

# **POINTS-BASED SYSTEM: TIER 4 (STUDENTS) REVIEW CONSULTATION RESPONSE FROM ENGLISH UK**

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## **Executive Summary**

Around 600,000 students a year come to the UK to learn English, often as part of a pre-university foundation programme at NQF level 3. They contribute some £1.5 billion in foreign earnings to the UK economy. Their long-term affinity value to the UK is incalculable but real.

Many go on to university and professional courses in the UK. Research conducted for the Prime Minister's Initiative in spring 2009 found that of 2,250 students surveyed, 52% were intending to stay in the UK for a degree or similar course after their English/foundation course.

The international education sector was hailed by the current Prime Minister in a speech to the Academy of Social Sciences in Beijing as a leading export industry whose expansion would be key to Britain's future. It is one of the success stories of the economy at present: from 2005-8 the English language sector has seen compound growth of around 30%.

The cumulative effect of the proposals made in the review of the Points-Based System (Tier 4 – Students) would be to remove all visa-national students studying below degree level from the PBS. This would have a disastrous impact, not just on the English language sector but on higher education as well. The impact would be disproportionate because PBS T4 students tend to be on longer and higher-cost courses.

The proposals could lead to the loss of at least 50,000 students a year, and a reduction in fee income of around £300 million and a further £300 million in spending on living costs. If those 50,000 students in turn did not progress to UK universities, the consequential loss would be of the order of £1.5 billion.

The total economic impact would therefore be over £2 billion a year, with a significant reduction in tax revenue to the Treasury. No impact assessment is contained in the review proposals.

In our view the measures proposed are disproportionate and premature. They are based on little evidence and no consideration of the consequences.

We make a number of alternative suggestions which would both be more effective in terms of immigration control and less damaging to legitimate education institutions. The key proposals are:

- to tighten the proof of funds criteria under PBS T4, in particular by requiring pre-payment of fees for courses (other than degrees) as a better test of commitment by visa applicants
- to introduce a requirement for independent testing of English language level.

English UK has been and continues to be supportive of the principles of the PBS and has been treated as a key stakeholder in its development. We consider that the direction of policy should be continued, and its implementation accelerated, but that reversal of policy or abandonment of key elements of the PBS architecture is neither justified nor timely, and as an admission of the failure of a key reform would create more political difficulties than it would solve.

## **Introduction**

English UK is the national association of 435 accredited English language centres, in universities, further education colleges, independent schools, educational trusts and charities, and the private sector.

English UK centres bring around 400,000 students of all ages to the UK to study English each year, out of a total of around 600,000 students coming to the UK to learn English (International Passenger Survey and English UK data). This makes a direct contribution to the UK economy of around £1.5 billion in foreign earnings each year.

It is a growing sector (around 16% compound growth since 2005) and at present one of the success stories of the UK economy. Detailed statistics are provided in Annex 1.

In addition, English language students go on to UK higher education and professional and vocational courses in large numbers, and because of the socio-demographic profile of our students they tend to be future leaders and opinion-leaders in their own countries, creating a long-term affinity benefit for the UK which helps with our public diplomacy, international trade, and future inbound tourism.

The UK retains the leading share of the global market for learning English by study abroad, just ahead of the USA in what is a highly competitive field. The UK, as the home of the English language, is the natural place that students wish to come to learn it.

Our reputation for quality in teaching the language through intensive courses is second to none, and students make much faster and more effective progress through our courses (combined with the need to use English in the course of daily life) than they do in intermittent courses in their own language environments.

We wish to emphasise at the outset that no genuine educational institution wishes or intends to recruit bogus students, and that the vast majority of students who come to UK English language centres accredited by the Accreditation UK Scheme (run by the British Council and English UK) are genuine.

We specifically challenge the statement in the letter announcing the review that 'the risk of abuse is higher for shorter, lower qualification, courses' since no evidence on this point has ever been published to allow it to be examined.

### **The review and the consultation**

We note at the outset that this consultation does not comply with the Government Code of Practice on Consultation, published by the Better Regulation Executive (part of BERR, now BIS) in July 2008.

This leads us later in this response to a number of observations on the process and next steps.

### **The Points-Based System**

Since the original announcement in July 2004, English UK has been supportive of the introduction of the Points-Based System (PBS) and its general principles, though we have not necessarily agreed with every detail of its implementation, and make some remarks on this in what follows.

Even before the 2004 announcement we had been warning consistently of the dangers of a large number of poor-quality or actively bogus 'colleges' which were able to enrol international students, particularly because of their deleterious effect on what is the UK's key selling point in recruiting international students, our reputation for high-quality education, but also because of the risk that such colleges posed to immigration control. So the announcement of Government action on this in 2004 was highly welcome, if not before time.

It is important to remember that one of the key intentions of the PBS was to introduce a simpler and more objective way of assessing applications for UK visas, in contrast to the subjective decisions formerly made. In this, despite a number of early implementation problems, we believe that it has generally been a success.

We continue to support the principles of the PBS, and regard the current review as premature in seeking to make fundamental changes without significant evidence and proper consideration to a system that has been in operation for only just over six months.

### **Progress**

Our view that the review is an over-reaction and premature is strengthened by an examination of the progress already made, and the steps which are imminent, in improving immigration control and eliminating abuse through the introduction of the PBS and associated measures.

First, there are fewer than 2,000 education and training organizations on the Register of Sponsors (RoS), whereas there were well over 4,000 on the previous Register of Education and Training Providers. That alone indicates that a large number of low-quality or bogus institutions, which would have been unable to meet the accreditation criteria and had no wish to be visited by UKBA officers, have been excluded from the system for enrolling visa-national students. That alone is a huge step forward and it deserves to be applauded.

Second, we are assured that all the organizations on the Register of Sponsors have now been visited by UKBA officers to assess their compliance with their duties as sponsors. Though we have some concerns about aspects of this process (see below), this is a further dimension of control which simply did not exist before 2008.

Third, a major current problem with the PBS (and presumably one of the motive forces for this review) relates directly to the 'visa letter' issued by colleges to potential students to support their UK visa application. This was never intended to be more than a temporary stopgap and transitional stage until the introduction of the IT-based Sponsor Management System (SMS), which will require education sponsors to issue an electronic 'Confirmation of Acceptance for Studies' (CAS) under a quota system. This will give a wholly superior degree of security to the process, since it will eliminate the issue of forgery of visa letters by bogus agents in a number of countries in order to defraud students. The SMS is targeted for introduction in late February, though the IT system is open now for voluntary use.

Taken together, these three steps will shortly have introduced a degree of control on student visas that did not exist prior to 2008.

### **Issues and evidence on suspensions and revocations**

We are aware that a small number of colleges on the RoS (in relation to the 1,900 on the Register) have had their sponsor licences suspended (or in a couple of cases revoked). After review and systems improvement, almost all have now been re-instated on the RoS.

The three main reasons for suspension/revocation of college sponsor licences appear to be:

- Agents or sub-agents, principally in China and India, making copies of the colleges' visa letters and issuing these (for cash) to visa applicants, without the colleges' knowledge or permission
- Administrative errors
- A view from UKBA visiting (and other) officers, who are not trained in language assessment, that students here to learn English do not have a high level of oral English language competence (see below and Annex 2).

On the first of these, the introduction of the SMS and cessation of the use of 'visa letters' from February will prevent any such abuse from recurring.

Agents are key partners for almost all UK education institutions in the recruitment of international students, because the cost of maintaining representative offices in 50-60 countries around the world is prohibitive. We have suggested previously to the UKBA that it should look to extend its 'Trusted Partner' scheme for agents in India, and the Express Service for agents in Brazil, to other countries where distinguishing between bona fide and professional agents and less reputable ones, and giving those of trusted partner status an advantage in terms of visa processing, would be desirable and supported by all. We note that the Australian government

has introduced an approval scheme for agents. ***We recommend that UKBA work with the education sector, and bodies such as UKTI, the British Council and VisitBritain, to plan the extension of a 'trusted partner' scheme with an enhanced service level for agents. (Note: this should be taken in conjunction with our other recommendations, especially on risk levels and testing.)***

The administrative errors made by colleges, while not negligible, do not seem to us to warrant the disproportionate response of removing them from the RoS, which has a drastic effect on their business and is a severe financial penalty imposed with no form of judicial process or immediate possibility of appeal or redress. We find this contrary to natural justice. There is a provision for sponsors to be 'B' rated on the RoS, which is intended to be a temporary rating pending the completion of an agreed action plan to improve their systems and practices. At an early stage of the PBS design we were assured that if a college was found to have deficient systems, UKBA would seek to work with it to help improve its practice. We can see no good reason why UKBA has moved to peremptory action in suspension of colleges instead of using the 'B' rating provision. ***We recommend that UKBA use the 'B' rating provision instead of immediate suspension from the RoS in cases where there is no evidence of criminal activity or systemic institution-wide abuse.***

There is also evidence that to meet the directive that all colleges on the RoS should have had a visit by the end of July 2009, UKBA visiting officers have been redeployed from other parts of the organization with little or no training or appreciation of the education sector. This has led to misunderstandings which though simple in themselves have given rise to misjudgements: for example, visiting officers have found students on college registration systems who have enrolled on courses due to start in 4 weeks' time, but because the students were not present at the date of the visit, they have concluded that the students had absconded and the institution was not complying with its sponsor duties.

Further, there appears to be a belief among the visiting officers, and UKBA more generally, that in order to study English in the UK, students must already have a high level of oral fluency in English. We append as annex 2 a letter from a state sector college in the North of England which explains precisely from the viewpoint of a language trainer why this is mistaken. We entirely agree that in order to derive benefit from educational courses other than English language, students coming to the UK should have adequate competence in the four skills of reading, writing, listening with comprehension to, and speaking English. This is self-evidently not the case for courses where the objective is for the student to learn English itself through intensive study.

In any case, oral assessment of language competence is a specialist skill, and we have seen no evidence that any UKBA visiting officer has such skills. We believe that the judgements they have made on such matters are at best amateur and unreliable, and that their role should be confined to review of a sponsor's systems to judge their compliance with their sponsor duties; even in this, they need some understanding of the practices in the education sector.

More generally, we believe that (in the original spirit of the PBS) educational judgements of suitability to take a course, and assessment of competence and achievement, should be the prerogative of education institutions, and compliance with immigration control should be the province of UKBA.

***We recommend that training be given for a number of visiting officers so that they have a better understanding of the education sector. (See also the recommendation on testing of level.)***

***We recommend that there should be a recognized separation between educational judgements and immigration control compliance.***

We are aware that there is a separate (and very welcome) review of this area of suspension and the role of visiting officers, and we have given preliminary views to this review. We believe that there is significant cross-over though with the review of PBS Tier 4. ***We recommend that the review of PBS Tier 4, and the review***

***of Register of Sponsors issues such as suspension from the Register, use of 'B' rating and the role of visiting officers, be brought together.***

Overall, given the limited basis for suspending colleges from the RoS, we feel that if this constitutes a major trigger which has prompted the current review, it simply proves our contention that this runs the risk of being a massive over-reaction which will penalize the vast majority of compliant colleges (and will have a disastrous effect on the education sector) because of the relatively minor offences of a few. The issue, as we have indicated above, needs and merits a proportionate, carefully-considered and evidence-based approach to avoid possibly irreparable damage to the UK's international student contingent and severe damage to the education sector.

### **Other areas of policy and approach for review**

There are two other areas of policy and approach which we should like to suggest should be re-examined as part of this review.

First, the issue of proof of funds. We were surprised that the blanket policy adopted for this was that visa applicants should simply have the funds required for the first year of their course (fees and living costs) in their (or their parents') bank account for 28 days continuously before the date of the visa application. We warned that this constituted a loophole open to an obvious abuse, namely that in certain parts of the world a black economy moneylending operation would be set up whereby prospective visa applicants would be lent the equivalent of £20,000 for two months at 25% interest and on the basis of various securities, purely for the purposes of the visa application. They are basically making a fraudulent application because they do not have control over the actual funds, and they intend to arrive in the UK without paying fees in advance and hope either to disappear into the grey economy or work their way through college.

There are two possible approaches here. First, there could be much more reliance placed on the payment of course fees in advance to the educational institution as proof of funds, because that places the applicant at a greater degree of commitment and risk. Private sector institutions, which are at risk of sudden closure through bankruptcy, would have to have a form of insurance to protect student fees paid in advance, or would have to post some form of monetary bond comparable to ABTA in the travel industry.

Alternatively, second, a kind of escrow account could be created so that visa applicants would pay into it their estimated course fees and living costs for their first year; if they were granted a visa, the due amount would be paid over to the educational institution; if they were not granted a visa, their deposit would be refunded less an appropriate administration fee. The operation of this (which would generate substantial deposits and therefore interest) could be self-financing and outsourced to a leading international bank (eg HSBC). ***We recommend that UKBA discuss in detail with the education sector ways in which the proof of funds requirements can be tightened.***

Second, we have concerns about the policy of UKBA in relation to approval of accrediting bodies for the purposes of access to the RoS by education institutions. At the least, the proliferation of bodies militates against common standards and criteria. There has been criticism of one approved accrediting body in particular from Universities UK and the Quality Assurance Agency, and several colleges accredited by that body have been the subject of media reports alleging various forms of abuse.

We should like to see a proper review of the accreditation arrangements and fewer approved accrediting bodies, for the simple reason that accreditation should be both a guarantee of quality to students and a key hurdle to access to the RoS. ***We recommend an urgent and thorough review of approved accrediting bodies with a view to a reduction in their number and a greater focus on high and consistent standards.***

## **Response to review questions 1-7**

### **Question 1. Should the minimum level of qualification that can be studied through the PBS be raised from NQF level 3?**

We believe (and hope) that the terminology of this question is mistaken. NQF level 3 includes A levels and most other qualifications and courses (such as foundation year programmes) which count towards higher education course access. UKBA cannot seriously be suggesting that international students should no longer be able to come to the UK to take A levels (in a wide variety of institutions, from independent schools and private sector colleges to state sector FE colleges) and go on to university courses – or if it is, then the impact would be huge and disastrous across the sector.

Our assumption is that the question is actually meant to be about NVQ level 3, and is in effect a variant of question 4 about vocational courses. For that reason we will address it under question 4, but for the avoidance of doubt our answer to the question as posed is 'categorically no'.

### **Question 2. Should the minimum level of English language qualification that can be studied in the UK through PBS be raised from CEFR A2?**

No. First the level of study is no guarantee in itself that students are genuine, or proof that they are not, so this proposal has no merit in immigration control terms. Many relative beginners have a strong motivation for wanting to make rapid progress in learning a language and correctly think that an intensive immersion course, where they have to practise their learning in everyday life, is likely to be more effective in terms of time and cost than an intermittent course in their own language environment. The UK has built up world-leading expertise in this field and we regard teaching English to relative beginners as entirely legitimate.

Second, given all the other controls suggested, we see no reason to introduce such a restriction, and note that no other major English-speaking destination country has such a policy. To introduce it would have disastrous consequences in public diplomacy terms because it would lead to the almost total exclusion of students from countries such as Saudi Arabia. Saudi students are pre-vetted by their government and the visa issue rate there is very high, typically around 95%, indicating that they are not seen as a threat to immigration control. They are generously funded through their government's King Abdullah Scholarship Programme, so there is almost no risk of illegal working. There are around 15,000 Saudi students in the UK at present on longer courses below degree level (typically 9-12 months, but some longer), and almost all of them came in with A1/A2 level English. The offence created by saying they could no longer come to the UK would be highly damaging to British interests and the consequential loss would dwarf the direct loss of something around £150 million a year. We have seen other respondents' submissions (eg University of Salford) which reinforce this point.

We have not in the time available been able to do a properly-constructed and comprehensive survey of our members on the impact of this proposal, but we have asked a representative sample of 107 centres (roughly 25% of the membership) to tell us what the results would be if the level of course that visa-national students could study was raised from A2 to B1, with the implication that students would need to have proof that they are at level A2 before they could apply for a PBS T4 General Student visa. The total estimated loss of student enrolments to the 107 centres was 19,387, and the total revenue loss was £55,979,780; at an average loss of revenue per student of just under £2,900 that works out at a loss per centre of just over half a million pounds (£523,176). Extrapolated to the membership in total, that would mean a loss of £227 million. Over the sector as a whole, the loss would be over £300 million. That would lead to significant job losses and secondary and tertiary effects, as we argue elsewhere in this submission.

To make the position quite clear, we are totally opposed to this proposal.

**Question 3. Should English language testing be introduced for all courses of NQF level 5 and below, including English language courses, and, if so, through what mechanism?**

We have no objection in principle to forms of English language assessment, and in the current situation can see merit in the proposal in general terms in giving independent, valid and reliable assurance of students' English language competence which is certainly better than the amateur and unreliable efforts of UKBA's officers remarked on above.

For access to UK university courses, the preferred assessment is IELTS, but this is intended to discriminate mainly at the higher levels (IELTS 4.5 and above) where it indicates that candidates' comprehension and productive competence is at a level where (for example) they would be able to read course textbooks, annotate lectures, and write assignments in 'academic' English. There are however a number of perfectly adequate forms of assessment intended to discriminate at various levels and in a more 'everyday' form of language.

The main issues are practical ones. First, there would need to be enough test centres, and preferably ones close to Visa Application Centres, so that applicants could travel to give their biometrics and do a test and make their visa application in one trip. Otherwise, in some countries such as Russia, the distance, time and cost involved in making multiple journeys (especially when most other countries in the world have not implemented biometric capture) would be a huge disincentive to applying for a UK visa.

Second, the practical issue of the secure administration of any assessment in visa-national countries with the necessary checking of the identity of the person taking the test. We have previously given UKBA the opinion that the only near-100% secure option is to go out to EU tender for the development of an IT based user-adaptive test with automatic scaling of difficulty and a large randomized item bank to avoid repetition of items and memorization of the questions so they can be relayed to other candidates. This test would then need to be administered in a controlled and invigilated environment at UK Embassies and Visa Application Centres (VACs) at the same time as the candidates give their biometrics for their visa applications, so that the test results are tied to the person's identity documents and biometrics.

This raises large issues of physical security of buildings, space and IT infrastructure, and cost. Developing the actual test is probably the least difficult part of such an exercise. For fairly obvious reasons, UKBA have said they are not inclined to pursue this option.

The critical factors are that the test centres should be both secure and reasonably accessible to candidates in visa-national countries without them having to spend large amounts of money travelling. We believe that this problem is not insuperable, given time for assessment providers to respond, and are willing, with assessment agencies and UKBA, to have detailed discussions to find a workable solution.

It may be that (as implied in Question 5) a differential approach to testing should be taken and visa applicants from 'high risk' countries (or regions) would need an assessment of level from an independent, valid and reliable test. For example, we can accept the case for doing this in relation to China, but not in relation to Japan.

**Question 4. Should access to vocational courses be restricted?**

We pick up here the assumed intent of Question 1.

The short answer to the question as phrased is 'no', or at least 'no more than it is already'. There seems to be a general belief in UKBA that vocational courses are not study but work. This misunderstands the nature of work-centred practical training where practice of work skills is combined with forms of study. To make this plain, learning to be a motor mechanic is not so different as a process from learning to be a surgeon: it typically

consists in reading the manuals, learning the theory, watching others do it with instruction, practising on a substitute, and then learning by doing the operation yourself – but you do not as an outcome want a surgeon who has a brilliant command of the theory but is all thumbs, any more than you want a motor mechanic who very securely connects the fuel line to the radiator. No-one is suggesting that we should restrict access to medical courses for international students, but they are just as ‘vocational’ as training to be a motor mechanic.

We are aware that others in the education sector will provide evidence of the impact that restricting study on vocational courses to NVQ level 4 and above would have. We will make one general observation and four suggestions.

The general observation is that the UK Government has consistently sought to raise the general standards of UK vocational education, to increase the number of young British people going into vocational courses, to give vocational education parity of esteem with academic education, and to represent UK vocational education internationally as world-class; it would therefore seem strange to prevent international students coming to the UK to take vocational courses if we think they are so outstanding.

The first suggestion is that there is a possible compromise here which would mitigate the worst effects of this proposal. A large number of students who come to the UK for vocational courses are on programmes supported by their home governments or major corporations, and sometimes by other arms of the UK Government such as DFID. It might be that any restriction on vocational courses below NVQ4 should not apply to students with such official sponsorship. To refuse to take officially-sponsored students would have extremely bad repercussions in terms of diplomacy and trade.

The second suggestion is that this could be on one of two differential bases, or a combination of both. UKBA have indicated to us that the main problem in their view is with courses in areas like catering or the care professions. In that case, one way forward would be to restrict courses in those areas to NVQ4. The other option might be to look at the differential risk categorization of countries or regions (see next): so for example (unless sponsored by their government or a subset of it) students from China might not be allowed to take courses in catering or care below NVQ4, but students from Korea could. This would give a graduated and targeted approach to the problem instead of a highly damaging blanket ban which would hit all countries and all NVQ courses indiscriminately.

The third suggestion is that work experience should always either follow the classroom element, or be combined with it, and never precede it.

The fourth suggestion is that the entry qualification for such courses should include an English language certification, probably around CEFR B1 level as a minimum.

#### **Question 5. Should we introduce a differential approach for countries which have historically been sources of illegal migration?**

The answer to this is on balance yes, probably. We note that the Australians do this explicitly in the form of a country risk rating. We had assumed that the UK approach has always been more implicit and nuanced, but is no less real and is demonstrated in the difference between visa refusal rates in say Nigeria and Pakistan as against those in Japan and Korea.

There are options within this proposal which might be considered which might both be effective and less contentious internationally. ***For example, we recommend that with immediate effect sponsors with a ‘B’ rating should be precluded from enrolling students from ‘high risk’ countries.***

There are however a number of issues. First most obviously a whole country approach is not always appropriate: for instance UKBA’s concerns with China are not with visa applications in Beijing or Shanghai but

with applications in the south and particularly from Fujian. Second to have different levels of tests (we assume this means visa-related, not educational) for some countries is a major change to the 'architecture' of the PBS and may be difficult to implement under the SMS. Third it raises the issue of why the UK maintains a visa regime at all in some countries, for example Japan, which are not sources of any illegal migration. We think that there is a case for relaxation in some cases and a stricter approach in others, but how explicit that should be is a moot point.

As mentioned in our answer to Question 3 above, one form of differentiation might be to require visa applicants under T4 from 'high risk' countries to have an assessment of English language level.

The most we can say about this at present is that a graduated approach may have merit but we would need to have sight of more detailed proposals to be able to respond definitively. ***We would recommend that FCO advice be taken on the impact of explicit risk categorization by country on the UK's public diplomacy.***

#### **Question 6. Should we restrict the work rights attached to student visas?**

This is not a precise proposal. Does it mean:

- No working at all on a General Student visa
- Working not permitted on courses below a certain level
- Working not permitted on courses of less than (say) 3 months
- Working to be restricted to 10 hours a week rather than 20?

Until we can see what is actually being proposed here, the short answer is no, it would put the UK at a major competitive disadvantage compared to other countries which attract international students.

There is a subsidiary issue relating to the work rights of dependants. We accept that there is a case for limiting these, probably so that dependants coming to the UK for less than 9 months cannot work.

Our only other comment is that we have seen absolutely no evidence for the assertion that foreign students (as opposed to EU citizens) come to the UK on short courses and take jobs that young British people actually could or would want to do.

#### **Question 7. Should we place limits on the progression of students on courses up the qualifications scale without their returning to their home countries?**

Categorically no, this would be a major disaster across the education sector and a removal of one of the most important entitlements of the General Student visa.

Research conducted in spring 2009 for the Prime Minister's Initiative on International Education (Phase 2) by i-graduate surveyed some 2,250 students at more than 50 centres teaching English and pre-university foundation programmes. A key finding was that 'over half of all students (52%) said their plan following their current course was further study in the UK'. Though factors such as survey timing and the sample of centres leads us to believe that this is an overstatement, even if the true figure is half (ie 25% of all students intend to progress to another course) that would be 125,000 students from the total of 600,000 in the sector.

For the purposes of illustration of the economic impact, we will assume a much lower figure, of 50,000 students a year who would not come to the UK for English/university foundation courses. At annual fees of £6,000 a year and living costs (under the PBS T4 funding requirements) of an average of £6,000 a year, that would represent a loss to the UK economy of at least £600 million. If those 50,000 students went to other countries instead and so in turn did not progress on to UK higher education and professional courses, the loss in terms

of combined fee income and living costs would be a further £1.5 billion a year. The proposal could easily therefore result in a consequential loss to the UK economy of more than £2 billion a year in total.

This loss would place the survival of some institutions in danger, and have a major impact on jobs in the education sector. There would be a secondary impact on jobs in the places where students spend money, from shops, cafes and leisure facilities through to taxi firms and tourist attractions, and on other education supplies (such as books and examinations). In turn there would be a tertiary impact in a significant reduction of tax revenues to the Treasury and an increase in public spending on social and unemployment benefits. In current economic circumstances this is utter madness.

***We recommend that a proper economic impact assessment be undertaken of the implications of any such proposal which would prevent progression, and that the views of the Treasury be sought on the consequences for tax revenue and public spending.***

UKBA have given us to understand that one of their concerns is that visa-national students acquire rights to settlement after 10 years continuous leave to remain in the UK. For most students, it is highly unlikely that they will get anywhere close to 10 years: it would require 5 years at an independent school, at least a BA/BSc degree and then two years of permitted post-study working, or a one-year foundation programme, a three-year BA/BSc degree, a one-year Masters, a three-year PhD and then two years post-study permitted working. In the latter case it might well be in the UK's interests to allow such graduates to settle permanently anyway.

If the UKBA is concerned about students who re-sit courses below degree level several times, then it should either refuse visa extensions after say the second re-sit, or impose a limit of say 5-6 years on the cumulative length of courses below degree level, comparable to the 3 year limit which is in place for short courses below degree level.

This proposal is in fact the diametric opposite of what we should be doing. Students who have come to the UK to learn English are buying into our system: they are wanting to learn British English (rather than North American), they want the quality and reputation in terms of CV value that studying in the UK confers, and they are naturally inclined to continue their education in the UK, so contributing even more to the economy. In marketing, it is generally reckoned that it costs 5-10 times as much to recruit a new customer as it does to retain an existing one, so selling an additional course to students who are already satisfied with what they have bought is much more cost-efficient for the sector than international marketing. The vast majority of international students are genuine, diligent and committed learners (they should be – they are paying significant sums for their education), and we should be doing all that we can to encourage them to progress in the UK education system, not sending them home as if they are unwanted.

In conclusion, we can see no merit in this proposal whatsoever, and ***recommend instead that we should be doing whatever we can to retain genuine students who are making progress and to encourage them to continue their education in the UK rather than in competitor countries.***

### **Observations on process**

The letter announcing the review was dated 12 November, but the detailed terms of reference were not given until a letter of 17 November from the review team leaders. A response however is required by 1 December and preferably by 27 November, a maximum of 10 working days notice.

The Government Code of Practice on Consultation (published by BERR in July 2008) recommends a minimum consultation period of 12 weeks, and states that consultation documents 'should be clear about...the expected costs and benefits of the proposals'.

The current consultation is not compliant in almost every way with the Government's own Code of Practice.

It has not, in the time available for response, been possible properly to survey our members for their views on these proposals and their impact. We are therefore encouraging them to submit their own assessment direct to the review, with copies to us.

Given this situation, ***we recommend:***

- ***that any proposals resulting from the review be the subject of full consultation before they are implemented***
- ***that a proper impact assessment of such proposals be undertaken, to set out their impact on the UK education sector, its economic contribution, and the UK's competitiveness as an international education destination***
- ***that all evidence submitted to the review, including internal submissions from UKBA staff, be made available to key stakeholders so that an informed debate can take place in the light of the evidence.***

## **Conclusions**

Our conclusions can be simply stated.

The current review proposals are a disproportionate response to the problems with the PBS. They would penalize all the education institutions on the RoS because of their blanket nature. A more differentiated, graduated and proportionate response is required, targeted on the countries which are seen to be the source of the problems and the particular aspects of the PBS (such as the proof of funds) which are loopholes in the system.

The review proposals would have a disastrous impact on the UK education sector, its contribution to the economy, and the UK's competitiveness as an international education destination. They would effectively prevent students from progressing in the UK education system, rather than encourage them. At a conservative estimate the consequential loss could be over £2 billion a year.

There are more effective and less damaging ways of addressing the limited problems with the PBS, and these should be considered in the review. Rather than admitting the failure of one of its key policies and doing a handbrake U-turn, the Government should make considered modifications.

The changes and steps we have recommended with respect to the operation of the PBS:

- follow the line of previous policy, rather than seeking to put it into reverse
- would generally be acceptable to the UK education sector and be far less damaging than the review proposals
- could be implemented speedily and at little or no cost
- would contribute to more effective control of any abuse of the system.

## Summary of Recommendations

1. UKBA should work with the education sector, and bodies such as UKTI, the British Council and VisitBritain, to plan the extension of a 'trusted partner' scheme for agents.
2. UKBA should use the 'B' rating provision instead of immediate suspension from the RoS in cases where there is no evidence of criminal activity or systemic institution-wide abuse.
3. Training should be given for UKBA visiting officers so they have a better understanding of the education sector.
4. Educational judgements and immigration control compliance monitoring should be clearly separate.
5. The reviews of PBS T4, and of Register of Sponsors issues, should be brought together.
6. UKBA should discuss in detail with the education sector ways in which the proof of funds requirements can be tightened.
7. There should be an urgent and thorough review of approved accrediting bodies with a view to a reduction in their number and a greater focus on high and consistent standards.
8. Sponsors with a 'B' rating should be precluded from enrolling students from 'high risk' countries.
9. The FCO be asked to advise on the impact of explicit risk categorization by country on the UK's public diplomacy.
10. A proper impact assessment should be undertaken of the implications of any proposal which would prevent students progressing in the UK education system, and the views of the Treasury be sought on the consequences for tax revenue and public spending.
11. The UK should seek to retain genuine students who are making progress and to encourage them to continue their education in the UK rather than in competitor countries.
12. Any proposals resulting from the review should be the subject of regulatory impact assessment and full consultation before they are implemented; and all evidence submitted to the review should be disclosed to key stakeholders.

## Annex 1: key statistics

	2008		2007		2006		2005	
	no of centres	total student weeks	no of centres	total student weeks	no of centres	total student weeks	no of centres	total student weeks
<b>Private sector</b>	332	1,865,838	279	1,639,289	262	1,425,074	249	1,258,528
<b>State sector</b>	97	410,661	97	346,424	96	338,516	95	320,698
<b>All</b>	429	2,276,499	376	1,985,713	358	1,763,590	344	1,579,226

The chart above indicates compound growth of just under 16% (adjusted for the increase in number of centres reporting) in the total number of student weeks between 2005 and 2008. The state sector equivalent is calculated by taking teacher class contact hours and multiplying by average class sizes in further and higher education language centres.

One 'student week' means one student taking a course for one week, where 'course' is at least 10 hours of teacher contact time.

The annual return statistics in the next chart (portrait layout) are based solely on private sector membership, but allow the tracking over time of student flows from particular source countries. Of particular note in the current context are the decline in numbers from China since the 2003 peak, and the recent rise in numbers from Saudi Arabia.

Finally, the statistics in the last three charts (landscape layout) derive from the quarterly returns from 94 member centres. Since they report quarterly, these statistics show an update on those in the second chart by country, covering up until the end of September 2009. Of note is that far from showing an increase in numbers from China, they show a decrease on 2008.

**English UK Annual Return Statistics (Private Sector Member Centres)**

	2008 ( 332 centres)		2007 ( 279 centres)		2006 (262 centres)		2005 (249 centres)		2004 (243 centres)		2003 (220 centres)		2002 (207 centres)	
No. of Student Nationality	Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of Student Weeks*	% of Total
Austria	10195	0.5	9556	0.6	9694	0.7	9034	0.7	8009	0.6	7318	0.7	6854	0.6
Czech Republic	16880	0.9	14346	0.9	13671	1.0	13783	1.1	13993	1.1	13780	1.2	9505	0.9
France	87330	4.7	76119	4.6	68383	4.8	53498	4.3	51983	4.2	43819	3.9	45727	4.3
Germany	61388	3.3	52471	3.2	48316	3.4	47146	3.7	44604	3.6	41582	3.7	39344	3.7
Italy	146731	7.9	124428	7.6	133713	9.4	113324	9.0	105177	8.4	74940	6.7	77108	7.3
Poland	22550	1.2	23453	1.4	23193	1.6	22711	1.8	30643	2.5	45874	4.1	30457	2.9
Spain	151187	8.1	146303	8.9	90657	6.4	81959	6.5	70334	5.6	56446	5.1	53863	5.1
Russia	64243	3.4	62928	3.8	56680	4.0	47249	3.8	44699	3.6	35963	3.2	36796	3.5
Sweden	10498	0.6	8494	0.5	9561	0.7	11321	0.9	10723	0.9	9069	0.8	9774	0.9
Switzerland	53717	2.9	55716	3.4	56217	3.9	60392	4.8	60635	4.9	56341	5.1	62444	5.9
Turkey	123564	6.6	103891	6.3	79664	5.6	51930	4.1	38218	3.1	36147	3.2	30223	2.8
Rest of Europe	120557	6.5	102191	6.2	103144	7.2	80696	6.4	80372	6.4	67244	6.0	66918	6.3
China/Hong Kong	96248	5.2	77407	4.7	61776	4.3	66769	5.3	99506	8.0	125481	11.2	115767	10.9
Japan	90947	4.9	101621	6.2	109163	7.7	113314	9.0	135347	10.8	130155	11.7	135204	12.7
S Korea	174754	9.4	168453	10.3	161979	11.4	135869	10.8	120262	9.6	101116	9.1	96130	9.0
Taiwan	24936	1.3	29551	1.8	32848	2.3	30445	2.4	31861	2.6	24633	2.2	30448	2.9
Thailand	42398	2.3	37498	2.3	31825	2.2	20514	1.6	17384	1.4	13618	1.2	11525	1.1
Rest of Far East	17606	0.9	11913	0.7	10987	0.8	8772	0.7	11324	0.9	11531	1.0	8909	0.8
Argentina	7392	0.4	6311	0.4	4352	0.3	4808	0.4	4501	0.4	3599	0.3	5295	0.5
Brazil	102665	5.5	105128	6.4	91603	6.4	92279	7.3	80837	6.5	42477	3.8	34354	3.2
Colombia	111123	6.0	84034	5.1	51729	3.6	41085	3.3	37813	3.0	35548	3.2	30337	2.9
Mexico	17071	0.9	17273	1.1	18163	1.3	16958	1.3	18574	1.5	20143	1.8	21740	2.0
Venezuela	18740	1.0	14285	0.9	11153	0.8	11960	1.0	11771	0.9	11655	1.0	17199	1.6
Rest of Central & S. America	20775	1.1	20020	1.2	19662	1.4	12948	1.0	13445	1.1	12642	1.1	11914	1.1
Saudi Arabia	129020	6.9	55154	3.4	36969	2.6	32442	2.6	28799	2.3	25079	2.3	17196	1.6
Rest of Middle East	90794	4.9	68809	4.2	62695	4.4	55553	4.4	55054	4.4	43681	3.9	38574	3.6
Rest of World	52529	2.8	61939	3.8	27277	1.9	21770	1.7	22031	1.8	26314	2.4	20492	1.9
<b>Total Student Weeks</b>	<b>1865838</b>	<b>100.0</b>	<b>1639289</b>	<b>100.0</b>	<b>1639289</b>	<b>100.0</b>	<b>1258528</b>	<b>100.0</b>	<b>1247899</b>	<b>100.0</b>	<b>1116194</b>	<b>100.0</b>	<b>1064096</b>	<b>100.0</b>

	2008 ( 332 centres)		2007 ( 279 centres)		2006 (262 centres)		2005 (249 centres)		2004 (243 centres)		2003 (220 centres)		2002 (207 centres)	
Adult/Junior Breakdown	Student Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of Student Weeks*	% of Total	No. of student weeks*	% of Total	No. of student weeks*	% of Total	No. of student weeks*	% of Total	No. of student weeks*	% of Total
Adult Student Weeks	1569533	84.1%	1387026	84.6%	1182206	83.0%	1056054	83.9%	1078512	86.4%	990064	88.7%	928849	87.3%
Junior Student Weeks	296305	15.9%	252263	15.4%	242868	17.0%	202474	16.1%	169387	13.6%	126130	11.3%	135247	12.7%
<b>Total Student Weeks</b>	<b>1865838</b>	<b>100.0%</b>	<b>1614784</b>	<b>100.0%</b>	<b>1425074</b>	<b>100.0%</b>	<b>1258528</b>	<b>100.0%</b>	<b>1247899</b>	<b>100.0%</b>	<b>1116194</b>	<b>100.0%</b>	<b>1064096</b>	<b>100.0%</b>
Approx. Total Number of Adult Students	251532	84.1%	229348	73.3%	187307	70.1%	174228	70.4%	192838	75.3%	171886	74.4%	149210	76.5%
Approx. Total Number of Junior Students	100902	15.9%	83382	26.7%	80041	29.90%	73146	29.6%	63172	42.7%	59216	25.6%	45957	23.5%
Approx. Total Number of Students (Adult & Junior)	352433	100.0%	312730	100.0%	267348	100%	247374	100%	256009	100%	231102	100%	195167	100.0%
Average Length of Adult Stay in Weeks	6.24**		6.0**		6.3**		6.1**		5.6**		5.7**		6.2**	
Average Length of Junior Stay in Weeks	2.94**		3.0**		3.0**		2.8**		2.7**		2.1**		2.9**	

\*\* based on data from 288 schools

\*\* based on data from 219 schools

\*\*Based on data from 187 schools

\*\*Based on data from 148 schools

\*\* Based on data from 150 schools

\*\* Based on data from 116 schools

\*\* Based on data from 151 schools

2009 (94 members)* only 3 quarters			2008 (94 members)			2007 (75 members)			2006 (75 members)			2005 (75 members)			2004 (76 members)			2003 (76 members)		
Market Share (TSW) from Q1 2008 to Q3 2009 Ranking			Market Share (TSW) from Q1 2008 to Q4 2009 Ranking			Market Share (TSW) from Q1 2007 to Q4 2007 Ranking			Market Share (TSW) from Q1 2006 to Q4 2006 Ranking			Market Share (TSW) from Q1 2006 to Q4 2006 Ranking			Market Share (TSW) from Q1 2006 to Q4 2006 Ranking			Market Share (TSW) from Q1 2006 to Q4 2006 Ranking		
Saudi Arabia	714531st		Korea	102811	1st	Korea	62503	1st	Korea	67414	1st	Korea	539631st	Japan	53923.51st	Japan	569411st			
Korea	572032nd		Saudi Arabia	68449	2nd	Spain	43322	2nd	Japan	43611	2nd	Japan	432722nd	Korea	394102nd	China Rep	542522nd			
Spain	558463rd		Spain	58991	3rd	Japan	34436	3rd	Italy	36392	3rd	Switzerland	354013rd	China Rep	393843rd	Korea	368673rd			
Italy	522074th		Italy	57588	4th	Italy	33835	4th	Spain	29544	4th	Italy	330254th	Switzerland	285854th	Switzerland	261284th			
Turkey	349635th		China Rep	43338	5th	Switzerland	26489	5th	Switzerland	28881	5th	Spain	299495th	Italy	284715th	Italy	213525th			
France	301396th		Turkey	41949	6th	France	25769	6th	China Rep	24930	6th	China Rep	242486th	Spain	251216th	Spain	206426th			
Switzerland	292907th		Japan	37068	7th	China Rep	23895	7th	France	23470	7th	Turkey	214467th	France	215977th	France	186697th			
Japan	286078th		Brazil	35293	8th	Turkey	23432	8th	Turkey	21865	8th	France	203098th	Russia	165158th	Turkey	136318th			
China Rep	280319th		France	34768	9th	Saudi Arabia	22537	9th	Russia	20631	9th	Russia	175279th	Turkey	153479th	Russia	134569th			
Brazil	2630210th		Switzerland	33206	10th	Russia	20322	10th	Germany	18034	10th	Germany	1685610th	Germany	1529410th	Germany	1262510th			
Colombia	2592811th		Colombia	26971	11th	Brazil	18468	11th	Saudi Arabia	17447	11th	Brazil	1552411th	Taiwan	13900.611th	Colombia	1098911th			
Russia	2169912th		Russia	26231	12th	Germany	17161	12th	Taiwan	15165	12th	Saudi Arabia	1524112th	Brazil	1289112th	Taiwan	1076412th			
Germany	1787013th		Germany	18797	13th	Colombia	13284	13th	Brazil	14961	13th	Taiwan	1507613th	Saudi Arabia	1284813th	Saudi Arabia	1066013th			
Libya	1563514th		Taiwan	15289	14th	Taiwan	11170	14th	Colombia	11455	14th	Colombia	1151214th	Colombia	10120.414th	Brazil	9893 14th			
Taiwan	1323415th		Libya	12288	15th	Kazakhstan	6690	15th	Libya	6841	15th	Mexico	694415th	Mexico	6898.7115th	Mexico	7676 15th			
Thailand	762316th		Kazakhstan	9996	16th	Republic	6397	16th	Mexico	6621	16th	Libya	595316th	Poland	633416th	Poland	6586 16th			
Kazakhstan	675417th		UAE	9987	17th	Iran	6049	17th	Republic	6136	17th	Czech Republic	558917th	Other Middle East	5764 17th	Venezuela	5011 17th			
Iran	632918th		Iran	9045	18th	Libya	5906	18th	Kazakhstan	6099	18th	Sweden	552618th	Sweden	547918th	Sweden	4299 18th			
Czech Republic	610419th		Thailand	8806	19th	Mexico	5410	19th	Thailand	5407	19th	Poland	514219th	Thailand	535119th	Thailand	4085 19th			
UAE	554920th		Mexico	8489	20th	Poland	5336	20th	Poland	5332	20th	Kazakhstan	506420th	Czech Republic	506820th	Czech Republic	3927 20th			
Poland	526421st		Czech Republic	7885	21st	Other W.			Sweden	5004	21st	Thailand	491821st	Venezuela	505521st	Libya	3743 21st			
Belgium	519322nd		Poland	7316	22nd	Thailand	5002	22nd	Iran	4831	22nd	UAE	451122nd	Hungary	437922nd	Other Middle East	3715 22nd			
Venezuela	485623rd		Venezuela	6967	23rd	Sweden	4699	23rd	UAE	3810	23rd	Venezuela	439723rd	Kazakhstan	372223rd	Hungary	3279 23rd			
Other Asia / Far East	4805 24th		Belgium	5968	24th	Venezuela	4285	24th	Other Middle East	3595	24th	Other Middle East	4272 24th	UAE	360724th	Kazakhstan	2736 24th			
Argentina	469025th		Other African	5784	25th	UAE	3918	25th	Venezuela	3523	25th	Iran	392425th	Iran	353225th	UAE	2588 25th			
Austria	441726th		Romania	5005	26th	African	3240	26th	African	3326	26th	Austria	324226th	Libya	312526th	Other African	2226 26th			
Other W. Europe	4388 27th		Austria	4941	27th	Austria	3067	27th	Hungary	3034	27th	Netherlands	298127th	Hong Kong	2918.727th	Iran	2167 27th			
Mexico	423628th		Sweden	4807	28th	Other Middle East			Ukraine	2954	28th	Hungary	276528th	Vietnam	284328th	Hong Kong	2130 28th			
Netherlands	390129th		Qatar	4611	29th	Hungary	2986	29th	Netherlands	2885	29th	Belgium	267729th	Austria	242029th	Austria	2005 29th			
Sweden	375930th		Netherlands	4464	30th	Netherlands	2960	30th	Austria	2816	30th	Chile	265330th	Other African	219430th	Kuwait	1957 30th			
Other Middle East	3697 31st		Argentina	4339	31st	Belgium	2777	31st	Other CIS	2709	31st	Ukraine	262731st	Europe	215731st	Other E./C. Europe	1911 31st			
Other African	366832nd		Bulgaria	4221	32nd	Ukraine	2766	32nd	Belgium	2555	32nd	Hong Kong	250332nd	Other E./C. Europe	2106 32nd	Vietnam	1728 32nd			

Ukraine	362233rd	Other Middle East	4173 33rd	Argentina	2729 33rd	Qatar	2488 33rd	Other African	245533rd	Other South America	207733rd	Other South America	1700 33rd
Other CIS	305434th	Ukraine	4134 34th	Other CIS	2502 34th	Portugal	2075 34th	Argentina	219434th	Belgium	202734th	Belgium	1672 34th
Hong Kong	268935th	Chile	3715 35th	Chile	1983 35th	Argentina	2044 35th	Other CIS	196635th	Ukraine	195235th	Ukraine	1527 35th
Qatar	260936th	Hungary	3248 36th	Oman	1973 36th	Latvia	1984 36th	Other W. Europe	195336th	Slovakia	190236th	Other W. Europe	1479 36th
Bulgaria	260237th	Other W. Europe	3205 37th	Qatar	1896 37th	Chile	1872 37th	Oman	188137th	Argentina	189437th	Other W. America	1448 37th
Other South America	2592 38th	Other CIS	2946 38th	Portugal	1812 38th	Oman	1862 38th	Vietnam	164438th	Other Asia / Far East	1661.2838th	Chile	1328 38th
Kuwait	236139th	Other South America	2892 39th	Hong Kong	1639 39th	Slovakia	1707 39th	Other South America	1537 39th	Netherlands	164939th	Slovakia	1262 39th
Portugal	234540th	Portugal	2795 40th	Other Asia / Far East	1404 40th	Hong Kong	1662 40th	Slovakia	150940th	Chile	153440th	Argentina	1208 40th
Chile	232941st	Other Asia / Far East	2750 41st	Slovakia	1394 41st	Other South Cent America	1513 41st	Kuwait	150641st	Kuwait	134541st	Netherlands	1181 41st
Hungary	208542nd	Oman	2707 42nd	America	1317 42nd	Denmark	1467 42nd	Other Cent America	1409 42nd	Other Cent America	133942nd	Oman	1077 42nd
Greece	208343rd	Hong Kong	2448 43rd	Kuwait	1197 43rd	Other Cent America	1396 43rd	Portugal	140843rd	Qatar	130843rd	Other Asia / Far East	1041 43rd
Oman	192744th	Slovakia	2005 44th	Denmark	1115 44th	Europe	1241 44th	Denmark	135044th	Oman	118244th	Denmark	1003 44th
Morocco	157845th	Greece	2003 45th	Latvia	1061 45th	Jordan	1198 45th	Indonesia	134145th	Denmark	108545th	Portugal	926 45th
Georgia	140046th	Kuwait	1831 46th	Other former Yugoslavi a	1054 46th	Vietnam	1186 46th	Qatar	134046th	Portugal	104946th	Peru	847 46th
Jordan	139747th	Georgia	1818 47th	Bulgaria	1050 47th	Kuwait	1136 47th	Slovenia	124547th	Indonesia	104147th	Slovenia	829 47th
Norway	136148th	Other former Yugoslavi a	1791 48th	Vietnam	996 48th	Croatia	1120 48th	Bulgaria	102548th	Slovenia	99348th	Israel	772 48th
Slovakia	131649th	America	1740 49th	America	813 49th	Romania	1078 49th	Greece	94649th	Other former Yugoslavia	82249th	Other former Yugoslavia	65149th
Finland	126050th	Denmark	1531 50th	Peru	744 50th	Lebanon	961 50th	Other former Yugoslavia	91850th	Jordan	80950th	Bulgaria	63850th
Indonesia	121051st	Peru	1511 51st	Romania	698 51st	Other Asia / Far East	893 51st	Other Asia / Far East	879 51st	Iceland	66951st	Croatia	61651st
Other Cent America	1186 52nd	Vietnam	1379 52nd	Jordan	693 52nd	Slovenia	798 52nd	Latvia	71352nd	Finland	66352nd	Qatar	59352nd
Other former Yugoslavia	117953rd	Israel	1324 53rd	Georgia	692 53rd	Greece	780 53rd	Croatia	64453rd	Croatia	64853rd	Jordan	58353rd
Vietnam	105554th	Jordan	1172 54th	Croatia	642 54th	Norway	764 54th	Georgia	64254th	Latvia	56154th	Indonesia	56054th
Croatia	96555th	Croatia	1120 55th	Israel	623 55th	Indonesia	645 55th	Norway	61855th	Bulgaria	49555th	Latvia	50355th
Denmark	90456th	Latvia	972 56th	Norway	589 56th	Bulgaria	626 56th	Jordan	54156th	Norway	49056th	Norway	47256th

Israel	89257th	Slovenia	90657th	Greece	540	57th	Peru Other former Yugoslavi a	575	57th	Peru	53657th	Israel	48557th	Greece	45157th
Romania	86858th	Norway	80658th	Slovenia	463	58th		522	58th	Finland	53358th	Peru	46358th	Lithuania	41658th
Peru	71359th	Finland	78459th	Finland	456	59th	Israel	510	59th	Iraq	48859th	Greece	43959th	Finland	41159th
Slovenia	63160th	Lithuania	76160th	Iceland	429	60th	Finland	499	60th	Morocco	47760th	Georgia	39960th	Romania	37960th
Latvia	57461st	Morocco	72161st	Lithuania	333	61st	Lithuania	457	61st	Romania	46761st	Lithuania	348.761st	Morocco	37461st
Belarus	51962nd	Belarus	65462nd	Indonesia	326	62nd	Iceland	391	62nd	Lithuania	42262nd	Romania	31962nd	Georgia	35562nd
Iraq	49063rd	Indonesia	61963rd	Belarus	279	63rd	Georgia	390	63rd	Israel	40263rd	Estonia	29063rd	Kyrgyzstan	28363rd
Lithuania	45664th	Iraq	58264th	Iraq	274	64th	Bahrain	261	64th	Belarus	30964th	Belarus	25064th	Belarus	28064th
Egypt	45665th	Iceland	49765th	Morocco	270	65th	Iraq	246	65th	Kyrgyzstan	29665th	Morocco	20365th	Estonia	27165th
Estonia	23766th	Kyrgyzstan	31866th	Estonia	263	66th	Estonia	210	66th	Iceland	28066th	Lebanon	20066th	Canada	18066th
Canada	23267th	Bahrain	31767th	Canada	263	67th	Morocco	209	67th	Estonia	24167th	Iraq	14667th	Iceland	17567th
Bahrain	16968th	Canada	30468th	Egypt	194	68th	Belarus	143	68th	Canada	14068th	Bahrain	12268th	Iraq	16268th
Kyrgyzstan	16469th	Estonia	30169th	Kyrgyzstan	166	69th	Egypt	130	69th	Egypt	19069th	Kyrgyzstan	11369th	Lebanon	15069th
Lebanon	14870th	Egypt	26970th	USA	154	70th	Kyrgyzstan	96	70th	Bahrain	8870th	Egypt	9970th	Bahrain	14470th
USA	14771st	USA	16071st	Bahrain	144	71st	Canada	70	71st	Lebanon	7771st	Canada	8171st	Egypt	14171st
Iceland	12772nd	Lebanon	3772nd	Lebanon	77	72nd	USA	53	72nd	USA	4572nd	USA	1872nd	USA	13072nd

2009*	Total Student	% of Total Student	2008	Total Student	% of Total Student	2007	Total Student	% of Total Student	2006	Total Student	% of Total Student	2005	Total Student	% of Total Student	2004	Total Student	% of Total Student	2003	Total Student	% of Total Student
Only 3 quarters	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks	Weeks
Western Europe	250053	38.73	Western Europe	277100	35.12	Western Europe	193459	39.37	Western Europe	178663	36.57	Western Europe	178500	38.34	Western Europe	152543	34.71	Western Europe	127120.5	31.25016
Eastern / Cent			Eastern / Cent			Eastern / Cent			Eastern / Cent			Eastern / Cent			Eastern / Cent			Eastern / Cent		
Europe	59493	9.22	Europe	81628	10.35	Europe	55094	11.21	Europe	56025	11.47	Europe	49111	10.55	Europe	47217	10.74	Europe	39833	9.792187
Asia / Far East	144457	22.38	Asia / Far East	214508	27.19	Asia / Far East	141371	28.77	Asia / Far East	160913	32.94	Asia / Far East	147844	31.75	Asia / Far East	160433	36.50	Asia / Far East	168368	41.39008
Central / S. America	72832	11.28	Central / S. America	91917	11.65	Central / S. America	49033	9.98	Central / S. America	43960	9.00	Central / S. America	46706	10.03	Central / S. America	42272	9.62	Central / S. America	40100	9.857824
Africa / Middle East	118358	18.33	Africa / Middle East	123297	15.63	Africa / Middle East	52056	10.59	Africa / Middle East	48851	10.00	Africa / Middle East	43246	9.29	Africa / Middle East	36969	8.41	Africa / Middle East	31052	7.633545
North America	379	0.06	North America	464	0.06	North America	417	0.08	North America	123	0.03	North America	185	0.04	North America	99	0.02	North America	310	0.076208
GRAND TOTAL	645572	100.00	GRAND TOTAL	788914	100.00	GRAND TOTAL	491430	100.00	GRAND TOTAL	488535	100.00	GRAND TOTAL	465592	100.00	GRAND TOTAL	439532	100.00	GRAND TOTAL	406784	100.00

## **Annex 2: a language centre perspective**

**(Note: the following is an unsolicited account from the head of a language centre in a state sector college in the north of England)**

We are a government funded, British Council accredited College. We have also had extremely good business with Fujian in China over the past 3 to 4 years. We have developed trusted relationships with 2 agents there who have consistently sent us good, reliable students in quite high numbers. Although I have only been working for the college since February of this year I inherited this business from my predecessor who was confident about the agents and their procedures. However, under the old system around 50% of the applicants from this part of the world were refused their visas. The refusals were always on financial grounds though, never for fraud. Under the new system we suddenly found that practically 100% of the applicants were successful and we started receiving students for Summer School. All of our students from that area pay the full tuition fee in advance of around £6,500. This is non-refundable unless a visa is refused.

Following this initial success we witnessed an increase in applications so I decided to go over there and interview and assess the students myself. I am a qualified teacher of languages and EFL from a previous life! I stayed in Fujian for 5 days and interviewed over 50 students. We place particular emphasis on the writing aspect because, to be frank, the speaking/listening is usually very weak and the reason many students want to come to study here in the first place. I supervised the tests very carefully and checked passports/identity cards too. I made offers to around 35 of the applicants and refused the rest. I also visited the Embassies in Guangzhou and Shanghai to talk to staff about our recruitment activities.

We continued to receive students throughout the summer and then suddenly UKBA announced the suspension of the visa applications in that area. Although we received a reasonable number of students from Fujian at the start of September, around 25 of the applications were outstanding and caught up in this suspension. We were then asked to provide detailed information regarding the visa letters issued since March 31st and attendance of the students who had arrived. We had two visits from the UKBA both of which confirmed that our procedures regarding our applications were rigorous and our monitoring of current students robust. All of the students who had been successful in getting visas had arrived and they are all on course and attending. Many of the students stay with our vetted, host families.

We have protested loudly and continuously regarding the delay to the outstanding applications many of whom have IELTS certificates and have now missed the start of the University Foundation Programme which will effectively delay their education for a whole year. I have emailed the Beijing Embassy almost on a daily basis regarding the delays while their investigations were taking place. Around the middle of October the agent sent me an email saying that one of our applicants had been refused on the grounds that they did not believe that she had been the person who had taken our test as her English was so poor on the telephone when the Embassy staff had called her! I actually remember this particular girl and knew that this was a false allegation against which we are appealing. This is the email I received from the agent in relation to this student.

Dear X

Thank you for your email regarding WENG Xiaofeng, we have contacted this student and was told that Miss Weng was actually interviewed by you, and she said that she was confident when attending the interview by you at Fuzhou, and she even requested to be interviewed before other students. But when the embassy called her, she was too nervous to understand the 2 questions in English, so the visa officer asked her the same questions in Chinese, and WENG answered them in English.

WENG is a student at Senior 3, and her English Level is above intermediate, she can always score around 70% in English.

We have only now in the past week been told that Embassy staff have phoned another six of the applicants to whom we have made offers and drawn the same conclusions.

I interviewed all of these applicants personally and am very confident indeed that they are genuine and that the offers I made are appropriate for their level. We are therefore disputing their findings and also challenging the methods of the Clearance Officers. Students at around A2 level English are simply not able to respond in this way on the telephone and it is totally unfair of them to base their findings on this. We believe that we have acted properly and in good faith throughout. We have never allowed unknown agents to administer our assessments or cut corners in any way. We have, however, still been punished and our good reputation for high quality provision in South China is now suffering and may never recover.

Colleges such as ours, who traditionally had good business in Southern China are being made scapegoats for a system that is obviously flawed in my opinion and the genuine students from Fujian, of which I know there are many, are being prevented from attending reputable, high quality institutions such as ours.