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# **tier 4 sponsorship & partnership models**

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December 2011



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## outline

- the student immigration system: government policy
- adding other entities to a sponsor licence
- legal and practical issues



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## government policy

- reduce net migration
- end abuse of the student immigration system
- maintain the UK's leading reputation by attracting 'the brightest and best' students to high quality sponsors

the debate continues as to whether or not these aims can be achieved



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## steps to achieving policy aims

- interim limits, HTS and 'educational oversight'
- complex regulatory framework and complicated rules on branch and partner sponsorship
- severe sanctions for non-compliance
- tough language designed to deter bogus students and ensure sponsors take compliance seriously



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## adding other entities to a sponsor licence

- allows the main sponsor (usually a university) to issue CAS to the international students of another institution (usually a private provider)
- private provider may be teaching the university's courses and/or its own courses to the university's future students
- private provider may be working with a number of universities
- UKBA calls this 'partner institution' or 'branch' sponsorship



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## adding other entities to a sponsor licence

- because of new UKBA rules on educational oversight and HTS the private provider may not have enough CAS of its own to issue
- private providers that do not hold HTS status and who QAA/ISI have not been able to review (the majority) are subject to strict limits on the numbers of international students they can sponsor
- those students are also not entitled to the same benefits as students that are sponsored by a university



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## partner institutions

- UKBA's definition of a '**partner institution**'
  - pre-sessional course provider (often embedded but does not have to be)
  - course must meet UKBA rules
  - no common ownership or control required
  - an application must be made to add the partner institution as a branch to  
the sponsor's licence



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## branches

- UKBA's definition of a 'branch'
  - UKBA requires there to be 'common ownership or control' between the sponsor and the branch
  - the sponsor guidance sets out the evidence UKBA says it will accept as proof of this but in practice it is not accepting models which do not show substantial ownership or control by the university
  - only when UKBA has accepted and added the branch to the sponsor's licence can the sponsor lawfully issue CAS and sponsor the partner's students
  - UKBA has refused to accept a number of articulation agreements as evidence of a joint venture arrangement between the university and private provider
  - we are starting to see an increase in the numbers of private providers that are transferring part or all of their businesses to universities



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## legal and practical issues to be addressed

- UKBA will scrutinise the evidence
- there should be operational agreements to cover recruitment, monitoring, etc  
showing that the university has control/is responsible
- data sharing issues must be addressed
- potential impact on main sponsor's licence if the branch is not compliant
- potential impact on the branch if the main sponsor university is not compliant
- historic partner arrangements are being reviewed by UKBA
- we find that the standard of compliance with the tier 4 sponsor duties in universities is far lower than the standard of compliance in most private providers...



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# QUESTIONS?

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