

Type of meeting : Meeting at the House of Commons
Place : Room 07, House of Commons, Westminster
Chaired by : Robert Syms, Sir John Butterfill, David Lepper
Day and date : Wednesday, 03 March 2010
Time : 1.00pm to 2.30pm Approximately
Duration : 1 and a half hours
Present : Around 80 representatives from English language schools, MPs

Robert Syms MP, Poole, Conservative

Robert Syms opened the meeting and outlined the main concerns regarding the Tier 4 PBS legislation changes, namely why the changes to the legislation have been pushed through so quickly and the lack of clarity in UKBA guidance regarding the changes.

Syms highlighted the necessity of impressing the importance of the EFL sector upon the government, particularly regarding the relationship between the EFL industry and universities, the likely loss of income to the country as a result of the changes to the legislation and the predicted boost to EFL industries in competitor countries due to the new restrictions affecting the UK student visa system.

Syms stated that immigration is a fraught political issue, but that the importance of the EFL sector to particular constituencies and to employment levels must be emphasised.

Sir John Butterfill MP, Bournemouth West, Conservative

Sir John Butterfill read aloud a letter addressed to him from Meg Hillier, MP, outlining the recent changes to the Tier 4 legislation.

The major change which is of concern is the raising of the minimum English language level requirement for adult students who wish to apply for a General Student Visa to B1 CEFR.

David Lepper MP, Brighton, Labour

David Lepper announced that he would be standing down at the next election, but that he was frustrated by the recent changes to the PBS, particularly as he had been involved with the original introduction of the system a year ago. As a result of the original introduction of the PBS, the majority of bogus colleges had been closed down, which Lepper saw as one of the main purposes of the new system. The system was only introduced in March 2009 and has not yet been properly tested or assessed.

Lepper stated that it seemed to him that the whole system has been undermined in just a few weeks, resulting in the loss of goodwill towards the UKBA and the PBS from the EFL industry. The new changes will not hit bogus students and the revisions to the PBS are way off target.

The changes to the Tier 4 legislation are a cross-party concern as international students are a vital source of income for the United Kingdom and these changes will affect jobs, host families, local businesses and the universities. A wider implication is the likely reduction in the number of former English language students bringing business back to the United Kingdom and boosting tourism by taking holidays with their families in the towns where they attended their English language courses.

Tony Millns, Chief Executive of EnglishUK

Tony Millns outlined the actions taken by himself and EnglishUK to try to put pressure on the government to review the recent changes to the Tier 4 legislation.

The House of Lords Merits of Statutory Instruments Committee has submitted a report to state that the changes in Tier 4 legislation will not meet their purpose, specifically: "This instrument is drawn to the special attention of the House on the ground that it may imperfectly achieve its policy objectives." The SIs may be prayed against in the House of Commons and the House of Lords. The Liberal Democrats have called for the statutory changes to be removed.

EnglishUK and the UKBA are keeping a dialogue open and discussions are underway regarding how to clarify the B1 CEFR level, how to decide upon a method of English language testing for potential students, confirmation of the criteria for the new Highly Trusted Sponsor Register, how to follow the new policy guidance, how to recruit international students and the clarification of the definition of government-sponsored students. There may be room to manoeuvre regarding the final definitions of the above topics.

Pennington Solicitors have submitted a Letter before Action for a Judicial Review to the Home Secretary, Alan Johnson (on 02 March 2010). The letter puts forward the case that the policy change regarding the minimum level of English language tuition is unlawful and unreasonable. A response to the letter by 4pm on Tuesday 9 March 2010 is requested.

Millns emphasised the importance of winning the support of new MPs after the General Election.

Damian Green MP, Ashford, Shadow Immigration Secretary, Conservative

Damian Green stated that the change to the minimum English language level requirement was absurd and akin to not simply using a sledgehammer to crack a nut, but using a sledgehammer to smash entirely the wrong object.

Green stated that there are huge loopholes in the student visa system, but that the recent changes to the PBS would not close the loopholes.

Green announced that if the Conservatives came into power, they would not continue this minimum level of English language requirement policy.

There are two major problems with the current student visa system, mainly bogus colleges and bogus students.

The Conservative policy would be to ask students to pay a bond, which would only be repaid once the students leave the country. The Conservatives would introduce sensible regulations for Tier 4 sponsors. Conservative policy would also end any in-country switching from student to work visas.

Robert Syms asked Green what the Conservatives would do to restrict the UKBA's power to suspend sponsors without warning and with no opportunity to appeal against the sudden loss of licence. Green replied that these actions are against natural justice and the UKBA seems to be driven by blind panic, resulting in the innocent suffering alongside the guilty.

Andy Slaughter MP for Ealing, Acton and Shepherd's Bush, Labour, stated that he had held a meeting with language colleges in his constituency regarding their concerns and now asked Tony Millns what the next step in the campaign should be.

Tony Millns

Millns replied that The House of Lords Merits of Statutory Instruments Committee had laid orders on 10 February 2010 and there was now a 40 day review period. Millns cautioned that the SIs related not to the English language level requirement issue, but only to the change to the number of hours that students are allowed to work on a General Student Visa.

The Letter before Action draws attention to and takes issue with the Immigration Rules HC 395 Appendix A paragraph 120 (a): “Points will only be awarded for a Confirmation of Acceptance for Studies (even if all the above requirements are met) if the course in respect of which it is issued meets each of the following requirements:

- a. The course must meet the United Kingdom Border Agency’s minimum academic requirements, as set out in sponsor guidance published by the United Kingdom Border Agency.”

Millns stated that the minimum level requirement of B1 CEFR is sensible for courses other than English language courses. It is an absurd requirement for English language courses.

Another issue is the Highly Trusted Sponsor list. The UKBA has suggested that any school with more than 1% of no-shows will be taken off the list. For some schools, this would result in being struck off the register if as little as one student became a no-show.

Sue Edwards

The government seems to think that only a very small number of students will be affected by the legislation change. The government simply does not understand the scale of the problem affecting the EFL industry.

David Lepper

A major concern is that the impact assessment announced by the government is not yet due until later in March 2010, yet the legislation changes have already been introduced!

Julian Brazier MP, Canterbury, Conservative

The legislation changes will massively affect the HE sector and will be very bad for universities, as almost half of the international students currently studying at universities in the United Kingdom progressed on from studying upon courses at UK English language schools.

Comment from English language schools

St Giles International – As a result of these legislation changes, 75 jobs are likely to be lost within their organisation. The effect across the country must be the loss of 1,000s of jobs.

Excel English – The government does not understand the importance of the loss of the ability to recruit GSV students. Their school would have no business for 10 months of the year if it did not recruit GSV students and would only operate in July and August for European students. The UKBA has no idea of the importance of non-European students to the sector.

Twin – Their school was suspended from the Register of Sponsors and no reason has yet been given by the UKBA. Only one email had been received from the UKBA regarding the suspension and the school is still not back on the Register.

David Lepper

Lepper called for the language schools to write to their MPs with an assessment of the impact of the PBS changes on their businesses and to copy Lepper in as the chair of the All-Party Group on English Language Teaching in Parliament.