



Home Office

# Tier 4 of the Points Based System: Guidance for Sponsors

## Document 2: Sponsorship Duties

Version 04/2016 - This guidance is to be used from 6 April 2016

This guidance covers:

1. Sponsorship duties
2. The Sponsorship Management System (SMS) and Confirmation of Acceptance for Studies (CAS)
3. Courses
4. Assigning a CAS
5. Reporting changes
6. Maintaining Educational Oversight
7. Reporting changes to an institution
8. Annual Tier 4 activities
9. Renewing a Tier 4 licence
10. Surrendering your licence

Please also see the other Tier 4 Sponsor Guidance documents: Document 1 - 'Applying for a Tier 4 licence and Document 3 - 'Tier 4 Compliance'.

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## Changes since last publication

Current paragraph number	Previous paragraph number	Changes made
2.3	2.3	A duty has been placed on sponsors to treat Tier 4 students consistently with UK/ EEA students where they are found to have used deception to gain advantage in their studies.
3.28	3.28	A link to the Education (Independent School Standards) Regulations 2014 has been added to the references for information on the regulations and national minimum standards for the care of children.
3.29	N/A	Information has been added to clarify what action UKVI will take when a sponsor fails to meet regulations and national minimum standards for children's care and accommodation.
4.15	4.15	We have added wording that Master's and PhD students who are sponsored by an HEI and are studying at the Alan Turing Institute are considered to be based on their HEI's premises.
4.23	4.23	Information has been added to clarify when a student will require further ATAS clearance to complete their course where the course details change or the end date is postponed.
5.17 (e)	5.17	Changes have been made to reflect that students applying under Tier 4 (General) to study a short-term study abroad programme in the UK as part of their degree at an overseas HEI in the USA are now exempt from the Tier 4 English language requirements.
5.21-5.37	5.21-5.36	Changes have been made to reflect updates to the academic progression rule.
5.46	5.45	Information has been added to explain that where a Tier 4 migrant turns 18 during a period of leave, time counting toward maximum study periods will start from their 18 <sup>th</sup> birthday.
5.50	N/A	Information has been added to clarify that UKVI will calculate leave counting toward time limits based on the level and duration of course for which a CAS was issued.
5.77-5.78	5.75	Information on assigning a CAS to continue the same course and assigning a CAS for a new course has been updated to clarify academic progression requirements.
5.86	5.83	Changes have been made to the policy governing when a

		student may start a different course with their existing Tier 4 sponsor without getting permission from UKVI.
6.14-6.18	N/A	Information has been added to clarify the rules regarding self-employment and business activities for Tier 4 migrants.
7.14-7.16	7.14	Information has been added to explain what constitutes a 'material change of circumstances' with regard to maintaining Educational Oversight.
7.18-7.19	N/A	Information has been added to explain the action UKVI will take when a Legacy Sponsor ceases to have any Tier 4 students. Information has also been added to clarify that Tier 4 students will have their leave curtailed where their Legacy Sponsor's licence expires.
8.4(l)	8.4	Information has been added to the 'changes to sponsor circumstances table' to explain the reporting requirements and ongoing duties when a Tier 4 sponsor becomes an academy or school maintained by a local authority.
8.12	8.12	Information has been added to clarify when a change in ownership will also take place if the institution is part of a wider corporate group.

## 1. Introduction

- 1.1 This is Document 2 of the Tier 4 Sponsor Guidance, which sets out the requirements for education providers wishing to apply for and hold a licence to sponsor international students to come to the UK under Tier 4 of the Points Based System. Document 1 covers applying for a Tier 4 licence, Document 2 covers sponsorship duties, and Document 3 covers compliance assessments and sanctions for non-compliance. Sponsors, and education providers who would like to apply for a Tier 4 licence, should read all three documents and ensure they understand them and comply with them.

## 2. Sponsorship Duties

This section gives information on:

- Guiding principles
- Duties
- Specific record-keeping duties
- Specific reporting duties

### Guiding principles

- 2.1 Sponsorship is a privilege and not a right. Sponsors benefit directly from migration and are expected to play a part in ensuring that the system is not abused. Sponsors must therefore fulfil certain duties, in order to ensure that immigration control is maintained. Providers must be able to show that they can fulfil, and are fulfilling, these sponsor duties in order to gain and retain a Tier 4 licence.
- 2.2 Sponsors have responsibilities in respect of their Tier 4 students from the moment they assign a [CAS](#) to the student until:
- they withdraw sponsorship from the student;
  - the student leaves the UK; or
  - the student is given permission to stay in the UK with a different sponsor or in another immigration category.

### Duties

- 2.3 A sponsor has a duty to:
- act honestly in all its dealings with the Home Office. For example, a sponsor must not make false statements, and must disclose all relevant information when it applies for a Tier 4 licence or assigns a CAS;
  - act with integrity as a genuine education provider;
  - take responsibility for all its Tier 4 students while it is sponsoring them, including by doing all it can to ensure that prospective students are genuine students who can comply with the Immigration Rules, and that students enrol, comply with their conditions of leave, and see their course through to completion;
  - ensure that concerns about the conduct and integrity of Tier 4 students are treated consistently with other students, including taking appropriate action where students are found to have used deception to gain advantage in their studies;
  - comply with all aspects of the Immigration Rules and sponsor guidance, and support immigration control, including by taking steps to ensure that every student at your institution has permission to study in the UK throughout the whole period of their study;

- co-operate with the Home Office by allowing its staff immediate access to any of its sites on request (whether or not visits are prearranged) and complying with requests for information, including in connection with the prevention or detection of crime, the administration of illegal working civil penalties and/or the apprehension or prosecution of immigration offenders; and
- ensure that its website and any marketing material accurately reflects its status as a Tier 4 sponsor. A sponsor must ensure its website and any marketing material does not use the term 'Highly Trusted Sponsor'.

## Specific record-keeping duties

- 2.4 Sponsors must keep all of the documents listed in [Appendix D](#) in accordance with Appendix D, storing them as paper copies or electronically. Sponsors are not required to keep original passports; these should be returned to the student once the necessary pages have been copied. It is illegal for passports to be retained for any purpose.
- 2.5 You must provide UKVI with any document listed at Appendix D, or any document relevant to the running of your organisation, if we ask to see it at any time. Documents requested by UKVI which are not in English or Welsh must be accompanied by a certified translation. The translator's credentials should be given, along with their official declaration that the translation is accurate.
- 2.6 UKVI may ask a sponsor to complete a spreadsheet showing the details of each of its Tier 4 students and their attendance. If requested, this must be sent electronically to UKVI within 21 days of the date of the request, providing all the information requested.
- 2.7 UKVI may also ask a sponsor to complete a spreadsheet showing the details of each of its Tier 4 students and their current addresses, including information on the proximity of their residential address to the sponsor's teaching site. If requested, this must be sent electronically to UKVI within 21 days of the date of the request, providing all the information requested.
- 2.8 Sponsors of a child under the age of 18 must keep a copy of the letter from the child's parents or legal guardian, or just one parent if that parent has sole legal responsibility for the child. This should consent to the arrangements for the child's application, travel, reception and care arrangements in the UK. Children aged 16 and 17 have the legal right to live independently in the UK, and may make their own arrangements for accommodation, but they need the consent of their parent(s)/legal guardian to do this and to travel to the UK (if applying from overseas).

## Specific reporting duties

- 2.9 A sponsor has a duty to notify UKVI if:
- a. it becomes aware that any of the students it is sponsoring has been granted leave with the incorrect conditions of stay, for instance if they have mistakenly been granted permission to work;
  - b. anything it has reported through the SMS is incorrect, telling us why it is incorrect;
  - c. if there are any changes to a Tier 4 student's circumstances (please see [Reporting changes to student circumstances](#)); and
  - d. if there are any changes that affect its Tier 4 licence (please see [Reporting changes to an institution](#)).
- 2.10 A sponsor must report on all Tier 4 students that it is sponsoring, including when they are:
- a. On a course (including a pre-sessional course) at a partner institution or at another institution under an exceptional arrangement; or
  - b. Doing a work placement that is part of their course.
- 2.11 A sponsor must also provide details of any third party, in the UK or another country, which has helped it to recruit students.
- 2.12 Further information on reporting duties can be found at [Reporting changes to student circumstances](#) and [Reporting changes to an institution](#).

### 3. The Sponsorship Management System (SMS) and Confirmation of Acceptance for Studies (CAS)

This section gives information on:

- Your Sponsorship Management System (SMS) account
- Confirmation of Acceptance for Studies
- Key points you need to know about sponsoring students under Tier 4

#### What is the Sponsorship Management System (SMS)?

- 3.1 When we grant your sponsor licence, we also set up your Sponsorship Management System (SMS). This is an online tool which lets you carry out day-to-day sponsorship activities and report any changes. You will also use it to assign Confirmation of Acceptance for Studies (CAS) to students who wish to come to, or stay in, the UK to study, and to fulfil your reporting duties for your sponsored students.
- 3.2 We call a person who has access to the SMS a 'user'. The SMS allows users two levels of access – 'Level 1' and 'Level 2'. The level decides the type of access (permissions) the user has to the system and the functions they can perform. Please see the section titled 'Key Personnel and others involved with your organisation' in the ['Applying for a Tier 4 licence'](#) guidance.
- 3.3 To maintain security we will:
  - a. send the user name for the Level 1 user 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.
- 3.4 Your SMS account is also the primary source of information about your sponsor licence and you can use it to view details such as your current organisation and Key Personnel details, the number of CAS you have remaining in your allocation and your allocation expiry and licence end dates. Your SMS account also has a message board where we post useful messages from time to time. It is important that you access your SMS account on a regular basis to review and update your licence details. We recommend that your Level 1 user accesses your account on at least a monthly basis.
- 3.5 SMS users must never give their password to anyone else. If they do, we will take action against you, this may include reducing your CAS allocation to zero and temporarily removing you from the Tier 4 Register of Sponsors, or revoking your licence.
- 3.6 You can access the SMS on our website at <https://www.points.homeoffice.gov.uk/gui-sms-jsf/SMS-001-Landing.faces>

- 3.7 You can also find some helpful guides on our website that explain:
- a. changes that you can report using your SMS account; and
  - b. how to assign a Confirmation of Acceptance for Studies (CAS).
- 3.8 You can find this information located on our pages on the Gov.uk website using the following link:  
<https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>
- 3.9 You must have at least one Level 1 user in place throughout the life of your licence. If we find that you have no Level 1 user in place at all this means that you can't fulfil your sponsor duties and we will take action against you. We will also take action against you if you have no SMS users in place at all. Please see the section titled 'Key Personnel and others involved with your organisation' in the 'Applying for a Tier 4 licence' sponsor guidance.

## What is a Confirmation of Acceptance for Studies (CAS)?

- 3.10 A CAS is not a paper certificate or document but a virtual document, like a database record. When you have followed all the rules set out in this guidance and you are ready to sponsor a student under Tier 4 (General) or Tier 4 (Child) you must assign a CAS to them using your SMS account. This involves working through a short online form where you give information about the student you want to sponsor and the course of study they will follow. For more information on how many CAS you will be able to assign please see the section titled 'Confirmations of Acceptance for Studies (CAS) allocations' in the 'Applying for a Tier 4 licence' sponsor guidance.
- 3.11 You must complete all the relevant details in the SMS, for example the student's personal details, course level, start and end dates, and information about fees. Complete the 'evidence provided' section in detail. This includes:
- a. Stating how you assessed the student's English language ability, when this is required.
  - b. Explaining how you assessed the student's ability to follow the course.
  - c. Explaining how the course represents academic progression when this is required.
  - d. Stating the course fees and how much the student has paid towards their fees.
  - e. Giving the required details for gifted university students.

- 3.12 We recognise that sponsors' academic schedules can change, and that it may therefore be difficult for you to pinpoint the end date of a course precisely when assigning a CAS. If changes to the academic timetable means that the student's course finishes one or two weeks earlier or later than the course end date given on the CAS, this will not be considered as non compliance with sponsorship duties. However, if there is evidence that a sponsor repeatedly gives course end dates that are significantly later than students are expected to complete their studies that will be considered to be a breach of sponsorship duties.
- 3.13 All the information you enter will be stored and can be viewed by us. A CAS can only be assigned by a person who has access to the SMS as a Level 1 or Level 2 user.
- 3.14 You are fully responsible for the actions of anyone who assigns CAS on your behalf. If you break any of our rules on assigning CAS we will take action against you. If we find that you employed an illegal worker because you have negligent staff recruitment practices, we may also issue you with a civil penalty. If we find that you have knowingly employed an illegal worker we will refer the case for prosecution.
- 3.15 When you assign a CAS, you must give the unique reference number to the student to use when they apply to us. Give the student the CAS details too, such as information on the qualifications you assessed. This will help them with their application for a visa. The CAS is valid for six months from the date you assign it. However, it does not guarantee that we will grant the student a visa following any application.
- 3.16 Treat the CAS number as a secure and confidential document. Make sure you send it securely and directly to the student personally because anyone could try to use it to apply for permission to come to or stay in the UK.
- 3.17 The student may ask for other information that was part of the process of generating the reference number. You can give the student a copy of their CAS and there is a function within your SMS account to print any CAS you have assigned. You can do this by using the 'view CAS' function, where you can open the CAS and choose 'print'. More information on how to use this function can be found in the SMS user guide available on our pages on the Gov.uk website using the following link:  
<https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>
- 3.18 Once you have assigned a CAS it can be used by the student to support their application at any time during the six month period from the date it was assigned. If the student does not use the CAS within this period it will expire and show as 'expired' in your SMS account.
- 3.19 A CAS can only be used to support one application, whether or not that application is successful. If the student's application fails and they wish to

reapply, you must assign a new CAS to them to send in with their new application. They will not need a new CAS if their original application was rejected or withdrawn.

- 3.20 If the student's application is rejected as invalid or withdrawn by the student, the CAS will still show in your SMS account as 'assigned' which means it can be used again to support a further application.
- 3.21 Assigning a CAS does not guarantee that the student will succeed in being granted entry clearance or leave to remain. They must meet all the criteria for the Tier 4 leave they are applying for. Before you assign a CAS, you should ensure that the student will meet the requirements for a visa or permission to extend their stay. You can find details of these on our pages on the Gov.uk website using the following link:  
<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-Tier-4-student>

## Key information on sponsoring students under Tier 4

- 3.22 All students who wish to come to the UK under Tier 4 of the Points Based System must obtain a visa before they travel. Some students who are already in the UK under Tier 4 can apply for an extension of leave. This is called 'further leave to remain'.
- 3.23 Students cannot apply for a visa or extension of their permission to stay without a CAS. When you give a student an unconditional offer of a place on a course, you will issue the CAS using the Sponsorship Management System. For details of the Sponsorship Management System, see the section titled '[What is the Sponsorship Management System \(SMS\)?](#)'
- 3.24 Students cannot apply for a Tier 4 visa or further leave to remain more than three months before their course starts.
- 3.25 Students applying for a Tier 4 visa or further leave to remain must meet the requirements of the Immigration Rules.

## Care arrangements for children

- 3.26 Sponsors who recruit a child under the age of 18 must ensure suitable care arrangements are in place for them in the UK. This must include arrangements for their:
- a. travel;
  - b. reception when they arrive in the UK; and
  - c. care while in the UK.

- 3.27 The maintenance requirements for a student in Tier 4 (Child) depend, in part, on:
- a. their care arrangements; and
  - b. the location of the independent school at which they will study.
- 3.28 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 and 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](http://webarchive.nationalarchives.gov.uk/20071001175105/dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4005629)
  - b. Boarding schools: national minimum standards, inspection regulations: <https://www.gov.uk/government/publications/boarding-schools-national-minimum-standards>
  - c. The Education (Independent School Standards) Regulations 2014: <http://www.legislation.gov.uk/ukxi/2014/3283/contents/made>
  - d. Residential special schools: national minimum standards, inspection regulations: <https://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards>
- 3.29 Where you receive an inspection from the relevant Educational Oversight body that finds that you are not meeting the regulations or national minimum standards referred to above, you will normally be subject to restrictions on assigning CAS. This will not apply where the failure relates solely to a minor fault. Any restriction will remain in place until you receive a satisfactory report following a further visit or until such a time as the Educational Oversight body or Department for Education confirms in writing that any issues identified by the relevant body have been addressed.
- 3.30 If a Tier 4 (Child) student will be cared for in a private foster care setting the sponsor must give the local authority in whose area the child will live the following details, as soon as they become aware that the child has arrived in the UK or, if the private care arrangement begins when the child is already here, as soon as they become aware of the change:
- a. the name of the foster carer; and
  - b. the address where the foster carer and the student will live.
- 3.31 If you fail to do this, we will immediately revoke your licence.
- 3.32 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](https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-Tier-4-student).

## 4. Courses

This section gives information on:

- Course types allowed for Tier 4 (Child) students
- Course types allowed for Tier 4 (General) students
  - Level of course
  - Full-time course
  - Approved qualification
  - Pre-sessional courses
  - Courses which require an ATAS Clearance Certificate
  - Postgraduate Doctors and Dentists
  - Doctorate Extension Scheme students
  - Postgraduate Students (Writing up Thesis)
  - Students Union sabbatical officers
  - Gifted university students
  - Supplementary study

### Course types allowed for Tier 4 (Child) students

- 4.1 Tier 4 (Child) students can study courses which are:
- a. taught in line with the National Curriculum;
  - b. taught in line with the Qualifications and Credit Framework (QCF) or National Qualification Framework (NQF);
  - c. accepted as being of equivalent academic status by Ofsted (England), or the appropriate bodies in the devolved regions, including the Education and Training Inspectorate (Northern Ireland), Education Scotland (Scotland) and Estyn (Wales); or
  - d. taught in line with the prevailing inspection standards for independent school education.
- 4.2 You can also assign a CAS to a Tier 4 (Child) student to undertake a [pre-sessional course](#) to prepare them for their main course of study.
- 4.3 You must assign a CAS for each separate course of study the student will take. A 'course' of study is, for example, the period of study for GCSEs or A-levels. You cannot assign a single CAS that covers both GCSE and A-level studies.

## Course types allowed for Tier 4 (General) students

### Level of course

4.4 Please see the table below for details of the level of courses you can assign a CAS for.

Can I assign a CAS to a student studying at a minimum level of:	Yes	No
Qualifications and Credit Framework (QCF) or National Qualifications Framework (NQF) level 3 or above in England, Wales and Northern Ireland (or the equivalent in Scotland).	✓	
Level B2 of the Common European Framework of Reference for Languages (CEFR) for English language students. However, students who currently have permission to stay in the UK, and applied for that before 5 October 2009, are exempt from this requirement. They are allowed to start a new English language course at a minimum of CEFR level A2. But if their current permission to stay expires before their new course starts, they cannot extend it to complete an English language course that is below CEFR level B2	✓	
Below QCF or NQF level 3		✓
Below level B2 for English language students (except those who currently have permission to stay in the UK, and applied for it before 5 October 2009).		✓
Courses (including pre-sessional courses) at QCF or NQF Level 3 or equivalent at a Probationary Sponsor		✓

4.5 We will take compliance action against you if you assign a CAS for a Tier 4 (General) student to take courses that do not meet our minimum level. This only applies to the student's main course of study. Supplementary study can be at any level.

### Full-time course

4.6 The course must be full-time, which we define as:

- a. a full-time course of degree level study that leads to a UK-recognised qualification at level 6 or above on the QCF or NQF or equivalents;
- b. an overseas higher education course that the student is studying for in the UK and leads to a qualification from an overseas higher education institution that is recognised as being equivalent to a UK higher education qualification; or
- c. a full-time course of study below UK degree level that involves a minimum of 15 hours a week of classroom-based, daytime study (08:00 – 18:00, Monday to Friday).

- 4.7 Vacation periods, including those between academic years, should be reasonable and broadly consistent with those at publicly funded institutions. Disproportionately long vacations may be considered immigration abuse.

### Approved qualification

- 4.8 The course that you assign a CAS to a student to take must lead to an 'approved qualification'. An approved qualification is one of the following:
- a. Validated by Royal Charter.
  - b. Awarded by a body that is on the list of recognised bodies produced by the Department for Business, Innovation and Skills:  
<https://www.gov.uk/recognised-uk-degrees>.
  - c. Recognised by one or more recognised bodies through a formal articulation agreement with the awarding body.
  - d. In England, Wales and Northern Ireland on the Register of Regulated Qualifications (<http://register.ofqual.gov.uk/>) at QCF or NQF level 3 or above.
  - e. In Scotland, accredited at level 6 or above in the Scottish Credit and Qualifications Framework (SCQF) by the Scottish Qualifications Authority.
  - f. An overseas qualification that UK NARIC can assess as valid and equivalent to level 3 or above on the NQF.
  - g. Covered by a formal legal agreement between a recognised body and another education provider or awarding body. (For additional information please see paragraph 4.10 below).
- 4.9 For the purposes of subsection (c) above, an articulation agreement is a process whereby all students who satisfy academic criteria on one programme are automatically entitled (on academic grounds) to be admitted with advanced standing to a subsequent part or year of a programme of a degree-awarding body. Arrangements, which are subject to formal agreements between the parties, normally involve credit accumulation and transfer schemes.
- 4.10 If the approved qualification is covered by subsection (g) above, an authorised signatory for institutional agreements within the recognised body must sign this. The agreement must confirm the recognised body's own independent assessment of the level of your or the awarding body's programme compared to the NQF (or its equivalents). It must also state that the UK recognised body would admit any student who successfully completes your or the awarding body's named course onto a specific or a range of degree-level courses it offers.
- 4.11 We do not accept distance learning courses or courses designed specifically to support students taking distance learning courses, as leading to an approved qualification. This is because distance learning courses are specifically designed in a way that does not require the learner to be

physically present in a traditional educational setting such as a classroom. Courses offered in the UK that are designed to support students on distance learning courses can be undertaken using the Student visitor route (from 24 April the Short-term Study route) if the conditions of that route are met.

- 4.12 Pre-session courses do not have to lead to a recognised qualification, but must meet the requirements for the level of the course.
- 4.13 Except when a student is on a work placement, all study that is part of the course must take place on your premises, or at a temporary location you authorise. For example, it is acceptable if a student is on a field trip. We do not accept the location of a student's work placement as a temporary, authorised location. Any study they do there cannot contribute to the 15 hours of classroom study we require for courses below QCF or NQF level 6.
- 4.14 In the case of the universities of Cambridge, Oxford, Durham and London, the university premises are taken to include the premises of self-governing colleges (which include permanent private halls and approved foundations) of the university named in the statutes of those universities, although it is open to the colleges to hold a separate sponsor licence.
- 4.15 Master's and PhD students who are sponsored by an HEI and are studying at the Alan Turing Institute, the Francis Crick Institute or before its opening, at the MRC National Institute for Medical Research or Cancer Research UK London Research Institute, are also considered to be based on their HEI's premises. The Tier 4 HEI sponsor must ensure they are able to fully comply with all of their sponsor duties in respect of all their students based at either the Alan Turing Institute or the Francis Crick Institute, including having a formal agreement in place with the Alan Turing Institute or the Francis Crick Institute to manage the HEI's students' supervision and reporting. If a student will be based at either the Alan Turing Institute or the Francis Crick Institute you must give this as the student's main study address when assigning a CAS for them.

### **Pre-session courses**

- 4.16 A pre-session course is 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.
- 4.17 Courses which are designed to give a student fundamental training in the subject area of the main course as a stepping stone to it – e.g. a foundation course, foundation programme or foundation degree – or courses which form an integral part of the main course of study or replace part of it – but which are administered separately – are not considered to be pre-session courses.

- 4.18 The pre-sessional course must meet the full requirements of the relevant Tier 4 category for the level of the course, but it does not have to lead to a recognised qualification. A Tier 4 (General) student must pass a secure English Language test (SELT) showing proficiency at CEFR level B1 or B2 depending on the academic level of the pre-sessional course.
- 4.19 A pre-sessional course may be provided in the following ways:
- a. By a Tier 4 sponsor who is also sponsoring the student for the main course of study. Please see the section titled 'Assigning a single CAS to cover both pre-sessional and main course of study' which sets out the circumstances in which a single CAS can be assigned for both courses. Where this does not apply, separate CAS must be assigned for the pre-sessional and the main course.
  - b. By a different Tier 4 sponsor from the one assigning the CAS for the main course of study. In this case, a separate CAS must be assigned for each course.
  - c. By an education provider that is named as a partner on a Tier 4 sponsor's licence. Where a partner institution is not a licensed Tier 4 sponsor, they may only offer pre-sessional courses as described in the section titled '[Assigning a single CAS to cover both pre-sessional and main course of study](#)' and the Tier 4 sponsor must issue the CAS. In all cases, partner institutions must be named on a Tier 4 sponsor licence, even if the partner has a licence in its own right.

#### **Courses which require an Academic Technology Approval Scheme (ATAS) Clearance Certificate**

- 4.20 All non-EEA national students aged 18 or over, who have time-limited leave to stay in the UK, must obtain an ATAS Clearance Certificate if they are undertaking:
- undergraduate or postgraduate studies leading to a Doctorate or master's degree by research in one of the subjects listed in paragraph 1 of [Appendix 6 of the Immigration Rules](#);
  - undergraduate or postgraduate studies leading to a taught master's degree or other postgraduate qualification in one of the subjects listed in paragraph 2 of [Appendix 6 of the Immigration Rules](#); or
  - study or research of more than 6 months at an institution of higher education in the UK, where this forms part of an overseas postgraduate level course, in any subject listed in [Appendix 6 of the Immigration Rules](#).
- 4.21 Tier 4 sponsors have a duty to ensure that any student, including non-Tier 4 students, obtain an ATAS Clearance Certificate if they need one.
- 4.22 An ATAS Clearance Certificate is issued for a specific course with a named provider and covers the length of that course from the course start date to the course end date given on the CAS, plus up to an additional three

calendar months of study. The certificate remains valid as long as the provider and/or course details do not change.

- 4.23 If the provider and/or course details change, or the student's course end date is postponed for a period of more than three calendar months, the student must apply for a new ATAS Clearance Certificate within 28 calendar days, regardless of when their leave expires.
- 4.24 The student must also apply for a new ATAS Clearance Certificate in any of the following circumstances:
- there are any changes to the course content (or research proposal). If the student is studying a PhD course, changes include changes other than minor changes to the areas of research or to the use of any new research technique;
  - the student applies for an extension of leave in order to continue on your course;
  - the student wishes to start a new course that requires ATAS clearance;
  - the student moves to another institution; or
  - the student's visa was issued on or after 30 November 2007, and they need further permission to stay for writing up a thesis.
- 4.25 Where there is a change to the length of the course because the student is deferring their studies, and sponsorship is withdrawn, the application for a new ATAS Clearance Certificate should be made at the time the student is applying for leave in order to start the course again.
- 4.26 Applications for an ATAS Clearance Certificate must be made online on the Foreign and Commonwealth Office (FCO) website. More information about the scheme and the list of designated subjects is available at: <https://www.gov.uk/academic-technology-approval-scheme>.
- 4.27 Where you assign a CAS that requires an ATAS Clearance Certificate you must confirm this on the CAS and keep a copy of either the ATAS Clearance Certificate, or the electronic approval notice the student received from the FCO.

### **Postgraduate doctors and dentists**

- 4.28 Students may take up a recognised foundation programme as a postgraduate doctor or dentist in the UK under Tier 4 (General).
- 4.29 They must have a valid CAS from their sponsor. Health Education South London is the sponsor for all non-EEA students on the two-year foundation programme for postgraduate doctors and dentists assigned a CAS on or after 1 July 2015; and the UK Foundation Programme Office, Health Education Yorkshire and the Humber and Health Education South London are the sponsors for non-EEA students on the two-year foundation

programmes for postgraduate doctors and dentists assigned a CAS before 1 July 2015.

- 4.30 A student who wishes to take a recognised foundation programme under Tier 4 (General) must also:
- a. have successfully completed a recognised UK degree in medicine or dentistry at:
    - i. an institution with a Tier 4 (General) student sponsor licence; or
    - ii. a UK publicly funded institution of further or higher education; or
    - iii. a genuine UK private education institution which maintains satisfactory records of enrolment and attendance; and
  - b. previously have been granted permission to stay in the UK as a student (under either Tier 4 (General) or the student rules that applied before 31 March 2009), for the final academic year and at least one other academic year of their studies leading to that degree.

#### **Postgraduate students (writing up thesis)**

- 4.31 You may continue to sponsor a postgraduate student to write up a dissertation or thesis if you are confident that you can meet your sponsor duties for them during the period leading up to its final submission, including any oral (viva) examination. If you cannot meet your duties during this period you should tell us this, and advise the student to leave the UK. You may later assign a CAS which they may use to apply to return to the UK. You may be able to meet your sponsor duties if for instance you require their continued participation in classes or by contact.
- 4.32 You must ensure students know what their term and vacation dates are, so they can comply with these limits. Students can work full time at the end of their course, provided their conditions of stay permit work during term time and they have leave to stay in the UK. The period at the end of the course is vacation for this purpose.

#### **Student union sabbatical officers**

- 4.33 A student' union sabbatical post is a full-time, salaried, elected, executive union position. A Tier 4 (General) student may be a student' union sabbatical officer for a maximum of two years, either during their course or in the academic year immediately after they graduate. The post must be at the institution that sponsors them or they must be elected to a National Union of Students of the UK position.
- 4.34 If the student takes up the student union sabbatical officer post while they have current permission to stay under Tier 4 (General), you must notify us of this change in their circumstances. If the student's permission was granted on the basis of a visa letter, you can email the change to: [MigrantReporting@homeoffice.gsi.gov.uk](mailto:MigrantReporting@homeoffice.gsi.gov.uk). If the student's permission was

granted on the basis of a CAS, you must report the change using the Sponsorship Management System.

- 4.35 If the student wants to take up a post as a student union sabbatical officer at the end of their course and their permission to stay has expired, they must apply again with a new CAS from their licensed sponsor that gives details of the post.
- 4.36 The term of office for a student union sabbatical officer is normally one academic year and if the student takes the post after their course is finished we may grant them permission to stay under Tier 4 (General) to cover this period. If the student is re-elected after one year, they must apply again with a new CAS from their licensed sponsor that gives details of the post. They cannot apply again for a third year.
- 4.37 A work placement must be no more than 33 per cent of a student's overall course in the UK, or 50 percent if the course is at or above degree level and is studied at a higher education institution or where the course forms part of a study abroad programme. However, this does not include any time they spend as a student union sabbatical officer. If they have another job as well as sabbatical officer duties, they can work part-time during term-time and full-time during vacations if they do not work full-time for the students' union in the vacations.

### **Gifted university students**

- 4.38 In exceptional circumstances, you may waive the English language requirement for a student if you are an HEI, the student is studying at degree level and you consider the student to be gifted. You must only do this if English language proficiency is not integral to that particular course of study and a pre-sessional course would be inappropriate.
- 4.39 If you want to waive the English language requirement for a gifted student, your academic registrar, or your institution's equivalent, must approve this and you must follow the process below.
- 4.40 When you complete the CAS you must confirm in the 'evidence provided' field:
- a. that you are treating the student as gifted;
  - b. the reason why you are treating them as gifted; and
  - c. the name of your academic registrar, or your institution's equivalent, their contact number and email address.
4. 41 You must give the student an original letter signed by your academic registrar, or your institution's equivalent. This must confirm:
- a. your sponsor name;

- b. your sponsor licence number;
  - c. the student's name;
  - d. the student's course including the level of study; and
  - e. that the academic registrar, or your institution's equivalent, considers the student to be gifted and the reason why.
- 4.42 If the student is applying from overseas they must have this letter with them when they enter the UK.
- 4.43 You must also email us details of each CAS you assign to a gifted student. Please email [T4GiftedStudents@homeoffice.gsi.gov.uk](mailto:T4GiftedStudents@homeoffice.gsi.gov.uk). Put the CAS reference number in the title of the email and your contact details and sponsor licence number in the main body of the email.
- 4.44 If we are concerned about the number of gifted students you have assigned a CAS to, we will contact your academic registrar, or your institution's equivalent.

### Supplementary study

- 4.45 Tier 4 students are allowed to undertake supplementary study in addition to their main course of study, such as evening classes, or short courses studied full-time during vacation periods. Supplementary study can be in any subject and does not have to relate to their main course of study. It may be taken at any time during the period of leave granted for their main course of study, including before, during or after the main course. Students do not need permission from UKVI to take supplementary study.
- 4.46 Supplementary study must not in any way hinder the student's progress on their main course of study. If it continues after the student has completed their main course, it must not delay their departure from the UK. Extensions of leave will not be given to complete supplementary study.
- 4.47 Qualifications obtained as a result of supplementary study cannot be used to show academic progression (please also see the section titled '[academic progression](#)').

### Doctorate Extension Scheme students

- 4.48 If you are an HEI, the Doctorate Extension Scheme allows you to sponsor Tier 4 students who are currently following a course leading to a PhD to stay in the UK for up to 12 months at a Tier 4 sponsor after their course has ended. Once the student has successfully completed their PhD there will be fewer restrictions on the work they can do and they can use the 12 months to gain further experience in their chosen field, seek skilled work, or develop plans to set up as an entrepreneur.

- 4.49 If you wish to sponsor a student under the Doctorate Extension Scheme, you must agree to continue sponsoring them for the 12 months after their course. To continue sponsoring the student, you must maintain contact with them. At a minimum, there must be at least two contact points at regular intervals during the time the student is on the scheme. This arrangement is intended to enable you to continue to offer support to the student to use their time on the scheme to gain experience in their specific field or seek skilled work. However, you do not have any formal responsibility to ensure they do this.
- 4.50 To qualify for the Doctorate Extension Scheme, students must meet the requirements set out below. A student must:
- Have leave as a Tier 4 (General) student to study a course that leads to the award of a PhD qualification;
  - Be studying with a Tier 4 sponsor that is a UK HEI;
  - Have not yet completed their course;
  - Have a CAS from you confirming that you expect them to successfully complete their course on the specified course end date, and that you will sponsor them during the 12 months they are on the scheme; and
  - Be applying no more than 60 days before the end date of their course (as stated on the CAS).
- 4.51 Sponsored students apply for the Doctorate Extension Scheme by making a new Tier 4 (General) application. They are expected to meet all the normal Tier 4 (General) criteria. You will need to assign a new CAS to them to make this application.
- 4.52 A student does not need to hold or apply for an ATAS Clearance Certificate to cover their time spent on the Doctorate Extension Scheme. If, however, they are currently studying a course (or period of research) that requires an ATAS Clearance Certificate, and their course end date given on the CAS is postponed for a period of more than three calendar months (or any other changes outlined in the [‘Courses that require an Academic Technology Approval Scheme \(ATAS\) Clearance Certificate’](#) section of this guidance apply), the student must apply for a new ATAS Clearance Certificate to cover the rest of their time on that course.
- 4.53 If you are sponsoring a student for the Doctorate Extension Scheme, they will need to satisfy the normal English language requirements for PhD level students. However as PhD students are studying a course at degree level or above with an HEI, you can make your own assessment of the students English language ability. This assessment could for example be based on your experience of this student and their progress to date during their studies.
- 4.54 Students on the Doctorate Extension Scheme have new work conditions when they successfully complete their course. They will be regarded as having successfully completed their course on the date that their Tier 4

sponsor formally confirms that their PhD is completed to the standard required for the award of a PhD.

- 4.55 If the student does not successfully complete their PhD, or they are awarded a lower qualification, their work conditions will not change. You must report this on the SMS. The student's leave will be curtailed to the time a Tier 4 student would normally receive after their course. For example if their course was three years long, their leave will be curtailed to four months from the date their course ended.
- 4.56 No compliance action will be taken against the sponsor if the student fails to leave the UK at the end of their visa or apply for further leave.

### **Assigning a CAS to a student who wants to extend their stay under the Doctorate Extension Scheme**

- 4.57 If one of your existing students applies to extend their permission to stay in the UK under the Doctorate Extension Scheme, the course start date you enter on the CAS should be the date on which you issue the CAS.
- 4.58 If one of your existing students applies to extend their permission to stay in the UK under the Doctorate Extension Scheme, the course end date you enter on the CAS should be the date you expect to formally confirm that their PhD is completed to the standard required for the award of a PhD.
- 4.59 You must not assign a CAS for a student who wants to extend their stay under the Doctorate Extension Scheme more than 60 days before the expected end date of the PhD.
- 4.60 Doctorate Extension Scheme students will be continuing their current course before entering into the 12 months leave after their course, and therefore will not be studying a course at a higher level. You should state on the CAS that the student is currently studying a PhD with you, and that you are sponsoring them under the Doctorate Extension Scheme, as the reason why the course represents academic progression. Put this information in the 'If the same or lower supply justification text' box.
- 4.61 If you are sponsoring a student to extend their permission to stay in the UK under the Doctorate Extension Scheme you must confirm that:
- a. you are sponsoring the student under the Doctorate Extension Scheme; and
  - b. you expect the student to complete their course and gain a PhD on approximately the stated course end date; and
  - c. you will continue to sponsor the student for the 12 months after their course is complete; and the student is aware of their responsibility to abide by the conditions of their Tier 4 leave, including that they will leave the UK when their visa expires unless they have obtained further valid leave.

Please put this in the 'Evidence used to obtain offer' box.

### **Additional reporting for Doctorate Extension Scheme students**

- 4.62 If a student you have sponsored has a Tier 4 (General) application approved under the Doctorate Extension Scheme, you continue to report as normal until they successfully complete their course.
- 4.63 A student has successfully completed their course once you have formally confirmed to them that their PhD is completed to the standard required for the award of a PhD. You must report this and the date of completion to us. You should report this using the SMS, unless the student's application has yet to be decided by us. If their application has yet to be decided you should confirm this information in the notes field on the student's CAS.
- 4.64 If the student finishes their course without successfully completing their PhD, or is awarded a lower qualification, you must report this and, if appropriate, the date of completion to us. You should report this using the SMS, unless the student's application has yet to be decided by us. If their application has yet to be decided you should confirm this information in the notes field on the student's CAS. We will curtail the student's leave such that they are left with the same amount of leave that they would otherwise have received following the end of their course. You must continue to report on these students as normal.
- 4.65 You must maintain contact with them. At a minimum, there must be at least two contact points at regular intervals during the time the migrant is on the scheme. You should determine the most appropriate format for these contacts. Acceptable methods may include a meeting either in person or using Skype, telephone contact or contact by email. You must tell us if the student misses a scheduled contact with you without reasonable explanation and you are subsequently unable to make contact with them. You must report this using the SMS.
- 4.66 If the student tells you that they are permanently leaving the UK you must report this using the SMS.
- 4.67 If you have reason to believe that a student is breaching conditions of their leave either during or after the completion of their course you must report this to us using the SMS.
- 4.68 If for any reason you choose to stop sponsoring a Doctorate Extension Scheme student after the completion of their course you must report this to us using the SMS.
- 4.69 You must withdraw sponsorship if:
- a. the student finishes their course without successfully completing their PhD, or is awarded a lower qualification;
  - b. you have told us that the student has missed a scheduled contact with you without reasonable explanation, you have subsequently been unable to make contact with them, and you do not reasonably expect the migrant to make further contact with you;
  - c. the student notifies you that they are permanently leaving the UK; or

d. you are aware that the migrant is breaching conditions of their leave;

4.70 We will check you are complying with these requirements through our normal compliance activity. Failure to report will not directly impact on your sponsor licence, but if there is evidence that you are failing to take reasonable steps to fulfil your sponsorship obligations in relation to the Doctorate Extension Scheme we may take this into account when considering action to ensure that you are complying with your obligations more generally.

## 5. Assigning a CAS

This section gives information on:

- Whether you should assign a CAS under Tier 4 (General) or Tier 4 (Child)
- What to consider before assigning a CAS
- How to assign a CAS
- Cancelling a CAS

### Which Tier 4 route shall I use to assign a CAS?

- 5.1 There are two routes you can use to sponsor a student. These are Tier 4 (Child) and Tier 4 (General).
- 5.2 Tier 4 (Child) is for students aged 4-17. Tier 4 (Child) students may only be educated at independent schools. Tier 4 (General) is for students aged 16 or over.
- 5.3 Students aged 16 or 17 may apply in the following categories:
- a. Those who wish to study NQF/QCF level 2 courses (for example GCSEs) may only apply as a Tier 4 (Child) student.
  - b. Those who wish to study a course at NQF/QCF level 3 or above, other than a foundation course, may apply for a visa under either Tier 4 (General) or Tier 4 (Child).
  - c. Those who wish to study a foundation course may only apply as a Tier 4 (General) student.
  - d. Those who wish to study English as a foreign language may only apply as a Tier 4 (General) student unless the course is a pre-sessional language course to be taken before their main course of study at an independent school.
- 5.4 You must not offer English language courses to students aged 15 or under using Tier 4 (Child). They should apply to come to the UK as a short-term student child.
- Transitional arrangement
- 5.5 Sponsors that are not independent schools will have the Tier 4 (Child) category removed from their licence. If such a sponsor also holds a Tier 4 (General) category on its licence then the (General) category will be unaffected by this change. Tier 4 (Child) students who are already studying at an institution that is not an independent school may continue to do so, in accordance with the provisions that apply to Legacy Sponsors.

## What to consider before assigning a CAS

- Complying with the law
- English language requirements
- Students studying at degree level and above
- Students studying below degree level
- Exceptions to the English language requirements
- Academic progression
- Place of study
- How long can a sponsored student stay in the UK?

## Complying with the law

- 5.6 To ensure that you are complying with our immigration laws, you must only assign a CAS to a student whom you reasonably believe will:
- a. meet the requirements of the Tier 4 category under which you assign the CAS; and
  - b. comply with the conditions of their permission to stay in the UK.

## English language requirements for Tier 4 (General) students

- 5.7 Before you issue a CAS to a Tier 4 (General) student, you must assess their English language ability. In some circumstances you are required to check this using a Secure English Language Test (SELT) from an approved test provider. These approved providers are listed in [Appendix O](#) of the Immigration Rules.
- 5.8 SELTs can only be sat at approved test centres. A list of all the approved test centres is available on GOV.UK at: <https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>
- 5.9 The list of approved test providers changed on 6 April 2015. SELT certificates relating to tests taken before 6 April 2015 are no longer valid.
- 5.10 If the student is successful in a SELT they will be given a unique reference number. The Tier 4 sponsor should quote this number on the CAS. The student will also need to quote this number when they make their application. The Home Office will use this number on the SELT provider's online verification system to confirm that the student passed the test.

- 5.11 We may interview a Tier 4 (General) student, either as part of their Tier 4 application overseas, or when they arrive in the UK (for example at the airport). If we interview a Tier 4 (General) student who was assigned a CAS on or after 21 April 2011 and they cannot show at that interview that their English language ability is of the standard required in the immigration rules and this guidance without an interpreter, we will refuse their application or refuse them permission to enter the UK.

## **Tier 4 (General) students studying at degree level and above**

- 5.12 Depending on whether you are an HEI or not, you must assess the student's English language competence in one of two ways.
- a. If you are an HEI we will allow you to choose your own way to assess it. (You may not have to do this for 'gifted' students. Please see the section titled '[Gifted university students](#)' above). However, you must ensure they are proficient to level B2 in each of the four components (speaking, listening, reading and writing), unless they are exempt from being proficient in a component because of a disability.
  - b. If you are not an HEI you must make students demonstrate their level B2 English language competence by providing a recent secure English language test (SELT) from one of our approved test providers. They must have achieved at least CEFR level B2 in all four components (unless a test provider exempts them from sitting a component because of a disability).
- 5.13 You must take all reasonable steps to ensure that you are satisfied through your assessment that the applicant meets the language competence requirements. For example, you could interview students. If you have doubts about any documents then you should verify them with the appropriate body. You can read the list of our approved English language tests which is located on our pages on the Gov.uk website using the following link:  
<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

## **Tier 4 (General) students studying below degree level**

- 5.14 When you assign a CAS to a Tier 4 (General) student studying a course at QCF or NQF level 3, 4 or 5 (SCQF level 6, 7 or 8 in Scotland) you must ensure they are competent in English language at a minimum level B1 on the CEFR. Exceptions to this requirement are set out at paragraph 5.16. It is not acceptable to issue a CAS based on a student's expected results.
- 5.15 Whether or not you are an HEI, you must assess your students' English language competence at CEFR level B1 by making them provide a recent secure English language test (SELT) which confirms that they have achieved

at least level B1 in all four components (unless a test provider exempts them from sitting a component because of a disability). If you have doubts about any documents then you should verify them with the appropriate body.

5.16 This requirement also applies to students who are:

- a. undertaking foundation degrees;
- b. taking pre-sessional courses which are below QCF or NQF 6 before a degree course, this includes students sponsored by an HEI; or
- c. studying English as a foreign language under Tier 4 at CEFR level B2 or above.

## Exceptions to the English language requirement

5.17 You do not have to confirm English language competence for:

- a. Tier 4 (Child) students;
- b. students moving from Tier 4 (Child) into Tier 4 (General);
- c. those who have successfully obtained an academic qualification (not a professional or vocational qualification) from an educational establishment in the UK, which meets the recognised standard of a Bachelor's or Master's degree or a PhD in the UK;
- d. those who have previously completed an academic qualification equivalent to a UK degree which was taught in what we call a 'majority English-speaking' country (see the table below);

A – H	I – P	Q – Z
Antigua and Barbuda Australia The Bahamas Barbados Belize Dominica Grenada Guyana	Ireland Jamaica New Zealand	St Kitts and Nevis St Lucia St Vincent and the Grenadines Trinidad and Tobago United States of America

- e. those who are nationals from what we class as 'majority English-speaking' countries, (see the table below); or

A – H	I – P	Q – Z
Antigua and Barbuda Australia The Bahamas Barbados Belize Canada Dominica	Jamaica New Zealand	St Kitts and Nevis St Lucia St Vincent and the Grenadines Trinidad and Tobago United States of America

Grenada Guyana		
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- f. those who are applying under Tier 4 (General) to undertake a short-term study abroad programme in the UK as part of their course at an overseas HEI in the USA which leads to a qualification of at least equivalent level to a UK bachelor's degree.

- 5.18 Our pages on the Gov.uk website has a list of the approved English language tests for Tier 4, including how long tests are valid for, and the scores a Tier 4 (General) student must achieve to meet CEFR levels B1 and B2 in all four components (reading, writing, speaking and listening). For more information please see the following link:  
<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>
- 5.19 The Immigration Rules specify that only academic qualifications are acceptable for points c and d above. We will only consider a qualification to be an academic qualification if the awarding body consider it to be an academic qualification. Professional or vocational qualifications, regardless of whether or not they are equivalent to a UK bachelor's degree, are not acceptable. If you are unsure whether or not a qualification is acceptable, you should check this with the awarding body.
- 5.20 Please also see the section titled 'Gifted university students' who may also be exempt from the English language requirements and 'Assigning a CAS' section for details on how to demonstrate a student's language ability when assigning a CAS.

## Academic progression

- 5.21 The academic progression rule is in place to ensure that students are progressing academically if they wish to study a further course in the UK, and are not merely seeking to extend their stay in the UK.

### Who is exempt?

- 5.22 A student does not need to show academic progression if:
- a. they are making a Tier 4 (Child) Student application in the UK or overseas;
  - b. they are making their first Tier 4 (General) application;
  - c. they are making a Tier 4 (General) application overseas;
  - d. they are making a first application to move to a new institution to complete an existing course commenced at a Tier 4 sponsor that had its licence revoked;

- e. they are applying to resit an examination or repeat a course module<sup>1</sup>; or
- f. they are applying to complete the PhD or other doctoral qualification for which they were last given Tier 4 or Student leave, in the UK or overseas (including where they are completing the qualification at a new sponsor).
- g. they are applying to complete the qualification for which they were last given Tier 4 or Student leave after a period as a student union sabbatical officer.

### **How can a student demonstrate academic progression?**

- 5.23 To demonstrate academic progression, the student's new course must normally be above the level of the previous course for which they were given Tier 4 leave. For example, if a student's previous course was at QCF or NQF6 (and equivalents) their next course should be at least at level QCF or NQF7.
- 5.24 If the student's new course is at a lower level than the previous course, it will not represent academic progression and any application to extend their leave will be refused.
- 5.25 In order to demonstrate academic progression a student must have either successfully completed (meaning they have achieved the qualification for which they were studying) the course for which they were last granted Tier 4 leave or, if they have changed courses with the same sponsor, the course they changed to. A student can demonstrate this by having received the award or through formal written confirmation from their sponsor.
- 5.26 If a student has failed to successfully complete their previous course, they will not be able to demonstrate academic progress and will have to apply from overseas if they wish to make a Tier 4 application to study a new course. A student who has been studying A-Levels, and achieves a qualification in at least one of the subjects they have been studying, will be considered to have successfully completed their course.
- 5.27 Qualifications obtained through supplementary study cannot be relied upon by a sponsor or a student to show academic progression.
- 5.28 If a student has been studying a pre-sessional English language course and then applies to study a substantive course, that will be considered to be academic progression. If an applicant has completed a substantive course then wishes to undertake a pre-sessional English language course at a lower level, before another substantive course, this will represent academic progression if:
- a single CAS has been assigned to cover both the pre-sessional course and the substantive course; and
  - the substantive course is at a higher level than the previous course for which they were last granted Tier 4 leave.

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<sup>1</sup> A student may not take the same exam or module more than three times unless their sponsor has Tier 4 Sponsor status.

In all other circumstances, undertaking a lower level English language course between two substantive courses will not represent academic progression.

- 5.29 If a student given Tier 4 leave to study a bachelor's degree in medicine has completed an intercalated master's degree course or PhD during their initial leave, and is applying for further leave to complete their bachelor's degree, that will be considered to be academic progression.
- 5.30 The following circumstances are examples of where the student meets the academic progression rule:
- Student is progressing from A-levels (NQF 3) at an independent school to a bachelor's degree (NQF 6) at an HEI.
  - Student is progressing from a bachelor's degree (NQF 6) to a master's degree (NQF 7).

### **Studying at the same level**

- 5.31 If the student's new course is at the same level as the previous course, it may exceptionally be considered to represent academic progression if the course is at degree level or above; the sponsor teaching the course is an HEI with Tier 4 Sponsor status and:
- a. the new course is related to the previous course for which the student was given Tier 4 leave (meaning that it is either connected to the previous course, part of the same subject group or involves deeper specialisation); or
  - b. the student's previous and new course combined, support the student's genuine career aspirations.
- 5.32 If a student is studying at an embedded college, they will not be able to rely on this exception. They must be applying to study a course at a higher level than the previous course if they are applying within the UK.
- 5.33 In order to establish whether or not a student applying to study a course at the same level meets this requirement, UKVI will take into account all relevant factors, including the following points. This is not an exhaustive list, and will not be appropriate in every case:
- The level of the course.
  - The subject matter of the new and previous courses.
  - The applicant's education history.
  - The credibility of the applicant's rationale for wishing to study the new course.
  - Whether the HEI sponsor sufficiently explains why the student is applying to study a course at the same level

5.34 The following circumstances are examples of where the student is likely to be considered to meet the exception to the academic progression rule, as long as their sponsor provides a strong justification:

- Student has completed a master's degree in Modern Languages (NQF 7) and wishes to study a master's degree in Latin American Studies (NQF 7) in order to deepen their specialist knowledge or to better prepare for doctoral study or a career in academia and research. In this case, there is a clear connection between the previous course and the new course.
- Student has completed a master's degree (NQF 7) in Environmental Policy and wishes to study a Master of Business Administration degree (NQF 7), and the HEI confirms that the two courses in combination support the student's career aspirations in the energy industry. The student may be asked for evidence to demonstrate that they are pursuing a career in this field.

5.35 An example of where the student is unlikely to meet exception to the academic progression rule is where a student has completed an accountancy qualification (NQF 7) and is applying to study a master's degree (NQF 7) in music, as the two fields are unrelated.

### Sponsor duties

5.36 When assigning a CAS to a student required to show academic progression, the sponsor must confirm on the CAS that the student meets the requirement, and how. Where the sponsor is an HEI which has chosen exceptionally to assign a CAS to a student wishing to extend their leave is applying to study a second course at the same level, the HEI must justify its decision by explaining its rationale on the new CAS. This explanation must include confirmation that either a. or b. in paragraph 5.31 applies and why. Abuse of this exception to the requirement to be moving up an academic level will be regarded as immigration abuse and compliance action may be taken against the sponsor.

5.37 UKVI may take compliance action against a sponsor if:

- They assign a CAS without properly assessing a student's academic progression.
- They are required to confirm a student's academic progression on the CAS, and do not.
- They abuse the exception to the requirement to be moving up an academic level.

### Place of study

5.38 We will accept a course that involves periods of study outside of the UK but the student must meet all the immigration requirements of the country in which they will study. If the student intends to return to the UK to continue or

complete their course, it may be practical for you to continue sponsoring them for the period they are outside the UK.

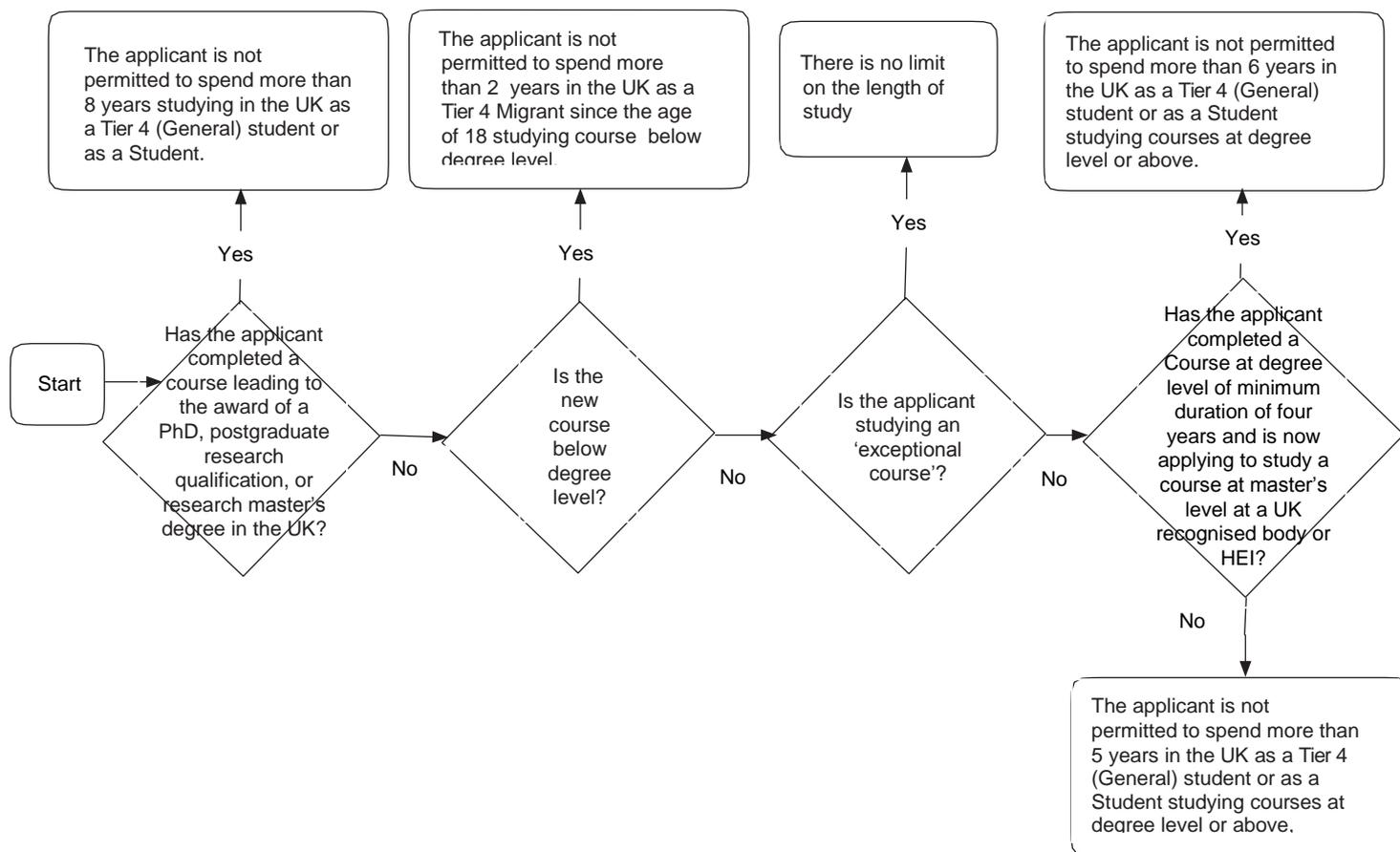
- 5.39 This means you must continue to meet all of your reporting duties for the student but it also means their permission to stay in the UK will remain current and they will be allowed to return to the UK without having to apply again. However, we will assess the reports you make on the student, and may not allow them to re-enter the UK after studying abroad if they have failed to meet any requirements.
- 5.40 If a student does not plan to return to the UK or you do not want to continue to be responsible for them while they are out of the UK, you can end their sponsorship at the time they travel overseas. If you do this, we will cancel their permission to stay in the UK. If they want to return to the UK later on, they will have to apply for a visa again. They may have to return to their country of normal residence to apply to re-enter the UK under Tier 4.

## How long can a sponsored student stay in the UK?

- 5.41 The period of leave given to a successful Tier 4 applicant is based on the length of their course. We will calculate the length of the course using the start and end dates you put on the CAS.
- 5.42 If a student receives government or other official financial sponsorship, we will limit their permission to stay in line with any requirements the sponsor specifies.
- 5.43 A Tier 4 (General) student is allowed to spend no more than two years studying in the UK below [NQF/QCF 6](#) or [SCQF 9](#) (i.e. studying courses below degree level).
- 5.44 In addition, the time a student can spend studying at degree level or above is limited to five years unless:
- a. the student is studying a course at or above degree level in one of the following exceptional subject areas:
    - Architecture;
    - Medicine;
    - Dentistry;
    - Veterinary Medicine & Science;
    - Music at a music college that is a member of Conservatoires UK (CUK); or
    - Law, where the applicant has completed a course at degree level in the UK and is progressing to:
      - a law conversion course validated by the Joint Academic Stage Board in England and Wales, a master's degree in Legal Science (MLegSc) in Northern Ireland, or an accelerated

- graduate LLB in Scotland; or
  - the Legal Practice Course in England and Wales, the Solicitors Course in Northern Ireland, or a Diploma in Professional Legal Practice in Scotland; or
  - the Bar Professional Training Course in England and Wales, or the Bar Course in Northern Ireland.
- b. the student is studying a master's degree at an HEI, following completion of an undergraduate degree where the duration of that degree course was at least four academic years. If this applies, the limit will be set at six years in total instead of five.
- c. the student is on the Doctorate Extension Scheme.
- d. the student is studying a course leading to the award of a PhD, Postgraduate research qualification or research master's degree (as listed in Annex 6 of the Tier 4 Policy Guidance) and the applicant is sponsored by a sponsor that is a UK Recognised Body or a body in receipt of public funding as a higher education institution from the Department of 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.
- 5.45 In all cases, if the student has completed a course leading to the award of a PhD, postgraduate research qualification or research master's degree (as listed in Annex 4 of the [Tier 4 Policy Guidance](#)) in the UK, the grant of leave the student is seeking must not lead to them spending more than eight years in the UK as a Tier 4 (General) migrant, or as a Student.
- 5.46 Time spent in the UK as a Tier 4 (Child) student, or a Tier 4 (General) student whilst under the age of 18 years does not count towards these time limits. Where a Tier 4 migrant turns 18 during a period of leave, the calculation will start from their 18<sup>th</sup> birthday.
- 5.47 The flowchart below titled Maximum period of leave that can be granted to a Tier 4 (General) student has been developed, not to replace the text above but to assist your understanding.
- 5.48 Please refer to the paragraph above which highlights the exceptional courses the flowchart refers to.

## Maximum period of leave that can be granted to a Tier 4 (General) student flowchart



## Calculating periods of leave counting toward time limits

5.49 When assessing a migrant's eligibility to undertake the proposed course of study, UKVI will determine how much leave they have already received to study courses as a Tier 4 (General) migrant or a Student, and add the length of leave that they will receive if their current application is granted.

5.50 To calculate leave counting towards the time limit, UKVI will add the proposed period of leave together with any current leave. This period will be counted from:

- the date leave would begin if granted, if the application is for entry clearance; or
- the date the current period of leave began, if the application is for leave to remain,

until the day the leave would expire if granted.

UKVI will also count any previous periods of leave the student has held under Tier 4 (General) and/or the Student route, including where the student has subsequently left the UK. This period will be counted from the date the leave

began until the date it expired. If the applicant extended their Tier 4/Student leave, or received any period of continuing leave in accordance with section 3c of the Immigration Act 1971, this will be included. If the applicant's leave was curtailed, UKVI will take the date the curtailed leave expired.

- 5.51 UKVI will count the periods based on the level of course for which a CAS was assigned and associated leave granted, including where the student changed to study a course at a different level or for a shorter duration without making a new application for leave.
- 5.52 Time will be counted in months, with individual days rounded upwards or downwards to the nearest month. Dates falling on the middle day of the month will be rounded downwards. For the avoidance of doubt, time will not be double-counted.
- 5.53 UKVI will count the full period unless there are exceptional compelling and compassionate circumstances that either prevented the student from completing the course within the time given or caused them to prematurely leave their course (for example, serious illness or disability).
- 5.54 If the length of the course applied for in the current application would lead to the applicant having spent more than the maximum period permitted, UKVI will refuse the application unless the application is to study a new course or complete a current course within 11 months of the time limit being reached, and either 1), 2) or 3) below applies:
- 1) The student is subject to the two-year limit for studying below degree level, has never studied as a Tier 4 (General) migrant in the UK before, and is applying for leave to study a two-year course.

<b>Where</b>	<b>Worked example</b>
A student has never studied in the UK as a Tier 4 (General) migrant before and is applying for entry clearance to study a 2 year A-levels course.	If granted, the student's leave would begin on 1 August 2015 and expire on 1 October 2017 (course duration 22 months + 1 month added before + 4 months added after the course). This is a total of 27 months, more than the two year time limit, but the concession will be applied to let the student complete their second year of study.

- 2) The student is applying to study a course being taught by an HEI which is also sponsoring the student, and the strict application of the five-year time limit would prevent them from completing a fifth academic year at degree level or above. The following table provides a non-exhaustive list of examples where these circumstances apply.

<b>Where</b>	<b>Worked example</b>
A student has never	If granted, the student's leave would begin on 1

studied in the UK as a Tier 4 (General) migrant before and is applying for entry clearance to study a 5-year pharmacy degree.	August 2015 and expire on 1 October 2020 (course duration 57 months + 1 month added before + 4 months added after the course). This is a total of 62 months, more than the five year time limit, but the concession will be applied to let the student complete their fifth year of study.
A student has completed a three-year bachelor's degree and a 12 month master's degree, and is applying for leave to remain to study a further 12 month master's degree.	Student's leave began on 1 August 2011. If their application was granted, they would receive 16 months' further leave, expiring on 1 January 2017 (12 months' course duration + 4 months' leave added at the end of the course). This is a total of 65 months, more than the five year time limit, but the concession will be applied to let the student complete their fifth year of study.
A student completed one year of a bachelor's degree and withdrew from the course, then completed a three-year bachelor's degree, and is applying for leave to enter to study a 12 month master's degree.	Student's previous period of leave began on 1 August 2010 and ended on 1 October 2014, a total of 50 months' leave, and they completed four years' academic study. If granted, their entry clearance would start on 1 August 2015 and end on 1 January 2017, a total of 17 months (12 months' course duration + 1 month added before the course + 4 months leave added at the end of the course). This is a total of 67 months, more than the five year time limit, but the concession will be applied to let the student complete their fifth year of study.

- 3) The student is applying to study a course being taught by an HEI which is also sponsoring the student, is subject to the six-year limit for studying a four-year undergraduate degree followed by other courses at degree-level or above, and the application of the six-year time limit would prevent them from completing a sixth academic year at degree level and above. The following table provides a non-exhaustive list of examples where these circumstances apply.

<b>Where</b>	<b>Worked example</b>
A student has completed a four-year bachelor's degree and a 12 month master's degree, and is applying for leave to remain to study a further 12 month master's degree.	Student's current period of leave began on 1 August 2010. If granted, they would receive 16 months' further leave, expiring on 1 January 2017 (12 months' course duration + 4 months' leave added at the end of the course). This is a total of 76 months, more than the six year time limit, but the concession will be applied to let the student complete their sixth year of study.
A student completed one year of a bachelor's	Student's current period of leave began on 1 August 2010. If granted, they would receive 16

degree and withdrew from the course, then completed a four-year bachelor's degree, and is applying for leave to remain to study a 12 month master's degree.	months' further leave, expiring on 1 January 2017 (12 months' course duration + 4 months' leave added at the end of the course). This is a total of 76 months, more than the six year time limit, but the concession should be applied to let the student complete their sixth year of study.
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If these circumstances apply, UKVI will not refuse the application on the basis that the time limit would be breached.

For the avoidance of doubt, this concession is not intended to extend the time limits for all students. Students who have already undertaken the maximum period of academic study will not benefit.

### Additional periods of leave

5.55 In addition to the period of leave given to the applicant to carry out their course of study, leave to remain will also be granted for the periods set out in the following table.

Type of course	Period of leave to remain to be granted before the course starts	Period of leave to remain to be granted after the course ends
12 months or more	1 month before the course starts or 7 days before the intended date of travel <sup>2</sup> , whichever is later	4 months
6 months or more but less than 12 months	1 month before the course starts or 7 days before the intended date of travel, whichever is later	2 months
Pre-sessional course of less than 6 months	1 month before the course starts or 7 days before the intended date of travel, whichever is later	1 month
Course of less than 6 months that is not a pre-sessional course	7 days before the course starts	7 days
Postgraduate doctor or Dentist	1 month before the course starts or 7 days before the intended date of travel, whichever is later	1 month

<sup>2</sup> The intended date of travel is the date recorded by the applicant either through the relevant online application process or in the specified application form for Tier 4 Migrants, as their intended date for travel to the UK.

5.56 If the grant of entry clearance is made less than 7 days before the intended date of travel, entry clearance will be granted with immediate effect.

## How to assign a CAS

This subsection gives information on:

- Assigning a single CAS to cover both pre-sessional and main course of study
- Assigning a CAS to a student who wants to extend their stay
- Assigning a CAS for a new course with the same sponsor
- Assigning a CAS to a Tier 4 Student coming to study with you from another establishment
- Students who applied before 5 October 2009
- Exemptions for students who applied before 5 October 2009
- Examination re-sits and repeating study

5.57 We have produced a document to help you complete a CAS. This help document for Tier 4 sponsors is located on our pages on the Gov.uk website accessed using the following link:

[www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators#user-manuals-sponsorship-management-system-sms](http://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators#user-manuals-sponsorship-management-system-sms)

5.58 If you wrongly assign a CAS, we may take action against you.

5.59 If you use all of your CAS we may not allocate more to you. For more information on applying for more CAS, please see the section titled 'Confirmations of Acceptance for Studies (CAS) allocations?' in the 'Applying for a Tier 4 licence' sponsor guidance.

5.60 A student can study only with the sponsor named on their CAS or visa letter, including at any partner institution named on the CAS or visa letter. The exceptions to this are:

- a. where a student has a new sponsor with Tier 4 Sponsor status who has assigned them a new CAS and they have applied to us before their existing permission to stay has expired – please see the section titled '[Assigning a CAS to a Tier 4 student coming to study with you from another establishment](#)'; or
- b. where a student is also undertaking supplementary study, in addition to the studies they are taking with the sponsor named on their current CAS, at another education provider – please see the section titled '[Supplementary study](#)'.

5.61 Before you assign a CAS you must assess a student's ability to follow a course of study. You must state on the CAS what evidence you have used to make this assessment. For example, you might:

- a. confirm any qualifications the student already has which make them suitable for the course you are offering, such as checking a master's degree if they are going to do a PhD; or
- b. base the assessment on their progress in their existing course or a recently completed course. You must take reasonable steps to ensure that you are satisfied through your assessment that the applicant's qualifications are authentic. One method of doing this would be to contact the awarding body.

5.62 Before you assign a CAS you must be satisfied that you and/or the student can meet the criteria laid out in the table below:

### Checklist for assigning a CAS

Are you satisfied:	✓
You are assigning a CAS under the appropriate Tier 4 route? i.e. (General) or (Child)	
The student intends and is able to follow the course of study concerned?	
The student will successfully complete their course on the date specified on the CAS? This includes any CAS issued for the Doctorate Extension Scheme.	
The course the student intends to follow will lead to an approved qualification?	
The student is aware of their responsibility to abide by the conditions of their Tier 4 visa, including their obligation to study at their sponsor institution (unless studying at a partner institution or undertaking supplementary study), their working restrictions or that they will leave the UK when their visa expires unless they have obtained further valid leave?	
The CAS you are assigning is for a course that represents academic progression if the student is continuing their studies and is applying from within the UK? See ' <a href="#">Academic progression</a> ' in the previous section.	

5.63 You must not assign one CAS to cover more than one course (unless in some cases the student is taking a pre-sessional course). You must assign a separate CAS for any stage of the course that leads to a recognised qualification in its own right. For example:

- a. if a series of modules leads to a certificate or a diploma, each of which is a recognised qualification in its own right; or
- b. if a student will do an HND and then a bachelor's degree. You must assign a new CAS before each stage starts.

- 5.64 You can only assign one CAS to cover a dual award course where there is a clear cohesive programme and this programme has been signed off by the relevant awarding bodies. You must assess students for admission into both parts of the programme independently and also accept them into both parts of the programme at the same time at point of entry onto the course and assigning the CAS.
- 5.65 If an international student is specifically studying towards an Association of Certified Chartered Accountants (ACCA) qualification or an ACCA Foundation Level qualification (formally known as Foundations in Accountancy), you can only assign a CAS and/or deliver this course to them if you are an ACCA approved learning partner – student tuition (ALP-st) at either Gold or Platinum level. For more information about the levels of ACCA approval please see: <http://www.accaglobal.com/uk/en/learning-provider.html>
- 5.66 You must state on the CAS at what level you have assessed the student's language ability, and give the name of any formal assessment they have, if appropriate.
- 5.67 If you have used an approved English language test to check that a student is competent in English language at a minimum of CEFR level B1 or B2, you put their test result for each component on the CAS and the name of the test provider. You must put this information in the text box 'Is SELT required' under the 'Course details' section on the CAS. It is not acceptable to use a student's expected results.
- 5.68 However, you do not have to do this if you are an HEI and you have used an approved English language test to assess a student's competence at level B2 (for courses at QCF or NQF 6 (SCQF level 9 in Scotland)) or above. In these cases you must have seen scores that the approved test provider specifies are equivalent to level B2 in each of the four components, but you only need to state on the CAS that the student is proficient to B2 level in each of the four components.
- 5.69 You must keep records of the specific method or combination of methods you used to ensure your student's language competence.
- 5.70 The student automatically meets the English language requirements if they have successfully completed a course as a Tier 4 (Child) student (or under the student rules that applied before 31 March 2009, if they were given permission to stay in the UK while they were under 18 years old). The course must have lasted for at least six months, and must have ended no more than two years before the date when you assign the CAS. If you have used this to prove their competence in English language, you must state this on the CAS.

## Assigning a single CAS to cover both pre-sessional and main course of study

5.71 A single CAS can be assigned to cover both the pre-sessional course and the main course in the following circumstances.

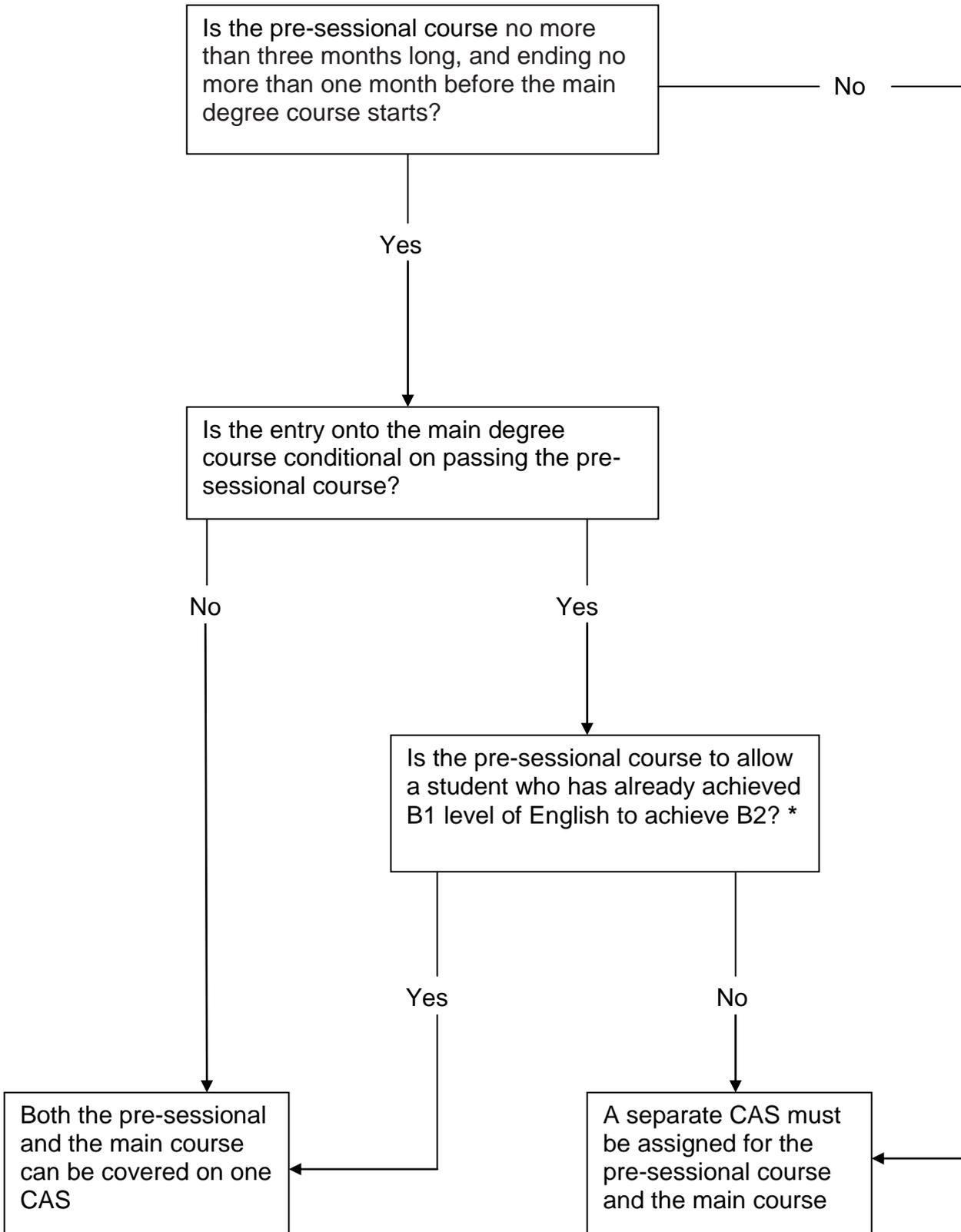
- a. Where the sponsor is an independent school which:
  - i. has made an unconditional offer to a Tier 4 (Child) student for a main course of study at the independent school and the student will also take a pre-sessional course, as defined in this guidance; and
  - ii. the total length of the pre-sessional course plus 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.
- b. Where the sponsor is an HEI which:
  - i. has made an unconditional offer to a Tier 4 (General) student for a main course of study at degree level, and the student will also take a pre-sessional course as defined in this guidance with the sponsor or a teaching partner named on its licence;
  - ii. the pre-sessional course is no more than three months long; and
  - iii. the pre-sessional course ends no more than one month before the main degree course.

In these circumstances, the HEI may choose its own method to check the student is proficient at CEFR level B2, and a SELT is not required.

- c. Where the sponsor is an HEI which:
  - i. has made an offer to a Tier 4 (General) student for a main course of study at degree level, and the offer is unconditional, other than the condition that the student must reach B2 level English on completion of a pre-sessional English language course;
  - ii. the student has demonstrated their English language ability at B1 level by providing a SELT meeting the requirements of this guidance and the sponsor is satisfied that on completion of the pre-sessional English language course the student will have reached B2 level and will proceed to the main degree course;
  - iii. the pre-sessional course will be taught by the sponsor or a teaching partner named on its licence;
  - iv. the pre-sessional course is no more than three months long; and
  - v. the pre-sessional course will end no more than one month before the main degree course.

In these circumstances, the HEI may choose its own method to check the student has reached B2 level on completion of the pre-session English language course. Sponsorship must be withdrawn if on completion of the pre-session course, the student has not reached B2 level.

- 5.72 In any other circumstance, the student will have to make two separate applications with two separate CAS, to come to the UK to study.
  
- 5.73 The flowchart overleaf sets out the steps an HEI should follow when considering how many CAS are needed to cover a pre-session course and a main course:



\* This provision only covers students moving from courses that require B1 level to courses that require B2 level and does not include any other moves between levels. For example a student holds B2 English but needs C1 to enter their course, the answer to this question is 'no'.

## Assigning a CAS to a student who wants to extend their stay

- 5.74 If you are considering assigning a CAS to someone who is already in the UK as a Tier migrant, you should discuss their current immigration status with them and whether they are able to apply for further leave to remain under Tier 4.
- 5.75 A Tier 4 (General) student can only apply to extend their leave to study at their current sponsor, or at another sponsor, if their current period of Tier 4 leave is sponsored by:
- i. an HEI;
  - ii. an overseas HEI;
  - iii. an embedded college offering pathway courses; or
  - iv. an independent school.

A Tier 4 (General) student who is sponsored by any other type of institution must apply for a visa from outside of the UK if they wish to undertake further study under Tier 4.

- 5.76 A Tier 4 (General) student who is applying to extend their leave in Tier 4 must be academically progressing (unless they are exempt from demonstrating academic progression).

All migrants wishing to extend their leave must do so before their existing leave expires. Applications made by those who have overstayed by more than 28 days will be refused, unless there were exceptional circumstances which prevented them from applying earlier. The threshold for what we consider to be exceptional circumstances is very high, as set out in the Tier 4 Migrant Guidance. You can access this guidance located on our pages on the Gov.uk website using the following link:

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-Tier-4-student>

### Assigning a CAS to continue the same course

- 5.77 A student can only demonstrate academic progression if they have successfully completed their previous course. The only circumstance in which a sponsor should be assigning a CAS to a student to continue their same course is if the student is exempt from demonstrating academic progression.
- 5.78 If one of your existing students applies to extend their leave in the UK to continue the same course, the course start date on the CAS must be the day after their current permission expires. You should state on the CAS that the student will continue on the same course. Put this in the 'evidence provided'

box. You must also explain the reasons for your decision including why they are exempt from demonstrating academic progression.

### **Assigning a CAS for a new course with the same sponsor**

5.79 Whether you can assign a new CAS for a student to do a different course of study with you will depend on whether the student has successfully completed the course (or courses where their leave included a pre-sessional course) for which they were given permission to stay.

### **The student has completed the course for which they were given permission to stay**

5.80 If a student wants to do a different course of study with you, their existing Tier 4 sponsor, and they have completed the course for which they were given permission to stay, they will need to make a new application for permission to stay for their new course.

5.81 They must not start their new course until we have approved their new application unless:

- a. the sponsor has Tier 4 Sponsor status;
- b. the sponsor has assigned them a CAS;
- c. they applied to us before starting their course; and
- d. they applied to us before their existing permission to stay expired.

5.82 The student does this at their own risk as it is possible that their application will be refused.

### **Temporary arrangement for students starting a new course with their existing HEI sponsor**

5.83 We are exceptionally extending a temporary arrangement for students who have finished their course with their existing HEI sponsor and are starting a new course with that sponsor. An HEI may enrol a student on a new course immediately if:

- a. the HEI has Tier 4 Sponsor status;
- b. the student is currently sponsored by them and has finished their last course;
- c. the student's leave to stay has not yet expired;
- d. the student will be studying their new course with their existing sponsor; and
- e. the new course begins on or before 1 November 2016.

5.84 The student must make their new application for leave to remain within six weeks of their enrolment on their course, or before their leave expires, whichever is the earliest.

5.85 In all other circumstances a student must make an application for leave to remain and must not start their new course until we have approved their new application, unless they meet paragraph 5.81 of this guidance.

### **The student has not completed the course for which they were given permission to stay**

5.86 Only some students are able to change their course, with their existing sponsor, without first completing their previous course. A Tier 4 (General) student can only do this without getting permission from us to start their new course if:

- the sponsor is an HEI with Tier 4 Sponsor status;
- the new course is at degree level or above;
- the new course is not at a lower level than the course for which you assigned a CAS and the student was granted leave;
- the student will be able to complete their new course within their current period of leave; and
- for students who have previously been granted Tier 4 (General) leave, the sponsor confirms that:
  - a) the new course is related to the previous course for which the applicant was granted leave as a Tier 4 (General) Student, meaning that it is either connected to the previous course, part of the same subject group, or involves deeper specialisation, or
  - b) the previous course and the new course in combination support the applicant's genuine career aspirations.

5.87 All students who change their course must complete their new course within their existing period of leave; they will not be granted further leave from within the UK to complete the course. If they need further leave to complete their course they must apply from overseas. If the student's new course is shorter than the one which they were assigned a CAS for, you must tell us immediately.

5.88 Where the student was assigned a CAS to undertake A-levels, they will not be considered to be changing their course if they are changing individual A-level subjects. They must however still be able to complete the new subject within their existing leave.

5.89 We may take compliance action against you if you allow a student to change courses without properly assessing and/or confirming that the student meets the above points or if the exception above is abused.

5.90 In any other circumstances, they must make a new Tier 4 application in order to change their course.

5.91 In all circumstances, where the new course (or period of research) is of a type specified in the section '[Courses which require an Academic](#)

[Technology Approval Scheme \(ATAS\) Clearance Certificate](#)’ above, the student must obtain an ATAS Clearance before they start that course (or period of research), and you must keep a copy of either the ATAS certificate, or the electronic approval notice the student received from the Foreign and Commonwealth Office (FCO).

### **Assigning a CAS to a Tier 4 student coming to study with you from another sponsor**

- 5.92 When a student changes to a course with a different sponsor (irrespective of whether they have completed their previous course), they must apply again under Tier 4, with a CAS from their new sponsor. There is an exception for students whose current permission to stay was based on an application before 5 October 2009 - see the next section called ‘Students who applied before 5 October 2009’.
- 5.93 They must not start their new course until we have approved their new application unless:
- a. the new sponsor has Tier 4 Sponsor status; and
  - b. the new sponsor has assigned them a CAS; and
  - c. they applied to us before starting their course; and
  - d. they applied to us before their existing permission to stay expired.
- 5.94 The student does this at their own risk as it is possible that their application will be refused. In all circumstances, where the new course (or period of research) is of a type specified in the section ‘Courses which require an Academic Technology Approval Scheme (ATAS) Clearance Certificate’ above, the student must obtain an ATAS Clearance before they start that course (or period of research), and you must keep and keep a copy of either the ATAS certificate, or the electronic approval notice the student received from the Foreign and Commonwealth Office (FCO).
- 5.95 Students moving to a Probationary Sponsor must not, under any circumstances start their new course until we have approved their new application.
- 5.96 The new sponsor will be responsible for them as soon as we grant the new permission.
- 5.97 A student can study only with the sponsor named on their CAS. This includes studies at any partner institution named on the CAS. Students should not apply for permission to start a new course with a new sponsor too early. If they do, they may be unable to complete their existing course because their new permission only allows them to study with their new sponsor.
- 5.98 If a student leaves their original sponsor before we approve their new application, they may not be able to return to the course with their original sponsor if we refuse their application.

### **Students who applied before 5 October 2009**

- 5.99 If a student wants to take a course with a new sponsor, and their current permission to stay is based on an application made before 5 October 2009, they must get our permission. Tier 4 (General) students can do this using application form T4(PTS), 'Application for permission to switch Tier 4 educational sponsor'.
- 5.100 If the student is Tier 4 (Child), their parent or guardian must complete the form.
- 5.101 We will give permission for the student to change sponsors if we can confirm that:
- a. the institution they want to move to is licensed by us under the relevant Tier 4 category;
  - b. the new institution wants to be their new sponsor; and
  - c. the new course meets the requirements in this guidance.
- 5.102 We will acknowledge a student's request for permission to change their sponsor and will write to them as soon as possible to either give them permission to start studying with their new sponsor, or to refuse permission.
- 5.103 A student who has applied for permission to change their sponsor may start their new course before receiving it, but should be aware that we may refuse to give this permission. We may cancel a student's permission to stay under Tier 4 if they change their academic institution without our permission.

### **Exemptions for students who applied before 5 October 2009**

- 5.104 Students who want to change their course and currently have permission to stay based on an application made before 5 October 2009 are exempt from two changes introduced in 2010.
- a. English language courses do not need to be at CEFR level B2. They are permitted to start a new English language course at a minimum of CEFR level A2.
  - b. They can start a new course with the same sponsor even if that sponsor does not hold Tier 4 Sponsor status. But if their current permission expires before their new course starts, they cannot extend their stay to start a new course at QCF or NQF level 3, or below QCF or NQF level 6 which includes a work placement, unless their sponsor holds Tier 4 Sponsor status (or is deemed to hold it while we consider an application to renew it).

## Examination re-sits and repeating study

- 5.105 In exceptional circumstances we will allow students to re-sit examinations or repeat any part of their course more than twice for any individual examination or module but we may ask you to justify this.
- 5.106 If you are a Probationary Sponsor, your students cannot re-sit examinations or repeat any part of their course more than twice.
- 5.107 If the student's permission to stay expires before they finish the re-sit or repeat, they must apply to extend it before their current permission expires. Only students sponsored by an HEI, an overseas HEI or an embedded college offering pathway courses can extend their leave whilst in the UK. Tier 4 (General) students sponsored by any other type of institution must apply for entry clearance from outside of the UK. You must decide whether or not to continue sponsoring them, based on your assessment of their ability to pass the course.
- 5.108 You may continue to sponsor a student during the re-sit or repeat period if you require their continued participation (in classes or by contact) and are confident you can meet your sponsor duties for them during the re-sit or repeat period.
- 5.109 If you do not require their continued participation within 60 days of the next academic period starting (except for recognised vacation periods) you should not continue to sponsor them. If they have ongoing permission to stay in the UK, you should tell us this and advise them to leave the UK. Alternatively If their permission is due to expire, you must not assign a CAS and they must arrange to leave the UK. You may later assign a CAS which they may use to apply to return to the UK.

## Cancelling a CAS

- 5.110 We can cancel a CAS you have assigned under Tier 4 at any time if we find you were not entitled to assign it, for example if it was assigned:
- a. through misrepresentation or fraud; or
  - b. for a course that you are not permitted to offer to Tier 4 students.
- 5.111 You can withdraw a CAS that you have assigned to a student if they have not yet used it to support an application for a visa or an extension of stay. You must withdraw the CAS using the SMS and notify the student.
- 5.112 If a CAS is cancelled or withdrawn we will not refund your fee. Once a CAS has been cancelled or withdrawn, we will automatically refuse any application supported by that CAS.

- 5.113 If the student is already in the UK, we will cancel or reduce (curtail) their permission to stay if we find that the CAS on which we based that permission was improperly assigned. We will:
- a. curtail their permission to 60 calendar days (to give them a chance to find a new sponsor) if they were not actively involved in the CAS being assigned improperly. Their leave will be curtailed to 60 days from the date of our letter informing them that their leave has been curtailed; or
  - b. immediately end their leave if they were actively involved.

## Fee for assigning a CAS

- 5.114 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: <https://www.gov.uk/immigration-operational-guidance/fees-forms>
- 5.115 Even if a student does not use the CAS in an application to us, or uses it but is refused leave, 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 Migrant Guidance 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](http://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-Tier-4-student).

## 6. Reporting changes to student circumstances

This section gives information on:

- Working whilst studying
- What you must report
- Information you do not have to report

### Working while studying

This section gives information on:

- Whether a student can work while studying and for how many hours
- Work placements
- Work that is not allowed

6.1 The main purpose of the Tier 4 visa route is for students to come to the UK to study. Where a student is permitted to work, the intention is that this should be to supplement their income whilst studying (which in most cases we expect this to be taking a part-time role for an established business/organisation (for example, a customer service role at a retailer)) or as part of a work placement provided it is an integral and assessed part of the course.

6.2 There are limits on students' working hours that depend on when they applied for permission to come to or stay in the UK, the type of course they study and what type of sponsor you are. Any time spent working can be in addition to any time spent on a permitted work placement.

### Can a student work while studying and for how many hours?

6.3 The table below outlines the work rights granted to students who applied for Tier 4 leave on or after 3 August 2015.

Course type:	<b>10 hours per week during term-time and full-time during vacations</b>	<b>20 hours per week during term-time and full-time during vacations</b>	<b>No work Allowed</b>
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Course type:	10 hours per week during term-time and full-time during vacations	20 hours per week during term-time and full-time during vacations	No work Allowed
A course at degree level (QCF or NQF level 6 (and equivalents)) or above sponsored by a UK recognised body or a body in receipt of public funding as a higher education institution		✓	
A short-term study abroad programme in the UK at an overseas higher education institution		✓	
A course below degree level (QCF or NQF level 6 (and equivalents)) sponsored a UK recognised body or a body in receipt of public funding as a higher education institution	✓		
A course at any level with a publicly funded further education college			✓
A course at any level with a private provider			✓
Any course where the student is a Tier 4 (Child) student over the age of 16 years old	✓		
Any course where the student is a Tier 4 (Child) student under the age of 16 years old			✓

## Work placements

- 6.4 The course of study for Tier 4 (General) students (or Tier 4 (Child) students aged 16 or above) may include a work placement provided it is an integral and assessed part of the course.
- 6.5 Work placements must not be more than 33 per cent of the total length of the course in the UK.
- 6.6 Exceptions to the 33 per cent rule are:
- a. Where the course is at degree-level or above and the student is sponsored and taught by HEI, or the course forms part of a study abroad programme. In these circumstances the work placement must not be more than 50% of the total length of the course.
  - b. Where there is a UK statutory requirement for the course to contain a specific period of work placement which exceeds this limit.
  - c. Where the student is sponsored under Tier 4 (Child) and is aged 16 or above, in which case the work placement must not be more than 50% of the total length of the course.
- 6.7 A student who is enrolled on a higher education course at an overseas higher education institution and comes to the UK to do part of their course may also complete a work placement during their time in the UK. You can assign a CAS to cover the period of UK study and the work placement, if:
- a. the student will study with a licensed sponsor for at least 50 per cent of the total time they spend on the course in the UK;
  - b. the work the student does will be an integral and assessed part of their overseas qualification; and
  - c. the student will work for an employer in the UK for no more than 50 per cent of the total time they spend on the course in the UK.
- 6.8 Students who are undertaking a course of study in music or dance at degree level or above, are able to undertake work placements which involve a professional performance, where the performance has been arranged by the sponsoring education provider and is an integral and assessed part of the course.
- 6.9 If you are Probationary Sponsor you cannot offer courses to new Tier 4 (General) students that are below degree level and include a work placement.
- 6.10 You will be responsible for the student throughout the period of their work placement and must continue to comply with all your sponsor duties during this time.
- 6.11 We will take action against you if you offer courses with work placements to students and:

- a. the work placement does not meet these requirements; or
- b. the study element of the course is not taken in an education institution; or
- c. you do not continue to fulfil your sponsor duties to monitor the student while they are on their work placement.

## Work that is not allowed

6.12 Students cannot work if they do not fit into any of the categories in the section above titled 'Can a student work and for how many hours?'

6.13 If allowed to work, students cannot:

- a. be employed as a doctor in training (except on a recognised foundation programme);
- b. be employed as a professional sportsperson (including a sports coach);
- c. be employed as an entertainer;
- d. be self-employed or engage in business activity; or
- e. fill a full-time, permanent vacancy (except on a recognised foundation programme or as a students' union sabbatical officer).

## Self-employment and engaging in business activity

6.14 Students cannot be self-employed or engage in business activity. Everyone in the UK undertaking self-employed work must be registered with HMRC; students must check [HMRC guidance](#) to see if they need to be registered as self-employed.

6.15. A student will be considered to be engaging in business activity where they are working for a business in a capacity other than an employee in which the student has a financial or other significant beneficial interest.

6.16. This would include the following:

- setting up a business as a sole trader or under a partnership arrangement and that business is either trading or establishing a trading presence;
- being employed by a company in which the student holds shares of 10% or more (including where the shares are held in a trust for the student); or
- working for a company where they also hold a statutory role, such as a director.

This is not an exhaustive list but provides examples of the types of circumstance in which a student will be engaged in business activity.

6.17. Students are permitted to undertake MBA and other academic business programmes and work placements as part of their course, including secondments to businesses.

- 6.18. Students are permitted to be self-employed when they have made an application for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant. This provides an additional period for preparation and development work before students make the switch to the Tier 1 (Graduate Entrepreneur) route and establish their businesses in earnest. Everyone in the UK undertaking self-employed work must be registered with HMRC.
- 6.19 If you have concerns about students working illegally in the UK or who are otherwise breaching their conditions, you should ensure that you [report such concerns to us](#). This is one of your duties as a sponsor.

## What you must report

- 6.20 Sponsors must report on all Tier 4 students that they are sponsoring, even if they are:
- On a course (including a [pre-sessional course](#)) at a partner institution or at another institution under an exceptional arrangement or teaching partnership; or
  - Doing a work placement that is part of their course.
- 6.21 You must give us details of any third party, in the UK or another country that helped you to recruit international students. To do this, email [SCOC@homeoffice.gsi.gov.uk](mailto:SCOC@homeoffice.gsi.gov.uk). We may take action against you if you fail to provide this information or any other information we request about your use of third parties.
- 6.22 You must retain records about any appeal which a student makes against refusal of leave decisions. If a student's appeal is successful and leave is granted, you must tell us if their start date is delayed and provide us with a new enrolment date. To do this, use the free text field on the sponsor management system. Please refer to the relevant sections in this [guidance](#) for more information on the Sponsor Management System, CAS and reporting student activity.
- 6.23 Sponsors must inform UKVI if anything they have reported through the SMS is incorrect and why it is incorrect.
- 6.24 The table below titled 'Changes to student circumstances' sets out all of the changes sponsors must report. Unless stated otherwise in the relevant section of the table, all reports should be made using the SMS, and should include the last recorded residential address and contact telephone number that the sponsor holds for the migrant. Sponsors should also include any email address they hold for the student, if they have one. (Condition 5(c) of Schedule 2 and 7(c) of Schedule 3 of the Data Protection Act allows sponsors to disclose this information to the Home Office.)

## Changes to student circumstances table

	If	Then
a.	A student withdraws from their course before they travel to the UK.	<p>You must:</p> <ul style="list-style-type: none"> <li>• Report it to us within 10 working days of you knowing about it</li> <li>• Tell us if the student is joining another institution and the name and address of that institution if you know it.</li> </ul>
b.	A student's start date is delayed before they enter the UK but after they have been granted entry clearance.	<p>You must:</p> <ul style="list-style-type: none"> <li>• Agree with the student whether they can still complete the course within the dates given on their visa. If they can, you need not report anything.</li> </ul> <p>If they can't, you must:</p> <ul style="list-style-type: none"> <li>• Assign a new CAS</li> <li>• Advise the student to apply to vary their leave to include a later finish date.</li> </ul>
c.	A student does not enrol within the enrolment period.	<p>You must:</p> <ul style="list-style-type: none"> <li>• Report it to us within 10 working days of the enrolment period ending including the reasons for non enrolment, for example; <ul style="list-style-type: none"> <li>a) they missed their flight;</li> <li>b) they decided not to come to the UK;</li> <li>c) they delayed their enrolment;</li> <li>d) they are doing a course with a different sponsor; or</li> <li>e) we have refused them permission to come to, or stay in, the UK.</li> </ul> </li> </ul>
d.	<p>A student misses 10 consecutive expected contact points and you are a Probationary Sponsor Examples of expected contacts include:</p> <ul style="list-style-type: none"> <li>• attending formal academic or</li> </ul>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Tell us, within 10 working days of the last expected contact point, that you intend to withdraw</li> </ul>

	<p>pastoral care activities including:</p> <ul style="list-style-type: none"> <li>- a lesson, lecture, tutorial or seminar;</li> <li>- a test, examination or assessment board;</li> <li>- a meeting with a supervisor or personal tutor;</li> <li>- a research-method or research-panel meeting, writing-up seminars or doctoral workshops;</li> <li>- an oral examination</li> <li>- (viva); or</li> <li>- an appointment with a welfare adviser or international student adviser;</li> <li>- submitting;</li> <li>- assessed or unassessed coursework; or</li> <li>- an interim dissertation, coursework or report; and</li> <li>- registration (for enrolment or matriculation).</li> </ul>	<p>sponsorship of that student</p> <ul style="list-style-type: none"> <li>• Provide the name and address of any other sponsor the student has moved to, if you know it.</li> </ul>
e.	<p>A student misses 10 consecutive expected contact points and you are a sponsor with Tier 4 Sponsor status.</p> <p>Examples of expected contacts include:</p> <ul style="list-style-type: none"> <li>• attending formal academic or pastoral care activities including: <ul style="list-style-type: none"> <li>- a lesson, lecture, tutorial or seminar;</li> <li>- a test, examination or assessment board;</li> <li>- a meeting with a supervisor or personal tutor;</li> <li>- a research-method or research-panel meeting, writing-up seminars or doctoral workshops;</li> <li>- an oral examination</li> <li>- (viva); or</li> </ul> </li> </ul>	<p>You can either:</p> <ul style="list-style-type: none"> <li>• Report a tenth missed contact whenever it occurs during the year; or</li> <li>• Set two checkpoints during any rolling 12-month period. You must report any students who have missed 10 consecutive expected contacts, without you reasonably giving them permission leading up to that checkpoint, and you are withdrawing sponsorship of the student.</li> </ul>

	<ul style="list-style-type: none"> <li>- an appointment with a welfare adviser or international student adviser;</li> <li>- submitting;</li> <li>- assessed or unassessed coursework; or</li> <li>- an interim dissertation, coursework or report; and</li> <li>- registration (for enrolment or matriculation).</li> </ul>	
f.	<p>A student defers their studies after they have arrived in the UK and is no longer actively studying.</p> <p>You may continue to sponsor a student who has deferred their studies for up to a maximum of 60 days providing you can continue to carry out your sponsorship duties and the student will be able to complete their course within their existing period of leave. If you think the student will not resume their studies after 60 days you must withdraw sponsorship.</p> <p>In exceptional circumstances, such as serious illness or injury, you may continue to sponsor a student for longer than 60 days providing the student can still complete their course within their existing period of leave when they resume their studies.</p> <p>It is for you to decide whether you are prepared to continue sponsoring a student during a deferral and, if necessary, provide evidence to verify this decision to our compliance officers.</p>	<p>You must report that the student has deferred their studies within 10 working days of agreeing the deferral.</p> <p>If you withdraw sponsorship, the student's permission to stay is no longer valid and you must advise them to leave the UK.</p> <p>Once the student is ready to resume their studies, you must assign a new CAS and the student must reapply for a new visa.</p>
g.	<p>You are withdrawing a student from their course.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Tell us within 10 working days of you knowing about the issue</li> <li>• Tell us why, for example; <ul style="list-style-type: none"> <li>a) The student has not met your requirements</li> </ul> </li> </ul>

		b) The awarding body stops running the course or stops trading.
h.	<p>You stop sponsoring a student because they:</p> <ul style="list-style-type: none"> <li>• move into a different immigration category with a different sponsor;</li> <li>• move into an immigration category that does not need a sponsor; or</li> <li>• complete the course sooner than expected.</li> </ul>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Tell us about it within 10 working days of knowing about the issue.</li> </ul>
i.	<p>There is a significant change in a student's circumstances. These include:</p> <ul style="list-style-type: none"> <li>• a change in where they study or do their work placement;</li> <li>• a change of course; or</li> <li>• anything that suggests that they are breaking the conditions of their permission to stay in the UK, such as working in breach of their conditions.</li> </ul>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Report the change to us within 10 working days of you knowing about it.</li> </ul>
j.	<p>You suspect that a student is not a genuine student.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• report this by e-mail to the Home Office as soon as possible. <a href="https://www.gov.uk/report-immigration-crime">https://www.gov.uk/report-immigration-crime</a></li> </ul>
k.	<p>You are endorsing a Tier 1 (Graduate Entrepreneur) and they miss a three month expected contact point without your permission.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• report this by e-mail to <a href="mailto:Tier1GradEntAdmin@homeoffice.gov.uk">Tier1GradEntAdmin@homeoffice.gov.uk</a> within three months of the missed contact.</li> <li>• tell us whether or not you will continue to endorse them. If you will, you must explain why.</li> </ul>

## Information you do not have to report

6.25 You do not need to tell us if:

- a. you have given a student permission to miss a contact. One example would be if the student was ill, or absent due to a pregnancy. There may well be other circumstances where you wish to give the student permission to miss a contact. It is for you to decide whether you are prepared to support an absence and if necessary provide evidence to verify this decision to our compliance officers;
- b. you have decided not to withdraw sponsorship even though a student has missed 10 consecutive contacts. This should be very rare and you must keep evidence of your decision and the reasoning behind it as our compliance officers will monitor these exceptions; or
- c. we gave the student permission to come to the UK on the basis of a visa letter. This is an old paper version of what is now the CAS and we stopped accepting them on 22 February 2010.

6.26 Case studies can be found as an annex to this document. They illustrate how the reporting options should be used in a range of circumstances. The case studies are to provide additional support and are not intended to be a definitive list of the circumstances you need to report.

6.27 Please ask us if you have any questions about your duties as a sponsor. You can email us at [EducatorsHelpdesk@homeoffice.gsi.gov.uk](mailto:EducatorsHelpdesk@homeoffice.gsi.gov.uk) or you can telephone us on 0300 1234699.

## 7. Maintaining Educational Oversight

7.1 All sponsors must continue to meet Educational Oversight requirements.

### Statutory education inspections

7.2 Where a sponsor is subject to a statutory education inspection, the relevant Educational Oversight body will decide if and when to inspect them, in accordance with its statutory obligations.

7.3 All sponsors must achieve and maintain one of the required ratings set out in Document 1 of the Tier 4 Sponsor Guidance ('Applying for a Tier 4 licence') following a statutory education inspection (or an Educational Oversight inspection, if this is required). If a publicly funded college fails to achieve the required rating in a statutory education inspection, it will be made a Legacy Sponsor. If an HEI or independent school fails to achieve the required rating in a statutory education inspection, its CAS allocation will be set to zero until it achieves the required rating in a subsequent inspection.

### Transitional arrangement

7.4 If a sponsor has not achieved the required rating in its most recent statutory education inspection, it will be able to retain its Tier 4 licence but must meet the required rating in its next statutory education inspection and/or Tier 4 Educational Oversight inspection taking place after 6 April 2015.

### Tier 4 Educational Oversight inspections

7.5 Private providers must have a Tier 4 Educational Oversight inspection when their circumstances change significantly, or at least every four years. They must apply to the relevant Educational Oversight body during the annual window for Educational Oversight applications in the fourth year after their last Tier 4 Educational Oversight inspection.

7.6 In order to retain their Tier 4 licence, they must achieve the required rating, as set out in Document 1 of the Tier 4 Sponsor Guidance (['Applying for a Tier 4 licence'](#)).

7.7 If a private provider fails to apply for an Educational Oversight inspection in time, or fails to achieve a required rating, it will become a Legacy Sponsor.

### Additional checks on private providers

7.8 Educational Oversight bodies will conduct the following additional checks on private providers during the four-year period to ensure that educational quality standards are being maintained:

- a monitoring visit where there is a material change in circumstances, or either UKVI or the relevant Educational Oversight body consider it to be necessary; and
- an interim health check every year, or every two years if the provider is considered to meet the highest educational standards.

- 7.9 Educational Oversight bodies will also conduct an additional check if they have received complaints about academic standards or quality, or there are other serious concerns about a provider's ability to effectively maintain academic standards.
- 7.10 Following a monitoring visit or an interim health check, should an Educational Oversight body wish to conduct an Educational Oversight inspection on a private provider, the Educational Oversight body will notify UKVI immediately. The sponsor will be removed from the Tier 4 Register of Sponsors pending the outcome of the inspection, and will be unable to assign CAS.

## Material change in circumstances

- 7.11 A material change in a private provider's circumstances will trigger a monitoring visit by the relevant Educational Oversight body or a full / partial Tier 4 Educational Oversight inspection. Private providers must inform the relevant Educational Oversight body within 28 days of meeting one of the triggers. If UKVI become aware that a private provider has failed to do so within 28 days, it will have its CAS allocation set to zero pending the outcome of a monitoring visit or a full/ partial Educational Oversight assessment.
- 7.12 The following material changes in circumstances will always trigger a monitoring visit:
- a change of address;
  - the acquisition of a new building;
  - an extension of premises with an increase in capacity by 25 per cent or more;
  - a change of legal or trading name;
  - a change of principal and/or proprietor or equivalent;
  - a change of 20 per cent or more of permanent teaching staff;
  - a change of 30 per cent or more on the type of provision/courses offered, including changes or awarding body/organisation;
  - a change in the age range of students (from 18+ to under 18s) for the first time; or
  - a change in accommodation arrangements for students (from not directly owning and managing to directly owning and managing accommodation).
- 7.13 The following table sets out material changes in circumstances that will always trigger either a monitoring visit, or a full/ partial Tier 4 Educational Oversight inspection.

Provider size	Material change in circumstances since the last full assessment, interim health check, monitoring visit or annual return
Fewer than 50 students	<ul style="list-style-type: none"> <li>• an increase in total student numbers (international and domestic) of more than 50 students;</li> <li>• a new site;</li> <li>• a merger with another provider; or</li> <li>• a change of 50 per cent or more on the type of provision/courses offered, including changes of awarding body/organisation.</li> </ul>
50 or more students	<ul style="list-style-type: none"> <li>• an increase in total student numbers (international and domestic) by more than 20 per cent or 100 students, whichever is greater;</li> <li>• a new site;</li> <li>• a merger with another provider; or</li> <li>• a change of 50 per cent or more on the type of provision/courses offered, including changes of awarding body/organisation.</li> </ul>

7.14 Additionally, providers should notify their Educational Oversight body if their financial circumstances or management and governance arrangements have changed since the initial assessment was carried out. Such changes include, but are not restricted to, changes of ownership, changes of directors or beneficial interest, and changes in financial support provided by a parent company or other financial backer. The Educational Oversight body reserves the right to require an additional check to be carried out to provide ongoing assurance of a provider’s financial sustainability management and governance.

7.15 In addition, Educational Oversight bodies will decide whether they consider any other changes to be material for these purposes.

7.16 Where there is a takeover involving two existing Tier 4 sponsors with one being incorporated as a going concern, we will consider whether new Educational Oversight is required on a case by case basis. In considering this, we will take into account the sponsors’ respective track records, the circumstances of the takeover and changes or personnel

## Legacy Sponsors

- 7.17 If you become a Legacy Sponsor your CAS allocation will be set to zero. You will not be allowed to sponsor any new students but you can continue to sponsor students who are already studying with you until either their leave expires or until your sponsor licence expires, whichever happens first.
- 7.18 If you cease to have any Tier 4 students prior to your sponsor licence expiring, your Tier 4 licence will be surrendered and you will be removed from the sponsor register. If you are licensed in other Tiers, you may continue to operate under these Tiers as normal.
- 7.19 If your sponsor licence expires before your last student has finished studying, we will curtail the leave of any Tier 4 students who are still studying with you.
- 7.20 If you become a Legacy Sponsor and you have assigned a CAS which has not yet been used to support an application for leave to enter the UK, the student you have assigned it to will still be able to apply for leave. We will also process any application for leave to enter the UK, supported by a CAS that you have assigned, which has been made but not yet been decided at the point you become a Legacy Sponsor. In both cases, if the student's application is successful they will be allowed to travel to the UK and to study with you.
- 7.21 If you have a sponsor licence that covers multiple Tiers and not just Tier 4, the legacy status will only apply to the Tier 4 part of your licence.
- 7.22 Legacy Sponsors must continue to fulfil their sponsor duties, including the duty to apply for an annual Basic Compliance Assessment, or compliance action will be taken against them.
- 7.23 You may not apply for a Tier 4 Educational Oversight inspection while you are a Legacy Sponsor.

## 8. Reporting changes to an institution

This section gives information on:

- Changing your sponsor details
- Change of circumstances form
- Mergers, takeovers and similar changes
- What happens if a sponsor becomes insolvent

### Changing your sponsor details

8.1 Sponsors must report any changes which may affect their Tier 4 licence.

8.2 UKVI may ask for more details and documents in relation to the change. There are also functions within the SMS to amend minor details for existing users such as e-mail addresses, telephone and fax numbers and immigration status.

8.3 In most cases, a sponsor's Level 1 user must use its SMS account to notify UKVI of the changes. In some limited circumstances, where it is not possible to use the SMS to notify UKVI of a change, sponsors must use a change of circumstances form. Please see the section below titled '[Change of circumstances form](#)' for more information.

8.4 Sponsors must notify UKVI of the changes set out in the following table. UKVI may ask to see any evidence needed in relation to the change.

#### Changes to sponsor circumstances table

	If	Then
a.	<p>You replace your authorising officer and/or key contact; or</p> <p>You need to amend the details of your existing authorising officer and/or key contact; or</p> <p>You replace your existing Level 1 user; or</p> <p>You want to add another Level 1 user; or</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to notify us</li> <li>• Give all the details of the new Key Personnel</li> </ul> <p>We will conduct checks on all people nominated to these roles and will not accept a nominated person who does not meet our requirements.</p>

	You need to amend the details of your existing Level 1 user.	
b.	You change your address and/or change your name.	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to notify us</li> <li>• Give us the details</li> <li>• Tell us why you are changing address and/or name</li> </ul> <p>We will need to understand exactly why you are changing your name because in some circumstances, you may have to apply for a new licence. For example, if the only reason you are changing your name is because you are incorporating yourself for the first time, having not been incorporated in the past, and nothing else at all is changing other than your name, we can change the name on your licence. However, if there are also changes to your structure, for example if you are involved in a merger or takeover, you must read the section of this guidance that covers mergers and takeovers and it is possible that you may have to apply for a new sponsor licence.</p>
c.	You would like to add a site, exceptional arrangement or teaching partnership (as set out in Document 1 of this guidance) to your sponsor licence.	<p>You must:</p> <p>Use the SMS to notify us.</p> <ul style="list-style-type: none"> <li>• Give us the full details of the site, exceptional arrangement or teaching partnership you wish to add to your sponsor licence. The information must comply with the requirements in the section titled 'Sponsor checklist for supporting documents' in <a href="#">Document 1</a> of this guidance.</li> <li>• Provide us with any additional information that we ask for to help us reach a decision on your application within 10 working days of our written request for information.</li> <li>• Notify your approved Educational Oversight body that you would like to make this addition to your sponsor licence (and provide us with confirmation of this) and take any steps required by that body to maintain your Educational Oversight. You must ensure that any teaching</li> </ul>

		<p>partner, exceptional arrangement or site you wish to add to your licence meets the Educational Oversight requirements set out in this guidance.</p> <p>You must also be able to demonstrate you meet the requirements of the section titled ‘Sites and teaching partnerships’ of <a href="#">Document 1</a> of this guidance, including the relevant specific conditions for the category of site, exceptional arrangement or partnership you would like to add, as specified in Tables 1, 2 and 3 of that section.</p> <p>We may refuse your request to add a site, exceptional arrangement or partnership to your licence if you fail to provide the information we require to reach a decision or if we consider that your request is not suitable.</p> <p>To assess the suitability of your request, and decide whether to grant or refuse it, we will assess whether you have systems that enable you to meet your sponsor duties in respect of students you would like to teach at the site, exceptional arrangement(s) or teaching partnership(s) you wish to add to your sponsor licence. We will also consider whether you, or any of the sites or institutions involved in the teaching partnership or exceptional arrangement you wish to add on your licence, have failed to comply with the Immigration Rules or our sponsor guidance in the past.</p> <p>We will verify your application and the documents you have provided with it, especially if we have reasonable doubts about them, in line with the section titled ‘Document checks’ in <a href="#">Document 1</a> of this guidance.</p> <p>We may visit your existing site(s), or the new site or any of the institutions involved in the exceptional arrangements or teaching partnerships you wish to add and carry out compliance checks as part of the pre-assessment process before making a decision on your application. Our visits may be announced or unannounced. These checks will be conducted in line with the section titled ‘Compliance checks’ in <a href="#">Document 1</a> of this guidance.</p>
d.	You are a private or higher education institution and you	You must:

	appoint a new principal or change owners.	<ul style="list-style-type: none"> <li>• Use the SMS to give us their names within 20 working days of the change.</li> </ul> <p>If you do not, we will revoke your licence.</p>
e.	You have a criminal prosecution pending, or you are convicted of a relevant offence.	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to give us details of the pending prosecution or the conviction as soon as you know about it.</li> </ul> <p>For more information on the action we will take please see the sponsor guidance document titled 'Tier 4 Compliance'.</p>
f.	There is a change in status of any registration by a governing body that you are required to hold including changes to your Educational Oversight.	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to inform us and give full details of the change.</li> </ul>
g.	<p>You have sold all or part of your business;</p> <p>or</p> <p>You are involved in a merger or takeover.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to inform us within 20 working days of the change.</li> </ul> <p>If you do not, we will take action against you which could also lead to your students having their leave curtailed.</p> <p>Please also see the section below titled 'Mergers, takeovers and similar changes' for more information.</p>
h.	<p>You become insolvent and</p> <ul style="list-style-type: none"> <li>• go into administration (including special administration) or administrative receivership (receivership in Scotland);</li> <li>• enter into a Company Voluntary Arrangement or Debt Arrangement Scheme;</li> <li>• go into liquidation or sequestration is awarded; or</li> </ul>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to notify us within 20 working days of: <ol style="list-style-type: none"> <li>1. going into administration or receivership the Company Voluntary Arrangement (CVA) or Debt Arrangement Scheme (DAS) being agreed</li> <li>2. ceasing trading</li> <li>3. entering an Individual Voluntary Arrangement (IVA) or Debt Arrangement Scheme</li> <li>4. being issued a bankruptcy order</li> </ol> </li> <li>• tell the administrator/receiver that you are a licensed sponsor</li> <li>• tell us who has been appointed as the</li> </ul>

	<ul style="list-style-type: none"> <li>• become bankrupt.</li> </ul>	<p>administrator within 20 working days of them being appointed.</p> <ul style="list-style-type: none"> <li>• nominate the insolvency professional appointed as administrator or receiver as your authorising officer</li> <li>• tell us if the CVA, IVA or DAS has resulted in a change of ownership</li> </ul> <p>Please see the section below titled '<a href="#">What happens if I become insolvent?</a>' for more information on what other action you need to take in these circumstances and what impact the changes will have on your licence.</p>
i.	<p>You want to appoint a representative; or</p> <p>You want to remove a representative; or</p> <p>You want to change your representative.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to give the details of the representative you want to appoint/remove/ add.</li> </ul>
j.	<p>You want to surrender the whole or part of your licence.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to notify us as soon as possible</li> </ul> <p>Please see the section titled '<a href="#">Surrendering your licence</a>' for more information.</p>
k.	<p>You are subject to a civil penalty.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the 'Request any other changes to your licence details' part of the SMS to give the details of the civil penalty as soon as you know about it. For more information on the action we will take, please see the section titled 'Compliance'.</li> </ul>
l.	<p>You become an academy or a school maintained by a local authority.</p>	<p>You must:</p> <ul style="list-style-type: none"> <li>• Use the SMS to notify us as soon as possible and provide us with details of the conversion</li> </ul> <p>At the point you become an academy or school maintained by a local authority, you will be treated as a Legacy Sponsor: your CAS allocation will be set to zero and you will not be allowed to sponsor any new students. Any CAS assigned prior to the conversion may still be</p>

		<p>used to support a visa application. We will also process any visa application supported by a CAS that you have assigned, which has been made but not yet been decided at the point you become an academy or school maintained by a local authority.</p> <p>Tier 4 students already studying with you at the time of the conversion may complete their current course of study but may not commence a new course with you.</p> <p>You must continue to fulfil your sponsor duties, including reporting on your students and applying for a Basic Compliance Assessment, until you have taught out your existing Tier 4 students.</p>
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8.5 When you submit the changes, UKVI will tell you what documents you must send as evidence of the changes. For some changes, for example replacing your authorising officer or surrendering your licence, you will also have to sign a short declaration.

8.6 For some changes in circumstances you will have to complete more than one action on the SMS. For example, if you notify UKVI of a change to your organisation address, you may also need to notify it of a change to the working address for your Key Personnel. You must request each change separately.

8.7 When you use SMS to notify UKVI of a change, the system will produce a submission sheet if we need a signed declaration and/or any evidence to validate the request.

## Change of circumstances form

8.8 Where a sponsor needs to notify UKVI that it wishes to:

- replace the Level 1 user;
- replace the key contact or authorising officer; or
- appoint a representative;

and there is no other SMS-user to do this on the SMS (for example when the previous Level 1 user was the only SMS user and has left the organisation), it must complete a change of circumstances form. This is available on the Gov.uk website using the following link:

<https://www.gov.uk/government/publications/sponsor-change-of-circumstances-form>

- 8.9 UKVI will contact the sponsor to tell them what evidence to submit, if any is needed.

## Mergers, takeovers and similar changes

- 8.10 This section explains what you must do if you are involved in a merger, takeover, de-merger or other similar change, for example if you sell all or part of your business, or the controlling number of shares in your business. It also explains what you must do if you are taken over in full or in part by another organisation and some of your students transfer to that organisation, or, as an existing sponsor you carry out a de-merger and some students transfer to a new organisation.
- 8.11 Your sponsor licence is not transferable and what happens to your sponsor licence will depend on whether you:
- a. sell all or part of, or the controlling number of shares in your business or organisation;
  - b. are being taken over completely or in part by another organisation; or
  - c. are splitting out to form new organisations.
- 8.12 A change in the ownership of an institution will take place if the change is to the business, organisation or individual that directly owns the institution. A change in ownership will also take place if the institution is part of a wider corporate group and there is a change at any point in the chain of ownership (for instance at the parent company level, ultimate parent company level or any parent company in-between) and this affects the institution's day-to-day operations, governance or any other sponsor licensing related matters.
- 8.13 You must report a merger, takeover, de-merger, change of ownership or other similar change within 20 working days by notifying us using the SMS. If you fail to do so, we will take action against you. Any action we take could also lead to the students involved having their leave curtailed.
- 8.14 If there is a change in ownership of your organisation or business, for example if it is sold as a going concern or a share sale results in the majority number of shares being transferred to a new owner, we will revoke your sponsor licence. The new owners of the business must then apply for a new sponsor licence (unless they already have one) if they wish to continue teaching any migrants that you were sponsoring before the change of ownership. This will be considered in accordance with this guidance.
- 8.15 Your Level 1 user must report the merger, takeover, de-merger or change of ownership or other similar change. If that person is no longer available because you have been completely taken over or merged into another organisation, we will accept the report from the authorising officer at the new sponsor organisation. Once you have reported the change, we will ask for

(and check) documents to support the change you are reporting. These may be different or additional to documents we have listed in this guidance. We may contact your authorising officer for confirmation of details of the takeover or merger at a later date if we feel it is necessary to do so.

- 8.16 A student studying at an organisation involved in a merger, de-merger or takeover does not need to apply for new permission to stay and the new sponsor does not have to assign a new CAS.

### **Complete takeovers and mergers**

- 8.17 If you are being completely taken over or merged into another organisation and your sponsored students are transferring to a new organisation you must:

- a. report the change to us within 20 working days, using the SMS. Include details of any students who will transfer to the new organisation.
- b. report any students who will not transfer to the new sponsor. We will cancel their permission to stay in the UK. If the student received their permission to stay on the basis of a CAS, make the report using the SMS and if it was on the basis of a visa letter email [MigrantReporting@homeoffice.gsi.gov.uk](mailto:MigrantReporting@homeoffice.gsi.gov.uk).
- c. confirm if you need to surrender your sponsor licence by using the SMS or, if you do not have any active Level 1 users, by using the change of circumstances form.

- 8.18 If you have completely taken over, or merged with, another sponsor organisation and their sponsored students are transferring to you, you must:

- a. Make a valid application for a sponsor licence, if you do not already have one, within 20 working days of the change. If your application is unsuccessful or you fail to apply, we will cancel the permission to stay of all students who were due to transfer to you; or
- b. if you already have a sponsor licence, report the change, including details of any students for whom you have accepted full sponsorship responsibility.

- 8.19 You cannot use the SMS to apply for an increase in your current allocation of CAS if you already have a sponsor licence and expect to sponsor more students in the future as a result of the takeover or merger. You must wait for the point at which you renew your annual CAS allocation.

- 8.20 If you ask us, we will give you access to the original sponsor's licence on the SMS, so that you can report activity for the sponsored students who have moved.

### **Partial takeovers and mergers**

- 8.21 This section explains what you must do if an organisation takes over part of an existing sponsor organisation, or if part of an existing sponsor

organisation splits away to form a new organisation, and at least some sponsored students will transfer to the new organisation.

### **If you are the existing sponsor and no longer need or want your sponsor licence**

- 8.22 If you are the existing sponsor, and the change means that you will no longer have any sponsored students, you must report the change to us (including details of all students who will transfer to the new organisation) within 20 working days of it taking place, by emailing [MigrantReporting@homeoffice.gsi.gov.uk](mailto:MigrantReporting@homeoffice.gsi.gov.uk).
- 8.23 You may surrender your licence if you wish. You can do this using the SMS or, if you have no active Level 1 users, by using the sponsor change of circumstances form, but only if you no longer have any sponsored students of your own. If you surrender your licence but then need to sponsor students again in the future, you will need to apply for a new sponsor licence.
- 8.24 If you are left with no sponsored students, but are not sure if you will need to sponsor any new students in the future, you may choose to keep your licence. If you do keep your licence, we will reduce your current allocation of CAS to zero.

### **If you are the new organisation and the existing sponsor does not need or want its sponsor licence**

- 8.25 You must make a valid application for a sponsor licence, if you do not already have one, within 20 working days of the change. If your application is unsuccessful, we will cancel the permission to stay for all students who were due to transfer to you.
- 8.26 You cannot use the SMS to apply for an increase in your current allocation of CAS, if you already have a sponsor licence and the change means that you may need to recruit more students in the future. You must wait for the point at which you renew your annual CAS allocation.
- 8.27 You must report the change, including details of any students for whom you have accepted full sponsorship responsibility.
- 8.28 As the new sponsor you will not be able to report in the usual way on the students who have transferred from the original sponsor organisation because you will not have an SMS record for them. However, you must email [MigrantReporting@homeoffice.gsi.gov.uk](mailto:MigrantReporting@homeoffice.gsi.gov.uk) giving the following details:
- a. The original sponsor organisation's name;
  - b. The original sponsor organisation's licence number (if known);
  - c. The student's details; and
  - d. Details of what you want to report (for example, if the student has missed 10 expected consecutive contacts and you have withdrawn sponsorship as a result).

### **If you are the existing sponsor and still need your licence**

8.29 You must:

- a. report the change (including details of any students who will transfer to the new organisation) to us within 20 working days of it taking place by using the SMS.
- b. tell us if you need to reduce your annual CAS allocation.
- c. continue to report as usual on any sponsored students who are still enrolled, although you will no longer have any responsibility for reporting on students who have moved to the new organisation.

8.30 If you do not know whether or not you will sponsor any more students in the future, we will reduce your current allocation of CAS to zero.

### **If you are the new organisation and the existing sponsor still needs its licence**

8.31 You must make a valid application for a sponsor licence, if you do not already have one, within 20 working days of the change. If your application is unsuccessful, we will cancel the permission to stay for all students who were due to transfer to you.

8.32 You cannot use the SMS to apply for an increase in your current allocation of CAS, if you already have a sponsor licence and the change means that you may need to sponsor more students in the future. You must wait for the point at which you renew your annual CAS allocation.

8.33 You must report the change, including details of any students for whom you have accepted full sponsorship responsibility.

8.34 As the new sponsor you will not be able to report in the usual way on the students that have transferred from the original sponsor organisation, and whose permission to stay has been granted on the basis of a CAS, because you will not have an SMS record for them.

8.35 However, you must email [MigrantReporting@homeoffice.gsi.gov.uk](mailto:MigrantReporting@homeoffice.gsi.gov.uk) giving the following:

- a. the original sponsor organisation's name;
- b. the original sponsor organisation's licence number (if known);
- c. the student's details; and
- d. details of what you want to report (for example, if the student has missed 10 consecutive expected contacts).

## What happens if I become insolvent?

- 8.36 You must notify us as described in the section above titled '[Changing your sponsor details](#)'.
- 8.37 The insolvency professional appointed as the administrator or receiver must be appointed as your authorising officer. This can be done in one of two ways:
- a. If the administrator or receiver is content for your named Level 1 user to remain in that role, then the Level 1 user can use the request change of circumstances function within your SMS account to replace your existing authorising officer.
  - b. If the administrator or receiver does not want your existing Level 1 user to continue to access your SMS account, they must complete a change of circumstances form to appoint themselves as your new Level 1 user. They must write 'In Administration' across the top of the Change of Circumstances form so we can ensure that it is dealt with as quickly as possible. Once we have approved that change and they have access to SMS, they can then appoint themselves as the new authorising officer using your SMS account.
- 8.38 The administrator or receiver must also decide whether they are content for your existing SMS users to continue accessing your SMS account or if they want to replace them.
- 8.39 There are different ways in which you can come out of administration (including special administration), or administrative receivership (receivership in Scotland) and some of these will have an impact on your continuing permission to hold a sponsor licence. The deciding factor will be whether or not you continue to own your business.

### **Company Voluntary Arrangement (CVA) or Debt Arrangement Scheme (DAS)**

- 8.40 If you enter into a CVA, you must tell us within 20 working days of this being agreed and also tell us if it has resulted in a change of ownership. Where there is a change of ownership, we will treat this in the same way as if you had simply sold your business and we will revoke your sponsor licence. If you are sponsoring anyone at the point where ownership changes and the new owner wishes to continue sponsoring them, the new owner must apply for a sponsor licence within 20 working days of the day they took ownership.
- 8.41 If the CVA amounts to an agreement with your creditors, but no change in ownership, then you can continue to hold your sponsor licence. You can also remove the administrator from the position of authorising officer and appoint either your original authorising officer or a new one. You must do this using your SMS account.
- 8.42 If you enter into a Debt Payment Programme under DAS and there is no change in ownership, you can continue to hold your sponsor licence.

### Liquidation or Sequestration

8.43 If you go into voluntary or compulsory liquidation you must tell us within 20 working days of the date you cease trading. If sequestration has been awarded or if you have signed a Trust Deed and either of these means you cease trading, you must tell us within 20 working days of the date you cease to trade. If you or any appointed insolvency professional cannot access your SMS account to report this, either you or your appointed insolvency professional must email us at [sponsorsuspensions@homeoffice.gsi.gov.uk](mailto:sponsorsuspensions@homeoffice.gsi.gov.uk). We will then revoke your sponsor licence.

### Sole Traders

- 8.44 If you are a sole trader and you enter into an Individual Voluntary Arrangement (IVA) or a Debt Arrangement Scheme (DAS), in connection with your business, you must tell us using your SMS account within 20 working days. If your IVA or DAS amounts to an agreement with your creditors where you remain as the sole owner of your business and you can continue to trade, you must also tell us about this. If this happens, you can keep your sponsor licence.
- 8.45 If your IVA or DAS results in your business being sold, you must tell us about this within 20 working days. We will then revoke your sponsor licence. If you are sponsoring anyone at the point where your business is sold and the new owner wishes to continue sponsoring them, the new owner must apply for a sponsor licence within 20 working days of the day they took ownership.
- 8.46 If you are a sole trader and a court issues a bankruptcy order against you, or sequestration has been awarded, you must tell us within 20 working days of this happening. You will not be able to do this using your SMS account because you will not be permitted to access it. Instead you must e-mail us at [sponsorsuspensions@homeoffice.gsi.gov.uk](mailto:sponsorsuspensions@homeoffice.gsi.gov.uk) to tell us about this and you must tell us the date you ceased trading. We will then revoke your sponsor licence.

## 9. Annual Tier 4 activities

**This section gives information on:**

- Your annual CAS allocation
- Renewing your Tier 4 Sponsor status

### Your annual CAS allocation

- 9.1 You can apply for your annual CAS allocation using your SMS account. If you assigned 50 or more CAS in the previous year, you can apply for an increase in your CAS allocation of up to 50 per cent of your previous year's CAS allocation. If you assigned fewer than 50 CAS in the previous year, you can apply for any reasonable increase.
- 9.2 If your request would increase your current student body by 20 per cent or more, your request may trigger an Educational Oversight inspection. We will not take a decision on your request until we have received a report from your Educational Oversight body.
- 9.3 When considering your request to renew your annual CAS allocation, we will take a number of factors into account, including but not limited to:
- Evidence that you have provided to support your request.
  - Any agents that you use to recruit international students, where they have been linked to immigration abuse in the past.
  - 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 on a full-time basis.
  - The total student capacity of your premises and any capacity restriction written in to your planning permission.
  - The length of time that you have been operating.
  - Your history of compliance with the Immigration Rules and sponsor guidance.
  - Your Educational Oversight report.
- 9.4 We may ask you for further information and a compliance officer may visit you before we take a decision.
- 9.5 If we grant fewer CAS than you requested this may be because:
- you have a history of non-compliance;
  - you cannot justify the number you requested; or

- we do not consider your request to be credible based on your current circumstances.
- 9.6 Once we take a decision, we will add your CAS allocation to your SMS account, and give you 12 months to assign the CAS. After that time, any unassigned CAS will expire. You may not apply for additional CAS during this period but UKVI will retain discretion to grant additional CAS on an exceptional basis.
- 9.7 We may review your annual CAS allocation at any point, and reduce it, including setting it to zero. We may do this if your circumstances change or we believe that you are not complying with your sponsorship duties. We will write to you if we do this and take into account any representations you make.

### Requesting a provisional CAS allocation

- 9.8 You may request a provisional CAS allocation if your request to renew your annual CAS allocation has triggered an Educational Oversight inspection or if you are a Probationary Sponsor and your Basic Compliance Assessment is being considered.
- 9.9 We may grant a provisional CAS allocation on an exceptional basis, until a decision is taken on your request to renew your annual CAS allocation or your Basic Compliance Assessment.
- 9.10 Your provisional CAS allocation will not exceed your previous CAS allocation, and may be less than your previous CAS allocation.
- 9.11 If you are a Probationary Sponsor and your Basic Compliance Assessment is pending, your provisional CAS allocation will not exceed the amount of unassigned CAS that you held in the previous 12 months. If you do not have any unassigned CAS or you assign your provisional CAS allocation whilst your Basic Compliance Assessment is pending, you may only apply for additional CAS to be added to your provisional CAS allocation in order to extend the leave of an existing student.
- 9.12 Your provisional CAS allocation will be deducted from your final CAS allocation, once that is decided.

### Applying for an annual Basic Compliance Assessment

- 9.13 You must apply for a Basic Compliance Assessment every 12 months<sup>3</sup>. This is an opportunity for you to demonstrate that you have met our core requirements over the past 12 months, and can continue to retain a Tier 4 licence. This was previously known as ‘renewal of Highly Trusted Sponsor status’.

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<sup>3</sup> To make an application for a Basic Compliance Assessment, a sponsor must apply for Tier 4 Sponsor status using the SMS and pay the relevant fee.

9.14 Information on this can be found in Document 3 of the Sponsor Guidance in the section titled 'Basic Compliance Assessment'.

## 10. Renewing a Tier 4 licence

This section gives information on:

- Key information
- How to renew your Tier 4 licence
- How the application process works
- Timing your Tier 4 licence renewal application
- Declining to renew your Tier 4 licence

### Key information

- 10.1 A Tier 4 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.
- 10.2 If you have been granted a licence and subsequently apply 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.
- 10.3 If you do not apply to renew your licence and it expires at the end of the four year period, you will automatically cease to be a licensed sponsor on the 'licence end date', as displayed on your SMS account. 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 curtail the leave of any students you are currently sponsoring (and who have more than 60 days extant leave) 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.
- 10.4 If you have any sponsored students studying with you, you must apply to renew your Tier 4 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.
- 10.5 If you are a Legacy Sponsor, you are not eligible to renew your Tier 4 licence. If you apply to do so, 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 leave remaining.

## How to renew your Tier 4 licence

- 10.6 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.
- 10.7 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.
- 10.8 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.
- 10.9 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.
- 10.10 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: <https://www.gov.uk/apply-for-a-Tier-4-sponsor-licence>. 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

- 10.11 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.
- 10.12 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.

- 10.13 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 any payment made refunded to you. If your application is rejected you can reapply again at any time before your licence expires.
- 10.14 If your application is accepted, we will temporarily extend your current licence to allow us time to conduct any checks that we decide are necessary before making a decision on your application.
- 10.15 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 of the date of the request.
- 10.16 If you do not send the documents within this time, we will take action against you.
- 10.17 We may:
- a. reduce your CAS allocation; or
  - b. reduce your CAS allocation to zero and remove you from the Tier 4 Register of Sponsors pending further investigation; and/or
  - c. revoke your licence. (Please see the '[Tier 4 Compliance](#)' sponsor guidance for more information on when we will, or may, revoke your licence).
- 10.18 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 comply with any of your sponsor duties, we will either:
- a. reduce your CAS allocation; or
  - b. reduce your CAS allocation to zero and remove you from the Tier 4 Register of Sponsors pending further investigation; and/or
  - c. revoke your licence. (Please see the '[Tier 4 Compliance](#)' sponsor guidance for more information on when we will, or may revoke your licence).
- 10.19 If your CAS allocation has been reduced to zero and/or you have been removed from the Tier 4 Register of Sponsors, and your licence is due to expire, you must still apply to renew it. Otherwise, even if our investigations do not lead to revocation of your licence, we will not be able to reinstate your licence if it has expired.
- 10.20 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 Tier 4 licence renewal application

- 10.21 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.
- 10.22 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 Tier 4 licence

- 10.23 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.
- 10.24 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.
- 10.25 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).
- 10.26 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.

## 11. Surrendering your licence

- 11.1 If you no longer wish to sponsor students, and have no sponsored students currently studying with you, you may choose to surrender your licence. You should do this using SMS.
- 11.2 We will remove you from the Tier 4 Register of Sponsors. You may apply for a new licence, subject to the conditions in the sponsor guidance. If you are facing compliance action when you decide to surrender your licence, we will treat the surrender of your licence in the same way as we treat a revoked licence, should you wish to apply for a licence in the future.
- 11.3 You may choose to surrender your licence in all the Tiers, categories and sub-categories for which you are licensed at the same time or you may choose to surrender part of your licence, in relation to certain Tiers, categories or sub-categories. You must clearly indicate on the change of circumstances form which part you are surrendering.
- 11.4 You must provide evidence that you are no longer responsible for any students you may have previously sponsored in that Tier, category or sub-category. If you still have responsibility for students, we will revoke your licence, cancel the students' permission to stay and may remove them from the UK.
- 11.5 When you submit the change we will tell you what documents you must send us to support the changes. When you submit the change you will also have to sign a short declaration.

## Annex - Student reporting case studies

The following case studies illustrate how the reporting options should be used in a range of circumstances. The case studies are to provide additional support and are not intended to be a definitive list of the circumstances you need to report.

### **Case Study 1 – Student has enrolled but not attended**

Q. We have issued a CAS to a potential student to use in an application. The student has arrived in the UK and enrolled but hasn't attended. We have attempted to contact the student. As a result of contacting them/failing to get in touch with the student we have excluded them from their course. What do we do now?

A. You need to access your SMS account and select the activity type 'Sponsor has stopped sponsoring the student' and then 'sponsor has excluded or withdrawn the student from the course'. You can then use the notes field to add more detail such as you have tried to contact the student but have been unsuccessful.

### **Case Study 2 – Student has not enrolled**

Q. We have issued a CAS to a potential student to use in an application. The student hasn't arrived for enrolment and we don't know whether their application was successful or not. As a result of contacting them/failing to get in touch with the student we have excluded them from the course. What do we do now?

A. You need to access your SMS account and select the activity type 'sponsor has stopped sponsoring the migrant' and then 'sponsorship withdrawn; student has not enrolled'. You can then use the notes field to add more detail such as the outcome of the application is unknown.

### **Case Study 3 – Student withdrawn due to ill health**

Q. We are sponsoring a student who has enrolled and is attending but has told us they are unwell. They are no longer able to attend and have formally withdrawn from the course. The student has returned home but no decision has been made to defer their studies. What do we do now?

A. You need to access your SMS account and select the activity type 'sponsor has stopped sponsoring the student' and then 'student has withdrawn from studies post enrolment'. The student can then make a further application for leave to enter and study at a later date.

### **Case Study 4 – Sponsor has withdrawn a course**

Q. We have had to withdraw a course as there are not enough students to constitute a full class. Our student has moved to another course with us and the course level is the same as the original course. What do we need to do?

A. You need to access your SMS account and select 'change in student circumstances' and then 'student has switched courses but is still sponsored by you'.

### **Case Study 5 – Student is delayed**

Q. We have a prospective student who is unexpectedly delayed. They have provided a new date of arrival which we are happy to agree and set a revised enrolment date. How do we tell you this?

A. You need to access your SMS account and select the category 'student is delayed' and then 'student enrolment is delayed; new date provided', entering the new date in the free text field.

### **Case Study 6 – Student has changed sponsor**

Q. Our student has left and moved to a new sponsor. They did tell us of the change before they moved. What do we need to do?

A. You need to access your SMS account and select the category 'sponsor has stopped sponsoring the migrant' and then 'student has moved to another sponsor'. Where known, you should provide the new sponsor details in the notes field.

### **Case Study 7 – Student has ceased studying and stopped attending**

Q. Our student has ceased studying and has stopped attending their studies. We can't make contact so have excluded them from their course. We have heard unconfirmed reports that they have joined another institution. What do we need to do?

A. You need to access your SMS account and select the category 'sponsor has stopped sponsoring the student' and then 'sponsor has excluded or withdrawn the student from the course'. This sub-category should be used instead of 'student has moved to another sponsor' as the student has not formally informed you that they have left. The notes field should be completed with any details that you may have about a new educational institution or sponsor.

### **Case Study 8 – Administrative error in student reporting**

Q. We have reported that one of our students has failed to turn up to enrol on their course. However, we have now realised that an administrative error had been made and the student actually did enrol. How do we correct this?

A. You need to access your SMS account and select the option 'previous notification withdrawn', providing all relevant details in the free text field. If the report is submitted in time, curtailment of the student's leave will be cancelled.

### **Case Study 9 – Student returned overseas but not withdrawn**

Q. Our student must return overseas for compelling reasons and will not be able to return to complete their course within their existing leave. However, they fully intend to return as soon as they are able, to resume their studies. What do we need to do?

A. You need to access your SMS account and select the option 'sponsor has stopped sponsoring the student', followed by 'the student has deferred their studies' and explain the circumstances in the free text field.