

UKVI STUDENT ROUTE COMPLIANCE POLICY

January 2021

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| If you need 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:

<https://policies.docstore.port.ac.uk/policy-218.pdf>

Summary

What is this document about?

This Policy document outlines the University's UKVI Student Route compliance alignment with the requirements of the Home Office UK Visas and Immigration (UKVI) service for the admittance of Non UKs students, excluding the Republic of Ireland, under Points Based Immigration – UKVI Student Route. The policy ensures best practice and the safeguarding of the University's UKVI Student Route policy. It is subject to change in line with biannual changes to Government legislation

Who is this 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.

How does the University check this 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 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-UK students, excluding the Republic of Ireland, under Points Based Immigration - Tier 4 (General) Students.

This policy has been written on the basis of current UKVI Student Route 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).

UKVI Student Route Compliance Policy

1. Introduction

- 1.1. On 16 February 2009 the University of Portsmouth obtained approval as a UKVI Student Route sponsor for the recruitment of overseas students (migrants outside of the EEA & Switzerland and requiring UK study visas) under the UKVI Student Route of the national points based immigration system.
On 5th October 2020 this was superseded by the UKVI Student Route. The UKVI Student Route status allows the University to authorise Confirmation of Acceptance for Studies (CAS) for Non-UK students, excluding the Republic of Ireland, 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 students on the UKVI Student Route. 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-UK students, excluding the Republic of Ireland.
- 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 UKVI Student Route licence.

2. Responsibilities and Training

- 2.1. The Director of Corporate Governance is the UKVI Student Route Sponsor's Authorising Officer. The role has overall responsibility for the University's UKVI Student Route 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 route, are made under the Authorising Officer's name.
- 2.2. The Academic Registrar and Director of DSAA is the UKVI Student Route 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 the UKVI Student Route and UKVI Skilled Worker licence responsibilities. The Human Resources (HR) department is responsible for the safeguarding of the University's UKVI Skilled Worker 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 students on the UKVI Student Route 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 student's on the UKVI Student Route. The Department of Careers and Employability manages and administers the UK Start Up visa route in conjunction with DSAA.
- 2.5. Academic Standards, Quality and Partnerships (ASQP) has responsibility for monitoring the UKVI Student Route at national level and aligning and proposing changes in internal policy and procedures to ensure that the University's status as a UKVI Student Route 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

- 3.1. The student is responsible for meeting the requirements of their UKVI Student Route visa, in accordance with current Home Office UKVI Student Route sponsor policy and guidance. The University's International Student Advice Team will provide information, advice and guidance to students on the UKVI Student Route, throughout their student journey, to ensure they are aware of their responsibility to abide by the conditions of their UKVI Student Route 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 subcontractual 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 UKVI Student Route licence. The University is duty bound to list such an agreement as an exceptional arrangement under its UKVI Student Route 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 UKVI Student Route visa holders. 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-UK students, excluding the Republic of Ireland, across all of its partnered sites. ASQP must ensure any partnership, which recruits Non-UK students, excluding the Republic of Ireland, 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 UKVI Student Route sponsor requirements as part of the due diligence process and outline its UKVI Student Route 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 UKVI Student Route 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 UKVI Student Route operational monitoring and reporting duties, while the student is sponsored by the University on a UKVI Student Route visa overseas.
- 4.5. ASQP, Research Innovation Services and the Exchanges and Study Abroad team (UoP Global) ensure all University agreements specify that UKVI Student Route requirements need to be abided by. ASQP - UKVI Student Compliance is consulted when arranging any new agreements, to ensure UKVI Student Route 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;
 - 4.6.1. overseas students studying at the University;
 - 4.6.2. overseas students placed at a partner or
 - 4.6.3. 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 most specify that UKVI Student Route requirements need to be abided by. ASQP - UKVI Student Compliance is consulted when arranging any new contractual agreements, to ensure UKVI Student Route regulations are met and clearly outlined within the contractual agreement.

5. Use of Agents

- 5.1. 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 into the country through an agency link. UoP Global will retain records of active contracted agents and the students they recruit. DSAA ASQP will annually inform the Home Office of the University's agents' details.

6. Confirmation of Acceptance for Studies (CAS)

- 6.1. Confirmation of Acceptance for Studies (CAS) to support UKVI Student Route visa applications from RQF Level 3 and above and UKVI Student Route 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 Applied Linguistics (SLAL) and International College Portsmouth (ICP). Alongside the offer making, UKVI Student Route eligibility is assessed centrally by DSAA Student Life. Once all overseas admissions and UKVI Student Route 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 UKVI Student Route 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 the University can request quarterly management information from UKVI; 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 rate.
- 6.5. From 11 January 2018 a part-time UKVI Student Route visa, which forms part of the UKVI Student Route 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. The University cannot offer distance learning courses, or courses designed specifically to support students taking distance learning courses, under the Student route. On the UKVI Part-Time Student Route the student cannot work in the UK, cannot undertake work placements and cannot bring dependants to the UK.
 - 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 UKVI Student Route visa for the two year taught period of the course only. Applicants are alternatively able to attend on the Standard Visitor Route, visiting to the UK to study only, as they are attending a course at an accredited institution as opposed to attending a recreational course of up to 30 days. If the Standard Visitor visa expires before the taught element of the course is completed, the student must apply for further leave to enter to enable them to continue to pursue the course.
- 6.6. 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. The UoP Global International Student Advice team will provide advice and support to students and can liaise with the UKVI Premium Account Manager (PAM) as required.
- 6.7. All course end dates, which are outlined on the CAS, are required to be in line with the University's academic schedules. For courses more than 12 months the Home Office grants 4 months at the end of the academic period, which will cover the resit period. If students require an extended period the internal CAS extension process will apply. Non-term date periods shall be advertised accordingly.
- 6.7.1. 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 pass with minor amendments (time limited to 3 months for both full time and part time students) and a pass with major amendments (time limited to 6 months for both full time and part time students, the examination is a pass outcome; This is in accordance with University's Regulations for Higher Degrees by Research policy.
- 6.7.2. 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 the Standard Visitor Route
- 6.8. If a student completes the course earlier than stipulated the student will be reported in line with the University's UKVI Student Route sponsor reporting duties.
- 6.9. A CAS is valid for 6 months from the date it is assigned. The applicant can apply for entry clearance or leave to remain 6 months before the start of the course. If the CAS is not used within this period the CAS will expire. If the student's UKVI Student Route application is unsuccessful and they wish to reapply, a new CAS will be issued in line with the University's CAS issuance Policy.
- 6.10. 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.
- 6.11. To support students in the application process 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 UKVI Student Route application process

7. Visa Extension (Permission to Stay)

- 7.1. DSAA Student Life administer the CAS issuance process for visa extensions in conjunction with the UoP Global International Student Support Team. An extension only applies to UKVI Student Route visa holders 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 Provider (HEP) to another.
- 7.2. The student's current UKVI Student Route leave in the UK must be valid at the point the CAS extension is issued. The student will be expected to apply with the help of the UoP Global International Student Advice team visa application checking service 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. In 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.
- 7.5. In line with the University's Regulations for Higher Degrees by Degrees the University will only issue a CAS extension for a Postgraduate Research (PGR) student if they have a re-examination, which is to be completed within 12 months, with no differentiation for full time and part time study. If the 12 calendar month study period is greater than the student's current UKVI Student Route permission, DSAA Student Life will issue the student with a UKVI Student Route visa extension to cover the re-examination period, calculated from the time of the re-examination outcome. This is in accordance with the CAS issuance policy, point 14.1-14.2).

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:
 - 8.3.1. Her Majesty's government;
 - 8.3.2. Home government;
 - 8.3.3. British Council;
 - 8.3.4. Any international organisation;
 - 8.3.5. International company, with offices in at least two countries;
 - 8.3.6. 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 UKVI Student Route 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. Standard Visitor Route

- 11.1. In accordance with the [UKVI Standard Visitor](#) visa requirements, DSAA Student Life provides the Standard Visitor visa acceptance letter for any applicant on any course, with details of the course.
- 11.2. Students from the age of 16 can apply for the Standard Visitor route, for study purposes at an accredited institution, which is issued for a 6 month calendar period. The student can undertake one or more concurrent or consecutive courses as long as they will be completed within the validity period of the visitor permission.
- 11.3. If a student is studying for less than 56 days within the 6 month period they can use the Standard Visitor 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 complete a period of research, complete research tuition, complete one or more elective courses linked to their overseas study, sit an entrance exam, resit or retake a module or take an oral (viva) examination for part of a PhD qualification or to complete 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 on the Standard Visitor Route. 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 the UKVI Student Route.
- 11.6. The only situation in which a visitor may study on a course that will not be completed within their 6-month stay is where a student is undertaking distance learning. Applicants will be studying for the majority of their time outside of the UK for a UK qualification by distance learning, but may be required to be in the UK for short periods of time for certain activities, such as induction weeks, intensive face-to-face learning, one-to-one progress checks or to sit exams or assessments. A course can be both a distance learning and a part-time course. As long as the set criteria are met, the course will be considered a distance learning course. Distance learning courses or courses designed specifically to support students taking distance learning courses cannot be offered under the UKVI Student Route, both full-time and part-time.
- 11.7. A student cannot study a course exceeding 6 months which is designated as part-time using the Standard Visitor route. The only exception is studying at a UK institution by distance learning (point 11.6) and any periods of study making the course length over 6 months will be completed overseas. Such a course will be considered a distance learning course for the purposes of the Visitor Rules, even where 'part-time' is part of the course title.

11.8. Students on the Standard Visitor route are not allowed to work in the UK. The student will not be able to undertake employment at the University with Standard Visitor leave to enter the UK.

12. Under 18's

- 12.1. The minimum age requirement for the UKVI Student Route is 16. The University's safeguarding policy complies with relevant UK legislation and regulations to support 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 students on the UKVI Student Route 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 UKVI Student Route 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 Child Student Route whilst under the age of 18 or UKVI Student Route 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 unless they are an exempt nationality in accordance with the UKVI Appendix ATAS. 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-UK students, excluding the Republic of Ireland, aged 18 or over with limited leave to remain, including those applying for asylum. The University's captures where an applicant requires an ATAS at the admissions stage and at the student extension stage.
- 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 applying online on 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. ATAS certificate is issued for a specific course with a named provider and covers the length of that course from the course start date to the course end date given on the CAS, plus up to an additional three calendar months of study. The certificate remains valid as long as the provider and/or course details do not change.
- 13.5. If the provider and/or course details change, or the student's course end date is postponed for a period of more than three calendar months, the student must apply for a new ATAS certificate within 28 calendar days of being notified of the change in course, regardless of when their leave expires.
- 13.6. Where there is a change to the length of the course because the student is deferring their studies, and sponsorship is withdrawn, the application for a new ATAS certificate should be made at the time the student is applying for permission in order to start the course again.
- 13.7. A new ATAS certificate is obligatory if:
- 13.7.1. there are any changes to the course content (or research proposal);
 - 13.7.2. 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;
 - 13.7.3. the student applies for an extension of leave in order to continue on the course;
 - 13.7.4. the student wishes to start a new course that requires ATAS clearance;
 - 13.7.5. the student moves to another institution; or
 - 13.7.6. the student needs further permission to stay for writing up a thesis.
- 13.8. If applicants are applying for the UKVI Skilled Worker Route, where applicable the UKVI Skilled Worker must apply for an ATAS certificate before beginning their studies.
- 13.9. As part of the CAS issuance process, it must state where an ATAS is applicable and keep a copy of the ATAS original certificate or electronic version on the University's course management system.

14. Length of Study Cap

- 14.1. Students on the UKVI Student Route studying at RQF level 6 are 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. There is no time limit on study at postgraduate degree level and above.
- 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**
- 14.3.1.1. The study period entitlement will be assessed by DSAA Student Life as part of the Tier 4 eligibility checks at the admissions stage.
 - 14.3.1.1.1. The assessment must count any previous periods of study leave in the UK the student has held, including when the student has left the UK;
 - 14.3.1.1.2. The period will be counted from the date the leave began until the date it expired;

- 14.3.1.1.3. If applicant extended their UKVI Student Route leave, or received any period of counting leave in accordance of Section 3C of the Immigration Act 1971, this will be included;
- 14.3.1.1.4. If the applicant's leave was curtailed, the calculation needs to be taken from the date the curtailed leave expired;
- 14.3.1.1.5. 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;
- 14.3.2. 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. Students will include all relevant documentation related to their circumstances with their application and the ISA team will raise this with the Home Office Premium Account Manager through the Home Office portal. 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:
 - 15.2.1. Architecture
 - 15.2.2. Dentistry
 - 15.2.3. 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 Child student, or on the UKVI Student Route 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.

16. English Language Criteria

- 16.1. On issuing a CAS, UKVI Student Route sponsors must ensure that students have met the UKVI language requirements for Non-UK students, excluding the Republic of Ireland, entering the United Kingdom. Tests will be verified, by DSAA Student Life, UoP Global and SLAL, 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 UKVI Student Route applicants

the admissions policy also reflects the level of achievements expected by UKVI for Non-UK students, excluding the Republic of Ireland, in all four components across a range of the most common language qualifications. [The University's English language policy for the UKVI Student Route](#) details the overall requirements and exemptions that can apply at the offer making stage.

- 16.3. When considering Non-UK, applicants, excluding the Republic of Ireland, guidance should be sought from DSAA ASQP in the first instance regarding any uncertainty about language entry requirements for applicants applying under the UKVI Student Route.

17. Pre-Sessional

- 17.1. The University pre-sessional courses are managed and administered by SLAL. 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 UKVI Student Route visa only if the course is less than 3 months or alternatively the Standard Visitor 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 provides support for the CAS extension process, where applicable.
- 17.4. As a Higher Education Provider 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 manages and monitors 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-UK nationals, excluding the Republic of Ireland, 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-UK students, excluding the Republic of Ireland, 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:
- 18.7.1. They are able to provide written evidence of a pending application to the UKVI for an extension or further permission to stay in the UK and evidence that any application was made prior to the expiry date of their old visa; or
 - 18.7.2. 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
 - 18.7.3. 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 UKVI Student Route status, including passport, visa and contact details. Any changes in the status of Non-UK students, excluding the Republic of Ireland, and any amendments to personal circumstances that

would result in the University ceasing sponsorship under the UKVI Student Route 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 UKVI Student Route leave will be withdrawn. If they wish to apply to return to the UK a CAS can be assigned if the UKVI Student Route 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 UKVI Student Route sponsor responsibilities.
- 20.5. In accordance with the University's admission policy an active CAS or current UKVI Student Route 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, DSAA Student Life will monitor visa and passport end dates for all Non-UK students, excluding the Republic of Ireland, 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 student on UKVI Student Route leave 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 support the student, when required.

22. Attendance Monitoring

- 22.1. The University of Portsmouth Student Engagement and Attendance Monitoring Policy aligns with the Home Office UK Visas and Immigration UKVI Student Route requirements by applying a single academic engagement policy to all students across the institution. Academic engagement is indicated by attending required lectures, seminars and tutorials, laboratory work, undertaking research or fieldwork and submitting essays, assignments and attending examinations. It is the University's responsibility to decide which study elements are required for a given course and constitute academic engagement and what minimum level of engagement is required for each element. Supplementary to the standard UKVI Student Route academic engagement monitoring requirements, the University will report, to the Home Office, students on the UKVI Student Route who fail to register, or are absent for a prolonged period that does not exceed 60 days in duration (30 days for students studying distance learning) without authorisation - this excludes post-graduate research and doctoral students.
- 22.2. The Student Life Section is also responsible for identifying those UKVI Student Route Visa holders who require intervention in accordance with the current requirements of the Home Office UK Visas and Immigration (UKVI) regulations and compliance.
- 22.3. In line with the University's regulations for withdrawal and suspension of studies, or where a student has 0% attendance in line with this Policy, DSAA Student Life section will report a student on a UKVI Student Route to the Home Office and their UKVI Student Route visa shall be cancelled. At the point the University has reported the student to the Home Office, they are no longer sponsored by the University of Portsmouth on a UKVI Student Route Visa.

23. Students on Placement

- 23.1. Where UKVI Student Route holders 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 the course. Faculty Managers and Faculty Research Degree Coordinators have responsibility for liaising with University placement co-ordinators to ensure host employers or universities monitor UKVI Student Route 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. 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 as detailed on their [Biometric residence permit \(BRP\)](#) during term time and full-time during non-term time. Non-term time is as outlined by the programme study pattern and differs for UG, PGT and PGR students. A week is defined by the Home Office as a period of 7 days beginning with a Monday, this also includes paid, unpaid and voluntary work.
- 24.4. Any time spent working can be in addition to any time spent on a permitted work placement.
- 24.5. UKVI Student Route holders can do many kinds of work, but they must not:
- 24.5.1. be self-employed
 - 24.5.2. engage in business activity
 - 24.5.3. take a permanent full-time job
 - 24.5.4. be employed as a professional sportsperson including as a sport coach
 - 24.5.5. be employed as an entertainer, which includes actors, musicians, dancers and other performers
 - 24.5.6. work as a doctor or dentist in training, unless the student is on a foundation programme.

Additional information can be found on the types of roles that you can or cannot undertake via the UKCISA website: [What kind of work can you do?](#)

- 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 and if all exams and assessments have been completed. For more information on a student's working restrictions which differs for UG, PGT and PGR students, see UoP Global's [Working during your Studies](#). For undergraduate and Masters students, course completion means after the course end date, as stated on the CAS, as long as the student has completed all required assessment by this date. 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 Postgraduate Research students course completion means receiving the official notification of unconditional approval of degree.

A full time postgraduate research student may undertake part-time work but must not exceed 20 hours in a normal week (or the restricted hours quoted in the individual's visa). There is an option to take annual leave for a maximum of eight weeks in one year, which equates to six weeks plus bank holidays and University of Portsmouth Christmas closure and once authorised and recorded on the student records system, to be able to undertake full-time work. For additional information on the process for applying for annual leave, please see PGR Handbook.

24.7. The University's Human Resources (HR) 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 HR department delivers 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 UKVI Student Route holders on campus.

24.8. The Department of Careers and Employability supports HR with the monitoring of UKVI Student Route holders working at the University and monitors the weekly recording of the planned hours of work by line managers of their UKVI Student Route holder's employees.

24.8.1. Voluntary Work

24.8.1.1. 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:

24.8.1.1.1. 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;

24.8.1.1.2. 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;

24.8.1.1.3. 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);

24.8.1.1.4. 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.

24.8.1.2. At the point of registration Non-UK, excluding the Republic of Ireland, student's right to work (RTW) shall be recorded on the University's Student Management System. The Careers and Employability Service will review whether a student is Non-UK, excluding the Republic of Ireland, and may have working restrictions as part of a UKVI Student Route visa. The department, when processing and sending applications onto a third party, will notify the organisation to conduct a Right To Work Check if they class their roles as voluntary work. It is also suggested that they verify there is adequate time left on the visa to complete the volunteering position.

24.8.1.3. Staff in the Department of Careers and Employability will gain permission from students to share that they are UKVI Student Route holders with third sector partners, to assist in preventing any breaches.

24.8.2. 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. The University will support UKVI Student Route holders who have 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.

25.2. 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. The University offers this scheme via DSAA under the UKVI Student Route 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.

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

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

26.4. 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.

- 26.5. Throughout the period of leave to remain under DES the student will be sponsored under the University's UKVI Student Route. 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.
- 26.6. 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. UK Start Up Visa

- 27.1. The Start Up visa is for Non-UK, excluding the Republic of Ireland, graduates who have a viable, innovative and scalable business idea that they want to put into practice in the UK. Under the University's UKVI Student Route the University endorses this scheme.
- 27.2. The Department of Careers and Employability manages and has responsibility for the scheme, with DSAA ASQP UKVI Student 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 UK Start Up visa process continues to meet its UKVI Student Route duties to ensure the safeguarding of the University's UKVI Student Route sponsor licence.