Tier 4 of the Points Based System – Highly Trusted Sponsor Guidance
HIGLY TRUSTED SPONSOR

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HIGHLY TRUSTED SPONSOR

Important note

The following guidance is for sponsors who want to apply for Tier 4 Highly Trusted sponsor licences only. Where indicated, it should be read in conjunction with ‘Guidance for sponsor applications for Tier 4 of the Points Based System’, available on the UK Border Agency website.

If this is your first application for a sponsor licence under Tier 4 of the points based system you are not yet eligible to apply for a Tier 4 Highly Trusted sponsor licence. You should read the Tier 4 sponsor guidance available on the UK Border Agency website for more information about applying for your first Tier 4 sponsor licence.

What is Highly Trusted Sponsorship?

1. The principle of sponsorship – whereby those who benefit most directly from the great contributions migrants make to the United Kingdom (employers and education institutions) are expected to play their part in ensuring our migration system is not abused – is an integral part of the skilled, temporary work and student tiers of the Points Based System for managed migration.

2. The new Highly Trusted sponsor licence is a further segmentation of the existing sponsor rating system designed to identify those sponsors who are achieving the highest levels of compliance with their sponsor obligations and whose students are showing the greatest compliance with the terms of their visa or leave.

3. Those holding a “Highly Trusted sponsor” licence will be granted additional freedoms and offered new services to recognise their previous track record of good compliance.

4. The new Tier 4 Highly Trusted sponsor licence was launched on 6 April 2010. Sponsors under Tiers 2 and 5 will be able to apply later in the year.

5. A Highly Trusted sponsor licence will be awarded to sponsors who apply for such a licence and who meet the required criteria. There will be a number of benefits offered to sponsors who qualify as Highly Trusted.

6. Further information on how organisations must meet sponsorship requirements can be found in UK Border Agency’s 'Tier 4 of the Points Based System – Sponsor Guidance’ available on the UK Border Agency website (www.ukba.homeoffice.gov.uk). We are currently developing a document which offers further advice to sponsors on responsible recruitment practices (‘Tier 4 sponsor recruitment practices – Information Sharing’) which we expect to publish in the summer of 2010.

7. Highly Trusted sponsors will be expected to meet the published Highly Trusted criteria throughout the period they are licensed as Highly Trusted.

Why are you introducing Highly Trusted sponsorship?

8. The Highly Trusted sponsors licence is designed to recognise those sponsors who are achieving the highest levels of compliance with their sponsor obligations and whose students are showing the greatest compliance with the terms of their visa or leave.

9. By identifying those sponsors who are achieving high levels of compliance, the UK Border Agency can both target our resources elsewhere on areas of higher risk, and can provide additional services and freedoms which recognise the good track record demonstrated thus far by those who qualify as Highly Trusted sponsors.

10. The Highly Trusted Sponsor scheme will reduce reporting, introduce specific flexibilities and benefits for sponsors who qualify, while and allowing our systems to monitor other sponsors more thoroughly.
Why become a Highly Trusted sponsor?

11. There are a number of benefits to being a Highly Trusted sponsor. These are:

- the ability to offer a wider range of courses below degree level as follows:
  - courses at National Qualifications Framework (NQF) level 3 (and equivalent); and
  - courses below degree level (excluding foundation degrees) which include work placements;
- the ability to assign additional Confirmation of Acceptance for Studies (CAS) to students who have already undertaken two re-sits providing the re-sit has been approved via your internal panels and boards who authorise additional re-sits in exceptional circumstances. The UK Border Agency retains the right to seek further information if unusual patterns are detected in this area;
- permission for students to whom you have assigned a CAS to begin studies whilst their application for leave to remain in the United Kingdom is pending (see paragraph 49);
- a more flexible approach to reporting student non-attendance replacing the ’10 expected contacts’ requirement will be the ability to:
  - report non-enrolments as per the standard Tier 4 guidance;
  - report any students who formally withdraw from their studies within 10 days as per the standard Tier 4 guidance;
  - undertake (at least) two further re-registrations, spaced evenly throughout the academic year and report withdrawals within 10 days of the re-registration process.
- account management provisions. Each sponsor account manager will manage a portfolio of sponsors and will act as a single point of contact via a direct phone number and email address, with the option of at least one annual visit per year.

How do we apply?

12. You must first ensure your organisation meets the criteria. A full list of these can be found below.

13. If you meet the criteria and you wish to apply for a Tier 4 Highly Trusted sponsor licence you must complete the “Application for a Highly Trusted sponsor licence under Tier 4 of the points based system” on our website (www.ukba.homeoffice.gov.uk). This must be submitted with the correct fee to:

  UK Border Agency  
  Highly Trusted Sponsors  
  PO Box 589  
  Durham  
  DH99 1AB

14. If the application form is not signed by the current registered Authorising Officer the application will be refused. If the application form is not fully completed it will be returned to the named Key Contact, and you will be given 10 days to return the application fully completed. If the application is not returned or returned incomplete it will be deemed to automatically fail to meet the criteria and will result in the application being refused.

1 “Foundation degree” means a programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations. In Scotland, a Higher National Diploma at level 8 on the Scottish Credit and Qualifications Framework, awarded by the Scottish Qualifications Authority, is equivalent to a foundation degree.
How much does it cost?

15. There is an application fee of £400. Full payment guidance is on our website at [http://ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/costs/](http://ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/costs/)

16. If the correct fee is not provided, the application will be rejected and returned to you along with any incorrect fee that you paid. You will then need to re-apply with the correct fee.

How long will it take to process my application?

17. Applications for a Highly Trusted sponsor licence will be subject to a full and rigorous review by the UK Border Agency and in some circumstances a sponsor visit may be required before a decision can be made. There is no current service standard for the consideration of Highly Trusted sponsorship applications from 6 April 2010. The process will remain under review and following a period of live operation a service standard will be published by 31 December 2010.

How will applications be considered?

18. We will make extensive checks on all applications for a Highly Trusted sponsor licence. These checks will include cross-referencing all the information you provide against our own systems which record visa and leave-to-remain decisions; our ‘warnings’ systems; and records of movements in and out of the UK. We may also include an on-site visit by our visiting officers as part of the consideration of your Highly Trusted sponsor application. We will also take into account any information that we hold following visits to the sponsor, or from investigations or other sources.

19. Our visiting officers will refer cases for civil penalties or prosecutions if they find evidence of wrongdoing or criminal activity.

20. The criteria below are designed to clarify UKBA expectations of a sponsor and associated student compliance. Should a sponsor not achieve the standards described below in just one or two areas, UK Border Agency staff will decide whether this level of performance should result in a Highly Trusted sponsor licence not being awarded or being withdrawn. In doing so, our staff will consider the whole picture of the sponsor’s compliance record and not just that criterion alone. However, the UK Border Agency has the right to refuse any application or withdraw any Highly Trusted licence where just one of the criteria is not met.

21. When considering your application, the UK Border Agency reserves the right to ask a sponsor to provide the required details about their students to enable us to carry out a full and thorough review of their overseas students performance data provided. The evidence will be collected via the Highly Trusted Sponsor applications- spreadsheet for student details and attendance. The type of information required will vary dependant on the application details you submitted. A Q&A guidance document will be emailed to you with the spreadsheet you are asked to complete. You should refer to this document before completing and submitting the spreadsheet.

22. The UK Border Agency reserves the right to ask for the Highly Trusted Sponsor applications- spreadsheet for student details and attendance to be completed, the full information requested must be provided if your application is to be successful. If the spreadsheet is requested then, it must be provided within 21 days otherwise the applications will be refused or, where you are applying for renewal the HTS Licence withdrawn.

What criteria must be met to qualify for a Tier 4 Highly Trusted sponsor licence?

23. An application for a Tier 4 Highly Trusted sponsor licence will be assessed against nine criteria. Unless otherwise stated, the sponsor’s performance in the 12 months preceding the date the application is submitted, will be measured against the nine criteria and values set out below:
1) the sponsor must have a minimum of six months as an A (Trusted) sponsor in Tier 4 and must at the time of application be rated as A (Trusted) for all tiers for which they hold a licence. The 6 month period is a consecutive 6 month period prior to the date of your application;

2) the sponsor must have in place recruitment practices to ensure as far as possible genuine students only are accepted and issued with confirmation of acceptance for studies – UK Border Agency will expect sponsors to have acted upon the published guidance and the ‘Tier 4 sponsor recruitment practices – Information Sharing’ where recruitment issues are identified;

3) the sponsor must not have been issued with a civil penalty in the last three years and any civil penalty issued prior to that must have been paid in full;

4) the sponsor must have in place practices to minimise the number of refusals of leave for migrants applying with a confirmation of acceptance for studies. We are not publishing a target percentage rate for refusals at this time and will instead look at how far refusal rates deviate from the ‘norm’ for that location and part of the sector. We expect to be able to publish a clearer statement of our expectations on refusals in due course;

5) UKBA is concerned about the risk of those who seek to use the student route to enter the UK but have no intention to study. To minimise the occurrence of such abuse of the system, the sponsor must ensure potential students are vetted thoroughly before issuing a confirmation of acceptance for studies. We expect no more than 2% of the total number of ‘students’ issued with entry clearance (or Leave to Remain) for the sponsoring institution and who have entered or remain in the UK not to have enrolled within 1 month of the course commencing.

6) Once enrolled, the sponsor must take all reasonable steps to ensure that the students they sponsor will attend and complete their course of study. Please note that any sponsored students who have moved to a different institution, or who have definitely left the United Kingdom or who have applied to switch to a different immigration category are not included in this measure. This measure is cumulative against the original number enrolled as follows:

   a) more than 1% of those ceasing their course within 33% of the course duration;
   b) more than 2% of those ceasing their studies within 66% of their course duration;
   c) more than 3% of those enrolled who have failed to complete their course;

7) No more than 5% of the total number of sponsored students who have been granted leave under Tier 4, and, for those overseas, who have travelled to the UK, must have failed to enrol or failed to complete the course;

8) A sponsor must ensure attendance or progression monitoring is completed in accordance with their sponsor duties;

9) There must not have been any serious concerns raised following a UK Border Agency sponsor inspection or review in the previous 12 months.

**Does our organisation have to meet all the criteria?**

24. The criteria above have been designed to provide clarity on the UK Border Agency’s expectations of sponsor and student compliance. Should a sponsor not achieve the standards described above in just one or two areas, UK Border Agency staff will decide whether this level of performance should result in a Highly Trusted sponsor licence being refused or being withdrawn. In doing so, our staff will consider the whole picture of the sponsor’s compliance record and not just that criterion alone. However, where just one of the criteria is not met the UK Border Agency has the right to refuse any application or withdraw any Highly Trusted licence.
What is automatic qualification?

25. When Highly Trusted sponsorship was launched on 6 April 2010 all publicly funded sponsors who were already rated A (trusted) and who were subject to a full institutional inspection by one of the following were, by default, awarded the benefits of a Highly Trusted sponsor licence:

- Quality Assurance Agency (QAA) for Higher Education (United Kingdom-wide)
- Office from Standards in Education (Ofsted)
- Her Majesty’s Inspectorate of Education (Scotland)
- Estyn (Wales)
- Education and Training Inspectorate (Northern Ireland)

26. All other providers will need to apply for a Highly Trusted sponsor licence.

27. Sponsors who automatically qualified in this category were not automatically awarded a Tier 4 Highly Trusted sponsor licence but were deemed to have Highly Trusted status which gave them the benefits of a Highly Trusted sponsor. These sponsors must nonetheless submit an application form with the appropriate fee as soon as possible and by 30 June 2010 at the latest in order to be granted a Tier 4 Highly Trusted sponsor licence and retain the benefits of a Highly Trusted sponsor. The application will then be considered and a Tier 4 Highly Trusted sponsor licence will be granted if the criteria are satisfied.

What happens if our organisation does not apply for a Highly Trusted sponsor licence or our organisation does not meet the criteria for a Tier 4 Highly Trusted sponsor licence?

28. If your organisation was automatically deemed to have Highly Trusted status on 6 April 2010 but does not intend to apply you must notify us immediately and this deemed status will be cancelled. Your standard licence with an A (Trusted) rating will resume.

29. If your organisation was deemed to have Highly Trusted status on 6 April 2010 but you have not applied for a Highly Trusted sponsor licence by 30 June 2010, this deemed status will have been cancelled from 1 July 2010. Your standard licence with an A (Trusted) rating will have been re-instated.

30. If your organisation is automatically deemed to have Highly Trusted status on 6 April 2010 and you apply on or before 30 June 2010 but fail to meet the requisite criteria, that deemed status will be cancelled on the date of the decision.

31. Organisations that do not meet the requirements for a Tier 4 Highly Trusted sponsor licence upon application or who do not apply will retain their existing standard Tier 4 sponsor licence.

32. Organisations that do not have deemed status as a Highly Trusted sponsor on 6 April 2010 and who do not apply for a Highly Trusted sponsor licence on 6 April 2010 and who do not apply for a Highly Trusted sponsor licence will maintain their current Tier 4 licence and rating until such time as it expires, is surrendered, or requires further investigation.

33. Sponsors should note that the UK Border Agency reserves the right to use the information provided in the Highly Trusted Sponsor application to assess whether a review of the current standard sponsor licence and rating is appropriate. Where this or any other information we have about the sponsor requires it, we will take appropriate action against such sponsors which may lead to the downgrading, suspension or revocation of the sponsor licence.

34. If you lose your deemed status as a Highly Trusted sponsor any CAS issued for NQF level 3 courses (or the equivalent in Scotland) or courses below degree level (excluding foundation degrees) which include a work placement assigned since 6 April 2010 will no longer be valid. You must immediately cancel any assigned and unused CAS for these courses. You must notify potential students to whom you have assigned these CAS that their applications for entry clearance or leave to remain will be
refused. If you do not do this and these students attempt to make an application with an invalid CAS, the subsequent refusals may adversely affect any future application you may wish to make to become as a Highly Trusted sponsor and your standard sponsor licence.

How does the application for a Highly Trusted licence affect my organisation?

35. If your organisation is a Highly Trusted sponsor you must ensure any changes in your Tier 4 Licence sponsor details relating to your organisational structure including branches, campuses, locations, and partner organisations are notified to the UK Border Agency along with your application as a Highly Trusted sponsor.

36. If a Highly Trusted sponsor licence is granted as a ‘Head office and all United Kingdom branches’ this will apply to all the branches on your licence. If your Highly Trusted sponsor licence is suspended or revoked then the suspension and/or revocation will apply to all your branches. Where individual branches are licensed and we down grade a sponsor then we will not automatically downgrade other branches but will investigate them.

37. Some students may need to do a pre-sessional course immediately before starting their full time course of study in the United Kingdom. A pre-sessional course will be an intensive English Language course or any other short course which prepares the student for his/her main course of study in the United Kingdom.

38. The pre-sessional provider may also be the student’s prospective main sponsor, or a ‘partner’ institution to that sponsor, or it may be operating independently of the prospective sponsor.

39. The pre-sessional provider can be named as a ‘branch’ on the prospective sponsor’s licence even if they are already licensed as a sponsor in their own right. If a pre-sessional provider is not a ‘partner’ institution it must fully meet all the eligibility requirements for becoming a Tier 4 sponsor. For example, they must be subject to the public system of reviews, and / or hold valid accreditation in their own right from one of our approved accreditation bodies, or, be included in the prospective sponsor’s system of reviews and accreditation.

40. If your partner organisation does not have a Highly Trusted sponsor licence they will still be able to offer pre-sessional courses for your students – this will be on the basis that you will be the sponsor for the pre-sessional course and hold a fully active Highly Trusted Sponsor licence. This will apply whether or not the student’s offer for a main course of study is conditional or unconditional.

41. If you are not the sponsor for the pre-sessional course, your partner organisation will need to be a Highly Trusted sponsor in order to issue a confirmation of acceptance for studies for courses at National Qualifications Framework (NQF) level 3 (and equivalent).

What are the Account Management provisions?

42. Account management is a key component of the Highly Trusted Sponsor Scheme. When you are granted a Highly Trust Sponsor licence, you will have access to:

- the services of an account manager, with the option of an annual visit;
- a dedicated email address; and
- a dedicated contact telephone line.

43. A sponsor account manager will:

- provide an account management service to a portfolio of sponsors;
- provide sector expertise and understanding of differing tier requirements;
• build relationships to address concerns and provide a high quality service;
• assist the sponsor where possible with PBS queries concerning the UK Border Agency. Any queries relating to visas overseas should be directed to the relevant Visa application centre.

Sponsoring students as a Highly Trusted sponsor

NQF level 3 courses

44. As a Highly Trusted sponsor you will be able to assign CAS to Tier 4 (General) students for courses at a National Qualifications Framework (NQF) Level 3 or above in England, Wales and Northern Ireland, or and Level 6 or above on the Scottish Credit and Qualifications Framework (SCQF).

Courses with work placements

45. As a Highly Trusted sponsor you will be able to assign CAS to Tier 4 (General) students for courses below degree level (excluding foundation degrees) which include a work placement which is an assessed part of the course. The work placement element of the course must not exceed 50% of the length of the course in the United Kingdom.

46. Additional information about work placements is detailed in the ‘Tier 4 of the Points Based System – Sponsor Guidance’.

Examination re-sits and repeat of study

47. As a Highly Trusted sponsor you will be able to assign CAS to allow more than two re-sits providing the re-sit has been approved via your internal panels and boards who authorise additional re-sits in exceptional circumstances.

48. Organisations that are not Highly Trusted sponsors will continue to be allowed to issue a confirmation of acceptance for studies to Tier 4 (General) students to re-sit examinations or repeat any part of their course up to two times per individual examination or module.

Permission to allow students assigned a CAS to commence study

49. As a Highly Trusted sponsor any student who last applied for Tier 4 leave on or after 5 October 2009, who has been studying at another education provider during that period, and who wishes to move to a course of study provided by your institution may do so providing -

• they have a confirmation of acceptance for studies assigned by you and
• they have existing leave to study in the UK. You will need to hold appropriate documentation to evidence this such as the relevant pages from the student’s passport and
• they have applied to the UK Border Agency for an extension to their leave using your confirmation of acceptance for studies. Appropriate evidence that you will need to hold can include evidence of posting of the student’s leave extension application to the UK Border Agency or, a copy of the letter of receipt from the UK Border Agency that the student will receive following submission of their leave extension application.

The student does not have to wait for a decision on the leave application in order to begin their course of study but you should note that if the decision is to refuse the leave application the student must cease their course and make arrangements to leave the United Kingdom.
What is the more flexible approach to reporting student non-attendance?

50. As a Highly Trusted sponsor you will be able to undertake two further checkpoints during the reporting year and report any withdrawals within 10 days of the checkpoint process. This provision can replace the 10 expected contacts requirement, which will remain in place for all other Tier 4 sponsors. However, we recognise that some institutions may wish to continue with the 10 expected contacts approach.

51. Highly trusted sponsors will still be required to follow current guidance to report non-enrolments and any students who formally withdraw from their studies within 10 days.

52. If a sponsor loses their Highly Trusted sponsor licence they will revert to the requirement to report on 10 expected contacts as per the standard Tier 4 sponsor guidance.

What will UK Border Agency check to ensure our organisation is complying with their Highly Trusted sponsor licence?

53. In addition to the responsibilities set out in the main sponsor guidance you may also be required to provide information in the form of the Highly Trusted Sponsor applications - spreadsheet for student details and attendance. This should demonstrate to the sponsor management unit that you have met the full criteria listed above.

54. If you are requested to complete a spreadsheet it must be provided electronically to the UK Border Agency within 21 days and must be completed as requested by UK Border Agency staff. If you do not do so, your Highly Trusted Sponsor licence application will be refused. The UK Border Agency reserves the right to require Highly Trusted sponsors to provide updated spreadsheet information on other occasions during the registration year. Arrangements for providing this information will be agreed between you and your account manager and exact details of what you will need to provide will be agreed in advance so you can ensure the information is prepared and submitted on time.

Could our licence application be refused?

55. Not all applications for a Tier 4 Highly Trusted sponsor licence will be successful. This section describes the different circumstances that could lead to a licence application being refused.

**Circumstances in which we will refuse a Tier 4 Highly Trusted sponsor licence application**

56. We will refuse the application in any of the circumstances below:

- The sponsor does no longer meets the standard Tier 4 criteria.

- The sponsor or another relevant person\(^2\) submits any false document or information with its application. If this happens, and we believe that a criminal offence has been committed, we will not hesitate to refer the case for prosecution as well as refusing the application.

- Fails to submit and/or submits a incomplete student evidence spreadsheet when requested to submit the evidence by a UK Border Agency staff member, within the given time period.

- The sponsor does not meet the specific requirements that apply.

- The sponsors standard Tier 4 licence is downgraded or withdrawn after the Highly Trusted Sponsor licence application is submitted, but prior to the Highly Trusted Sponsor licence decision is made.

\(^2\) In this guidance, “another relevant person” means the sponsor’s (or prospective sponsor’s) authorising officer, key contact or level 1 user.
- Fails to submit and/or fails to complete as requested the Highly Trusted Sponsor applications -spreadsheet for student details and attendance with in the 21days of it been requested.

- The sponsor or another relevant person has been convicted of one of the offences below, unless the conviction is spent under the Rehabilitation of Offenders Act 1974. (Convictions may become ‘spent’ after specified periods of time from the date of conviction if there are no further convictions during that time. Spent convictions are disregarded for certain purposes.)
  - Any offence under the Immigration Act 1971; the Immigration Act 1988; the Asylum and Immigration Appeals Act 1993, the Immigration and Asylum Act 1999; the Nationality, Immigration and Asylum Act 2002; the Immigration, Asylum and Nationality Act 2006; or the UK Borders Act 2007;
  - Trafficking for sexual exploitation;
  - Any other offence which, in our opinion, indicates that he/she poses a risk to immigration control, for example, offences involving dishonesty or deception, including any of the offences listed in Appendix B. Any other unspent convictions could also lead to an application being refused; or

- If the sponsor or another relevant person is legally prohibited from becoming a company director (unless this is because he/she is an un-discharged bankrupt). Please note that the authorising officer cannot be an un-discharged bankrupt.

- If the sponsor or another relevant person, has been dishonest in any of its previous dealings with us (or the former Immigration and Nationality Directorate or Border and Immigration Agency). Examples of dishonesty include, but are not limited to:
  - applying for work permits despite not having, or being in the process of establishing, an operating or trading presence in the United Kingdom;
  - having had work permit applications refused on the grounds that the applicant’s facilities were not large enough to cope with the increased staff and there were no plans to expand to take account of that increase; and
  - making false statements in any application to us.

- If the sponsor or another relevant person has a previous record of non-compliance or poor compliance with the duties of sponsorship, or with the work permit arrangements.

- If the sponsor or another relevant person has:
  - been asked to provide evidence to allow us to decide whether it was complying with the sponsorship or work permit arrangements; and
  - has refused or failed to provide that information.

- If the sponsor or another relevant person has previously had a Highly Trusted sponsor licence withdrawn or refused by us. In these cases, the prospective sponsor must demonstrate that they have put right any issues which led to the withdrawal of their previous licence, before we will consider granting a new licence.

- If the Office of the Immigration Services Commissioner (OISC) has removed the authorisation of the sponsor or any organisation that the sponsor or another relevant person has been involved with in a similar role. (This applies to individuals or organisations that provide immigration advice or services).
What happens after a decision on a licence application has been made?

57. We will write to the sponsor confirming:

- whether we have granted or refused the licence;
- the reasons for the decision, if we have refused the licence.

58. We will send all decision letters to the address given for the authorising officer on the application. We will not send decision letters to any other address.

What happens if our application is successful?

59. If you have been successful you will receive a letter informing you that your organisation has been approved as a Highly Trusted Sponsor. Your organisation’s details will be published on the Tier 4 Register of Sponsors with a rating as a Highly Trusted sponsor on the UK Border Agency website.

60. In addition, your account manager will contact you to give you a dedicated email address and contact telephone number.

61. The Key Personnel, level 1 and 2 users, and representative details on your standard Tier 4 licence will automatically be carried over to your Tier 4 Highly Trusted sponsor licence.

What happens to our current standard Tier 4 licence?

62. The issue of a Tier 4 Highly Trusted sponsor licence will automatically cancel any existing standard Tier 4 licence.

How long will the Tier 4 Highly Trusted sponsor licence be valid for?

63. A Tier 4 Highly Trusted sponsor licence is valid for 12 months. If you wish to extend this licence you will need to re-apply, with the appropriate fee, before your licence expires.

What happens if our application is unsuccessful?

64. If your application is unsuccessful full details will be provided in the notification letter. There is no right of appeal of refusal of a Highly Trusted sponsor licence. You may also be given notice of an intention to review your previous standard Tier 4 licence rating.

65. In the event of your standard Tier 4 licence being re-rated to a B (Sponsor) rating or suspended you will be given a 28 day period in which to provide further clarification or documentation.

If a Highly Trusted sponsor application is unsuccessful can the organisation apply again?

66. There is no right of appeal against a refusal of an application for a Highly Trusted sponsor licence, and refused organisations may reapply but they will need to wait at least six months before submitting their next application. This is to ensure we can be satisfied the organisation has had time to put in place systems that will allow them to fully meet the criteria for a Highly Trusted sponsor licence and will be able to continue to meet the criteria on a consistent basis. If a sponsor applies before this six month period is up, the application will be refused and the rolling six month period will start again from the date of the new decision.

Sponsor licence number

67. When an application for a Tier 4 Highly Trusted sponsor licence is successful, sponsors will keep the same sponsor licence number as their standard Tier 4 licence.
Sponsor licence holders must quote their sponsor licence number in all communications with us.

**Will I be able to continue to recruit students on restricted course types while I wait for my Highly Trusted sponsorship application to be processed?**

68. If you were awarded deemed Highly Trusted status from 6 April 2010, then you will be able to issue confirmation of acceptance for studies to students on restricted course types while your application is being decided. Please note, however, if your application is unsuccessful or if you do not apply before 30 June 2010, the UK Border Agency will cancel any unused CAS allocated to you for such courses.

69. All privately funded institutions can continue to recruit students for courses at NQF level 3 or equivalent, or on courses below degree level that contain work placements (excluding foundation degrees) provided that they are currently A rated. These private institutions must have applied for a Tier 4 Highly Trusted sponsor licence by 30 April 2010 and those that did so are entitled to continue to recruit students for these courses until UK Border Agency has made a decision on the application.

70. As of 01 May 2010, we have withdrawn the concession for privately funded institutions, so if you did not apply for a Tier 4 Highly Trusted sponsor licence on or before 30 April 2010, as an A-rated sponsor you will no longer have the opportunity to recruit international students for courses at NQF level 3 or equivalent, or on courses below degree level that contain work placements (excluding foundation degrees).

71. If you applied after 30 April 2010 for a Tier 4 Highly Trusted sponsor licence you will not be able to recruit students for courses at NQF level 3 or equivalent, or on courses below degree level that contain work placements (excluding foundation degrees) unless or until you receive a positive decision on your Highly Trusted sponsor licence application. If your application for Highly Trusted status is approved then you can start to recruit students for courses at NQF level 3 or equivalent, or on courses below degree level that contain work placements (excluding foundation degrees).

**What are my sponsor duties as a Highly Trusted sponsor?**

73. These are the same as a standard Tier 4 licensed sponsor and are explained in full in the UK Border Agency’s ‘Tier 4 of the Points Based System – Sponsor Guidance’.

**How will the UK Border Agency check that our organisation is complying with its sponsor duties?**

74. A visiting officer may carry out checks before a decision on the prospective sponsor’s application is made. We may also conduct checks after the decision is made. The purpose of such checks is to make sure that the information given on the sponsor application is accurate.

75. An organisation agrees to co-operate with these checks when it submits the online sponsor application.

76. We may choose to check sponsors at random. If we check a sponsor it does not necessarily mean we have any doubts about it. We may make these checks at any time during the application process or during the validity of the licence.

**What happens if an organisation does not comply with its Highly Trusted sponsor duties?**

77. Only sponsors who are able to continue to meet the criteria can remain as Highly Trusted sponsors. Sponsors who do not properly assess their overseas students and who fail to put in place systems which prevent low enrolment / non-enrolment / high drop out rates after enrolment will not meet the requirements of the Highly Trusted sponsor licence. Failure to meet the requirements set out here may jeopardise their standard sponsor licence (not just their Highly Trusted sponsor licence), and may impact on any future ability to bring international students to the United Kingdom.
78. A sponsor’s performance can be reviewed at any point during the year. We do not need to tell you that we may visit. Your organisation’s ability to continue to meet the criteria may be reviewed twice further during the year after the initial application.

79. If evidence comes to light that leads us to believe that an organisation is unable to maintain the requirements of a Highly Trusted sponsor licence we retain the right to suspend or remove the Highly Trusted sponsor licence, and to downgrade, suspend or withdraw the original licence as necessary.

80. If the evidence suggests it, we reserve the right to re-assess the status of your Highly Trusted sponsor licence and/or your original sponsor licence at any time. This may include removal of your rating and suspension or revocation action. In the event that your organisation is re-rated you will be given 28 calendar days notice in which to make representations. If unsuccessful and you are re-rated this will trigger a review of your CAS allocation.

Further information about withdrawing and suspending a licence is detailed in the ‘Tier 4 of the Points Based System – Sponsor Guidance’

**If our Tier 4 Highly Trusted sponsor licence is withdrawn, can we apply again?**

81. The sponsor can apply for a new Tier 4 Highly Trusted sponsor licence if its Highly Trusted sponsor licence was withdrawn after a period of six months and the sponsor can show that it meets all the criteria for a Tier 4 Highly Trusted sponsor licence.

82. If a sponsor’s standard Tier 4 licence has been withdrawn, the sponsor can reapply for a fresh standard licence at any time. However, a sponsor in these circumstances will only be able to qualify for a Highly Trusted sponsor licence once it has held a standard A (Trusted) licence for at least six months, and the sponsor must also show that it meets all the other criteria for a Tier 4 Highly Trusted sponsor licence.

**Renewing a Tier 4 Highly Trusted sponsor licence**

83. A Highly Trusted sponsor licence will last for twelve months, unless we withdraw it or the sponsor surrenders it before then. The twelve months will run from the date on which the licence was issued.

84. If a sponsor’s licence expires at the end of this period and is not renewed, the organisation will be reassessed with a view to granting a standard Tier 4 sponsor licence. No new application would be required for this and thus no new fee payable. Any new licence granted would run for the remainder of the approved period of the originally granted standard Tier 4 licence would have run for.

85. If the original standard Tier 4 licence has expired, the organisation will lose the right to assign confirmations of acceptance for studies and will not be able to continue to act as a sponsor. Any existing students’ leave will be curtailed.

86. A sponsor should therefore apply to renew its licence before it expires. We will remind you of the need to renew it before your licence expires, but it is the sponsor’s responsibility to renew. We will not accept late applications for renewal, and the sponsor will need to re-apply for a licence.

87. A sponsor must renew its Tier 4 Highly Trusted sponsor licence every twelve months. We will deal with applications for renewal in the same way as we deal with applications for a new Tier 4 Highly Trusted sponsor licence by applying a full assessment of the criteria.

**If we lose our Highly Trusted sponsor licence, what happens to the Confirmation of Acceptance for Studies we have already issued?**

88. If you have reverted to your original standard Tier 4 sponsor licence:
- any students who have been granted leave will be able to start/continue their studies with you until their leave expires. This includes students who are on courses at NQF level 3 or equivalent, or on courses below degree level that contain work placements (excluding foundation degrees);

- any student who has moved from another Sponsor to whom you have issued a CAS and has started their course of study with you pending the outcome of their leave application will be allowed to remain. We will identify those applications and process them as a matter of urgency.

- if a student has applied for leave to study on a courses at NQF level 3 or equivalent, or on courses below degree level that contain work placements (excluding foundation degrees) but the application has not been decided, the application will be refused;

- if the CAS has been assigned but not been used for an application for leave, you must cancel it if it is for a course at NQF level 3 (or equivalent), or on courses below degree level that contain work placements (excluding foundation degrees).

89. Your right to continue to issue CAS for these courses will cease and you should not attempt to issue any further CAS for these courses.

90. If your Highly Trusted sponsor licence is removed, you should inform affected potential students not to apply for their visa. Failure to do so may affect your sponsor rating in the future as the number of refusals will count against your organisation.