

**Document Information:**

**UKVI Student Route Compliance Handbook**

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<p>NB this policy has been written on the basis of the guidance published to date by the Home Office (UK Visa and Immigration: UKVI). This policy can be subject to amendment or adaptation where changes are made to the UK Immigration Rules and/or Home Office guidance documents referred to in this policy.</p>	

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## 1 SPONSORSHIP

The Student Route of the Points Based Immigration System came into effect on 5 October 2020 and applies to all student visas issued since that date. Solent University holds Student Sponsorship licence, licence number BRVN63FF9. The Student Route replaces the previous Student Visa route (Tier 4) and any reference in this guide to a Student Visa or a holder a Student visa will also apply to a holder of a Tier 4 (General) Visa.

The licence is renewable every four years and was last reviewed in 2021. The next review will take place by March 2025.

The University's responsibilities as a Student Visa Sponsor are set out in full in the [Student Sponsor Guidance for Educators documents](#).

The University has responsibilities from the moment it assigns a Confirmation of Acceptance for Studies (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 Student Visa licence or assigns a CAS;
- act with integrity as a genuine education provider;
- take responsibility for all its Student Visa 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 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).
- ensure that the website and any marketing material accurately make clear the status of the University as a Student Visa sponsor.

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

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

### 1.1 **Student responsibilities**

Each Student Visa student is responsible for complying with the conditions of the Student Visa route. 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. Student Visa students must:

- inform the Admissions Office or UKVI Compliance team as required of the outcome of the visa application and any changes of plans for study;
- where applicable, 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 reregister promptly each year;
- show the University the original passport and visa (or provide 'code' to check status online);
- 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 student 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 UKVI 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 Student Visa Policy Guidance document for applicants (students) is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/770523/T4\\_Migrant\\_Guidance\\_JAN\\_2019\\_11.01.2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770523/T4_Migrant_Guidance_JAN_2019_11.01.2019.pdf).

Student Visa students are emailed at the start of the academic year detailing the processes they are required to follow and a link to this policy and the [Student Visa Terms and Conditions page](#) is on the portal. The International Advice Service and UKVI Compliance teams will provide an immigration talk to all Student Visa students during the induction period.

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

### 1.3 **University Student Visa responsibilities for partner institutions**

The University and QA Limited have set up a joint venture (Solent Pathway Campus) to deliver pathway courses which prepare students for entry to higher education programmes at Solent University. Solent Pathway Campus is based at East Park Terrace, with international students sponsored on Solent University's Sponsor License. Student Visa students studying at Solent Pathway Campus follow the same processes as set out in this guidance.

The allocation of responsibilities for Student Visa between the University and partner institutions will be defined in the agreement establishing the partnership. Excluding the QAHE Joint Venture, the University presently has no institutional partnerships requiring the University to take responsibility for Student Visa students; the agreements for UK franchises preclude the recruitment of Student Visa students by the partner institutions. The Academic Registrar or nominee will consult the Authorising Officer before proceeding with any draft agreement enabling the recruitment of Student Visa students.

## 2 **PERSONNEL**

Vice-Chancellor's Group Lead and Authorising Officer: Jim Irving – Chief Student Officer  
University Secretary

Key Contact with UKVI: Andy Carre - UKVI Compliance Manager

### 2.1 **Authorising Officer**

The Authorising Officer has overall responsibility for the University's Student Visa 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 UKVI Compliance Manager 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 the overall authorisation of users required to access the Home Office's Sponsor Management System (SMS).

### 2.3 **Departmental responsibilities**

The UKVI Compliance team is part of Academic Registry and is headed by the UKVI Compliance 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 issuing CAS to new and continuing students other than those who continue on the same course.

The People and Development Service is responsible for the operation of the Skilled Worker Licence and for policies and procedures relating to the employment of staff.

Solent Futures is responsible for ensuring that the employment of Student Visa 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 Manager, who is responsible for all day-to-day management of the University Student Visa licence;
- other users include members of the Admissions and Enrolment and UKVI Compliance teams (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 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.

### **3 CAS**

A CAS is an electronic document that the University issues to enable the sponsorship of a student under the Student Visa route. Each student requires a CAS before making a Student 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 is at the discretion of the University and 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 have declared 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 fail 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 the Student Visa route 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;
- 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).

#### **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 Common European Framework of Reference for Languages (CEFR) Level B2 as determined in the University's Admissions Policy and listed in the Course Entry Requirement Statement. 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 must demonstrate that they have met UKVI undergraduate and internal course requirements through continued study.

## 5. ACADEMIC PROGRESSION

5.1 In order to meet the academic progression requirement, a Student Visa 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 a 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 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. The UKVI Compliance team 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. the International Advice Service) as necessary.



## **6. SHORT TERM STUDY**

Where a student is required to resit examinations and attendance is not required, the University will not issue a CAS, but will issue a Visitor 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 Student Visa or, since 2015 any other type of visa. The UKVI Compliance team 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 the date of issue. Students can apply for Student Visa 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 HECoS 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. 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. The UKVI Compliance team 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.
- 7.6 Courses that require ATAS are listed on the [University Portal](#).

## **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 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 Student Visa student's circumstances
- if there are any changes that affect the University's Student Visa licence that would render the Student Visa student non-compliant with the UKVI regulations.

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

- on a course (including a pre-sessional course) at a partner institution or at another institution under an exceptional arrangement where the students are sponsored under the university licence; or
- doing a work placement that is part of their course.
- on an 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 its 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. The UKVI Compliance team 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. 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.

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

The 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 the UKVI Compliance team 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 that does not meet the policy guidance requirements.

- 9.4 Any member of staff who becomes aware of a visa refusal will report the information to the UKVI Compliance team. The UKVI Compliance team will notify the Home Office of students whose visas have been refused. The International Advice Service will advise students whose visas have been refused whether they should submit an Administrative Review or a new application. The International Advice Service must keep the UKVI Compliance Manager informed of these cases. Admissions staff will also inform the International Advice Service 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 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 the UKVI Compliance team to ensure that the Home Office SMS system is updated accordingly.

## **10 REGISTRATION**

Student Visa 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. Student Visa 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, Student Visa 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 UKVI Compliance Team.
- 10.2 Student Visa students are not confirmed as registered until they have presented their original passport and other immigration documentation, in person, to the Admissions and Enrolment team or to Student Registry or UKVI Compliance teams in the case of continuing students. The University will retain scanned copies of the immigration documentation for each Student Visa student:
- passport;
  - biometric residence permit (BRP) (both sides) or Online Digital Status;
  - 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);

- 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 an international student's study at the University. All records will be retained in line with section 26, Data Protection and Records Management of this guidance.

## **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 and visas in date.

The UKVI Compliance team 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. The UKVI Compliance team will follow this up as appropriate and will ensure that the University continues only to have registered students with valid in-date visas or passports.

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

The University must monitor the attendance of Student Visa students and report any student who fails to engage with their studies or whom the University believes is no longer a genuine student. The policy set out below 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 Manager will notify the Home Office of the withdrawal of any student who fails to engage with their studies.

Student Visa students must attend all on campus sessions, even where there is an option to attend online.

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

Student engagement with their studies will be monitored through the SEAtS attendance system showing 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.

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 will 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 Manager with the final decision taken by the University Secretary. 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)
- 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.

Due to having a higher overall attendance requirement for Maritime Coastguard Agency (MCA) and/or financial sponsor requirements, students on maritime courses (*HNC/D Nautical Science and Cadetships only*) are not automatically considered for withdrawal at this stage. The decision to withdraw a student from a Maritime course is made by the Head of Cadet Education, in consultation with course leaders and financial sponsors, where applicable. In addition, automated emails referred to in the above attendance monitoring process (paragraphs 12.2 – 12.5) are not sent to Maritime students.

- 12.6 In addition to the above, the UKVI Compliance team uses 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 the UKVI Compliance team.

- 12.6.2 *Progression and Award Boards* – a student who does not successfully progress to the next stage of their course of study will be considered by the UKVI Compliance Manager and appropriate action is taken, which could include withdrawal from the course. The final decision is taken by the University Secretary 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)
- any other relevant factors

- 12.6.3 *Regular monthly checkpoints;*

- to identify students who have stopped attending
- to, in accordance with the Student Sponsor License identify below degree level study students who have failed to meet the 85% attendance requirement and actions being taken to improve attendance
- to, in accordance with the Student Sponsor License identify below degree level study

students whose attendance fails below 70% for three consecutive months and withdraw the student from their course, unless exceptional and evidenced reasons apply.

- to monitor the engagement of Postgraduate students during dissertation/final major project periods. Note, this is done via the Course Teams and not the SEAtS attendance monitoring system.
- 12.7 If it is believed that 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. This includes, where the University believe a student is unable to engage fully with their studies due to not living within a commutable distance of the University. The University would expect students to live within a 70mile radius of the University or 90-minute commute. It is a Student Visa student's responsibility to ensure they can attend the University as required and commuting distance/costs are not justifiable reasons for absence.
- 12.8 Student Visa students who are withdrawn on the grounds of failing to engage with their studies can appeal the decision in accordance with the Academic Appeal Procedure, set out in the Academic Handbook, Section 4M.
- 12.9 Where a student is not withdrawn under 12.5, the UKVI Compliance team ensures 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**
- A student must record attendance of at least 2 key events in each quarter (Jan-Mar; Apr-Jun; Jul-Sep; Oct-Dec. Events include:
- Meeting with academic staff
  - Academic learning event (e.g laboratory work, supervised fieldwork, workshops, etc.)
  - Submission of coursework
  - Attendance of examinations
- 12.12 The Student/Academic Supervisor records evidence of meetings with students electronically, with these meetings included in the student's 'Progress Review' submitted to the Research, Innovation and Enterprise office annually in May.
- 12.13 A student who fails to attend two contact points per quarter will be referred to UKVI Compliance for action, which could include withdrawal from their course of study.

### 13 AUTHORISED ABSENCE

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.

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 the University 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 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 the UKVI Compliance team (for taught students) or in accordance with the specified procedures for postgraduate research students, maintained by the Research, Innovation and Enterprise Office.

13.3 Undergraduate and taught postgraduate students should apply to the UKVI Compliance team for authorisation. The UKVI Compliance team may set certain conditions, such as reporting conditions for the student. The UKVI Compliance team 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. The UKVI Compliance team 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. The UKVI Compliance team 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 the UKVI Compliance team.

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

Where leave of absence is two months or less (60 days) 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 the UKVI Compliance team. The Research, Innovation and Enterprise Office will maintain records of leave of absence.

## **14 MATERNITY AND PATERNITY LEAVE**

The International Advice Service will assist students who need to take maternity or paternity leave, in consultation with the UKVI Compliance team. Significant periods of absence (i.e. of two months or more) 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 dependents relating to the visa. The UKVI Compliance team may exercise discretion to the application of the rule if a student can complete the course within the length of the current visa. The University will agree with the student an appropriate period of suspension and where sponsorship is withdrawn, 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 the UKVI Compliance team.

## **15 CHANGES TO STUDY**

### **Early student completion**

The UKVI Compliance team will inform the Home Office if a student completes studies earlier than the expected course end date stated on the student's 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 is encouraged to consult the International Advice Service before making any visa application.

### **15.2 Changes to course**

The UKVI Compliance team will report on SMS if a student changes course following registration. SMS will be updated with the new course details. A student will only be permitted to transfer course if the study condition of their visa allows. In all other circumstances, a student wishing to change course must apply for a new CAS and Student Visa be granted before the course transfer can be processed.

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

The UKVI Compliance team will report withdrawals on SMS and the Home Office will curtail the student's visa. The student should plan to leave the UK as soon as possible and within 60 days of sponsorship removal.



#### 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)**

The UKVI Compliance team 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.

Where a student transfers from another UK institution, a copy of the previous visa(s)/BRP(s) must be obtained by the Admissions Team to assist with the calculation of maximum limits to study.

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

The UKVI Compliance team will report through SMS students who move from Student Visa 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 Manager will investigate and where appropriate make a recommendation to the Authorising Officer that the student's Student Visa sponsorship be withdrawn and will then notify the Home Office.

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

The UKVI Compliance Manager will investigate and where appropriate make a recommendation to the Authorising Officer that the student's Student Visa 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 **Continued participation not required**

Where a student's continued participation (e.g. attendance) is not required for 60 or more consecutive days (excluding University vacation periods) the UKVI Compliance Manager will withdraw Student Visa sponsorship and notify the Home Office, who will curtail the student's visa. For example, where a student is required to repeat units to proceed to the next level of study and attendance is only required in either period 1 or period 2. In this example, sponsorship will be withdrawn for the time attendance is not required.

Providing the student meets the requirements of the immigration rules and the University has not already informed the student otherwise, the University will sponsor the student for a future visa application when continued participation is again required.

### 16 **VISA EXTENSIONS**

The UKVI Compliance team in collaboration with International Advice Service 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 Student Visa immigration conditions;
- has not exceeded the time limit for study in the UK.

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

The University will not issue requests for Student Visa extensions, where a student is repeating study and in accordance with the University's academic regulations no attendance is required e.g Postgraduate students repeating modules.

## **17 GRADUATE ROUTE (Post Study Work Visa)**

The Graduate Route is for International Students who want to stay and work in the UK for up to 2 years (3 for PhD) following the successful completion of a degree course or above. The route is unsponsored, meaning the University has no responsibility for monitoring students under the route.

- 17.1 To enable students to apply for the Graduate Route, the University is required to report confirmation a student has successfully passed their degree and is eligible for the Graduate Route via the Home Office SMS system. UKVI Compliance will monitor student course completion following examination boards and make appropriate reports on SMS once confirmation of an award has been made.
- 17.2 To be eligible, and reported as completed by the University, students must:
- successfully complete the course for which their CAS was issued. Students awarded exit qualifications will not be eligible.
  - studied for the required period of time in the UK, either at least 12 months or the full duration of their course, whichever is shorter;
  - have provided the University with all required visa documentation.

## **18 STUDENTS UNION SABBATICALS**

The UKVI regulations enable a student with Student Visa leave to serve as a Students' Union Sabbatical Officer during their studies or in the academic year immediately after they graduate. The UKVI Compliance team will arrange the continuation of Student Visa sponsorship since the student will require a CAS, either at the time of appointment or at a later date to complete their studies - 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 the proof of the student's regular attendance, but the UKVI Compliance team will 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 not 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 Faculty 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 for course team approval. The UKVI Compliance team will 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, including monitoring attendance and engagement. Course teams, with the support UKVI Compliance monitor the attendance of Student Visa students while on placement. The type and method of monitoring is dependent on the placement e.g company, location, length, continued study requirement etc.

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

The University will continue to sponsor Student Visa students during an overseas exchange or Erasmus period of study providing the University can continue to meet its sponsor duties. Students are required to arrange their exchange programme through the International Office, who passes details to the UKVI Compliance team 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 monitors attendance during the student's period away from the University with the support of the UKVI Compliance Manager. Attendance is monitored via several checkpoints, including a Certificate of Arrival and Learning Agreement on commencement of exchange; the submission of regular (twice termly) Short Academic Reports uploaded to SOL during the exchange period; and a Certificate of Departure and Transcript of Results on completion.

## **21 WORKING RESTRICTIONS FOR STUDENT VISA 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 (Monday to Sunday) 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 (Monday to Sunday) during term time for sub-degree level students (as set out in the University calendar).
- Full-time work is only permitted during vacations and during the period between the completion of the programme to the visa expiry date.
- A student cannot be self-employed such as sole trader, working freelance or consultancy work or set up their own business, regardless of which country the business operates.
- 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 permanent full-time vacancy

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

Solent Futures department coordinate the employment of students within the University. Solent Futures are responsible (from 1<sup>st</sup> August 2023) for the right to work checks for non-UK students and Student Hub are responsible for face-to-face right to checks for UK & ROI students. P&D and Payroll will remain responsible for the right to work checks for non-UK students until 1<sup>st</sup> August 2023.

- 22.1 All vacancies will be advertised on the Solent Futures Online facility (SFO), except where responsibility has been delegated to a department within the University. Solent Futures ensure students are eligible to work for Campus Jobs (e.g they are a current student enrolled at the University) where students have been identified for a role and applied through SFO.
- 22.2 Documentation is sent to the recruitment manager by Solent Futures during the shortlisting and interview process highlighting to managers to note if the student they are hiring holds a visa.
- 22.3 The Recruitment Manager is responsible for ensuring work offered complies with any work restrictions attached to a student's visa.

The VT system will not permit a Student Visa (including Tier 4) student to be scheduled to work more than the hours permitted on their visa, meaning they cannot claim over their allowed hours.

- 22.4 Prior to processing payment, Payroll complete a final check to ensure visa work conditions (e.g restricted hours) have not been breached. Any student who works more than the authorised hours or hours permitted on their visa will not be paid for any of the work undertaken and the

Payroll Team will refer the breach to the UKVI Compliance and Solent Futures teams.

- 22.5 Payroll monitor Visa expiry dates for students registered with Campus Jobs and request new visa documentation where applicable. The University will not employ a student beyond the expiry date on the visa unless the student has a pending in-time visa extension application, in which case the UKVI Compliance team should be consulted, and relevant documentation obtained

## **23 ACADEMIC VISITOR**

Academic Visitors are a sub-group of the Standard Visitor category. To qualify as an Academic Visitor, the applicant must be able to produce evidence that they are highly qualified in their own field of expertise and are currently working in that field at an academic or higher education institution overseas.

The International Office, with support from the Head of Department / Director of School process applications from Academic Visitors and retain copies of relevant documents on arrival.

## **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.

- 24.1 Agents will be required to ensure that the Student Visa 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; number of offers made; 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 Manager informed.
- 24.2 As required by the Home Office, UKVI Compliance send [SCOC@homeoffice.gsi.gov.uk](mailto:SCOC@homeoffice.gsi.gov.uk) an updated list of Solent University agents (including QAHE) in October and March of every year. The data includes names and addresses of all third-party representatives (e.g. agents).

## **25 DATA PROTECTION AND RECORD KEEPING**

The University Secretary, as the Home Office Authorising Officer, is responsible for the management of the records, supported by the Student Registry, UKVI Compliance and Admissions teams. All staff, however, are responsible for adhering to good record keeping practice.

- 25.1 The University will process the personal information of students for the purposes of meeting its UKVI responsibilities in accordance with the General Data Protection Regulations. To comply with the regulations governing the sponsorship of Student Visa students and other visa routes,

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.

- 25.2 The University will retain documents for Student Visa students in accordance with Appendix D of the Student Visa 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 Student Visa sponsorship ended, whichever is longer.

<b>Record Keeping UKVI Requirement</b>	<b>Location/format</b>
Passport (and copies of any previous passports)	Quercus, moving to SITS
Entry Clearance Certificate, Biometric Residence Permit or other immigration status documents	Quercus, moving to SITS
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	Quercus, moving to SITS
English language assessment	Quercus, moving to SITS
Proof that a visa application has been made to the Home Office (e.g. batch scheme, postal receipt, Home Office letter, completed application form evidencing payment)	Quercus, moving to SITS
Immigration History Check / Evidence of holding 3C leave or permission to stay in the UK	Quercus, moving to SITS
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 Student Visa 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, moving to SITS
ATAS clearance certificate	Quercus, moving to SITS
A record of student absence/attendance UKVI may ask a sponsor to complete a spreadsheet showing the details of each of its Student Visa 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. Other associated evidence in the UKVI Official processes folder – One-Drive/Quercus+ notes/ Quercus, moving to SITS  PGR – RIE office  WMA – Head of Cadet Education

Engagement records of students attending placements or study abroad	Quercus, moving to SITS
<p><b>Student Visa Under 18</b></p> <p>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).</p>	Quercus, moving to SITS
Documentation of any student appeal against the refusal of a visa	Student Conduct, Complaints and Appeals – Quercus, moving to SITS
<p><b>Business Start-Up Visa</b></p> <p>Copies (or originals where possible) of evidence assessed as part of the process of selecting the migrant.</p> <p>Must be retained until one-year after endorsement has ended.</p>	Solent Futures (N/A for new applicants)

NB: the University is in the process of changing student record system. Therefore, any documents currently held on Quercus+ are subject to be moved to the new record system (SITS) as above.