

# Student Visa Compliance Policy



<b>Document Title:</b>	<i>STUDENT VISA COMPLIANCE POLICY</i>
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<p><b>Policy Summary:</b></p> <p>This document defines the policy for compliance with the Home Office regulations relating to Student Route visa students, sponsored by the University.</p> <p>Senate first approved the Policy (previously known as Tier 4 Compliance Policy) on 17 April 2014. This version is edition 6 and was approved by UMG on 27 September 2021.</p> <p>The Policy is specific to the University of Winchester and does not cover all immigration and sponsor requirements. It is next due for review at the end of June 2024 in advance of the 2024/2025 academic year but will be amended for re-approval sooner if appropriate, for example in response to UKVI Policy change.</p>	

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## 1. Policy Introduction

The UK Visa & Immigration Directorate of the Home Office (UKVI) requires Higher Education Institutions to undertake a range of duties and responsibilities as Sponsors of students entering the UK with Student Visas. These focus on issuing of Confirmation of Acceptance for Studies (CAS); Record Keeping and Reporting Duties.

The Academic Registrar is Authorising Officer & Key Contact for UKVI and has overall responsibility for the University's relationship with UKVI.

The Head of Student Visa Compliance is responsible for ensuring that the University complies with UKVI requirements as outlined in their [Policy Guidance](#).

## 2. Key Requirements of UKVI Policy Guidance

The University's Policy reflects requirements set out in UKVI's Policy Guidance as follows:

- 2.1** The University shall allow access to UKVI staff; apply their guidance; supply ad hoc data; use the UKVI on-line Student Management System (SMS) and strive to ensure that the University's sponsored students arrive, enrol and complete their studies.
- 2.2** The University shall issue a CAS for students that it wishes to sponsor. The CAS contains essential information on the student's programme, background, fees and English language (where required). The CAS is a key instrument used by the student to obtain their visa.
- 2.3** The University will keep copies of up-to-date passport (specific pages); visa (or BRP); digital right to study evidence if applicable; contact details; attendance data and key documents supporting their application for the students that it sponsors.
- 2.4** The University will report students who do not enrol; cease contact; have their sponsorship terminated or have significant programme changes. The University will also report details of recruitment 'intermediaries' and students believed to be breaching or attempting to breach visa conditions or involved in terrorism or other criminal activity.
- 2.5** To retain sponsor status, the University must apply for a Basic Compliance Assessment (BCA) every 12 months. This consists of a CAS refusal rate not exceeding 10%; a 90% enrolment rate of sponsored students and a course completion rate of at least 85% for sponsored students.

Failure to comply with UKVI requirements may result in the loss or suspension of the University's 'license' to sponsor Overseas students.

Sponsored students can only enrol on programmes that meet certain requirements; these are that the programme must be at NQF 3 or above (except English language courses); the programme should be full-time (part-time students may be accepted at Postgraduate level) and must lead to an approved qualification. There are additional conditions about the place of study and mandatory work placements.

Full details of current UKVI requirements are available on the [UKVI website](#) and the Registry pages of the intranet. The Head of Student Visa Compliance can also provide clarification.

### 3. Specific Responsibilities at the University of Winchester

#### 3.1 CAS Issuing

UKVI Requirement	Responsibility
Issue CAS to new students	Communications and External Relations – Admissions Study Abroad Coordinator and Head of Student Visa Compliance for Study Abroad students
Issue CAS to continuing students	Student Support and Success (Student Life Adviser (International) & Registry (Head of Student Visa Compliance

#### 3.2 Record Keeping

UKVI Requirement	Responsibility
Copies of relevant passport pages, visas, BRP cards	Student Life Adviser (International) and Head of Student Visa Compliance – using VALIDATE & SITS software
ACL Procedure	Student Life Adviser (International)
Contact details	(Student Life Adviser (International) and Head of Student Visa Compliance – on SITS
Absence / Attendance records	Faculties – made accessible to Head of Student Visa Compliance
Evidence used for CAS issuing	Communications and External Relations (Admissions) and Registry – on Student's SITS record

#### 3.3 Reporting Duties (see [Student sponsorship Guidance for detail](#))

UKVI Requirement	Responsibility
Student visa refused	Communications and External Relations – Admissions – for refusals involving new student applicants Head of Student Visa Compliance – for returning and current students
Student fails to enrol	Communications and External Relations – Admissions

Student withdraws/ defers	Communications and External Relations – Admissions for new students; Head of Student Visa Compliance – returning and current students
Student engagement/contact stops	Faculties / Student Life Adviser (International) to notify Head of Student Visa Compliance
Stop sponsorship -other reason: e.g. change of immigration category/programme/work placement. Complete programme early.	Head of Student Visa Compliance
Successful completion reporting: confirming eligibility to UKVI for Graduate Route	Head of Student Visa Compliance

#### 4. Recruitment and Admissions

- 4.1 Students will apply to the University in the same manner as other students, either via UCAS or using a University of Winchester Application Form.
- 4.2 Any Agent or other intermediary will be appointed and managed by the International Recruitment Team in line with the University's Agent Policy.
- 4.3 The Head of Student Visa Compliance will provide UKVI with the list of agents it engages on an annual basis via UKVI's Educators Helpdesk.
- 4.4 Offers will only be made to students who meet the English language requirement as stated in UKVI's [Student Sponsor Guidance](#). This requirement is in addition to the University's published entry requirements.
- 4.5 Qualifications and English language certificates will be verified where possible.
- 4.6 The University may carry out its own English language testing to establish if UKVI language requirements are met for degree level applicants, if required.
- 4.7 The University will carry out targeted financial and credibility checks for applicants applying from UKVI defined 'high risk' areas. Checks will concentrate on high risk free-moving applicants or applicants from new agents in particular.
- 4.8 Offers to Overseas Nationals will be made in the usual way, but will include additional information alerting applicants to UKVI immigration requirements.
- 4.9 Once a student has accepted an unconditional offer, a CAS Request Form will be sent to the student to enable the University to collect further information required before a CAS can be issued in relation to their UK Immigration history.
- 4.10 Students are normally required to pay a deposit (currently £2K) to demonstrate their commitment to University study before a CAS is issued.
- 4.11 The CAS will be assigned in line with UKVI guidance, using SITS and the UKVI Sponsor Management System (SMS).
- 4.12 When a CAS is provided to a student, they will also be sent information about our expectations and the conditions of visa sponsorship.
- 4.13 Applications for sponsored visas from Overseas Nationals already in the UK will normally only be accepted after consultation with the University's Student Life Adviser (International). In-country visa applications must be made using the Batch Scheme at the University of Winchester.
- 4.14 A CAS will only be issued where the probability of success is 'extremely high'. The CAS will only be passed to the student after this has been determined.
- 4.15 Visa refusals for new students will be reported to the UKVI by Admissions. Depending on the nature of the refusal, a new CAS may be issued to allow the student to submit a new visa application.

## 5 Right to Study checks and Enrolment

- 5.1 Students will complete a Right to Study visa check prior to formally enrolling at The University of Winchester.
- 5.2 Checks will be led by Student Life Adviser (International) and Head of Student Visa Compliance using a Right to Study Checklist.
- 5.3 Checks determine a) that the student has the valid and correct documentation and b) ensures The University of Winchester retains copies of documentation on the student record as per the [UKVI Appendix D](#) requirement.
- 5.4 Checks may be carried out face to face or via digital methods.
- 5.5 The Student Life Advisor (International) in Student Support and Success is responsible for the University Alternative Collection Location (ACL) Process. Students who used our ACL code will be able to collect their BRP during enrolment week.
- 5.6 The ACL Procedures describe how the UKVI ACL requirements are met.
- 5.7 Students are advised to attend an 'Orientation' session, which will include a component on sponsorship compliance obligations.
- 5.8 Students should receive a reminder regarding their visa conditions and to complete Police registration (if applicable) during Orientation.
- 5.9 Students can proceed to be enrolled if they have provided the required immigration documentation. Students who have not provided all the necessary documentation should be enrolled with a 'document pending status'.
- 5.10 Students who fail to enrol will have sponsorship withdrawn by Communications and External Relations – Admissions.
- 5.11 Students who fail to produce all necessary documentation or who cannot demonstrate their visa status by the University's late enrolment deadline will have their sponsorship withdrawn.



## 6. Engagement Monitoring

- 6.1. This section is based upon [UKVI's Engagement policy](#) which took effect from 5 October 2020. It refers to students, sponsored by us under the Student Route (previously known as Tier 4). Monitoring engagement is a statutory requirement. It should be read alongside UKVI's [Covid-19 mitigations guidance](#) which currently applies until April 2022. It should also be read alongside the University of Winchester Academic Engagement Dashboard Procedures. This describes the technical aspects of how our engagement dashboard works and the University's approach to support students who may need to re-engage with their studies by way of Student Support and Success Advisors (SSSA's).
- 6.2 Sponsored students must academically engage with their course throughout the period of leave for which the students are being sponsored. UKVI recognises academic engagement as being indicated by:
- Attending required lectures, seminars or tutorials
  - Undertaking required laboratory work
  - Undertaking research or fieldwork
  - Submitting essays, assignments and attending examinations.
- 6.3 Faculties are responsible for monitoring the attendance and engagement of its visa students on taught programmes.
- 6.4 Research Knowledge and Exchange (RKE) are responsible for monitoring PHD students by way of monitoring engagement with Supervisor meetings.
- 6.5 **Sponsored visa students whose intended award is below degree level (ELTSU courses) are** required to attend a minimum of 15 hours of daytime (08:00 to 18:00, Monday to Friday) classroom-based\* study per week. Where the student has not reached 85% attendance of their classroom-based study in any given month, the Faculty/Department must review the reason for the student's absence and a record must then be annotated with the reason for the non-attendance including steps being taken to improve the student's attendance. Where a student's attendance falls below 70% for three consecutive months, the Head of Visa Compliance must be notified to ensure the student's sponsorship due to lack of academic engagement is withdrawn. If applicable, exceptional and evidenced reasons for the non-attendance (e.g. illness) will be considered. Please note that students who are on a foundation year as part of their degree should be considered as 'degree level' and should be monitored by their Faculty. \*blended/distance learning can be permitted until April 2022
- 6.6 **Sponsored Visa students whose intended award is degree level or above**, should have their attendance and engagement monitored at weeks 3, 6, 9 and 12 of each semester by the Faculty. Students on taught course that extend beyond the standard semester teaching weeks should continue be monitored every three weeks.
- 6.6.1 Where attendance is below 40 % or their engagement is 'none' or 'very low' in the designated weeks, the Faculty should contact the student regarding their engagement in writing, asking the student to respond.
- 6.6.2 Evidence of communications regarding attendance and engagement should be retained for audit purposes and will be considered during any future Review meetings.
- 6.6.3 A Review meeting involving the relevant Faculty Administrator and SSSA and the

Head of Student Visa Compliance will be held to discuss where minimum threshold is triggered more than once

- 6.6.4 Where the student is affected by long term illness, the Faculty should request a medical certificate and the students' individual situation discuss at a Review meeting.
  - 6.6.5 Outcomes of Review meetings describing a time limited re-engagement plan should be clearly recorded and shared with the student, SSSA's and the Faculty.
  - 6.6.6 If the outcome of the Review meeting is to withdraw the student's sponsorship, the Head of Student Visa Compliance will notify UKVI within 10 working days.
  - 6.6.7 The Faculty can request a Review meeting with the Head of Student Visa Compliance with or without the student at any time if they feel that the student may have breached or is near to breaching the conditions of their visa.
  - 6.6.8 Meeting outcomes must consider the UKVI stipulations that if student fails to re-engage with their studies sponsorship should be withdrawn within 60 days (30 days for distance learning students/courses permitted due to Covid mitigations) of the first contact from the University of Winchester as their sponsor regarding their lack of academic engagement. The University must withdraw sponsorship except in exceptional circumstances.
- 6.7 Faculties must keep a record of regular contact with Masters students in the writing up phase of their course; students on work placements or on Study abroad programmes.
- 6.8 Faculties are responsible for regularly informing the Head of Student Visa Compliance which visa students are on placement/study abroad so that they can be externally reported to UKVI at each occurrence:
- 6.8.1 Faculties must keep an up to date list of Visa sponsored students on placements.
  - 6.8.2 Faculties must report each individual placement to the Head of Visa Compliance.
  - 6.8.3 The Head of Visa Compliance will report placement via UKVI SMS Interface.
  - 6.8.4 Students may undertake a work placement if it is an integral and assessed part of the programme, but it must not normally be more than 50% of the total length of a programme.
  - 6.8.5 The University remains responsible for the student during their work placement and shall continue to comply with all sponsor duties, including those relating to attendance monitoring and the maintenance of current contact details.
  - 6.8.6 The Faculty should keep a record of students' engagement with placement and alert the Head of Visa Compliance if engagement stops.
  - 6.8.8 The Administrator with monitoring responsibilities is responsible for ensuring that the work placement provider is aware of the requirements relating to sponsored students in their work place.
- 6.9 There is no requirement to monitor academic engagement for immigration purposes during university designated vacation periods or post study periods .

## **6.10 Resit and Repeating Students.**

These students may continue to be sponsored, provided their continued participation is required. If the student's participation is not required in one full semester, then sponsorship will be withdrawn for that semester.

Consultation will be required with the Student Life Adviser (International) and the Head of Student Visa Compliance to determine an individual's situation.

## **6.11 Interrupting/withdrawing Students**

If a student requests to interrupt or withdraw from studies and this is agreed, sponsorship will be withdrawn. Please note requests for backdated Interruption/withdrawals should not be accepted if the requested date is more than 40 days prior to application.

## **6.12 Students whose visa expires before completing their studies and who fail to get a new visa.**

If a current student is outside the UK and fails to get a visa extension, then the University has two options:

- If attendance is required, then the University should suspend the student and advise them that they may re-join at an appropriate later date, with a new visa.
- If attendance is not required, then the University will keep them current and allow them to write-up/ complete from abroad.

If a current sponsored student is in the UK and fails to get a visa extension, then the University must tell them to return home, suspend their studies and:

- If attendance is required, advise them that they may re-join at an appropriate later date, with a new visa.
- If attendance is not required, re-enrol them, once the University is certain that they have returned home.

## **6.13 Withdrawing visa sponsorship because of non-engagement**

These are the circumstances in which the Head of Student Visa Compliance will withdraw sponsorship for non-engagement reasons (please note that exceptional cases will be given careful consideration). Withdrawal of sponsorship will lead to the curtailment of the student's visa:

- 6.13.1 For students studying below degree level, sponsorship will be withdrawn if engagement is shown to be 70% or below for 3 consecutive months;
- 6.13.2 For students who are studying degree level and above courses:
  - Sponsored students studying by distance learning (by exception: Covid-19 mitigation rules) must have their sponsorship withdrawn within 30 days from the first contact made to the student from the University regarding their persistent lack of engagement.
  - Sponsored students who are studying on campus must have their sponsorship withdrawn within 60 days of the first contact made to the student from the University regarding their lack of academic engagement.
  - If the Faculty, SSSA's or Executive Leadership Team recommend interruption or termination of studies to Registry at any point during the academic year, leading to interruption or withdrawal from course, the Head of Student Visa Compliance will withdraw sponsorship.

## 7. Student Visa Compliance

7.1 The Head of Student Visa Compliance will undertake several scheduled activities throughout the year to monitor the University's compliance. The key activities to be monitored include:

- 7.1.1 Completeness of Passport and Visa records relating to Overseas Nationals
- 7.1.2 Completeness of student contact details on SITS.
- 7.1.3 Attendance records in Faculties
- 7.1.4 Completeness of Registry files
- 7.1.5 Changes to UKVI policies and regulations
- 7.1.6 Audit checks on relevant departments
- 7.1.7 Annual License activities
- 7.1.8 Renewing Student sponsor license (when applicable)

7.2 The University of Winchester will continue to meet its Educational Oversight requirements by maintaining the required ratings during inspections.

7.3 Material changes will be reported if applicable as per the [Sponsorship Guidance document](#). Changes such as name or address of the University; new sites; changes in staff or student profile; mergers or significant financial changes.

7.4 Changes to sponsor details should be updated via the SMS as stated in the guidance document.

## Appendix

### Glossary of Abbreviations

BRP	Biometric Residence Permit
CAS	Certificate of Acceptance for Studies
SITS	Student Records System used by the University
SMS	The on-line Student Management System of the UKVI
SSSA	Student Support and Success Advisors
UKVI	The UK Visa & Immigration Directorate of the Home Office

