



**London
South Bank**
University

EST 1892

Tier 4 Sponsorship and the issuing of Confirmation of Acceptance for Studies (CAS) Policy 2018/19

1. Introduction

- 1.1 London South Bank University (“LSBU”) holds a Tier 4 licence. The licence allows LSBU to sponsor certain students to enable them to apply for a visa under Tier 4 General of the points-based system.
- 1.2 LSBU takes its status as a Tier 4 sponsor very seriously. As a Tier 4 licence holder, LSBU must demonstrate the highest level of compliance with sponsor duties which can be found in the Tier 4 Sponsor Guidance: <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>

2. Scope

This policy applies to students who are currently sponsored by LSBU under Tier 4 General 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 Tier 4 General visa (together referred to as “students”).

3. Responsibilities

The Pro-Vice Chancellor (Research and External Engagement) has overall responsibility for this policy. Responsibility has been delegated to the Director of Internationalisation and Immigration and International Student Advice Manager who have day-to-day oversight of the CAS allocation process.

4. Confirmation of Acceptance for Studies

- 4.1 A Confirmation of Acceptance for Studies (“CAS”) is required if a student needs to apply for leave to remain or leave to enter as a Tier 4 General student. Please note the following important points:
 - 4.1.1 The issuing of a CAS number is at the discretion of LSBU.
 - 4.1.2 Each request for a CAS number 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:
 - Tier 4 Policy Guidance: <https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student>
 - Tier 4 Sponsor Guidance: <https://www.gov.uk/government/publications/sponsor-a-tier-4-student-guidance-for-educators>
 - Immigration Rules: www.gov.uk/government/collections/immigration-rules
 - 4.1.3 LSBU is obliged to comply with the above guidance in respect of how the sponsorship process is administered and only assign a CAS to a student that LSBU reasonably believes will go on to meet the requirements of the Tier 4 category under which the CAS is assigned (as per paragraph 5.6(a) of Document 2 of the current Tier 4 Sponsor Guidance (Sponsorship Duties)).

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

- 4.2.1 LSBU reasonably believes the student will be unable to meet the requirements of the Tier 4 category;
- 4.2.2 a student has no valid leave to remain in the UK, e.g. is an overstayer;
- 4.2.3 LSBU believes sponsoring a student will put its sponsor licence at risk or has concerns about the student's intention to study and genuineness;
- 4.2.4 a student has a pending immigration application or appeal;
- 4.2.5 course does not comply with Tier 4 requirements e.g. it is part-time, 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;
- 4.2.6 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;
- 4.2.7 a student is unable to provide evidence showing sufficient funds to cover living costs and tuitions fees, which meet Home Office requirements;
- 4.2.8 a course requires an Academic Technology Approval Scheme certificate and the student has not yet received one;
- 4.2.9 a student has exceeded or will exceed the amount of time permitted on a student visa by the end of their course;
- 4.2.10 a student cannot provide evidence to support his/her application for a CAS number; or
- 4.2.11 a student has submitted documents which are proven or suspected to be fraudulent.

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:

- a) Serious illness which meant the student was unable to submit an application for further leave to remain in time (where supported by the appropriate medical documentation); or
- b) Unavoidable circumstances beyond the student's control, such as travel or postal delays, 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 Notwithstanding 4.2.3, LSBU will consider issuing a CAS where the student has provided evidence of the type of application made, the grounds for the application, evidence that it was made in-time and written consent for LSBU to obtain confirmation from the Home

Office that this application has been made and/or is still pending.

5.3 In the event of an immigration refusal, LSBU has taken the decision that it will not issue CAS to students who have no valid leave to remain in the UK (as per 4.2.1). However, if an application under Tier 4 General is refused, LSBU will consider issuing a CAS to a student in the following circumstances:

- a) where the student leaves the UK, provides evidence of this and shows that they meet the requirements for entry clearance under Tier 4 General
- b) where the student is not enrolled at LSBU; or
- c) arrangements can be made to temporarily suspend a student.

6. Withdrawal of sponsorship

6.1 LSBU reserves the right to withdraw its sponsorship of a Tier 4 General 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 (or re-enrolment) period;
- 6.2.3 a student misses two weeks of classes without authorised absence. Please see our 'Sickness and Absence Policy for Undergraduate and Postgraduate Tier 4 Students' for further details; <http://www.lsbu.ac.uk/about-us/policies-regulations-procedures>;
- 6.2.4 a student is not expected to attend LSBU for a period of 60 days or more;
- 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;
- 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 your working conditions – for more information about this, please see My LSBU: <https://my.lsbu.ac.uk/my/applicant/Student-Life-Centre/International-Students/Working-in-the-UK>;
- 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 appealing 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 4.2.9 above) and we have already issued a CAS.
- 6.4 Once LSBU has withdrawn sponsorship as a result of any of the above, LSBU will inform the student via email and by post (to the student's permanent address).
- 6.5 The visa 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 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. Appealing decision not to issue a CAS/ withdrawal of sponsorship

If a student is dissatisfied with any decision not to issue a CAS then there is a right of appeal. Any appeal against a decision needs to be made in writing to the Director of Internationalisation at international.appeal@lsbu.ac.uk with 'CAS Appeal' in the subject line within 14 days of receiving the decision. On receipt of the appeal LSBU will respond within 30 days.

9. Student responsibilities

- 9.1 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.
- 9.2 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.
- 9.3 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.

10. Policy Review

This policy will be reviewed on a regular basis to ensure it remains compliant with the Tier 4 Sponsor Guidance and Immigration Rules which are subject to change by the Home Office. The current version of this policy supersedes any previous versions.