

Policy governing University sponsorship, for visa purposes, of international students



Introduction

1. The University is licensed by the UK Border Agency to act as a sponsor for visa purposes for students admitted to relevant programmes of study at the University. As a licensed Sponsor, the University has specified duties to the UK Border Agency. The objectives of the duties are to:
 - 'prevent abuse of the assessment procedures;
 - capture early, any patterns of student behaviour that may cause concern;
 - address possible weaknesses in process which can cause those patterns; and
 - monitor compliance with immigration rules'.¹

Full details of sponsor duties are available on the UKBA website, but a summary list includes the following:

- having 'recruitment practices to ensure as far as possible genuine students only are accepted and issued with confirmation of acceptance for studies'
 - having 'practices to minimise the number of refusals of leave for migrants applying with a confirmation of acceptance for studies'
 - minimising 'the risk of those who seek to use the student route to enter the UK but have no intention to study'
 - taking 'all reasonable steps to ensure that the students ... attend and complete their course of study'
 - maintaining application to registration conversion rates within a range advised by the UKBA
 - maintaining withdrawal rates are within a range advised by UKBA
 - maintaining accurate student records
 - notifying UKBA when students cease to attend their programme
 - notifying UKBA of significant changes to a student's status at the University
 - co-operating with the UKBA and following UKBA guidance where this is available.
2. University policy and practice is designed to ensure compliance with its duties to the UKBA. Nothing in University policy is intended to absolve the University from complying with its duties as a Licensed Sponsor under the Points Based System.
 3. In fulfilling sponsorship duties, the UKBA require the University to maintain records on the Sponsor Management System (SMS). The SMS is used for two main purposes:
 - The issue of a Certificate of Acceptance for Studies (CAS) to applicants/students. This enables students to apply for leave to enter the UK, or for leave to remain in the UK. The CAS requires the creation of the student record on the SMS, the payment of the relevant fee and issue of an individual CAS number for each applicant/student.
 - To update the SMS in instances where students have been issued a CAS but fail to enrol or where University sponsorship is withdrawn.
 4. In addition, once students have registered with the University, the UKBA have required mechanisms for reporting withdrawal or other significant changes to the student's programme.

¹ Quotations from the June 2011 UKBA document: Tier 4 of the Points Based System – Policy Guidance. Applicable from 4 July 2011.

5. This policy addresses key areas of activity governing the sponsorship of international students and circumstances where that sponsorship may be withdrawn. The principles apply to all international studies, whether or not they require a CAS from the University in order to study in the UK.

Application/Admission

6. The University has admission policies designed to ensure that only applicants eligible for the programme receive an offers to study. For international applicants, additional policies of English Language and deposits apply.
7. When an international student accepts an offer of a place to study at the University, based in the UK, they are considered to be requesting a Certificate of Acceptance for Studies (CAS).
8. Only authorised admissions staff are able to issue a CAS to applicants. University Admissions Teams may require applicants requesting a CAS to provide further information and documentary evidence to enable the University to properly evaluate the case and fulfil its sponsor duties before issuing a CAS.
9. It is the responsibility of the applicant to provide any required information and to fulfil any conditions identified by the University.
10. Authorised admissions staff will issue a CAS only where the applicant:
 - has met all conditions for the programme.
 - has paid the required deposit or provided proof of financial sponsorship,
 - is seeking to study a programme that is deemed to be 'progression' from previous study, and
 - the application record is complete, including passport details.
11. In addition, if the applicant already has leave to remain in the UK, there should be no breach of the terms of the current visa.
12. The University will normally refuse to issue a CAS where applicants have not met these requirements, or if there are other circumstances which suggest that to issue a CAS would be contrary to UKBA guidance.
13. The University reserves the right to charge applicants where a CAS needs to be reissued due to a mistake on the student's part.
14. In some instances, e.g. where a student needs less than 6 months to complete their programme, the University may decline to issue a CAS - but will instead issue a 'Visa Letter' which would enable the applicant / student to apply to study in the UK with a 'student visitor' visa. This applies to a number of mobility schemes or joint programmes, such as EuroAqua and MA Advance IBM.
15. Issuing a CAS or Visa Letter does not guarantee that an applicant will be successful in securing a visa. The University is not responsible for any decisions made by UKBA and cannot accept any liability for an applicant failing to obtain a visa and/or for the consequences and/or losses (whether financial or otherwise) of such failure. Nor is the University liable for consequences of declining to issue a CAS / Visa Letter for an applicant on request.

Current students requiring a CAS to complete their programme (including formerly registered students seeking to return to complete their original programme)

16. In most cases, current students wishing to extend their period of study in the UK will do so as an applicant for a new programme. Circumstances in which current students need to extend their study in the UK should be limited.
17. In some circumstances however, a current student may request further time to complete their current programme of study. These students will therefore need to apply for a CAS using the relevant form.
18. Only the University's Visa Team are authorised to issue CASs for current students extending their programme. The Visa Team may require students requesting a

- CAS to provide further information and documentary evidence to enable the University to properly evaluate the case and fulfil its sponsor duties before issuing a CAS.
19. It is the responsibility of the student to provide any required information and to fulfil any conditions identified by the University.
 20. The Visa Team will issue a CAS only where there is a demonstrated requirement for the student to remain in the UK to complete their programme and where the student:
 - has academic approval for extending their programme
 - is making satisfactory progress on their programme of study
 - is not more than two years behind their original completion date for the programme
 - has no outstanding financial duties to the University, whether for tuition or accommodation fees
 - has paid a deposit against future fees, if fees are appropriate for the visa extension period
 - is not in breach of the rules of their current student visa
 - is not liable for their visa application being refused by the UKBA due to other factors
 - the student record is complete, including relevant application documents and passport details.
 21. In addition to the above, where a student has previously had Visa Sponsorship withdrawn by the University, a request for a new CAS will be carefully considered with regard to the reasons why Visa Sponsorship was withdrawn.
 22. The University will normally refuse to issue a CAS where students have not met these requirements, or if there are other circumstances which suggest that to issue a CAS would be contrary to UKBA guidance.
 23. The University will normally charge students where a CAS needs to be reissued due to a mistake on the student's part.
 24. In some instances, e.g. where a student needs less than 6 months to complete their programme, the University may decline to issue a CAS - but will instead issue a 'Visa Letter' which would enable the applicant / student to apply to study in the UK with a 'student visitor' visa. This applies to a number of mobility schemes or joint programmes, such as EuroAqua and MA Advance IBM.
 25. Issuing a CAS or Visa Letter does not guarantee that a student will be successful in securing a visa. The University is not responsible for any decisions made by UKBA and cannot accept liability for any student failing to obtain a visa and/or for the consequences and/or losses (whether financial or otherwise) of such failure. Nor is the University liable for consequences of declining to issue a CAS / Visa Letter for an applicant on request.

Identity management

26. To be considered fully registered by the University all students need to provide acceptable proof of identity.
27. The University will normally prevent any non-EEA student studying in the UK from registering, or re-registering, until they present their immigration documents in person and:
 - it is confirmed that they have a valid visa to study the programme at the University
 - these documents have been checked and copied to University records.
28. Throughout their programme, students are required to provide the University with updated copies of immigration documents if:
 - They renew their passport or
 - They amend their visa

Withdrawal of Visa Sponsorship:

29. The University will withdraw sponsorship for applicants who do not fully register on their programme within required timescales. This includes annual re-registration requirements and circumstances in which re-registration is prevented due to non-payment of tuition fees.
30. The University will withdraw Visa Sponsorship for students:
 - who successfully complete their programme of study
 - whose studies are terminated under the University progress, examination or other regulations
 - who, after the completion of Student Disciplinary Procedures, are expelled from the University or given a period of suspension which is in excess of 1 month.
31. The University will normally withdraw Visa Sponsorship of students who:
 - do not attend and participate in their studies as required for their programme of study
 - transfer to part-time study
 - do not attend events arranged to confirm their attendance on their programme
 - fail to co-operate with the University in the maintenance of accurate records, such as failing to provide accurate address and contact details or failing to provide copies of immigration documents
 - have remained in the UK having suspended their studies, or who did not maintain their University registration as an external candidate
 - are discovered to be in breach of the terms of their current visa
 - are without a current visa and unable to rectify their position
 - are without a current visa and, without good reason, do not promptly follow advice to rectify their position
32. The University will normally withdraw Visa Sponsorship of students whose studies are suspended for any period of time including suspensions arising from:
 - medical or personal circumstances,
 - programme transfers,
 - plans to repeat study after a period of suspension
 - a period of study or work or work experience/placement outside the University
 - a requirement to complete assessments as an external candidate or
 - completion of the Fitness to Practice policy.
33. The University will normally withdraw sponsorship if any other issues emerge that suggest that sponsorship is contrary to the University's duties to UKBA.
34. Where Visa Sponsorship is withdrawn by the University the student's studies will also be terminated, in accordance with General Regulation T.
35. Following a request from the student, the University will consider all requests to return to studies and the issuing of new CASs. This will be handled in accordance with the above sections for admission or current/former students.

Programme End Dates for Visa Sponsorship purposes

36. The eligible period of Visa Sponsorship for taught programmes is defined as running from the formal programme commencement date until the latest date that the student is expected to attend teaching and/or attend examinations and/or submit assessment. For taught programmes, students cannot be Visa Sponsored after this date even if they are awaiting results.
37. The eligible period of Visa Sponsorship for research programmes is defined as running from the formal programme commencement date until the end of the maximum period of candidature (as detailed in University Regulations).

38. Registration for research students may include a period of nominal registration - after submission of the thesis but before the examination. During this period research students are expected to keep relevant staff, in their academic unit, up to date on their activity plans.
39. If a research student is successful in completing their degree before the period of maximum candidature, paragraph 30 applies.

Complaints

40. Where the University declines to issue a CAS, or withdraws sponsorship, for an applicant, applicants can seek a review via the relevant Admissions Complaint Procedure.
41. Where the University declines to issue a CAS, or withdraws sponsorship, for a current student, the student can seek a review via the Student Complaints Procedure. The Academic Registrar will consider all formal complaints on such matters.

General

42. Other than the circumstances noted above, circumstances when the University may decline to issue a CAS or withdraw sponsorship, include the following.
 - Reasonable suspicion that a student is in breach of their visa or deliberately failing to follow advice about their visa position etc.
 - The student's main purpose for being in the UK is other than full-time study, or a reasonable suspicion that this is the case.
 - The student is/has been engaging in terrorism, or a reasonable suspicion that this is the case.
 - The student is/has been engaging in criminal activity, or a reasonable suspicion that this is the case.
 - In the opinion of the University, the student's circumstances may compromise or pose a risk to University's Sponsor Licence.
43. UKBA rules are subject to change. The University's policy and practice may therefore be amended at short notice to reflect revised UKBA rules and guidance.
44. The University will collect and retain any such information about its applicants and students as it deems necessary for the purposes of complying with its Sponsor duties. The University will retain this information in accordance with the Sponsor Guidance, the Data Protection Act 1998 and the University's Data Protection Policy from time to time in force. The University will share information with the UK Border Agency to the extent that the University believes is required to comply with its Sponsor duties.
45. The University is obliged to comply with its Sponsor duties. As such the University cannot accept any liability for any loss (financial or otherwise) experienced directly or indirectly by any applicant or student as a result of any actions or omissions on the part of the University which the University believes are necessary or desirable to comply with the University's Sponsor duties.

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