

## **PBS Tier 4 Guidance changes – 4 July 2011**

### **Under Para 10 insert:**

10A. Tier 4 Students who qualify for our differentiation arrangements because they are considered to be “low risk” will normally be required to provide fewer evidential documents. Where a Tier 4 Student is exempted from having to provide a document - or a group of documents - under our differentiation arrangements, this will be specifically stated in this guidance. Notwithstanding the differentiation arrangements, the UK Border Agency reserves the right to request the full range of documents from Tier 4 Students in all cases.

10B. A Tier 4 Student qualifies for our differentiation arrangements if he/she:

- is sponsored by a Highly Trusted Sponsor; and
- is applying for entry clearance in his/her country of nationality or for leave to remain in the UK; and
- is a national of:
  - Argentina
  - Australia
  - Brunei
  - Canada
  - Chile
  - Croatia
  - Hong Kong
  - Japan
  - New Zealand
  - Singapore
  - South Korea
  - Taiwan (those who hold a passport issued by Taiwan that includes the number of the identification card issued by the competent authority in Taiwan in it)
  - Trinidad and Tobago
  - United States of America or is
  - a British National Overseas

We will confirm the Tier 4 student’s nationality using his/her passport.

The list of low risk nationalities will normally be reviewed on an annual basis.

**Under para 11 add:**

The UK Border Agency will refuse any application where a request is made for the supporting documents to be submitted, if the specified documents are not provided to the Agency within the period specified in that request.

**Delete para 60 and insert:**

60. A Tier 4 (General) Student studying with a Tier 4 sponsor that has a standard licence and is rated either A (Trusted) or B (Sponsor) can get a Confirmation of Acceptance for Studies for a course that leads to an approved qualification for UKBA purposes and 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;
- Accredited at level 7 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority;
- A short-term Study Abroad Programmes in the UK as part of the Tier 4 (General) student's qualification at an overseas university, 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/](http://www.naric.org.uk/); or
- An English language course at level B2 or above of the Common European Framework of Reference for Languages.

Sponsors with a standard Tier 4 sponsor licence rated either A (Trusted) or B (Sponsor) cannot offer courses below degree level that contain work placements. Work placements must be an assessed part of the course and must not exceed 50% of the length of the course in the UK.

60A. If a Tier 4 (General) student has a CAS that was assigned on or after 4 July 2011, and he/she has previously had permission to stay as a Tier 4 (General) Student (or under the student rules that were in force before 31 March 2009), a Tier 4 Sponsor can only give the him/her a CAS for a new course if that new course represents academic progress from his/her previous study (for example the student will be studying for a new qualification at a higher academic level – for instance moving from a course at NQF 6 to one at NQF 7 -, or study at the same academic level that complements or enhances previous study at the same level). The only exception to this is where a Tier 4 (General) student is:

- re-sitting examinations or repeating modules, or

- making a first application to move to a new institution to complete a course commenced elsewhere

**Delete web link in para 99 and insert:**

[www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf)

**Delete para 109 and insert:**

109. A Tier 4 (General) student has completed an academic qualification at least equivalent to a UK Bachelors degree which was taught in a majority English-speaking country if the qualification was taught in:

- 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;
- The UK;
- United States of America.

Where the Tier 4 (General) student's sponsor has used such a qualification to check that he/she is competent in English language, they must include information about this qualification in the Confirmation of Acceptance for Studies. The Tier 4 (General) student must include his/her course certificate with his/her application. We will check that the qualification is at least equivalent to a UK degree using UK NARIC.

**Delete Para 110 and insert:**

110. Where the Tier 4 (General) student is following a course of study below NQF 6/QCF 6/SCQF 9, his/her sponsor must use an approved

English language test to check that he/she is competent in English language at a minimum of CEFR level B1 in each of the four components. The Tier 4 (General) Student's Tier 4 sponsor must include information about this test in the Confirmation of Acceptance for Studies. A list of the approved English language tests for Tier 4, including the time period for which tests are valid, and the scores a Tier 4 (General) must achieve, is available on our website via this link: <http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/evidence/visa-letter/>. The Tier 4 (General) Student must include his/her test certificate with his/her application.

110A. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a Tier 4 sponsor that is not a UK Higher Education Institution, his/her sponsor must use an approved English language test to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The Tier 4 (General) Student's Tier 4 sponsor must include information about this test in the Confirmation of Acceptance for Studies. A list of the approved English language tests for Tier 4, including the time period for which tests are valid, and the scores a Tier 4 (General) must achieve, is available on our website via this link: <http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/evidence/visa-letter/>. The Tier 4 (General) Student must include his/her test certificate with his/her application.

110B. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a Tier 4 sponsor that is a UK Higher Education Institution, his/her sponsor may choose its own method to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The Tier 4 (General) Student's Tier 4 sponsor must confirm that the student is proficient to the required level in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student does not need to send in any documents to support this.

**Before Para 114 insert:**

113A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be "low risk", he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section, and that he/she holds documentary evidence in the manner required. We will sometimes ask a "low risk" student to send us these documents. We

reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Delete Para 118 and insert:**

118. Where the Tier 4 (General) student is following a course of study below NQF 6/QCF 6/SCQF 9, his/her sponsor must use an approved English language test to check that he/she is competent in English language at a minimum of CEFR level B1 in each of the four components. The sponsor must include information about this test in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student must include his/her test certificate with his/her application. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

118A. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a sponsor that is not a UK Higher Education Institution, his/her sponsor must use an approved English language test to check that he/she is 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 the Confirmation of Acceptance for Studies. The Tier 4 (General) Student must include his/her test certificate with his/her application. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

118B. Where the Tier 4 (General) student is following a course of study at NQF 6/QCF 6/SCQF 9 or above with a sponsor that is a UK Higher Education Institution, his/her sponsor may choose its own method to check that he/she is competent in English language at a minimum of CEFR level B2 in each of the four components. The sponsor must confirm that the student is proficient to the required level in the Confirmation of Acceptance for Studies. The Tier 4 (General) Student does not need to send in any documents to support this.

**Delete Para 119 and insert:**

119. A Tier 4 (General) student applying before 1 October 2011 for a course starting before 1 January 2012 must obtain an Academic Technology Approval Scheme (ATAS) Clearance Certificate if he/she is applying for leave to take one of the following:

- postgraduate studies leading to a Doctorate or Masters degree by research in one of the subjects listed in paragraph 1 of Appendix 6 of the Immigration Rules; or
- postgraduate studies leading to a taught Masters degree in one of the subjects listed in paragraph 2 of Appendix 6 of the Immigration Rules; or
- study or research in the UK of longer than six months which is part of an overseas postgraduate level course, in any subject listed in Appendix 6 of the Immigration Rules.

119A. A Tier 4 (General) student applying on or after 1 October 2011 for a course starting on or after 1 January 2012 must obtain an Academic Technology Approval Scheme (ATAS) Clearance Certificate if he/she is applying for leave to take one of the following:

- undergraduate or postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of the Immigration Rules, or
- undergraduate or postgraduate studies leading to a taught Masters degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of the Immigration Rules, or
- a period of study or research in excess of 6 months in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification

**Before Para 124 insert:**

123A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Before Para 129 insert:**

128A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Delete heading under Para 142 and insert new heading:**

**How many months money must I have?**

**Delete heading under Para 146 and insert new heading:**

**How much money must I have?**

**Under Para 152 insert:**

152A. The money a Tier 4 (General) student shows us must be for his/her 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 the Tier 4 (General) student after his/her application is made, except for any money the student has had to pay for course fees and living costs.

For example, a Tier 4 (General) student should retain the full amount of money they have shown us in his/her bank account, minus the balance he/she has paid for his/her course fees.

**Under Para 154 insert:**

154A. A Tier 4 (General) student will not be awarded points for maintenance where the money he/she is showing us is held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. This will be considered using the list in use on the date of the Tier 4 (General) student’s application. A list of financial institutions which do not satisfactorily verify financial statements will be published on our website at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions.pdf>

**Before Para 162 insert:**

161A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Before Para 164 insert:**

163A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Before Para 166 insert:**

165A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Before Para 173 insert:**

172A. Where a Tier 4 (General) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (General) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (General) Student who qualifies for our differentiation arrangements

**Before Para 195 insert:**

194A. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

**Under Para 237 insert:**

237A. The money a Tier 4 (Child) student shows us must be for his/her 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 the Tier 4 (Child) student after his/her application is made, except for any money the student has had to pay for course fees and living costs.

For example, a Tier 4 (Child) student should retain the full amount of money they have shown us in his/her bank account, minus the balance he/she has paid for his/her course fees.

**Under Para 239 insert:**

239A. A Tier 4 (Child) student will not be awarded points for maintenance where the money he/she is showing us is held in a financial institution with which the UK Border Agency is unable to make satisfactory verification checks. This will be considered using the list in use on the date of the Tier 4 (Child) student’s application. A list of financial institutions which do not

satisfactorily verify financial statements will be published on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions.pdf>

**Before Para 247 insert:**

246A. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

**Before Para 249 insert:**

248A. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. , We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

**Before Para 251 insert:**

250A. Where a Tier 4 (Child) student qualifies for our differentiation arrangements because he/she is considered to be “low risk”, he/she is not required to include the evidential documents from this section with his/her application. The Tier 4 (Child) student must however confirm on his/her application form that he/she meets requirements set out in this section and that he/she holds documentary evidence in the manner required. We will sometimes ask a “low risk” student to send us these documents. We reserve the right to request any or all the evidential documents from this section from a Tier 4 (Child) Student who qualifies for our differentiation arrangements

**Delete Paras 267 and 268 and insert:**

267 From 4 July 2011, only new students sponsored by a higher education institution on a course at NQF level 7 or above lasting 12 months or more, and new Government sponsored students following a course that is longer than six months, will be able to bring their partners and/or children (also known as dependants) to the UK with them.

268 Dependants with existing permission wishing to extend their stay in the UK will be allowed to extend provided they apply at the same time as the Tier 4 (general) Student applies 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.

**Delete Paras 273 and 274 and insert:**

273. Where a Tier 4 (General) student is following a course at NQF 6/QCF 6/SCQF 9 or above with a sponsor which is a UK Higher Education Institution, or is undertaking a short-term study abroad degree programme at an overseas Higher Education Institution, the following work is allowed:

- part-time during term-time, which is no more than 20 hours a week;
- full-time during vacations;
- on a work placement as part of the course;
- as a postgraduate doctor or dentist on a recognised Foundation Programme;
- as a student union sabbatical officer for up to two years.

274. Where a Tier 4 (General) student is following a course at NQF 3, 4 or 5/QCF 3, 4 or 5/SCQF 6, 7 or 8, with a sponsor which is a UK Higher Education Institution, the following work is allowed:

- part-time during term-time, which is no more than 10 hours a week;
- full-time during vacations;
- on a work placement as part of the course;
- as a student union sabbatical officer for up to two years.

274A. Where a Tier 4 (General) student is following a course at any level with a sponsor which is a publicly funded further education college, the following work is allowed:

- part-time during term-time, which is no more than 10 hours a week;
- full-time during vacations;
- on a work placement as part of a course where the Tier 4 (General) student is studying with a Highly Trusted Sponsor or with any sponsor where the course is at NQF 6/QCF 6/SCQF 9 or above.
- as a student union sabbatical officer for up to two years.

274B. Where a Tier 4 (General) student is following a course at any level with a Tier 4 sponsor which is not a UK Higher Education Institution, a short-term study abroad degree programme at an overseas Higher Education Institution or a publicly funded further education college, he/she is not allowed to work whilst in the UK.

**Delete 275 and insert:**

275. Where a Tier 4 (General) Student is allowed to work, he/she must not fill a full-time permanent vacancy (other than on a recognised Foundation Programme) and the Tier 4 (General) Student must not be self-employed, employed as a doctor in training (other than on a recognised Foundation Programme) or as a professional sportsperson (including coach) or entertainer.

**Delete 278 and insert**

278. Where a Tier 4 (Child) Student is allowed to work, he/she must not fill a full-time permanent vacancy and the student must not be self-employed, employed as a doctor in training or as a professional sportsperson (including coach) or entertainer.

**Delete 279 and insert**

279. Where a Tier 4 Student is allowed to work, he/she can work full-time during vacation periods, within the limits detailed above. If a Tier 4 student, having completed his/her course, makes an application for leave under the Points Based System before his/her existing leave expires,

he/she will be permitted to work full-time, within the limits described above, until his/her application is decided.

**Annex 1: please add the following to the definition of a UK Higher Education Institution:**

“; or Richmond, the American International University in London which is recognised in statute in The Education (Recognised Awards) (Richmond The American International University in London) Order 2006.”