



Staffordshire University Tier 4 Sponsor Policy

Name of procedure:	Tier 4 Sponsor Policy
Purpose of procedure:	To set out the University's approach to meeting its statutory obligations as defined by the UKVI Office
Approval for this procedure given by :	Academic Board
Responsibility for its update :	Director of Student and Academic Services
Procedure applies to :	To all Staffordshire University staff and students registered on awards at Staffordshire University on a Tier 4 licence.
Date of Approval :	July 2016
Proposed Date of Review :	July 2017

Background

Under UK Immigration Law Staffordshire University is expected to contribute to supporting Immigration control by ensuring that all overseas students have valid permission to remain and study in the UK.

Staffordshire University is licenced by the UK Visas and Immigration Office (UKVI) to act as a Tier 4 Sponsor for the recruitment of students outside of the European Economic Area who come to the UK on a Tier 4 visa (Tier 4 students).

Under the Terms of the Tier 4 Licence the University has specific duties to demonstrate that it has processes and procedures in place to ensure that Tier 4 students coming to study at the University have genuine academic intentions, comply with their Tier 4 visa conditions and leave the UK or have another immigration permission to remain in the UK at the end of their studies.

In interpreting the UKVI Tier 4 Sponsor Guidance, Staffordshire University has developed the following Policy.

Purpose of the Policy

1. To define a common approach to the University external and internal processes related to recruitment of Tier 4 Students.
2. To ensure that the University's practices are fit for purpose and provide evidence to the UK Visas and Immigration Office that we fulfil our duties as a Tier 4 Sponsor.
3. To clarify where the responsibilities lie for collecting and holding the relevant compliance information and to facilitate the development of consistent and coherent institutional arrangements for Immigration compliance.

Scope

The scope of this Policy is limited exclusively to Tier 4 applicants and students registered at Staffordshire University.

Terms of reference

The University – Staffordshire University

UKVI – UK Visas and Immigration Office

EEA - European Economic Area

Tier 4 students – overseas nationals from outside of the European Economic Area, holding a Tier 4 Student visa

Overseas applicants - non EEA nationals applying for study

CAS – Confirmation of Acceptance for Studies

Overseas Agents – overseas student recruitment representatives, who have an Agreement with the University

Vouching Policy – a list of qualifications and partner arrangements which satisfy the level of English competence required for degree level study which the University considers to be equivalent to the CEFR Level B2

BRP – Biometric Residence Permit

ATAC Certificate – Academic Technology Approval Scheme Certificate

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1. Overseas recruitment / admissions

- **Agent Management**

The University expects overseas Agents to apply professional integrity while recruiting overseas students on behalf of the University. A detailed list of Agent responsibilities and requirements is included in the University Representative Agreement Terms and Conditions.

The University will inform Agents of any relevant UK Immigration regulations and changes and ongoing Immigration compliance training will be provided to Agents on a regular basis, either in person or remotely

All overseas Agents are expected to ensure that the Tier 4 students they recruit meet all the compulsory requirements and pass the University compulsory credibility checks before the Confirmation of Acceptance for Studies (CAS) is issued to them.

(See Confirmation of Acceptance for Studies)

After each enrolment period (typically September and January), the University will analyse Agents recruitment data, such as : numbers of students recruited, numbers of students who failed to enrol, debtors, withdrawals etc. in order to ensure that Agents fulfil the obligations set out in their Agreement with the University. The appropriate actions will be taken following the above mentioned data analysis.

In accordance with the University's Tier 4 Sponsor obligations, the UK Visas and Immigration Office will be advised of all overseas Agents who have an Agreement with the University.

- **Identity Management (applicants in the UK)**

The University will not accept applications from non EEA nationals of any category until they present valid evidence of their entitlement to remain and study in the UK. Pending Immigration applications of any category will not normally be accepted as an evidence of the entitlement to remain in the UK and will be assessed on individual basis.

- **Confirmation of Acceptance for Studies (CAS)**

The University will request all overseas applicants to provide information and documentary evidence in order to evaluate applications and fulfil the University Tier 4 Sponsorship duties before issuing a CAS.

The University will only recruit Tier 4 students if they meet the compulsory University and Immigration requirements. Only authorised University staff will be able to issue a CAS to applicants after all of the following requirements are met:

1. The application to study is complete with all the required evidence.
2. Applicants meet all compulsory academic entry requirements for a chosen programme of study, including the Academic Technology Approval Certificates (where applicable).
3. Applicants satisfy the English Language requirements.

Staffordshire University accepts all Standard English Language Tests (SELT) as per the UKVI published accepted standards. The University also uses its own English language testing

system and has its own Vouching Policy (See English Language Ability, page 34 of the Tier 4 Policy Guidance, version 04/16)

4. Applicants paid a deposit and have the necessary funds to support their study and stay in the UK, including the compulsory Immigration Health Surcharge. (See Money , the Tier 4 Policy Guidance, version 04/16 ; Immigration Health Surcharge <https://www.gov.uk/healthcare-immigration-application/overview>)
5. Applicants pass the University compulsory credibility checks
Overseas agents are expected to ensure that their applicants are fully prepared for the credibility checks (See Section 1 Agent Management)
6. Applicants demonstrate Academic progression when applying for a programme of study. The University will ensure that applicants can only be accepted where they apply for a level of the programme which is higher than the level of the previously completed qualifications studied in the UK; or a programme of study which he/she applies for is complementary or enables the applicant to develop a deeper specialisation to the qualification previously studied in the UK. This refers to all applicants, regardless of whether they apply for study from within the UK or from overseas. (See Section 6 - Academic Progression)
7. Applicants do not exceed the UKVI allowed time cap for study in the UK.
8. 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.

- **Reasons for refusing a CAS**

The University reserves the right to refuse to issue a CAS to an applicant. The grounds for refusal include, but are not limited to:

- the compulsory requirements are not met (see Section 1 - CAS)
- failure to declare academic history in the UK
- applicant has previous visa refusals
- any form of deception is used
- failure to declare any information which might change the outcome of application
- insufficient financial funds
- previous breaches of visa conditions
- no evidence of academic progression (See Section 6 - Academic Progression)
- inconsistencies in statements/evidence
- previous exclusions / withdrawals from the University for a breach of University Regulations and Tier 4 visa conditions
- other circumstances suggesting that issuing a CAS might contravene the University's responsibilities and the UKVI guidance
- the programme of study is less than 6 months duration
- applicants do not have sufficient time to complete their studies within the UKVI permitted study CAP
- Applicants do not pass the University credibility checks

- The University has other reasons to believe that applicants might not be successful in obtaining the Tier 4 study visa

Each applicant could only be issued a maximum of two CAS. Where an applicant receives a Tier 4 visa refusal the University will not normally issue a second CAS. All requests for a second CAS will be considered by the University Immigration Compliance Officer on an individual basis, subject to visa refusal reasons.

In instances where a student requires less than 6 months for completing their study programme, the University will not issue a CAS, but will issue a Short Term Study Visa letter subject to meeting the applicable entry requirements and Immigration criteria.

The University will not be held responsible for visa application outcomes, including applicants failing to obtain a visa and/or the consequences of such failure. Nor will the University be liable for any consequence associated with declining to issue a CAS/ Short Study Visa Letter.

2. Enrolment

All students (home and overseas) must provide evidence of the right to remain and study in the UK on enrolment. Students who fail to produce a valid evidence of their entitlement to remain and/or study in the UK will not be enrolled at the University.

Tier 4 Students who successfully obtained their Tier 4 visa must inform the University of the Date of their arrival in the UK and are expected to enrol on the date as stated in their CAS.

Tier 4 students must inform the University of any changes in their plans, including if they are not able to enrol on time, not able to travel to the UK, postpone their studies etc.

On arrival to the UK all Tier 4 students must collect their Biometric Residence Permit (BRP) prior enrolment at the University. (See *Home Office Guidance* <https://www.gov.uk/biometric-residence-permits/overview>)

Tier 4 students who have not enrolled at the University within the expected date will be reported to the UKVI as not enrolled within 10 days of the enrolment date stated on the CAS and the Tier 4 visa will be curtailed (cancelled). (See *section 11 – Withdrawal of the Tier 4 Sponsorship*)

Tier 4 students are expected to enrol on the course as stated in their CAS. The University does not allow students to change course after they have received a Tier 4 visa.

3. Tier 4 Students Responsibilities

It is a Tier 4 student's responsibility to comply with the conditions of their Tier 4 visa.

The University will provide the necessary information and guidance, however it will not take any responsibility for students who breach any of their Tier 4 visa conditions and will withdraw the Tier 4 Sponsorship in such cases

(See *section 11 – Withdrawal of the Tier 4 Sponsorship*)

Tier 4 students must:

- Inform the University of the outcome of their visa application and/or any changes of plans including deferrals, lateness, cancellations etc.

- Collect Biometric Residence Permit on arrival to the UK
- Enrol at the University on the programme and date as stated in CAS
- Pay 50 % of the tuition fees by or on enrolment (*See Section 5 Finance*)
- Inform the University and the UKVI of any changes in circumstances, including changes to the UK residence address and contact details
- Register with the Police (where applicable)
- Attend all scheduled teaching sessions and engage with their studies
 - (*See Section 7 Attendance/ Absence and Section 8 Engagement with studies*)
- Work no more than within the allowed limit as set out in their Visa conditions
- Monitor their Tier 4 visa expiry dates and extend their visas where necessary
 - (*See Section 9 Visa Extensions in the UK*)

4. The University Tier 4 Sponsor Responsibilities

As the Tier 4 Sponsor the University's duties commence when the CAS is issued to Tier 4 applicants and finish when the University has evidence that Tier 4 students completed their studies and leave the UK or obtain another Immigration permission to remain in the UK.

- **Recordkeeping**

The University will maintain records of all Tier 4 students and will provide any records / information to the UKVI on their request.

- **Reporting**

The University will report to the UKVI and cancel the Tier 4 Sponsorship in cases where:

- Students do not arrive for their course following visa refusal or any other reasons
- Students defer their studies (*See Section 10 Deferrals*).
- Students are late for their studies
- Students are absent from their studies without the permission of the University for a significant period of time
- Students leave the course earlier than expected (for any reason)
- Students are in breach of the University Regulations and /or their Tier 4 visa conditions
- Students change the institution

- Students are involved in any kind of criminal activities

Following reporting to the UKVI students Tier4 visa will be curtailed (cancelled).

Students will be required to provide the University with either evidence of leaving the UK or another permission to stay in the UK (where applicable)

The University will report, however keep the Tier 4 Sponsorship in cases where there are relevant changes in students' circumstances

- **Co-operating with the UKVI**

The University is expected to co - operate with the UKVI by providing information about non EEA nationals on request and during the visits from the UKVI.

- **Contributing to supporting the UK Immigration control**

The University is expected to take reasonable steps to ensure that every student has permission to remain/study in the UK. Failure to follow the UKVI's requirements may lead to the revocation of the University's Tier 4 Licence.

5. Finance

- **Deposit**

All new Tier 4 students on credit bearing courses who are assessed as liable to pay the International fee rate, are required to pay a deposit of £3,500 to confirm their acceptance of an unconditional place on a full-time course.

Upon receipt of a deposit the University will apply the compulsory credibility checks to ensure that applicants have genuine intentions to study in the UK and have the necessary funds to support their study and stay in the UK.

If applicants successfully pass the University credibility checks- they will be issued with a CAS. If applicants are unsuccessful with the University credibility checks - their deposit will be refunded in full.

Students enrolling on the Legal Practice Course (LPC) from Trinidad and Tobago are required to pay an initial deposit of £500. Government sponsored students from Libya and Saudi Arabia are not required to pay a deposit.

Applicants who pay over the required deposit amount will not receive a refund and all payments will be used to contribute towards tuition fees or other amounts owed to the University.

- **Tuition fees**

50% of the tuition fees, including a deposit, are due for payment on or before the enrolment date stated on CAS. Tier 4 students who for any reason are not able to pay 50 % of the tuition fees on or before the enrolment date stated on their CAS will not be allowed to enrol. Such students will be reported to the UKVI within 10 days of the enrolment date as "not-enrolled"

and their visas will be curtailed (cancelled) by the UKVI . Students therefore will have no legal right to remain in the UK and will be expected to provide the University with evidence of leaving the UK (valid flight ticket, boarding card, entry stamp).

Students are requested to complete payment of the tuition fees by the date stated in the University Credit Control Policy (see Credit Control Policy 2016 – 2017). Failure to complete the tuition fees payment will result in exclusion from the University. Students will be reported to the UKVI within 10 days of the expected payments date as " excluded for non-payment of fees " and their visas will be curtailed (cancelled) by the UKVI . Students therefore will have no legal right to remain in the UK and will be expected to provide the University with evidence of leaving the UK ((valid flight ticket, boarding card, entry stamp).

The University Credit Control deadlines apply to all students and no further instalments / payment arrangements will be considered.

- **Registration/Examination Fees**

In addition to the payment of tuition fees, some awards require the payment of a registration and/or examination fee at the same time. Payment should be made as soon as requested by the University.

Such registration fees are sent directly to external awarding bodies by the University on behalf of students and are non-refundable.

- **Additional modules**

Students wishing to take further additional modules will be required to enrol separately as a part-time student on an Individual Modules programme and will be charged the normal full time tuition fee for the modules studied. Tier 4 students are allowed to undertake additional Modules only alongside their main full time Programme.

- **Repeat Modules**

Tier 4 students repeating a module(s) with attendance or studying a replacement module will be charged an additional tuition fee based on the number of credits being undertaken unless they have had extenuating circumstances accepted by the University for the failed credits. The fee charged will be pro-rata that of the full-time rate of fee is payable on enrolment.

Students required to resubmit a failed Masters dissertation (based on the same topic) will be charged a fee of £500.

- **Refunds**

Deposit refunds will only be made in cases where:

- applicants fail the University credibility checks
- a prospective student can provide valid documentary evidence that their visa application has been declined (a letter of refusal from the UKVI)
- the course offer has been withdrawn or significantly changed by the University.
- The University reserves the right not to refund deposits in cases where:
- Fraudulent documentation has been provided to the UKVI or the University

- Failure to disclose any information which might affect the outcome of a Tier 4 visa application
- Fraudulent activity or deception has taken place in applying for a course or a Tier 4 visa
- Applicants obtained a Tier 4 visa, but then failed to enrol at the University
- Applicants deferred study for more than one calendar year
- Applicants are entitled to a refund but have not claimed it within 24 months of a confirmation of their entitlement

Students who are withdrawn/excluded from the University as a result of failure to comply with the University regulations and/or their Tier 4 visa conditions, including unsatisfactory attendance/engagement with studies, non-payment of fees and other reasons which might be deemed by the University as non-compliance, will not be entitled to a refund of a deposit and/or tuition fees.

Students who might be considered a pro-rata refund of fees (all cases to be considered on one-to-one basis and are a subject to satisfactory acceptable evidence):

- Students who withdraw for verified medical reasons (subject to receipt of satisfactory medical evidence from the UK registered medical practitioner)
- Students who withdraw for personal reasons will be considered for a refund of fees on case by case basis

In all cases, where a refund of fees is granted by the University, all Tier 4 students must provide details of their plans to leave the UK (paid flight ticket, boarding card, and entry stamp) or a new permission to remain in the UK before the refund could be processed. For those students who are leaving the UK, no refund will be made until the student has exited the UK.

To apply for a refund of fees:

Tier 4 applicants should contact International Admissions Team

Tier 4 students who are enrolled at the University should contact International Student Support team.

6. Academic Progression

The University will strictly follow the UKVI Academic Progression rules to ensure that all Tier 4 students who previously studied in the UK progress academically and not merely seeking to extend their stay in the UK.

The University will only issue a CAS if a student's new course is at a level above the previously studied UK course; or a new course represents deeper specialisation (subject to academic evaluation). This applies to all students regardless of whether they apply for a Tier 4 visa in the UK or from overseas.

The UKVI Academic Progression rules will also determine whether a student can apply for a Tier 4 visa in the UK or must apply from overseas.

The Academic Progression rules specifically apply to Tier 4 students who locate a work placement in the UK as an optional addition to their current programme of study. All Tier 4 students who require an extra time for a work placement and for a completion of their

programme will be requested to return back to their country and obtain a new Tier 4 visa before commencing a work placement.

For further information and the exceptions to the Academic Progression rules please refer to Page 20 Academic Progression, The Tier 4 Policy Guidance, version 04.16

(See Section Visa Extension in the UK)

7. Attendance and Absence from studies

Tier 4 students must attend every lecture, seminar, tutorial, practical session or any other timetabled contact. For this reason, students must arrange accommodation within a reasonable travelling distance from the University (normally no more than one hour by public transport or a car) for the duration of the programme of study, including during the dissertation period.

Failure to attend seminars, lectures, tutorials, laboratory sessions, clinical sessions, professional placements, or any other activity defined as compulsory without providing a valid reason for absence will be recognised as an 'Unauthorised Absence' by the University.

If students require a period of absence from the University, this must be requested from the Faculty Guidance Adviser and, if approved, will be classed as International Authorised Leave. The University reserves the right to approve or refuse International Authorised Leave subject to Immigration regulations and/or student academic progress. The maximum period of Authorised Leave for Tier 4 international students is normally 2 calendar weeks per academic year (25 working days for PhD students).

If students are absent for up to 5 consecutive days due to illness they must self-certify by completing a Self – Certification Form available from the Faculty Office. If students are absent for more than 5 consecutive days, they will be required to produce medical evidence in order for the absence to be considered for Authorisation. The University will normally only accept medical evidence from the UK registered medical practitioners. Medical evidence from the UK medical practitioners related to students will not be accepted.

As the Tier 4 Sponsor, the University has an obligation to monitor Tier 4 students' attendance and engagement with studies and take relevant action against those students whose attendance and/or engagement is deemed to be unsatisfactory. Students will be required to regularly demonstrate continued attendance (further details about attendance check points will be provided following enrolment).

To be excused from completing an attendance check-point, students must have Authorised leave for the duration of the period of time covered by the attendance check-point.

The University reserves the right to determine whether as a result of absences, non-attendance and/or non-engagement with their studies, or other reasonable grounds, students will be able to complete their studies within the original timeframe of their visa. If students are not able to complete studies within the original timeframe of the Tier 4 visa, they will be advised to defer studies, return to their home country and/or reapply for another Tier 4 visa to continue studies at a later date. The University will withdraw the Tier 4 Sponsorship for the duration of deferral. This will be reported to the UKVI and the Tier 4 visa will be curtailed. (See section 11 – Withdrawal of the Tier 4 Sponsorship)

The University cannot be held responsible for withdrawing or excluding an international student if the student has extenuating circumstances, if these circumstances have not been made known to the University.

- **Resits / repeats**

All Tier 4 students are expected to complete their studies within the given Tier 4 visa time. Where students require to resit an exam or repeat a module with attendance and subsequently will not be able to complete their programme within their original visa time – these students will be required to apply for another Tier 4 visa for the duration of resit/ repeat and the remaining part of their programme. Timing and location of applying for a new visa will be determined by the individual circumstances and the Immigration rules applicable in these circumstances.

Where students require resits and do not require participation with studies for more than 60 days, the University will withdraw the Sponsorship and request students to return home. The University will support students' new Tier 4 visa application to return to study (Subject to academic results, student record of attendance/ engagement with studies and the Immigration rules).

8. Engagement with studies

All Tier 4 students must engage with their studies and follow the University Academic and Tier 4 regulations.

If there is an evidence of poor engagement with studies, the Immigration compliance Officer will assess the case and seek appropriate information from the academic area. Where there is reasonable evidence that student will not be able to complete their programme within the duration of their Tier 4 visa, the University may consider withdrawing the Tier 4 Sponsorship and request the student to leave the UK.

In such cases where the University withdraws the Tier 4 Sponsorship, this will be reported to the UKVI and student's Tier 4 visa will be curtailed. (*See section 11 – Withdrawal of the Tier 4 Sponsorship*)

Examples of non-engagement with studies include but are not limited to:

- Consistent late submission of work
- Frequent non submission of work
- Non submission of Dissertation
- No evidence of communication with the dissertation supervisor
- Continuous failure to successfully complete modules
- Poor attendance

- **Assessment - referrals and retakes**

Under the Tier 4 regulations students are only allowed to re-sit an assessment or repeat any part of their course on no more than two occasions. An exceptional 3rd attempt may be granted on core or optional modules (subject to satisfactory engagement, attendance etc. and are subject to Award Board approval).

Where there is evidence that failure to successfully complete assessments is due to non-attendance/ non engagement with studies and/or the student will not be able to complete the programme within the Tier 4 visa time, the University may withdraw the Tier 4 Sponsorship. (*Please see Section Withdrawal of Tier 4 Sponsorship*).

Students who require referrals will be requested to attend the compulsory referral workshops organised by the University, failure to attend the workshops during referral period will be classed as unauthorised absence and might result in withdrawal from the University. During the referral period, students will not be issued with letters for working purposes, or granted an authorised leave.

Where there is evidence that failure to pass the modules/examination is due to non-attendance/ non engagement during the referrals workshops and the student will not be able to complete the programme within the Tier 4 visa time, the University will withdraw the Tier 4 Sponsorship. (*Please see Section Withdrawal of Tier 4 Sponsorship*).

9. Visa Extensions

Generally, the UKVI expects all Tier 4 students to complete their study within the given visa time. The circumstances in which current students need to extend their Tier 4 visas are therefore limited. The UKVI Academic Progression rules will also determine whether students can apply for a Tier 4 visa extension in the UK or whether they must apply from overseas. See (Academic progression, Tier 4 Guidance, version 04/16)

It is a student's responsibility to monitor their visa expiry date and initiate the Tier 4 visa extension process where required. The University will send Tier 4 students a reminder of the visa expiry date in advance. However, the University is not responsible for delays in students submitting visa extension applications.

A CAS will normally be issued to apply for a Tier 4 visa (In the UK or overseas) if all of the following conditions are met:

- Students are making satisfactory progress on their programme of study Students are no more than one year behind their original course completion date
- Students have the necessary finance to support their study and living expenses in the UK
- Students have no outstanding financial duties to the University
- Students have paid a required deposit against future tuition fees
- Students have a valid ATAS certificate, where required

-Students are not in breach of any University regulations and the Tier 4 Immigration Conditions

-Students will not exceed the UKVI allowed study time CAP

- Students attendance / engagement with studies are satisfactory

The University will assess all Tier 4 student visa extensions applications and where there is evidence that the Tier 4 visa extension is only required as a result of students' non-attendance and/or non-engagement with studies, the University will not issue a CAS for further study. In such circumstances, the University will withdraw the Tier 4 Sponsorship. (*See section 11 = Withdrawal of the Tier 4 Sponsorship*)

All students whose Tier 4 visa extensions applications are approved by the University are required to apply as follows:

Where students are eligible to apply for a Tier 4 visa in the UK – all applications must be done via the University's International Student Support Office (ISS) - Student Batch scheme in order to ensure that all applications are completed correctly and have the necessary evidential documentation as required by the UKVI and to minimise a risk of visa refusals.

Where students have to apply for a Tier 4 visa from overseas – the University will only issue a CAS after the necessary documentation for visa application (including financial evidence) is checked and approved by the University Student Support Team.

Where the UKVI initially adds 4 months to the duration of Tier 4 visa to all Degree level students to complete any outstanding work, this is not an automatic "given" to students who extends their visas in the UK, therefore the University will not extend students visas for that purpose.

Students who have not responded to the University and not initiated a Tier 4 visa application process will be withdrawn from the University on the day following their Visa expiry date. A CAS will not be issued by the University for students who overstayed their visa regardless of the duration of overstay.

Students with pending Immigration applications of any other then Tier 4 category (sponsored by Staffordshire University) will not be allowed to continue their study at the University.

10. Deferrals / Withdrawals/ Exclusions

- **Deferrals**

International applicants who have been issued a CAS, but do not use it for visa purposes will be eligible to defer their study only once per application and must begin their studies within one calendar year of the original start date; otherwise they will forfeit their deposit. Such students would be eligible to reapply to the University, but would require a further deposit and the appropriate up- to – date documentation as requested by the University. This includes a new ATAS Certificate, where appropriate.

Tier 4 students who have used the CAS and obtained a Tier 4 visa or are already in the UK will not be eligible to defer their study. Students will be reported to the UKVI as failed to

enrol, within 10 days of the date of enrolment as stated on their CAS; their Tier 4 visa will be curtailed by the UKVI. No deposit refunds would be applicable in these cases.

(See section 11 – Withdrawal of the Tier 4 Sponsorship , section 5 Finance, refunds)

Tier 4 students who are late for their studies must provide the University with the details and the date of their arrival, otherwise they will be reported to the UKVI as failed to enrol, within 10 days of the date of enrolment as stated on their CAS; their Tier 4 visa will be curtailed by the UKVI. No deposit refunds would be applicable in these cases.

(See section 11 – Withdrawal of the Tier 4 Sponsorship , section 5 Finance, refunds)

- **Withdrawals/exclusions**

All Tier 4 students who finish their study before their course end date, whether they withdraw, or are withdrawn or excluded by the University for any reason, defer their study, change the institution etc. will be reported to the UKVI as withdrawal of the Tier 4 Sponsorship . This will be actioned within 10 working days of withdrawal date and their Tier 4 visas will be curtailed.

(See section 11 - Withdrawal of the Tier 4 Sponsorship)

Students will be required to surrender their student registration card and to provide the University with evidence of leaving the UK (paid flight ticket, boarding pass, and entry stamp). No transcripts, certificates or references will be provided to students who have not submitted their University ID cards and provided the University with the above evidence.

Students who apply for another Immigration category in the UK will be required to provide the University with the appropriate valid evidence of their new Immigration permission to remain in the UK. Students with pending Immigration applications of any other then Tier 4 category sponsored by Staffordshire University will not be allowed to continue their study at the University.

Tier 4 students who withdraw or are withdrawn for genuine medical or personal reasons (subject to satisfactory medical evidence from the UK medical practitioner, not related to student) will be advised to defer their studies and leave the UK. The University will withdraw the Tier 4 Sponsorship for a period of deferral. Students must provide the University with the evidence of leaving the UK (paid flight ticket, boarding pass, and entry stamp) in order to resume their studies at the University after deferral. Student who have not left the UK for the duration of deferral will not be sponsored by the University to return to their studies.

The University will not consider further applications from Tier 4 students whose Tier 4 Sponsorship has been withdrawn by the University for a breach of the University regulations and/or Tier 4 visa conditions, including non-attendance, non-engagement with studies, non-payment of tuition fees and other reasons which might be deemed by the University as non-compliance with the Tier 4 regulations or a threat to the Tier 4 licence.

Individual circumstances will be assessed by the University Immigration Compliance Officer.

11. Withdrawal of the Tier 4 Sponsorship

The University will withdraw Tier 4 Sponsorship in the following circumstances:

- visa refusals
- students defer their studies

- students do not enrol within the required timescales
- participation in studies is not required for 60 or more days
- students complete their studies
- students complete studies early
- students are expelled from the University following the outcome of the Students Disciplinary procedures
 - students do not attend or engage with their studies
 - students do not follow up the University Attendance Registration events
 - failure to cooperate with the University in the maintenance of accurate records
 - (address, contact details, copies of immigration documents)
 - are in breach of their Tier 4 visa conditions and Immigration regulations
 - students overstayed their visa
 - students interrupt their studies
 - failure to pay the University fees
 - students are in breach of the University regulations
 - failure to communicate and inform the University of a change of circumstances
 - withdraw or are withdrawn/ excluded from the University
- The University will normally withdraw the Tier 4 Sponsorship of students who are suspended for any period of time including suspension arising from:
 - medical or personal circumstances
 - programme transfers
 - a period of study / placement outside of the UK

The University will withdraw the Tier 4 Sponsorship based on academic and other evidence where it is conclusive that students will not be able to complete their studies within the given visa time.

The University will normally withdraw the Tier 4 Sponsorship if any issues emerge that suggest the sponsorship contravenes the University Tier 4 obligations.

Other than the circumstances noted above, the University may decline to issue a CAS or withdraw the Tier 4 Sponsorship:

- there is a reasonable suspicion that a student is in breach of Visa conditions or deliberately failing to follow advice about their visa position
- student main purpose for being in the UK is other than full time study, or a reasonable suspicion that this is the case
- student has been engaged in terrorism , or a reasonable suspicion that this is the case
- student is/has been engaging in criminal activity, or a reasonable suspicion that this is the case
- In the opinion of the University, the student circumstances may compromise or pose a risk to the University Tier 4 Licence

Where Tier 4 sponsorship is withdrawn by the University the student studies will also be terminated. The University will report the withdrawal of Tier 4 Sponsorship within the 10 working days of the withdrawal or a date of the final appeal decision (where applicable) , with a view to curtail their Tier 4 visa.

Once the Tier Sponsorship is withdrawn and reported to the UKVI - the process is irreversible and the students will be requested to provide the University with the evidence of leaving the UK (paid flight ticket, boarding pass, entry stamp). No transcripts, certificates or references will be provided by the University where students have not provided the evidence of them leaving the UK or further permission to remain in the UK.

12.Complaints

If a student has received a decision from the Immigration Compliance Officer, regarding the issuing of a CAS or with regards to their registration at Staffordshire University, but remain dissatisfied with the outcome, they can complain to the Director of Student and Academic Services.

Complaints should be made, in writing, within 5 working days of receipt of the decision of the Immigration and Compliance Officer, which has given rise to the complaint. Complaints received after this timescale will only be considered in exceptional circumstances.

The complaint should be made to the Director of Student and Academic Services and submitted to the Academic Regulations & Compliance Team via the regulations@staffs.ac.uk e-mail address. All complaints will be acknowledged within 5 working days. If a student has not received a decision of the Immigration Compliance Officer, the Academic Regulations & Compliance Team reserves the right to refer the complaint to the Immigration Compliance Officer for a resolution.

The Director of Student and Academic Services will consider a complaint on the following grounds only:

- That there has been an error or irregularity which has materially affected the outcome of the decision of the Immigration Compliance Officer, which has given rise to your complaint.

The Director of Student and Academic Services will aim to respond to all complaints within 25 working days. Time for consideration of any complaint should not be counted as permission or grounds to remain in the UK and in cases where a student must leave the UK, the communications regarding the appeal will be carried out via electronic channels. If a student complaint is upheld, the response will inform the student on what action the University intends to take. All responses will inform the student that the Staffordshire University Tier 4 Policy is concluded.

Office of the Independent Adjudicator (OIA)

Under the Higher Education Act 2004, Staffordshire University subscribes to the independent scheme for the review of students appeals. Once the University Internal procedures for the review of a student appeal are exhausted, the University will issue a student with a "completion of procedures letter" to confirm that the University procedures are complete and to advise student to contact the OIA if they wish to have their appeal reviewed further (provided that it is considered eligible under the OIA's rules).

Equality issues have been taken into account during the development of this Policy and all protected characteristics have been considered as part of the Equality Analysis overtaken.

13.Disclaimer

The UK Immigration rules are subject to change. The University practices may therefore be changed at a short notice to reflect these changes.

The University will collect and retain any information about its applicants and students as it deems necessary for the purposes of complying with its Tier 4 responsibilities. The

University will retain this information in accordance with the Tier 4 Sponsor Guidance, Data protection Act 1998. The University will share information with the UKVI to the extent that the University believes it is required to comply with the Tier 4 Sponsor Duties.

The University will not accept any liability for any loss (financial or otherwise) experienced directly or indirectly by applicants or students which are a result of any action or omissions on the part of the University which the University believes are necessary or in line with the Tier 4 Sponsorship duties.