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GES NewsFlash

United Kingdom – Immigration: Changes to Student Immigration Rules

February 12, 2010

Summary

The Home Secretary has announced this week that effective 3 March, 2010, foreign students will need to meet tougher criteria in order to study in the UK – and restrictions will be placed on both students and their dependants in respect of their ability to work in the UK.

The main changes coming in to effect include:

- Reducing the amount of time a student studying below first degree level (excluding those on a foundation degree course) will be able to work to 10 hours a week;
- Banning students who are studying on courses of 6 months or less from bringing dependants with them to the UK;
- Banning students' dependants from working in the UK unless they qualify in their own right under Tier 1 or Tier 2 for example; and
- A good standard of English being required to come to the UK and study to improve English language competency further or to study any other course below degree level.

Highly Trusted Sponsor

The Government is also set to introduce a new category of sponsor, the 'Highly Trusted Sponsor' under Tier 4 of the Points Based System for the educational sector. Publicly funded institutions will automatically be treated as 'highly trusted' whereas privately funded institutions will need to apply to the UK Border Agency to become highly trusted sponsors. A period of consultation will be conducted prior to 6 April, 2010, (when the category will be introduced), on the criteria against which sponsors wishing to be rated as 'highly trusted' will be judged.

For the future

The Government also plans to improve the security of the tests by which English language students coming to study below degree level are asked to demonstrate

proficiency in English language, with changes to be implemented by early summer.

Deloitte's View

These changes aim to tackle the abuse of Tier 4 by economic migrants, whilst at the same time continuing to safeguard genuine students to the UK. There will be no changes for students who come here to study a foundation degree course, courses at degree level or above or those coming here as child students at independent fee paying schools (except in the reduction in the number of hours a student aged 16-17 may work to 10 hours per week).

The main impact for UK employers will of course be the reduction in hours that a student on a course below degree level (excluding foundation degree courses) will be able to work in the UK, plus the additional burden on the employer to ascertain the individual's course of study in order to make such an assessment and ensure compliance with the immigration rules.

In addition, the restrictions to be placed on the dependants of students will impact employers since dependants will not have an automatic right to work in the UK, although we understand that changes will be made to the immigration rules so that if a dependant qualifies to work in their own right they can apply to switch status in country.

We understand the changes will not be applied retroactively and will only apply to applicants and their dependants applying on or after 3rd March.

People to Contact

If you have any questions concerning the issues in this GES NewsFlash, please contact one of the tax professionals as follows:

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