

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

Introduction

1. The University is licensed by the Home Office to act as a sponsor for visa purposes for students admitted to relevant programmes of study at the University. This policy addresses key areas of activity governing the sponsorship of international students and circumstances where that sponsorship may be withdrawn. The principles apply to all international studies, whether or not they require a CAS from the University in order to study in the UK.

The Home Office via the UKVI change immigration rules and guidance frequently which on occasion may require the University to review and change practices and policies students during their studies at UWE.

2. As a licensed Sponsor, the University seeks to:
 - prevent abuse of the procedures in relation to admission to the University and academic assessment;
 - capture early, any patterns of student behaviour that may cause concern;
 - address possible weaknesses in process which can cause those patterns; and
 - monitor compliance with immigration rules.

Full details of sponsor duties are available on the [Home Office website](#), but a summary list includes the following:

- having recruitment practices to ensure as far as possible genuine students only are accepted and issued with confirmation of acceptance for studies
 - having practices to minimise the number of refusals of leave for migrants applying with a confirmation of acceptance for studies
 - minimising the risk of those who seek to use the student route to enter the UK but have no intention to study
 - taking all reasonable steps to ensure that the students attend and complete their course of study or engage with employment activities as required under the Tier 4 Doctorate Extension Scheme
 - maintaining application to registration conversion rates within a range stipulated by the Home Office
 - maintaining withdrawal rates within a range stipulated by the Home Office
 - maintaining accurate student records
 - notifying the Home Office when students cease to attend their programme or comply with the conditions of the their visa.
 - notifying the Home Office of significant changes to a student's status at the University
 - co-operating with the Home Office and following Home Office guidance where this is available.
3. University policy and practice is designed to ensure compliance with its duties to the Home Office. Nothing in University policy is intended to absolve the University from complying with its duties as a Licensed Sponsor under the Points Based System.

4. In fulfilling sponsorship duties, the Home Office requires the University to maintain records on the Sponsor Management System (SMS). The SMS is used for two main purposes:
 - The issue of a Certificate of Acceptance for Studies (CAS) to applicants/students for study purposes and to students applying for leave to remain under the Tier 4 Doctorate Extension Scheme. This enables students to apply for leave to enter the UK, or for leave to remain in the UK. The CAS requires the creation of the student record on the SMS, the payment of the relevant fee and issue of an individual CAS number for each applicant/student.
 - To update the SMS in instances where students have been issued a CAS but fail to enrol, where University sponsorship is withdrawn or where there has been a change in student circumstances.
5. In addition, once students have registered with the University, the Home Office has required mechanisms for reporting withdrawal or other significant changes to the student's programme.

General

6. Other than the circumstances detailed in this document, the University may decline to issue a CAS or withdraw sponsorship, including the following circumstances.
 - a) Reasonable suspicion that a student is in breach of their visa or deliberately failing to follow advice about their visa position etc.
 - b) The student's main purpose for being in the UK is other than full-time study, or a reasonable suspicion that this is the case (Tier 4 General/Student visitor).
 - c) The student is/has been engaging in terrorism, or a reasonable suspicion that this is the case.
 - d) The student is/has been engaging in criminal activity, or a reasonable suspicion that this is the case.
 - e) The University believes that an applicant or student has obtained a visa by deliberately or inadvertently providing incorrect information to receive a CAS or make a visa application.
 - f) In the opinion of the University, the student's circumstances may compromise or pose a risk to University's Sponsor Licence.
7. Students who change courses and/or require more time to complete their studies will be required to do so in accordance with UK Government rules and regulations. This may result in visa applications **being required before further study can take place** and the visa application may need to be submitted in the students home country.
8. Students under Tier 4 sponsorship are normally required to reside at an address within a reasonable distance or their campus that allows appropriate course attendance and engagement for the duration of their programme, except during periods of vacation, outside study, work placement or where exceptional personal circumstances may require an absence. Students are required to maintain their personal records with the University, including their address, for the duration of their studies.
9. The Home Office's rules are subject to change. The University's policy and practice may therefore be amended at short notice to reflect revised the Home Office's rules and guidance.
10. The University will collect and retain any such information about its applicants and students as it deems necessary for the purposes of complying with its Sponsor duties. The University will retain this information in accordance with the Sponsor Guidance, the Data Protection Act 1998 and the University's Data Protection Policy from time to time in force. The University will share information with The Home Office to the extent that the University believes is required to comply with its Sponsor duties.
11. The University is obliged to comply with its Sponsor duties. As such the University cannot accept any liability for any loss (financial or otherwise) experienced directly or indirectly by any applicant or student as a result of any actions or omissions on the part of the University which the University believes are necessary or desirable to comply with the University's Sponsor duties.
12. Advice on the implications of any decision made by UWE on an individual's immigration status is provided by the [Visa and Immigration Team](#). While they can advise on the implications of a decision made by UWE they are not able to lobby the University on an individual's behalf

Application/Admission

13. The University has admission policies designed to ensure that only applicants eligible for the programme receive offers to study. For international applicants, additional policies of [English Language level](#) and [deposits](#) apply.
14. When an international student accepts an offer of a place and pays the appropriate deposit to study at the University, they are considered to be requesting a Certificate of Acceptance for Studies (CAS).
15. Only authorised staff are able to issue a CAS to applicants. The International Admission Team may require applicants requesting a CAS to provide further information and documentary evidence to enable the University to properly evaluate the case and fulfil its sponsor duties before issuing a CAS.
16. It is the responsibility of the applicant to provide any required information and to fulfil any conditions identified by the University.
17. Authorised staff will issue a CAS only where the applicant:
 - has met all conditions of entry for the programme.
 - has paid the required deposit or provided proof of financial sponsorship,
 - is seeking to study a programme that is deemed to be 'progression' from previous study, and
 - the application record is complete, including passport information and previous study details.
18. In addition, if the applicant already has leave to remain in the UK, there should be no breach of the terms of the current visa.
19. The University will normally refuse to issue a CAS where applicants have not met these requirements, or if there are other circumstances which suggest that to issue a CAS would be contrary to The Home Office guidance. To show academic progression the student's new course should normally be above the level of the previous course for which permission to stay in the UK as a student was granted. For example, if a student's previous course was at [NQF 6](#) (and equivalents) the UKVI normally expect their next course to be at least at level [NQF 7](#). This means a student who has complete an undergraduate degree will normally be expected to progress to higher level such as a Masters.
20. Where a prospective student has been refused a Tier 4 visa on points, no further CAS will be issued until the Tier 4 applicant has provided documentary evidence that they would be in a position to make a successful application should a further CAS be issued. In the event of general grounds for refusal on the basis of credibility, no further CAS will be issued to the applicant.
21. The University reserves the right to pass on the charge for issuing a CAS to applicants where the applicant has been responsible for an error on the CAS.
22. In some instances, e.g. where a student needs less than 6 months to complete their programme, the University may decline to issue a CAS - but will instead issue a 'Visa Letter' which would enable the applicant / student to apply to study in the UK with a '[short term study visa](#)'.
23. Issuing a CAS or Visa Letter does not guarantee that an applicant will be successful in securing a visa. The University is not responsible for any decisions made by the Home Office and cannot accept any liability for an applicant failing to obtain a visa and/or for the

consequences and/or losses (whether financial or otherwise) of such failure. Nor is the University liable for consequences of declining to issue a CAS / Visa Letter for an applicant on request.

Current students requiring a CAS to complete their programme (including formerly registered students seeking to return to complete their original programme) or making an application under the Tier 4 Doctorate Extension Scheme or an endorsement letter for a Tier 1 Graduate Entrepreneur Scheme

24. In most cases, current students wishing to extend their period of study in the UK will do so as an applicant for a new programme. Circumstances in which **current students** need to extend their study should be limited.
25. In some circumstances however, a current student may request further time to complete their current programme of study or wish to apply for further leave to remain under the Tier 4 Doctorate Extension Scheme. These students will therefore need to apply for a CAS.
26. Only the University's PBS Team are authorised to issue a CAS for current students extending their programme or applying for further leave to remain under the Tier 4 Doctorate Extension Scheme. The Immigration Advice Team may require students requesting a CAS to provide further information and documentary evidence to enable the University to properly evaluate the case and fulfil its sponsor duties before issuing a CAS.
27. Students wishing to apply for the [Tier 1 Graduate Entrepreneur Scheme](#) can only do so via the recognised approval process.
28. It is the responsibility of the student to provide any required information and to fulfil any conditions identified by the University.
29. The Immigration Advice Team will issue a CAS for study purposes only where there is a demonstrated requirement for the student to remain in the UK to complete their programme and where the student:
 - a) is making satisfactory progress on their programme of study
 - b) can meet the English language criteria for the relevant to a course e.g. ability at CEFR level B2 for courses at NQF6 and above in accordance with the University's English language policy
 - c) **has no outstanding financial duties to the University, whether for tuition or accommodation fees**
 - d) **has obtained [ATAS](#) (Academic Technology Approval Scheme) clearance where appropriate**
 - e) **is not in breach of the rules of their current student visa**
 - f) has not exceeded the number of years studying at degree level and above in the UK on a student visa, as outlined in the [Home Office's Tier 4 Policy Guidance](#) paragraph 101-106.
 - g) **has thus far maintained appropriate immigration permission for study in the UK**
 - h) **has not overstayed his/her most recent visa**, unless the University is provided with documentary evidence that the student has left the UK and is not likely to be subject to bans on future entry clearance.
 - i) **is not liable for their visa application being refused by the Home Office due to other factors**
 - j) **the student record is complete, including relevant application documents and passport details.**
30. Students will normally be issued with a CAS in line with the date of earliest normal submission of their final piece of course work or end of their final assessment period.
 - a) For research students this is the normal minimum period within which a student is expected to submit their thesis (e.g. 4 years for a full time PhD student).
 - b) In the case of postgraduate research students awaiting confirmation of an oral examination or the formal written outcome of the examination, the end date may not always be known by their visa expiry date. In these circumstances, assuming students meet all other requirements, a CAS for a maximum period of 6 months will be issued.

31. The [Visa and Immigration Team](#) will require evidence of appropriate financial eligibility to remain in the UK under Tier 4 before a CAS is issued.
32. In addition to the above, where a student has previously had visa sponsorship withdrawn by the University, a request for a new CAS will be carefully considered with regard to the reasons why visa sponsorship was withdrawn.
33. The University will normally refuse to issue a CAS where students have not met these requirements, or if there are other circumstances which suggest that to issue a CAS would be contrary to The Home Office's guidance. In the event of general grounds for refusal on the basis of credibility, no further CAS will be issued to the applicant.
34. The requirements highlighted above also apply to those seeking a CAS in order to apply for the Tier 4 Doctorate Extension Scheme.
35. Students applying for the Tier 4 Doctorate Extension Scheme who meet all other requirements will be issued with a CAS once they have been assessed as able to make a valid application by the UWE Immigration Advice Team
36. The University will reserve the right to charge students where a CAS needs to be reissued due to a mistake on the student's part.
37. In some instances, e.g. where a student needs less than 6 months to complete their programme, the University may decline to issue a CAS but will instead issue a 'Visa Letter' which would enable the applicant / student to apply to study in the UK with a 'student visitor' visa.
38. Issuing a CAS or Visa Letter does not guarantee that a student will be successful in securing a visa. The University is not responsible for any decisions made by the Home Office and cannot accept liability for any student failing to obtain a visa and/or for the consequences and/or losses (whether financial or otherwise) of such failure. Nor is the University liable for consequences of declining to issue a CAS / Visa Letter for an applicant on request.

Identity management

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

Programme End Dates for Visa Sponsorship purposes

42. The eligible period of Visa Sponsorship for taught programmes is defined as running from the formal programme commencement date until the latest date that the student is expected to attend teaching and/or attend examinations and/or submit assessment as listed on their CAS. For taught programmes, Tier 4 sponsorship cannot be extended after this date even if they are awaiting results. This is in accordance with the [Tier4 Sponsors Guidance](#).
43. The eligible period of Visa Sponsorship for research programmes is defined as running from the formal programme commencement date for a period of four years.
44. Registration for research students may include a period of nominal registration - after submission of the thesis but before the examination. During this period research students are expected to keep relevant staff, in their academic unit, up to date on their activity plans.
45. If a research student is successful in completing their degree before the period of maximum candidature, paragraph 44 applies.

Withdrawal of Visa Sponsorship:

46. The University will withdraw sponsorship for applicants who do not fully register on their programme within required timescales. This includes annual re- registration requirements and circumstances in which re-registration is prevented due to academic progression, to non-payment of tuition fees or other relevant circumstances.
47. The University will withdraw Visa Sponsorship for students:
- a) who successfully complete their programme of study earlier than anticipated end date listed on their CAS
 - b) whose studies are terminated under the University due to non-progression, or other regulations
 - c) who, after the completion of the following procedures, are expelled from the University or given a period of suspension which is in excess of 1 month:
 - Student Disciplinary Procedure
 - Fitness to Study Procedure
 - Professional Suitability Procedure
 - Academic Regulation on Suspension and Expulsion of Students for Academic Reasons
48. The University will normally withdraw Visa Sponsorship of students who:
- a) do not attend and participate in their studies as required for their programme of study
 - b) transfer to part-time study
 - c) do not attend events arranged to confirm their attendance on their programme
 - d) fail to co-operate with the University in the maintenance of accurate records, such as failing to provide accurate address and contact details or failing to provide copies of immigration documents have remained in the UK having suspended their studies, or who did not maintain their University registration as an external candidate
 - e) are discovered to be in breach of the terms of their current visa or who are found to have obtained a visa inappropriately
 - f) are without a current visa and unable to rectify their position promptly
 - g) who interrupt their studies for more than 1 month
 - h) who are found to not have an immigration status that permits study in the UK
49. The University will normally withdraw Visa Sponsorship of students whose studies are suspended for any period of time including suspensions arising from:
- a) medical or personal circumstances including maternity leave
 - b) programme transfers
 - c) plans to repeat study after a period of suspension
 - d) a period of study or work or work experience/placement outside the University
 - e) a requirement to complete assessments as an external candidate or

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

50. The University will normally withdraw sponsorship if any other issues emerge that suggest that sponsorship is contrary to the University's duties to the Home Office.
51. If a student on a Tier 4 visa is offered a retake (a sit or resit) where teaching is not provided, and attendance at classes is not required unless the retake is within a certain timeframe (usually 60 days from the start of the term after you find out you need to retake), the university cannot issue a further CAS for the purpose of completion of the retakes. This is because the UKVI sponsor guidance prohibits us from doing so where we do not require continued classroom attendance or other form of engagement for a period of 60 days or more, as per the [sponsor guidance](#).

52. Following a request from the student, the University will consider all requests to return to studies and the issuing of new CAS. This will be handled in accordance with the above sections for admission or current/former students.
53. Students requesting a CAS for leave to remain under Tier 4 for the Doctorate Extension Scheme are expected to take all possible steps to ensure that they complete their programme by the end date stated on the CAS. A CAS will be withdrawn if following the student does not submit their thesis prior to the second research degree award board.
54. Applicants sponsored under the Tier 4 Doctorate Extension Scheme are required to engage in employment activities as allowed under the terms of the scheme.

The University reserves the right to withdraw sponsorship if it is established that a graduate is:

- a) working in breach of their visa conditions;
 - b) engaging in forms of employment which involve fraudulent or other illegal activities or contravene UK health and safety laws;
 - c) engaging in activities which bring the University in to disrepute.
55. Graduates sponsored under the Tier 4 Doctorate Extension Scheme will be contacted on four occasions during the 12 month period of the visa and required to update the University of their Contact Details and current employment or entrepreneurial activities. Failure to respond appropriately to such contact will result in sponsorship under the scheme being withdrawn.
56. Sponsorship under the Tier 4 Doctorate Extension Scheme will last no more than 12 months. Under the terms of the Tier 4 sponsor guidance, at the end of this period, migrants under the scheme will be required to leave the UK or switch in to Tier 2 as appropriate.
57. Where Visa Sponsorship is withdrawn by the University under 47, 48, 49, 50, 51 it may still be possible for the student to complete their studies either from overseas or if presence at a resit is required and the student can apply for a Short Term Study visa. However in certain situations this may not be possible and the student's study could be terminated.

58. Consideration of withdrawing sponsorship

When the University is considering withdrawing sponsorship, the Head of the Immigration Team will write to the student notifying him/her of the reason, and to invite the student to a meeting to discuss the issue. The student will be reminded of their right to be accompanied by a friend or adviser from the Student Union, and be given a week's notice of the meeting. The discussion at the meeting will be noted.

59. Following the meeting the Head of the Immigration Team will determine the appropriate outcome, and notify the student accordingly in writing within 48 hours.
60. Where a decision is made to withdraw sponsorship, consideration will be given to the student's current academic status and a decision will be made on whether the student be allowed to complete any assessment opportunities from abroad / undertake exams with a student visitor visa.

Appeals

61. Where the University declines to issue a CAS, or withdraws sponsorship, for an applicant, applicants can seek a review via the Admissions Policy Appeals Procedure.
62. Where the University declines to issue a CAS, or withdraws sponsorship, for a current student, the student can seek a review via the following appeal procedure.
63. An appeal is a request for a reconsideration of a decision made by the University's PBS Team in relation to:
- A report to the Home Office on an individual applicant/student;
 - The suspension or withdrawal of a student (or an applicant not being permitted to enrol at the University) on the basis of their immigration status.
64. It should be noted that students may be required to withdraw through other procedures not relating to their immigration status, and separate appeal procedures exist for:
- Assessment results leading to withdrawal on grounds of academic failure: Academic Appeal Procedure
 - Student Disciplinary Procedure;
 - Professional Suitability Procedure;
 - Fitness to Study Procedure;
 - Suspension and Expulsion of Students for Academic Reasons

Grounds for Appeal

65. Appeals may be made on one or more of the following grounds:
- a) That there is substantial new evidence which may have affected the decision and which was not available at the time the original decision was made;
 - b) That there were procedural irregularities or administrative errors in the decision-making processes;
 - c) That there is evidence of prejudice or bias on the part of one or more members of University staff.
66. The University cannot consider an appeal against the actions or regulations of a third party, for example the Home Office. In these instances the appeal should be made directly to the relevant body.

Submission of Appeals

67. An applicant/student wishing to make an appeal must do so in writing to the Complaints and Appeals Office, setting out in full the grounds for and the nature of the appeal. The appeal must be received within 10 working days of the receipt of the decision. Late appeals will only be considered if there is a valid reason for why they were submitted late.
68. Where necessary, appropriate adjustments will be made to the process to accommodate the needs of disabled applicants/students. This includes the provision of these procedures in a format accessible to the applicant concerned.

Consideration of Appeals

69. The appeals process will be conducted as quickly as is reasonably practicable, without compromising the robustness of the investigation into the particular circumstances of the appeal. It is expected that the deadlines documented will normally be adhered to, however in exceptional circumstances this time period may need to be extended. In such cases the applicant/student will be notified that their case will take longer than the advertised timescales to investigate.

70. Appeals against a decision in relation to compliance with the UK Visas and Immigration Regulations will be investigated by the Complaints and Appeals office on behalf of the Vice-Chancellor/nominee. The Vice-Chancellor/nominee will assess the case proposed by the Complaints and Appeals Office and determine the appropriate outcome.
71. The outcome will be notified to the appellant as soon as possible, normally with 15 working days after receipt of the appeal. The outcome of the appeal represents the University's final decision.

Completion of Procedure / outcome letter

72. On conclusion of the process at University level a student of the University will be issued with a formal Completion of Procedures letter. This letter will detail why the student's appeal has been successful/unsuccessful.
73. On conclusion of the process at University level an applicant will be issued with a formal Outcome letter. This letter will detail why the student's appeal has been successful/unsuccessful.
74. The Office of the Independent Adjudicator (OIA) will only consider cases from students, and not applicants. For further information see www.oiahe.org.uk
75. The continued attendance of current students, whilst appealing under these procedures, will be considered on a case by case basis. In rare occurrences the regulations set out by the UK Visas and Immigration Department of the Home Office may override the University regulations. The University will work within the relevant legal frameworks.