



Students: Genuine or Bogus?

Summary

1 Students make up a large proportion of those who enter the country each year, making it imperative that only those who enter should be genuine. The recent Home Office pilot scheme designed to assess a student's credibility found that, amongst those who failed the credibility test, a large number had no intention to leave the UK. Despite this evidence, the Home Office has excluded this key assessment from its interview programme. Furthermore, the scale of interviews proposed (10-14,000) is far too small to tackle ten times that number of applications of whom over 60,000 could well be bogus.

Introduction

2 This paper will evaluate the results of the Home Office pilot scheme of interviews and will demonstrate that an assessment of a student's intention to leave the UK following completion of their course is a key determinant of credibility and should be introduced with immediate effect.

The Importance of students in the Immigration System

3 Student migration has grown significantly over the last decade. In 2000, the International Passenger Survey recorded 54,000 non-EEA students coming to the UK to study. Almost eleven years later this figure had almost quadrupled to 201,000 in the year ending September 2011. Students now make up over 60% of the IPS.

4 Crucially there are no checks on departures from the UK, unlike the US and Australia. The authorities are therefore unable to know whether or not a student has left the country, thus incentivising people to remain in the country illegally.

5 For these reasons it is especially important to be sure that those students who are issued with a visa to study are indeed genuine.

Student Credibility

6 There are two tests of credibility. The first is whether or not the student is genuine; does the student have both the ability and the intention to study their chosen course? The second test is whether or not they plan to return. If not, such students are simply using the student route as a means of gaining settlement or remaining illegally in the UK.

7 Until 2008, students were assessed for their credibility by an Entry Clearance Officer overseas. If the ECO was satisfied that the student passed both components of the test then a visa could be issued.

8 Following the introduction of the Points Based System (PBS) in 2008, the interview was abolished and the application process became a box ticking exercise. Students no longer had to prove that they had both the intention

and ability to study nor the intention to return. If they have a Certificate of Acceptance from an education provider in Britain together with sufficient funds they are now granted a visa.

9 Following the introduction of the PBS and the abolition of the interview, there was an over 30% increase in the number of student visas issued in the first year of operation. Visa applications in some parts of the Indian Subcontinent were suspended for several months following this dramatic rise in applications amid fears that many applications were bogus.

10 The National Audit Office estimated that in the first year of the PBS between 40,000 and 50,000 bogus students may have entered the UK to work rather than study.¹

Return of the Interview?

11 In December 2011 the Home Office began a three month student interview pilot scheme. Students at a selection of both high and low risk posts² were interviewed in person or over the telephone to assess their credibility. The assessment comprised of four elements:

- Intention to study the proposed course
- Ability to study the proposed course
- Intention to leave the UK at the end of their course
- Ability to accommodate and maintain themselves and any dependants

12 The results of the pilot demonstrate that interviews are required in order to assess the credibility of students and show beyond doubt that the current PBS is incapable of distinguishing a genuine from a bogus student. Of those interviewed from Burma, 62% would potentially have been refused a visa to study on credibility grounds. As many as 59% of applicants interviewed from Bangladesh, India and Nigeria failed the credibility test. Over 50,000 student visas were issued to applicants from these three countries in 2011. We estimate that over 60,000 bogus students could have entered the UK in 2011 alone. (See Annex A)

1 National Audit Office, Immigration: The Points Based System – Student Route, March 2012, URL: <http://www.nao.org.uk//idoc.ashx?docId=0f549a94-58b6-4080-8a93-fb6aa9bb4b5e&version=-1>

2 A sample of student applicants were interviewed from Pakistan, India, the Gulf, Nigeria, Kenya, Bangladesh, China, Philippines, USA and Canada, Sri Lanka, Egypt, Colombia and Burma.

Table 1. Rate of potential refusals on credibility grounds by post

Post	Interviewees assessed on credibility	% of grants which would potentially be refused on credibility grounds
Pakistan	669	48%
India	363	59%
Nigeria	134	59%
Kenya	96	16%
China	90	32%
Philippines	89	53%
Bangladesh	68	59%
Sri Lanka	58	41%
Egypt	55	5%
Colombia	35	3%
Burma	21	62%
Total	1921	32%*

* Weighted average. Overall percentage was weighted to take into account the unrepresentative nature of the sample. The weighted percentage provides a more accurate representation of overall impact across all posts.

13 This abuse was not confined to the private further education sector. Of those who were potential refusals on credibility grounds, 14% were applying for a visa in order to study at a UK university and a further 17% at a publicly funded college.³

14 In the light of this pilot study, the Home Office has introduced new regime in which between 10,000 and 14,000 student applications will be interviewed.⁴ The interviews have been designed to assess whether a student is able to study their course, whether they intend to study their course, and whether they have sufficient resources to maintain themselves and any dependants. The interviews will not assess a student's intention to return to their country of origin upon completion of their studies.

15 In certain countries, the assessment of a student's intention to return captured more bogus students than any other of the four piloted tests. For example, of those from the Gulf region who failed the credibility test as whole, only 44% failed the intention to study test yet 83% failed the intention to return test. Of those applicants from Pakistan who failed the test, 93% failed the intention to study test yet 97% failed the intentions to return test. (See Annex B) Using data from the pilot scheme it can be estimated that 3,700 applicants who applied at the posts in Pakistan, Philippines, Sri Lanka, and the Gulf were issued with a visa to study in the UK although they may have had no intention to return but would have passed the more limited interview process that the Home Office has now implemented. (See Annex C)

16 Despite ECOs, when consulted, having regarded both a test of intention to study and an intention to leave the UK "as the two most important elements in assessing potential credibility"⁵ the Home Office guidance to Entry Clearance Officers states the following:

3 Home Office, Tier 4 Student Credibility Pilot, p. 8, URL: <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/occ104>

4 Home Office Statement, URL: <http://www.homeoffice.gov.uk/media-centre/news/stopping-fake-students>

5 Home Office, Tier 4 Student Credibility Pilot, p. iii.

"For those considered to be genuine students, intention to leave the UK at the end of the course is not relevant as there are many bases on which an individual could lawfully remain in the UK"⁶

17 There are in fact only three ways in which a student can legally stay on in the UK after their study: students can claim and be granted asylum; they can 'switch' into Tier 2 if they successfully obtain employment in a graduate level job, earning a minimum of £20,000 with a UKBA approved employer, and they can marry a British or settled person. The existence of these routes is no justification whatsoever for granting visas to applicants whose circumstances clearly indicate that they are unlikely to return home. Indeed, the wording of the guidance (which is publicly available) is almost an invitation to apply as a student with the intention of overstaying.

Australia and the 'Genuine Temporary Entrant' Requirement

18 The Australians, so frequently quoted with approval by the University lobby, take an entirely different approach to these matters. Following significant abuse of the student visa system in Australia, the Knight Review concluded that 'the first item of business in assessing a student visa application should be whether the applicant is a genuine temporary entrant. This new criterion should be the first to be considered in assessing any application for a student visa.'⁷ The Australia authorities grasp that a student who has no intention of remaining a temporary student is abusing the student route so as to stay on, legally or otherwise. The student route is not designed to be a means of obtaining permanent residence so students applying to study in the Australia must demonstrate that they are temporary and have an intention to return. (See Annex D for the Australian guidance on the point.)

Conclusion

19. The omission of an assessment of a student's intention to return is a serious weakness in a major entry route to the UK. We therefore recommend that the Home Office urgently review their recently introduced interview programme and introduce the Australian system with immediate effect.

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6 UKBA Guidance, URL: <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/ecg/sty/sty2/>

7 Michael Knight, Strategic Review of the Student Visa Programme 2011 Report, p. 25, URL: http://www.immi.gov.au/students/_pdf/2011-knight-review.pdf

Annex A

Number of potentially bogus students admitted to the UK in 2011, based on results of Home Office Pilot Scheme.

Country	2011 Student Visa Grants	Rate of refusal (Pilot)	Potential bogus visa grants (2011)
Bangladesh	5,646	59%	3,331
Burma	204	62%	126
China	49,690	32%	15,901
India	29,873	59%	17,625
Kenya	845	16%	135
Nigeria	10,430	59%	6,154
Pakistan	32,239	48%	15,475
Philippines	1,397	53%	740
Sri Lanka	3,676	41%	1,507
Colombia	1,985	3%	60
Gulf	5,085	39%	1,983
Egypt	630	5%	32
Total	141,700	n/a	63,069

Annex B

Percentage of potential refusals on credibility grounds by factor and post, Home Office Pilot Scheme.

Post	Percentage of refusals by factor	
	Intention to Study	Intention to Return
Pakistan	93%	97%
Philippines	81%	87%
Sri Lanka	96%	100%
Gulf	44%	83%

Annex C

Potential percentage of visa grants in 2011 who would pass Home Office interview but may have had no intention of returning home.

% of refusals by factor (Pilot Scheme)				Analysis of 2011 Visa data using Pilot Results	
Post	Intention to Study	Intention to Return	Difference	Number of Student Visas 2011 by country	Students potentially admitted under HO Interview system but would fail intention to return test
Pakistan	93%	97%	4%	35,664	1,427
Philippines	81%	87%	6%	1,639	98
Sri Lanka	96%	100%	4%	4,929	197
Gulf	44%	83%	39%	5,085	1,983
Total	n/a	n/a	n/a	47,317	3,705

Note: Pilot relates to applicants in posts rather than by nationality. Visa data relates to nationality of applicants. There may therefore be a small number of applicants of other nationalities applying at the posts in Pakistan, Philippines, Sri Lanka and the Gulf.

Annex D

Guidance on Genuine Temporary Entrant Requirement for Students wishing to Study in Australia.

How will the GTE requirement operate?

To be granted a student visa, applicants must satisfy the department that they have a genuine intention to stay in Australia temporarily.

Factors that the department considers as part of the GTE requirement include:

- circumstances in the applicant's home country
- the applicant's potential circumstances in Australia
- the applicant's immigration history
- the value of the course to the applicant's future
- any other matter relevant to the applicant's intention to stay temporarily.

See more here: http://www.immi.gov.au/students/_pdf/2011-genuine-temporary-entrant.pdf