Summary

- As a requirement of being a sponsor of Tier 4 Student Visas, a threshold is set for education institutions as to the proportion of prospective students who make visa applications with that institution as their sponsor, who applications are refused.

- The threshold is currently 10% of applications. If this threshold is breached institutions can have their status as a sponsor of Tier 4 visas revoked, which would remove their ability to recruit students from outside the EU (and could put at risk the ability of current non-EU students to continue studying at the institution).

- Universities UK does not think that visa refusals are indicative of, or a good proxy for, ‘bogus’ students, as many visa applications are refused for administrative reasons. We also have concerns about the objectivity and robustness of ‘credibility interviews’ that have recently been introduced.

- The threshold can cause particularly difficulties for smaller institutions, or those who do not recruit extensively from outside the EU. The smaller numbers mean only a few visa refusals can push them above the 10% threshold, with little ability to address or mitigate this.

- We ask peers to ask the minister to clarify that there are no plans to further reduce the threshold, and to urge for a flexibility of approach – particularly to institutions sponsoring small numbers of student visas.
Introduction

1. Prospective students from outside the EU who study at universities or other education institutions in the UK will normally need a visa under Tier 4 of the visa system. These visas are sponsored by the education institution that the individual seeks to study at, which must have Tier 4 Sponsor Status (“Sponsor status”).

2. There are numerous requirements for institutions seeking to obtain and maintain their Sponsor status. One of these relates to the proportion of visa applications made by those sponsored by the institution whose applications are refused by the UK Visas and Immigration.

3. If more than 10% of the visa applications sponsored by an institution are refused, the institution is at risk of losing its Sponsor status. This threshold was reduced from 20% in November 2014.

4. The loss of a Sponsor status prevents the institution from recruiting students from outside the EU, but it would also mean they are not able to act as sponsors to students continuing their course of studies. These students would be forced to find alternative sponsors, or else face deportation.

5. Holding a Sponsor status is, more often than not, business critical to universities. Any criterion which alone is sufficient for the revocation of a Sponsor status, as the visa threshold is, must be able to be applied robustly, fairly and transparently.

Visa refusals are not a good proxy for ‘bogus’ students

6. Universities UK supports the government’s efforts to prevent abuse of the student visa route. In the past there has been legitimate concern about ‘bogus’ students, and it was in this context that the visa refusal threshold was lowered from 20% to 10%.

7. However, refusal of a visa application does not indicate that the applicant was ‘bogus’, and nor is it an effective proxy for this. A level of refusal of applications is to be expected as a result of administrative mistakes on either side, even where all applicants are legitimate students who satisfy the requirements of the visa system.

8. Applications can be refused where the applicant provides incorrect evidence to UKVI on (for example) their ability to fund their study, as a result of including bank statements for the wrong months or for mistakes in the currency conversion rates.
9. Although further evidence can be supplied by applicants where this is required, some choose to make a new application as this is often quicker. This refused application would still count against the institution even if the applicant ultimately made a successful application.

10. This approach may also be taken where an application was incorrectly turned down, as there is no appeals process and the ‘administrative review’ is regarded as neither a robust nor quick alternative.

11. We would also point out that while institutions have a legitimate role in advising applicants on the visa process, their failure to successfully apply for a student visa is for the most part outside of the control of the institution.

12. The implication seems to be that an institution should be sanctioned because they shouldn’t seek to sponsor applications from the type of student who would have a visa application refused. This approach, however, wrongly assumes there is robust link between visa refusals and the application being ‘bogus’.

Concerns about credibility interviews

13. Since 2013, ‘credibility interviews’ were introduced for most applicants for student visas. These interviews are conducted in person or via video-link with the intention of ensuring that the applicant is a legitimate student, and that their level of English Language is consistent with the evidence of testing that has been supplied. In order to establish that the applicant is a legitimate student, they may be asked for information about why their reason for choosing a particular university or course, how they think it will progress their career, and so on.

14. Concerns have been expressed about the subjectivity of this process, and examples being cited of applications being refused for reasons which are beyond the remit of the interview. A UKCISA report from March 2013 which highlights some of the most egregious examples, which include:

   a. That the officer did not consider the course a good investment of the money the student’s family had saved
   b. That an MBA does not constitute coherent academic progression for a student with a background in medicine
   c. A lack of detailed knowledge about the curricula of particular modules on a course
15. The full report, *Tier 4 Credibility Interviews: UKCISA survey report* is available on the [UKCISA website](http://example.com). The report is largely anecdotal, but does suggest there is reason to think that not insignificant numbers of the credibility interviews undertaken result in unjustified refusals of visa applications.

16. The subjectivity involved in credibility interviews, compounded by the apparently spurious nature of some refusals, further increase the extent to which a visa refusal is not a clear indicator that the student was not a legitimate student.

**Impact on smaller institutions**

17. The approach taken has a greater impact on smaller institutions, or those who recruit fewer students from outside the EU. There are a number of higher education institutions (and many more colleges and independent schools) who recruit fewer than 100 non-EU students per year. In these institutions, a very small number of applicants being refused visas – whether on the basis that they were not legitimate applicants, did not meet visa requirements, made an administrative mistake in their application or were wrongly refused a visa – could result in the institution losing the ability to sponsor visa applications in the future.

18. An institution in this situation has little ability to remedy their situation. Indeed, unless they have subscribed to a premium service from UKVI costing £8,000 per annum which gives access to management data, they may not know the number of applications that have been refused until the threshold has been breached.

19. One of the only courses of action available is to recruit more heavily from outside the EU than had been planned, with the intention of ‘diluting’ the impact of a higher than expected visa refusal rate among those already given offers.

20. Any further reduction in the visa refusal threshold could further expose smaller institutions to very high levels of risk when engaging in recruitment from overseas.

**Conclusions and recommendations**

21. We would recommend that the government consider alternative metrics on which to assess the ability of institutions to ensure they are recruiting legitimate students, and that those they sponsor are adhering to the requirements of their visas.
22. In the meantime we would ask for assurances that there are no plans to reduce further the 10% threshold, which would put at risk the ability of many institutions to recruit from overseas on the basis of a metric which is not a robust measure of visa non-compliance, and is largely out of the control of the institution.

23. Further reductions to the 10% threshold has the potential for both unfairness to institutions and the students they sponsor, and to run counter to the government’s commitment to ‘strong growth in students from outside the EU’, recently reiterated in the Autumn Statement and Spending Review.

For further information please contact Alex Leonhardt on 0207 419 5605 or alex.leonhardt@universitiesuk.ac.uk.

© The copyright for this publication is held by Universities UK. The material may be copied or reproduced provided that the source is acknowledged and the material, wholly or in part, is not used for commercial gain. Use of the material for commercial gain requires the prior written permission of Universities UK.