



# NU Compliance Protocol UKVI Student Route

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## INTRODUCTION

In order to recruit students who require immigration permission, the University must comply with the Immigration, Asylum and Nationality Act 2006, and the requirements of the current immigration system - Points Based Immigration System (PBS). The Student Route is part of a Points based visa system for all international students, including EU, EEA and Swiss students, who want to study in the UK. However, other routes are available and are included in this document where their monitoring is a requirement of the University's Sponsor Licence.

A Sponsor Licence imposes duties upon the University which, if breached, could result in action being taken against the University by UK Visas and Immigration (UKVI). This document outlines how Northumbria University discharges these responsibilities.

This document sets out the key principles guiding visa compliance in relation to all students subject to immigration control who are, or will be, studying at Northumbria University at either the Newcastle or London campus. Specific focus is given to those who are studying under the Student Route. It is intended to provide guidance to University staff, students (prospective and current), alumni, agents, and other interested parties

## WHO IS THIS DOCUMENT FOR?

This document provides working compliance procedures for all staff in addition to prospective and current students.

## HOW TO USE THIS DOCUMENT

This document should be read in conjunction with the following documents;

- CAS Policy
- UKVI Sponsored Student Visiting Team (SSVT) Plan
- Handbook of Student Regulations, particularly the Student Enrolment Conditions, details of which can be found on the University's [website](#).
- University [Admissions Policy](#).

This document is subject to change. The Home Office may revise its policies at any time thus the law is subject to change. The University reserves the right to revise its documentation and guidance relating to compliance at any time.

## GENERAL COMPLIANCE OVERVIEW

### SPONSOR DUTIES

The [Sponsor Guidance](#) consists of four documents:

- Document one relates to sponsor licence applications and sites and partnerships

- Document two sets out the sponsor duties and how to issue Confirmation of Acceptance for Study documents ('CAS')
- Document three explains UKVI's approach in the event that the sponsor does not comply with its duties
- Document four relates to Higher Education regulatory reform

Document two is recommended reading for all staff working with international students.

#### ROLES AND RESPONSIBILITIES

Responsibility for management, implementation and any accompanying procedures linked to compliance lies with the relevant teams as listed in the internal Compliance Policy.

All Northumbria University staff, and staff at partner institutions, working with students who require immigration permissions must ensure that this Guidance is adhered to in addition to reading [Document 2: Student Sponsor Compliance](#).

Students are responsible for protecting their own immigration status and should ensure that they are aware of the relevant immigration guidelines.

Applicant Services and the Student Visa Compliance Teams have their own internal processes relating to CAS issuance and are entitled to interpret the Rules and Guidance in order to maintain the Licence as it sees fit so as to comply with mandatory sponsor duties. This includes the implementation of internal University controls, in areas where immigration compliance is relevant.

#### BASIC COMPLIANCE ASSESSMENT (BCA)

The University must apply to the Home Office for a BCA renewal every 12 months. The University must meet the core requirements of the assessment in order to retain its sponsor licence, which is renewed every 4 years of which the BCA forms part. The core requirements are:

- Visa refusal rate of less than 10 percent
- Enrolment rate of at least 90 percent
- Course completion rate of at least 85 percent

The assessment is designed to ensure that the University recruit's genuine students who can comply with the conditions of their leave, and the Immigration Rules. An internal calculation of the BCA statistics is shared with relevant stakeholders on a monthly basis and is used to inform decision making processes within the University.

#### DATA MANAGEMENT

All information collected about applicants and students in relation to fulfilling Sponsor Duties will be stored and retained according to the General Data Protection Regulations (GDPR) and the Data Protection

Act 2018 and the [University's Data Protection Policy](#). The University will share information with the Home Office only to the extent that it is required in order to comply with its Sponsor Duties.

#### FORMAT REQUIREMENT

If you require this section in a different format, please contact the Student Visa Compliance Team on ([as.visateam@northumbria.ac.uk](mailto:as.visateam@northumbria.ac.uk))

#### AMENDMENTS TO THIS DOCUMENTATION

This document is the University alignment with the requirements of the UK Visas and Immigration Service (UKVI) for the admittance of non-UK students, excluding the Republic of Ireland, under Points Based Immigration – Student Route Students. This document has been written based on current UKVI Student Route policy published to date by the Home Office UK Visas and Immigration. This document will be subject to change throughout the academic year, based on government policy change.

#### UKVI STUDENT ROUTE COMPLIANCE

#### SPONSOR DUTIES

##### **Northumbria University has a duty to:**

- Act honestly in all its dealings with the Home Office.
- Act with integrity as a genuine education provider.
- Take responsibility for all its sponsored students whilst it is sponsoring them.
- Ensure that concerns about the conduct and integrity of sponsored students are treated consistently with other students.
- Comply with all aspects of the Immigration Rules and Sponsor Guidance and support immigration control, including by taking steps to ensure that every student (including those who are not under Student Route of the Points Based System) 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 Sponsor.

##### **Specific record-keeping duties- Northumbria University must keep:**

- A copy of a student's current passport pages showing all personal identity details (including biometric details), leave stamps or immigration status documents showing their period of leave to remain (permission to stay) in the UK. In the absence of an entry stamp, other evidence should be kept (travel ticket to the UK or boarding pass).
- A copy of the student's Biometric Residence Permit (BRP).
- A record of the student's attendance.

- A history of the sponsored student's contact details to include a UK residential address (and be able to provide information on its proximity to the University) and telephone number.
- Copies of any evidence used by the University as part of the offer making process, including any assessment made of English Language and financial evidence.
- Copies of ATAS clearance certificates, where appropriate.
- A copy of the letter (where a Student Route student is under the age of 18) 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.
- Evidence of the selection process (including Business Plans) that resulted in the endorsement of a migrant under the Start-up visa route.

**Northumbria University must notify UKVI if:**

- It becomes aware that any of its sponsored students have been granted leave with the incorrect conditions of stay. Students will be required to submit documents, including their BRP, as part of the correction process.
- Anything it has reported through the SMS as incorrect.
- 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.
  - Non Attendance as per the University's Attendance and Engagement Policy
  - A sponsored student defers their studies after they have arrived in the UK and is no longer actively studying (a student withdraws or takes a break in studies).
  - The University withdraws a sponsored student from their course of study (because they have failed, been financially excluded, are deceased, or been suspended).
  - The University stops sponsoring a student because they move into a different immigration category, or they complete their course of study sooner than expected. Students are required to inform the University of such changes to their immigration status.
  - 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.
  - There are any changes that affects its Sponsor Licence including any operational changes.
  - Report details of any third party in the UK or another country, which has helped it to recruit students.

The University is obliged to comply with its sponsor duties. The University does 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 on the part of the University which the University believes are necessary to comply with its sponsor duties.

## STUDENT CONTACT DETAILS

The Home Office requires that the University keeps a record of current and historical UK contact details for all sponsored students. The University will store these electronically on a student's record and will contact sponsored students regularly to remind them to update details.

Sponsored students must provide the University with up-to-date UK contact details (address, telephone number, and email). Details should initially be supplied at the point of application (if applicable) and as part of the online enrolment process and should be updated via the Student Portal.

**It is recommended that students live within an 80-mile radius of the campus at which they study. Students studying on placement may have a temporary address local to their placement address.**

## ENROLMENT

The Home Office requires that the University retain copies of documents demonstrating that all enrolled students have the required permissions to study. The University will take reasonable steps to satisfy itself of the authenticity of all documents provided and copies will be stored on the student's record.

Non-UK Students outside of the common travel area and Ireland have an enrolment block on their student record and will be unable to fully enrol (collect a smart card or attend their course) until they can demonstrate that they have the required immigration permission to study at Northumbria University. If students are not able to produce their full immigration documents at enrolment the below points may apply:

- Where students are unable to produce their passport, visa and/or BRP, enrolment will only be permitted where it can be satisfactorily evidenced that an in-time visa application has been submitted to the Home Office and/or that the student has permission to study.
- Students who collect their Biometric Residence Permit (BRP) from the Post Office should, where possible, collect it before enrolment at the University. Where a student attends enrolment without their BRP and their collection letter indicates it can be collected before the start of their course, they will likely be asked to collect the BRP and return to enrolment later.
- Students who enrol on their transit visa while awaiting BRP collection will be enrolled provisionally on the visa post code for two months. SVCT will contact any Students enrolled as visa post after 30 days, any students who do not respond will be escalated to the Compliance Manager. If no BRP has been received after a further 30 days (exceptions apply) the student's enrolment should end and SVCT will report this to the UKVI. This information is communicated to students at the time they enrol. In some cases, where there is an error on the BRP card this may cause a delay in the student uploading their card to the portal. Failure to upload a BRP card will also affect the student's Graduate Route visa application. SVCT are unable to report their course completion if there is not a valid Student Route visa in the system.
- Asylum seekers will be asked at enrolment to provide written consent stating that the University has permission to contact the Home Office on their behalf, in order to enquire as to the status of

their application and their eligibility to study. Asylum seekers do not require a valid passport or BRP for enrolment purposes. Students with asylum claims pending are required to update the University Compliance Team when they receive a decision or any change to their Bail conditions occur.

- Students enrolling with a Skilled Worker (previously Tier 2) visa will have a check carried out with their employer to ensure the terms of the sponsorship is still in place.
- The Home Office expect students to research where they want to study before arrival to the UK, therefore students cannot ordinarily apply to the Newcastle campus and then switch between campuses and vice versa unless there are credible and permitted academic reasons. This must all be considered ahead of choosing which site to study at. The chosen study site will be reflected on the CAS statement and cannot be altered once a visa is issued. Only by exception will students be permitted to change study sites once enrolled. If a student were to exit the UK and apply for the same or a similar course but at another campus this would bring the student's credibility into question so we would advise against this. Students must be sure as to their chosen site of study at the outset upon initial application. At the time of undertaking a credibility interview ahead of a Student Route visa being issued a student must demonstrate they are genuine and that they have adequately researched their chosen institution, inclusive of location, in the UK. We do not routinely therefore permit campus changes due to the risk this may have to our Sponsor Licence.
- Sponsored students must inform the University of any changes in their plans including if they are not able to enrol on time or travel to the UK.
- Returning students must re-enrol for their course on time for each academic year where applicable. Students who re-enrol with a visa that expires before their expected course 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.
- Where a student has leave outside of the Student Route and their permission to study expires part way through their course, or where an update on the progress of any application is needed, students will be contacted to request proof of continuing permission. If this is not provided by the given deadline, the University reserves the right to prevent students from re-enrolling on their course or to temporarily block access until the requested document (s) is supplied.
- For a Sponsored student, when a CAS has been used in a visa application and the student does not enrol, the University will withdraw sponsorship, or withdraw a CAS (where it has not been used). If a visa was issued it will no longer be valid for use.

#### VISA REFUSALS

Where the Home Office deems that an application for leave does not meet their requirements, they may refuse the application and will not issue a visa. Students who do not have valid leave will not be able to



enrol and if already enrolled will not be able to remain on the course of study. Welfare, Funding and Immigration Advisers can offer assistance to students whose visa application has been refused.

Where a continuing student makes an application for leave to enter, which is refused, they may be permitted to remain enrolled on their course of study providing that their prolonged absence does not interfere with their academic progress. If the student wishes to request a new CAS in order to make a new application for leave to enter, the Visa Compliance Manager will consider whether this is permissible, based on discussions with the student's faculty and the immigration rules/sponsor guidance at the time.

Where an applicant has been refused a visa, the admissions team will consider if a second CAS is able to be issued, considering the reason for the refusal, whether an administrative review has been submitted. Evidence of financial maintenance may be required, should a refusal be based on failure to meet UKVI maintenance requirements.

#### ATTENDANCE

The responsibility for monitoring student attendance and engagement for taught Northumbria students is defined within the University's [Student Attendance and Engagement Monitoring Policy](#).

#### WORK PLACEMENTS AND INTERNATIONAL MOBILITY

The Home Office requires that the University inform them of a placement or study abroad (international mobility) address for each sponsored student. The University Compliance Team will contact the Placements & Internships team and/or International Mobility Teams for details of the employer or institution address as well as to request placement or study dates.

Placement details must be recorded as soon as they are known so that the requested information can be supplied promptly to the Student Visa Compliance team, who will report to the Home Office within 10 working days.

The responsibility for monitoring student attendance and engagement whilst on placement is defined within the University's [Student Attendance and Engagement Monitoring Policy](#).

#### CHANGES TO STUDENT CIRCUMSTANCES

Academic Support staff are responsible for ensuring that all changes to the status of sponsored students are recorded in SITS within 5 working days of being notified of the change request, in order that the Student Visa Compliance Team can report this change within the UKVI's prescribed timeframes.

As detailed in Sponsor Guidance Document 2, the University are required to report certain changes to the status of sponsored students to the UKVI through SMS. These changes include, but are not limited to; course transfers, change in study location and change of immigration status.

#### Transfers

Not all sponsored students are able to transfer from their current course, for which their CAS was assigned, to an alternative course. All transfer requests for sponsored students must be submitted via the [Change of Circumstances \(CHOC\) Portal](#). Academic and Home Office requirements will be considered

when assessing whether to approve all such requests, and the University reserves the right to refuse the request where it does not meet these requirements.

Where a transfer results in the requirement to obtain fresh leave (a new visa), the Home Office's academic progress requirements may make it necessary to make such an application outside of the UK before commencing the new course. Sponsored students must ensure they have all the requisite information before making a decision on a course transfer, are therefore advised to seek advice from a Welfare, Immigration and Funding Adviser before they make their decision.

Transfer to an ATAS designated course will not be permitted until ATAS approval has been received by the University.

Any sponsored student wishing to transfer to a new course must remain in attendance as any gap resulting from a transfer will mean that the University is unable to meet its sponsor duties and sponsorship will therefore be withdrawn.

Certain course changes may result in the need for a fresh ATAS application for students who require this. Changes which require fresh ATAS clearance include; course end date extended by more than 3 months, change to modules studied or research area. Students must obtain new ATAS clearance in order to remain enrolled on the course, once obtained the certificate is stored on e:Vision.

#### WITHDRAWAL OF SPONSORSHIP

The Home Office requires that the University withdraws sponsorship of students in the following situations:

- Students who do not enrol/re-enrol.
- Students who remain as provisionally enrolled (PE) during term time for more than 10 working days.
- Students who are withdrawn due to unsatisfactory progress, including poor attendance
- If students do not have continued attendance. This is defined as having an attendance requirement within 60 days of the start of the next academic period.
- Permanent exclusion for non-payment of fees;
- Failure to progress (where a student fails and is not permitted to repeat, or where a student is permitted to repeat but there is no attendance requirement);
- Successful early course completion (where a student completed their course earlier than the expected end date on their CAS);
- Students who are withdrawn for disciplinary reasons, including falsifying attendance data and academic misconduct;
- Deceased students. In the case of deceased students the withdrawal of sponsorship must be handled with due care and consideration;
- Where a student elects to complete the remainder of their course from outside the UK;

- Breaks in study. Where a student undertakes a break in study, they will normally be permitted to resume studies at a later date providing that they are eligible for a new CAS (note that Home Office rules may mean that a student is only able to make this application from outside the UK);
- Work or International Mobility Placements where appropriate monitoring cannot be maintained
- Switching to a different immigration category
- Students found to be in breach of the terms and conditions of their visa
- Students found to have circumnavigated the Immigration Rules

Reports to the Home Office must be made within 10 days of the change. The Student Visa Compliance Team will establish which sponsored students fall into these reporting categories via internal reporting processes.

Other circumstances may lead to withdrawal of sponsorship and will be considered based on the risk posed to the University's Sponsor Licence.

#### HOME OFFICE NOTIFICATION PROCEDURE

The report will withdraw the University's sponsorship of your visa and result in your visa being curtailed. The Student Visa Compliance Team will email you to confirm that the University has stopped sponsoring you. They will always recommend that you and your dependents should arrange to leave the UK and return to your home country within 60 days of receiving the email, or to leave the UK as soon as possible and by your current visa expiry date, if it is sooner.

Once the report is made, the University will not normally reinstate sponsorship of your visa, even in the event of you successfully appealing the decision which led to your studies being terminated.

#### EXCLUSIONS AND APPEALS

Once the report is made to the UKVI stopping sponsorship the University will not normally reinstate sponsorship for study. This pertains to academic appeals and appeals against withdrawal, including for non-payment of fees. As such, the University is unable to maintain sponsorship whilst an appeal is pending. In the instance of a Financial Exclusion, the University will not normally reinstate sponsorship in the event a student subsequently pays any outstanding balances.

On an exceptional basis removal of any notification as lodged, which removes sponsorship, will be considered for re-instatement when a stage 2 or 3 appeal has succeeded, and evidence is retained. Confirmation will be required from a Registrar that the studies can be completed within current visa time frame. The original course end date cannot be altered by the absence should they re-join.

Student Visa Compliance Team (SVCT) can confirm if curtailment has taken place by the UKVI and take appropriate steps to re-instate sponsorship should there be extant leave.

## OVERSTAYERS

Students who remain in the UK after their leave has expired, without having made a new application for leave to remain (or other suitable application), are considered overstayers. Overstayers do not have the relevant immigration permissions to study and therefore cannot enrol/remain enrolled on their course.

The University reserves the right to not assign a CAS to a student who has overstayed. Students who have overstayed by less than 14 days may be assigned a CAS, but only where there are exceptional circumstances preventing an in-time application.

In all other circumstances, where a student becomes an overstayer, the University will require them to leave the UK as a matter of urgency.

The Student Visa Compliance Team are able to establish which students no longer have sponsorship under the Licence via internal reporting procedures. Enrolled students are required to hold valid leave on their record at all times, throughout study. Should this lapse and not be updated students will not be able to remain enrolled in the UK for completion of their studies.

## WORKING IN THE UK

Students must adhere to the work permission stated on their visa or BRP.

The definition of a week specifically for the purposes of work is a 7-day period from Monday to Sunday. Students should seek confirmation of term dates from their Faculty.

Sponsored students cannot be self-employed, engage in business activity, or be employed as a professional sportsperson or coach.

Sponsored students are able to take up a position as a sabbatical officer with the Student's Union. Students who are successful in gaining such a position should contact a Welfare, Immigration and Funding Adviser so that appropriate steps can be taken to ensure the University can remain compliant and so that the student can receive assistance to make a successful application for further Student Route leave if required.

Sponsored students found to be in breach of the working conditions of their visa may be withdrawn from their course and reported to the Home Office.

## HUMAN RESOURCES

HR are responsible for ensuring that all students employed by the University do not exceed the maximum hours of work permitted and that students are not employed in roles that breach the conditions of their leave.

On a monthly basis HR submit a list of students who they intend to employ casual workers to SVCT, including those as already on payroll. Confirmation is requested from SVCT that they are currently sponsored and therefore have the required work permission for their employment.

## COMPLAINTS

The University is obliged to comply with its Student Route (formally Tier 4) 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.

Should you wish to raise a complaint about the services provided by the Student Visa Compliance Team, including if you believe you have been improperly reported to UKVI, please consult the University's Student Complaint procedure, which is detailed in Section 10 of the Handbook of Student Regulations, a copy of which is available here [www.northumbria.ac.uk/handbook](http://www.northumbria.ac.uk/handbook). It is normally helpful to raise your concerns directly with the person dealing with the matter in the first instance, so if there has been an error of any kind, we can put it right.

## MONITORING AND REVIEW

This guidance is reviewed on an annual basis to ensure that it aligns with current UKVI Policy and Procedure. This review also considers changes to relevant legislation; changes to roles and responsibilities; best practice developments in the sector and the changing needs of the University and students.

In addition to the annual review, amendments to this guidance can be made throughout the year to comply with changing UKVI policy.

## APPENDIX I: GRADUATE IMMIGRATION ROUTE

Falls outside the scope of sponsorship as an unsponsored immigration route offering graduates at bachelor's degree or above, a 2-year visa to work or look for work with PhD students granted 3 years.

The University is required to send a notification to the Home Office when a sponsored student meets the required Graduate Immigration Route eligibility criteria:

1. Successful course completion and been awarded the qualification for the course listed on the CAS issued, unless a change of course was permitted within the student route.
2. Met the qualification requirement.
3. Met the UK study requirement.

A notification will be sent regardless of whether a student wishes to apply for the Graduate Immigration Route.

### UKVI Caseworker queries

If a student applies for the GIR but the Home Office have not received a notification from the student sponsor, and their CAS shows that they have studied a qualifying qualification, the caseworker will not refuse an application. The caseworker will contact the sponsor (via the key contact) asking for confirmation that the student has successfully completed their course of study and the UK study requirement. We will aim to respond to such caseworker requests within 7 working days. We will only

confirm information for students who have formally completed their course, and not for students who are due to complete their course.

There are some exceptions, where we will not be able to confirm eligibility before a student applies for the GIR, and where we will wait for a caseworker to contact us to request the information. This includes for students who have an expired CAS status and students who have exceptional assurance. We will respond to the caseworker request, and provide all of the necessary information.

### **Complaints**

In the event that the University has assessed a student as being ineligible for the GIR and a student has applied for the GIR, then a UKVI caseworker will contact the University to request this confirmation. The University will provide the UKVI caseworker with all of the relevant information, and the final decision on eligibility will be made by the UKVI caseworker.

The University cannot be held responsible for any errors in the application form. The University also does not take any responsibility on the outcome of any GIR application for the applicant, or any dependants. GIR applicants should ensure they are aware of all GIR visa conditions, including the restrictions on any further study, which would normally be sponsored.

