HE Update
UK Visas and Immigration (UKVI) Compliance
UK Student Visa (Tier 4) Requirements

September 2015

Background

International students from outside the European Economic Area (EEA) must apply for a student visa. Student eligibility is calculated using a points based rules system and they require a Confirmation of Acceptance for Studies (CAS) from a university approved by UKVI. The universities must have Highly Trusted Status (HTS) on the UKVI Tier 4 Sponsor list.

Sector risks

The penalties for non-compliance with UKVI rules include the suspension of the sponsor licence meaning that the affected institutions cannot sponsor new students (or workers). A small number of HEIs have been suspended this year. Suspensions and restrictions can be imposed when, for example:

- visa refusal rates for international students exceed the maximum allowed by the government – the limit was reduced to 10% from 20% in November 2014. This has been a cause of suspension;

- students that fail to attend or whose circumstances change are not reported within the timescales required; or

- prospective students offer invalid or questionable English language qualifications as part of the application process.

UKVI continue to change their guidelines regularly and it is vital that institutions ensure that they are compliant with the most up to date requirements. Until relatively recently, the main recruitment routes for universities have been via agents and international partnerships. However, there has been an increase in the last four years in international foundation and pre-sessional courses provided by further education (FE) colleges and private providers via joint ventures and embedded colleges. The main private providers operating within the sector have had multiple licences for partnerships, FE colleges and joint ventures. Private providers have also been included on university licences. However, universities moved away from the latter arrangement because of the inherent UKVI compliance risk.

Changes to the regulations and guidance within the last six months have mainly focussed on how Biometric Identity Cards (BIDS) are administered. Students are now required to collect the documents in country from a nominated Post Office close to the HEI. This poses a number of

risks to security of information and coordination once the student arrives. Other changes have focussed on academic progression, doctorate extension schemes and maintenance funding.

Implications for audit committees

The Home Office have stated that universities must ensure they have robust compliance systems in place or risk losing their privilege to sponsor foreign students. Changes in the rules represent challenges for institutions in ensuring processes, controls and risk assessments remain up to date. This is within the context of most institutions having strategic objectives to increase international student numbers. Audit committees ought to receive assurances that the relevant controls are in place:

- all UKVI requirements (and any changes / updates) are effectively communicated to all relevant areas

- staff (particularly in devolved environments) understand their roles and responsibilities clearly

- the necessary processes are in place to ensure student engagement within each of the Faculties / Schools / Departments – the study patterns of different types of students e.g. undergraduate and postgraduates vary and indeed those patterns can be different from course to course. Local procedures have to recognise the differences whilst ensuring that the guidelines are adhered to.

Common themes from audits

These apply to both institutional activities and joint ventures:

- improvements in attendance monitoring and engagement practices

- record keeping and management of the immigration data and qualifications used in the assessment

- exception reporting, including management of leave to remain, changes of circumstances and CAS processing management, end date management

- internal transfers within private providers, which leads to mismanagement of sponsor licence numbers

- inaccurate sponsor licence numbers for students studying at joint ventures due to multiple licence numbers used within the private provider

- students with qualifications under the entry requirements set by institutions, where joint ventures could not provide justification for the offer

- lack of oversight of agent networks UKVI compliance implications - including information and advice for agents, contract specifications and monitoring refusal rates from agents

- lack of oversight of HTS statistics

- overdependence on key individuals and lack of succession planning on UKVI compliance impacting business continuity.

How we can help you

We have, to date, undertaken over a dozen UKVI compliance audits at HEIs (as well as a number of follow ups to ensure that agreed actions were implemented) and we have also carried out reviews of joint ventures. Having also been recently commissioned by private providers who assist international students into the university sector we are in a unique position to disseminate best practice and advise institutions on risk management approaches. Working in the sector means that we understand the systems used and some of the tensions and nuances:

- embedding processes that satisfy the compliance requirements but are also cognisant of the differing academic environments

- the importance of the international student experience and the need to ensure that its impact is considered at each stage e.g. marketing and communication, admissions, enrolment and monitoring engagement.

For further information on how we can help or any other aspect of Uniac's internal audit and assurance service please do get in touch.

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