



Tier 4 (General) Student Compliance Policy

**Academic Standards, Quality and Partnerships
Department of Student and Academic Administration**

February, 2019

Copyright

The contents of this document are the copyright of the University of Portsmouth and all rights are reserved. No part of this publication may be reproduced, stored or transmitted, in any form or by any means, such as electronic, mechanical, photocopied, recorded or otherwise, without the prior consent of the University of Portsmouth.

Document Title		
Tier 4 (General) Student Compliance Policy		
Document Department		
Department of Student and Academic Administration		
Approving body	Date of approval	
Academic Council	26 th June 2018, Min Ref 48.3 University Global Operations Committee approved operational updates to section 6 on 13 February 2019	
Review date	Edition number	ID code
In line with biannual Home Office policy changes	2	218
For public access online - yes		
Substantive changes since last edition		
Operational amendments to section 6.6.3 and 6.5.1.2 were approved on 13 February 2019 at University Global Operations Committee (UGOC).		
For queries relating to this document please email Academic Standards, Quality and Partnerships asqp@port.ac.uk . If you require this document in an alternative format please email corporate.communications@port.ac.uk		
The latest version of this document is always to be found at: http://policies.docstore.port.ac.uk/policy-218.pdf		

Summary

What is this document about?

This Policy document outlines the University's Tier 4 compliance alignment with the requirements of the Home Office UK Visas and Immigration (UKVI) service for the admittance of Non-EEA students under Points Based Immigration - Tier 4 (General) Students. The policy ensures best practice and the safeguarding of the University's Tier 4 licence. It is subject to change in line with biannual changes to Government legislation

How does the University check this document is followed?

The Policy is checked intrinsically through the process it details, through consideration at University Global Engagement Committee (UGEC) and operationally through Academic Standards, Quality and Partnerships (ASQP), Department of Student and Academic Administration (DSAA).

Who is this document for?

This Policy will be of most interest to our staff and students. It will also be of interest to UK Visas and Immigration (UKVI), the UK Quality Assurance Agency (QAA), Office for Students (OfS) and may also be of some interest to the wider public.

Who can you contact if you have any queries about this document?

If you have questions about this document please contact Academic Standards, Quality and Partnerships, Department of Student and Academic Administration (DSAA) asqp@port.ac.uk

Amendments to this policy:

This policy is the University alignment with the requirements of the UK Visas and Immigration Service (UKVI) for the admittance of Non-EEA students under Points Based Immigration - Tier 4 (General) Students.

This policy has been written on the basis of current Tier 4 policy published to date by the Home Office UK Visas and Immigration. This policy will be subject to change throughout the academic year, based on government policy change.

Non-strategic amendments are approved at University Global Engagement Committee.

Amendments to policy (6.6.3 and 6.5.1.2) 13 February 2019 at University Global Operations Committee (UGOC).

Content page:

1. Introduction
2. Responsibilities and Training
 - 2.8 Training
3. Student responsibility
4. Responsibilities for partner institutions
5. Use of agents
6. Confirmation of Acceptance for Studies (CAS)
7. CAS extension (further Leave to Remain - FLR)
8. Government or financial sponsorship
9. Academic progression
10. Supplementary Study
11. Short Term Study (STS)
12. Under 18's
13. Academic Technology Approval Scheme (ATAS)
14. Length of study cap
 - 14.3.1 The assessment of the cap period
15. Study cap exemptions
 - 15.4.1 Post Graduate Research level
16. English Language criteria
17. Pre-sessional
18. Registration
19. Freedom of Information Act 2000
20. Reporting duties
 - 20.5.1 Visa and passport checks
21. Pregnancy/maternity/paternity leave
22. Attendance Monitoring
23. Students on placement
24. Working in the UK
 - 24.9.1 Voluntary work
25. Students' Union Sabbatical Officer position
26. Doctorate Extension Scheme
27. Tier 1 Graduate Entrepreneur Scheme

Tier 4 (General) Student Compliance Policy

1. Introduction

- 1.1 On 16 February 2009 the University of Portsmouth obtained approval as a Tier 4 sponsor for the recruitment of overseas students (migrants outside of the EEA & Switzerland and requiring UK study visas) under Tier 4 (General) Students of the national points based immigration system. Tier 4 status allows the University to authorise Confirmation of Acceptance for Studies (CAS) for Non-EEA students to obtain visa clearance to join courses at Regulated Qualification Framework (RQF) Level 3 or above. In order to retain its licence, the University has to fulfil certain criteria relating to the recruitment, arrival, monitoring and reporting of Tier 4 Non-EEA students. This policy outlines the University's intent to align with UK Visas and Immigration (UKVI) requirements and to minimise risk in respect of the status of all Non-EEA students.
- 1.2 Strategic level responsibility for the monitoring of the University's continued compliance with the scope of its licence rests with the Department of Student and Academic Administration (DSAA), Academic Standards, Quality and Partnerships team (ASQP). With effect from 29 July 2013 the University subscribes to the UKVI's Premium Service, which provides the University with access to a dedicated Customer Services Manager for support and advice on request. DSAA remains the University point of contact for this service.
- 1.3 The University's operational guidance specifies the actions required by Professional Services and Faculties to ensure that it is fulfilling its sponsor duties and safeguarding the University's Tier 4 licence.

2. Responsibilities and Training

- 2.1 The Director of Corporate Governance is the Tier 4 Sponsor's Authorising Officer. The role has overall responsibility for the University's Tier 4 licence, including oversight of the actions of staff who use the Home Office's Sponsor Management System (SMS). All applications to renew the University's licences under Points Based System, regardless of the tier, are made under the Authorising Officer's name.
- 2.2 The Academic Registrar and Director of DSAA is the Tier 4 Sponsor's Key Contact. The key contact is the main point of contact for the Home Office UK Visas and Immigration (UKVI) and is the primary contact for the Premium Customer Service Team. The role is responsible for overall authorisation of users required to access the Home Office's Sponsor Management System (SMS).
- 2.3 The University has a single licence, which incorporates Tier 4 and Tier 2 licence responsibilities. The Human Resources (HR) department is responsible for the safeguarding of the University's Tier 2 requirements; for policy and procedures, which relate to the employment of students and staff.

- 2.4 The Human Resources department is responsible for the internal employment and monitoring of Tier 4 students in accordance with UKVI working regulations. The Department of Careers and Employability supports HR with the weekly monitoring of the working hours of the University's Tier 4 students. The Department of Careers and Employability manages and administers the Tier 1 Graduate Entrepreneur Scheme in conjunction with DSAA.
- 2.5 Academic Standards, Quality and Partnerships (ASQP) has responsibility for monitoring Tier 4 policy at national level and aligning and proposing changes in internal policy and procedures to ensure that the University's status as Tier 4 sponsor remains secure.
- 2.6 ASQP has the responsibility for ensuring that relevant staff across the University comply with operational procedures and are supported to do so. ASQP will prepare staff for Home Office audits to minimise risk and to ensure sponsor licence duties are maintained.
- 2.7 ASQP will manage the annual sponsor licence service and its risk (annual Basic Compliance Assessment (BCA), annual CAS allocation and four year licence renewal) in collaboration with relevant staff across the University.

2.8 Training

ASQP will co-ordinate relevant local and sector level training for professional services and faculty staff.

3. Student responsibility

The student is responsible for meeting the requirements of their Tier 4 (General) Student Visa, in accordance with current Home Office Tier 4 sponsor policy and guidance. The University's International Student Advice Team will provide information, advice and guidance to Tier 4 students, throughout their student journey, to ensure they are aware of their responsibility to abide by the conditions of their Tier 4 leave. Any student in breach of their sponsorship conditions will be withdrawn from the University.

4. Responsibilities for partner institutions

- 4.1 The University has a collaborative agreement with a private provider Navitas UK Holding Ltd, which owns and operates International College Portsmouth (ICP) Ltd. offering integrated higher education courses, which students complete at the University of Portsmouth. This is an embedded college, an autonomous institution, under a single University of Portsmouth Tier 4 (General) Student licence. The University is duty bound to list such an agreement as an exceptional arrangement under its Tier 4 licence. An ICP applicant, who is recruited and admitted by ICP, is sponsored by the University. ICP must be fully integrated with broadly the same policies, procedures and regulations applying across the University in relation to Tier 4 students. ASQP must ensure ICP has its own effective policies and procedures in place in order to comply with the University

sponsorship duties and formal arrangements in place with the University to manage the students' day to day contact and attendance management.

- 4.2 The University must have central oversight of marketing and of the recruitment and the admission of Non-EEA students across all of its partnered sites. ASQP must ensure any partnership, which recruits Non-EEA students and meets the Home Office conditions of an 'Educational Oversight' is declared to the Home Office for assessment and approval, prior to an agreement being approved by the University.
- 4.3 ASQP must ensure any UK or overseas partnership that will recruit overseas students, solely for the purpose of study, must meet Tier 4 sponsor requirements as part of the due diligence process and outline its Tier 4 duties within the contract.
- 4.4 If an overseas student is recruited on to a study abroad/split site programme the University will support this method of delivery on a Tier 4 (General) Student Visa, as long as the additional programme overseas is related to the course the student is studying in the UK and if it is necessary for the student to return to the UK to complete the course. The student must meet all immigration requirements of the country in which they are studying and in addition the DSAA Student Life section must continue to meet its Tier 4 operational monitoring and reporting duties, while the student is sponsored by the University on a Tier 4 visa overseas.
- 4.5 ASQP, Research Innovation Services and the Exchanges and Study Abroad team (UoP Global) ensure all University agreements specify that Tier 4 requirements need to be abided by. Assistant Registrar (UKVI Compliance) is consulted when arranging any new agreements, to ensure Tier 4 regulations are met and clearly outlined within the contractual agreement.
- 4.6 All University contractual agreements produced by ASQP, Research Innovation Services, and the Exchanges and Study Abroad Team (UoP Global) which involve either of the following;
- i) overseas students studying at the University;
 - ii) overseas students placed at a partner or
 - iii) overseas student studying an award of the University at one of its UK collaborative partner organisations;
- shall ensure the contractual agreements that their respective business area is responsible for must specify that Tier 4 requirements need to be abided by. The Assistant Registrar (UKVI Compliance) is consulted when arranging any new contractual agreements, to ensure Tier 4 regulations are met and clearly outlined within the contractual agreement.

5. Use of agents

The UKVI expects that where universities recruit through overseas agents they maintain a close relationship with those agents, and monitor the retention pattern of students

coming in to the country through an agency link. UoP Global will retain records of active contracted agents and the students they recruit. DSAA ASQP will annually register relevant agent details in the UKVI's SMS.

6. Confirmation of Acceptance for Studies (CAS)

6.1 Confirmation of Acceptance for Studies (CAS) to support Tier 4 Student (General) Visa from RQF Level 3 and above and Tier 4 Part-Time Visa applications, from RQF Level 7 and above, are actioned via the UKVI Sponsor Management System (SMS).

6.2 Nominated staff within DSAA are the only authorised users of the SMS at Level One (authoriser) and Level Two (data entry). The academic credentials, including English Language level, are assessed via admissions staff in DSAA Student Life, UoP Global, School of Language and Area Studies (SLAS) and International College Portsmouth (ICP). Alongside the offer making, Tier 4 eligibility is assessed centrally by DSAA Student Life. Once all overseas admissions and Tier 4 eligibility criteria are met a CAS is issued to the student.

6.3 A CAS will be issued solely on the discretion of the University as a Tier 4 (General) student sponsor, taking into consideration UK Visas and Immigration (UKVI) criteria and the University's CAS issuance policy.

6.4 UKVI staff monitor the volume of institutional CAS issued and provide DSAA with quarterly management information; significant deviation from expected numbers, a high percentage of 'no show' students, visa refusals or CAS that remain unused will be subject to further scrutiny by the UKVI and this may ultimately impact on the University's sponsor status. DSAA ASQP monitor the data provided and work to ensure continued integrity in the issue process and the sustainability of its low visa refusal.

6.5 From 11 January 2018 a part-time Tier 4 Visa can be issued for courses at RQF level 7 and above. The visa provides multiple entries to the UK for the entire validity of the course. However, the student cannot work in the UK or undertake work placements.

6.5.1 Part-time is as defined by the University.

6.5.1.1 A part-time course is distinguished by a number of permutations in addition to being shorter than 24 weeks, with a weekly study rate of less than 21 hours. RQF Level 7 and 8 will be delivered through the following methods of study: campus taught standard year, distance learning, work based learning, independent study or block. Part-time courses are ratified by the Quality Assurance Committee and the University adheres to the UK and European expectation regarding credit and notional learning.

6.5.1.2 Applicants applying for a part-time block taught Professional Doctorate course are entitled to undertake the course on a part-time Tier 4 visa for the two year taught period of the course only. Applicants are alternatively able to attend on a Standard

Visitor Visa, providing that the main purpose for the person entering the UK on this visa is not solely for the study (i.e. family or business interests). The student must not exceed the maximum of 30 days' study throughout the entire period of their Standard Visitor Visa. The University can confirm that the Professional Doctorate taught element of the course does not exceed 30 days of study. If the Standard Visitor Visa expires before the taught element of the course is completed, the student must apply for further leave to enter/remain to enable them to continue to pursue the course.

6.5.2 The student can switch from a full-time Tier 4 (General) Student Visa to a part-time Tier 4 (General) Student to complete the course. The student must apply for the change in visa category overseas and they must be within the stipulated study cap period.

6.5.3 If the student has completed the full-time course and would like to change to part-time mode they can apply from within the UK if the student has valid leave in the UK at the point of the application. UoP Global International Student Advice Team can support this process by providing a service where the team acts as an intermediary between the student and the Home Office.

6.6 A course end date, which is outlined on the CAS, is required to be in line with the University's academic schedules. For courses more than 12 months the Home Office grant 4 months at the end of the academic period. For undergraduate courses the University's standard end date of the course shall be stated as 31 May of each year; plus four months will cover the resit period. If students require an extended period the internal CAS extension process will apply.

6.6.1 For postgraduate taught courses the University will state the end date as publicised on the University's course student management system. Non-term date periods shall be advertise accordingly.

6.6.2 Postgraduate Research CAS will be issued to cover 4 years; students are expected to hand in their thesis by the end of the third year. The fourth year covers the period of the Viva and minor amendments; this is in accordance with University's Regulations for Higher Degrees by Research policy.

6.6.3 Exchanges students applying for a course at the University, which is 6 months or more will automatically be issued a CAS unless the applicant requests a supporting letter to apply for a Short Term Student Visa.

6.7 If a student completes the course earlier than stipulated the student will be reported in line with the University's Tier 4 sponsor reporting duties.

6.8 A CAS is valid for 6 months from the date it is assigned. The applicant can apply for entry clearance or leave to remain 3 months before the start of the course. If the CAS is not used within this period the CAS will expire. If the student's application is unsuccessful and they wish to reapply, a new CAS must be assigned and used in a new

Tier 4 application.

6.9 If an applicant applies independently to the University, via UCAS or Direct, it is essential the CAS is sent securely directly to them. If an applicant uses an intermediary (i.e. agent) the CAS is to be sent securely to the applicant and the third party.

6.10 To support students in the application process ASQP and the UoP Global International Student Advice Team will ensure up to date information, advice and guidance is on the University's web pages. Students will be referred to the information, advice and guidance and the International Student Advice Team will offer a service to support further queries regarding the Tier 4 application process.

7. CAS extension (further Leave to Remain - FLR)

7.1 DSAA Student Life administer the CAS extension process in conjunction with the UoP Global International Student Support Team. An extension only applies to Tier 4 students who are on a full-time course and are academically progressing. As long as these rules apply the student can extend their visa in the UK from one Higher Education Institution (HEI) to another.

7.2 The student's current Tier 4 leave in the UK must be valid at the point the CAS extension is issued. The student will be obliged to apply via the joint service with UoP Global International Student Advice Team and the Home Office, to support the prevention of visa refusal and the risk to the University's annual Basic Compliance Assessment.

7.3 Prior to a CAS being issued the student will be required to meet all Tier 4 requirements, including maintenance checks, undertaken by UoP Global International Student Advice Team, to progress with their study at the University. If a student has not met academic progression they will be required to apply for fresh entry clearance overseas. The University will support a fresh application from overseas as long as the students study situation falls in line with the academic progression statement. While students are studying directly with ICP, the pathway provider has the responsibility of undertaking these checks.

7.4 The line with the University Assessment regulations and point 4 of this policy; a student will be provided with the opportunity to extend their Tier 4 General Student visa to undertake examination resits or repeat study, as long as the student is required to undertake continued participation (in classes or by contact) within 60 days of the next academic period starting.

7.4.1 If minor amendments are necessary to complete a postgraduate research period of study, a 3 month extension will be granted. If major amendments are required a 12 month CAS extension may be issued, in accordance with University's Regulations for Higher Degrees by Research.

8. Government or financial sponsorship

8.1 If the student is government sponsored the student's period of stay in the UK will be limited in line with the sponsor's specifications.

8.2 An authorised sponsor guarantee must be provided and approved by DSAA Student Life before a CAS can be issued. The CAS will be required to stipulate who is financially sponsoring the student. In addition as part of the Tier 4 application process the student must provide an official headed letter of confirmation, bearing the organisation's official stamp.

8.3 Tier 4 students can receive financial sponsorship from:

- i) Her Majesty's government;
- ii) Home government;
- iii) British Council;
- iv) Any international organisation;
- v) International company;
- vi) University or UK independent school.

9. Academic progression

9.1 DSAA Student Life will assess the student's academic progression, in line with UKVI exemptions, on a case by case basis in line with Tier 4 guidelines. The student will be required to provide justification, at the admissions stage, as to why they would like to apply for the same level study.

9.2 DSAA Student Life will not assign a CAS if the student is applying for a lower level course.

9.3 Supplementary study cannot be used to show academic progression.

10. Supplementary Study

10.1 DSAA Student Life must approve supplementary study if the course is at the University. Students can take supplementary study in addition to their main course, as long as it does not jeopardise the progress of their main course of study. This can be at any level, taken any time in the day and does not have to relate to their main course. The additional study period(s) must be taken within their valid leave period. The University does not need to give the student permission to assume this study and UKVI do not need to be informed.

11. Short Term Study (STS)

11.1 In accordance with the details in point 8 DSAA Student Life provide the Short Term Student letter for any applicant on any course, which meets the STS requirements, at the University.

- 11.2 Students from the age of 16 can apply for the Short Term Study (STS) route, which is issued for a 6 month calendar period. The student can undertake courses concurrently or consecutively as long as all the courses are completed within 6 months of the validity period of the visa.
- 11.3 If a student is studying for less than 56 days within the 6 month period they can use the STS route. If the student is studying for more than one period, within the 6 months, the student must leave within the final period of their study. The student is required to leave within 30 days of the end of their study or at the end of 6 months, whichever is sooner.
- 11.4 The student can use this route to resit a module more than once, to undertake a Viva Voce or a pre-sessional English Language course. The student must have completed their course, within this period, while in the UK.
- 11.5 Students who study Dentistry overseas, which is equivalent to a degree in the UK, will be able to undertake electives (these must be unpaid and involve no treatment) relevant to their course of study as a STS. This will enable the student to do more than one elective and they do not have to make multiple applications. Alternatively the student can apply for Tier 4.
- 11.6 Distance learning courses can be supported under the STS route. Distance learning courses or courses designed specifically to support students taking distance learning courses cannot be offered under the Tier 4 General Student or Tier 4 Part-Time route.
- 11.7 Students on the STS route are not allowed to work in the UK. The student will not be able to undertake employment at the University with STS leave to enter the UK.

12. Under 18's

- 12.1 The minimum age requirement for a Tier 4 (General) Student Visa is 16. The University's safeguarding policy complies with relevant UK legislation and regulations to supports the sponsors' requirement to ensure suitable care arrangements, including travel, reception when they arrive to the UK and care while in the UK, are in place for Tier 4 (General) Students under the age of 18.
- 12.2 The student does not have to be 18 at the point of registration at the University. DSAA Student Life is required to obtain parental consent which gives permission for the student to study at the University.
- 12.3 DSAA Student Life staff are required to be approved by the Disclosure and Barring Service (DBS) to support under 18's with the collection of their Biometric Residence Permit (BRP) from the Post Office, if students have requested this location as the Alternative Collection Location (ACL) at the Tier 4 (General) Visa application stage (reference point 18.2).

12.4 The study cap calculation will start from the student's 18th birthday. Time spent in the UK as either Tier 4 (Child) student whilst under the age of 18 or Tier 4 (General) student whilst under the age of 18 will not be included in the calculation.

12.5 If the student turned 18 during the course of their leave, the calculation must commence from the date of their 18th birthday.

13. Academic Technology Approval Scheme (ATAS)

13.1 Specific undergraduate and postgraduate science, engineering and technology subjects require an ATAS certificate. These are identified from a Home Office list of Higher Education Classification of Subjects (HECoS), which are subject to change. Any new courses requiring an ATAS certificate are assessed against the set criteria at the course approval stage by ASQP. Course details are managed and amended by DSAA Student Life.

13.2 The ATAS requirement applies to all Non-EEA students aged 18 or over with limited leave to remain, including those applying for asylum.

13.3 DSAA Student Life and UoP Global admissions staff inform the applicant of the ATAS process, when applicable. The application process can take 30 or more working days to be processed so the application should be submitted as early as possible, using the online form via the Foreign and Commonwealth Office (FCO) website. The student can apply for ATAS with a conditional or an unconditional offer and it must be obtained before a CAS is issued. An ATAS certificate is valid for 6 months at the date of issue.

13.4 The certificate remains valid as long as the provider and/or course details do not change. A new ATAS certificate is obligatory if:

- i) there are any changes to the course content (or research proposal);
- ii) If the student is studying a PhD course, changes include changes other than minor changes to the areas of research or to the use of any new research technique;
- iii) the student applies for an extension of leave in order to continue on the course;
- iv) the student wishes to start a new course that requires ATAS clearance;
- v) the student moves to another institution; or
- vi) the student's visa was issued on or after 30 November 2007, and they need further permission to stay for writing up a thesis.

13.5 If applicants are applying for Tier 2 visa, which was issued before 6 April 2015, the student must apply for an ATAS certificate before beginning their studies.

14. Length of study cap

14.1 A Tier 4 (General) Student studying at RQF level 6 and above is entitled to study in the UK up to a period of 5 years. This assessment is undertaken by DSAA Student Life, at the admission stage, prior to a CAS being issued.

14.2 If a student wishes to study master's degree level (RQF 7), following the completion of a degree level (RQF 6) course in the UK, which was at least four academic years, then the study period limit is 6 years.

14.3 The length of the course will be outlined from the start and end date shown on the student's CAS.

14.3.1 The assessment of the cap period

14.3.2 The study period entitlement will be assessed by DSAA Student Life as part of the Tier 4 eligibility checks at the admissions stage.

- i) The assessment must count any previous periods of study leave in the UK under Tier 4 (General) Student or the pre-Tier 4 study route, including when the student has left the UK;
- ii) The period will be counted from the date the leave began until the date it expired;
- iii) If applicant extended their Tier 4 Student leave, or received any period of counting leave in accordance of Section 3C of the Immigration Act 1971, this will be included;
- iv) If the applicant's leave was curtailed, the calculation needs to be taken from the date the curtailed leave expired;
- v) Time will be calculated in months. Individual days to be rounded upwards or downwards to the nearest month. Dates falling on the middle of the month will be rounded downwards;

14.3.3 The full period of study must be counted unless DSAA Student Life and the UoP Global International Student Advice Team (ISA) evidence exceptional compelling and compassionate circumstances, which has prevented a student from completing the course within the time given or caused them to leave their course prematurely. ISA will provide a headed letter to support the students Tier 4 application. DSAA will provide supporting evidence on the CAS.

15. Study cap exemptions

15.1 If the 5 year limited period of study has been reached and the applicant would like to study a new course or complete a current course, DSAA Student Life will assess if the student is entitled to undertake the course as long as it is completed within 5 years and 11 months.

15.2 The following courses that UoP run are exempt from the cap calculation:

- i) Architecture
- ii) Dentistry
- iii) Law, where the applicant has completed a course at degree level in the UK and is progressing to a law conversion course validated by the Solicitors Regulation Authority and the Bar Standards Board in England and Wales.

15.3 The student is on the Doctorate Extension Scheme (point 25).

15.4 Time spent in the UK as a Tier 4 (Child) student, or a Tier 4 (General) Student whilst under the age of 18 does not count towards the time limit. The time limit will start from the start of the student's 18th birthday.

15.4.1 Post Graduate Research Level

15.4.2 An 8 year study cap applies to students who have already completed a course leading to the award of a PhD, a postgraduate research qualification or a research master's degree in the UK (as limited in Annex 4 of the Home Office Tier 4 Policy Guidance). Otherwise students at this level of study are exempt from a study cap.

16. English Language criteria

16.1 On issuing a CAS, Tier 4 sponsors must ensure that students have met the UKVI language requirements for Non-EEA students entering the United Kingdom. Tests will be verified, by DSAA Student Life, UoP Global and SLAS, on the English Language providers' verification system to confirm the student has passed the test.

16.2 The University's admissions policy outlines institutional language requirements for entry and these meet or exceed UKVI requirements; to support Tier 4 applicants the admissions policy also reflects the level of achievements expected by UKVI for Non-EEA students in all four components across a range of the most common language qualifications. The University's English language policy for Tier 4 Students details the overall requirements and exemptions that can apply at the offer making stage.

16.3 When considering Non-EEA applicants, guidance should be sought from DSAA ASQP in the first instance regarding any uncertainty about language entry requirements for Tier 4 (General) applicants.

17. Pre-sessional

17.1 The University pre-sessional courses are managed and administered by SLAS. The courses provide English Language training and introduction to the British education system, which prepares a student to progress on to their intended full-time course of study at the University. The course does not lead to a recognised qualification but aligns to the IELTS syllabus. The minimum entry level is 4.0 (Common European Framework Reference (CEFR) level B1) in all four components of language learning. The expectation is to reach 6.0 or 6.5 (CEFR level B2) overall by the end of the programme delivery, with a minimum of 5.5 (CEFR level B2) in each English language component.

17.2 Applicants can apply to study on a pre-sessional course either on a Tier 4 (General) Student Visa only if the course is less than 3 months or alternatively the Short Term Student (STS) route.

17.3 If an applicant is at CEFR B1 level a joint CAS can be assigned for pre-sessional plus the main course, as long as there is no greater than one month between the pre-sessional course and the main course. If this does not apply a separate CAS for pre-sessional and the main course must be assigned. The International Student Advice Team provide support for the CAS extension process, where applicable.

17.4 As a Higher Education Institution a Non-Secure English Language Test (Non-SELT) can be accepted for English Language entry for a joint CAS only; i.e. an IELTS certificate without a unique UKVI reference number will apply. For a single CAS a SELT must apply.

18. Registration

18.1 The student is required to arrive by the start date of the course, as stipulated on the CAS; informing DSAA Student Life of any unavoidable changes to their arrival date in the UK. Approvals will be in line with the University's Withdrawal of Services (WoS) process.

18.2 The University is an Alternative Collection Location (ACL). MyPort the Student Hub manage and monitor the security of Home Office Biometric Residence Permits (BRP), and distribution throughout the year. During core registration periods (pre-sessional, September and January) the distribution is management and administered by DSAA Student Life section.

18.3 Students who do not use the University ACL will be required to collect their BRP from the local participating Post Office. Students will be required to collect their BRP from the Post Office prior to being registered.

18.4 A student is registered at the University once their official identity documents, in accordance with current Home Office Sponsor Guidance Appendix D, are approved and registered by DSAA Student Life on the University's Student and Course Management System.

18.5 If Non-EEA nationals with limited leave to remain register at the University, DSAA Student Life will liaise with the student to ensure they have the continued right to study in the UK throughout the period of their course.

18.6 Non-EEA students will be unable to register as new students or continuing students, without a current valid visa, relating to their current course.

18.7 If a student's visa expires within 2 months of the start of the course the University will register the students if:

- i) They are able to provide written evidence of a pending application to the UKVI for an extension or further leave to remain in the UK and evidence that any application was made prior to the expiry date of their old visa; or
- ii) They provide written evidence of submission of a pending administrative review against a decision of the UKVI to refuse an application or revoke the student's leave to remain in the UK or
- iii) They have paid the required payment in respect of their annual tuition fee.

18.8 If a student's immigration application is at the judicial review stage the student is not covered under Section 3C of the Immigration Act 1971, therefore will not be able to study at the University.

18.9 Where at any time within a student's period of study their immigration status becomes invalid (e.g. their leave to remain in the UK expires or is revoked), the student will not be able to register. If they are a current student they will be withdrawn from their course.

18.10 The student's documents will be retained in accordance with the University retention policy.

19. Freedom of Information Act 2000

19.1 Students have the right to make a request for any information held at the University and the University must comply with the Act in responding to the request. Corporate Governance is obliged to provide information to statutory agencies, at their request. The processing of such data will be based on the secure and confidential sharing of information between University departments and the Home Office.

20 Reporting duties

20.1 All sponsors must retain evidence of each individual Tier 4 student's status, including passport, visa and contact details. Any changes in the status of Non-EEA students, and any amendments to personal circumstances that would result in the University ceasing sponsorship under Tier 4 will be reported to the UKVI by DSAA Student Life within 10 working days of the occurrence.

20.2 The University will continue to sponsor a postgraduate student writing up their dissertation or thesis, as long as continued participation is required either by classes or contact. If the student decides to write up overseas, their Tier 4 leave will be withdrawn. If they wish to apply to return to the UK a CAS can be assigned if Tier 4 eligibility requirements are met.

20.3 Field trips are considered as temporary and do not require reporting on the SMS.

- 20.4 DSAA Student Life will report to the UKVI, via the SMS, all incidences of a student's failure to join or re-join their course, student delayed, visa refusals, internal/external course transfers, early course completion, changes of study location, changes of immigration status, student no longer participating within 60 calendar days, withdrawals and suspensions and student contravening their Tier 4 (General) student responsibilities.
- 20.5 In accordance with the University's admission policy an active CAS or current Tier 4 (General) Student leave will be cancelled if there is evidence of misrepresentation and fraud. If the student is actively involved the Home Office will immediately end their leave. If not the Home Office will curtail the students leave from 60 calendar days from date of the Home Office curtailment letter which informs the student that their leave has been revoked.

20.5.1 Visa and passport checks

- 20.5.1.1 As a responsible sponsor, and as a service to students, the University will monitor visa and passport end dates for all Non-EEA students and will advise students of the need to renew documentation.

21. Pregnancy/maternity/paternity leave

- 21.1 The University is able to continue to sponsor the student if illness occurs due to pregnancy. If a Tier 4 student would like to take maternity leave during their study period; the University will continue to sponsor the student for no longer than 60 days, providing the student can still complete their course within their existing period of leave when they resume their studies. If not the student will be advised to suspend their studies and DSAA Student Life will report the student on the Home Office SMS.
- 21.2 A student can continue to be sponsored on paternity leave as long as the leave period is no greater than 60 days, that the student can still complete their course within their existing period of leave when they resume their studies and the period is approved by the Faculty.
- 21.3 In all cases the student will be referred to the UoP Global International Student Advice Team for advice and guidance and to represent the student, when required.

22. Attendance monitoring

- 22.1 The UKVI requires that all Tier 4 sponsors monitor student attendance and engagement with their studies. Universities are expected to have processes in place to track student attendance and to report failure to register and non-attendance. All Non-EEA students are monitored in line with the University's Student Attendance policy. As part of their routine audits, DSAA ASQP also undertake checks on student attendance and engagement.

23. Students on placement

23.1 Where Tier 4 students are studying on placement (including work placements where the student's visa permits this) or on a study year abroad programme, the University remains responsible for the student's continued attendance on course. Faculty Managers and Faculty Research Degree Coordinators have responsibility for liaising with University placement co-ordinators to ensure host employers or universities monitor Tier 4 placements and inform the faculty where individual students fail to meet the requirements of the placement.

23.2 The course of study may include a work placement which is an integral and assessed part of the course. The work placement must not be more than 50% of the total length of the course.

24. Working in the UK

24.1 The University's term dates and vacations are advertised on the University website and internally on MyPort. Vacation periods, including those between academic years, should be reasonable and consistent in line with the University's academic schedule. Disproportionately long vacations will be considered immigration abuse.

24.2 Throughout the student's registration periods the student course and management system will identify and record if the student is entitled to work during their study period.

24.3 If a student is permitted to work they are entitled to work up to 20 hours a week during term time and full-time during non-term time. Non-term time is as outlined by the programme study pattern. A week is defined by the Home Office as a period of 7 days beginning with a Monday, this also includes paid and unpaid work.

24.4 Any time spent working can be in addition to any time spent on a permitted work placement.

24.5 Students on Tier 4 visas can do most kinds of work, but they must not:

- i) be self-employed
- ii) engage in business activity
- iii) take a permanent full-time job
- iv) be employed as a professional sportsperson including as a sport coach
- v) be employed as an entertainer
- vi) work as a doctor or dentist in training, unless the student is on a foundation programme.

24.6 Once a student has completed their course and whilst their visa is valid, the student is able to work full-time within the limitations above. For undergraduate and Masters

students, course completion means either receiving official notification of approval of their degree, or the course end date as started on the CAS as long as the student has completed all required assessment by this date, whichever is earlier. A student cannot work full-time while writing up their dissertation or if undertaking amendments. To work full-time for the University, HR must have received official notification from DSAA that the work is complete (not just submitted). For Post Graduate Research students course completion means receiving the official notification of unconditional approval of degree.

24.7 A full time post graduate research student may take a maximum of eight weeks annual leave in one year, which equates to six weeks plus bank holidays and University of Portsmouth Christmas closure. Any part time work undertaken must not exceed 20 hours in a normal week (or the restricted hours quoted in the individual's visa).

24.8 The HR department is responsible for the administration and recruitment of all University staff and managers, providing advice and guidance and administrative support for all HR policies and procedures including UKVI working regulations. The University's Human Resources department deliver mandatory training for any staff member who would like to be a trained interviewer. Within the training programme a module on UKVI covers the right to employ overseas workers and outlines the process and requirements for employing University Tier 4 students on campus. The Department of Careers and Employability supports HR with the monitoring of Tier 4 students.

24.9 The Department of Careers and Employability will monitor the weekly hours of work of its Tier 4 students working at the University.

24.9.1 **Voluntary Work**

24.9.1.1 The Department of Careers and Employability promotes volunteering roles to students and treats all volunteering roles as voluntary work, as opposed to general volunteering. The distinction between the two is as follows:

- i) Volunteers do not have a contract and are not paid, though reasonable travel and living costs can be reimbursed. Voluntary workers will usually have obligations to perform the work which may, if tested in law, be found to be 'contractual' (e.g. to attend at particular times and carry out specific tasks) with the employer being 'contractually' required to provide the work;
- ii) The contract does not have to be written. The worker is sometimes remunerated in kind in this situation, for example through free training, building their CV for future employment or free products and service from the organisation. Volunteers usually help a charity, voluntary organisation or public sector organisation;

- iii) As all volunteering roles accessed via the Department of Careers and Employability are treated as voluntary work, this means that Tier 4 students will need to count any voluntary work towards their visa restrictions (ref 24.3);
- iv) Students who are prohibited to work are not allowed to undertake 'unpaid work' as the student would be in breach of the work prohibition even though they are not getting paid for it.

24.9.1.2 At the point of registration Non-EEA student's right to work (RTW) shall be recorded on the University's Student Management System. It is the requirements of the Department of Careers and Employability to ensure that a Non-EEA student has the right to work prior to them commencing voluntary work. The department will have access to check the RTW documents recorded on the University's Student Management, and will then process their application forms.

24.9.1.3 Staff in the Department of Careers and Employability will gain permission from students to share that they are Tier 4 students with third sector partners, to assist in preventing any breaches.

24.9.2 The University is obliged to report to the Home Office any student who is working more than the working restrictions of 20 hours during term time; this will be classed as illegal working. The implications of being reported for the student is the risk of having their visa revoked and having to leave the country.

25. Students' Union Sabbatical Officer position

25.1.1 The University will support a Tier 4 student who has the opportunity to undertake a sabbatical position in the Students' Union as an elected role. If the student has not completed their course at the point they commence the sabbatical role from the summer, the student is permitted to work full-time as long as the course remains full-time. UoP Global International Student Advice Team will liaise with the Students' Union, and relevant parties across the University to decide if the student can balance full-time work and study.

25.1.2 If a sabbatical officer has another job as well as sabbatical officer duties, they can work part-time during term-time and full-time during vacations if they do not work full-time for the Students' Union in the vacations.

26. Doctorate Extension Scheme

26.1.1 The University offers this scheme via DSAA under the Tier 4 sponsor licence. The scheme provides the opportunity for University of Portsmouth students to apply to remain in the UK for a further 12 months, to undertake work in the UK, prior to almost having completed their Doctorate level or other doctoral qualifications. 12

months can be for any areas of employment in the UK, including the time to find work.

26.1.2 In accordance with current immigration rules the student's dependants leave will be extended in line with the students leave to remain period.

26.2 The University will only issue a CAS to a student who is expected to successfully complete the doctorate within 60 days, which includes minor amendments and re-examination.

26.3 DSAA Student Life will administer the CAS. The Home Office will issue the leave period from the course completion date, as stated on the CAS.

26.4 Throughout the period of leave to remain under DES the student will be sponsored under the University's Tier 4 licence. DSAA Student Life will be required to ensure the First Supervisor maintains at least two contact points with the student during the 12 month period.

26.5 If the student fails to remain in contact with the University DSAA Student Life will withdraw the DES visa, via the Home Office SMS.

27. Tier 1 Graduate Entrepreneur Scheme

27.1 The Tier 1 Graduate Entrepreneur Visa is for Non-EEA international graduates (currently on a Tier 4 Visa) who have a viable, genuine and credible business idea that they want to put into practice in the UK. Under the University's Tier 4 licence the University endorses this scheme.

27.2 The Department of Careers and Employability manages and has responsibility for the scheme, with Assistant Registrar (UKVI Compliance) on the panel, which meets twice a year.

27.3 Applicants must be students or graduates of the University of Portsmouth.

27.4 DSAA ASQP ensure that the Tier 1 Graduate Entrepreneur process continues to meet its Tier 4 duties to ensure the safeguarding of the University's Tier 4 sponsor licence.