FRAGOMEN

Immigration Update:
Education Sector

August 2023

LATEST NEWS

UK Visa Fees

The UK government has announced proposals to raise £1bn from increases to visa application fees and the Immigration Health Surcharge (IHS), in order to help fund the wage increases recommended for key public sector workers for the year 2023/24.

We have not yet received confirmation on when these changes will be introduced and the amount by which fees will be increased, however we understand IHS fees for students could increase by 20%, reaching as much as £776 per visa year (currently, they are £470 per visa year).

In good news, however, the £19.20 fee for biometric enrolment and the £161 fee for a Transfer of Conditions in-country application will be removed. Fees are also being removed for customers amending details on their physical evidence of immigration status, and for a like-for-like replacement of a BRP where the validity of the card has expired. These changes are expected to become effective in autumn 2023.

Further information on the fee change announcement can be found here.

Statement of Changes - Immigration Rules

The Home Office has announced changes that have been implemented to the UK immigration rules. Key changes include:

- New restrictive rules for student visas that prohibit students from switching onto work routes until they have completed their course of study, as well as from sponsoring dependents unless on designated courses;
- Implementation of a High Court decision stating that individuals with pre-settled status under the EU Settlement Scheme did not lose their residence rights if they did not submit an application; and
- Closes two routes to new applicants under the EU Settlement Scheme, which granted residence rights to: (1) family members of qualifying British citizens on their return to the

United Kingdom after exercising free movement rights in the European Economic Area or Switzerland; and (2) the primary carers of British citizens.

Further information on the Statement of Changes can be found here.

UK Student Visa Rules to be Restricted

The UK government has announced that starting January 2024, restrictions will be introduced to student visa rules, in order to reduce net migration to the United Kingdom. These proposals include:

- Removing the right of international students to bring dependents, unless they are studying a PhD or other doctoral course, or are in a post-graduate course confirmed by the sponsor as being a research-based higher degree
- Limiting the ability of overseas students to switch to work routes until they have completed their studies
- A review of the maintenance requirements for students and dependents
- Restricting international student agents who may be supporting applications illegally
- More targeted enforcement activity

Further details regarding these planned changed are located here.

Naomi Goldshtein, Director at Fragomen, was quoted in *Times Higher Education* regarding the above restrictions. Read the full article here.

Children Aged 10 and 11 Can Now Use Passport E-Gates

Effective 24th July 2023, children aged 10 and 11 can now use passport e-gates at 15 UK airports and rail ports, including Heathrow and Gatwick airports, as well as the Eurostar railway terminals in Brussels and Paris. Please note that children under the age of 18 years using an e-gate are expected to be accompanied by an adult.

Where students are using e-gates, it is recommended that sponsors secure copies of boarding passes or flight tickets, in order to retain on file as the date of proof of entry. Where e-gates are used, the student will not receive a date stamp in their passport.

E-Visa Correction Process

The UKVI has introduced a new temporary process whereby sponsors are able to report incorrect details noted on an individual's electronic status. Sponsors were contacted directly by the UKVI on 26 June 2023 providing details on this process.

STUDENT SPONSOR COMPLIANCE

Student Sponsor – UKVI Compliance Audits

The UKVI has recently undertaken a significant recruitment of compliance auditors, which has resulted in an increase of student sponsor compliance audits. Recent compliance audits have been undertaken by a long-standing member of the compliance network, accompanied by a trainee. This has resulted in a highly vigorous process.

We recommend that all student sponsors take this opportunity to review their policies and processes, in order to be prepared for a possible UKVI audit.

In-Country Student Visa Applications – Reminder

Where a student is transferring to a new university, college or school, or switching to a new course whilst in the UK, sponsors must ensure that a new CAS is issued, and that they have received proof of the UK-based visa application being submitted, before the student can be accepted on the course.

CAS Allocation Requests – Reminder

UKVI encourages all sponsors to undertake robust planning and preparation measures when looking at the recruitment of students from overseas. This is particularly applicable for those who are seeking an increase of their CAS allocation and/or an in-year allocation request. If you are planning to make a request for an increased allocation, it is encouraged that you provide UKVI with further details regarding your recruitment to support your claim.

OTHER IMMIGRATION ROUTE UPDATES

Illegal Worker Fines Set to Triple in 2024

According to an August 2023 government statement, starting early 2024 (no exact date was provided), businesses convicted of hiring undocumented migrants will be fined up to GBP 45,000 per illegal worker, up from the current maximum of GBP 15,000. Repeat offending businesses will be fined up to GBP 60,000 per illegal worker, up from the current maximum of GBP 20,000.

Please see our Client Alert here for more details.

Electronic Travel Authorisation (ETA)

Electronic Travel Authorisation is a new requirement being introduced in which non-visa nationals (e.g., nationals of the EU, US, Canada etc.) to register and gain authorisation before they travel to the UK.

Below are some key points regarding ETA:

- People who have a British or Irish passport, permission to live, work or study in the UK, and a visa to enter the UK will not need an ETA
- People who come to the UK for up to six months for tourism, visiting family and friends, business or study need to apply for an ETA if they are a non-visa national and do not secure a visa in advance
- ETA will be introduced in phases with the first phase being introduced from 25 October 2023
- The application process will involve to use of the UK ETA app or an online process through the GOV.UK webpage
- The cost will be £10 per applicant
- UKVI will send an email confirmation if the application is approved and will link the ETA electronically to the passport used for the application
- ETA will be valid for 2 years

The latest information regarding ETA can be located here.