

Student Sponsorship and the issuing of Confirmation of Acceptance for Studies (CAS) Policy 2020-21

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This Procedure is available in accessible formats on request from the International Advice team. Please contact: international.advice@lsbu.ac.uk

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The Tier 4 route has been replaced with the Student route as of 9am on 5 October 2020. All references to Visa Sponsored Students in this document are to be read as including students with leave under Tier 4 (General).

1. Introduction

- 1.1. London South Bank University (“LSBU”) holds a Student Sponsor licence. The licence allows LSBU to sponsor certain students to enable them to apply for a visa under Student category of the points-based system.
- 1.2. LSBU takes its status as a Student sponsor very seriously. As a sponsor licence holder, LSBU must demonstrate the highest level of compliance with sponsor duties which can be found in the Student Sponsor Guidance: <https://www.gov.uk/government/publications/student-sponsor-guidance>

2. Scope – who is covered by this procedure?

This policy applies to students who are currently sponsored by LSBU under the Student category and to those prospective or existing LSBU students who require a Confirmation of Acceptance for Studies to enable them to make an application for a Student visa (together referred to as “students”). This procedure needs to be read in conjunction with LSBU’s Admission and Enrolment procedure.

http://www.lsbu.ac.uk/_data/assets/pdf_file/0008/84356/admissions-enrolment-procedure.pdf

3. Who is responsible for this procedure?

- 3.1. The Chief Customer Officer has overall responsibility for this policy but has delegated the day-to-day oversight of the CAS allocation process to the Immigration Compliance Manager.
- 3.2. This policy will be reviewed on a regular basis by the Immigration Compliance Manager in consultation with the University Solicitor to ensure it remains compliant with the Student Sponsor Guidance and Immigration Rules which are subject to change by the Home Office. The current version of this policy supersedes any previous versions.

4. Confirmation of Acceptance for Studies

4.1. A Confirmation of Acceptance for Studies (“CAS”) is required if a student needs to apply for permission to stay or permission to enter as a sponsored student. Please note the following important points:

4.1.1. The issuing of a CAS is at the discretion of LSBU.

4.1.2. Each request for a CAS is considered carefully by LSBU International Office in line with the immigration rules and guidelines set out by the Home Office in the following documentation. It is important that students who require sponsorship or who are already currently sponsored read and understand this information:

- UKVI Student Visa Guidance:
<https://www.gov.uk/student-visa>
- Immigration Rules:
www.gov.uk/government/collections/immigration-rules

4.1.3. LSBU is obliged to comply with the above rules, and with the Student Sponsor Guidance (link below) in respect of how the sponsorship process is administered and only assign a CAS to unconditional offer holders that LSBU reasonably believes will go on to meet the requirements of the Student category under which the CAS is assigned (as set out in Document 2 of the current Student Sponsor Guidance (Sponsorship Duties)):

<https://www.gov.uk/government/publications/student-sponsor-guidance>

4.2. LSBU has taken the careful decision that it will **not** normally issue a CAS where:

4.2.1. LSBU reasonably believes the student will be unable to meet the requirements of the Student route including the validity requirements;

4.2.2. LSBU reasonably believes the student will be unable to obtain the relevant visa in time for the start date of the course;

4.2.3. a student has no valid permission to stay in the UK, e.g. is an overstayer;

4.2.4. LSBU believes sponsoring a student will put its sponsor licence at risk or has concerns about the student’s intention to study and genuineness;

4.2.5. a student has a pending immigration application, administrative review or appeal;

4.2.6. the course does not comply with Sponsored Student requirements e.g. where more than 50% of modules are exempted, or if a student is not expected to attend for a period

of 60 days or more; (please note, LSBU cannot normally offer part-time courses to Sponsored students);

- 4.2.7. Academic progression requirements are not exempted or cannot be justified. Where a student is applying for a course at the same academic level, we will ask the student to justify (either in writing or through an interview) why it represents academic progress;
 - 4.2.8. a student is unable to provide evidence showing sufficient funds to cover living costs and tuitions fees, which meet Home Office requirements;
 - 4.2.9. a course requires an Academic Technology Approval Scheme certificate and the student has not yet received one;
 - 4.2.10. a student has exceeded or will exceed the amount of time permitted on a student visa by the end of their course;
 - 4.2.11. a student requires a CAS to undertake a re-sit/re-take a module; and:
 - a) their previous academic engagement is not satisfactory; or
 - b) this will be their third re-sit attempt unless there are exceptional circumstances to justify sponsoring the student for a third re-sit attempt;
 - 4.2.12. a student cannot provide evidence to support his/her application for a CAS number;
 - 4.2.13. a student has submitted documents which are proven or suspected to be fraudulent; or
 - 4.2.14. in the event of a previous immigration refusal of permission to stay or entry clearance refusal
- 4.3. Once a CAS number has been issued to a student LSBU will monitor him/her in line with the relevant Home Office regulations.

5. Exceptions

- 5.1. Notwithstanding 4.2.1, LSBU will consider issuing a CAS if the following exceptional reasons apply:

- 5.1.1 Serious illness which meant the student was unable to submit an application for further permission to stay in time (where supported by the appropriate medical documentation); or
 - 5.1.2 Unavoidable circumstances beyond the student's control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by appropriate evidence).
- 5.2. In the event of immigration refusal of permission to stay, LSBU has taken the decision that it will not issue CAS to students who:
- 5.3.1 have been refused on the grounds of genuineness. In such cases, students may submit an Administrative Review ('AR') to the UKVI but the student cannot be enrolled whilst the AR is being considered. Therefore, pending the outcome (of an overturning of the refusal decision), prospective students may be permitted to defer to the next intake of their course and current students may be temporarily suspended or interrupted; or
 - 5.3.2 have no valid permission to remain in the UK (as per 4.2). However, LSBU may at its discretion consider issuing a CAS to a student in the following circumstances:
 - a) where the previous application was made in time and the student is able to apply and obtain Student permission to stay within the temporary suspension period (14 days as specified by the Home office) and subject to approval by the School); or
 - b) where the student leaves the UK, provides evidence of this and shows that they meet the requirements for entry clearance under the Student category; and:
 - i. where the student is not enrolled at LSBU; or
 - ii. arrangements can be made to temporarily suspend the student.

6. Withdrawal of sponsorship

- 6.1. LSBU reserves the right to withdraw its sponsorship of a Student where the student is:
- 6.1.1. in breach of the Immigration Rules;
 - 6.1.2. found guilty of a misconduct under LSBU disciplinary procedure; and/or

- 6.1.3. convicted of a criminal offence.
- 6.2. LSBU has a legal obligation to withdraw sponsorship and inform the Home Office in the following situations:
 - 6.2.1 a student withdraws from their course before they travel to the UK;
 - 6.2.2 a student does not enrol within the enrolment period;
 - 6.2.3 a student stops academically engaging. Please see our 'Visa Sponsored Students Academic Engagement Monitoring Policy and Procedure' for further details: <http://www.lsbu.ac.uk/about-us/policiesregulations-procedures>;
 - 6.2.4 a student is not expected to attend LSBU for a period of 60 days or more (excluding recognised vacation periods)¹; in very exceptional circumstances (e.g. serious illness or injury that prevents a student from travelling), LSBU may decide to continue sponsoring a student for longer than 60 days if the student intends and is able to resume their studies and provided that:
 - a) acceptable evidence can be provided; and
 - b) the student can still complete their course within their existing period of leave when they resume their studies (subject to the approval of the School);
 - 6.2.5 a student is deemed to be withdrawn from their course of study or where a student withdraws from their course of study;
 - 6.2.6 a student interrupts their course of study;

¹ Temporary UKVI Covid-19 Concessions

The UKVI has issued guidance to accommodate the exceptional Covid-19 circumstances. In relation to academic engagement, the guidance states the following:

"2.12 Sponsors do not need to withdraw sponsorship for new students who have been issued permission under the Student or Child Student routes but are undertaking distance learning because they have been unable to travel to the UK, or are in the UK but have not yet been able to attend their studies in person due to Covid-19. If a student stops engaging with their distance learning for more than 30 consecutive days, whether overseas or in the UK, their sponsor must withdraw sponsorship."

The University remains responsible for the whereabouts of their students. If a student decides to leave the UK during their studies, they need to follow these steps:

1. Contact the Academic Engagement Monitoring Team, attendancemonitoring-tier4@lsbu.ac.uk, and include the following information: LSBU ID number, travel details (exit date, return, date, flight details), copy of travel booking and/or boarding pass.
2. On their return to the UK, students need to provide evidence that they have entered the UK by providing boarding pass copy and/or passport stamp.

- 6.2.7 a student moves into another immigration category;
 - 6.2.8 LSBU learns that the student is breaking the conditions of their permission to stay in the UK (this includes working conditions);
 - 6.2.9 a student completes the course earlier than the end date given on the CAS; or
 - 6.2.10 a student is unable to pass a module after two re-sit attempts and there are no exceptional reasons to justify a further attempt (“exceptional” is different to extenuating circumstances and will be decided by LSBU. Where a student has a resit opportunity but does not resubmit their assessments or resit their exams, a non-submission will be recorded and this will be considered an attempt.) In these cases, the student will be excluded from the University and will be notified in writing, including the process for requesting a Review of this decision.
- 6.3. LSBU reserves the right to withdraw a CAS or sponsorship if at any point during the visa process we become aware that a student does not meet the requirements (as set out in points 4.2.1 to 4.2.13 above) and we have already issued a CAS. The student will be notified that the CAS has been withdrawn and advised to withdraw their application if it has not yet been considered.
- 6.4. Once LSBU has withdrawn sponsorship as a result of any of the above, LSBU will inform the student via email to their personal and LSBU email accounts and by post where appropriate.
- 6.5. The visa (where issued) is then subject to curtailment by the Home Office. The Home Office will correspond directly with the student about this.
- 6.6. Withdrawal of a student’s sponsorship will usually result in the withdrawal of:
- a) any offer to study at LSBU which has been made to the student, or
 - b) the student’s enrolment at LSBU.

7. Length of sponsorship

LSBU will issue a CAS for the duration of a student’s course. The course end date given on the CAS, as set by the course validation in conjunction with Registry, is the date by which the student has completed all academic elements of the course, including teaching sessions, examinations, assessments and writing and submitting dissertations/projects/theses. The course end date for PhD programmes will be 4 years from the student’s course start date.

8. Requesting a Review of the decision not to issue a CAS

- 8.1. If a student is dissatisfied with any decision not to issue a CAS then they may request a Review. Requests must be made in writing to the Director of Student Recruitment at tier4compliance@lsbu.ac.uk with 'CAS Decision Review' in the subject line within 14 days of receiving the decision. On receipt of the request for Review, LSBU will respond within 10 working days.
- 8.2. Students in the UK are reminded that it is their responsibility to ensure they do not stay in the UK beyond the expiry date of their visa.

9. Requesting a Review of the decision to withdraw sponsorship

- 9.1. If a student is dissatisfied with any decision to withdraw sponsorship, they may submit a request for Review of the decision. Requests must be made in writing to the Director of Student Recruitment at tier4compliance@lsbu.ac.uk with 'Withdrawal of Sponsorship Review' in the subject line within 14 days of receiving the decision. On receipt of the request for Review, LSBU will respond within 10 working days.
- 9.2. The Review process does not halt the Home Office visa curtailment process. It is the student's responsibility to ensure they do not stay in the UK beyond the expiry date.

10. Student responsibilities

- 10.1. A CAS will be sent to the student electronically via email. It is the student's responsibility to check all the information given in the CAS before a visa application is made. Any amendments should be emailed to cas@lsbu.ac.uk and we will aim to make the amendments within two working days.
- 10.2. Issuing a CAS does not guarantee that a visa application will be successful and it is the student's responsibility to check that all Home Office requirements are met. LSBU is not responsible for any decision made by the Home Office/UK Visas & Immigration.
- 10.3. Once a CAS number has been issued it is the sponsored student's responsibility to maintain his/her immigration status while studying at LSBU and inform LSBU of any changes to his/ her immigration status including if their application is rejected as invalid.