

The course of study for Tier 4 (General) Students

[This guidance is to be used for applications made on or after 5 October 2009]

197. Courses of study offered to students under the Tier 4 (General) Student sub-category must meet certain requirements. Sponsors can only issue visa letters to general students for courses at a minimum level of;¹
- National Qualifications Framework (NQF) Level 3 (or equivalent) or above;
 - or for English Language students, at Level A2 of the Common European Framework of Reference for Languages.
198. The course must also be a full-time course of study, which is defined for UKBA purposes as either;
- a full time course of study that leads to a United Kingdom recognised qualification at Level 6 or above of the revised National Qualification Framework; or
 - an overseas higher education course which is recognised as being equivalent to a United Kingdom higher education qualification at an overseas higher education institution; or
 - a course of study below United Kingdom degree level that involves a minimum of 15 hours per week organised daytime study (daytime study is 08.00 – 18.00, Monday to Friday).
199. Where a student is undertaking a course of study towards a professional qualification, a separate visa letter must be issued for each stage of the course which leads to a recognised qualification in its own right. (For example where a series of 'modules' leads to a 'Certificate' or a 'Diploma' which is a recognised qualification in its own right.)
200. Courses must also lead to an approved qualification. An approved qualification for UKBA purposes is one which is:
- validated by Royal Charter; or
 - awarded by a recognised body on the recognised bodies list operated by DIUS (see link - <http://www.dfes.gov.uk/recognisedukdegrees/index.cfm?fuseaction=institutes.list>); or
 - recognised by one or more recognised bodies via a formal articulation agreement with the awarding body; or
 - approved at level 3 or above in the National Qualifications Framework operated by the Qualifications & Curriculum Authority; or
 - approved at an equivalent level in the Scottish Credit & Qualifications Framework; or
 - approved at an equivalent level by the Qualifications, Curriculum and Assessment Authority for Wales; or
 - approved at an equivalent level by the Council for Curriculum, Examinations and Assessment (CCEA) in Northern Ireland; or
 - an overseas qualification, on which UK NARIC is able to advise on its validity, with a level equivalent to level 3 or above on the National Qualifications Framework.

¹ Tier 4 (Sponsor) Policy Guidance pages 34 to 37 of 64

Please note that pre-sessional courses must meet the full requirements of the relevant Tier 4 category in respect of the level of the course, but it is not necessary for the course to lead to a recognised qualification.

201. In exceptional cases, and without prejudice to the above Frameworks, we will also accept qualifications outside this definition where they have been assessed to offer an educational experience at National Qualifications Framework (NQF) level 3 or above by our own approved accreditation bodies. Education providers offering such programmes will nonetheless need to get independent validation for their programmes by April 2010 so that we can get to a position where all international students coming to the United Kingdom for their studies can be guaranteed to be studying for a formally recognised qualification.
202. Other than when the student is on a work placement, all study that forms part of the course must take place on the premises of the sponsoring educational institution, or at a temporary location authorised by the sponsor. For example if the student is on a field trip, this will be acceptable.
203. Where the course will involve periods of study outside of the United Kingdom this will also be acceptable but the student will have to meet all of the immigration requirements of the country in which he/she will be studying. If the student intends to return to the United Kingdom to continue/complete his/her course then it may be practical for the sponsor to continue sponsoring him/her for the period he/she is outside the United Kingdom. This will mean that the sponsor must continue to meet all of their reporting duties in respect of the student but it also means the student's leave will remain current and he/she will be allowed to return to the United Kingdom without having to apply again. Depending on the nature of any report the sponsor makes on the student, he/she may not be permitted to re-enter the United Kingdom following a period of study abroad.
204. If the student does not plan to return to the United Kingdom or the sponsor does not want to continue being responsible for the student whilst he/she is out of the United Kingdom, then sponsorship can end at the point the student travels overseas. This will result in the student's leave being curtailed and if he/she subsequently does need to return to the United Kingdom he/she will have to make a new application for leave. Please note that in this situation, the student may be required to return to his/her country of normal residence in order to apply to re-enter the United Kingdom under Tier 4.
205. Students aged 16 or over who are studying a course at NQF level 3 or above (for example A-levels) can apply for leave under either the Tier 4 (Child) Student, or the Tier 4 (General) Student category. Students aged 16 or 17 who wish to undertake NQF level 2 courses (e.g. GCSEs) may only do so as child students.
206. Sponsors offering courses to students in the Tier 4 (General) Student category, below NQF level 3 or below Level A2 for English Language students, may have their sponsor licence downgraded or withdrawn. (This only applies to the student's main course of study. Supplementary studies can be at any level.)

Extract from UKBA's Tier 4 *Guidance for Sponsors* available from <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/>