

ILPA information sheet

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An archive of information sheets is available at www.ilpa.org.uk/infoservice.html

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Students

9th March 2010

The “Points Based System – Students” information sheet of August 2008 provides background information.

On 10 February 2010, the Home Secretary announced to Parliament that he would be making changes to the immigration rules for students. Three days previously he had announced several of these changes to the BBC on television (on the Andrew Marr Show). This information sheet provides details of the changes which took effect on 3 March 2010.

Permission to work

Some students are permitted to work, but there are restrictions on this.

Before March 2010, students granted permission to come to the UK for a maximum of 6 months (as a student visitor) were not permitted to work. This has not changed.

Before March 2010, students granted permission to come to or stay in the UK under the points based system were permitted to work for a maximum of 20 hours per week during term time. There is no change for students whose applications, to come to or stay in the UK, were made before 3 March 2010. However, a student in the UK, who after that date applies for and is granted an extension of stay in the UK will be affected by the changes. Students granted permission to come to or stay in the UK, following an application made on or after 3 March 2010, are now permitted to work for a maximum of 10 hours per week during term time unless their course is for a degree, degree level or foundation degree qualification (in which case the 20 hours limit still applies). A foundation degree qualification means a qualification:

- at level 5 (or above) of the revised National Qualifications Framework and the qualification is awarded by an institution that is also empowered to award degrees
- at level 8 (or above) of the Scottish Credit and Qualifications Framework and the qualification is awarded by an institution that is also empowered to award degrees

Students permitted to work during term time may also work during vacations. There continue to be no restrictions for these students on working outside of term time. In addition, the following types of work may be permitted during term time even if this exceeds the 10 or 20 hours weekly limit:

- work done as part of a course-related work placement
- work done as a Student Union Sabbatical Officer (subject to other restrictions)
- work as a postgraduate doctor or dentist on a recognised Foundation Programme

Dependants of students

Some migrants are permitted to bring dependants (e.g. partners or children) to the UK or have their dependants join them in the UK, provided they are able to support and accommodate their dependants without relying on public funds. Dependants may apply at the same time and on the same form as the student; or apply later on a separate form (but this is more expensive).

Before March 2010, students coming to the UK for a maximum of 6 months (as a student visitor) were not permitted to bring dependants to the UK. This has not changed.

Before March 2010, students granted permission to come to or stay in the UK under the points based system were permitted to bring dependants. There is no change for dependants whose applications, to come to or stay in the UK, were made before 3 March 2010. There is no change for dependants of students granted permission to come to or stay in the UK, under the points based system, for a course lasting more than six months. However, from 3 March 2010, dependants of students may no longer apply to come to or stay in the UK if the student's course lasts for six months or less.

Before March 2010, dependants of students who came to the UK were permitted to work. From 3 March 2010, dependants of students will not be permitted to work in the UK unless:

- the dependant is granted permission to come to or stay in the UK following an application made before 3 March 2010; or
- the student is on a course which permits the student to work for up to 20 hours per week during term time (see above)

Note: A dependant may qualify to come to the UK in his or her own right (e.g. to work or study) rather than as a dependant of another migrant. If so, he or she may be permitted to work subject to the immigration rules or any conditions that apply to his or her own immigration status.

English language courses

From 3 March 2010, the level of English required for most students to apply to come to or stay in the UK was raised. Education institutions who wish to sponsor a student to apply to come to or stay in the UK must show how they have assessed the ability of the student to be at the new (higher) level of English. There are some exceptions. (For general information about sponsors, see the December 2007 "Points Based System – Sponsorship" information sheet.)

However, a student who holds a confirmation of acceptance for studies (on the course that he or she is applying for permission to come to or stay in the UK) that was assigned before 10 February 2010 will not be required to demonstrate a level of English at the new (higher) level. A confirmation of acceptance for studies is the formal confirmation by an education institution, which is permitted to sponsor students to come to the UK, that the particular student has been accepted on the course. A confirmation of acceptance for studies is assigned when the education institution allocates a reference number which indicates that the student has been accepted on the course.

Further information

Information about these changes, including the Home Secretary's statement to Parliament is available at the links (below).

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/255022/tier4-visa-applications>

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/255022/19-t4-changes-sponsors>

<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/February/tougher-rules-for-foreign-stud>