



UK Visas
& Immigration

Tier 4 of the Points Based System Guidance for Sponsors

version 03/2015

Document 1: Applying for or Renewing a Tier 4 Sponsor Licence and Highly Trusted Sponsor Status

This guidance covers:

1. Introduction to Sponsorship under Tier 4
2. Applying for a Tier 4 Sponsor Licence
3. Renewing a Tier 4 Sponsor Licence
4. Applying for Highly Trusted Sponsor Status
5. Renewing Highly Trusted Sponsor Status

Please also see the guidance documents ‘Applying for or Renewing a Tier 4 Sponsor Licence and Highly Trusted Sponsor Status’ and ‘Sponsor Duties and Compliance’

This guidance is to be used for all Tier 4 applications made on or after 04 March 2015

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[Annex 1: List of unspent convictions we will take into account](#)

Glossary

When we say	We mean
Care arrangements	Suitable arrangements for any children for their travel to the UK, reception at port and living arrangements while in the UK.
CAS	A Confirmation of Acceptance for Studies – a virtual document issued by a sponsor to a student to allow them to apply for a student visa under Tier 4.
CEFR	Common European Framework of Reference for Languages
Course start date	The date of enrolment in person, or induction on the course, whichever is the earlier.
Course end date	The date by which the student is expected to have completed all academic elements of the course – taught sessions, examinations including meetings with examination boards, assessments, including oral assessments and other formal assessments, and writing and submitting dissertations or theses. In the case of PhD students, academic elements include writing and correcting theses and oral (viva) examinations, provided the sponsor is satisfied that they can continue to carry out their sponsor duties for the student.
English language course	For PBS this means a course where a student is studying English as a Foreign Language.
Foundation degree	A programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations. In Scotland, a Higher National Diploma at level 8 on the Scottish Credit and Qualifications Framework, awarded by the Scottish Qualifications Authority is equivalent to a foundation degree.
HTS Status	Highly Trusted Sponsor status
Independent school	<p>For schools in England and Wales, this means any school at which full time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not a) a school maintained by a local education authority, or b) a special school not so maintained.</p> <p>For schools in Scotland, a school at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school.</p> <p>For schools in Northern Ireland, this means a school that has been registered with the Department of Education.</p>
Integrated programme	A study programme comprising study at more than one NQF level, such as a four-year programme comprising a foundation year and degree course. A programme is only considered an integrated programme where progression from one stage to another is automatic and only one qualification is awarded.
Joint venture	An entity formed by a joint venture agreement between two or more parties.
LTR	Leave to remain
NQF	National Qualifications Framework

Ownership and control	<p>Private providers are linked by common ownership or control if:</p> <ol style="list-style-type: none"> one entity controls the composition of the other entity's board; or one entity is in a position to cast, or control the casting of, more than half the maximum number of votes that might be cast at a general meeting of the other entity; or one entity holds more than half the issued share capital of the other entity (excluding any part of that issued share capital that carries no right to participate in a distribution of either profits or capital beyond a specified amount); or both entities have a common parent entity or individual that, itself or himself, or through other entities, meets one of the requirements in a, b or c (as set out above) in relation to both entities; or the entities have shared management and/ or compliance systems.
Parent(s) or legal guardian	The child's parent(s) or legal guardian, or just one parent who has the sole legal responsibility for the child.
Partnership	A collaborative arrangement between a Tier 4 sponsor and another organisation. Teaching partnerships allow a Tier 4 licence holder's students to undertake study of a specified type at a partner's site.
Pathway course	A course which prepares a student for progression to another course at a specific Higher Education provider. It does not include a pre-sessional course.
Publicly funded Colleges	<p>Colleges that are listed by the Association of Colleges on their website on the basis that they are Further Education Colleges, Further Education Corporations (FECs) or Sixth Form Colleges.</p> <p>For more specific information in relation to how this definition applies to educational establishments in England, Scotland, Wales and Northern Ireland please see the section called 'Educational oversight'.</p>
Pre-sessional course	<p>A course that prepares a student for, and directly precedes, their intended full time course of study in the UK and enables them to acquire the ancillary skills or knowledge necessary to adjust to study in the UK. This will usually be supplementary English Language training or some instruction in the British education system.</p> <p>Courses such as foundation degrees which are designed to give a student fundamental training in the subject area of the main course, and courses which form an integral part of the main course of study or replace part of it, are not considered pre-sessional courses.</p>
QCF	Qualifications and Credit Framework.
SCQF	The Scottish Credit and Qualifications Framework.

Settled Worker	<p>a) is a national of the UK;</p> <p>b) is a national of Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland who is exercising an EC Treaty Right in the UK; (please note that although not requiring sponsorship, workers from Croatia must have work authorisation in order to work lawfully, unless exempt. Employers commit an offence by employing Croatian nationals who have failed to comply with the work authorisation requirements);</p> <p>c) is a British overseas territories citizen, except those from Sovereign Base Areas in Cyprus. (Those included are Anguilla, Bermuda, British Antarctic Territory, British Virgin Islands, British Indian Ocean Islands, Cayman Islands, Falkland Islands and dependencies, Gibraltar, Montserrat, Pitcairn Islands, St. Helena and Dependencies and Turks and Caicos Islands);</p> <p>d) is a Commonwealth citizens who was allowed to enter or to remain in the UK on the basis that a grandparent was born here;</p> <p>e) has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.</p>
Site	A location at which Tier 4 students are taught.
SMS	The Sponsor Management System.
Teaching hospital	Any hospital used by an Higher Education Institution (HEI) (including the UK Foundation Programme Office, Health Education Yorkshire and the Humber and Health Education South London) to teach Tier 4 students.
Tier 4 register of sponsors	The register that all Tier 4 sponsors appear on once we have given them a licence to bring students to the UK.

UK Higher Education Institution (HEI)	<p>A recognised body, or a body that receives public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council. We also accept:</p> <ul style="list-style-type: none"> • Richmond, the American International University in London, as an HEI because it is recognised in statute in the Education (Recognised Awards) (Richmond The American International University in London) Order 2006. • The UK Foundation Programme Office as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate doctors. • Health Education Yorkshire and the Humber, and Health Education South London, as HEIs for sponsored students undertaking a recognised Foundation Programme for postgraduate dentists. <p>You will find UK HEIs on the following websites:</p> <ul style="list-style-type: none"> • England: http://www.hefce.ac.uk/TheRegister/ • Scotland: http://www.sfc.ac.uk/aboutus/council_funded_institutions/WhoWeFund.aspx • Wales: https://www.hefcw.ac.uk/about_he_in_wales/higher_education_institutions/he_institutions.aspx • Northern Ireland: www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division.htm <p>Recognised bodies: https://www.gov.uk/recognised-uk-degrees#recognised-bodies www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies</p>
'You' or 'Your'	The sponsor organisation or prospective sponsor organisation, including any owner, director, authorising officer, key contact, level 1 user and anyone involved in your day-to-day running.
We/us/our	Home Office
Working Days	Any day other than Saturday or Sunday, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom to which the notice is sent, Christmas Day or Good Friday.

Current paragraph number	Previous paragraph number	What has changed?
N/A	N/A	We have updated the glossary definitions of: <ul style="list-style-type: none"> • Settled worker; • UK Higher Education Institution; and • Added new definitions regarding sites and teaching partnerships.
3	3	We have updated the 'exceptions' diagram at 3 b) with regard to sponsors of post-graduate doctors and dentists.
57-78	57-75	We have clarified the ways in which your sponsor licence can be structured and introduced transitional arrangements for existing Tier 4 sponsors.
133	N/A	We have clarified that a private provider must hold educational oversight for all of its sites if it has more than one site listed on its sponsor licence.
138-139	N/A	We have clarified that educational oversight bodies must now assess your institution's financial sustainability, management and governance as part of the educational oversight assessment.
150	144	We have clarified that we will check whether you have been named as 'key personnel' at any institution which was refused specific course designation, or had specific course designation removed, during your time at the institution.
161-163	155	We have clarified the documentary requirements for adding more than one site or a partner institution to your sponsor licence application.
271	N/A	We have clarified that an independent school will be assessed on a discretionary basis for HTS purposes.

Section 1: Introduction to sponsorship under Tier 4

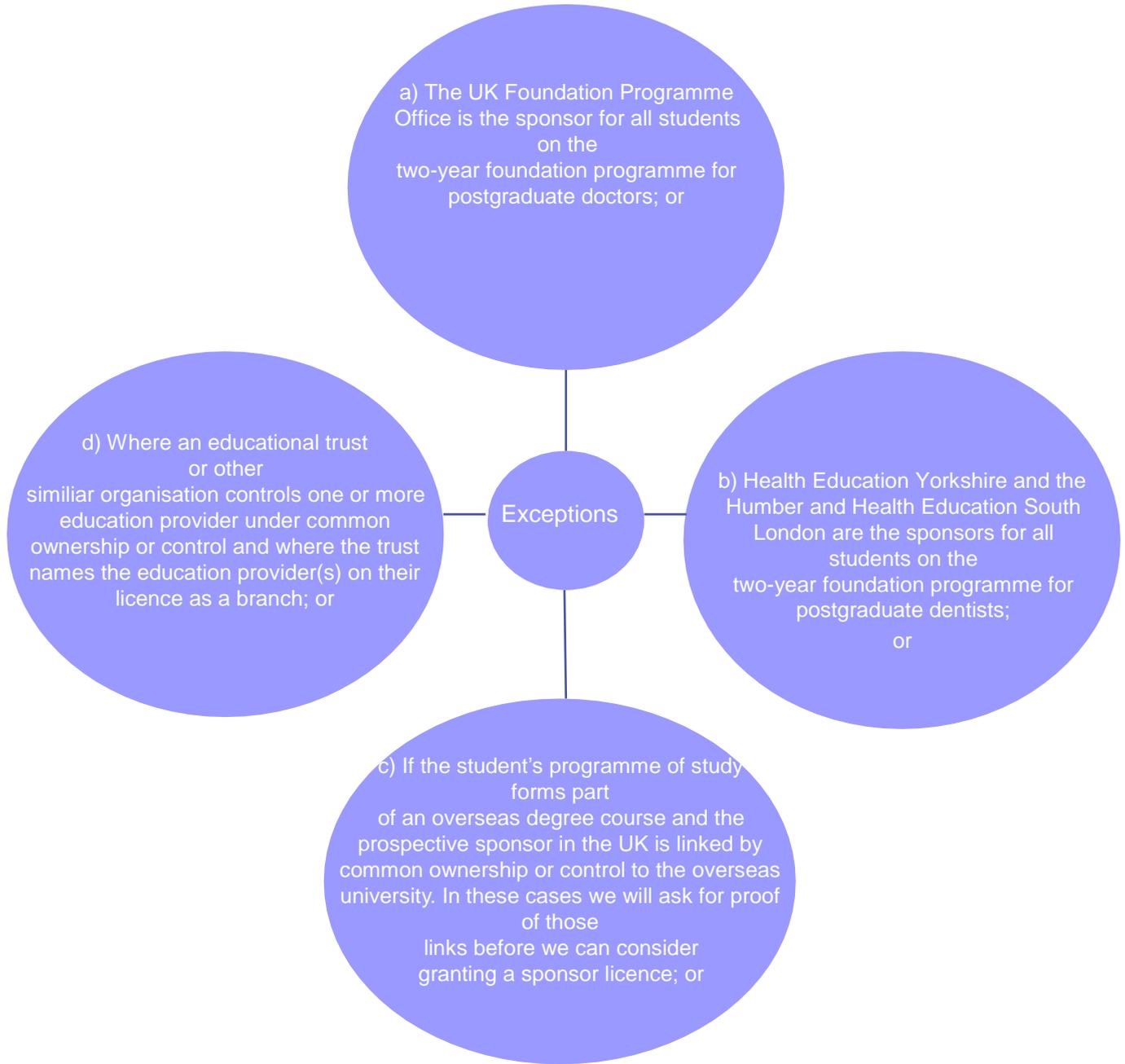
This section gives information on:

- What is sponsorship?
- What is Tier 4 and who is it for?
- The Tier 4 sponsor licence
- HTS Status
- Abuse of sponsorship
- Care arrangements

What is sponsorship?

1. Sponsorship is based on two basic principles. They are that:
 - a. those who benefit most directly from migration (employers, education providers or other bodies that bring in migrants) help to prevent the system being abused; and
 - b. those applying to come to the UK to work or study are eligible to do so and a reputable employer or education provider genuinely wishes to take them on.
2. Before someone can apply to come to, or stay in the UK to study under Tier 4 of the points-based system, they must have a sponsor. The sponsor is an education provider that offers courses of study within the UK and has a licence to sponsor students so they can take those courses.
Sponsorship:
 - a. provides evidence that the student will study for an approved qualification; and
 - b. places duties on the sponsor that it must abide by.
3. A Tier 4 sponsor is an education provider that offers courses of study to full-time students. There are four exceptions which are detailed in the diagram below titled Exceptions.

Exceptions



4. Separate guidance exists for UK employers who want to sponsor migrants to come to the UK to work. This can be found on our pages on the Gov. uk website using the link below: www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators#sponsorship-policy-guidance

What is Tier 4 and who is it for?

5. Tier 4 of the points-based system is the primary immigration route available to students who want to study full-time in the UK. They must be sponsored by an education provider that has a sponsor licence. Education providers can apply for a licence in two categories:

- a. Tier 4 (General) student. This is for anyone who comes to the UK for their post-16 education.
- b. Tier 4 (Child) student. This is for children between the ages of 4 and 17 (inclusive) who come to the UK for their education. Children aged between 4 and 15 (inclusive) may only be educated at independent, fee-paying schools.
- c. if the student is over the age of 16 and under the age of 18, then they can apply under either the Tier 4 (General) or the Tier 4 (Child) category.

6. The Student Visitor and Child Visitor routes are available for students to come to the UK for short periods of study. You can find out more about the visitor routes on our pages on the Gov.uk website using the link below: www.gov.uk/browse/visas-immigration/short-visit-visas

7. State schools, including those with sixth forms, cannot admit students who come to the UK under Tier 4. If we receive an application for a Tier 4 sponsor licence from a state school, we will reject it and refund the fee.

The Tier 4 sponsor licence

8. A sponsor licence is valid for four years unless we revoke it or you surrender it before it expires. The four years runs from the date your licence is granted. To continue sponsoring students, the licence must be renewed after four years. If the licence is not renewed it will expire. If your license expires you will no longer be listed on the register of sponsors nor will you be allowed to continue sponsoring existing students or recruit new students.

9. We expect all Tier 4 sponsors to be education providers who can meet the standards we have set for highly trusted sponsors. When you successfully apply for a Tier 4 sponsor licence, we will give you an A-rating. This is a transitional rating for 12 months. You must apply for [HTS status](#) no later than 12 months from the date that you were granted your licence.

10. We reserve the right to take action against you if we have reason to believe you pose a threat to immigration control.

11. We will suspend your licence if you:

- a. cannot meet the standards we have set for HTS status after you have had your licence for 12 months; or
- b. do not apply for HTS status when you have had your licence for 12 months; or
- c. your application to renew your HTS status is refused; or
- d. already have HTS and you do not apply to renew it before it expires.

You will then have 20 [working days](#) from the date stated on your written notification to submit further representations. If, following the consideration of any representations received in this period, you still fail to meet the criteria to be awarded HTS your licence will be revoked. We will not consider any further representations outside of this period.

12. Once you have a sponsor licence under Tier 4 you will be able to assign CAS to students wishing to come to the UK to study. We will decide how many CAS you can assign.

HTS Status

13. HTS status is designed to ensure that all education providers are taking their obligations on immigration compliance seriously. It recognises sponsors who show a good history of compliance with their sponsor duties and whose students meet the standards of compliance with the terms of their visa or permission to stay in the UK (known as 'leave to remain').

14. HTS status was automatically given to A-rated independent schools in April 2011 for one year. Since 6 April 2012, we no longer automatically give HTS to independent schools. Please see the section called '[How we consider an HTS application](#)' for full details.

Abuse of sponsorship

15. We treat any allegation of abuse of the sponsorship arrangements in the strictest of confidence. Anyone with information about abuse of the sponsorship arrangements can contact us by emailing: EducatorsHelpdesk@homeoffice.gsi.gov.uk

Care Arrangements

16. You must ensure suitable [care arrangements](#) are in place for a child under the age of 18 who will study in the UK. These include arrangements for their:

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

17. The maintenance requirements for a student in Tier 4 (Child) depend, in part, on:

- a. their care arrangements; and

- b. the location of the school at which they will study.

18. All arrangements for a child's care and accommodation in the UK must comply with relevant UK legislation and regulations. You can find information on the regulations for private foster care arrangements and inspection regulations for national minimum standards at:

- a. Accommodation of students under 18 by further education colleges: national minimum standards, inspection regulations:

http://webarchive.nationalarchives.gov.uk/20071001175105/dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629

- b. Boarding schools: national minimum standards, inspection regulations: webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006331

- c. Residential special schools: national minimum standards, inspection regulations: webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/PublicationsandStatistics/Publications/PublicationsPolicyAndGuidance/DH_400647

19. If a student in Tier 4 (Child) will be cared for in a private foster care arrangement during their stay in the UK or when a private foster care arrangement starts for a Tier 4 (Child) student who is already in the UK, you must, as soon as you are either aware that they have arrived or aware of the change, give the local authority in whose area the child will live:

- a. the name of the foster carer; and
- b. the address where the foster carer and the student will live.

If you fail to do this, we will immediately revoke your licence.

20. A student aged 16 or 17 has the legal right to live independently in the UK, and may make their own accommodation arrangements. However, when a 16- or 17-year-old applies for a visa under Tier 4 (General), they must have their parents' permission to both travel to the UK and to live independently. For more information, see the Tier 4 migrant guidance on our pages on the Gov.uk website using the link below: www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student.

Section 2: Applying for a Tier 4 sponsor licence

This section gives information on:

- How do I get a sponsor licence?
- What to consider before applying for a sponsor licence
- Who can be a Tier 4 Sponsor
- How we check your sponsor licence application
- How we make a decision on your sponsor licence application
- What happens after we make a decision on your sponsor licence application?

How do I get a sponsor licence?

This sub section gives information on:

- Applying Online
- Sponsorship Fees
 - Licence Application Fees
 - Fee for assigning a CAS
- Using a representative to help you apply
- Contact point for queries

21. To get a sponsor licence, you must apply to us using the online form and supply specified documents to prove that you are suitable and eligible. These documents are listed in [Appendix A](#).

22. We treat all sponsorship applications as confidential. We may, however, use the information that you provide to us when you apply for a licence or at any time throughout the period of your licence in accordance with the Home Office Personal Information Charter. In certain circumstances details may be passed to other government departments and agencies, local authorities and fraud prevention agencies for immigration purposes, the prevention of fraud and criminality and/or to help them carry out their functions. These bodies may provide the Home Office with information about you and your employees. Further details explaining when information may be passed to other bodies, and how that information may be used, can be obtained from the Home Office website.

23. If you use deception to obtain a licence you may be committing a criminal offence.

24. To become a sponsor and be listed on the sponsor register, you must meet all of the requirements in the table below titled 'Sponsor checklist for becoming a sponsor'.

Sponsor checklist for becoming a sponsor

You must:	✓
Complete and submit the online application. (This includes a declaration from you that you agree to meet all of the duties associated with being a licensed sponsor - for more information on sponsor duties, please see the guidance document titled ' Sponsors' Duties and Compliance ')	
Pay the correct fee (for more information please see the section titled ' Sponsorship Fees ')	
Provide proof that you are based in the UK and provide original or certified copies of the documents listed in Appendix A , unless we say otherwise, to establish that you are genuine and operating or trading lawfully in the UK, and with the appropriate planning permission or local planning authority consent to operate the type or class of business at your trading address. For more information on supporting documents, please see the section titled 'Supporting Documents'	
Meet the eligibility and suitability requirements. For more information, please see the sections titled ' Who can be a Tier 4 sponsor? ' and 'Suitability for a sponsor licence'.	
Show there are no reasons to believe that you are a threat to immigration control	

25. When you complete the online sponsor licence application, you must specify which tiers, categories and subcategories you wish to be licensed under. You can choose as many as you need provided you are eligible for them. If your application is successful these will then be the only tiers, categories or subcategories you can sponsor a migrant under.

26. Licence applications may be rejected, refused or granted with an A-Rating. For more information about the decision we may make on your application, please see the section titled '[How we make a decision on your application](#)'.

27. If your application for a licence is granted, you will then be able to assign [Confirmation of Acceptance for Studies \(CAS\)](#) to students who wish to study with you. We will decide how many CAS you will be allowed to assign. For more information on CAS, please see the section titled 'How many CAS will I be allowed to assign' in this document and the section titled 'What is a CAS?' in the '[Assigning a CAS and Sponsoring Students](#)' guidance.

28. As a licensed sponsor you must meet certain duties such as informing us if students do not enrol for studies or are absent without permission for a significant period. You must keep records on the students you sponsor, including up-to-date contact details and a copy of their biometric residence permit (BRP) (previously known as the Identity Card for Foreign Nationals (ICFN)). You must also give any documents to us on request. We will monitor your ability and

willingness to always comply with your duties. For more information on sponsor duties, please see the [‘Sponsor Duties and Compliance’](#) guidance.

29. You have a duty to act honestly in any dealings with us. This includes, for example, not making false statements and ensuring all essential information is disclosed when applying for a sponsor licence, assigning or applying for a CAS or while you are a sponsor.

30. If we believe you have not complied with your duties, have knowingly provided false statements or false information, are being prosecuted for a relevant offence (please see the table in the section titled ‘When we will refuse a sponsor licence application’ for what constitutes a relevant offence) or have not provided information that you held when required to, or pose a threat to immigration control in some other way, we will take action against you. For more information on the action we may take and the processes we will follow in such cases, please see the section titled ‘What will happen if I don’t comply with my sponsor duties’ in the [‘Sponsors’ Duties and Compliance’](#) guidance.

Applying online

31. Applications for a licence can only be made and paid for online, using the online sponsor application located on our pages on the GOV.UK website using the following link: www.points.homeoffice.gov.uk/gui-sponsor-jsf/SponsorHome.faces. You must read these guidance notes before applying, in particular the section titled, [‘What to consider before applying for a licence’](#). [Appendix A](#) sets out the documentary evidence required to validate your application.

32. The process for applying online is:

- a. Register online with your name and email address at: www.points.homeoffice.gov.uk/gui-sponsor-jsf/SponsorHome.faces.
- b. Complete your application online, pay the fee online, print off your submission sheet and send it to us with your supporting documents.
- c. We process your sponsor application, making any checks that are necessary.
- d. We notify you of our decision.
- e. If we give you a sponsor licence, your organisation name and rating are published on our register of sponsors.

33. If you gather all the necessary information before starting, the application should take about 30 minutes to complete. If you want to keep a copy of it for your records, you must write down what you have put in the application as you complete it because we cannot provide copies of sponsor licence applications.

34. You must make the application yourself. A representative can help you to complete your application, but must not send it on your behalf. If we find this has happened, we will refuse your application and not refund your fee.

35. The online sponsor application asks you to indicate which tiers, categories, or subcategories you wish to be licensed under. You can select as many as you will need.

36. If your licence is granted, these will be the only tiers under which you will be able to sponsor people.

37. Once you have submitted your online application, you must send the following to validate it:

- a. the original submission sheet (not a certified copy), signed and dated by the authorising officer (all pages must be sent); and
- b. all of the mandatory documents listed on the submission sheet (originals or certified copies).

These must all be sent in together within five working days of the date you submit your online application.

38. If any mandatory items are missing or incorrect, your application will be invalid. We reject invalid applications and refund the application fee.

39. If there are any documents specified in [Appendix A](#) (other than mandatory documents) missing from your application, or if we require any more documents or information, we will contact you by email. We will give you five working days to send the documents or information we ask for. If you are sending in anything by post in response to our email request, you must respond, within the deadline, by return email, informing us that you have posted the information and providing any postal reference or tracking numbers.

If you have not contacted us by the deadline date specified, we will assume that you have not responded and your application will then be refused and your fee will not be refunded. It is important that your authorising officer and key contact are available to deal with any requests we may need to make.

40. We always email the person named as your key contact if we need any further information or documents. We may also email your authorising officer.

Sponsorship fees

Licence application fees

41. There are fees for the initial application for a sponsor licence, to renew an existing sponsor licence and when applying for HTS status. There may also be a fee to extend your existing licence by adding other Tiers. In addition to the licensing fee, you must pay another fee for each CAS you assign. Full payment guidance is located on our pages on the Gov.uk website using the following link: www.gov.uk/government/publications/uk-visas-and-immigration-fees.

42. If you do not pay the correct fee, we will reject your application and return it with your fee, unless you have overpaid for the tier/categories you have applied for. In which case we will continue to consider your application and return the excess.

Fee for assigning a CAS

43. You must pay a fee for every CAS that you assign. We will only accept on-line payments for these transactions. Full payment guidance is located on our pages on the Gov.uk website using the following link: www.gov.uk/government/publications/uk-visas-and-immigration-fee.

44. Even if a student does not use the CAS in an application to us, you will pay the fee for assigning it. To ensure that you do not waste a CAS, you should check that the student is likely to apply and pass the points-based assessment. The Tier 4 Policy Guidance for students will help you and you can find this guidance located on our pages on the Gov.uk website using the following link: www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student.

Using a representative to help you apply

45. You can use the services of a representative to help you complete the online application for a sponsor licence but they can't submit the application on your behalf. If they do, we will refuse your application and will not refund your fee.

46. A representative is:

a. a person who is qualified to provide immigration advice or services in accordance with section 84 of the Immigration and Asylum Act 1999 by being:

- regulated by the Office of the Immigration Services Commissioner (OISC);
- exempt by ministerial order from the requirement to be regulated; or
- otherwise comply with section 84.

b. a regulated member of a designated professional body, or is working under the supervision of such a person. The bodies listed in the 1999 Act are the:

- Law Society;
- Law Society of Scotland;
- Law Society of Northern Ireland;
- Institute of Legal Executives;
- General Council of the Bar;
- General Council of the Bar of Northern Ireland; and
- Faculty of Advocates.

47. To act on your behalf a representative must be:

- a. in one of the above categories; and
- b. based in the UK.

48. If they act on your behalf without being 'qualified' under the Immigration and Asylum Act 1999, they may be committing a criminal offence.

49. Anyone compliant with Section 84 through exemption by ministerial order still has to comply with the OISC code of standards.

50. If you are unsure of your representative's status you should contact the OISC, which has a list of organisations and advisers it has authorised. You can contact them:

By post:

The Office of the Immigration Services Commissioner (OISC)

5th Floor

Counting House

53 Tooley Street

London

SE1 2QN

By phone: 0845 000 0046 (calls charged at local rate)

By fax: 020 7211 1553

By email: info@oisc.gov.uk

Website: www.oisc.homeoffice.gov.uk

51. The OISC website has links to websites for solicitors, advocates, barristers and legal executives and the Community Legal Service. These links can be found at: www.oisc.homeoffice.gov.uk/howtofindaregulatedimmigrationadvisor/.

52. If after receiving a licence you wish to use the services of a representative you must formally appoint one using the sponsorship management system (SMS). For more information on the SMS please see the section titled 'What is the SMS' in the '[Assigning CAS and Sponsoring Students](#)' guidance.

53. We will not deal with any communications from a representative acting on your behalf unless they have been appointed by you. You can tell us that a representative has helped you fill in your licence application at the application stage. However you can only appoint them at the licence application stage if you also appoint them as a key contact and/or level 1 user.

Contact point for queries about the application process

54. If you have any queries about the application process please contact us by telephone on 0300 123 4699, or by email at: EducatorsHelpdesk@homeoffice.gsi.gov.uk.

What to consider before applying for a sponsor licence

This sub section gives information on:

- Sites and teaching partnerships
- Key Personnel
 - Nominating key personnel
 - Contact details for key personnel
 - Checks we make on key personnel
 - Authorising officer
 - Key contact
 - Level 1 User
 - Level 2 User
- Estimating the number of students you want to sponsor.

55. Before you apply for your licence, you need to make some decisions and arrangements which we explain below.

56. This guidance refers to Appendices A, B, C and D. They are separate documents because they contain detailed information. You can find them on our pages on the Gov.uk website using the following link: www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators.

Sites and teaching partnerships

Guiding principles

57. The Tier 4 sponsorship system is based on a direct relationship between a sponsor and the student that they are sponsoring to study in the UK. This allows a sponsor to fulfil its sponsorship duties effectively.

58. Education providers have a wide range of corporate structures and collaborative arrangements for delivering education in partnership with others. These are permitted under Tier 4 but they must not distort or dilute the relationship between a sponsor and a student that underpins the effective functioning of the Tier 4 system.

59. In order to ensure that the Tier 4 sponsorship system works effectively where there are collaborative arrangements, the relationship between institutions must be open and transparent so that the sponsorship of Tier 4 students can be monitored effectively. This will also ensure that students receive the appropriate conditions of stay, as laid out in the Immigration Rules.

60. We apply the following general principles to all arrangements to ensure that sponsors take their responsibilities seriously, and can fulfil their duties:

- an institution which teaches Tier 4 students must take responsibility for sponsoring them
- an institution or an umbrella organisation may not hold more than one Tier 4 licence

61. The requirements set out in the next section give effect to these principles. Special provisions have been made for some specific exceptional arrangements where an embedded college or joint venture is an autonomous institution with close links to a single HEI.

62. Tier 4 sponsors who are planning a new site, arrangement, or partnership that is not covered in the section below, should consult UKVI on the next steps to take. Arrangements or partnerships that circumvent the Immigration Rules or this guidance will be considered to be abuse of the Tier 4 sponsorship system, and compliance action may be taken against the Tier 4 sponsor and/or its partners in such circumstances.

63. The provisions for listing sites, exceptional arrangements and teaching partnerships on Tier 4 licences changed on 4 March 2015, when new requirements were introduced. See ‘transitional arrangements’ below for information on how this affects sponsors who held a Tier 4 licence on 1 December 2014.

Requirements

64. The following tables set out the ways in which sponsors may list sites and partnerships on their Tier 4 licence, and sponsor Tier 4 students.

Table 1 sets out the main categories of sponsors in Tier 4. All sponsors must fall within a category in Table 1, unless UKVI has agreed that they fall within Table 2. No sponsor can fall within more than one of the categories in Table 1. Table 2 sets out exceptional arrangements, and Table 3 sets out teaching partnerships under which an institution may only assign CAS if they are teaching the majority of a course on their site.

65. All institutions teaching Tier 4 students must fall under one of the categories in Tables 1 or 2. If an institution has doubts as to whether they fall under one of those categories, it must contact UKVI immediately as it may be operating in breach of this guidance.

Table 1 - Tier 4 sponsor types and licences

66. Other than institutions with the exceptional arrangements set out in Table 2, all institutions sponsoring Tier 4 students must fall under one of the following categories. These sponsors should hold a single licence listing all of the sites that they wish to use to teach Tier 4 students, and cannot hold multiple Tier 4 licences unless the exemption for independent schools applies.

Sponsor type	Sponsor site description and specific conditions
HEI	An HEI should list on its Tier 4 licence all sites which are part of the HEI and that it will use to teach Tier 4 students, including any teaching hospitals, and any sites used by any joint venture entity set up to deliver higher education courses (but see exceptional arrangements in Table 2 below relating to short term joint ventures). With the exception of teaching hospitals, these sites must be fully integrated with broadly the same policies, procedures and regulations applying across the HEI in relation to Tier 4 students. There should be processes in place to ensure that this is delivered in practice in all sites.

Sponsor type	Sponsor site description and specific conditions
	<p>The HEI must have central oversight of marketing and of the recruitment and the admission of non-EEA students across all of its sites.</p> <p>The HEI must have the same processes in place to quality assure course delivery and to conduct student assessments across all of its sites.</p> <p>Exceptional arrangements in Table 2 must also be listed on an HEI's Tier 4 licence.</p>
Publicly funded college	<p>A publicly funded college should list all sites that it will use to teach Tier 4 students on its Tier 4 licence.</p>
Private provider	<p>A private provider should list all sites that that it will use to teach Tier 4 students on its Tier 4 licence.</p> <p>An institution which does not fall into one of the other categories in either Table 1 or 2 is considered to be a private provider.</p> <p>Private providers linked to one another by common ownership or control must be grouped under a single Tier 4 licence, including where they are part of a franchise.</p> <p>A private provider may only hold more than one licence if:</p> <ul style="list-style-type: none"> • it owns or controls one or more independent schools which hold separate Tier 4 licences (see below); or • UKVI agrees that one or more of the private provider's sites is an embedded college offering pathway courses and the embedded college holds a separate Tier 4 licence (see Table 2). <p>Where a private provider has more than one type of education institution on its licence, the institutions may have educational oversight from different educational oversight bodies – see the section called 'Educational oversight' for further information.</p> <p>Grouping sites under a single licence should not prevent a private provider from putting effective policies and procedures in place at a local level across all sites in order to comply with its sponsorship duties, such as day-to-day student contact and attendance management.</p>
Independent school	<p>An independent school should list on its Tier 4 licence all sites that it will use to teach Tier 4 students.</p> <p>An independent school that is linked by common ownership or control to a private provider or one or more independent schools may be grouped</p>

Sponsor type	Sponsor site description and specific conditions
	with them under a single Tier 4 licence. Alternatively, an independent school may hold a separate Tier 4 licence.
Overseas HEI	<p>An overseas HEI which offers short-term study abroad programmes should list on its Tier 4 licence all sites in the UK that it will use to teach Tier 4 students.</p> <p>To be recognised as an overseas HEI, the institution’s Tier 4 students must:</p> <ul style="list-style-type: none"> • enrol in their home country; • study in the UK for no more than 50 per cent of the total length of their course; and • return home to finish their degree course (which must be equivalent to a UK degree). <p>The overseas HEI must provide evidence that:</p> <ul style="list-style-type: none"> • it has overseas accreditation which can be confirmed by UK NARIC as offering degree programmes resulting in qualifications which are equivalent to UK degree-level or above; • it intends to teach only part of its programmes in the UK. For example, its students enrol on full time degree programmes at a site outside the UK and study only part of their overall degree programme in the UK, before returning overseas to finish their studies; • if it runs its study abroad programmes on its own site in the UK, it has full legal control of that site, including holding the appropriate planning permission or local planning authority consent to operate the type or class of business, and it owns or has a lease agreement for that site; and • if it rents or uses classroom space in the UK that is provided by a third party for its study abroad programmes, the space must be within an institution which also has a Tier 4 licence. It must provide evidence of the facilities it is renting or using, and that it has full legal control of the site it uses. If the third party’s own Tier 4 licence is revoked it must find classroom space with another Tier 4 sponsor within six months of that licence being revoked.

Table 2 - Exceptional arrangements

67. Table 2 sets out certain exceptional arrangements which may be used to teach Tier 4 students. These exceptional arrangements will not be regarded as compliant with this guidance until UKVI has considered and granted them either as part of an application for a Tier 4 licence or an application for the arrangements to be added on a Tier 4 licence. The application must be supported by the relevant partner HEI and include supporting

documentation showing that the exceptional arrangement meets the specific conditions set out below. Please see the section called '[Educational oversight](#)' for information.

Exceptional arrangement	Description	Specific conditions
Embedded college offering pathway courses	A private provider, usually part of a network and operating within or near to the premises of an HEI, delivering pathway courses which prepare students for entry to higher education programmes at that HEI. This does not include pre-sessional courses.	<p>The embedded college may hold its own Tier 4 licence. If so, it must not be listed on either the HEI or the private provider's licence and any students wishing to study at the embedded college must be sponsored by it on its own licence.</p> <p>Alternatively, it can be listed as a site as an exceptional arrangement on the private provider's Tier 4 licence but not as a site or otherwise on the HEI's Tier 4 licence.</p>
Embedded college offering integrated programmes	A private provider, usually part of a network and operating within or near to the premises of an HEI, delivering integrated higher education programmes which students complete at that HEI. This does not include pre-sessional courses.	The embedded college must be listed as an exceptional arrangement on the relevant HEI's Tier 4 licence. Any students wishing to study at the embedded college must be sponsored by the relevant HEI.
Embedded college set up as a joint venture	<p>An entity created by a joint venture agreement between an HEI and a private provider, usually as part of a network, to deliver pathway courses which prepare students for entry to higher education programmes at that HEI. This does not include pre-sessional courses.</p> <p>The joint venture entity must have an expected minimum contractual duration of 10 years. Robust shared governance and shared processes with the HEI must be set out clearly in the joint venture agreement.</p>	The embedded college must be listed as an exceptional arrangement on the relevant HEI's Tier 4 licence. Any students wishing to study at the embedded college must be sponsored by the relevant HEI.
Short term joint venture	There may be circumstances where UKVI accepts that it is	The entity must be listed on the relevant HEI's Tier 4 licence. Any

Exceptional arrangement	Description	Specific conditions
arrangement	<p>necessary to treat a joint venture entity delivering higher education courses as an exceptional arrangement for a time-limited period only. The HEI must justify why it is necessary to set up a joint venture entity, rather than setting up either a new site or any of the other teaching arrangements in this guidance, in order to deliver their higher education courses. Further, the HEI must confirm that the majority of its students being taught at the joint venture entity are or will be from the UK, another EEA country or Switzerland.</p> <p>If UKVI agrees to add the entity to the HEI's Tier 4 licence as a short-term joint venture entity rather than a site, the HEI will be allocated a small number of additional CAS for this joint venture entity for a time-limited period only.</p>	students wishing to study at the entity must be sponsored by the relevant HEI.

Table 3 - Teaching partnerships

68. A sponsor must list all the teaching partnerships it wishes to use to teach Tier 4 students on its sponsor licence. Where both partners are Tier 4 sponsors, the partnership must be listed on both licences regardless of which sponsor is issuing CAS under the partnership.

Tier 4 sponsor type	Partnership description	Specific conditions
HEI	<p>Partnership to deliver a pre-session course</p> <p>A partner provider delivers short pre-session courses to an HEI's Tier 4 students.</p>	<p>The partner provider may or may not hold its own Tier 4 licence. It must hold its own Tier 4 licence where it is required to assign a separate CAS for the pre-session course, as set out below.</p> <p>The HEI may assign a CAS which</p>

Tier 4 sponsor type	Partnership description	Specific conditions
		<p>covers both a pre-sessional course at the partner institution and the main degree course at the HEI, but only where it has made an unconditional offer for the degree course; the pre-sessional course is no more than three months long; and the pre-sessional course ends no more than one month before the main degree course.</p> <p>Where the pre-sessional course is an English language course, the student must also have demonstrated their ability to speak English at B1 level by providing a SELT meeting the requirements of the Immigration Rules and this guidance, and the HEI must be satisfied that on completion of the pre-sessional course the student will have reached B2 level and will proceed to the main degree at the HEI.</p> <p>In all other circumstances, the partner institution must assign a separate CAS for the pre-sessional course.</p>
HEI	<p>Partnership with another HEI to deliver a course</p> <p>An HEI has entered into a partnership with another HEI to teach a course to Tier 4 students.</p>	<p>Both HEIs must hold a Tier 4 licence with HTS status.</p> <p>The HEI teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student.</p>
HEI	<p>Partnership with a publicly funded college or private provider to deliver a course</p> <p>An HEI has entered into a partnership with a publicly funded college or a private provider to teach a course to Tier 4 students.</p>	<p>Both the HEI and the partner institution must hold a Tier 4 licence with HTS status.</p> <p>Where a Tier 4 student is taught by the HEI at one of its sites for over half the duration of the course, the HEI must sponsor the student.</p> <p>In all other circumstances, the</p>

Tier 4 sponsor type	Partnership description	Specific conditions
		publicly funded college or private provider must sponsor the student.
Publicly-funded college	<p>Partnership with another publicly-funded college to deliver a course</p> <p>A publicly-funded college has entered into a partnership with another publicly-funded college to teach a course to Tier 4 students.</p>	<p>Both publicly-funded colleges must hold Tier 4 licences with HTS status.</p> <p>The publicly-funded college teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student.</p>
Publicly-funded college	<p>Partnership with a private provider to deliver a course</p> <p>A publicly funded college has entered into a partnership with private provider to teach a course.</p>	<p>Both the publicly funded college and the private provider must hold a Tier 4 licence with HTS status.</p> <p>Where a Tier 4 student is taught by the publicly funded college at one of its sites for over half the course duration, the publicly funded college must sponsor the student.</p> <p>In all other circumstances, the private provider must sponsor the student.</p>
Private provider	<p>Partnership with another private provider to deliver a course</p> <p>A private provider has entered into a partnership with another private provider to teach a course to Tier 4 students.</p>	<p>Both private providers must hold Tier 4 licences with HTS status.</p> <p>The private provider teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student.</p>
Independent school	<p>Partnership to deliver a pre-sessional course</p> <p>A partner provider delivers short pre-sessional courses to an independent school's Tier 4 students.</p>	<p>The partner provider may or may not hold its own Tier 4 licence. It must hold its own Tier 4 licence where it is required to assign a separate CAS for the pre-sessional course, as set out below.</p> <p>The independent school may assign a CAS to a student to study a pre-sessional course at the partner institution where:</p>

Tier 4 sponsor type	Partnership description	Specific conditions
		<p>(i) an unconditional offer has been made to a Tier 4 (Child) student for a main course of study at the independent school; and</p> <p>(ii) the total length of the pre-session course plus the main course of study is not more than the maximum time for which the applicant may stay in the UK as a Tier 4 (Child) student.</p> <p>In all other circumstances the partner institution must assign a separate CAS for the pre-session course.</p>
Independent school	Partnership with another independent school to deliver a course	<p>Both independent schools must hold Tier 4 licences with HTS status.</p> <p>The independent school teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student.</p>

Before applying to add a site, exceptional arrangement or a teaching partnership to a Tier 4 licence

69. A sponsor wishing to add a site (specified in Table 1), exceptional arrangement (specified in Table 2) or a teaching partnership (specified in Table 3) to its Tier 4 licence must meet the following conditions before making an application to UKVI to do so:

- There must be a contractual agreement to teach students in the manner specified, if more than one institution is involved.
- There must be a sufficient level of planning permission for any site involved (whether this is under Table 1, 2 or 3), and the sponsor must be able to provide evidence (for example, a business plan) of how they intend to use the site.
- The sponsor must notify its educational oversight body of its plans to begin teaching at a new site (whether this is under Table 1, 2 or 3) and take any steps required by the body to maintain its educational oversight. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its Tier 4 licence meets the [educational oversight](#) requirements set out in this guidance.

- The sponsor must have systems in place to ensure it can meet its sponsorship duties in respect of students it would like to teach at the site, at the exceptional arrangement or under the teaching partnership.

This is in addition to the specific conditions set out in the relevant Table (Table 1, 2 or 3 in this section).

Applying to add a site, exceptional arrangement or teaching partnership to a Tier 4 licence

70. A sponsor wishing to add a site, exceptional arrangement or teaching partnership to its Tier 4 licence must apply to do so using the Sponsor Management System (SMS), in accordance with paragraph 25c of [Document 3](#) of this guidance.

71. UKVI will verify the application and the documents provided with it, especially if there are reasonable doubts about them, in line with the sections entitled '[Supporting evidence – documents](#)' and '[Document checks](#)' in Document 1 of this guidance. UKVI may visit the sponsor and/or the new site or partner and carry out compliance checks as part of the pre-assessment process. UKVI may also request further documents.

72. Applications will be considered on a case by case basis. UKVI may refuse the application if:

- the sponsor fails to provide the information required to reach a decision within 10 working days of UKVI's written request;
- the application does not meet the criteria set out above; or
- the sponsor or any of the sites or institutions involved in the teaching partnership or exceptional arrangement has failed to comply with the Immigration Rules or sponsor guidance in the past.

73. Until the application has been granted, the sponsor may not:

- assign CAS to Tier 4 students to be taught at the new site;
- teach any Tier 4 students at the new site (unless this is under the transitional arrangements set out below); or
- allow any of its Tier 4 students to study at the partner institution's site.

74. If the application is granted, the sponsor must notify its educational oversight body, and comply with the educational oversight body's directions on any further action that may be necessary in order for it to maintain its educational oversight. Failure to do this or to update UKVI on steps being taken to comply with any direction by the educational oversight body will lead to the site (whether this falls under Table 1, 2 or 3) being removed from the Tier 4 sponsor's licence. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its Tier 4 licence meets the educational oversight requirements set out in this guidance.

75. For the avoidance of doubt, non-compliance with the Immigration Rules or sponsor guidance on any site will result in action against the sponsor and affect the whole Tier 4 licence, including all sites, exceptional arrangements and teaching partnerships listed on it.

Transitional arrangements for existing Tier 4 sponsors

Next steps

76. By mid-April 2015, all Tier 4 sponsors will be issued with a 'Sites and Partnerships form'. They must complete this and return it to UKVI by Friday 15th May 2015. The completed form will:

- provide information on the sponsor's sites (in accordance with Table 1), proposed exceptional arrangements (in accordance with Table 2) and teaching partnerships (in accordance with Table 3); and
- demonstrate that it complies with the conditions outlined in this section, or set out how it will demonstrate it does so.

77. This exercise is to ensure that existing sponsors' sites, exceptional arrangements and teaching partnerships are recorded consistently and in accordance with the new guidance, and that HEIs' sites comply with the requirements set out in Table 1. It is also an opportunity to ask for CAS to be re-allocated to a teaching partner in order to comply with the requirements of Table 3. Sponsors who do not provide a satisfactorily completed form may have their CAS allocation set to zero until they do so.

Transitional arrangements

Tier 4 sponsor type	Permitted sponsorship activity until 30 September 2015	Permitted sponsorship activity from 1 October 2015
HEI with one or more sites that do not comply with the conditions in Table 1 e.g. a London campus that is not fully integrated.	Can continue to issue CAS in respect of sites in place as at 1 December 2014 only in accordance with the guidance in force on 1 December 2014.	Must not assign CAS to prospective or existing students to study at a non-compliant site until UKVI has confirmed that it is satisfied that the site complies with Table 1.
Tier 4 sponsor with a site or partnership arrangement listed on its licence as a 'branch', 'site' or 'partner' on 1 December 2014.	Can continue to issue CAS in respect of such a site or partnership arrangement only in accordance with the guidance in force on 1 December 2014.	Licence must comply, and must assign CAS in accordance, with the guidance in force on 4 March 2015. CAS allocations will be adjusted accordingly.
Other Tier 4 sponsors.	Can continue to issue CAS in respect of its structure as at 1 December 2014 only in accordance with the guidance in force on 1 December 2014.	Must assign CAS in accordance with the guidance in force on 4 March 2015. CAS allocations will be adjusted accordingly.

78. Students assigned a CAS on or before 30 September 2015 will not be affected by any change in the Tier 4 sponsor's licence structure unless they apply to extend their studies. Any CAS assigned on or after 1 October 2015 must be in accordance with this guidance, and any immigration conditions given to students will be in accordance with these new requirements.

Key Personnel

79. The online sponsor application requires you to give certain responsibilities to members of your staff, some or all of whom will have access to the sponsorship management system (SMS) after a licence is granted. For more information on the SMS, please see the section titled 'What is the SMS' in the ['Assigning CAS and Sponsoring Students'](#) guidance. We call these people 'Key Personnel' and there are four roles:

- a. authorising officer;
- b. key contact;
- c. level 1 user of the sponsorship management system;
- d. level 2 user of the sponsorship management system.

80. Only level 1 and level 2 users will have access to the SMS. If the authorising officer or key contact wished to have access, they must also be set up as a level 1 or level 2 user.

81. Each of your key personnel:

- a. must be permanently based in the UK for the duration of the period that they fill the role you have appointed them to.
- b. must meet the requirements on criminal convictions set out in the section titled, ['How we make a decision on your application'](#).
- c. must be a paid member of your staff or engaged by you as an office holder. The only exceptions are:
 - A level 1 or level 2 SMS user can be an employee of a third party organisation who you have contracted some or all of your HR function to. From 28 November 2014 new sponsors must have at least one level 1 user who is an employee. This is also best practice for existing sponsors.
 - A level 2 SMS user can be a member of staff supplied to you, but employed by an employment agency
 - An insolvency professional who has been appointed because you have gone into administration can fill any key personnel role.
 - A UK-based representative can fill any key personnel role except the role of authorising officer. If you already have a sponsor licence but you now want a representative to help assign CAS, you must add the relevant employees of the representative to the SMS as level 1 or level 2 users.
- d. can be a UK-based representative. The only exception to this rule is that your Authorising Officer cannot be a representative. If you already have a sponsor licence but you now want a representative to help assign a CAS, you must add the relevant employees of the representative to the SMS as level 1 or level 2 users.

82. Your key personnel cannot be:

- a. a representative who is not based in the UK.

- b. a contractor or consultant who is contracted for a specific project.
- c. subject to a Bankruptcy Restriction Order
- d. subject to a Bankruptcy Restriction Undertaking
- e. subject to a Debt Relief Restriction Order
- f. subject to a Debt Relief Restriction Undertaking
- g. legally prohibited from being a company director. (The only exception to this rule is for the key contact who can be legally prohibited from being a company director but only if that is solely due to them being an undischarged bankrupt or subject to a Debt Relief Order).

83. You must name your authorising officer, key contact and level 1 user on the application form. These roles can be filled by the same person, or a combination of different people, but you can:

- a. only have one authorising officer and one key contact;
- b. add more level 1 users once you have a sponsor licence; and
- c. only appoint level 2 users once you have your licence.

84. If you want a representative to assign CAS, you must add their relevant employees to the SMS as level 1 or level 2 users. It is your responsibility to make sure they meet the requirements to be a level 1 or 2 user.

85. You are responsible for anything done by anyone you set up as a user of the SMS, including representatives. We treat anything a representative does on your behalf as if you had done it yourself so you should only employ representatives who are reputable, honest and competent. You should check the identity of any representative you employ and make sure they meet their responsibilities. If you do not comply with your responsibilities, we will take action against you.

Contact details for key personnel

86. You must give us the contact details of your key personnel when you:

- a. apply for a licence; and
- b. change or add key personnel after you have a licence.

87. The contact address for all key personnel must be your main address or the address of any branch or head office you include in your licence. If you appoint a representative as key contact or level 1 user, their address must be the same as the representative's main business address. If you appoint a level 2 user employed by a third party organisation engaged by you to deliver all or part of your HR function, their address must be the main business address of that organisation.

88. When you give us an email address for a person, only that named person must be able to access emails we send to that address.

Checks we make on key personnel

89. We will check your authorising officer, key contact and level 1 user against our records,

and the Police National Computer or its equivalent in Northern Ireland. We may also check your owner(s), director(s) and anyone involved in your day-to-day running.

90. We will make checks:

- a. while we consider your application for a sponsor licence;
- b. at any time while you have a sponsor licence; and
- c. if new people take up key personnel roles while you have a sponsor licence.

91. If any of these people have unspent criminal convictions or we have issued them with a civil penalty in the past 12 months, we may:

- a. refuse your application for a sponsor licence;
- b. if you already have a licence, refuse to accept a person you later nominate for a key personnel role; or
- c. revoke your licence.

Authorising officer

92. When applying for a licence you must appoint an authorising officer. The person you nominate to this role must be your most senior person responsible for the recruitment of students and ensuring that all of your sponsor duties are met. If there is more than one person who could fill this role, you must decide who to nominate. You are responsible for the actions of your authorising officer so we advise that you ensure you are confident that they fully understand the importance of this role.

93. The authorising officer is also responsible for deciding how many of your staff need to have access to the SMS and what level of permission they can have. They are responsible for the activities of all SMS users and must comply with our requirements for using the system. If they fail to do this, we will take action against you.

94. The authorising officer does not have automatic access to the SMS. If they require access to the system they will need to be set up as a level 1 or level 2 user. This can be done by naming them as the level 1 user on your application, or adding them as an additional level 1 user or as a level 2 user after your licence has been granted.

95. You must have an authorising officer in place throughout the life of your licence. The nominated person must always meet the requirements set out in this guidance. If you fail to have an authorising officer in place who meets our requirements, or fail to tell us of a change in authorising officer, we will take action against you.

96. The authorising officer must be a paid staff member or office holder within your organisation. They must not be:

- a. a representative;

- b. a contractor or consultant who is contracted for a specific project;
- c. a temporary staff member supplied by an agency; or
- d. an undischarged bankrupt.

97. Where we use the term 'office holder' this has a specific meaning. If an individual holds an office under one of the following types of appointment, it is likely that they are an 'office holder':

- a. a statutory appointment (e.g. registered company directors or secretaries, board members of statutory bodies, judges or tribunal members, or crown appointments, for example, the police);
- b. an appointment under the internal constitution of an organisation (e.g. club treasurers or trade union secretaries);
- c. an appointment under a trust deed (e.g. trustees); or
- d. an ecclesiastical appointment (e.g. members of the clergy).

98. An office holder is not an employee or a worker. But holding an office does not prevent someone from becoming a worker or an employee. They can be an office holder and an employee if their working arrangements are a contractual relationship and satisfy the test for employee status. You can find more information on our pages on the Gov.uk website using the following link: www.gov.uk/employment-status/overview

Key contact

99. The key contact can be the authorising officer or another person in your organisation.

100. The key contact will be your main point of contact with us. We will contact them if we have any queries about your application, the documents you sent or the fee. A key contact must be a paid staff member or office holder within your organisation. They can also be a UK-based representative.

101. They must not be:

- a. a contractor;
- b. a consultant who is contracted for a specific project;
- c. an employee of a third party organisation you have engaged to deliver all or part of your HR function; or
- d. a temporary staff member supplied by an agency.

102. The key contact does not have automatic access to the SMS. If they need access to the system they must be set up as a level 1 or level 2 user of it.

Level 1 user

103. The level 1 user can be the authorising officer or another person in your organisation.

104. The level 1 user must carry out your day-to-day sponsorship activities using the SMS.

105. When you first apply for a sponsor licence, you can only nominate one level 1 user. Once you have a licence you can use the SMS to nominate more level 1 users. We will check new level 1 users before we give them access to the SMS.

106. You can decide how many level 1 users you need. The authorising officer is responsible for them, so we recommend that you do not have more level 1 users than you really need. You should make sure that you have at least enough to be able to cover periods of leave or sickness.

107. The level 1 user must be:

- a. a paid staff member or office holder within your organisation; or
- b. an employee of a third party organisation engaged by you to deliver all or part of your HR function; or
- c. a UK-based representative.

108. They must not be:

- a. a contractor;
- b. a consultant who is contracted for a specific project;
- c. a temporary staff member supplied to you by an employment agency; or
- d. an undischarged bankrupt.

109. You must always have a minimum of one level 1 user who is a [settled worker](#). The only exception to this rule is if you are a diplomatic mission or international organisation licensed under Tier 5 (International Agreement).

110. You must have at least one level 1 user in place. This is because it is impossible for you to meet all of your sponsor duties without one. If we find you do not have any level 1 users in place, we will take action against you. From 28 November 2014 new sponsors must have at least one level 1 user who is an employee. This is also best practice for existing sponsors. You can have more than one level 1 user, but at least one must be your employee.

Level 2 user

111. Level 2 users have fewer permissions than level 1 users.

112. You can decide how many level 2 users you need. The authorising officer is responsible for them, so we recommend that you do not have more level 2 users than you really need.

113. The level 2 user must be:

- a. a paid staff member or office holder within your organisation; or
 - b. an employee of a third party organisation engaged by you to deliver all or part of your HR function; or
 - c. a temporary staff member supplied to you by an employment agency;
- or
- d. a UK-based representative.

114. They must not be:

- a. a contractor;
- b. a consultant who is contracted for a specific project; or
- c. an undischarged bankrupt.

115. Please see the table below titled Level 1 and Level 2 user functions for details on the different actions level 1 and level 2 users can perform in the SMS.

Level 1 and Level 2 user functions table

Function	Level 1 User	Level 2 User
Request more level 1 users and add level 2 users to the SMS or remove them	✓	x
Assign CAS to students	✓	✓
Request an increase in the number of CAS you can assign (your limit)	✓	x
Tell us about minor changes to your details	✓	x
Notify us of change of circumstances on the SMS	✓	x
Report student activity to us (for example, inform us if a student goes missing or does not attend their course)	✓	✓
Withdraw CAS	✓	x
Inform us of changes to study or work placement addresses	✓	x
Use the bulk data transfer feature	✓	x
Change user details	✓	x
View information about your licence and key personnel	✓	x
Access key messages that we post from time to time	✓	x
Apply to renew your licence	✓	x

and track the progress of your application		
Apply for Premium customer service and track the progress of your application	✓	x
Apply for Highly Trusted Sponsor Status and track the progress of your application	✓	x

116. SMS users must not assign a CAS to themselves or assign a CAS to a close relative or partner. Please see the diagram below titled Definition of a close relative or partner.

Definition of a close relative or partner diagram



Estimating the number of students you want to sponsor

117. When you apply for a sponsor licence, you must give us an estimate of the number of CAS you expect to assign to students in your first year in each category of Tier 4 that you are applying for. The number must include existing students who will apply for extensions of their permission to stay and any new students you wish to sponsor. You will need to justify your request.

Who can be a Tier 4 sponsor?

This sub section gives information on:

- Eligibility requirements for a Tier 4 sponsor licence
 - Educational oversight
 - Sponsors subject to the system of public reviews
 - Acceptable outcomes for educational oversight
 - Higher education institutions that are based overseas
- Suitability for a sponsor licence
 - Scoring system
- Supporting Evidence - Documents

Eligibility requirements for a Tier 4 sponsor licence

118. If you are applying for a sponsor licence you must meet the requirements and send us the documents we ask for in Appendix A. We may ask for further documents that are not listed in Appendix A.

119. We will use these documents to check that you are genuine and that you have an operating or trading presence in the UK. If you do not, we will refuse your application or revoke your licence.

120. From the date you are first granted a sponsor licence, you can spend 12 months as an A-rated sponsor. After that you must be able to make a successful application for HTS status. You must apply for HTS status no later than 12 months after being granted your licence.

121. State schools, including those with sixth forms, cannot admit students under Tier 4. We will reject any application from a state school and refund the fee.

Educational oversight

122. When you apply for a sponsor licence, you must show that as an education provider you:

- a. have a current and satisfactory full inspection, audit or review with an appropriate body; or
- b. for overseas providers, you offer short-term 'study abroad' programmes in your own premises in the UK. Please see the section titled '[Higher Education institutions that are based overseas](#)'.

We call this educational oversight.

123. If you do not have educational oversight as described in this section, we will refuse your application for a sponsor licence.

Sponsors subject to the system of public reviews

124. If you are subject to the system of public reviews because:

- a. you are [publicly funded](#); or
- b. you have awarding powers for UK degrees; or
- c. there is a statutory requirement for inspection

125. You must have a current and satisfactory full inspection, review or audit from one of the appropriate bodies listed in the diagram below titled Appropriate public review bodies.

Appropriate public review bodies diagram



126. Publicly funded colleges are those listed by the Association of Colleges on their website on the basis that they are Further Education Colleges, Further Education Corporations (FECs) or Sixth Form College Corporations (SFCs). In:

- a. England, these were those formed under s18 and 19 of the Further and Higher Education Act 1992 and are therefore exempt charities, or they are Special Designated Colleges which are registered charities in their own right. New Colleges may only be formed with the permission of the Secretary of State.
- b. Scotland, these were formed under the Further and Higher Education (Scotland) Act 1992 and are exempt charities and listed in Schedule 2 of that Act (2005).
- c. Wales, these were formed under the Further and Higher Education Act 1992 and are exempt charities.
- d. Northern Ireland, the colleges were incorporated under the Further Education (NI) order 1998 and are exempt charities.

127. Your current and satisfactory inspection, audit or review must cover any privately-funded courses you run that are not subject to statutory inspection, or you will not be considered to have full educational oversight. If your existing inspection, audit or review does not cover your privately-funded courses, you must gain and maintain educational oversight as set out below in the guidance for private providers.

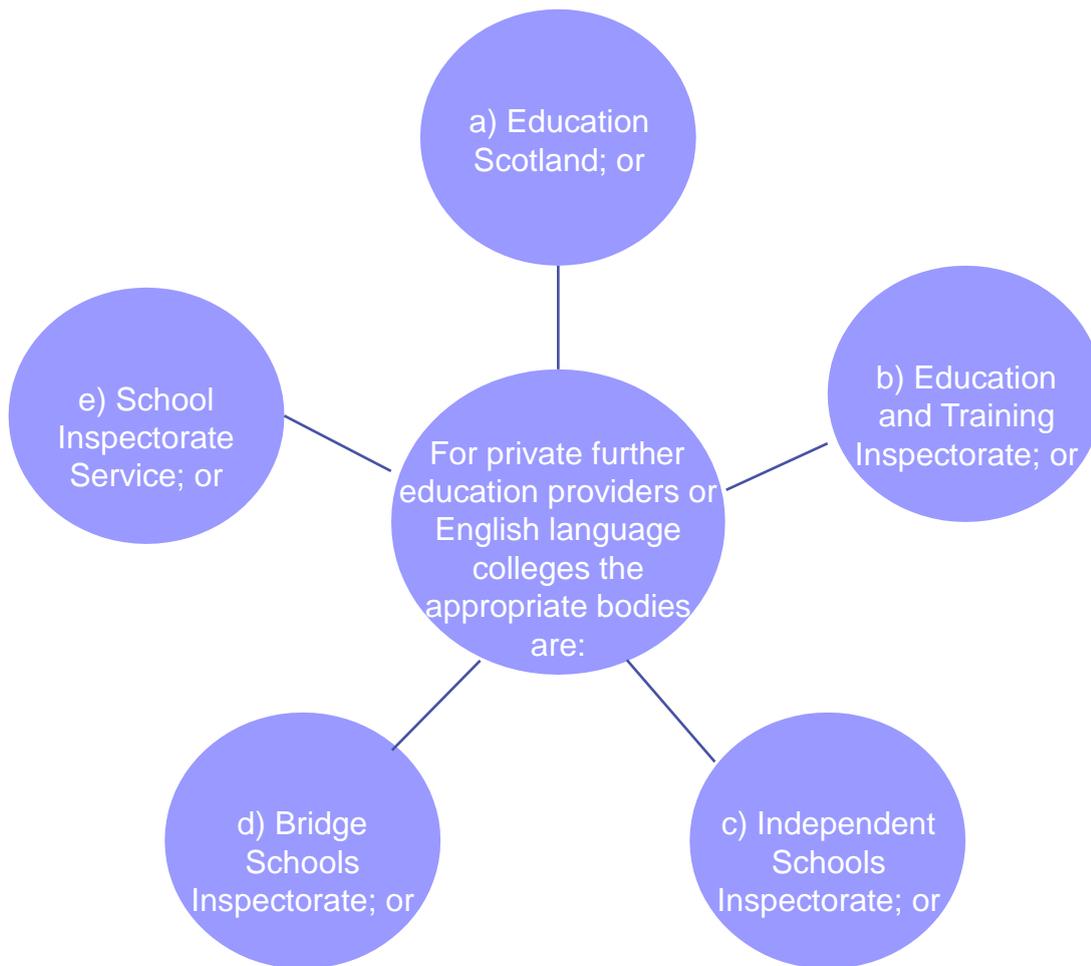
128. With respect to educational oversight of further education and training for those 16 and over in England, Ofsted only inspects education and training provision which is wholly or partly funded by the Skills Funding Agency and/ or the Education Funding Agency. Ofsted inspections do not cover privately funded provision. Privately funded further education and training provision for this age group for Tier 4 students in this age group will need to be covered by one of the bodies listed in diagram below titled Appropriate bodies for private FE providers or English language colleges.

Private providers

129. If you are a private provider in the higher education sector and not subject to the system of public reviews, you must have a current and satisfactory full inspection, audit or review from the Quality Assurance Agency for Higher Education (QAA).

130. If you are a private further education provider or English language college, you must have a current and satisfactory full inspection, audit or review from one of the following appropriate bodies in the diagram.

Appropriate bodies for private further education providers or English language colleges diagram



131. The Independent Schools Inspectorate offers inspections of privately funded further education colleges in England and Wales, Education Scotland offers inspections of privately funded further education colleges in Scotland and the Education and Training Inspectorates offer inspections of privately funded further education colleges in Northern Ireland. In England and Wales Bridge Schools Inspectorate offers inspections of faith based private colleges and the School Inspection Service offers inspections of Steiner and Montessori colleges.

132. Some sites offer a mixture of higher education and further education. Generally, where the character of a site is predominantly higher education, the QAA will be the appropriate body. Where the balance of provision is predominantly further education, ISI or one of the other bodies responsible for inspecting further education institutions will be the appropriate body. For further information, please contact the relevant body.

133. Where a private provider has more than one site listed on its sponsor licence, its sites may receive educational oversight from different bodies. For example, a private provider may have some sites which offer predominantly higher education courses and receive educational oversight from QAA, and others which offer predominantly further education courses and receive educational oversight from ISI. If so, all its sites must have a current and satisfactory full inspection, audit or review from the relevant body.

134. If you are a private provider and you offer courses that attract public funding, you must still have a current and satisfactory full inspection, audit or review from one of the above bodies that cover the private further education sector. This is because a full inspection may not have been carried out where only part of your business is to deliver publicly funded courses. If you do not have a report to cover your private education courses you will not be deemed to have full educational oversight.

135. If you are a new, private independent school, you will not have a report from one of the inspectorates for independent schools. Instead, you must send evidence that you have been formally registered by the relevant authority:

- a. England – your school number, issued by the Department for Education (DfE).
- b. Scotland – your Scottish Executive Education Department (SEED) code.
- c. Northern Ireland – confirmation of registration letter from the Department of Education Northern Ireland (DENI), School Governance Team.
- d. Wales - confirmation of registration letter from the Welsh Assembly Government (WAG), School Governance Team, which will include your unique school reference number.

136. There is an annual window for applications for educational oversight from the appropriate body. Please contact the relevant body or you can visit their website for details.

137. If you are not appropriately audited or inspected as described in this section and do not have a current and satisfactory full inspection, audit or review from one of the appropriate bodies, we will refuse your application for a sponsor licence.

Educational oversight assessments

138. The relevant educational oversight body will decide how to assess you. Their assessment for Tier 4 purposes will cover the following:

Requirement	Objective	Key elements that will be considered
Quality assurance, including academic governance	Give international students reasonable confidence in arrangements for maintaining the academic standards and quality of the courses that their education provider offers.	<p>The setting and/or maintenance of academic standards.</p> <p>The provision of learning opportunities.</p> <p>The enhancement of the quality of students' learning opportunities.</p> <p>The provision of information to students.</p>
Financial sustainability, management and governance	Give international students reasonable confidence that they should not be at risk of being unable to complete their course as a result of the financial failure of their education provider.	<p>Details of your organisation, trading names and addresses, key individuals (directors, trustees and shareholders), limited company number and relationships with other organisations.</p> <p>Corporate governance arrangements. If you have a complex structure, then arrangements relating to ownership and control at both a local and high level will need to be evidenced in a clear and easily understood format.</p> <p>Track record of financial performance, including submission of full, audited financial statements for the company that is the education provider, which have been filed at Companies House and cover the two years immediately prior to the application. (Providers which are not required to file full financial statements for statutory purposes will need to provide full, externally audited financial statements covering the same period instead. The accounts must be audited each year by an independent, registered auditor and this <u>must not</u> be the same firm and/or individual that prepared the accounts.) As well as details of debt or service charges where interest or charges are payable to directors, trustees or related companies.</p> <p>Financial sustainability until your next educational oversight assessment,</p>

		<p>including your business model and the projected ratio of international students to UK or EEA or Swiss students over the next four years; your funding plans and the cost of face-to-face teaching provision for the projected number of international students; and contingency arrangements to safeguard international students' interests in the event of a sudden decline in international student numbers or institutional failure.</p> <p>(Note: Assessments made by educational oversight bodies on an institution's financial sustainability will be made on the basis of information provided to them, and are not to be relied upon by any body other than UKVI.)</p>
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Transitional arrangement:

139. New applications for educational oversight made to the educational oversight bodies prior to 1 August 2016 will only be required to include full, audited financial statements which cover the year immediately prior to the application. Applications from 1 August 2016 onwards will need to show the necessary statements for the two years immediately prior to application.

Higher education institutions that are based overseas

140. If you are an overseas higher education institution, offering short-term study abroad programmes, you are exempt from the educational oversight requirements. Your students must:

- a. enrol in their home country;
- b. study in the UK for no more than 50 per cent of the total length of their course; and
- c. return home to finish their degree course (which must be equivalent to a UK degree).

141. You must provide evidence that you meet the following criteria to demonstrate that you are a genuine institution:

- a. You have overseas accreditation which can be confirmed by UK NARIC as offering degree programmes resulting in qualifications which are equivalent to UK degree-level or above.
- b. You only teach part of your programmes in the UK. For example, your students enrol on full time degree programmes at your overseas university and study only part of their overall degree programme in the UK before returning overseas to finish their studies.
- c. If you run your study abroad programme in your own premises in the UK, you have full legal control of those premises, including holding the appropriate planning permission or local planning authority consent to operate your type or class of business and you own or have a lease agreement for those premises.

d. If you rent or use classroom space in the UK that is provided by a third party for your study abroad programme it must be within an institution which also has a Tier 4 sponsor licence and you must provide evidence:

- of the facilities you are renting or using; and
- that you have full legal control of the premises you use.

e. If the third party’s own sponsor licence is revoked you must find classroom space with another Tier 4 sponsor within six months of that licence being revoked.

142. The exemption from our requirements on educational oversight does not apply if your study abroad programme is delivered by a third party, for example a [UK higher education institution](#). Where that is the case, the UK institution must have educational oversight as detailed in this guidance.

143. If you are an overseas institution and you offer full recognised degree programmes to students enrolled in the UK for the full duration of their course, you must have educational oversight from the QAA.

144. Accredited US institutions listed on the US Department of Education website that offer US degree courses are able to apply to the QAA. This also applies to associate members (or third party providers) of the Association of American Study Abroad Programmes UK (AASAP/UK). Overseas providers that offer complete degrees from other countries should contact QAA first. It will take advice on whether the provider is recognised and confirm whether it is able to review their education provision. Where QAA cannot review their education provision, the educational oversight requirement will not be met.

Acceptable inspection outcomes for educational oversight

145. The table on the page below titled Acceptable inspection outcomes for educational oversight sets out the inspection ratings or grades that meet our requirements to have a full satisfactory inspection, audit or review.

Acceptable inspection outcomes for educational oversight table

Name of education oversight body	Inspection /review outcomes for privately funded providers		
	outcomes indicating satisfactory inspection/ review for Tier 4 purposes	Outcomes indicating follow-up inspection/ review is required for Tier 4 purposes	outcomes indicating inspection/review failure for Tier 4 purposes

Quality Assurance Agency (QAA)	<p>Confidence judgements in management of academic standards and the quality of learning opportunities and a conclusion of reliance can be placed on information about learning opportunities; or is commended or meets UK expectations</p> <p>For providers offering foreign programmes of study only: the provider satisfactorily manages its responsibilities for the management of academic standards</p>	<p>Limited confidence judgement in either management of academic standards or the quality of learning opportunities or reliance cannot be placed on information about learning opportunities; or requires improvement to meet UK expectations</p>	<p>No confidence judgement in either the management of academic standards or the quality of learning opportunities; or does not meet UK expectations</p> <p>For providers offering foreign programmes of study only: the panel was not able to conclude that the provider satisfactorily manages its responsibilities for the management of academic standards</p>
Independent Schools Inspectorate	Meets expectations/ exceeds expectations	Needs improvement	Unsatisfactory
Bridge Schools Inspectorate	Fully meets all the BSI standards.	Meets nearly all of the BSI standards, but there are shortfalls in respect of some of the standards that need to be remedied.	Fails to meet enough of the BSI standards.
School Inspection Service	Meets	Almost meets, with partial re-inspection required	Does not meet
Education Scotland	Effective	Partially effective	Not effective
Education and Training Inspectorate	Satisfactory/good	Inadequate	Unsatisfactory

146. If you are an existing sponsor and you receive an outcome indicating that a follow-up inspection, audit or review is required for Tier 4 purposes, then further action will be required from you as specified in the report. You will be required to submit an action plan within 30 days and the follow-up visit will take place within six months following the conclusion of the initial inspection, audit or review. It will be for the educational oversight body to confirm whether you have met the standard within a specified timescale.

147. If you are an existing sponsor who fails the inspection or review for Tier 4 purposes at the initial stage or following further action then you will become a legacy sponsor, and therefore you will be unable to sponsor new international students. Education oversight bodies will not re-inspect a provider that fails a full inspection, audit or review until at least 18 months after the failed inspection.

Please see the section titled Maintaining your educational oversight in the [‘Sponsors’ Duties and Compliance’](#) guidance.

Suitability for a sponsor licence

148. We will use the suitability requirements to decide whether to:

- a. grant or refuse your application for a Tier 4 sponsor licence;
- b. grant or refuse your application for HTS status; or
- c. revoke your licence (for more information on when we will or may revoke your licence, please see the [‘Sponsors’ Duties and Compliance’](#) guidance).

149. To decide your suitability we will assess whether you have:

- a. systems that enable you to meet your sponsor duties; and
- b. complied with immigration rules in the past (for example for any migrants you employ now or have employed in the past).

150. We also check whether you have:

- c. an unspent criminal conviction, for a relevant offence (please see the table in the section titled ‘When we will refuse a sponsor licence application’ for what constitutes a relevant offence). Please see Annex 1; List of unspent convictions we will take into account;
- d. received a civil penalty for immigration offences;
- e. previously come to our notice for potential investigation; or
- f. been named as ‘key personnel’ at any institution which was refused specific course designation, or had specific course designation removed, during your time at the institution.

151. We will visit you before making a decision on your application and may also visit you after we grant your licence.

Scoring system

152. We will score you on each area of suitability as follows:

- a. met - meets all of the criteria
- b. not met - does not meet one or more of the criteria.

153. If you are applying for a new sponsor licence we will grant it and give you an A-rating if you meet all of the criteria in all areas and there are no other reasons for us to refuse your application.

154. We will refuse your application if you score ‘not met’ in any area.

155. If we visit you after you have been granted a licence, we will score you again against the suitability criteria as well as making any other checks we need to carry out. If you score ‘not met’ on any of the suitability areas we will take action against you.

156. You must tell us by covering letter accompanying your submission sheet if any of the following apply to you (under the general definition of [‘you’ or ‘your’](#)):

- a. if you have been removed from any sponsor register within the last five years; or
- b. if you have a prosecution for a relevant offence pending (please see the table in the section titled 'When we will refuse a sponsor licence application' for what constitutes a relevant offence); or
- c. if you have, or you are aware that an organisation that you have been involved with in a similar role has, failed to pay VAT or any other form of excise duty.

If you have a prosecution for a relevant offence pending (please see the table in the section titled 'When we will refuse a sponsor licence application' for what constitutes a relevant offence) we will put your application on hold pending the outcome.

Supporting evidence - documents

157. When you apply for a Tier 4 sponsor licence you must send us specified documents to show that you are eligible. We list these documents in [Appendix A](#), which is separate to this guidance. We may ask for other documents at any time.

158. When you complete and submit your online application for a sponsor licence, the system takes you to a submission sheet page. You must print this and complete it.

159. Then you must send all of the items listed in table below, together within five working days for your application to be valid. If you do not, we will reject your application and refund your fee.

Sponsor checklist for supporting documents

Are you satisfied you can submit	✓
All pages of the original submission sheet (not certified copies, signed and dated in the designated space by the authorizing officer).	
All of the documents listed on the submission sheet as mandatory documents (either originals or certified copies).	

160. If you do not send documents specified in Appendix A (excluding those that are mandatory), or we need any other documents, we will write to you, either by letter or email (please note that this applies to all references within this guidance where we say that we will write to you), giving you five working days to send us those documents. If we do not receive them within that time we will refuse your application and will not refund your fee.

161. If you want to be licensed under any other tiers of the points-based system, you must meet all of the sponsorship requirements for those tiers and send us the required documents. Please see the sponsorship guidance applicable to the relevant tier(s).

162. If you are including more than one site, or an exceptional arrangement or partnership in your application for a sponsor licence you must submit all the evidence specified in [Appendix A](#) for each site and institution involved. In addition, you must include documentation which demonstrates that the sites, exceptional arrangements and/or partnerships meet all of the relevant requirements of the '[Sites and teaching partnerships](#)' section of Document 1 of this guidance.

163. If you are a private provider applying to hold your own licence as an embedded college offering pathway courses (in accordance with Table 2 of the '[Sites and teaching partnerships](#)' section), you

must include evidence that the HEI involved supports the application.

164. You must send the original documents or certified copies. A certified copy is one that includes a signed statement, either by the issuing authority or by a practising barrister, solicitor or notary. The certifier must confirm that it is an accurate copy of the original document. Each certified document must clearly detail the certifier's name, signature and the organisation they represent. If we cannot check a certifier's details we will reject the document. Sometimes, when a document has more than one page, the certifier does not want to certify every page. We will accept the document if the pages are all attached together (such as stapling) and the top page is certified as described. The certification must also state clearly how many pages have been certified.

165. We know you often receive original documents by email as a PDF attachment. You must have printouts of PDF files certified and the person who certifies the document must have seen the original email containing the PDF file.

166. If you provide documents that are not in English or Welsh you must also send us a certified translation. You must provide the translator's credentials, along with their official confirmation that the translation is accurate.

167. If you provide certified copies of documents and/or certified translations we may ask for the original documents.

168. We will make more checks if we doubt that you can meet the requirements for the category in which you have applied. We may ask for more documents.

169. We will return all your documents by recorded delivery to the address on your application. If you want us to return the documents by special delivery, you must enclose a prepaid special delivery envelope.

How we check your sponsor licence application

This sub section gives information on:

- Checks we make
 - Document checks
 - Compliance checks
- After the checks

170. When we consider your licence application, we ask three main questions:

- a. Are you a genuine organisation operating lawfully in the UK and complying with all appropriate local planning authority regulations? To prove this, you must provide the documents in [Appendix A](#).
- b. Are you dependable and reliable? We look at your history and background, the key personnel you name on the application and any people involved in your day-to-day running. We view any history of dishonest conduct or immigration crime seriously and may refuse your application because of it.
- c. Are you capable of carrying out your duties as a sponsor? We look at your processes and how you monitor student attendance to ensure you will be able to fulfil your sponsor duties. We may do this by visiting you either before your licence is granted, or afterwards. If we have significant doubts after visiting you we may refuse your application. If you are an existing sponsor and doubts arise, we may revoke your licence.

Checks we make

Document checks

171. We will check your documents and other aspects of your application, especially if we have reasonable doubts about them. We may check that documents are correct and genuine by contacting:

- a. other government departments (in the UK and overseas);
- b. banks;
- c. universities; and
- d. professional bodies.

172. We aim to make checks as quickly as possible, but allow up to 15 working days for answers to our enquiries. We use a standard format to record the results of enquiries, to ensure we record feedback consistently.

173. There are three possible outcomes of these checks.

- a. Document confirmed as genuine. We will consider your application as normal.
- b. Document confirmed as false. We will refuse your application, whether or not the document is essential to your application.

c. Check inconclusive. If we cannot verify that a document is either genuine or false we will not use the document as evidence to support your application. We may instead ask for more supporting documents.

Compliance checks

174. Our compliance officers are trained to refer cases for civil penalties or prosecutions if they find evidence of wrongdoing or criminal activity. If you use deception to obtain a licence you may be committing a criminal offence. The compliance officer will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, inform the police and/or any relevant authority.

175. We will visit you before we decide your sponsor licence application and we will check your current monitoring arrangements. We will make further checks after we have granted your licence to ensure that your monitoring arrangements are being implemented and closely adhered to. This is to also ensure the information you provided on your application form is accurate and that you are able or continuing to do what is required of a licensed sponsor. We will check that:

- a. the information given about you is accurate and complete;
- b. you are able to offer courses of study which meet the current requirements;
- c. you are genuine and are trading or operating lawfully in the UK;
- d. you have the appropriate planning permission or local planning authority consent to operate your type or class of organisation at your trading address;
- e. there are no reasons to believe that you as a prospective or existing sponsor are a threat to immigration control;
- f. you do not have a prosecution for a relevant offence pending (please see the table in the section titled 'When we will refuse a sponsor licence application' for what constitutes a relevant offence); and
- g. you will be able to comply or are already complying with your sponsor duties such as monitoring the attendance of your students.

176. You agree to cooperate with these checks when you submit your online sponsor application.

177. Our compliance officers carry out the checks. Our visit may be announced or unannounced. If we make an unannounced visit it does not mean we have any concerns about you.

178. The compliance officer will gather material to support the information you gave on your sponsor application. This is to confirm that the information you gave was full and accurate, and that you are meeting (or will be able to meet) your duties and responsibilities as a licensed sponsor. They may wish to speak to people involved in recruiting or enrolling students and to sponsored students. They will not discuss the outcome of the assessment during the visit.

179. In certain cases we may make follow-up checks either by telephone, email or by letter. We will ask for evidence to support any information you gave on your application.

180. The compliance officer, or any third party working on our behalf, will have official Home Office identification. If you doubt that an official is genuine, you should telephone us on 0300 123 4699.

After the checks

181. If we have carried out a check before making a decision on your application, we will base our decision on all of the information you gave us and that we gathered during the checks. We will not discuss the outcome of a visit or the result of checks we carry out until we have reached a decision.

182. We will write to you to give you the outcome of the checks. Many checks will reveal no problems.

183. If there are differences between what you told us and what we find during a check and we discover this before we make a decision on your application, we will let you know whether we require more information before we make the decision.

184. If we have already made our decision and then find differences between what you told us on your application and what we find during a check, we will take action against you, we will assess the evidence we have and we will take action against you if we:

- a. find evidence that you or a representative or a person employed by you who appears to act on your behalf have knowingly deceived us; or
- b. cannot verify statements this person has made or documents they gave us

185. Where we find problems that are linked to a specific individual we may prosecute and refuse future applications involving that individual.

How we make a decision on your application

This sub section gives information on:

- When we will consider refusing a sponsor licence application
- When we will refuse a sponsor licence application.

When we say 'you' or 'your', we mean the sponsor organisation or prospective sponsor organisation, including any owner, director, authorising officer, key contact, level 1 user and anyone involved in your day-to-day running, as relevant in the context.

When we will consider refusing a sponsor licence application

186. The table below sets out the circumstances in which we will consider refusing your application.

When we will consider refusing your application

a.	You have a previous record of non-compliance or poor compliance with the duties of sponsorship, or with the work permit arrangements.
b.	You have previously been asked to provide evidence to allow us to decide whether an organisation was complying with the sponsorship or work permit arrangements and that information was not provided.
c.	The information available to us suggests that you do not yet have the processes necessary to comply with your duties as a sponsor.
d.	You have previously had a sponsor licence revoked by us. In these cases, you will have to show that you have put right any issues which led to the revocation of that licence, before we will consider granting a new one.
e.	You have knowingly provided false statements or false information, or not provided information that you held when required to, to us (or the former Immigration and Nationality Directorate, Border and Immigration Agency or UK Border Agency) or any other Government Department.
f.	You, or any organisation that you have been involved with in a similar role, have their authorisation removed by the Office of the Immigration Services Commissioner (OISC). (This applies to people or organisations that provide immigration advice or services).
g.	You have, or you are aware that a sponsor organisation that you have been involved with in a similar role within the last five years has, been issued with a penalty for failure to pay VAT or duty.
h.	You have any unspent convictions for offences listed in Annex 1 of this guidance which we believe to be of relevance to you discharging your sponsor duties.
i.	You have previously been named as 'key personnel' at any sponsor institution whose sponsorship licence has been revoked within the last 12 months.

We reserve the right to undertake checks on persons associated with sponsors who do not fall under the general definition of 'you' or 'your'. Such persons may include, for example, employees in positions of responsibility who are not directors or key personnel and financiers involved in the running of your institution. We may ask you for information on such individuals as part of the

application process. The conduct of such persons, where relevant, may also be taken into account in deciding what action we take.

187. The action we take will depend on:

- a. The seriousness of the past conduct (including conduct that led to revocation of a licence, removal from the register of education or training providers, or removal of OISC authorisation).
- b. How long it is since the conduct took place and any mitigating circumstances; and the seriousness of the issues which led us to revoke your previous licence, and what you have done to improve the situation.
- c. Concerns we may have about any of your associated persons or employees, and the role they have within your organisation, in particular where they have been employed or associated with an organization (or associated organisation) that has been removed from the sponsor register for abuse or serious non-compliance within the last five years.
- d. Whether we believe your previous criminal conduct has a bearing on your suitability to be a Tier 4 sponsor.

188. Having taken these factors into account, we may either refuse your licence application or grant you an A-rated licence with limitations. Such limitations may include restricting your CAS allocation, or asking you to nominate alternative 'Key Personnel' where appropriate. We will inform you of our decision in writing.

When we will refuse a sponsor licence application

189. The table below sets out the circumstances in which we will refuse your application.

When we will refuse your application

a.	You submit any false document with your application. If this happens, and we believe that a criminal offence has been committed, we will refuse your application and refer your case for prosecution.
b.	You do not meet the requirements of Tier 4 or the category under which you are applying. If you meet the requirements for some of the tiers or categories, but not others, we will only licence you for the tiers or categories under which you qualify.

c.	<p>You have, been issued with a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 or the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 for employing illegal workers and you are still liable once your objection and appeal rights have been exhausted, and the fine:</p> <ul style="list-style-type: none"> • for at least one of those workers was set at the maximum amount. If the fine was paid within the given time limit, your application will be refused if it is made within six months of the date the fine became payable; or • for at least one of those workers was set at the maximum amount. If the fine was not paid within the given time limit, but was paid at a later date, your application will be refused if it is made within 12 months of the date the fine became payable; or • was for a first offence and was set below the maximum amount. If the fine was not paid within the given time limit, but was paid at a later date, your application will be refused if it is made within six months of the date the fine became payable; or • was for a repeat offence and was set below the maximum amount. If the fine was paid within the given time limit, your application will be refused if it is made within six months of the date the fine became payable; or • was for a repeat offence and was set below the maximum amount. If the fine was not paid within the given time limit but was paid at a later date, your application will be refused if it is made within 12 months of the date the fine became payable. (The date a fine becomes payable is the date on which all of your objection and appeal rights have been exhausted).
d.	<p>If you have been issued with a civil penalty in the five year period immediately prior to your application for one of the “offences” in Appendix C (apart from for employing an illegal migrant worker).</p>
e.	<p>If you have an unspent criminal conviction for a relevant offence</p> <p>Relevant offences are:</p> <p>any offence under:</p> <ul style="list-style-type: none"> • the Immigration Act 1971 • the Immigration Act 1988 • the Asylum and Immigration Appeals Act 1993 • the Immigration and Asylum Act 1999 • the Nationality, Immigration and Asylum Act 2002 • the Immigration, Asylum and Nationality Act 2006 • The UK Borders Act 2007 • trafficking for exploitation

	<ul style="list-style-type: none"> any offence listed in Appendix B; and any offences of: <ul style="list-style-type: none"> espionage/terrorism dishonesty (theft, corruption, deception and fraud) tax or excise duty avoidance bribery proceeds of crime money laundering abuse and neglect of children Or you have any unspent convictions for: <ul style="list-style-type: none"> any class A Homicide and related grave offences (as defined by the Crown Prosecution Service)
f.	You are legally prohibited from becoming a company director (unless this is due to being an un-discharged bankrupt). Please note that the authorising officer must not be an un-discharged bankrupt.
g.	If you have previously held a sponsor licence under any Tier and that licence was revoked by us in the six month period prior to the date of your application.
h.	If your application is submitted by a representative.
i.	If we have asked you to send us any documents or information to validate or support your application and you do not send the documents or information within the given time limit.
j.	If you have no operating or trading presence in the UK.

190. When referring to a civil penalty and a fine being paid ‘within the given time limit’ we mean that you have either paid the fine in full within that time limit, or you have entered into a repayment plan which is still in force and all of your payments are up-to-date. If you have defaulted on a repayment plan, we will not accept this as payments having been made within the given time limit.

What happens after we make a decision on your sponsor licence application?

This sub section gives information on:

- If we refuse your sponsor licence application
- If we approve your sponsor licence application
 - Sponsor rating and applying for Highly Trusted Sponsor Status (HTS)
 - How many confirmations of acceptance for studies (CAS) will I be allowed to assign?
 - CAS allocations for a pending HTS application
 - Access to the sponsorship management system (SMS)
- Premium Customer Service
- Adding more Tiers and/or Categories to your sponsor licence

If we refuse your sponsor licence application

191. We will write to you giving you the reason(s) for the decision.

192. You have no right of appeal if we refuse your application. You may reapply at any time but you must ensure that the reasons we refused you no longer apply. If you cannot do this, we are likely to refuse your application again. We may visit you if you have previously been refused a licence to ensure that you can meet your duties as a sponsor.

193. If we refused your application because you have previously been issued with a civil penalty, you should only reapply either six or 12 months after the date the fine became payable, depending on the circumstances. Please see the section titled '[When we will refuse a sponsor licence application](#)'.

194. If we refused your application because you previously held a sponsor licence and we revoked it less than six months ago, you should not reapply until six months have passed.

195. If you reapply you must pay the appropriate fee and produce all of the required documents. However, if we refused your application by mistake, you must still complete a new application but you will not have to send any supporting documents or pay a fee.

If we approve your sponsor licence application

196. We will write to you to tell you:

- a. we have granted you a sponsor licence and what rating we have awarded. We will send you a sponsor licence number which you must quote it in all communications with us;
- b. the maximum number of CAS you will be allowed to assign; and
- c. the user name for your Level 1 user to access the SMS

Sponsor rating and applying for Highly Trusted Sponsor Status

197. Your Tier 4 licence can have two possible ratings: A-rating, and HTS status.

198. We will award you an A-rating when we first grant your licence. This is a transitional rating that will last for 12 months from the date we grant your licence.

199. Your rating will appear on the published register of licensed sponsors.

200. Once you have an A-rated sponsor licence, you must apply for HTS status no later than 12 months from the date that you became A-rated. To meet the criteria for HTS status, you must first establish a good record of performance with us and that is why you will be A-rated for 12 months. The period that you are A-rated will give you the chance to establish yourself as a Tier 4 sponsor and prove that you can meet all of your sponsor duties. You must meet all of the criteria we have set out for highly trusted sponsors in this guidance. You can apply up to one month in advance.

201. As an A-rated sponsor you are not allowed to do certain things that highly trusted sponsors can do. This is because it is a transitional rating for new sponsors who have not had enough time to build up an established record of compliance with their sponsor duties.

a. You cannot offer:

- courses at Qualifications and Credit Framework (QCF) or National Qualifications Framework (NQF) level 3 (and equivalent) if you are a Tier 4 (General) sponsor (if you are an A-rated Tier 4 (Child) sponsor you can offer courses to Tier 4 (Child) students at this level); and
- courses below degree level that include work placements.

b. you cannot allow a student to re-sit an examination more than twice.

c. a student cannot start studying with you if you have assigned a CAS but we have not yet decided their application to stay in the UK.

How many confirmations of acceptance for studies (CAS) will I be allowed to assign?

202. If we approve your application for a sponsor licence, we will decide how many CAS to allocate you.

In your first year as a sponsor you may request a CAS allocation of up to 50 per cent of your total student body. To calculate your student body we will use information from our compliance officers after they have visited your premises and from your latest educational oversight inspection report.

We will then decide whether the number of CAS you have requested is reasonable, taking into account the type and size of your organisation. Factors we consider include but are not limited to:

- Your justification for the number of CAS requested.
- The number, type and level of courses provided by your organisation.
- The student-teacher ratio in classes for the courses you provide.
- The number of students currently studying at your organisation.
- The number of academic (teaching) staff your organisation employs.

- The total student capacity of your premises and any capacity restriction written in to your D1 planning permission.
- The length of time that you have been operating.
- Your previous record in dealing with us.
- Your educational oversight report.

If necessary, we will ask you for further information to justify the number of CAS requested and a compliance officer may visit you before we decide your allocation.

While we are deciding your CAS request, on an exceptional basis, we may issue you a provisional CAS allocation while we make our final decision. This will be deducted from your final CAS allocation once that is decided by us.

203. If we grant fewer CAS than you requested this may be because:

- you are a start-up organisation; or
- you have a history of non-compliance; or
- you cannot justify the number you asked for; or
- we do not consider your request to be credible based on your current circumstances; or
- you asked for a number of CAS which exceeded 50 percent of your total student body.

204. Your allocation of CAS will be added to your SMS account. You will have 12 months from the date your licence starts to assign them. We call this your CAS year. After that time, any unassigned CAS will expire and will be removed from the SMS. You cannot carry over any unassigned CAS to the next year. You can apply to renew your annual allocation using your SMS account.

205. If you use all of the CAS allocated to you at any point within 12 months of being awarded your sponsor licence, you can apply for more using your SMS account unless you have already been allocated CAS equal to 50 per cent of your total student body. After 12 months you can apply for a CAS allocation of more than 50 per cent.

206. We will use the principles outlined in the paragraphs above to decide your new CAS allocation (including an assessment that the justification provided by you for the number of CAS requested is reasonable), whether you are applying to increase your allocation within the 12 month period or applying for a new annual allocation.

207. We may set interim review points during the course of the 12 month allocation period when we will reconsider your CAS allocation. We may conduct that review earlier than scheduled if we think it is necessary.

208. We may reduce your CAS allocation, including setting it to zero, if your circumstances change. For example, we may do this if you do not comply with your sponsor duties or we have reason to believe that you are not complying. In such circumstances we may zero your CAS allocation while we investigate. We will inform you of any such decision in writing.

209. We will reduce your CAS allocation, including setting it to zero, if:

- you downsize to a level where your existing CAS allocation is no longer justified;
- we believe you or your students are a threat to immigration control; or
- we become aware that you have a prosecution for a relevant offence pending (please see the table in the section titled 'When we will refuse a sponsor licence application' for what constitutes a relevant offence).

210. We reserve the right to monitor your performance and check that you assign CAS as laid out in the [‘Assigning CAS and sponsoring students’ guidance](#).

CAS allocations when your initial Highly Trusted Sponsor application is pending

211. You must apply for HTS status no later than 12 months from the date your licence started. You can apply up to one month in advance of this date.

212. If the 12 month period ends and you have applied for, but not yet received, a decision on your initial HTS application then we will grant you an allocation equal to any CAS that you have not used during this 12 month period. You must ensure that you apply to renew your CAS allocation if you want to be able to assign these unused CAS while your HTS application is being considered.

213. If you do not have any CAS remaining, or you assign all of your remaining CAS while your initial HTS application is being considered, then you can apply to us for a CAS to be able to extend the leave of an existing student who needs to complete their course with you. Even if you have assigned all your existing CAS during the 12 month period you must ensure that you apply to renew your CAS allocation when requested or you will not be able to request CAS to extend the stay of existing students.

214. The outcome of your HTS application will determine your licence status and CAS allocation from this time onwards. Please see section titled [‘Applying for HTS status’](#).

Access to the sponsorship management system (SMS)

215. Once you have a sponsor licence, you will have access to the online SMS. We will:

- a. send the user name for the level 1 user you nominated to the authorising officer by email unless, the level 1 user is also the authorising officer and in which case we will send it by post; and
- b. send the password directly to the level 1 user by email.

For more information about the SMS and who can use it, please see the section titled ‘What is the SMS?’ in the [‘Assigning CAS and Sponsoring Students’](#) guidance.

Premium Customer Service

216. All sponsors licensed under Tier 4 who have successfully applied for Highly Trusted Sponsor status and meet the relevant criteria can apply to us for Premium Customer Service. These are packages of benefits available to sponsors which offer enhanced customer service from us. More information on Premium Customer Service and SME+ is available on our pages on the Gov.uk website using the following link: www.gov.uk/employer-sponsorship-join-the-premium-customer-service-scheme

217. If you successfully apply for Premium Customer Service we will rate you as HTS (Premium). Premium customer service is an enhanced customer service and is not a reflection of your level of compliance. Sponsors who do not opt to apply for premium customer service will not be deemed as ‘lesser rated’.

218. The level 1 user can apply for Premium Customer Service and track the progress of your application through SMS.

219. Please note, if you are rated HTS (Premium) and you lose your HTS status your licence will be suspended and subsequently revoked.

220. Please ask us if you have any queries about the application process or your duties as a licensed sponsor. You can speak to us on 0300 123 4699 or by email at EducatorsHelpdesk@homeoffice.gsi.gov.uk. If your application for the Premium Customer Service is approved, you can raise any queries you have with your licence manager.

Adding more tiers and categories to your sponsor licence

221. Once we have granted your sponsor licence, you can add more tiers, categories and sub-categories to it. For example, if you have registered for Tier 4 (General), but then you want to bring employees to the UK to work under Tier 2 (General), you can apply to extend your licence.

222. To do this, you must go through the application process again, quoting your sponsor licence number where asked, and select the tiers, categories and sub-categories you wish to add. You must send in any extra mandatory documents we require along with any extra fee.

223. If you apply to add an extra tier to your existing licence, all the details you give on your further application must be the same as those we already have for you, particularly for your authorising officer and key contact. A sponsor licence can only have one authorising officer and one key contact. If you want different people to be the authorising officer and key contact for the tier you want to add, you cannot amend your existing licence. You must apply for another separate licence and pay the appropriate fee.

224. If the level 1 user you name on the application is different to the ones on your existing licence you must say on the application whether you intend to replace an existing level 1 user or add a new one. If you do not give this information, we will contact you to ask. If you do not reply within five working days we will reject your application.

Section 3 - Renewing your sponsor licence

This section gives information on:

- Key information
- How to renew your sponsor licence
- How the application process works
- Timing your licence sponsor licence renewal application
- Declining to renew your sponsor licence

Key information

225. A sponsor licence lasts for four years, after which it will expire. The only exception to this is if we revoke it or you surrender it before it expires.

226. If you have been granted a licence and subsequently applied for an additional tier, category or sub-category, the expiry date of the original licence will apply to all additional tiers, categories or sub-categories which you have added.

227. If you do not apply to renew your licence and it expires at the end of the four year period, you will no longer be a licensed sponsor from the date that it expired. This means that:

- a. you will no longer be able to access your SMS account; and
- b. you cannot assign any more CAS; and
- c. we will reduce the leave of any students you are currently sponsoring to 60 days, during which time they are allowed to find a new sponsor. If they do not make a further application before their leave expires they must leave the UK or face enforced removal; and
- d. your details will be removed from the online public register of licensed sponsors.

228. If you have any sponsored students studying with you, you must apply to renew your licence before it expires if you want them to be able to continue studying with you, even if you do not plan to sponsor any new students in the future.

229. If you are a legacy sponsor, you are not eligible to renew your Tier 4 sponsor licence. You should not apply to renew your licence but if you do, we will reject your application and refund the fee. Any existing students that you have previously been allowed to continue to sponsor as a legacy sponsor, can no longer study with you from the date your licence expires. Their leave will be curtailed to 60 days if they have more than 60 days permission to stay remaining.

How to renew your sponsor licence

230. You must apply to renew your licence using your SMS account. The SMS will only allow you to make a renewal application from three months before the expiry date of your licence. Your licence start and end date, and the date that you can make your application to renew your licence, can be viewed using the 'Licence summary' function in SMS. Your licence end date is the last day

that you will be able to make a renewal application before your licence expires. If we grant your application to renew your licence, your licence end date and future renewal date will be updated.

231. We will write to you 120 days in advance of the expiry date of your licence to confirm your licence expiry date and tell you that you will soon need to apply to renew it.

232. We will write to you again 90 days before the expiry date of your licence to remind you and to let you know that you can now make an application using your SMS account.

233. We will write again to remind you that your licence is due for renewal:

- a. 60 days before it is due to expire; and
- b. 30 days before it is due to expire; and a final reminder will be sent
- c. 14 days before it is due to expire.

234. There is a fee for renewing your licence. The fee will be the same as it would be if you were applying for a new licence now. Details of all our fees are available on our pages on the Gov.uk website using the following link: www.gov.uk/government/publications/uk-visas-and-immigration-fees. This website explains that there are different fees for small and large companies. Understanding this distinction is important because if you pay less than the required fee for the size and structure of your organisation, your application to renew your licence will be rejected and the payment will be refunded. If you pay more than the required fee, we will accept your application and we will refund the difference between the amount you have paid and the amount you should have paid.

How the application process works

235. The licence renewal function in your SMS account can only be accessed by a level 1 user. The authorising officer and the level 1 user should discuss your licence renewal before a level 1 user submits it. When the level 1 user submits the application, they will be confirming that they are doing so with the consent of the authorising officer.

236. The application is simple and will only take around five minutes to complete. At the end of the process the level 1 user will be prompted to make an online payment to cover the licence renewal fee and to print off a summary sheet to keep for your own information. You do not need to send us any documents at this stage.

237. If you pay less than the required amount or you fail to send any documents that we have requested at this stage, your application will be rejected and the payment refunded to you. If your application is rejected you can reapply again at any time before your licence expires.

238. If your application is accepted, we will temporarily extend the expiry date of your licence to allow us time to conduct any checks that we decide are necessary before granting your application.

239. The checks we make once we have temporarily extended your licence could include asking you to send us some documents. For example we may want to see again, any documents listed in [Appendix A](#) for anyone applying for to renew their sponsor licence. We may also ask for other

documents that are not listed in [Appendix A](#). If we write to you to ask for any documents, you must send them to us within five working days.

240. If you do not send the documents within this time, we will take action against you. We may:

- a. reduce your CAS allocation; or
- b. suspend your sponsor licence pending further investigation; and/or
- c. revoke your licence. (Please see the section titled 'Revocation' in the '[Sponsors' Duties and Compliance](#)' guidance for more information on when we will, or may, revoke your licence).

241. We may want to visit you in connection with your application to renew your licence. If we do, and as a result we find that we have concerns about you as a licensed sponsor, for example if you have failed to meet any or all of your sponsor duties, we will either:

- a. reduce your CAS allocation; or
- b. suspend your sponsor licence pending further investigation; and/or
- c. revoke your licence. (Please see the section called 'Revocation' in the '[Sponsors' Duties and Compliance](#)' guidance for more information on when we will, or may revoke your licence).

242. If your licence is suspended but is due to expire, you must still apply to renew it. If you do not apply to renew it and the result of the suspension does not lead to your licence being revoked, we will not be able to reinstate your licence if it has expired.

243. If we have granted you access to a dormant sponsor licence because you have been involved in a merger, takeover or other restructuring exercise, you do not need to do anything in respect of that dormant licence expiring. You can continue to access it until your last sponsored student's leave under that licence has expired.

Timing your sponsor licence renewal application

244. You must apply to renew your licence before the date your licence expires. We strongly recommend that you make your application to renew your licence at the earliest opportunity, and in any event, at least one month before the expiry date. If you apply in good time, it is likely that you will have the chance to apply again if your application is rejected or refused. If your licence has expired by the time we make a decision to reject or refuse your application, you will not be able to make another application to renew your licence.

245. If you delay making your renewal application and it is then rejected, you will be risking the possibility that your licence expiry date will have already passed and you will be unable to make another application.

Declining to renew your sponsor licence

246. You may choose to decline to renew your licence because you no longer sponsor any students and you do not intend to sponsor any in the future.

247. The renewal function in your SMS account includes an option to 'decline' to renew your licence. If you choose to decline and work through this process to its completion, you will not be able to change your mind afterwards and your licence will simply expire on its due date. Nothing can be done to change or reverse that situation.

248. We strongly advise that you think carefully about whether you want to decline to renew your licence and that this is discussed between the Authorising Officer and the Level 1 user who will complete this process using your SMS account. (When the Level 1 user declines to renew, they will be confirming that they are doing so with the consent of the Authorising Officer).

249. If you do decline to renew your licence, either deliberately or in error, your licence will expire. Please see the section titled '[Key Information](#)' for what this means for you.

Section 4 - Applying for Highly Trusted Sponsor (HTS) status

This section gives information on:

- How to apply
- How we consider an HTS application:
 - Requirements for HTS
 - How we calculate refusal, enrolment and course completion rates
 - Discretionary assessment
- When we will refuse an HTS application
- If we refuse your HTS application
- If we approve your HTS application

250. You must apply for HTS status if:

- You have had your Tier 4 A rated licence for 12 months. (You must apply no later than 12 months from the date that you were granted your licence. You can apply up to one month in advance but we will not decide your application until you have had your licence for 12 months);
or
- You already have HTS status but it is about to expire. (You can apply up to one month in advance of the expiry date).

251. If you do not apply for HTS status within the timescales outlined above, we will suspend your

licence with a view to revoking it.

How to apply

252. You must first ensure you meet the requirements. See the section below titled: 'How we consider an HTS application'.

253. You must apply and pay the fee for HTS using your SMS account, unless you are a premium sponsor. SMS will only allow you to make an application when you have been licensed for 11 months. You must make your application before you have been licensed in Tier 4 for 12 months.

254. The date from which you can make your application for HTS is displayed in the licence details section on SMS. It is your responsibility to monitor this date and apply in time; we will not remind you when your application can be made.

255. Only a level 1 user on your licence can make the application. Once they have applied, you can track the progress of your application, including the current status and outcomes using the 'Applications and Renewals' tracking function in SMS.

How we consider an HTS application

256. On 1 November 2014, we made substantial changes to the HTS core requirements. We:

- lowered the refusal rate from less than 20 per cent to less than 10 per cent;
- removed the scoring aspect of the consideration; and
- removed the 'near miss' outcome and associated processes.

Transitional arrangements will apply between 1 November 2014 and 31 July 2015 and these are set out below.

You must meet all of the relevant requirements on the date that you apply.

257. We will consider your application for HTS against the following requirements:

- a. You must have held a Tier 4 sponsor licence for 12 consecutive months.
- b. You must not have become liable to pay a civil penalty during the three-year period immediately before you apply, which still stood once your objection and appeal rights were exhausted.
- c. You must have:
 - a refusal rate of less than 10 per cent; and
 - an enrolment rate of at least 90 per cent; and
 - a course completion rate of at least 85 per cent.

How we calculate refusal, enrolment and course completion rates

Refusal rates

258. Your refusal rate must be less than 10 per cent. This means that of all the CAS you have assigned that students have 'used' to support an application for leave to enter or remain, the total number of applications we refused must be less than 10 per cent. For the purpose of calculating your refusal rate, a CAS is 'used' when it has been submitted in support of an application for leave to enter or remain and that application has been decided.

259. When assessing your refusal rate, we will not include any students with live appeals or administrative reviews against a decision to refuse their Tier 4 application.

260. If you apply on or after 1 November 2014 we will measure your refusal rate using CAS used data from 1 August 2014 onwards. We will discount any refusals before this date. If your refusal rate is below 10 per cent based on this data, and all other criteria are met, we will grant your application for a further 12 months. **This is a transitional arrangement in place up to 31 July 2015.** When you have completed this 12 months, you will revert to the annual cycle of CAS data assessment for all measurable criteria.

261. If your application date falls after 31 July 2015 we will assess your refusal rate using CAS data from the SMS for the 12 month period immediately before you apply. We will take into account all CAS that students have used and applications we refused during this 12 month period.

Enrolment rates

262. Your enrolment rate must be at least 90 per cent. This means that of all the CAS you have assigned to students who have been granted leave to enter or remain, at least 90 per cent must have enrolled on their course within the enrolment period.

263. We will assess your enrolment rate using CAS data from the SMS for the 12 month period immediately before you apply. We will take into account all the CAS students have used in a successful application, where the student has enrolled on their course within the last 12 months.

Course completion rates

264. Your course completion rate must be at least 85 per cent. This means that at least 85 per cent of students sponsored under Tier 4 who enrol with you, must complete their course.

265. We will assess your course completion rate using all CAS data available from the SMS. To determine your course completion rate we will calculate the number of students whose course was due to end in the past 12 months and who dropped out of their course before the end date. It does not matter when they started their course. We will then calculate the percentage of drop-outs compared with all students who were due to complete their course.

266. When calculating your course completion rate we will not include students who:

- have deferred their studies and have temporarily left the UK; or
- switched institution; or
- switched to another immigration category; or
- left the course and left the UK.

267. If none of your students were due to complete their course in the past 12 months then we will not

assess you against this requirement. If you meet the other requirements we will award you HTS status for 12 months.

268. If you have used the SMS to report that a student has left their course with you and that student has not been granted leave to switch into another immigration category, granted leave to switch institution or left the UK, we will still count them when assessing your course completion rate.

Discretionary assessment

269. If none of the CAS you have assigned have been used in the assessment period prior to you applying for HTS, we cannot assess you against the refusal, enrolment and course completion rate requirements and will apply a discretionary assessment to your HTS application.

270. If you have issued fewer than 50 CAS in the assessment period prior to you applying for HTS status, we will assess your application on a discretionary basis.

271. If you are an independent school, we will also assess your application on a discretionary basis.

272. Discretionary assessments will be conducted on a case by case basis, taking into account your individual circumstances. The factors we will consider may include but are not limited to:

- Why were the visa applications refused?
- Why did the students not enrol/complete their course?
- Are you complying with your general sponsor duties?
- Are you still suitable and eligible to hold a sponsor licence?
- What is your previous history with us?
- Do you pose any threat to immigration control?

When we will refuse an HTS application

273. We will refuse your application for HTS status if:

- a. You have assigned 50 or more CAS and you do not meet one or more of the core requirements (unless there is no data to assess you against any of the requirements); or
- b. We are not satisfied that you should be awarded HTS status using a discretionary assessment; or
- c. You do not send us any evidence we request within the given time limit and/or send incomplete information.

274. We will also refuse your HTS application for any of the reasons set out in the section titled '[When we will refuse a sponsor licence application](#)'.

275. We will reject your HTS application if we have revoked your Tier 4 licence before we have been able to decide your application.

If we refuse your HTS application

276. If we refuse your application for HTS status we will write to you to tell you why and we will

suspend your licence. You will then have 20 working days from the date stated on your written notification to submit further representations. We will not consider any further representations outside of this period. If you challenge our decision, you must be able to demonstrate that it was materially flawed based on the facts at the time of our decision. If, following the consideration of any representations received in this period, you still fail to meet the criteria to be awarded HTS, we will revoke your licence.

277. You have no right of appeal if we refuse your HTS application.

If we approve your HTS application

278. We will:

- a. Write to tell you that we have approved you as a highly trusted sponsor; and
- b. Update your details on the Tier 4 register of sponsors to show your HTS status.

Section 5: Renewing Highly Trusted Sponsor status

This section gives information on:

- Applying to renew your HTS status
- How we will consider an HTS renewal application

Applying to renew your HTS status

279. HTS status is valid for 12 months from the date from which it is awarded. You must renew it every year using your SMS account and, unless you are a Premium Sponsor, pay the appropriate fee. You must make your application to renew it before it expires. Your HTS start date, end date and the date that you can make your application to renew your status can be viewed using the 'Licence summary' function in SMS. Your HTS end date is the last day that you will be able to renew your HTS status before it expires. It is your responsibility to monitor these dates and renew your status; we will not remind you when your status is due to expire. You can apply up to one month in advance and we will consider your renewal against the full requirements that apply at that time. Only your level 1 user can make the application. Once they have submitted the application, you can track its progress, including the current status and outcomes using the 'View' function in SMS.

280. If your HTS status expires and you do not apply to renew it in time we may suspend your licence with a view to revoking it.

How we will consider an HTS renewal application

281. We will consider your HTS renewal application as set out in the section titled '[How we consider an HTS application](#)' which may include a discretionary assessment.

282. If we approve your HTS renewal application and learn that you have delayed reporting information using the SMS which would have changed our decision, we may take action against you. Please see section titled 'Revocation' in the '[Sponsor Duties and Compliance](#)' guidance.

283. If your HTS renewal application is refused please refer to the section titled [‘If we refuse your HTS application’](#).

This is the end of the ‘Applying for or renewing a Sponsor Licence and Highly Trusted Sponsor Status’ guidance document.

Please also see the guidance documents [‘Assigning CAS and Sponsoring Students’](#) guidance and [‘Sponsor Duties and Compliance’](#).

Annex 1: List of unspent convictions we will take into account

These are listed unspent convictions that we will take into account:

1. Manslaughter.
2. An offence under section 4 of the Offences against the Person Act 1861 (soliciting murder).
3. An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
4. An offence under section 16 of the Firearms Act 1968 (possession of a firearm with intent to endanger life).
5. An offence under section 17(1) of that Act (use of a firearm to resist arrest).
6. An offence under section 18 of that Act (carrying a firearm with criminal intent).
7. An offence of robbery under section 8 of the Theft Act 1968 where, at some time during the commission of the offence, the offender had in his possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.
8. An offence under section 1 of the Protection of Children Act 1978 (indecent images of children).
9. An offence under section 56 of the Terrorism Act 2000 (directing terrorist organisation).
10. An offence under section 57 of that Act (possession of article for terrorist purposes).
11. An offence under section 59 of that Act (inciting terrorism overseas).
12. 12An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).
13. An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).
14. An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).
15. An offence under section 1 of the Sexual Offences Act 2003 (rape).
16. An offence under section 2 of that Act (assault by penetration).
17. An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).
18. An offence under section 5 of that Act (rape of a child under 13).
19. An offence under section 6 of that Act (assault of a child under 13 by penetration).
20. An offence under section 7 of that Act (sexual assault of a child under 13).
21. An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
22. An offence under section 9 of that Act (sexual activity with a child).

23. An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
24. An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
25. An offence under section 12 of that Act (causing a child to watch a sexual act).
26. An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
27. An offence under section 15 of that Act (meeting a child following sexual grooming etc).
28. An offence under section 25 of that Act (sexual activity with a child family member) if the offender is aged 18 or over at the time of the offence.
29. An offence under section 26 of that Act (inciting a child family member to engage in sexual activity) if the offender is aged 18 or over at the time of the offence.
30. An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).
31. An offence under section 31 of that Act (causing or inciting a person with a mental disorder to engage in sexual activity).
32. An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).
33. An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc).
34. An offence under section 47 of that Act (paying for sexual services of a child) against a person aged under 16.
35. An offence under section 48 of that Act (causing or inciting child prostitution or pornography).
36. An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).
37. An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
38. An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).
39. An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).
40. An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).
41. An offence under section 9 of that Act (making or possession of radioactive device or materials).
42. An offence under section 10 of that Act (misuse of radioactive devices or material and misuse and damage of facilities).
43. An offence under section 11 of that Act (terrorist threats relating to radioactive devices, materials or facilities).

44.

- 1) An attempt to commit an offence specified in the preceding list or murder.
- 2) Conspiracy to commit a listed offence or murder.
- 3) Incitement to commit a listed offence or murder.
- 4) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence or murder is the offence (or one of the offences) which the person intended or believed would be committed.
- 5) Aiding, abetting, counselling or procuring the commission of a listed offence.