

# What about students and Immigration in the UK?

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I have discussed tiers 1 and 2 previously. Students are the whole subject of tier 4 of the points based system. In this article I shall endeavour to shed light on the points based system in so far as it relates to students who seek to regularise their entry and stay in the UK.

The system of points prevails even as the UK Border Agency implements tier 4. The reality is that there are inflexible requirements that must be met. There are two types of student visa under tier 4: child students and general students. There will continue to be student visitors and prospective students outside tier 4. The major aspect about being a student is the need to have a sponsor. Before a student is eligible to apply to come to the UK to study under tier 4, he or she will require an immigration sponsor. The sponsor would be the education provider in the UK that has accepted the student on a course of study. Sponsoring education providers will issue would be students with a Confirmation of Acceptance for Studies (CAS). It is significant to have a sponsor as this would assure the UK Border Agency that the education provider is confident that the student is capable of doing the particular course of study and this would also serve as a pledge from the sponsoring education provider that it will accept responsibility for the student whilst he is in the UK. To this extent it is vital to note that would be students would not even be able to apply for a visa without a CAS. Furthermore, education providers will not be able to issue a confirmation of acceptance letter without being licensed by the Home Office. This also helps to protect students from some bogus colleges.

Tier 4 has two main categories being tier 4 (general) and child students. Tier 4 (General) is the main category under which many student applications are made. There are general restrictions on applying under tier 4 (General). There are provisions for courses that are considered security sensitive, for students in receipt of sponsorship from their government and for post graduate doctors and dentists. To be a tier 4 (general) student one has to be at least 16 years old. Where the applicant is less than 18 years of age, the application must be supported by the applicant's parents or legal guardian or just by one parent if that parent has sole responsibility for the child. The parents or the legal guardian should then confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK. It is important to note that if the course is below degree level, the grant of entry clearance the applicant is seeking must not lead to the applicant having spent more than three years in the UK as a tier 4 Migrant since the age of 18, studying courses that did not consist of degree level studies.

The Immigration rules specify the points that have to be scored under certain paragraphs of appendix A to the rules. A person attains 30 points by securing a confirmation of acceptance for studies letter (CAS), this is the letter which is referred to as a visa letter. This letter must have been issued in the last 6 months. The offer must not have been withdrawn and the CAS has to comply with UKBA requirements. It is also important to note that full time study would be necessary. Students could pursue a full time degree level course or above in a publicly funded Higher Education Institution (HE). A student could also pursue a course of study involving a minimum of 15 hours per week organised day time study. There is a whole range of courses which are tabulated. A list of approved qualifications is provided for in the rules.

Students on courses of less than 12 months will be expected to show that they hold sufficient funds to cover the full costs of their course fees plus £800 per month or £600 for those studying outside London, for each month of the course up to a maximum of 9 months. A course lasting

12 months or more the applicant must show that the course fees for the first year of the course plus £7200 are available and for one studying outside London it has to be £5400.

For those seeking to extend their visas the rules are easier to satisfy. The applicant must show the full cost of fees for the first year of their continued study is available, together with 2 months' maintenance of £800 per month (1600 in total) and for those outside London being £600 instead of £800 being (1200) in total plus course fee.

Applicants can provide evidence such as cash in an account in the applicant's name (including a joint account), a loan in the applicant's name or official financial or government sponsorship. For those students seeking entry clearance they may expect to be granted a visa for the duration of the whole course. There is also further leave to be granted on top of the course duration period. Students may not be self employed. Students are also allowed to apply for further extensions under the slightly relaxed maintenance requirements.

With regards to child student visa, students who attend residential independent schools would be allowed to do so on meeting the maintenance and funding requirements with money either in their names or accounts for the parents or legal guardian. For those on non residential independent schools the UKBA requires evidence of funds to pay school fees for one year plus an undertaking from a UK resident or citizen to provide maintenance and accommodation for the duration of the course. The person providing an undertaking should clarify the nature of the relationship with the child and the child's parents. The individual has to demonstrate that they have accommodation and funds to support a child in addition to their own existing commitments (available income of at least £500 per month would be required. Parents would also still be allowed to accompany their children under 12 years to the UK to study. Parents would have to show evidence of adequate funds to do so. In the next article I shall endeavour to deal with the problems besetting students as they settle and how the courts have dealt with issues arising between students and the UKBA. There is a whole range of such issues including changing courses, working hours and failing exams and many more which issues have caused problems to students and dealt with accordingly by the courts.

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