



LSBU students – Right to Study Checks

Who needs a right to study check?

- Anyone who wants to commence the enrolment process in order to study a course and/or attend classes/lectures at London South Bank University (LSBU)
- Anyone who is currently enrolled as a student in order to study a course and/or attend classes/lectures at LSBU

What is the ‘right to study’?

- The ‘right to study’ means you have permission to remain in the UK and this permission does not restrict you from study at LSBU.
- ‘Permission’ could be a visa or endorsement, or you may be entitled to remain in the UK because you are the family member of someone who has permission to remain in the UK.

Why do we need to do checks?

LSBU holds a Tier 4 Sponsor Licence as part of our status as a Tier 4 sponsor. We are required by the Home Office to take steps to ensure that every student studying at the institution has permission to study in the UK throughout the whole period of their study. Failure to do so is a breach of our duties as a Tier 4 Sponsor and can result in compliance action against us or the revocation of our licence.

What you must do:

Please ensure that you refer to Appendix A and B below which give examples of visas and immigration status.

If you are a prospective student/applicant/offer holder

It is important that you understand if you have the right to study prior to commencing enrolment as a student at LSBU. This is because the ‘right to study’ check is conducted when you enrol as a student at LSBU. We may not be permitted to commence the enrolment process with you and you may be unable to start your course if you are unable to show evidence of this right to study when you attend enrolment as a student. If your immigration status is due to expire shortly after your course commences, or if you have a pending application which may mean we cannot determine if you have the right to study, you may wish to consider deferring your studies until your immigration status has been extended or granted.

Please note, you will also be required to separately have a student status assessment to determine whether you are Home/EU/Overseas for fees/funding purposes, and you may be required to provide other documentation to verify that assessment.

If you are currently enrolled as a student of LSBU

It is important that you maintain your immigration status throughout your studies at LSBU. You must take action to maintain your immigration status where your permission to stay is due to expire, or



**London
South Bank
University**

EST 1892

where your circumstances change which affects your immigration status. LSBU must ensure that every student who is enrolled at LSBU has the right to study so we will take action to suspend or exclude students if it transpires that you no longer have the right to study. It is your responsibility to make sure that you take the appropriate action to maintain your immigration status prior to the expiry of your stay.

Guidance review

This guidance 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.

Updated:
29/08/2018

Appendix A: Right to study categories

Below are some examples of common visas and immigration status and whether LSBU will be able to commence your enrolment on the basis of this visa or immigration status. It also indicates the documents you will need to submit in order for us to enrol you. Please note, this is not an exhaustive list – you are strongly advised to contact the Immigration Advice team before you try to enrol if you think that you do not fit into any of the categories given: international.advice@lsbu.ac.uk

Nationality	Study restrictions	Documentation required
British citizen	There is no restriction on study	Passport
EU/EEA national		EU/EEA national identity card
EU/EEA identity card holder		Birth certificate and additional documentation as per: https://www.gov.uk/check-british-citizen (only for British citizens who do not hold a passport)
Non-EU/EEA national	This will depend on the type of immigration status you hold.	See below for immigration categories applicable to you

Immigration category	Study restrictions	Documentation required
Tier 4 General – sponsored by LSBU (1F2MGYXUX)	There is no restriction on study as long as it is for study at LSBU for the course for which the CAS was issued. Supplementary study may also be permitted.	Valid Biometric Residence Permit (BRP) with Sponsor Licence Number 1F2MGYXUX, issued for the duration of the course you are currently studying or enrolling onto, or
		Letter from UKVI which confirms your application for a UK visa has been successful and that your BRP will be available for collection - we will enrol you on the understanding that you will be expected to bring in your BRP to us once it has been collected, or
		Valid Biometric Residence Permit (BRP) with Sponsor Licence Number 1F2MGYXUX, issued for your previous course. We will enrol you but you must make a new visa application using a CAS issued for your new course within 6 weeks of enrolment, or
		Proof of a new application submitted using a CAS issued by LSBU – you will need to show evidence that the application was made before your previous visa expired. This should be: <ul style="list-style-type: none"> - A copy of the Document Checklist, and - A Post Office receipt confirming date of posting supporting documents
Tier 4 General – sponsored by a teaching partner (1F2MGYXUX, KYNQ4XR55, VF0319KH8 or V65RP4Y62)	This should relate to your study at LSBU as per the partnership agreement. Supplementary study may also be permitted.	Valid Biometric Residence Permit (BRP) with Sponsor Licence Number KYNQ4XR55 or V65RP4Y62, issued for the course you are currently studying or enrolling onto

Short-term study visa	There is no restriction on study for courses of 6 months or less	Valid vignette, or
		Valid stamp which states 'short-term student'

Tier 1 (General) Category – closed for new applications	There is no restriction on study but you are expected to study only part-time. We will be unable to keep you enrolled at LSBU if you cannot show your right to study in the UK.	Valid Biometric Residence Permit (BRP), or
Tier 1 (Exceptional Talent)*		Valid vignette, or
Tier 1 (Entrepreneur)*		Pending applications: we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.
Tier 1 (Graduate Entrepreneur)*		
Tier 2 (General)*		
Tier 2 (Intra Company Transfer)*		
Tier 5 (Temporary Workers)*		

Tier 1 (Post-Study Work) – closed for new applications	There is no restriction on study but you will be responsible for ensuring you can extend your leave to remain if it expires before your course ends. We will be unable to keep you enrolled at LSBU if you cannot show your right to study in the UK.	Valid Biometric Residence Permit (BRP), or
Tier 1 (Investor)*		Valid vignette, or
Tier 5 (Youth Mobility Scheme)*		Pending applications: we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.
Ancestry visa*		

Points Based System Dependants (Tiers 1 and 2)*	There is no restriction on study. We will be unable to keep you enrolled at LSBU if you cannot show your right to study in the UK.	Valid Biometric Residence Permit (BRP), or
Points Based System Dependants (Tier 4)*		Pending applications: we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.

*It is necessary to obtain an ATAS certificate to study certain disciplines listed at paragraph 1 or 2 of Appendix 6 of the Rules before a person can study in these categories.

Spouse/Civil Partners/Unmarried Partner of EEA/EU National	No restrictions on study	Valid Family permit / Residence card, or
		Pending applications: Certificate of Application issued within last 6 months can be accepted in certain circumstances. We will need to contact you regularly to find out the progress of this application

Spouse/Civil Partner/Unmarried Partner of a British citizen or a settled person	No restrictions on study	Biometric Residence Permit, or
		Pending applications: we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.

Indefinite Leave to Remain or Permanent Residence	No restrictions on study. Status may be lost where you have been out of the UK for a continuous period of two years or more since the ILR was granted	Valid Biometrics Residence Permit (BRP), or
		Vignette, or
		Stamp in valid passport, or
		Letter confirming ILR has been granted

Asylum/Refugees/Discretionary leave/Humanitarian protection	There are no restrictions on study for this category.	Valid Biometrics Residence Permit (BRP), or
		Valid vignette, or
		Valid Immigration Status Document, or
		Letter confirming you have been granted leave to remain
		Please note , a travel document alone is insufficient evidence to demonstrate your right to study. It must be accompanied by one of the above.

Asylum seekers	Study is usually not permitted unless you hold an Application registration Card or you have been given permission to work and study on your Immigration Bail Notice.	Application Registration Card (ARC)
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Pending applications

If you have an application pending for any of the above immigration categories, we reserve the right to contact the Home Office for confirmation of your right to study before allowing you to commence enrolment. We will ask you to sign a form which grants us permission for the Home Office to share information about yourself and your immigration history/status. Please note, such requests can take up to five working days for the Home Office to process.


Pending appeals

If you have an outstanding appeal against a Home Office decision to refuse an application for any of the above immigration categories, LSBU will contact the Home Office for confirmation of your right to study before allowing you to commence enrolment. We will ask you to sign a form which grants us permission for the Home Office to share information about yourself and your immigration history/status. Please note, such requests can take up to five working days for the Home Office to process.

Change in circumstances

If there is a change in your circumstances so that you no longer meet the conditions under which you were granted your visa or you no longer satisfy the provisions of the EEA Regulations, you may lose the right to study even though you have a valid residence card or other proof of immigration status, e.g. your permission to stay is on the basis of your relationship and your relationship breaks down permanently.

3) Letter from Home Office



Home Office

Immigration and Nationality Directorate
Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Telephone 0870 606 7766 Fax

<p>FORENAMES SURNAME</p> <p>Date of Birth: DATE</p> <p>Nationality: NATIONALITY</p>	<p>Our Ref Our Ref</p> <p>Your Ref Your Ref</p> <p>Case ID CID Case ID</p> <p>Date Date</p>
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Dear Salutation

GRANT OF HUMANITARIAN PROTECTION

You have/Your claim has been reviewed and you have been granted limited leave to enter/remain in the United Kingdom for a reason not covered by the Immigration Rules.

THIS LETTER IN ITSELF CONFERS NO LEAVE TO ENTER OR REMAIN IN THE UNITED KINGDOM AND DOES NOT CONSTITUTE PROOF OF YOUR STATUS.

Please find enclosed your Immigration Status Document/Passport. This has been endorsed with your leave to enter/remain in the United Kingdom. The date this leave to enter or remain expires is shown on the endorsement. It is this endorsement that constitutes proof of your immigration status in the United Kingdom.

You have been granted this leave in accordance with the published Home Office Asylum Policy Instruction on Humanitarian Protection.

4) Stamps



7) Certificate of Application

	UK Visas and Immigration Permanent Migration PO Box 306 Liverpool L2 0QN Tel 0870 606 7766 Fax 0151 213 2909 Email Web www.gov.uk/ukvisasimmigration
Address	Our Ref Case ID Your Ref Your Ref Date 04 June 2014

Dear Sir/Madam,

Re:

CERTIFICATE OF APPLICATION

Thank you for your application for a Residence Card/Permanent Residence Card/Derivative Residence Card. We will make a decision on the application as soon as we can and, in any event, within the next 6 months.

Please do not telephone or make enquiries about the progress of the application before you hear from us unless a passport or other document is needed urgently, as this diverts resources from making decisions.

We advise you not to make any non-urgent travel plans until we have decided your application and returned your passport(s) or travel document(s).

You are permitted to accept offers of employment in the United Kingdom, or to continue in employment in the United Kingdom, whilst your application is under consideration and until either you are issued with residence documentation or, if your application is refused, until your appeal rights are exhausted.

An employer may ask to see this document as evidence of eligibility to work, so you should keep it in a safe place until the application has been decided as it may not be replaced.

Note for employers

This document may form part of a statutory defence against liability to pay a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 for employing an illegal migrant worker. However, it should only be accepted for this purpose if presented within 6 months of the date of issue and provided you can demonstrate that the document has been verified by the Home Office Employer Checking Service.

The holder must present the original document. You should request verification of the document by downloading the Employer Checking Service form from the Home Office website and e-mailing it to Employerchecking@ukba.gsi.gov.uk and retain a copy of it in your records. Further information about the Employer Checking Service and the responsibilities of employers can be found at <https://www.gov.uk/government/organisations/home-office>.

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8) Tier 4 'Document Checklist'

	UK Visas & Immigration
Document Checklist	
Payment notification number: 2PAA001143352	
Payment amount: £439.00	
Immigration health surcharge reference number : IHS003439948	
Email: [redacted]@gmail.com	
Submitted date: 10 February 2016 21:16 +00:00 (+00:00)	
Applicant	
Product name/service: Tier 4 (General) student	
Applicant's full name: Miss [redacted]	
Date of birth: 9 December 1987	
Nationality: Albania	
Documents	
All documents must be originals.	
You have agreed to include the following documents in your application. Please tick the box beside each document to confirm that you are enclosing it:	
Mandatory documents	