

E.R

Wednesday, 10 February 2010

HOME OFFICE

Tier 4: Student visas

The Secretary of State for the Home Department (the Rt Hon Alan Johnson):

Following the Prime Minister's announcement of a review of Tier 4 (the student route under our Points Based System for controlling migration) on 12 November 2009, I am today announcing a balanced and targeted package of measures to tackle the abuse of Tier 4 by economic migrants whilst at the same time continuing to safeguard the ability of genuine international students to come to the UK to benefit from our world class education system and bring benefit to our economy.

The measures outlined below target abuse seen amongst adult students coming here to study below degree level in the further education and English language sectors. There are no changes for students who come here to study a foundation degree, courses at degree level or above or for those coming here as child students at our independent schools (except for a reduction in the number of hours a child student aged 16 or 17 may work to 10 hours per week) and the changes set out do not apply to these groups.

The review highlighted concerns about the numbers of individuals who were not serious about studying in the UK but who were primarily using Tier 4 as a route to work. There were also concerns about dependants who have also historically enjoyed the right to work in the UK. Whilst it is right that students should be able to undertake some work whilst in the UK to support themselves during their course, we need to ensure that the route is not abused by those whose primary intention is to enter the UK labour market. I am therefore today laying changes to the Immigration Rules which will:

- halve the amount of time students can work during term time from 20 to 10 hours a week;
- ban students who are studying on courses of six months or less from bringing their dependants with them to the UK; and
- ban students' dependants from working unless they qualify in their own right under Tier 1 (General) as a highly skilled migrant or as a skilled worker under Tier 2 General, Sportsperson or Minister of Religion.

All of these changes will come into force on 3 March 2010 and all Tier 4 applications submitted on or after this date will be subject to the new restrictions.

In respect of English language courses, I am also announcing today that, from 3 March, we will change Tier 4 Guidance to raise the minimum level of English language course which can be studied under Tier 4 from A2 on the Common European Framework of Reference (CEFR) to B2 – this is roughly the equivalent of GCSE standard. This is to ensure that Tier 4 is less open to abuse from economic migrants seeking to exploit English language courses which have low entry requirements. There will, however, be exemptions from this for students sponsored by overseas Governments and for students on pre-sessional English language courses which prepare them for full degree courses, as these students are lower risk.

For the future, we also want to improve the security of the tests by which English language students are asked to demonstrate proficiency in English language. We are currently reviewing the criteria that approved providers will be required to meet, and will be introducing new arrangements for formal English language testing for Tier 4 by early summer.

The review also looked fundamentally at the levels and types of courses which foreign students should be able to come to the UK to undertake through Tier 4 of the Points Based System. It concluded that changes needed to be made in a number of areas.

Firstly, the review highlighted concerns that students were coming to study below degree level with a very low level of proficiency in the English language. This cannot be right. In addition, therefore, such students, in addition to those coming for English language courses, will be required to undertake a test with one of our approved test providers to demonstrate English language proficiency to at least level B1 on the CEFR when we introduce this in the summer.

Secondly, in respect of lower level and work placement courses.

The Government has previously set out its intention to introduce a new category of 'Highly Trusted Sponsor' under the Points Based System sponsorship arrangements. This new category of sponsor will be implemented on 6 April following a period of consultation with the education sector on the criteria against which sponsors wishing to be rated as 'highly trusted' will be judged. In the first instance, publicly funded institutions will be treated as 'highly trusted' but removed from this category should the UK Border Agency judge that they do not meet the criteria set; privately funded institutions will need to apply to the UK Border Agency to become highly trusted sponsors.

Following our review of Tier 4, I can also announce that, from 6 April, only those with highly trusted status will be able to offer courses at National Qualifications Framework Level 3 (and its equivalents) and courses with work placements below degree level. Such courses are attractive to economic migrants and as such we believe they should only be offered by sponsors with a strong record of student compliance.

These measures will improve our control of Tier 4 but should do little to deter genuine students whose main focus is study.