



THE GOVERNMENT RESPONSE TO THE ELEVENTH
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2010-12 HC 1445

Student Visas: Follow-up

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty**

October 2011



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STUDENT VISAS: FOLLOW-UP

Government Response

Introduction

1. We are grateful to the Committee for its follow-up report on student visas HC 1445 published on 26 July. In particular, the Government welcomes the Committee's broad support of our intention to make the system more robust and the Committee's recognition that the Government made some changes to its original proposals, as a result of the public consultation.
2. Abuse of the student visa system has gone on too long. The UK has been attracting students whose motivation is not always primarily to further their education. We want to make sure that those who enter the UK on a student visa come here to study, not to work, or with a view to settling in the UK. At the same time we want to ensure that the UK continues to attract the brightest and best international students. The package of measures we announced in March strikes the right balance and as a result we anticipate net migration will be in the tens of thousands in future.
3. There is still a long way to go in terms of implementing the changes we have announced, monitoring their impact and working closely with the sector to ensure we achieve the desired outcomes.
4. We welcome the Committee's ongoing scrutiny in this area and constructive challenge and stand ready to assist further in that process. We strongly believe that the stricter controls the Government is introducing will be in the best long-term interests of the education sector, legitimate international students and the UK as a whole.

Comment: There has been a consistent tendency, under both the current and previous Governments, to rush through complex changes to the immigration system. ... Such unnecessary haste leads to poor decision-making which is more likely to be challenged in the courts.

Government Response

5. After the announcement of the measures to Parliament on 22 March, we published a more detailed Statement of Intent on 31 March, setting out the changes and the implementation timetable in more detail so that education providers and students could plan for them. The measures are being implemented through a series of staged changes to the Immigration Rules. The first changes came into force on 21 April; the second set on 4 July; and we are planning the final set for April 2012.

6. This autumn we shall consult with corporate partners on various technical aspects of the April changes such as limiting the time that can be spent in Tier 4 to five years at degree level study and concerning the closure of Post Study Work.
7. The Home Secretary also said when making her announcement to Parliament on 22 March that she would ensure that innovative student entrepreneurs who are creating wealth can stay in the UK to pursue their ideas and that she was pleased to be able to return some measure of discretion to UK Border Agency officers to deal with people whom they have plainly seen were not coming here as bona fide students; we will consider ways in which we might expand on these.
8. Since March the Home Office and the UK Border Agency have also taken forward the establishment of a stricter regime for the educational oversight and licensing of Tier 4 sponsors, as announced in March.
9. On 13 June we announced that educational oversight of private sector providers would largely be carried out by the Quality Assurance Agency and the Independent Schools Inspectorate. Further details about that process were announced on 28 July. Both QAA and ISI have consulted corporate partners in the education sector on their proposed standards and processes, which are now finalised. The deadline for applications for inspection by them was 9 September.
10. The 28 July announcement also confirmed that the Bridge Schools Inspectorate would inspect faith-based private colleges in England and Wales, and that the School Inspection Service would inspect Steiner and Montessori colleges in England and Wales with providers required to apply by a deadline of 7 October. It also confirmed that Education Scotland would inspect privately funded providers in Scotland, with providers required to apply by 11 November. We will confirm the arrangements for educational oversight Northern Ireland on the UK Border Agency website shortly.
11. Also in July the UK Border Agency published proposals to amend the criteria for Highly Trusted Sponsor status, which all Tier 4 sponsors must in future meet. The Agency published revised guidance on 4 September, taking account of comments received. This is available on the UK Border Agency website at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/guidancefrom31mar09/sponsor-guidance-t4-050911.pdf?view=Binary>. Sponsors who did not already hold Highly Trusted Sponsor status who were licensed for 12 months or more had to apply by 9 October.
12. The Government does not agree with the Committee that reform in this area has been rushed. A public consultation was followed by a staged and planned implementation, with further technical consultation during that implementation process. There was understandable pressure from the

education sector to make an early announcement, so as to end the uncertainty which the sector regarded as damaging to its business and to allow it to plan ahead for the coming academic years. While it is far too early to draw any conclusions about the actual impact of the changes, not least because they will not be fully in place until next April, we believe that so far implementation has gone smoothly and there has been little disruption to the legitimate business of our high quality institutions.

Comment: Only some private and public Further Education institutions and some English language schools would fail to get Highly-Trusted Sponsor status and therefore lose the ability to recruit non-EU students; no universities would be affected. We note that this last in particular may be optimistic in light of the recent suspension of Highly-Trusted Sponsor status for Glasgow Caledonian University

Government Response

13. The Committee commented on the suspension of Glasgow Caledonian University's sponsor licence. This was unrelated to the changes to the system. Where the UK Border Agency take action to suspend a sponsor licence, they make it clear what action is necessary for the licence to be reinstated and work with the sponsor to enable this. Glasgow Caledonian University took swift action to resolve the problems highlighted by the UK Border Agency, and as a result their licence was rapidly reinstated. At the same time it is important that all sponsors, including universities, have due regard to their obligations and monitor closely the international students they are taking in and compliance with immigration rules. The Agency is committed to taking swift action to ensure high levels of compliance.

Comment: We are concerned that the Home Office still does not take evidence-based policy as seriously as it could. We urge them to adopt a more evidence-based approach to policy making rather than risk determining policies separately from examining the evidence... Whilst we realise the difficulty and cost involved in collecting the required data, we hope that the announcement of the award of the e-Borders contract to Raytheon and IBM represents the first step towards a migration policy based on actual migration figures, rather than placing reliance on incomplete data compiled from a range of surveys.

Government Response

14. The Committee was concerned about the quality of the evidence on which the policy was based, and made various comments about the Impact Assessment. The Home Office is committed to making the best use of the available evidence. As the Minister of Immigration's letter of 24 May stated, the International Passenger Survey (IPS) is the foundation for the Office for National Statistics (ONS) figures on net migration. These are the best measures we have available, have been based on a consistent definition since 1991, are produced in accordance with National Statistics

codes of practice and are used widely across Government. However, where reliable supplementary data sources are available, they will form an element of the range of evidence that we draw on when formulating policy, and in due course e-Borders will provide increased border crossing data.

15. This is not just a question however of statistics. The Minister of Immigration's speech of 1 February drew attention to a range of different kinds of abuse of the system, ranging from outright deception by students and colleges to low standards in some parts of the sector who have been unregulated and often motivated primarily by financial rather than educational concerns. A proportion of the consistent rise in international student numbers over recent years has been due to a lax approach and the Home Office and UK Border Agency are determined to tighten policy and processes until we have confidence that student immigration is genuine, controlled and of a high quality.
16. We do not propose to comment further on the Impact Assessment at this stage as the Home Secretary has already given the detail of further evidence to the Committee about it. The majority of the costs in the Impact Assessment go to the issue of lost output to the economy as a result of jobs done by international students no longer being filled. As the Committee knows, we have asked the Migration Advisory Committee to review the assumptions made, in particular that no jobs previously done by international students will be replaced. But in any case, student visa policy is not driven by the economic contribution such students make through work carried out in addition to their studies.
17. We would also draw to the attention of the Committee the commentary on the website of Straight Statistics at <http://www.straightstatistics.org/article/funny-money-and-student-visas>, entitled "Funny Money and student Visas" which makes a number of pertinent points.



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