

Policy governing the immigration sponsorship, and registration, of non-EEA students

Introduction

1. The University is licensed by the Home Office 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 Home Office. In summary, the duties are to:
 - act honestly in all its dealings with the Home Office, and;
 - act with integrity as a genuine education provider, and;
 - take responsibility for all its Tier 4 students while it is sponsoring them, including by doing all it can to ensure that prospective students are genuine students who can comply with the Immigration Rules, and that students enroll, comply with their conditions of leave, and see their course through to completion;
 - ensure that concerns about the conduct and integrity of Tier 4 students are treated consistently with other students, including taking appropriate action where students are found to have used deception to gain advantage in their studies;
 - comply with all aspects of the Immigration Rules and sponsor guidance, and support immigration control, including taking steps to ensure that every student has permission to study in the UK throughout the whole period of study.¹

Full details of sponsor duties are available in the Tier 4 Guidance for Sponsors, 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' or engage with employment activities as required under the Tier 4 Doctorate Extension Scheme
- maintaining application to registration conversion rates within a range advised by the Home Office
- maintaining withdrawal rates within a range advised by the Home Office
- maintaining accurate student records
- notifying the Home Office when students cease to attend their programme or comply with the conditions of the Tier 4 Doctorate Extension Scheme

¹ Summarised from Document 2, UKVI Guidance for Tier 4 Sponsors, July 2016

- notifying the Home Office of significant changes to a student's status at the University
 - co-operating with the Home Office and following Home Office guidance where this is available
 - ensuring, as far as possible, that non-EEA students do not breach the conditions of their visas, or overstay their leave, during their period of study.
2. University policy and practice is designed to ensure compliance with its duties to the Home Office. Nothing in University policy is intended to absolve the University from complying with its duties as a Tier 4 Sponsor.
 3. In fulfilling sponsorship duties, the Home Office requires 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 for study purposes and to students applying for leave to remain under the Tier 4 Doctorate Extension Scheme. 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 enroll, where University sponsorship is withdrawn or where there has been a change in student circumstances.
 4. In addition, once students have registered with the University, the Home Office has required mechanisms for reporting withdrawal or other significant changes to the student's programme.
 5. This policy addresses key areas of activity governing the Tier 4 sponsorship of non-EEA students and circumstances where that sponsorship may be withdrawn. The principles apply to all non-EEA students, whether or not they require a CAS from the University in order to study in the UK.

Section 1: Application/Admission

1. The University has admission policies designed to ensure that only applicants eligible for the programme receive offers to study. For international applicants, additional policies of English Language and deposits apply.
2. 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) or support for a Short Term Study application.
3. 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.
4. It is the responsibility of the applicant to provide any required information and to fulfil any conditions identified by the University.
5. Authorised admissions staff will issue a CAS only where the applicant:
 - a. has met all conditions for the programme;
 - b. has paid the required deposit or provided proof of financial sponsorship;
 - c. is seeking to study a programme that is deemed to be 'progression'
 - d. from previous study in accordance with published Home Office guidance, and;
 - e. is within published Tier 4 study time limits for the whole period of candidature, and;
 - f. the application record is complete, including passport and previous study details.
 - g. where the applicant does not have appropriate immigration permission in another category to cover the duration of the programme.
 - h. where the applicant does not have an Administrative Review or Appeal of an immigration application pending during the Admissions process
6. 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. If the applicant is overseas, they should not have been given notice that they may be subject to an entry clearance ban. The applicant may be required to consent to the disclosure of their immigration history before being issued with a CAS.
7. Where a prospective student has been refused a Tier 4 visa on points, no further CAS will be issued until the Tier 4 applicant has provided documentary evidence that they would be in a position to make a successful application should a further CAS be issued. The maximum number of CAS issued to any Tier 4 applicant will normally be limited to three per application. In the event of general grounds for refusal, for example, on the basis of credibility, no further CAS will be issued to the applicant unless the grounds for refusal have been properly addressed through the appropriate UKVI review process.
8. Where a prospective student has an application pending for leave outside the immigration rules, the applicant will, in most cases, be expected to await the outcome of the application before consideration will be given to Tier 4 sponsorship.

Section 2: Current students

Current students requiring a CAS to complete their programme (including formerly registered students seeking to return to complete their original programme) or making an application under the Tier 4 Doctorate Extension Scheme.

1. 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.
2. In some circumstances however, a current student may request further time to complete their current programme of study or wish to apply for further leave to remain under the Tier 4 Doctorate Extension Scheme. These students will therefore need to apply for a CAS using the relevant form.
3. Only the University's Visa Team are authorised to issue CAS for current students extending their programme or applying for further leave to remain under the Tier 4 Doctorate Extension Scheme. 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
4. It is the responsibility of the student to provide any required information and to fulfil any conditions identified by the University.
5. The Visa Team will issue a CAS for study purposes only where there is a demonstrated requirement for the student to remain in the UK to complete their programme and where the student:
 - a. has academic approval for extending their programme
 - b. is making satisfactory academic progress on their programme of study
 - c. is demonstrating progression in accordance with published Home Office guidance
 - d. is not more than two years behind their original completion date for the programme
 - e. can provide valid documentary evidence of English language ability at CEFR level B2 for courses at NQF6 and above in accordance with the University's English language policy
 - f. has no outstanding financial duties to the University, whether for tuition or accommodation fees
 - g. has paid a deposit against future tuition fees, if fees are appropriate for the visa extension period
 - h. has obtained ATAS clearance where appropriate
 - i. **is not in breach of the rules of their current student visa**
 - j. has not exceeded the number of years studying at degree level in the UK on a student visa, as outlined in the Home Office's Tier 4 Policy Guidance
 - k. has thus far maintained appropriate immigration permission for study in the UK

- l. **has not overstayed his/her most recent visa**, unless the University is provided with documentary evidence that the student has left the UK and is not likely to be subject to bans on future entry clearance.
 - m. is not liable for their visa application being refused by the Home Office due to other factors
 - n. **the student record is complete, including relevant application documents and passport details.**
6. The Visa Team will also require evidence of appropriate financial eligibility to remain in the UK under Tier 4 before a CAS is issued.
 7. All general requirements apply to those seeking a CAS in order to apply for Tier 4 under the Doctorate Extension Scheme.
 8. Students applying for the Tier 4 Doctorate Extension Scheme who meet all other requirements will be issued with a CAS only if applying through the University's Visa Team.
 9. In line with current Tier 4 sponsor guidance, students are not normally permitted to switch to lower level study whilst still under sponsorship, but exceptions may be made for undergraduate masters programmes, postgraduate research students and MBBS students who require a switch to a lower level programme.

Students applying for further study at the same level will only be offered Tier 4 sponsorship under exceptional circumstances:

If the student's new course is at the same level as the previous course, it may exceptionally be considered to represent academic progression if the course is at degree level or above; the sponsor teaching the course is an HEI with Tier 4 Sponsor status and:

- a. the new course is related to the previous course for which the student was given Tier 4 leave (meaning that it is either connected to the previous course, part of the same subject group or involves deeper specialisation); or*
- b. the student's previous and new course combined, support the student's genuine career aspirations. †*

10. If the student has completed a programme at the same level on more than one occasion, sponsorship may be declined.

Section 3: Programme end dates for Tier 4 sponsorship

1. The eligible period of Tier 4 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 Tier 4 sponsored after this date even if they are awaiting results.
2. The eligible period of Tier 4 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).
3. 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 and meet their relevant immigration obligations, as required.
4. In the case of postgraduate research students awaiting confirmation of an oral examination or the formal written outcome of the examination, the end date may not always be known by their visa expiry date. In these circumstances, assuming students meet all other requirements, and the student's visa has one calendar month's validity or less, a CAS for a period of 3 months will be issued from the visa expiry date
5. If a Tier 4 research student is successful in completing their degree before the period of maximum candidature, early completion of the programme will be reported to the Home Office.

Section 4: Points to note for both prospective and current students requiring a CAS

1. 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 Home Office guidance.
2. Where a student has been refused a Tier 4 visa on points, no further CAS will be issued until the Tier 4 applicant has provided a full refusal notice, plus documentary evidence that they would be in a position to make a successful application should a further CAS be issued. The maximum number of CAS issued to any Tier 4 applicant will normally be limited to three per application. In the event of general grounds for refusal on the basis of credibility, for example, no further CAS will be issued to the applicant unless the grounds for refusal have been properly addressed through the appropriate UKVI review process in time.
3. Should the University be aware of the refusal of entry clearance/leave to remain using a CAS from a different Tier 4 sponsor due to credibility concerns, this may influence any decision to issue a CAS for sponsorship at Newcastle University.
4. In addition to the above, where a student has previously had Tier 4 sponsorship withdrawn by the University, a request for a new CAS will be carefully considered with regard to the reasons why Tier 4 sponsorship was withdrawn.
5. The University reserves the right to charge applicants where a CAS needs to be reissued due to a mistake on the student's part.

In some instances, e.g. where a student needs 6 months or less to return to the UK for the purposes of re-sitting an examination, re-taking a module or taking an oral exam, the University may decline to issue a CAS - but will instead issue a supporting letter which would enable the applicant / student to apply to study in the UK with a 'Short-Term Student' visa.

6. Issuing a CAS or a supporting letter for a Short Term Study visa does not guarantee that a student will be successful in securing a visa. The University is not responsible for any decisions made by the Home Office 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 or supporting letter for an applicant on request.
7. Other than the circumstances noted above, circumstances when the University may decline to issue a CAS or withdraw sponsorship, include the following.
 - a. Reasonable suspicion that a student is in breach of their visa or deliberately failing to follow advice about their visa position etc.
 - b. 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 (Tier 4 General/ Short-Term Student).
 - c. The student is/has been engaging in terrorism, or a reasonable suspicion that this is the case.
 - d. The student is/has been engaging in criminal activity, or a reasonable suspicion that this is the case.

- e. In the opinion of the University, the student's circumstances may compromise or pose a risk to University's Sponsor Licence.
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8. Students under Tier 4 sponsorship are normally required to reside at an address within a radius of 50 miles from Newcastle University for the duration of their programme, except during periods of vacation, outside study, work placement or where exceptional personal circumstances may require an absence. Students are required to maintain their personal records with the University, including their address, for the duration of their studies.
 9. The Home Office's rules are subject to change. The University's policy and practice may therefore be amended at short notice to reflect revised the Home Office's rules and guidance.
 10. 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 Home Office to the extent that the University believes is required to comply with its Sponsor duties.
 11. 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.

Section 5: Identity management and record-keeping

1. To be considered fully registered by the University all students need to provide acceptable proof of identity.
2. 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:
 - a. it is confirmed that they have a valid visa to study the programme at the University, or a pending in-time application for leave to remain in the UK or Administrative Review, and;
 - b. these documents have been checked and copied to University records.
3. Throughout their programme, students are required to provide the University with updated copies of immigration documents if:
 - a. they renew their passport or
 - b. they amend their immigration status
 - c. they are awaiting the outcome of a leave to remain application, an Administrative Review or Appeal against a UKVI decision
4. Throughout their registration, students are required to maintain an accurate record of their address and contact details with the University at all times in accordance with General Regulation M.

Section 6: Withdrawal of Tier 4 sponsorship

1. 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 academic progression, to non-payment of tuition fees, failure to make a valid Tier 4 application in time to begin a new programme or other relevant circumstances.
2. The University will withdraw Tier 4 sponsorship for students:
 - a. who successfully complete their programme of study early
 - b. whose studies are terminated under the University progress, examination or
 - c. 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.
 - d. who undertake a period of 'outside study' outside of the UK for a period of more than 12 months during primary research (Postgraduate Research Students).
3. The University will normally withdraw Tier 4 sponsorship of students who:
 - a. do not attend and participate in their studies as required for their programme of study
 - b. transfer to part-time study
 - c. do not attend events arranged to confirm their attendance on their programme
 - d. 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
 - e. have remained in the UK having suspended their studies, or who did not maintain their University registration as an external candidate
 - f. are discovered to be in breach of the terms of their current visa
 - g. who interrupt their studies for more than 1 month
 - h. who, according to Tier 4 rules, may have made an invalid Tier 4 application which is likely to result in refusal of the application
 - i. a period of study or work or work experience/placement outside the University, if attendance monitoring procedures cannot be maintained
 - j. leave the UK to write-up or complete examination corrections in their home country or elsewhere
 - k. opt to take annual leave or outside study after 31st July during the period of Tier 4 sponsorship for writing-up (Postgraduate Taught Students).
4. The University will normally withdraw Tier 4 sponsorship of students whose studies are suspended for any period of time including suspensions arising from:
 - a. medical or personal circumstances,
 - b. programme transfers,
 - c. plans to repeat study after a period of suspension
 - d. a requirement to complete assessments as an external candidate or
 - e. completion of the Fitness to Practice policy.

Students who suspend their studies may be able to resume their studies at a later date.

5. The University will normally withdraw sponsorship if any other issues emerge that suggest that sponsorship is contrary to the University's duties to the Home Office
6. Where Visa Sponsorship is withdrawn by the University, the student's studies will also be terminated, in accordance with General Regulation V.
7. 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.
8. Students requesting a CAS for leave to remain under Tier 4 for the Doctorate Extension Scheme are expected to take all possible steps to ensure that they complete their programme by the end date stated on the CAS. A CAS will be withdrawn if, following the end date of the CAS:
 - a. the student does not submit their hardbound thesis
 - b. the examiners discover significant issues with the resubmitted work
 - c. the examiners are unable to complete the assessment.
9. Applicants sponsored under the Tier 4 Doctorate Extension Scheme are required to engage in employment activities as allowed under the terms of the scheme. The University reserves the right to withdraw sponsorship if it is suspected that a graduate is:
 - a. working in breach of their visa conditions;
 - b. engaging in forms of employment which involve fraudulent or other illegal activities or contravene UK health and safety laws;
 - c. engaging in activities which bring the University in to disrepute.
10. Graduates sponsored under the Tier 4 Doctorate Extension Scheme will be contacted on four occasions during the 12 month period of the visa and required to update the University of their contact details and current employment or entrepreneurial activities. Failure to respond appropriately to such contact will result in sponsorship under the scheme being withdrawn.
11. Sponsorship under the Tier 4 Doctorate Extension Scheme will last no more than 12 months. Under the terms of the Tier 4 sponsor guidance, at the end of this period, migrants under the scheme will be required to leave the UK or switch in to Tier 2 as appropriate.

Section 7: Complaints

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.

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.

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Updated: 12 November 2018