



Home Office

Rules changes – Student reforms Dependants and Switching Q&A

17 July 2023

On 17 July 2023, changes to the student route will take effect, following the announcement made by the Home Secretary on 23 May 2023. The two changes are:

- Removing the right for international students to bring dependants unless they are on postgraduate courses currently designated as research programmes.
- Removing students' right to switch into a work route before their studies are complete.

The remaining package of reforms is being progressed and further details will be communicated in due course:

- Reviewing maintenance requirements for those applying for student and dependant visas.
- Clamping down on unscrupulous education agents selling inappropriate applications.
- Improving communications about visa rules to universities and international students.
- Improved and more targeted enforcement activity.

Dependants

Q. What changes are being made to the rules on dependants?

- For courses starting from 1 January 2024 onwards, students will no longer be able to bring dependants to the UK except for those that are:
- Studying for a course of study which the provider has confirmed is a PhD, other doctoral qualification, or a research-based higher degree
- Financially sponsored by the UK or an Overseas Government
- Undergraduate students are not normally permitted to bring dependants, and this has not changed.

Q. What about students who apply before 17 July 2023 to bring dependants on courses starting after 1 January 2024?

Their application will be dealt with under the rules in force at the time they submitted their application.

Q. What do you mean by Postgraduate research?

A research-based higher degree means a postgraduate programme comprising a research component (including a requirement to produce original work) that is larger than any accompanying taught component when measured by student effort.

Q. Will students on professional doctorates be able to bring dependants?

Students who hold permission for a course of study which the provider has confirmed is a PhD, other doctoral qualification, or a research-based higher degree will be able to bring dependants.

Q. What about 2-year integrated programmes with an integrated premaster and research master programme?

These Students will still be able to bring dependants. The course level on the CAS must reflect the exit qualification.

Q. Can dependants of students who have started their course in Autumn 2023, come into the UK after January 2024?

- The changes will affect students who are starting their courses from 1 January 2024 onwards.
- These changes will not affect dependants of overseas students where the student is already in the UK on their course of study.
- Those starting a taught postgraduate course in the Autumn will still be able to have dependants join them after January 2024 (where the other requirements of the rules are met).

Q. Can dependants extend their permission to stay in the UK if the student needs more time to complete their course, but the course is no longer eligible for dependants?

Dependants that are already in the UK can extend their permission if the main applicant is granted further leave to remain under the Student route.

Q. Will there be additional sponsor duties for sponsors in relation to research programmes?

- Sponsors will be required to provide a list of all courses currently offered by the sponsor designated as research programmes and update this (where required) on a yearly basis.
- UKVI will monitor data on course designations and liaise with the appropriate regulatory body, where areas of concern are noted.
- Failure to provide a list of all courses currently offered by the sponsor designated as research programmes and/or to ensure this list is reviewed and updated (where required) on a yearly basis may be seen as a compliance concern.

Q. How can sponsors provide a list of their programmes currently designated as research?

Sponsors must provide this list to EducatorsHelpdesk@homeoffice.gov.uk. Sponsors must also ensure they keep the Home Office updated with any changes to the list.

Q. Do sponsors now have a duty to inform UKVI whether a postgraduate course is taught or research?

Yes

Q. How can sponsors notify UKVI that a Postgraduate course is research based?

- From 3 July 2023 we have made some changes to the 'Academic Course Level' in the Confirmation of Acceptance for Studies (CAS) form.
- We have introduced new values so that you can denote where courses at the appropriate level are for research. The new values are RQF 7- Research, RQF 8 - Research, SCQF 11- Research and SCQF 12- Research. For courses that are taught you will continue to use the existing values of RQF 7, RQF 8, SCQF 11 and SCQF 12.
- We are working with users of the Bulk Data Transfer (BDT) process to update their student records to reflect these new values. Users of the BDT process who are unable to make these changes by the 17 July can indicate whether a Postgraduate course is research based in the following ways:
- Use the 'Secondary course level' field of the CAS form to indicate if courses at RQF level 7 or 8/SCQF level 11 or 12 is 'Research' or
- Add a description of 'Research' to the 'Course Title' field of the CAS form
- If this description is not added to the CAS we will assume that the course is taught.

Q. Can dependants still work?

- The rules around dependant work rights have remained the same.
- Family members of a Student can work (in line with UK employment law) in the UK except when:
 - they are being granted leave as a dependant after previously being the Student's dependant when the Student had permission to study a full-time course of 6 months or longer and the Student is now applying for permission to study a new full-time course that is less than 9 months in length (unless the Student is continuing a course of study on which they had previously been granted at least 9 months permission for)
 - they are being granted leave as a dependant after previously being the Student's dependant when the Student had permission to study a full-time course of 6 months or longer and the Student is now applying for permission to study a new full-time course below degree level
- A person with leave as the dependant partner of a Student cannot take employment as a professional sportsperson (including as a sports coach).

Q. What about children of student visa holders born in the UK after the rules changes?

- In line with current rules, students are able to regularise the status of their child as their dependant where the child is born in the UK during the last/current grant of permission, and this has not changed.

Q. Will there be a concession for disabled students to be able to bring carers?

- There are currently no concessions for disabled students to bring carers and this will continue to be the case.

Q. Will these reforms affect Irish students?

- As per Section 3ZA of the Immigration Act 1971, Irish citizens can enter and stay in the UK without requiring permission regardless of where they have travelled from. This means Irish students will remain unaffected by the reforms to the student route.

Q. Is the Graduate route impacted by these changes?

- There is no change to the Graduate route. Dependants already in the UK as a Student dependant may apply as a dependant of a Graduate at the same time as the applicant.

Q. Why don't you allow individuals to bring dependants on the Graduate route unless they were already in the UK as a Student dependent?

- The Graduate route is a light touch route with minimal requirements, and we do not assess financial circumstances, therefore it would not be appropriate for new dependants to be given permission to stay in the UK without a guarantee that they can support themselves and not rely on public funds.
- Graduates have the option of switching into Skilled Worker route, where they meet the requirements, which allows new dependants and is also a route to settlement.

Switching

Q. What changes are being made to the rules on switching?

- Students will no longer be able to switch out of the student route until they have completed their course.

- The only exception is for PhD students who will be permitted to switch into the Skilled Worker route after they have completed 24 months towards their PhD.

Q. When will the changes take effect?

When the immigration rules are laid on 17 July 2023.

Q. Why are you stopping students switching to the Skilled Worker route part way through their course?

- The main purpose of the Student route is to enable applicants to undertake a course of study within the UK. We want to ensure that applicants are coming to the UK to study rather than to work. There are other routes available for those whose primary focus is to work.

Q. What work routes will be affected?

- Skilled Worker (including Health & Care Worker) (lead applicants and dependants)
- Global Business Mobility x 5 routes (lead applicants and dependants)
- Minister of Religion (lead applicants and dependants)
- Representative of Overseas Business (lead applicants and dependants)
- UK Ancestry (dependants only)
- Global Talent (lead applicants and dependants)
- High Potential Individual (lead applicants and dependants)
- Scale-up (lead applicants and dependants)
- Innovator Founder (lead applicants and dependants)
- International Sportsperson (lead applicants and dependants)
- Creative Worker (dependants only)
- Religious Worker (dependants only)
- Charity Worker (dependants only)
- International Agreement (dependants only)
- Government Authorised Exchange (dependants only)

Q. What if I have submitted an application to switch before the rules change?

Applications made before the changes will be assessed under the rules in force at the date of application.

Q. When can a Student switch into the Skilled Work route?

- Students must come to the end of their course before they are permitted to switch into the Skilled Worker route. The start date on their Certificate of Sponsorship for the work route must be no earlier than their course completion date. They can, as now, apply to switch up to 3 months before their Certificate of Sponsorship start date.
- PhD students will be permitted to switch into the Skilled Worker route after they have completed 24 months towards their PhD.

Q. How will you define "course completion" in this context?

Caseworkers will check the course completion date entered on the CAS. Students do not need to have received their final award as long as they have not had their sponsorship withdrawn prior to the course end date.

Q. Can a Student switch into the Skilled Worker route if the course is completed early?

Yes. Where a student has completed their course early, it is the Student sponsor's responsibility to report early completion to UKVI via the Sponsorship Management System (SMS) within 10 days. If they have not done this, we will consider any information the

applicant has provided, and we may contact them to give them the opportunity to provide further information, but this may lead to their application being delayed or rejected.

Q. Can students affected by the marking boycott switch into a Work route if they have completed their course?

Yes. Students do not need to have received their results to switch into the Work routes, except for the HPI route.

Q. Have you carried out an Equality Impact Assessment for this package of changes to the student route?

Yes. The policy proposals do not directly discriminate against people on the basis of the protected characteristics. There may be some indirect impacts. We consider the measures to be proportionate means of achieving the legitimate aims of managing immigration, attracting high-skilled individuals, controlling our borders and protecting the UK taxpayer.



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