

UKVI Compliance Sponsored Student Policy

Document Title: UKVI Sponsored Student Compliance Policy			
Version No. Superseded version	3.0 UKVI Tier 4 Compliance Policy	Author Role Title	Senior Solicitor Legal & Governance Services
Approval Date	19.11.2021	Approved by	Vice- Chancellor
Effective Date	19.11.2021	Review Date	June 2022 or earlier, whenever any updates to UKVI requirements occur.

PART 1

1. Background & Purpose

- 1.1** The UK exited the European Union (EU) on 31 January 2020. The UK Government introduced new immigration legislation to establish a new Points Based System (PBS) providing equality of treatment of EU and non-EU citizens. On 5 October 2020, Tier 4 was rebranded to become the Student sponsor route, the primary immigration route for all international students (including EU citizens, after a transition period) who wish to study in the UK.
- 1.2** Teesside University is licenced by UK Visas and Immigration (UKVI), part of the Home Office to sponsor international students. It is a Higher Education Provider (HEP) with a track record of compliance. Student sponsorship is a privilege and not a right. UKVI trusts the University to exercise its responsibility to maintain immigration control by fulfilling the duties imposed in the immigration rules and policy guidance and will act against the University, upon failure to do so. The purpose of this Policy is to establish the principles prescribing how Teesside University complies with its duties and obligations under the Student sponsor route to govern the processes and procedures to give effect to such.
- 1.3** The scope of the Policy is both prospective and current international students of Teesside University subject to UK immigration control. Any reference to 'Student' visa includes a Tier 4 visa issued prior to 5 October 2020.
- 1.4** The transition period permitted EU/EEA or Swiss nationals resident in the UK before 11pm on 31 December 2020 to apply for the EU Settlement Scheme exempting them from requiring a Student visa, up to 30 June 2021. EU/EEA and Swiss nationals who did not have (or are not eligible to apply for) pre-settled or settled status under the EU Settlement Scheme were required to apply for a Student visa from 1 January 2021.
- 1.5** UKVI's rules are subject to change, often at short notice. The University's Policy will be amended to reflect revised UKVI rules and guidance. Where there is a conflict however, between the immigration rules/Student sponsor route guidance and this Policy, the immigration rules/student route guidance will prevail. The University reserves the right to revise its policies relating to compliance with its student sponsor duties at any time.

2. Key Responsibilities

- 2.1** Responsibility for the management and implementation of this policy and any accompanying procedures lies with the Authorising Officer of the University's Student sponsor licence.
- 2.2** All Teesside University staff, and third parties engaged on behalf of the University working with applicants and sponsored students covered by the PBS immigration system must adhere to this Policy.
- 2.3** Any third party used by the University in the recruitment of sponsored students must note the requirements of this Policy and ensure that any advice to a sponsored applicant/student is wholly in accordance with such.

3. Teesside University Responsibilities

3.1 General Sponsor Duties

Teesside University **must:**

- 1. Act honestly with full disclosure in all its dealings with the Home Office (UKVI).
- 2. Act with integrity as a genuine education provider.
- 3. Take responsibility for all its sponsored students whilst it is sponsoring them. The University is responsible for a sponsored student from assignment of the CAS until the student is withdrawn, leaves the UK or is given permission to stay in the UK with a different sponsor or in another immigration category.
- 4. Do all it can to ensure that prospective students are genuine students who can comply with the immigration rules and students who enrol, comply with their conditions of leave and see their course through to completion.
- 5. Ensure that concerns about the conduct and integrity of sponsored 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.
- 6. 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 their study.
- 7. Co-operate with the Home Office by allowing its staff immediate access to any of its sites and comply with all requests for information.
- 8. Ensure that its website and any marketing material accurately reflects its student sponsor status.

3.2 Specific Record Keeping Duties Appendix D

The University must keep all documents listed in Appendix D for 1 year from the date on which student sponsorship ended or the date on which a Home Office Compliance Officer examined or approved them, if earlier than 1 year. Where the University's Records Retention Schedule prescribes a longer period, this must be adhered to. No records should be disposed of prior to 1 year of ending sponsorship without authorisation of the University's Authorising Officer.

Teesside University **must** keep and provide to UKVI if asked to see it at any time:

1. A copy of each sponsored student's current passport.

For non-EEA nationals or a EEA national who does not have a chipped passport, the University must copy all pages showing any personal identity details including biometric details, stamps or immigration status document including their period of permission to stay in the UK and their entitlement to study with Teesside University as a licenced sponsor.

For EEA nationals who have a biometric passport and are applying under the Student sponsor route after the end of the transition period (30.06.2021), the University must store the information obtained from the online share code used to prove their online immigration status, in place of a physical BRP. Where a student has been issued a digital status, the conditions of the permission granted will be stated on the decision notification issued to the student. The University must request a copy of the decision notification from the student.

The University must check the date on which a sponsored student entered the UK against the start date of their student permission. The University must not enrol a student who has entered the UK prior to the validity of their student permission. In the event that this is identified at pre-enrolment document checking, the student must be asked to leave and re-enter the UK on or after the start date of their student permission to activate such.

A sponsored student with valid permission who is an EU or EEA nationals or a national of Australia, Canada, Japan, New Zealand, Singapore, South Korea, Switzerland or USA and has entered the UK through an automated e-Passport gate ('e-Gate') will not have an entry stamp in their passport. The University must satisfy itself of the date of entry by examining alternative evidence (e.g. e-tickets/boarding pass) and recording this date, with the evidence type viewed.

2. A copy of the sponsored student's Biometric Residence Permit (BRP) or digital status. Where the student has digital status, the University must keep an electronic copy of the status.
3. A record of the sponsored student's absence/attendance and engagement with study.
4. An up to date history of the sponsored student's contact details including UK residential address and telephone number (including mobile).
5. Copies of ATAS clearance certificates or electronic approval notice received from the Foreign and Commonwealth Office (FCO), where required.
6. Copies of any evidence used as part of the offer making process. The University as a HEP with a track record of compliance must keep records of the documents used to obtain the offer for students at degree level or above however, these documents do not need to be submitted with the student visa application.
7. Evidence of the selection process that has resulted in any endorsement the University provides under the Start-up route.
8. Where a sponsored student is under the age of 18, a copy of the letter from the child's parents or legal guardian (or one parent if that parent has sole legal responsibility for the child) consenting to the arrangements for the student's application, travel, reception and care arrangements in the UK.
9. The University must provide to UKVI electronically within 21 days of the date of a request:
 - a. A spreadsheet showing the details of each of its sponsored students and their attendance.
 - b. A spreadsheet showing the details of its sponsored students including proximity of their residential address to the University.

3.3 Specific Reporting Duties

Teesside University **must** notify UKVI:

1. If it becomes aware that any of its sponsored students have been granted leave with the incorrect conditions of stay, e.g. mistakenly granted permission to work.
2. Anything it has reported through the SMS is incorrect, explaining why it is incorrect.
3. If there are any changes to a sponsored student's circumstances including:
 - a. A sponsored student withdraws from their course before they travel to the UK.
 - b. A sponsored student's start date is delayed before they enter the UK but after they have been granted entry clearance.
 - c. A sponsored student does not enrol within the enrolment period.
 - d. A sponsored student stops academically engaging.
 - e. A sponsored student defers their studies after they have arrived in the UK and is no longer actively studying.
 - f. The University withdraws a sponsored student from their course of study.
 - g. The University stops sponsoring a student because they commence an overseas study programme and do not intend to return to the UK or the University does not want to continue to be responsible for them while they are out of the UK, move into a different immigration category with a different sponsor or move into an immigration category that does not need a sponsor or they complete their course of study sooner than expected.
 - h. A significant change including a change in place of study or work placement, a change of course or anything that suggests a breach of conditions of permission to stay in the UK.
4. A sponsored student is suspected not to be genuine.
5. If a sponsored student makes a successful appeal against a refusal decision and permission is granted, the University must notify UKVI if the student's start date is delayed and provide a new enrolment date. The University must retain records about any such appeal.
6. If there are any changes that affects its student sponsor licence.
7. Details of any third party in the UK or another country, which has helped it to recruit students.

The above reporting duties apply to all sponsored students including those on:

- a. A pre-sessional course or a study abroad programme at any partner institution.
- b. A work placement that is part of their course
- c. On a study abroad programme overseas that is part of their course, unless the University has ended sponsorship during this period.

The University will collect, retain and use such information about applicants and sponsored students necessary for the purposes of complying with its sponsor duties in accordance with Appendix D of the Student sponsor guidance, the Data Protection Act 2018, the UK General Data Protection Regulation and the University's Data Protection Policy in force from time to time.

The University is obliged to comply with its sponsor duties. The University will not accept liability for any loss (financial or otherwise) experienced directly or indirectly by any applicant or sponsored student as a result of any actions or omissions on the part of the University which the University believes are necessary to comply with its sponsor duties.

4. Sponsored Students Responsibilities

In addition to the obligations of all students set out in the University's Terms and Conditions, sponsored students must comply with the immigration rules, conditions of their visa and obey the law at all times. The University reserves the right to request appropriate evidence from a sponsored student that they are complying with the conditions of their student visa, as it sees fit. It is the sponsored student's sole responsibility to familiarise themselves with the UK immigration requirements and ensure they comply with the conditions of their student visa as well as all applicable conditions of the Student route sponsorship set out below. Teesside University will not take responsibility for any student who breaches any of their student visa conditions and will withdraw student sponsorship in these cases.

Sponsored students **must:**

1. Co-operate and act honestly in all dealings with the University, as well as acting in a way that supports the University in carrying out its sponsor duties.

Pre-Enrolment

2. Attend, if required to, a credibility interview with UKVI in order to obtain a student visa.
3. If applicable, pay the immigration health surcharge (IHS) at the time of a student visa application.
4. Hold the required level of funds, even if the sponsored student is not required to provide evidence of this with their visa application under the differentiation arrangements as UKVI reserve the right to request evidence of funds.
5. If applicable, obtain and provide a valid TB certificate with a student visa application.

Enrolment

6. Collect their Biometric Residence Permit (BRP) within 10 days of arrival in the UK, or before the expiry of the visa in their passport (whichever is the latest date).
7. Enrol by the start date of their course of study by providing all documentary evidence the University requires to comply with its specific record keeping duties set out at paragraph 3.2 above and promptly respond to all requests by the University to present the required documentary evidence.
8. Inform the University (by e-mailing International.Compliance@tees.ac.uk) of any changes to their plans including inability to enrol before the course start date and/or request to defer in accordance with paragraph 5(2) below.
9. Re-enrol on time for each academic year, where applicable. Sponsored students who re-enrol with a student visa that expires before their course expected end date do so at their own risk as the University offers no assurance that a CAS will be assigned to enable a visa extension application as per paragraph 6.9 below.

Valid Passport and Visa Extension

10. Ensure their passport, visa and immigration status remains valid during the entire period of study at Teesside University. It is the sponsored student's responsibility to apply for a new passport/visa before expiry and present to the University (LGS UKVI Compliance-LGSComplianceUKVI@tees.ac.uk) for scanning/copying immediately upon receipt, where renewed or extended. The University may suspend students and withdraw student sponsorship upon failure to provide a

passport, visa or evidence of an in time application made within Home Office timescales where requested to do so.

11. Leave the UK before their student visa expires unless UKVI has extended their visa or, before expiry, the sponsored student has applied for permission to stay and the University has approved continued sponsorship.

Visa Refusal

12. Immediately inform LGS Compliance (LGSComplianceUKVI@tees.ac.uk), supplying a copy of their visa refusal/rejection letter, if an application for extended leave to remain in the UK is refused or rejected.
13. Immediately inform LGS Compliance (LGSComplianceUKVI@tees.ac.uk), where administrative review successfully overturns the decision to refuse a visa in favour of the sponsored student.

ATAS

14. Apply for and provide the University with ATAS approval where required in sufficient time for the University to assign a CAS to enable a student visa application to be made or to approve a transfer onto an ATAS designated course.

If the course details change or the course end date is postponed for a period of more than three calendar months, sponsored students requiring ATAS must apply for a new ATAS Clearance Certificate before the change in course, regardless of when their leave to remain expires. It is the sponsored student's sole responsibility to apply for a new ATAS Clearance Certificate if there are any changes to the course content (or research proposal). Any transfer to a course that requires ATAS will not be approved until ATAS approval is granted and provided to the University.

The Home Office recommends applying for an ATAS certificate as early as possible from receipt of a conditional offer to study at the University. Applicants and sponsored students should be aware that processing times between the months of April and September and can take 30 or more working days to complete.

Contact Details

15. Provide the University with their UK contact details (address, telephone number, mobile telephone number) and keep these contact details up to date at all times via the 'My Details' tab in E-Vision.
16. The University must be able to provide UKVI with the current address of all its sponsored students including information on the proximity of their address to the University campus. Sponsored students are expected to live within a reasonable travelling distance of the University campus (normally within 50 miles). The University will frequently review the recorded addresses of its sponsored students and any students identified as living beyond what the University considers to be a reasonable travelling distance will be subject to review by LGS Compliance and required to explain how they are able to satisfy the University's attendance requirements. If a sponsored applicant/student has any doubt as to whether an address will be considered reasonable, advice should be sought from LGS UKVI Compliance prior to entering into a financial commitment or taking up residency.

Police Registration

17. Register with the Police (where required to do so) within the time limits set by the Home Office endorsed on the student visa/BRP card. Failure to register with the Police is a criminal offence and may result in exclusion from the University and withdrawal of student sponsorship.
18. Ensure that their Police registration certificate is updated by the relevant Police station should their address/details or immigration conditions change after initial registration.

Attendance & Engagement

19. Undertake a study skills assessment upon enrolment. The University strongly encourages students who are assessed below 70% to attend a free of charge in-session academic English and study skills course (one two-hour class per week).
20. Engage fully with their studies at the University and attend all seminars, tutorials, supervision meetings, laboratory and other practical classes and lectures as may be required.
21. Not undertake any studies which are supplementary to their main Programme of Study except as permitted under their Student visa.

22. Meet the University's attendance and engagement requirements; attend all formal teaching sessions, engage with studies and follow the University's procedures if unable to engage or attend. Failure to do so will result in exclusion and withdrawal of student sponsorship.
23. Follow the University's processes for interruption/withdrawal. Sponsored students should note that interruption, suspension and withdrawal have implications on immigration status and may result in a requirement to withdraw sponsorship and leave the UK.
24. Ensure completion of their course by the original expected end date and within the validity of their current student visa if requesting an authorised absence of up to 60 days (or 30 days for distance learning, where distance learning is permitted in accordance with temporary concession for COVID 19).

Progression

25. Reach the level of academic attainment required for the course. The only exception to this requirement is when elements of the course must be retaken in order to progress on or complete the course.

Change to Immigration Status/Category

26. Immediately inform LGS Compliance (LGSComplianceUKVI@tees.ac.uk), if they permanently leave the UK or switch into another immigration category or sponsorship route.

Employment

27. Adhere to the work permission stated on the student visa or BRP. For full-time study, permission to work is restricted to 10 or 20 hours per week during term-time depending on the course for which a student visa was granted. Students studying part-time have no entitlement to work. The definition of a week specifically for the purposes of work is a 7-day period from Monday to Sunday. Sponsored students must not be self-employed or engage in business activity.
28. Ensure that the restricted hours of work are not exceeded during time spent undertaking research, writing up or studying during a vacation period. Sponsored students must contact LGS UKVI Compliance (LGSComplianceUKVI@tees.ac.uk), if in any doubt regarding their eligibility to work additional hours during vacation periods. Students found to be in

breach of the conditions of their visa will be excluded and reported to the Home Office.

PART 2

5. Selection and Admission

International Admissions (IA) within International Admissions and Compliance (ICA) with input from the Academic Schools is responsible for deciding the outcome of all international applications. International Compliance (IC) within IAC is responsible for assigning CAS to international applicants requiring student sponsorship.

Admissions decisions are made in accordance with the University's Admissions Policy. This Policy details Teesside University additional requirements for applicants requiring Student sponsorship to ensure compliance as follows:

1. The University reserves the right not to make an offer to an applicant requiring student sponsorship where it is unable to assign a CAS if the applicant has not met the conditions of this Policy.
2. IA will consider a request from an applicant requiring student sponsorship to defer their admission to the University, no later than the current or following academic year. IA will require up to date student information prior to the release of any deferred offer.
3. Applicants requiring student sponsorship by the University must demonstrate English language competence of at least the required level in accordance with the Home Office requirements. The University can choose how it assesses English language competence of students studying at degree level and above and does so in accordance with the University's English Language Policy.
4. Applicants must declare any previous studies undertaken in the UK and other countries on previous visas, together with any visa applications made, for which a CAS was assigned by any UK institution and provide a copy of the Home Office decision even if this was a refusal or reject.
5. The University must ensure that the immigration status of all international applicants is as stated and reserves the right to carry out an immigration history check with the Home Office. If an applicant does not consent to disclosure of this information to the University and the immigration history check cannot proceed, the application will be rejected.
6. Applicants who have submitted a claim for asylum in the UK are required to consent to an immigration history check including a right to study check. If they are receiving NASS (National Asylum Seekers Support), they may

have cited destitution to the Home Office as part of their asylum claim and evidence of NASS payments must be provided. Enrolment on a fee-paying course may affect their claim for NASS and therefore the University's ability to make a course offer.

7. If it is discovered that a false statement has been made, false documents submitted or significant information omitted from an application, the University reserves the right to withdraw or amend an offer.

6. CAS Assignment

6.1 General

The University's policy and processes ensure that it does not assign a CAS unless it reasonably believes that the suitability and eligibility requirements for the student route are met and the student will comply with the conditions of their permission to stay in the UK. CAS assignment, however, does not guarantee success in securing a student visa. The University is not responsible for any decisions made by the Home Office and cannot accept liability for any sponsored student failing to obtain a visa and/or consequences, loss (whether financial or otherwise) of such failure; nor is the University liable for the consequences of refusing to assign a CAS.

Receipt of an academic offer provides no guarantee that a CAS will be assigned to an applicant. The University is under no legal obligation to assign a CAS and exercises caution so as not to risk its status as a student sponsor. The University will only assign a CAS where it is believed that the visa application will be successful and reserves the right to refuse to assign a CAS if there are reasonable grounds for suspecting otherwise. The University will only assign a CAS to a prospective student if they meet all of the conditions of their offer, the entry requirements of the University, as well as the conditions of this Policy.

A CAS for an application for entry clearance from outside the UK will be assigned no more than 6 months prior to the course start date.

A CAS for permission to stay on the student route for applicants already in the UK will be assigned no more than 3 months prior to the course start date.

The University will assign a single CAS to cover a pre-sessional English (PSE) course and main course of study if the applicant has received an unconditional offer on their main course of study (other than the condition that they must reach B2 level English on completion of a pre-sessional English language course) where the pre-sessional English course is no longer than three months duration and will end no more than one month before the main degree course.

In all other cases, the University will assign a separate CAS for the pre-session course and a further CAS for the main course, if the student successfully completes the pre-session course, meets all the conditions of their offer on the main course of study, as well as meets the conditions of this Policy.

6.2 Immigration Status

The University will make appropriate checks (including an immigration history check) to verify the immigration status of any applicant already in the UK and their eligibility to apply for further permission under the student route.

The University cannot issue a CAS to anyone who has overstayed in the UK by more than 14 days. The University will not assign a CAS to an applicant/student who has overstayed in the UK by less than 14 days unless it is wholly satisfied that the applicant/student has demonstrated exceptional circumstances beyond his/her control preventing an in-time application. The University applies a high threshold to what constitutes 'exceptional circumstances' including serious illness (supported by medical documentation), travel or postal delays beyond the student's control (e.g. unforeseen postal strike or travel delays due to natural disaster or war), inability to provide necessary documents due to unforeseen circumstances (e.g. Home Office at fault for loss or delay in returning documents). The University reserves the right not to assign a CAS to any applicant/student who has overstayed by less than 14 days and has absolute discretion in its assessment of 'exceptional circumstances'. The University may therefore decline to assign a CAS in such circumstances even if it is deemed likely that the Secretary of State may accept that there is a good reason beyond the control of the applicant or their representative preventing the application from being made in time.

The University reserves the right not to assign a CAS to any applicant/student who has had any previous application for a visa refused. Where a student has obtained a visa refusal, the University will review such and can advise on the potential grounds for Administrative Review.

Where an applicant/student's visa application for Teesside University is refused, the University will not assign a second CAS, where the University's assessment of the refusal indicates that the applicant has reasonable prospects of success at Administrative Review. In such circumstances, the University will require the applicant/student to make an in time application for Administrative Review. The University will not consider assigning a second CAS in any circumstances unless the applicant/student can demonstrate that there are exceptional circumstances. Again, the University applies a high threshold as to what constitutes exceptional circumstances as it is the applicant/student's responsibility to familiarise

themselves with the UK immigration requirements and ensure they make a successful student visa application. Any applicant/student with a visa refusal who requests a new CAS must provide the University with a full copy of their Home Office refusal.

6.3 Genuine Student

The University may make any additional checks it deems necessary to ensure that it only sponsors genuine students who will successfully obtain a student visa. Such checks may include but are not limited to, UKVI immigration history check (as set out at paragraph 6.2 above), interview, reviewing bank statements/financial documents and verifying these with financial institutions and requesting details of any CAS assigned by previous institutions.

6.4 Academic Progression

The University will assess the UKVI academic progression requirement for any applicant or current student in the UK who has previously been granted permission as a student or a Tier 4 (general) student. The University must ensure that students are progressing academically if they wish to study a further course in the UK and are not merely seeking to extend their stay in the UK.

Where the University has assessed an applicant/student as satisfying an exemption from demonstrating academic progression, the University will retain evidence as required, to confirm the explanation provided on the CAS.

Where an applicant/student is unable to satisfy the academic progression requirement and is required to make a student visa application from overseas, the University will not assign a CAS unless the applicant leaves the UK and provides satisfactory evidence that they have left the UK (e.g. immigration entry clearance stamp from a country other than the UK and boarding pass).

If an applicant/student is not exempt from the academic progression requirement, for assignment of a CAS to be considered:

1. The applicant/student's new course must normally be above the level of the previous course for which they were granted a student visa. e.g., if the previous course was at RQF6 (and equivalents) their next course should be at least at level RQF7. A student can demonstrate academic progression if they are moving from the lower level to the higher level of an integrated Masters course or an integrated Masters and PhD programme however, the University will not assign a CAS unless it has assessed the student as having the required academic ability to complete the higher level course, with confirmation included on the CAS.

2. The applicant/student must not have failed to successfully complete a previous course or if they have been granted a course transfer at Teesside University, the course which they have transferred to. If a student has successfully completed an integrated masters or PhD programme, leading to the award of the lower level of the two qualifications that may be awarded and is applying for a new course which leads to the award of a qualification at a higher level than the qualification awarded, this would meet the academic progression requirement (e.g. a student who completes an integrated masters programme with a bachelors qualification, then applies for a masters programme, would meet the academic progress requirement).
3. The applicant/student must not be undertaking a lower level English language course between two substantive courses except if a single CAS has been assigned to cover the pre-sessional course and the substantive course and the substantive course is at a higher level than the previous course for which a student visa was last granted.
4. Where an applicant/student has previously studied on a course in the UK at the same level, the University will only exceptionally consider assigning a CAS if the new course is at degree level or above and related to (meaning that it is either connected to the previous course, part of the same subject group or involves deeper specialisation); the previous course for which a Student visa was granted or the previous course and the new course combined supports the student's genuine career aspirations.

6.5 Time Limit

The time a sponsored student can spend studying in the UK at degree level is limited to 5 years unless the student is studying an exceptional subject area as defined by UKVI. There is no time limit on study at postgraduate degree level and above. For the purposes of calculating study time which counts towards the time limit, where a student is undertaking an integrated masters programme, the entirety of the period of permission will be considered to be study at RQF level 7 and as such will not count towards the limit on study at degree level.

The University will not assign a CAS where an applicant/student has exceeded or will exceed by the end of their course, the maximum amount of time permitted to study in the UK unless exceptionally, the University is satisfied that UKVI will exercise its discretion where a student would exceed the time permitted studying at or below degree level if this was for reasons related to the Covid-19 pandemic. The student must demonstrate that they were unable to complete the course of study due to disruption to course delivery as a result of the pandemic and even then, the University reserves the right not to assign a CAS to any student who may fall for the exercise of discretion, if it is not wholly satisfied with the evidence

provided. The University will require the applicant/student to provide full details of their UK immigration history in order to consider eligibility on time limits.

6.6 ATAS

For courses where ATAS clearance is required, the University will only assign a CAS once a copy of the ATAS Clearance Certificate is received by the University.

6.7 Parental Consent

The University will not assign a CAS to an applicant/student 16 or 17 years of age until it receives and verifies a copy of the parental consent required by UKVI.

6.8 Circumstances when a CAS will not be assigned

The University will not assign a CAS in the following non-exhaustive situations:

1. Where the course of intended study will not comply with student sponsor requirements (e.g. where a work placement constitutes more than 50% of the course duration).
2. The University does not consider the course to represent academic progression, where an exemption does not apply.
3. The University does not consider that an applicant/student will arrive in time for the course start date or the latest date for enrolment.
4. The University does not believe that the applicant/student will successfully complete the course by the course end date.
5. The University does not believe that the applicant/student intends and is able to follow the course of study.
6. If the applicant/student has submitted documents which are proven or suspected to be fraudulent.
7. If the University believes that sponsoring a student will put its sponsor licence at risk.
8. If the University has concerns about the applicant/student's genuine intention to study.
9. If there is any reason to believe a student will not comply with the conditions of their student visa.
10. The University has concerns about the applicant/student's ability to pay, e.g. where a sponsored student has outstanding tuition and/or accommodation fee debts with the University.

6.9 Visa Extensions

The University expects the vast majority of its students to successfully complete by their original course end date and students must use their best endeavours to

do so. Where a sponsored student is required to undertake re-assessment ('re-sit'), if available, this is permitted during the additional grant of up to 4 months by UKVI after the course end date in a student's original permission to stay. Where UKVI initially adds 4 months to the duration of student visa to all degree level students, this is not an automatic given to students who extend their visas in the UK and the University will not extend students visas for this purpose.

The University recognises that limited circumstances may arise where it not possible to complete within the original permission and where the University's Academic Regulations permit, a sponsored student may request a further CAS to make an application for an extension to their Student visa to complete their current course of study.

The University monitors and will send sponsored students a reminder of their visa expiry date however, it is a student's sole responsibility to make a request for a CAS by contacting LGS Compliance no later than 2 months prior to their visa expiry date.

The University will assess all student visa extensions applications and where there is evidence that the visa extension is only required as a result of students' non-attendance and/or non-engagement with studies, the University will not issue a CAS for further study. In such circumstances, the University will withdraw student sponsorship. A sponsored student who fails to complete their course within their original leave to remain has no automatic entitlement to a CAS for a visa extension by virtue of being a current student. The University will fully scrutinise the circumstances for non-completion and reserves the right not to issue a further CAS.

In accordance with paragraph 6.1 above, a CAS will only be assigned in a reasonable timeframe, which aligns with the student's course of study.

UKV academic progression rules determine whether students can apply for a student visa extension in the UK or whether they must apply from overseas.

The rules relating to CAS as set out in the whole of this Paragraph 6 must be applied and sponsored students must be aware that where they are required to undertake re-assessment ('re-sit') or restudy ('repeat') and their permission to stay in the UK expires before they finish the re-study or re-assessment, the University reserves the right not to assign a further CAS based on its assessment of the sponsored student's ability to successfully complete their course by the proposed extension date. For a CAS to be issued, students must be making satisfactory progress on their programme of study.

The University is unable to assign a CAS to extend a student visa for the purpose of taking a re-assessment ('re-sit') where the student's continued participation is not required within 60 days of the next academic period starting. The sponsored student must return to their home country to take the re-assessment (re-sit) or obtain immigration advice regarding an appropriate visa to allow them to re-enter the UK to take the re-assessment.

The University will not assign a CAS for a sponsored postgraduate research student who has already submitted their thesis and requires an extension to their leave to attend their viva or complete revisions unless the student's continued participation on campus and use of University facilities is required. The University will consider such requests on an individual basis and reserves the right to refuse to assign a CAS for a sponsored student in these circumstances.

If a postgraduate research student is currently outside the UK and is required to return to Teesside University to attend their viva, the University will not assign a CAS and the student should obtain immigration advice regarding an appropriate visa to allow them to re-enter the UK.

All students whose student visa extensions applications are approved by the University and are eligible to apply for a student visa in the UK must submit their applications via the University's International Student Advice batch scheme in order to ensure that all applications are completed correctly and have the necessary evidential documentation as required by the UKVI to minimise the risk of a visa refusal. Where students have to apply for a student visa from overseas the University will only issue a CAS after the necessary documentation for visa application (including financial evidence) is checked and approved by the University's International Student Advisors.

6.10 Doctorate Extension Scheme (DES)

From 1 July 2021, the University is no longer able to issue CAS for the Doctorate Extension Scheme. From this date, the Doctorate Extension Scheme closed to new applications as sponsored students can apply under the Graduate route if they wish to stay in the UK to work after they have successfully completed their studies and they meet the qualifying requirements.

PART 3

1. Enrolment

The University will take reasonable steps to satisfy itself of the authenticity of documents provided. Scanning, where applicable and copies will be taken. If a sponsored student is exceptionally unable to produce their passport, visa and/or BRP, provisional enrolment will only be permitted where it can be satisfactorily evidenced that the passport and previous visa/BRP have been sent to the Home Office and an in-time visa application has been submitted to the Home Office with a CAS assigned by Teesside University.

When a CAS has been used in a visa application and the sponsored student does not enrol, the University will withdraw student sponsorship. If a visa was issued it will no longer be valid for use. If a CAS has not been used and is still assigned following the last date of enrolment, the CAS will be withdrawn so that it is no longer valid for use in a visa application. A sponsored student deferring their place in accordance with paragraph 5(2) of this Policy must obtain a new CAS to apply for a visa for the deferred entry.

2. Attendance & Engagement Monitoring

The University monitors student attendance and engagement with the course throughout the period of the student's registration and enrolment. Monitoring arrangements for sponsored students are set out in the University's Attendance & Engagement Policy & Procedure.

3. Student Status

9.1 Transfer

The University can only permit a sponsored student to change their course from that stated on their CAS without obtaining permission from UKVI if all of the following are satisfied:

1. The new course is at degree level or above;
2. The new course is not at a lower level than the current course;
3. The student will be able to complete their new course within their current period of permission; and
4. For students who have previously studied in the UK under the student route (including Tier 4), the University is satisfied that the new course is related to the previous course for which the applicant was granted permission as a student (including Tier 4), meaning that it is either connected to the previous

course, part of the same subject group, or involves deeper specialisation or the previous course and the new course in combination support the applicant's genuine career aspirations.

The University Regulations provide for some course transfers to be mandated by the University as opposed to requested by the student. For example, the University's Registration & Academic Progress Review Regulations for award of PhD and MPhil provide for the University to require a registered PhD student to submit for MPhil, where candidates have been given the opportunity to improve their work and failed to demonstrate adequate progress in a Follow-Up Review or Special Review. This meets the UKVI criteria for transfer and the ability to transfer is subject to the conditions listed above.

Transfer to an ATAS designated course will not be permitted until ATAS approval is received by LGS Compliance.

All transfer requests for sponsored students must be forwarded to LGS Compliance (LGSComplianceUKVI@tees.ac.uk) for written approval prior to processing by the Academic School as the University reserves the right to refuse the request where it does not meet the requirements of the student sponsor guidance.

9.2 Re-study & Re-assessment

The University will continue sponsorship where sponsored students undertake re-assessment (re-sit) during designated vacation periods for their course. If re-assessment is outside a designated vacation period, the University will only continue student sponsorship if continued participation with the course is required within 60 days of the start of the next academic period.

If re-study (repeat) requires continued participation, the University will continue student sponsorship if re-study commences within 60 days of the start of the next academic period. Sponsored students must be aware that the University offers no assurance that this will be possible and where it is not, sponsorship will be withdrawn and the student advised to leave the UK. Submission of an appeal or any form of complaint under the University's Academic Regulations does not have any bearing upon withdrawal of sponsorship. Sponsored students may be informed that they must return to their home country whilst awaiting the outcome of an appeal/complaint.

It is at the University's discretion whether to assign a CAS to permit a student to return to the UK to undertake re-study in accordance with this Policy. As set out at paragraph 6.8 above, the University reserves the right not to assign a further

CAS based on its assessment of the sponsored student's ability to successfully complete their course.

The University will generally not assign a CAS to extend a student visa for the purpose of re-study where the only credits to be studied total 30 or less, or where the re-study can be completed remotely.

9.3 Assessment Board Decisions

A student's sponsored status has no bearing upon decisions of Assessment Boards. Where an Assessment Board has offered a sponsored student a re-study opportunity, the University is not obliged to give effect to such, if doing so, would contravene its student sponsor duties.

9.4 Visa Refusals/Rejections

Where a sponsored student has submitted an in-time request for administrative review of a visa refusal/rejection decision and can provide satisfactory evidence of this to LGS UKVI Compliance, the student will be permitted to remain registered on their current course of study until such time as the outcome of administrative review is known. Where an appeal or administrative review upholds the decision to refuse a visa, student sponsorship will be withdrawn as the sponsored student does not have valid leave to remain in the UK.

9.5 Overstayers

As set out at paragraph 6.2 above, the University will not assign a CAS to a student who has overstayed in the UK by less than 14 days unless there are exceptional circumstances preventing an in-time application and even then, the University reserves the right not to assign a CAS to any applicant/student whose period of overstay may be disregarded under the immigration rules. The University will under no circumstances, sponsor students to make a visa application whilst in the UK when they have no valid immigration permission. If a student becomes an overstay, the University will suspend enrolment and the student must leave the UK.

9.6 Withdrawal of Sponsorship

The University reserves the right to withdraw sponsorship of a student in the following non-exhaustive situations below:

1. Non-enrolment on the course of study by the published date;

2. Failure to re-enrol including circumstances in which re-enrolment is prevented due to academic progression, non-payment of tuition fees or other relevant circumstance
3. Interruption/suspension of studies for less than 60 days (or 30 days for distance learning, where distance learning is permitted in accordance with temporary concession for COVID 19) if the University is unable to continue to carry out its sponsorship duties, and/or the sponsored student will not be able to complete their course within the existing period of leave, and/or if the University believes that the sponsored student will not be able to resume their studies after 60 or 30 days accordingly.
4. Interruption/suspension of studies for more than 60 days or 30 days for distance learning, where distance learning is permitted in accordance with temporary concession for COVID 19.
5. Failure to meet the University's attendance & engagement requirements.
6. Financial exclusion when the sponsored student has failed to pay tuition fees due.
7. Withdrawal from the course of study
8. Completion of the course earlier than the course expected end date stated on the CAS.
9. The University becomes aware that the sponsored student is in breach of the terms of their leave.
10. The sponsored student does not have valid leave to remain in the UK

The University reserves the right to withdraw sponsorship of a DES sponsored student in the following non-exhaustive situations below:

1. The sponsored student finishes their course without successfully completing their PhD or is awarded a lower qualification.
2. The sponsored student has missed a scheduled contact without reasonable explanation and the University has subsequently been unable to make further contact.
3. The sponsored student notifies the University that they are permanently leaving the UK.
4. The University becomes aware that the sponsored student is in breach of the terms of their leave.

Other circumstances may lead to withdrawal of sponsorship and will be considered on their own merit in accordance to the risk the student has or does pose to the University's Student Sponsor Licence.

4. Appeals

If an applicant/student is dissatisfied with the decision of the University specifically relating to student sponsorship including refusal to assign or

withdrawal of a CAS, they can write to the University's UKVI Authorising Officer explaining the reasons why the decision is considered to be incorrect, appending copies of all relevant correspondence/supporting documentation within 10 days of being informed of the decision, which has given rise to the complaint. If appropriate, the Authorising Officer may appoint another senior member of staff in LGS UKVI Compliance who has not previously been involved in the case, to oversee the investigation.

Applicants/students requiring review of the decision are however, encouraged to submit such as soon as practicable, as any decision will be subject to this Policy and the time constraints outlined in such.

The complaint should be addressed to the UKVI Authorising Officer and submitted to the Office of Student Complaints, Appeals and Regulations at oscar@tees.ac.uk.

The OSCAR will acknowledge receipt of the complaint and issue a decision within 21 days of receipt.

Time for consideration of any complaint should not be counted as permission or grounds to remain in the UK and in cases where a student must leave the UK, communications regarding the appeal will be carried out via electronic means.

Under the Higher Education Act 2004, Teesside University subscribes to the independent scheme for the review of students appeals. Once the University internal procedures for the review of a student appeal are exhausted, the University will issue a "completion of procedures letter" to the student. This confirms that the University procedures are complete and advises the student to contact the Office of the Independent Adjudicator (OIA) if they wish to have their appeal reviewed further (provided that it is considered eligible under the OIA's rules).

A "completion of procedures letter" will not be issued to applicants as complaints which concern admissions to a Higher Education Institution are not covered under the OIA Scheme.