

BAC/STUDY UK UKBA SEMINAR 17 FEBRUARY 2010

SMS-specific enquiries

Q: A new degree level + 4 months course is being run by a new institution. How does the CAS system work for this?

A: A CAS should still be applied for before the start of the course for the full length of the course.

UKBA: If a student is changing sponsor in order to take up a new course, then once his/her further leave has been granted the new sponsor will be responsible for him/her straight away.

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Sponsors may want to ensure that students do not apply to extend their leave too early as this could result in them being part-way through a course with one education provider, but sponsored by another education provider.

Q: There are mandatory fields relating to accommodation, but we do not provide it. What do we do?

A: Enter zero

Q: Why can credit card data not be stored for ease of paying for CAS?

A: UKBA advised by legal team that no personal information at all should be retained by the SMS.

UKBA: The SMS system does not store card details because when the Sponsor comes to make an on line payment they are transferred to a third party website (RBS WorldPay) where the card details are taken and the transaction completes. Once the transaction is complete the Sponsor is then directed back to SMS.

Even if the card details were taken on SMS we would not be allowed to keep them on record in line with Payment Card Industry Data Security Standard (PCI DSS) requirements. The PCI DSS standards must be met by **all** organisations that accept or store information from credit/debit cards.

Q: How do pre-sessional courses and start dates affect CAS?

A: If student's place on the main course is unconditional, use the start of the pre-sessional course as the start date. If the place is conditional on successfully completing the pre-sessional course, two separate CAS and visas will be required.

Q: What should we do if we have problems with passwords and not being able to log on?

A: Keep trying, you will get through eventually; then change your password.

Q: Family name or surname is a mandatory field. What if student has none?

A: Enter their given name (not a mandatory field) in the family name field.

- Q: How do you: edit, withdraw, add sponsor notes for CAS?**
A: Editing of live CAS not possible, but sponsor notes can be used to submit changes. Sponsor notes intended for minor changes only (e.g. typos). Major changes will prompt further investigation. Neither sponsor notes nor withdrawal of a CAS is possible once it has been used for a visa application.
- Q: Why can sponsors see that a CAS has been 'used' but not whether a visa has been granted?**
A: Currently the use of disparate IT systems prevents this technically, although UKBA's ambition is to move towards one integrated IT system. However, UKBA's current legal advice also precludes this from being implemented as it contravenes data protection law.
- Q: UKBA expects sponsors to report students to them. Why can they not reciprocate with a two-way flow of information?**
A: Agree in principle, but data protection rules prohibit it.
- Q: Withdrawals of CAS are sometimes necessary; how do you prevent this from eroding CAS allocation?**
A: Extra allocation can be requested mid-year, but reason must be given, with an explanation of the withdrawals which were necessary.
- Q: How long will it take to assess a request to increase CAS allocation?**
A: As at 17 February 2010, UKBA is approving increases requested in December 2009.
- Q: Can CAS be issued from abroad?**
A: Users must be based in the UK, but the SMS is accessible on the internet worldwide so users can issue CAS while travelling.
- Q: If a course finishes and the candidate completes their leave?**
A: The candidate must return home to apply for a new CAS if they wish to begin another course. They must wait until this decision has been made.
- Q: What will happen if a student is deported because they have overstayed their leave?**
A: They may have problems returning.
- Q: How far in advance can a CAS be issued?**
A: A CAS can be issued up to 6 months before the student starts their course as long as it is an unconditional offer and all the criteria are met.
UKBA: A confirmation of acceptance for studies can be assigned up to six months in advance of the expiry date of the student's current leave. However, students who are already in the United Kingdom can only apply to extend their leave if there is less than one month between the

expiry date of their current leave and the date their proposed course of study will commence.

Any in-country application made where there is more than 1 month between the end date of the student's existing leave and the start-date of his/her proposed course of study will be refused. Therefore if the student is already in the United Kingdom and his/her existing leave expires more than 1 month before the start-date of his/her proposed course of study, he/she will be expected to return overseas and make an out-of country application.

Q: What happens to students when a college's licence is revoked?

A: If a licence is revoked, 'complicit' students are deported. 'Duped' students have 60 days to find another course or make plans to leave.

Q: How long are students allowed to stay beyond their course?

A: Students are allowed stay for a time covering the length of the course, some induction weeks and some leave at the end.

See link provided page 28 guidance for sponsors:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandponsors/pbsguidance/>

Q: What if a student wants to start a new course?

A: They require a new CAS for each new course.

UKBA: If a student whose current leave is based on an application made on or after 5 October 2009, subsequently wants to move to a different Tier 4 sponsor he/she must make a new application for leave under Tier 4, supported by a confirmation of acceptance for studies from his/her new sponsor.

He/she must not start his/her new course until his/her new application for leave has been approved.

He/she can leave his/her original sponsor before his/her new application for leave has been decided, but this is at his/her own risk because if the new application for leave is refused, he/she may not be able to return to the course with his/her original sponsor.

Any student whose current leave was based on an application made before 5 October 2009, who subsequently wants to take up a course of study with a new sponsor must get permission from us. To get permission from us, students in the Tier 4 (General) Student category must email details of the proposed change to us, including:

- the new sponsor's name, address and contact details; and
- details of the new course, including the start and end date.

If a student wants to stay with his/her existing sponsor but change the course of study he/she is following, he/she does not need to get permission from us. The sponsor can tell us about the change and we will update our records.

Q: What happens at the end of the course?

A: After the end of the course (during the leave period) students can do supplementary studies (or work). Under the CAS system, the leave period also comes under the sponsorship of the college - which therefore has sponsorship and reporting obligations.

Q: What are the pre-sessional requirements for CASs?

A: If the course is at the same institution, students can use the same CAS. If it is a different institution they will require a separate CAS. If it is a conditional offer, a new CAS must be issued for the main course.

Q: What about part-time courses for tier 2 migrants.

A: Supplementary studies are OK, but the sponsor must check Tier 2 migrant status. UKBA is only just beginning to issue ID cards.

Q: If they have Tier 2 CoS (certificate of sponsorship) can a student study without a CAS?

A: Check visa status with employer helpline. If the leave doesn't cover the whole course, a CAS must be issued.

UKBA: Study is allowed under tier 2 please see para 180 of the tier 2 migrant guidance.

Q: What about Partner Institutions (if course accredited by a university)? The university makes the offer letter, but CAS is student-specific. Is this OK?

A: The offer letters can still be issued, but the CAS and the documents and criminal records are the evidence looked at by the UKBA if the student is to get immigration clearance.

Q: How does leave to remain work?

A: Leave to remain will be between certain dates. Airlines will refuse students outside of these dates. Leave is granted for 2-4 week period before. Book airline tickets for within this period.

Q: Is it possible to pay for CAS by cheque?

A: Yes, sponsors colleges can pay by cheque, but this is slower and more complex.

Q: What use now are the current migrant reporting emails?

A: These are only to be used for non-CAS students. Once CAS students are reported to UKBA as absent via the SMS, the sponsor has no further obligation.

Q: What if students return to a college after CAS has been withdrawn?

A: The college may choose to issue a new CAS, but should check. Sponsors need to protect their licence.

Q: How do we report a break of study?

A: It depends on length of break and reasons for deferral. Sponsor needs to give details in notes field of SMS.

Q: What happens if a student defers before they come to the UK?

A: The CAS must be withdrawn. No CASs should have been issued before 22 Feb for out of country applications.

Q: What if a change of course is requested before the CAS deadline?

A: Under the old student rules (before 5 October 2009), students can move institutions/courses, but they should still be reported via the email system. A good sponsor should keep UKBA informed of all changes to their visa students.

Q: What length of course does CAS cover?

A: If a student is 18+ and the course is below degree level, they should be studying for 3 years or less. UKBA warned that colleges with a pattern of extension requests will be asked questions about the ability of the college to assess their students correctly.

Q: What if students apply from another institution?

A: They need a new CAS.

Q: How long does it take for UKBA to process a student's visa application, as they may hear later than the start of the course?

A: In-country, 70% of applications cleared within 28 working days after submission of biometrics. (Resources are being reallocated, but there are delays.)

Q: What about out of country applications?

A: Any application made abroad before 22 Feb needs a visa letter. After that, a CAS is required. There may be a delay between the date of application and the processing of payment + biometrics. Difficult transition process, with the IT rolling out abroad from 22 Feb.

Q: When are applications for CASs available out of country?

A: Application forms will on website by 22 Feb. All details on the UKBA website.

Q: If a student has been refused a visa, can a new CAS be issued?

A: Depends on why it has been refused.

Q: Who is responsible for reporting duties?

A: All reporting duties can be undertaken by either level 1 or level 2 users, but the authorising officer is responsible for ensuring that reporting takes place. Small changes can be entered, major changes will be queried. Contact methods may vary.

Q: Is there an interface for students?

A: No, they can only get sponsor details (status etc.) from the sponsoring college.

Q: Can adult and child (or any other categories) be transferred?

A: No.

Q: Are CAS issued before 22 Feb part of a college's allocation?

A: Yes.

Q: Should the college issue a covering letter and a CAS?

A: A CAS is a unique reference number; colleges should not also issue covering letters. Students will have an application form with their CAS number. UKBA will also check this against biometrics, passport and criminal records.

Q: Can a student who is changing college study on the new course whilst they are waiting for a new CAS?

A: **UKBA:** No. The student must not start on the course until their application has been approved by the UK Border Agency.

Q: How long is the maximum pre-sessional course?

A: **UKBA :**There is no upper limit for pre-sessional courses.

Prime Minister's Review

It was stressed (by the government and by UKBA) that genuine students are welcome.

Q: What are the criteria?

A: This will be published in March

Q: How will HTS be assessed?

A: It will be an application process.

Q: Who Pays?

A: Currently unclear on the cost implications.

Q: Will UKBA consider reducing the cost of in-country visa applications?

A: Some fees are priced above cost in order to subsidise other fees (e.g. CAS unit cost). A pricing consultation was carried out in November 2009, and pricing proposals for 2010-11 have just been announced; the in-country tier 4 visa fee is proposed to stay at the same level.

Q: Could the name of Highly Trusted Sponsors be changed so as not to prejudice against those who have no need to and choose not to attain the status?

A: UKBA will flag concerns with colleagues, but as the Home Secretary and Prime Minister have both referred to HTS publicly, it seems unlikely.

Q: Will the UKBA-approved English language tests, to be introduced in early summer, involve duplication of testing already completed by many prospective students?

A: Yes, probably, since UKBA need to be assured of the security of tests. However, if a student has already (within specified time period) passed a test by a provider which gains approval by UKBA, a second test may not be necessary.

Q: What criteria will be used to assign the status of Highly Trusted Sponsor?

A: These have not yet been released or decided in full. Guidance will be published by the end of March (HTS is intended to take effect on 6 April).

Q: Can UKBA confirm that the same criteria will be applied to public and private institutions in respect of HTS?

A: Yes, since legal advice has been clear that all criteria must be objective and defensible in order to avoid legal challenges. Even if it transpires that public institutions will start from the point of being HTS while private institutions must first apply, the same ongoing checks will be made on HTS, public and private, and they will have the same responsibilities.

- Q: Can the stakeholder communication service be improved so that more knowledgeable people can be contacted quickly in order to provide answers and engage with problems?**
- A: The current plan is that from April all colleges will have a single point of contact at UKBA on whom they can call directly.