An inspection of the immigration system as it relates to the higher education sector

October 2021 – March 2022

David Neal

Independent Chief Inspector of
Borders and Immigration

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Contents

Foreword

The UK's 2019 (updated in 2021) International Education Strategy set ambitious targets to increase the value of education exports to £35 billion per year, and the number of international students hosted in the UK to at least 600,000 per year by 2030. By 2021, the latter part of this target had already been achieved with more than 605,000 international students enrolled in higher education institutions (HEIs) in the UK.

To facilitate the movement of international students and staff, the higher education (HE) sector is reliant on the Home Office for an efficient and effective immigration system. In this inspection I have examined how the system serves the needs of the sector, rather than focusing narrowly on the operational functions within the Home Office.

Overall, the Home Office provides an effective system. There is a really good level of engagement between the Home Office and higher education institutions and representative bodies, which contributed to a positive joint response to the COVID-19 pandemic. The sector has an appetite for more and the Home Office should continue to feed this demand. This active, energetic collaboration should be just the kind of best practice that the Customer Services capability in the 'One Home Office' concept should be championing.

Strong leadership permeates the operational teams responsible for processing study and work visas and the thematic pillars within which the teams' work appears to be operating well, although the Home Office must take care that it does not become too siloed. There are two areas in particular that the Home Office could improve.

Firstly, whilst the new points-based immigration system has reduced the burden on the higher education sector to some extent, there remains a perception that their duties as immigration sponsors are onerous and more could be done to simplify the guidance.

Secondly, the Premium Customer Service Teams failed to offer a 'premium' service to subscribers. Resourcing challenges leading to a lack of consistency, inaccurate information and unclear service standards need to be fixed. The Account Management Platform is outdated and considered by users to be not fit for purpose.

This report makes 3 recommendations with a suggested timeframe for delivery.

This report was sent to the Home Secretary on 21 April 2022.

David Neal
Chief Inspector

1. Scope

1.1   This inspection adopted a broad perspective to gain an understanding of the interaction between the UK's immigration system and the higher education (HE) sector. The inspection focused on the following areas:

- the effectiveness of the immigration routes available to international students, staff and visiting academics
- the burden of compliance for sponsors
- the extent and quality of communication and engagement between the Home Office and the HE sector
- the availability and usefulness of guidance for study and work applications
- the quality and the value to the sector of the services provided by the Premium Customer Service Teams
- continuous improvement, including the transition to digital status.

2. Methodology

2.1   Inspectors undertook the following activities:

- reviewed open-source material, including previous relevant Independent Chief Inspector of Borders and Immigration (ICIBI) inspection reports

- on 21 October 2021, published a 'call for evidence' on the ICIBI website and social media, seeking submissions from anyone with knowledge and experience of the interaction between the UK immigration system and the higher education (HE) sector

- analysed 47 submissions to the 'call for evidence' from a range of stakeholders including higher education institutions (HEIs), representative bodies, non-governmental organisations and members of the public

- conducted familiarisation sessions with Home Office staff in Study Operations, Work Operations, Sponsorship and Compliance, the Premium Customer Service Team, Casework Operations, cross-cutting functions and student policy teams

- visited the UK Visa and Citizenship Application Services centres in Liverpool and Croydon on 12 November 2021

- attended the Immigration Compliance Network meeting on 8 December 2021 to obtain further insight from the HE sector

- conducted interviews and focus groups with HEIs, endorsing bodies and other stakeholders, representing the interests of the HE sector

- in November 2021, December 2021 and February 2022 requested and, on receipt, analysed more than 200 pieces of documentary evidence from the Home Office

- between 19 January and 2 February 2022 conducted 27 interviews and focus groups online, with staff at grades from Administrative Officers to Senior Civil Servant (Grade 5) in the study and work operations team, Premium Customer Service Teams, student sponsorship compliance teams, communications, policy and Home Office analysis and insight

- on 18 February 2022, presented the inspection's emerging findings to the responsible Home Office Senior Civil Servant and their senior managers.

3. Recommendations

Recommendation 1

By August 2022, conduct a review of the Graduate route:

a.   To monitor and report on the success of the route after the first 12 months of operation, tracking the number of applications received, broken down by nationality and most recent qualification in the UK.

b.   Developing this analysis, work with representative bodies to evaluate the impact of the Graduate route on international student recruitment, considering to what extent the route has helped universities diversify in international markets.

Recommendation 2

By October 2022, undertake a comprehensive review of the Premium Customer Service Teams for Work and Study, taking into account feedback from the sector and findings from this inspection to:

a.   Review roles, responsibilities and grade structures for those working in the team.

b.   Provide refresher training to the team and reinstate quality assurance mechanisms to improve consistency and accuracy of the advice they provide.

c.   Identify what the sector wants from the service, working with sector representatives to develop agreed service standards.

Recommendation 3

By March 2023, in relation to the Study routes in the UK, develop and apply mechanisms to measure the overall compliance of the higher education (HE) sector (as opposed to the Basic Compliance Assessment process, which applies to individual institutions) to:

a.   Accurately measure, supported by quantitative and qualitative evidence, the level of abuse of the Study visa route by non-genuine students.

b.   On an annual basis, using evidence acquired by 3a) assess whether the HE sector's sponsorship compliance duties are proportionate to the risk of abuse.

4. Summary of conclusions

Immigration routes

4.1 Through the introduction of the new points-based system, the Home Office has delivered a number of changes that have been beneficial to the higher education (HE) sector. These changes have included the introduction of the Graduate route, expansion of the Global Talent route and reforms to the Skilled Worker route. There have also been practical steps taken to improve the Student route.

4.2 The number of international students studying in the UK significantly increased in recent years. In 2020-21, 605,130 students were reported to be studying in higher education institutions (HEIs),[1] an increase of 8.71% on the figures recorded for 2019/20. Similarly, demand for the Graduate route has been healthy, with 28,913 applications made in the first 6 months since the route was launched in July 2021.

4.3 Whilst application volumes are noteworthy, it is too early, and there is insufficient data or other evidence to fully assess the impact of the new points-based system on the HE sector. It is clear, however, that the immigration system supports the mobility necessary to the sector.

4.4 The UK's exit from the EU and the COVID-19 pandemic will undoubtedly distort the figures. And whilst the HE sector appears to have fared well, it is difficult to assess how much of this is attributable to the UK's stance on keeping borders open, and adapting quickly and effectively with changes to rules and guidance in response to the COVID-19 pandemic.

4.5 The Home Office worked closely with the HE sector and representative bodies in the development of the new points-based system, demonstrating a willingness by all parties to work collaboratively. However, there is still a perception that the Home Office does not truly understand how the sector works and there is scope for both parties to improve understanding of each other's operations.

4.6 A full review of the new points-based system would help the government and HE sector understand the impact of these changes and their benefits on wider society. In particular, for the Graduate route, collation of data on volumes, nationalities, student awareness of the scheme and the employment outcomes for graduates would help build a picture of how successful this route has been in achieving its aims and the impact it has had on growth in the student market. Any review should consider Graduate route offerings in competitor markets such as Australia and Canada, and a comparative review of costs.

4.7 Simplification of the Immigration Rules and associated changes to guidance have also been the result of consultation and collaborative working with the Law Commission and external stakeholders. The changes have delivered clear improvements in the use of 'plain English' and guidance is considered to be good overall. However, the Home Office could do more in relation

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1 https://www.hesa.ac.uk/data-and-analysis/students/where-from

to the timeliness, volume and disjointed nature of guidance. Despite the objective of achieving 'simplification', guidance has, in some respects, become more complex and more spread out across multiple documents.

Compliance and assurance

4.8   The strong relationships between the Home Office and HEIs and representative bodies were also evident in compliance and assurance. The Home Office showed a willingness to work with sponsors to address compliance issues early so that appropriate actions, such as revocations of licences, were not necessary. Good examples of collaborative working were also noted in the coming together of all parties to work on the introduction of COVID-19 concessions, which included changes to compliance requirements.

4.9   However, there remains well-documented tension between what the HE sector would like in terms of trust, and what the Home Office is willing to give. It is questionable whether the Home Office has got the balance right here, and if the burden imposed is proportionate to the current risk, rather than the historical risks dating back to the removal of the London Metropolitan University's licence in 2012.

4.10   The HE sector appeared to appreciate that it has a role to play in ensuring the UK's immigration system is not abused and felt it had good judgement when it came to assessing whether students were genuine. However, the prevailing feeling was that there was room for compliance to be effective without it being punitive, expensive and burdensome for the sponsor.

4.11   The introduction of the 'Sponsorship Roadmap'[2] shows that the Home Office accepts some of the challenges of the current sponsorship system and seeks to address them, but the scope of the roadmap was limited to technological mechanisms. This felt like a missed opportunity to review the overall requirements for sponsors. Further, the Sponsorship Roadmap does not have ambitious timelines and is set to launch almost 10 years after it was informally promised.

4.12   Record keeping is in need of improvement. While the Home Office was able to produce evidence of Basic Compliance Assessments (BCAs) and qualitative data from Higher Education Assurance Team visits, it could not provide data relating to the overall level of compliance in the sector. Issues surrounding compliance and data recording were also evident in matters concerning increased student visa refusals for Indian nationals over the past 3 years. The increase was attributed to the introduction of the Graduate route, in that it was supposed that refusals have risen in the context of increased interest, but no evidence was provided of causation.[3]

4.13   Without efforts to properly measure compliance across the sector, the Home Office is missing out on opportunities to reward those who are compliant and to continually reassess whether their measures are proportionate.

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2 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1010963/210804_Sponsorship_Roadmap_FINAL.pdf
3 In its factual accuracy response, the Home Office advised inspectors that information on BCAs and refusal data by institution that would evidence reasons – other than Graduate route introduction – behind the higher Indian refusal rate, is held.

Premium Customer Service Teams

4.14 Clearly, there is a disconnect between what the Home Office envisaged the Premium Customer Service Teams (PCST) offer to be, and what the HE sector expected from that offer. This could be resolved through engagement between both parties to draw up a collaborative and agreed set of service expectations.

4.15 The current service provides the same offering to all subscribers for a flat fee, but HEIs have different needs. The Home Office should explore ways to address the HE sector's concerns and deliver a premium product that can be tailored to individual needs. This may go some way to improving overall satisfaction with the service.

4.16 Improving the perceived value of the service may also attract additional institutions – of varying sizes – to subscribe to the service.

4.17 Many subscribers will not be fully aware of internal Home Office resource challenges. They are, however, as the end users of the PCST, likely to experience a reduced level of service so long as the PCST is under-resourced. Consideration should be given to how resource gaps are addressed in the long term, rather than relying upon short-term relief from other areas of Study Operations.[4]

4.18 Consistency and accuracy of information provided by the PCST was an issue. Whilst comprehensive induction training is provided to new team members, there were gaps in ongoing professional development for all Customer Account Managers (CAMs). It is important that the Home Office ensures that assurance and training are given the time and resource required.

4.19 The Home Office should consider defining what the PCST service standards mean to both staff members and subscribers. It should also consider exploring how service standard compliance is recorded, as the lack of clarity on this made it impossible for inspectors to draw an objective conclusion as to how the team was performing.

4.20 The feedback loops in place between the PCST and subscribers were informal in nature. It was clear to inspectors that there was neither an effective system for capturing customer feedback, nor was there a system of recording what action had been taken as a result of that feedback for continuous improvement purposes. A more formal, structured feedback system would help to demonstrate that the Home Office is listening to its customers and acting upon their feedback to help drive improvements to the service.

4.21 There was significant sector dissatisfaction with the Account Management Portal (AMP), which was considered by users to be outdated and not fit for purpose. HEIs had a clear preference for communication with the PCST and their CAM via email or telephone, and whilst Home Office promotional material described these options to be the principal means of contact, HEIs are routinely directed to communicate via the AMP.

4.22 The Home Office may wish to investigate a means by which methods of communication other than via the AMP can be facilitated, whilst assuring compliance with GDPR and its own internal audit requirements.

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4 In its factual accuracy response, the Home Office advised inspectors that permanent recruitments to fill PCST vacancies have been underway since early 2021.

Communications and engagement

4.23 It is evident from contributions to this inspection from both the HE sector and the Home Office that communications and engagement have improved significantly in recent years. There are a range of stakeholder forums in place to facilitate both day-to-day tactical discussions and longer-term strategic planning.

4.24 The presence of a number of well-established representative bodies and a large HE sector, which shares the government's aims to grow the UK's international student population, has helped facilitate good collaborative engagement between all parties.

4.25 Inspectors noted the particular focus on open communication with the sector by the Home Office during the COVID-19 pandemic. The Home Office has clearly listened to the practical concerns of the sector and used this insight to inform its pandemic response.

4.26 Whilst the Home Office is broadly content with the level of engagement it has, the sector would like more. In particular, it would like the Home Office to be more transparent regarding plans for future changes. This is not always possible, and there are limitations on what the Home Office can do for the sector. However more could be done to explain why some changes are necessarily last-minute.

4.27 Another issue that may contribute to a negative view amongst stakeholders is that users of Home Office services, including the HE sector, expect the Home Office to operate as a single entity. The reality is that there are a number of different teams and functions that support each command within the Home Office. These discharge different responsibilities, but this is not always clear to external stakeholders.

4.28 Contributions from the sector have also indicated that it would like the Home Office to communicate in a more bilateral manner, so that the HE sector is able to have greater input into agendas for engagement. The feedback is that the Home Office uses engagement to make announcements rather than seek views. It is, however, important to apply a reasonableness test to this, and consider the Home Office's aims and priorities as well as those of the HE sector. It is also important to acknowledge the hard work Home Office staff have put into improving the way they communicate, engage and consult with the sector.

Continuous improvement

4.29 The thematic reorganisation of the Study and Work teams is a positive development, with the new structure being logical and based around the end-to-end customer journey.

4.30 Staff throughout the different teams within the Study command were engaged and committed to change and improvements. However, given the close relationships between the HE sector and the Home Office, more could be done to formalise feedback loops to help drive continuous improvement.

4.31 The HE sector reported a plethora of issues with biometric residence permits (BRPs). The complexity of the system which produces and delivers these permits has resulted in a high level of failure, with issues ranging from incorrect conditions of leave being granted to misdelivery of BRPs in the UK. Following the Home Secretary's intervention in 2021, a comprehensive recovery plan was implemented to improve the BRP system and minimise disruption to

customers. This has resulted in a marked improvement in performance, but the Home Office needs to ensure that it sustains this performance throughout the lifetime of BRPs.

4.32   There are plans in place to phase out BRPs by the end of December 2024 in favour of digital status. In July 2021, the Home Office introduced digital status to an initial cohort of applicants. HE stakeholders reported some teething problems with the new system, and it is important that the Home Office listens to the concerns of HE stakeholders to ensure that they address any such problems at any early stage.

4.33   The Sponsorship Roadmap is a major improvement and must be adhered to as far as possible to maintain the momentum of improvements. For example, there have been plans to replace the Sponsorship Management System for many years, and users of the system would likely be very frustrated should there be any further delays. However, it must also be delivered properly, and enough investment must be put into the new system so that it is all that it needs to be.

5.   Background

International students and workers in the UK higher education sector

5.1   To thrive in a highly competitive global market for international students, and to facilitate the mobility necessary to support world-leading research and innovation, the UK's higher education (HE) sector requires an efficient and effective immigration system.

5.2   Long recognised as highly attractive destinations for study, UK universities and other higher education institutions (HEIs) enrol hundreds of thousands of international students each year. These institutions also employ tens of thousands of non-UK nationals as academic and non-academic staff, drawing on talent from around the world to remain at the forefront of research. In addition, the HE sector relies on flexible provisions allowing for the entry of short-term international visitors, as it receives a regular flow of visiting researchers, lecturers, speakers and examiners from abroad.

5.3   The volume of international students coming to study in the UK has continued to grow year on year. In 2015/16, there were 443,320 international students in the UK. By 2020/21 this figure had increased to 605,130, representing a 27% increase over the 5-year period.

5.4   The HE sector also relies heavily on international staff, who accounted for more than a fifth (91,805, or 20.9%) of the 439,955 employees of UK HEIs in 2018-19. The proportion of HE staff from abroad is even higher amongst academic staff at UK universities, nearly a third of whom are non-UK nationals. In fields such as engineering and technology, and amongst academics with research-only appointments, the proportion of staff from abroad approaches 50%.

International competitors

5.5   Since 2010 the UK has been second only to the United States as a destination for international students.

5.6   Though the number of international students coming to the UK has been increasing, largely due to rises in the number of Chinese and, more recently, Indian students enrolling in British universities, the UK HE sector faces growing competition from other large English-speaking nations such as Australia and Canada; from European countries now seeking to attract more students from abroad; and from emerging regional players such as Malaysia, Japan and Turkey.

5.7   Research conducted into reasons for students selecting their destination of choice for study identifies four broad groups. These are financial factors, the welcome received and feelings of safety, quality of education and employment opportunities (during studies and on completion).

The UK government's International Education Strategy

5.8   In its International Education Strategy,[5] issued jointly by the Department for Education and the Department for International Trade in 2019 and updated in 2021, the UK government recognised that 'education exports', including the provision of higher education to international students, "make an important contribution to the UK economy as well as helping us build global relationships."[6]

5.9   The strategy acknowledges that "with international competition increasing, we must take steps to preserve the UK's world leading position", and it sets out ambitions for the UK to increase education exports to £35 billion, per year, and to increase the number of international students in higher education in the UK to 600,000, per year, by 2030. In 2021, the UK exceeded the target for international students but will need to sustain efforts to retain these significant volumes.

5.10   The UK is one of many countries (others include Australia, Canada, France, United States) which have developed strategies to support their aims for international growth in the global education market. Central to these strategies are the aims to increase opportunities for international students to study in the host country, whilst promoting their education overseas.

5.11   The strategies also identify priority countries where there is a greater impetus for recruitment and diversification into newer markets. Countries such as Brazil, China and India feature in a number of strategies indicating the level of competition faced by the UK for international students.

New points-based system

5.12   In December 2018 the government published its White Paper,[7] 'The UK's future skills-based immigration system', announcing plans for a new, single immigration system. The White Paper outlined plans for reform to study and work visa routes for EU[8] and non-EU nationals, based on recommendations from the Migration Advisory Committee.

5.13   Following publication of the paper, the government embarked on a 12-month period of engagement with sectors across the UK, including private, public and voluntary sector employers, as well as industry representatives. This period of engagement was to allow the government to listen to the views, ideas and priorities of a range of stakeholders so they can shape the final detail of the policy and implementation of the future system.

5.14   Alongside this engagement, new stakeholder forums, including the Education and Employment Advisory Groups, were formed. The advisory groups were set up to help inform the detailed design of the future system and focus on the key policy reforms and proposals contained within the White Paper.

5.15   Following the UK's exit from the European Union (EU) on 31 January 2020, 'The UK's points-based immigration system: policy statement' was published on 19 February 2020.[9] The paper promised the implementation of a new system that "will transform the way in which all migrants come to the UK to work, study, visit or join their family".

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5 https://www.gov.uk/government/publications/international-education-strategy-2021-update
6 https://www.gov.uk/government/publications/international-education-strategy-2021-update
7 https://www.gov.uk/government/publications/the-uks-future-skills-based-immigration-system
8 The paper referred to EU citizens as EU, European Economic Area and Swiss citizens collectively for simplicity.
9 https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement

5.16 Building on this, a further policy statement was published in August 2020,[10] which acknowledged that the current student visa system was working well but "the route will be improved, making it more streamlined for sponsoring institutions and their students, creating clearer pathways for students, and ensuring we remain competitive in a changing global market particularly since the pace of change has been accelerated by the COVID-19 pandemic".

5.17 Many aspects of the new system, which was launched in October 2020, were particularly relevant to the HE sector. Arguably, the sector is unique in that it has a vital interest in several different points-based routes. The Student route is perhaps the most prominent due to the sheer volumes of international students, but Work routes are also important given the global nature of the market for academic talent and the disproportionately international profile of the HE workforce.

5.18 Outside of the points-based system, Visitor routes are also vital to the sector as they offer short-term study, academic research and paid engagement opportunities. Visitor visas help facilitate the circulation of people and ideas to support world-leading scholarship and research.

Home Office Study and Work Teams

5.19 The Home Office's Visa and Citizenship command has established thematic teams to manage applications from individuals seeking to enter and remain in the UK for different purposes. In January 2021, Study Operations was formed under one thematic pillar bringing together all study-related activity, including case working, the Premium Customer Service Team (study), student sponsorship and compliance. In making these changes, the Home Office aimed to improve service to customers (students and HE institutions) and develop the skills of team members to create a more flexible workforce. Work Operations sits under the same Visa and Citizenship command and has a similar structure incorporating all work-related functions, migrant casework, sponsorship casework and compliance. At the time of the inspection, the Premium Customer Service Team for work was being moved into Work Operations.

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10 https://www.gov.uk/government/publications/uk-points-based-immigration-system-further-details-statement/uk-points-based-immigration-system-further-details-statement

6. Immigration routes

Student volumes

6.1   According to 2020-21 data from the Higher Education Statistics Agency (HESA),[11] there are currently 605,130 international students in higher education (HE) in the UK. This number is significant as it exceeds the government's aim to host 600,000 international students in the UK by 2030, as set out in the International Education Strategy.[12]

6.2   Of the 605,130 students, 452,225 (75%) are from countries outside the EU and a total of 152,905 (25%) students in UK higher education institutions (HEIs) are from EU countries.

6.3   In 2021, most non-EU international students came from China, followed by India and Nigeria. From the EU, the highest number of students were from Italy, closely followed by France and Romania. The volumes of international students for the top 5 Non-EU and EU countries can be seen in Figure 1.

Figure 1				
Top 5 nationalities of international students, 2021				
Rank	**Non-EU**	**Students**	**EU**	**Students**
1	China	143,820	Italy	14,605
2	India	84,555	France	14,090
3	Nigeria	21,305	Romania	12,860
4	United States	19,220	Spain	12,290
5	Hong Kong	16,655	Germany	12,250

Student route

6.4   In October 2020, the Student and Child Student routes were introduced, replacing Tier 4 (General) and Tier 4 (Child), the former routes for international students applying to study in the UK. In developing the new points-based system's provisions for international students, the Home Office sought to "continue to welcome talented and high potential students to our universities, further education and English language colleges, and independent schools".

6.5   The core principles for the allocation of points in the new student routes remained the same, requiring students to achieve 70 points to qualify for a visa. The requirements are set out in Figure 2.

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11 https://www.hesa.ac.uk/data-and-analysis/students/where-from
12 https://www.gov.uk/government/publications/international-education-strategy-2021-update

Figure 2		
Core requirements of the Student route		
Points type	**Relevant requirements**	**Points**
Study	Confirmation of acceptance for studies • Course requirement • Approved qualification requirement • Level of study requirement • Place of study requirement	50
Financial	Financial requirement	10
English language	English language requirement	10

6.6   While these points requirements mirrored what was in place under Tier 4 (General), the Home Office introduced a number of changes with the new Student route. These are summarised as follows:

Conditions of leave

- the period in which a student can apply to come to the UK before the start of the course, was extended from 3 to 6 months
- the time limit for students studying at a postgraduate level were removed.[13]

For in-country applications

- students who meet eligibility requirements can make an in-country application for further leave, regardless of their sponsor or level of study
- students are no longer required to routinely provide documentary evidence of funds
- if students are on a Foundation Programme as a doctor or dentist in training, or who are employed as a Student Union Sabbatical Officer, they do not need to demonstrate funds

Higher education institutions

- HEIs with a track record of compliance can make an offer of study to students at degree level or above, and carry out their own assessment of those students' academic and English language ability
- HEIs are required to monitor the academic engagement of their students and will need to keep records of a student's engagement.

6.7   Further changes were made to the differentiated list,[14] meaning that students of certain nationalities that are deemed to be low risk, benefit from reduced documentary evidence requirements.

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13 Although students are still expected to progress academically in their studies when making a further application in the UK.

14 Nationals of certain countries designated by the Home Office do not need evidence to show that they meet the financial requirements and the requirement to provide documents used to obtain an offer does not need to be met. See https://www.gov.uk/guidance/immigration-rules/appendix-student

Perception of new routes

6.8   It is relatively early in the lifecycle of the new points-based system and more time will be needed to properly evaluate the effect of the change, but inspectors were keen to hear the views of the HEIs. Despite the government's plans to transform the way in which migrants come to study in the UK, HE stakeholders viewed that very little had changed in relation to the study routes. One university said:

> "The new student visa route has been an organic development from Tier 4, so it was probably less of a change than other immigration routes."

Similarly, a representative body commented:

> "The introduction of the new overall points-based system has had a marginally positive benefit on the HE sector. In many ways the change has been less significant for student migration than in other areas..."

6.9   The more generous time limits and the removal of documentary requirements for in-country applicants were seen as positive. But overall, feedback on Student routes from HE stakeholders mainly featured the positive changes that were introduced during the pandemic, rather than those brought about by the new points-based system.

6.10   These views were somewhat shared by Home Office staff, who considered that the changes to the student Immigration Rules were minimal. This was summarised by a member of staff, who said "it was more of a facelift rather than something substantive … bringing EEA nationals into the Immigration Rules was the biggest change".

6.11   Given the significant increase in volumes in Student visa applications in 2021, the changes introduced in October 2020 do not appear to have impacted on overall levels of demand. It is, however, difficult to predict whether the UK's stance of remaining 'open for business' and the government's quick and proactive measures in response to the COVID-19 pandemic have temporarily diverted students to the UK who may otherwise have opted to study in other countries, such as Australia or the United States, whose border policies during the pandemic were not as favourable to international students.

Graduate route

6.12   In July 2021, further reforms to the points-based system saw the reintroduction of a post-study work visa branded as the Graduate route.

6.13   Post-study work visas were first introduced in 2004, but the route was closed in 2012. The decision to withdraw the route was announced by the then Home Secretary on the grounds that the arrangement was "far too generous". [15]

6.14   In announcing the introduction of the new route, GOV.UK explains that:

> "The Graduate route provides an opportunity for talented international graduates who have been awarded their degree from a UK university to stay in the UK and work, or look for work, at any skill level for at least 2 years … The new route, part of the points-based immigration system, will help attract the best talent from around the world and ensures

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15 www.gov.uk/government/speeches/foreign-student-visas-home-secretarys-statement

that businesses can recruit the most highly qualified from across the globe to complement the skills already in the UK, helping drive the economy forwards as Britain builds back better from the pandemic."

6.15 The broad objectives of the Graduate route were published in March 2021 in an Impact Assessment:[16]

- "ensure graduates are able to apply for permission to remain in the UK under the route within the UK Points-based Immigration System from summer 2021

- support the Government's manifesto commitment to help UK higher education providers attract talented students and allow students to stay on and apply for work after they graduate

- enable employers to recruit the skilled graduates they need and ensure labour market pressures in key sectors are managed effectively

- maintain and improve the UK's standing as a world leading provider of international higher education."

6.16 There has been significant lobbying for the reintroduction of a post-study work route from the HE sector and representative bodies in recent years. It also forms a key part of the UK's visa offer in the government's International Education Strategy (IES) for international HE students.[17]

Forecast applications and volume data

6.17 The Impact Assessment for the Graduate route contains forecast application volumes for the route. The Home Office estimated that 44,400, 67,600 or 95,600 applications would be received in 2021/22 based on low, median and high estimates. Thereafter, forecasts predicted incremental growth across each of the 3 bands, rising to 62,800, 100,500 and 141,300 in 2030/31.

6.18 Following the launch of the route in July 2021, application volumes were relatively low for the first 3 months, but there has been a significant increase between October and December 2021, as illustrated in Figure 3.[18]

Figure 3			
Application volumes under the Graduate route			
	Granted	**Refused**	**Total**
July to September 2021	12,484	89	12,573
October to December 2021	16,216	124	16,340
Total	**28,700**	**213**	**28,913**

6.19 Of the 28,913 applications, the highest volume has been received from Indian nationals, who represent more than a third (10,574) of total demand. The other nationalities featuring in the top 4 in terms of volumes are China, Nigeria and the United States, which are all represented in the top 4 countries for international students in the UK.

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16 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966659/Graduate_Route_Impact_Assessment.pdf
17 https://www.gov.uk/government/publications/international-education-strategy-2021-update
18 The data in Figure 3 is taken from the December 2021 transparency data release

6.20   Figure 4 illustrates the top 10 nationalities applying to the Graduate route in the first 6 months since the route was launched.

Figure 4
Top 10 nationalities applying under the Graduate route **1 July 2021 to 31 December 2021**

Graduate route applications, 2021

Nationality of applicant	Number of applications
India	10574
China	2774
Nigeria	2756
United States	1470
Pakistan	1391
Malaysia	1071
Hong Kong	573
Bangladesh	501
Russia	389
Vietnam	334
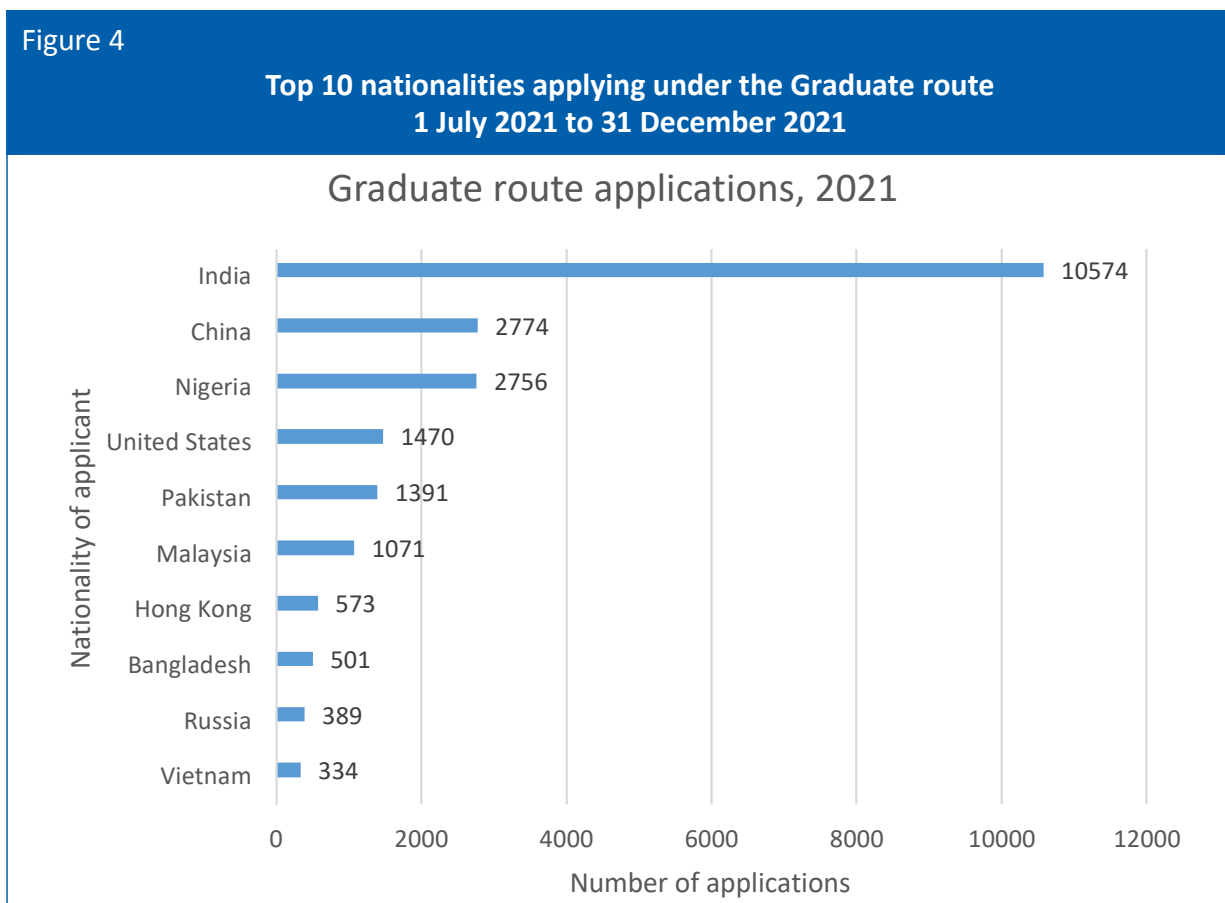
6.21   The qualifying criteria for the route are straightforward, requiring an applicant to meet the requirements set out in Figure 5.

Figure 5	
Qualifying criteria for the Graduate route	
Points type	**Relevant requirements**
Successful course completion	Successful completion requirement Qualification requirement Study in the UK requirement Study at a Sponsor with a track record of compliance

6.22   HE stakeholders welcomed the collaborative approach in which Home Office policy teams had worked closely with HE sector representatives to develop the Graduate route.

6.23 In interviews with stakeholders from the HE sector and responses to the call for evidence, feedback was positive in relation to the reintroduction of the post-study work visa. The benefits of the system were noted to be a straightforward application process, flexible unsponsored routes; and bringing the UK into line with competitor markets, such as the United States and Canada, who already offer post-study work visas.

6.24 Several HEIs reported that they had seen an increase in student applications, which they considered to be driven by the new Graduate route.

6.25 In the 'call for evidence' responses, a representative body noted:

> "The new Graduate visa has helped bring the UK in line with some of our international competitors and has had an immediate impact on boosting the UK's appeal amongst certain markets. For example, applications from India increased by over 128% between 2018/19 and 2019/20, rising from 18,305 to 41,815. In addition, we understand that applications from Nigerian nationals to study in the UK are at their highest level on record (20,427) with a 125% increase, according to Home Office data covering the year."

6.26 These views are supported by a Universities UK (UUK) paper published in September 2021, titled 'International Student Recruitment: Why aren't we second?' It noted that "…the new Graduate route has significantly improved the UK's competitiveness". The paper also makes the link between changes in volumes of Indian and Nigerian students in the UK and draws on feedback from recruitment agents in Nigeria, who concluded that the removal of post-study work visas in the UK in 2012 resulted in many Nigerian students opting to study in Canada, where post-study work options were available.[19]

6.27 Whilst significant increases can be seen in applications for Study visas from certain nationalities, such as India, Nigeria and Pakistan, there is insufficient evidence to fully conclude that this is a consequence of the introduction of the Graduate route.

6.28 Feedback on the new route was overwhelmingly positive, however, stakeholders identified areas where they considered improvements could be made. Suggestions included a reduction of visa fees, which were considered to be too high. Visa durations were noted to be shorter than other competitor countries, such as Australia and Canada, which offer a 3-year visa. And for the universities, reporting obligations requiring them to notify the Home Office when international students successfully complete their course were rolled out with short notice, creating a new reporting burden and a new operational challenge for them.

6.29 Again, these views are highlighted in the UUK paper, which concludes that "the UK's Graduate route offers slightly fewer benefits than other English-speaking destinations in terms of length of stay or routes to permanent residency".

6.30 Home Office policy leads told inspectors that they had conducted research and analysis into the offerings of competitor countries but that they were challenged as these offers "change a lot".

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19 https://www.universitiesuk.ac.uk/universities-uk-international/insights-and-publications/uuki-publications/international-student-recruitment-why-0

6.31   When asked about the challenges that had been reported by HE stakeholders, Home Office staff responded that time spent in the UK on the Graduate route followed a period of permission granted on the Student route, which is itself not a route to settlement, and is not linked to long-term employment or having settled family in the UK. A policy lead said:

> "There's been a lot of work done on competitor nations and what those offers were. We wanted to make sure the offer we have now is proportionate to what someone has been doing in the UK."

6.32   The consequences of this are that any period spent in the UK on a Graduate route visa will not count towards a period of residence for the purpose of settlement.

6.33   With regards to application fees, inspectors learnt that the fees are set in line with charging powers within section 68(9) of the Immigration Act 2014, which includes the ability to charge fees based on: the cost of processing the application, the benefits provided by a successful application, and the wider cost of the migration and borders system.

6.34   No further details were provided by the Home Office in relation to how the fee of £700 was calculated, but it is significantly higher than the Student route, where fees range from £348 to £475, depending on whether the application is submitted overseas or in the UK. Arguably, the decision-making by caseworkers is lighter touch in the Graduate route as the main assessment is to judge whether or not a course has been completed in the UK. In order to make this assessment, caseworkers are reliant on data uploads from the HEIs, who are required to report on all international students on successful completion of their courses.

6.35   Policy development around eligibility to sponsor dependants considered the principle that this should broadly align with those who are able to sponsor dependants on the main Student route, other eligibility requirements of the route such as there being no financial requirement to assess the ability to support family in the UK if not already present, and the ability to switch into routes such as Skilled Worker (which does permit new dependants and leads to settlement) if a suitable job offer is found. It is, however, worthy of note that the Graduate route does not permit the principal applicant to sponsor a dependant who has not previously been granted leave as a Student dependant.

Skilled Worker route

6.36   While the volume of international students forms the highest proportion of the immigration needs of the HE sector, international staff also represent a significant number. According to HESA data from 2018/19, 20.9% (91,805) of all staff at UK universities are international.[20]

6.37   In December 2020, the Skilled Worker route was introduced, replacing Tier 2 (General), the former route for applicants seeking longer-term sponsored work routes in the UK.

6.38   The UK points-based system policy document, published in February 2020,[21] announced that "changes will ensure that a wide pool of skilled workers will be able to come to the UK from anywhere in the world and the process will be made simpler and quicker for employers".

6.39   Under the new Skilled Worker route, the Home Office introduced tradeable points, meaning that applicants have more flexibility in how they meet the qualifying criteria. This allows, for

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20 https://www.hesa.ac.uk/news/23-01-2020/sb256-higher-education-staff-statistics#working
21 https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement

example, an applicant earning a salary between £23,040 to £25,599.99 to draw on 10 points in an educational qualification if they have a PhD in a subject relevant to the job.

6.40   A total of 70 points are required for the Skilled Worker route, based on the details in Figure 6.

Figure 6 Points requirements for the Skilled Worker route		
Characteristics	**Tradeable**	**Points**
Offer of job by approved sponsor	No	20
Job at appropriate skill level	No	20
Speaks English at required level	No	10
Salary of at least £25,600	Yes	20
Salary of at least £23,040 and education qualification: PhD in subject relevant to the job	Yes	20
Salary of at least £20,480 and education qualification: PhD in a STEM subject relevant to the job	Yes	20
Salary of at least £20,480 and job in a shortage occupation (as designated by the MAC)	Yes	20
Salary of at least £20,480 and new entrant to the labour market	Yes	20
Salary of at least £20,480 and job in a listed health or education occupation	Yes	20

6.41   Alongside the introduction of tradeable points, the government made other changes:

•   the general salary thresholds were lowered from £30,000 to £25,600

•   the cap on the number of people who can come under this route was suspended

•   requirements to undertake a Resident Labour Market Test (RLMT)[22] were removed

•   the skills threshold was reduced from RQF6 to RQF3

6.42   The changes, which were largely based on recommendations by the Migration Advisory Committee (MAC), were well-received by HE stakeholders. Reforms were considered by stakeholders "to make the UK an even more attractive destination for highly skilled international research talent".

6.43   HE stakeholders frequently referenced the removal of the RLMT, lifting of caps on skilled workers, lower salary thresholds and tradeable points as being clear benefits of the new system. The introduction of tradeable points has meant that HEIs are able to sponsor a wider variety of roles, including postdoctoral researchers, early career academics and other highly skilled research talent. Inspectors also heard how the inclusion of laboratory technicians in the shortage occupation list has allowed universities to be able to provide sponsorship for these roles, where they have previously been unable to.

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22 The Resident Labour Market Test required employers to undertake checks to ensure that no settled person in the UK could fulfil a role.

6.44   Inevitably, the UK's exit from the EU was referenced as having an impact on recruitment of European Economic Area (EEA) and Swiss nationals for HEIs. This was seen by one HEI as making "the UK uncompetitive when trying to attract EEA and EFTA nationals",[23] who are "now more likely to go to work in other EEA countries".

6.45   While the reduction in salary thresholds was welcome, the process for calculating points became more complicated, leading an HEI to comment that "the salary calculation can be quite arduous for the layperson". Another noted: "Changes to salary thresholds are quite complicated. Having worked in immigration for 10 years I can say that this is the most complex it's been, as it's so nuanced."

6.46   Complexities surrounding the salary thresholds were known to Home Office staff, who acknowledged that they were complicated for a layperson. Concerns have been raised by the HE sector but it was felt that in time the HEIs would build up the expertise to master the new requirements.

6.47   Inspectors heard from a representative body that "several universities have reported challenges in recruitment" for language assistants and, whilst they can be categorised under 'Teaching and other educational professionals' in the shortage occupation list, salary thresholds remain an issue. This was considered by another representative body to be:

> "significant, as our success as a world-class HE sector depends not only on being able to attract individuals at the height of their teaching or research careers, but also on the wider talent pool of skilled individuals who work within universities and help contribute to their overall performance and success."

6.48   Alongside the changes to the route, there are different processes for handling applications depending on the nationality of the applicant. Applicants from EEA countries and Switzerland apply using an identity verification 'app' and receive digital status. For all other applicants, an appointment at a visa application centre to submit biometrics is required and conditions of entry are captured on a biometric residence permit. The digital route will extend to all applicants in time, but until they do, HEIs have multiple sources of guidance to check, and greater training needs for staff so they can keep up with the nuances and complexities of the route.

Global Talent route

6.49   In February 2020, the former Tier 1 (Exceptional Talent) route was relaunched as the Global Talent (GT) route.

6.50   The Tier 1 (Exceptional Talent) route was initially introduced in 2011 with 4 endorsing bodies (EBs): the Royal Society, the British Academy, the Royal Academy of Engineering, and Arts Council England. In 2014, Tech Nation was added to the EB list and, more recently, with the launch of the GT visa, UK Research and Innovation has become the sixth EB. Areas of expertise for the EBs are displayed in Figure 7.

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23 European Free Trade Association is comprised of Iceland, Liechtenstein, Norway and Switzerland.

Figure 7	
Areas of expertise for endorsing bodies	
Endorsing body	**Area of expertise**
The Royal Society The British Academy The Royal Academy of Engineering	Sciences, humanities, medicine and engineering
UK Research and Innovation	Research
Arts Council England	Arts and culture
Tech Nation	Digital technology

6.51 The EB establish the criteria that is used to assess whether an applicant demonstrates 'exceptional talent' or demonstrates 'exceptional promise'.

6.52 In alignment with the Student, Graduate and Skilled Worker routes, the requirements for GT are for the applicant to achieve 70 points. However, the application process differs as it is divided into 2 parts. An applicant has to receive approval from an EB or be the recipient of a qualifying prestigious prize[24] and has to make a visa application. The points allocation is shown in Figure 8.

Figure 8	
Points requirements under the Global Talent route	
Relevant requirements	**Number of points**
'An applicant making an initial application not relying on an endorsement: has been awarded a prize listed in Appendix Global Talent: Prestigious Prizes Or An applicant making an initial application relying on an endorsement: • has been issued with an endorsement letter by an endorsing body; • and the date of application is no more than 3 months after the date on the endorsement letter; • and the endorsement has not been withdrawn by the endorsing body.'	70

6.53 There are several advantages to this route, which allows workers to enter the UK without a job offer. It also provides a route to settlement, gives the freedom to switch jobs, has no minimum salary limit and no employer sponsorship costs. This was highlighted by a representative body who said: "The Global Talent visa allows fast-tracked, unsponsored recruitment of highly skilled research talent."

6.54 Like the Graduate route, the changes introduced with GT were developed following consultation with external bodies. As part of the relaunch of this route, the Home Office consulted with EBs on how best to develop "a new fast-track immigration offer for the brightest and best within the science and research sector, to ensure the UK is the most attractive country to live in and develop new ideas".

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24 https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-global-talent-prestigious-prizes

6.55 The 'fast track' pathways speed up the endorsement and application process but at the same time remove the element of an unsponsored route. They also introduce a risk that the route may become difficult to understand with the additional options for qualification.

6.56 Inspectors found that the Home Office had developed close working relationships with the EBs and heard that they often interacted daily. This was endorsed by comments such as: "It's a good, healthy dialogue. That transcends the policy and operational sides."

6.57 Feedback from the HE sector in regard to the GT route was also positive, and stakeholders viewed this route as a new opportunity to attract the most talented of international researchers. Inspectors heard from some HEIs that GT had become the "route of choice" for academic staff and that recent changes had improved the competitiveness of the UK's immigration offer to international staff.

6.58 Volumes of applicants do not yet reflect this to be a high usage route, however, data provided by the Home Office indicated that between 1 February 2020 and 8 December 2021, a total of 4,122 applications for permission to enter or stay under the GT route had been received. Of this number, the allocation by EB was as depicted in Figure 9:

| Figure 9 | | |
| Global Talent applications, broken down by endorsing body | | |
Endorsing body	**Volume of applicants**	**% of applicants***
Tech Nation	985	24%
Arts Council England	822	20%
UK Research and Innovation	751	18%
The Royal Society	687	17%
The Royal Academy of Engineering	432	10%
British Academy	422	10%
Endorsing body not known	23	0.5%

* Due to rounding, the % of applicants displayed in Figure 9 adds up to 99.5%, rather than 100%

6.59 A further 1,397 applications were submitted for permission to enter or to stay as the dependant of a GT migrant. Additionally, 1 application had been received under the prestigious prize category.

6.60 Whilst it is not possible to say with precision what proportion of GT visa holders are planning to work in the HE sector, the significant number of UK Research and Innovation's endorsements suggests that the new endorsed funder pathway is having an impact and has helped tip the balance towards the HE and research sectors as the primary beneficiaries of this route.

Visitor routes

6.61 The HE sector also relies on visitor routes, which facilitate short-term students and applicants seeking to undertake permitted paid engagements or academic visits.

6.62 Study of up to 6 months with an accredited provider was added as a permitted activity to the standard visitor route by the Home Office in December 2020. These changes were part of a

wider programme intended "to provide greater flexibility to the range of activities possible as a visitor and simplify the user journey".

6.63   Whilst the HE sector is less reliant on the use of visitor routes than those covered by the points-based system, and the rules are sufficient to enable the mobility of short-term students and academics, there were a number of areas where the HE sector felt improvements could be made. Examples of these areas were highlighted to inspectors as:

- increasing flexibility to academics to come to the UK periodically to teach and/or discuss their research expertise with students

- extending the time permitted under the permitted paid engagement route to 3 months (currently up to 1 month), to coincide with the normal length of a university term and to accommodate the examination period

- considering provisions for students who wish to come to the UK to undertake standalone work placements

- improving arrangements for visitors arriving in the UK who are directed to e-Passport gates, but require specific conditions to be granted as part of their leave when they enter the UK

- extending the time that exchange students can come to the UK with leave for short-term study for up to 1 year.

6.64   Visiting academics can add significant value for a short period of time but can be constrained by the requirements of the visitor rules. Examples provided by stakeholders were quite nuanced, such as a leading scientist wanting to give 2 free lectures for a segment of a course. The visitor rules would not permit them to do so, and the Permitted Paid Engagement requirements were described as "too narrowly constrained". These did not appear to represent a significant risk in terms of being an immigration problem.

6.65   Home Office policy teams advised that their engagement with HE stakeholders is "not something we feel is needed in the visit route, numbers tend to be very small, and we have limited data". Added challenges for the policy team are that the visit category covers a wide range of sectors, making engagement more difficult.

Simplification of the Immigration Rules

6.66   The Law Commission commenced a review on the simplification of the Immigration Rules in 2017 and, following a period of consultation, the final report was published on 21 January 2019.[25] The report made 41 recommendations, which are included at Annex A.

6.67   Of the 41 recommendations, 24 were accepted and 17 partially accepted.

6.68   In responding to the report, the then Minister for Future Borders and Immigration said:

"For far too long, users have struggled to understand the confusing and complex Immigration Rules. They create barriers for employers who want to bring skilled workers to the UK; to colleges who want to encourage international students to come to the UK, and to the brightest and best migrants from around the world who want to make a contribution to the UK. I will ensure that we cut through the complexity and make the Rules clear, consistent and accessible, to encourage those who have the skills or talent to benefit the

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25   https://www.lawcom.gov.uk/project/simplifying-the-immigration-rules/

UK, and to crack down on illegal migration and remove those who abuse our hospitality by committing criminal offences."[26]

6.69 The Home Office established a Simplification of Rules Taskforce (SORT), which led a project to consolidate and simplify Immigration Rules by January 2021.

6.70 Home Office staff told inspectors that the Student route was the first to be drafted in line with the principles set out in the Law Commission report. The review took "about 6 months" and policy teams worked on iterative drafts "responding to any feedback" from the simplification review committee. Inspectors heard that there are clear processes in place and once policy teams have completed a draft, it will be reviewed and feedback provided by the Simplification and Systems team within Future Borders and Immigration Systems. Home Office staff considered this way of working to be more collaborative but acknowledged that any changes took longer due to the extra steps needed.

6.71 There was a recognition by Home Office staff that the reform was necessary as "some of the paragraphs were monstrous in terms of how complex they were". And a general feeling that the changes were an improvement as the rules are now easier to understand and fewer enquiries had been received "about the nuts and bolts of the rules".

6.72 In other areas of policy, inspectors were told that: "We do listen and take these things into account and work carried out on simplification demonstrates that we listen but there's a tension between what the sector would like and what we need to have to be satisfied that the routes themselves are protected from widescale abuse as we have seen before."

6.73 However, views from HE stakeholders suggested that the review had led to some issues:

"[The rules have been] oversimplified, removed intended meaning. It is a serious problem. We spent hours agonising over language."

and

"The simplification of the Immigration Rules has left too many grey areas."

Guidance

6.74 Inevitably, the new rules and changes to the points-based system have necessitated updates to guidance for applicants and sponsors.

6.75 Inspectors found an inconsistent picture with regards to guidance. On the one hand, HEIs voiced their frustrations that changes were not made in consultation with them. The impact of this was it did not allow the HEIs to share concerns or raise awareness of perceived 'unintended consequences' directly with the Home Office. They argued that a consequence of this was that published guidance needed to have multiple changes following feedback from the HE sector, where more consultation prior to publication would prevent this.

6.76 On the other hand, there were positive examples provided of the Home Office working closely with representative bodies and HEIs to help shape rules and guidance for new routes as with the development of the Graduate route and GT routes. This involved engagement with SORT and the Home Office policy teams.

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26 https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/01/Home-Office-response-to-Law-Commission-Immigration-Rules.pdf

6.77 Improvements were noted in the quality of the guidance provided: "Once you find the documents, they're generally good. Better categorisation and presentation would be beneficial for practitioners."

6.78 Guidance is contained in several locations and may require HEIs to check multiple reference points. As an example, for a student application, there are separate GOV.UK pages covering Appendix Student, Appendix Finance, Appendix English Language, Appendix ATAS [Academic Technology Approval Scheme] and Appendix T (tuberculosis testing). In addition to this, HEIs may wish to check caseworker and sponsor guidance. Whilst each individual area of guidance is comprehensive, written in plain English and is relatively straightforward, there is a risk that it can be contradictory when updates are not undertaken at the same point in time.

6.79 Similar frustrations were expressed in relation to guidance for Skilled Workers, explained by one HEI as:

> "Although the guidance has been improved to make it a bit easier to understand, the location of the guidance makes it overly burdensome for an employer to find. The guidance is now separated into different documents which all overlap in their content and so the employer has to read all the documents to find the answer they need rather than just one. In addition, it would be helpful to have more employer examples which help with the interpretation of the rules and to make them easier to apply to practical situations".

6.80 A frequent finding of Independent Chief Inspector of Borders and Immigration inspections has been the timing of updates to guidance and this was a common issue for the HEIs that inspectors engaged with. Commenting on the guidance, one HEI observed that "...it's often late and coincides with the new academic year when unis are very busy". In communicating any change, where possible, the Home Office may wish to consider the timing of their communications, given the very clearly defined surge periods for HEIs.

7.   Compliance and assurance

Background

7.1   Since 29 August 2012, when the Tier 4 sponsor licence of London Metropolitan University was revoked by the then UK Border Agency,[27] there has been increased parliamentary and public scrutiny of the Home Office's ability to ensure that higher education institutions (HEIs) are sponsoring genuine students. There are significant reputational and financial risks to HEIs should they lose their sponsorship licence.

7.2   It is worthy of note that the compliance framework put in place by the Home Office has removed many high-risk institutions from the sponsor register. This has greatly reduced the potential risk to effective immigration control from applicants under Student routes to the UK.

Guidance and sponsorship duties and processes

7.3   The Home Office allows HEIs to sponsor international students to come to the UK under the Student or Child Student routes. The Home Office sets out the requirements for sponsors and potential sponsors in its 'Student sponsor guidance', which consists of 4 documents.[28] It advises that sponsors or potential sponsors should read all 4 documents and ensure they understand, and comply with, each requirement:

- Applying for a Student sponsor licence (Document 1)[29]
- Sponsorship duties (Document 2)[30]
- Student sponsor compliance (Document 3)[31]
- Higher Education regulatory reform (Document 4)[32]

7.4   Firstly, HEIs must apply for, and hold, a sponsorship licence. To be issued with a sponsor 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 sponsor licence; and
- capable of carrying out its duties as a sponsor."

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27 https://www.gov.uk/government/news/london-metropolitan-universitys-licence-revoked
28 https://www.gov.uk/government/publications/student-sponsor-guidance
29 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939672/Student_Sponsor_Guidance_-_Doc_1_-_Applying_for_a_licence_2020.pdf
30 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1022004/Student_Sponsor_Guidance_-_Doc_2_-_Sponsorship_Duties_2021-09-29_FINAL.pdf
31 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939470/Student_Sponsor_Guidance_-_Doc_3_-_Compliance_2020-12.pdf
32 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939469/Student_Sponsor_Guidance_-_Doc_4_-_HE_reform_2020-12_FINAL.pdf

7.5   The Home Office sets out the documents that are required to support an application in Appendix A to the sponsor guidance:

- "proof that you are based in the UK

- proof that you are operating and trading lawfully in the UK

- proof that you have registered for VAT with HM Revenue and Customs where required to do so

- a written record of a fire risk assessment conducted by a competent person

- evidence to show that you have appropriate planning permission or local planning authority consent to operate the relevant type or class of organisation at your trading address

- any documentation which is required to demonstrate that your sites, exceptional arrangements and/or partnerships, where applicable, meet all of the relevant requirements of the 'Sites and teaching partnerships' section of Document 1 of the student sponsor guidance."

7.6   The application process is completed through an online portal and a fee of £536 must be paid.

7.7   Once a sponsor licence has been issued, HEIs are required to meet several sponsorship compliance requirements (duties).

7.8   The sponsorship duties document details obligations placed on sponsors. They are expected to "play a part in order to ensure that immigration control is maintained". They must therefore show that they can fulfil duties as a way of demonstrating compliance. As well as requiring sponsors to "act honestly in all its dealings with the Home Office … with integrity as a genuine education provider … and comply with all aspects of the Immigration Rules and sponsor guidance", there are specific record-keeping duties as set out in Appendix D of the full policy guidance on sponsoring a worker or student, which must be read in conjunction with the guidance. Appendix D requires sponsors to keep details and documents on each international student it sponsors, including but not limited to:

- a copy of each student's passport showing all personal identity details

- records of student absence/attendance – this may be kept electronically or manually

- a history of the student's (up-to-date) contact details, including residential address, email address and mobile telephone number

- where the student's course of study requires them to hold an Academic Technology Approval Scheme clearance certificate, a copy of the certificate.

7.9   Sponsors must also pass a 'basic compliance assessment' (BCA), to ensure that:

- less than 10% of students sponsored in the previous year have had their visa application refused

- at least 90% of those students issued with permission to enter or remain have enrolled

- at least 85% of sponsored students due to complete courses in that year did so.

7.10   To carry out some of the administrative sponsorship duties, the Home Office has a Sponsorship Management System (SMS),[33] which is an online tool. The Home Office states that this tool

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33 https://www.points.homeoffice.gov.uk/gui-sms-jsf/SMS-001-Landing.faces

allows sponsors to "administer day-to-day sponsorship duties and activities", for example, managing key personnel and licence details, creating, assigning and viewing a certificate of sponsorship or a confirmation of acceptance for studies (CAS).

Measuring compliance and compliance action

7.11 The higher education (HE) regulatory reform document (Document 4) sets out, among other things, the compliance action the Home Office will take where it believes that sponsors may pose, or have the potential to pose, a risk to immigration control. It states:

> "The ability to sponsor students to study in the UK is a privilege that must be earned. When a sponsor is granted a Student sponsor licence, significant trust is placed in them. With that trust comes a responsibility placed on sponsors to act in accordance with the Immigration Rules and the sponsor guidance. UKVI [UK Visas and Immigration] has a duty to ensure that all sponsors discharge these responsibilities, and that a sponsor's actions (or omissions) do not create a risk to immigration control. UKVI will monitor sponsors' compliance and take action against those who:
>
> • pose a threat to immigration control; or
> • breach their sponsorship duties, or otherwise fail to comply with the Immigration Rules or sponsor guidance.
>
> Where there has been a breach of sponsorship duties, UKVI will assess the issue and decide on the most appropriate course of action to take."[34]

7.12 The student sponsorship compliance document states that, where a sponsor has breached its compliance duties and this is a "minor issue", it will support the sponsor in making relevant improvements by issuing an action plan, which sets out the steps that a sponsor must take in order to retain its student sponsor licence. The guidance provides a non-exhaustive list of what it would consider as minor if the sponsor is capable of correcting them.

7.13 Where there is a "serious breach" that indicates a significant or systematic failing, where the sponsor no longer meets the eligibility or suitability requirements for holding a student sponsor licence, or the Home Office considers that the sponsor constitutes a serious threat to immigration control, it may revoke sponsorship. The document states that this may also occur where there has been sustained non-compliance over a period of time, or where there have been a number of breaches which are isolated or minor in themselves but which, cumulatively, indicate a serious or systemic failing.

7.14 Where there are no compliance breaches, but a compliance visit has elicited "minor concerns" that do not warrant compliance action, a 'Maintain [licence] with Advisory' letter will be drafted and issued to the sponsor. These are also referred to as 'formal warnings'.

7.15 Where there has been a minor breach, a 'Notification of minor breaches' letter setting out the reasons for the compliance breach will be issued. An action plan will be drafted which gives a sponsor an opportunity to improve its processes in order to avoid further breaches and to avoid the risk of licence revocation.

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34 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939470/Student_Sponsor_Guidance_-_Doc_3_-_Compliance_2020-12.pdf

7.16 For significant breaches, the Home Office may decide to revoke a licence. In these cases, sponsors are given the opportunity to respond within 20 working days, and the Home Office is required to consider any reasonable request from the sponsor to extend this period. The Home Office must consider any representations before making a decision, but ultimately, the sponsor cannot appeal the decision.

Home Office compliance team

7.17 The Home Office team responsible for student sponsorship and compliance has in the past 18 months brought 3 teams into one command concentrating on student sponsorship:

- The Student Sponsor Compliance Team, comprising 3 Higher Executive Officer (HEO) compliance managers and 2 Executive Officer (EO) compliance case owners. This team is responsible for assessing pre-licence applications and for making decisions about whether compliance action is appropriate based on the level of risk and breaches of sponsorship duties.

- The Student Sponsor Assessment Team, comprising 1 EO manager and 9 Administrative Officer caseworkers. This team is responsible for supporting sponsors to maintain licences, including by assessing annual BCAs, sponsor licence renewals,[35] and dealing with other ad hoc case working, such as reviewing a change of circumstances request.

- The Higher Education Assurance Team (HEAT), comprising 1 HEO and 1 EO and is responsible for conducting on-site inspection visits to HEIs to ensure they are compliant.

HEAT visits

7.18 Roughly 95% of HEAT inspection visits are 'self-tasked'. Inspectors were told that visits usually occurred as a result of their placement on a list, based upon factors such as how long ago the previous visit was conducted, and whether an institution is in a similar location to another that is being visited so as to best utilise HEAT resource. The remainder of their visits are tasked by the Student Sponsor Compliance Team, or triggered by intelligence, open-source material or information obtained from Entry Clearance Officers.

7.19 Most HEAT visits are scheduled to cover a 3-day period: day 1 is for interviewing HEI staff, day 2 consists of finalising interviews and starting file checks, and day 3 consists of completing the file checks, addressing any discrepancies found during the visits and for wrap-up meetings with senior staff. Visits to small or specialist HEIs may be scheduled for 1 or 2 days.

7.20 From 1 January 2019 to 31 January 2022, the Home Office visited 44 of the 190 university sponsors for compliance visits.[36] Of these, only 9 (20%) were not issued with formal warnings. The remaining 44 (80%) were issued with 'maintain with advisory' letters – also known as formal warnings letters – indicating that, while failings were not significant enough to warrant an action plan, HEAT had identified 'minor concerns'. Whilst the concerns were not detailed in evidence provided to inspectors, information on compliance visits indicated that the concerns were pertaining to compliance breaches in the following areas:

- attendance monitoring
- record keeping

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35 Sponsors must apply for a renewal of their sponsorship licence every 4 years.
36 Visits were paused from March to November of 2020 due to COVID-19, and again from December 2020 to May 2021.

- student tracking
- monitoring

7.21 Home Office staff acknowledged to inspectors that the HEAT team was under-resourced and explained that they had been unable to backfill 6 posts since 2016. They said that the rest of the compliance team is able to support HEAT where necessary, but further detail provided indicated that this support is limited to pre-sponsor visits, rather than with inspection visits to existing sponsors. One senior manager said:

> "With resource we've had historically that hasn't really happened [routine visits to sponsors]. There are sponsors who haven't been visited for a while. We're in the process of building up plans to increase resource for visiting."

7.22 Sponsors who had been visited by HEAT questioned how constructive they were and explained how resource intensive it was to prepare for the visit. Many had undergone visits where a significant amount of time and effort had been invested but heard nothing from the Home Office following the visit. Others told inspectors that a subsequent report issued to them [this particular sponsor had received a 'maintain with advisory' formal warning'] felt like they were being "poked".

Perception of the Home Office sponsor compliance regime by the higher education sector

7.23 Most interviews with – and call for evidence submissions from – university sponsors of international students and representative bodies referenced frustration with burdensome and expensive compliance requirements. While being promised that the new points-based system would be underpinned by simplified rules and guidance, and despite having a good understanding of the requirements themselves, the new rules were said to be overly complicated and not simplified. A common theme throughout submissions was how difficult the requirements were to keep up with. One university said they have had to recruit more staff to keep up with the "increasingly onerous" requirements.

7.24 An EY report, commissioned by the 24 Russell Group Universities, titled 'Challenges and costs of the UK immigration system for Russell Group universities', said they estimated that the immigration processes and compliance to recruit and support non-EU staff and students costs them around £25 million per year, only 25% (£6.4 million) of which is paid directly to the Home Office. With the introduction of the new points-based system expanded to include EU citizens, EY estimate the cost could increase by 36% up to £34 million by the end of 2022.[37]

7.25 The sponsorship duties were, for some HEIs, said to create a "culture of fear" within their own workforce, whereby they felt pressure and anxiety over the perceived danger of Home Office action or licence revocation in response to any mistakes.

7.26 Another compliance manager in a university said:

> "From my perspective, the feeling that we have is one of fear. You hear horror stories of institutions having a breach. You have thousands of students and it's really tough to keep on top of all of our reporting duties, but you just feel that if you make a mistake

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37 https://russellgroup.ac.uk/media/5750/challenges-and-costs-of-the-uk-immigration-system-for-russell-group-universities.pdf

the consequences are really high." They continued that the sheer number of reporting requirements and reports "holds back the whole system".

7.27 Similarly, a compliance manager at another university expressed frustration at the asymmetry of the expectations on them versus those on the Home Office. For example, what the Home Office considered 'minor' compliance breaches resulted in formal warnings, whereas the Home Office was perceived to be 'allowed' to make mistakes or disregard their own policies with impunity. A particular example of this was given by 3 universities in relation to curtailments, wherein they had reported a Student visa holder to the Home Office for lack of attendance and informed students that their visa would be curtailed, but that the Home Office did not follow through with this, which was described as a "mockery". When inspectors asked the Home Office about curtailments, they said that they were paused as a result of the COVID-19 pandemic, though one university told inspectors that the issue predated the pandemic.

7.28 Sponsors were particularly dissatisfied by what seemed like a "duplication of effort", in terms of them having to inform the Home Office when a student would not be enrolling on a course due to a visa refusal. While there were high levels of understanding of all the requirements and the guidance documents, sponsors did not always understand the reason for the requirements, which could lead to a feeling of resentment.

Sponsorship Management System

7.29 Exacerbating issues of the sponsor requirements themselves was the mechanism for reporting using the SMS. Sponsors reported that this tool was outdated and clunky. One higher education institution told inspectors they felt it was "Frankenstein-like" in that the system seems to have been cobbled together, with 'bolt-ons' added over the years to fix problems.

7.30 'The UK's points-based immigration system: Sponsorship Roadmap'[38] outlines plans to streamline digital systems to facilitate sponsorship, including "faster end-to-end processes". It promises that student sponsors will have access to these new systems in quarter 1 of 2024. However, Home Office staff told inspectors that, while the timeline seemed achievable in January 2022, this might be subject to change if they are "hit by other priorities". Likewise, sponsors were not confident in the timelines and felt "backfooted" that they had not been consulted in its development. Many staff working in universities in the HE sector recall promises of a new SMS in the past. One manager in a student sponsorship team at an HEI told inspectors:

> "I have been on it [the student sponsor team] for 10 years, for 8 years they have been promising a new system; it's not fit for purpose; it crashes."

Another, at a different HEI, said:

> "It's a good thing they're going to replace the SMS but they've been doing that since I took the team on, which was in 2015 … I've seen presentations that were developing the replacement to the SMS (ARC) and then suddenly the Home Office stopped going to those meetings and we never heard anything again. I'm hoping that this time they really mean it."

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38 https://www.gov.uk/government/publications/uk-points-based-immigration-system-sponsorship-roadmap/the-uks-points-based-immigration-system-sponsorship-roadmap-accessible-version#introduction

COVID-19 concessions

7.31   The Home Office's introduction of concessions during the COVID-19 pandemic were warmly welcomed by the sector, particularly with regards to flexibility shown for reporting on attendance monitoring.

7.32   One staff member at a university told inspectors:

> "[The Home Office] was understanding of the position that universities were in … perhaps it's reflective of the fact that they were going through something similar and so were able to be more sympathetic."

7.33   Overall, the Home Office was seen by stakeholders to have worked quickly with the HE sector and other government departments to adjust to the needs of the sector at pace, and with flexibility and sensitivity.

Examples of working well together

7.34   Another example of the Home Office working well with the HE sector was in relation to a specific issue regarding an increase in non-genuine students applying from a particular town in India. This had a detrimental effect on the universities' BCA, as they were issuing a CAS to students who would subsequently be refused a visa, thereby increasing their refusal rate, a key metric in the BCA.

7.35   A Home Office staff member in student sponsorship told inspectors:

> "We saw a big increase around non-credible students from India a couple of years ago where we refused for non-credibility. Having visits with those sponsors involved talking to them about their processes to see what was going wrong."

7.36   Two universities who were affected told inspectors that the Home Office reached out to them and informed them of the issue, shared intelligence and gave guidance and suggestions on what to do, rather than viewing their BCA in isolation. They said that they would appreciate more of this in the future and said it was a good example of them working well with the Home Office towards a shared goal.

Home Office staff perception of compliance and higher education sector views

7.37   Staff told inspectors that working in student sponsorship was easier than in other areas of immigration work, mostly due to the low rates of immigration abuse and the overall compliant nature of the HE sector. One senior manager told staff: "Study is generally compliant, and students are genuine, capable, and the brightest and the best." There have been no sponsorship revocations since 2012, and BCA and HEAT inspection visits result in little more than 'formal warnings' about 'minor breaches'.

7.38   However, despite this, and the concerns raised by the HE sector to inspectors, Home Office staff maintained that compliance requirements were proportionate to the risk posed. One staff member maintained that the perception of the HEIs that breaches would result in revocation of sponsorship licences was just that – a perception and not reality.

7.39 A senior policy advisor told inspectors that there will always be people who feel that requirements are a barrier and that they do take this into consideration when drafting policy, but that they need to be mindful of "issues seen before" to prevent abuse of the system. They concluded that there will always be a tension between what the HE sector would like, and what the Home Office needs to do in order to be satisfied that the routes and the requirements are protected from widescale abuse. Another policy adviser stated:

> "There's a perception that we are overly draconian when it comes to students, based on things that have happened some time ago. There's an interpretation that anything we do is with a malign intent rather than a sort of trying to work together with the HE sector to find solutions that benefit international students, sponsors and Home Office. I'd like us to have more good faith back and forth. It can be disheartening sometimes. But I do understand why people have those concerns."

7.40 Similarly, another staff member in a team responsible for compliance told inspectors that sponsors are "allowed" to make mistakes and that they do not expect perfection, as long as they assure themselves that sponsors are not intentionally circumventing the rules or have demonstrated that they don't have systematic issues with the requirements. If the Home Office could communicate this directly to the higher education sector, it may go some way to challenging the negative perception of the compliance regime currently held in the HE sector.

Home Office response to higher education sector views

7.41 During interviews, the senior civil servant responsible for sponsorship told inspectors that there may be a need to improve communications with the HE sector, given the fears and feeling they have. They explained:

> "We don't want to take away licences as they're bona fide institutions who are hugely important locally and for the UK … this is serious business. We're making things more harmonious, collegiate, collaborate and engaging, which is a world away from 2012."

7.42 Staff often sympathised with the view that the mechanics of reporting and compliance duties were difficult due to the SMS but did not see issues with the requirements themselves.

7.43 While the Sponsorship Roadmap indicates that sponsors will be able to use the new platform in quarter 1 of 2024, the roadmap only included details on the mechanism for technological and system reforms. However, some staff did indicate a desire to make changes as a result of feedback. For example, one member of the policy team said:

> "We've committed to reducing reporting burdens on sponsors and looking at what they tell us as part of compliance duties. If it's not useful for them we'll look at reviewing it … but we need to be mindful of issues we've seen before to prevent abuse of the system."

8. Premium Customer Service Teams

8.1 The Home Office offers chargeable enhanced customer support to licensed sponsors of students and skilled/temporary workers. Known as 'Premium Customer Service', it is delivered by one of 2 Premium Customer Service Teams (PCSTs) – see Figure 10.

Figure 10	
Home Office premium customer service teams	
Service for employee sponsors	Worker and temporary worker Premium Customer Service Team (WPCST)
Service for student sponsors	Student Premium Customer Service Team (SPCST)

8.2 According to the GOV.UK website, the SPCST offers the following to subscribers:

- a named account manager and regional account manager
- telephone and email contact details for the account manager, with a commitment to allow contact from 9am to 5pm on weekdays
- a 5-day service standard for enquiries submitted to the Home Office
- access to annual premium customer service events
- student immigration history checks (with the consent of the applicant), with a service standard of 3 days
- priority treatment of non-complex changes to the sponsor's licence, with a service standard of 10 days.
- a monthly report on the confirmation of acceptance for studies (CAS) issued by the sponsor in the previous 3 months.

8.3 The WPCST scheme offers a similar product to sponsors of staff, including those employed by higher education institutions (HEIs), but provides additional features such as training events.

8.4 To subscribe to the SPCST, a sponsor must not be subject to ongoing licence compliance action by the Home Office. The Home Office reserves the right to withdraw the SPCST offer from a sponsor at any time.

8.5 The SPCST was established in July 2013. The cost of the service (currently £8,000 per year) has remained the same since inception. For subscribing HEIs, the WPCST annual fee is £25,000, unless the subscriber falls within the small companies' regime in the Companies Act 2006,[39] or the subscriber holds charitable status.

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39 https://www.legislation.gov.uk/ukpga/2006/46/contents

8.6   The number of organisations that hold sponsor licences and subscribe to the 2 premium customer service offerings is shown in Figure 11:[40]

Figure 11 Higher education premium customer service subscribers			
	Organisations holding sponsor licences[41]	Higher education institution premium subscribers	% Higher education institution subscribers of total sponsors
Employment sponsors	41,185	17	0.04%
Study sponsors	1,098	163	14.8%

8.7   The SPCST sits within the Study Operations pillar of Visas and Citizenship, alongside operational caseworkers and sponsor compliance teams. During the inspection, the WPCST moved into the Work Operations pillar of Visas and Citizenship.

8.8   The SPCST is made up of a team of Executive Officer (EO) customer account managers (CAMs), managed by 2 Higher Executive Officer (HEO) team leaders. The team is led by a Senior Executive Officer. In addition, there is a team of Account Support Officers (ASOs) who route queries and deal with routine transactional enquiries. The WPCST broadly has the same operational structure.

8.9   Whilst the GOV.UK website states that HEIs will be "allocated a (sic) account manager (and) will be given a telephone number and e-mail address to contact them", the Home Office's preferred method of contact for premium subscribers is through an online platform, the Account Management Portal (AMP).

8.10   A summary of the number of queries dealt with per month by the SPCST between 2019 and 2021 can be found in Figure 12. The peak for enquiries for the team aligns with surges in student applications at the start of the academic year.

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40 The data in Figure 11 is based on data by the Home Office and information available on GOV.UK
41 This is the number of unique institutions holding a sponsor licence. Some licence holders hold multiple licences across different study or employment sites.

Figure 12

Summary of SPCST queries received, May 2019 to November 2021
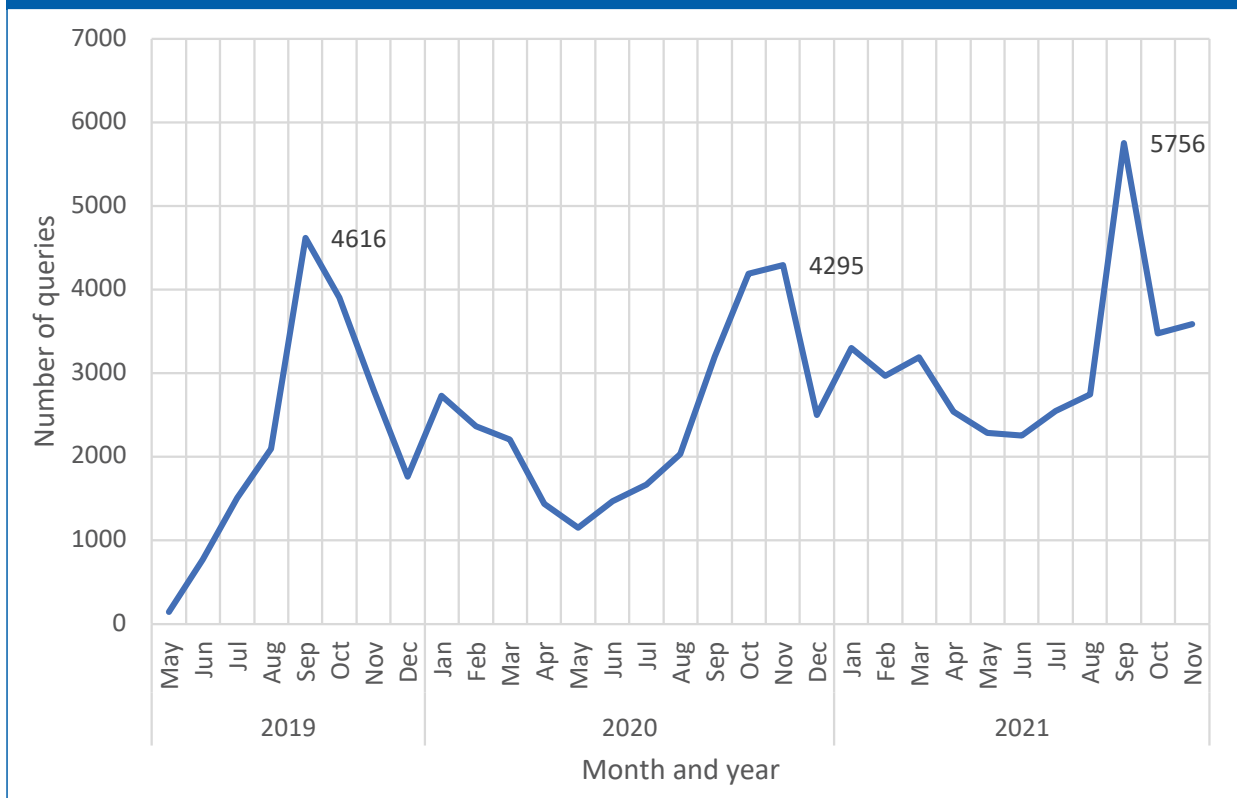
8.11 Study sponsors who do not subscribe to the SPCST are able to submit enquiries to the 'Educator's Helpdesk'.[42] This helpdesk is an email-only service and there is no published service standard. An auto response from the inbox states: "We aim to reply to your query within two working days." If an enquiry is deemed to be "out of scope", the sponsor will not receive a tailored response but an automated reply saying that their enquiry cannot be responded to.

8.12 The function of the Educator Helpdesk was outside the scope of this inspection and inspectors did not receive a significant amount of feedback from the higher education (HE) sector on the service. Helpdesk staff advised inspectors that the helpdesk received around 10 to 15 queries per day, with only around half of those queries being deemed within the scope of the helpdesk and therefore meriting a response. The lack of feedback and the small number of queries referenced by Home Office staff indicates that the service is not extensively used by the HE sector.

8.13 Similarly, for work sponsors who do not subscribe to the WPCST, they are able to submit enquiries to the 'Business Helpdesk'.[43] It is also an email-only service, and enquiries deemed to be "out of scope" will received a similar automated response.

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42 https://www.gov.uk/government/publications/educators-helpdesk-make-a-query
43 https://www.gov.uk/government/publications/employers-and-sponsors-make-a-query-to-the-business-helpdesk

Quality and value of the Student Premium Customer Services Team to subscribers

Sector feedback

8.14 Inspectors sought feedback from HEIs and representative bodies on their overall satisfaction with the SPCST. Feedback on the service was generally negative, though some subscribers were positive. Some subscribers described the level of service as "very high", and "a positive experience". However, others were less positive, commenting that "this service is very disappointing", "the team provides the minimum level of required service and information, and does not provides [sic] the support we require", and "the team is reactive rather than proactive". One long-term subscriber told inspectors that they felt the overall quality of the service had declined over the past few years.

8.15 Inspectors found that there was a correlation between the level of satisfaction with a subscriber's individual CAM, and the satisfaction with the service overall.

Home Office response

8.16 Home Office staff were honest and constructive in their comments about the quality of the service. There was acknowledgement at a senior level that the service could be better than its current offering. Inspectors also received self-analysis from Home Office managers that more needs to be done to articulate what the SPCST offer was to existing and potential subscribers, and this had been complicated by the lack of face-to-face contact with subscribers during the COVID-19 pandemic.

Consistency and CAM induction training

8.17 In HE stakeholder interviews and responses to the call for evidence, there was a common theme of HEIs' concerns regarding the consistency and accuracy of advice provided by different CAMs. In reaching this conclusion, the HEIs cited peer discussions with other institutions, either directly or through representative bodies.

8.18 One HEI provided an example where 2 CAMs had provided different definitions of what the Home Office considered to be study under the points-based system. The institution contended this could directly influence what students were permitted to do by different institutions.

8.19 In response to this, Home Office senior managers acknowledged that consistency was important, but suggested that the response was dictated by the complexity and nuance in the wording of the question asked. A senior manager also said that the move to a thematic structure, with the SPCST working with operational caseworkers and sponsor compliance teams, would go some way to solving the inconsistency issues identified by the HE sector.

8.20 In understanding how such inconsistencies could arise, inspectors looked at the current training and support structures in place within the SPCST team. The Home Office provided a '[S]PCST Overview' document to inspectors, which defined the role of the CAM as:

> "The primary point of contact for all immigration queries relating to Student Premium Sponsors. They engage at a high level with education sponsors, responding swiftly to enquiries, contributing to HE sector engagement and wider education-related improvement activity, and providing a focused service to support institutions in operating as a licensed

sponsor. The Premium service also includes visits to the sponsor by the Account Manager and other engagement events."

8.21 A Home Office manager told inspectors that CAMs worked with minimal supervision and were generally left to manage their own portfolio.

8.22 Inspectors saw evidence of a well-structured induction programme for new CAMs. This included a 2-week training package and mentoring with more experienced staff. There was also quality assurance undertaken on all new CAMs, to certify their competence in responding to subscriber queries before they were permitted to engage with subscribers independently.

Ongoing CAM support and refresher training

**8.23** CAMs had access to a Microsoft OneNote file, which provided guidance on policy, legislation, and procedure. This also highlighted 'lines to take' when responding to queries.

8.24 Whilst the comprehensive induction programme was well structured, there was little evidence that an effective programme of continuing professional development was in place, such as 'refresher' training. Managers responsible for the team said there was no specific mechanism to identify training needs beyond manager conversations with team members. One manager told inspectors: "[Refresher] Training is something I have to work on. I haven't had time to give it my full attention. There is always something more pressing."

8.25 Individual CAMs told inspectors that, whilst there was good team morale, and significant peer support, more time needed to be spent on training, particularly given the high level of turnover in the team.

Quality assurance of CAM activity

8.26 The Home Office had a quality assurance framework in place for CAM responses to subscriber queries. It required that a minimum of 2 responses per CAM or Account Support Officer (ASO) were subjected to quality assurance every week.

8.27 The SPCST currently has 13 CAMs. In a 4-week period, this would amount to 52 assurance checks. The average monthly queries dealt with by the team from May 2019 to November 2021 was 2,625 – but there was significant variation month on month, particularly in the student peak period.

8.28 Despite a framework being in place, Home Office managers told inspectors that assurance was not always undertaken due to competing priorities. In mitigation of these checks not taking place, the Home Office said that they were often "suspended" for staff who have been through training and that this had not had a detrimental effect on the quality of SPCST responses.

8.29 Figure 13, based upon quality assurance check data provided by the Home Office, illustrates the variation in the number of checks conducted month on month. This figure only contains data on the months for which assurance data was provided by the Home Office.

Figure 13

Assurance checks undertaken as a percentage of total SPCST enquiries.
Percentages shown as bars, on right
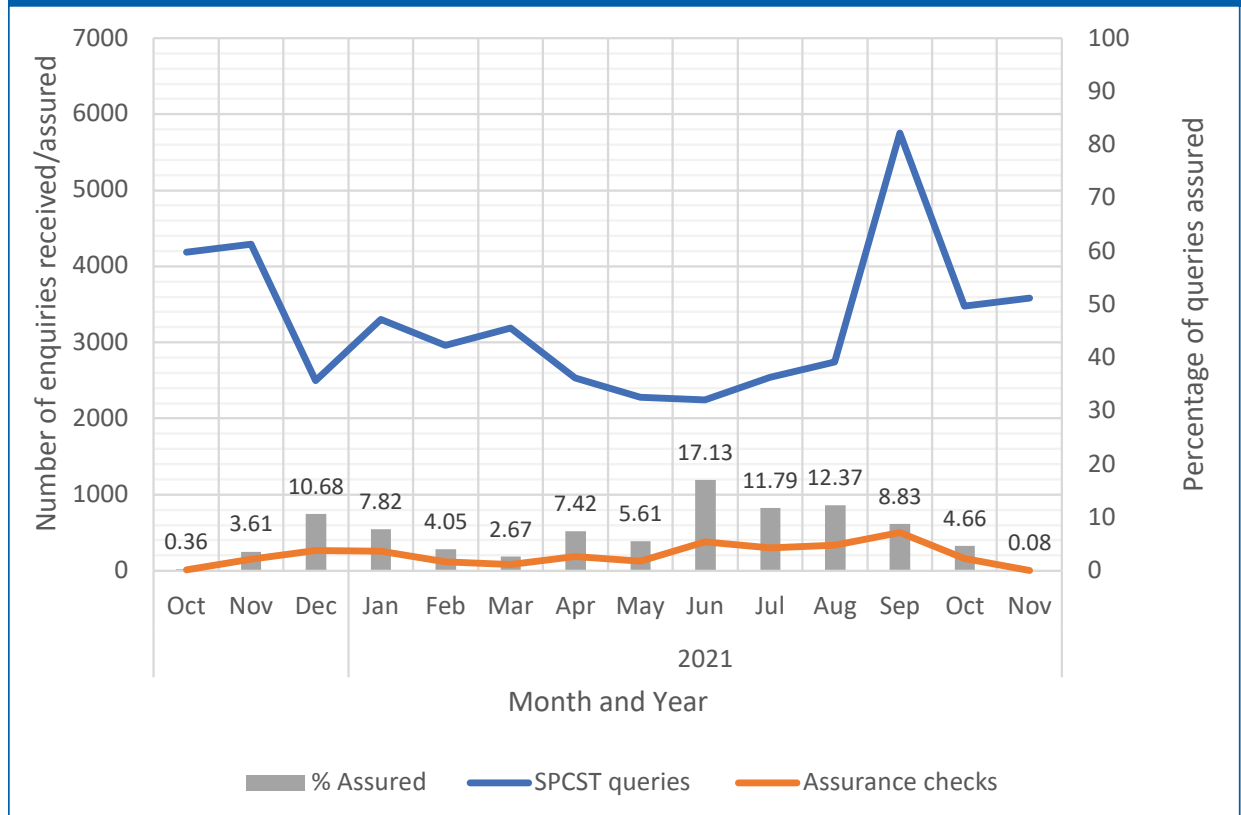
Transactional enquiries and compassionate cases

8.30 Transactional queries, such as those involving immigration history checks, were identified as working well by the HE sector. Inspectors were told that, in general, responses are received within the published service level of a 3-day response time (the response time specified for all other SPCST queries was 5 days). Home Office managers told inspectors that they were looking at where these transactional enquiries should sit within Study Operations, as there was a concern that CAMs prioritise this activity over the engagement aspect of the role.

8.31 Inspectors received feedback from one institution that the SPCST was particularly helpful in resolving sensitive or compassionate cases, where evidence was provided in relation to the issue. Other subscribers said that the team was helpful in resolving issues prior to a decision to grant or refuse permission to enter or permission being made. However, post-decision, the SPCST would simply signpost the subscriber to the administrative review process, even in cases of obvious Home Office error.[44] The HE sector found this particularly frustrating.

Service standards

8.32 The SPCST has service standards to provide a response to premium subscribers. This service standard is 3 days for immigration history checks and 5 days for all other queries.[45] Inspectors were told that, where a question needed input from policy teams, it was unlikely that the 5-day service level would be adhered to, and instead, a holding response would be sent within the

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44 Study visa refusals are subject to an 'administrative review': https://www.gov.uk/ask-for-a-visa-administrative-review
45 https://www.gov.uk/government/publications/student-premium-customer-service-for-sponsors/tier-4-premium-customer-service-for-sponsors

5-day period. This often resulted in delays for the subscriber. One institution said that it took 3 months for them to receive a response to a query that was referred to policy.

8.33 There was confusion within the Home Office as to whether the 5-day service standard was for a holding or substantive response. A manager on the SPCST told inspectors that they were "not certain [that] there is a rule about that ... usually we get a substantive response out within 5 days". A higher education institution told inspectors that their understanding was that the service standard was for any response, including a holding response.

8.34 Notwithstanding this confusion on how the service standard was applied, inspectors saw varying feedback on how the Home Office was performing in relation to the standard. In a representative body study on SPCST, only 62% of respondents said they received a response within the 5-day standard. However, SPCST managers told inspectors that "only a handful of cases fall out of service standard". Inspectors sought further clarification from the Home Office, which responded that:

> "The way our data is recorded throws up an anomaly whereby the system recognises any query as having fallen out of SLA [service standard] if it remains open on AMP for longer than 5 days. Consequently, where a query is responded to and then left open beyond the 5-day point, for instance whilst the account manager waits on additional information, it will show as being out of SLA. This means we often carry a figure of between 5% and 20% of cases that have breached SLA, when in fact the number of cases genuinely missed is vanishingly small – the data is not readily available but we estimate the number of cases to be in single figures."

8.35 Inspectors analysed SPCST data provided by the Home Office. This was a large dataset, relating to more than 80,000 PCST queries between 2019 and 2021. On average, each subscriber submitted 2.19 queries per day to the SPCST during the period 2019 to 2021.

8.36 The results of analysis of the service standard data can be found in Figure 14.

Figure 14		
PCST queries inside and outside of service standard, 2019 to 2021		
Year	**% enquiries in service standard**	**% enquiries out of service standard**
2019	80.95%	19.04%
2020	80.47%	19.52%
2021	81.60%	18.39%

8.37 The Home Office provided clarification that the current service standard requires 100% of subscriber enquiries to be dealt with within the published standard.

8.38 The Home Office suggested the service standard data it provided inspectors was not an accurate record of service standard compliance. This made it impossible for inspectors to draw a definitive conclusion as to whether the Home Office is performing well against the published service standard. If this data is to be used meaningfully, either by the Home Office, or by HE stakeholders, there is a need to improve how this data is recorded to assure the data is an accurate reflection of current performance.

Engagement and communication

8.39   The SPCST for sponsors has an important role to play in communicating and engaging with HEI subscribers. Day to day, the SPCST, and CAMs in particular, were their main point of contact with the Home Office and were relied upon heavily.

8.40   CAMs were interviewed during the inspection and had a good understanding of the importance of their role in engagement with the HE sector. They told inspectors:

> "[As a CAM] you're here to assist [the subscriber] in any way you can … to ensure their licences don't come under threat."

> "The majority we speak to on a day-to-day basis, so you get an understanding of how they like to work."

8.41   Senior managers in the Home Office also recognised the importance of the team in engaging with the HE sector. They had a vision of reshaping the team to have more of a focus on engagement, rather than transactional activity. There was also a desire expressed to involve the SPCST and CAMs in particular in compliance activity. Currently, the CAM is made aware of any compliance activity, such as a compliance visit, but they are not actively involved in that. The desire was to promote closer working between the 2 teams to provide a more holistic and progressive approach to engagement and compliance.

The role of student premium customer service for sponsors in communicating policy change

8.42   Concerns were raised with inspectors by both CAMs and the HE sector regarding the communication of policy or other changes through the SPCST. A representative body told inspectors that they did not feel it appropriate for policy changes to be communicated through the SPCST, as this had the potential to disproportionately affect non-subscribing sponsors. HEIs told inspectors that often they did not receive notification of changes to policy until late in the day.

8.43   Senior operational managers had sympathy with this but explained when presented with the emerging findings of this report that they often had little control over the release of policy decisions, either internally or in the public domain.

8.44   As part of the SPCST offer, subscribers are invited to attend an annual engagement event with the Home Office. Whilst inspectors were not provided with a list of attendees of recent events, the Home Office did provide a list of all institutions invited to the event in 2020 (153) and 2021 (198).

8.45   These events were praised by both Home Office staff and the HE sector. The Home Office saw the events as a feedback loop and reported that they were a positive experience. The HE sector felt the events were a good opportunity to raise queries and escalate enquiries to the correct level. They also saw them as a good opportunity to meet in person and improve relationships, whilst gaining an understanding of who was responsible for a particular area in the Home Office.

8.46   During the height of the COVID-19 pandemic it was not possible for these events to be held in person. The Home Office continued to arrange these events virtually, using video conferencing technology. One institution told inspectors that "the events online were all very data-driven

and difficult to do online. In person is really valuable, but on Zoom, less so. It's harder to control online with so many people". They opined that if events had to take place by video conference, the Home Office should look at organising smaller, regional events.

Feedback on the student premium customer service for sponsors

8.47 Inspectors did not see evidence of well-structured formal feedback loops in place between the HE sector and SPCST. Managers of the SPCST told inspectors that the HE sector "were not shy in providing feedback about the service through the CAM".

8.48 When inspectors requested copies of the feedback provided to CAMs by subscribers between 2019 and 2022, the Home Office responded:

> "Regarding feedback received directly by CAMs/team leaders, there is currently no formal way of storing or maintaining this information, and the only way that this could be obtained would be for every team member to trawl their personal files and email folders. This would be prohibitively time-consuming and would not produce an accurate picture of customer feedback overall."

8.49 Inspectors were told that there was a 'provide customer insight' option on the AMP, but one HEI advised that this option no longer works. When inspectors examined the data provided by the Home Office regarding customer insight queries on the AMP, they found that only 30 enquiries had been submitted in the period 2020 to 2021. All submissions were made between March and June 2020. Whilst the specific feedback was not provided by the Home Office, the header of several of these submissions would suggest they were not customer feedback at all. Several were marked as 'test' and a number appeared to be general queries related to specific cases.

8.50 Inspectors saw evidence of feedback loops between the HE sector and senior managers in the Home Office, and were told by SPCST managers that the contact details for these managers were in the public domain. However, these were more general engagement loops and not aligned directly to the work and overall performance of the SPCST.

8.51 SPCST managers told inspectors that matters were raised with senior managers in the first instance, rather than being escalated through the SPCST management chain. This was reflected in the submissions received from the HE sector which identified some Home Office senior managers as being particularly receptive and helpful.

8.52 Inspectors saw evidence of internal feedback loops and escalation routes between the SPCST and policy and strategy units in the Home Office. Staff in Visits Policy, Economic Migration Policy, Student Policy and Skilled Work Policy all reported receiving regular, constructive engagement with the SPCST in relation to specific queries and scenarios. Whilst this often led to a response directing subscribers to information on GOV.UK, inspectors were also given examples of where this feedback had driven further research and engagement by policy with stakeholders such as the endorsing bodies.

8.53 Notwithstanding this positive evidence around policy engagement, there was evidence of a need to improve feedback loops between the SPCST and operational case working teams. CAMs gave one example of caseworkers regularly failing to mark the CAS as used.

8.54 The only resolution to this issue was for the SPCST to feed back to the relevant team to mark that CAS as used. There was no mechanism in place to take that feedback from the SPCST to

build a solution through continuous improvement to prevent the same issue from happening again in future. One CAM told inspectors: "Something we don't do very well is to learn from what's happening down the line, particularly lessons learned."

PCST IT resources and AMP

8.55 The AMP is an online platform, which is GDPR-compliant. This portal requires the subscriber to self-classify their query into one of several categories, which then assists the Home Office in routing the query to provide a response. Responses are then provided to the subscriber via the AMP.

8.56 There was significant negative feedback from the HE sector on the AMP platform. It was described as "not fit for purpose and appears set up to address Home Office internal targets, rather than decent service to subscribers", "a nightmare sometimes" and "less useful than email". In a representative body survey, 65% of HE sector respondents said they were dissatisfied with contact methods to engage with their CAM. There was also a perception in the HE sector that the AMP was impersonal for customer engagement.

8.57 One institution told inspectors that they were "put in their place" if they tried to contact their CAM by means other than the AMP. Another subscriber advised that all the phone numbers they had to contact the Home Office were not operational and they had no option but to use the AMP.

8.58 There was feedback from the HE sector that the AMP is not suitable for complex or urgent queries, as there is no way to mark a query as urgent. More complex cases do not always fit into the categories specified by the Home Office.

8.59 Home Office staff interviewed during the inspection had a good understanding of the negative perception of the AMP in the HE sector. Managers acknowledged feedback from the HE sector that the AMP depersonalises the SPCST service. They also acknowledged that CAMs are unable to assist with AMP system issues, because they do not see the 'front end' of the system used by subscribers.

8.60 A SPCST manager also told inspectors that, whilst the HE sector was not happy when AMP was introduced, the system was "very slick" from the CAM perspective.

8.61 Decisions on whether to mark queries on the AMP as 'complete' (and therefore close them to further correspondence) are made unilaterally by CAMs, with no mechanism to confirm that the query has been answered to subscribers' satisfaction. Guidance had been issued to CAMs by their managers to ensure consistency of when queries are closed. Subscribers reported to inspectors that queries are often closed by the Home Office when the subscriber does not consider the enquiry to have been answered. The Home Office said that there was a mechanism to reinstate an enquiry if the institution felt it had not been answered, but the HE sector said this functionality did not work correctly.

Human resources

8.62 Home Office staff at all levels told inspectors that both the SPCST and the WPCST were under-resourced. Specifically, in relation to the SPCST, documents provided by the Home Office indicated that the team should have 16 CAMs and 2 HEO team leaders to manage those CAMs. During the inspection, the team was being managed by one permanent HEO and one temporary HEO due to long-term absence, and there were only 12.7 full-time equivalent CAMs in post. Documents provided by the Home Office indicated that the team are currently carrying 4 ASO vacancies.

8.63 To quantify the impact of the staffing resource shortfalls, CAMs told inspectors that they currently have between 14 and 16 HEIs to manage. If the team was fully resourced, they would each have just 10 HEIs to manage. Each CAM is therefore carrying at least an additional 40% in their subscriber portfolio. Inspectors learned that these staffing shortages were long-standing and the team had always had vacancies. Managers of the SPCST acknowledged that CAMs are currently carrying too many subscribers.

8.64 Inspectors were told that recent recruitments failed to deliver suitable candidates, partly because the role was not attractive when other EO roles (such as visa caseworkers) received equal remuneration despite the work being less heavily weighted. The nature of the CAM role also made it difficult to attract suitable candidates given the very high level at which incumbents were required to perform in a very junior management role.

8.65 Managers on the team reported that retention of staff was difficult due to the CAM role being heavily weighted. The nature of the role meant that CAMs were able to develop skills that helped them to secure promotion to roles outside of the SPCST. Whilst clearly desirable from a staff development perspective, there is the potential for high CAM turnover rates, meaning that the team loses valuable experience. To illustrate this, during the inspection it came to light that more than 50% of the current CAM team on the SPCST took up the role and were inducted during the COVID-19 pandemic.

8.66 Efforts had been made to provide additional support to CAMs during SPCST student surge periods by bringing in support from case working operations. Whilst this was of some benefit, CAMs reported that it had been resource-intensive to train these support staff, as they had to undertake their day-to-day work during a very busy time whilst also training colleagues. CAMs also reported that the requirement to train a cadre of new staff in the middle of a surge period was ill-advised and placed further pressure on an already under-resourced team.

8.67 Resourcing issues had impacted operational delivery, with some subscribers reporting to inspectors that they had seen regular changes to their CAM, which made it difficult to build a relationship. It is not possible to state whether this has impacted service standards due to the uncertainty around recording the service standard data cited above.

8.68 Senior managers in Study Operations were aware of the recruitment and retention issues, as well as the current staffing shortages. They told inspectors that the CAM role was an excellent opportunity for someone at EO level to build up engagement experience, but there was also an acknowledgement that more needed to be done to backfill roles. Managers felt that more should be done to improve the reputation of the CAM role within the Home Office, with targeted rather than generic EO recruitment for CAM posts.

Cost and value for money of the PCST

Confusion regarding the cost of the worker and temporary worker premium customer service team

8.69   As noted above, the annual fee for the SPCST is £8,000 per year. For the WPCST, the Home Office advised that most HEIs would pay the lower fee of £8,000 rather than the £25,000 fee for large, non-charitable organisations.

8.70   Only 17 HEIs subscribe to WPCST. All 17 are also subscribers of the SPCST, but this represents roughly 8% of the SPCST cohort in March 2022.

8.71   One SPCST subscriber, a 'red brick' university, told inspectors that they did not subscribe to the WPCST as they had been quoted £25,000 per year. Despite employing many international workers, they could not justify this expenditure. In a representative body webinar attended by the Independent Chief Inspector of Borders and Immigration, multiple institutions stated that the WPCST simply did not represent value for money, which is why they elected not to subscribe.

8.72   During the inspection, it was clear to inspectors that several institutions believed the cost of the WPCST to HEIs would be £25,000 per year, which did not accord with the information provided by the Home Office. One manager of the WPCST referred to the cost for HEIs being £8,000 per year, and when they were made aware of the confusion in the HE sector around the pricing of the product, they stated: "We've done no marketing or promotional drive on the service … there is no point in me going on a drive to get more sponsors in when I haven't got the staff." The manager went on to say that the team were entirely reliant on self-referrals to recruit new subscribers.

Value for money of the student premium customer service for sponsors

8.73   In a survey by a representative body, 63% of 65 respondents indicated that they did not consider the SPCST to represent value for money. This view was largely supported by feedback provided to inspectors by HE stakeholders.

8.74   Other common themes expressed both in interviews and responses to the call for evidence were that the service did not feel particularly 'premium', and that the service offered by the SPCST should be offered to HEIs within the sponsor licensing fee. One university told inspectors in their response to the call for evidence that "it [the SPCST] provides us with the minimum required information rather than any additional support. If we did not subscribe, we would feel out of the loop".

8.75   Inspectors put the perceived lack of value in the service to managers and staff at all levels in the SPCST. SPCST managers defended the value of the service to the HE sector, stating: "Without the PCST they don't get a dedicated account manager, they can't submit queries, they don't get events, they don't get any personal access to the Home Office."

8.76   The point was also made that, if the SPCST assists an institution in preventing a visa being refused due to administrative or applicant error, this would net international student fees for the university well in excess of the annual charge of £8,000 for the service. It should, however, be noted that this is a slightly simplistic view, given a large part of those fees will be used to

fund teaching and other services to the student, and will not necessarily recoup the full cost of the service to the HEI.

8.77   Home Office senior managers told inspectors that HEIs were businesses and would always strive to obtain the best level of service at the lowest possible cost. They pointed out to inspectors that the cost of the service has not increased since 2013, despite the operating costs of the scheme increasing. This was acknowledged in one of the responses provided by a representative body to the call for evidence.

8.78   Home Office senior managers suggested that subscribing to the SPCST for sponsors may negate the need for an HEI to employ additional staff, thereby reducing their associated overheads.

9. Communication and engagement

Stakeholder engagement

9.1   In addition to the day-to-day contact between the higher education (HE) sector and Home Office teams, the Home Office and other government departments engage more formally through a set of established stakeholder groups. Figure 15 sets out some of the key areas of engagement, which range from reactive day-to-day conversations to more high-level strategic planning.

Figure 15 Key points of engagement between the HE sector and Home Office			
Name	**Remit**	**Attendees**	**Frequency**
EDUCATION ADVISORY GROUP Convened in May 2019; strategic engagement to help shape the future of the UK's immigration system post EU exit	To discuss future arrangements for students To discuss the transitional work and skilled work group To discuss the future of the sponsorship system	Home Office and HE sector and student representative bodies	Monthly
EDUCATION SECTOR ADVISORY GROUP Department for International Trade (DIT) and Department for Education (DfE) co-chair cross-government forum convened in 2019	A focal point for organisations representing the HE sector To discuss international promotion of the UK's education offer To monitor the progress of implementing the government's International Education Strategy	Government ministers, industry representatives and HE sector representatives	3 times a year
EDUCATION SECTOR GROUP Started in March 2021 to formalise dialogue commenced during the first year of the COVID-19 pandemic	To identify and discuss issues relating to immigration affecting the HE sector To cascade information through representative bodies	Home Office and HE sector representative bodies	Every 6 weeks

Name	Remit	Attendees	Frequency
CATCH-UP CALLS	To deal with problems and application surges in real time	Home Office staff, subject matter experts and HE sector representative bodies	As required
BIOMETRIC RESIDENCE PERMIT WORKSHOP Convened November 2021 for the Biometric Immigration Document Management Unit (BIDMU) to engage directly with HE contacts	To engage directly with HE contacts to resolve issues with Biometric Residence Permits	BIDMU and HE sector contacts	As required

The Education Advisory Group

9.2   Engagement between the Home Office and the HE sector is split between high-level strategic engagement and more reactive, day-to-day dialogue to address operational matters.

9.3   One of the more high-level strategic points of engagement is the Education Advisory Group, which was convened in May 2019. The primary purpose of this group was to help shape the future of the UK's immigration system following the UK's withdrawal from the EU.

9.4   The group is chaired by a strategic Home Office command called the Future Borders and Immigration System (FBIS) and draws on expertise from HE sector representative bodies as well as other stakeholders such as the devolved administrations. The remit of the group includes the future arrangements for students, the [previously] transitional Temporary Work route, the Skilled Worker route and the future of the sponsorship system.

The Education Sector Group

9.5   A more day-to-day and reactive point of engagement between the Home Office and the HE sector was the Education Sector Group. This stakeholder group emerged as an important forum for dialogue to deal with the challenges faced by international students because of the COVID-19 pandemic.

9.6   The Education Sector Group evolved from the monthly UK Visas and Immigration (UKVI) Education Sector Ops calls, which were introduced in March 2020. The purpose of this engagement was to meet regularly with key education sector representatives to allow both sides to keep abreast of the evolving situation in the early stages of the pandemic. The Home Office wanted to "work collaboratively" to better understand the potential impact on the volume of student applications. The group also considered how social distancing and other restrictions introduced during the pandemic would impact on arrangements for the visa application process.

9.7 In November 2020, the calls became more formal with the introduction of a standing agenda. Items for discussion included updates on capacity at visa application centres (VACs), casework operations and overseas communications.

9.8 This forum merged with the UKVI Education Comms Steering Group (a more formal group run by Home Office Communications) in May 2021 to combine operational and communications updates in one focused group. These calls occur every 6 weeks and operate with a standing agenda set by UKVI, but without formal terms of reference.

9.9 Attendees include a cross-section of Home Office staff from policy, communications and commercial teams on the Home Office side and HE representative bodies on the HE sector side. The forum is also attended by a member of staff from the Department for Education.

Key outputs from the Education Sector Group

9.10 The Home Office told inspectors that key perspectives gathered from the Education Sector Group is fed into a wider monthly insight return led by the Customer Insight Hub (part of Visas and Citizenship). The Hub uses this insight to identify issues and recommend solutions.

9.11 The Home Office highlighted to inspectors some key outcomes from the Education Sector Group, which are displayed in Figure 16.

Figure 16	
Examples of key issues raised during the Education Sector Group and the resulting resolutions	
Issue	**Result**
Biometric residence permit delays	Home Office External Relations improved communications with the HE sector.
	The Biometric Immigration Document Management Unit (BIDMU) attends meetings as an ongoing reporting function every 6 weeks.
	BIDMU is now engaging directly with universities to resolve practical issues.
ID Cards	For the removal of national ID cards as an acceptable travel document to enter the UK, early engagement and communications shared to support change awareness across the HE sector.
Academic Technology Approval Scheme delays	A process was agreed to allow premium sponsors to raise the most urgent applications and have them expedited.
Surge planning	On-demand mobile VACs set up to manage seasonal application surges.
	Lessons learned led to engagement being replicated to coincide with the January 2022 student surge.

Issue	Result
Tuberculosis (TB) testing delays and issues	Overseas students were booking TB tests at unapproved test centres due to lack of capacity.
	Updated comms were disseminated to affected areas on the delays.
	A Home Office TB lead attended 6 weekly meetings as a direct escalation point for group members on all TB issues.
	This has led to ongoing insight used to improve the operation, in particular the capacity of TB test centres in locations of high demand.
Operational readiness for the launch of the new Graduate route	Relevant policy leads provided updates on the launch to HE sector representative bodies for cascading to their members.

Informal calls

9.12   The Home Office also arranges informal 'catch-up calls' with HE sector representative bodies to address urgent pressing issues. For example, in August 2021, weekly calls were arranged between the Home Office and representative bodies to discuss issues around the summer surge period, including VAC capacity issues and other practical problems.

Other opportunities for engagement

9.13   The HE sector is well served by representative bodies, such as the Russell Group, Universities UK, the British Universities' International Liaison Association and other HE sector organisations who run their own engagement meetings. The Home Office provides representation for these meetings where there is an opportunity for questions to be raised directly.

9.14   Outside the Home Office, the DfE and the DIT jointly run the Education Sector Advisory Group. The aim of this group, which was formed as part of the International Education Strategy, was to "establish a whole-of-government approach … for ministerial engagement with the sector and formalised structures for co-ordination between government departments both domestically and overseas". Home Office staff are represented in these forums.

The sector's view of engagement

9.15   In their call for evidence response, a representative body advised that engagement structures between the Home Office and other government departments "broadly work well" with current level of engagement, "higher than we have sometimes experienced in the past", but more could be done to ensure engagement is "reciprocal", with full opportunities for the HE sector to raise its issues.

9.16   This sentiment was echoed by an HEI, who told inspectors that the Education Advisory Group, through which most Home Office engagement happens, is effectively a closed shop, describing it as neither transparent nor clear in its terms of reference, and exclusionary towards non-members, whose voices may not be heard by the Home Office.

9.17 A representative body suggested that the Education Advisory Group could be improved in the following ways:

> "Sector organisations should be invited to suggest agenda items in advance of each meeting, to ensure that the agenda includes items that government want to engage on, as well as emerging issues that are of relevance to EAG members. The Secretariat should circulate items that require feedback from EAG members at least 2 weeks in advance of the meeting, to enable sector organisations to gather intelligence from their constituencies as required. Each meeting of the EAG should include representatives from relevant policy teams across the Home Office and UKVI, to reduce the number of queries that need to be referred to policy teams who are not in attendance."[46]

9.18 Another representative body told inspectors that its relationship with the Home Office has improved considerably, partly because it has the opportunity to deliver briefings to its members in conjunction with Home Office staff, which improves the accuracy of the briefings and allows questions to be asked directly. The representative body is looking to build on this by introducing joint training for its members in collaboration with the Home Office.

The Home Office's view of engagement

9.19 A senior Home Office member of staff involved in stakeholder engagement told inspectors that they felt the Home Office engaged as much as it could with the HE sector and that the HE sector had regular opportunities to give feedback.

9.20 Another member of staff told inspectors that they were in agreement with the stakeholder view that engagement has improved: "We have come on leaps and bounds with comms and engagement."

9.21 The weekly and 6-weekly calls between HE stakeholders and the Home Office have allowed subject matter experts to speak directly to the HE sector. Inspectors were told by a Home Office engagement manager that: "My view is that we are being as proactive as possible; we already do a good job, and we should be continuing to do that."

9.22 Whilst it was evident that the Home Office engaged with the HE sector and representative bodies through a variety of forums, inspectors did not see any clear strategy for engagement with the sector overall. Individual commands within the Home Office have their own internal blueprints for how they engage and gather feedback, but there is a risk that this engagement is siloed and duplicates effort without oversight from one team.

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46 In its factual accuracy response, the Home Office stated: "Over the past 12 months we have regularly asked members to suggest topics that they would like to see on future agendas, and we will continue to do so. This has been done both during meetings, but also by email. The FBIS team have a mailbox that is regularly used by Advisory Group members to raise issues and whilst some members have suggested topics, often there are no suggestions forthcoming. Where we have received suggestions, we have incorporated them into agendas. In addition, we always endeavour to ensure experts are in attendance for relevant agenda topics, and it is only in very rare instances that we are unable to do so, such as due to sickness or urgent priorities. It is very rare that we need to take queries away for topics that are being covered on the agenda, unless it is something policy areas may need to consider further or for another topic that wasn't planned for the agenda."

Contact with the Home Office

COVID-19 pandemic communications and concessions

9.23   Responses to this inspection's onsite interviews with HEIs and call for evidence produced some good feedback regarding COVID-19 concessions. There was also positive feedback on the flexibility shown by the Home Office with regard to the compliance reporting requirements needed at a time when students were being taught through remote or blended learning. Stakeholders indicated it was useful that the Home Office listened to their changing circumstances and reacted accordingly, which is a direct result of good quality engagement.[47]

9.24   A criticism from the HE sector which is relevant to engagement is that, whilst the COVID-19 concessions offered by the Home Office were very useful, they were often granted very late, and guidance was unclear and inconsistent regarding whether students awaiting the concession could study. There were concerns that there was no information available on what would happen after 6 April 2022 when the concessions were due to expire.

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47 In its factual accuracy response, the Home Office stated: "It should be noted that, since the call for evidence, this concession was further updated with a new end date of 30 June, which was confirmed in guidance published on 2 March 2022."

10. Continuous improvement

10.1   Inspectors found that the Home Office staff within the Study and Work commands were committed to improvement. Individual staff spoke enthusiastically about wanting to provide a good quality service to applicants, and it was clear to inspectors that there has been a significant amount of focus in this area. The Home Office shared with inspectors the details of several projects which had delivered improvements over the past 12-18 months.

Biometric reuse and the Identity Verification application

10.2   As a response to the necessary closure of visa application centres caused by the COVID-19 pandemic, the Home Office accelerated a plan to reuse biometric information in the form of customers' fingerprints.

10.3   Changes to process meant that an applicant's fingerprints can be enrolled once and retained for subsequent reuse, saving them having to re-enrol every time they make a new application or need to replace immigration documents.

10.4   A first batch of around 93,000 Study applications were processed using biometric reuse between August and November 2020, bringing together staff from Croydon, Liverpool and Sheffield visa operations.

10.5   The Home Office told inspectors:

> "We are now taking steps to rollout fingerprint reuse more widely where we are issuing a replacement biometric residence document or when an applicant can be biometrically linked to a secure biometric, such as the facial image stored on the chip of their biometric residence document, starting with the Graduate route scheme. We will extend this to other categories of applicant where we can remotely validate their identities using biometrics held on a UK issued biometric residence document or on the Immigration and Asylum Biometric System."

10.6   As part of this initiative the Home Office created the Identity Verification (IDV) application with its UK Visa and Citizenship Application Services commercial partner Sopra Steria. The application allows European Economic Area (EEA) applicants in the UK to submit their mandatory and supporting information via a smartphone.

10.7   The introduction of the application was described by higher education institutions (HEIs) who responded to this inspection's stakeholder engagement as "welcome" and "positive". However, the rollout of the change was also criticised as it was "lacking in detail" and "announced late".

Internal thematic restructure

10.8   Within the Home Office, a major restructuring of the Visas and Citizenship command into 4 pillars covering Work, Study, Marriage and Citizenship in 2021 has resulted in teams that work within the same 'thematic' area being able to collaborate better.

10.9   According to information given to inspectors, the strategic aim of the thematic pillars is to have: "in-country, entry clearance, sponsorship and premium customer service being combined into one singular department for the first time ever, enabling delivery of a fully comprehensive step-by-step journey for our customers under one banner."

10.10   The most relevant thematic pillar to this inspection is the Study Operations pillar, which handles approximately 400,000 applications annually from customers applying for either entry clearance or permission to stay across the Student and Graduate routes. The new command also includes Student Sponsorship and Premium Customer Service Teams.

10.11   Home Office staff told inspectors that the move to a thematic structure has been a positive change, resulting in more collaboration between teams. For example, the Student Premium Customer Service Team is now part of the same department as the Study casework teams.

10.12   A member of staff in the case working team told inspectors:

"(The move to a thematic structure is a) positive step because we can plan better. Staff would say they have more consistent relationships, performance is more consistent, communications are good and there is a better structure."

10.13   Inspectors were also told by a team leader in a Premium Customer Service Team that the move to a thematic structure had made sense to their team:

"The change has seen greater alignment…we're more aligned to where work is coming from, as I have direct links. I did have (relationships) before, but it has more credence now as we're in one command. It's a benefit… It's working better."

Biometric residence permits

10.14   Biometric residence permits (BRPs) are a form of identity document confirming the conditions attached to an applicant's permission to stay in the UK. They are used in conjunction with an applicant's travel documents when they cross the UK border, and to allow the holder to provide evidence of rights and entitlements whilst in the United Kingdom, such as the right to work, study or rent.

10.15   BRPs are gradually being superseded by eVisas and digital status, and the Home Office plans to replace BRPs with digital status by the end of 2024.

10.16   As part of the Home Office's ambition to be 'digital by default', eVisas are currently issued to EEA nationals – both those with settled and pre-settled status under the European Union Settlement Scheme (EUSS), and those applying for a UK visa (including students) through the IDV application – British National (Overseas) and Graduate route applicants. Non-EU nationals continue to receive a physical BRP card also, as evidence of status for carriers.

10.17   From 14 December 2021, skilled workers and students became eligible for eVisas when applying through the IDV application.

10.18   Many stakeholders raised issues around BRPs in their submissions to this inspection and in interviews and focus groups. Incorrectly issued cards, misdeliveries and delays have been the most commonly reported problems. Inspectors heard from a representative body that "members and their students consistently report significant issues with technology related to the immigration process, including BRPs issued with errors that are not the fault of the applicant … (and) issues and delays with BRP production, causing stress and anxiety for applicants".

10.19   An incorrectly issued or misdelivered BRP can have major logistical implications for a student coming to the UK to study and for the institution sponsoring them. This can delay a student travelling to the UK and cause them to miss the beginning of their period of study.

10.20   A major representative body described how errors in the production of BRPs cost the institutions they represent more than £100,000 per year. A 2019 survey by EY for a review commissioned by the Russell Group found that BRP errors were a major problem for members. The group reported:

> "Each year over the last 3 years we have had around 250 BRP errors [17% of BRPs handled]. … They are time-consuming to administer and not a very welcoming start for the student." and "Correcting BRP errors uses significant resource. Any BRP errors made in country require the student to submit an Administrative Review to correct. This is a lengthy and complex process."[48]

10.21   BRPs are administered by the Biometric Immigration Document Management Unit (BIDMU) and rely on correct handling and data input by commercial partners and Home Office caseworkers for processing and delivery.

10.22   The Home Office has a memorandum of understanding with the Driver and Vehicle Licensing Agency (DVLA) for the production of BRPs. In addition, they have a contractual arrangement with FedEx for the delivery of the BRPs to applicants once in the UK.

10.23   Home Office staff told inspectors that, in the past few years, there has been a "perfect storm" of issues affecting the production and delivery of BRPs. This culminated in the Home Secretary intervening to request improvements to the system in 2019. In response, BIDMU set up a recovery plan, which was activated in the summer of 2021.

10.24   Figure 17 sets out the main issues affecting BRP production and delivery and the steps taken by the Home Office to drive improvements.

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48 https://russellgroup.ac.uk/media/5750/challenges-and-costs-of-the-uk-immigration-system-for-russell-group-universities.pdf

Figure 17 BRP system issues and BIDMU recovery plan solutions	
Issue	**Solution**
Resourcing within case working teams	Recruiting permanent and agency staff to clear the case working backlog
FedEx delivery issues	Changing processes with FedEx including better sharing of management information and customer contact
Data breaches caused by misdeliveries	Improving delivery notification wording, timing and address information
Production issues at the DVLA	Holding weekly meetings with the DVLA to monitor improvements in production timings
Data quality issues	Improving management information on data quality issues so that the sources of problems could be pinpointed and resolved
Staffing and resourcing issues within BIDMU	Expediting the onboarding of new staff and the deployment of laptops to remote workers
A large amount of replacement cards being needed for EUSS cases	Consulting with Home Office policy on EUSS issues
A backlog in customer contact, creating chasers upon chasers	Returning the work in progress to within service standards by comprehensively improving processes and communication with customers
Photographs submitted at biometric enrolment being in an unusable size	Home Office Digital Data and Technology identifying a software fix to eliminate the problem with image capture

10.25   Throughout the different stages of the recovery plan, BIDMU communicated regularly with HEIs to provide updates and manage expectations.

The Corrections Team

10.26   The Corrections Team is embedded within the Home Office's Cross-Cutting Workflow command, providing support to Study, Work, Family and Citizenship commands. The team aims to address issues with entry clearances and BRPs.

10.27   This team of nearly 20 staff works to a 24-hour turnaround target for errors on entry clearances from overseas, the intent being to correct the issue before the passenger travels. There is a separate contact inbox for in-country corrections, and for the public, GOV.UK directs in-country customers directly to BIDMU.

10.28   A senior manager in the Home Office explained to inspectors the large number of corrections that need to be done, and how some of them occur:

"(There is a high) number of validations that need to take place on a card. There's a hard stop if data isn't received, for example a sponsor licence number. However, there's no check if the number is wrong but (the system only checks that it is) in the right format. This then

needs to be corrected after issue. We corrected 14,000 BRPs in 2021. The acceptable limit is 2% … We're seeing 3–5%... with the overseas cards, the sponsors receive them before the student arrives, we can correct them before the student sees it. In country the student picks them up and shows the institution, which is slower."

10.29 In an interview for this inspection, members of the Corrections Team told inspectors that many BRP errors are human errors at the case working stage. They said this could be improved through more automation of data input and error flagging. "Inexperienced caseworkers and the volume of applications has had an impact (on the number of errors)."

The future of BRPs

10.30 Although inspectors heard a significant amount of negative feedback on BRPs, some stakeholders felt that the situation had improved more recently.

10.31 Work is ongoing to meet the deadline to phase out the use of BRPs in favour of digital status by 31 December 2024. Whilst these plans are progressing, the Home Office must ensure that they continue to monitor service levels for BRP customers. The contract with FedEx is due to expire at the end of January 2023 and a new solution will need to be procured to ensure service continuity.

10.32 Due to the complex nature of the processes required to produce BRPs, there is a risk of further problems before they are phased out. Acknowledging the issues that BRPs have caused and the need for them to be replaced, a member of staff at BIDMU told inspectors: "The BRP system has probably outlived what it was intended to cover; the digital route was supposed to be here sooner. The overseas process will be 7 years old this March."

The move to digital status

10.33 Inspectors heard that there had also been issues with the rollout of the new digital status, which a representative body attributed to "case working errors". In July 2021, digital status accounted for just over 13% of grants.

10.34 One HEI noted multiple instances of errors on digital statuses leading to students having to have their status corrected. Another described distrust of the digital status system leading to logistical difficulties, such as students being denied boarding by airlines who expect to see a physical document to prove the student's status.

10.35 Inspectors also heard how HEIs have had to obtain physical documents due to digital statuses not containing enough information, writing: "Digital statuses have caused issues as there is not enough information readily available. The university often have to request physical letters. In some cases, the time it takes to process students is doubled."

10.36 The Home Office must continually review new processes such as the early rollout of digital status and biometric reuse, to ensure that lessons are learnt and improvements used to inform any future changes.

Future improvement projects

10.37 Inspectors heard that the Home Office is currently undertaking a strategic review of service standards. Under the current system, an application for a study or work visa which is lodged overseas should be processed within 15 working days. However, an application for the same route submitted in the UK, has a standard processing time of up to 8 weeks. All applications are currently processed by the same case working teams in the Study and Work commands in the UK.

10.38 The review aims to "deliver a more coherent and consistent customer offer, to meet customer need and deliver a world class immigration system". Inspectors saw plans for the introduction of 5 major changes:

- alignment of service standards for in-country and overseas applications, including consistent 'clock start' (when the application is said to have been submitted), aligning the service standard to 15 days, and expanding and standardising premium and priority offerings in-country and overseas
- developing clear and consistent criteria and process for identifying and dealing with exceptions
- improved customer information, including application notifications and a clearer refund process
- allowing flexibility, both operationally (for example, being able to 'stop the clock' on an application) and for the customer
- improving priority options.

10.39 Continuing to improve systems for customers and staff requires resources. A senior Home Office manager told inspectors that securing the resources to bring in the improvements they want to implement can be a challenge, as with all government departments. Home Office managers voiced concerns that new systems and improvements to existing systems may not be able to attract the levels of investment they need One commented. "I'm worried there will be cost-cutting and we won't get as good a new system as we want."

Annex A – Recommendations made by the Law Commission in their 'Simplification of the Immigration Rules: Report'

Recommendation 1

We recommend that the Immigration Rules be overhauled.

Recommendation 2

We recommend that the following principles should underpin the redrafting of the Immigration Rules:

(1)   suitability for the non-expert user;

(2)   comprehensiveness;

(3)   accuracy;

(4)   clarity and accessibility;

(5)   consistency;

(6)   durability (a resilient structure that accommodates amendments); and

(7)   capacity for presentation in a digital form.

Recommendation 3

We recommend that the Secretary of State considers the introduction of a less prescriptive approach to evidential requirements, in the form of non-exhaustive lists, in areas of the Immigration Rules which he or she considers appropriate.

Recommendation 4

We recommend that in those instances where prescription is reduced, lists of evidential requirements should specify evidence which will be accepted, together with a category or categories of less specifically defined evidence which the decision-maker would consider with a view to deciding whether the underlying requirement of the Immigration Rules is satisfied.

Recommendation 5

We recommend the division of the subject matter of the Immigration Rules in accordance with the list of subject matter set out in appendix 4 to this report.

Recommendation 6

We recommend that the Home Office should conduct an audit of provisions in the Immigration Rules that cover similar subject matter with a view to identifying inconsistencies of wording and deciding whether any difference of effect is intended.

Recommendation 7

We recommend that a statement of a single set of Immigration Rules and subsequent changes to them should be laid in Parliament and made available on paper and online.

Recommendation 8

We recommend that, pending the identification of technology that directs an applicant to Rules relevant to their application, the Rules should be reworked editorially by a team of experienced officials and checked to ensure legal and policy compliance by a suitably qualified person conversant with the subject matter so as to produce booklets for each category of application which are also made available on paper and online.

Recommendation 9

We recommend that any difference in wording and effect between Immigration Rules covering the same subject matter should be highlighted in guidance and the reason for it explained.

Recommendation 10

We recommend that:

(1)   definitions should be grouped into a definitions section, either in a single set of Immigration Rules or in booklets, in which defined terms are presented in alphabetical order;

(2)   if the terms are defined in a booklet, only terms which are used in that booklet should be included;

(3)   terms defined in the definitions provision should be identified as such by a symbol, such as #, when they appear in the text of the Rules; and

(4)   in the online version of the Rules, hyperlinks to the definitions section or, technology permitting, hover boxes should be provided where a defined term is used.

Recommendation 11

We recommend that the following principles should be applied to titles and subheadings in the Immigration Rules:

(1)   there should be one title, not a title and a subtitle;

(2)   the titles given in the Index and the Rules should be consistent;

(3)   titles and subheadings should give as full an explanation of the contents as possible, consistently with keeping them reasonably short;

(4)   titles and subheadings should not run into a second line unless necessary in the interests of clarity; and

(5)   titles and subheadings should avoid initials and acronyms.

Recommendation 12

We recommend that subheadings should be used in the Immigration Rules only where necessary in the interests of clarity and understanding.

Recommendation 13

We recommend that a table of contents should be placed at the beginning of each Part of the Immigration Rules.

Recommendation 14

We recommend the following numbering system for the Immigration Rules:

(1) paragraphs should be numbered in a numerical sequence;

(2) the numbering should re-start in each Part;

(3) it should be possible to identify from the numbering system the Part within which a paragraph falls, the use of multilevel numbering commencing with the Part number;

(4) the numbering system should descend to three levels (1.1.1 and so on) with the middle number identifying a section within a Part; and

(5) letters should be used for sub-paragraphs and lower case Roman numerals for sub-subparagraphs.

Recommendation 15

We recommend that:

(1) Appendices to the Immigration Rules should be numbered in a numerical sequence;

(2) in the online version of the Rules, references to Appendices should be in the form of hyperlinks; and

(3) to the extent that booklets are produced, these should also use hyperlinks to refer to Appendices.

Recommendation 16

We recommend that text inserted into the Immigration Rules should be numbered in accordance with the following system:

(1) new sections or paragraphs inserted at the beginning of a Part or section should have a number preceded by a letter, starting with "A" (A1, B1, C1 and so on); a section or paragraph inserted before "A1" should be "ZA1"; for example, 1.A1.1 or 1.1.A1;

(2) new lettered sub-paragraphs, inserted before a sub-paragraph (a), should be (za), (zb) and so on, and paragraphs inserted before (za) should be (zza), (zzb) and so on;

(3) where text is added to the end of existing text at the same level, the numbering should continue in sequence;

(4) new whole sections or paragraphs inserted between existing sections or paragraphs should be numbered as follows:

    (a) new numbering inserted between 1 and 2 should be 1A, 1B, 1C and so on; for example, 1.1A.1 or 1.1.1A;

    (b) new numbering inserted between 1A and 1B should be 1AA, 1AB, 1AC and so on;

    (c) new numbering inserted between 1 and 1A should be 1ZA, 1ZB, 1ZC and so on (and not 1AA and so on); and

    (d) new provisions inserted between 1A and 1AA should be 1AZA, 1AZB, 1AZC and so on;

(5)　a lower level identifier should not be added unless necessary; and

(6)　after Z or z, the sequence Z1, Z2, Z3 and so on or z1, z2, z3 and so on should be used.

Recommendation 17

We recommend that definitions should not be used in the Immigration Rules as a vehicle for importing requirements.

Recommendation 18

We recommend that, where possible, paragraphs of the Immigration Rules:

(1)　should be self-standing, avoiding cross-reference to other paragraphs unless strictly necessary; and

(2)　should state directly what they intend to achieve.

Recommendation 19

We recommend that appropriate and consistent signposting to other portions of the Rules and relevant extrinsic material should be used in the Immigration Rules.

Recommendation 20

We recommend that repetition within portions of the Immigration Rules should be adopted where desirable in the interests of clarity.

Recommendation 21

We recommend the adoption of the drafting guide set out in appendix 6 to this report.

Recommendation 22

We recommend that:

(1)　the Home Office should convene at regular intervals a committee to review the drafting of the Immigration Rules in line with the principles that we recommend in this Report;

(2)　the committee should review the interaction between the Rules and guidance;

(3)　the committee should be advisory only; and

(4)　the terms of reference of the committee should exclude consideration or review of immigration policy.

Recommendation 23

We recommend that the Home Office should design a more structured process for receiving and responding to user feedback to speed up rectification of problems identified in the Immigration Rules, make responses accessible to other users, and create an internal mechanism to relay learning to teams.

Recommendation 24

We recommend that:

(1) where appropriate, statements of changes to Immigration Rules should set out the affected portion of the text in its amended form in the style of an informal Keeling schedule;

(2) an alert should appear in the online version of the current Rules to draw attention to pending changes, with a link to the Keeling schedule and an indication of the date when the change would come into effect; and

(3) explanatory memoranda should contain sufficient detail to convey the intended effect of a proposed amendment to the Rules in language accessible to a non-expert user.

Recommendation 25

We recommend that the Home Office should follow a policy that there should be, at most, two major changes to the Immigration Rules per year, unless there is an urgent need for additional change.

Recommendation 26

We recommend that:

(1) a statement of the date from which a Rule has effect should be provided in the online version of the Immigration Rules, explaining whether the commencement date relates to decisions or applications or applies any alternative formula; and

(2) the indication should be provided in such a way that it appears on the printed copy if a Rule is downloaded and printed.

Recommendation 27

We recommend that improvements to the system for archiving previous versions of the Immigration Rules should be made, with consideration given to adopting either an online archive search facility which allows a search of versions of a Rule by keying in a date, or the presentation of the Rules in an annotated form which provides links to previous versions of the Rules.

Recommendation 28

As an interim solution, as a way of improving the existing archive, we recommend that a link to the statement of changes which introduced the version of the Immigration Rules should be included in each archived version of the Rules. The link should refer to the relevant paragraph numbers and categories of leave affected by the changes.

Recommendation 29

We recommend that Appendix F (Archived Immigration Rules) and paragraphs 276DI to 276AI in Part 7 (Other categories) should be omitted from the redrafted Immigration Rules.

Recommendation 30

We recommend that an exercise of simplification of guidance should be undertaken in tandem with the simplification of the Immigration Rules.

Recommendation 31

We recommend that the aim of the exercise to simplify guidance should be to rationalise the number of guidance documents with a view to reducing the guidance on any topic into a single document incorporating guidance both for caseworkers and applicants.

Recommendation 32

We recommend that an index should be created listing the guidance documents relevant for each immigration category, and giving each document a clear and informative title. This index should be located in one place and clearly conspicuous to a user of the Immigration Rules. It should be accompanied by an explanation for non-expert users as to the difference in the status of the Rules and guidance.

Recommendation 33

We recommend that guidance should not repeat the Immigration Rules, but instead serve to illustrate how the Rules will be applied. Consideration should be given to the use of illustrative worked examples and flow charts to aid understanding.

Recommendation 34

We recommend that where a new version of a guidance document is published, changes from previous versions of guidance should be highlighted to make it easier to see what has changed.

Recommendation 35

We recommend that an archive of guidance should be created with links to previous versions of the guidance and an indication of the period during which a particular guidance document operated.

Recommendation 36

We recommend that a system of coordinated oversight of the content of guidance should be introduced.

Recommendation 37

We recommend that consideration should be given to the adoption of a practice of limiting the frequency of publication of guidance so as to coincide with the publication of statements of changes to the Immigration Rules.

Recommendation 38

We recommend that the Home Office should give consideration to the following steps with a view to improving the accessibility of application forms:

(1)   a review of the titles of application forms with a view to making them clear and informative;

(2)   clear and non-technical guidance on selecting and completing application forms, which is distinguished from policy guidance;

(3)   links from the Immigration Rules and guidance to the appropriate application form;

(4)   a review of the coverage of application forms, with a view to providing an appropriate form for any application;

(5)   a timetable for the updating of applications forms, to coincide with major Rule changes;

(6)   an archive of superseded application forms; and

(7)   user testing of application forms and of the interaction between forms, Rules and guidance.

Recommendation 39

We recommend that the Home Office should work towards producing a single set of Immigration Rules that function as effectively online as booklets through the use of hyperlinks. To the extent that booklets are produced, they should also include hyperlinks as an aid to navigation.

Recommendation 40

We recommend the use of hyperlinks to link guidance to the Immigration Rules in the online presentation of the Rules. Where Rules are produced in booklet form, these should provide links to the guidance relevant to the immigration category dealt with by the booklet.

Recommendation 41

We recommend that provision should be made for a facility to view an application form prior to completion, either through provision for a printable version of the form or a facility to navigate through the form online in a version which the system would not allow to be submitted. The wording on this version of the form should indicate where the need to answer a question depends on the terms of a previous answer.

Annex B – Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48–56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within 8 weeks of receipt, subject to both Houses of Parliament being in session.

Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Annex C – ICIBI 'expectations'

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are 'right first time'

- They are demonstrably evidence-based or, where appropriate, intelligence-led

- They are made in accordance with relevant legislation and guidance

- They are reasonable (in light of the available evidence) and consistent

- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly 'put right'

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective

- Complaints are handled efficiently, effectively and consistently

- Lessons are learned and shared, including from administrative reviews and litigation

- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) 'owner'

- The BICS 'owner' is accountable for

  - implementation of relevant policies and processes

  - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)

  - resourcing (including workforce planning and capability development, including knowledge and information management)

  - managing risks (including maintaining a Risk Register)

  - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies

  - effective monitoring and management of relevant contracted out services

  - stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

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