

# Tier 4: students' experiences *(applying from outside the UK)*

## **Acknowledgements**

Thanks to all UKCISA members and contacts who forwarded the survey link to their students; to i-Graduate for incorporating a link in their International Student Barometer survey, and to all the students who provided comments on their experiences.

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ISBN 1 870679 53 9

# Introduction and summary findings

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## The introduction of Tier 4

As part of what the UK Border Agency (UKBA) has called the 'biggest transformation in immigration systems for a generation', the Student Tier (Tier 4) of the Points Based System was introduced at the end of March 2009. It radically re-engineered both the policy and procedures for international students applying for visas to come to (or extend their time in) the UK and has, over the last six months, been the subject of much debate and, at times, controversy.

There have been a range of initial difficulties.

- Institutions' **visa letters** did not immediately and consistently satisfy the very detailed but not always clearly specified UKBA requirements.
- The **requirement for funds** in the applicant's own (rather than parents') bank account - until amended - caused widespread problems.
- UKBA's commercial partners had very limited knowledge of the new rules and processes and were therefore often unable to advise applicants on rules and requirements.
- **Entry Clearance Officers** at times developed their own local interpretations of what was required.
- **Delays and backlogs** developed resulting in significant numbers either arriving late for courses or not being able to arrive at all; and refusal rates in most countries at least in initial stages increased dramatically.

Some of these difficulties were addressed and resolved after some months, but there remained widespread concern about the **influence of negative perceptions** which might discourage many potential students from putting in an application to come to the UK this year.

Initial feedback from a range of institutions suggest **Tier 4 has had a noticeable impact on recruitment**<sup>1</sup>. Significant numbers of international students have arrived late and while the numbers starting this autumn may well be higher than in 2008-09, total numbers are below expected levels based on the number of applications received.

## Aims of the survey

This UKCISA survey therefore aimed to document the experiences of international students applying for new visas to enter the UK in order to identify which parts of the new system were working well, which (perhaps inadvertently) were causing most difficulty and where further improvements might be made. (A separate survey is being undertaken of those applying to extend their visas from within the UK, the results of which will be available slightly later, to reflect the peak date for applications at the end of October, with a result that many students will not be in a position to report on the process as a whole until much later.)

Although the Prime Minister has now, in parallel, commissioned a review of other aspects of Tier 4 (and primarily at sub degree level), it focuses only on whether the current system is effectively excluding those who attempt to use student route as a means to employment in the UK. By contrast, our survey seeks to improve the experience of Tier 4 for genuine students. If the UK is to continue to attract, so successfully, large numbers of students to our universities and colleges we would argue that as much attention and priority – if not more – should be given to improving the current system for the legitimate and well qualified students who make up the vast majority of applicants.

It is hoped that the findings from this survey and its recommendations will lead to

- **further improvements in the processing of visas** for the majority of international students
- **fewer ambiguities** and anomalies
- **better information** and guidance for applicants
- **clearer procedures**
- **swifter decisions**
- **a reduction in unnecessary refusals**
- and even **more well qualified applicants** able to arrive next year.

We call on the UKBA (and especially the International Group who control operations overseas including the management and oversight of commercial partners) to come forward with an action plan by the end of January 2010 to address those aspects identified

**UK Council for International Student Affairs**  
**1 December 2009**

## Summary of findings

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Although responses to the survey identified a wide range of issues and opinions – the central conclusion is, encouragingly, that **the vast majority of students did not inherently have difficulties with the requirements of Tier 4** (largely a Visa Letter from an acceptable institution and adequate funds). However, **they do need better (simpler, clearer, more consistent) guidance** on the detailed documentation and process to be followed.

In many parts of the world, therefore, **and for substantial numbers of students, the system has worked well**. Processing times have been reasonable and many Entry Clearance staff, re-enforced over the busy summer period, have done whatever was in their power to ensure visas were issued in time. The evidence shows, however, for **a significant number of other students, difficulties with the forms and procedures, or errors and obstruction** from ECOs and commercial partners resulted in students being confused, tripped up, put off by, or even refused.

Some key findings from our survey were as follows:

- 33% found the **cost** of a student visa was reasonable: 65% disagreed
- 59% were satisfied with the **speed and efficiency** of the application process
- 41% found the **application form and guidance** straightforward to complete
- One in four of those who needed to provide **translation of documents**, had difficulty doing so
- 49% had difficulty in providing **proof of funds**
- 38% encountered difficulties in the cost and/or time of travel for **biometrics**
- 63% found the **UKBA website** helpful: 12% said it was unhelpful and another 25% either did not know or had not used it
- 43% had to pay up to £50 in **additional costs** such as attending biometrics appointments or arranging translation of documents, etc; 20% up to an additional £99, 15% up to additional £200 and 16% £200 or more
- One in three students requiring an **ATAS** certificate found this a problematic part of the process

In addition to these statistical findings, respondents were invited to give additional comments on any aspect of the process and the report includes a small selection of the views expressed. In particular these suggest that:

- Some applicants were confused over **the roles of the various agencies concerned** (British Consulate, Visa Application Centre, Commercial Partner) and the level of advice they were able to provide
- Some applicants experienced **poor coordination** between the various agencies and had no mechanism to track the progress of an application or even which stage and agency (or country) it had reached

- Applicants had no source of entirely reliable (and reasonably priced) telephone or **e-mail advice** on either the requirements or procedures to be followed
- There was particular criticism of the services and standards of the **commercial partners**
- Significant numbers (10%) had to **apply more than once** to obtain a visa and believed that their first was refused unreasonably. Comments (see full report) suggest that not only has this left a lasting impact on the individual but may also dissuade friends or relatives from applying for a UK university or college place.
- Finally there are distressing instances where new rules have **prevented students from being accompanied by dependants**, sometimes separating parents from very young children - this is clearly an area which needs to be looked at again urgently.

## About the survey

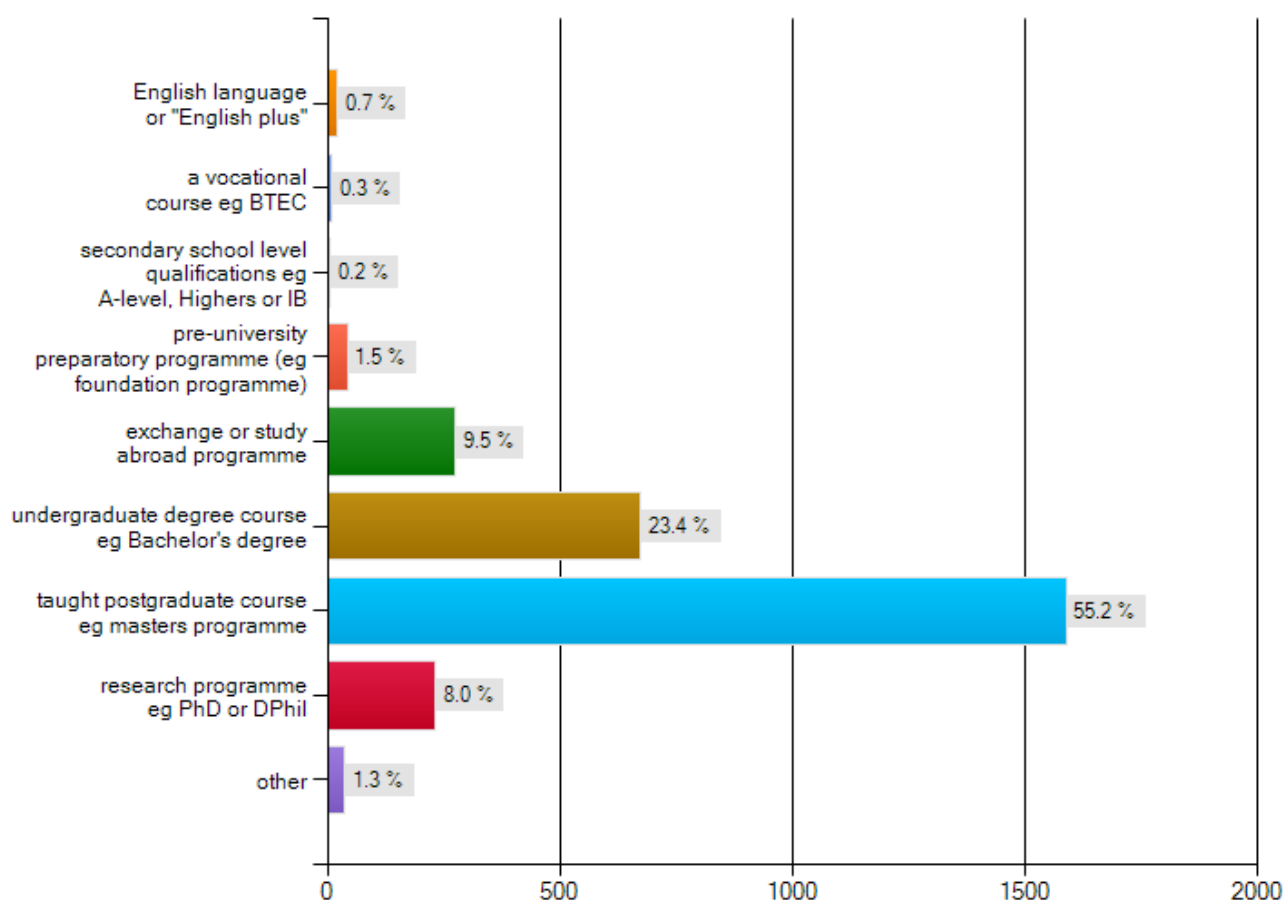
UKCISA conducted this survey using an online questionnaire. Students were informed about the survey either directly by their institution, or via the i-Graduate International Student Barometer, which linked to it.

### Demographics of respondents

As at 1 December 2009 we had received 2,777 completed responses to our survey of students who applied for a visa from their home country. Responses were dominated by postgraduate students with 55% of respondents being on a taught postgraduate course and a further 8% on a research programme. 23% were undergraduate degree students, and 10% were exchange or study abroad participants. As expected, the English language sector, whose peak period for UK study is in the summer, generated few responses.

Figure 1

#### What type of course are you studying?



The largest numbers of students were nationals of China (14%), USA (14%), India (13%), Nigeria (10%) and Malaysia (8%). In terms of level and main source countries, the responses were broadly representative of overall UK recruitment patterns.

The majority had applied for their student visa in July (23%), August (38%) or September (22%).



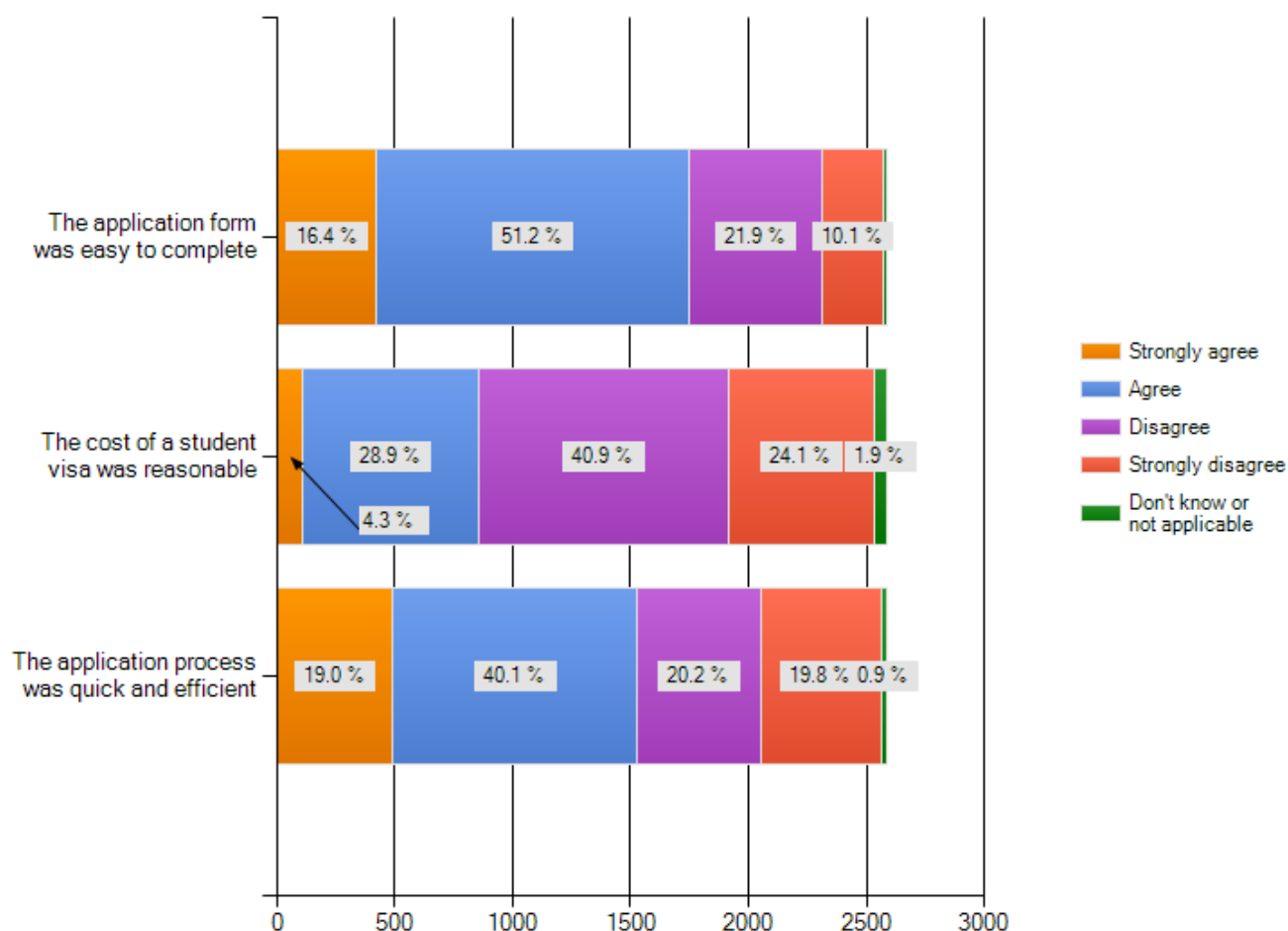
## The survey findings

### The application process

The majority agreed that the visa application form was easy to complete (68%), although 32% disagreed. Satisfaction with the speed and efficiency of the application process was slightly lower than with the application form, with 59% finding the process quick and efficient and 40% disagreeing. (See Figure 2)

Figure 2

What was your experience of applying for a UK student visa?



*I believe that the application processing was extremely quick and efficient. I could keep track of my application through mobile text messages which was useful.*

*Quite costly but then process was quick and easy. The staff there are very helpful and friendly*

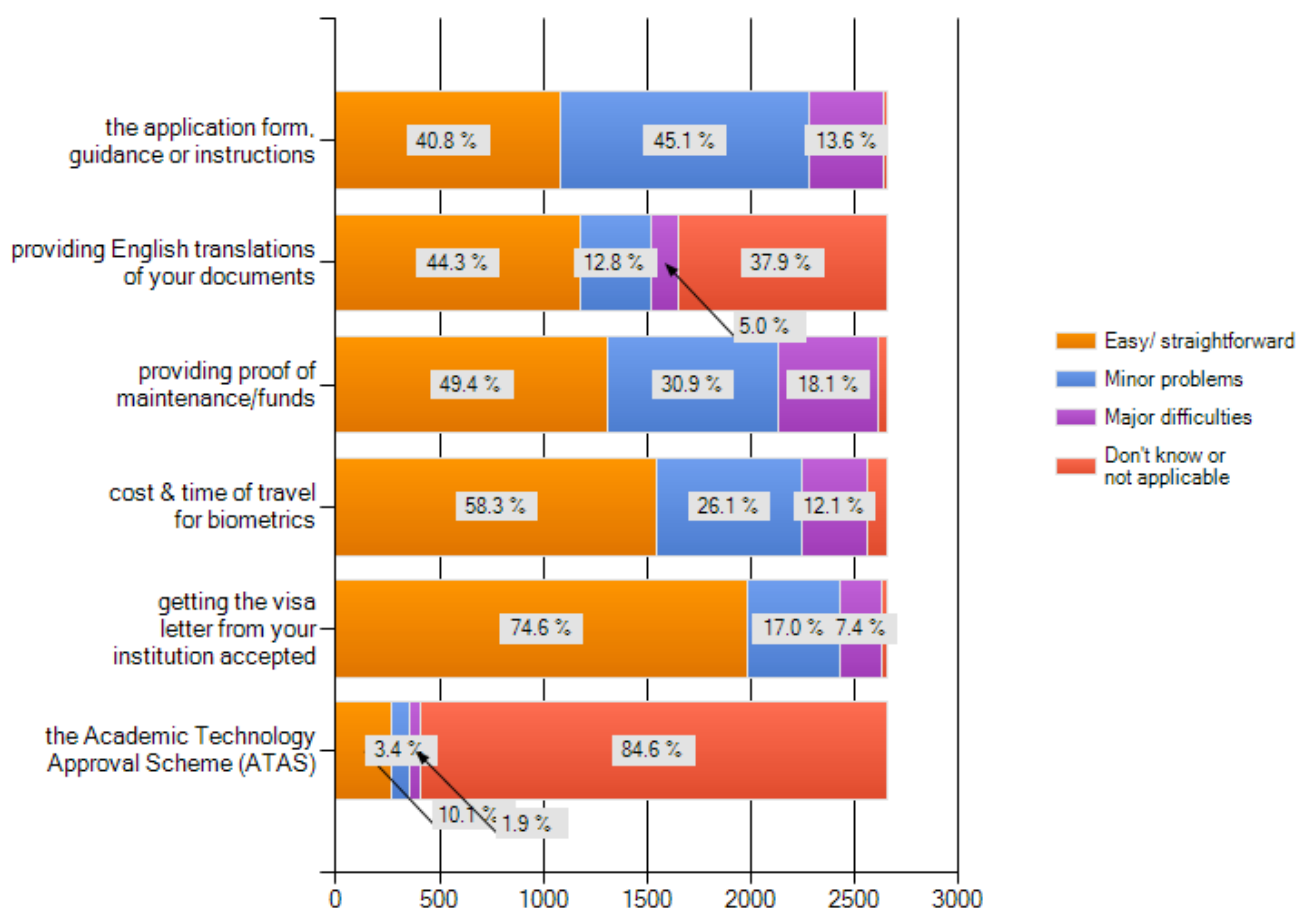
*Very convenient, very efficient, but just that the visa fees is quite expensive.*

## The application form and guidance

When asked in more detail about which aspects of the application process had caused difficulty, students most commonly said the application form, guidance and instructions, with only 41% finding these straightforward (see Figure 3). A further 45% had minor problems and 14% had major difficulties.

Figure 3

**What was your experience of the following aspects of the visa application process?**



It would seem from the responses, including the open comments, that the problem was not necessarily with the form itself, but with the accompanying guidance being confusing, contradictory or difficult to find:

*I applied for a UK student visa for my Master's degree three years ago, which was fine; this time, applying for my doctorate, was much more difficult. There were so many steps to go through, multiple websites and agencies to consult (www.visa4uk.fco.gov.uk, www.ukvisas.gov.uk, www.visainfoservices.com, university website), in addition to the trip to get the biometrics scanning. The process of figuring out all the steps and rules and arranging for all the paperwork really felt like a full time job for a week*

*I found that each website I used for information simply led me to a different website whenever I clicked on a link... this was very frustrating as I felt I was simply being led in circles.*

*The amount of information is too overwhelming and its structure is a bit hard to follow.*

*Nowhere, on any website, is there a clear list, for every tier and category, of EXACTLY WHAT IS REQUIRED in terms of supporting documents. It took me a lot of searching and cross-referencing to assemble my package – I thought this had to be done before biometrics were taken. Only after biometrics was I given the complete list of what to send and where. This information should be made available beforehand.*

*Once I found a glossary explaining some of these terms it helped a great deal, but I happened upon that glossary by chance. I believe it should be included with the application.*

*Most students applying for visas in my country use the British embassy website which is not clear (eg doesn't tell them they need to fill in Appendix 8 as well), thus caused delay for some of the applicants.*

Some specific issues with the forms, and in particular the online forms were pointed out:

*Nearly everyone got rejected the first time because we did not choose the correct drop down box in the online application form. It was either not there when we applied, or at the very bottom of the list, after the Student choice, which seemed like the most reasonable option.*

*The electronic application is confusing about "government funded students". Their categories are confusing (for instance, the "general student" ones).*

*The form was not always clear – especially on questions pertaining to previous travel. Whether it should be for longer travels, shorter travels, travel/study abroad that required visas etc. It was quite a headache, especially for students who live abroad in Asia where it is easy to travel across borders in smaller countries and people do so frequently.*

*The UK Border agency websites have confusing information related to basic requirements. For example, the main website till July/August said “One page in a passport is enough to affix the Visa Vignette”. However, when I went there to make an application, after scrutinising all documents the staff in visa agency said my passport does not have two pages empty in one single sheet. I confronted them to show the requirement, they could not but they brought a guideline issued for their own officers from some intranet webpages that are not available for public. I was forced to go back and bring a new passport that took more than one month. By then, I have missed the University induction programme apart from spending money on travel and acquiring new a passport. The different language websites of the Visa servicing agency in India had the same wrong information stating “One page in passport is required to apply”.*

*A lot of documents and questionnaires were required. There was no full usage of electronic potential, since each had to fill up 4 forms with quite similar information.*

The encouraging aspect of this feedback is that it suggests that many students do not inherently have difficulties with the requirements of Tier 4, but simply need better (simpler, clearer, more consistent) guidance.

## **Translation of documents**

Providing translations of documents did not affect all students (38% ticked “Don’t know/not applicable” in response to this), but it still caused problems for 18% of respondents (ie more than one in four of those who needed to obtain translated documents).

*I applied in Shanghai in China, it was hard to find a official translation company can provide English translations of my documents as requested. There are many translation professional doesn't have the certificate as the embassy request to prove they are qualified.*

*My university in China has offered a hard copy of degree certificate with academic report in English, but your agent in Jinan, China did not accept it. They told me this is not from an English-speaking university, so I must pay them almost £70 extra to translate at the agency. What a shame!*

*The requirement for translation should be specified, because I didn't know where to go for translation except the service provided by the VFS Global, and fees for translation was really expensive in China. And I think transcripts and degree certificates translated by previous university should be accepted in visa application, or else I have to find two different agencies to translate them twice in university application and visa application respectively.*

## Visa letters

Most applicants (75%) had no difficulties getting their visa letter accepted; 17% had minor difficulties and 7% major ones. Some students commented that delays in getting their visa letter caused them problems, particular at the peak of the summer when there were also delays in the visa application system. Some of the problems with visa letters were a result of the lack of clarity about UKBA requirements at the start of the process for both UKBA staff and institutions. Most of these have now been ironed out, and it is to be hoped that when the Certificate of Acceptance for Study (CAS) fully supersedes the visa letter, there will be fewer problems. Institutions, however, will still need to ensure applicants receive their CAS number in good time to make their application.

## Academic Technology Approval Scheme (ATAS)

Unsurprisingly, since it only affects certain groups of postgraduates, only a small proportion of students reported difficulties with the Academic Technology Approval Scheme (ATAS). However, one in three of those to whom ATAS was relevant had minor or major problems, and for some ATAS delays marred an otherwise smooth and efficient process.

*I think the visa process is nice and effective, but the application for a ATAS clearance is not the same story, since you have to wait for a long time for it and make sure there is no typo in it, so if you made a mistake in an application, then a month or more could be wasted, waiting for the next clearance*

*Some problems while applying for the ATAS Certificate. Not all PhD students get an initial research proposal which is needed in order to apply for the certificate.*

*My visa application was refused the first time based on the fact that I had "not given any proof of holding an ATAS certificate" while it was clearly stated on my Visa Letter from the University (which I submitted with the application) that my course does not require an ATAS certificate. This caused me to delay my date of departure, not to mention the discomfort of actually having to consider that a whole year would be wasted and not being able to go to the University after being admitted, because my Visa application got refused due to an invalid reason.*

## Sources of information and advice

The most commonly used sources of information and advice about the visa process were friends and family and the UKBA website (see Figure 4). Agents were less widely used, but rated equally highly to these first two sources.

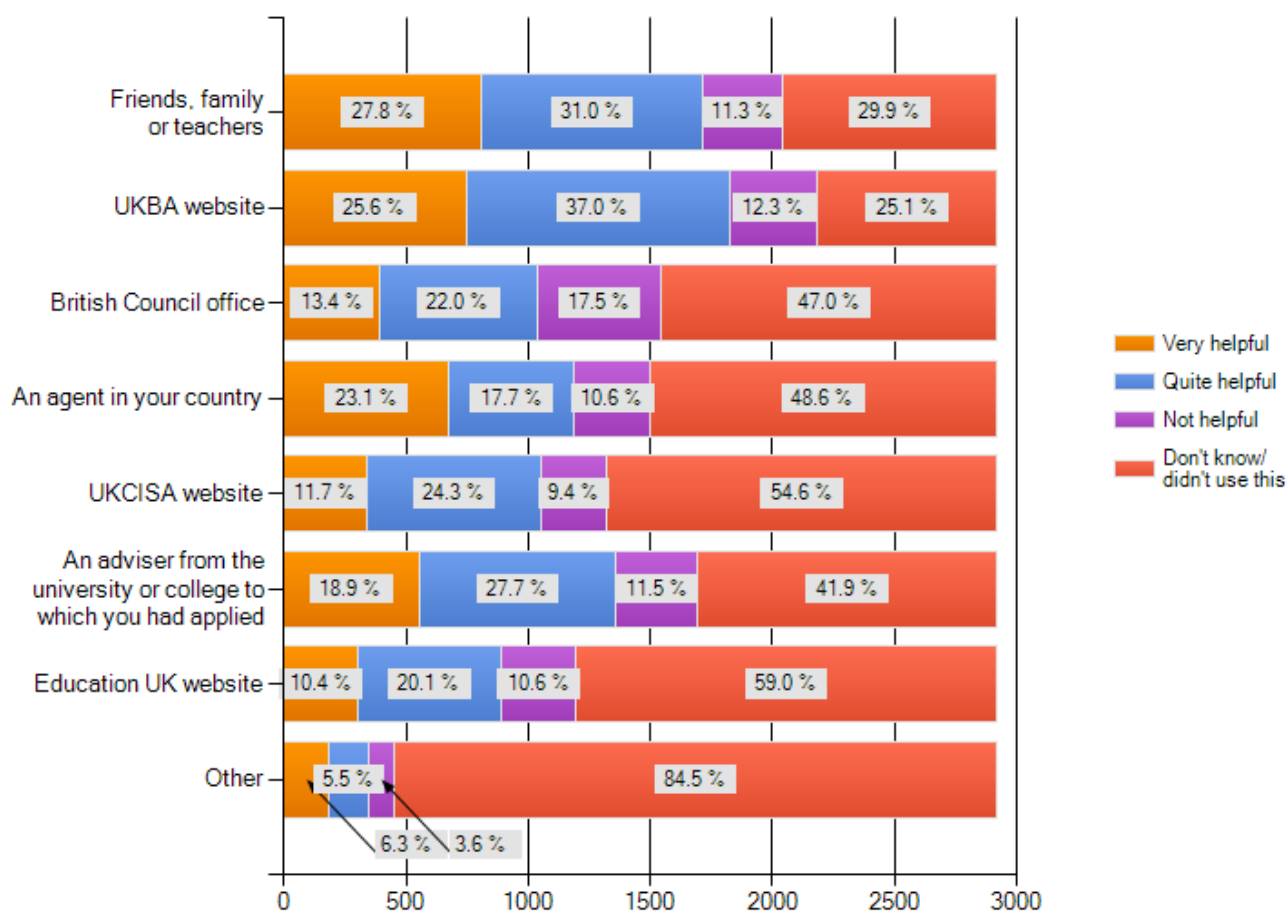
Students commented on the difficulties of speaking to someone able to advise them if they required clarification or had specific queries about the application process. Even if they paid for premium rate calls to Visa Application Centres, staff there often could not provide answers. Some struggled to get to speak to High Commission staff either in person or by phone, or were given inconsistent information when they did so:

*Another thing is that the consular office are very reluctant to answer your questions on time (they accept questions only by e-mail). So there was usually a delay in their answers 5 times longer than it is stated at their website.*

*Provide training to the people in visa centre who accept our applications. They are supposed to be well trained. For example I submitted all the original documents while applying for my visa but the lady told me that there was no need of original copies... just take the photocopies but again I came out from there and I mailed to the enquiries section of embassy to ask in detail. The enquiry section told me to submit the original certificate immediately. Second problem ....about showing amount .. around May we were told that we have to need to show the total amount for 28 days ...again told that on the same day... when I asked in the visa centre some of them told me they did not know, some told me one day is enough, some told me 28 days is a must.*

Figure 4

Please tell us which sources of information and advice you used to find out about how to apply for a student visa, and whether they were helpful.



### Visa application centres and the hub and spoke system

There were many very negative comments about the companies running Visa Application Centres:

*My main complaint is about WorldBridge though. They are a nightmare. They were not properly trained in the new visa system (my sister had the same problems with her Tier 1 application) and gave out patently wrong information.*

Some frustrations may have reflected a misunderstanding about their role, or frustration that they were not able to provide advice or checking services:

*The agents appointed by the British High Commission, VFS is no more than a bunch of clerical staff who can only collect documents and courier them. People are made to wait outside the office for hours together only to be told in the evening that the documents have not arrived, and need to be checked the following day.*



*I had my first visa application refused for a very minor cause which could be easily avoided by a simple verification of my documents by an official staff member at the time of submission. But the submission is made by a private company (WorldBridge) in my country (Brazil) and their personnel cannot do any kind of verification.*

Some comments, however, demonstrate that the service standards may not be up to scratch and that in these cases they are creating an unnecessarily negative impression of the UK's "official welcome":

*The services and the infrastructure of VFS, the UK Border Agency contractor in Bangladesh, needs improvement: i) they do not have any appointment system. Students have to stand in a queue under open sky for 5 (minimum) to 7 hours twice - once during submission and then during collection of visa materials ii) No way to get any information from VFS except from their "call centre" who have only 2 phone lines. It is easier to get through the phone line of Queen Elizabeth than getting their line. And to make life worse the people at the VFS call centre often cannot provide many important information they are asked iii) Behaviour of some staff at VFS is very rude and unprofessional*

*Worldbridge, which I thought was supposed to make the visa process easier, is absolutely absent and unhelpful. The employees give absolutely no information.... Furthermore, Worldbridge charged extortionate values for sending the documents back by mail (about 5 times the actual post charge).*

*1. VFS the agency authorized by UK high commission is a [expletive deleted] company in Bangladesh. 2. When I went to submit my application their behaviour was very bad and they were treating us very badly. 3. UK high commission of Bangladesh has given the authority to this company and that company treating as they are the superior company. 4. VFS is corrupt.*

*The Visa application centre made too much profit from forcing applicants to get translations of original documents. I had my bank statements all translated in English already but 2 words untranslated, but the application centre forced me to spend another £60 to re-translate the whole document in the translation office.*

*I was misinformed by WorldBridge staff in Germany which caused me weeks of helpless waiting and almost \$1000 USD in expenses as a result.*

*The Application Centres are unprofessional and are not aware of the application needs. For example, they told me that an ATAS certificate is a language proficiency test.*



Passing applications between courier companies and High Commissions, or even between hub and spoke centres, also seemed to cause anxiety when students were unable to identify the location and progress of their applications.

*The Embassy contacts such as email are useless because they don't reply you at all or if they do it than tell you to that they have handed the documents to the courier partner they have in the country in my case it was Gerry's. If you contact Gerry's they tell you that they still haven't received the documents from the embassy.*

*The system of processing visa from Nairobi office is cumbersome to the Tanzanians as it takes a lot of time and officers at Dar es Salaam office are always not aware of the status of your application.*

### **Proof of funds and other documentation issues**

Providing proof of funds was problematic for 49% of students (see Figure 3 above), and the cost and time of travel for biometrics was a problem for 38% of students, especially an issue for those refused initially and required to provide biometrics a second time (see below).

The changes in regulations allowing students to provide proof of funds in their parents' name rather than their own was clearly a welcome change, and had this been in place earlier a number of students would have been spared considerable inconvenience and expense:

*The application process was relatively easy but for the fact that within the one month that I was applying for my visa the regulations regarding financial evidence changed 3 times! It was very difficult in that aspect. The fact that when I applied students were not allowed to use our sponsor (parent's) accounts in financial evidence was ridiculous considering the financial evidence that we were required to give. There will hardly be a student who will be able to show £20,000 worth of financial evidence without help from their parents anyway, and my parents personally lost £550!!!! worth of interest from our fixed deposit account because they had to withdraw from the account prior to the account maturing.*

Some students suggested that this needed to be extended to recognise that other family members such as a spouse, sibling or uncle/aunt might be the funders:

*The proof of money should include money held in the bank account for a spouse. For married visa applicants, it is unlikely that the bank statements will be from their parents, but very likely that the money could be in a spouse's bank account. Even though the rules allow for provision of a joint bank account statement, married couples may opt not to use joint bank accounts for the difficulties involved in transacting using a joint account in the absence of one of a couple. As such, it is appropriate to accept proof of cash kept in a spouse's bank account, as long as the applicant is able to provide evidence of marriage.*

*As my parents are not my financial backers (as they should not be assumed to be for a postgraduate), I thought it was absurd that I was not allowed to show that my aunt had money in my support and that she instead had to open a new account for me specifically.*

*In cultures that have extended family system a rich uncle, for instance, can shirk his responsibility hiding under the cloak that only the parents accounts are allowed. When you insist that the account must be in the applicant's name remember that people do not like to give huge cash to young people, especially when they are not sure what it is to be used for will be successful.*

Lack of clarity about financial requirements was a difficulty for some:

*The biggest problem that I had was the communication between the British Council offices in the US and Sallie Mae (Student loan organization) in what was the appropriate paperwork to support the approval of a US Federal Student loan. Because of the confusion, the first set of paperwork from Sallie Mae was rejected and the visa was denied. I reapplied (my only choice) and Sallie Mae again sent paperwork that was not acceptable - although the second time I was allowed 4 days to provide the correct paperwork from Sallie Mae. This was a extremely time consuming task, although they finally did, on the fourth attempt get paperwork to me that was acceptable. The requirements for acceptable paperwork should have been established before students started applying for visa and this issue would not have caused me to pay twice for the visa and have to drive over an hour from my home twice for the digital fingerprints and pictures.*

*I felt that the proof of monetary funds needed clarification, considering that currency rates have been rising and falling significantly recently, I had no idea whether the amount of funds in my bank account would be converted into pounds sterling upon receipt of my application or from the date in which I posted the funds.*

Arrangements for students sponsored by an organisation which did not fall into the UKBA definition of an official sponsor would also benefit from review:

*The evidence of maintenance funds was quite confusing. Imagine a company sponsored applicant whose fees of £14,300 had been paid, but was refused a visa for not showing proof of maintenance fund of at least £5,400, though he had a letter assuring that part of the fund will be released prior to and the rest added when the applicant had reached UK. The company cited safety and security of handling big cash on such journeys as the reason why such amount could not be given prior to the trip as demanded by the UK authorities. The company in question is a well established and strategic national organization that gives need-based sponsorship to its workers. Meanwhile, facts have it that if about £4,000 fees had been paid and the maintenance funds threshold met, he would have been given the visa (all other things being OK). This is poor judgment in my opinion and must be reconsidered. If £14,300 had been paid, why will the maintenance fund not be paid by the sponsor?*

One comment illustrates that students who can afford to study in the UK, cannot necessarily easily provide evidence of all of their funding up front. The previous system gave more flexibility for students to use evidence of steady income such as pay slips in such circumstances.

*I come from a working-class family in the States. Needing to demonstrate the total funding for the year ALL AT ONCE was an enormous hardship and required my parents to empty out a retirement savings fund.*

## Other documentary issues

Some improvements might also be made in relation to understanding what documents exist in particular countries, and ensuring there is sufficient flexibility in UKBA requirements to accommodate these:

*This entire process was incredibly hectic, financially difficult (I had to pay for express-class postage to banks and financial institutions because they refused - after the financial crisis last year - to send original documents without compensation for the mailing costs.). Also, many financial institutions in the US will not send original documents because of new policies in light of the fraud following the financial collapse. This is something you might want to take into consideration. The best I was able to manage was a signed faxed bank statement from a regional HQ of my bank. The bank would not do anything else for fear that the letterhead would be misused.*

*I showed my parents fund (amount was more than tuition and living expense) but my visa got rejected on ground of insufficient fund because I didn't submit my birth certificate (which I don't have ) for proof of relationship between my father and myself. Actually, My passport contains my father's name which should be considered as proof of relationship.*

*American banks do not provide the kind of colour stationery for statements that the Consulate requires. Rejecting the visa application outright instead of asking for appropriate stationery seems like a scam to collect the fees twice.*

*The bank guarantee was a major problem because the banks need a form to fill in the information but there wasn't one, so the bank could not do a good work and my application was rejected due to this.*

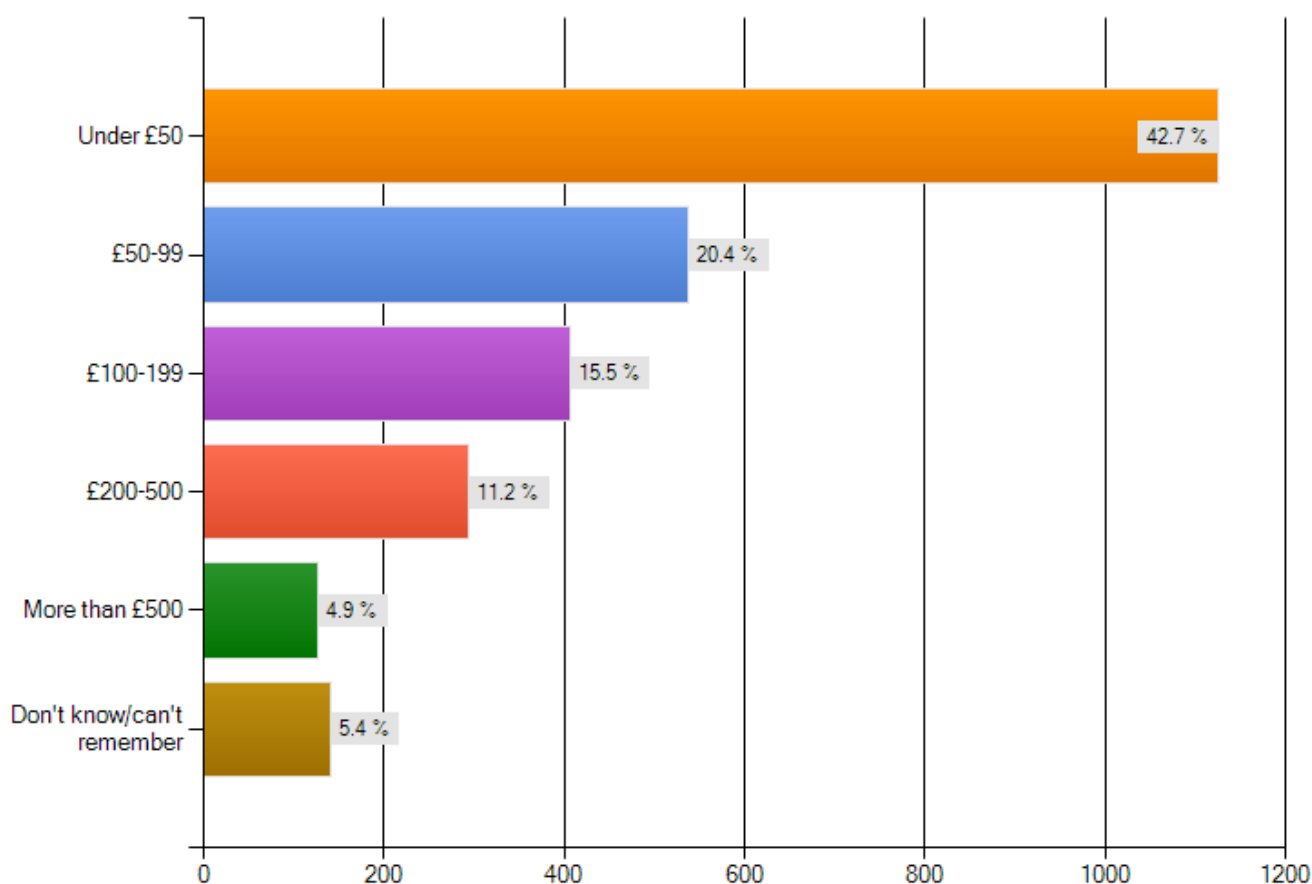
## The cost of the visa process

The aspect of the visa application process where satisfaction was lowest was cost: only 33% thought the cost of a student visa was reasonable, while 65% disagreed (24% disagreed strongly).

This needs to be considered in the context of students' responses about the total costs of the visa process, beyond the £145 visa application fee (see Figure 5). Although 43% estimated that the process had only cost them an additional

Figure 5

**Excluding the visa application fee of £145, approximately how much (in pounds sterling) did the application process cost you in additional expenses? Costs might include obtaining translations of documents, travel to a biometrics appointment or to travel to interview.**



£50 or less, 35% estimated it had cost them between £50 and £200 and 16% that it had cost them more than £200. In 92% of cases these were the costs just for a lone student: only 6% of students reported that additional costs were for a spouse, partner or children.

Students were particularly unhappy when the costs related to initial refusals being made erroneously or on trivial grounds, and requiring repayment of the application fee and a second biometrics appointment:

*It was also very expensive. I had to apply for a visa a second time due to my application failing the first time. I never received a refund on my first application, nor did I receive any compensation for having to travel a second time to get a biometric scan for the second application. Most frustrating was that the reason my visa was denied the first time was because I converted my currency as of the date of application instead of date of travel (or something like that).*

*My first application, which I submitted in June 2009, was refused because the British Consulate in Chicago misinterpreted the two letters I submitted from my bank, one specially over-nighted by post, pertaining to having sufficient funds. That cost me \$244 for the visa application and \$25 for the over-nighted document. I applied for an Administrative Review because both my parents and I felt a clear error had been, and I have yet to hear back from the Home Office. My second application, which I submitted in July 2009, was accepted; however, that cost me an additional \$244 for the visa application, \$15.75 to have it over-nighted to Chicago, and both trips for biometrics cost me \$160 in wages as I had to take time off work to travel.*

*I applied two times, the first refused the second accepted but I paid two times in 10 days difference. Why? There must be a means to use the first payment or at least the second fee should have been far less.*

*OK, it takes extremely long time to process my 1st visa, which is rejected because some minor problems. Despite the visa fees being high, I still submit the second visa application because I already booked the flight and related procedures with my school. Honestly, if I hadn't booked the flight at time, I would probably just cancel my UK study plan, because its expensive, in terms of living cost and the visa fees.*

## Errors, refusals and administrative review

Of students responding to the survey, all of whom had successfully arrived in the UK, 88% received a visa on first application, 10% were refused initially but reapplied and gained a visa, and 1% got a visa after administrative review of an initially unsuccessful application. The scale of the problem is evident from figures provided by Phil Woolas in response to a parliamentary question. In the peak months of July, August and September alone there were almost 20,000 repeat applications.<sup>2</sup> This represents an enormous cost and inconvenience for students, and detracts from UK attempts to welcome international students. The fact that there were also almost 1200 applications for administrative review in the same period indicates that applicants do not feel the system is working fairly or effectively.

As indicated in the previous section of this report, quite a number of students had to reapply because of minor errors in their applications, many of which seem to have arisen from the incorrect or confusing information from official sources or arbitrary decisions by entry clearance officers. Quite a number also cited errors or inconsistencies in the way applications were treated (both in the case of one individual reapplying, and of groups of individuals in similar circumstances).

*The system has become quite straightforward as compared to what people who applied before 31 March 2009 told me. But probably because of the many applications the High Commissions receive, there are still minor errors of judgement, like in my case. Thank to the administrative review procedure, I could have the visa. But I arrived late for my course because of that error and had to work double to catch up with my colleagues.*

*Furthermore, the Embassy was not helpful and rejected my application the second time based on their claim that I have not provided them with my Bachelors transcript as on the visa letter. Ironically, when they returned the package to me, my transcript was in it.*

*It was strange to have one application refused more than 4 weeks after submission, and then to receive the next one in 3 days.*

*In my case, the first time all my family members, wife and two kids, were declined. Fortunately, at second time received. I don't understand that now.*

The lasting impact of refusals, both for individuals and for the UK are demonstrated by some comments:

*It was really horrible and painful experience because I was denied a visa due to the inadequacies of the British [officials]. due to this, my parents vowed not to allow my siblings come to England for studies.*

*Even with the appropriate visa I was detained upon arrival because the first application had been refused.*



*I received wrong advice from the UK visa website, which told me that I had to pre-apply before arriving in the UK. So I started the application process online, and gave my biometrics. I never received an email or phone call informing me that my application had begun to be processed, as I was informed I would. I rang the World Bridge visa information phone service, and they told me that I didn't need to pre-apply before arriving in the UK, and that I should fax the British Consulate and cancel my application. I never received a refund. I then arrived in the UK and was told that my visa had been refused for administrative /documentation reasons - even though I had tried to cancel my visa upon receiving false information from the website. I was left waiting at the border for one hour with no information about my case. I was held up for 3 hours in total, and was humiliated to be treated like a criminal and have my bags searched. I ended up missing my connecting bus service and had to rebook and stay at the airport overnight. I finally received the "refusal" notice by email almost a month later, it had very basic information wrong, stating that I was an American citizen, when I had stated on my application that I am Australian. The process cost me hundreds of dollars and a lot of unnecessary anxiety, and I could have just applied upon entering the UK.*

UKBA's handling of sensitive and original documents was cited as a problem in a small number of case, with instances of not having original documents returned, or having them returned to the wrong person. Students commented on the additional stress of being without their passports for long periods and (in the case of hub and spoke centres) having these sent overseas with no means of tracking them).

*After the application was complete, my passport was addressed to someone else and nearly got delivered to some unknown person. This further delayed the delivery of my passport when I was already short of time. A passport is very important and needs to be handled with care.*

*My original documents were not handled appropriately, in fact my birth certificates and visa letter were withheld. I had to write a couple of times before it was returned.*

*The agency sent part of my application to someone in Portland, OR along with their accepted Visa. He had all of my (extremely) personal information, and called me to let me know that he had received part of my application. He sent it back to the embassy.*

*The place that sorted our documents (once we sent them in) lost one of our group mate's passports, and mailed it back to me instead of her! They told her that she never sent it in. Luckily, I knew that she was in our group.*

## Particular problems affecting students with dependants

Although the proportion of students with dependants is very small, some individual comments are included here to underline the very significant issues which such students face in going abroad to study, sometimes for long periods, without their families, and the importance of the visa regulations accommodating their needs. In particular, the new requirement for both parents to accompany a child is problematic for students (usually women) who wish to bring their children with them, but whose spouses are not able to accompany them for the duration of the course.

*Securing the visa was quite simplified and easy only that the requirement for me to travel with my wife and my 5 months old daughter was a bit complex and too expensive and that was why I did not even attempt travelling with them. Please understand that I am finding something down here a bit difficult only because I am not with my wife and daughter.*

*I'm not sure that expenses related to a small child will be as much as £400 p.m. The actual amount of monthly substance is around £200. High requirements are discrimination against students with several children from developing countries.*

*My wife and I counted on obtaining a dependant's visa for her so that she could accompany me while I studied. The UKVisas and UKBA websites were misleading; only in one small instance (a news story) was I able to see that my wife would not be eligible because she is not yet 21 years of age. We were angered by that deception as well as the arbitrariness of such a restriction. The implication that one or both of us was 'forced' into a marriage or that the UK government has any right or responsibility to protect us from 'forced marriage', so-called on the basis of age requirements that are not established in UK law or practice, is insulting and demeaning.*

*Me and my spouse got visa but passport of our 1 year old son has not come back yet and when we contacted British high commission they told us there are 400 additional cases where passports and documents of children are not sent along with their children.*

*I think it was simply wicked to Issue me a visa and deny my 8 months old visa. Forcing me to be separated from my child.*



## Recommendations

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Overall, Tier 4 has worked adequately or even well for many students. However, the survey responses indicate that there are a number of actions which can be taken to ensure it works even more smoothly in future:

**Institutions** should ensure students

1. are informed well in advance about **the documentation** they will need to assemble for their visa application, and
2. have a **realistic idea of the time** needed to make an application.
3. **receive their visa letter or CAS promptly** and are able to check the information provided to UKBA to ensure their application is not refused as a result of discrepancies due to administrative error on either side.
4. realise that **once they used a CAS in their visa application, they are “tied” to that institution** and cannot decide to study elsewhere without what can be a relatively lengthy reapplication in the UK.

**UKBA** should

1. provide **one single website with clear, simple and comprehensive advice** on the application process, including checklists and a glossary; a tailored guidance document clearly linked to each application form; clear guidelines on documentation required, especially on finance and translation issues.
2. ensure there are **reasonably priced telephone helplines**, including a facility for emergency contact when applicants need to retrieve passports
3. ensure staff provide **consistent, accurate and helpful information**
4. ensure **Entry Clearance Officers** receive accurate, consistent guidance and training to ensure correct and consistent decision making
5. consider ways of **allowing applicants to rectify minor errors** in their application or documentation without receiving a refusal and having to pay for a second application
6. **reconsider the requirement for a new set of biometrics** to be provided with each application, especially if these are made within a short period of time and because of minor errors in the first application
7. where possible provide ways in which applicants can **monitor the status of their application**, eg online or via SMS
8. ensure that **visa fees are kept competitive** with other major destinations for international students
9. review the requirements which apply to **dependants of students** to ensure students are not unnecessarily separated from spouses and children

**The Foreign & Commonwealth Office/UKBA International Group** should

1. ensure **commercial companies** operating visa application centres deliver a reliable, high quality service, and that applicants have a clear understanding of their roles and functions
2. consider ways of avoiding unnecessary delays in **ATAS** applications, eg by speeding up the ATAS process and/or allowing students to start their visa application process while awaiting the outcome of their ATAS application.

## Conclusion

If UKBA implements these recommendations and engages in a genuine dialogue with the education sector about future changes (both at strategic and operational level), the Points Based System has the potential to provide a better “official welcome” for students, and support the efforts of institutions and the UK government to maximise the economic and cultural benefits international students bring to the UK.

Moreover, if UKBA is able to eliminate unnecessary queries, reduce the number of refusals leading to reapplications or administrative review, and focus only on scrutinising those aspects of the application process which are open to abuse (instead of administrative error), it can concentrate more of its resources on ensuring that fraudulent or ineligible applications are identified and refused. If the old motto of “Fairer, faster, firmer” is to be delivered, the first two must receive as much attention as the last.

## Notes

<sup>1</sup> For example according to the Universities UK response to the review of Tier 4 “59% of institutions exceeded, 17% met and 24% missed their projected target for international recruitment in 2009” and “96% of institutions reported that the recruitment and admission of international students had required additional financial resources this year and 85% of institutions reported that additional staff had been required”.

<sup>2</sup> It is interesting to note this in the context of figures given in Phil Woolas’ response on 26 November to a parliamentary question by Mark Oaten MP:

Total numbers applying more than once for student visa by month	Number
April 2009	205
May 2009	1,021
June 2009	2,267
July 2009	3,754
August 2009	6,966
September 2009	8,805

Total numbers of requests for administrative review by month	Number
April 2009	1
May 2009	44
June 2009	174
July 2009	304
August 2009	307
September 2009	589



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