



# Entry clearance and immigration

2013–14





# Entry clearance and immigration

Preparing to study or work in the UK can be an exciting prospect, but getting to grips with immigration regulations can be a challenge.

This booklet aims to help you understand:

- whether you need a visa
- what kind of visa you need
- how to apply for a visa.

**Please note:** immigration and entry into the UK is managed by the UK Border Agency (UKBA). In April 2013 it was announced that UKBA will be abolished and brought back within the Home Office. It will be split into two – an immigration and visa service and a separate law enforcement command. The information and links to UKBA are correct at the time of going to print, May 2013.

Immigration regulations are subject to change. It is important to check the UKBA website for the most up-to-date information [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)  
The UK Council for International Student Affairs (UKCISA) also has useful information about visas at [www.ukcisa.org.uk](http://www.ukcisa.org.uk)

## Do I need a visa?

**Depending on your nationality, you may need a visa to study in the UK. You can study in the UK without a student visa if:**

- you are a national of a country in the European Economic Area (EEA) or Switzerland
- you are a British overseas territories citizen, unless you are from one of the sovereign base areas in Cyprus
- you are a Commonwealth citizen with permission to enter or stay in the UK because at least one of your grandparents was born here
- you have no conditions or time limit attached to your stay.

If you do not fall under one of these categories, you will need a visa.

For more information, please visit [www.ukba.homeoffice.gov.uk/visas-immigration/visiting/student/visa/](http://www.ukba.homeoffice.gov.uk/visas-immigration/visiting/student/visa/)

## What kind of visa do I need?

**Applying for a visa can take time, so it's important to apply well in advance of when you intend to travel (no more than three months before the start of your course and no later than six months after your Confirmation of Studies (CAS) was assigned). You can find out about visa processing times in your country here [www.ukba.homeoffice.gov.uk/visas-immigration/general-info/processing-times](http://www.ukba.homeoffice.gov.uk/visas-immigration/general-info/processing-times)**

**Please note:** new measures have been introduced for applicants wanting to enter the UK for more than six months. Applicants from 67 countries with a high incidence of tuberculosis, will now need to be screened at an approved clinic before they are granted a visa for the UK. You will need to submit the tuberculosis certificate with your immigration application.

The UK's points-based visa system is designed to be objective and transparent. There are a number of different visas you can apply for and you need to ensure you apply for the correct one. The following may be appropriate for you, depending on your circumstances:

- Tier 4 (General) Student visa
- Student Visitor visa
- Tier 5 (Temporary Worker) visa

**Please note:** all international students are advised to go to [www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/apply-outside-uk/](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/apply-outside-uk/) and read all the information on applying for a visa from overseas **BEFORE completing any visa application forms.**



## What is an ATAS certificate?

**An Academic Technology Approval Scheme (ATAS) Clearance Certificate must be obtained for some postgraduate students who need entry clearance to study in the UK. It will affect students who are applying for leave to take one of the following:**

- undergraduate or postgraduate studies leading to a doctorate or master's degree by research in certain subjects listed in Appendix 6, paragraph 1 of the Immigration Rules
- undergraduate or postgraduate studies leading to a taught master's degree or other postgraduate qualification in certain designated subjects which may be of weapons of mass destruction Proliferation concern listed in Appendix 6, paragraph 1 of the Immigration Rules
- study or research in the UK of longer than six months, which is part of an overseas postgraduate level course, in any subject listed in Appendix 6, paragraph 1 of the Immigration Rules.

Applications for an ATAS Clearance Certificate must be made online on the Foreign and Commonwealth Office website at [www.gov.uk/academic-technology-approval-scheme](http://www.gov.uk/academic-technology-approval-scheme)

This link also contains information about the scheme and the list of designated subjects.

If you need an ATAS certificate and you don't have one, your entry clearance application will be refused. A Tier 4 (General) student will need to apply for a new ATAS if:

- you change your course
- the area of research/modules change for the course you originally applied to
- you move to another institution; or
- your visa was issued **on or after** 30 November 2007, and you need further permission to stay for writing up a thesis.

If you are applying to study a course which required an ATAS certificate, you must provide: **a print-out of your ATAS clearance certificate.**

# Tier 4 (General) Student visas

**The Tier 4 (General) Student visa category is for adult students who want to study in the UK for their post-16 education. If you are 16 or 17 years old and you want to study a course at or above National Qualification Framework level 3, you can apply under this category or under Tier 4 (Child).**

In this booklet, we will focus on the Tier 4 (General) Student visa for adults, but you can find the latest information about both the Adult and Child Student visa categories at [www.ukba.homeoffice.gov.uk/visas-immigration/studying](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying)

## Institutions and courses

The student visa system is designed to give you peace of mind that you are applying to study at a bona fide institution. You can apply to study at any institution that appears on UKBA's list of approved education providers. These institutions, known as 'Tier 4 sponsors', have been inspected by organisations approved by UKBA. The 'Register of Tier 4 sponsors' can be found at [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation)

You can study a wide range of courses in the UK, but you must check the course you want to study is at a high enough level.

To see what type of courses you can apply for, visit [www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/can-you-apply/course](http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/can-you-apply/course)

## What do I need to apply for a Tier 4 visa?

To apply for a Tier 4 (General) Student visa, you must pass a points-based assessment and score 40 points. Applicants require:

- 30 points for having a valid **confirmation of acceptance for studies** (see page 5), which you get for studying a course at an acceptable level with an approved education provider (the 'Tier 4 sponsor'), and for having **acceptable English language skills** (see page 4);
- Ten points for having enough **money** (also known as maintenance or funds) to cover your course fees and living costs.

**Note:** If you are applying to Tier 4 from overseas, either as a part of your visa application or when you arrive in the UK, you may be required to attend an interview to show that your English language ability is at the required standard.

You will need to fill in the visa application form available from [www.ukba.homeoffice.gov.uk/visas-immigration/do-you-need-a-visa](http://www.ukba.homeoffice.gov.uk/visas-immigration/do-you-need-a-visa)

Documents required can be found at [www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/evidence](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/evidence)





## English language

### Two visa routes are available for studying English:

- **Tier 4 (General) visa:** As a Tier 4 (General) student you can study an English language course. The course must involve at least 15 hours a week of organised daytime study and it must lead to an approved qualification.

You will study at an institution which is a Highly Trusted or A-rated Tier 4 sponsor. Your course must lead to a qualification at level B2 of the Common European Framework of Reference for Languages (CEFR).

Otherwise, if you want to study an English language course which is below level B2, or if you want to learn English at an institution which does not have a Tier 4 (General) licence, you can apply to enter the UK as a student visitor.

#### Pre-sessional

If your course is a pre-sessional course which will prepare you for degree-level study at the same institution (or at its partner institution), you may be issued with a single CAS which includes both courses. In this case your immigration permission will end after the main course, rather than after the pre-sessional course. Your institution will only issue you with a single CAS if you meet all of the associated requirements,

Make a note of the date that your immigration permission ends. You must not remain in the UK after this date, unless you have already submitted an immigration application for further leave to remain in the UK.

- **Student Visitor visa:** it is also possible to study English on a Student Visitor visa. Students wishing to attend exclusively English language courses can apply for an Extended Student

Visitor visa, allowing them to stay for up to 11 months (the standard Student Visitor visa is available for courses up to six months in length). The Extended Student Visitor visa is only available to applicants outside the UK.

#### A Tier 4 (General) student is from a majority English language speaking country if he/she is a national of:

- Antigua and Barbuda • Australia
- The Bahamas • Barbados • Belize
- Dominica • Grenada • Guyana
- Jamaica • New Zealand • St Kitts and Nevis • St Lucia • St Vincent and the Grenadines • Trinidad and Tobago • United States of America.

#### What level of English language competence must students achieve?

Unless the student is a gifted student studying at a higher education institute and is a national of a majority English-speaking country, or has completed a qualification equivalent to a UK degree taught in English in a majority English-speaking country (Canada is not included) or has studied in the UK as a Tier 4 (Child) student, they are required to demonstrate their English language at **CEFR Level B2** (equivalent to at least an IELTS 5.5) in each of the four sub-components of language learning (reading, writing, speaking and listening) if they are studying a course at NQF 6/QCF 6/SCQF 9 or above or CEFR Level B1 if enrolling on a course at NQF 3–5/QCF 3–5/SCQF 6–8.

If your institution is not a higher education institution you will need to prove you have passed an approved English language test [www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/can-you-apply/english-language](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/can-you-apply/english-language)

## Confirmation of acceptance for studies

A confirmation of acceptance for studies (CAS) is an electronic reference number which is issued by the institution you wish to study at. The CAS is valid for six months from the date it was issued by the institution. You should only submit an immigration application once you are sure you can also include all the documents necessary to meet the Tier 4 requirements (but not more than three months before the course's start date).

## Money and maintenance funds

On your application you will need to show that you can cover course fees and living costs. Guidance is available at [www.ukba.homeoffice.gov.uk/visas-immigration/studying](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying)

- If you are applying to start a new course, you must show that you have enough money to pay your course fees for the first year of your course (or for the entire course, if it lasts less than a year).
- If you have already started your course and you are applying to extend your stay so that you can continue that course, you must show that you have enough money to pay your course fees to the end of the current academic year or for the next academic year, if you will continue on your course at the start of the next academic year.
- If you are applying to do a 'study abroad' programme in the UK as part of an overseas course, you must show that you have enough money to pay any necessary fees to the Tier 4 sponsor for the first year of the programme (or for the entire programme, if it is less than a year long).

Your confirmation of acceptance for studies tells UKBA the amount of money you need to prove you have in order to pay your course fees. If you do not know what this amount is, you must ask your Tier 4 sponsor.

The monthly maintenance requirements state that you must show you have the required sum of money for maintenance in your account for a period of 28 days (£1,000 per month for nine months in inner London

and £800 per month for outer London or elsewhere in the UK. Up to a maximum of nine months). This money must take the form of cash funds in the bank (including savings accounts and current accounts, even when notice must be given), a loan letter, or official financial or government sponsorship available to you. UKBA will add a declaration to the visa application form so that you must confirm that the funds are genuinely available for the purpose of funding your study and upkeep in the UK.

**NOTE:** The UK Border Agency now checks information about funds more carefully. It treats students more favourably if they come from a 'low risk' country [www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/evidence](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/evidence)

**If you can show that you have already paid all or some of your course fees before making your application, this amount can be deducted from the total amount of money you will need to show.**

For further information on this subject, visit [www.ukba.homeoffice.gov.uk/visas-immigration/studying](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying)

**Financial sponsorship** means you have been given money to cover your course fees and living costs. If your financial sponsor is only covering some of your course fees or living costs, you must show that you have the rest of the money required. You must provide a letter of confirmation from your official financial sponsor, which may be Her Majesty's Government, your home government, the British Council or any international organisation, company or university. The letter must be on official headed paper or stationery of the organisation of the official financial sponsor, and have the official stamp of that organisation on it.

The letter should show:

- name and contact details of the official financial sponsor
- date of the letter
- full name of the student (that appears on your passport)
- length of your sponsorship
- the amount of money you have or a statement that they will cover all (or part) of your fees and living costs.

**If you are receiving official financial sponsorship from your approved education provider – for example, a scholarship – the approved education provider may choose to include details of the financial sponsorship on the CAS.**

How much does it cost to apply for a visa?

The fee for your student visa application depends on whether you are applying from inside or outside the UK (and, if you are inside the UK, whether you are applying by post or in person). Visa fees from overseas are currently £298 for all applicants. For more information, please visit [www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/visa-fees](http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/visa-fees)

How long can I stay for?

With a Tier 4 visa, you can stay in the UK for the full length of your course, and for some time (depending on the type and length of your course) after your course finishes.

- Four months after the end of the course, if your course will last 12 months or more.
- Two months after the end of the course, if your course will last six months or more, but less than 12 months.
- One month after the end of the course, if your course will last less than six months and is a pre-session course.
- Seven days after the end of the course, if your course will last less than six months and is not a pre-session course.
- One month after the end of the course, if you apply to be a postgraduate doctor or dentist on a Foundation Programme.

If you will be studying for part of a month, this will not be 'rounded up'. For example, if your course will last 11 months and three weeks, you will be granted an additional two months after the end of your course. At the end of that time, you must leave the UK unless you have applied to extend your stay or switch to another immigration category.





### Degree level: five-year cap

Some time limits were introduced on 6 April 2012 for degree level study. Any new Tier 4 application must lead to you spending no more than five years on courses at degree level. All time you have had leave under Tier 4 (or as a pre-Tier 4 student) counts towards the five years, except for the short extra time you are given before the course (maximum one month) and after a course (maximum four months).

There are some exceptions to the five-year cap:

- if you have successfully completed a UK degree course which was at least four years long, and you are making a Tier 4 application to study a Master's degree at a higher education institution (recognised body or institution in receipt of public funding), the limit is six years
- if your Tier 4 application is to study a PhD at a higher education institution, there is no limit while you are studying the PhD
- if you have already completed a PhD in the UK, any new Tier 4 application is subject to an eight-year limit (including courses below degree level). courses in architecture, medicine, dentistry, veterinary medicine and science, or music at a conservatoire, are exempt from the limit
- if you have completed a UK degree, and your current Tier 4 application is to study certain legal qualifications (CPE, GDL/LPC or BPTC), the legal qualification is exempt from the limit.

The UK Border Agency will not grant further leave to someone whose current Tier 4 application means they will exceed these limits, unless there are 'compelling and compassionate circumstances', such as injury or disability.

For more information, please visit [www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/how-long](http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/how-long)

### Extending your permission to stay as a general student in the UK

With a Tier 4 visa, you can re-sit examinations or repeat any part of your course twice for each individual examination or module. If your existing visa ends before you have finished the re-sit or repeated the appropriate studies, you will need to apply to extend your stay. [www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/can-you-apply](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/can-you-apply)

Students who extend their stay as a general student must pass the points-based assessment and score 40 points. These requirements are the same, whether you are applying to come to the UK to study for the first time or you are applying to extend your stay here. Everyone must pass the points based assessment.

From 6 April 2013 the UKBA encourages applicants who are applying for a Tier 4 visa from within the UK to use the 'Print and send' method of applying. This involves completing a 'print and send' application form online, printing it out, and then submitting it and the necessary supporting documents to the UKBA either by post (£406) or in person £781.

**NOTE: You need to apply BEFORE the end date of your permission to stay.** If there is a gap of more than 28 days between the end of your immigration permission and the start of **any new course**, you will have to return home and apply for entry clearance.

Premium public enquiry office (PEO) appointments will be charged at £100 per applicant to make an appointment (this will be retained if you fail, without good reason, to attend the appointment) plus the postal fee for the leave to remain application plus £275 for the expedited application, i.e. £781 for a Tier 4 PEO application, and you will be required to pay the whole fee when you book the appointment.



It is unlikely that extensions will be given to study at a level that is below level 3 of the National Qualifications Framework (or its equivalent in Scotland) if you are over 16; or if you want to study English below level A2 of the Common European Framework of References for Languages. Short-term study abroad programmes in the UK as part of an overseas higher education institution are accepted, as long as the qualification is confirmed as the same as a UK degree qualification by UK NARIC. For further guidance, see [www.ukcisa.org.uk](http://www.ukcisa.org.uk)

If you are applying for an extension to complete a current course or to undertake a further course you will be required to provide evidence that you can pay the course fees (only the first year if the course is longer) and just two months maintenance. Applications should be made within four months of the completion of a previous course.

If you are completing a course of six months or less, including pre-sessional, and seeking an extension within one month to go onto further studies you will also have to provide evidence that you can pay the fees for the new course (only the first year if the course is longer) plus the maintenance costs per month up to a maximum of nine months.

Anyone switching into the student route from outside Tier 4 will also be required to provide evidence that they can pay fees for the course (up to one year if the course is longer) plus maintenance per month of the course, up to a maximum of nine months.

### Biometric Residence Permit

Biometric Residence Permit (BRP) is the way in which UKBA grants extensions to students who wish to stay in the UK for more study. BRPs used to be known as Identity Cards for Foreign Nationals (ICFNs). It is the shape of a credit card and shows your photograph on the front, together with information about how long your extension is for. It also shows whether you are allowed to do any work, and tells you if you are required to register with the police.

The card includes a microchip which contains two of the card holder's fingerprints and a digital photograph on the front. As part of the process of applying for a student extension, you have to go and give your fingerprints and have your photo taken (your 'biometrics').

If you are sending an immigration extension application by post, respond as soon as possible to any letters from UKBA asking you to make an appointment to give your fingerprints and have your photo taken. You will be given a very short deadline to respond to the letter, and if you do not respond in time, your application may be refused or disregarded (although you will normally be given a warning first). That could result in you not being able to stay in the UK. For that reason, it is sensible not to move address while you have a pending extension application. If you have to move, talk to the international student adviser at your college or university to explain your plans first, so they can advise you of the safest way of notifying UKBA.

You need to prioritise attending the appointment over everything else. If this means you need to miss a class or lecture, let your institution know. If you do not attend an appointment quickly, UKBA can refuse or disregard your extension application. That could result in you not being able to stay in the UK.

If you are going to make your extension application in person (at a Public Enquiry Office), you will probably not be sent any letters about biometrics but will have your fingerprints and photo taken at your extension appointment. You will not be given your student extension (the BRP card) on the day but will have to wait for it to be sent to you by post.

You will probably receive your documents back from the Home Office before you receive your identity card. Remember that you do not have your extension until you have the card, which will be sent by post. Do not make any arrangements to travel until you have the card because you do not know how long it will take.



## Can I work while I study?

**From the 6 April 2013 PhD students completing a course, can now apply to stay in the UK for a further 12 months, beyond the end of their course to find skilled work or to set up as an entrepreneur.**

As an adult student under Tier 4 (General), you are allowed to:

- do part-time work during term time (see below for restrictions)
- do full-time work during vacations
- do a work placement as part of your course
- work as a postgraduate doctor or dentist on a recognised Foundation Programme
- work as a student union sabbatical officer, for up to two years.

The work you do must not fill a full-time permanent vacancy (other than on a recognised Foundation Programme), and you must not be self-employed, employed as a doctor in training (except on a recognised Foundation Programme) or as a professional sportsperson, coach or entertainer.

The maximum amount of part-time work you can do during term time is:

- 20 hours per week if you are studying a course at or above UK degree level at a higher education institution
- 10 hours per week if you are studying a course that is below UK degree level at a higher education institution or any course at any level at a publicly-funded further education college.

You can work full-time during vacations, within the above limits. If you have completed your course and you apply to remain in the UK under the points-based system before your existing permission to stay expires, you can work full-time (within the above limits) until your application is decided.

Work placements can be full time if your Tier 4 sponsor is highly trusted, or your course is degree level or above.

You will be able to spend half of your course doing work placements if you have a tier 4 permission, your course is degree level and your education provider is a higher education provider.

If you do not meet any of these requirements your work placement can take up to a maximum 33 percent of your total course.

## Bringing family dependants

Students can no longer bring their family to the UK **unless** they are taking a postgraduate course which is over 12 months long and studying at a higher education institution or they are a government-sponsored student.

They must be able to support themselves financially for the entire length of their stay without needing help from state benefits (also known as public funds).

Family members (also known as dependants) are:

- your husband, wife or civil partner
- your unmarried or same-sex partner
- your children aged under 18.

[www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/family](http://www.ukba.homeoffice.gov.uk/studyingintheuk/adult-students/family)



## Student visitor

If you want to come to the UK in order to do a short course of study, you can apply to do so as a student visitor [www.ukba.homeoffice.gov.uk/visas-immigration/visiting/student/requirements](http://www.ukba.homeoffice.gov.uk/visas-immigration/visiting/student/requirements)

- English language students wishing to attend exclusively English language courses can stay for **up to 11 months** with a student visitor visa. The extended student visitor visa is only available to applicants outside the UK at a cost of £144.
- Students wishing to study other courses can stay for up to six months with a student visitor visa at a cost of £80.

If you come as a 'student visitor' you must show that you have been unconditionally accepted on a course provided by an organisation which holds:

- a Sponsor Licence for Tier 4, or
- is a UKBA accredited body, or
- is an overseas higher education institution offering only part of their degree programmes in the UK holding their own national accreditation and offering programmes that are equivalent to a UK degree.

For some nationalities (non-visa nationals) who chose to come to the UK as a student visitor, it is not compulsory to obtain entry clearance before travelling to the UK as long as the course is less than six months long.

Students must be at least 18 years old, and have the financial resources to accommodate and maintain themselves during their visit. You should only come as a 'student visitor' if you are absolutely certain you will not want to work in the UK (this includes work placements even if the placement is a part of the course or unpaid or paid work) and will not want to stay for longer than six months. 'Student visitors' do not have to study full-time. There is no requirement for the course to lead to an approved qualification.

You will not be able to extend your stay in the United Kingdom as a student visitor. There are no provisions in the student visitor rules for extensions to be granted.

## Resources

[www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/family](http://www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/family)

[www.ukba.homeoffice.gov.uk/visas-immigration/visiting/prospective-student](http://www.ukba.homeoffice.gov.uk/visas-immigration/visiting/prospective-student)

[www.ukcisa.org.uk/student/immigration.php](http://www.ukcisa.org.uk/student/immigration.php) – general advice for international students

[www.ukcisa.org.uk/student/immigration.php](http://www.ukcisa.org.uk/student/immigration.php) – information about applying for visas overseas

## Tier 5 visa

The government-authorised exchange category is for people coming to the United Kingdom through approved schemes that aim to share knowledge and best practice through employment, while experiencing the wider social and cultural setting of the United Kingdom.

You can find the latest information at [www.ukba.homeoffice.gov.uk/visas-immigration/working/tier5](http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier5)

Your sponsor will be an overarching body who manages the government-authorised exchange scheme. This overarching body must have the support of a United Kingdom government department.

Individual employers and organisations will not be allowed to sponsor migrants in this category, even if they are licensed as sponsors under other tiers or other categories of Tier 5. The only exceptions to this are if you are coming to the United Kingdom:

- as a sponsored researcher, where the higher education institution you are coming to work at will be your sponsor
- to work for a government department or agency.

Any work you do must be skilled, which means it must be equivalent to NVQ or SVQ level 3 or above. This is unless you are taking part in the scheme set up as part of the European Union's lifelong learning programme, where you can do vocational education and training at a lower skill level. You are allowed to stay in the United Kingdom for up to 24 months under this category.

Under this category, depending on the scheme you are using and the length of the time of your work as shown on your certificate of sponsorship (COS).





The UK means the United Kingdom and consists of England, Scotland, Wales (Great Britain) and Northern Ireland.

Education UK is managed by



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