



 VWV Plus

# Immigration essentials for independent schools

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 @VWVPlus

1



## Agenda

- Welcome
- Overview of the UK immigration system
- Position of EEA pupils since 1 January 2021
- Student sponsor compliance
- Confirmation of Acceptance for Studies (CAS)
- Living arrangements and safeguarding
- Record keeping and reporting duties
- Basic Compliance Assessments
- Supporting visa applications
- COVID-19: Temporary concessions for students
- Other relevant immigration categories
- Surviving compliance visits
- Common compliance issues

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2

## UK immigration overview

- British citizens, Irish citizens and those with right of abode not subject to 'immigration control'
- EEA nationals subject to immigration control since 1 Jan 2021
- Immigration Rules set out requirements for visas, entry, extensions of stay in immigration categories, including:
  - Visits
  - Work
  - Study
  - Family reunion, protection, Human Rights
- Formal process of employer and education provider sponsorship since 2008
- Immigration control "outsourced" through Hostile Environment



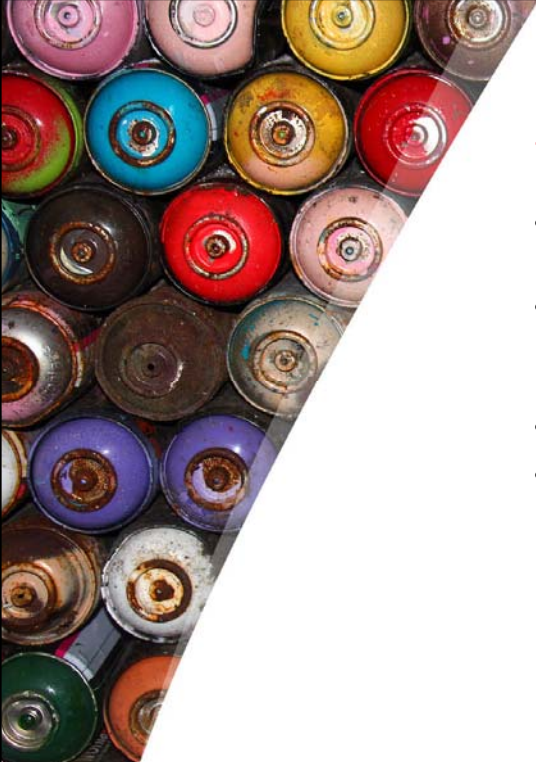
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## The Student routes

- *Student visa (formerly Tier 4 (General))*: over 16s studying at independent schools, private and public colleges and universities
- *Child Student visa (formerly Tier 4 (Child))*: the "independent school visa" for students aged 4 to 17
- Education provider requires sponsor licence
- Assign Confirmation of Acceptance for Studies – "CAS"
- Student applies for visa (if overseas) or permission to stay (if in the UK and permitted to do so)
- Overseas applicants wait for visa approval; in-country applicants may be able to start studies while waiting for decision




4





## Student & Child Student vs Tier 4

- Child Student continues as the “independent school visa” for students aged 4 to 17
- Visa applications can be submitted up to 6 months before course starts (3 months for in-country applications)
- Expansion of list of ‘differential evidence’ countries
- Evidence of finances not needed for in-country extensions



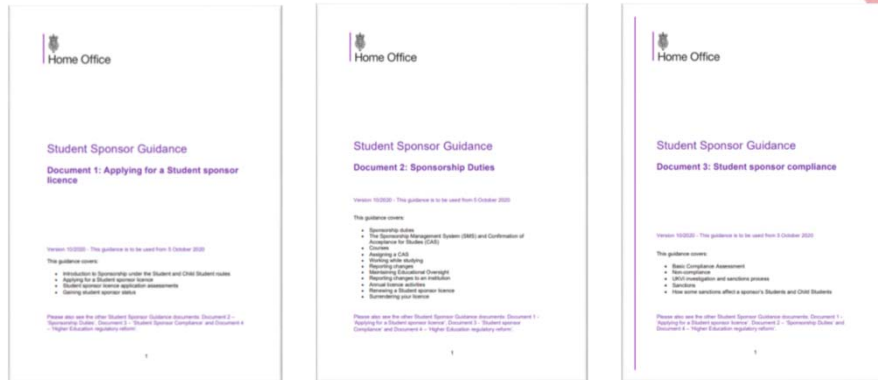
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## Student sponsor compliance



6

## Guidance for sponsors of overseas pupils



[www.gov.uk/government/publications/student-sponsor-guidance](http://www.gov.uk/government/publications/student-sponsor-guidance)



7

## Guiding principles

*2.1 Sponsorship is a privilege and not a right. Sponsors benefit directly from migration and are expected to play a part in ensuring that the system is not abused. Sponsors must therefore fulfil certain duties, in order to ensure that immigration control is maintained. Providers must be able to show that they can fulfil, and are fulfilling, these sponsor duties in order to gain and retain a Student sponsor licence.*

*Student Sponsor Guidance: Sponsorship Duties (Document 2)*



8

## The Student Sponsorship regime

### Overview

- 2.1 The Student and Child Student routes are the primary immigration routes for international students who wish to study full-time, or part-time in some limited circumstances, in the UK. These students must be sponsored by an education provider that holds a Student sponsor licence. The education provider<sup>2</sup> is known as a sponsor.
- 2.2 The Student sponsorship regime is based on two basic principles. They are that:
- sponsorship is a privilege and not a right so those who benefit most directly from student migration (education providers) must help to prevent the system from being abused; and
  - those applying to come to the UK to study must be eligible to do so, and must have a reputable education provider who genuinely wishes to teach them.
- 2.3 When an education provider is granted a Student sponsor licence, significant trust is placed in them. With this trust comes a responsibility to act in accordance with the Immigration Rules and all parts of the Student Sponsor Guidance. UKVI has a duty to ensure that all sponsors discharge these responsibilities, and will take compliance action when it considers that a sponsor has failed to do so, or otherwise poses a risk to immigration control. For more information on the duties sponsors must fulfil, please see Document 2 of this Student Sponsor Guidance.

*...sponsorship is a privilege...*

*...reputable education provider...*

*...significant trust...*

*“It should not be forgotten that under the PBS colleges are performing **functions which used to be undertaken by entry clearance officers or other UKBA officials.** There is a **clear responsibility on those colleges to show that they deserve the trust which is being placed in them.**”*

*R (Western Governors Graduate School) v SSHD (2013)*



9

## Plenty of unsuccessful litigation

“There is no need for UKBA to wait until there has been breach of immigration control caused by the acts or omission of a sponsor before suspending or revoking the sponsorship, but **it can, and indeed should, take such steps if it has reasonable grounds for suspecting that a breach of immigration control might occur...**”

“The Secretary of State is entitled to maintain a **fairly high index of suspicion and a ‘light trigger’** in deciding when and with what level of firmness she should act...”

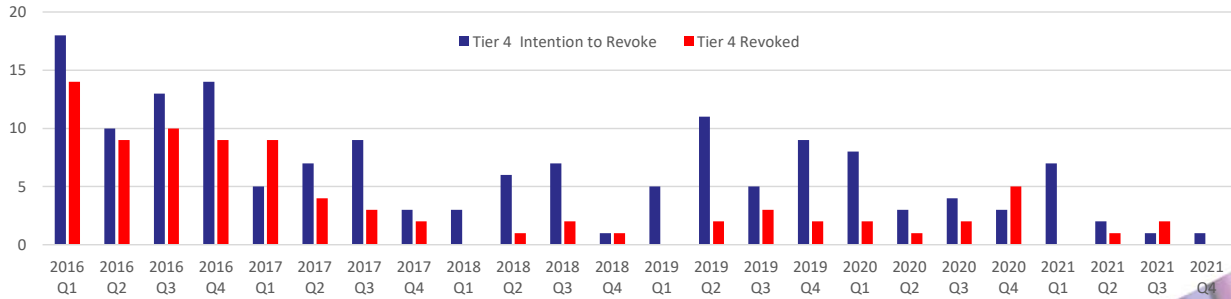
“The courts should **respect the experience and expertise of UKBA** when reaching conclusions as to a sponsor's compliance with the Guidance, which is vitally necessary to ensure that there is effective immigration control...”

- R (The London Reading College Ltd) v SSHD (2010)
- R (Westech College) v SSHD (2011)
- R (Alvi) v SSHD (2012)
- R (New London College Ltd) v SSHD (2013)
- London St Andrews College v SSHD (2014)
- R (Raj and Knoll Limited) v SSHD (2016)
- R (London School of Science and Technology) v SSHD (2017)



10

## Compliance action against Student sponsors



	Intentions	Revocations	%age
2012-2017	1,079	731	67.7%
2018-2021	76	24	31.6%



## Ensuring compliance

### Guiding principles

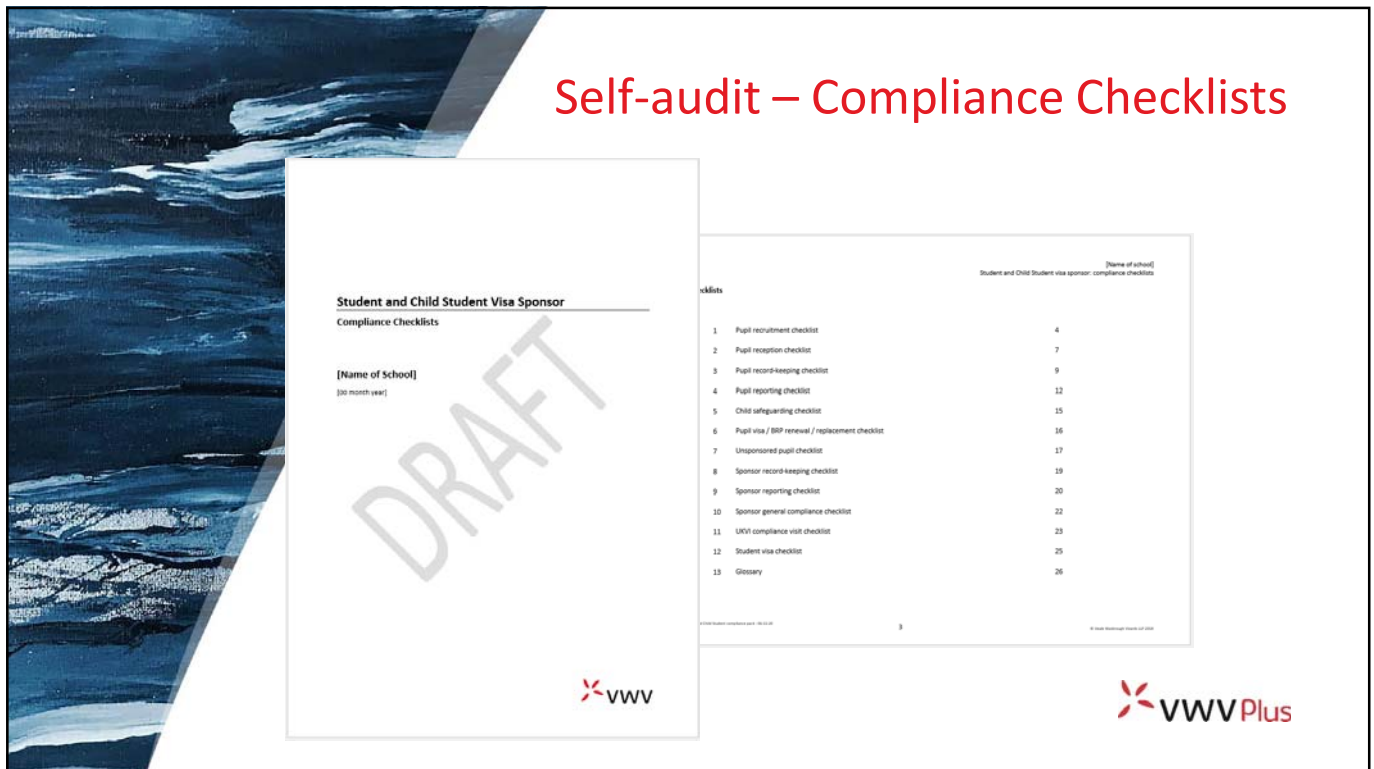
- 3.1 To be issued a Student sponsor licence, an education provider must be:
  - a genuine education provider that has acceptable educational quality standards, and is operating lawfully in the UK, complying with all appropriate rules and regulations;
  - considered eligible and suitable to hold a Student sponsor licence; and
  - capable of carrying out its duties as a sponsor.

An education provider must meet these criteria in order to be granted a Student sponsor licence, and continue to meet them in order to retain its licence.
- 3.2 In order to establish whether or not an education provider meets these criteria, UKVI will consider a number of factors, including (but not limited to) its history and background, the Key Personnel named on its application and anyone involved in the day-to-day running of the organisation.
- 3.3 UKVI views any history of dishonest conduct or immigration crime, either by the relevant organisation as a corporate entity, or by individuals in the organisation, seriously and may refuse an application solely on the basis that such activities have taken place.
- 3.4 UKVI will also look at an education provider's policies and processes, including how student attendance is monitored, to ensure it will be able to fulfil its sponsorship duties.
- 3.5 UKVI may visit an education provider before making a decision on its application for a Student sponsor licence. If UKVI has significant doubts about the ability of an education provider to fulfil its sponsorship duties after visiting it, it may refuse its application.

- UKVI are interested in your policies and processes – you should be too!
- Conduct regular reviews of processes:
  - Keep it simple...
  - Think through the 'pupil journey'
  - How will you comply with your sponsorship duties at each stage?
- UKVI taking a greater interest in safeguarding (parental consent; tracking pupils in/out of school)
- Don't leave it to one person



## Self-audit – Compliance Checklists



**Student and Child Student Visa Sponsor Compliance Checklists**

[Name of School]  
[30 month year]

**Student and Child Student visa sponsor: compliance checklists**

1	Pupil recruitment checklist	4
2	Pupil reception checklist	7
3	Pupil record-keeping checklist	9
4	Pupil reporting checklist	12
5	Child safeguarding checklist	15
6	Pupil visa / BIP renewal / replacement checklist	16
7	Un-sponsored pupil checklist	17
8	Sponsor record-keeping checklist	19
9	Sponsor reporting checklist	20
10	Sponsor general compliance checklist	22
11	UKVI compliance visit checklist	23
12	Student visa checklist	25
13	Glossary	26

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13

## Key Personnel

- All must be permanently based in the UK and paid members of staff (contracted out Level 1 / Level 2 users also permitted)
- Authorising Officer: “most senior person responsible for the recruitment of students and ensuring that all of your sponsor duties are met”; responsible for activities of all users
- Key Contact: main point of contact with UKVI
- Level 1 users: carries out day-to-day sponsorship activities using the Sponsor Management System – can be more than one; should have enough to cover leave, sickness etc.
- Level 2 users: access to SMS but with fewer permissions (assign CAS and student reporting only)

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14

## Assigning Confirmation of Acceptance for Studies (CAS)



15

### Assigning a CAS

#### Common questions

- Child Student vs Student
- Pre-sessional courses
- Transferring pupils
- Supplementary study
- Timing of CAS assignment
- Fees
- Care arrangements for day pupils

Academic progression exemption must be explained on CAS

#### Guidance for Sponsors

SMS Guide 4A – Creating a CAS – guide for Student sponsors

[www.gov.uk/government/publications/certificates-of-sponsorship-cos-sms-user-manual](http://www.gov.uk/government/publications/certificates-of-sponsorship-cos-sms-user-manual)



16



## Child Student vs Student

Child Student route	Student route
Aged 4 to 17	16 and upwards
Offered unconditional place on a course	Offered unconditional place on a course
Proof of funds (course fees and living costs)	Proof of funds (course fees and living costs)
Study at an independent school	RQF 3 upwards (ie not GCSEs)
Parental consent	Parental consent (16 and 17 year olds)
Up to 6 years study (under 16s)	Restricted to 2 years' study below degree level after 18 <sup>th</sup> birthday
<b>Genuine student interviews also possible for 16 and 17 year olds</b>	Genuine/credible student interviews
	English language requirement
	Academic progression requirement



17

## Pre-sessional courses

- Courses which prepare students for, and directly precede, their intended course of study
- For acquiring the ancillary skills or knowledge necessary to adjust to study in the UK – does not have to lead to a recognised qualification
- Single CAS may cover pre-sessional course and main course (even if study is with a partner) provided transition to main course is unconditional
- Partner **must** be named on school's Sponsor Licence
- Pre-sessional provider could issue separate CAS



18

## Pupils transferring from other schools

- Pupil changing to new sponsor must apply again under Child Student route with CAS from new Sponsor
- Cannot start new course until application approved unless:
  - new sponsor has Student sponsor status
  - new sponsor has assigned them a CAS
  - submitted application to UKVI before starting studies and before existing leave expired
- But at their own risk



19

## Supplementary study

- Supplementary Study permitted, eg evening classes, short courses in vacation periods
- Can be in any subject and does not have to relate to their main course of study
- Must not hinder the Child Student's progress on their main course of study
- If study continues after completion of the main course of study, it must not delay their departure from the UK



20

## Timing of CAS assignment

- CAS must be 'used' by pupil for a visa/ permission to stay application within 6 months of it being assigned
- Visa application can be submitted 6 months before course starts
- In-country applications can be submitted 3 months before course starts
- CAS cannot be 'reused' if an application was granted or refused (can be reused if the previous application was rejected as invalid or withdrawn)
- Consider an "enrolment period" ('latest date a student can be accepted on to the course' on the CAS)



21

## Fees

- Fees paid to date deducted from the amount the family may have to show when submitting the visa application
- Fee updates can be added to CAS at any time up to point visa application is submitted
- 'Differential evidence' countries vs 'Non-differential evidence' countries
- CAS asks whether you are providing accommodation
- Day pupils need additional funds calculated on the basis of their living arrangement:
  - Private foster care/close relative: £570pcm
  - With *Parent of a Child Student*: £1,560pcm (+ £625pcm for each additional child)
  - £1,023pcm if living 'independently'



22

## Living arrangements and safeguarding



23

## Care arrangements for children

### Student Sponsor Guidance (Document 2)

3.26 Sponsors who recruit a child under the age of 18 must ensure **suitable** care arrangements are in place for them in the UK. This must include arrangements for their:

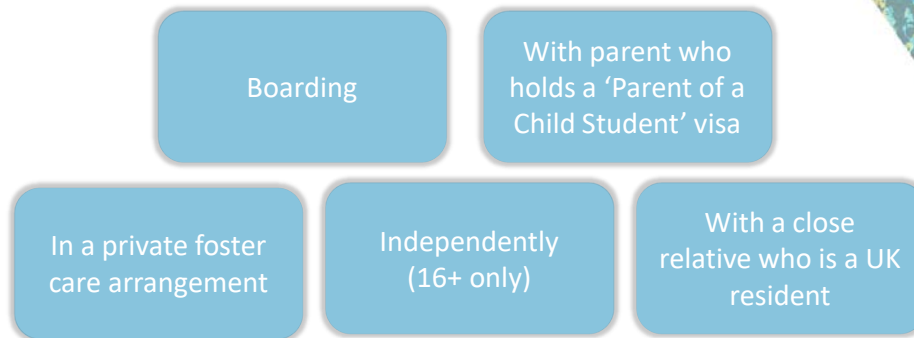
- a. **travel**;
- b. **reception** when they arrive in the UK; and
- c. **care** while in the UK.

2.8 Sponsors of a child under the age of 18 must keep a copy of the **letter** from the child's parents or legal guardian [...] **consent**[ing] to the [...] application, travel, reception and care arrangements in the UK.



24

## Permissible living arrangements



NB: Financial requirements for visa application vary depending on living arrangement  
Parental consent required in all cases



25

## *Parent of a Child Student visa*

- Can be granted to one parent where they have a child attending a UK independent school as a day pupil
- Must be at least one child under the age of 12 attending a day school
- Older siblings can continue to live with the parent while they hold this visa
- Never too early to start thinking about what alternative living arrangements will be in place once youngest child turns 12



26

## Close Relatives and Private Fostering

- Carer must be over 18 **and** “settled”
- Close relative = grandparent or step-parent; brother or sister; uncle (brother / half-brother of parent) or aunt (sister / half-sister of the child’s parent)
- Private fostering arrangement to be notified to LA before visa application and LA must acknowledge; school to notify LA when child arrives in UK or if the arrangement begins after arrival in the UK

**NB: Private fostering arrangements may have arisen during lockdown if boarders stayed with educational guardians for 28+ days**



27

## Specific child safeguarding duties

“A sponsor which sponsors children to study in the UK under the Child Student route must ensure that:

- **appropriate policies and procedures** are in place to ensure the **safety, wellbeing and protection from exploitation** of the children which it sponsors
- where a Child Student is [a day pupil], their **living arrangements meet the requirements of the route**
- **sites** at which children will be taught or accommodated **meet all legally required standards** for those purposes
- all staff who come into contact with the children have a **current** enhanced Disclosure and Barring Check (England and Wales) [...]”



28

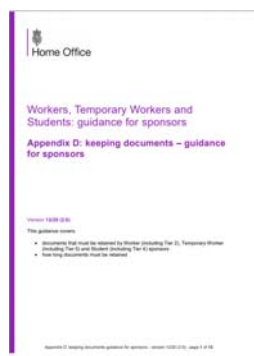
## Sponsorship Duties

Record keeping

Reporting



29



## Record keeping

### Which records must you keep?

- Sponsor Guidance Appendix D - Part 5: for each migrant enrolled under the Student route or Child Student route

### How long must you keep them?

- Throughout sponsorship and for 1 year afterwards

### How must you keep them?

- Paper or electronic - no prescribed method, but you must be able to make them available on request



30

## Appendix D part 5

- Copy of each sponsored migrant's current passport, to include:
  - all pages showing any **personal identity details**
  - **leave stamps**/immigration status document including their period of permission to stay
  - **stamped Tier 4/Student vignette** – **check entered within validity of vignette**
  - Some students may enter through passport e-Gates, in which case **alternative evidence of date of entry** is required

NB: If you retain passports for safekeeping, have parents/pupils consented, and are they aware they can have it back at any time?



31

## Appendix D part 5

- Copy of proof of each sponsored migrant's immigration status:
  - biometric residence permit (**BRP**) – both sides
  - **digital status** ("eVisa" - EEA nationals with biometric passports) accessed using "share code" – print/save PDF of digital status
- **Record of absences**/attendance
- Current and historic **contact details** (UK residential address, telephone number and mobile number)
  - NB** This includes boarders' contact details during excats, half-term, etc when spent in the UK



32



## BRPs

- 30-day vignette (90 days currently) – BRP to be collected from Post Office before vignette expires or within 10 days of arrival
- Responsible adult to accompany under 18s
- With approval, sponsor can collect BRP on pupil's behalf, but they must take pupil's passport to the Post Office
- Parents cannot collect child's BRP unless approved ("Responsible Adult" – one week processing), *or* collecting own BRP and child is named as their dependant
- Schools may register as *Alternative Collection Location* and receive pupils' BRPs – ACL code must be used on visa application
- Check conditions! Police registration is confirmed on vignette, not BRP (pupils over 16 and certain nationalities only)



33

## Appendix D part 5

- Day pupils in a **private foster care** arrangement:
  - advise local authority of the **name of the foster carer** and the **address** where the foster carer and the pupil will be living
  - also advise LA of new/changed foster care arrangements, as soon as you become aware of them
  - **Retain record(s) of the notification(s) to the local authority**
- Copies or originals if possible of evidence assessed as part of the process of making an offer to the migrant



34



## The “secret” record keeping duty

Student Sponsor Guidance (Document 2): para 2.8

*Sponsors of a child under the age of 18 must keep a copy of the **letter from the child's parents** or legal guardian, or just one parent if that parent has sole legal responsibility for the child. This should consent to the arrangements for the child's application, travel, reception and care arrangements in the UK.*

Make sure signed by both parents (or have proof of sole responsibility if signed by just one)



35

## Reporting duties



36

## Reporting duties

A sponsor has a duty to notify UKVI if:

- it becomes aware that any of the students it is sponsoring has been **granted leave with the incorrect conditions of stay**, for instance if they have mistakenly been granted permission to work
- **anything it has reported through the SMS is incorrect**, explaining why it is incorrect
- if there are any changes to **a Student or Child Student's circumstances**
- if there are any **changes that affect its Student sponsor licence**



37

## Reportable changes

### Reporting changes to student circumstances

- Withdrawals
- Start date delayed
- Non-enrolment – including visa refusals
- 10 missing contacts
- Deferrals
- Cessation of sponsorship
- Significant change in student circumstances
- Suspicions regarding 'genuine student'
- Delays and deferrals: can the pupil still complete their course without needing a visa extension?
- Missing contacts: can define yourself – schools usually use registrations. Specify in policy?
- Cessation of sponsorship could be because they move into a different immigration category
- Significant change? Change in living arrangements?



38

## Reporting changes at the school

### Reporting changes affecting your sponsor licence

- Changes to Key Personnel
  - Change address or name
  - Adding a site/teaching partnership
  - Change in ownership
  - Appoint a new principal
  - Inspection failing
  - Criminal prosecution/civil penalty issued
  - Insolvency
  - Surrendering licence
  - Convert to an academy
- Approval required for some changes (eg adding a site)
  - Independent schools linked by common ownership/control may be grouped under a single licence, or hold separate licences for each school
  - Also permitted to hold separate licences for each immigration category
  - Failed ISI inspection will result in zero CAS allocation until reinspection



39

## Working with overseas agents

**2.11** A sponsor must also provide **details of any third party**, in the UK or another country, which has helped it to recruit students.

**7.2** You must give us details of any third party, in the UK or another country that helped you to recruit international students. To do this, email [EducatorsHelpdesk@homeoffice.gov.uk](mailto:EducatorsHelpdesk@homeoffice.gov.uk).

**We may take action against you if you fail to provide this information** or any other information we request about your use of third parties.

**10.3** When considering your request to renew your annual CAS allocation, we will take a number of factors into account, including but not limited to ... **any agents that you use to recruit international students**, where they have been linked to immigration abuse in the past.



40

## Basic compliance assessment



41

## Basic compliance assessment

### Visa refusal rate

- *Less than 10%*
- 10 or fewer CAS, 1 refusal = failure

### Enrolment rate

- *At least 90%*
- 10 visas granted, at least 9 must enrol

### Course completion rate

- *At least 85%*
- 10 students enrol, 2 fail to complete = failure



42

## Course completion

- Does **not** include: pupils who have deferred and left the UK, switching schools or immigration category, left course and left UK
- Include details in SMS report
- Obtain evidence, e.g.: copy of boarding pass

## Enrolment

- Most school non-enrolments are not 'no shows', more likely to be visa refusals, change of mind etc
- Stay in touch with parents/agents throughout
- Request evidence from pupil and keep on file
- Include details in SMS report
- Report, even where non-enrolment is due to visa refusal – failure to report is indicator of weakness in process

## Visa refusals

- Control what you can
- Provide guidance for parents
- Pay first year's fees in advance
- Bank statements – required info, sufficient funds, date, period etc
- Review immigration history
- Parental consent letters
- Intended carer undertakings
- Obtain proof of parental relationship
- Check prior to submission

## Child Student visa applications

- Online form (need CAS number, school's sponsor licence number, ACL reference)
- EEA nationals can apply using ID verification app – no biometric appointment; get digital status
- Pay Immigration Health Surcharge and application fee (plus priority processing fee if available)
- Non-EEA nationals: register account with VAC partner, book appointment, upload documents, attend biometric appointment - WAIT
- EEA nationals: upload documents – WAIT
- Approval: enter UK **after** visa validity date
- Documents: Passport; parental consent letter (plus additional consents for day pupils); birth certificate; TB certificate; proof of finances (non-differential evidence countries)



45


## Credibility interviews (16+ students)

- The immigration history of the applicant in the UK and other countries
- The applicant's education history, study and post study plans, for example:
  - whether the course represents academic progression
  - **the credibility of the applicant's rationale for, knowledge of, and level of research undertaken into, the proposed course of study and sponsoring institution, and living arrangements in the UK**
- The personal and financial circumstances of the applicant
- The qualification, course provider and agents

[www.gov.uk/government/publications/points-based-system-student-route](https://www.gov.uk/government/publications/points-based-system-student-route)



46



## Supporting your international pupils


- Pre-CAS checklist
- Guidance on visa process: evidence of funds, BRPs, living arrangements (day pupils) etc.
- Template letters for use with applications
- Visa application checklist


Child Student Visa Sponsorship - Boarding Pupils  
Guidance pack and resources for Schools and Applicants

[Name of School]  
(20 month year)

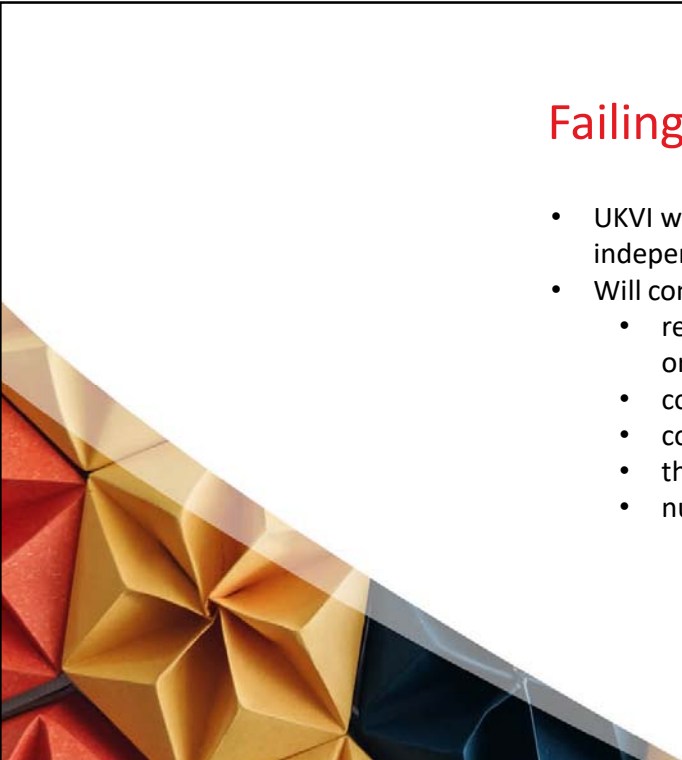
Child Student Visa Sponsorship - Day Pupils  
Guidance Pack and Resources for Schools and Applicants

[Name of School]  
(20 month year)

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47



## Failing the BCA

- UKVI will apply a “discretionary assessment” to independent schools
- Will consider:
  - reasons for visa refusals, failure to enrol, or non-completion
  - compliance with general duties
  - compliance history
  - threat to immigration control?
  - number of previous BCA failures



48



## Annual CAS Requests

- Assigned 50+, request increase of up to 50%
- Assigned fewer than 50, any reasonable increase
- UKVI consider various factors:
  - Agents who have been linked to past abuse
  - School's history of compliance
  - GIAS – are you “over-capacity”?
  - Your latest ISI / Ofsted report
- CAS will be zeroed if fail ISI/Ofsted inspection



49

## Renewing your sponsor licence

- Licence valid for 4 years
- Apply to renew up to 3 months before expiry
- Confirm you wish to renew and that the Authorising Officer consents; pay the fee (£536)

### **Don't miss the deadline!**

- Check Authorising Officer and Key Contact details on SMS are up-to-date
- Diarise reminders centrally
- Applying for a replacement licence is possible, but you could be without CAS or SMS access for several months



50

## COVID-19 concessions for students



51

## Coronavirus and Immigration

*"We are very clear that no one will have a negative outcome through the immigration system due to a circumstance that was beyond their control...We are looking at further measures...to ensure that no one is penalised because they followed the advice and did what they could to protect our NHS and save lives."*

Kevin Foster MP, Minister for Future Borders and Immigration, 23 March 2020



52

## COVID-19 concessions

- Student is overseas?
  - Distance learning is permitted to Student visa holders provided they intend to return to the UK for face-to-face or blended learning before **30 Jun 2022**
  - Replacement vignette applications require a fee (£154) and re-enrolment of biometrics
  - New Students unable to travel to the UK can study remotely for as long as required, but will need CAS and Student visa before travelling to the UK
- Student is in the UK?
  - Distance learning only permitted if local restrictions prohibit in-person teaching
  - Blended learning permitted until 30 Jun 2022
- Distance/Blended learning does not need to be reported, but sponsorship must be withdrawn if no engagement (Distance: 30 days; Blended: twice per month in person)
- If applying a temporary concession, make a note in the file of each student affected



53

## Alternatives to student visas



54

## Sponsor duties – non-sponsored pupils

A sponsor has a duty to:

...  
comply with all aspects of the Immigration Rules and sponsor guidance, and support immigration control, including by **taking steps to ensure that every student at their institution** who is subject to immigration control has **permission to study in the UK** throughout the whole period of their study



Policy on Conducting Right to Study Checks  
Verifying Pupils' Immigration Status

[Name of School]  
[20 month year]

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55

## Non-sponsored international pupil records

- Ensure you **record** expiry dates
- Have a system for **alerting** you to upcoming expiries
- Now needs to include **EEA pupils**

### International pupil data - sample

For all pupils who are not UK or Irish nationals, the information below should be retained.

Name	Nationality	DoB	Home address	Passport (copy required)	Immigration status documentation (copy required)	Date of expiry of leave to remain

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56

## Situation for EEA nationals

- Here before 1 Jan 2021: entitled to apply under EUSS
- 30 Jun 2021: deadline for applications
- 1 Jul 2021 onwards: need proof of immigration permission
- EEA nationals with “chipped” (biometric) passports will have digital immigration status



57

## Un-sponsored EEA pupil issues

- No action needed if school is **not** a Student visa sponsor
- Sponsors have a duty to ensure international pupils have the **right to study**
- Distinction between EEA pupils who joined school **before 1 July** and those who enrolled since
- Enrolled before 1 July? **No need for retrospective checks** – pupils’/parents’ responsibility to ensure that they applied
- Enrolled on or after 1 July?
  - **sponsors expected to check** immigration status of EEA nationals (pre- or settled status or something else)
  - A **Certificate of Application** confirming that a valid EUSS application has been submitted is acceptable



58

## Non-sponsored international students

Proof of pupils' right to study in the UK confirmed on:

- British / Irish passport
- Vignette - endorsement in passport
- BRP
- Online status on GOV.UK (need "share code")
- See VWV "Right to Study" policy
- "Take steps" to confirm status



59

## Common categories

- Pre- or Settled Status under the EUSS
- Dependant child of a migrant with limited leave (eg dependent child of Skilled Worker etc.)
- Dependent child of Spouse of a British citizen/settled person
- Diplomatic family member
- Armed Forces family member
- Tier 1 (Investor)? Over 18s only

**NO NEED FOR A CAS!**



60



## Hong Kong BN(O) Route

- British National (Overseas) citizens
- Family members including:
  - Adult children born after 1 Jul 1997 plus spouse if they live with BN(O) citizen
  - Other dependent family members who live with BN(O) citizen
  - Further expansion later in 2022



**How many people are expected to come?**

The British government estimates 5.4 million Hong Kong residents are eligible for the scheme, that's about 72% of its 7.5 million population.

These include:

- 2.9 million BHOs
- 2.3 million dependents of BHOs
- 187,000 18-23-year-olds with at least one BHO parent

It is difficult to say how many eligible people will actually come to the UK.

A government report published last year put the number of people expected to take up the offer at about 300,000 in the first five years.

Source: BBC News



61

## Ukraine Family Scheme and concessions



### Ukraine Family Scheme

- Joining or accompanying UK-based family members (British, ILR, EUSS or refugee)
- Immediate family members, extended family members and immediate family of extended family members
- Free of charge – but requires an application and biometric enrolment
- Three-year visa – work, study, claiming public funds all permitted

**Homes for Ukraine Scheme** – as above but sponsored by members of the public

### Ukraine Extension Scheme

- As above, for Ukrainians in the UK with permission on or before 18 Mar 2022 or permission that expired after 1 Jan 2022
- **Also** can switch into other categories *if they qualify*

62

## Study by visitors

- Previously: visitors could study for up to 30 days only; study up to 6 months required permission to enter as short-term student
- Since 1 December 2020:
  - short-term student for English language study up to 11 months **only**
  - Any visitor may study for up to six months at an “accredited institution”



63

## Surviving compliance visits



64



## Reasons why UKVI conduct visits

- Following a change in ownership; “intelligence”; random?
- Is the sponsor meeting its sponsorship obligations?
  - Do they have the **necessary systems** etc. in place?
  - Compliance with **record keeping** duties
  - Any events that should have been **reported**?
- Are they a threat to **immigration control**?
- Are their **CAS requests** still justified?
- Are **sponsored migrants complying** with conditions?
- Is the information UKVI holds about the sponsor **accurate**?
- Can be conducted with or without notice!



65

## What to expect

- **Interviews** with Key Personnel
- Review:
  - Pupil **files**/records (including documents from offer)
  - **SMS reports** filed (or not filed)
  - **Attendance** monitoring processes
  - Immigration status of **non-sponsored overseas** pupils
  - Pupil **tracking and monitoring** processes
  - Processes for conducting **right to work checks**



66

## Compliance visit outcomes

Visit will lead to one of the following outcomes:

- Status maintained
- Allocation of CAS reduced to **zero**
- Issued with a time-limited **action plan** (£1,476 fee)
- Licence **suspended** (notification of intention to revoke) – 20 working days to respond
- Licence **revoked** (across all categories) – existing sponsored pupils will have leave curtailed to 60 days (or “teach-out” permitted to end of year)



67

## Recent issues with sponsor compliance



68

## Common failings

1. Inadequate **checks**/monitoring of visas held by non-sponsored **overseas pupils**
2. CASs assigned covering **2 courses**
3. Concerns about **care** (and travel/reception) **arrangements**
4. Failure to obtain **parental consent letters**
5. **Not reporting** pupils who left before course ended
6. Failure to report **non-enrolments** due to visa refusals
7. Pupil transferring from another school and starting studies before CAS assigned or permission to stay application submitted
8. SMS users **sharing passwords**
9. Failures in other Tiers/categories
10. Failure to report **agents** to UKVI



69

## Something else to watch out for...

### Charity Worker route – Gap year Students

- Appears to be a useful immigration category
- 12 months only (followed by 12-month cooling off period)
- **Must not be filling a permanent role** (includes taking a role that will need to be filled by someone else once the migrant workers has left)
- **Voluntary fieldwork** related to the purpose of the charity not administrative duties
- Expenses must comply with NMW Act



70

## Final tips

- Don't reinvent the wheel – unless you have to!
- Think through the 'pupil journey': how you will obtain the required documents and comply with your record keeping and reporting duties at each stage?
- UKVI expect all Key Personnel to understand their responsibilities and the systems/processes the school has in place to meet its obligations
- AO, if not Level 1 user, should have a basic understanding of systems and processes
- Review processes regularly – self audit
- Don't do it alone!



71

## Get in touch



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72