

POLICY BRIEFING

International student recruitment in the age of Covid-19

Assessing and addressing the short-, medium- and long-term challenges

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7 May 2020

1. MillionPlus is the Association for Modern Universities and the voice of 21st century higher education. We represent 23 universities across the UK. All our member institutions, and indeed all UK universities, are local, national and international in their outlook and in how they operate. Modern universities welcome hundreds of thousands of EU and international students onto their campuses each year, and these students contribute hugely to the academic, social and economic life of the university and its local area.
2. There was already a number of significant changes due to affect students from overseas, specifically, the introduction of the new immigration system and the ending of the transitional phase of the UK withdrawal from the EU. However, with the COVID-19 pandemic limiting international travel and putting much economic activity on hold, there are now more immediate concerns and the enormous value of these students to our society and economy has been put into even sharper focus.
3. We understand that this is an unprecedented period, for government as much as for universities. However, following many years of the higher education sector proving itself as incredibly compliant with government rules, as well as being a trusted partner of the Home Office and UK Visas and Immigration (UKVI) on immigration compliance, this strong relationship is needed now more than ever. We believe that it is only through the co-operation and collaboration between the sector and the government that the UK can bounce back from this crisis in the best position possible. This means addressing key questions in the short-, medium- and the longer-term.
4. This paper seeks to pull together the key questions many universities have regarding the current situation and offer some suggestions as to how government, in partnership with universities, can best move forward. To best achieve this, the government must:
 - Use the expertise and capabilities of UK universities, and build on the trust between government and institutions with Tier 4 student immigration licenses
 - Provide clear and timely guidance, with established deadlines and lead-in times
 - Enable greater flexibility in the system, building on proven institutional judgement
 - Ensure no students or universities are negatively impacted retrospectively through having taken decisions where no clear guidance was available
 - Provide clarity and assurances for EU/EEA students as the immigration system changes, and also work to keep the UK competitive and attractive to this market in the years ahead
 - Make changes to the Tier 4 system to improve its effectiveness and to release capacity
 - Publish a new International Education Strategy designed to combat the impacts of Covid-19

Addressing urgent concerns

A POSSIBLE DECLINE IN INTERNATIONAL STUDENT RECRUITMENT

5. Like everything else, the university sector is in a period of unprecedented uncertainty, and this is felt no more acutely than in international recruitment. In a recent analysis compiled by London Economics and the Universities and College Union (UCU) they predict a decline in first-year international students of 121,000 in academic year 2020-21.¹ While this will impact on some institutions more than others both the direct impact, and the knock-on effects, will be highly significant at every single university institution.
6. One issue that has been raised many times, and is emphasised in that report, is on the potential impact of students choosing to defer their studies or to withdraw from an offer of study. While it is impossible to predict how applicants will react to the Covid-19 crisis, not least as the situation is changing daily, at this point in the pandemic, universities are seeing this problem of uncertainty exacerbated by a lack of medium-term guidance that would help them at least begin to plan ahead and perhaps mitigate some of the likely negative consequences that are predicted. For example, in the most recent guidance issued by the Home Office it begins by stating that the Covid-19 concessions, and changes to the previous rules and guidelines, *'will all be kept under regular review and will be withdrawn once the situation returns to normal'*.² While understandable in and of itself, this does little to aid universities in planning their response in anything other than the immediate term.
7. Most of the Tier 4 Home Office guidelines on major policy areas (for instance on student visa extensions) currently run up to 31 May 2020, with expectations of what will come after instead of clear guidance. While everyone accepts the highly challenging nature of managing the pandemic, universities need information on the minimum length of these guideline changes and how normality is to be judged. Different countries will likely be returning to a semblance of normality at different times. This may also be the case with different institutions, depending on their geographical location. Even if borders are notionally open there may be restrictions or extra checks in place that make 'normality' impossible for institutions. For instance, one institution may be open with a degree of normality and recruiting from a country that had minimal impact from the virus, while another could be at a far earlier state of recovery and with its markets in areas that were incredibly badly hit. Judging the two institutions during such a time on the same metrics will be near on impossible until enough time has passed for everyone to be back up to speed. We therefore believe that a clear and phased approach, based on open and honest dialogue and consultation, is the best way forward. The Home Office will therefore need to **ensure that all universities are given a significant lead-in time and full understanding of when the concessions will be withdrawn, hopefully over a phased period of months.**
8. Linked to notions of a return to normality, there is also a pressing issue around a collective understanding of when and how universities will be able to re-open for international students in 2020-21 academic year. The process of applying and being accepted by both university and UKVI is one that takes time, and due to the usual rates of applications at certain periods are highly labour intensive. UKVI usually plans for a rise in application numbers at surge times, but owing to the nature of the crisis, and the potential problems of capacity brought about by home-working for officials and UKVI staff, it may well be the case that normal timeframes will have to be abandoned and new ones put in place.

¹ https://www.ucu.org.uk/media/10871/LE_report_on_covid19_and_university_finances/pdf/LEreportoncovid19anduniversityfinances

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879883/Tier_4_Guidance_-_Covid-19_response_170420_FINAL.pdf - point 1.2

As such, [universities need to know well in advance from government if there are to be significant shifts in processing times](#), or even if these are likely, as this has wider ramifications for them as recruiters.

9. It would be important for universities to have advanced warning, for example, if UKVI needs a month to process an application for example as the impact on universities would mean having to alter their application cut-off dates or tailor their term starts accordingly. This is less an issue of questioning UKVI or government processes, as we all accept these are extraordinary times and processing may well be slower, yet institutions will need clear answers and guidance on these issues as early as possible, so that all parties can work together to work productively.
10. Although institutions are working on a range of options for the 2020-21 academic year many have to consider the possibility of distance learning for students to begin the term, which includes international students. Previous rules forbidding precluding the use of distance learning for those on Tier 4 have been relaxed, which is a positive change, however, the current guidance for those looking to apply to study in the UK from overseas on a course that could start via distance learning only run up to 31 May 2020.³
11. Clearly an [urgent extension of the guidelines is necessary](#), but beyond that there is a concern that the rules currently state that students can start courses via distance learning without a Tier 4 visa (as they are out of the UK) but when they then want to enter the UK they need to apply. This means they potentially have signed up to a course of study but then be denied access and being unable to continue their study while they go through the visa process. This would be deeply problematic for the student in question as well as for the reputation of the UK worldwide, as word of mouth is incredibly important in student recruitment. It would be potentially very problematic for the university also, as not only will they have to deal with the situation for the student, they may also be negatively impacted by their student having been refused a visa, which has potential implications for their Tier 4 license and for questions on fees and refunds.
12. As trusted sponsors with long track records working to help find ways to mitigate the situation, universities need to be trusted to make decisions on student recruitment. This should never supersede the need for strong immigration controls of course, but it should mean that where incidences occur of students starting courses and not being able to continue due to a refused visa, [UKVI should re-introduce appeal rights for Tier 4, allowing an independent decision to be reached, and also ensure that any such refusals do not count towards the institutions Basic Compliance Assessment](#).
13. There are also practical measures that can take place now to help keep things moving and ease capacity issues both in the immediate and in the longer term. The government has rightly issued guidance on in-country switching between some immigration routes (between short-term study and Tier 4, for example)⁴. These are for students already in the UK who are on valid visas and therefore are low risk.
14. There are, however, many others who may wish to take up the opportunity to switch in-country but who cannot currently, and are therefore left in limbo in regards their status and future. [Further flexibility on in-country switching could ease some of the pressure in the system](#). Steps to allow for Tier 4 students to switch to short-term study, for example, or to enable those in the UK to extend onto further postgraduate courses, would mean universities can offer students a pathway rather than not being able to give clear guidance and potentially seeing the student leave the UK.

³ Ibid – point 3.1

⁴ Ibid – point 4.1

Clarity as early as possible on these measures is important, as time is running out on the current guidelines (31 May) and students will be making decisions now whether to and how they can return home if they don't intend to stay and study in the UK.

HELPING STUDENTS ALREADY IN THE UK

15. While recruitment of students is a key issue, making sure we look after the students already in the UK is also of paramount concern. The disruption caused by Covid-19 will mean that for some international students studying in the UK it will be impossible for them to complete or continue their courses of study adequately, and they may need to take extra time in order to do so. The government has made some initial concessions on this point to allow for some flexibility, which is to be welcomed, but there are still gaps or conflicts within the guidance that needs immediate attention⁵.
16. For example, students who have currently been assessed as not having met the academic progression requirements are still required to return home under the new guidelines. The reasons for not meeting the requirements can be for a variety of Covid- and non-Covid reasons that in normal circumstances could be easily resolved but due to pandemic has proved exceedingly difficult. Another example is students with a gap of 28 days between their current visa expiring and the new courses starting – so those that have their current visas expire at the end of May but wish to start a new course in September. Currently, even with the new guidelines, these students are being told they need to return home, and that they wouldn't even be able to apply for a new course in September 2020 until three months before the new course starts (i.e. from September onwards).
17. For the many international students in this position the lack of clarity and ability to forward plan is a major worry, and the uncertainty will most likely leave many in a position where they may no longer wish to stay in the UK to study. [Building a degree of flexibility into these rules could give the students and universities more certainty and would help enormously](#). Similarly, for those international students that require approval under the Academic Technology Approval Scheme (ATAS), current rules state that you cannot apply for a visa or start a course without one, but as they are not able to right now this means recruitment is not possible. A pragmatic approach would be to [allow students to apply and then assess ATAS retrospectively](#), with sponsorship withdrawn if they were unsuccessful. Practical changes like this would help keep the system moving and ease pressure on UKVI staff in the longer term.
18. An issue for students already here is on the time caps currently imposed on study under Tier 4. Guidance states that UKVI will apply discretion for leave issues related to Covid-19 that may not otherwise be allowed under normal circumstances⁶. While this is welcome in principle, the fact that it is only an issue of discretion, which can be subjective, may leave some students fearful. The guidance should fully take into account the fact that in these unprecedented times [no student will be negatively impacted by study cap rules as a result of Covid-19](#), and that they should all have the opportunity to finish their course of study. These need to include those students who will need longer to finish their studies in any event, due to the virus, and for those students who have previously deferred their study and returned home (before Covid-19) and are waiting for their previous leave to be curtailed. If curtailments are not currently being processed due to UKVI not doing this work, the student's leave is continuing which will count towards the five-year cap. When they are ready to resume their studies, it may not be applicable that their studies were affected by Covid-19, but the length of their visa may be. [Very clear guidance for caseworkers on](#)

⁵ Ibid – point 3.6

⁶ Ibid – point 3.15

these various impacts and possibilities needs to be issued, so that when assessments are made different students do not see very different outcomes for similar cases.

19. Finally, we need to remember that many international students will have been reliant on part-time work to fund their studies and may now be unable to continue working due to the pandemic. Universities are doing a huge amount to help in this area but elements of the current compliance regime hinder these efforts. Students can be worried about admitting there is a problem with their finances or with their ability to access online learning because they feel their visas will be curtailed. There are also issues around them receiving potentially necessary financial support in case it's classed as receiving public funds. These issues arise not as a result of non-compliance but of exceptional circumstances meeting criteria that were never designed for this situation. **To help these students we need government to ensure that rules can be relaxed to allow international students to access any and all necessary support that is on offer.** UK universities have fantastic support networks in place (be they financial, food, accommodation, IT equipment, academic help, emotional support, wellbeing etc.) but until the message from government is unequivocal that accessing these as a result of the pandemic will not be punished then many may be fearful of attempting to obtain support.

TRUST AND PARTNERSHIP

20. The government has issued a large amount of useful guidance to the sector. Universities are grateful for the collaboration and openness they have seen from various departments and public agencies. It would be unfair to expect every part of a huge and inter-connected network such as student migration to have every aspect covered by new guidance at a time like this. Where gaps exist, they must be addressed and guidance amended, so that all universities understand what they have to do and what help they can give.
21. One major aspect of this is timing, and the current end-point of 31 May for such major decisions will clearly need to be extended. While we acknowledge this is not easily done, it is imperative for the health of the sector, the ability to plan for the future, and for the good of those students already here, that the exemptions that run up until 31 May are **extended as soon as possible**, while giving a clear indication that things will not be reverting back to 'normal' in the immediate future.
22. Extending timings as early as possible will help, and we hope the government takes this into full consideration. It will also help improve the student experience, giving applicants the timeframes needed to make applications. Currently applicants need to maintain funds for 28 days to make a valid visa application. A lack of clear and accessible lead-in times, or having only shifting short-term deadlines, might prove particularly troublesome and stressful for all potential applicants, adding a further unnecessary barrier.
23. Once this crisis has passed it is also of critical importance that the government and the sector should be focused on looking forward to the future, and not back on decisions taken or not taken and judged accordingly. With clear guidance not available on all aspects of Tier 4, for understandable reasons, different universities will take different decisions based on a range of factors (student profile, geography, size of institution, etc.). **Retrospectively applying criteria as to what should and should not have been done in a crisis such as this will be counter-productive**, and any indication that that may happen will limit the ability of universities today from making decisions and working to help alleviate the effects of this crisis. Now more than ever before **the sector and government need to work together as trusted partners and ensure the focus is on what is best for students and applicants.** The government must have confidence in those it sees as trusted and fully licensed, and universities must have confidence in the government to back them up on the calls they have to make in line with the official guidance.

Addressing the medium-term challenges

A POST-BREXIT SETTLEMENT FOR EU STUDENTS

24. While the Covid-19 crisis is clearly a significant issue for Tier 4 students, it has immediate and longer-term ramifications for students studying in the UK from EU/EEA nations, who currently have domestic student status when it comes to immigration as well as fees and funding. The Immigration and Social Security Co-ordination (EU Withdrawal) Bill (2019-21), that is currently laid before parliament, enables an end to freedom of movement and the establishment of a new immigration system from 1 January 2021, however the Covid-19 crisis means that various issues have been thrown into the air that the government need to address with some urgency.
25. The current situation for EU/EEA students coming to the UK is that, for academic year 2020-21 they retain the same status as domestic students. This clarification was welcomed by the sector as a necessary measure regardless of any EU-exit deadline, however the current Covid-19 crisis has added a layer of complexity into EU/EEA student recruitment. Clearly, first and foremost, it is imperative that government remains committed to this arrangement. However, with the current plan to switch to the new immigration system on 1 January 2021, it may be the case that owing to delays in start dates and term times there will be students who enroll onto academic year 2020, but enter the UK in 2021. There is currently uncertainty as to which system they could enter the UK under in such circumstances.
26. Owing to the very different nature of the two routes, there would be a degree of complexity in merging the two together, as they would be eligible for domestic fees and UK loans but would be in a system that requires financial checks and credibility interviews. Aside from the fact that a lack of clarity means universities cannot give students the advice they need, it is the case that at a time of reduced capacity and increased complexity in every aspect of student immigration, it would appear unwise to place further burdens on both UKVI and universities by making EEA students take a Tier 4 route just because a term date has shifted.

The government should consider [providing clarity on this issue and find a sensible and pragmatic way to ensure that all EU/EEA students coming into the UK in academic year 2020/21 will not have any additional barriers to entry as a result of Covid-19 and will be treated as they are currently \(i.e. *not* under the Tier 4 route\)](#). This could take the form of exempting these cohorts from the changes to the immigration system, creating bespoke fast-track solutions for them, or have students entering in January 2021 able to register for pre-settled status outside the UK if they have a valid offer from a UK university. Clarity now, and addressing this specific unexpected event now, will offer much needed support to all parties ahead of time.

THE FUTURE IMMIGRATION SYSTEM

27. As highlighted above, the new immigration system that is set to come into effect on 1 January 2021 will make significant changes to how the entire system operates, and this will have some impacts on student recruitment and the Tier 4 route. Although the changes will not be radical for students, as a theoretical points-based system already exists, the current crisis has highlighted how critical it remains to keep the UK competitive, open and welcoming to students at a time when it may be harder than ever to maintain the high levels of international recruitment that we have previously seen.
28. MillionPlus has previously called for changes to the Tier 4 system that would help reduce bureaucracy, improve the student journey, and enable universities to have greater flexibility, and we strongly believe

that these three elements will be fundamentally important if we want to build a student immigration system that will be able to function well after such a challenging period.

29. In-line with the ambitions of a points-based system that assesses applicants based on clear identifiable metrics, we believe that the old days of subjective decision making, labourious bureaucracy, and labour-intensive assessments should be consigned to the past. A modern system, with flexibility and accountability, that sees universities as trusted partners, should be built in-line with wider government objectives to open the UK to new markets and to highlight the incredible offer that comes from every university in the UK.
30. Streamlining the applications system **to reduce bureaucracy and to remove the duplication of work** will mean that all parties (student, university and UKVI) will free up capacity and have more time to focus on actual compliance. Currently too many things are asked for more than once, and the amount of data required, that then needs to be tallied, leads to administrative errors that slow the process down further. Having a clear and streamlined system ensures that focus is given over to what needs to be assessed, and not one where we assess the things that we feel we are able to easily test.
31. One part of this streamlining must be **phasing out the overly subjective, arbitrary and highly labour-intensive credibility interview system**. This system, developed at a time when government was looking at ways of limiting student number growth, is out of step with wider government ambitions, and it adds to a hostile and confrontational style that can dissuade some from studying in the UK. Interviews can also be wildly different in scope and style, and decision making has long been criticised for the arbitrary and unfair questions asked. While nobody objects to the Home Office assessing immigration compliance, their appreciation of academic ability and the 'quality' of a given candidate will not match that of an educational institution.
32. These checks are unnecessary as a normal practice because universities have in place their own procedures to assess academic credibility, and have no incentives to allow in students who will not comply with the rules, and their assessments are based on real-life contexts making them far better placed to consider the credibility and integrity of applicants for a course of study. Added to this, when a visa is refused this refusal is added to a refusal rate for each university. Not only does this create a self-sustaining cycle where those with the highest refusals have their candidates asked non-relevant questions that then adds to the potential for more refusals, it also goes against the very essence of the points-based system, as it is now the candidate, judged against the set criteria for points, that is the purpose of the system. This testing method is outdated, produces poor outcomes and wastes the time of applicants, providers and officials. As such, it should be phased out.
33. In a similar vein, regarding the refusal rate mentioned above, once a rate gets to 10% of offers refused UKVI can step in and suspend the license for an institution, which can have devastating impacts. First and foremost, 10% is an arbitrary cut-off, which limits growth as universities may not wish to expand into new markets as they fear subjective and inconsistent decision-making that could impact their refusal rate. It also has a significantly detrimental impact on smaller institutions, who recruit fewer international students. If you only recruit 100, for example, it only needs 10 people to be refused for you to be under intense scrutiny. This system favours the larger recruiters for no reason other than the ease at which they can assess it against an arbitrary target. **In a modern system based on growth the 10% refusal rate makes no practical sense, and it should be abandoned.**
34. **Clear information that can be easily accessed must be a foundation of the new system** and fits well with the wider purposes of the new points-based system. Guidance has previously been unclear, and when

universities took decisions based on their interpretations they have been treated differently, with some negative consequences. A strong immigration system must be based on accessible and clear information that helps sponsors make compliant and evidence-based decisions. Uncertainty not only enables variations within a system, which is hard to manage for UKVI and hard for students or applicants to understand, it also is time consuming for all parties, as things need to be constantly queried and checked because of lack of clear information, and it can breed unwarranted suspicion of some sponsors who can be following the guidelines but just in different ways. Ensuring the future system has these core elements at its heart will be beneficial for all concerned, and will boost compliance throughout the sector and ensure a truly level-playing field.

Addressing the long-term challenges

A NEW INTERNATIONAL EDUCATION STRATEGY

35. The introduction of the government's International Education Strategy in 2019 was warmly welcomed by the sector, and its ambitious targets for growth and the way it aimed to open up new markets and help institutions was something we had long called for. Clearly, the post-Covid-19 world means that all previous assumptions and expectations need to be looked at again. Although some of what was in the strategy may now need to be adapted, we believe support for the sector, across government, at such a challenging time has never been more critical.
36. We would therefore suggest that [an updated strategy be published which sets clear and ambitious goals for helping every university deal with this crisis](#). Such an approach, that will unite the Home Office, the Department for International Trade and the Department for Education, could set out a joined-up approach across government as to how we can all work together to keep UK universities competitive globally. It is critical that the UK remains outward-facing, especially at times such as these, re-affirming these commitments and setting up specific ways of addressing key current concerns will be a welcome way to do just that.

Conclusion

37. The challenges posed by Covid-19 cannot be underestimated. The short-, medium- and long-term impacts may be profound, but the size and scale of the challenges can be altered by how the sector and the government responds to it. Only by trusting each other and working in concert can the best outcomes be achieved. This paper sets out some initial questions that need urgent attention, and getting further clarification on many of these will have tangible impacts on universities and students across the UK.
38. In the medium to long term, the proposals suggested in this paper could also enable the sector to come through this in a way that is both responsive to the current crisis but also best prepared for the future. Many of these changes were necessary to improve the UK offer internationally even before the crisis, but recent events have made them vital. From addressing our offer to EU/EEA students, to reforming the way we process Tier 4 applications, small changes can have profound impacts and can have the additional benefit of allowing officials and university staff more time to deal with what is most important.
39. Placing the UK in the best position to recover and thrive will require joint effort. We hope that the progress made in recent years to show the incredibly high levels of compliance within the higher education sector will form the bedrock of the necessary collective action to come.