



## Policy on Student Immigration Compliance

Effective from 1 September 2023

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### Purpose

Newcastle University is licenced to sponsor International students for visa purposes.

The policy aims to inform you, as an International student, of the actions required by you and Newcastle University in order to remain compliant with the requirements of the Home Office's education sponsorship policy. The requirements are detailed in:

- the Home's Office's published [Sponsor Guidance documents](#)
- [Appendix D: Guidance for Sponsors on keeping documents](#)

### What is covered by the policy?

The key areas covered in the policy are:

1. Student sponsorship
2. Academic Technology Approval Scheme
3. Right to Study checks
4. Additional requirements – term-time address
5. Data Protection
6. Complaints

### Who does the policy apply to?

The policy reflects the overarching principle of the Home Office's Sponsor Guidance that all International students should maintain their status required for immigration permission for study within the UK. These requirements apply to anyone that Newcastle University has offered visa sponsorship to. Adherence to this policy will ensure that Newcastle University and its students are compliant with the Home Office sponsor guidance.

### Roles and responsibilities

The Academic Registrar, as Authorising Officer for the student visa sponsorship, has overall responsibility for ensuring that the University is compliant with Home Office student immigration policies. This policy will be updated, as required, by the Visa Compliance Manager and approved for use by the Visa and Immigration Policy Committee. University Teams involved in the admission, registration, support and monitoring of students subject to immigration permission, will be required to implement the policy.

### Policy

The guiding principles and specific duties for student sponsors are detailed in UKVI's [Sponsor Guidance documents](#). This policy will be kept up to date, to reflect any changes to the published policy, or in response to any additional risk factors to the University's student immigration compliance.

### 1. Student Sponsorship

Student Sponsorship may be offered to you if you meet the requirements for a [student visa application](#), and you have not been in breach of any previous period of immigration leave. Sponsorship will not be offered to you where you are not eligible in accordance with the Home Office's Sponsor Guidance.

Sponsorship may only be offered where you do not already have, or you are not in the process of applying for, UK immigration leave which permits study at Newcastle University for the duration of the programme.

In addition, sponsorship may be declined if you are waiting a decision on a UKVI Administrative Review or are undergoing an Appeal in response to the refusal of application for leave in the UK.

#### **a. Admissions**

You should familiarise yourself with additional Admissions requirements, as outlined in your offer letter.

Normally, sponsorship will only be offered when you have met the conditions of your offer in line with the [Admissions Policy](#) and programme requirements. Please be aware if your offer is withdrawn for any reason, your visa sponsorship will also be withdrawn.

Consideration will be given to any current or previous study undertaken on a student visa to ensure that you can meet Home Office academic progression requirements for sponsorship.

#### **b. Registered students**

If you require additional time in the UK, you may seek an extension to your sponsorship where there is a confirmed academic need for you to remain in the UK. You must continue to meet the requirements for student sponsorship, including Home Office academic progression requirements. The circumstances under which further sponsorship may be declined are outlined in the [University Regulations](#).

To be classed as a full-time student, you are required to be studying a minimum of 60 credits for full-time visa sponsorship.

#### **c. Duration of Sponsorship**

Newcastle University will determine the duration of your student visa sponsorship to reflect the academic requirements of the specific programme of study you are undertaking.

If you are studying on a taught programme, sponsorship will normally run from the beginning of the academic programme until the standard end date of the programme.

If you are a Postgraduate Research student, you will normally be sponsored from the start date of the programme until the end date of the maximum period of candidature, i.e., the deadline for submission of the thesis. If you are awaiting confirmation of the date for your oral examination or notice of the formal written outcome of your examination, the exact end date of your programme may not always be known at the point of your visa expiry date. In these circumstances, assuming that you meet all other requirements, a CAS for a period of 6 months from the visa expiry date will be issued.

#### **d. Withdrawal of student sponsorship**

The Home Office's [Sponsor Guidance](#) requires the University to notify the Home Office of a range of changes in sponsored students' circumstances.

Notifications to the Home Office of some circumstances, may result in your student sponsorship being withdrawn, i.e. Interrupted from /not registered on your programme or not resident in the UK .

#### **e. Admissions**

Your sponsorship will be withdrawn if you later withdraw your application or are withdrawn from the admissions process.

Your sponsorship will also be withdrawn if you are believed to have provided inaccurate or false documentation in support of your application for admission to Newcastle University.

In the above scenarios, where your CAS is withdrawn you will no longer be valid for a student visa application.

#### **f. Registered students**

You are required to comply fully with the [conditions](#) of your student visa for the duration of your sponsorship. In addition, you are required to [engage](#) fully with the programme, as detailed in the programme handbook.

Additionally, your sponsorship will normally be withdrawn if you interrupt or suspend your studies for a period of more than 60 days, unless you can complete your programme within the duration of your visa.

Your sponsorship may be withdrawn if you 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 attend 'Right to Study' checks or provide other immigration evidence, when requested.

Your sponsorship will be withdrawn if you engage in a period of study or work or work experience/placement outside the University, if engagement monitoring procedures cannot be maintained, and you should discuss this with the Visa Team before making such arrangement.

Your sponsorship will be withdrawn if you complete your programme early, i.e., exit from your studies with or without an exit award before the end date identified in your admission offer letter.

If you are a Postgraduate Research Student, your sponsorship will be withdrawn if you leave for a period of Outside Study of more than 12 months in duration during your primary research.

The University will normally withdraw sponsorship following investigation where a report is received which identifies that sponsorship of your visa is contrary to the University's duties to the Home Office.

#### **g. Sponsorship during writing up**

You will initially be sponsored for the duration of your programme, as identified in your admission offer letter, which can include a period of writing up. You should continue to comply with the conditions of your visa and the engagement requirements of your programme during this time. However, where a Postgraduate Research Student chooses to leave the UK at the end of their Primary Research, sponsorship is normally withdrawn, other than where leave has been authorised in advance.

Similarly, where a Postgraduate Taught Student chooses to leave the UK during the write up of their dissertation/project after the 31 July of their year of study, sponsorship will be withdrawn.

## **2. Academic Technology Approval Scheme (ATAS)**

As a student visa sponsor, Newcastle University is required to ensure that if you are registered on programmes which requires ATAS clearance that you obtain and maintain ATAS clearance for the duration of that programme. This requirement applies to most students who have immigration permission in most time- limited immigration categories.

It is your responsibility to obtain fresh ATAS clearance, as and when required. If you fail to do so, it will result in your registration at Newcastle University being suspended until fresh ATAS clearance is obtained.

## **3. Right to Study checks**

In order to fulfil the requirements of the Home Office's list of sponsorship requirements ([Appendix D](#)), all students subject to immigration permission will be required to present their passport (if applicable) and valid evidence of their right to study at Newcastle University. This may include evidence of an in-time visa application, or an in-time Administrative Review against a Home Office decision to refuse a visa.

You must ensure that the University has your current documents and present further evidence as and when your immigration status changes, your immigration permission is renewed or your documents are updated. Failure to maintain immigration permission which permits study will result in your registration at Newcastle University being removed.

## **4. Additional requirements – term-time address**

You are required to enable the University to maintain an accurate record of your circumstances and provide details of your up-to-date address and contact details with the University at all times. If you have a student visa, you are normally required to reside at an address within a reasonable distance of Newcastle University for the duration of the programme, except during periods of vacation, outside study, work placement or where approval is granted to study or conduct research at distance.

## **5. Data management**

The University will collect and retain personal 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. The University will share information with The Home Office to the extent that the University believes is required to comply with its Sponsor duties.

## **6. Liability**

You should be aware that Newcastle University cannot accept any liability for withdrawal of your right to reside and study at the University as a result of failure to obtain or maintain appropriate immigration permission for a programme of study.

The University is obliged to comply with its sponsorship 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.

## **7. Complaints**

Where the University declines to issue you with a CAS, or withdraws your student sponsorship, you can seek a review via the [Admission Complaints & Appeals procedure](#) or the [Students' Complaints Procedure](#), as appropriate.