

How to get a license to teach international students

In these challenging economic times many independent schools are looking to international markets to increase their pupil numbers. Although many schools are aware that in order to teach pupils from overseas they must obtain a Sponsor Licence under the immigration rules, our experience is that many schools are not up-to-speed with how to navigate the application process and are not fully aware of the obligations placed on their school once a Licence has been granted.

Points mean prizes!

Changes to the immigration system were introduced on 31 March as part of sweeping changes to the immigration system - 80 entry categories streamlined into five tiers and a Points Based System (PBS) was introduced. Tier four of the PBS applies to child students and adult students. A school must have a Tier four Licence in order to teach pupils who are not nationals of the European Economic Area.

Applying for a sponsor licence

The application is made on-line and as part of the application, a school is asked to estimate how many international pupils it intends to bring over in any year. The school would then be awarded with that number of Confirmation of Acceptance of Studies Certificates, which it is then free to issue to prospective pupils.

A certificate gives the pupil 30 points, but the pupil needs to secure a total of 40 to gain entry clearance. The remaining 10 points are obtained by the parents confirming that they will maintain the child by proving in readily available funds enough money to pay the school fees and nine months' living expenses. These funds must have been held in a bank account in the parent's or child's name for at least 28 days before the date of application for entry clearance is made.

Ongoing obligations

Once the school has obtained a Sponsor Licence, it must comply with monitoring and reporting obligations which are quite onerous. These include: reporting to Border and Immigration Agency (BIA) if the child doesn't turn up for their first day; is absent with the school's authorisation; leaves the school; or has missed ten expected contacts. Reports will be made using on-line software, which the BIA has promised will be ready by March 2010.

While the matters to be reported would be of concern to a good school that takes its pastoral duties seriously, the Licence does impose a new layer of bureaucracy as the school must report to BIA within ten days of the reportable event. Failing to make a report within the prescribed time could result in the school's Licence being downgraded from an A rated to a B rated Licence, which imposes further restrictions on the school. B rated Licence holders have to implement an action plan that the BIA would draw up and demonstrate real compliance with a plan set down by a third regulatory party, who are unlikely to understand the operational difficulties that their plan is likely to involve.

Once the on-line application has been submitted, supporting documents are sent to BIA. Collating the required documents can be time consuming, and it helps if schools are clear from the outset about the requirements and have allocated responsibility for meeting the requirements to the appropriate members of its senior management team.

Our experience of assisting schools through the application process and in preparing for inspection visits is that it is rare for schools to already have in place the policies and procedures necessary to readily satisfy the BIA's stringent requirements. We always recommend that a member of the school's senior management team is ultimately responsible and accountable for the school's application and for its ongoing obligations under the immigration rules.

License holders

Once a Sponsor Licence has been granted to a school it must appoint an Authorising Officer who will issue the certificates to international students and to be responsible for overall compliance with a school's duties as a Sponsor.

The application also requires the following to be appointed:

- a key contact at the school to be responsible for liaising with BIA and
- a Level one user to be responsible for the day-to-day work required to operate the Licence using the on-line Sponsor Management System (SMS). This is a position of responsibility as it is a criminal offence for any SMS user to disclose their system passwords to anyone else, even someone in their own organisation

At present, the new system is still embryonic and BIA has had numerous problems getting the technology up and running to make the system work. As a result, schools are still being asked to issue prospective pupils with a visa letter and the BIA's website includes details as to what that must contain.

Fixed price advice offer

Blake Laphorn is pleased to offer a fixed price package to schools in applying for a Licence, which includes guidance on the preparatory steps and operational adjustments which schools may need to make in preparation for an inspection visit which forms part of the application process.

We also provide training to staff to help ensure that your school has in place the necessary internal systems to manage the ongoing monitoring and reporting requirements.

Contact

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