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IMMIGRATION DIRECTORATES' INSTRUCTIONS

CHAPTER 3 SECTION 3 LEAVE TO REMAIN FOR STUDENTS (GENERAL)

1. GOVERNMENT POLICY ON OVERSEAS STUDENTS

The British Government is committed to encouraging people from overseas to study and train in Britain at a formative stage of their careers because:

- they bring cultural benefits and enrich the institutions they attend by contributing new ideas, attitudes and experiences
- they return home with an enhanced appreciation of British life, ideas and values, culture and institutions, and a good command of the English language
- as they rise to positions of influence in their professions, their experience is likely to predispose them to look to Britain for ideas, technology, trade and investment
- they provide a significant source of income for British academic institutions, and can contribute to the development of the institutions' international contacts and their reputation as centres of excellence
- support for the education and training of students from developing countries is an integral part of HMG's overseas development policy.

1.1 The Prime Minister's Initiative (PMI)

In June 1999 the Prime Minister launched an initiative to encourage international students to study and train in the UK, saying: "People who are educated here have a lasting tie to our country. They promote Britain around the world, helping our trade and diplomacy. It is easier for our executives and our diplomats to do business with people familiar with Britain". The PMI aims to build long-term and sustainable relations between the UK and overseas countries through education and training. It prioritises:

- engaging the interests of international students
- encouraging more to seek access to UK education and training programmes
- providing them with a rewarding education and training experience of the UK
- maintaining contact with them as they move through their career.

The key elements are:

- a world-wide campaign based on the EducationUK Brand to extend the credentials of UK education and training
- making entry and visa arrangements more user friendly

- making it easier for international students and their dependants to work in the UK (for information on working whilst studying in the United Kingdom see <http://www.dfes.gov.uk/international-students/wituk.shtml>)
- an increase in international student numbers by 50,000 in higher education and 25,000 in further education by 2005
- an increase in the number of scholarships awarded to Chevening scholars (specially selected by HMG as potential future leaders, decision-makers and opinion formers in their countries and who will retain strong friendships with the UK) from 2,000 to 3,000 by 2005.

Estimated figures for 2001/02 show 141,000 international (non-EU) students in higher education – an increase of 11% on 2000/01. Estimates for 2000/01 show 46,600 students from non-EU countries taking FE courses – an increase of 21% on 1999/00. Including expenditure on fees and living expenses, international students contribute an estimated £3,846 million per annum to the UK economy.

1.2 The Prime Minister's Initiative (PMI) Phase 2

The objective of phase 2 of the PMI, launched on 18 April 2006, is to secure the UK's position as a leader in international education and to sustain the managed growth of UK international education delivered both in the UK and overseas. It is jointly funded by the government, the British Council and the education sector. Increasing the number of international students who choose to study in the UK continues to be a priority, with a target of an additional 100,000 non-EU students in the UK by 2011. However PMI Phase 2 will also address a wider international agenda. The key strands of the initiative are:

- world-wide marketing campaigns, under the Education UK brand to extend the credentials of UK education and the distinctive offers of the HE, FE/Vocational and English language teaching sectors
- enhancing the quality of the student experience, from the application and visa processes through to the end of their studies (see <http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1018721067373> for further information)
- developing strategic partnerships and alliances, including supporting more UK universities and colleges to engage in collaborative partnerships with their counterparts overseas
- diversification of markets in order to reduce dependence on a small number of countries that send high numbers of students to the UK.

Figures for 2004/5 show 229,105 international (non-EU) students in higher education – an increase of 3% on 2003/4. Figures for 2003/4 show 50,380 students from non-EU countries taking FE courses – an increase of 8% on 2000/1. Including expenditure on fees and living expenses, international students contribute an estimated £6.3 billion per annum to the UK economy.¹

¹'Global Value of UK Education and Training Exports' by Geraint Johnes (British Council, UKTI, DfES, Lancaster Management School, 2004)

2. Entry Clearance

2.1 Visa nationals

Prior entry clearance is required for all visa nationals coming to the United Kingdom as a student. If all the requirements of the student rules are met, the Entry Clearance Officer (ECO) will issue the appropriate entry clearance visa, conferring leave to enter, attaching any conditions to the leave and imposing a requirement to register with the police in the United Kingdom if appropriate.

2.2 Non visa nationals

From 1st September 2007 all non-visa nationals with the exception of those British nationals listed below require prior entry clearance as a student if they wish to study in the United Kingdom. The exceptions are:

- British Nationals (Overseas)
- British overseas territories citizens
- British Overseas citizens
- British protected persons
- British subjects under the British Nationality Act 1981

or those persons who may qualify under the new category of **Student Visitors** (see **Chapter 2 Section 4** of these instructions).

The British nationals listed above are not affected by the new rule and will continue to be able to travel to the United Kingdom without a student entry clearance. However, irrespective of the period applied for and subject to meeting the requirements of the student rules, leave to enter can only be granted up to a maximum of six months.

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3. APPLICATION FORMS

3.1 Application form regulations

The prescribing of application forms for leave to remain by Statutory Instrument was introduced on 1 August 2003. Currently (from 2 April 2007) the Immigration (Leave to Remain)(Prescribed Forms and Procedures) Regulations 2007 prescribes the form FLR(S) for a person who wishes to apply for an extension of stay in the United Kingdom as a student, a student undertaking examination re-sits, a postgraduate student writing up a thesis, a student nurse, a prospective student or as a sabbatical officer, and applies to applications made on or after 2 April 2007. This form is valid until such time as the current statutory instrument is replaced.

3.2. Fee regulations

Charging was introduced at the same time as the forms regulations in August 2003 by means of a Statutory Instrument. Currently (from 2 April 2007) the fees for an application made on form FLR(S) are £295.00 for a postal application and £500.00 for an application submitted in person at a Public Enquiry Office (known as the premium service). The fees are levied to recover the costs incurred in processing an application and apply to each application no matter how many dependants are included in the form.

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4. REGISTER OF EDUCATION AND TRAINING PROVIDERS

From 1 January 2005 a new requirement was introduced in the rules for those seeking leave to enter or remain in the United Kingdom for the purpose of study. The education provider is required to register for inclusion on the Register of Education and Training Providers (formerly known as the Department for Education and Skills' Register of Education and Training Providers). The relevant Rules change was in paragraph 57 of the Immigration Rules (see [paragraph 10](#)).

To qualify under paragraph 57 of the rules, anyone applying as a student has to demonstrate that he/she has been accepted on a course of study at an education provider included on the Register of Education and Training Providers. This equally applies to those students already in the United Kingdom seeking leave to remain, those applying for leave to enter at ports or airports and those applying for Entry Clearance at diplomatic posts abroad.

There were no transitional arrangements for this rules change. Caseworkers/Immigration Officers should therefore note that all decisions taken on or after 1 January 2005 should be made on the basis of the new rules irrespective of when the application was made.

Caseworkers/Immigration Officers are able to access the Register of Education and Training Providers via any Poise terminal at www.dfes.gov.uk/providersregister. The Register provides the name of the provider, their address, telephone number and the date on which the registration became effective. Publicly funded and accredited organisations were automatically included on the Register, so the date of registration is not shown.

The Knowledge Base on INDIGO also contains a version of the Register but this is generally updated only once a week. For this version caseworkers can use the search facility to locate the education/training provider by entering all or any part of the provider's name, address or telephone number. Alternatively scroll down the Register to where the name of the provider should appear alphabetically.

From 1 January 2005 if, after giving full consideration to the application, the education provider at which a student has been accepted for a course of study is not included on the Register of Education and Training Providers, the application should be refused for failure to meet this and any other requirement of the rules. If the education provider is not on the INDIGO version caseworkers/Immigration Officers must check the actual Register via a Poise terminal before refusing the application.

Caseworkers/Immigration Officers should not normally receive enquiries about the registration scheme from education and training providers. But if an enquiry is received the following contact information about registration should be given:

Registration queries are answered by post or e-mail to:

Register of Education and Training Providers
P.O. Box 54876
London
SW1P 9EZ

or,

info@dcf.gsi.gov.uk

Queries from Border and Immigration Agency staff about an education or training provider already included on the Register of Education and Training Providers are dealt with by the Compliance Team South (Sponsor Management Unit, London and South East) in Croydon. Any adverse information about an education or training provider should be sent to Evidence & Enquiry, IEB, 12th Floor Lunar House, Croydon.

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5. TYPES OF ESTABLISHMENT/DEFINITION OF BONA FIDE

5.1 Universities

Universities have complete academic freedom but all require certain minimum qualifications for admission. They do not keep close control over their students' attendance but set high academic standards and those who fail to meet these standards may be expelled. Following changes in the legislation governing tertiary education establishments, polytechnics are now entitled to call themselves universities. As a result there is now a considerable list of new universities in addition to the 45 original universities offering awards at Doctorate, Masters Degree, Bachelor Degree, Ordinary Degree and Foundation Degree level. In Scotland undergraduate degrees can be awarded with the title Bachelors or Masters depending upon the tradition within the awarding institution.

5.1.1 American universities

In addition to the British universities there are an increasing number of American universities who have campuses in the United Kingdom. They offer American degrees and qualifications. Their entrance qualifications and academic standards vary greatly and the Department for Innovation, Universities and Skills regards them as private educational establishments. Some American universities may offer internship programmes/ work placements which enable students to gain work experience with British firms.

If a work placement has the approval of the educational institution, does not extend beyond the end of the course, and the course is leading to a qualification awarded by a nationally recognised examining body, it may be undertaken on code 2 student conditions subject to meeting the requirements of the Immigration Rules (see [paragraph 18.2](#) below further information on a sandwich course).

If a student is undertaking an internship (see [paragraph 18.3](#) for full definition), then this may be undertaken on code 2 conditions providing that:

- the student has not previously undertaken an internship with the employer
- the internship is for not longer than three months
- it is an established part of the employer's recruitment procedure
- it offers pay and conditions comparable to those for a 'resident worker' doing the same work, and it is completed within the current period of leave as a student.

In view of the fact that students who hold recognised degrees can now switch into work permit employment, it is important to clarify the meaning of the term 'recognised degree' in relation to American universities based in the UK. As mentioned above,

the academic standards of these universities vary greatly and the qualifications offered may not be recognised in the UK. However, there are some American universities whose degrees are validated at honours level by the British Open University Validation Service, and in this respect, such degrees would be considered 'recognised'. Where there is no such validation, applications to switch into work permit employment will normally fall to be refused.

5.2 Publicly funded Institutions of Further and Higher Education

Higher education covers all post-school courses above A-level standard. These courses are available at universities, colleges, institutions of higher education (some wholly concerned with teacher training) and some institutions of further education.

Further education is for people over 16 taking courses at various levels up to the standard required for entry to higher education. On 1 April 1993, further education institutions and sixth form colleges in England and Wales became autonomous.

Publicly funded institutions within the further and higher education sector receive funds through the Further or Higher Education Funding Councils and also the Learning Skills Council.

5.3 Private Institutions of further and higher education

There is a wide range of private institutions which provide courses of further and higher education (which do not receive funds through the Further or Higher Education Funding Councils). The Department for Innovation, Universities and Skills does not exercise any statutory control over these institutions. Some institutions are accredited (e.g. with the British Council, BAC or ABLIS.)

In view of this, and in an effort to counter the activity of those private education institutions that do not meet the requirements of paragraph 57(i)(b) of the Immigration Rules, a set of criteria was previously published in these instructions to define a *bona fide* private education institution. On 19 April 2007 a similar set of criteria was incorporated as a definition of a *bona fide* private education institution into paragraph 6 of the Immigration Rules (the Interpretation Section). By incorporating the criteria into the rules this should make them more robust and it will emphasise the importance to the private education sector of complying with these criteria, for the purposes of applying for and remaining on the Register of Education and Training Providers.

A *bona fide* private education institution is defined as “a private education institution which:

- a) maintains satisfactory records of enrolment and attendance of students, and supplies these to the Border and Immigration Agency when requested;
- b) provides courses which involve a minimum of 15 hours organised daytime study per week;
- c) ensures a suitably qualified tutor is present during the hours of study to offer teaching and instruction to the students;
- d) offers courses leading to qualifications recognised by the appropriate accreditation bodies;

- e) employs suitably qualified staff to provide teaching, guidance and support to the students;
- f) provides adequate accommodation, facilities, staffing levels and equipment to support the numbers of students enrolled at the institution; and
- g) if it offers tuition support to external students at degree level, ensures that such students are registered with the UK degree awarding body.”

Caseworkers should note that the definition of a *bona fide* private education institution in paragraph 6 of the rules should **not** be used to refuse an application for leave to remain as a student where adverse information about an institution comes to light during the consideration of an application. As long as the institution appears on the Register of Education and Training Providers, the applicant should not be refused leave on the basis that he is not attending a *bona fide* private education institution.

To enable Compliance Officers from the Border and Immigration Agency to determine whether a private education institution meets the definition of a *bona fide* private education institution, the following guidance has been provided which relates to the individual requirements of the definition:

a) *Maintains satisfactory records of enrolment and attendance of students, and supplies these to the Border and Immigration Agency when requested*

Records of enrolment can be in either electronic or hard copy form but, irrespective of their format, the records of enrolment should:

- Include a documented process for enrolling at the institution which is clear and transparent and which should include the completion of a standard application form designed for that purpose;
- State the name of the student as recorded in their passport or travel document, demonstrate that the student has met the entry requirements for the institution in respect of qualifications already held (where appropriate), show that the relevant course fees have been paid or that any payment options offered by the institution have been satisfied and identify the name of the course on which the student has enrolled;
- Confirm how many students are actually enrolled on each course offered by the institution and that this figure tallies with the attendance register and the timetable of studies for each course; and
- Be kept initially for a period of six years plus the current year, thereafter at the discretion of the institution.

Records of attendance can be in either electronic or hard copy form but, irrespective of their format, the records of attendance should:

- Be kept in a register designated for that purpose or in electronic form that is maintained by the administration of the institution;
- Be kept securely so that there is no risk of tampering;

- Be made available on request by a Compliance Officer or within 28 days of such a request being made by the Border and Immigration Agency;
- Contain the name of the student as officially recorded in the student's passport or travel document;
- Contain the date(s) on which attendance is required and the actual recorded attendance;
- Show that the records have been signed off by an authorised official of the institution;
- Be kept initially for a period of six years plus the current year, thereafter at the discretion of the institution; and
- Be accompanied by documented procedures and processes for dealing with absent students and show the outcome of action taken in individual cases.

(b) Provides courses which involve a minimum of 15 hours organised daytime study per week

The institution should provide Compliance Officers with detailed timetables of past and current classes. Evening and weekend courses do not meet the requirements of the rules and no account should be taken of any classes which commence at 6pm or later or any classes attended at the weekend. Where a class has started during the afternoon and continues after 6pm, this may be acceptable provided a substantial part of the class takes place during the daytime.

Fifteen hours organised daytime study per week should not include time taken for comfort breaks or lunch.

Organised study should include the following prerequisites:

- A teacher or tutor is present throughout the duration of each class to provide formal teaching and instruction to the students; and
- The lesson is based on an agreed course syllabus which has been predetermined by the institution or the course provider.

(c) Ensures a suitably qualified tutor is present during the hours of study to offer teaching and instruction to the students

Private education institutions should:

- Provide a Compliance Officer with a timetable of the classes to show whether or not classes are taking place with a tutor present;
- Demonstrate that they have a process and policy in place to ensure that cover exists for absent staff; and
- On request, or within 28 days of such a request being made, produce a copy of all the tutors' qualifications for those courses which they are employed to teach. This may be supported by a copy of the contract of employment or agreement to provide services to the institution. It should be evidenced from the documents that

the tutor possesses a qualification which is at or equivalent to the level of the course they are teaching.

(d) Offer courses leading to qualifications recognised by the appropriate accreditation bodies

Further guidance will follow shortly.

(e) Employs suitably qualified staff to provide teaching, guidance and support to the students

This is linked to the requirement in (c) above and consequently an institution should:

- Provide details of the number of qualified tutors that are employed;
- Provide details of other staff who are employed to provide guidance and support to the students. This may already be available in the form of literature which exists on notice-boards and in the common areas but the types of guidance and support may include, for example, pastoral care, welfare, career advice, immigration information and the existence of an international office; and
- Ensure all staff employed by the institution have been suitably vetted in order to work with students under 18 years of age.

(f) Provides adequate accommodation, facilities, staffing levels and equipment to support the numbers of students enrolled at the institution

Institutions should be able to confirm to the Compliance Officer the number of students enrolled/attending, so that he can assess:

- How many classrooms are required;
- How many qualified tutors are required to meet the teaching requirements of the institution's timetable;
- Depending on the types of courses offered, the requirements for blackboards, tables and chairs, computer equipment and text books;
- In the light of the student complement, the level of provision of library facilities, separate washroom facilities, canteen and/or rest room facilities;
- Where other sites exist, that these meet the above minimum requirements and /or standards for teaching students;
- The Fire Safety Certificate and a Health and Safety Certificate are current; and
- Other documents as required by the registration process remain valid.

(g) If it offers tuition support to external students at degree level, ensures that such students are registered with the UK degree awarding body

- An external student is defined in paragraph 6 of the rules as a student who is studying for a degree from a UK degree awarding body without any requirement to attend the UK degree awarding body's premises or a UK Listed Body's premises for lectures and tutorials;

- Where the private education institution offers tuition support to external students on degree level courses, the institution must ensure that the external student is registered with the UK degree awarding body, and to this end should provide documentary evidence of this registration; and
- The private education institution should provide evidence of tuition support that is made available to an external student.

Notes on Accreditation

1. BAC – The British Accreditation Council for Independent Further and Higher Education (formerly known as BACIFHE). Institutions may apply to the BAC for accreditation if they wish. It was formed in 1984 with the aim of improving and enhancing the standards of independent higher and further education institutions in the UK. Accredited institutions are subject to a full inspection every five years, and an interim inspection during the intervening period. The BAC publishes a list of some 100 independent colleges which have been inspected and accredited. It has an on-line database which can be accessed at www.the-bac.org.
2. The British Council. The British Council regularly inspects organisations in Britain offering courses in English as a foreign language. If they meet high standards of quality they are 'accredited by the British Council' under the English in Britain Accreditation Scheme (EiBAS). The scheme is managed by the British Council together with ARELS (Association of Recognised English Language Services) and BASELT (The British Association of State English Language Teaching) both of whom merged in May 2004 to become EnglishUK. There are over 370 schools, colleges and universities throughout Britain accredited by the British Council. A list of accredited institutions can be accessed at www.britcoun.org/english/courses/index.htm.
3. The Association of British Language Schools. This organisation was founded in 1993 by a group of English language providers who felt that the UK needed a regulatory body with a wider remit than that offered by the British Council. Those offering 'home tuition' in the teacher's home can have their courses inspected and their quality recognised. Until last year the British Council did not recognise any organisation offering 'home tuition'. Information about ABLs members can be found at www.abls.co.uk.

5.4 English Language Schools

There are a large number of privately owned English language schools in the United Kingdom. Many are in tourist resorts and are popular with overseas nationals who wish to learn English while also enjoying a holiday here. Many of these schools provide short courses but a few run longer courses leading to such examinations as the Cambridge First Certificate, the Cambridge Proficiency Certificate and the 3 stages of the Royal Society of Arts (RSA).

Many English Language schools offer good standards of tuition and provide a significant contribution to tourism in the United Kingdom. The British Council offers a voluntary inspection service to English Language schools and those which are recognised or accredited by the British Council may be regarded as "bona fide". The British Council manage their accreditation scheme in conjunction with EnglishUK.

5.5 Independent Schools

Children from overseas may join independent schools. There are about 2,300 independent fee-charging primary and secondary schools in the United Kingdom, some of which are known as "public schools". All independent schools with 5 pupils or more have to be registered with the Department for Children, Schools and Families and are open to the department's inspection. A school not registered as an independent school may not be regarded as such for the purposes of the Immigration Rules even if it has less than 5 pupils. In addition schools providing boarding accommodation for 50 children or less are required to register with the local Social Services Department.

Although there is no lower age limit specified in the rules, care should be taken when considering applications made on behalf of particularly young children to attend independent schools. A child under the age of 5 would not normally qualify for leave to enter/remain as a student under the rules.

5.6 Maintained Schools

Leave should not be granted to a child whose sole claim to remain is based on his acceptance as a pupil at a maintained school. The term maintained school refers to all publicly funded (state) schools. This includes grant maintained schools (which have opted out of local authority control but receive a grant from central government) and voluntary aided schools, as well as sixth form colleges attached to a maintained school, special schools and nursery schools. City Technology Colleges and City Colleges for the Technology of the Arts are publicly funded and as such an overseas student would not qualify for admission to attend such establishments. Grant-maintained schools were abolished under the School Standards and Framework Act 1998. Grant-maintained schools could choose to become foundation schools, or to rejoin the local education authority as maintained community schools.

There is at present no requirement in the rules that a course be fee paying. Under no circumstances should parents be advised to approach a local education authority to ask them what fees they will charge for the child to remain in a school maintained by the local authority or in a county college. Section 61(1) of the Education Act 1944 states that no fees may be charged in respect of tuition from any such school or college.

The Education Act in Scotland and Northern Ireland provides for fees to be charged to attend state schools in certain circumstances but despite this any application to attend such a school falls to be refused under the rules because the schools are not "independent schools".

A child who seeks admission as a student to attend a maintained school should normally be refused leave to enter (but see [paragraph 26.2](#) "Exchange students").

Separate sixth form colleges should not be confused with maintained schools with sixth forms. Sixth form colleges are funded by the Learning and Skills Council and are therefore able to recruit fee-paying students.

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6. SPECIALIST SCHOOLS/COLLEGES

6.1 Riding schools

Some riding schools in this country offer full time tuition and charge fees for this and for board and accommodation, if provided. The courses usually involve a certain amount of practical work in connection with the care and grooming of the horses but this is regarded as incidental to the course. Other establishments, however, waive all or part of the fees and may even pay their pupils for undertaking work around the stables.

It is up to individual institutions as to what fees they charge to students. As students now have permission to work up to 20 hours per week during term time, riding school pupils not working in excess of 20 hours a week may be admitted on code 2 student conditions assuming all other requirements of the rules are satisfied. If a pupil is required, as part of the course, to work for more than 20 hours a week, the Riding School would need to demonstrate that the course is leading to a qualification awarded by a nationally recognised examining body.

A TWES permit is no longer suitable to riding school pupils.

6.2 St George's University School of Medicine

St.George's University School of Medicine is a medical school in Grenada. Medical students from St.George's are accepted into an organised teaching programme at affiliated teaching hospitals in the UK to undergo their clinical training. The students in the majority of the affiliated hospitals work alongside and follow the same teaching programme as students who are on attachment from UK medical schools.

Although the students are technically enrolled at a school abroad the UK teaching hospitals are affiliated with St.George's and their staff appointed to the faculty of the University. The students from St.George's coming to the UK to undergo their clinical rotations at these UK teaching hospitals may therefore be treated as students.

Reference to the Register of Education and Training Providers is not required in these cases as leave is being granted on a concessionary basis.

All other requirements of the rules should be met.

6.3 Welbeck College (Army Recruitment)

Welbeck College is an MOD funded 6th form college providing two year A- Level courses in predominantly technical subjects, gearing students towards degree courses that will equip them to become officers in the technical corps of the Army. Students study in excess of 15 hours a week.

Prior to attending Welbeck College potential students have to pass a selection board which entitles the candidate to attend the year long Commissioning Course at RMA Sandhurst. After completing A-Levels at Welbeck students are enlisted as officer cadets and undertake degree training at RMCS Shrivenham and thereafter, the Commissioning Course at RMA Sandhurst. An alternative route undertaken by some students from Welbeck is to attend the Commissioning Course at RMA Sandhurst and do degree training once commissioned as Army officers. Once a student is enlisted they become exempt from immigration control as a member of the home forces.

The Immigration Rules require that a student must intend to leave the UK at the end of his studies. In order to accommodate Commonwealth students who wish to study at Welbeck it has been agreed that a flexible approach will be adopted concerning this requirement. However any student who is not successful in gaining the

necessary qualifications at Welbeck and is not enlisted is expected to leave the UK at the end of his studies. The Army Training and Recruiting Agency have agreed to notify us, via IEB Evidence and Enquiries, of any student that they are not satisfied has left, or intends to leave, the UK.

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7. SPECIAL TYPES OF COURSES

7.1 Access courses

Some universities and colleges of further and higher education offer "access to degree" courses. These courses are usually of 12 months duration and on successful completion of the course the student will go on to do the relevant degree course. Where a person does not successfully complete the access course consideration should be given to refusing an application for leave to remain to retake the course on the grounds of lack of progress (even where the university or college is prepared to enrol the student on the course again). Universities and colleges of further and higher education have discretion to allow a student to repeat the access course a number of times but, as the course is an alternative to meeting the normal educational requirements, a student who does not have the ability to pass the access course is unlikely to be able to satisfy the Secretary of State that he has the ability to undertake a degree course. Similarly, where a student is seeking re-entry, after an absence abroad, in order to repeat an access course, refusal should be considered on the grounds of the student's inability to follow the degree course.

7.2 The American Institute for Foreign Study

The American Institute for Foreign Study (AIFS) was founded in 1964 to promote international understanding through travel and study abroad. Courses range from study programmes lasting one term to full time degree courses for up to 4 years. Some students attending AIFS courses in the United Kingdom may be lodged with families in the United Kingdom in return for providing no more than 15 hours a week in babysitting, childcare and light household duties. In return the students will receive free accommodation and meals but no pocket money.

7.3 Professional courses (Accountancy & Banking)

In order to help determine whether an applicant has the ability to follow a course of study a brief guide has been prepared on the following 5 courses which regularly come to notice. All these courses lead to a professional qualification. In order to successfully complete the course the student will require a good standard of written and spoken English and to have been educated to a reasonably high standard, particularly for CIMA, ACCA and CIB.

It is important to decide whether a professional course meets the definition of degree level study when a non-visa national wishes to switch into the student category to study at degree level or above. Caseworkers should refer to [paragraph 19.1.2](#) of these instructions for guidance on "equivalent qualifications."

In general professional courses are normally broken down into three levels, namely:

- Certificate
- Diploma; and
- Advanced Diploma.

Progression from one level (course) to the next is normally dependent on the successful completion of each level (course).

Of the courses mentioned below in paragraphs 7.3.1 to 7.3.5:-

- Advanced Diploma courses from ABE, CIB and CIMA, and the ACCA Professional Qualification (Parts 1, 2 & 3) are equivalent to level 6 of the National Qualifications Framework
- Courses at Certificate and Diploma level are below level 6.

Particular care is needed when a course is presented as an Advanced Diploma course of, for instance, three years' duration; the applicant or education provider should be asked to clarify which level (course) is currently being undertaken and when the Advanced Diploma course will begin. Where a non-visa national is switching into the student category to study at degree level or above and it is clear that he has been accepted on the Certificate and/or the Diploma course(s), before reaching the Advanced Diploma course, the application will normally fall for refusal for lack of an appropriate entry clearance, unless the applicant falls within one of the exemptions in paragraph 60(i)(d) or (e) of the rules (see paragraph [11.2.6](#) or [11.2.7](#) below)

There may be occasions, however, where the applicant already has other qualifications that would enable him to be accepted directly on to the Advanced Diploma course without having to complete the two previous levels (courses). Where it is confirmed that the applicant already has previous qualifications which enables the applicant to be accepted directly on to the Advanced Diploma course the requirement in paragraph 60(i)(c) to be accepted on a course of study at degree level or above would be met.

For the periods of leave to grant to students on the following professional courses please refer to [paragraph 27.3](#).

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7.3.1 Chartered Institute of Management Accountants - CIMA

Consists of 3 levels. Each level should normally take no more than one year. A full time student would normally be expected to complete the course within 3-4 years. When considering whether a student has the ability to follow his chosen course of study the progress over the previous levels of the course should be taken into account, bearing in mind that the course increases in difficulty at each level. Therefore if a student has progressed well throughout the course but is encountering difficulties at the Strategic level and meets all the other requirements of the rules, it may be appropriate to allow a number of re-sits.

If, however, a student is encountering difficulties in the earlier levels, it is then that the rules should be applied more stringently, unless there are reasons to the contrary. If a student is taking their study on a part time basis and combining this with the required three-year work experience, a TWES permit is needed. Work Permits UK usually allow a trainee three attempts at any one examination before refusing to renew the TWES permit. Three attempts should be used as a guide but each case should be assessed on its merits.

Course entry requirements - CIMA

The CIMA Certificate in Business Accounting is now a separate qualification. It is the entry requirement for the CIMA Professional Chartered Management Accounting Qualification and the route through which a student progresses to the Managerial level and the Advanced Diploma.

The following qualifications will give exemptions from the CIMA Certificate in Business Accounting and will give a student direct entry into the CIMA Professional Qualification: a relevant degree that specialises in accountancy or business, the Association of Accounting Technicians (AAT) Technical level or the Open University Certificate in Accountancy.

Computer Based Assessment (CBA) was introduced in August 2001 and is now available in 'CIMA Accredited CBA centres'. CBA is available for the five Certificate level subjects and can be taken at any time of the year, allowing students to progress through to the Managerial level paper-based exams at their own pace.

CBA uses computers to deliver questions and receive answers. Objective test questions are used in the assessment (the most common type is multiple choice but there are other formats).

All Certificate level students worldwide are now assessed by CBA.

Examinations - CIMA

The full syllabus is made up of 15 papers as detailed below.

Certificate Level (usually takes 12 months)

- [C01] Fundamentals of Management Accounting
- [C02] Fundamentals of Financial Accounting
- [C03] Fundamentals of Business Mathematics
- [C04] Fundamentals of Business Economics
- [C05] Fundamentals of Ethics, Corporate Governance and Business Law

Managerial Level (usually takes 12 months)

- [P1] Management Accounting Performance Evaluation
- [P2] Management Accounting Decision Management
- [P4] Organisation Management and Information Systems
- [P5] Integrated Management
- [P7] Financial Accounting and Tax Principles
- [P8] Financial Analysis

Strategic Level (usually takes 12 months)

- [P3] Management Accounting Risk and Control Strategy
- [P6] Management Accounting Business Strategy
- [P9] Management Accounting Financial Strategy
- [P10] TOPCIMA – Test of Professional Competence in Management Accounting

The average time to complete the course is 3-4 years. Each level must be completed before a student can sit the examinations for the next level. The examinations for the Managerial and Strategic levels can be taken twice a year, in May and November.

Between one and six papers from the Managerial level can be sat at any single exam sitting. The CIMA Advanced Diploma is awarded on successful completion of the six papers at Managerial level.

For the Strategic level, all three management accounting strategy papers must be attempted together at the first sitting. The student must pass all three papers before attempting the Test of Professional Competence in Management Accounting (TOPCIMA), which is the final exam. TOPCIMA is based upon a case study and set within a simulated business context. Material from any part of the syllabus could be relevant to the exam.

CIMA membership (either as an Associate or as a Fellow) must be applied for within four years of completing the Strategic level exams.

For the purpose of meeting the requirement of paragraph 6 of the rules caseworkers should note that:

- CIMA Certificate in Business Accounting is below degree level
- CIMA Advanced Diploma in Management Accounting (obtained on successful completion of the Managerial level) is at degree level
- CIMA Professional Qualification (obtained on successful completion of all examinations and achieving CIMA Associate or Fellow membership) is above degree level and is of equivalent standard to a Master's degree.

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7.3.2 Chartered Association of Certified Accountants - ACCA

Consists of 3 parts. To complete the full set of examinations is the equivalent of having obtained a qualification slightly more advanced than a first degree from a United Kingdom university. Part 1 (foundation) should take one year and is broadly the same standard as those of the intermediate examination of a university degree course. Part 2 (certificate) should also take one year. To complete part 2 successfully the student would have to satisfy the examiners that he has the technical skills and professional knowledge required of a trainee accountant. Part 3 (professional) should take approximately 18 months to two years.

A full time student would normally be expected to complete the course within 3-4 years. As with CIMA, ACCA increases in difficulty at each level, therefore the same guidelines apply.

Course entry requirements – ACCA

- 2 A levels and 3 GCSEs (5 separate subjects including English & Mathematics)
- CAT Level B / Intermediate Level (complete)
- AAT (UK) Intermediate (complete)
- BTEC National Certificate (any subject)
- Advanced GNVQ (any subject)
- NVQ Level 3 / 4 (any subject)
- Degree (from a recognised institution in any subject)
- ACCA Certified Diploma in Accounting & Finance/Diploma in Financial Management (complete).

Examinations - ACCA

The syllabus is made up of 3 parts. All part 1 and part 2 papers are mandatory. Part 3 includes both optional papers and mandatory core papers.

Part 1 (foundation) consists of 3 modules (usually takes 12 months)

- [1] Preparing Financial Statements
- [2] Financial Information for Management
- [3] Managing People

Part 2 (certificate) consists of 6 modules (usually takes 12 months)

- [1] Information Systems
- [2] Corporate and Business Law
- [3] Business Taxation
- [4] Financial Management and Control
- [5] Financial Reporting
- [6] Audit and Internal Review

Part 3 (professional) consists of 5 modules (usually takes 18months)

All THREE Core Papers are Mandatory

- [1] Strategic Business Planning and Development
- [2] Advanced Corporate Reporting
- [3] Strategic Financial Management

Plus any TWO of the following:

- [1] Audit and Assurance Services
- [2] Advanced Taxation
- [3] Performance Management
- [4] Business Information Management

Mature Student Entry Route:

- [M1] Preparing Financial Statements
- [M2] Financial Information for Management

- Up to four papers can be taken in a single examination session, but papers must be taken in order.
- Credits gained successfully in Parts 1, 2 and the Part 3 Optional Papers can be retained, to prevent unnecessary re-taking of examinations
- All Part 1 Papers must be completed before Part 3 Papers are attempted.
- At least one Part 3 Optional Paper must be completed before the Core Papers are attempted.
- Only the three Core Papers - 3.5, 3.6, 3.7 - must be sat and passed in the same examination session. (Where two papers are passed and the third mark is 30-49%, students will have the next two consecutive examination sessions to pass the third paper. If the third paper is not passed at these sessions, all three papers must be re-taken.)
- Students are required to pass 14 papers in total.

In addition ACCA students have to gain three years practical work experience which requires a TWES permit.

Examinations are held twice a year, in June and December. The average time expected to complete the course is 3-4 years.

For the purpose of meeting the requirement of paragraph 6 of the rules caseworkers should note that:

- ACCA Professional qualification (Parts 1, 2 & 3) is at degree level

Although not listed above the following courses are also offered:

- ACCA Certified Accounting Technician is below degree level
- ACCA Diploma in Financial Management is at degree level.

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7.3.3 Association of Accounting Technicians – AAT

The AAT Accounting Qualification is the qualification for anyone wanting to work as an accounting technician.

This vocational course provides the knowledge and skills to perform the tasks demanded by this role; it offers the chance to gain a useful and practical qualification, while learning at a student's own pace.

The AAT and CIPFA (Chartered Institute of Public Finance and Accountancy) have also teamed up to launch a new fast track route to chartered accountancy. The AAT Fast Track Module was launched on 16 June 2004.

This new initiative will enable an AAT member to qualify as a CIPFA accountant in just two years, due to substantial exemptions from the CIPFA Professional Qualification. AAT members can transfer 200 days work experience required for CIPFA from their experience gained during AAT training.

AAT students enrolling on the CIPFA course will sit a bridging paper – the AAT Fast Track Module - while progressing through the CIPFA qualification to Certificate, Diploma or full membership level.

Course entry requirements – AAT

If a student has relevant qualifications or work experience, they may not need to undertake all units - or indeed the whole of the Foundation stage - of the AAT qualification.

Certain qualifications, such as an A-Level in Accounting, may mean that a student can already demonstrate their abilities in the area.

The structure of the scheme

The scheme has three stages:

- Foundation - NVQ/SVQ in Accounting, level 2 (takes about 12months)
- Intermediate - NVQ/SVQ in Accounting, level 3 (takes about 12months)
- Technician - NVQ/SVQ in Accounting, level 4 (takes about 12 months)

Each level of the scheme represents a qualification in its own right, and the student will be given a certificate for each level completed.

As a rough guideline a student might expect to complete each stage over the course of a year.

Examinations - AAT

The AAT assess a student's skills by two methods:

1. **Skills-based testing** - which assesses a students competence in applying the skills they have learnt to real situations.
2. **Exam-based testing** - which assesses a students underlying knowledge.

The examinations may be taken twice a year in June and December. The average time it should take is a year for each stage.

For the purpose of meeting the requirement of paragraph 6 of the rules caseworkers should note that:

- AAT Foundation, Intermediate and Technician levels are all below degree level.

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7.3.4 Association of Business Executives – ABE

Consists of 2 parts, the Certificate and the Diploma. The Certificate is not an award in itself, it is rather like a foundation course. It should normally take about 18 months to complete both parts. The Diploma is the equivalent of a BTEC Higher award. On completion of the Diploma a student can go on to take the Advanced Diploma in either Business Administration, Business Information Systems or Travel, Tourism & Hospitality. The normal duration for the Advanced Diploma is 12 months.

Course entry requirements – ABE

2 GCE 'A' Level passes or a recognised equivalent (except for the Practitioners Programme where no formal qualifications are required other than applicants should have the necessary competence in English and should be at least 20 years of age).

Examinations - ABE

The Certificate in Business Administration consists of 4 papers (usually takes 12 months):

- [1] Introduction to Business
- [2] Introduction to Quantitative Methods
- [3] Introduction to Accounting
- [4] Introduction to Business Communication

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The Diploma in Business Administration consists of 2 Parts
(usually takes about 12 months in total):

Part 1

- [1] Economics
- [2] Organisational Behaviour
- [3] Accounting
- [4] Business Communication and Presentation

Part 2

- [1] Marketing
- [2] Human Resource Management
- [3] Quantitative Methods
- [4] Managerial Accounting

Plus one from the following options:

- [1] Principles of Business Law
- [2] Systems Analysis

The Advanced Diploma in Business Administration consists of 3 compulsory papers:

- [1] Corporate Strategy
- [2] Management Organisation
- [3] International Business (Case study)

Plus two from the following options:

- [1] Strategic Marketing
- [2] Corporate Finance
- [3] Strategic Human Resource Management
- [4] Managing the Information Resource

In order to qualify for entry onto the Advanced Diploma in Business Administration applicants must have attained either an ABE Diploma in Business Administration, a degree awarded by a recognised UK or overseas university, or another recognised qualification from an approved overseas institution of Higher Education.

The Certificate in Business Information Systems consists of 4 papers:

- [1] Introduction to Business
- [2] Introduction to the World of Computers
- [3] Introduction to Accounting
- [4] IT Applications and Skills

The Diploma in Business Information Systems consists of 2 Parts:

Part 1

- [1] Computer Fundamentals
- [2] Computer Applications in Business & Finance
- [3] Business Communication and Presentation

Plus one from the following options:

- [1] Organisational Behaviour
- [2] Accounting

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Part 2

- [1] Principles of Programming
- [2] Networks and Distributed Systems
- [3] Quantitative Methods
- [4] Systems Analysis

Plus one from the following options:

- [1] Human Resource Management
- [2] Managerial Accounting

The Advanced Diploma in Business Information Systems consists of 5 papers:

- [1] Contemporary Application Development Methods
- [2] Managing Systems Change
- [3] Relational Database Applications in Business
- [4] Internet Systems Development

Plus one from the following options:

- [1] Strategic Human Resource Management
- [2] Corporate Finance

The normal duration of the Advanced Diploma is 12 months. All are examined and marked at a level equating to a first degree. Examinations are held twice a year in June and December. In order to qualify for entry onto the Advanced Diploma in Business Information Systems applicants must have attained either an ABE Diploma in Business Information Systems, a degree awarded by a recognised UK or overseas university, or another recognised qualification from an approved overseas institution of Higher Education.

The Certificate in Travel, Tourism & Hospitality Programme consists of 4 papers:

- [1] Introduction to Business
- [2] Introduction to Accounting
- [3] Introduction to Business Communication
- [4] Introduction to Travel, Tourism & Hospitality

The Diploma in Travel, Tourism & Hospitality consists of 2 Parts:

Part 1

- [1] Economics
- [2] Organisational Behaviour
- [3] Accounting
- [4] Travel, Tourism & Hospitality

Part 2

- [1] Marketing
- [2] Human Resource Management
- [3] Travel, Tourism & Hospitality Operations Management

Plus two from the following options:

- [1] Managerial Accounting
- [2] Principles of Business Law
- [3] Systems Analysis

The Advanced Diploma in Travel, Tourism & Hospitality consists of 5 papers:

- [1] Corporate Strategy
- [2] International Travel, Tourism & Hospitality
- [3] Tourism & the Environment

Plus two from the following options:

- [1] Management Organisation
- [2] Strategic Marketing
- [3] Strategic Human Resource Management
- [4] Managing the Information Resource

In order to qualify for entry onto the Advanced Diploma in Travel, Tourism & Hospitality applicants must have attained either an ABE Diploma in Travel, Tourism & Hospitality, a degree awarded by a recognised UK or overseas university, or another recognised qualification from an overseas institution of Higher Education.

Practitioners Certificate in Human Resource Management consists of 4 papers:

- [1] Introduction to Business
- [2] Introduction to Business Communication
- [3] Managing People
- [4] Personnel Administration

Practitioners Diploma in Human Resource Management consists of 4 papers:

- [1] Business Communication and Presentation
- [2] Organisational Behaviour
- [3] Human Asset Management
- [4] Human Resource Development

For the purpose of meeting the requirement of paragraph 6 of the rules caseworkers should note that:

- ABE Certificate course is below degree level
- ABE Diploma course is below degree level
- ABE Advanced Diploma course is at degree level.

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7.3.5 Chartered Institute of Bankers - CIB

The Chartered Institute of Bankers (CIB) now offers its qualifications through the Institute of Financial Services (ifs), the official brand of the CIB. Qualifications are Diploma in Financial Services Management, Advanced Diploma and Associateship; and CIB has joined with University of Manchester Institute of Science and Technology which awards the BSc Hons in Financial Services.

Course entry requirements - CIB

Previous qualifications e.g. relevant degree, may entitle students to an exemption from the Diploma and up to a maximum of four exemptions from the Associateship.

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A recognised Secondary School Leaving Certificate with a grade of 7.5 out of 10 or 15 out of 20 or a rank in the top 50% or equivalent qualifications. This status may be contingent upon demonstrating proficiency in English (GCSE or IGCSE "O" level in English with a minimum grade of "C", Computer Based TOEFL 173 – 212, IELTS of 6.5 or above, or the Inter-college English Placement Test). Advanced standing will be allowed on the basis of additional qualifications (i.e. GCE "A" Level).

Examinations - CIB

All modules are assessed by either examination or a combination of exam and coursework, both have to be passed to gain a module pass.

Diploma in Financial Services Management (DFSM) (total 6 subjects) - there is a time limit of four years from registration to complete the Diploma course.

Minimum 3 subjects is chosen from the following:

- Marketing, Sales and Customer Services
- Managing People in Organisations
- Lending and Securities
- The Financial Services Environment
- Managing Information
- Customer Relationship Management

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Maximum 3 subjects from the following:

- Structure of Accounts
- The Principles and Practice of Customer Credit Risk Management
- Personal Investment Planning and Advice
- Pensions
- Customer Relationship Management

Advanced Diploma – there is a time limit of six years from registration to complete the course.

Total 4 subjects to be selected from the following specialisms:

- Risk and Insurance Management; or
- Retailing Financial Services; or
- Corporate Banking

BSc / Associateship (total 8 subjects) – there is a time limit of six years from registration to complete the Associateship (maximum two attempts per subject).

All 4 Core subjects to be taken:

- The Monetary and Financial System
- Accounting, Analysis and Planning
- Management and Organisation
- Risk Analysis and Evaluation

Option Subjects – 4 subjects:

- For General Degree and Associateship – any 4 option subjects from the advanced diploma.
- For Specialist Degrees – any 4 subjects from the relevant specialism for advanced diploma.

Before being formally elected to the Associateship by the Council of the Institute and receiving the Associateship Diploma students must (in addition to passing the 8

examinations) have at least 3 years relevant work experience which requires a TWES permit and be a member of the Chartered Institute of Bankers and/or the Chartered Building Societies Institute for at least 3 years.

In the case of overseas students they will normally be given a letter confirming that they have passed the 8 examinations which can be used at a later date to obtain the Diploma once they have completed the relevant work experience (for which they will require a TWES permit).

Examinations are held twice a year, in May, results due end July and October, results due early January.

For the purpose of meeting the requirement of paragraph 6 of the rules caseworkers should note that:

- CIB Diploma in Financial Services Management is below degree level
- CIB Advanced Diploma is at degree level

- BSc/Associateship is at degree level.

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7.4 NVQs/HNC/HND

7.4.1 NVQs

National Vocational Qualifications (NVQs) are work-related, competence based qualifications which reflect the skills and knowledge needed to do a job effectively. NVQs represent national standards recognised by employers throughout the country. If a student has a NVQ it shows that they can do the work for which it has been awarded to national standards.

There is no exact correlation between an academic qualification and a particular vocational qualification. NVQs can be taken at publicly funded further education colleges by people still in full-time education, as part of a modern apprenticeship, or as part of the New Deal offered to young people who have been unemployed for 6 months or more. Unemployed adults can also train for NVQs.

NVQs and SVQs are organised into a coherent classification based on the competence level required. The following definitions provide a general guide and are not intended to be prescriptive:

Level 1: Competence which involves the application of knowledge in the performance of a range of varied work activities, most of which may be routine and predictable.

Level 2: Competence which involves the application of knowledge in a significant range of varied work activities, performed in a variety of contexts. Some of these activities are complex or non-routine and there is some individual responsibility or autonomy. Collaboration with others, perhaps through membership of a work group or team, may often be a requirement.

Level 3: Competence which involves the application of knowledge in a broad

range of varied work activities performed in a wide variety of contexts, most of which are complex and non-routine. There is considerable responsibility and autonomy and control of guidance of others is required.

Level 4: Competence which involves the application of knowledge in a broad range of complex, technical or professional work activities performed in a variety of contexts and with a substantial degree of personal responsibility and autonomy. Responsibility for the work of others and the allocation of resources is often present.

Level 5: Competence which involves the application of a range of fundamental principles across a wide and often unpredictable variety of contexts. Very substantial personal autonomy and often significant responsibility for the work of others and for the allocation of substantial resources features strongly, as do personal accountabilities for analysis, diagnosis, design, planning, execution and evaluation.

Overseas students are eligible to take NVQs. Such overseas students will have to comply with the Learning and Skills Council's policy on funding which gives guidance to educational establishments on the level of fees that they may charge.

A large part of an NVQ is likely to be of a practical nature and employer based. In order to meet the requirement of 15 hours organised daytime study per week hours spent on a work placement (paid or unpaid) can be taken into account if they are considered to be a necessary part of the course and undertaken with the agreement of the educational establishment concerned. Such time can also be considered as organised because the Qualifications and Curriculum Authority formally recognises proposals for NVQ awards and quality assures and audits the activity of awarding bodies. The awarding bodies appoint assessment centres that may be educational establishments, training organisations or employers who in turn provide the assessors who are in direct contact with the candidates.

7.4.2 HNC and HND Courses

Higher National Certificate (HNC) and Higher National Diploma (HND) courses normally last up to 2 years at public and/or private institutions. If successful, HNC and HND students can do a further year at degree level. Leave to remain should normally be granted only for the duration of the HNC or HND course (plus the usual 4 months or to 31 October after the end of the course depending on whether it follows the normal academic timetable). Students who get a diploma or certificate must apply again if they want to continue to degree level.

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8. STUDENT BATCH SCHEME

The Student Batch Scheme is administered by STC 1-3 in General Group Operations, London and South East Region, Lunar House, Croydon, and was established on 01 August 2000 following consultation with the UK Council for International Student Affairs (UKCISA). Under the scheme universities and colleges of higher education are allowed to submit applications in batches which are normally processed within three weeks. Once completed the passports are returned to the Student Adviser at the educational establishment and not to the student. If a

caseworker finds an application form marked "student batch scheme" it should be referred to STC 1-3 without delay.

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9. DIFFICULT CASES

It is envisaged that caseworkers should be able to deal with most straightforward cases without the need for further guidance. However there will be occasions when caseworkers will come across circumstances which are not covered by this guidance. Where a caseworker is unable to reach a decision or requires guidance on how to proceed, a more experienced caseworker, mentor or finally a Senior Caseworker/Chief Caseworker should be consulted in order to resolve the problem. Where the query requires reference to Managed Migration Policy on a policy issue this should only be done by the Senior Caseworker/Chief Caseworker via the Operational Policy Unit in Managed Migration Operations.

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10. IMMIGRATION RULES

The requirements to be met by a person seeking leave to enter and remain in the United Kingdom as a student are set out below and **must** be referred to when reading the following case-working guidance:

Paragraph 57 of HC395

The requirements to be met by a person seeking leave to **enter** the United Kingdom as a student are that he:

- (i) has been accepted for a course of study, or a period of research, which is to be provided by or undertaken at an organisation which is included on the Register of Education and Training Providers, and is at either;
 - (a) a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested; or
 - (b) a *bona fide* private education institution; or
 - (c) an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested; and
- (ii) is able and intends to follow either:
 - (a) a recognised full time degree course or postgraduate studies at a publicly funded institution of further or higher education; or
 - (b) a period of study and/or research in excess of 6 months at a publicly funded institution of higher education where this forms of an overseas degree course; or
 - (c) a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject, or directly related subjects; or
 - (d) a full-time course of study at an independent fee paying school; and
- (iii) if under the age of 16 years is enrolled at an independent fee paying school on a full time course of studies which meets the requirements of the Education Act 1944; and
- (iv) if he has been accepted to study externally for a degree at a private education institution, he is also registered as an external student with the UK degree awarding body; and
- (v) he holds a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office which relates to the course, or area of

research, he intends to undertake and the institution at which he wishes to undertake it; if he intends to undertake either:

- (i) postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to these Rules: or
- (ii) postgraduate studies leading to a taught Masters degree in one of the disciplines listed in paragraph 2 of Appendix 6 of these Rules: or
- (iii) a period of study or research, as described in paragraph 57(ii)(b), in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to these Rules, that forms part of an overseas postgraduate qualification; and
- (vi) intends to leave the United Kingdom at the end of his studies; and
- (vii) does not intend to engage in business or to take employment, except part-time or vacation work undertaken with the consent of the Secretary of State; and
- (viii) is able to meet the costs of his course and accommodation and the maintenance of himself and any dependants without taking employment or engaging in business or having recourse to public funds; and
- (ix) holds a valid United Kingdom entry clearance for entry in this capacity.

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The requirements to be met by a person seeking leave to **remain** in the United Kingdom as a student are that he:

- (i)(a) was last admitted to the UK in possession of a valid student entry clearance in accordance with paragraphs 57-62 or valid prospective student entry clearance in accordance with 82-87 of these Rules; or
- (b) has previously been granted leave to enter or remain in the United Kingdom to re-sit an examination in accordance with paragraphs 69A-69F of these Rules; or
- (c) if he has been accepted on a course of study at degree level or above, has previously been granted leave to enter or remain in the United Kingdom in accordance with paragraphs 87A-87F, 128-135, 135O-135T and 143A-143F of these Rules; or
- (d) has valid leave as a student in accordance with paragraphs 57-62 of these Rules; and
- (ii) meets the requirements for admission as a student set out in paragraph 57 (i) - (viii); and
- (iii) has produced evidence of his enrolment on a course which meets the requirements of paragraph 57; and
- (iv) can produce satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and

- (v) can show evidence of satisfactory progress in his course of study including the taking and passing of any relevant examinations; and
- (vi) would not, as a result of an extension of stay, spend more than 2 years on short courses below degree level (i.e. courses of less than 1 years duration, or longer courses broken off before completion); and
- (vii) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in the United Kingdom and satisfactory evidence that sufficient sponsorship funding is available.

11. STUDENT RULES

11.1 Introduction

Prior to 1st September 2007 all persons seeking to enter the United Kingdom under the Immigration Rules required entry clearance in an appropriate category in order to qualify for leave to remain unless they fell into one of five exemptions. From 1st September 2007 changes to the Immigration Rules relating to students mean that all persons seeking to enter the United Kingdom as a student under the Immigration Rules now require entry clearance as a student or prospective student in order to qualify for leave to remain as a student, unless they meet the requirements in one of the alternatives as described in the guidance below.

11.2 Rules change on 1st September 2007

The Immigration Rules relating to students are changed as of 1st September 2007. The main changes to the rules are:

- It is a mandatory requirement under paragraph 57(viii) that all persons who are seeking entry to the UK for the purpose of study must apply for a student entry clearance (except for those who may qualify in the new category of **Student Visitors**. See **Chapter 2 Section 4** of these instructions for guidance);
- It is a mandatory requirement under paragraph 82(iv) that all persons who are seeking entry to the UK to finalise their study arrangements with the intention of undertaking a course of study that meets the requirements of the student rules, must apply for a prospective student entry clearance; and
- There are new arrangements in paragraphs 60(i)(a) – (d) that persons must meet in order to be granted an extension of stay as a student under the Immigration Rules (these requirements also apply to persons who are seeking to switch from leave in a different category to remain as a student). See paragraphs 11.2.2 to 11.2.5 below for further guidance.

11.2.1 Transitional arrangements

As part of this rules change the following transitional arrangement has been put in place:

- Applications for leave to remain under paragraphs 60-62 of the Immigration Rules made on or before 31 August 2007 will be considered using the version of paragraph 60(i) of the rules in force up until that date, whereas those applications

made on or after 1st September 2007 will be considered using the version of paragraph 60(i) in force as of 1 September 2007.

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11.2.2 Guidance on new paragraph 60(i)(a)

From 1st September 2007 persons applying for leave to remain as a student will usually only be granted such leave where they were last admitted to the United Kingdom with entry clearance as:

- a student; or
- a prospective student.

Paragraphs 60(i)(b) to (d) of the Immigration Rules provide for some limited alternatives to the above requirements and caseworkers should refer to one of the following guidance paragraphs when considering applications under the rules. It should also be noted that:

- where reference is made to “degree level” in any of the rules this has the same meaning as the definition of “degree level study” in paragraph 6 of the Immigration Rules;
- where the rules refer to “a course of study at degree level or above” this has the meaning as described in paragraph 19.1.1 of these instructions i.e. the degree must be a recognised United Kingdom degree or that it is an equivalent qualification at level 6 or above of the National Qualifications Framework/level 9 or above of the Scottish Credit and Qualifications Framework;
- where the rules require an applicant to have “...previously been granted leave to enter or remain in the United Kingdom...” this includes entry clearance operating as leave to enter, leave to enter granted by an Immigration Officer and leave to remain and refers to the last period of leave granted to the applicant; and
- where the rules require an applicant to have “...valid leave as a student in accordance with paragraphs 57-62 of these Rules” this includes entry clearance operating as leave to enter, leave to enter granted by an Immigration Officer and

leave to remain, all of which must not have expired when the application was made.

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Caseworkers may find the following examples helpful to explain how the requirement in paragraph 60(i)(a) applies:

Example 1

Q. A person who last entered the United Kingdom with a valid student entry clearance in accordance with paragraphs 57-62 of the rules wishes to undertake a further course of study. Will he qualify under paragraph 60(i)(a) for leave to remain as a student?

- Yes, this person meets the requirement of paragraph 60(i)(a) as he last entered the United Kingdom with a valid student entry clearance in accordance with

paragraphs 57-62 of the rules. He will qualify for leave to remain, subject to meeting the other requirements of the student rules. Caseworkers should note that the level of study is not relevant for this requirement of the rules.

Example 2

Q. A person who entered the United Kingdom with a valid entry clearance as an Overseas Qualified Nurse in accordance with paragraphs 69M-69R of the rules wishes to undertake a course of study. Will he qualify under paragraph 60(i)(a) for leave to remain as a student?

- No, a person who entered the United Kingdom with a valid entry clearance as an Overseas Qualified Nurse in accordance with paragraphs 69M-69R of the rules will not qualify under paragraph 60(i)(a). He will also not qualify for leave as a student under any of the other alternatives in paragraph 60(i) of the rules. This person will be required to leave the United Kingdom and apply for a student entry clearance at his nearest British Diplomatic post abroad.

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11.2.3 Guidance on new paragraph 60(i)(b)

All persons who have previously been granted leave to enter or remain in the United Kingdom to re-sit an examination in accordance with paragraphs 69A-69F of the Immigration Rules may be granted leave to remain as a student provided that they meet the other requirements of paragraph 60 of the Immigration Rules. Where paragraph 60(i)(b) requires an applicant to have previously been granted leave to enter or remain in the United Kingdom to re-sit an examination in accordance with paragraphs 69A-69F of the Rules, this refers to the last period of leave granted to the applicant.

Caseworkers may find the following examples helpful to explain how the requirement in paragraph 60(i)(b) applies:

Example 1

Q. A person entered the United Kingdom on 2 September 2007 with entry clearance to re-sit an examination in accordance with paragraphs 69A-69F of

the rules and, having been successful in his examination, has been accepted for a course of study and requires an extension of stay. Will he qualify under paragraph 60(i)(b) for leave to remain as a student?

- Yes, this student meets the requirements of paragraph 60(i)(b). He will therefore qualify for leave to remain subject to meeting the other requirements of the student rules. Caseworkers should note that the level of study of the course for which he has been accepted is not relevant in this case.

Example 2

Q. A person entered the United Kingdom on 3 September 2007 with entry clearance to write up a thesis in accordance with paragraphs 69G-69L of the rules and, having successfully completed this and having obtained his degree, has been accepted for a course of study and requires an extension of stay. Will he qualify under paragraph 60(i)(b) for leave to remain as a student?

- No, a person who entered the United Kingdom with leave to write up a thesis will not qualify under paragraph 60(i)(b) because he has not previously been granted leave to enter the United Kingdom to re-sit an examination in accordance with paragraphs 69A-69F of the rules. He will also not qualify for leave as a student under any of the other alternatives in paragraph 60(i) of the rules. This person will be required to leave the United Kingdom and apply for a student entry clearance at his nearest British Diplomatic post abroad.

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11.2.4 Guidance on new paragraph 60(i)(c)

All persons who have previously been granted leave to enter or remain in the United Kingdom in one of the following categories of the rules are able to switch into the student category ***provided they are studying at degree level or above*** :-

- as a students' union sabbatical officer (paragraphs 87A-87F);
- as a work permit holder (paragraphs 128-135);
- under the Science and Engineering Graduates Scheme or, its successor, the International Graduates Scheme (paragraphs 135O-135T); or
- under the Fresh Talent: Working in Scotland scheme (paragraphs 143A-143F).

Where paragraph 60(i)(c) requires an applicant to have previously been granted leave to enter or remain in the United Kingdom in accordance with paragraphs 87A-87F, 128-135, 135O-135T and 143A-143F of the Rules, this refers to the last period of leave granted to the applicant.

Caseworkers may find the following examples helpful to explain how the requirement in paragraph 60(i)(c) applies:

Example 1

Q. A person who entered the United Kingdom with entry clearance as a work permit holder has been accepted for a course of study at degree level or above. Will he qualify under paragraph 60(i)(c) for leave to remain as a student?

- Yes, a person who entered the United Kingdom with entry clearance as a work permit holder will be able to switch to study at degree level or above, subject to meeting the other requirements of the student rules. Caseworkers should ensure that the degree is a recognised United Kingdom degree or that it is an equivalent qualification at level 6 or above of the National Qualifications Framework/level 9 or above of the Scottish Credit and Qualifications Framework (see definition in paragraph 19.1.1/2 of these instructions).

Example 2

Q. A person who originally entered the United Kingdom with entry clearance as a work permit holder and who has subsequently been granted leave to remain as the spouse of a person present and settled in the UK has been accepted on a course of study at degree level or above. Will he qualify under paragraph 60(i)(c) for leave to remain as a student?

- No, a person with leave to remain as the spouse of a person present and settled in the UK will not qualify under paragraph 60(i)(c). Although he originally entered the UK with entry clearance as a work permit holder his most recent period of leave was granted as the spouse of a person present and settled here, and this category is not included in the provisions of paragraph 60(i)(c). He will also not qualify for leave as a student under any of the other alternatives in paragraph 60(i) of the rules. This person will be required to leave the United Kingdom and apply for a student entry clearance at his nearest British Diplomatic post abroad.

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11.2.5 Guidance on new paragraph 60(i)(d)

This paragraph sets out provisions for those students who currently have **valid** leave to enter or remain in the UK as a student in accordance with paragraphs 57-62 of the Immigration Rules and who now require an extension to their stay.

Caseworkers may find the following examples helpful to explain how the requirement in paragraph 60(i)(d) applies:

Example 1

Q. A person who entered the United Kingdom with a prospective student entry clearance, was subsequently granted leave to remain as a student, travelled abroad with continuing leave and re-entered the United Kingdom. He now wishes to undertake a further course of study and has made an application to extend his stay as a student before his existing leave expires. Will he qualify under paragraph 60(i)(d) for leave to remain as a student?

- Yes, a person who has **valid** leave as a student in accordance with paragraphs 57-62 of the rules will qualify for leave to remain subject to meeting the other requirements of the student rules. Caseworkers should note that the level of study of the further course is not relevant for this requirement of the rules.

Example 2

Q. A person who has valid leave as a student nurse in accordance with paragraphs 63-69 of the rules has been accepted for a course of study. Will he qualify under paragraph 60(i)(d) for leave to remain as a student?

- No, a person with valid leave as a student nurse in accordance with paragraphs 63-69 of the rules will not qualify under paragraph 60(i)(d) because he does not have valid leave as a student in accordance with paragraphs 57-62 of the rules. Unless he can qualify for leave as a student under any of the other alternatives in paragraph 60(i) of the rules, this person will be required to leave the United Kingdom and apply for a student entry clearance at his nearest British Diplomatic post abroad.

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12. STUDY TIME

12.1 Full time study

Those following a recognised degree course at a publicly funded institution of further or higher education, or a course at an independent fee-paying school, need only

demonstrate that the course is full-time. This also applies to those following a degree course at a bona fide private education institution where the degree will be awarded by a recognised university, including the Open University. All other students must demonstrate that they meet the requirement to spend at least 15 hours per week in organised daytime study.

12.2 Part time courses

Occasionally, because of the nature of exam syllabuses, some students may be obliged to enrol on two or more part time courses; others may do so as a means of saving money on fees. Provided that the courses involve attendance at a **single institution** for a minimum of 15 hours of organised daytime study a week and the subjects are **directly related**, this is acceptable.

12.3 Evening and weekend courses

Evening and weekend courses do **not** meet the requirements of the rules and no account should be taken of any classes which commence at 6pm or later or any classes attended at the weekend. Where a class has started during the afternoon and continues after 6pm, this may be acceptable provided a substantial part of the class takes place during the daytime.

12.4 Private tuition and Correspondence courses

There is no provision in the rules for students to be admitted or to remain to receive individual private study or correspondence courses (including Open University correspondence courses or correspondence courses with the London school of Journalism). This is because of the difficulty of ensuring that the student is genuinely occupied in study full time. Individual tutors, however, may run small private schools from their own homes; where an application is received to attend such a school care should be taken that the requirements of the rules are met. See [paragraph 26.6](#) for further information on music students who **may** be receiving private tuition.

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13. ENROLMENT

13.1 Evidence of enrolment

The student should provide an up to date letter from his college containing the following information:-

- the type of course;
- what qualifications it will lead to;
- the start and end date of the course;
- whether or not the course is full-time;
- the cost of the course;
- whether the fees have been paid either in part or in full;
- the level or stage reached (if continuing a course).

Care should be taken to ensure that the document produced is genuine. A check should be made with the school in any case where there is any reason to suspect that a false letter has been produced on authentic paper misappropriated from the educational establishment concerned or with forged or photocopied headed notepaper.

13.2 Moving Between Courses

In the public sector course start dates are usually constrained by the academic year timetable, with the majority beginning in October. Students moving between courses should normally be able to do so within the additional 4 months (or to 31 October) granted over and above the duration of the course. Where the gap between courses is longer than 4 months, consideration should be given to the type and length of the course already undertaken and that which is in prospect. There must be a coherent connection between the two. If there is, and subject to other satisfactory evidence (e.g. offer of a place and acceptance of the offer) leave to remain may be granted up to a maximum of 2 months over and above any additional period of 4 months already granted.

In cases where the additional period was not granted in the previous period of leave, leave to remain may be granted up to an absolute maximum of 6 months beyond the expiry date of the previous period of leave granted.

13.3 Deferrals

Students who have enrolled sometimes defer the start or subsequent part of a course. This can happen for a variety of reasons. The only circumstances in which leave to remain should be granted because of a deferral are those outside the control of the student, such as compelling personal circumstances (e.g. an illness or an accident), or the result of a decision by the institution. In all cases, there must be documentary evidence of the circumstances and the application must be supported by the institution. Where these and the other requirements of the student rules are met, leave to remain should normally be granted for the whole or the remainder of the course (plus 4 months or to 31 October) but there may be some cases where the circumstances indicate the need for caution and a shorter period of leave (i.e. for only 12 months plus 4 months or to 31 October) should be granted.

13.4 Unconditional or Conditional Offers

Students in receipt of an unconditional offer from publicly funded institutions, and who can provide evidence that they have accepted the offer and/or paid some or all of the fees, should be granted leave for the duration of the course plus the usual additional 4 months (or until 31 October following the end of the course) if they satisfy the other

requirements of the rules (including having sufficient funds to pay their fees and to maintain and accommodate themselves).

If the offer is conditional (e.g. on passing exams), leave to remain should not be granted for the course itself. In such cases, leave to remain may only be granted on a similar basis to that allowed where a student is moving between courses (see section on Moving Between Courses) i.e. up to an absolute maximum of 6 months (including the usual additional 4 months or to the 31 October that has already been granted). This should be long enough to allow the applicant to enrol or to receive and accept an offer. As well as documentary evidence of the conditional offer, there would also need to be evidence that the applicant has accepted it.

13.5 External students

From 19 April 2007 a new requirement has been introduced into paragraph 57 of the rules whereby an external student who has been accepted to study externally for a degree at a private education institution is required to show that he is also registered

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as an external student with the UK degree awarding body. At the same time a definition of an external student has been incorporated into paragraph 6 of the rules (the Interpretation Section). An external student is defined as:

“a student studying for a degree from a UK degree awarding body without any requirement to attend the UK degree awarding body’s premises or a UK Listed Body’s premises for lectures and tutorials.”

By way of an example, an external student who has been accepted to study externally for a University of London (UoL) degree at a private education institution must provide evidence that he is also registered as an external student with UoL. The production of this evidence is in addition to the requirement in paragraph 60(iii) for an external student to produce evidence of his enrolment on a course at a private education institution which meets the requirements in paragraph 57. If an external student fails to produce evidence of his registration with the UK degree awarding body the application should be refused for failure to meet the requirement of the Rules (see [paragraph 32.3](#) for the refusal formulae).

This new requirement applies to those external students who are already in the United Kingdom seeking leave to remain and those who are applying for Entry Clearance at diplomatic posts abroad. It does not apply to those external students at a private education institution in the United Kingdom who are studying for a degree awarded by an overseas university. Caseworkers should also note that in the limited circumstances where an external student is studying for a UK degree at a private education institution which is also included on the DIUS list of **listed bodies** there is no requirement for the external student to provide confirmation from the UK degree awarding body that he is registered with them as an external student.

For this particular change to the rules there is no transitional arrangement. Caseworkers should therefore note that all decisions taken on or after 19 April 2007, for applications where an external student has been accepted to study externally for a degree at a private education institution, should be made on the basis of the new Rules irrespective of when the application was made.

13.6 Academic Technology Approval Scheme (ATAS)

13.6.1 New requirement in the student rules

The Immigration Rules relating to students are changed as of 30 November 2007 to introduce a new mandatory requirement that postgraduate students who are intending to undertake studies in certain designated subjects (disciplines) are required to obtain an Academic Technology Approval Scheme (ATAS) clearance certificate before applying for leave as a student. The designated subjects (disciplines) are contained in Appendix 6 to the Immigration Rules and are reproduced below in paragraph 13.6.2 for ease of reference.

Caseworkers should note that postgraduate students applying before 30 November 2007 for leave to study a designated subject (discipline) are not required to have an ATAS clearance certificate; postgraduate students applying on or after 30 November 2007 for leave to study a designated subject (discipline) will be required to hold a valid ATAS clearance certificate.

The ATAS application process, which is administered by the Foreign and Commonwealth Office (FCO), is as follows:-

- The student applies to the FCO's Counter Proliferation Department for an ATAS clearance certificate using a free online application form on the FCO website;
- The FCO will respond to an application within 3 weeks from the date of receipt;
- If successful the student and the university/higher education institution will be informed and the student will electronically receive an ATAS clearance certificate;
- The student can then apply for entry clearance, or to the Border and Immigration Agency for an extension of leave; and
- If an ATAS application is refused an email will be sent to the applicant and the university/higher education institution.

An ATAS clearance certificate will remain valid as long as the holder continues with the same course or area of study/research and at the same institution for which it was originally issued.

The possession of an ATAS certificate does not in itself guarantee that a student's application for leave will be successful. The student must also meet all the other requirements of the Immigration Rules that apply to students and the general grounds contained within the Rules.

13.6.2 Designated subjects covered by the ATAS

The Joint Academic Coding System (JACS) code linked to the particular area of study will be identified for the student by the university/higher education institution offering them a place. The following paragraphs provide caseworkers with a list of those designated subjects (disciplines) at Doctorate or Masters by research degree level and taught Masters degree level that are covered by ATAS and contained in Appendix 6 to the Immigration Rules.

13.6.2.1 Degrees at Doctorate or Masters level

Subjects allied to Medicine:

JACs codes beginning B1 - Anatomy, Physiology and Pathology
 B2 - Pharmacology, Toxicology and Pharmacy
 B9 - Others in subjects allied to Medicine

Biological Sciences:

JACs codes beginning C1 - Biology
 C2 - Botany
 C4 - Genetics
 C5 - Microbiology
 C7 - Molecular Biology, Biophysics and Biochemistry
 C9 - Others in Biological Sciences

Veterinary Sciences, Agriculture and related subjects:

JACs codes beginning D3 - Animal Science
 D9 - Others in Veterinary Sciences, Agriculture and
 related subjects

Physical Sciences:

JACs codes beginning

- F1 - Chemistry
- F2 - Materials Science
- F3 - Physics
- F5 - Astronomy
- F8 - Physical and Terrestrial Geographical and Environmental Sciences
- F9 - Others in Physical Sciences

Mathematical and Computer Sciences:

JACs codes beginning

- G1 - Mathematics
- G2 - Operational Research
- G4 - Computer Science
- G7 - Artificial Intelligence
- G9 - Others in Mathematical and Computing Sciences

Engineering:

JACs codes beginning

- H1 - General Engineering
- H2 - Civil Engineering
- H3 - Mechanical Engineering
- H4 - Aerospace Engineering
- H5 - Naval Architecture
- H6 - Electronic and Electrical Engineering
- H7 - Production and Manufacturing Engineering
- H8 - Chemical, Process and Energy Engineering
- H9 - Others in Engineering

Technologies:

JACs codes beginning

- J2 - Metallurgy
- J4 - Polymers and Textiles
- J5 - Materials Technology not otherwise specified
- J7 - Industrial Biotechnology
- J9 - Others in Technology

13.6.2.2. Taught Masters degrees

F2 - Materials Science

F3 – Physics (including Nuclear Physics)

H3 - Mechanical Engineering

H4 - Aerospace Engineering

J5 - Materials Technology/Materials Science not otherwise specified

13.6.3 Verification of an ATAS Clearance Certificate

Caseworkers may find the following information useful to verify the genuineness of an ATAS clearance certificate:-

- For research students there will be corresponding references, including the JACS code and a statement of purpose, on both the offer letter (or other official documentation) from the university/higher education institution and the ATAS clearance certificate;

- For those doing taught Masters courses the corresponding references will include the JACS code and title of the course, on both the offer letter from the university/higher education institution and the ATAS clearance certificate; and

13.6.4 Refusal of extension of stay

As of 30 November 2007, an application for an extension of stay as a student to study a designated subject should be refused if the person fails to provide an ATAS clearance certificate. However, it will be appropriate to write to the applicant **before** refusing the application outright, giving them the opportunity to submit the ATAS clearance certificate in order to process their application. Where the applicant fails to produce the document caseworkers should refuse the application using one of the refusal formulae in [paragraph 32.3](#) below.

13.6.5 Other students who are affected by ATAS

13.6.5.1 Visiting postgraduate students enrolled at overseas institutions

The ATAS requirement also applies to visiting postgraduate students who are enrolled on a course at an overseas institution if:-

- They intend to undertake a period of study/research in the UK for more than 6 months;
- The area of study/research includes a designated subject (discipline) listed in paragraph 13.6.2.1 and paragraph 13.6.2.2 above; and
- The period of study/research forms part of the applicant's overseas postgraduate course.

13.6.5.2 Students re-sitting an examination and writing up a thesis

The requirements for leave to re-sit an examination or to write up a thesis are linked to the requirements for student leave. From 30 November 2007 the ATAS requirement will therefore extend to those applying for leave to re-sit an examination or to write up a thesis with the exception of the following:-

- **Student leave was last obtained before 30 November 2007**

As the new requirement to obtain an ATAS clearance certificate takes effect from 30 November 2007, those who last obtained their student leave, in accordance with paragraphs 57-62 of the rules, before this date would not have required a certificate. Where this is the case there will not be a need to obtain an ATAS clearance certificate solely for the purpose of applying for leave to re-sit an examination or to write up a thesis. The expectation is that at either of these stages a person would already have acquired the relevant level of knowledge and skills in his field of study or research;

- **Student leave was last obtained on or after 30 November 2007**

If a person was granted student leave, in accordance with paragraphs 57-62 of the rules, on or after 30 November 2007 and obtained an ATAS certificate at the time, **provided the certificate remains valid** it will satisfy the requirement of paragraph 57(v) contained in paragraphs 69A(i) or 69G(i) to hold an ATAS certificate (caseworkers should note that changes to paragraphs 69A(i) and 69G(i)

automatically apply to the requirements for an extension of stay to re-sit an examination or to write up a thesis as contained in paragraph 69(D) and paragraph 69J of the rules). An ATAS certificate will remain valid as long as the holder continues with the same course or area of study/research and at the same institution for which it was originally issued.

13.7 Visiting students enrolled on degree courses overseas

Paragraph 57 of the student rules is amended as of 30 November 2007 to provide for the admission of students who wish to undertake a period of study and/or research in excess of six months at a UK publicly funded institution of higher education, e.g. university, where the students are enrolled on degree courses at overseas institutions. Entry clearance is mandatory for all visiting undergraduate and postgraduate students, except those British nationals listed in paragraph 24(ii) of the Immigration Rules. Visiting undergraduate and postgraduate students help to promote the international exchange of knowledge and expertise and seek to improve the UK's competitive position in the global education market. However there is no requirement that these visiting students should form part of any formal or informal exchange programme between the UK publicly funded institution of higher education and an overseas institution.

13.7.1 Visiting undergraduate students

Visiting undergraduate students who have been invited to undertake a period of study in excess of six months at a UK publicly funded institution of higher education will qualify for leave as a student under the rules, subject to meeting all the other requirements of the student rules. Studies undertaken during this period, which must be for more than six months, will count towards the student's overseas degree course. Such students will attend lectures and tutorials in the same way as ordinary students and have access to campus facilities, although the institution does not enrol them as a full-time degree course student.

13.7.2 Visiting postgraduate students

Similarly, visiting postgraduate students who have been invited to undertake a period of study and/or research in excess of six months at a publicly funded institution of higher education, e.g. university, as part of their overseas degree course, will qualify for leave as a student under the rules, subject to meeting all the other requirements of the student rules. Such studies/research will vary in length from student to student, depending upon the length of time the university has given permission for the student to attend. Where the student is coming to undertake postgraduate studies/research in the UK for more than 6 months, as part of their overseas degree course, he will also be required to obtain an Academic Technology Approval Scheme (ATAS) clearance certificate if the area of study/research he intends to undertake includes a designated subject (discipline) covered by the ATAS (see [paragraph 13.6](#) above).

13.7.3 Documentary evidence in lieu of enrolment letter

In order to meet the requirement in paragraph 60(iii) of the Rules, i.e. to produce evidence of his enrolment on a course of study which meets the requirements of paragraph 57, a visiting undergraduate or postgraduate student will be required to provide the following documentary evidence in lieu of an enrolment letter:

- A letter from the overseas university confirming that the student is enrolled on a degree course overseas and the period of study and/or research in the UK will count towards his overseas degree qualification; and
- A letter from the named UK university confirming that the overseas student has been granted permission to attend their institution as a visiting undergraduate or postgraduate student to undertake a period of study and/or to utilise their research facilities for the purpose of completing an overseas degree course.

Applications from visiting students for a further period of leave in the UK should not be numerous as the period of study/research for which leave to enter was sought should be covered by the student entry clearance. Where an extension of leave is required, application form FLR(S) should be used for this purpose.

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14. ABILITY AND INTENTION TO FOLLOW A COURSE

When considering an application for leave to remain to undertake a course which is not due to commence for several months, due attention should be paid to the reason for the delay. Where there is **good** reason (e.g. a student present course finishes at the end of the academic year but he has an unconditional offer for a course starting in October) leave to remain should be granted in accordance with the guidance detailed in paragraphs 13.2 or 13.3. or 13.4 above, provided all the normal requirements are met.

An application for leave to remain to undertake a course which is not due to commence for **4 months or more** from a person **not currently engaged** in full time studies should normally be refused without further enquiry (use refusal formulae for paragraph 57(ii) - ability to follow a course of study). Although a student may be enrolled on a course, which is not due to commence for 4 months or more, the application will nevertheless fall for refusal.

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15. ATTENDANCE

There is a clear link between a student's attendance and the progress he is likely to make. Also, poor attendance may signify that a student cannot support himself without working or that his intentions are not to study at all. It is therefore appropriate to make enquiries in relation to funds and progress whenever attendance checks are made.

The FLR(S) application form, section 4.5, requires the applicant to routinely provide evidence of attendance. This section is to be completed and authorised by the educational establishment.

15.1 Regular attendance

A student must attend every class or session he is required to attend by his educational establishment, except where attendance is not practicable e.g. due to illness. When judging whether a student has been in regular attendance, it is necessary to look at his record over the whole period under consideration. If it is generally satisfactory with only a short period of absence, further enquiries **may** not

be necessary. If a student has not been in regular attendance he should be given an opportunity to explain the reason for his non-attendance and to provide evidence, such as a doctor's certificate in the case of illness. If the reason given is not satisfactory or the evidence is not forthcoming, refusal should be the normal course of action.

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16. PROGRESS

16.1 English Language courses

Particular attention should be paid to students enrolled for the exact minimum number of hours at schools of English. The school will usually indicate for which examination the student is preparing but where this is not made clear at the commencement of the second year this point should be clarified.

The two most popular qualifications are the **Cambridge First Certificate** (intermediate) and the **Cambridge Proficiency Certificate** (advanced). Unless a student already has a very good standard of English he will normally start in the elementary class, progressing to intermediate and then to the **First Certificate**.

Caseworkers should take care to check that the student is making progress towards the **First Certificate** and not just sitting internal college exams.

The **First Certificate** consists of 5 papers:

Reading Comprehension; Use of English; Listening Comprehension; Composition; Oral Review.

There are three grades of pass:

Grade A - very good;

Grade B - good;

Grade C - pass.

Only those students who receive a **Grade A** or **Grade B** pass in the **First Certificate** would be expected to progress to the **Proficiency Certificate**.

If after 2 years the student is seeking leave to remain to continue on a new course at the same level of less than 1 year duration he should normally be refused unless he is applying for an extension of stay to take a new course of 1 year or more.

Other English Language qualifications for which overseas students can study include the University of Cambridge ESOL (English for Speakers of Other Languages) and IELTS (International English Language Testing System). The latter is commonly used by universities as a means of assessing whether a student has the necessary English language skills to undertake a degree course in the United Kingdom.

16.2 Professional courses (Accountancy, Banking)

The progress of students undertaking professional courses such as accountancy, marketing and banking should be given careful attention. When considering whether an applicant has the ability to make reasonable progress in his chosen course of study, it may be helpful to take into account the structure and the average duration of the course.

[Paragraph 7.3](#) gives details of the courses normally undertaken by such students. Caseworkers who have problems with a student on a professional course not listed in paragraph 7.3 above should refer to the Operational Policy Unit in Managed Migration Operations for advice. Immigration officers should refer to BCPI.

16.3 Unsuccessful students

As a rule, information is provided on student's attendance and progress on each application for an extension of stay. The student should provide evidence of **all** examinations he has attempted and the results as required by the application form. Where there are doubts as to progress but attendance is satisfactory and all other requirements are met, leave may be granted **but** with a warning that failure to produce evidence of satisfactory progress could result in a refusal to grant a further extension of stay in that capacity.

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17. FUNDS

A student should always be required to produce evidence of the funds available to him:

- on first arrival in the United Kingdom
- when submitting an application for an extension to his leave
- at any other time where a doubt arises as to the means at his disposal e.g. where the student is undertaking courses on a termly basis or there is evidence that he has been receiving public funds.

17.1 Evidence of funds

- A student arriving for the first time is unlikely to have a United Kingdom bank account and so will need to produce other evidence of his ability to finance his stay, e.g. cash, travellers' cheques, a banker's draft or a satisfactory sponsorship letter. The applicant should, if he is dependent upon funds from abroad, be asked to prove that the funds are transferable as certain countries operate strict exchange controls.
- A student seeking an extension of stay (other than a government sponsored student - see below) should provide itemised bank/building society statements covering at least the last three months.
- Students returning from an absence abroad, when required to produce evidence of funds, will often be able to produce statements from a bank or building society account. They may, however bring with them cash, travellers' cheques etc.
- Guaranteed part-time work at a publicly funded institution of further or higher education in the United Kingdom at which the student is studying may be taken into account when assessing a student's financial means. The student should produce an original letter giving details of hours and pay as evidence.
- A bank or building society account should be in the name of the student or his sponsor. The statement should show that there are sufficient funds present in the account on a regular basis and should normally indicate the receipt of funds from abroad along with regular withdrawals from the account. Care

should be taken where the account does not appear to be used as this may indicate that a student is living on funds from another source. Letters or receipts, which simply show the balance in the account on a particular day, are not sufficient. Statements should cover a period of at least the last 3 months.

- The amount required to cover a student's reasonable costs will vary depending on his circumstances. The British Council's most recent, published estimate is that a student living in London would need £800.00 per month and a student living elsewhere £600.00 per month to meet **basic living expenses** (excluding any fees). These figures are not exact and should be used as a guide only; each case should be treated on its merits.
- Where a child is attending an independent fee-paying school the evidence of funds should either be in the form of documentary evidence that the parents' are able to pay the fees or a letter from the school bursar confirming the fees have been paid. If it is not clear from the evidence provided that the parents are able to meet the costs for the full period for which leave to remain would normally be granted, additional evidence should be sought.

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17.2 Low level of fees charged

Refusal may not be based on the grounds that the level of fees charged by an institution is low or that the student has a local education authority award.

17.3 Local Education Authority grants

For an overseas national to qualify for a LEA grant, he must have resided in the United Kingdom for at least 3 years in a capacity **other** than as a student. If this does not appear to be the case and the applicant is in receipt of a LEA grant, this should be queried with the Authority concerned. LEAs do have the authority to provide a limited number of discretionary grants to people who do not meet the normal

requirements but overseas nationals in receipt of such grants should be few and far between.

17.4 Earnings

Although a student will normally be granted leave on code 2 and is permitted to take part-time or vacation work, his prospective earnings should **not** be taken into account when assessing the adequacy of the funds available for support and accommodation of the student and any dependants. Equally, the **potential** earnings of the spouse or civil partner of a student may not be taken into account, although if he or she is **already** in employment, their earnings **may** be taken into account. ***In this respect, however, it should be noted that if, at a future date, the student is granted leave for less than 12 months, the spouse or civil partner will no longer be permitted to work.***

The only exception to the above is if the part-time work is **guaranteed at a publicly funded institution of further or higher education at which the student is studying**. Earnings from such guaranteed employment may be taken into account when assessing the student's financial means.

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17.5 Sponsored students

17.5.1 Students sponsored by HMG, home Government or international organisations

Students sponsored by HMG, their home government, the British Council or any international organisation, company or university need only provide evidence of the award and its duration. For these purposes, "sponsored" means wholly supported by an award which covers both fees and maintenance.

Caseworkers are reminded that overseas students sponsored by their home government must meet the requirement of paragraph 60(vii) of the Immigration Rules. If applying for an extension of stay they will need to submit written consent from their home government sponsor.

HMG sponsored programmes include those provided by:

- **The Foreign and Commonwealth Office**

Examples of FCO funded schemes include British Marshall Scholarships (see below), Atlantic Fellowships, Commonwealth Scholarship and Fellowship Plan (CSFP) and Chevening Scholars.

- **Department for International Development**

Examples of DfID funded schemes include Technical Co-operation Training, DfID Shared Scholarship Scheme and the Commonwealth Scholarship and Fellowship Plan.

- **Department for Business, Enterprise & Regulatory Reform**

Examples of DBERR funded schemes include the British Overseas Industrial Placement Scheme (BOND).

- **Department for Innovation, Universities and Skills**

Examples of DIUS funded schemes include Overseas Research Students Awards Scheme (ORSAS), Fulbright Scholarships and Education and Training Group.

- **British Council**

Examples of British Council funded and/or administered schemes include United Nations Awards and European Commission Awards.

Examples of other non-governmental organisations and institutions that also sponsor scholarship and award programmes to bring overseas students to the United Kingdom include:

- Confederation of British Industries (CBI)
- Commonwealth Secretariat
- Nuffield Foundation
- The Royal Society
- The British Academy
- Wellcome Trust
- Rhodes Scholarship Trust

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- Goethe Institut
- Hornby Trust (managed by ENTS/GFS)
- European Young Lawyers (GFS/DATS)
- Spanish Banks programmes (GFS/DATS)

Many UK companies and universities also have similar sponsorship programmes.

Such students should be issued with an entry clearance endorsed STUDENT (S). This is to indicate that the student should not normally be granted leave to enter or remain beyond the period of his sponsorship. Discretion, however, may be exercised if a sponsored student who otherwise qualifies for leave can show that the sponsoring body has agreed to his remaining in the United Kingdom for further studies not covered by the award.

NB The fact that an overseas mission in the United Kingdom may apply for an extension of stay on behalf of one of its nationals does not necessarily mean that the applicant is government sponsored.

However, where a sponsored student is applying for leave on the basis of marriage or civil partnership to a British Citizen or a person settled in the United Kingdom leave may be granted, without the need to obtain a letter of support from the sponsoring body, provided the requirements of the rules can be met.

Applications under the Long Residence Rule from sponsored students or their spouses/civil partners, where the application meets all of the relevant criteria, may also be granted without the need to obtain the agreement of the sponsoring body.

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17.5.2 Umm Al - Jawaby Oil Service Company Limited

One example of home government sponsorship is that provided by the Umm Al – Jawaby Oil Service Company Limited, a registered UK company, which is a wholly owned subsidiary of the National Oil Corporation in Libya. Students sponsored by

this company are to be treated as government sponsored students; all funds are provided by the Libyan government. Students sponsored by the Umm Al – Jawaby Oil Service Co Ltd are therefore subject to the provisions of paragraph 60(vii) of the Immigration Rules **and** the guidance provided in paragraph 17.5.1.

17.5.3 The Marshall Scholarship Program

The British Government established the Marshall Scholarship Program in 1953 as an expression of gratitude for the European Recovery Program instituted by General Marshall in 1947. The scholarships are administered by the Marshall Aid Commemoration Commission, an independent body set up by Act of Parliament.

The purpose of the program is to enable United States citizens who are graduates of American colleges and universities to study for a degree of a United Kingdom university. The normal duration of the course is 2 years but in special circumstances it may be extended to a third year.

The commission pays all tuition fees and each scholar receives a stipend, including a special allowance for those who are married.

Participants may be granted leave to remain on code 2 for the period of the course, subject to a requirement to register with the police.

17.5.4 Chevening Scholars/Fellows

Chevening Scholars have been specially selected as people whom HMG believes will go on to become the future leaders, decision-makers and opinion formers in their countries and who will retain strong friendships with the UK. Chevening Fellows is a new Fellowship initiative introduced by the Foreign and Commonwealth Office as part of its prestigious Chevening Programme. Fellows are mid-career professionals identified by Diplomatic Posts abroad. They come to the United Kingdom for tailor-made courses in subjects of relevance to the UK's strategic international policy priorities. Chevening Fellows are fully supported during their 12 week course (with accommodation, living allowances, insurance etc) and hold return tickets.

Guidance about entry clearance for Chevening Scholars and Fellows can be found in Chapter 12 of the Diplomatic Service Procedures (DSP).

17.5.5 Private sponsorship

This form of sponsorship differs from those mentioned above in that the applicant is sponsored by a private individual e.g. a friend or relative. When this occurs a letter from the sponsor to confirm sponsorship and evidence of their financial status e.g. bank statements covering the last three months should be provided. Caseworkers should note that there have been instances of a person sponsoring multiple applicants, so care is needed when handling such cases.

17.6 Payment of fees

It is not a requirement that a student should pay his fees for his course before leave to enter or remain may be granted. A student need only demonstrate that he can meet the cost. Where a student produces a letter from a publicly funded institution of further or higher education stating that the financial requirements have been satisfied, no further enquiries into the payment of fees should be necessary. Some institutions will make provisions for certain students to stagger the payment of fees over the academic year; others may allow a student to defer payment; some may

even waive the fees altogether. In cases where fees have been paid for only part of a course, leave should be granted for the full duration of the course unless there is strong evidence that the student will not be able to meet any remaining fees.

Enquiries from the public regarding 'home' and 'overseas' fee levels, awards and fee waivers (none of which are regarded as falling within the definition of "public funds" for the purpose of the Immigration Rules) should be directed to:

The Department for Innovation, Universities and Skills, Sanctuary Buildings, Great Smith Street, London SW1P 3BT. Tel: - 0870 0010 336.

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17.7 Funding difficulties

Occasionally a situation may arise whereby certain overseas students may experience difficulty in arranging the transfer of funds or the continuance of their sponsorship because of social or political upheaval in their home country. In such cases, leave should not be refused on grounds of lack of funds alone provided the student meets the other requirements of the rules and the financial difficulties are of a temporary nature (but see next paragraph).

17.8 Public funds

Where a student is prevented by lack of funds from continuing his course or is likely to become a burden on public funds for the foreseeable future refusal should be the normal course of action. The Immigration and Asylum Act 1999 and the Immigration Rules define public funds for immigration purposes. For a list of public funds caseworkers should refer to **Chapter 1 Section 7** of these instructions. Care should be taken by caseworkers when considering an application from a student who is claiming a benefit to which he is properly entitled: the student would not normally be regarded as having had recourse to public funds.

17.9 Students exempt from Council Tax

Where the applicant has stated on the application form that he is in receipt of council tax benefit caseworkers should take care **not** to refuse the application without making further enquiries. If it transpires that the applicant is living in accommodation which is exclusively occupied by students the applicant may be exempt from paying council tax.

There is a distinction between being exempt from council tax and claiming council tax benefit, confirmation of which should be sought from the relevant Council. If it is confirmed that the applicant is claiming council tax benefit then the application should be refused under paragraph 62 with reference to paragraphs 60(ii) and 57(vii) of HC395. If the applicant is merely exempt from paying council tax because he is a full time student and lives in accommodation occupied exclusively by students then the application should not be refused.

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18. EMPLOYMENT OR WORK PLACEMENTS

18.1 Employment

Students over the age of 16 who are on code 2 conditions may take part-time or full time vacation work without needing to seek the permission of the local Jobcentre. Similarly they will be able to take up work placements which are part of a sandwich course or to undertake internship placements without the need to obtain permission from Work Permits (UK).

Students should not work for more than 20 hours a week during term time, except where a work placement meets the definition of a sandwich course or internship (please see paragraphs 18.2 and 18.3 below for these definitions). They may work full time during their vacation period and during the additional period of 2 or 4 months following completion of their studies whilst, for example, waiting for their examination results, prior to attending their graduation ceremony or before commencement of their new course. A student must not engage in business, self-employment or the provision of services as a professional sports person or entertainer. A student is not permitted to pursue a career by filling a permanent full-time vacancy.

Note: Students on sandwich courses outside the United Kingdom are not entitled to do their work experience in the United Kingdom and should apply under TWES.

Any person requesting an application form to apply for a TWES permit should be advised to telephone the Work Permits (UK) on the following number: 08705 210224 or e-mail: wpcustomers@ind.homeoffice.gsi.gov.uk

18.2 Sandwich Courses

A sandwich course is a course that includes a clearly defined work placement, which is approved by the institution providing the course. Students subject to conditions restricting employment (code 2) will be allowed to follow a sandwich course provided that:

- The course leads to a degree or to a qualification awarded by a nationally recognised examining body, and
- The work placement does not extend beyond the end of the course.

18.3 Internships

An internship is a short period of paid work, which an employer may offer a potential employee. The internship may be offered to a student on a first or higher degree course in the UK, even if the potential permanent employment is outside the UK. A student subject to conditions restricting employment (code 2) will be allowed to undertake an internship provided that:

- the student has not previously undertaken an internship with the employer
- the internship is for not longer than three months
- it is an established part of the employer's recruitment procedure
- it offers pay and conditions comparable to those for a 'resident worker' doing the same work, and
- it is completed within the current period of leave as a student.

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19. SHORT COURSES – PERPETUAL STUDENTS

On 01 October 2004 paragraph 60(vi) of the student rules was amended so that the maximum overall permitted period of stay for a student on successive short courses **below degree level** was reduced from 4 years to **2 years**. The definition of a short course was also redefined as "a course of **less than 1 year's duration** or longer courses broken off before completion."

Courses of twelve months duration may include the normal holiday periods associated with an academic year for the purposes of meeting paragraph 60(vi) of the rules.

This aspect should be considered in conjunction with a student's progress. If the new provisions of paragraph 60(vi) are not met then the normal course of action would be to refuse leave to remain.

The new provisions are designed to limit the scope for students to take successive short courses but they should not affect either those on longer courses (i.e. of one

year or more) who have not been granted the full length of the course or those with a clear study plan showing a logical progression from one course (of one year or more) to the next.

However enquiries should be considered where:

- a student has enrolled on a new course which bears no relation to previous studies; or
- a student is re-enrolling on the same or similar course without apparently making progress; or
- a student breaks off mid-course for no good reason and then seeks to commence another course; or
- there is any reason to suspect that a student is making his studies an excuse for remaining in the United Kingdom for some other purpose.
- Particular attention should be paid to those studying short courses and who are about to reach a period of 2 years in doing so.

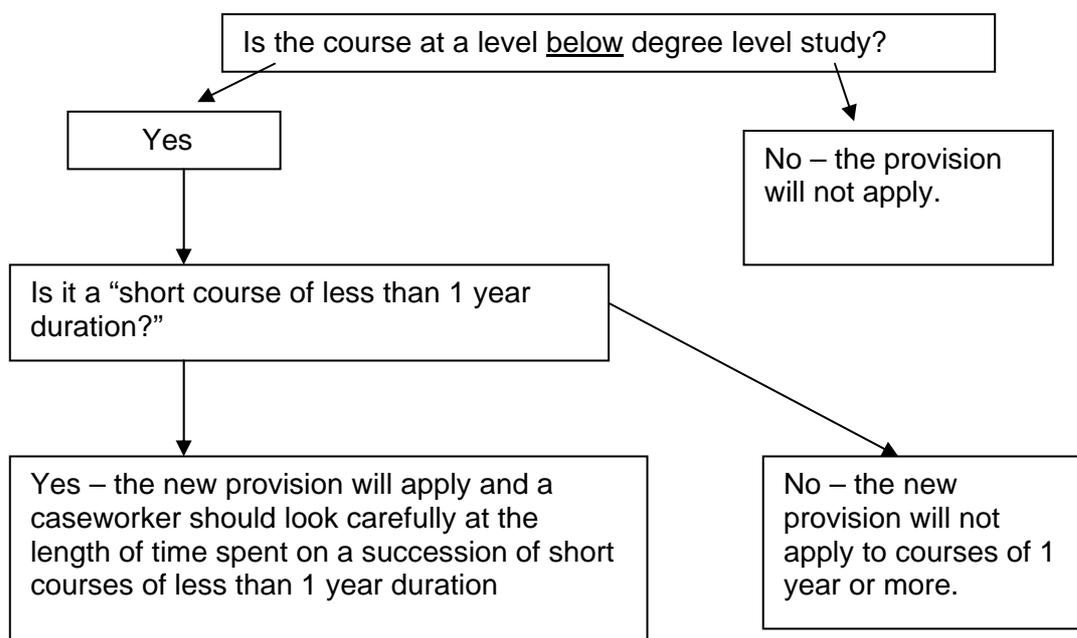
There is no similar provision in paragraph 57 relating to short courses. Where, however, a similar situation is encountered in relation to a student seeking entry to continue his previous stay after a short absence abroad, it is likely that refusal in accordance with paragraph 57(v) will be justified.

For further information on granting the correct length of leave for those on Short Courses please refer to [paragraph 27.4](#) and [27.5](#).

It is important that caseworkers consider whether:

- The course concerned is below degree level; and
- The course meets the new definition of a short course i.e. less than 1 year.

The following flowchart provides guidance on determining whether a student comes within the scope of the new provisions:



Caseworkers may come across a number of different scenarios. The following examples are designed to illustrate how the new rule works in practice, but they are not intended to be comprehensive:

Example 1

- A one year English course combined with vocational specialisms, followed by,
- A two year vocational diploma course, followed by,
- A two year vocational Higher Diploma course.

A student following this series of courses would not be caught by the new rule because none of these courses is less than one year in duration and so they cannot be defined as a “short course.”

Example 2

- A one year English course (at an FE college or an accredited private institution), followed by,
- A one year Foundation course/Access to HE course or a two year A-level course, followed by,
- A three year degree course either at a university or at the same FE college.

This progression would not be caught because the third course is at degree level and, as in example 1, none of these courses can be defined as a “short course.”

Example 3

- A six month English Language course, followed by,
- A one year Business course which the student gives up before completion, followed by,
- An application to repeat the one year Business course

This progression would be caught by the new rule because both courses are below degree level; the English Language course is a “short course” and the Business course is broken off before completion.

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19.1 Definition of degree level study

19.1.1 A recognised United Kingdom degree

On 1 October 2004 a definition of “degree level study” was incorporated into paragraph 6 of the Immigration Rules. Degree level study is defined as:

“ a course which leads to a recognised United Kingdom degree at bachelor’s level or above, or an equivalent qualification at level 6 or above of the revised National

For the purposes of this definition “a recognised United Kingdom degree” is a degree that has been awarded by an institution in England, Scotland, Wales or Northern Ireland which has been granted degree awarding powers by either a Royal Charter or an Act of Parliament. These are known as **recognised bodies**. All UK universities and some higher education colleges are recognised bodies.

Other institutions that do not have the power to award their own degrees may provide courses which lead to a degree of a recognised body. These are known as **listed bodies**.

Caseworkers should check that the institution, which issued the qualification, is either a recognised body or a listed body. Further information on both recognised bodies and listed bodies can be found on the DIUS website at: www.dfes.gov.uk/recognisedukdegrees/

- The DIUS list of **recognised bodies** is available at: www.dfes.gov.uk/recognisedukdegrees/index.cfm?fuseaction=institutes.list&InstituteCategoryID=1&OrderBy=Category
- The DIUS list of **listed bodies** is available at: www.dfes.gov.uk/recognisedukdegrees/index.cfm?fuseaction=institutes.list&InstituteCategoryID=2&OrderBy=Category

Caseworkers should note that the recognised bodies and listed bodies listed on the DIUS website are also set out in Statutory Instruments (SIs) made under sections 216(1) and (2) of the Education Reform Act 1988, and Statutory Rules (SRs) made under articles 5(1) and (2) of the Education (Unrecognised Degrees) (Northern Ireland) Order 1988. The SIs and SRs provide the conclusive answer to whether the institution is a recognised or listed body. No link is attached here because there are a number of SIs / SRs, and they are regularly amended.

For caseworkers to be certain that a degree isn't recognised in the United Kingdom (having checked the institution providing the course is not mentioned in either of the above lists for recognised or listed bodies), further enquiries should be made with the institution providing such a degree/degree course. In particular caseworkers should obtain the name and address of the degree awarding body as some of those mentioned in the above lists may have similar namesakes in countries overseas. For applicants seeking to switch into the student category to study at degree level or above, where the degree is awarded by an overseas university that is not mentioned in either of DIUS' lists, caseworkers should refuse the application using the refusal wording in [paragraph 32.3](#) of these instructions.

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19.1.2 An equivalent qualification

The definition of “degree level study” also includes reference to “an equivalent qualification at level 6 or above of the revised National Qualifications Framework, or level 9 and above of the Scottish Credit and Qualifications Framework.” This brings together all those qualifications that are not recognised United Kingdom degrees at bachelor's level or above and therefore reference to the **recognised bodies** or **listed**

bodies on the DIUS website is not appropriate for these types of qualifications. Instead caseworkers should use one of the qualifications frameworks in paragraph 19.2 of these instructions to determine into which level of the relevant framework the qualification falls. The duration of the course is not a relevant factor when assessing such qualifications.

Scottish qualification awards should be assessed against the levels of the Scottish Credit and Qualifications Framework (SCQF).

Qualifications that equate to level 6 or above of the National Qualifications Framework (NQF) include the following:

- Graduate Diplomas;
- Graduate Certificates;
- ACCA Diploma in Financial Management;
- ACCA Professional Qualification (Parts 1, 2 & 3);
- CIMA Advanced Diploma in Management Accounting;
- ABE Advanced Diploma in Business Administration;
- ABE Advanced Diploma in Business Information Systems; or
- CIB Advanced Diploma

This is not, however, an exhaustive list and it may be necessary to obtain further information about the qualification from the course provider or the awarding body before deciding whether the qualification has met the requisite level.

Caseworkers may find the following examples helpful to explain how this requirement applies:

Q. A person who entered the United Kingdom on 1 September 2007 with entry clearance as a work permit holder in accordance with paragraphs 128-135 of the rules has been accepted on a course of study leading to an award of a graduate diploma. Will he qualify under paragraph 60(i)(c) for leave to remain as a student?

- Yes, a person who entered the United Kingdom on 1 September 2007 with entry clearance as a work permit holder in accordance with paragraphs 128-135 of the rules and who has been accepted on a course of study leading to an award of a graduate diploma will be able to benefit from the provisions of paragraph 60(i)(c). As an equivalent qualification that falls within level 6 of the National Qualifications Framework the graduate diploma award satisfies the definition of “degree level study” in paragraph 6 of the Immigration Rules.

Q. A person who entered the United Kingdom on 2 September 2007 with entry clearance under the International Graduates Scheme in accordance with paragraphs 135O-135T of the rules has been accepted on a course of study leading to an award of a NVQ level 3. Will he qualify under paragraph 60(i)(c) for leave to remain as a student?

- No, a person who entered the United Kingdom on 2 September 2007 with entry clearance under the International Graduates Scheme in accordance with paragraphs 135O-135T and who has been accepted on a course of study leading to an award of a NVQ level 3 is not able to benefit from paragraph 60(i)(c). As the equivalent qualification does not meet level 6 or above of the

National Qualifications Framework the NVQ level 3 award does not satisfy the definition of “degree level study” in paragraph 6 of the Immigration Rules.

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19.2 National Qualifications Framework and Scottish Credit and Qualifications Framework

Caseworkers may find it helpful to refer to one of the following tables for guidance on the details on levels of qualifications contained in the National Qualifications Framework (Table 1) and the Scottish Credit and Qualifications Framework (Table 2).

NB: The indicators are not intended to be precise or comprehensive – they are working guides only.

Table 1

Framework level	Level indicators	Examples of qualifications
Entry	Entry level qualifications recognise basic knowledge and skills and the ability to apply learning in everyday situations under direct guidance or supervision. Learning at this level involves building basic knowledge and skills and is not geared towards specific occupations.	Qualifications are offered at Entry 1, Entry 2 and Entry 3, in a range of subjects
Level 1	Level 1 qualifications recognise basic knowledge and skills and the ability to apply learning with guidance or supervision. Learning at this level is about activities which mostly relate to everyday situations and may be linked to job competence.	NVQ 1; Certificate in Plastering; GCSEs Grades D – G; Certificate in Motor Vehicle Studies
Level 2	Level 2 qualifications recognise the ability to gain a good knowledge and understanding of a subject area of work or study, and to perform varied tasks with some guidance or supervision. Learning at this level involves building knowledge and/or skills in relation to an area of work or a subject area and is appropriate for many job roles.	NVQ 2; GCSEs Grades A* - C; Certificate in Coaching Football; Diploma for Beauty Specialists
Level 3	Level 3 qualifications recognise the ability to gain, and where relevant apply a range of knowledge, skills and understanding. Learning at this level involves obtaining detailed knowledge and skills. It is appropriate for people wishing to go to university, people working independently, or in some areas supervising and training others in their field of work.	Certificate for Teaching Assistants; NVQ 3; A levels; Advanced Extension Awards; Certificate in Small Animal Care
Level 4	Level 4 qualifications recognise specialist learning and involve detailed analysis of a high level of information and knowledge in an area of work or study. Learning at this level is appropriate for people working in technical and professional jobs, and/or managing and developing others. Level 4 qualifications are at a level equivalent to Certificates of Higher Education.	Diploma in Sport & Recreation; Certificate in Site Management; Certificate in Early Years Practice

Level 5	<p>Level 5 qualifications recognise the ability to increase the depth of knowledge and understanding of an area of work or study to enable the formulation of solutions and responses to complex problems and situations. Learning at this level involves the demonstration of high levels of knowledge, a high level of work expertise in job roles and competence in managing and training others. Qualifications at this level are appropriate for people working as higher grade technicians, professionals or managers. Level 5 qualifications are at a level equivalent to intermediate Higher Education qualifications such as Diplomas of Higher Education, Foundation and other degrees that do not typically provide access to postgraduate programmes.</p>	Diploma in Construction; Certificate in Performing Arts
Level 6	<p>Level 6 qualifications recognise a specialist high level knowledge of an area of work or study to enable the use of an individual's own ideas and research in response to complex problems and situations. Learning at this level involves the achievement of a high level of professional knowledge and is appropriate for people working as knowledge-based professionals or in professional management positions. Level 6 qualifications are at a level equivalent to Bachelors degrees with honours, graduate certificates and graduate diplomas.</p>	Certificate or Diploma in Management
Level 7	<p>Level 7 qualifications recognise highly developed and complex levels of knowledge which enable the development of in-depth and original responses to complicated and unpredictable problems and situations. Learning at this level involves the demonstration of high level specialist professional knowledge and is appropriate for senior professionals and managers. Level 7 qualifications are at a level equivalent to Masters degrees, postgraduate certificates and postgraduate diplomas.</p>	Diploma in Translation; Fellowship in Music Literacy
Level 8	<p>Level 8 qualifications recognise leading experts or practitioners in a particular field. Learning at this level involves the development of new and creative approaches that extend or redefine existing knowledge or professional practice.</p>	Specialist awards

Level indicators for Scottish Credit and Qualifications Framework

Table 2

SCQF level	SQA National Units, Courses and Group Awards	Higher Education	Scottish Vocational Qualifications
12		Doctorates	
11		Masters	SVQ 5
10		Honours degree Graduate diploma	
9		Ordinary degree Graduate certificate	
8		Higher National Diploma Diploma in Higher Education	SVQ 4
7	Advanced Higher	Higher National Certificate Certificate in Higher Education	
6	Higher		SVQ 3
5	Intermediate 2 Credit Standard Grade		SVQ 2
4	Intermediate 1 General Standard Grade		SVQ 1
3	Access 3 Foundation Standard Grade		
2	Access 2		
1	Access 1		

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20. INTENTIONS

20.1 On entry

The Immigration Officer must be satisfied that a person seeking leave to enter as a student is genuinely intending to study here and to leave at the end of his studies. Where there is cause for doubt in this respect or where his intentions are not clear, the Immigration Officer is justified in examining him fully in order to clarify matters and assess his credibility.

Full account should be taken of all information obtained including the cost of the studies and the availability of suitable courses in the passenger's country of residence.

The Immigration Officer should consider whether the enterprise on which he is about to embark is reasonable to a person of his family, social and economic background. To this end it would be appropriate to ask about his job opportunities in his country and the material benefits to be gained from the course and to weigh this against the cost of the course which may represent the expenditure of a large sum of money to a person or family of low income.

20.2 Intention to Leave

The Immigration Rules allow for students who successfully complete UK degree level courses to switch to work permit employment in-country after they complete their course.

Applications to switch to work permit employment will normally be accepted where students:

- have completed a recognised UK degree course at either a UK publicly funded further or higher education institution, or a *bona fide* private education institution which maintains satisfactory records of enrolment and attendance, and;
- hold a valid work permit for employment, and;
- if sponsored by their government or international scholarship agency, have the latter's written consent; and
- does not have an adverse immigration history.

If the ECO/IO/caseworker is satisfied that an applicant intends, and is able, to follow a chosen degree level course, it should be assumed that there is a reasonable prospect of success in their studies and consequent eligibility for employment. In such cases the intention to leave requirements should be disregarded, and considerations should concentrate on the other aspects of the rules, with particular emphasis on the applicant's ability and intention to follow the course of study.

The same considerations should apply to those applicants who are applying for degree courses, which are conditional on successful completion of a foundation, or English language course. The applicant must already have a conditional offer for a place on the degree course.

This does not apply to students whose course does not lead to a UK degree.

20.3 After entry

Enquiries as to a student's intentions need not be made except in cases where there is reason to believe the applicant does not intend to go home, for example:

- an unsuccessful asylum applicant;
- an applicant who has previously been refused in another capacity; or

- one who appears to be moving from course to course without any intention of bringing his studies to a close;
- an applicant who has applied for British citizenship.

Any student who expresses the *wish* to remain in the United Kingdom beyond his studies should not be refused without the opportunity to clarify his intentions.

An applicant who has applied for **British citizenship** under either the **British Nationality Act 1981** or the **British Nationality (Hong Kong) Act 1997** is likely to give rise to the suspicion that he does not intend to leave the UK at the end of his studies.

However an application for citizenship from a student BN(O) holder may be made primarily because a British citizen passport would give the holder freedom from travel restrictions, rather than to acquire the right of abode in the United Kingdom.

To conclude that an application for British citizenship in these circumstances demonstrates that the applicant does not intend to leave the United Kingdom at the end of his studies would be inappropriate. Suitable enquiries should be made to establish an applicant's intentions about remaining in the United Kingdom and a decision made in the light of the response.

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21. CHILDREN UNDER THE AGE OF 16

Caseworkers are reminded to read the guidance on safeguarding children before considering any applications in respect of children under the age of 18.

Children under the age of 16 can qualify as students only if they are enrolled at an independent fee-paying school on a full-time course of studies which meets the

requirements of the Education Act 1944 (paragraph 57 (iii) of HC 395) (all independent schools must be registered with the Department for Children, Schools and Families; registration indicates that the requirements of the Education Act 1944 have been met). In cases of doubt, the applicant should be asked to provide evidence that the school is registered with the Department for Children, Schools and Families as an independent school.

The only exception to this is where the applicant applies to attend a maintained (state) school as part of an organised exchange programme (see [paragraph 26.2](#) "Exchange Students")."

For further information on granting the correct length of leave to remain for Independent fee-paying school children please refer to [paragraph 27.1](#).

21.1 Unaccompanied minors under the age of 16

Special care should be exercised by caseworkers when considering applications made on behalf of unaccompanied minors for leave to enter and remain as a student. Unaccompanied minors mean children under the age of 16. For unaccompanied minors seeking entry as a student the Entry Clearance Officer (ECO) and caseworker should ensure that the applicant has been accepted at an independent fee-paying school on a full-time course of study which meets requirements of the Education Act.

If the school does not have boarding facilities, the ECO and caseworker should ask for satisfactory evidence of accommodation and care arrangements in the UK, together with details of who will be responsible for the child if one (or both) parent(s) is (are) not accompanying the child to the UK.

To ensure that unaccompanied minors continue to benefit from these safeguards when applications are made on their behalf for leave to remain as a student, caseworkers should satisfy themselves that:

- An unaccompanied minor has adequate arrangements for their care in the UK, by which we mean the applicant must be able to demonstrate that suitable care arrangements have been made for the child in the UK and they have an address and named individual who is their host in the UK; and that the parent or guardian in their home country is identified; and
- The applicant will be able to provide contact details, by way of the name and address of the UK host, and, in the home country, by way of the name and address of the parent or guardian.

These measures will ensure that unaccompanied minors who enter the UK with student visas and who require leave to remain in the United Kingdom as a student, do so in a recorded way creating an official and accessible record, which documents their circumstances throughout their stay in the United Kingdom.

21.2 Children under 5 at nursery school

Children under 5 who are attending nursery or pre-school classes do not qualify for leave to enter or remain as students. This is because pre-school education is not covered by the Education Act 1944, therefore the requirements of paragraph 57 (iii) of HC 395 cannot be met.

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22. RE-SITS OF EXAMINATIONS

This former concession has now been incorporated into the rules as Re-Sits of Examinations at paragraph 69A. Where an otherwise acceptable student has to re-sit an examination he may not need or be permitted by the college to attend further classes. In such cases leave may be granted on code 2 **to cover the period of the first available re-sit plus an additional 2 months to allow time for the results to be received**, provided that the college concerned confirms the situation and that there is no doubt as to the student's intention to leave the country on completion of his studies. Leave to remain (or leave to enter after a short absence abroad) to re-sit an examination without being enrolled on a full time course should be granted **once only**.

A person seeking leave to enter to remain for the purpose of a re-sit must demonstrate that:

- he qualifies for leave as a student under the Immigration Rules; or
- he qualified for leave as a student in the previous academic year; and
- he intends to leave the United Kingdom after his re-sit; and

- he has produced an ATAS clearance certificate if the re-sit relates to postgraduate studies in certain designated subjects leading to a Doctorate or Masters degree by research (see paragraph 1 of Appendix 6 to the Rules) or a taught Masters Degree (see paragraph 2 of Appendix 6 to the Rules). A certificate obtained at the time of the last grant of student leave is acceptable provided ***it continues to remain valid***. This requirement does not apply where his student leave was granted before 30 November 2007 (see [paragraph 13.6](#) above of these instructions); and
- he continues to be able to maintain and accommodate himself and any dependants without recourse to public funds and without taking employment, except part-time or vacation work undertaken with the consent of the Secretary of State; and
- he has written confirmation from the college/university that he is required to re-sit an examination; and
- he can provide satisfactory evidence of regular attendance; and;
- he has not come to end of a period of government/international sponsorship or has the written consent of his sponsor; and
- he has not been previously granted leave for the same purpose.

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23. WRITING UP A THESIS

This former concession has been incorporated into the rules as Writing up a Thesis at paragraph 69G.

Leave to remain to write up a thesis is normally granted for 12 months only on code 2. Discretion may be used to grant a second period of 12 months only where the university presents a strong reason why the thesis was not completed within the initial 12 month period (e.g. where the student has suffered a prolonged illness, or

where the thesis has been submitted but has not reached the required standard and must be re-written).

A person seeking leave to enter/remain for the purpose of writing up a thesis must demonstrate that:

- he qualifies for leave as a student under the Immigration Rules; or
- he qualified for leave as a student in the previous academic year; and
- he continues to maintain and accommodate himself and any dependants without recourse to public funds and employment, except part-time or vacation work undertaken with the consent of the Secretary of State; and
- he has produced an ATAS clearance certificate if the thesis relates to postgraduate studies in certain designated subjects leading to a Doctorate or Masters degree by research (see paragraph 1 of Appendix 6 to the Rules) or a taught Masters Degree (see paragraph 2 of Appendix 6 to the Rules). A certificate obtained at the time of the last grant of student leave is acceptable provided ***it continues to remain valid***. This requirement does not apply

where his student leave was granted before 30 November 2007 (see [paragraph 13.6](#) above of these instructions); and

- he intends to leave the United Kingdom at the end of the stated period; students who successfully complete UK degree level courses may be eligible to switch into Work Permit employment on completion of their course; and
- he can provide evidence from the college/university that he is a full time / part-time / writing up postgraduate student; and
- his application is supported by the college/university; and
- he has not come to the end of a period of government/international sponsorship, or has the written consent of his official sponsor; and
- he has not previously been granted 12 months leave to write up the same thesis.

Caseworkers should not use the provisions of paragraph 69G if a student is writing up a thesis as part of a course on which he/she enrolled e.g. Masters or Doctorate. In this instance any leave granted to write up a thesis forms part of the course and should cover the period up to the submission of the thesis plus 4 months (see [paragraph 27.2](#)).

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24. STUDENTS' UNIONS SABBATICAL OFFICERS

This former concession relating to sabbatical posts has been incorporated into the rules as Students' Unions Sabbatical Officers at paragraph 87A.

A sabbatical post is a full-time, salaried, elected, executive union position. Sabbatical office may be taken up during a course of study or in the academic year immediately following graduation. The term of office for such a position is normally one academic year. Sabbatical officers are eligible to stand as candidates either for re-election to the same position or for an alternative sabbatical position. The Education Act 1994 gives all students the right to hold major union office for a maximum of two years.

A student who wishes to take up a sabbatical post may do so without requiring a work permit. Leave to remain as a sabbatical officer is granted on code 4. If the sabbatical officer enrolls on a further course of study or resumes his studies he will need to qualify for leave to remain as a student under paragraph 60(i)(a) or (c) of the rules.

A person seeking to undertake a sabbatical post must demonstrate that:

- he is registered as a student at the college or university where he has been elected to a full time salaried post as a sabbatical officer; and
- he qualifies for leave as a student under the Immigration Rules; or,
- he qualified for leave as a student in the academic year immediately prior to taking up sabbatical office; and
- he can maintain and accommodate himself any dependants without recourse to public funds and does not intend to take any other employment; and

- on completion of the sabbatical post (or posts, if re-elected for a second year) he intends to complete his course, or take up a further course of study which is being deferred to enable a sabbatical post to be taken up or leave the United Kingdom; and
- he has not come to end of a period of government/international sponsorship or has the written consent of his official sponsor to take up a sabbatical post; and
- he has not already completed 2 years as a sabbatical officer.

Caseworkers should refer to **Chapter 3 Section 4** of these instructions for details of the concession relating to the dependants of sabbatical officers.

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25. PARENTS WITH CHILDREN AT SCHOOL IN THE UNITED KINGDOM

The former concession that enabled mothers of children under 12 to remain to stay with a young child while they were at school here has now been incorporated into the Rules as "**PARENT OF A CHILD AT SCHOOL**" at paragraph 56A. The scope of the former concession, which was restricted to mothers, has been widened to include parents. The definition of a 'parent' is given in paragraph 6 of the Rules. It still only applies to children under 12 years of age.

Where a parent applies for leave to remain to stay with a young child at school here, the following requirements must be met:

- the child is under 12 years of age;
- the child is attending a private day school;
- the mother/father is not working;
- there is evidence of adequate and reliable funds for maintaining a second home in the United Kingdom;
- there is no reason to believe that the family is seeking to make its principal home in the United Kingdom.

Where the above requirements are satisfied, leave to remain may be granted for 12 months at a time on code 3.

NB: Where the child will reach the age of 12 before any leave being granted to their parent expires, it is important that the caseworker granting that leave includes in the letter the following:

"You are advised that you will not qualify for further leave to remain in this capacity once your child has reached the age of 12 and that alternative arrangements for their care will thereafter have to be made if it is intended that they should continue their education in the United Kingdom."

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26. SPECIAL CATEGORIES OF STUDENTS

26.1 Agricultural students – practical training

Some agricultural colleges require their students to undertake practical training on a farm for up to 12 months before beginning their courses. If this period of practical work is part of the college curriculum and the student is considered to be supernumerary to the normal labour force on the farm, a work permit is not required whether or not the student receives any payment during this period. Such a student should be granted leave to remain on code 4 for the period requested, up to 12 months.

26.2 Exchange Students

There is no provision under the rules for an overseas student to come to the United Kingdom to attend a maintained (state) school. However, some organisations arrange exchange schemes whereby young people (normally between 16 & 18 years of age) can spend up to a year in the educational system of another country. Provided appropriate arrangements have been made, leave may be granted outside the rules on code 3 for the duration of the exchange, subject to a maximum of 12 months. Entry Clearance (which is *not* mandatory) should be endorsed "Exchange student." Reference to the Register of Education and Training Providers is not required in these cases as the leave is not being granted under the Immigration Rules relating to students.

The following criteria however must be met:

- the organisation arranging the exchange should provide evidence that the local education authority have approved the exchange scheme and have assigned a school for the young person concerned;
- suitable arrangements for accommodation should have been made and the student should have sufficient funds for his support. This may be assumed if the organisation confirms that they have found a host family. Normally the student will live as a member of the family at no cost; in some cases the host family will include a child who has already made an exchange under the scheme (although it is not necessary for the participants to be making a "head for head" swap);
- the student must satisfy the immigration officer that he intends to leave the United Kingdom on completion of the exchange.

Examples of NDPB/UK Government funded exchange organisations include:

Education and Training Group (ETG)

The British Council
10 Spring Gardens
London SW1A 2BN

The Fulbright Commission

Fulbright House
62 Doughty Street
London WC1N 2JZ

The League for the Exchange of Commonwealth Teachers (LECT)

7 Lion Yard

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Tremadoc Road
London SW4 7NQ

Other organisations that are known to run such schemes include:

EF Foundation (Educational Foundation)
EF House
76 Warrior Square Street
St Leonards on Sea, East Sussex TN37 6BP

European Educational Opportunities Programme
28 Canterbury Road
Lydden
Dover, Kent CT15 7ER

Intercultural Exchange Programme
33 Seymour Place
London W1H 5AP

Youth for Understanding
International Educational Exchange
15 Hawthorn Road
Erskine
Renfrewshire
Scotland
PA8 7BT

ASSE International Student Exchange Programmes
C/O Maureen A. Sanders
17 Wheatfield Drive
Shifnal, Shropshire
TF11 8HL

AFS Intercultural Educational Programmes
Arden House

Main Street
Bingley
Bradford BD16 2NB

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26.2.1 Privately arranged exchanges

School pupils taking part in privately arranged exchange schemes may be admitted on the same basis, provided that the local education authority has given its approval and that the above criteria are met.

26.2.2 Foundation and Voluntary Aided Schools

On 1 September 1999 four new categories of mainstream state school came into effect: Community, Foundation, Voluntary Controlled and Voluntary Aided. In a Foundation or Voluntary Aided school the governing body is the school's admission authority (as was the case with former Grant Maintained Schools). In cases where an exchange student wishes to study at a Foundation or Voluntary Aided school, written approval of the arrangements from the governing body will be required, rather than from the local education authority.

26.3 Children with learning disabilities

Caseworkers are reminded to read the guidance on safeguarding children before considering any applications in respect of children under the age of 18.

Children with learning disabilities who arrive for education at a special school, without entry clearance, should be referred to the Medical Inspector if it is intended that their stay should exceed six months. If the Medical Inspector decides that the child is unable to effectively follow or complete their education or if he issues a certificate that it is undesirable that the child should be granted leave to enter, leave should be refused.

In all other cases evidence of prior arrangements should be obtained before leave to enter is granted. If the child is being placed for education it must be made clear to those financially responsible for the child that their responsibility is for the full fees up to the age of 16 and that the child must be removed from the United Kingdom at the end of his education and treatment.

Children with learning disabilities arriving for **treatment** should be dealt with in accordance with the rules relating to "Visitors for private medical treatment" (see **Chapter 2 Section 3** of these instructions).

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26.4 Law Students

It is important to establish the intentions of a foreign national who seeks entry or requests an extension of stay to pursue a course of law studies. Generally, the prospective law student should intend to teach law, or to act as a consultant on British law in his country of residence, or be a student of comparative law. If an applicant claims that a knowledge of English law is essential to his career in his own country, it may be advisable to check with the appropriate entry clearance officer that this is so.

Particular care should be taken when dealing with an application from a stateless person or a national of a country where the legal system differs from that of the United Kingdom.

26.4.1 Bar students

The governing body for the training of barristers is the Council of Legal Education which provides courses of study at the Inns of Court School of Law for a limited number of students. Full time study is not a requirement of the governing body and by agreement with the Home Office, law students who wish to study for their Bar exams and have been accepted by one of the Inns of Court do not have to meet the 15 hours per week rule. In addition reference to the Register of Education and Training Providers is not required in these cases.

Acceptance by an Inn of Court, however, should not be regarded as constituting a guarantee as to the genuineness of a student's intentions. Applications from persons who seek to qualify as barristers should be examined carefully to ensure that adequate financial support is available. Where necessary, evidence of examinations already taken should be sought. If it is found that no examinations have been attempted within, say, 2 years, the Council of Legal Education should be consulted. ***Difficult after-entry cases should be referred to a Senior Caseworker and no***

application for an extension of stay in respect of a Bar student should be refused without consultation with the governing body.

26.4.2 Pupillage Scheme

Any barrister who wishes to exercise his rights of audience before a court must have completed twelve months "pupillage" under an appropriately qualified barrister. Work Permits (UK) have agreed that a barrister who can demonstrate that they have been accepted on a pupillage scheme with a recognised Chambers, whether paid or unpaid, may be treated as a student under the Immigration Rules. The length of the pupillage scheme should be no more than 12 months. In this context a recognised Chambers refers to a Chambers contained in the Directory of the General Council of the Bar.

Reference to the Register of Education and Training Providers is not required in these cases as leave is being granted on a concessionary basis.

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26.4.3 Articled Clerks

In order to qualify as solicitors, Articled Clerks must undertake a period of 2 years Articles for which a permit under the Training and Work Experience Scheme (TWES) must be obtained. This will normally be followed by 2 years work experience for which, again, a permit must be obtained for training and work experience. Applications for leave to remain from clerks who have completed articles and who wish to undertake sponsored pupillage employment with the CPS can apply for student visas as outlined at [paragraph 26.4.2](#) above.

26.5 Moral Rearmament trainees (The Oxford Group)

The Oxford Group is an international organisation based on religious principles which seeks to bring about 'personal and social change' through 'Moral Rearmament'. Persons may seek to enter or remain as full time workers with the group or as trainees. Workers are considered as missionaries (***see Chapter 5 Section 6***

"Ministers of religion, missionaries and members of religious orders" of these instructions).

Those here for training in Moral Rearmament may be granted periods of 12 months, normally up to a maximum of 3 years. A person seeking to remain for a period which would take him beyond the three years' limit should be examined carefully in order to assess whether he intends to leave the United Kingdom on completion of his training.

26.6 Music Students

Music students often find it difficult to meet the formal requirements of the rules because their syllabus usually requires a great deal of time to be devoted to private practice and most music students will therefore spend only a few hours a week in organised study. Discretion should be exercised where a genuine applicant is enrolled at a reputable college of music or is under a qualified private tutor but does not meet the general rule of 15 hours organised daytime study a week, provided it is established that the course will occupy a substantial part of the student's time.

26.7 Nautical Students

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From November 2006 nautical students should be granted leave to remain on code 2 if they fully meet the requirements of the student rules. Leave may be granted for the duration of the course plus an additional 4 months or to 31st October if the course follows the normal academic year.

Dependants should be granted leave to remain for a period normally equal to, but not in excess of, that granted to the student. Where the student was granted leave for less than 12 months the dependant should be granted on code 3. If the student was granted 12 months or more the dependant should be granted on code 1.

26.8 Pestalozzi Children's Village Trust

This is a charitable organisation founded with the original aim of providing care and education for war orphans. Since 1952, the Trust has arranged education for children from deprived countries who stay at the Pestalozzi Children's Village in Sedlescombe, Sussex. The children are educated at local authority maintained schools, colleges of further education and occasionally go on to university. On completion of their education the young people return to their own countries to use the knowledge and skills they have acquired.

Due to a change in policy, however, the Trust will now be bringing in only students over the age of 16, who should meet the requirements of the rules in the normal way.

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26.9 Postgraduate Students

A postgraduate is a student who is studying for a higher degree (e.g. PhD, DPhil, MA, MSc). This may involve a taught course or supervised research, or both. Postgraduate students can fall into several categories:

26.9.1 Postgraduate students who will be awarded higher degrees by the university at which they are enrolled

These students fulfil the normal student criteria. As postgraduate courses tend not to follow the pattern of a traditional academic year, students enrolled on such courses

should be granted leave to remain plus an additional 4 months beyond the end of the course, irrespective of when it finishes. This additional period is often necessary for the processes which follow the submission of the thesis or dissertation, including any correction or rewriting that may have to be done.

26.9.2 Open University Postgraduate Research Programmes

The OU offers full-time postgraduate research programmes which are comparable with those of other universities and which, therefore, fulfil the requirements of [paragraph 57 of the Immigration Rules](#). Students undertaking these courses would qualify as postgraduate students who expect to be awarded higher degrees by the university at which they are enrolled.

The following Open University postgraduate courses qualify under paragraph 57 of the rules:

- full-time research degree study by thesis (MPhil/PhD);

- full-time taught master's degree programme leading to the award of an MSc degree in research methods.

Qualifying OU study usually leads to the award of a PhD. Offer letters are issued by the Research School and should include a reference to an "Open University Research Studentship". The Open University or one of its faculties, schools or institutes will often fund the study. The OU funds about fifty such studentships every year. If ECOs are in doubt, they should contact the OU Research School on Tel (01908) 654882, Fax (01908) 653999, e-mail Research-School@open.

These students should not be confused with:

26.9.3 Postgraduate students working as researchers

Researchers who are **employed** by the institute concerned will require a work permit even where their research will lead to the award of a higher degree.

26.9.4 Higher degree Students at private colleges or research institutes

These students study outside the university system but their studies are validated by a university. The Open University may validate this type of studies but these students should not be confused with students doing **correspondence courses** with the Open University (see [paragraph 12.4](#) "**Private tuition and Correspondence courses**").

Although these students do not technically meet the requirements of the rules as they are not **enrolled** at a publicly funded institution of higher education, enquiries need not be made, provided that the student can provide evidence of funds and a letter from the educational institution concerned confirming registration for a higher degree. However please see paragraphs below;

26.9.5 Private researchers for studies abroad

Students undertaking private research at a museum, library or at a university for studies being completed abroad should be considered under the concession for Academic visitors / Researchers (see **Chapter 2 Section 1 Annex B "Guidance - Special classes of visitors"**).

26.9.6 Junior Research Fellows

Some universities offer open competitions for Junior Research Fellows, which are aimed at enabling scholars of outstanding promise to continue research or studies often leading to higher degrees. It is essentially a form of funding for gifted students rather than a form of employment and holders of Junior Research Fellowships may be treated as students.

26.10 Findhorn Foundation students

Findhorn Foundation which was established in 1972 is an international spiritual community situated in the North-East of Scotland. The Home Office has a long standing agreement with the Foundation on how those seeking to be part of the community should be treated (see **Chapter 5 Section 6 Annex U** of these instructions).

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27. GRANTING LEAVE TO REMAIN

Subject to the requirements of the rules, being met and provided none of the general grounds for refusal set out in Part 9 of HC395 apply, leave may be granted as indicated below (when adding any additional period to the end of the course caseworkers should grant leave to remain until the end of the month in which this additional period falls, unless otherwise directed).

27.1 Independent fee-paying school children

Where a child under the age of 16 is enrolled at an independent fee-paying school on a full-time course of studies which meets the requirements of the Education Act 1944 (see paragraph 57 (iii) of HC 395) leave should be granted until 31 October or if their birthday falls before that date 4 months beyond the birthday or 4 months beyond completion of the course, in the following scenarios:

- Children of primary school age should normally be granted for the duration of their course of study up to age 11.
- Children aged 11-16, i.e. at the pre-GCSE stage and undertaking GCSE courses, should normally be granted leave to complete their GCSE course (usually around the age 16).
[There may be instances where a student does not complete their GCSE course until aged 17]
- Children aged 16 and over, i.e. those studying for A-levels, should normally be granted for the duration of their course of study up to age 18.
- Some students at independent fee-paying schools may only have leave to enter/remain to the end of the summer term which ends at the beginning of July. In order to tide them over their examination results and return home during the summer holidays, it has been agreed to grant them an extension on code two until the end of October provided the application form FLR(S) is in order. It is anticipated that applications will be made in PEO rather than by post in view of the time constraints.

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27.2 Students in further or higher education at a publicly funded or private education institution

One of the following bullet points should be used to determine what period of leave should be granted for students in further or higher education at a publicly funded or private education institution:

- Students on courses of one year or more that follow the usual academic period of Sept/Oct to June/July should normally be granted leave to remain for the duration of the study until 31 October following the end of the course.
- Visiting undergraduate and postgraduate students, **attending a UK publicly funded institution of higher education for more than six months**, should normally be granted leave to remain for the duration of the study and/or research plus an additional two months.
- For courses that do not follow the standard autumn to summer pattern an additional four months should be added to the end of the course date.

- In cases where the length of the course is not specified but where all the requirements of the rules are met, leave of 12 months should be granted. However caseworkers should make a reasonable attempt to find out the duration of the course and grant leave to remain accordingly.
- As postgraduate courses do not always finish at the end of the normal academic year, postgraduate students should also be granted a similar extension, 4 months beyond the end of the course irrespective of when it finishes, or to the date of the submission of the thesis plus an additional 4 months. The additional period is often necessary for the processes which follow the submission of the thesis or dissertation, including any correction or rewriting that may have to be done. ***Please remember that leave to remain may be granted under paragraph 69G of the rules for the specific purpose of writing up a thesis.***

Caseworkers should note that postgraduate courses contain a large element of research or project work which is required before submission of a thesis. It is often the case that completion dates of the courses are imprecise. In such instances caseworkers should refrain from making judgements about what constitutes a reasonable length of time for the completion of the course but instead should seek confirmation from the student's supervisor as to the earliest, expected date for submission of the thesis and grant leave to remain accordingly plus 4 months.

After completing the maximum period allowed for the course, caseworkers should consider any application for leave to remain for the purpose of writing up a thesis under the provisions of paragraph 69G of the Immigration Rules (see [paragraph 23](#)).

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27.3 Professional courses

Students enrolled on professional courses such as banking or accountancy should normally be granted an extension of 12 months at a time (plus 2 months or to the completion of each stage (plus 2 months)). Some students, however, will enrol for only a term at a time as the majority of these courses consist of two exam sittings per

year. Most college letters will indicate the duration of enrolment, the month when the exams are due to be held and when the results are expected. These students should still be granted an extension of 12 months plus 2 months but they should be asked to provide evidence of all exams taken during the past 12 months when they next apply for leave. If this evidence is not provided by students who were only enrolled for a term, caseworkers should request evidence that they did enrol for the following term and the results of all exams taken during that period.

27.4 Students with code 2 conditions on short courses

Students studying English or those enrolled on any short course of 6 months duration or less should be granted leave to remain for the duration of the course plus up to a maximum of seven days.

If the course is for over six months, the practice should be to grant leave to cover the period in question up to a maximum of 12 months plus 2 months.

If it is clear that the course is a specific precursor to a degree course, see guidance below on Short Foundation courses.

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27.5 Short Foundation Courses

Students who are doing a short foundation course as a specific precursor to a degree or similar course should normally be granted leave to remain to cover the duration of **both courses**, plus 4 months or until 31 October after the end of the degree course, ***provided they are fully enrolled on the second course***. This provision does not apply to students taking general courses, e.g. A-level or HNC/D, which may qualify them to go onto a degree.

If the applicant has not enrolled on the second course, or if the final acceptance is dependant on successfully passing the first course, leave to remain should normally be granted only for the duration of the foundation course, plus the usual 4 months or until 31 October if it is clear that the applicant is intending to continue studies in the publicly funded sector.

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27.6 Architectural students

Generally speaking, students studying on an architecture course will undertake 5 years full-time study involving a 3 year BA (Hons) Architecture Degree and a 2 year Bachelor of Architecture degree (BArch), plus a 24 month period of practical training experience in order to meet the requirements of professional bodies. At the end of this period, the student will then take an exam in Professional Practice, which if successful in this exam, will enable them to register with the Architects registration Board.

The Royal Institute of British Architects (RIBA) recognises these qualifications and students are eligible for membership.

RIBA Part 1 and 2 with intervening work placements can be taken under the student rules. Similarly for RIBA Part 3, where the student is enrolled with an educational establishment to take exams and all other student requirements are met.

Conventionally, the student does a 12 month period of practical training after the second degree.

The structure of the course and period of leave to grant is therefore as follows:

- 3 year undergraduate course (4 years if the student is required to do a foundation year if they lacked a portfolio)

Leave to remain should be granted for 3 years on code 2 (4 years on code 2 if doing a foundation year)

- 12 month period of practical training and 2 year postgraduate course

Leave to remain should be granted for a further 3 years on a code 2

- The post qualification experience in industry required to obtain RIBA Part 3 involves 24 month period of practical training in a professional practice followed by final examination.

Apply under TWES to undertake the professional practice and final exam.

For the purpose of meeting the requirement of paragraph 6 of the rules caseworkers should note that:

- RIBA Part 1 is at degree level
- RIBA Part 2 is above degree level.

RIBA Part 3 is undertaken under TWES arrangements. A list of courses validated by the RIBA is available to caseworkers at

www.presidentsmedals.com/pageDB.aspx?page=schoollist&country=UK

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27.7 Private Institutions offering degree courses not recognised in the United Kingdom

Leave to remain should be granted for 12 months plus 2 months at a time from the start of the course/academic year. If the course has less than twelve months to run, leave to remain should be granted to the end of the course plus two months.

27.8 Leave to attend graduation

The additional leave, granted to a student after their course has finished, should be sufficient to allow a student to attend their graduation. However there may be instances when the graduation takes place on a date beyond the additional 4 months already granted. If this happens the student will need to apply and satisfy the requirements of the visitor provisions of the rules for any leave to remain beyond the additional 4 months already granted. If successful, leave to remain is granted on code 3 which prohibits employment.

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28. CODES FOR GENERAL - CASE INFORMATION DATABASE (G-CID)

The following statistics category codes should be used when outcoming student applications in the General - Case Information Database (G-CID):-

- S1 - English language student extension - to end of course
- S2 - English language student extension - other than to end of course
- S3 - Other student extension - to end of course
- S4 - Other student extension - other than to end of course
- S5 - Refusal – not enrolled on acceptable course of study
- S6 - Refusal – lack of funds
- S7 - Refusal – intention to leave
- S8 - Refusal – government financed
- S9 - Refusal – other reasons
- SA - Refusal – no switching by visa national
- SB - Refusal – inability to pursue course

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SD - Refusal – completed 2 years on short courses

SF - Refusal – college not included on the Register

SG - Refusal – non visa national no switching below degree course

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29. POLICE REGISTRATION CHECKS

Caseworkers should consult **Chapter 10 Section 1** of these instructions for the requirements of the relevant nationalities who are required to register with the police.

30. UK RESIDENCE PERMIT

In December 2003 the Border and Immigration Agency started to issue the new United Kingdom Residence Permit (UKRP) which is designed to replace the rubber stamps which have been used to confer leave to remain in the United Kingdom in an applicant's passport, travel document or by letter. The permit was introduced as a result of a European Union (EU) directive which imposes a requirement on EU

member states to have in place a system for documenting nationals from a third country who wish to remain legally in their territory for more than six months.

There are currently 7 Border and Immigration Agency sites around the country with the facility to produce residence permits. The permit conforms to a uniform format and is best described as a sticker or vignette which is attached to one of the pages of the applicant's passport or travel document. Along with a photograph, details of the applicant, any conditions attached to their stay and the length of leave granted, amongst other features, it contains many security features which make it much harder to forge or change.

If an applicant or their dependent does not hold a valid passport or travel document, an Immigration Status Document is produced onto which the permit is attached. Where a child dependent is granted leave to remain and is named in the passport of the applicant, a separate residence permit is issued to the child dependent and placed in the applicant's passport.

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31. OFFICE OF THE IMMIGRATION SERVICES COMMISSIONER

Part V of the Immigration and Asylum Act 1999 established a regulatory scheme for immigration advisers, administered by a statutory regulator, the Office of the Immigration Services Commissioner (OISC), a non-Departmental public body. The OISC published Commissioner's Rules, a Code of Standards, Guidance to Immigration Advisers on Competencies and a Complaints Scheme on 30 October 2000, all of which are available on the OISC website (www.oisc.org.uk).

From 30 April 2001 the provision of immigration advice and services in the course of a business, paid or unpaid, is prohibited unless a person is qualified within the meaning of Part V of the 1999 Act. Anyone providing immigration advice or services in contravention of the statutory provisions is committing a criminal offence.

Further guidance for caseworkers can be found in **Chapter 36 Section 3** of these instructions.

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32. REFUSAL FORMULAE

The following are examples of refusal wordings. Caseworkers should note that this is not an exhaustive list of all possible formulae.

Details of Appeal rights can be found in **Chapter 12** of these instructions.

32.1 Entry clearance

You have applied for entry clearance to the United Kingdom as a student but your application has been refused.

- **Not accepted for appropriate course**

In view of [.....] the Secretary of State is not satisfied that you have been accepted for a course of study, or a period of research, at a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and

attendance of students and supplies these to the Border and Immigration Agency when requested, a *bona fide* private education institution, or an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested.

Paragraph 59 with reference to 57(i)(a-c)

- **Not private education**

You are proposing to attend [...(*insert name of college*)...] and the Secretary of State is not satisfied that this is a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested, a *bona fide* private education institution, or an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested.

Paragraph 59 with reference to 57(i)(a-c)

- **Not *bona fide* private education institution**

You are proposing to attend [..... (*insert name of college*)...] and [? in view of ...] the Secretary of State is not satisfied that this is a *bona fide* private education institution.

Paragraph 59 with reference to 57(i)(b)

- **Ability**

In view of [.....] the Secretary of State is not satisfied that you will be able to follow your proposed course of study.

Paragraph 59 with reference to 57(ii)

- **Intention to study**

In view of [.....] the Secretary of State is not satisfied that you intend to follow the course of study.

Paragraph 59 with reference to 57(ii)

- **Not a recognised full time degree course**

Although you are enrolled at a publicly funded institution of [further/higher] education, [? in view of ...] the Secretary of State is not satisfied that you are enrolled on a recognised full time degree course.

Paragraph 59 with reference to 57(ii)(a)

- **Not postgraduate studies**

Although you are registered at a publicly funded institution of further or higher education, [in view of ...] the Secretary of State is not satisfied that you are registered for postgraduate studies.

Paragraph 59 with reference to 57(ii)(a)

- **Not undertaking a period of study and/or research at a publicly funded institution of higher education in excess of 6 months which forms part of an overseas degree course**

In view of [...] the Secretary of State is not satisfied that you are registered for a period of study and/or research in excess of 6 months at a publicly funded institution of higher education where this forms part of an overseas degree course.

Paragraph 59 with reference to 57(ii)(b)

- **Non-degree course - not weekday full-time course/attending single institution/ minimum 15 hours of organised daytime study/single subject or directly related subjects leading to a particular qualification**

In view of [.....] the Secretary of State is not satisfied that you are enrolled on a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject, or directly related subjects.

Paragraph 59 with reference to 57(ii)(c)

- **Independent fee-paying school - not a full-time course**

Although you are enrolled at an independent fee paying school, [? in view of ...] the Secretary of State is not satisfied that you are enrolled on a full-time course of study.

Paragraph 59 with reference to 57(ii)(d)

- **Child under 16 - Education Act 1944**

You are under the age of 16 years and [? in view of ...] the Secretary of State is not satisfied that you are enrolled at an independent fee paying school on a full-time course of studies which meets the requirements of the Education Act 1944.

Paragraph 59 with reference to 57(iii)

- **External student at a private education institution registered with the UK degree awarding body**

You have been accepted to study externally at a private education institution for a degree awarded by the [...(*insert name of university*)...] but the Secretary of State is not satisfied that you are registered as an external student with the UK degree awarding body.

Paragraph 59 with reference to 57(iv)

- **ATAS clearance certificate not held for postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to the Rules**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office to undertake postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to the Immigration Rules.

Paragraph 59 with reference to 57(v)(i)

- **ATAS clearance certificate not held for postgraduate studies leading to a taught Masters degree in one of the disciplines listed in paragraph 2 of Appendix 6 to the Rules**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office to undertake

postgraduate studies leading to a taught Masters degree in one of the disciplines listed in paragraph 2 of Appendix 6 to the Immigration Rules.

Paragraph 59 with reference to 57(v)(ii)

- **ATAS clearance certificate not held for a period of study or research, as described in paragraph 57(ii)(b) in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to the Rules, that forms part of an overseas postgraduate qualification**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate to undertake a period of study or research, as described in paragraph 57(ii)(b), in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to the Immigration Rules, that forms part of an overseas postgraduate qualification.

Paragraph 59 with reference to 57(v)(iii)

- **Intention to leave**

In view of [.....] the Secretary of State is not satisfied that you intend to leave the United Kingdom at the end of your studies.

Paragraph 59 with reference to 57(vi)

- **Intention to engage in unauthorised business/employment**

In view of [.....] the Secretary of State is not satisfied that you do not intend to engage in business or take employment, except part-time or vacation work undertaken with the consent of the Secretary of State.

Paragraph 59 with reference to 57(vii)

- **Meet cost of course/maintenance and accommodation**

In view of [.....] the Secretary of State is not satisfied that you will be able to meet the costs of your course and accommodation and the maintenance of yourself and any dependants without taking employment or engaging in business or having recourse to public funds.

Paragraph 59 with reference to 57(viii)

32.2 On entry

You have applied for leave to enter the United Kingdom as a student but your application has been refused.

- **No entry clearance (visa national)**

In view of [.....] the Secretary of State is not satisfied that you have produced a passport or other identity document endorsed with a valid and current United Kingdom entry clearance issued for the purpose for which entry is sought.

Paragraph 320(5)

- **No entry clearance (non-visa national)**

In view of [.....] the Secretary of State is not satisfied that you hold a valid United Kingdom entry clearance for entry as a student.

Paragraph 59 with reference to paragraph 57(ix)

- **Not accepted for a course of study, or a period of research, at an Educational Establishment which meets the requirements of the Rules**

In view of [.....] the Secretary of State is not satisfied that you have been accepted for a full time course of study, or a period of research, either at a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested, at a *bona fide* private educational institution or at an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested.

Paragraph 59 with reference to paragraph 57(i)

{Refusal code: A4}

- **Not private education**

In view of [.....] the Secretary of State is not satisfied that this is a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested, a *bona fide* private education institution, or an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested .

Paragraph 59 with reference to paragraph 57(i)(a-c)

{Refusal Code: A4}

- **Not *bona fide* private education institution**

In view of the fact that you are proposing to attend (college) the Secretary of State is not satisfied that this is a *bona fide* private education institution.

Paragraph 59 with reference to paragraph 57(i)(b)

{Refusal Code: A4}

- **Lack of ability and/or intention to follow course**

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In view of [.....], the Secretary of State is not satisfied that you are able / intend to follow a full time course of study that meets the requirements for admission as a student.

Paragraph 59 with reference to paragraph 57(ii)

{Refusal Code: A5}

- **Degree students - not a recognised full time degree course**

In view of [.....], the Secretary of State is not satisfied that you are enrolled on a recognised full time degree course.

Paragraph 59 with reference to paragraph 57(ii)(a)

{Refusal Code: A4}

- **Not postgraduate studies**

In view of [.....] the Secretary of State is not satisfied that you are registered for postgraduate studies.

Paragraph 59 with reference to paragraph 57(ii)(a)

{Refusal code: A4}

- **Not undertaking a period of study and/or research at a publicly funded institution of higher education in excess of 6 months which forms part of an overseas degree course**

In view of [...] the secretary of State is not satisfied that you are registered for a period of study and/or research in excess of 6 months at a publicly funded institution of higher education where this forms part of an overseas degree course.

Paragraph 59 with reference to paragraph 57(ii)(b)

{Refusal code: A4}

- **Non-degree course - not weekday full time course / attending single institution / minimum of 15 hours organised daytime study / single subject or directly related subjects (leading to a particular qualification)**

In view of [.....], the Secretary of State is not satisfied that you propose to spend not less than 15 hours a week in organised daytime study (of a single or of related subjects) at a single institution.

Paragraph 59 with reference to paragraph 57(ii)(c)

{Refusal Code: A4}

- **Independent fee-paying school - not a full-time course**

In view of [.....], the Secretary of State is not satisfied that you are enrolled on a full-time course of study.

Paragraph 59 with reference to paragraph 57(ii)(d)

{Refusal Code: A4}

- **Child under 16 - Education Act 1944**

In view of [.....], the Secretary of State is not satisfied that you are enrolled on a course of studies which meets the requirements of the Education Act 1944.

Paragraph 59 with reference to paragraph 57(iii)

{Refusal Code: A4}

- **External student at a private education institution registered with the UK degree awarding body**

In view of [.....], the Secretary of State is not satisfied that you are registered as an external student with the UK degree awarding body.

Paragraph 59 with reference to paragraph 57(iv)

{Refusal Code: A4}

- **ATAS clearance certificate not held for postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to the Rules**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office to undertake postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to the Immigration Rules.

Paragraph 59 with reference to paragraph 57(v)(i)

{Refusal Code: A4}

- **ATAS clearance certificate not held for postgraduate studies leading to a taught Masters degree in one of the disciplines listed in paragraph 2 of Appendix 6 to the Rules**

In view of [...] the Secretary is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office to undertake postgraduate studies leading to a taught Masters Degree in one of the disciplines listed in paragraph 2 of Appendix 6 to the Immigration Rules.

Paragraph 59 with reference to paragraph 57(v)(ii)

{Refusal Code: A4}

- **ATAS clearance certificate not held for a period of study or research, as described in paragraph 57(ii)(b) in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to the Rules, that forms part of an overseas postgraduate qualification**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate to undertake a period of study or research, as described in paragraph 57(ii)(b), in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to the Immigration Rules, that forms part of an overseas postgraduate qualification

Paragraph 59 with reference to paragraph 57(v)(iii)

{Refusal Code: A4}

- **Intention to leave**

In view of [.....], the Secretary of State is not satisfied that you intend to leave the United Kingdom on completion of your studies.

Paragraph 59 with reference to paragraph 57(vi)

{Refusal Code: A5}

- **Intention to undertake unauthorised business / employment**

In view of [.....], the Secretary of State is not satisfied that you do not intend to engage in business or to take employment other than part time or vacation work.

Paragraph 59 with reference to paragraph 57(vii)

{Refusal Code: A5}

- **Meet cost of course / maintenance & accommodation**

In view of [.....], the Secretary of State is not satisfied that you can, without working and without recourse to public funds, meet the cost of the course and of your maintenance and accommodation (and that of your dependants) during the course.

Paragraph 59 with reference to paragraph 57(viii)

{Refusal Code: A4}

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32.3 After entry

You have applied for leave to remain in the United Kingdom as a student but your application has been refused.

- **The applicant was not last admitted to the UK with a valid entry clearance as a student or a prospective student**

In view of the fact that [.....], the Secretary of State is not satisfied that you were last admitted to the United Kingdom in possession of a valid student entry clearance in accordance with paragraphs 57-62 or valid prospective student entry clearance in accordance with paragraphs 82-87 of the Immigration Rules.

Paragraph 62 with reference to 60(i)(a)

{G-CID stats category: SA (visa national) or S9 (non-visa national)}

- **The applicant has not previously been granted leave to enter or remain to re-sit an examination in accordance with paragraphs 69A-69F of the rules.**

In view of the fact that [.....], the Secretary of State is not satisfied that you have previously been granted leave to enter or remain in the United Kingdom to re-sit an examination in accordance with paragraphs 69A-69F of the Immigration Rules.

Paragraph 62 with reference to 60(i)(b)

{G-CID stats category: S9}

- **Although the applicant meets the requirement to be studying at degree level or above, the applicant has not previously been granted leave to enter or remain in the appropriate category of the rules.**

In view of the fact that you have previously been granted leave to [enter/remain in] the United Kingdom as a [.....], the Secretary of State is not satisfied that you have previously been granted leave to enter or remain in the United Kingdom in accordance with paragraphs 87A-87F, 128-135, 1350-135T and 143A-143F of the Immigration Rules.

Paragraph 62 with reference to 60(i)(c)

{G-CID stats category: S9}

- **Although the applicant has previously been granted leave in one of the appropriate categories, the applicant does not meet the requirement to be studying at degree level.**

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In view of the fact that you have been accepted on the course of study [.....] awarded by [.....], the Secretary of State is not satisfied that you have been accepted on a course of study at degree level or above according to the definition in the Immigration Rules.

Paragraph 62 with reference to 60(i)(c)

{G-CID stats category: S9}

- **The applicant does not have valid leave as a student in accordance with paragraphs 57-62 of the rules**

In view of the fact that [.....], the Secretary of State is not satisfied that you have valid leave as a student in accordance with paragraphs 57-62 of the Immigration Rules.

Paragraph 62 with reference to 60(i)(d)

{G-CID stats category: S9}

- **Education/Training Provider not included on the Register**

You have been accepted for a course of study at [..(*insert name of institution*)..], but the Secretary of State is not satisfied that this is an organisation which is included on the Register of Education and Training Providers.

Paragraph 62 with reference to 60(ii) and 57(i)

{G-CID stats category: SF}

- **Not accepted for a course at an Educational Establishment which meets the requirements of the Rules**

In view of [.....] the Secretary of State is not satisfied that you have been accepted for a course of study, or a period of research, at either a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested, a *bona fide* private education institution, or an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested.

Paragraph 62 with reference to 60(ii) and 57(i)

{G-CID stats category: S5}

- **Not private education**

In view of the fact that you are [proposing to attend/attending], the Secretary of State is not satisfied that this is either a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested, a *bona fide* private education institution, or an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Border and Immigration Agency when requested.

Paragraph 62 with reference to 60(ii) and 57(i)

{G-CID stats category: S5}

- **Not *bona fide* private education institution**

In view of the fact that you are [proposing to attend/attending...], the Secretary of State is not satisfied that this is a *bona fide* private education institution.

Paragraph 62 with reference to 60(ii) and 57(i)(b)

{G-CID stats category: S5}

- **Ability**

In view of [.....], the Secretary of State is not satisfied that you are able to follow your [proposed] course of study.

Paragraph 62 with reference to 60(ii) and 57(ii)

{G-CID stats category: SB}

- **Intention to study**

In view of [.....] the Secretary of State is not satisfied that you intend to follow the course of study.

Paragraph 62 with reference to 60(ii) and 57(ii)

{G-CID stats category: S9}

Unsuitable courses:

- **Not a recognised full time degree course**

Although you are enrolled at a publicly funded institution of further/higher education, [? in view of ...] the Secretary of State is not satisfied that you are enrolled on a recognised full time degree course.

Paragraph 62 with reference to 60(ii) and 57(ii)(a)

{G-CID stats category: S5}

- **Not postgraduate studies**

Although you are registered at a publicly funded institution of further or higher education. [? In view of ...] the Secretary of State is not satisfied that you are registered for postgraduate studies.

Paragraph 62 with reference to 60(ii) and 57(ii)(a)

{G-CID stats category: S5}

- **Not undertaking a period of study and/or research at a publicly funded institution of higher education in excess of 6 months which forms part of an overseas degree course**

In view of [...] the Secretary of State is not satisfied that you are registered for a period of study and/or research in excess of 6 months at a publicly funded institution of higher education where this forms part of an overseas degree course.

Paragraph 62 with reference to 60(ii) and 57(ii)(b)

{G-CID stats category: S5}

- **Non-degree course - not weekday full-time course/ attending single institution/ minimum 15 hours of organised daytime study/ single subject or directly related subjects (leading to a particular qualification)**

In view of [.....] the Secretary of State is not satisfied that you are enrolled on a weekday full-time course involving attendance at a single institution for a minimum of

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15 hours organised study per week of a single subject, or directly related subjects leading to a particular qualification.

Paragraph 62 with reference to 60(ii) and 57(ii)(c)

{G-CID stats category: S5}

- **Independent fee-paying school - not a full-time course**

Although you are enrolled at an independent fee paying school, [? in view of ...] the Secretary of State is not satisfied that you are enrolled on a full-time course of study.

Paragraph 62 with reference to 60(ii) and 57(ii)(d)

{G-CID stats category: S5}

- **Child under 16 - Education Act 1944**

As you are under the age of 16 years and [? in view of ...] the Secretary of State is not satisfied that you are enrolled at an independent fee paying school on a full-time course of studies which meets the requirements of the Education Act 1944.

Paragraph 62 with reference to 60(ii) and 57(iii)

{G-CID stats category: S5}

- **External student at a private education institution registered with UK degree awarding body**

You have been accepted to study externally at a private education institution for a degree awarded by the [...(*insert name of university*)...] but the Secretary of State is not satisfied that you are registered as an external student with the UK degree awarding body.

Paragraph 62 with reference to 60(ii) and 57(iv)

{G-CID stats category: S5}

- **ATAS clearance certificate not held for postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to the Rules**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office to undertake postgraduate studies leading to a Doctorate or Masters degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 to the Immigration Rules.

Paragraph 62 with reference to 60(ii) and 57(v)(i)

{G-CID stats category: S5}

- **ATAS clearance certificate not held for postgraduate studies leading to a taught Masters degree in one of the disciplines listed in paragraph 2 of Appendix 6 to the Rules**

In view of [...] the Secretary is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office to undertake postgraduate studies leading to a taught Masters Degree in one of the disciplines listed in paragraph 2 of Appendix 6 to the Immigration Rules.

Paragraph 62 with reference to 60(ii) and 57(v)(ii)

{G-CID stats category: S5}

- **ATAS clearance certificate not held for a period of study or research, as described in paragraph 57(ii)(b) in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to the Rules, that forms part of an overseas postgraduate qualification**

In view of [...] the Secretary of State is not satisfied that you hold a valid Academic Technology Approval Scheme (ATAS) clearance certificate to undertake a period of study or research, as described in paragraph 57(ii)(b), in one of the disciplines listed in paragraph 1 or 2 of Appendix 6 to the Immigration Rules, that forms part of an overseas postgraduate qualification

Paragraph 62 with reference to 60(ii) and 57(v)(iii)

{G-CID stats category: S5}

- **Intention to leave**

In view of [.....] the Secretary of State is not satisfied that you intend to leave the United Kingdom at the end of your studies.

Paragraph 62 with reference to 60(ii) and 57(vi)

{G-CID stats category: S7}

- **Intention to engage in unauthorised business/employment**

In view of [.....] the Secretary of State is not satisfied that you [do not intend to engage in business or take employment/have not engaged in business or taken employment] without the consent of the Secretary of State.

Paragraph 62 with reference to 60(ii) and 57(vii)

{G-CID stats category: S9}

- **Meet cost of course/ maintenance and accommodation**

In view of [.....] the Secretary of State is not satisfied that you [will be/are] able to meet the costs of your course and accommodation and the maintenance of yourself [and your dependants] without taking employment, engaging in business or having recourse to public funds.

Paragraph 62 with reference to 60(ii) and 57(viii)

{G-CID stats category: S6}

- **Failure to produce evidence of enrolment**

In view of [.....] the Secretary of State is not satisfied that you have produced evidence of your enrolment on a course which meets the requirements of the Immigration Rules for entry to the United Kingdom as a student.

Paragraph 62 with reference to 60(iii)

{G-CID stats category: S5}

- **Failure to produce evidence of regular attendance**

In view of [.....] the Secretary of State is not satisfied that you can produce satisfactory evidence of regular attendance during [the course you have already begun/a course for which you have been enrolled in the past].

Paragraph 62 with reference to 60(iv)

{G-CID stats category: S9}

- **Failure to show evidence of progress**

In view of [.....] the Secretary of State is not satisfied that you can show evidence of satisfactory progress in your course of study [including the taking and passing of any relevant examinations].

Paragraph 62 with reference to 60(v)

{G-CID stats category: S9}

- **Completed 2 years on short courses below degree level**

In view of the fact that you commenced your studies in the United Kingdom onand [have only undertaken short courses below degree level/ have not completed your courses], the Secretary of State is not satisfied that you would not, as a result of an extension of stay, spend more than two years on short courses below degree level (i.e. courses of less than one year duration, or longer courses broken off before completion).

Paragraph 62 with reference to 60(vi)

{G-CID stats category: SD}

- **Sponsored student - end of sponsorship**

You have been sponsored by and [? in view of ...] the Secretary of State is not satisfied that you have not come to the end of a period of [government/international scholarship agency] sponsorship.

Paragraph 62 with reference to 60(vii)

{G-CID stats category: S8}

- **Sponsored student - no written consent**

You have been sponsored by and [? in view of ...] the Secretary of State is not satisfied that you have the written consent of your official sponsor for a further period of sponsored study in the United Kingdom.

Paragraph 62 with reference to 60(vii)

{G-CID stats category: S8}

- **Sponsored student - no evidence of funding**

You have been sponsored by and [? in view of ...] the Secretary of State is not satisfied that you have satisfactory evidence that sufficient sponsorship funding is available.

Paragraph 62 with reference to 60(vii)

{G-CID stats category: S8}

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