has assessed you by using one or more references, your sponsor must include details of the references assessed on your CAS.

145. For each reference assessed, you must send your original reference(s) which must contain:

- your 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 you cannot provide the original reference(s), you can provide a copy, together with a letter from your Tier 4 sponsor confirming it is a true copy of the reference they assessed.

146. If you have been offered a place because of the progress you have made on an existing course, your Tier 4 sponsor must include this information on your CAS. You will not need to send any documents if this is how you have been assessed.

## **Documents used to obtain a CAS for Tier 4 (General) Students taking a recognised Foundation Programme for postgraduate doctors and dentists**

147. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the

requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask for these documents.

148. If you are applying to take a recognised postgraduate doctor or dentist foundation programme, the qualification(s) you send with your application must include your original certificate and/or original transcript of results of the UK recognised degree in Medicine or Dentistry that you completed whilst in the UK as a student.

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

149. All Tier 4 (General) students, including those who qualify for our differentiation arrangements, must obtain an ATAS clearance certificate if they are applying for entry clearance or leave to remain to take:
- undergraduate or postgraduate studies leading to a Doctorate or master's degree by research in one of the subjects listed in paragraph 1 of Appendix 6 of the Immigration Rules; or
  - undergraduate or postgraduate studies leading to a taught master's degree or other postgraduate qualification in one of the subjects listed in paragraph 2 of Appendix 6 of the Immigration Rules; or
  - study or research of more than 6 months at an institution of higher education in the UK, where this forms part of an overseas postgraduate level course, in any subject listed in Appendix 6 of the Immigration Rules.
150. 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. If you are granted clearance, an ATAS certificate will be issued to you in an email. You must provide a copy of your ATAS clearance certificate with your application.
151. You are issued an ATAS Clearance Certificate for a specific course with a named provider which covers the length of that course from the course start date to the course end date given on the CAS, plus up to an additional 3 calendar months of study. The certificate remains valid as long as your provider and/or course details do not change. If your provider and/or course details do change, or your course end date is postponed for a period of more than 3 calendar months, you must apply for a new ATAS Clearance Certificate within 28 calendar days, regardless of when your leave expires.
152. You will also need to apply for a new ATAS certificate if:
- there are any changes to the course content (or research proposal). If you are studying a research PhD course, changes include changes other than minor changes to the areas of research or the use of any



new research technique;

- you apply for an extension of leave in order to continue on your course;
- you wish to start a new course that requires ATAS clearance; or
- you move to another institution.

Where there is a change to the length of your course because you are deferring your studies, and sponsorship is withdrawn, the application for a new ATAS clearance certificate should be made at the time you are applying for entry clearance or leave to remain in order to start the course again.

## **Money (also known as maintenance or funds)**

### **What money does a Tier 4 (General) student need?**

153. You must show that you have enough money to cover your course fees and living costs.

#### **Course fees**

154. If you are starting a new course, you must show that you have enough money to pay for your course fees for the first year of your course or for the entire course, if it is less than a year long.

155. If you have already started your course and you are applying for further leave to continue that course, you must show that you have enough money to pay for your course fees to the end of the current academic year; or for the next academic year if you will continue on your course at the start of the next academic year.

156. If you are in the UK as part of a study abroad programme you must show that you have enough money to pay for any fees you are required to pay to your Tier 4 sponsor for the first year of your course or for the entire course, if it is less than a year long.

157. If you are continuing on an existing course and are applying for an extension to continue to study the course, your Tier 4 sponsor must give either:

- the fees you still need to pay as stated on your CAS – if you are part way through the year; or
- the fees that you need to pay for the next academic year of your course, if you will continue the course at the start of the next academic year.

158. Your Tier 4 sponsor will provide us with details of the cost of the course fees once the CAS has been issued. If you do not know what these fees are, you

will need to check this with your Tier 4 sponsor.

159. If you have no fees to pay to your Tier 4 sponsor, your CAS must confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

## Money you will need for living costs

160. You must have enough money to support yourself whilst studying in the UK. The money that you will need for living costs will depend on the length of your course and where you will study it.

## Where you will be studying

161. The monthly living costs that you will need to show will depend on where you will be studying in the UK.

162. You must show that you have:

- £1,265 per month for living costs if you are studying in London for the majority of your study (more than 50% of your study time);
- £1,015 per month for living costs if you are studying outside London or anywhere else in the UK for the majority of your study (more than 50% of your study time).

163. You will be considered to be studying in London if studying at the University of London, or if the majority of your study (more than 50% of your study time) is at a site or sites situated wholly or partly within the area comprising the City of London and the Former Metropolitan Police District.

“Former Metropolitan Police District” means:

- (i) Greater London, excluding the City of London, the Inner Temple and the Middle Temple;
- (ii) in the county of Essex, in the district of Epping Forest— the area of the former urban district of Chigwell, the parish of Waltham Abbey;
- (iii) in the county of Hertfordshire— in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw; and
- (iv) in the county of Surrey— in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead.

## How many months' money must I have?

164. If you are applying for leave to remain on the Doctorate Extension Scheme, or as a student union sabbatical officer, or as a postgraduate doctor or dentist on a recognised Foundation Programme you must show that you

have money for your living costs for each month of your course up to a maximum of 2 months.

165. In all other circumstances, you must show that you have money for your living costs for each month of your course, up to a maximum of 9 months.
166. For example, if you are studying outside London or elsewhere in the UK on a course for more than 12 months and have paid your course fees in full. The amount of maintenance you would need to show would be £9,135 (£1,015 for 9 months).

## Money that can be used

167. You can use money held in an account owned by you or by your parents or legal guardian. If you are a Tier 4 (General) student and using funds held by your parent(s)/legal guardian(s), you will need to show us evidence that you are related to your parent(s)/legal guardian(s) and that you have their permission to use this money.
168. If you are a Tier 4 (Child) student you will not normally need to show us that you are related to your parent(s)/guardian(s).
169. The evidence of money that you use must be:
- cash funds in the bank (this includes savings accounts and current accounts even when notice must be given); or
  - a loan letter (the loan must be provided by your national government, state or regional government, or by a government sponsored student loan company or be part of an academic or educational loans scheme); or
  - official financial or government sponsorship available to you.

Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards and pension funds are not acceptable, regardless of notice period. Certificates of deposit are only acceptable if they do not indicate that funds are frozen.

170. The money you show us must be for your use for studying and living in the UK. The full amount of this money – which should be held in the manner specified in this guidance – must continue to be available to you after your application is made, except for any money you have to pay for course fees and living costs.

For example, you should retain the full amount of money you have shown us in your bank account, minus the balance you have paid for your course fees.

171. If you are using overseas currency, we will expect you to show (in writing on your 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).

172. Where your funds are in a currency other than pounds sterling, the amount we consider will be based on the exchange rate for the relevant currency on the date of your application, taken from the rates published on [www.oanda.com](http://www.oanda.com).
173. You will not be awarded points for maintenance where the money you are showing us is held in a financial institution with which the Home Office is unable to make satisfactory verification checks. This will be considered using the list in use on the date of your application. A list of financial institutions which do not satisfactorily verify financial statements will be published on Home Office pages at the Gov.UK website at:  
<https://www.gov.uk/government/publications/immigration-rules-appendix-p>
174. We will not consider money earned during a time when you or your parent(s)/legal guardian was in breach of the UK's immigration laws as evidence of maintenance funds. For example: Earnings made from UK employment will only be considered if you had leave to enter or remain in the UK at the time the money was earned, and in a category which permitted you to take that employment.

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

175. If you can show that you have already paid all or some of your course fees to your Tier 4 sponsor before making your application, this amount can be taken away from the total amount of money you will need to show.
176. If you can show that you have already paid all or some of your accommodation fees to your Tier 4 sponsor before making your application, this amount up to a maximum of £1,265, will also be taken away from the total amount of money you will need to show for living costs, however, the amount taken away cannot exceed a maximum of £1,265, even if you have paid more than £1,265 in advance for accommodation.

For example, if you are studying in London, are studying a course of more than 12 months, and you have paid your course fees in full. The amount of maintenance you would need to show would be £11,385 (£1,265 for 9 months), however, as you have already paid £1,265 to your university as a contribution towards your accommodation, the amount you need to show is reduced to £10,120:

Amount of Maintenance - £11,385  
Amount paid to Sponsor for accommodation - £1,265  
Total maintenance they are required to show - £10,120.

This only applies if you will be staying in university or college arranged accommodation.

## Official Financial Sponsorship or Government Sponsor

177. Financial sponsorship is where you are given money to cover some or all of your course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.
178. You can receive official financial sponsor from Her Majesty's Government, your home government, the British Council or any international organisation, international company, university or a UK independent school.
179. For the purposes of this section of the guidance 'sponsored' means wholly supported by an award which covers both fees and living costs.
180. Within the last 12 months, you may have been financially sponsored to be in the UK by a government or an international scholarship agency in one of the following categories:
- student; or
  - Tier 4 (General); or
  - Tier 4 (Child) student; or
  - student nurse; or
  - student re-sitting an examination; or
  - student writing up a thesis; or
  - postgraduate doctors and dentists.
181. If you are currently financially sponsored by a government or an international scholarship agency or your financial sponsorship ended within 12 months of your application being made, you will need your sponsor's permission to stay in or re-enter the UK. You must provide us with your financial sponsor's unconditional consent in writing. This must confirm that your sponsor has no objection to you continuing your studies in the UK. If your financial sponsor does not give consent, we will refuse the application.
182. If your financial sponsor is only covering some of your course fees or living costs, you must show that you have the rest of the money needed.

## Money needed for dependants (partners and children)

183. Any partners or children (also known as dependants) that you want to bring to the UK with you must have money in place to support them. The Points Based System dependants' guidance provides more information on this and can be found at: <https://www.gov.uk/government/publications/guidance-for-dependants-of-uk-visa-applicants-tiers-1-2-4-5>

## Documents Needed for Maintenance (funds)

184. You must show evidence that:

- you have paid all or part of your course fees and up to £1,265 towards accommodation fees to your Tier 4 sponsor; and/or
- you are receiving official financial sponsorship; and/or
- you have enough money to cover your remaining course fees and living costs, if any.

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

185. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask for these or any other documents.

186. Your sponsor can include details of the money you have already paid to them on your CAS. If your Tier 4 sponsor has included details of money paid to them on your CAS, no further documents are needed to show that this money has been paid. If you do not know if your Tier 4 sponsor has included this information you will need to check this with your Tier 4 sponsor. Any money for fees and maintenance that are not shown on your CAS must be shown in a different manner by you.

187. If your Tier 4 sponsor has not included details of the money you have already paid on your CAS, you must send an original paper receipt issued by your UK Tier 4 sponsor confirming that you have paid:

- all of your fees; or
- the amount that you have paid.

## Documents needed to show official financial sponsorship or government Sponsor

188. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask for these or any other documents.

189. Your sponsor can include details of the Official Financial Sponsorship that they

are giving to you on your CAS. No further documents are needed to show this Official Financial Sponsorship. If you do not know if your Tier 4 sponsor has included this information, you will need to check this with them.

190. In all other circumstances if you are being given Official Financial Sponsorship, you must provide a letter of confirmation from your Official Financial Sponsor on official letter-headed paper or stationery of the organisation of the official financial sponsor which must have the official stamp of that organisation on it. The letter must show:

- your name;
- the name and contact details of your official financial sponsor;
- the date of the letter;
- the length of your sponsorship; and
- the amount of money the sponsor is giving to you or a statement that your official financial sponsor will cover all of your fees and living costs.

## Documents needed to show money available to you

191. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask for these or any other documents.

192. You must show that you have held the required money for a consecutive 28 day period (finishing on the date of the closing balance) ending no more than 31 days before your application.

193. If you are providing evidence of maintenance from a single account, we will always assess the funds available to you from the closing balance given on the document provided as evidence.

194. Where two or more pieces of evidence from a single account are used (for example two consecutive bank statements) we will assess the funds available to you from the closing balance of the most recent document.

195. Where evidence from two or more accounts is submitted, we will assess the funds available to you as being:

- the closing balance of one account, **plus**
- any additional money available to you on the date of that closing balance, for which you have provided the required evidence.

196. We will always use the closing balance date from the account that most favours you.

197. If you are providing evidence of Official Financial Sponsorship, in addition to evidence of your own personal funds, any money paid to you by your Official Financial Sponsor will not be considered as available personal funds.

Money cannot be counted twice as evidence of maintenance.

198. The following documents can be used to show money available to you:

**i. Personal bank or building society statements covering a consecutive 28 day period ending no more than 31 days before the date of your application. Your personal bank or building society statements must show:**

- your name or your parent's/legal guardian's name; **and**
- the account number; **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 acceptable as evidence (this excludes mini-statements from cash points).

If you wish to submit electronic bank statements these must contain all of the details listed above. In addition, you will need to provide a supporting letter from your 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 must 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 you hold enough funds for the full period needed.

If you want to use a joint account as proof of your money, you must be named on the account along with one or more other person.

**ii. Building society pass book covering a consecutive 28 day period ending no more than 31 days before the date of your application. Your building society pass book must show:**

- your name or your parent's/legal guardian's name; **and**



- the account number; **and**
  - the financial institution's name and logo; **and**
  - the amount of money available.
- iii. **Letter from your bank confirming funds have been held for a consecutive 28 day period ending no more than 31 days before the date of your application. Your letter from a bank or building society must show:**
- your name or your parent's/legal guardian's name; **and**
  - the account number; **and**
  - the date of the letter; **and**
  - the financial institution's name and logo; **and**
  - the money in your 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 Conduct Authority, the Prudential Regulatory 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) for the purpose of personal savings accounts, confirming funds have been held for a consecutive 28 day period ending no more than 31 days before the date of the application. Your letter from the financial institution regulated by the Financial Conduct Authority, the Prudential Regulatory Authority or home regulator must show:**
- your name or your parent's/legal guardian's name; **and**
  - the account number; **and**
  - the date of the letter; **and**
  - the financial institution's name and logo; and the money in your account.
- v. **Letter from a regulated financial institution confirming a loan**
- The loan letter(s) from a regulated financial institution that you send us must be dated no more than 6 months before the date of your application. The letter(s) must be the original (not a copy) and must clearly show:
- your name; and

- the date of the letter; and
- the financial institution's name and logo;
- the money available as a loan;
- that the loan is provided by your national government, their state or regional government, a government sponsored student loan company or is part of an academic or educational loans scheme.

The financial institution must be regulated by either the Financial Conduct Authority, the Prudential Regulatory Authority or, in the case of overseas accounts, by the home regulator (the official regulatory body for the country the financial institution is in and where the money is held) for the purpose of student loans.

You cannot use loans held in the name of your parent(s) or legal guardian(s) as evidence of money held by you.

There must be no conditions placed on the release of the loan funds to you, other than your Tier 4 application being successful.

## If you are using money held by your parent(s) or legal guardian(s)

199. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes ask for these of any other documents.
200. If you a Tier 4 (General) student and are relying on money held by your parent(s)/legal guardian(s), you must show that you are related to them and must provide one of the following:
- your birth certificate showing the names of your parent(s)/legal guardian(s); **or**
  - your certificate of adoption showing names of both parent(s) or legal guardian(s); **or**
  - a Court document naming your legal guardian(s). The document use must be the original legal document or a notarised copy.
201. If you are a Tier 4 (Child) student and relying on money held by your parent(s)/legal guardian(s), you are not normally required to show evidence of your relationship to them.
202. If you are relying on money held by your parents(s)/legal guardian, you must also show that your parent(s)/legal guardian have given their permission for

you to use this money. You must provide: a letter from your parent(s) or legal guardian(s). The letter must confirm:

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

## **Letter of parental consent (Tier 4 (General) students under the age of 18 only)**

203. If you are a 16 or 17 year old Tier 4 (General) student, you have the legal right to live independently in the UK, and so may make your own arrangements for accommodation. However you require the consent of your parent(s)/legal guardian(s) to do this and to travel to the UK (if you are applying from overseas).

204. If you are 16 or 17 years old and living independently, you must provide a letter from your parent(s) or legal guardian(s), confirming:

- the relationship between you and your parent(s) or legal guardian(s);
- that your parent(s) or legal guardian(s) have given their consent to your application;
- that your parent(s) or legal guardian(s) have given their consent to you living independently in the UK; and
- that your parent(s) or legal guardian(s) have given their consent to your independent travel to the UK.

205. The letter must confirm if your parent(s) or legal guardian(s) have legal custody or sole responsibility for you. If they have sole custody then they must sign the letter. If they do not, the letter must confirm that each of your parent(s) or legal guardian(s) agree to the contents of the letter and it must be signed by each parent or legal guardian.

## **Tier 4 (Child) Students - specific guidance**

206. Paragraphs 245ZZ to 245ZZD of the Immigration Rules contain full details of the requirements of the Tier 4 (Child) student category and you should ensure that you are familiar with the requirements of the rules.

## **What is the Tier 4 (Child) student category?**

207. The Tier 4 (Child) student category is for children coming to the UK to be educated between four and 17 years old at independent schools.

208. Tier 4 (Child) visa applications made using a CAS assigned on or after 10

August 2015 must be to study at an independent school. Tier 4 (Child) applications made using a CAS assigned on or before 9 August 2015 will be considered in accordance with the Rules in force on 2 August 2015.

209. You must apply as a Tier 4 (Child) student if you want to study at or below level 2 of the National Qualifications Framework.
210. Tier 4(Child) students who are under 16 years of age may not be offered an English language course (except insofar as this forms part of a broader programme of study being taught in accordance with the National Curriculum, the NQF, or accepted as being of equivalent academic status or fulfilling the requirements of prevailing independent school inspection standards). You can apply to come to the UK as a as a short-term student child in order to study English language for a maximum of 6 months.

### **Can I switch into the Tier 4 (Child) student category?**

211. You can switch into the Tier 4 (Child) student category if you have, or were last given, permission to stay as:
- a Tier 4 (General) student; **or**
  - a prospective student, **or**
  - a Student under the Immigration Rules in place before 31 March 2009.

### **What are the acceptable levels of courses I can do?**

212. You 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
  - pre-sessional courses to prepare you for your main course of study.

The main course of study must meet the conditions above.

You cannot do a course that is:

- a foundation course.

Tier 4 (Child) visa applications made using a CAS assigned on or after 10 August 2015 must not be to study a foundation course. Tier 4 (Child) applications made using a CAS assigned on or before 9 August 2015 will be considered in accordance with the Rules in force on 2 August.

## **When can I come to the UK?**

213. Your course start date is the date given by your Tier 4 sponsor on your CAS.
214. You can come to the UK either one month before your course start date or seven days before your intended date of travel, whichever is later.

## **How long can I come to the UK for?**

215. The length of stay you can be given will depend on your age. If you are under 16 years old, you can be given:
- the length of stay that you ask for; or
  - the length of your course; or
  - six years;

You will also be given an additional four months after the end of your course.

216. If you are aged 16 or 17 years old can be given whichever is the shortest of:
- the length of stay that you ask for; or
  - the length of your course; or
  - three years;

You will also be given an additional four months after the end of the course

217. If you turn 18 years old, you can carry on with your course until your permission to stay ends. If you want to do further study in the UK, you will have to apply under another category, for example, as a Tier 4 (General) student. Any time under Tier 4 whilst aged 18 or over will count towards the maximum period of study permitted on courses below UK degree level.
218. If you have official financial sponsorship which wholly covers your fees and living costs, and your financial sponsor limits the time you may study in the UK, then your permission to stay will be limited to the same length of time plus the usual additional period allowed.

## **Tier 4 (Child) Students applying from inside the UK**

219. From 1 October 2012, all applications for further leave to remain will fall for refusal if a student has overstayed for more than 28 days, unless there were exceptional circumstances which prevented them from applying within the 28

day period. The 28 day period of overstaying is calculated from the latest of:

- the end of the last period of leave to enter or remain granted, or
- the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971 or
- the point a written notice of invalidity is deemed to have been received, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

If there are exceptional circumstances which prevent you from applying in time, you must submit evidence of the exceptional circumstances with your application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of your case, but for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that you or your representative were unable to submit the application in time (where supported by appropriate medical documentation).
- travel or postal delays which meant that you or your representative were unable to submit the application in time.
- inability to provide necessary documents.

This would only apply to exceptional or unavoidable circumstances beyond your control, such as Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date replacement documents were sought).

We suggest that if your course has ended and you are applying from inside the UK to extend your stay, you should apply in the last three months of your permission to stay if possible. This is because as soon as we give permission to stay (if the application is approved), your new Tier 4 sponsor becomes responsible for you.

## Claiming points for a CAS

220. You must send us the CAS reference number that you have been assigned by your Tier 4 sponsor. This number must be written on your application form.

## Documents used to get a CAS for Tier 4 (Child) students under 16 years old

221. If you are under the age of 16, you will only have to provide the CAS reference number. You will not need to send any documents if this is how you have been

assessed.

## Documents used to get a CAS for Tier 4 (Child) students who are 16 or 17 years old

222. If you qualify for our differentiation arrangements, you are not required to include the evidential documents from this section with your application. You must, however, confirm on your application form that you meet the requirements set out in this section and that you hold documentary evidence in the manner required. We will sometimes request you to send us these or other documents.

223. If you are 16 or 17 years old and your Tier 4 sponsor has assessed your qualifications in order to assign the CAS, you must send us these qualifications with your application. For each qualification listed, you must provide either:

### i. your original certificate(s) of qualification

Each document must be the original (not a copy) and must clearly show:

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

We will not accept provisional certificates or

### ii. The original transcript of results

Each document must be the original (not a copy) and must clearly show:

- your name; **and**
- name of the academic institution; **and**
- the course title; **and**
- the confirmation of the award.

224. You will need to know what evidence your sponsor has included on your CAS so that you can include it with your application. You must get this information directly from your Tier 4 sponsor before making your application. The Home Office will not provide this information to you.

225. If you have been assessed by other means (for example, references or a portfolio of artwork, interview or your Tier 4 sponsor's own test or entrance exam), you do not have to include these documents with your application, but your Tier 4 sponsor must still include details of how they assessed you on your CAS.

## What money does a Tier 4 (Child) student need?

226. The amount of money that you will need to show depends on where you will be studying and your care arrangements while in the UK.

## What money do I need if I am a boarding student?

227. You must show you have the money available to pay your school fees (course fees and board or lodging fees) for the first year of your course or for the entire course, if it is less than a year long.

228. If you have already started your course and you are applying for new permission to continue that course, you must show that you have enough money to pay for your school fees to the end of the current academic year; or for the next academic year if you will continue on your course at the start of the next academic year.

229. The amount you will need to show for course fees will be given by your Tier 4 sponsor on your CAS.

230. If you have been assigned a CAS, your Tier 4 sponsor will already have given us details of the cost of your course fees. If you do not know what these fees are, you will need to check this with your Tier 4 sponsor.

231. If you have no fees to pay to your Tier 4 sponsor, your CAS, must confirm that there are no fees due (for example, if these have been paid to an overseas Higher Education provider).

232. If the length of your 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, you will need to show that you have enough money for eight months.

## What money do I need if I am a non-boarding student?

233. You must show that you have enough money to cover your course fees and living costs. You are a non-boarding student if you are not being accommodated by your Tier 4 Sponsor.

234. For more information about the money you are required to show for course fees please see paragraphs 154 - 159 above.

235. The money that you will need for living costs depends on your care arrangements while in the UK. These may be that:

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



## What money for living costs do I need if I am staying with a carer who is a resident British citizen or other UK resident?

236. If you are staying with a carer who is a resident British citizen or other UK resident, you will need to show that:
- your intended carer has agreed to look after and accommodate you in the UK for the length of your course; and
  - your intended carer has at least £570 per month to look after and accommodate you in the UK for each month of your course up, to a maximum of 9 months; and
  - confirmation that the intended carer is a resident British citizen or other UK resident.
237. If the length of your course includes a part of a month, we will round the time up to the next month, for example, if your course is seven months and two weeks, you must show that they have enough money for eight months.

## What money do I need if I am under 12 years old and I am being accompanied to the UK by my parent or legal guardian?

238. If you are under 12 years old, you can be accompanied to the UK by your parent or legal guardian. Your parent or legal guardian must apply as the parent of a Tier 4 (Child) student. The money you will need to show will depend on whether there will be additional Tier 4 (Child) students coming with your parent or legal guardian.
239. If you are under 12 and your parent or legal guardian is only accompanying you to the UK, you must show that you have £1,560 for living costs for each month of your course up, to a maximum of 9 months.
240. If your parent or legal guardian is accompanying two or more of their children to the UK as Tier 4 (Child) students, and if you are the first or main Tier 4 (Child) student, then you must show that you have:
- £1,560 for living costs for every month of your course up, to a maximum of 9 months; and

Each additional Tier 4 (Child) student that your parent or legal guardian are accompanying must show that they have:

- £625 for living costs for each month of their course up, to a maximum of 9 months.

If the length of your course includes a part of a month, we will round the time

up to the next month. For example, if your course is seven months and two weeks, you must show that you have enough money for eight months.

## What money do I need to show if I am a 16 or 17 year old living independently?

241. If you are a 16 or 17 year Tier 4 (Child) student living independently the amount of money you will need to show for living costs will depend on where you will be studying in the UK.
242. As a 16 or 17 year Tier 4 (Child) student living independently, you must show that you have:
- £1,265 per month for living costs if you are studying in London for the majority of your study (more than 50% of your study time);
  - £1,015 per month for living costs if you are studying outside London or anywhere else in the UK, for the majority of your study (more than 50% of your study time).
243. You will considered to be studying in London if studying at the University of London, or if the majority of your study (more than 50% of your study time) is at a site or sites situated wholly or partly within the area comprising the City of London and the Former Metropolitan Police District.
- “Former Metropolitan Police District” means:
- (i) Greater London, excluding the City of London, the Inner Temple and the Middle Temple;
  - (ii) in the county of Essex, in the district of Epping Forest— the area of the former urban district of Chigwell, the parish of Waltham Abbey;
  - (iii) in the county of Hertfordshire— in the borough of Broxbourne, the area of the former urban district of Cheshunt, the district of Hertsmere, in the district of Welwyn Hatfield, the parish of Northaw; and
  - (iv) in the county of Surrey— in the borough of Elmbridge, the area of the former urban district of Esher, the boroughs of Epsom and Ewell and Spelthorne, in the district of Reigate and Banstead, the area of the former urban district of Banstead.

244. If you are unsure as to the address of your main study site, you will need to get this address from your Tier 4 sponsor.

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

245. If you are a 16 or 17 year old Tier 4 (Child) student living independently, you must show that you have money for your living costs for each month of your course up, to a maximum of 9 months.

## **Money that can be used by a Tier 4 (Child) Student**

246. You can use money held in an account owned by you or by your parents. No additional evidence of this relationship is required. For more information about the money that can be used please see the 'Money that can be used' section.

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

247. If you can show that you have already paid all or some of your course fees to your Tier 4 sponsor before making your Tier 4 application, this amount can be taken away from the total amount of money you will need to show.
248. If you have already paid some money to your Tier 4 sponsor for your accommodation fees before making your application, this money can be deducted from the total amount of money you will need to show for living costs, however the amount deducted cannot exceed £1,265, even if you have paid more than £1,265 in advance for accommodation.

This applies if you will be staying in school or college arranged accommodation except where you are a Tier 4 (Child) boarding student at a residential independent school.

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

249. You are financially sponsored if you are given money to cover some or all of your course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.
250. You can receive official financial sponsor from Her Majesty's Government, your home government, the British Council or any international organisation, international company, university or UK independent school.
251. If your financial sponsor is only covering some of your course fees or living costs, you must show that you have the rest of the money needed.
252. For more information on official financial sponsorship please see the 'Official Financial Sponsorship or Government Sponsor' section.

## **Documents needed to claim points for maintenance**

253. For more information on the documents you need to claim points for maintenance please see the 'Documents Needed for Maintenance (funds)' section.

## **Parental consent**

254. If you require the consent of your parent(s)/legal guardians to travel to the UK, you must provide a letter from their parent(s) or legal guardian, confirming:

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

The letter must confirm if your parent(s) or legal guardian have legal custody or sole responsibility for you. 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 it must be signed by each parent or legal guardian.

### **Additional evidence if you are 16 or 17 yrs old and you are living independently**

255. If you are 16 or 17 years old, then you have the legal right to live independently in the UK, and so you may make your own arrangements for accommodation.
256. You must provide a letter from your parent(s) or legal guardian, confirming their consent to:
- you living independently in the UK;
  - your independent travel to the UK.

This information can also be included in the parental consent letter.

### **Additional evidence if you are staying with a resident British citizen or other UK resident who is a close relative or in a private foster care arrangement**

257. If you are living with a resident British citizen or other UK resident who is a close relative or in a private foster care arrangement, you must show that you have suitable arrangements in place for your care. You must show us all the below evidence:
- i. A written (undertaking) letter from the intended carer confirming the care arrangement which must show:
    - the name, current address and contact details of the intended carer; and

- the address where the carer and you will be living in the UK if different from the intended carer's current address; and
  - confirmation that the accommodation offered to you is a private address, and not operated as a commercial enterprise, like a hotel or a youth hostel; and
  - the nature of the relationship between your parent(s) or legal guardian and your intended carer; and
  - that your intended carer agrees to the care arrangements for you; and
  - that they have at least £570 per month (up to a maximum of nine months) available to look after and accommodate you for the length of your course; and
  - a list of any other people that your intended carer has offered support to; and
  - their signature and date of the undertaking.
- ii. A letter from your parent(s) or legal guardian confirming the care arrangement which must show:
- the nature of their relationship with the intended carer; and
  - the address in the UK where you and your intended carer will be living; and
  - that your parent(s) or legal guardian support the application, and
  - authorise the intended carer to take responsibility for the care of you during your stay in the UK.
- iii Proof to confirm the intended carer is allowed to be in the UK which must be either:
- their current UK or European Union passport; or
  - their current passport or travel document to confirm that they are allowed to stay in the UK; 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.)

258. If you are living with a close relative, no further documentation is required.

If you are staying in a private foster care arrangement, you must receive permission from your private foster carer's UK local authority. This is explained

in the 'Children (Private Arrangements for Fostering) Regulations 2005'. Details of the act can be viewed at: [www.opsi.gov.uk/si/si2005/20051533.htm](http://www.opsi.gov.uk/si/si2005/20051533.htm).

259. If you are staying in a private foster care arrangement and you are under 16 years old, you must provide both:

i. A copy of the letter of notification from your parent(s), legal guardian or intended carer to the UK local authority. This must confirm that you will be in the care of a private foster carer while in the UK.

and

ii. The UK 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

### Can I bring my partner and/or children with me?

260. Only new students sponsored by an HEI on a course at NQF level 7 or above lasting 12 months or more, new government sponsored students following a course that is longer than six months and Doctorate Extension Scheme students will be able to bring their partners and/or children (also known as dependants) to the UK with them.

261. Dependants with existing leave wishing to extend their stay in the UK will be allowed to extend provided they apply at the same time as you apply to undertake a course of study that is longer than six months in duration. Any partners or children who want to come to the UK 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.gov.uk/government/publications/guidance-for-dependants-of-uk-visa-applicants-tiers-1-2-4-5](http://www.gov.uk/government/publications/guidance-for-dependants-of-uk-visa-applicants-tiers-1-2-4-5)

262. If you are a Tier 4 (Child) student, then you are not allowed to bring partners to the UK with you as dependants. If you have any children under the age of 18 who are living with you or who you are financially responsible for then you are not able to come to the UK as a Tier 4 (Child) student.

263. If you are married or you have a partner who wants to come with you, the only way they can accompany you is if they make an application of their own, in another immigration category, rather than as your dependant.

264. A parent accompanying a child under 12 must apply using the parent of a Tier 4 (Child) student provision. More details can be found on the Gov.uk website at: <http://https://www.gov.uk/parent-of-a-child-at-school-visa>

## What general conditions will be attached to my stay in the UK?

265. Whilst in the UK you must:

- Not work other than as your conditions of stay allow;
- Not work as a doctor or a dentist in training;
- Not study other than as your conditions of stay allow;
- Not claim any state benefits (known as public funds) that you are not entitled to;
- Register with the police, if this is needed by paragraph 326 of the Immigration Rules

## Can I work whilst in the UK?

266. The main purpose of the Tier 4 visa route is for you to come to the UK to study. Where you are permitted to work, the intention is that this should be to supplement your income whilst studying (which in most cases we expect this to be taking a part-time role for an established business/organisation (for example, a customer service role at a retailer) or as part of a work placement provided it is an integral and assessed part of your course.

267. There are limits on your working hours that depend on when you applied for permission to come to or stay in the UK, the type of course you study and what type of sponsor you are studying with.

268. Any time spent working can be in addition to any time spent on a permitted work placement.

269. The table below outlines the work rights granted to you if you applied for Tier 4 leave on or after 3 August 2015.

<b>Course type:</b>	<b>10 hours per week during term-time and full-time during vacations</b>	<b>20 hours per week during term-time and full-time during vacations</b>	<b>No work allowed</b>
A course at degree level (QCF or NQF level 6 (and equivalents)) or above sponsored by a UK recognised body or a body in receipt of public funding as a higher education institution		✓	

<b>Course type:</b>	<b>10 hours per week during term-time and full-time during vacations</b>	<b>20 hours per week during term-time and full-time during vacations</b>	<b>No work allowed</b>
A short-term study abroad programme in the UK at an overseas higher education institution		✓	
A course below degree level (QCF or NQF level 6 (and equivalents)) sponsored by a UK recognised body or a body in receipt of public funding as a higher education institution	✓		
A course at any level at a publicly funded further education college			✓
A course at any level at a private provider			✓
Any course where the student is a Tier 4 (Child) student over the age of 16 years old	✓		
Any course where the student is a Tier 4 (Child) student under the age of 16 years old			✓

270. If you are following a course at NQF 6 or QCF 6 or SCQF 9 or above with a sponsor which is a UK recognised body or a UK HEI, or you are undertaking a short-term study abroad degree programme at an overseas recognised body or HEI the following work is also allowed:

- as a postgraduate doctor on a recognised Foundation Programme, providing you are being sponsored by the UK Foundation Programme Office or Health Education South London.
- as a postgraduate dentist on a recognised Foundation Programme, providing you are being sponsored by Health Education Yorkshire and Humber or Health Education South London;

271. You may work full-time after your course has ended provided your conditions of stay permit work during term time and you have leave to stay in the UK.



The period at the end of the course is considered vacation time.

272. If, having fully completed the course for which your CAS was assigned, you make an application for leave under the Points Based System before your existing leave expires, you will be permitted to work full-time, within the limits described above, until your application is decided.
273. If you stop studying before completing your course you will no longer be entitled to work and will be in breach of your conditions of leave if found working.

### **What types of work placements am I permitted to take?**

274. If you are a Tier 4 (General) student or a Tier 4 (Child) student, then in certain circumstances, you will be permitted to undertake a work placement as part of your course, providing it is an integral and assessed part of the course.
275. If you are permitted to have a work placement as part of your course, then the time you spend on it must not exceed 33% of the total length of your course, unless:
- your course is at NQF/QCF 6 or SCQF 9 or above and will be studied at a UK recognised body or a HEI. In these circumstances, your work placement must not be more than 50 per cent of the total length of the course; or
  - your course is at NQF/QCF 6 or SCQF 9 and forms part of a study abroad programme. In these circumstances, your work placement must not be more than 50 percent of the total length of the course; or
  - you are a Tier 4 (Child) aged 16 or above. In this instance, your work placement must not be more than 50 percent of the total length of the course; or
  - there is a UK statutory requirement for the course to contain a specific period of work placement which exceeds this limit. The work placement must also be an integral and assessed part of the course.
276. If you are undertaking a course of study in music or dance at NQF/QCF 6 or SCQF 9 or above, then you are able to undertake a work placement as part of the course which involves a professional performance, where the performance has been arranged by your Tier 4 sponsor and it is an integral and assessed part of the course.
277. If you will be studying at Tier 4 Sponsor who is not a sponsor with Tier 4 Sponsor status, and your course is below degree level your course cannot include a work placement.

278. If you are under 16 years old, then you are not allowed to work in the UK, and so you cannot do a work placement as part of your course of study here.
279. If you are enrolled on a higher education course at an overseas HEI and you are coming to the UK to do part of your course, you may also do a work placement as part of your course as long as it is no more than 50% of your study in the UK.
280. If you have a CAS for a course which involves a work placement, your Tier 4 sponsor will remain responsible for you throughout your work placement.

### **Work that is not allowed**

281. If you are allowed to work, you cannot:

- be employed as a doctor in training (except on a recognised foundation programme);
- be employed as a professional sportsperson (including a sports coach);
- be employed as an entertainer;
- be self-employed or engage in business activity; or
- fill a full-time, permanent vacancy (except on a recognised foundation programme or as a students' union sabbatical officer).

### **Self-employment and engaging in business activity**

282. You cannot be self-employed or engage in business activity. Everyone in the UK undertaking self-employed work must be registered with HMRC; you must check [HMRC guidance](#) to see if you need to be registered as self-employed.

283. You will be considered to be engaging in business activity where you are working for a business in a capacity other than an employee in which you have a financial or other significant beneficial interest.

284. This would include the following:

- setting up a business as a sole trader or under a partnership arrangement and that business is either trading or establishing a trading presence;
- being employed by a company in which you hold shares of 10% or more (including where the shares are held in a trust for you); or
- working for a company where you also hold a statutory role, such as a director.

This is not an exhaustive list but provides examples of the types of circumstance in which you will be considered to be engaged in business activity.

285. You are permitted to undertake MBA and other academic business programmes and work placements as part of your course, including secondments to businesses.
286. You are permitted to be self-employed when you have made an application for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant and are you are yet to receive a decision on that application. This provides an additional period for preparation and development work before you make the switch to the Tier 1 (Graduate Entrepreneur) route and establish your business in earnest. Everyone in the UK undertaking self-employed work must be registered with HMRC.
287. If you are allowed to work, you must not fill a full-time permanent vacancy (other than on a recognised Foundation Programme) unless you are either on the Doctorate Extension Scheme and you have successfully completed your course or:
- you have successfully completed a course at degree level or above at a Sponsor that is a UK recognised body or a body in receipt of public funding as a HEI from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council; and
  - you have made a Tier 2 application supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor before your Tier 4 leave has ended (and any appeal against that decision has been determined; and
  - you will be employed in the role for which that Certificate of Sponsorship was assigned; and
  - you have yet to receive a decision on your Tier 2 application.
288. You are on the Doctorate Extension Scheme and have successfully completed your course if:
- you have made a successful application for leave to remain as a Tier 4 (General) student on the Doctorate Extension Scheme and your sponsor has formally confirmed that your PhD is completed to the standard required for the award of a PhD; or
  - you have made an application for leave to remain as a Tier 4 (General) student on the Doctorate Extension Scheme that has yet to be decided and:
  - you have permission to stay as a Tier 4 (General) student to study a course that leads to the award of a PhD qualification; and
  - you were last studying with a Tier 4 sponsor that is an HEI; and

- you have a CAS from your Tier 4 sponsor confirming that they expect you to successfully complete your course and that they will sponsor you during the 12 months you are on the scheme; and
- you applied no more than 60 days before the end date of your course (as stated on your CAS); and
- your sponsor has formally confirmed that your PhD is completed to the standard required for the award of a PhD.

## Can I volunteer while I am studying?

289. Tier 4 (General) students and Tier 4 (Child) students can volunteer while they are studying. Voluntary work is distinct from volunteering.

290. If you are a Tier 4 (General) student you can do voluntary work if you are permitted to work, but this work and any other (e.g. paid) work that you do must not exceed the number of hours you are permitted to work during term time. For example, if you can work for 20 hours during term time and have paid work of 15 hours a week during term time, you cannot do more than 5 hours voluntary work per week. If you are not permitted to work you cannot do voluntary work. Tier 4 (Child) students aged 16 and over can undertake voluntary work.

Factors that may be taken into account when considering whether it is voluntary work or volunteering are:

- Voluntary workers will usually have contractual obligations to perform the work (e.g. to attend at particular times and carry out specific tasks) with the employer being contractually required to provide the work – the contract does not have to be written. The worker is usually remunerated in kind.
- Students who are volunteering do not have a contract, they must not be a substitute for an employee and they must not be doing unpaid work – i.e. receiving payment in kind (although they are sometimes reimbursed for reasonable travel and subsistence expenses). Volunteers usually help a charity or voluntary or public sector organisation.

## Can I take a Pre-sessional course to prepare me for my main course of study in the UK?

291. A pre-sessional course is a preparatory course which will directly precede your main course of study in the UK. It is designed to enable you to acquire the ancillary skills or knowledge necessary to adjust to study in the UK. Usually this will be supplementary English language training or some instruction in the British

education system. Courses which are designed to give you fundamental training in the subject area as a stepping stone to higher study – e.g. a Foundation degree – or courses, which form an integral part of your main course of study but which are administered separately will not be considered as pre- sessionals. The pre-session course will be studied prior to your main course of study and may in some cases lead to a recognised qualification.

292. If you are a Tier 4 (General) student, then you can be given permission to stay to cover both your pre- sessional course and your main course where your CAS is:

- issued by a UK HEI to cover both a pre-session course of no longer than three months' duration and a main degree course; **and**
- you have an unconditional offer of a place on a degree level course of study at that UK HEI. This includes where the pre-session course is to allow you to reach B2 level in English language and your sponsor is satisfied that you will reach that level at the end of the pre-session; **and**
- your course of degree level study commences no later than one month after the end date of your pre-session course.

293. If you are a Tier 4 (Child) Student, then you can be given permission to stay to cover both your pre- sessional course and your main course where your CAS is:

- issued by an independent school to cover both a pre-session course and a main course at an independent school; and
- you have an unconditional offer of a place on a main course at an independent school; and
- the duration of your pre-session course and your main course does not exceed maximum length of permission to stay that you can be given as a Tier 4 (Child) student.

294. All other Tier 4 students wishing to do a course before their main course must make a separate Tier 4 application for each course. Both courses must satisfy the full criteria of Tier 4, including the English language testing requirements (where they apply) and the minimum course level.

## Can I do extra studies whilst in the UK?

295. You are allowed to do a supplementary course, for example, an evening class, as well as your main course of study. This supplementary course can be in any subject, and does not have to relate to your main course of study. You do not need permission from us to undertake a supplementary course and you are not required to tell your Tier 4 sponsor. You can undertake supplementary study at any time during the period of leave granted for your main course of study. However, you must make sure that your supplementary course does not in any way hinder your progress on your

main course of studies.

## **What do I do if I want to take the same or a different course of study in the UK with a new Tier 4 sponsor?**

296. The type of permission you need if you want to study with a new Tier 4 sponsor will depend on the institution type and sponsor rating of your Tier 4 sponsor and when you applied for your last grant of leave. There are different rules for students studying with a sponsor with Tier 4 Sponsor status and for students who made their last Tier 4 application on or after 5 October 2009.
297. You can only apply to extend your leave to study at your current sponsor, or at another sponsor, if your current period of Tier 4 leave is sponsored by:
- i. an HEI;
  - ii. an overseas HEI;
  - iii. an embedded college offering pathway courses; or
  - iv. an independent school.

If you are currently sponsored by any other type of institution you must apply for a visa from outside of the UK if you wish to undertake further study under Tier 4.

If you are applying for further leave to remain in Tier 4, you must be academically progressing. Information on academic progress is set out in the 'Academic Progression' section of this guidance.

You can check the institution type of your sponsor on the Tier 4 Register of Sponsors: [Tier 4 Register of Sponsors](#)

### **Continuing the same course**

298. You can only demonstrate academic progression if you have successfully completed your previous course. The only circumstance in which a sponsor should assign CAS to you to continue your same course is if you are exempt from demonstrating academic progression.

### **Starting a new course with the same sponsor**

299. Whether you can do a different course of study with your existing sponsor will depend on whether you have successfully completed the course (or courses where your leave included a pre-session course) for which you were given permission to stay.

### **If you have completed the course for which they were given permission to stay**

300. If you want to do a different course of study with your existing Tier 4 sponsor, and you have completed the course for which you were given permission to stay, you will need to make a new application for permission to stay for your new course.
301. You must not start your new course until we have approved your new

application unless:

- a. the sponsor has Tier 4 Sponsor status;
- b. the sponsor has assigned you a CAS;
- c. you applied to us before starting your course; and
- d. you applied to us before your existing permission to stay expired.

You do this at your own risk as it is possible that your application will be refused.

302. If you have finished your course with your existing HEI sponsor and are starting a new course with that sponsor. An HEI may enrol you on a new course immediately if:
- a. the HEI has Tier 4 Sponsor status;
  - b. you are currently sponsored by them and have finished your last course;
  - c. your leave to stay has not yet expired;
  - d. you will be studying your new course with your existing sponsor;  
and
  - e. the new course begins on or before 1 November 2017.

303. You must make your new application for leave to remain within six weeks of their enrolment on your course, or before your leave expires, whichever is the earliest.

304. In all other circumstances you must make an application for leave to remain and must not start your new course until we have approved your new application.

**If you have not completed the course for which you were given permission to stay**

305. Only some students are able to change their course, with their existing sponsor, without first completing their previous course. You can only do this without getting permission from us to start your new course if:
- your sponsor is an HEI with Tier 4 Sponsor status;
  - your new course is at degree level or above;
  - your new course is not at a lower level than the course for which you were granted leave;
  - you will be able to complete your new course within your current period of leave; and

- if you have previously been granted Tier 4 (General) leave, your sponsor confirms that:
  - a) your new course is related to the previous course for which you were granted leave as a Tier 4 (General) Student, meaning that it is either connected to your previous course, part of the same subject group, or involves deeper specialisation, or
  - b) your previous course and your new course in combination support your genuine career aspirations.

306. If you change your course you must complete your new course within your existing period of leave; you will not be granted further leave from within the UK to complete the course. If you do need further leave to complete your course you must apply from overseas.

307. If your new course is shorter than the course you got permission to stay for, you must tell us by emailing us. The email address you should send this to is: [MigrantReporting@homeoffice.gsi.gov.uk](mailto:MigrantReporting@homeoffice.gsi.gov.uk)

308. If you were assigned a CAS to undertake A-levels, you will not be considered to be changing your course if you are changing individual A-level subjects. You must however still be able to complete the new subject within your existing leave.

309. In any other circumstances you must make a new Tier 4 visa application before you change your course.

310. In all circumstances, where your new course (or period of research) is of a type specified in the section '[Courses which require an Academic Technology Approval Scheme \(ATAS\) Clearance Certificate](#)' above, you must obtain an ATAS Clearance before you start that course (or period of research).

## Starting a new course with a new sponsor

311. If you change to a course with a different sponsor (irrespective of whether you have completed your previous course), you must apply again under Tier 4, with a CAS from your new sponsor.

## Students who applied on or after 5 October 2009

312. If you want to study with a new Tier 4 sponsor and you made your last Tier 4 application on or after 5 October 2009, you must apply for new permission to stay.

313. You can start your new course before your new Tier 4 application has been approved if:

- you have applied for permission to stay to study with a Tier 4 sponsor that has Tier 4 Sponsor status; **and**



- you have existing leave to study in the UK; **and**
- your Tier 4 sponsor has assigned a CAS to you for your new course.
- you do this at your own risk as it is possible that your application will be refused and you may not be able to go back to your old course.

314. If you are applying to study with a Tier 4 sponsor that has Probationary status sponsor rating, you cannot start your new course until your new Tier 4 application has been approved.

### Students who have valid permission to stay following an application made before 5 October 2009

315. If you want to study with a new Tier 4 sponsor and you made your last Tier 4 application before 5 October 2009, you must get permission from us if you have time left in your permission to stay, and want to do the same or a different course of study with a new Tier 4 sponsor. You should apply using the Tier 4 (Permission to Switch) application form which is available on our website: [www.gov.uk/tier-4-general-visa](http://www.gov.uk/tier-4-general-visa)

316. We will consider the application and write to you saying whether or not you are allowed to use your 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 your new Tier 4 sponsor; **and**
- The course meets the requirements for the Tier 4 (General) or the Tier 4 (Child) student category, although you may continue to study an English language course at CEFR level A2, or above.

317. If you have told us about changing your Tier 4 sponsor, you can start the new course before you get permission from us, but you do so at your own risk as we could refuse the permission. We will write to you to confirm that we have received your request to change Tier 4 sponsor.

318. Under the Immigration Rules, we may limit your remaining permission to stay if you change your Tier 4 sponsor without getting our permission. Further information on this can be found in Annex 1.

### What happens if my course ends early?

319. If your course finishes early because you have successfully completed your course earlier than expected, we will curtail your leave so that you have the same wrap-up period of leave after the new course end date as you were

originally given for your original course end date. For example, if you were originally granted leave with a wrap-up period of four months after the end date of your course, we will normally curtail your leave so that you have four months leave remaining after your new course end date.

320. Annex 1 of this guidance explains what will happen if your course finishes early because your Tier 4 sponsor has lost their Tier 4 sponsor licence.
321. In all other circumstances if your course finishes early and you have not successfully completed your studies, we will limit your permission to stay to 60 days, unless you have less than 60 days leave remaining.

### **What checks will you make on the documents I send with my application?**

322. Annex 2 provides full details of the verification and other checks that we may make when we consider the documents sent with your application.

### **What can I do if my application is refused?**

323. Even if you meet the requirements for the category you are applying under, there may be other reasons that may mean we refuse the application, for example, your previous immigration history. More information on general grounds for refusal can be found on our website at:  
[www.gov.uk/government/collections/chapter-9-refusal-of-entry-clearance-leave-to-enter-or-remain-immigration-directorate-instructions](http://www.gov.uk/government/collections/chapter-9-refusal-of-entry-clearance-leave-to-enter-or-remain-immigration-directorate-instructions)

### **Administrative review rights**

324. If your application for leave under Tier 4 is refused, you cannot appeal against our decision. However, you may ask us to check our decision under “administrative review” decision if you think the Home Office has made an error in considering your application.
325. More information and how to apply for administrative review of a decision made on an application made from within the UK can be found on our website at:  
[https://eforms.homeoffice.gov.uk/test/UKVI\\_Admin\\_Review\\_Guidance.ofml](https://eforms.homeoffice.gov.uk/test/UKVI_Admin_Review_Guidance.ofml)
326. More information on how to apply for administrative review of a decision made on an application made outside the UK is in Annex 3.

## **Annex 1: Tier 4 Sponsor Duties and Licence Status**

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

1. Your Tier 4 sponsor is your licensed sponsor while you are in the UK and they have a number of duties that they must comply with.

### **Record keeping duties**

2. Your Tier 4 sponsor must keep a copy of your passport and your contact details. Your sponsor must also keep a copy of your Biometric Residence Permit (BRP) or UK immigration status document or your UK immigration status document if you have not been issued with a BRP. You must keep the original documents.

### **Reporting duties**

3. If you got your Tier 4 visa using a CAS, your sponsor will report:
  - if you fail to enrol on your course within the enrolment period;
  - if you miss 10 expected contacts without your Tier 4 sponsor's permission;
  - if your Tier 4 sponsor stops being your sponsor for any other reason, for example, if you move in to an immigration category that does not need an Tier 4 sponsor;
  - if there are any significant changes in your circumstances, for example, if the length of a course of study becomes shorter;
  - any suspicions they may have that you are breaking the conditions of your permission to stay.
4. You must give your Tier 4 sponsor all the information they need to be able to meet the duties above. If you do not, we may investigate you and take action against the Tier 4 sponsor which may affect your status.
5. If you got your Tier 4 visa using a visa letter before 5 October 2009, these sponsor duties are voluntary, but we encourage sponsors to report.

### **What should I do if I think my Tier 4 sponsor is not complying with their duties?**

6. If you think your Tier 4 sponsor is not complying with their duties or has given false information to us to you, you must tell us your concerns.

7. 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 report this using the Home Office pages at the GOV.UK website at: [www.gov.uk/report-immigration-crime](http://www.gov.uk/report-immigration-crime)

### Account manager or compliance officer visits

8. Your 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 you and any other students they are sponsoring.

### Changes to the Tier 4 sponsor's licence

9. There are certain circumstances where the status of your Tier 4 sponsor's licence may have an effect on you and your application.

### If a Tier 4 sponsor is removed from the Tier 4 Register of Sponsors

10. If your Tier 4 sponsor is removed from the Tier 4 Register of Sponsors, they cannot assign any new CAS

Your Application	What will happen
Entry clearance	<p>You can make an application for entry clearance, but if you have a CAS issued by a Tier 4 sponsor who has been removed from the Tier 4 Register of Sponsors, we will consider your application and may seek further information from you. We may then refuse it or hold it.</p> <p>If you have already been granted entry clearance and your sponsor is removed from the Tier 4 Register of Sponsors, you should not travel until a decision is taken on your sponsor's licence. You are advised to check the Tier 4 Register of Sponsors before you travel.</p> <p>If you travel to the UK, you will be allowed to enter (subject to satisfactorily meeting all immigration requirements) and to start studying with the Tier 4 sponsor.</p>

Leave to remain	<p>If you are already in the UK and studying with your Tier 4 sponsor, we will not tell you if they are removed from the Tier 4 Register of Sponsors. However, if the Tier 4 sponsor's licence is revoked we will tell you and your permission to stay may be limited.</p> <p>You can still apply to extend your leave if it runs out when your sponsor has been removed from the Tier 4 Register of Sponsors as long as you have a valid CAS. We will consider on a case by case basis whether to proceed with deciding your application.</p> <p>While a decision on your application is pending, we may ask you to submit further documentation and we may carry out further procedures and investigations, including credibility checks.</p>
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## If their licence expires, is revoked or is surrendered

If your Tier 4 sponsor's licence expires or is revoked, or surrendered, all CAS issued by that sponsor will become invalid.

Your Application	What will happen
Entry clearance	<p>Your CAS will become invalid and you will not be able to use it to apply for a Tier 4 entry clearance to come to the UK. If you make an application using an invalid CAS, your application will be refused.</p> <p>If you have already been granted entry clearance and your Tier 4 sponsor's licence is revoked, you should not travel to the UK because you will not be allowed to enter.</p>
Leave to remain	<p>Your CAS will be invalid and if you are studying in the UK and have not applied for leave to remain, we may limit your existing permission to stay:</p> <ul style="list-style-type: none"> <li>• to 60 days provided you have been a bona fide student at your institution and you have not participated in the practices that may have contributed to your Tier 4 sponsor's licence being revoked or surrendered. Where your revoked sponsor is an HEI, overseas HEI, embedded college offering pathway courses or an independent school, you may want to apply for permission to stay to study with another Tier 4 sponsor during this time; or</li> <li>• immediately if we think you have not been a bona fide student at your institution or you have participated in the practices that may have contributed to your Tier 4 sponsor's licence being revoked or surrendered.</li> </ul> <p>When your permission expires, if you have not found a new Tier 4 sponsor and applied for further leave to remain you will have to leave the UK or face enforced removal.</p> <p>If you have applied for leave to remain and the only ground for refusing your application is that your CAS has become invalid following the revocation of your Tier 4 sponsor's licence, where your revoked sponsor is an HEI, overseas HEI, embedded college offering pathway courses or an independent school, you will be given 60 days to regularise your stay or to leave the UK.</p> <p>If there are other grounds for refusing your application (including where you have not been a bona fide student at your institution or you have participated in the practices that may have contributed to your Tier 4 sponsor's licence being revoked or surrendered), we may refuse your application and limit any</p>

## If your sponsor becomes a Legacy Sponsor

A Tier 4 sponsor can in certain circumstances become a Legacy Sponsor. If you would like more information on this, please see the Tier 4 Sponsor Guidance which is available on our website:

[www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators](http://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators)

Legacy Sponsors are not allowed sponsor any new students or offer any new courses to existing students. Please see the table below which explains the impact this will have on you:

If your Tier 4 sponsor becomes a Legacy Sponsor:	What will happen
Before you make an application for entry clearance to come to the UK	If your sponsor has assigned you a CAS before they became a Legacy Sponsor and you have not yet used it to support an application for entry clearance to enter the UK, you will still be able to apply for leave using the assigned CAS.
Before we have decided your application for entry clearance to come to the UK	We will process any application for entry clearance to enter the UK that has not been decided at the point your sponsor became a Legacy Sponsor, where this is supported by a CAS that your sponsor has assigned before it became a Legacy Sponsor.
After being granted entry clearance but before you travel to the UK	You will be allowed to enter the UK (subject to satisfactorily meeting all immigration requirements) and to study your course with your Tier 4 sponsor.
If you are already in the UK studying	You can continue to study with your sponsor until either your leave expires or until your sponsor's licence expires, whichever happens first.
If you have a leave to remain application under consideration with the Home Office	We will process any application for leave to remain, supported by a CAS that your sponsor has assigned before becoming a Legacy Sponsor, which has not yet been decided at the point your sponsor has become a Legacy Sponsor.
And you need to re-sit an exam or repeat a module with the same sponsor to complete a course	If you need to re-sit an exam or repeat a module in order to complete the same course for which your last period of leave was granted, then your Legacy Sponsor can issue you a CAS to complete the course with them.

## Annex 2: 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 you send with your application, therefore you 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 you have provided us with a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse the application because you do not meet the funds requirement and because you have sent a false document. Where we confirm that a document is false it will be retained by the Home Office 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 you have sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If you have 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 you send us a bank statement to show that you have 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 you have 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 you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse your application because you do not meet the funds requirement and because you have sent a false document. Where we confirm that a document is false it will be retained by the Home Office 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 UK 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 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 3: Administrative Review - Entry clearance applications only**

### **What is Administrative Review?**

1. 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.
2. 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.
3. 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.

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

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

### **Who conducts the Administrative Review?**

5. 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.

### **Who can apply for Administrative Review?**

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

### **How does the applicant apply?**

7. The applicant will receive the Administrative Review Request Notice with the entry clearance refusal notice.
8. The applicant must complete the Request Notice in full and send it directly to the address stated on the Request Notice.
9. 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.

## **What is the deadline for applying for Administrative Review?**

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

## **What if an application is submitted late?**

11. 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.
12. 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.

## **How many times can an applicant request an Administrative Review?**

13. 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.
14. 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.
15. 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.

## **How long will the Administrative Review take?**

16. 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.
17. 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.

## **What will the administrative reviewer look at?**

18. The administrative reviewer will examine the evidence submitted with the original application, copies of which will be

kept at the refusal post.

19. 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.
20. Any new evidence submitted by the applicant must be returned to them together with the outcome of the Administrative Review.

## **How are Administrative Review decisions made?**

21. 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.
22. 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.
23. 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.
24. The administrative reviewer will not recommend that the original decision is overturned simply because the applicant claims there is a fault with Home Office's underlying processes or policies.

## **Does Administrative Review cover General Grounds for Refusal?**

25. 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**

26. 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.
27. 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).
28. 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.

### **Does Administrative Review cover verification?**

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

### **What are the possible outcomes of Administrative Review?**

30. 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.

### **How is the applicant informed of the result of the Administrative Review?**

31. 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.

32. 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.

33. Decision overturned and entry clearance to issue:

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

## Limited Right of Appeal

34. 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.

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

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



## Annex 4 List of Acceptable Postgraduate Research Qualifications

Below is a list of acceptable postgraduate Research qualifications.

Doctorates:

ArtsD or D.Arts - Doctor of Arts  
DAppEdPsy - Doctor of Applied Educational Psychology  
DAppPsych - Doctor of Applied Psychology  
DASS - Doctor of Applied Social Science  
DBA - Doctor of Business Administration  
DBM – Doctor of Business and Management  
DClin Doctor of Clinical Psychology  
DClinDent – Doctor of Clinical Dentistry  
DClinPsy - Doctor of Clinical Psychology  
EdD - Doctor of Education  
EngD - Doctor of Engineering  
DHealth - Doctor of Health  
DHealthPsy - Doctor of Health Psychology  
DHSci - Doctor of Health Sciences  
DJourn - Doctor of Journalism  
DM or MD - Doctor of Medicine  
DMus - Doctor of Music  
AMusD - Doctor of Musical Arts  
DMA - Doctor of Musical Arts  
Nurse D - Doctor of Nursing  
PhD - Doctor of Philosophy  
DPP - Doctor of Professional Practice  
DrPS - Doctor of Professional Studies  
DPSD - Doctor of Practice and Services Development  
DHSC – Doctor of Health and Social Care  
DPsych - Doctor of Psychology  
DrPH - Doctor of Public Health  
DPM - Doctor of Public Management  
DPP - Doctor of Public Policy  
DSc - Doctor of Science  
DSW – Doctor of Social Work  
DVM - Doctor of Veterinary Medicine  
DVS - Doctor of Veterinary Surgery  
DocEuro - European Doctorate  
DForenPsy - Professional Doctorate in Forensic Psychology

Research Masters Degrees:

The following qualifications are not sufficient to meet the requirements when applying for further leave to remain in the UK under the doctorate extension scheme.

MSc (Res) - Master of Science by Research

MMA - Master of Musical Arts

MRes - Master of Research

MPhil - Master of Philosophy

MLitt - Master of Letters

## **Annex 5 Arrangements for International Baccalaureate Students with awards issued on 6 July 2016**

1. This section explains how Tier 4 students receiving the results of their International Baccalaureate on 5 July 2016 should make their application.
2. The International Baccalaureate Organisation will not be producing paper documents showing the official confirmation of this year's exam results until the end of August 2016. We have therefore put special arrangements in place for Tier 4 Students who will be receiving their International Baccalaureate results on 5 July 2016.
3. Where you have been offered a course place on the basis of your International Baccalaureate award and you have not yet received your original award certificate, you should send us:
  - A print out from the UCAS or International Baccalaureate Office online checking service confirming their result.
4. The Tier 4 Sponsor offering the course must also confirm that they have checked your International Baccalaureate award online in the Confirmation of Acceptance for Studies.
5. Where you have been offered a course place on the basis of your International Baccalaureate award and you have received their award certificate they should include this with their application.
6. Students may apply using this concession from 5 July 2016 until 13 September 2016.

## Annex 6 Tier 4 Pilot

1. If you are applying to study a Masters course for 13 months or less (excluding the duration of any pre-session course) at the University of Oxford, University of Cambridge, University of Bath or Imperial College London, you are eligible to participate in the Tier 4 pilot. This includes if you are applying from both outside and inside the UK.
2. Participating in the pilot allows you to:
  - stay longer after the end of the course - the total length of stay you are allowed is the full length of the course plus six months after the end of the course;
  - submit fewer evidential documents with your application – you will not be required to submit certificates or documents showing your previous qualifications or transcript of results and documents showing you meet the maintenance requirements.
3. In all cases you must confirm on your application form that you meet the requirements and that you hold documentary evidence in the manner required. We may request these from you even where you qualify for the pilot. The Immigration Rules still apply to you, therefore you must ensure you follow the rest of the guidance carefully. This includes submitting an ATAS certificate and TB screening certificate where appropriate.
4. If you do choose to submit documentary evidence, despite being eligible for the pilot, we will consider that information as part of the overall assessment.
5. If you are bringing dependants with you and they apply at the same time as you, they will also not be required to submit documents showing they meet the maintenance requirements. If they don't apply at the same time they will need to submit supporting documentation with their application.
6. If you have any concerns, speak to your University visa office in the first instance.

