

Immigration Policy – Implications for Colleges

On Monday 13 July 2015, UK Visas and Immigration announced a number of policy changes to the Tier 4 provisions of the Immigration Rules were laid in Parliament.

The changes outlined below are predicted to have a significant impact on the recruitment of International students to Scotland's colleges and are unique to the college sector. Much of the focus has been on the issue of post-study work visas but it is important to consider the wider context for the college sector if we are to reflect the challenges we face.

1. Time cap reduced to two years, and time limit calculation changed

- 1.1 The new time cap will restrict the portfolio of courses colleges are now able to offer internationally. In addition, clarification is needed on the exact number of years of study a student can take in line with academic calendars. It appears that the new two year cap means in practice that students can only take a course of one calendar year duration.
- 1.2 No progression for students: Reducing the cap to two years will prevent any student from studying an access/foundation course and then progressing to a two year HND. It also prevents any students from studying either six months or one year English language before progressing to the HND. It is not uncommon for students to have excellent academic qualifications but to lack the level of English language to successfully study at HN level. While their IELTS test results may show them having met or exceeded UKVI minimum requirements, the college will always (as a responsible and trusted academic provider) recommend an English language course prior to HN study to any student whom they feel would benefit greatly from this. This improves student success and retention rates.
- 1.3 One year study limit: The new way of calculating time spent in the UK (i.e. assessing whether someone has exceeded the time cap on studies), combined with the time-cap for studies below degree level being reduced to two years, effectively means that students can only spend one year with a college.

The time cap is now calculated based on total leave granted, not the duration of the programme. A student joining an HND Year 1 will have a minimum of seven days of leave granted before the programme starts, 10 months for the programme itself, and two months additional leave after the programme ends. This is more than 12 months, and would effectively prohibit that student from coming back to the college for HND Year 2 (as the maximum period of leave to be granted for HND Year 2 would take them over the two year cap).

This has a very significant impact for the college sector. Students joining a college in August 2015 for HND Year 1, do so under the premise that they would be able to continue to Year 2 with the college. They will now not be able to do so.

Currently therefore, under these changes, a college would be unable to offer HND programmes to international students, nor indeed any other programme which is longer than one year in length or where progression to a higher level course is an option (NC – HNC/ Foundation – HNC).

This directly impacts on the question around what level of qualifications should be included in the post study work visa – HNCs and or HNDs.

2. FE students will not be allowed to extend Tier 4 visas in the UK, nor switch to other visa types in the UK

- 2.1 Removal of seamless articulation from college to university: As publicly-funded colleges do not fall under the UKVI's current definition of an "embedded college offering pathway courses" (noted in the statement of changes as "private provider", page 5, section 12.), students will always have to return home and apply for new entry clearance to continue their UK studies, obtain a work visa, or similar.
- 2.2 This will have a wholly destructive impact in terms of recruitment – FE study is widely regarded as a high-quality, natural progression route into higher education – which is why the loss of the post-study work visa has potentially had less of an impact on the college sector as many international students will progress into university study. Colleges have strong and often formal ties and excellent articulation agreements with many Scottish and UK universities. This new rule serves to undermine our position as a legitimate pathway into university. It appears to prioritise the recruitment of international students towards private providers and weakens the promotion of public institution education overseas. It will have had a huge impact on all Tier 4 students thinking about coming to a college, who will have rightly expected to be able to extend in country for their next course. As it stands, none of them will be able to do so.
- 2.3 Reduction in university recruitment: Many universities rely on the articulation of college international students into their degree programmes as an important source of recruitment. This change will likely significantly reduce the number of international students joining universities in Scotland through college articulation agreements.
- 2.4 College offer rendered uncompetitive: The change also serves to make FE a more expensive option than ever before, as students now need to pay the cost of a return trip home to make a new visa application – a cost they would not incur at a private embedded college or at an HEI, or indeed in another key student recruitment market.

3. No work rights for FE students

- 3.1 College offer rendered uncompetitive/lack of relevant vocational work experience: No work rights will have an enormous impact in terms of recruitment, making an FE course significantly less attractive than an HE equivalent which allows the right to work 20 hours per week. It will affect recruitment on a global scale but most notably in markets (often lower risk) where students are looking to work part-time to complement their learning experience rather than for the sole reason of earning additional income to support their studies.

4. Maintenance requirement raised and established presence removed

- 4.1 The increased maintenance amount (24% increase) is a larger concern, and will certainly prevent many well-qualified students from studying at colleges.

5. Post-Study Work Proposal implications

- 5.1 The additional changes targeted at the college sector will have further and possibly greater impact on the sector despite our efforts to reintroduce Post Study Work (PSW) in Scotland. The previous Fresh Talent Initiative was open to any international student who graduated with an HND or above. Without the ability for students to either complete the HND (due to new time limits) or apply for PSW while in Scotland (due to the removal of in-country visa extension or transfer rights), it is unlikely that any college graduate will be able to take part in such a scheme and will therefore be at a significant disadvantage compared to their counterparts studying at universities in Scotland.