



## UKVI SPONSORED STUDENTS COMPLIANCE POLICY

As part of the UK Points-Based Immigration System (PBS) the Tier 4 sponsored student route is now obsolete and was replaced by the Sponsored Students route.

This Policy is currently being reviewed to replace the previous UKVI TIER 4 COMPLIANCE POLICY and references to Tier 4 students cover Sponsored Students until the new Policy is approved.

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## Glossary of Terms

<p>ATAS</p>	<p><b>Academic Technology Approval Scheme</b></p> <p>It requires all applying to study for a postgraduate qualification in certain sensitive subjects, knowledge of which could be used in programmes to develop weapons of mass destruction (WMDs) or their means of delivery, to apply for an Academic Technology Approval Scheme (ATAS) certificate before they can study in the UK.</p>
<p>BRP</p>	<p><b>Biometric Residence Permit</b></p> <p>An identity card, issued separately but to be taken in conjunction with the holder's passport, which indicates the basis and extent of their current leave to remain in the UK and holds a series of their biometric data.</p>
<p>CAS</p>	<p><b>Confirmation of Acceptance for Studies</b></p> <p>A virtual document created by the Home Office and assigned by Teesside University as a Tier 4 Sponsor. Each CAS has a unique number and is accessed by the Home Office to obtain specific data about an individual student and their studies provided by the University as their Tier 4 Sponsor. A CAS is only valid for study with the Tier 4 Sponsor by whom it was assigned and for the course specified. A CAS is valid for 6 months from the date of assignment and can only be used to support one visa application, whether or not that application is successful.</p>
<p>DES</p>	<p><b>Doctorate Extension Scheme</b></p> <p>A UK Home Office scheme permitting students who have almost completed their PhD to stay in the UK for up to 12 months at a Tier 4 sponsor after attaining their PhD to gain further experience in their chosen field, seek skilled work or develop plans to set up as an entrepreneur.</p>
<p>EEA</p>	<p><b>European Economic Area.</b></p> <p>An area of free movement comprised of the 28 European Union member states plus Iceland, Liechtenstein and Norway.</p>
<p>IAC</p>	<p><b>International Admissions &amp; Compliance team</b></p> <p>Located in Finance &amp; Commercial Development, e-mail address:  <a href="mailto:International.Compliance@tees.ac.uk">International.Compliance@tees.ac.uk</a></p>

PBS	<p><b>Points Based Immigration System</b></p> <p>The UK's points-based visa system is the main immigration route for migrants from outside the European Economic Area (EEA) &amp; Switzerland to come to the UK to work, study, invest or train. The system separates applicants into 'tiers'. In order to be eligible for a visa in any of the tiers, applicants must undergo a points-based assessment.</p>
SITS	<p><b>Strategic Information Technology Services</b></p> <p>The student records system used by Teesside University to record and access applicant and student information. Students access their records using e-Vision, the SITS web portal.</p>
SMS	<p><b>Sponsor Management System</b></p> <p>This is an online tool, which allows the University as a Tier 4 sponsor to carry out day-to-day sponsorship activities and fulfil its reporting duties to UKVI in respect of sponsored students. The SMS is used to assign Confirmation of Acceptance for Studies (CAS) to students who wish to come to, or stay in, the UK to study.</p>
Sponsored student	<p>An international student registered or who is intending to register at the Teesside University who holds, or who is applying/has applied for permission to hold, leave to remain in the UK as a Tier 4 (General) Student under the UK Home Office's Points-Based Immigration System. This does not refer to financial sponsorship.</p>
Tier 4	<p>A category of the UK Home Office's Points-Based Immigration System under which a person may apply for leave to remain in the UK as a student.</p>
UK Home Office	<p>The Home Office is a government department leading on immigration and passports, drugs policy, crime policy, counter-terrorism and policing in the UK.</p>
UKVI	<p><b>UK Visas and Immigration</b></p> <p>A division of the UK Home Office responsible for making decisions on who has the right to enter and remain in the UK.</p>
Visa vignette	<p>A sticker placed in the holder's passport, which indicates the basis and extent of their entry clearance to the UK and/or current leave to remain in the UK.</p>

## **PART 1**

### **1. Background & Purpose**

- 1.1. In order to recruit students from outside the EEA/Switzerland, Teesside University is required to comply with the Immigration, Asylum and Nationality Act 2006, which introduced a Points Based Immigration System (PBS). Tier 4 of the PBS is the primary immigration route for non-EEA/Swiss nationals wishing to study in the UK.
- 1.2. Teesside University is licenced by the Home Office to sponsor students under Tier 4, which permits the University to issue a Confirmation of Acceptance for Studies (CAS) to prospective non EEA/Swiss students. By issuing a CAS the University is stating that it wishes for the prospective student to be granted permission to enter and remain in the UK for study purposes.
- 1.3. The terms of the Tier 4 sponsor licence impose duties upon the University, which if breached, could result in its withdrawal. This Policy prescribes how Teesside University discharges these responsibilities. The scope of the Policy is therefore limited exclusively to Tier 4 applicants and students at Teesside University.
- 1.4. This Policy is subject to change and the University reserves the right to revise its policies relating to compliance with Tier 4 sponsor duties at any time.
- 1.5. The Home Office's rules are subject to change. The University's Policy may be amended at short notice to reflect revised Home Office rules and guidance. Where there is a conflict between the Immigration Rules/Tier 4 Guidance and this Policy, the Immigration Rules/Tier 4 Guidance will prevail.

### **2. Key Responsibilities**

- 2.1. Responsibility for management and implementation of this Policy and any accompanying procedures lies with the Authorising Officer of the University's Tier 4 Sponsor Licence.
- 2.2. All Teesside University staff working with sponsored students under Tier 4 of the PBS must ensure they adhere to this Policy.

### **3. Tier 4 Sponsor Duties**

#### **3.1. General Sponsor Duties**

Teesside University must:

- Act honestly in all its dealings with the Home Office.
- Act with integrity as a genuine education provider.
- 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.
- 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.
- 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.
- Co-operate with the Home Office by allowing its staff immediate access to any of its sites and comply with requests for information.
- Ensure that its website and any marketing material accurately reflects its status as a Tier 4 sponsor.

### **3.2. Specific record-keeping duties**

Teesside University must keep:

- A copy of a sponsored student's current and valid passport showing all personal identity details including biometric details, leave stamps or immigration status document including their period of leave to remain (permission to stay) in the UK and entitlement to study with Teesside University as a Tier 4 Sponsor. This should include evidence of an entry stamp unless a sponsored student is eligible to use an e-Gate for entry.
- A copy of the sponsored student's Biometric Residence Permit (BRP).
- A record of the sponsored student's absence/attendance and engagement with study.
- A history of the sponsored student's contact details including UK residential address and telephone number, updated regularly.
- Copies of ATAS clearance certificates or electronic approval notice received from the Foreign and Commonwealth Office, where required.
- Copies of any evidence used by the University as part of the offer making process.
- Where a Tier 4 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.

### **3.3. Specific reporting duties**

Teesside University must notify UKVI:

- 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.
- Anything it has reported through the SMS is incorrect.
- If there are any changes to a sponsored student's circumstances including:
  - A sponsored student withdraws from their course before they travel to the UK.
  - A sponsored student's start date is delayed before they enter the UK but after they have been granted entry clearance.
  - A sponsored student does not enrol within the enrolment period.
  - A sponsored student misses 10 expected contacts points with the University.
  - A sponsored student defers their studies after they have arrived in the UK and is no longer actively studying.
  - The University withdraws a sponsored student from their course of study.
  - The University stops sponsoring a student because they 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.
  - A significant change, e.g. 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.
- A sponsored student is suspected not to be genuine.
- If there are any changes that affects its Tier 4 Licence.
- Details of any third party in the UK or another country, which has helped it to recruit students.

3.4 The University will collect and retain such information about applicants and sponsored students necessary for the purposes of complying with its sponsor duties. The University will retain information in accordance with Appendix D of the Tier 4 sponsor guidance, the Data Protection Act 1998 and the University's Data Protection Policy in force from time to time.

3.5 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. Tier 4 student responsibilities**

4.1. 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 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 Tier 4 visa. Teesside University will not take responsibility for any student who breaches any of their Tier 4 visa conditions and will withdraw Tier 4 sponsorship in these cases.

## **Enrolment**

- 4.2. Sponsored students are responsible for providing satisfactory evidence demonstrating they have the required immigration permission to be in the UK and to study at Teesside University.
- 4.3. Sponsored students are responsible for collecting their Biometric Residence Permit (BRP) or provide evidence of their visa, for example, using a BRP decision letter from UKVI, prior to enrolment at the University.
- 4.4. Sponsored students must provide their passport, visa and/or BRP/BRP decision letter and evidence of qualifications shown in the offer letter on or before enrolment.
- 4.5. Sponsored students must confirm their arrival at Teesside University for enrolment by providing original immigration and qualification documents to the International Admissions & Compliance Team (IAC) by the start date of their course of study.
- 4.6. Sponsored students who are unable to enrol by the course start date must contact IAC at [International.Compliance@tees.ac.uk](mailto:International.Compliance@tees.ac.uk) before the course start date if they wish to defer their place in accordance with paragraph 5.4 below.
- 4.7. Sponsored students must inform IAC of any changes in their plans including if they are not able to enrol on time or travel to the UK.
- 4.8. Returning sponsored students must re-enrol for their course on time for each academic year where applicable.
- 4.9. Sponsored students who re-enrol with a 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.

## **Contact Details**

- 4.10. Sponsored students must ensure that up to date UK contact details are provided (address, telephone number, mobile telephone number) at all times. Sponsored students required to register with the Police must update their Police registration certificate if they change their UK address.

- 4.11. Sponsored students are expected to live within a reasonable travelling distance of the University campus in order to engage fully with their studies and life as a student of the University. It is strongly recommended that sponsored students live near the campus benefitting fully from the facilities the campus has to offer and to ensure travelling does not impact their attendance and engagement.

### **Attendance & Engagement**

- 4.12. Sponsored students must meet the University's attendance and engagement requirements; attend all formal teaching sessions, engage with studies and inform a designated member of staff if unable to attend. Failure to do so will result in exclusion and withdrawal of Tier 4 sponsorship.
- 4.13. Sponsored students are required to undertake a study skills assessment on enrolment. It is recommended students who are assessed below 70% attend a free of charge in-session academic English and study skills course (one two-hour class per week).

### **Periods of Absence and Withdrawal**

- 4.14. Sponsored students must follow the University's processes if they wish to interrupt their studies or withdraw from their course.
- 4.15. Sponsored students who request an authorised absence of up to 60 days are responsible for ensuring that they complete their course by the original expected end date and within the validity of their current Tier 4 visa.
- 4.16. Sponsored students should note that interruption, suspension and withdrawal has implications on immigration status and may result in a requirement to leave the UK.

### **Change to Immigration Status/Category**

- 4.17. Sponsored students have a responsibility to inform IAC immediately if they permanently leave the UK or switch into another immigration category or tier of sponsorship. IAC must be informed of any change to a sponsored student's immigration status/category and supplied with copies of all documentation or correspondence received from the Home Office.

### **Progression**

- 4.18. Sponsored students are required to reach the level of academic attainment required for their course having undertaken a course of study. The only exception to this requirement is when elements of the course must be retaken in order to progress on or complete the course.

## **Valid Passport and Visa Extension**

- 4.19. Sponsored students are required to ensure that their passport, visa and immigration status remains valid during the entire period of study in the UK at Teesside University. It is the sponsored student's responsibility to apply for a new passport/visa before expiry and provide IAC with a copy immediately upon receipt, where renewed or extended. The University may suspend students and withdraw Tier 4 sponsorship upon failure to provide a passport, visa or evidence of an application made within Home Office timescales where requested to do so.

## **Visa Refusal**

- 4.20. Sponsored students whose application for extended leave to remain in the UK is refused or rejected must immediately inform the University by supplying IAC with a copy of their visa refusal/rejection letter and where applicable, a copy of the request for administrative review submitted.

## **Employment**

- 4.21. Sponsored students must adhere to the work permission stated on their visa or BRP. Permission to work is restricted to 10 or 20 hours per week during term-time depending on the course for which Tier 4 leave was granted. The definition of a week specifically for the purposes of work is a 7-day period from Monday to Sunday. Sponsored students cannot be self-employed or engage in business activity.
- 4.22. Sponsored students undertaking research, writing up or studying during a vacation period must not exceed the restricted hours of work per week during this time. Students must contact IAC 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.

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

- 4.23. ATAS clearance is required for all international students in the UK who start, transfer or progress onto, or require an extension of leave in order to continue on an ATAS designated course. New students are notified of ATAS requirement in their offer letter. It is the student's responsibility to have applied for and been granted ATAS approval to the University before a CAS can be assigned to enable a visa application to be made or to approve a transfer onto an ATAS designated course.
- 4.24. If the provider and/or course details change or the course end date is postponed for a period of more than three calendar months, international students must apply for a new ATAS Clearance Certificate before the change in course, regardless of when their leave to remain expires.

- 4.25. It is the sponsored student's responsibility to apply for a new ATAS Clearance Certificate if there are any changes to the course content (or research proposal), for example a course transfer. Any transfer to a course that requires ATAS will not be approved until ATAS approval is granted.

### **Police Registration**

- 4.26. Sponsored students required to register with the Police must do so within the time limits set by the Home Office endorsed on their visa/BRP card. Failure to register with the Police may result in exclusion from the University and withdrawal of Tier 4 sponsorship.
- 4.27. A sponsored student required to register with the Police must ensure that their Police registration certificate is updated by the relevant Police station should their address or immigration conditions change after initial registration.

## **PART 2**

### **5. Selection and Admission**

- 5.1 Admissions decisions are made in accordance with the University's Admissions Policy. This Policy details Teesside University additional requirements for applicants requiring Tier 4 sponsorship to ensure compliance.
- 5.2. International Admissions (IA) within IAC with input from the Academic Schools is responsible for making a decision on all international applications. IAC is responsible for assigning CAS to international applicants requiring Tier 4 sponsorship.
- 5.3. The University reserves the right not to make an offer to an applicant requiring Tier 4 sponsorship where it is unable to assign a CAS if the applicant has not met the conditions of this Policy.
- 5.4. IA will consider a request from an applicant requiring Tier 4 sponsorship to defer their admission to the University if a later intake is offered in the same academic year. IA will require up to date student information prior to the release of any deferred offer. The University does not however, permit applicants requiring Tier 4 sponsorship to defer their admission to the University to a subsequent academic year as they are required to re-apply.
- 5.5. Applicants requiring Tier 4 sponsorship by the University must demonstrate English language competence at 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.

- 5.6. Applicants must declare any previous 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 rejection.
- 5.7. Applicants must declare any previous studies undertaken in the UK.
- 5.8. The University will need to ensure that the immigration status is as stated and reserves the right to carry out an eligibility check with the Home Office. If an applicant does not consent to disclosure of this information to the University and the eligibility check cannot be completed, the application may be rejected and cannot continue until satisfactory evidence (as determined by the University) has been provided and verified.
- 5.9. Non-EEA applicants who do not require a Tier 4 visa to study will be subject to the same checks if it cannot be established from their current visa that they have a right to study in the UK.
- 5.10. Applicants who have submitted a claim for asylum in the UK are required to consent to an eligibility 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 requested. Enrolment on a fee-paying course may affect their claim for NASS and therefore the University's ability to make a course offer.
- 5.11. 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. CAS assignment does not guarantee success in securing a Tier 4 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.

### **Applicants**

- 6.2. Receipt of an academic offer does not guarantee that a CAS will be assigned to an applicant. The University will only assign a CAS to a prospective student if they meet all of the conditions of their offer and entry requirements of the University, as well as the conditions of this Policy.
- 6.3. The University will make appropriate checks to ensure that any applicant already in the UK has valid leave to remain. If found that an applicant does not

have valid leave to remain, 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).

- 6.4. The University will assign a single CAS to cover a pre-sessional English course and main course of study if the applicant has received an unconditional offer on their main course of study. In all other cases, the University will assign a separate CAS for the pre-sessional course and a further CAS for the main course, if the student successfully completes the pre-sessional course, meets all the conditions of their offer on the main course of study, as well as meets the conditions of this Policy.

### **Sponsored Students**

- 6.5. For sponsored students requiring an extension to their Tier 4 visa to continue on their course, a request should be made from the student's e-Vision account no later than 2 months prior to their visa expiry date to ensure they meet the visa application requirements. A CAS will only be assigned in a reasonable timeframe, which aligns with the student's course of study.
- 6.6. If a sponsored student is required to undertake re-assessment ('re-sit') or re-study ('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 pass the course.
- 6.7. The University will not assign a CAS to extend a Tier 4 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 will be expected to make arrangements to 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.
- 6.8. 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.
- 6.9. 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.

## **Doctorate Extension Scheme (DES)**

- 6.10. There is no automatic entitlement for the University to assign a CAS by virtue of eligibility for the DES. The University will only provide Tier 4 sponsorship where it is satisfied that the student is eligible for the DES and intends to use their time on the scheme to gain experience in their specific field or seek skilled work.
- 6.11. The University is not permitted to assign a DES CAS more than 60 days before the expected end date of the PhD. To allow the University to calculate the expected end date, it is the responsibility of the student requesting Tier 4 sponsorship under DES to obtain a DES 'expression of interest form' from IAC, complete and return to IAC as soon as a date is agreed for viva and to immediately update IAC with the outcome of the viva.
- 6.12. Requests for sponsorship under the DES will be considered on an individual basis and the University reserves the right to refuse sponsorship or assign a CAS including, but not limited to, the following:
- a) The student is not currently in the UK.
  - b) The student owes outstanding debts to the University.
  - c) The student has a history of prior visa refusals.
  - d) The student has a history of poor engagement throughout their Tier 4 sponsorship by the University.
  - e) The University is aware of information that could result in the student's visa being refused, e.g. insufficient maintenance funds.
  - f) If the University believes that sponsoring a student will put its sponsor licence at risk or has concerns about the student's intention/honesty or has reason to believe that the student has breached their current visa conditions.

## **All Categories (Applicants & Sponsored Students)**

- 6.13. A CAS will be assigned no more than 3 months prior to the course start date.
- 6.14. The University may make any additional checks it deems necessary to ensure that it only sponsors genuine students who will successfully obtain a visa. Such checks may include but are not limited to, UKVI eligibility check (as set out at paragraph 5.8 above), reviewing bank statements/financial documents or requesting details of any CAS assigned by previous institutions.
- 6.15. The University will assess the academic progression requirement for any applicant/student who currently holds or has previously held a Tier 4 (General) or pre-PBS leave and has studied in the UK. If an applicant/student is not exempt from the academic progression requirement (as per of the Tier 4 Sponsor Guidance: Document 2) for assignment of a CAS to be considered:

- 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-session course and the substantive course and the substantive course is at a higher level than the previous course for which Tier 4 leave was last granted.
- The applicant/student must not have failed to successfully complete a previous course for which they were granted Tier 4 leave or if they have been granted a course transfer at Teesside University, the course which they have transferred to, unless they are applying to progress from a Bachelors to Masters level course as part of an integrated Masters course or a Masters to PhD level course as part of an integrated Masters and PhD programme. If so, they will have to apply from overseas if they wish to make a Tier 4 application to study a new course.
- The applicant/student's new course must normally be above the level of the previous course for which they were given Tier 4 leave. e.g., if the previous course was at QCF or NQF6 (and equivalents) their next course should be at least at level QCF or NQF7.
- Where an applicant/student has previously studied on a course in the UK at the same level, the University will only consider assigning a CAS if the new course is related to (by being part of the same subject group or involving a deeper specialisation) the previous course for which Tier 4 (General) or pre-PBS leave was granted or the previous course together with the new course supports a genuine career aspiration.

6.16. 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. The University will require the applicant/student to provide full details of their UK immigration history in order to establish this.

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

6.18. The University will not assign a CAS to an applicant/student 16 or 17 years of age unless IAC receives a copy of the parental consent required by UKVI.

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

- a) Where the course of intended study will not comply with Tier 4 requirements (e.g. where a work placement constitutes more than 50% of the course duration).
- b) The University does not consider the course to represent academic progression, where an exemption does not apply.
- c) The University does not consider that an applicant/student will arrive in time for the course start date or the latest date for enrolment.

- d) The University does not believe that the applicant/student will successfully complete the course by the course end date.
- e) The University does not believe that the applicant/student intends and is able to follow the course of study.
- f) If the applicant/student has submitted documents which are proven or suspected to be fraudulent.
- g) If the University believes that sponsoring a student will put its sponsor licence at risk.
- h) If the University has concerns about the applicant/student's genuine intention to study.
- i) If there is any reason to believe a student will not comply with the conditions of their Tier 4 leave.
- j) 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.

6.20. The University is under no legal obligation to assign a CAS and exercises caution so as not to risk its status as a Tier 4 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.

6.21. The University will not assign a CAS to an applicant/student who has overstayed in the UK by more 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 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.

6.22. Where an applicant/student's visa application is refused, the University will not assign a 2<sup>nd</sup> CAS unless 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 Tier 4 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. The University reserves the right not to assign a CAS to any applicant/student who has had their visa refused.

## PART 3

### 7. Enrolment

- 7.1. The University will take reasonable steps to satisfy itself of the authenticity of documents provided and copies will be taken. If sponsored students are unable to produce their passport, visa and/or BRP, enrolment will only be permitted where it can be satisfactorily evidenced that the passport and previous visa 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.
- 7.2. When a CAS has been used in a visa application and the sponsored student does not enrol, the University will withdraw Tier 4 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 5.4 will require a new CAS to apply for a visa for the deferred entry.

### 8. Attendance & Engagement Monitoring

- 8.1. Monitoring the attendance and engagement of Tier 4 students is the responsibility of the Academic Schools with support and guidance from Compliance.
- 8.2. 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 Monitoring Policy.
- 8.3. The University monitors students on work placement or internship as they are subject to the above policy whilst completing a work placement or internship. The University is required to report all changes to the dates or place of work or internship as per section 3, Tier 4 Sponsor Duties of this Policy.

### 9. Student Status

- 9.1. **Transfer:** Only some students are able to change from the course they are currently studying and for which their CAS was assigned to an alternative course without first completing their current course. All transfer requests for sponsored students must therefore be forwarded to IAC 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 Tier 4 sponsor guidance.

9.2. The ability to change course is dependent on each individual student's conditions of leave, which differ according to the date upon which a student applied for that leave. A sponsored student can only transfer onto another Teesside University course without completing the course stated on their CAS without requiring permission from UKVI, if all of the following are satisfied:

9.2.1. Students who applied for leave between 13 April 2013 and 5 November 2014

- The new course is at the same or a higher level than the previous course, or if at a lower level than the previous course, provided the conditions and requirements of their permission to stay are the same as they would be had an application for the new course been made at the time of the application for the previous course.

9.2.2. Students who applied for leave between 6 November 2014 and 5 April 2016

- The new course is at the same or a higher level than the previous course, or if at a lower level than the previous course, provided the conditions and requirements of their permission to stay (except those relating to maintenance and academic progression) are the same as they would be if they made an application for their new course (instead of their current course) under the current Rules.
- The new course represents academic progression (as per paragraph 120A(b) of Appendix A of the Immigration Rules in place at the time the student made the application for their current leave) from the course the student completed during their last period of Tier 4 (General) Student or Student leave ("the previous course").

9.2.3. Students who applied for leave on or after 6 April 2016

- The new course is at degree level or above.
- The new course is not at a lower level than the previous course for which a CAS was assigned and the sponsored student was granted leave.
- He/she will be able to complete the new course within the current period of leave.
- For students who have previously been granted Tier 4 (General) leave, the University must confirm that the new course is related to the previous course for which the sponsored student was granted leave as a Tier 4 (General) Student, 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.

- 9.3. Transfer to an ATAS designated course will not be permitted until ATAS approval has been received by IAC.
- 9.4. **Re-study:** Sponsored students must enrol on the relevant module and meet all relevant attendance and engagement requirements. If re-study (repeat) requires continued participation, the University will continue Tier 4 sponsorship for sponsored students in the UK if re-study commences within 60 days of the start of the next academic period.
- 9.5. **Re-assessment:** The University will continue Tier 4 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 Tier 4 sponsorship of students in the UK if their continued participation with the course is required within 60 days of the start of the next academic period.
- 9.6. Submission of an academic appeal does not have any bearing upon reporting to the Home Office. Sponsored students will be informed that they must return to their home country whilst awaiting the outcome of an appeal.
- 9.7. Academic Schools are responsible for ensuring that all changes to the status of sponsored students are immediately recorded on SITS.

## 10. Visa Refusals/Rejections

- 10.1. 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 IAC, 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.
- 10.2. The sponsored student must immediately inform IAC of the outcome of administrative review. Where administrative review overturns the decision to refuse a visa in favour of the sponsored student, full documentation, which supports the outcome including the original passport and BRP must be presented to IAC for verification and copying. Where an appeal or administrative review upholds the decision to refuse a visa, Tier 4 sponsorship will be withdrawn as the sponsored student does not have valid leave to remain in the UK.

## **11. Overstayers**

11.1. As set out at paragraph 6.21 above, the University will not assign a CAS to a student who has overstayed by more 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 who has overstayed. The University will not 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 to make their new visa application from overseas.

## **12. Withdrawal of Sponsorship**

12.1. The University reserves the right to withdraw Tier 4 sponsorship of a student in the following non-exhaustive situations below:

- a) Non-enrolment on the course of study by the published date.
- b) Failure to re-enrol including circumstances in which re-enrolment is prevented due to academic progression, non-payment of tuition fees or other relevant circumstances.
- c) Interruption/suspension of studies for less than 60 days 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 days.
- d) Interruption/suspension of studies for more than 60 days.
- e) Failure to meet the University's attendance & engagement requirements.
- f) Financial exclusion when the sponsored student has failed to pay tuition fees when due.
- g) Withdrawal from the course of study.
- h) Completion of the course earlier than the course expected end date stated on the CAS.
- i) The University becomes aware that the sponsored student is in breach of the terms of their leave.
- j) The sponsored student does not have valid leave to remain in the UK.

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

- a) The sponsored student finishes their course without successfully completing their PhD or is awarded a lower qualification.
- b) The sponsored student has missed a scheduled contact without reasonable explanation and the University has subsequently been unable to make further contact.
- c) The sponsored student notifies the University that they are permanently leaving the UK.

- d) 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 Tier 4 Sponsor Licence.

### **13. Appeals**

- 13.1. If an applicant/student is dissatisfied with the decision of Admissions or the IAC 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. 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.
- 13.2. 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](mailto:oscar@tees.ac.uk).
- 13.3. The OSCAR will acknowledge receipt of the complaint and issue a decision within 21 days of receipt.
- 13.4. 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.
- 13.5 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).
- 13.6 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.

