

Tier 4: students' experiences
(applying from outside the UK)

Summary & recommendations

Acknowledgements

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Introduction

The introduction of Tier 4

As part of what the UK Border Agency (UKBA) has called the 'biggest transformation in immigration systems for a generation', the Student Tier (Tier 4) of the Points Based System was introduced at the end of March 2009. It radically re-engineered both the policy and procedures for international students applying for visas to come to (or extend their time in) the UK and has, over the last six months, been the subject of much debate and, at times, controversy.

There have been a range of initial difficulties.

- Institutions' **visa letters** did not immediately and consistently satisfy the very detailed but not always clearly specified UKBA requirements.
- The **requirement for funds** in the applicant's own (rather than parents') bank account - until amended - caused widespread problems.
- UKBA's commercial partners had very limited knowledge of the new rules and processes and were therefore often unable to advise applicants on rules and requirements.
- **Entry Clearance Officers** at times developed their own local interpretations of what was required.
- **Delays and backlogs** developed resulting in significant numbers either arriving late for courses or not being able to arrive at all; and refusal rates in most countries at least in initial stages increased dramatically.

Some of these difficulties were addressed and resolved after some months, but there remained widespread concern about the **influence of negative perceptions** which might discourage many potential students from putting in an application to come to the UK this year.

Initial feedback from a range of institutions suggest **Tier 4 has had a noticeable impact on recruitment**¹. Significant numbers of international students have arrived late and while the numbers starting this autumn may well be higher than in 2008-09, total numbers are below expected levels based on the number of applications received.

¹ For example according to the Universities UK response to the review of Tier 4 "59% of institutions exceeded, 17% met and 24% missed their projected target for international recruitment in 2009" and "96% of institutions reported that the recruitment and admission of international students had required additional financial resources this year and 85% of institutions reported that additional staff had been required".

Aims of the survey

This UKCISA survey therefore aimed to document the experiences of international students applying for new visas to enter the UK in order to identify which parts of the new system were working well, which (perhaps inadvertently) were causing most difficulty and where further improvements might be made. (A separate survey is being undertaken of those applying to extend their visas from within the UK, the results of which will be available slightly later, to reflect the peak date for applications at the end of October, with a result that many students will not be in a position to report on the process as a whole until much later.)

Although the Prime Minister has now, in parallel, commissioned a review of other aspects of Tier 4 (and primarily at sub degree level), it focuses only on whether the current system is effectively excluding those who attempt to use student route as a means to employment in the UK. By contrast, our survey seeks to improve the experience of Tier 4 for genuine students. If the UK is to continue to attract, so successfully, large numbers of students to our universities and colleges we would argue that as much attention and priority – if not more – should be given to improving the current system for the legitimate and well qualified students who make up the vast majority of applicants.

It is hoped that the findings from this survey and its recommendations will lead to

- **further improvements in the processing of visas** for the majority of international students
- **fewer ambiguities** and anomalies
- **better information** and guidance for applicants
- **clearer procedures**
- **swifter decisions**
- a **reduction in unnecessary refusals**
- and even **more well qualified applicants** able to arrive next year.

We call on the UKBA (and especially the International Group who control operations overseas including the management and oversight of commercial partners) to come forward with an action plan by the end of January 2010 to address those aspects identified

Summary of findings

Although responses to the survey identified a wide range of issues and opinions – the central conclusion is, encouragingly, that **the vast majority of students did not inherently have difficulties with the requirements of Tier 4** (largely a Visa Letter from an acceptable institution and adequate funds). However, **they do need better (simpler, clearer, more consistent) guidance** on the detailed documentation and process to be followed.

In many parts of the world, therefore, **and for substantial numbers of students, the system has worked well**. Processing times have been reasonable and many Entry Clearance staff, re-enforced over the busy summer period, have done whatever was in their power to ensure visas were issued in time. The evidence shows, however, for **a significant number of other students, difficulties with the forms and procedures, or errors and obstruction** from ECOs and commercial partners resulted in students being confused, tripped up, put off by, or even refused.

Some key findings from our survey were as follows:

- 33% found the **cost** of a student visa was reasonable: 65% disagreed
- 59% were satisfied with the **speed and efficiency** of the application process
- 41% found the **application form and guidance** straightforward to complete
- One in four of those who needed to provide **translation of documents**, had difficulty doing so
- 49% had difficulty in providing **proof of funds**
- 38% encountered difficulties in the cost and/or time of travel for **biometrics**
- 63% found the **UKBA website** helpful: 12% said it was unhelpful and another 25% either did not know or had not used it
- 43% had to pay up to £50 in **additional costs** such as attending biometrics appointments or arranging translation of documents, etc; 20% up to an additional £99, 15% up to additional £200 and 16% £200 or more
- One in three students requiring an **ATAS** certificate found this a problematic part of the process

In addition to these statistical findings, respondents were invited to give additional comments on any aspect of the process and the report includes a small selection of the views expressed. In particular these suggest that:

- Some applicants were confused over **the roles of the various agencies concerned** (British Consulate, Visa Application Centre, Commercial Partner) and the level of advice they were able to provide
- Some applicants experienced **poor coordination** between the various agencies and had no mechanism to track the progress of an application or even which stage and agency (or country) it had reached

- Applicants had no source of entirely reliable (and reasonably priced) telephone or **e-mail advice** on either the requirements or procedures to be followed
- There was particular criticism of the services and standards of the **commercial partners**
- Significant numbers (10%) had to **apply more than once** to obtain a visa and believed that their first was refused unreasonably. Comments (see full report) suggest that not only has this left a lasting impact on the individual but may also dissuade friends or relatives from applying for a UK university or college place.
- Finally there are distressing instances where new rules have **prevented students from being accompanied by dependants**, sometimes separating parents from very young children - this is clearly an area which needs to be looked at again urgently.

Recommendations

Overall, Tier 4 has worked adequately or even well for many students. However, the survey responses indicate that there are a number of actions which can be taken to ensure it works even more smoothly in future:

Institutions should ensure students

1. are informed well in advance about **the documentation** they will need to assemble for their visa application, and
2. have a **realistic idea of the time** needed to make an application.
3. **receive their visa letter or CAS promptly** and are able to check the information provided to UKBA to ensure their application is not refused as a result of discrepancies due to administrative error on either side.
4. realise that **once they used a CAS in their visa application, they are “tied” to that institution** and cannot decide to study elsewhere without what can be a relatively lengthy reapplication in the UK.

UKBA should

1. provide **one single website with clear, simple and comprehensive advice** on the application process, including checklists and a glossary; a tailored guidance document clearly linked to each application form; clear guidelines on documentation required, especially on finance and translation issues.
2. ensure there are **reasonably priced telephone helplines**, including a facility for emergency contact when applicants need to retrieve passports
3. ensure staff provide **consistent, accurate and helpful information**
4. ensure **Entry Clearance Officers** receive accurate, consistent guidance and training to ensure correct and consistent decision making
5. consider ways of **allowing applicants to rectify minor errors** in their application or documentation without receiving a refusal and having to pay for a second application
6. **reconsider the requirement for a new set of biometrics** to be provided with each application, especially if these are made within a short period of time and because of minor errors in the first application
7. where possible provide ways in which applicants can **monitor the status of their application**, eg online or via SMS
8. ensure that **visa fees are kept competitive** with other major destinations for international students
9. review the requirements which apply to **dependants of students** to ensure students are not unnecessarily separated from spouses and children

The Foreign & Commonwealth Office/UKBA International Group should

1. ensure **commercial companies** operating visa application centres deliver a reliable, high quality service, and that applicants have a clear understanding of their roles and functions
2. consider ways of avoiding unnecessary delays in **ATAS** applications, eg by speeding up the ATAS process and/or allowing students to start their visa application process while awaiting the outcome of their ATAS application.

Conclusion

If UKBA implements these recommendations and engages in a genuine dialogue with the education sector about future changes (both at strategic and operational level), the Points Based System has the potential to provide a better “official welcome” for students, and support the efforts of institutions and the UK government to maximise the economic and cultural benefits international students bring to the UK.

Moreover, if UKBA is able to eliminate unnecessary queries, reduce the number of refusals leading to reapplications or administrative review, and focus only on scrutinising those aspects of the application process which are open to abuse (instead of administrative error), it can concentrate more of its resources on ensuring that fraudulent or ineligible applications are identified and refused. If the old motto of “Fairer, faster, firmer” is to be delivered, the first two must receive as much attention as the last.

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