



Home Office

# Tier 4 of the Points Based System: Guidance for Sponsors

## Document 1: Applying for a Tier 4 licence

Version 04/2015 - This guidance is to be used from 6 April 2015

This guidance covers:

1. Introduction to Sponsorship under Tier 4
2. Applying for a Tier 4 licence
3. Tier 4 licence application assessments
4. Gaining Tier 4 Sponsor status

Please also see the other Tier 4 Sponsor Guidance documents: Document 2 - Sponsorship Duties and Document 3 - Tier 4 Compliance.

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## Glossary

Phrase	Meaning
Care arrangements	Suitable arrangements for any children for their travel to the UK, reception at port and living arrangements while in the UK.
CAS	A Confirmation of Acceptance for Studies – a virtual document issued by a sponsor to a student to allow them to apply for a student visa under Tier 4.
CEFR	Common European Framework of Reference for Languages.
Course start date	The date of enrolment in person, or induction on the course, whichever is the earlier.
Course end date	The date by which the student is expected to have completed all academic elements of the course – taught sessions, examinations including meetings with examination boards, assessments, including oral assessments and other formal assessments, and writing and submitting dissertations or theses. In the case of PhD students, academic elements include writing and correcting theses and oral (viva) examinations, provided the sponsor is satisfied that they can continue to carry out their sponsor duties for the student.
Degree level	A course is considered to be at degree level if it is at: <ul style="list-style-type: none"> <li>• Level 6 of the National Qualifications Framework</li> <li>• Level 6 of the Qualifications and Credit Framework</li> <li>• Level 9 of the Scottish Credit and Qualifications Framework.</li> </ul>
EEA student	A student who is a national of an European Economic Area (EEA) State. For the purposes of this guidance, EEA State means any member of the European Union other than the UK, Iceland, Norway, Liechtenstein or Switzerland.
Educational Oversight inspection	A full assessment by an Educational Oversight body. The Educational Oversight body may call this an inspection, assessment, audit or review.
English language course	For the Points Based System this means a course where a student is studying English as a Foreign Language.
Foundation degree	A programme of study which leads to a qualification awarded by an English higher education institution with degree awarding powers which is at a minimum of level 5 on the revised National Qualifications Framework, or awarded on a directly equivalent basis in the devolved administrations. In Scotland, a Higher National Diploma at level 8 on the Scottish Credit and

	Qualifications Framework, awarded by the Scottish Qualifications Authority is equivalent to a foundation degree.
Highly Trusted Sponsor (HTS) status	Highly Trusted Sponsor status was replaced by Tier 4 Sponsor status on 6 April 2015.
Independent school	<p>For schools in England and Wales, this means any school at which full time education is provided for five or more pupils of compulsory school age (whether or not such education is also provided at it for pupils under or over that age) and which is not a) a school maintained by a local education authority, or b) a special school not so maintained.</p> <p>For schools in Scotland, a school at which full-time education is provided for pupils of school age (whether or not such education is also provided for pupils under or over that age), not being a public school or a grant-aided school.</p> <p>For schools in Northern Ireland, this means a school that has been registered with the Department of Education.</p>
Integrated programme	A study programme comprising study at more than one NQF level, such as a four-year programme comprising a foundation year and degree course. A programme is only considered an integrated programme where progression from one stage to another is automatic and only one qualification is awarded.
Joint venture	An entity formed by a joint venture agreement between two or more parties.
LTR	Leave to remain.
NQF	National Qualifications Framework.
Office holder	<p>If an individual holds an office under one of the following types of appointment, it is likely that they are an 'office holder':</p> <ul style="list-style-type: none"> <li>a. a statutory appointment (e.g. registered company directors or secretaries, board members of statutory bodies, judges or tribunal members, or crown appointments, for example, the police);</li> <li>b. an appointment under the internal constitution of an organisation (e.g. club treasurers or trade union secretaries);</li> <li>c. an appointment under a trust deed (e.g. trustees); or</li> <li>d. an ecclesiastical appointment (e.g. members of the clergy).</li> </ul> <p>An office holder is not an employee or a worker. But holding an</p>

	<p>office does not prevent someone from becoming a worker or an employee. They can be an office holder and an employee if their working arrangements are a contractual relationship and satisfy the test for employee status. You can find more information on our pages on the Gov.uk website using the following link:</p> <p><a href="https://www.gov.uk/employment-status">https://www.gov.uk/employment-status</a></p>
Ownership and control	<p>Private providers are linked by common ownership or control if:</p> <ol style="list-style-type: none"> <li>one entity controls the composition of the other entity's board;</li> <li>one entity is in a position to cast, or control the casting of, more than half the maximum number of votes that might be cast at a general meeting of the other entity;</li> <li>one entity holds more than half the issued share capital of the other entity (excluding any part of that issued share capital that carries no right to participate in a distribution of either profits or capital beyond a specified amount);</li> <li>both entities have a common parent entity or individual that, itself or himself, or through other entities, meets one of the requirements in a, b or c (as set out above) in relation to both entities; or</li> <li>the entities have shared management and/ or compliance systems.</li> </ol>
Parent or legal guardian	<p>The child's parent(s) or legal guardian, or just one parent who has the sole legal responsibility for the child.</p>
Partnership	<p>A collaborative arrangement between a Tier 4 sponsor and another organisation. Teaching partnerships allow a Tier 4 licence holder's students to undertake study of a specified type at a partner's site.</p>
Pathway course	<p>A course which prepares a student for progression to another course at a specific Higher Education provider. It does not include a pre-sessional course.</p>
Publicly funded college	<p>Colleges that are listed by the Association of Colleges on their website on the basis that they are Further Education Colleges, Further Education Corporations (FECs) or Sixth Form Colleges. In:</p> <ul style="list-style-type: none"> <li>England, these were those formed under s18 and 19 of the Further and Higher Education Act 1992 and are therefore exempt charities, or they are Special Designated Colleges which are registered charities in their own right. New Colleges may only be formed with the permission of the Secretary of State.</li> <li>Scotland, these were formed under the Further and Higher</li> </ul>

	<p>Education (Scotland) Act 1992 and are exempt charities and listed in Schedule 2 of that Act (2005).</p> <ul style="list-style-type: none"> <li>• Wales, these were formed under the Further and Higher Education Act 1992 and are exempt charities.</li> <li>• Northern Ireland, the colleges were incorporated under the Further Education (NI) order 1998 and are exempt charities.</li> </ul>
Pre-sessional course	<p>A course that prepares a student for, and directly precedes, their intended full time course of study in the UK and enables them to acquire the ancillary skills or knowledge necessary to adjust to study in the UK. This will usually be supplementary English Language training or some instruction in the British education system.</p> <p>Courses such as foundation degrees which are designed to give a student fundamental training in the subject area of the main course, and courses which form an integral part of the main course of study or replace part of it, are not considered pre-sessional courses.</p>
QCF	Qualifications and Credit Framework.
Representative	<p>A representative is:</p> <ol style="list-style-type: none"> <li>a person who is qualified to provide immigration advice or services in accordance with section 84 of the Immigration and Asylum Act 1999 by being: <ol style="list-style-type: none"> <li>regulated by the Office of the Immigration Services Commissioner (OISC);</li> <li>exempt by ministerial order from the requirement to be regulated; or</li> <li>otherwise comply with section 84.</li> </ol> </li> <li>a regulated member of a designated professional body, or is working under the supervision of such a person. The bodies listed in the 1999 Act are the Law Society; Law Society of Scotland; Law Society of Northern Ireland; Institute of Legal Executives; General Council of the Bar; General Council of the Bar of Northern Ireland; and Faculty of Advocates.</li> </ol>
SCQF	The Scottish Credit and Qualifications Framework.

Settled Worker	<p>A person who:</p> <ul style="list-style-type: none"> <li>a. is a national of the UK;</li> <li>b. is a national of Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Republic of Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland who is exercising an EC Treaty Right in the UK; (please note that although not requiring sponsorship, workers from Croatia must have work authorisation in order to work lawfully, unless exempt. Employers commit an offence by employing Croatian nationals who have failed to comply with the work authorisation requirements);</li> <li>c. is a British overseas territories citizen, except those from Sovereign Base Areas in Cyprus. (Those included are Anguilla, Bermuda, British Antarctic Territory, British Virgin Islands, British Indian Ocean Islands, Cayman Islands, Falkland Islands and dependencies, Gibraltar, Montserrat, Pitcairn Islands, St. Helena and Dependencies and Turks and Caicos Islands);</li> <li>d. is a Commonwealth citizens who was allowed to enter or to remain in the UK on the basis that a grandparent was born here;</li> </ul> <p>has settled status in the UK within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002.</p>
Site	A location at which Tier 4 students are taught.
SMS	The Sponsor Management System.
Specific Course Designation	Specific course designation to enable English-domiciled students access to student support funded by the Department of Business, Innovation and Skills via the Student Loans Company.
Teaching hospital	Any hospital used by a Higher Education Institution (HEI) (including the UK Foundation Programme Office, Health Education Yorkshire and the Humber and Health Education South London) to teach Tier 4 students.
Tier 4 Register of Sponsors	The register of education providers which have been issued and currently hold, a Tier 4 sponsor licence.



UK Higher Education Institution (HEI)	<p>A recognised body, or a body that receives public funding as a higher education institution from the Department for Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales, or the Scottish Funding Council. We also accept:</p> <ul style="list-style-type: none"> <li>• Richmond, the American International University in London, as an HEI because it is recognised in statute in the Education (Recognised Awards) (Richmond The American International University in London) Order 2006.</li> <li>• The UK Foundation Programme Office as an HEI for sponsored students undertaking a recognised Foundation Programme for post graduate doctors.</li> <li>• Health Education Yorkshire and the Humber, and Health Education South London, as HEIs for sponsored students undertaking a recognised Foundation Programme for postgraduate dentists.</li> </ul> <p>You can check whether an institution is a UK HEI using the following websites:</p> <ul style="list-style-type: none"> <li>• England: <a href="http://www.hefce.ac.uk/TheRegister/">http://www.hefce.ac.uk/TheRegister/</a></li> <li>• Scotland: <a href="http://www.sfc.ac.uk/aboutus/council_funded_institutions/WhoWeFund.aspx">http://www.sfc.ac.uk/aboutus/council_funded_institutions/WhoWeFund.aspx</a></li> <li>• Wales: <a href="https://www.hefcw.ac.uk/about_he_in_wales/higher_education_institutions/he_institutions.aspx">https://www.hefcw.ac.uk/about_he_in_wales/higher_education_institutions/he_institutions.aspx</a></li> <li>• Northern Ireland: <a href="http://www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division.htm">www.delni.gov.uk/index/further-and-higher-education/higher-education/role-structure-he-division.htm</a></li> </ul> <p>A list of recognised bodies is available on the Gov.uk website, using the following link: <a href="https://www.gov.uk/recognised-uk-degrees#recognised-bodies">https://www.gov.uk/recognised-uk-degrees#recognised-bodies</a> <a href="http://www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies">www.bis.gov.uk/policies/higher-education/recognised-uk-degrees/recognised-bodies</a></p>
UKVI	UK Visas and Immigration, an operational command of the Home Office.
'You' or 'Your'	The sponsor organisation or prospective sponsor organisation, including any owner, director, authorising officer, key contact, Level 1 user and anyone involved in your day-to-day running.
We/us/our	Home Office.
Working Days	Any day other than Saturday or Sunday, a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom to which the notice is sent, Christmas Day or Good Friday.

## Changes since last publication

Current paragraph number	Previous paragraph number	What has changed?
-	-	Documents 1-3 have been restructured. Document 1 covers applying for a Tier 4 licence, Document 2 covers sponsorship duties and maintaining a Tier 4 licence, and Document 3 covers compliance assessments and sanctions.
-	250-283	Information on applying for and renewing Highly Trusted Sponsor status has been removed, as Highly Trusted Sponsor status has been abolished.
Glossary	Glossary	Further definitions have been added to the Glossary.
2.1-2.5	1-20	Information on sponsorship under Tier 4 has been redrafted to clarify the existing policy.
3.6-3.32	122-147	<p>The Education Oversight section has been moved, redrafted to clarify the existing policy, and to make the following changes:</p> <ul style="list-style-type: none"> <li>• The requirement for prospective sponsors to have a teaching track record has been extended from one year to two years. The teaching track record must include teaching a Tier 4 course to UK, EEA or Swiss nationals for the two years prior to an application for Educational Oversight.</li> <li>• Information on providers that are subject to a statutory education inspection, and those that are required to apply for a Tier 4 Educational Oversight inspection has been added.</li> <li>• A provision has been added to make it clear that Educational Oversight bodies can fail a private provider if it is not a credible institution or the Educational Oversight body has doubts about the evidence provided by it during an Educational Oversight inspection.</li> <li>• Introduce minimum required ratings for providers subject to a statutory education inspection.</li> <li>• Failing to meet a required rating means that a private provider cannot re-apply for a Tier 4 Educational Oversight inspection for two years.</li> </ul>
3.27-3.32	118-121	Information on the eligibility requirements for becoming a Tier 4 sponsor has been moved, and redrafted to clarify the existing policy.

3.27-3.32	148-169	Information on the suitability requirements for becoming a Tier 4 sponsor has been moved, and redrafted to clarify the existing policy.
4.10-4.34	21-54	Information on how to apply for a Tier 4 licence has been moved to 'Making an application'.
5.1-5.37	79-115	Information on Key Personnel has been moved, and redrafted to clarify the existing policy. A definition of Office Holder and Representative has been added to the Glossary.
6.1-6.24	57-78	Information on sites and partnerships has been moved.
6.12	67	An amendment has been made to the exceptional arrangements for listing embedded colleges offering pathway courses.
7.1-7.7	117	A new section on applying for a CAS allocation has been added. This clarifies the existing policy and prevents in-year requests by a Probationary Sponsor.
7.1-7.7	202-214	A new section on applying for a CAS allocation for the first time has been added. This clarifies the existing policy. Information on renewing a CAS allocation has been moved to Document 2.
8.1-8.13	170-185	Information on the checks made by UKVI on providers applying to become a Tier 4 sponsor has been moved, and redrafted to clarify the existing policy.
9.2-9.5	186-188	Information on when UKVI may refuse an application for a Tier 4 licence has been moved, redrafted to clarify the existing policy, and to add that UKVI may refuse an application if any of the provider's Key Personnel or any individual involved in the day-to-day running of the provider or any of its sites has been named as Key Personnel at any institution whose licence has been revoked within the last two years.
9.6-9.7	189-190	<p>Information on when UKVI will refuse an application for a Tier 4 licence has been moved, redrafted to clarify the existing policy, and to add that UKVI will refuse an application if the provider has:</p> <ul style="list-style-type: none"> <li>• previously held a Tier 4 licence in the past and that licence was revoked within the last two years; or</li> <li>• has not declared that one or more of its Key Personnel or individuals involved in the day-to-running of the organisation or any of its sites, has been named as Key Personnel at an institution whose Tier 4 licence has been</li> </ul>

		revoked within the last two years.
9.14-9.15	-	Information on Probationary Sponsor status and Tier 4 Sponsor status has been added.
9.18-9.21	221-224	Information on adding more Tiers and categories to a Tier 4 licence has been moved.
10.1-10.3	196-201 250-283	The 'Highly Trusted Sponsor' and 'A-rated' statuses have been abolished. Sponsors granted a licence in Tier 4 can hold either Probationary Sponsor status or Tier 4 Sponsor status.
10.4-10.5	216	Information on the Premium Sponsor Service has been redrafted. Sponsors who pay for the Premium service will no longer be rated differently from other sponsors.
Document 2	225-249	Information on renewing a Tier 4 licence has been moved to Document 2.
Document 3	250-283	Highly Trusted Sponsor status has been abolished. Information on the Basic Compliance Assessment, which has replaced the annual Highly Trusted Status assessment, has been moved.

## 1. Introduction

- 1.1 This is Document 1 of the Tier 4 Sponsor Guidance, which sets out the requirements for education providers wishing to apply for and hold a licence to sponsor international students to come to the UK under Tier 4 of the Points Based System. Document 1 covers applying for a Tier 4 licence, Document 2 covers sponsorship duties, and Document 3 covers compliance assessments and sanctions for non-compliance. Sponsors, and education providers who would like to apply for a Tier 4 licence, should read all three documents and ensure they understand them and comply with them.

## 2. Sponsorship under Tier 4

This section gives information on:

- Overview
- Tier 4 licence
- Abuse of sponsorship arrangements

### Overview

- 2.1 Tier 4 of the Points Based System is the primary immigration route for non-EEA students who wish to study full-time in the UK<sup>1</sup>. These students must be sponsored by an education provider that holds a Tier 4 licence. The education provider<sup>2</sup> is known as a sponsor.
- 2.2 The Tier 4 sponsorship regime is based on two basic principles. They are that:
- a. sponsorship is a privilege and not a right so those who benefit most directly from student migration (education providers) must help to prevent the system from being abused; and
  - b. those applying to come to the UK to study must be eligible to do so, and must have a reputable education provider who genuinely wishes to teach them.
- 2.3 When an education provider is granted a Tier 4 licence, significant trust is placed on them. With this trust comes a responsibility to act in accordance with the Immigration Rules and all parts of the Tier 4 Sponsor Guidance. UKVI has a duty to ensure that all sponsors discharge these responsibilities, and will take compliance action when it considers that a sponsor has failed to do so, or otherwise poses a risk to immigration control. For more information on the duties sponsors must fulfil, please see Document 2 of this Tier 4 Sponsor Guidance.
- 2.4 State schools, including those with sixth forms, cannot sponsor students. If we receive an application for a Tier 4 licence from a state school, we will reject it and refund the fee.
- 2.5 The Student Visitor and Child Visitor (from 24 April 2015, the Short-term Student and Short-term Student Child) routes are available for students to

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<sup>1</sup> Separate guidance exists for UK employers who wish to sponsor migrants to come to the UK to work. This can be found on our pages on the Gov.uk website using the following link: <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>

<sup>2</sup> The following two bodies are also sponsors:

- a. The UK Foundation Programme Office is the sponsor for all non-EEA students on the two-year foundation programme for postgraduate doctors; and
- b. Health Education Yorkshire and the Humber and Health Education South London are the sponsors for all non-EEA students on the two-year foundation programme for postgraduate dentists.

come to the UK for short periods of study. You can find out more about these routes on our pages on the Gov.uk website using the link below:  
[www.gov.uk/browse/visas-immigration/short-visit-visas](https://www.gov.uk/browse/visas-immigration/short-visit-visas)

## Tier 4 licence

- 2.6 An education provider can apply for a licence in two categories:
- a. Tier 4 (General) student. This is for anyone who comes to the UK for their post-16 education.
  - b. Tier 4 (Child) student. This is for children between the ages of 4 and 17 (inclusive) who come to the UK for their education. Children aged between 4 and 15 (inclusive) may only be educated at independent, fee-paying schools.
- 2.7 If a student is over the age of 16 and under the age of 18, then they can apply for a visa under either the Tier 4 (General) or the Tier 4 (Child) category.
- 2.8 A Tier 4 licence is valid for four years from the date it is granted, unless it is revoked or surrendered.
- 2.9 A sponsor is given Probationary Sponsor status when it is first granted a licence. A Probationary Sponsor must demonstrate that it can fulfil its sponsorship duties, will continue to do so, and can be trusted to hold Tier 4 Sponsor status. When a Probationary Sponsor applies for and passes its first annual Basic Compliance Assessment, it will be given Tier 4 Sponsor status.
- 2.10 In some circumstances, a sponsor may be made a Legacy Sponsor. A Legacy Sponsor is not permitted to sponsor any new students, but can continue to sponsor students who are already studying with it until either the student finishes their course or its Tier 4 licence expires, whichever happens first.
- 2.11 A sponsor must apply to renew its Tier 4 licence before it expires, or it will be removed from the Tier 4 Register of Sponsors, and will not be permitted to continue sponsoring existing students or to recruit new students.
- 2.12 All sponsors, including Probationary Sponsors and Legacy Sponsors, must comply with the Tier 4 sponsorship duties including the duty to apply for and pass an annual Basic Compliance Assessment. Please see the sponsor guidance document '[Tier 4 Compliance](#)' for further information.

## Abuse of sponsorship arrangements

- 2.13 We treat any allegation of abuse of Tier 4 sponsorship in the strictest confidence. Anyone with information can contact us by emailing: [EducatorsHelpdesk@homeoffice.gsi.gov.uk](mailto:EducatorsHelpdesk@homeoffice.gsi.gov.uk).
- 2.14 UKVI will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, tell the relevant authorities.
- 2.15 Illegal immigrants and other immigration offenders can also be reported. The following page on the Gov.uk website at <https://www.gov.uk/report-immigration-crime> has information on how to do this.



## 3. Requirements for a Tier 4 licence

This section gives information on:

- Guiding principles
- Educational Oversight requirement
- Eligibility and suitability for a Tier 4 licence

### Guiding principles

3.1 To be issued a Tier 4 licence, an education provider must be:

- a genuine education provider that has acceptable educational quality standards, and is operating lawfully in the UK, complying with all appropriate rules and regulations;
- considered eligible and suitable to hold a Tier 4 licence; and
- capable of carrying out its duties as a sponsor.

An education provider must meet these criteria in order to be granted a Tier 4 licence, and continue to meet them in order to retain its licence.

3.2 In order to establish whether or not an education provider meets these criteria, UKVI will consider a number of factors, including (but not limited to) its history and background, the Key Personnel named on its application and anyone involved in the day-to-day running of the organisation.

3.3 UKVI views any history of dishonest conduct or immigration crime, either by the relevant organisation as a corporate entity, or by individuals in the organisation, seriously and may refuse an application solely on the basis that such activities have taken place.

3.4 UKVI will also look at an education provider's policies and processes, including how student attendance is monitored, to ensure it will be able to fulfil its sponsorship duties.

3.5 UKVI may visit an education provider before making a decision on its application for a Tier 4 licence. If UKVI has significant doubts about the ability of an education provider to fulfil its sponsorship duties after visiting it, it may refuse its application.

### Educational Oversight requirement

#### Guiding principles

3.6 An education provider wishing to be a sponsor must demonstrate that all of its sites meet acceptable educational quality standards. An Educational Oversight body will make this assessment. Sponsors are required to maintain

their Educational Oversight for all their sites throughout the duration of their Tier 4 licence.

- 3.7 HEIs, publicly funded colleges and independent schools are already subject to statutory education inspections. If they achieve the required rating in these inspections, they will in most cases meet the Tier 4 Educational Oversight requirement (see the section below titled 'Statutory education inspections'). Other educational quality inspections, for example inspections by the Quality Assurance Agency for Higher Education (QAA) for Specific Course Designation, cannot be relied upon for Tier 4 purposes.
- 3.8 Overseas HEIs and private providers must apply to the appropriate designated Educational Oversight body for a Tier 4 Educational Oversight inspection and pass it before they apply to UKVI for a Tier 4 licence, and then again when they renew their Tier 4 licence. They will also be assessed at appropriate intervals throughout the period they hold a Tier 4 licence, and if their circumstances change (for example, if they apply to add a site to their Tier 4 licence). Educational Oversight bodies will be able to advise on the timing of the annual window when they will accept applications.
- 3.9 Where an education provider has had its Tier 4 licence revoked and it re-applies for a Tier 4 licence, it cannot rely on an Educational Oversight inspection that pre-dates the revocation of its licence.

### **Educational Oversight bodies**

- 3.10 The following table sets out the designated Educational Oversight bodies for the different categories of education providers that can hold a Tier 4 licence, and the type of inspection that providers must pass.

<b>Provider type</b>	<b>Educational Oversight body</b>	<b>Inspection type</b>
HEI	Quality Assurance Agency for Higher Education (QAA)	Statutory education inspection
Overseas HEI <sup>3</sup>	QAA (will confirm whether it is able to assess provision. Where it cannot do so, the Educational Oversight requirement will not be met, and the overseas HEI will not be eligible to apply for a Tier	Tier 4 Educational Oversight inspection <sup>4</sup>

<sup>3</sup> Accredited US institutions listed on the US Department of Education website and associate members (or third party providers) of the Association of American Study Abroad Programmes UK (AASAP/UK) which offer complete US degrees are also able to apply to the QAA.

<sup>4</sup> Overseas HEIs offering only short-term study abroad programmes are exempt from the Educational Oversight requirements. Their students must enrol in their home country, study in the UK for no more than 50 per cent of the total length of their course, and return home to finish their degree course (which must be equivalent to a UK degree).

	4 licence.)	
Publicly funded college	Ofsted (England) Estyn (Wales) Education Scotland (Scotland) Education and Training Inspectorate (Northern Ireland) QAA (will review any higher education provision)	Statutory education inspection
Private provider – higher education provision or predominantly higher education provision	QAA	Tier 4 Educational Oversight inspection
Private provider – Steiner and Montessori institution, including a Steiner and Montessori independent school	School Inspection Service	Tier 4 Educational Oversight inspection
Private provider – faith-based institution, including a faith-based independent school	Bridge Schools Inspectorate	Tier 4 Educational Oversight inspection
Private provider – other provision, including English language	Independent Schools Inspectorate (ISI) (England and Wales) Education Scotland (Scotland) Education and Training Inspectorate (Northern Ireland)	Tier 4 Educational Oversight inspection
Private provider – publicly funded provision (where applicable)	Ofsted (England) Estyn (Wales) Education Scotland (Scotland) Education and Training Inspectorate (Northern Ireland)	Statutory education inspection
Independent school	Ofsted (Non-association, England)	Statutory education inspection

	<p>ISI (Association, England)</p> <p>Estyn (Wales)</p> <p>Education Scotland (Scotland)</p> <p>Education and Training Inspectorate (Northern Ireland)</p>	
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### **Statutory education inspections**

- 3.11 Where an education provider is subject to a statutory education inspection, the relevant Educational Oversight body will decide if and when to inspect it, in accordance with its statutory obligations.
- 3.12 In most cases, a statutory education inspection is sufficient to meet the Tier 4 requirement to have Educational Oversight. However, where an education provider wishes to offer courses to Tier 4 students that have not been considered as part of a statutory education inspection, UKVI may require it to apply for an Educational Oversight inspection for Tier 4 purposes from another body, as if it was a private provider.
- 3.13 If an education provider wishes to sponsor students under Tier 4 (Child), it must have been inspected on the basis that it teaches children under the age of 18.

### **Private providers offering different levels of education at different sites**

- 3.14 If a private provider provides different levels of education at different sites, those sites may require Educational Oversight from different Educational Oversight bodies.
- 3.15 For example, a private provider in England may have some sites that offer higher education courses and, as such, receive Educational Oversight from the QAA, and other sites that offer English language courses and, as such, receive Educational Oversight from the ISI.
- 3.16 An Educational Oversight inspection will only affect the sites covered by that Educational Oversight body.
- 3.17 UKVI will require evidence of Educational Oversight in relation to each site for which a private provider seeks a Tier 4 licence. A site must have Educational Oversight before it is listed on a Tier 4 licence.

### **Tier 4 Educational Oversight inspections**

- 3.18 A private provider applying for an Educational Oversight inspection must have been continuously teaching a course of study that meets Tier 4 requirements to UK or EEA students for the two years prior to its application.

3.19 All Educational Oversight inspections will cover the following core requirements, but Educational Oversight bodies may choose to add further requirements to their Educational Oversight inspection if they consider it appropriate to do so:

Requirement	Objective	Key elements that will be considered
Quality assurance, including academic governance	Give international students reasonable confidence in arrangements for maintaining the academic standards and quality of the courses that their education provider offers.	<p>The setting and/or maintenance of academic standards by the provider.</p> <p>The provision of learning opportunities by the provider.</p> <p>The enhancement of the quality of students' learning opportunities by the provider.</p> <p>The provision of information to students by the provider.</p> <p>The suitability of teaching staff, taking into account whether pre-appointment checks have been carried out on staff where they will be teaching students under the age of eighteen or any vulnerable adults.</p> <p>The suitability of the premises for teaching, having regard to the number, age and needs (including any special needs) of students.</p>
Financial sustainability, management and governance	Give international students reasonable confidence that they should not be at risk of being unable to complete their course as a result of the financial failure of their education provider.	<p>Details of the provider's organisation, trading names and addresses, key individuals (directors, trustees and shareholders), limited company number (where there is one) and relationships with other corporate entities.</p> <p>The provider's corporate governance arrangements. If the provider has a complex structure, then arrangements relating to ownership and control at both a local and high level will need to be evidenced in a clear format.</p> <p>The provider's financial performance. This includes audited accounts, that have been</p>

		<p>filed at Companies House<sup>[6]</sup> and cover the two years immediately prior to the application in the case of new providers, and three years for other providers, as well as details of debt or service charges where interest or charges are payable to directors, trustees or related companies.</p> <p>The provider's financial sustainability over the next four years<sup>[7]</sup>. This includes an assessment of their business model and their projected ratio of international students to UK or EEA students over the next four years; their funding plans and the cost of face-to-face teaching provision for the projected number of international students; and contingency arrangements to safeguard international students' interests in the event of a sudden decline in international student numbers or institutional failure.</p> <p>(Note: assessments made by Educational Oversight bodies on an institution's financial sustainability will be made on the basis of information provided to them, and are not to be relied upon by any body other than UKVI.)</p>
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- 3.20 Educational Oversight bodies will decide how to conduct their inspections. They will have discretion to fail a private provider where they have reasonable grounds to believe that the provider is not a credible educational institution and/or they have reasonable doubts about the evidence the provider has submitted.

#### Transitional arrangement

- 3.21 Applications in the 2015 Educational Oversight window will only be required to include audited financial statements that cover 2014/15. The financial statements may take advantage of the exemptions available for small and medium sized companies.

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<sup>[6]</sup> Providers who are not required to file full financial statements for statutory purposes will need to provide externally audited accounts. These may take account of the accounting exemptions available for small and medium sized companies. The accounts must be audited each year by an independent, registered auditor and this must not be the same firm and/or individual that prepared the accounts. When monitoring starts, small companies will exceptionally be able to submit two sets of accounts that have been approved by the directors but not audited, although they must obtain audit certification for the last balance sheet that has been prepared.

<sup>[7]</sup> Educational Oversight bodies will stipulate the format in which financial forecasts must be supplied by providers.

### Gaining Educational Oversight

3.22 The following table sets out the rating a provider must achieve in order to be considered to meet the Tier 4 Educational Oversight requirement.

<b>Educational Oversight body</b>	<b>Rating that must be achieved</b>
Bridge Schools Inspectorate	‘Fully meets the Bridge Schools Inspectorate standards’
Education Scotland	‘Effective’
Education and Training Inspectorate	‘Satisfactory’
Estyn	‘Good’ or ‘Excellent’
ISI	‘Meets expectations’ or ‘Exceeds expectations’ (for private providers)  ‘Excellent’, ‘Good’ or ‘Sound’ (for independent schools)
Ofsted	‘Good’ or ‘Outstanding’
QAA	‘Confidence judgements in the management of its responsibilities for academic standards, management and enhancement of the quality of learning opportunities, and the reliance that may be placed on the information produced about the learning opportunities on offer’, or ‘Is commended’  ‘Meets UK expectations’  ‘The provider satisfactorily manages its responsibilities for the management of academic standards’ (for overseas HEIs only)
School Inspection Service	‘Meets expectations’

3.23 If an education provider is assessed by more than one Educational Oversight body, then the provider must achieve the ratings required in both inspections. For instance some publicly funded colleges receive a statutory inspection of their further education provision from Ofsted, and a statutory inspection of their higher education provision by the QAA. In these circumstances, the provider must achieve the requisite ratings in both inspections.

3.24 A new independent school will not have a rating, and must provide evidence of formal registration by the relevant authority (set out below) instead:

- a) England – school number, issued by the Department for Education (DfE).
- b) Wales - confirmation of registration letter, sent by the Welsh Assembly Government School Governance Team, which will include your unique school reference number.
- c) Scotland – your Scottish Executive Education Department (SEED) code.
- d) Northern Ireland – confirmation of registration letter sent by the Department of Education Northern Ireland School Governance Team.

### Failing Educational Oversight

3.25 The following table sets out the consequences of not achieving a required rating in a statutory education inspection or a Tier 4 Educational Oversight inspection.

Status of education provider	Consequence of not achieving a required rating
New applicant	<p>Provider cannot apply for a Tier 4 licence.</p> <p>If it is an overseas HEI or a private provider, it cannot apply for a Tier 4 Educational Oversight inspection for two years.</p>
Probationary Sponsor	<p>Provider's licence will be revoked.</p> <p>If it is an overseas HEI or a private provider, it cannot apply for a Tier 4 Educational Oversight inspection for two years.</p> <p>If it is an HEI, publicly funded college or independent school, it must achieve a required rating in a new statutory education inspection before re-applying for a Tier 4 licence.</p>
Tier 4 Sponsor	<p>If it is a publicly funded college, overseas HEI or private provider, it will be made a Legacy Sponsor.</p> <p>If it is a publicly funded college, it must achieve a required rating in a new statutory education inspection before re-applying for a Tier 4 licence.</p> <p>If it is an overseas HEI or a private provider, it cannot apply for a Tier 4 Educational Oversight inspection for two years.</p> <p>If it is an HEI or independent school, it will be allocated zero CAS until it achieves a required rating in a new statutory education inspection.</p>



- 3.26 Educational Oversight bodies will notify UKVI of the outcome of an inspection as soon as possible, so UKVI can take the necessary action.

Please see the section titled 'Maintaining your Educational Oversight' in the ['Sponsorship Duties'](#) guidance.

## Eligibility and suitability for a Tier 4 licence

- 3.27 UKVI will consider whether an education provider is eligible and suitable to hold a Tier 4 licence.

- 3.28 It will take into account any relevant factors, including (but not limited to) whether or not:

- the provider and all of its sites meet the Tier 4 Educational Oversight requirement;
- the provider has complied with any time restriction for an application for a Tier 4 licence;
- the provider and all of its sites have complied with the Immigration Rules and sponsor guidance in the past (including consideration of whether a Tier 4 licence has been revoked);
- the provider is a genuine institution that is operating lawfully in the UK, including registering for VAT with HM Revenue and Customs where required to do so; holding a written record of a fire risk assessment conducted by a competent person; and holding the appropriate planning permission or local planning authority consent to operate the relevant type or class of organisation at its trading address;
- Key Personnel, and individuals involved in the day-to-day running of the organisation or any of its sites, have complied with the Immigration Rules and sponsor guidance in the past (including whether any of its Key Personnel have held a role in an institution that has had its Tier 4 licence revoked, or surrendered a Tier 4 licence);
- Key Personnel, or any individuals involved in the day-to-day running of the organisation or any of its sites, have:
  - an unspent criminal conviction for a relevant offence (please see Annex 1 of this document for a list of offences that will be taken into account);
  - received a civil penalty for immigration offences;
  - previously come to the notice of the Home Office for potential investigation; or
  - been named as Key Personnel at any institution which was refused Specific Course Designation, or had Specific Course Designation removed, during their time at the institution;
- the provider has systems, policies and processes in place that enable it

to meet its sponsor duties (under the Immigration Rules and/or the sponsor guidance); and

- the provider has at any time misrepresented its Tier 4 sponsorship status on its website or marketing material (for example, by claiming it was a licensed sponsor while its licence was revoked).

- 3.29 If an individual named as Key Personnel, or any individuals involved in the day-to-day running of the organisation or any of its sites, has a prosecution for a relevant offence pending (please see the table in the section titled [‘When we will refuse a Tier 4 licence application’](#) for what constitutes a relevant offence), their application will be put on hold pending the outcome of criminal proceedings and any appeals.
- 3.30 If an education provider has not included with its application all the required documents, as set out in Appendix A, UKVI will consider it ineligible, reject the application and refund the fee paid.
- 3.31 If UKVI considers that an education provider is not suitable to hold a Tier 4 licence, it will refuse the application.
- 3.32 If a sponsor ceases to be suitable to retain its Tier 4 licence, compliance action will be taken against it.

## 4. Applying for a Tier 4 Licence

This section gives information on:

- Overview
- Fees
- Making an application
- Using a representative to make an application

### Overview

- 4.1 We treat all applications in confidence. We may, however, pass on the information that you provide to us, either when you apply for a licence or at any time throughout the period of your licence in accordance with the Home Office Personal Information Charter. In certain circumstances details may be passed to other government departments and agencies (including Educational Oversight bodies), local authorities and fraud prevention agencies for immigration purposes, the prevention of fraud and criminality and/or to help them carry out their functions. These bodies may also provide the Home Office with information about you and your employees. Further details explaining when information may be passed to other bodies, and how that information may be used, can be found on Gov.uk.
- 4.2 You must apply for a Tier 4 licence using the online form and supply the specified documents to prove that you are eligible, suitable and able to fulfil your sponsorship duties. These documents are listed in [Appendix A](#).
- 4.3 When you apply for a Tier 4 licence, you must:
- appoint Key Personnel and provide contact details for them (please read the section on [Key Personnel and others involved with your organisation](#))
  - decide which sites you would like to use to teach Tier 4 students (please read the section on [Sites and teaching partnerships](#)); and
  - set out the number of Confirmations of Acceptance for Studies (CAS) you would like to be allocated in your first 12 months as a Probationary Sponsor (please read the section on [Confirmations of Acceptance for Studies \(CAS\) allocations](#)).
- 4.4 To become a sponsor and be listed on the Tier 4 Register of Sponsors, you must meet all of the requirements set out in this guidance. You must:
- complete and submit the online application (this includes a declaration from you that you agree to meet all of the duties associated with being a licensed sponsor - for more information on sponsor duties, please see the guidance document titled 'Sponsorship Duties');

- pay the correct fee (for more information please see the section titled '[Fees](#)');
  - provide proof that you are based in the UK and provide original or certified copies of the documents listed in [Appendix A](#), unless we say otherwise, to establish that you are genuine and operating or trading lawfully in the UK, and with the appropriate planning permission or local planning authority consent to operate the type or class of business at your trading address (for more information on supporting documents, please see the section titled '[Document checks](#)');
  - meet the eligibility and suitability requirements. For more information, please see the section titled '[Eligibility and suitability for a Tier 4 licence](#)'; and
  - show there are no reasons to believe that you are a threat to immigration control.
- 4.5 When you complete the online Tier 4 licence application, you must specify which Tiers, categories and subcategories you wish to be licensed under. You can choose as many as you need provided you are eligible for them. If your application is successful these will be the only Tiers, categories or subcategories under which you can sponsor a migrant.
- 4.6 Licence applications may be rejected, refused or granted with Probationary Sponsor status. For more information about the decision we may make on your application, please see the section titled '[Tier 4 licence application decisions](#)'.

## Fees

- 4.7 Education providers must pay a fee for the following:
- To apply for a Tier 4 licence, or to renew it.
  - To apply for Tier 4 Sponsor status, or to renew it.
  - An action plan (if you are set one).
  - To extend your existing licence by adding other Tiers.
  - To assign a CAS.
- 4.8 Full information is located on our pages on the Gov.uk website using the following link: [www.gov.uk/government/publications/uk-visas-and-immigration-fees](http://www.gov.uk/government/publications/uk-visas-and-immigration-fees).
- 4.9 If you do not pay the correct fee, or pay only part of it, we will reject your application and return it to you together with the portion of the fee you have paid. If you overpay for the Tier/categories you have applied for, we will consider your application and return the excess payment.

## Making an application

- 4.10 Applications for a Tier 4 licence must be made using the online form located on the Gov.uk website using the following link:  
<https://www.points.homeoffice.gov.uk/gui-sponsor-jsf/SponsorHome.faces>
- 4.11 You must read all of the Tier 4 Sponsor Guidance before applying for a licence, particularly this document.
- 4.12 [Appendix A](#), which is separate to this guidance, sets out the documentary evidence required to validate your application. We may ask for other documents at any time.
- 4.13 If you gather all the necessary information before starting, the application should take about 30 minutes to complete. If you want to keep a copy of it for your records, you must make a note of what you have included in your application as you complete it because we cannot provide copies of Tier 4 licence applications.
- 4.14 You must make the application yourself. A representative can help you to complete your application, but must not send it on your behalf.
- 4.15 The Tier 4 licence application process is set out below:
- 1) An education provider registers online with their name and email address: <https://www.gov.uk/apply-for-a-tier-4-sponsor-licence>
  - 2) The provider completes the application form, pays the fee online and submits the application.
  - 3) The provider is then taken to a submission sheet page. It must print this, complete it and send it to UKVI with supporting documentation. The following must be sent to validate an application:
    - i. the original submission sheet (not a certified copy), signed and dated by the authorising officer (all pages must be sent); and
    - ii. all of the mandatory documents listed on the submission sheet (originals or certified copies).

These must all be sent together within five working days of the submission of the application or the application will be rejected and the fee refunded.
  - 4) UKVI processes the application, making any checks that are necessary.
  - 5) UKVI notifies the provider of its decision.
  - 6) If a Tier 4 licence is granted, the education provider's name and status will be published on the Tier 4 Register of Sponsors.

- 4.16 If any documents specified in [Appendix A](#) (other than mandatory documents) are missing from your application, or if we require any more documents or information, we will contact you by email. We will give you five working days from the date of the email to send the documents or information we ask for. If you are sending in anything by post in response to our email request, you must email us by the deadline to let us know that you have posted the information and include any postal reference or tracking numbers.
- 4.17 We always email the person named as your key contact if we need any further information or documents. We may also email your authorising officer. It is important that your authorising officer and key contact are available to deal with any requests we may need to make. If you have not contacted us by the deadline date specified, we will refuse your application and your fee will not be refunded.

<b>Application..</b>	<b>UKVI will reject your application and refund your fee</b>	<b>UKVI will refuse your application and not refund your fee</b>
<b>.. has been sent by a representative</b>		✓
<b>.. has mandatory documents that are incorrect or missing</b>	✓	
<b>.. requires further documentation or information but you do not respond by the given deadline</b>		✓

- 4.18 If you are including more than one site, or an exceptional arrangement or partnership in your application for a Tier 4 licence you must submit all the evidence specified in [Appendix A](#) for each site and institution involved. In addition, you must include documentation which demonstrates that the sites, exceptional arrangements and/or partnerships meet all of the relevant requirements of the '[Sites and teaching partnerships](#)' section of Document 1 of this guidance.
- 4.19 If you are a private provider applying to hold your own licence as an embedded college offering pathway courses (in accordance with Table 2 of the '[Sites and teaching partnerships](#)' section), you must include evidence that the HEI involved supports the application.
- 4.20 You must send the original documents or certified copies. A certified copy is one that includes a signed statement, either by the issuing authority or by a practising barrister, solicitor or notary. The certifier must confirm that it is an accurate copy of the original document. Each certified document must clearly detail the certifier's name, signature and the organisation they represent. If we cannot check a certifier's details we will reject the document. Sometimes, when a document has more than one page, the

certifier does not want to certify every page. We will accept the document if the pages are all attached together (such as stapling) and the top page is certified as described. The certification must also state clearly how many pages have been certified.

- 4.21 We know you often receive original documents by email as a PDF attachment. You must have printouts of PDF files certified and the person who certifies the document must have seen the original email containing the PDF file.
- 4.22 If you provide documents that are not in English or Welsh you must also send us a certified translation. You must provide the translator's credentials, along with their official confirmation that the translation is accurate.
- 4.23 If you provide certified copies of documents and/or certified translations we may ask for the original documents.
- 4.24 We will make more checks if we doubt that you can meet the requirements for the category in which you have applied. We may ask for more documents.
- 4.25 We will return all your documents by recorded delivery to the address on your application. If you want us to return the documents by special delivery, you must enclose a prepaid special delivery envelope.

## Using a representative to make an application

- 4.26 You can use the services of a representative to help you complete the online application for a Tier 4 licence but they cannot submit the application on your behalf.
- 4.27 To act on your behalf a representative must meet our definition (please refer to the [Glossary](#)) and be based in the UK.
- 4.28 If they act on your behalf without being 'qualified' under the Immigration and Asylum Act 1999, they may be committing a criminal offence.
- 4.29 Anyone compliant with Section 84 through exemption by ministerial order still has to comply with the OISC code of standards.
- 4.30 If you are unsure of your representative's status you should contact the OISC, which has a list of organisations and advisers it has authorised. You can contact them:

By post:

The Office of the Immigration Services Commissioner (OISC)  
5th Floor  
Counting House

53 Tooley Street  
London  
SE1 2QN  
By phone: 0845 000 0046 (calls charged at local rate)  
By fax: 020 7211 1553  
By email: [info@oisc.gov.uk](mailto:info@oisc.gov.uk)

- 4.31 The OISC website has links to websites for solicitors, advocates, barristers and legal executives and the Community Legal Service. These links can be found at: <https://www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner>
- 4.32 If after receiving a licence you wish to use the services of a representative you must formally appoint one using the Sponsorship Management System (SMS). For more information on the SMS please see the section titled 'What is the SMS' in the '[Sponsorship Duties](#)' guidance.
- 4.33 We will not deal with any communications from a representative acting on your behalf unless they have been appointed by you. You can tell us that a representative has helped you fill in your licence application at the application stage. However you can only appoint them at the licence application stage if you also appoint them as a key contact and/or Level 1 user.

**Contact point for queries about the application process**

- 4.34 If you have any queries about the application process please contact us by telephone on 0300 123 4699, or by email at: [EducatorsHelpdesk@homeoffice.gsi.gov.uk](mailto:EducatorsHelpdesk@homeoffice.gsi.gov.uk).



## 5. Key Personnel and others involved with your organisation

This section gives information on:

- Key Personnel

### Key Personnel

- 5.1 The online sponsor application form requires you to give certain responsibilities to members of your staff, some or all of whom will have access to the Sponsorship Management System (SMS) after a licence is granted. For more information on the SMS, please see the section titled 'The Sponsorship Management System (SMS) and Confirmation of Acceptance for Studies (CAS)' in the ['Sponsorship Duties'](#) guidance. We call these people 'Key Personnel' and there are four roles:
- a. authorising officer;
  - b. key contact;
  - c. Level 1 user of the Sponsorship Management System;
  - d. Level 2 user of the Sponsorship Management System.
- 5.2 Only Level 1 and Level 2 users will have access to the SMS. If the authorising officer or key contact wished to have access, they must also be set up as a Level 1 or Level 2 user.
- 5.3 Each of your Key Personnel:
- a. must be permanently based in the UK for the duration of the period that they fill the role you have appointed them to;
  - b. must not have an unspent conviction for a relevant offence, as set out in the section titled, ['Tier 4 licence application assessments'](#);
  - c. must be a paid member of your staff or engaged by you as an office holder. The only exceptions are:
    - A Level 1 or Level 2 SMS user can be an employee of a third party organisation who you have contracted some or all of your HR function to. From 28 November 2014 new sponsors must have at least one Level 1 user who is an employee. This is also best practice for existing sponsors. We will reject applications where the sponsor does not have a Level 1 user who is their employee.
    - A Level 2 SMS user can be a member of staff supplied to you, but employed by an employment agency.
    - An insolvency professional who has been appointed because you have gone into administration can fill any Key Personnel role.
    - A UK-based representative can fill any Key Personnel role except the role of authorising officer. If you already have a sponsor licence

but you now want a representative to help assign CAS, you must add the relevant employees of the representative to the SMS as Level 1 or Level 2 users.

- d. can be a UK-based representative. The only exception to this rule is that your authorising officer cannot be a representative. If you already have a sponsor licence but you now want a representative to help assign a CAS, you must add the relevant employees of the representative to the SMS as Level 1 or Level 2 users.

5.4 Your Key Personnel cannot be:

- a. a representative who is not based in the UK;
- b. a contractor or consultant who is contracted for a specific project;
- c. subject to a Bankruptcy Restriction Order;
- d. subject to a Bankruptcy Restriction Undertaking;
- e. subject to a Debt Relief Restriction Order;
- f. subject to a Debt Relief Undertaking; or

legally prohibited from being a company director. (The only exception to this rule is for the key contact who can be legally prohibited from being a company director but only if that is solely due to them being an undischarged bankrupt or subject to a Debt Relief Order).

5.5 You must name your authorising officer, key contact and Level 1 user on the application form. These roles can be filled by the same person, or a combination of different people, but you can:

- a. only have one authorising officer and one key contact;
- b. add more Level 1 users once you have a sponsor licence; and
- c. only appoint Level 2 users once you have your licence.

5.6 If you want a representative to assign CAS, you must add their relevant employees to the SMS as Level 1 or Level 2 users. It is your responsibility to make sure they meet the requirements to be a Level 1 or 2 user.

5.7 You are responsible for anything done by anyone you set up as a user of the SMS, including representatives. We treat anything a representative does on your behalf as if you had done it yourself so you should only employ representatives who are reputable, honest and competent. You should check the identity of any representative you employ and make sure they meet their responsibilities. If you do not comply with your responsibilities, we will take action against you.

**Contact details for Key Personnel**

5.8 You must give us the contact details of your Key Personnel when you:

- a. apply for a licence; and
  - b. change or add Key Personnel following the grant of a licence.
- 5.9 The contact address for all Key Personnel must be your main address or the address of any branch or head office you include in your licence. If you appoint a representative as key contact or Level 1 user, their address must be the same as the representative's main business address. If you appoint a Level 2 user employed by a third party organisation engaged by you to deliver all or part of your HR function, their address must be the main business address of that organisation.
- 5.10 When you give us an email address for a person, only that named person must be able to access emails we send to that address.

### **Checks we make on Key Personnel**

- 5.11 We will check your authorising officer, key contact and Level 1 user against our records, and the Police National Computer or its equivalent in Northern Ireland. We may also check your owner(s), director(s) and anyone involved in your day-to-day running or the day-to-day running of any of your sites.
- 5.12 We may make checks:
- a. while we consider your application for a sponsor licence;
  - b. at any time while you have a sponsor licence; and
  - c. when new people take up Key Personnel roles while you have a sponsor licence.
- 5.13 If any of these people have unspent criminal convictions or has been issued with a civil penalty by the Home Office in the past 12 months, we may:
- a. refuse your application for a sponsor licence;
  - b. if you already have a licence, refuse to accept a person you later nominate for a Key Personnel role; or
  - c. revoke your licence.

### **Authorising officer**

- 5.14 When applying for a licence you must appoint an authorising officer. The person you nominate to this role must be your most senior person responsible for the recruitment of students and ensuring that all of your sponsor duties are met. If there is more than one person who could fill this role, you must decide who to nominate. You are responsible for the actions of your authorising officer so we advise that you ensure you are confident that they fully understand the importance of this role.
- 5.15 The authorising officer is also responsible for deciding how many of your staff need to have access to the SMS and what level of permission they

can have. They are responsible for the activities of all SMS users and must comply with our requirements for using the system. If they fail to do this, we will take action against you.

- 5.16 The authorising officer does not have automatic access to the SMS. If they require access to the system they will need to be set up as a Level 1 or Level 2 user. This can be done by naming them as the Level 1 user on your application, or adding them as an additional Level 1 user or as a Level 2 user after your licence has been granted.
- 5.17 You must have an authorising officer in place throughout the life of your licence. The nominated person must always meet the requirements set out in this guidance. If you fail to have an authorising officer in place who meets our requirements, or fail to tell us of a change in authorising officer, we will take action against you.
- 5.18 The authorising officer must be a paid staff member or office holder within your organisation.
- 5.19 They must not be:
  - a. a representative;
  - b. a contractor or consultant who is contracted solely for a specific project or projects;
  - c. a temporary staff member supplied by an agency; or
  - d. an undischarged bankrupt.

### **Key contact**

- 5.20 The key contact can be the authorising officer or another person in your organisation.
- 5.21 The key contact will be your main point of contact with us. We will contact them if we have any queries about your application, the documents you sent or the fee. A key contact must be a paid staff member or office holder within your organisation. They can also be a UK-based representative.
- 5.22 They must not be:
  - a. a contractor;
  - b. a consultant who is contracted solely for a specific project or projects;
  - c. an employee of a third party organisation you have engaged to deliver all or part of your HR function; or
  - d. a temporary staff member supplied by an agency.
- 5.23 The key contact does not have automatic access to the SMS. If they need access to the system they must be set up as a Level 1 or Level 2 user of it.

### Level 1 user

- 5.24 The Level 1 user can be the authorising officer or another person in your organisation.
- 5.25 The Level 1 user must carry out your day-to-day sponsorship activities using the SMS.
- 5.26 When you first apply for a sponsor licence, you can only nominate one Level 1 user and they must be an employee. Once you have a licence you can use the SMS to nominate more Level 1 users. We will check new Level 1 users before we give them access to the SMS.
- 5.27 You can decide how many Level 1 users you need. The authorising officer is responsible for them, so we recommend that you do not have more Level 1 users than you really need. You should make sure that you have at least enough to be able to cover periods of leave or sickness.
- 5.28 The Level 1 user must be:
- a. a paid staff member or office holder within your organisation; or
  - b. an employee of a third party organisation engaged by you to deliver all or part of your HR function; or
  - c. a UK-based representative.
- 5.29 They must not be:
- a. a contractor;
  - b. a consultant who is contracted for a specific project;
  - c. a temporary staff member supplied to you by an employment agency; or
  - d. an undischarged bankrupt.
- 5.30 You must always have a minimum of one Level 1 user who is a [Settled Worker](#). The only exception to this rule is if you are a diplomatic mission or international organisation licensed under Tier 5 (International Agreement) of the Points Based System.
- 5.31 You must have at least one Level 1 user in place. This is because it is impossible for you to meet all of your sponsor duties without one. If we find you do not have any Level 1 users in place, we will take action against you. From 28 November 2014 new sponsors must have at least one Level 1 user who is an employee. This is also best practice for existing sponsors. You can have more than one Level 1 user, but at least one must be your employee.

### Level 2 user

- 5.32 Level 2 users have fewer permissions than Level 1 users.
- 5.33 You can decide how many Level 2 users you need. The authorising officer is responsible for them, so we recommend that you do not have more Level 2 users than you really need.

5.34 Level 2 user must be:

- a. a paid staff member or office holder within your organisation; or
- b. an employee of a third party organisation engaged by you to deliver all or part of your HR function; or
- c. a temporary staff member supplied to you by an employment agency; or
- d. a UK-based representative.

5.35 They must not be:

- a. a contractor;
- b. a consultant who is contracted for a specific project; or
- c. an undischarged bankrupt.

5.36 Please see the table below titled Level 1 and Level 2 user functions for details on the different actions Level 1 and Level 2 users can perform in the SMS.

**Level 1 and Level 2 user functions table**

Function	Level 1 User	Level 2 User
Request more Level 1 users and add Level 2 users to the SMS or remove them	✓	x
Assign CAS to students	✓	✓
Request an increase in the number of CAS you can assign (your limit)	✓	x
Tell us about minor changes to your details	✓	x
Notify us of change of circumstances on the SMS	✓	x
Report student activity to us (for example, inform us if a student goes missing or does not attend their course)	✓	✓
Withdraw CAS	✓	x
Inform us of changes to study or work placement addresses	✓	x
Use the bulk data transfer feature	✓	x
Change user details	✓	x

View information about your licence and Key Personnel	✓	x
Access key messages that we post from time to time	✓	x
Apply to renew your licence and track the progress of your application	✓	x
Apply for Premium customer service and track the progress of your application	✓	x
Apply for Tier 4 Sponsor status and track the progress of your application	✓	x

5.37 SMS users must not assign a CAS to themselves or assign a CAS to anyone who is their:

- spouse or civil partner;
- unmarried partner;
- parent;
- daughter, step-daughter, son or step-son; or
- sibling or half-sibling.

## 6. Sites and teaching partnerships

This section gives information on:

- Guiding principles
- Requirements
- Before applying to add a site, exceptional arrangement or a teaching partnership to a Tier 4 licence
- Applying to add a site, exceptional arrangement or a teaching partnership to a Tier 4 licence

### Guiding principles

- 6.1 The Tier 4 sponsorship system is based on a direct relationship between a sponsor and the student that they are sponsoring to study in the UK. This allows a sponsor to fulfil its sponsorship duties effectively.
- 6.2 Education providers have a wide range of corporate structures and collaborative arrangements for delivering education in partnership with others. These are permitted under Tier 4 but they must not distort or dilute the relationship between a sponsor and a student that underpins the effective functioning of the Tier 4 system.
- 6.3 In order to ensure that the Tier 4 sponsorship system works effectively where there are collaborative arrangements, the relationship between institutions must be open and transparent so that the sponsorship of Tier 4 students can be monitored effectively. This will also ensure that students receive the appropriate conditions of stay, as laid out in the Immigration Rules.
- 6.4 We apply the following general principles to all arrangements to ensure that sponsors take their responsibilities seriously, and can fulfil their duties:
- an institution which teaches Tier 4 students must take responsibility for sponsoring them; and
  - an institution or an umbrella organisation may not hold more than one Tier 4 licence.
- 6.5 The requirements set out in the next section give effect to these principles. Special provisions have been made for some specific exceptional arrangements where an embedded college or joint venture is an autonomous institution with close links to a single HEI.
- 6.6 Tier 4 sponsors who are planning a new site, arrangement, or partnership that is not covered in the section below, should consult UKVI on the next steps to take. Arrangements or partnerships that circumvent the Immigration Rules or this guidance will be considered to be abuse of the Tier 4 sponsorship system, and compliance action may be taken against the Tier 4 sponsor and/or its partners in such circumstances.



- 6.7 The provisions for listing sites, exceptional arrangements and teaching partnerships on Tier 4 licences changed on 4 March 2015, when new requirements were introduced. See ‘transitional arrangements’ below for information on how this affects sponsors who held a Tier 4 licence on 1 December 2014.

## Requirements

- 6.8 The following tables set out the ways in which sponsors may list sites and partnerships on their Tier 4 licence, and sponsor Tier 4 students.
- 6.9 Table 1 sets out the main categories of sponsors in Tier 4. All sponsors must fall within a category in Table 1, unless UKVI has agreed that they fall within Table 2. No sponsor can fall within more than one of the categories in Table 1. Table 2 sets out exceptional arrangements, and Table 3 sets out teaching partnerships under which an institution may only assign CAS if they are teaching the majority of a course on their site.
- 6.10 All institutions teaching Tier 4 students must fall under one of the categories in Tables 1 or 2. If an institution has doubts as to whether they fall under one of those categories, it must contact UKVI immediately as it may be operating in breach of this guidance.

### Table 1 - Tier 4 sponsor types and licences

- 6.11 Other than institutions with the exceptional arrangements set out in Table 2, all institutions sponsoring Tier 4 students must fall under one of the following categories. These sponsors should hold a single licence listing all of the sites that they wish to use to teach Tier 4 students, and cannot hold multiple Tier 4 licences unless the exemption for independent schools applies.

Sponsor type	Sponsor site description and specific conditions
HEI	<p>An HEI should list on its Tier 4 licence all sites which are part of the HEI and that it will use to teach Tier 4 students, including any teaching hospitals, and any sites used by any joint venture entity set up to deliver higher education courses (but see exceptional arrangements in Table 2 below relating to short term joint ventures). With the exception of teaching hospitals, these sites must be fully integrated with broadly the same policies, procedures and regulations applying across the HEI in relation to Tier 4 students. There should be processes in place to ensure that this is delivered in practice in all sites.</p> <p>The HEI must have central oversight of marketing and of the recruitment and the admission of non-EEA students across all of its sites.</p> <p>The HEI must have the same processes in place to quality assure course delivery and to conduct student assessments across all of its</p>

<b>Sponsor type</b>	<b>Sponsor site description and specific conditions</b>
	<p>sites.</p> <p>Exceptional arrangements in Table 2 must also be listed on an HEI's Tier 4 licence.</p>
Publicly funded college	<p>A publicly funded college should list all sites that it will use to teach Tier 4 students on its Tier 4 licence.</p>
Private provider	<p>A private provider should list all sites that that it will use to teach Tier 4 students on its Tier 4 licence.</p> <p>An institution which does not fall into one of the other categories in either Table 1 or 2 is considered to be a private provider.</p> <p>Private providers linked to one another by common ownership or control must be grouped under a single Tier 4 licence, including where they are part of a franchise.</p> <p>A private provider may only hold more than one licence if:</p> <ul style="list-style-type: none"> <li>• it owns or controls one or more independent schools which hold separate Tier 4 licences (see below); or</li> <li>• UKVI agrees that one or more of the private provider's sites is an embedded college offering pathway courses and the embedded college holds a separate Tier 4 licence (see Table 2).</li> </ul> <p>Where a private provider has more than one type of education institution on its licence, the institutions may have Educational Oversight from different Educational Oversight bodies – see the section called <a href="#">‘Educational Oversight requirement’</a> for further information.</p> <p>Grouping sites under a single licence should not prevent a private provider from putting effective policies and procedures in place at a local level across all sites in order to comply with its sponsorship duties, such as day-to-day student contact and attendance management.</p>
Independent school	<p>An independent school should list on its Tier 4 licence all sites that it will use to teach Tier 4 students.</p> <p>An independent school that is linked by common ownership or control to a private provider or one or more independent schools may be grouped with them under a single Tier 4 licence. Alternatively, an independent</p>

Sponsor type	Sponsor site description and specific conditions
	school may hold a separate Tier 4 licence.
Overseas HEI	<p>An overseas HEI which offers short-term study abroad programmes should list on its Tier 4 licence all sites in the UK that it will use to teach Tier 4 students.</p> <p>To be recognised as an overseas HEI, the institution's Tier 4 students must:</p> <ul style="list-style-type: none"> <li>• enrol in their home country;</li> <li>• study in the UK for no more than 50 per cent of the total length of their course; and</li> <li>• return home to finish their degree course (which must be equivalent to a UK degree).</li> </ul> <p>The overseas HEI must provide evidence that:</p> <ul style="list-style-type: none"> <li>• it has overseas accreditation which can be confirmed by UK NARIC as offering degree programmes resulting in qualifications which are equivalent to UK degree-level or above;</li> <li>• it intends to teach only part of its programmes in the UK. For example, its students enrol on full time degree programmes at a site outside the UK and study only part of their overall degree programme in the UK, before returning overseas to finish their studies;</li> <li>• if it runs its study abroad programmes on its own site in the UK, it has full legal control of that site, including holding the appropriate planning permission or local planning authority consent to operate the type or class of business, and it owns or has a lease agreement for that site; and</li> <li>• if it rents or uses classroom space in the UK that is provided by a third party for its study abroad programmes, the space must be within an institution which also has a Tier 4 licence. It must provide evidence of the facilities it is renting or using, and that it has full legal control of the site it uses. If the third party's own Tier 4 licence is revoked it must find classroom space with another Tier 4 sponsor within six months of that licence being revoked.</li> </ul>

### Table 2 - Exceptional arrangements

6.12 Table 2 sets out certain exceptional arrangements which may be used to teach Tier 4 students. These exceptional arrangements will not be regarded as compliant with this guidance until UKVI has considered and granted them either as part of an application for a Tier 4 licence or an application for the arrangements to be added on a Tier 4 licence. The

application must be supported by the relevant partner HEI and include supporting documentation showing that the exceptional arrangement meets the specific conditions set out below. Please see the section called [‘Educational Oversight requirement’](#) for information.

<b>Exceptional arrangement</b>	<b>Description</b>	<b>Specific conditions</b>
Embedded college offering pathway courses	A private provider, usually part of a network and operating within or near to the premises of an HEI, delivering pathway courses which prepare students for entry to higher education programmes at that HEI. This does not include pre-sessional courses.	<p>The embedded college may hold its own Tier 4 licence. If so, it must not be listed on either the HEI or the private provider’s licence and any students wishing to study at the embedded college must be sponsored by it on its own licence.</p> <p>Alternatively, it can be listed as a site on the private provider’s Tier 4 licence but not as a site or otherwise on the HEI’s Tier 4 licence.</p>
Embedded college offering integrated programmes	A private provider, usually part of a network and operating within or near to the premises of an HEI, delivering integrated higher education programmes which students complete at that HEI. This does not include pre-sessional courses.	The embedded college must be listed as an exceptional arrangement on the relevant HEI’s Tier 4 licence. Any students wishing to study at the embedded college must be sponsored by the relevant HEI.
Embedded college set up as a joint venture	<p>An entity created by a joint venture agreement between an HEI and a private provider, usually as part of a network, to deliver pathway courses which prepare students for entry to higher education programmes at that HEI. This does not include pre-sessional courses.</p> <p>The joint venture entity must have an expected minimum contractual duration of 10 years. Robust shared governance and shared processes with the HEI must be</p>	The embedded college must be listed as an exceptional arrangement on the relevant HEI’s Tier 4 licence. Any students wishing to study at the embedded college must be sponsored by the relevant HEI.

<b>Exceptional arrangement</b>	<b>Description</b>	<b>Specific conditions</b>
	set out clearly in the joint venture agreement.	
Short term joint venture arrangement	<p>There may be circumstances where UKVI accepts that it is necessary to treat a joint venture entity delivering higher education courses as an exceptional arrangement for a time-limited period only. The HEI must justify why it is necessary to set up a joint venture entity, rather than setting up either a new site or any of the other teaching arrangements in this guidance, in order to deliver their higher education courses. Further, the HEI must confirm that the majority of its students being taught at the joint venture entity are or will be from the UK, another EEA country or Switzerland.</p> <p>If UKVI agrees to add the entity to the HEI's Tier 4 licence as a short-term joint venture entity rather than a site, the HEI will be allocated a small number of additional CAS for this joint venture entity for a time-limited period only.</p>	The entity must be listed on the relevant HEI's Tier 4 licence. Any students wishing to study at the entity must be sponsored by the relevant HEI.

**Table 3 - Teaching partnerships**

6.13 A sponsor must list all the teaching partnerships it wishes to use to teach Tier 4 students on its sponsor licence. Where both partners are Tier 4 sponsors, the partnership must be listed on both licences regardless of which sponsor is issuing CAS under the partnership.

<b>Tier 4 sponsor type</b>	<b>Partnership description</b>	<b>Specific conditions</b>
HEI	<b>Partnership to deliver a pre-session course</b>	The partner provider may or may not hold its own Tier 4 licence. It must hold its own Tier 4 licence

Tier 4 sponsor type	Partnership description	Specific conditions
	A partner provider delivers short pre-sessional courses to an HEI's Tier 4 students.	<p>where it is required to assign a separate CAS for the pre-sessional course, as set out below.</p> <p>The HEI may assign a CAS which covers both a pre-sessional course at the partner institution and the main degree course at the HEI, but only where it has made an unconditional offer for the degree course; the pre-sessional course is no more than three months long; and the pre-sessional course ends no more than one month before the main degree course.</p> <p>Where the pre-sessional course is an English language course, the student must also have demonstrated their ability to speak English at B1 level by providing a SELT meeting the requirements of the Immigration Rules and this guidance, and the HEI must be satisfied that on completion of the pre-sessional course the student will have reached B2 level and will proceed to the main degree at the HEI.</p> <p>In all other circumstances, the partner institution must assign a separate CAS for the pre-sessional course.</p>
HEI	<p><b>Partnership with another HEI to deliver a course</b></p> <p>An HEI has entered into a partnership with another HEI to teach a course to Tier 4 students.</p>	<p>Both HEIs must hold a Tier 4 licence with Tier 4 Sponsor status.</p> <p>The HEI teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student. If teaching is shared equally, either HEI can sponsor the student.</p>

<b>Tier 4 sponsor type</b>	<b>Partnership description</b>	<b>Specific conditions</b>
HEI	<p><b>Partnership with a publicly funded college or private provider to deliver a course</b></p> <p>An HEI has entered into a partnership with a publicly funded college or a private provider to teach a course to Tier 4 students.</p>	<p>Both the HEI and the partner institution must hold a Tier 4 licence with Tier 4 Sponsor status.</p> <p>Where a Tier 4 student is taught by the HEI at one of its sites for over half the duration of the course, the HEI must sponsor the student.</p> <p>In all other circumstances, the publicly funded college or private provider must sponsor the student.</p>
Publicly-funded college	<p><b>Partnership with another publicly-funded college to deliver a course</b></p> <p>A publicly-funded college has entered into a partnership with another publicly-funded college to teach a course to Tier 4 students.</p>	<p>Both publicly-funded colleges must hold Tier 4 licences with Tier 4 Sponsor status.</p> <p>The publicly-funded college teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student. If teaching is shared equally, either publicly-funded college can sponsor the student.</p>
Publicly-funded college	<p><b>Partnership with a private provider to deliver a course</b></p> <p>A publicly funded college has entered into a partnership with private provider to teach a course.</p>	<p>Both the publicly funded college and the private provider must hold a Tier 4 licence with Tier 4 Sponsor status.</p> <p>Where a Tier 4 student is taught by the publicly funded college at one of its sites for over half the course duration, the publicly funded college must sponsor the student.</p> <p>In all other circumstances, the private provider must sponsor the student.</p>
Private provider	<p><b>Partnership with another private provider to deliver a course</b></p>	<p>Both private providers must hold Tier 4 licences with Tier 4 Sponsor status.</p>

Tier 4 sponsor type	Partnership description	Specific conditions
	A private provider has entered into a partnership with another private provider to teach a course to Tier 4 students.	The private provider teaching the majority of the course (i.e. over half the duration of the course) at one of its sites must sponsor the student. If teaching is shared equally, either private provider can sponsor the student.
Independent school	<p><b>Partnership to deliver a pre-sessional course</b></p> <p>A partner provider delivers short pre-sessional courses to an independent school's Tier 4 students.</p>	<p>The partner provider may or may not hold its own Tier 4 licence. It must hold its own Tier 4 licence where it is required to assign a separate CAS for the pre-sessional course, as set out below.</p> <p>The independent school may assign a CAS to a student to study a pre-sessional course at the partner institution where:</p> <p>(i) an unconditional offer has been made to a Tier 4 (Child) student for a main course of study at the independent school; and</p> <p>(ii) the total length of the pre-sessional course plus the main course of study is not more than the maximum time for which the applicant may stay in the UK as a Tier 4 (Child) student.</p> <p>In all other circumstances the partner institution must assign a separate CAS for the pre-sessional course.</p>
Independent school	<b>Partnership with another independent school to deliver a course</b>	<p>Both independent schools must hold Tier 4 licences with Tier 4 Sponsor status.</p> <p>The independent school teaching the majority of the course (i.e. over half the duration of the course) at</p>



<b>Tier 4 sponsor type</b>	<b>Partnership description</b>	<b>Specific conditions</b>
		one of its sites must sponsor the student. If teaching is shared equally, either independent school can sponsor the student.

## **Before applying to add a site, exceptional arrangement or a teaching partnership to a Tier 4 licence**

- 6.14 A sponsor wishing to add a site (specified in Table 1), exceptional arrangement (specified in Table 2) or a teaching partnership (specified in Table 3) to its Tier 4 licence must meet the following conditions before making an application to UKVI to do so:
- There must be a contractual agreement to teach students in the manner specified, if more than one institution is involved.
  - There must be a sufficient level of planning permission for any site involved (whether this is under Table 1, 2 or 3), and the sponsor must be able to provide evidence (for example, a business plan) of how they intend to use the site.
  - The sponsor must notify its Educational Oversight body of its plans to begin teaching at a new site (whether this is under Table 1, 2 or 3) and take any steps required by the body to maintain its Educational Oversight. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its Tier 4 licence meets the Educational Oversight requirements set out in this guidance.
  - The sponsor must have systems in place to ensure it can meet its sponsorship duties in respect of students it would like to teach at the site, at the exceptional arrangement or under the teaching partnership.
- 6.15 This is in addition to the specific conditions set out in the relevant Table (Table 1, 2 or 3 in this section).

## **Applying to add a site, exceptional arrangement or teaching partnership to a Tier 4 licence**

- 6.16 A sponsor wishing to add a site, exceptional arrangement or teaching partnership to its Tier 4 licence must apply to do so using the Sponsor Management System (SMS), in accordance with Document 2 of this guidance.
- 6.17 UKVI will verify the application and the documents provided with it, especially if there are any reasonable doubts about them. UKVI may visit the sponsor

and/or the new site or partner and carry out compliance checks as part of the pre-assessment process. UKVI may also request further documents.

6.18 Applications will be considered on a case by case basis. UKVI may refuse the application if:

- the sponsor fails to provide the information required to reach a decision within 10 working days of UKVI's written request;
- the application does not meet the criteria set out above; or
- the sponsor or any of the sites or institutions involved in the teaching partnership or exceptional arrangement has failed to comply with the Immigration Rules or sponsor guidance in the past.

6.19 Until the application has been granted, the sponsor may not:

- assign CAS to Tier 4 students to be taught at the new site;
- teach any Tier 4 students at the new site (unless this is under the transitional arrangements set out below); or
- allow any of its Tier 4 students to study at the partner institution's site.

6.20 If the application is granted, the sponsor must notify its Educational Oversight body, and comply with the Educational Oversight body's directions on any further action that may be necessary in order for it to maintain its Educational Oversight. Failure to do this or to update UKVI on steps being taken to comply with any direction by the Educational Oversight body will lead to the site (whether this falls under Table 1, 2 or 3) being removed from the Tier 4 sponsor's licence. The sponsor must ensure that any teaching partner, exceptional arrangement or site it wishes to add to its Tier 4 licence meets the Educational Oversight requirements set out in this guidance.

6.21 For the avoidance of doubt, non-compliance with the Immigration Rules or sponsor guidance on any site will result in action against the sponsor and affect the whole Tier 4 licence, including all sites, exceptional arrangements and teaching partnerships listed on it.

### **Transitional arrangements for existing Tier 4 sponsors**

6.22 By mid-April 2015, all Tier 4 sponsors will be issued with a 'Sites and Partnerships form'. They must complete this and return it to UKVI by Friday 15th May 2015. The completed form will:

- provide information on the sponsor's sites (in accordance with Table 1), proposed exceptional arrangements (in accordance with Table 2) and teaching partnerships (in accordance with Table 3); and
- demonstrate that it complies with the conditions outlined in this section, or set out how it will demonstrate it does so.

6.23 This exercise is to ensure that existing sponsors' sites, exceptional arrangements and teaching partnerships are recorded consistently and in

accordance with the new guidance, and that HEIs' sites comply with the requirements set out in Table 1. It is also an opportunity to ask for CAS to be re-allocated to a teaching partner in order to comply with the requirements of Table 3. Sponsors who do not provide a satisfactorily completed form may have their CAS allocation set to zero until they do so.

<b>Tier 4 sponsor type</b>	<b>Permitted sponsorship activity until 30 September 2015</b>	<b>Permitted sponsorship activity from 1 October 2015</b>
HEI with one or more sites that do not comply with the conditions in Table 1 e.g. a London campus that is not fully integrated.	Can continue to issue CAS in respect of sites in place as at 1 December 2014 only in accordance with the guidance in force on 1 December 2014.	Must not assign CAS to prospective or existing students to study at a non-compliant site until UKVI has confirmed that it is satisfied that the site complies with Table 1.
Tier 4 sponsor with a site or partnership arrangement listed on its licence as a 'branch', 'site' or 'partner' on 1 December 2014.	Can continue to issue CAS in respect of such a site or partnership arrangement only in accordance with the guidance in force on 1 December 2014.	Licence must comply, and must assign CAS in accordance with the guidance in force on 4 March 2015. CAS allocations will be adjusted accordingly.
Other Tier 4 sponsors.	Can continue to issue CAS in respect of its structure as at 1 December 2014 only in accordance with the guidance in force on 1 December 2014.	Must assign CAS in accordance with the guidance in force on 4 March 2015. CAS allocations will be adjusted accordingly.

- 6.24 Students assigned a CAS on or before 30 September 2015 will not be affected by any change in the Tier 4 sponsor's licence structure unless they apply to extend their studies. Any CAS assigned on or after 1 October 2015 must be in accordance with this guidance, and any immigration conditions given to students will be in accordance with these new requirements.

## 7. Confirmations of Acceptance for Studies (CAS) allocations

This section gives information on:

- Applying for a CAS allocation for the first time

### Applying for a CAS allocation for the first time

- 7.1 When you apply for a Tier 4 licence, you must give us an estimate of the number of CAS you would like to assign in each Tier 4 category in the first year of your Tier 4 licence.
- 7.2 You may request a CAS allocation of up to 50 per cent of your current student body. If you are a new independent school, we will consider any reasonable request, taking account of your projected student body and any recommendation by your statutory education inspection body.
- 7.3 You must provide evidence to support your request, including the business plan that you submitted to your Educational Oversight body. We will use information from your Educational Oversight report and our compliance visit to reach a decision on your CAS allocation.
- 7.4 We may ask you for further information before we take a decision.
- 7.5 We will also take a number of factors into account, including:
- any agents that you will use to recruit international students, and whether they have been linked to immigration abuse in the past;
  - the number, type and level of courses provided by your organisation;
  - the student-teacher ratio in classes for the courses you provide;
  - the number of students currently studying at your organisation;
  - the number of academic (teaching) staff your organisation employs on a full-time basis;
  - the total student capacity of your premises and any capacity restriction written in to your D1 planning permission;
  - the length of time that you have been operating; and
  - your history of compliance with the Immigration Rules and sponsor guidance (if you have one).
- 7.6 If we grant fewer CAS than you requested this may be because:

- you have a history of non-compliance;
- you cannot justify the number you requested; or
- we do not consider your request to be credible based on your current circumstances.

7.7 We will add your CAS allocation to your SMS account, and give you 12 months from the beginning of your licence to assign the CAS. After that time, any unassigned CAS will expire. You may not apply for additional CAS during this period.

## 8. Tier 4 licence application assessments

This section gives information on:

- Document checks
- Compliance checks
- Process following the checks

### Document checks

- 8.1 We will check your documents and other aspects of your application, especially if we have reasonable doubts about them. We may check that documents are correct and genuine by contacting:
- a. other government departments (in the UK and overseas);
  - b. banks;
  - c. universities; and
  - d. professional bodies.
- 8.2 We aim to make checks as quickly as possible, but allow up to 15 working days for answers to our enquiries. We use a standard format to record the results of enquiries, to ensure we record feedback consistently.
- 8.3 There are three possible outcomes of these checks.
- a. Document confirmed as genuine. We will consider your application as normal.
  - b. Document confirmed as false. We will refuse your application, whether or not the document is essential to your application.
  - c. Check inconclusive. If we cannot verify that a document is either genuine or false we will not use the document as evidence to support your application. We may instead ask for more supporting documents.

### Compliance checks

- 8.4 Our compliance officers are trained to refer cases for civil penalties or prosecutions if they find evidence of wrongdoing or criminal activity. If you use deception to obtain a licence you may be committing a criminal offence. The compliance officer will consider information about abuse of the sponsorship arrangements and investigate and, if appropriate, inform the police and/or any relevant authority.
- 8.5 We will visit you before we decide your Tier 4 licence application and we will check your current monitoring arrangements. We will make further checks after we have granted your licence to ensure that your monitoring arrangements are being implemented and closely adhered to. This is to

also ensure the information you provided on your application form is accurate and that you are able or continuing to do what is required of a licensed sponsor.

- 8.6 We will check that you meet all the eligibility and suitability criteria. In submitting your application online, you consent to cooperating fully with these checks when you submit your online sponsor application.
- 8.7 Our compliance officers carry out the checks. Our visit may be announced or unannounced. If we make an unannounced visit it does not necessarily mean that we have any concerns about you.
- 8.8 The compliance officer will gather material to support the information you gave on your sponsor application. This is to confirm that the information you gave was full and accurate, and that you are meeting (or will be able to meet) your duties and responsibilities as a licensed sponsor. They may wish to speak to people involved in recruiting or enrolling students and to sponsored students. They will not discuss the outcome of the assessment during the visit.
- 8.9 In certain cases we may make follow-up checks either by telephone, email or by letter. We will ask for evidence to support any information you gave on your application.
- 8.10 The compliance officer, or any third party working on our behalf, will have official Home Office identification. If you doubt that an official is genuine, you should telephone us on 0300 123 4699.

## Process following the checks

- 8.11 If we have carried out a check before making a decision on your application, we will base our decision on all of the information you gave us and that we gathered during the checks. We will not usually discuss the outcome of a visit or the result of checks we carry out with you until we have reached a decision.
- 8.12 We will write to you to give you the outcome of the checks. Many checks will reveal no problems.
- 8.13 If there are differences between what you told us and what we find during a check and we discover this before we make a decision on your application, we will let you know whether we require more information before we make the decision.

## 9. Tier 4 licence application decisions

This section gives information on:

- When we may refuse a Tier 4 licence application
- When we will refuse a Tier 4 licence application
- Refusing a Tier 4 licence application
- Granting a Tier 4 licence application
- Access to the Sponsorship Management System (SMS)
- Adding more Tiers and categories to your sponsor licence

9.1 When we say 'you' or 'your', we mean the sponsor organisation or prospective sponsor organisation, including any owner, director, authorising officer, key contact, Level 1 user and anyone involved in your day-to-day running or the day-to-day running of your sites, as relevant in the context.

### When we may refuse a Tier 4 licence application

9.2 The table below sets out the circumstances in which we will consider refusing your application.

a.	You have a previous record of non-compliance or poor compliance with the duties of sponsorship, or with the work permit arrangements.
b.	You have previously been asked to provide evidence to allow us to decide whether an organisation was complying with the sponsorship or work permit arrangements and that information was not provided.
c.	You have previously had a sponsor licence revoked by us. In these cases, you will have to show that you have put right any issues which led to the revocation of that licence, before we will consider granting a new one.
d.	You, or any organisation that you have been involved with in a similar role, have their authorisation removed by the Office of the Immigration Services Commissioner (OISC). (This applies to people or organisations that provide immigration advice or services).
e.	You have, or a sponsor organisation that you have been involved with in a similar role within the last five years has, been issued with a penalty for failure to pay VAT or duty.
f.	You have any unspent convictions for offences listed in Annex 1 of this guidance which we believe to be of relevance to you discharging your sponsor
g.	Any of your Key Personnel has been named as Key Personnel at any institution whose Tier 4 licence has been revoked within the last two years.

9.3 We reserve the right to undertake checks on persons associated with sponsors who do not fall under the general definition of 'you' or 'your'. Such persons may include, for example, employees in positions of responsibility who are not directors or Key Personnel and financiers involved in the running of your institution. We may ask you for information on such individuals as part



of the application process. The conduct of such persons, where relevant, may also be taken into account in deciding what action we take.

9.4 The action we take will depend on:

- a. The seriousness of any past conduct (including conduct that led to revocation of a licence, removal from the register of education or training providers, or removal of OISC authorisation).
- b. How long it is since the conduct took place and any mitigating circumstances.
- c. The nature and seriousness of the issues which led us to revoke your previous licence, and what you have done to improve the situation.
- d. Any concerns we may have about any of your associated persons or employees, and the role they have within your organisation, in particular where they have been employed or associated with an organisation (or associated organisation) that has been removed from the sponsor register for abuse or non-compliance within the last five years.
- e. The nature and seriousness of your previous criminal conduct and whether we consider that this has a bearing on your suitability to be a Tier 4 sponsor.

9.5 Having taken these factors into account, we may either refuse your licence application or grant you a licence with limitations. Such limitations may include restricting your CAS allocation, or asking you to nominate alternative Key Personnel where appropriate. We will inform you of our decision in writing.

## When we will refuse a Tier 4 licence application

9.6 An application for a Tier 4 licence will be refused if the provider does not meet any of the eligibility or suitability criteria. In particular, an application will be refused in the circumstances set out in the table below.

a	You submit any false document with your application. If this happens, and we believe that a criminal offence has been committed, we will also refer your case for prosecution.
b.	You do not meet the requirements of Tier 4 or the category under which you are applying. If you meet the requirements for some of the Tiers or categories, but not others, we will only licence you for the Tiers or categories under which you qualify.

c.	<p>You have, been issued with a civil penalty under Section 15 of the Immigration, Asylum and Nationality Act 2006 or the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013 for employing illegal workers and you are still liable once your objection and appeal rights have been exhausted, and the fine:</p> <ul style="list-style-type: none"> <li>• for at least one of those workers was set at the maximum amount. If the fine was paid within the given time limit, your application will be refused if it is made within six months of the date the fine became payable; or</li> <li>• for at least one of those workers was set at the maximum amount. If the fine was not paid within the given time limit, but was paid at a later date, your application will be refused if it is made within 12 months of the date the fine became payable; or</li> <li>• was for a first offence and was set below the maximum amount. If the fine was not paid within the given time limit, but was paid at a later date, your application will be refused if it is made within six months of the date the fine became payable; or</li> <li>• was for a repeat offence and was set below the maximum amount. If the fine was paid within the given time limit, your application will be refused if it is made within six months of the date the fine became payable; or</li> </ul> <p>was for a repeat offence and was set below the maximum amount. If the fine was not paid within the given time limit but was paid at a later date, your application will be refused if it is made within 12 months of the date the fine became payable. (The date a fine becomes payable is the date on which all of your objection and appeal rights have been exhausted).</p>
d.	<p>If you have been issued with a civil penalty in the five year period immediately prior to your application for one of the “offences” in <a href="#">Appendix C</a> (apart from for employing an illegal migrant worker).</p>
e.	<p>If you have an unspent criminal conviction for a relevant offence Relevant offences are: any offence under:</p> <ul style="list-style-type: none"> <li>• the Immigration Act 1971</li> <li>• the Immigration Act 1988</li> <li>• the Asylum and Immigration Appeals Act 1993</li> <li>• the Immigration and Asylum Act 1999</li> <li>• the Nationality, Immigration and Asylum Act 2002</li> <li>• the Immigration, Asylum and Nationality Act 2006</li> <li>• The UK Borders Act 2007</li> <li>• trafficking for exploitation</li> <li>• any offence listed in <a href="#">Appendix B</a>; and</li> </ul>

	<p>any offences of:</p> <ul style="list-style-type: none"> <li>• espionage/terrorism</li> <li>• dishonesty (theft, corruption, deception and fraud)</li> <li>• tax or excise duty avoidance</li> <li>• bribery</li> <li>• proceeds of crime</li> <li>• money laundering</li> <li>• abuse and neglect of children; or</li> </ul> <p>you have any unspent convictions for: any class A Homicide and related grave offences (as defined by the Crown Prosecution Service).</p>
f.	If you are legally prohibited from becoming a company director (unless this is due to being an un-discharged bankrupt). Please note that the authorising officer must not be an un-discharged bankrupt.
g.	If you have previously held a Tier 4 licence in the past and that licence was revoked in the two years prior to the date of your application.
h.	If you have previously held a sponsor licence under Tiers 2 or 5 and that licence was revoked in the six month period prior to the date of your application.

- 9.7 When referring to a civil penalty and a fine being paid 'within the given time limit' we mean that you have either paid the fine in full within that time limit, or you have entered into a repayment plan which is still in force and all of your payments are up-to-date. If you have defaulted on a repayment plan, we will not accept this as payments having been made within the given time limit.

## Refusing a Tier 4 licence application

- 9.8 We will write to you giving you the reason(s) for the decision.
- 9.9 You have no right of appeal if we refuse your application. You may reapply six months from the date of your refusal notice (subject to our [Educational Oversight requirement](#)), paying the application fee and providing the required documentation. However, you must ensure that the reasons for refusal no longer apply. If you cannot do this, we are likely to refuse your application again. We may visit you if you have previously been refused a licence to ensure that you can meet your duties as a sponsor.
- 9.10 If we refused your application because you have previously been issued with a civil penalty, you should only reapply either six or 12 months after the date the

fine became payable, depending on the circumstances. Please see the section titled '[When we will refuse a Tier 4 licence application](#)'.

- 9.11 If we refused your application because you previously held a sponsor licence and we revoked it less than two years ago, you should not reapply until two years after the date of the revocation.
- 9.12 If we refused your application by mistake, you must still complete a new application but you will not have to pay a fee.

## Granting a Tier 4 licence application

- 9.13 We will write to you to tell you:
  - a. we have granted you a Tier 4 licence;
  - b. your Sponsor Licence Number, which you must quote in all communication with us;
  - c. your CAS allocation for a 12 month period; and
  - d. the user name for your Level 1 user to access the SMS.
- 9.14 Probationary Sponsors are not permitted to do certain things that sponsors with Tier 4 Sponsor status may do. This is because it is a transitional status for new sponsors, to enable them to build up an established record of compliance with the Immigration Rules and the sponsor guidance.
- 9.15 Probationary Sponsors cannot:
  - a. offer courses at Qualifications and Credit Framework (QCF) or National Qualifications Framework (NQF) level 3 (and equivalent) (unless they are a Tier 4 (Child) Probationary Sponsor and wish to offer courses to Tier 4 (Child) students at this level);
  - b. offer courses below degree level that include work placements;
  - c. allow a student to re-sit an examination more than twice; or
  - d. allow a student to start studying until UKVI has granted their application for leave to remain to study the course.

## Access to the Sponsorship Management System (SMS)

- 9.16 Once you have a Tier 4 licence, you will have access to the online SMS. We will:
  - a. send the user name for the Level 1 user you nominated to the authorising officer by email unless, the Level 1 user is also the authorising officer and in which case we will send it by post; and

- b. send the password directly to the Level 1 user by email.
- 9.17 For more information about the SMS and who can use it, please see the section titled 'What is the SMS?' in the ['Sponsorship Duties'](#) guidance.

## **Adding more Tiers and categories to your sponsor licence**

- 9.18 Once we have granted your Tier 4 licence, you can add more Tiers, categories and sub- categories to it. For example, if you have registered for Tier 4 (General), but then you want to bring employees to the UK to work under Tier 2 (General), you can apply to extend your licence.
- 9.19 To do this, you must go through the application process again, quoting your Sponsor Licence Number where asked, and select the Tiers, categories and sub-categories you wish to add. You must send in any extra mandatory documents we require along with any extra fee.
- 9.20 If you apply to add an extra Tier to your existing licence, all the details you give on your further application must be the same as those we already have for you, particularly for your authorising officer and key contact. A sponsor licence can only have one authorising officer and one key contact. If you want different people to be the authorising officer and key contact for the Tier you want to add, you cannot amend your existing licence. You must apply for another separate licence and pay the appropriate fee.
- 9.21 If the Level 1 user you name on the application is different to the ones on your existing licence you must say on the application whether you intend to replace an existing Level 1 user or add a new one. If you do not give this information, we will contact you to ask. If you do not reply within five working days we will reject your application.

## 10. Gaining Tier 4 Sponsor status

This section gives information on:

- Applying for a Basic Compliance Assessment
- Premium customer service

### Applying for a Basic Compliance Assessment

- 10.1 A Probationary Sponsor must apply for a Basic Compliance Assessment a year after being issued with a Probationary Sponsor licence. The application must be made using the SMS<sup>5</sup> no earlier than 11 months and no later than 12 months after the date the Probationary Sponsor licence was issued.
- 10.2 Please see Document 3 of the sponsor guidance ('Tier 4 Compliance') for details of how UKVI carries out a Basic Compliance Assessment.
- 10.3 If the Probationary Sponsor passes the Basic Compliance Assessment, it will be given Tier 4 Sponsor status. The Tier 4 Register of Sponsors will be updated and it may:
- a. offer courses at QCF/NQF level 3 (and equivalent);
  - b. offer courses below degree level that include work placements;
  - c. allow a student to re-sit an examination more than twice; and
  - d. allow a student to start studying where UKVI is still considering their application for leave to remain to study the course.

### Premium Customer Service

- 10.4 Sponsors with Tier 4 Sponsor status can apply to UKVI for Premium Customer Service if they meet the relevant criteria. Premium Sponsors receive a package of benefits, including enhanced customer service. More information on Premium Customer Service and SME+ is available on the Gov.uk website using the following link: <https://www.gov.uk/government/publications/tier-4-premium-customer-service-for-sponsors>
- 10.5 The Level 1 user can apply for Premium Customer Service and track the progress of the application through SMS.

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<sup>5</sup> To make an application for a Basic Compliance Assessment, a Probationary Sponsor must apply for Tier 4 Sponsor status, using the SMS and pay the relevant fee.

## Annex - List of relevant offences

These are listed relevant offences that we will take into account:

1. Manslaughter.
2. An offence under section 4 of the Offences against the Person Act 1861 (soliciting murder).
3. An offence under section 18 of that Act (wounding with intent to cause grievous bodily harm).
4. An offence under section 16 of the Firearms Act 1968 (possession of a firearm with intent to endanger life).
5. An offence under section 17(1) of that Act (use of a firearm to resist arrest).
6. An offence under section 18 of that Act (carrying a firearm with criminal intent).
7. An offence of robbery under section 8 of the Theft Act 1968 where, at some time during the commission of the offence, the offender had in his possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.
8. An offence under section 1 of the Protection of Children Act 1978 (indecent images of children).
9. An offence under section 56 of the Terrorism Act 2000 (directing terrorist organisation).
10. An offence under section 57 of that Act (possession of article for terrorist purposes).
11. An offence under section 59 of that Act (inciting terrorism overseas).
12. An offence under section 47 of the Anti-terrorism, Crime and Security Act 2001 (use etc of nuclear weapons).
13. An offence under section 50 of that Act (assisting or inducing certain weapons-related acts overseas).
14. An offence under section 113 of that Act (use of noxious substance or thing to cause harm or intimidate).
15. An offence under section 1 of the Sexual Offences Act 2003 (rape).
16. An offence under section 2 of that Act (assault by penetration).
17. An offence under section 4 of that Act (causing a person to engage in sexual activity without consent).

18. An offence under section 5 of that Act (rape of a child under 13).
19. An offence under section 6 of that Act (assault of a child under 13 by penetration).
20. An offence under section 7 of that Act (sexual assault of a child under 13).
21. An offence under section 8 of that Act (causing or inciting a child under 13 to engage in sexual activity).
22. An offence under section 9 of that Act (sexual activity with a child).
23. An offence under section 10 of that Act (causing or inciting a child to engage in sexual activity).
24. An offence under section 11 of that Act (engaging in sexual activity in the presence of a child).
25. An offence under section 12 of that Act (causing a child to watch a sexual act).
26. An offence under section 14 of that Act (arranging or facilitating commission of a child sex offence).
27. An offence under section 15 of that Act (meeting a child following sexual grooming etc).
28. An offence under section 25 of that Act (sexual activity with a child family member) if the offender is aged 18 or over at the time of the offence.
29. An offence under section 26 of that Act (inciting a child family member to engage in sexual activity) if the offender is aged 18 or over at the time of the offence.
30. An offence under section 30 of that Act (sexual activity with a person with a mental disorder impeding choice).
31. An offence under section 31 of that Act (causing or inciting a person with a mental disorder to engage in sexual activity).
32. An offence under section 34 of that Act (inducement, threat or deception to procure sexual activity with a person with a mental disorder).
33. An offence under section 35 of that Act (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc).
34. An offence under section 47 of that Act (paying for sexual services of a child) against a person aged under 16.
35. An offence under section 48 of that Act (causing or inciting child prostitution or pornography).



36. An offence under section 49 of that Act (controlling a child prostitute or a child involved in pornography).
37. An offence under section 50 of that Act (arranging or facilitating child prostitution or pornography).
38. An offence under section 62 of that Act (committing an offence with intent to commit a sexual offence).
39. An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).
40. An offence under section 5 of the Terrorism Act 2006 (preparation of terrorist acts).
41. An offence under section 9 of that Act (making or possession of radioactive device or materials).
42. An offence under section 10 of that Act (misuse of radioactive devices or material and misuse and damage of facilities).
43. An offence under section 11 of that Act (terrorist threats relating to radioactive devices, materials or facilities).
44. An attempt to commit an offence specified in the following list:
  - a) Conspiracy to commit a listed offence or murder.
  - b) Incitement to commit a listed offence or murder.
  - c) An offence under Part 2 of the Serious Crime Act 2007 in relation to which a listed offence or murder is the offence (or one of the offences) which the person intended or believed would be committed.
  - d) Aiding, abetting, counselling or procuring the commission of a listed offence.