TIER 4 PILOT

The University was pleased to announce in December 2017 that it had been invited by the Home Office to join the Tier 4 pilot for students starting their courses in 18/19 academic year.

The scheme was first launched in 2015 involving only four institutions (Oxford, Cambridge, Imperial and Bath).

Successful years of low visa refusal rates at Warwick have resulted in us being invited to be one of only 27 institutions to participate in the Tier 4 Pilot Scheme which will streamline the visa process for taught postgraduate students and provide them with extra time to secure post study employment in the UK.

FOR MORE INFORMATION ABOUT THIS PLEASE SEE HERE.

AUTHORISED ABSENCE

A period of authorised absence may be approved by an academic department when a student holding a Tier 4 visa sponsored by Warwick needs, or wants, to take a short break from their studies and it is clear that the course can be completed within the original registration period.

This does not normally apply in the case of undergraduate and postgraduate taught students.

The policy and procedures for granting and recording authorised absence have been reviewed and amended, and re-approved by relevant University Committees, to ensure consistency across departments.

The revised guidance provides greater clarification on circumstances where authorised absence can and cannot be used.

The key changes are:

- Undergraduates may now request authorised absence for the final three weeks of the summer term to undertake an internship which is relevant to their degree/at an appropriate level.
  
  This will be on condition that the academic department confirms that the student has completed all exams and course work.

- PGT may only request a period of authorised absence in exceptional circumstances, such as bereavement or a serious health issue.

- PhD students may request a period of authorised absence for the purpose of annual leave, during which time they will be able to work full-time and will be provided with written confirmation of their revised work rights.

- Clearer guidance on how authorised absence may be applied when an enrolled student finds themselves without valid immigration permission.

- Greater clarification regarding the minimum and maximum length of a recorded period of authorised absence, as well as how a twelve month period should be calculated.
FURTHER INFORMATION FOR STUDENTS CAN BE FOUND HERE.

SHORT TERM STUDY (STS) VISAS AND MEDICAL ELECTIVES

Following a Home Office consultation with the sector, the following changes to the short term study came into effect in January 2018:

- The addition of a new paragraph in the Immigration Rules now provides that students studying medicine, veterinary medicine and science, or dentistry abroad, at an equivalent level to at least degree-level study in the UK, are now able to undertake electives relevant to their study at an HEI in the UK under STS provided these are unpaid, and involve no treatment of patients.

- The Immigration Rules now define that for those applying for STS leave for up to 6 months, a 'course of study' can be one or more programmes of study that are consecutive or concurrent, provided they can be completed within the period of leave granted.

Therefore, if students are intending to study more than one course during their permission of STS leave they should state this intention by detailing the courses in their application for entry clearance or leave to enter.

- Students granted STS leave are now required to leave the UK within 30 days of the end of their study, or at the end of the 6 month period of leave granted (or 11 months for leave granted to do a course of English language study), whichever is the earliest.

  This is more specific and slightly more generous that what was previously stated by the Immigration Rules.

- The minimum age for those applying under the STS route has been lowered from 18 to 16.

  This means that students aged 16 or 17 are now also eligible to apply for the 11-month period to study an English language course.

- The short-term study route remains a suitable option for students on distance learning courses (or even those deemed akin to distance learning).

  The modernised guidance on short-term students is now, however, more prescriptive about what this means, i.e. students using the short-term study route to undertake a distance learning course should only enter the UK for limited periods which total no more than 56 days in any 6-month period.
Changes to the way that supporting letters for short term study visa applications are requested and issued

Staff in departments will still be required to complete an online web-form providing details of the student and the study undertaken at Warwick (which the Immigration Service will use to create the letter) but will no longer be required to print the letter and post an original hard copy to the student; instead the Immigration Service will send an e-letter directly to the student.

The aim is to reduce the time taken to action these requests and make the overall process more streamlined.

This will also save money for departments who would have previously sent these by DHL.

Academic progress exemption for adding work placements and study abroad

Tier 4 students who need to apply for leave to undertake a study abroad programme or work placement are now exempt from the academic progress requirement.

This means that students can now make their Tier 4 application in the UK or overseas, assuming they meet all other leave to remain requirements.

They will also be able to course transfer without making an application straightaway for the additional Tier 4 leave required to cover the longer duration of the course, as work placements and study abroad are also now exempt in the Home Office policy relating to changing courses.

Tier 4 students should only complete work placements which meet the criteria set by UK Visas and Immigration.

If not, any hours of work in excess of 20 hours per week will be considered as illegal working.

Letters for students confirming work placement must not be issued by academic departments and can be issued on request by the Immigration Service.

Employment of Tier 4 students at the University of Warwick

The UK authorities take work conditions on Tier 4 visas very seriously and could take very severe action against those who breach them.

For example, if a student exceeds their permitted number of work hours in a working week (Monday to Sunday), or undertakes a type of employment which is not permitted, they may be given a prison sentence, or be removed from the UK, or both.

If a student is removed from the UK, they may face a ban on re-entry for a certain period of time which could prevent them from successfully completing their studies.

Likewise, employers face equally severe financial and criminal penalties for employing Tier 4 students illegally.

Employers like the University of Warwick, who are themselves Tier 4 sponsor license holders, are obliged to report any breaches of Tier 4 conditions occurring at the University to the Home Office, including any involving their own Tier 4 students.
These, or any other breaches discovered by the Home Office, could cause the loss of the University’s Tiers 2, 4 and 5 licenses resulting in them no longer being able to sponsor non UK/EEA national students and employees.

The University must, therefore, take a zero tolerance approach to illegal working on campus for the protection of its entire staff and student body.

The University is determined to prevent work breaches from happening on campus and for this reason we have put in place some new measures to mitigate the risk of these occurring.

HOW WILL THESE CHANGES AFFECT TIER 4 STUDENTS EMPLOYED BY THE UNIVERSITY?

From 22nd June 2018, before a Tier 4 student can be engaged by the University, Tier 4 students will need to declare whether or not they have ever been engaged previously by the University or Unitemps (there are two payrolls).

If the answer to this question is 'no', and this information is verified by the University against its own records, the student will have a right to work check as a new starter and allocated the maximum number of permitted hours against the relevant payroll, which for Tier 4 students is normally 20 hours per week.

This means that the student will be able to receive payment for up to 20 hours worked during each week, Monday to Sunday, but never in excess of this.

They will not be able to take any additional work to be paid via the second payroll, unless they submit a request for the cap on hours to be reviewed.

Whenever a Tier 4 student starts a new work assignment, and when asked if they have previously worked for the University or Unitemps, they answer ‘yes’, the University will need some additional time to process this request.

It will need to gather information from the two different payroll systems across the University and to cap the number of hours to be worked, and paid, via each of these, during a working week.

This cap on hours will remain on each of the payrolls until the student submits a request for it to be changed, which could take up to 28 days to process.

NEW PROVISION TO STUDY PART-TIME COURSES UNDER TIER 4

Higher education institutions are now allowed to sponsor part-time postgraduate students under Tier 4 although Warwick has taken the decision not to do so for the time being and will review this decision when the Home Office publishes its new guidance on attendance monitoring which is due in the near future.

A student granted Tier 4 leave to study a part-time postgraduate course will be subject to the same requirements as Tier 4 students studying full-time postgraduate courses but the leave granted will be much more restrictive for part-time students.

Students will not be able to work, undertake work placements, or bring dependants to the UK. Currently, the Immigration Rules do not prohibit part-time Tier 4 students from applying for some post.

QUICK NEWS ROUND UP
TIER 4 TO TIER 2 SWITCH

From 11 January 2018, as long as all other Tier 2 requirements are met, Tier 4 students are now eligible to apply for leave to remain under Tier 2 on completion of their degree level course having completed all exams and assignments.

The relevant change here was that the requirement for applicants to have ‘passed’ their relevant course was removed from the Immigration Rules allowing Tier 2 applications to be made sooner.

Despite that students can submit an application sooner, they will still be required to have had their degree conferred in order to start their job.

Staff in academic departments can request a letter confirming course completion for the purpose of applying for a Tier 2 visa on behalf of a student here.

Different documentary requirements

From 6 July 2018, students who are nationals of Bahrain, Cambodia, China, The Dominican Republic, Indonesia, Kuwait, The Maldives, Mexico, Serbia, Thailand, Macau SAR will also be able to apply under differentiation arrangements for 'low-risk applicants'.

This is because they have been added to the list of countries (in Appendix H of the Immigration Rules) which benefit from having different documentary requirements when making an application.

These students will also now be able to apply for Tier 4 as a 'low risk' national from their country of residence, not just their country of nationality, which is another change.

Oman has been removed from the list which means that nationals of Oman will need to submit all documentation which is required as part of a Tier 4 application from 6 July 2018.

Applicants deemed to be 'low risk' are not required to submit documentary evidence of their qualifications, finances, or the completion of a previous course to demonstrate academic progression.

When relevant, they are required to submit ATAS and TB certificates.

ATAS

From 6 July 2018, all non UK/EEA nationals will be required to have ATAS clearance to study relevant courses, irrespective of the length of the course or period of study.

Likewise, the University will be required to keep a copy of the ATAS clearance certificate in its records for all students subject to immigration control in the UK and on a time-limited visa.

However, it will only be necessary for Tier 4 applicants to submit documentary evidence of this with their visa application.

DEPENDANTS OF TIER 4 STUDENTS
From 6 July 2018, dependants of Tier 4 students studying a postgraduate degree at a Higher Education Institution will be able to apply for immigration permission where the Tier 4 student’s course is at least 9 months long (currently the course must be a minimum of 12 months).

**EVIDENCE OF QUALIFICATION**

From 6 July 2018, Tier 4 applicants will be able to provide a print out of a qualification or transcript from the awarding body’s online checking service.

The specific details which the printout or transcript must contain will be listed in paragraph 120SD of Appendix A of the Immigration Rules.

Students will still need to be prepared to have the original document as the Home Office reserves the right to request this (with the exception of IB and A Level certificates).