



**Academic Handbook**

**Section 4J**

**Admissions and Recruitment:**

**UKVI Tier 4 Compliance Handbook**

Version: 2.0

Author: Academic Services

Approved by: Deputy Vice-Chancellor (External Engagement) & Academic Registrar

Last updated: September 2017

Review date: June 2018



**Document Information:**

**UKVI Tier 4 Compliance Handbook**

Author	Academic Services
Last updated	06 September 2017
Policy Owner	Mike Wilkinson (Deputy Vice Chancellor); Dave Dowland (Academic Registrar/Authorising Officer)
Next Review	June 2018
NB this policy has been written on the basis of the guidance published to date by the Home Office (UK Visa and Immigration: UKVI)	

## Contents

1	SPONSORSHIP.....	3
2	PERSONNEL .....	5
3	CAS .....	7
4	ENGLISH LANGUAGE ENTRY REQUIREMENTS .....	8
5	ACADEMIC PROGRESSION .....	8
6	SHORT TERM STUDY.....	9
7	ACADEMIC TECHNOLOGY APPROVAL SCHEME .....	9
8	CAS WITHDRAWAL.....	9
9	REPORTING DUTIES.....	10
10	REGISTRATION .....	11
11	MONITORING OF LEAVE TO STUDY: ALL TYPES OF STUDENT VISAS.....	12
12	MONITORING STUDENT ATTENDANCE .....	12
13	AUTHORISED ABSENCE.....	14
14	MATERNITY AND PATERNITY LEAVE .....	16
15	CHANGES TO STUDY .....	16
16	VISA EXTENSIONS .....	17
17	DOCTORATE EXTENSION SCHEME .....	18
18	STUDENTS UNION SABBATICALS.....	19
19	STUDENT PLACEMENTS.....	20
20	EXCHANGE (INCLUDING ERASMUS .....	20
21	WORKING RESTRICTIONS FOR TIER 4 STUDENTS.....	20
22	EMPLOYMENT OF STUDENTS BY THE UNIVERSITY .....	21
23	TIER ONE VISA; GRADUATE ENTREPRENEUR.....	21
24	AGENTS.....	21
25	DATA PROTECTION AND RECORD KEEPING .....	22

## 1 SPONSORSHIP

Tier 4 of the Points Based Immigration System came into effect in 31 March 2009 and applies to all student visa issues since that date. Southampton Solent University holds Tier 4 Sponsorship licence number BRVN63FF9.

The licence is renewable every four years and was last reviewed in 2017. The next review will take place by March 2021.

### 1.1 The University's duties as a licensed sponsor

The University's responsibilities as a Tier 4 Sponsor are set out in full in the Tier 4 Guidance for Educators documents, available at <https://www.gov.uk/government/publications/sponsor-a-tier-4-student-guidance-for-educators>.

The University has responsibilities from the moment it assigns a CAS to a student until:

- it withdraws sponsorship from the student;
- the student leaves the UK at the end of the period of study;
- the student is given permission to stay in the UK with a different sponsor;
- the student is given permission to stay in the UK in another immigration category.

A sponsor must:

- act honestly in all its dealings with the Home Office. For example, a sponsor must not make false statements, and must disclose all relevant information when it applies for a Tier 4 licence or assigns a CAS;
- act with integrity as a genuine education provider;
- take responsibility for all its Tier 4 students while it is sponsoring them, doing all it can to ensure that prospective students are genuine students who can comply with the Immigration Rules, and that students enrol, comply with their conditions of leave, and complete their courses;
- comply with all aspects of the Immigration Rules and sponsor guidance, and has a responsibility to uphold the Immigration control, ensuring 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 staff immediate access to any of its sites on request (whether or not visits are prearranged) and complying with requests for information, including in connection with the prevention or detection of crime, the administration of illegal working civil penalties and/or the apprehension or prosecution of immigration offenders;
- ensure that the website and any marketing material accurately make clear the status of the University as a Tier 4 sponsor.

Additionally, the University has responsibilities for students that it invites to study under any other visas, including student visitor visas. The University has, accordingly, to check that students have leave to remain in the UK in order to register on courses and to continue to study until the authorised end date.

The University will train staff to promote the effective implementation of its responsibilities.

## 1.2 Student responsibilities

Each Tier 4 student is responsible for complying with the conditions of the Tier 4 visa. The University will support students through the provision of information and guidance but it will not accept responsibility for students who breach any of their conditions and will withdraw sponsorship in these cases. Tier 4 students must:

- inform the Admissions Office or UKVI Compliance as required of the outcome of the visa application and any changes of plans for study;
- collect the Biometric Residence Permit on arrival in the UK when notified it is ready for collection and show it, and the vignette (entry clearance document) to the University;
- register on the course of study at the date recorded in the CAS and promptly reregister each year;
- supply the University with the original passport and visa;
- register with the Police if required;
- pay any tuition fees;
- inform the University and UKVI of any changes in circumstances, including changes to their UK address and contact details, inability to enrol on time, inability to travel to the UK or if they wish to postpone their studies;
- engage with their studies and attend scheduled teaching sessions and assessments;
- ensure that any employment is within the visa conditions;
- monitor their Tier 4 visa and passport expiry dates and extend their visas and passports where necessary and in good time and show the original copies of updated visas and passports to the Student Records and Compliance Team.

Students on any other type of visa are responsible for ensuring that they have immigration leave to register and to remain on the course and for fulfilling any other duties as required by the Immigration authorities.

The Tier 4 Policy Guidance document for applicants (students) is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/571885/T4-migrant-policy-guidance-november-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/571885/T4-migrant-policy-guidance-november-2016.pdf).

- 1.2.1 (Other visas) Students on other types of visas are responsible for meeting the conditions (e.g. short term visas prohibit the holder from working in the UK).

### 1.3 University Tier 4 responsibilities for partner institutions

The allocation of responsibilities for Tier 4 between the University and partner institutions will be defined in the Agreement establishing the partnership. The University presently has no institutional partnerships requiring the University to take responsibility for Tier 4 students; the agreements for UK franchises preclude the recruitment of Tier 4 students by the partner institutions. The Head of Partnerships will consult the Authorising Officer before proceeding with any draft agreement enabling the recruitment of Tier 4 students.

## 2 PERSONNEL

Vice-Chancellor's Group Lead: Professor Mike Wilkinson - Deputy Vice-Chancellor (External Engagement)

Authorising Officer Dr Dave Dowland - Academic Registrar

Key Contact with UKVI - Jeanette Harrison  
Head of Student Records and Compliance.

UKVI Compliance and Audit Manager - Andrew Carre

### 2.1 Authorising Officer

The Authorising Officer has overall responsibility for the University's Tier 4 sponsor licence, including oversight of the actions of staff and representatives who use the Home Office's Sponsor Management System (SMS). All applications to renew the University's licences under the Points Based System, regardless of the tier, are made in the Authorising Officer's name.

### 2.2 Key Contact

The Head of Student Records and Compliance is the Key Contact and is the main point of contact with UKVI. Whenever the UKVI/Home Office wishes to communicate with the University, has a query regarding a sponsored student, or wishes to arrange an announced visit, they do so through the Key Contact. The Key Contact is the primary contact for the Premium Service team and is also responsible for overall authorisation of users required to access the Home Office's Sponsor Management System (SMS).

### 2.3 Departmental responsibilities

UKVI Compliance is part of the Student Records and Compliance department in Academic Services, and the unit is headed by the UKVI Compliance and Audit Manager. UKVI Compliance is responsible for:

- providing university-wide guidance on the application of the regulations;
- issuing CAS for students continuing on the same course (including students who have to repeat following academic failure);

- managing SMS users (removing/adding access);
- notifying UKVI of minor changes to University details;
- withdrawing CAS for students continuing on the same course;
- reporting student activity to UKVI;
- notifying UKVI of change of circumstances, via the SMS (e.g. changes to placement details);
- monitoring student enrolments, refusals and completion with regard to UKVI Targets.

The External Relations Service is responsible for the issue of CAS to new and continuing students other than those who continue on the same course, and for handing over the files of new Tier 4 students to UKVI Compliance.

The Human Resources Service is responsible for the operation of the Tier 2 licence and for policy and procedure relating to the employment of students and staff.

Solent Futures is responsible for ensuring that the employment of Tier 4 students is within the UKVI regulations.

#### 2.4 Level 1 users

There are several Level 1 users, all using SMS:

- the primary Level 1 user is the UKVI Compliance and Audit Manager, who is responsible for all day-to-day management of the University Tier 4 licence;
- the Admissions and Enrolment Manager is a key level 1 user (for the issue of CAS).

#### Level 2 Users:

The Key Contact may appoint Level 2 Users allocating limited access to the SMS. Level 2 Users have restricted access to SMS and will be able to input student information and issue CAS. The Key Contact may also appoint Level 1 users.

#### 2.5 Training

The UKVI Compliance and Audit Manager will ensure, in co-operation with line managers, that all Level 1 and 2 users and other relevant staff across the University receive regular training on compliance requirements. The UKVI Compliance and Audit Manager will retain a log of all compliance training undertaken, including names and dates.

### 3 CAS

A CAS is an electronic document that the University issues to enable the sponsorship of a student under Tier 4. Each student requires a CAS before making a Tier 4 visa application and the cost of the CAS is paid by the University. A student can only study at the institution which issued the CAS. The issue of a CAS does not guarantee that a student will receive a visa since the decision to issue the document lies with the Entry Clearance Officer. By making a request for a CAS, the student gives the University permission to share and discuss their information with the Home Office from the date of application onwards, in order to support compliance with Immigration regulations.

3.1 Before issuing a CAS, the Admissions and Enrolment Team will check that:

- the applicant will not exceed the Home Office's limit on study in the UK;
- overseas applicants are expected to declare their previous academic history in the UK. The University might request information from the UKVI to verify applicants' previous academic history in the UK. Applicants who failed to declare any previous history of study in the UK will not be considered for study and /or issued a CAS: if the information comes to light at a later date the CAS will be withdrawn and the student will have to leave the UK;
- the applicant's visa has not already expired and that the student is not considered an 'Over Stayer' in the UK;
- there is an academic requirement for the applicant to remain in the UK for the remainder of their studies;
- the applicant meets the requirements of a Tier 4 visa and that the student is not in breach of any University regulations. The application to study must be complete, including all the required evidence. Applicants must meet all compulsory entry requirements for study, including English Language requirements;
- the applicant meets the academic progression requirements;
- the applicant has paid the deposit and has the necessary funds to support studies and stay in the UK, including the compulsory Immigration Health Surcharge;
- the applicant has no outstanding financial liability to the University;
- there is no other risk that the visa application is liable to be refused because of other factors;
- an applicant under the age of 18 at the time of making a visa application has permission from their parents/guardian consenting to the arrangements of the applicant's application, travel, reception and care arrangements in the UK.
- an ATAS (Academic Technology Approval Scheme) certificate has been issued where required (see section 7 of this policy).

The UKVI Compliance and Audit Manager will ensure that audits of the CAS issue process are undertaken at least annually.

#### **4. ENGLISH LANGUAGE ENTRY REQUIREMENTS**

The University accepts all Secure English Language Tests (SELT) as determined by UKVI. The most commonly accepted English language test is the International English Testing System (IELTS) certificate. The University also uses other tests to assess the competence of students for degree level study equivalent to the CEFR Level B2 as determined in the Admissions Policy and listed in the Course Entry Requirement Statement and sometimes a higher level of English Language is required than the minimum specified by UKVI. The tests are benchmarked against IELTS or CEFR Level B2. Foundation level 3 students require a SELT for their sub-degree course but have to demonstrate that they have met UKVI undergraduate and internal course requirements through continued study. The University checks that these requirements have been met through a core unit; Academic Skills for Undergraduate Study 2, with students expected to pass each element, marked to show equivalency with IELTS 5.5 in each skill.

#### **5. ACADEMIC PROGRESSION**

In order to meet the academic progression requirement, a Tier 4 student should normally study at a level above the previous course taken in the UK. This condition does not apply to students applying for their first course of study in the UK.

A CAS may be assigned to a student who:

- has applied to study a course at a higher NQF academic level than a course previously studied in the UK, for example from a BA (level 6) to MA (level 7);
- has previously completed a course in the UK at the same academic level as the course applied for: where further study at the same level is complementary to the previous course or is required to enable the student to develop deeper specialisation in the same subject.

A CAS may not be assigned to a student who:

- has failed on more than one occasion, a previous course or year of study in the UK at the same NQF academic level as the new course for which admission is sought;
- is applying to study at the same NQF academic level as a previous course studied in the UK: for example BA to BSc, MA to MSc, PhD to PhD, or where the new course has essentially the same or similar aims to the previous course studied.

The University must demonstrate to UKVI how academic progression was assessed for each application for a course at the same NQF academic level as a previous UK study. For new students, the Admissions Office will arrange for a record to be retained on the student file of the rationale for the decision.

A CAS can be assigned to a continuing student who requires a visa extension to complete an existing course where a previous CAS was assigned for the same course, provided that all other conditions are met, including the requirement not to exceed the maximum length of study. UKVI Compliance will ensure that a record is retained on the student file of the rationale for the decision, liaising with other areas of the University (e.g. international support) as necessary.

## **6. SHORT TERM STUDY**

Where a student is required to resit examinations to complete a course of study and full-time attendance is not required, the University will not normally issue a CAS, but will issue a Short Term Study Visa Letter for presentation by the student to the Entry Clearance Officer, or Border Officer, whichever is applicable, subject to the entry requirements and immigration criteria.

## **7. ACADEMIC TECHNOLOGY APPROVAL SCHEME**

Some postgraduate research students and undergraduate students in science, engineering and technology subjects may need an Academic Technology Approval Scheme (ATAS) certificate prior to applying for a Tier 4 visa or, since 2015 any other type of visa. UKVI Compliance will check newly approved courses and inform the Admissions Office of any requiring the use of ATAS.

- 7.1 An ATAS certificate is valid for 6 months from date of issue. Students can apply for Tier 4 student visas up to 3 months in advance of the start of the course. This means a student can apply for an ATAS certificate up to 9 months before the start of studies. Students should apply for their ATAS certificates as early as possible from the moment they are made a conditional offer to study at the University.
- 7.2 ATAS subject areas studied at UK universities are identified by a JACS code. The Admissions Office will issue supporting documentation to the student to assist with their application to the Foreign and Commonwealth Office for ATAS.
- 7.3 The student must obtain an ATAS certificate before enrolling on a course. This does not apply retrospectively to those who already have a non-Tier 4 visa. If the course requires ATAS and this is not obtained prior to the Entry Clearance decision, the visa will be refused and count against the University's Basic Compliance Assessment (BCA) score.
- 7.4 The student will need to re-apply for ATAS clearance if they change course once registered at the University, or if there is a change in the relevant modules/area of study. UKVI Compliance will be responsible for assisting the students with their applications for ATAS certificates.
- 7.5 ATAS applications are free, submitted online, may take typically up to 20 working days to process (and may take considerably longer at peak periods) and certificates are sent to the student by email.

## **8. CAS WITHDRAWAL**

Where a CAS has already been issued and information emerges that a CAS should not normally have been issued, the UKVI Compliance and Audit Manager may approve the withdrawal of the CAS, taking reasonable action to inform the student in advance.

## 9. REPORTING DUTIES

The University is required to notify UKVI:

- if it becomes apparent that any of our sponsored students have been granted leave with the incorrect conditions of stay, for instance if they have mistakenly been granted permission to work:
- details of any incorrect information reported through the SMS:
- if there are any changes to a Tier 4 student's circumstances:
- if there are any changes that affect the University's Tier 4 licence that would render the Tier 4 student non-compliant with the UKVI regulations.

9.1 A sponsor must report on all Tier 4 students that it is sponsoring, including when they are:

- on a course (including a pre-session course) at a partner institution or at another institution under an exceptional arrangement; (if these students are sponsored under the university licence); or
- doing a work placement that is part of their course.
- on a Erasmus or exchange programme at an overseas institution

The University should be able to provide details of any third party, in the UK or another country, which has helped recruit our students.

9.2 The University must report through SMS, within 10 working days of confirmation of unauthorised absence, students who are not attending and are subsequently withdrawn from their course. UKVI Compliance is responsible for these reports.

9.3 The University must notify the Home Office in the following cases:

### **The student fails to enrol (where the CAS has been used)**

Students who fail to enrol by the expected enrolment date will be reported to UKVI with any known reason for their non-enrolment. This includes students who defer their entry to the University.

### **The student fails to enrol (where the CAS has not been used)**

The CAS will be withdrawn and the student record updated. Admissions staff will email the student to advise of the action taken, sending a copy of the information to UKVI Compliance.

### **The student is delayed beyond the latest start date stated on the CAS**

Admissions and Enrolment Team will seek academic approval for students for a later start date. Admissions staff will record any authorised late start dates on SMS, checking, in liaison with UKVI Compliance where necessary, that the students can complete the course within the dates given on their visa.

### **Visa Refusals**

A refused application is an application which has been processed and the Home Office has decided that the applicant fails to meet the requirements of the

Immigration Rules. This could happen because, for example, the applicant has not demonstrated the required level of funds in a bank account or has submitted a document which does not meet the policy guidance requirements, or has submitted a photocopy rather than an original document.

- 9.3.1 Any member of staff who becomes aware of a visa refusal will report the information to UKVI Compliance. UKVI Compliance will notify the Home Office of students whose visas have been refused. The International Advice Team will advise students whose visas have been refused whether they should submit an Administrative Review, or a new application. The International Advice Team must keep the UKVI Compliance and Audit Manager informed of these cases. Admissions staff will also inform the International Office of any refusals. A new CAS will not be issued for a student who has been previously refused unless they are satisfied that the initial reasons for refusal have been addressed. They may also ask to see documentary evidence before raising a new CAS. The UKVI Compliance and Audit Manager will be informed when a new CAS is issued for a student who has previously been refused. Visa refusals may also become apparent through the Management Information reports sent to the University by the Home Office. These will be monitored by UKVI Compliance to ensure that the Home Office SMS system is updated accordingly.

## 10 REGISTRATION

Tier 4 students who have received their visas should register on the date stated in the CAS, keeping Admissions staff informed of any unavoidable changes to their arrival in the UK. Tier 4 students must inform the University of any changes in their plans, including when they are unable to enrol on time, unable to travel to the UK or they wish to postpone their studies.

- 10.1 The University is an ACL (Alternative Collection Location), meaning that student Biometric Residence Permits (BRP) are delivered and available for collection from the University. Following arrival to the UK, Tier 4 students, who applied for visas using the University's ACL number, 2HE887 will receive their BRP from the Admissions and Enrolment team at enrolment. Students who did not use the ACL number on their visa application are encouraged to collect their BRP from the local participating Post Office prior to enrolment, although they can enrol on the 30 day entry vignette prior to the collection of the BRP. Students who are continuing on the same course of study and apply for entry clearance will receive the BRP from the Student Records and Compliance Team.
- 10.2 Tier 4 students are not confirmed as registered until they have presented their original passport and other immigration documentation, in person, to Admissions staff or to Student Records and Compliance staff in the case of continuing students. The University will retain scanned copies of the immigration documentation for each Tier 4 student:
- passport, including relevant previous passports
  - biometric residence permit (BRP) (both sides)
  - the entry clearance certificate or other immigration status document showing the student's period of leave to remain in the UK with entitlement to study at the University;
  - all qualifications and evidence used by the student to obtain entry to the course of study;

- Academic Technology Approval Scheme (ATAS) clearance certificate (for any students who require this for the visas application);
- record and history of contact details, including the UK residential address, telephone number, mobile phone number and email address.

The University has the right to request this data at any stage of the International student's study at the University. All records will be retained until reviewed by the UKVI Compliance Manager (see section 24 on Data Protection and Records Management).

## **11 MONITORING OF LEAVE TO STUDY: ALL TYPES OF STUDENT VISAS**

The University will monitor the records of all students on visas to confirm their continued leave to study at the University under immigration regulations. Although the University will remind students to extend their visas or passports, it is the responsibility of the students to keep their passports or visas in date.

Student Records will run a report every four weeks identifying any overseas students whose visa or passport expires before the expected end date of the student's programme of study. Student Records will follow up as required with students, liaising with UKVI Compliance as appropriate, and will ensure that the University continues only to sponsor students with current visas or passports.

## **12 MONITORING STUDENT ATTENDANCE AND ENGAGEMENT**

The University must monitor the attendance of Tier 4 students and report any student who fails to engage with their studies or the University believe is no longer a genuine student. The policy is designed to identify students who are at risk of failing their course and/or students who are no longer engaging with their studies. The UKVI Compliance and Audit Manager will notify the Home Office of the withdrawal of any student who fails to engage with their studies.

### **12.1 Attendance monitoring for undergraduate and taught postgraduate students**

Student engagement with studies will be monitored through the SEAtS attendance system through matched attendance at scheduled teaching activities, as represented on the student timetable and in line with the SEAtS operational workflow. Attendance reports will identify students who do not meet the University's attendance requirements over rolling two-week periods and students will progress between stages within an attendance model.

**12.2** Stage Zero - where a student does not meet the attendance requirement in a two-week period SEAtS will send an automatically generated warning message to the student.

**12.3** Stage One - where, following the warning message, the student does not meet the University's attendance requirements in a subsequent two-week period, the student will be sent another warning message, automatically generated through SEAtS and be required to attend a meeting, as specified by UKVI Compliance, to discuss reasons for their absence.

A student who meets the University's attendance criteria in a two-week period will be moved back to stage zero.

- 12.4 Stage Two - where, the student again does not meet the University's attendance requirements in a subsequent two-week period, the student will be sent a final warning message, automatically generated through SEAtS explaining that if their attendance does not improve they would be withdrawn from the University and reported to the Home Office.

A student who meets the University's attendance criteria in a two-week period will be moved back to stage one.

- 12.5 Stage Three - where, the student does not meet the University's attendance requirements in a subsequent two-week period, the student will be considered for withdrawal by the UKVI Compliance and Audit Manager and Head of Student Records and Compliance with the final decision taken by the Academic Registrar. An assessment will be made based on but not limited to the following factors;
- overall attendance rate,
  - assessment, progression and achievement
  - periods of absence (including authorised absences)
  - participation interview summary
  - any other relevant factors

A student who meets the University's attendance criteria in a two-week period will be moved back to stage two.

- 12.6 In addition to the above, UKVI Compliance use the following checkpoints to confirm engagement;

- 12.6.1 *Registration* - students who fail to re-register for their course of study, as outlined in the University's '*Student Enrolment Registration and Maintenance of Records*' policy will be withdrawn from their courses and reported to the Home Office by UKVI Compliance.

- 12.6.2 *Progression and Award Boards* - students who do not successfully progress to the next stage of their courses of study will be considered by the UKVI Compliance and Audit Manager and Head of Student Records and Compliance and appropriate action taken, which could include withdrawal from the course. The final decision is taken by the Academic Registrar and an assessment will be made based on but not limited to the following factors;
- overall attendance rate,
  - assessment, progression and achievement
  - periods of absence (including authorised absences)
  - participation interview summary
  - any other relevant factors

- 12.6.3 *Two attendance check points*; in the middle of the autumn and spring terms to identify students with no attendance during the term.

- 12.7 If it is believed a student is not engaging with their studies at any time or is not making satisfactory progress on their programme of study, the University reserves the right to withdraw the student from the course immediately.

- 12.8 Tier 4 students who are withdrawn on the grounds of failing to engage with their studies can appeal in writing to the Academic Registrar (Authorising Officer). Appeals must be received in writing within seven calendar days of withdrawal and

should include evidence to support the case. This is the only form of appeal for Tier 4 students withdrawn on the grounds of attendance/engagement and the Academic Registrar's decision is final.

12.9 Where, a student is not withdrawn under 12.5 or 12.8, UKVI Compliance ensure a clear rationale is evidenced and available for a Home Office audit to explain how the decision was reached.

12.10 Where there is a mandatory level of attendance, such as a requirement set by an accrediting body or sponsor, this always takes priority.

#### 12.11 **Postgraduate research students**

- Research, Innovation and Enterprise will provide to research students at the beginning of each academic session details of the contact points. Research students will be required to visit Research, Innovation and Enterprise at each of twelve specified contact points throughout the year.
- A student who is unable to attend a specified contact point must seek approval for absence from a member of the supervisory team using the RH11HA form, with the Research, Innovation and Enterprise logging the request in advance.
- Students who fail to attend a specified contact point without a satisfactory reason approved by a member of the supervisory team and recorded on the RD11HA form, must report to Research, Innovation and Enterprise in person on the next working day.
- Failure to attend on the next working day will prompt Research, Innovation and Enterprise to initiate a staged withdrawal process, with a report to the UKVI Compliance and Audit Manager. The UKVI Compliance and Audit Manager will inform the Authorising Officer before any withdrawal proceeds. The UKVI Compliance and Audit Manager will then inform the UKVI of any withdrawal within ten working days of the final missed contact point. This will result in the cancellation of the student's visa and a requirement for the student to leave the UK.
- Research, Innovation and Enterprise will provide UKVI Compliance with attendance data annually to update the student file. Research, Innovation and Enterprise will provide attendance data for the current academic year on request for audit.

### 13 **AUTHORISED ABSENCE (procedure in operation pending enhancements to the SEATS absence system)**

The standard student leave periods are as defined in the University Academic Calendar:

#### **Undergraduate students:**

- Students undertaking study at Undergraduate degree level are allowed leave during the Winter/Spring/Bank holidays and summer vacations/closures; as set out in the University Academic Calendar.

#### **Postgraduate taught students:**

- Students are only permitted leave during the Winter and Spring closure periods and Bank Holidays, (not Summer) as set out in the University Academic Calendar. At all other times, Postgraduate taught students must show attendance up to the end of

their programme end date, as specified on their CAS.

**Postgraduate research students:**

- Students are permitted leave during University closure periods (Christmas) and Bank Holidays, (not Summer). In addition to University closure periods, Postgraduate Research students are permitted to take a further 35 days annual leave.

13.1 The University may allow additional authorised leave of absence for valid reasons, which may, include, for example:

- Academic reasons to study or research (there must be genuine reasons to leave the UK). Students requiring remote study away from SSU will be required to maintain documented contact; see below.
- Attendance at conferences or lectures (Only the conference plus reasonable travel time)
- Sickness leave
- Compassionate leave
- Maternity/Paternity leave

Absence during the writing up of dissertations and theses will not be authorised. The UKVI Compliance and Audit Manager will withdraw sponsorship and inform UKVI, requiring the student to leave the UK.

13.2 All authorised absence requests should be approved in advance of departure and initially approved, for UKVI purposes by UKVI Compliance (for taught students) or in accordance with the specified Procedures for postgraduate research students, maintained by the Graduate Studies Office. The Research, Innovation and Enterprise will make records of authorised absence available to UKVI Compliance for periodic checks.

13.3 (for undergraduate and taught postgraduate students). Students should apply to UKVI Compliance for authorisation. UKVI Compliance may set certain conditions, such as reporting conditions for the student. UKVI Compliance will place the student's attendance record on hold for the duration of the authorised absence and will maintain a record of authorised absence to check against the SEATS records. UKVI Compliance will also monitor the SEATS attendance reports to identify cases of student absences and may grant leave of absence retrospectively where it finds valid reasons for non-attendance. UKVI Compliance will ensure that the student has returned at the designated time.

13.4 Absence requests on Sickness or Compassionate grounds must be accompanied by a signed original medical or death certificate, written in English. The evidence should clearly show the reasons for the absence and state the name and full contact details for the Doctor and to be signed by them. If the certificate is not in English, then an original translation by an authorised translator must be provided. The document must detail the translation company's credentials and be on headed notepaper and be signed and dated. Authorisation before the occurrence of sickness may not be possible but it is essential that the student provides corroborating evidence to UKVI Compliance.

### **13.5 Leave of absence (research students)**

Where leave of absence is two months or less (60 days) then the University may continue to sponsor the student with the expectation that the student will complete within the existing period of their current visa. The request is not deemed to be authorised until it has been signed off by UKVI Compliance. The Graduate Studies Office will maintain records of leave of absence.

## **14 MATERNITY AND PATERNITY LEAVE**

The International Advice Team will assist students who need to take maternity or paternity leave, in consultation with UKVI Compliance. Significant periods of absence (i.e. of two months) will normally require students to leave the UK and to obtain a new CAS and visa in order to return following the period of leave. The same situation will apply to any dependants relating to the visa. UKVI Compliance may exercise discretion to the application of the rule if a student can complete the course within the length of the current visa. UKVI Compliance will notify the student of the period of suspension and the student will be advised to leave the UK within sixty days. The University may be able to accommodate shorter periods of absence.

14.1 Under university policy, a student should not return to study for a period of at least two weeks after giving birth.

14.2 Paternity leave is limited to two weeks and a student should seek authorised absence from the Course Leader and UKVI Compliance.

## **15 CHANGES TO STUDY**

### **Early student completion**

UKVI Compliance will inform the Home Office if a student completes studies earlier than the expected course end date stated on the students CAS. The student will be advised of the expected new curtailment date of their visa.

### **15.1 Changes to course dates (lengthened period)**

The student will need to apply for a new visa. The student must not exceed the visa regulations on the maximum period of study in the UK. The student must consult UKVI Compliance or the International Advice Team before making any application.

### **15.2 Changes to course**

UKVI Compliance will report on SMS if a student changes course following registration. SMS will be updated with the new course details.

### **15.3 Student withdraws from studies post enrolment or does not return**

UKVI Compliance will report withdrawals on SMS.

#### **15.4 Student changes study location (temporary)**

Students embarking on a period of study abroad outside the UK or undertaking fieldwork for more than two weeks will be reported on SMS as a study location change.

#### **15.5 Student changes study location (permanently)**

UKVI Compliance will withdraw sponsorship for students who, with academic approval, proceed to complete their studies from overseas. Such students are notified to the Home Office as having completed earlier than the date registered on the CAS. In case a student transfers from another UK institution, a copy of the previous visa(s)/BRP(s) must be obtained by the Admissions Team in order to assist with the calculation of maximum limits to study.

#### **15.6 Student changes immigration category**

UKVI Compliance will report through SMS students who move from Tier 4 to another visa category only upon presentation of original documentation.

#### **15.7 The University suspects that a student is breaking the conditions of their visa**

The UKVI Compliance and Audit Manager and Head of Student Records and Compliance will make a recommendation to the Authorising Officer that the student's Tier 4 sponsorship be withdrawn and will then notify the Home Office.

#### **15.8 The University has reason to suspect that a student is not genuine**

UKVI Compliance will make a recommendation to the Authorising Officer that the student's Tier 4 sponsorship be withdrawn and will then notify the Home Office.

#### **15.9 Changes that are not notified to the Home Office:**

The University will not notify the Home Office of authorised absences of less than 60 days duration, where the student continues to be sponsored by the University.

#### **15.10 Student is no longer classified as full-time**

Where a student is required to resit examinations to proceed to the next level of study and full-time attendance is not required (e.g. they are studying less than 120 credits), UKVI Compliance will identify and withdraw Tier 4 sponsorship and advise the student of alternative options, which could include studying remotely, a short term study visa or a combination of the two.

### **16 VISA EXTENSIONS**

Student Records and Compliance with collaboration with International Support will remind students to extend their visas or passports but it is the responsibility of the students to keep their passports or visas in date. The University will normally support an extension to a CAS when a student:

- is making satisfactory progress on their programme of study;
- is no more than one year behind their original course completion date;
- has the necessary funds to support their study and living expenses in the UK;

- has no outstanding financial debts to the University;
- has paid a required deposit against future tuition fees.
- has a valid ATAS certificate if required.
- is not in breach of University regulations and Tier 4 immigration conditions
- has not exceeded the time limit for study in the UK.

The University will not issue requests for Tier 4 visa extensions which arise from a lack of student engagement with studies, except when there are substantial extenuating circumstances as approved by UKVI Compliance.

## 17 DOCTORATE EXTENSION SCHEME

The Tier 4 Doctorate Extension Scheme (DES) is designed to enable students who have almost finished their PhDs or other doctoral qualifications to apply for leave to remain, within Tier 4, for another 12 months in order to look for employment and start work in the UK. A visa issued under this scheme allows full-time Tier 4 students who complete a PhD at a UK institution time to find work with a Tier 2 employer, set up as an entrepreneur, or to gain practical work experience in their field. Dependants are allowed to remain in accordance with current immigration rules. The DES visa will be granted for a period of 12 months from the expected completion date stated on the new CAS, with the student remaining under the sponsorship of the University during the period. The student must remain in touch with the University in accordance with the procedures determined by UKVI Compliance. UKVI Compliance will withdraw sponsorship and make appropriate reports to the Home Office where a graduate fails to remain in touch with the University. The Head of Student Records and Compliance and the Tier 4 Authorising Officer/Academic Registrar will be informed before the withdrawal of sponsorship is implemented

Applications for DES have to be made within a tightly restricted period:

- the student should apply internally to Research, Innovation and Enterprise following the completion of the viva but before the official confirmation of the award. The student may apply internally on the basis of a recommendation for the award of a doctorate, which may include a requirement for minor or substantial revisions.
- the student must be within 60 days of the 'expected end date' of the course at the time of application.
- the student must apply before the award date has passed.
- the student must hold a valid and current Tier 4 (General) visa for PhD studies at Southampton Solent University (MPhil students do not qualify for the scheme). Students who currently hold Short-Term Study leave may not apply.
- the student must remain inside the UK and be able to make the visa application from within the UK.
- the student must meet all other requirements of the Tier 4 application, including the ability to show maintenance and support for the period.

- The student should have a 100% attendance record throughout the programme of studies as evidenced by the attendance monitoring records maintained by the Graduate Studies Office in liaison with UKVI Compliance.
- The student must maintain contact with the University to show compliance with UKVI requirements.
- The student must usually complete the PhD within 4 years of registration

The Head of the Research, Innovation and Enterprise will inform the UKVI Compliance and Audit Manager of students who are recommended for sponsorship under the Doctoral Extension Scheme and UKVI Compliance will issue the CAS. The University will only issue the CAS to a student who is expected to successfully complete the doctorate within sixty days, including the fulfilment of any major or minor amendments.

The University may refuse to issue a CAS for reasons including but not limited to the following criteria:

- the graduate has outstanding debts to the University;
- the graduate has a history of prior visa refusals;
- the graduate has had poor engagement through the doctoral studies;
- the University has reason to believe that the visa application may be refused, for example, because of a lack of maintenance funds or that the student is not acting honestly.

UKVI Compliance will monitor the engagement of DES students through defined contact points.

UKVI Compliance, in liaison with the Research, Innovation and Enterprise, will report through SMS:

- if the student has been awarded a qualification;
- if the student has missed a contact point;
- if the student has left the UK permanently;
- if the student has switched to another visa category;
- if the University has withdrawn sponsorship for another reason.

## **18 STUDENTS UNION SABBATICALS**

The UKVI regulations enable a student with Tier 4 leave to serve as a Students' Union Sabbatical officer during or after studies. UKVI Compliance will arrange the continuation of Tier 4 sponsorship since the student will require a CAS. The CAS should declare the sabbatical appointment. The sabbatical appointment should be noted through SMS as a change of circumstances and not as a suspension. The University will, therefore, remain responsible for the student although it will not have to retain proof of the student's regular attendance, but UKVI Compliance will need to work with the Students' Union in case there are any problems with the student's engagement with the duties arising from the role of sabbatical officer. Service as a sabbatical officer

does count towards the maximum period of five years' study at degree level and the Immigration Regulations exempt sabbaticals from the requirement to demonstrate academic progress.

## **19 STUDENT PLACEMENTS**

The time spent on a student placement or Study Abroad must not exceed 50% of the length of the course of study at degree level (33% for sub-degree courses). It is the responsibility of both the student and the School to ensure that the time spent on placement or Study Abroad does not exceed 50% of the total course. The University is required to notify the Home Office for each student on a work placement and give details of the placement including, placement provider, start and end dates and hours worked. The Admissions Team will include on the CAS details of any placement included within the course, with students required to report details of their placement (e.g. address, exact date) via the Placement App prior to commencing work. UKVI Compliance report details of the placement to the Home Office via SMS.

- 19.1 The University remains responsible for the student throughout the period of the work placement and must continue to comply with all sponsor duties during this time.

## **20 EXCHANGE (INCLUDING ERASMUS)**

The University will continue to sponsor Tier 4 students during an overseas Exchange or Erasmus period of study. Students are required to arrange their Exchange programme through the International Office, who pass details to UKVI Compliance to report a change of study location via SMS.

- 20.1 The University remains responsible for the student throughout the period of the Exchange and must continue to comply with all sponsor duties during this time, including monitoring attendance. The International Office monitor attendance during the student's period away from the University with the support of the UKVI Compliance Manager.

## **21 WORKING RESTRICTIONS FOR TIER 4 STUDENTS**

Students are responsible for ensuring that they work within the time limits detailed on their visas, which are normally:

- A maximum of 20 hours paid (or unpaid work) per week during term time for degree level students (as set out in the University calendar)
- A maximum of 10 hours paid (or unpaid work) per week during term time for sub degree level students (as set out in the University calendar)
- The University will continue to use the working restrictions detailed above throughout the calendar year.
- Full time work external to the University, is only permitted during vacations and during the period between the completion of programme to the visa expiry date.
- A student cannot be self-employed such as sole trader, working freelance or consultancy work or setting up their own business.
- A student cannot work in a company where they hold 10% or more of the shares

- A student cannot work as a doctor in training, be a professional sports person (including sports coach) or an entertainer.
- A student cannot fill a full-time vacancy

## **22 EMPLOYMENT OF STUDENTS BY THE UNIVERSITY**

- The Solent Futures department will co-ordinate the employment of students within the University.
- All vacancies will be advertised on the Solent Graduate Jobs on-line facility. Solent Futures will screen Tier 4 applicants to check their eligibility for employment before issuing offer letters and terms and conditions. Additionally, Payroll will check further that students have not exceeded their working time limits before authorising payment. Any student who works in excess of the authorised hours will not be paid for any of the work undertaken and Solent Futures will inform UKVI Compliance. UKVI Compliance will conduct regular audits of the system.
- The University will not employ a student beyond the expiry date on the visa unless it is clear that a request for an extension had been sent to UKVI before that date, in which case UKVI Compliance should be consulted and relevant documentation obtained

## **23 TIER ONE VISA; GRADUATE ENTREPRENEUR**

The University is an endorsing body for the Tier 1 Graduate Entrepreneur scheme. Solent Futures has overall responsibility for the scheme and is responsible for:

- managing the Tier 1 application process and ensuring endorsees have a genuine and credible business and that they will spend the majority of time on their business venture;
- maintaining contact, at least quarterly, with Tier 1 Graduate Entrepreneurs post endorsement;
- maintaining records of the application assessment, meetings, visa documentation, contact details and entrepreneur's declaration.

## **24 AGENTS**

The University employs overseas student recruitment representatives as agents. The relationship is defined by a formal agreement, maintained by the International Office (IO). The University requires Agents to act with professional integrity. The IO will inform Agents of UK immigration regulations, providing compliance training on a regular basis - the IO will send records of the training to the UKVI Compliance and Audit Manager. Agents will be required to ensure that the Tier 4 students they recruit meet all the compulsory UKVI requirements before the CAS is issued. Following each student registration period, the IO will analyse Agents' recruitment data in order to monitor the fulfilment of the obligations set out in the Agreements (including numbers of students recruited; those who did not enrol, those refused visas and the reasons for rejection; debtors, withdrawals etc.). The IO will register with the Home Office all overseas agents who have an Agreement with the University, as well as any changes to existing agreements, including cancellations, keeping the UKVI Compliance and Audit Manager informed.

## 25 DATA PROTECTION AND RECORD KEEPING

The Academic Registrar, as the Home Office Authorising Officer, is responsible for the management of the records, supported by Student Records and Compliance and by Admissions staff. All staff, however, are responsible for adhering to good record keeping practice.

The University will process the personal information of students for the purposes of meeting its UKVI responsibilities in accordance with the Data Protection Act/General Data Protection Regulations. In order to comply with the regulations governing the sponsorship of Tier 4 students, the University may need to process sensitive personal data relating to the physical or mental health or condition of students. This processing of such data will be based on the secure and confidential sharing of information between University departments and the Home Office.

Student Records and Compliance will maintain paper files, with the intention of moving to an electronic system. The University will retain documents for Tier 4 students in accordance with Appendix D of the Tier 4 Sponsor Guidance and any other guidance issued by the Home Office. The documents will be retained in line with the University's Records Management Policy or one year from the date Tier 4 sponsorship ended, whichever is longer.

Record Keeping UKVI Requirement	Location/format
Passport (and copies of any previous passports)	Tier 4 Student File (A101)*
Entry Clearance Certificate, Biometric Residence Permit or other immigration status documents Copies of any evidence assessed by the University as part of making an offer to a student. This will vary by course and level of study but may include references, English language testing, qualifications, portfolios and transcripts	Tier 4 Student File (A101)*
English language assessment	Tier 4 Student File (A101)*
Proof that a visa application has been made to the Home Office <sup>1</sup> (e.g. batch scheme, postal receipt, Home Office letter)	Students 1 <sup>st</sup> or Tier 4 Student File (A101)*
Immigration History Check / Evidence of holding 3C leave or permission to stay in the UK	Tier 4 Student File (A101)*
Current and historic student contact details including the UK residential address and telephone numbers UKVI may also ask a sponsor to complete a spreadsheet showing the details of each of its Tier 4 students and their current addresses, including information on the proximity of their residential address to the sponsor's teaching site. If requested, this must be sent electronically to UKVI within 21 days of the date of the request, providing all the information requested.	Quercus and periodically updated Tier 4 Student File (A101)*

ATAS clearance certificate	Tier 4 Student File (A101)*
A record of student absence/attendance UKVI may ask a sponsor to complete a spreadsheet showing the details of each of its Tier 4 students and their attendance. If requested, this must be sent electronically to UKVI within 21 days of the date of the request, providing all the information requested.	SEATS attendance system Graduate Studies Office for PGR students
Engagement records of students attending placements or study abroad	Tier 4 Student File (A101)*
<b>Tier 4 Under 18</b> Sponsors of a child under the age of 18 must keep a copy of the letter from the child's parents or legal guardian, or just one parent if that parent has sole legal responsibility for the child. This should consent to the arrangements for the child's application, travel, reception and care arrangements in the UK. Children aged 16 and 17 have the legal right to live independently in the UK, and may make their own arrangements for accommodation, but they need the consent of their parent(s)/legal guardian to do this and to travel to the UK (if applying from overseas).	Tier 4 Student File (A101)*
Documentation of any student appeal against the refusal of a visa	Tier 4 Student File (A101)*
<b>Tier 1 (Graduate Entrepreneur)</b>  Copies (or originals where possible) of evidence assessed as part of the process of selecting the migrant.	Solent Futures

\*Current Tier4 student files located in A101. Former Tier4 student files and non-EAA non-Tier 4 files located in RM156