

POLICY / PROCEDURE TITLE		DATE OF APPROVAL
UKVI Compliance Policy		April 2024
APPROVED BY	VERSION NO.	VALID UNTIL
HE Governance Committee	3	April 2027

OWNER	International Compliance Officer		
GROUP EXECUTIVE LEAD	Deputy Principal, Executive Lead HE		
DOCUMENT TYPE	Policy <input checked="" type="checkbox"/>	Group Procedure <input type="checkbox"/>	Local Procedure <input type="checkbox"/>
PURPOSE	The purpose of the NCG Group Policy is to provide further information in relation to Student sponsorship within NCG.		
APPLICABLE TO	All NCG employees, as well as consultants, vendors, agency workers, contractors, service users, trainees/students, volunteers and/or any other parties who have a business relationship with NCG.		
EQUALITY ANALYSIS COMPLETED [POLICIES ONLY]	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	(If EA not applicable, please explain)		
KEY THINGS TO KNOW ABOUT THIS POLICY	<ol style="list-style-type: none"> 1. All applicants from outside of the UK / EU / EEA who intend to apply for a StudentRoute Visa to study at an NCG College are required to pass a rigorous admissions process which includes an admissions interview. 2. All applicants from outside of the UK / EU / EEA who intend to apply for a Student Route Visa to study at an NCG College are required to pass a rigorous admissions process which includes an admissions interview. 3. The minimum level of study which a Student is permitted to apply for is RQF Level 3 with courses offered to Students between RQF Level 3 – RQF Level 7. 		
EXPECTED OUTCOME	Readers are expected to understand the organisational position on UKVI compliance, know their responsibilities in relation to the policy and comply with the terms of the policy.		

MISCELLANEOUS	
LINKED DOCUMENTS	<ul style="list-style-type: none">• English Language Proficiency Policy• International Attendance Policy / Procedure• International Fees and Refunds Policy
KEYWORDS	<ul style="list-style-type: none">• UKVI• Compliance• VISA• Sponsorship• International

Equality Impact Assessment

EQUALITY IMPACT ASSESSMENT			
	Yes	No	Explanatory Note if required
EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The answer to this must be YES
EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Disability / Difficulty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Marriage and Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Religion or Belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA3 - Does the proposed policy/processes contain any language/terms/references/ phrasing that could cause offence to any specific groups of people or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA4 - Does the policy/process discriminate or victimise any groups or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this must be NO
EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The answer to this could be yes or no as positive action is lawful. However, an explanation must be provided for clarity.
EIA 6 - How do you know that the above is correct?	The policy author has consulted with peers and appropriate groups of people in the Group and through the Policy Review Council.		

1. GENERAL POLICY STATEMENT

This document defines the admissions process in accordance with each College's Admissions Policy. Its purpose is to inform employees of NCG of the rules and procedures relating to UKVI compliance.

2. ADMISSIONS

All applicants from outside of the UK / EU / EEA who intend to apply for a Student Route Visa to study at an NCG College are required to pass a rigorous admissions process which includes an admissions interview. This will be done via Microsoft Teams. At present, only Newcastle College is listed within the UKVI Student licence and as such this is the only NCG college which can recruit students from overseas.

The minimum level of study which a Student is permitted to apply for is RQF Level 3 with courses offered to Students between RQF Level 3 – RQF Level 7.

NCG is a Higher Education Provider (HEP) and is permitted to deliver pre-sessional EFL courses to those sponsored under the Student Route, either as a separate course, or attached to an undergraduate or post-graduate degree course. To facilitate this a joint CAS for pre-sessional and main courses may be issued.

NCG currently has the following UKVI authorised study locations:

Newcastle College Rye Hill Campus NE4 7SA	Newcastle College Aviation Academy Newcastle International Airport NE13 8BT	Newcastle College Riverside Dene Cruddas Park Shopping Centre NE4 7QY	Newcastle College Rail & Civil Engineering Academy, Felling, Gateshead, NE10 0JP
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Applicants requiring Student sponsorship must demonstrate English language competence to the required CEFR level in accordance with UKVI requirements. NCG is permitted, as an HEP, to carry out its own assessment of an applicant's English language proficiency for courses at RQF Level 6 and above. For courses at RQF Levels 3 – 5, English language proficiency must be demonstrated via a SELT (Secure

English Language Test – e.g. UKVI IELTS). Alternative certification and non-SELT English tests may be accepted to demonstrate English language proficiency for courses at RQF Level 6 and above. Please see the NCG English Language Policy (UKVI Student Sponsorship) for further details. [ncg-english-language-policy-ukvi-student-sponsorship.pdf \(ncgrp.co.uk\)](https://ncgrp.co.uk/ncg-english-language-policy-ukvi-student-sponsorship.pdf)

3. PRE CAS CHECKS

Applicants who intend to apply via the Student Route will have their visa application documents checked and verified as part of the admissions process. The process includes a UKVI immigration history check, a credibility questionnaire & interview and an assessment of the student's financial documents. This can be submitted in the form of personal bank statements, a bank letter, an educational loan, or their parent's financial documents. Failure to provide documents which meet the Student maintenance requirements as per the Immigration Rules will result in the application being rejected and a CAS will not be issued.

3.1. **Previous Visa Applications** – Applicants must declare any previous visa applications made for which a CAS was assigned by any UK institution and provide a copy of the Home Office decision even if this resulted in a refusal or rejection. A CAS statement for each of these applications must also be provided. Any applicant who has had a previous visa refusal must disclose and provide a full copy of their Home Office visa refusal decision letter. NCG reserves the right not to assign a CAS to any applicant / student who has had a previous visa refusal.

3.2. **Previous Students** – Applicants must declare any previous studies undertaken in the UK.

3.3. **Eligibility / UK Immigration History Checks** – NCG reserves the right to carry out eligibility / UK immigration history checks with UKVI via its Account Management Portal (AMP) If an applicant does not consent to disclosure of this information the application will be rejected.

Before a CAS is issued, the CAS approval form is drafted by the International Admissions team and submitted to the International Compliance Officer for review.

The ICO will review the CAS approval form alongside the student's supporting documents – academic evidence, English language ability, work history and any relevant personal statements/questionnaires. In the event that the International Compliance Officer cannot reach a decision on whether to issue a CAS, the final decision will be made by NCG's UKVI Authorising Officer.

If it is discovered that a false statement has been made, false documents submitted or significant information omitted from an application, NCG reserves the right to withdraw or amend an offer.

NCG reserves the right to refuse to issue a CAS to an applicant if they fail to meet the conditions of their offer or if they fail to meet the criteria as set out in this policy.

CAS assignment does not guarantee success in securing a Student visa. NCG is not responsible for any decisions made by the Home Office and cannot accept liability for any sponsored student failing to obtain a visa and / or consequence, loss (whether financial or otherwise) of such failure; nor is NCG liable for the consequences of refusing to assign a CAS.

Receipt of an academic offer does not guarantee that a CAS will be assigned to an applicant. NCG will only assign a CAS to a prospective student if they meet all of the conditions of their offer, academic entry requirements, as well as the conditions of this policy.

NCG will not assign a CAS where:

- 3.4. The course of intended study will not comply with Student Route requirements (e.g. where a work placement constitutes more than 50% of the course duration).
- 3.5. The course is not considered to represent academic progression, where an exemption does not apply.
- 3.6. The applicant / student will not arrive in time for the course start date.
- 3.7. The applicant / student is not expected to successfully complete the course by the course end date.
- 3.8. The applicant / student is not expected to follow the course of study.

- 3.9 The applicant / student has submitted documents which are proven or suspected to be fraudulent.
- 3.10 Sponsoring a student will put its sponsor licence at risk.
- 3.11 NCG has concerns about the applicant / student's genuine intention to study.
- 3.12 There is any reason to believe that a student will not comply with the conditions of their Student leave.
- 3.13 Concerns about the applicant / student's ability to pay course fees exist.
- 3.14 NCG is under no legal obligation to assign a CAS and exercises caution so as not to risk its status as a Student sponsor. NCG will only assign a CAS where it is believed that the visa application will be successful and reserves the right to refuse to assign a CAS if there are reasonable grounds for suspecting otherwise.

4. STUDENT ROUTE VISA APPLICATION

A CAS can be used up to 6 months prior to the start date of a course.

Bank statements and related documents which are verified for use in a student's Student visa application must be submitted to UKVI as supporting documents.

For applicants whose nationality is listed on UKVI's Appendix H, different requirements apply, however documents must be available if requested by UKVI after the submission of the visa application.

If an applicant receives a visa refusal from UKVI, the NCG International Compliance Officer must be informed immediately. Applicants will then be advised on the next course of action which may include challenging the decision via the Administrative Review process.

Courses have a 3-week late acceptance period following the initial start date. Every effort must be made to avoid late enrolment as this must be reported to UKVI within 10 days of the latest start date. If students are delayed due to exceptional circumstances, they must ensure that the NCG Internal Compliance Officer is kept informed so that information can be communicated to UKVI.

Students who are already in the UK and wish to extend their visa, a CAS will only be issued once a visa application appointment is booked with the International Compliance Officer.

The form will be checked before the student pays for and submits the application.

5. TIER 4/STUDENT COMPLIANCE FOR COMPLIANCE FOR CURRENT STUDENTS

In order to enrol onto an NCG qualification students must bring the following original documents to be copied by local college Student Support teams.

- 5.1. Passport.
- 5.2. Entry Clearance visa (inside passport).
- 5.3. BRP visa (collected from nominated local Post Office).
- 5.4. Sharecode and evidence of UK entry (boarding pass or travel information) if the student has been issued with digital immigration status.
- 5.5. Certificates and transcripts used in visa application (please refer to “Documents Used” section of CAS).
- 5.6. Remaining course fees (where applicable).

Failure to provide the original documents listed above may result in delays to enrolment or refusal to enrol where original documentation cannot be provided.

6. ATTENDANCE

Tier 4 / Student Route students must achieve high levels of attendance and must have all absence authorised prior to the absence occurring. Please see the ‘International Attendance Policy’ for further information. [Item 9c NCG International Attendance P and P1 \(ncgrp.co.uk\)](#)

7. WORK RIGHTS

Tier 4 / Students under NCG sponsorship are permitted to work however this varies depending on the mode of student and whether term time or holiday periods.

Students sponsored for courses between RQF Level 3 and RQF Level 5 are permitted to work for 10 hours per week in term time and full-time in holiday periods and at the end of the course.

Students sponsored for courses at RQF Level 6 and above are permitted to work for 20 hours per week in term time and full-time in holiday periods and at the end of the course.

Any employment over and above the permitted work hours is a breach of the student's immigration conditions and can lead to compliance action being taken against the student including removal from the UK and future entry clearance bans.

Permitted working hours are stated as a condition on the BRP visa card.

8. DEPENDENTS

Tier 4 / Students have limited rights to bring and retain their Dependents with them in the UK while they study.

Tier 4 / Student route students who are sponsored by NCG are permitted to bring Dependents in the following circumstances;

- 8.1. They are Government sponsored students following a full-time course that is longer than six months, **or**,
- 8.2. They commenced a course at RQF 7 or above, lasting 9 months or more, with a course start date prior to 01/01/2024.
- 8.3. For courses with a start date on or after 01/01/2024, students sponsored via the UKVI licence can no longer bring dependants while studying at Newcastle College/NCG.

9. TRANSFERRING COURSE AT NEWCASTLE COLLEGE, NCG

A student with Tier 4 or Student leave wishing to transfer to a course different to that detailed in the current CAS statement must seek joint approval from the International Office and HE Registry.

The new course:

- 9.1. Must be at degree level (RQF Level 6) or above.
- 9.2. Must not be at a lower level than the current course.
- 9.3. Must be able to be completed within their current period of leave.

In addition, the new course must also:

- a) Be related to the previous course, i.e. be part of the same subject group, or involve deeper specialisation.
- b) Support the applicant's genuine career aspirations.

10. WORK PLACEMENTS

A work placement for those sponsored under the Student Route must be no more than 33 per cent of a student's overall course in the UK, or 50 percent if the course is at or above degree level [RQF Level 6] and all work placement will be reported to UKVI as per Student Sponsor requirements.

Tier 4 / Students undertaking a work placement as part of their course remain subject to Student Sponsor requirements such as attendance and progression. The attendance and progression of Tier 4 / Students on work placement will be monitored by the enrolling college via correspondence with the work placement employer.

11. WITHDRAWAL OF SPONSORSHIP

NCG reserves the right to withdraw Tier 4 / Student sponsorship of a student in the following non-exhaustive situations below:

- 11.1. Non-enrolment on the course of study by the published date.

- 11.2. Failure to re-enrol including circumstances in which re-enrolment is prevented due to academic progression, non-payment of tuition fees or other relevant circumstances.
- 11.3. Interruption / suspension of studies for less than 60 days if NCG is unable to continue to carry out its sponsorship duties and / or the sponsored student will not be able to complete their course within the existing period of leave and / or if NCG believes that the sponsored student will not be able to resume their studies after 60 days.
- 11.4. Interruption / suspension of studies for more than 60 days.
- 11.5. Failure to meet NCG's attendance & engagement requirements.
- 11.6. Financial exclusion when the sponsored student has failed to pay tuition fees when due.
- 11.7. Withdrawal from the course of study.
- 11.8. Completion of the course earlier than the course expected end date stated on the CAS.
- 11.9. NCG becomes aware that the sponsored student is in breach of the terms of their leave.
- 11.10 The sponsored student does not have valid leave to remain in the UK.
- 11.11 NCG is notified that the student has switched their immigration category.
- 11.12 The final decision regarding withdrawal of student sponsorship will reside with NCG's Authorising Officer.

12. DOCUMENT RETENTION

A Student Sponsor has a responsibility to retain certain documents for each student migrant it sponsors. This is set out in the Immigration Rules.

Copies of the following documents must be retained on file (digital or hard copy):

- 12.1. Passport.
- 12.2. Biometric Residence Permit (front and back).

12.3. Immigration status record for EU / EEA obtained via share-code.

12.4. If entering the UK through an e-gate, the date of entry into the UK must be recorded.

12.5. Attendance Record (held within the Source).

12.6. History of the migrant's contact details.

12.7. Academic evidence (certificates, transcripts etc) listed within CAS.

All documents relating to a sponsored student must be kept throughout the period of sponsorship and until:

12.8. One year has passed from the date sponsorship ends, or

12.9. The date on which a UKVI compliance officer has examined and approved them, if this is less than one year after the end date of sponsorship.

The documents as listed above will be audited by the International Compliance Officer on three occasions over the academic year – October, February and July.

13. SMS REPORTING

A Student sponsor must report certain changes of circumstance to both students and to the institution itself.

An SMS report must be lodged for the following changes to student circumstances:

13.1. Student withdraws from the course before travelling to the UK.

13.2. Student start date delayed before they enter the UK.

13.3. Student does not enrol within the enrolment period.

13.4. Student stops academically engaging with their course of study.

13.5. Student defers their studies after they have arrived in the UK and is no longer actively studying.

13.6. Student withdrawn from course.

13.7. Student moves into different immigration category.

13.8. Student completes course sooner than expected.

- 13.9. Report the address of employer if student commences work placement.
- 13.10. Student changes course.
- 13.11. If NCG receives evidence that a Student is in breach of immigration conditions (e.g. working hours).
- 13.12. If NCG suspects migrant is not a genuine student.

The NCG International Compliance Officer will report these changes within 10 working days of knowing about the incident, as per Sponsor guidance document 2.

An SMS report must be lodged for the following changes to circumstances of the NCG:

- 13.13. If NCG wishes to replace the Authorising Officer or Key Contact.
- 13.14. If NCG changes it's address and / or name.
- 13.15. If NCG wishes to add or remove a site.
- 13.16. If NCG has a criminal prosecution pending, or is convicted of a relevant offence.
- 13.17. If educational oversight status changes (Ofsted or OFS).
- 13.18. If NCG sells all or part of its business or is involved in a merger.
- 13.19. If NCG becomes insolvent.
- 13.20. If NCG is required to surrender all or part of its licence.
- 13.21. NCG is subject to a civil penalty.
- 13.22. Appointment of a new principal or change of ownership.

The NCG International Compliance Officer will report these changes within 20 working days of knowing about the incident, as per Sponsor guidance document 2.

14. TUITION FEES

International students must pay 50% of their course fees in order to secure a CAS from NCG.

The remaining 50% may be paid in 2 further termly instalments of 25%.

The student will be permitted a 3% reduction of the overall fee if they pay the full balance of fees prior to the latest enrolment date stated in the CAS.

If the student misses an instalment of the FPA or pays less than the agreed instalment, the NCG Credit Control team will contact the student. Failure to respond or to agree a revised plan will lead to referral to the International Compliance Officer and the International Office student support team.

Compliance intervention will take place where the enrolment status of the student is at risk due to non-payment of tuition fees.

Where a student fails to pay the overdue tuition fees following compliance and student support intervention, NCG reserves the right to withdraw the student. In this event, the withdrawal will be reported to UKVI within 10 working days.

15. STATEMENT ON IMPLEMENTATION

Upon approval, this policy will be uploaded to the policy portal and communicated to staff via The Business Round-Up.

16. STATEMENT ON EQUALITY AND DIVERSITY

NCG is committed to providing equality of opportunity. Further details of our aims and objectives are outlined in our [Equality Diversity Inclusion and Belonging Strategy](#).

This policy has been assessed to identify any potential for adverse or positive impact on specific groups of people protected by the Equality Act 2010 and does not discriminate either directly or indirectly. In applying this policy, we have considered eliminating unlawful discrimination, promoting equality of opportunity and promoting good relations between people from diverse groups.

17. STATEMENT ON CONSULTATION

This policy has been reviewed in consultation with members of the Policy Review Council as part of the policy review and approval process.

VERSION CONTROL				
Version No.	Documentation Section/Page No.	Description of Change and Rationale	Author/Reviewer	Date Revised
1	New policy	N/A		April 2020
2	Subject to full review	Minor amendments		April 2022
3	Subject to full review: Section 2 Section 7 Section 12	Changes made: <ul style="list-style-type: none"> • 2. Removal of “UKVI Premium Account Manager”. Replaced with “AMP” • 2. Removal of reference to “Chief Operations and Compliance Officer” • 7. Update to the student dependant rules to remove the right of students to bring dependants for courses starting on or after 01/01/2024. • 12. Update to tuition fee payment plan from 7 instalments to 2 termly instalments of 25%. • 12. Inclusion of International Office Student Support team where student fails to meet terms of payment plan. 		April 2024

Appendix 1 - Glossary of Terms

BRP	Biometric Residence Permit An identity card, issued separately but to be taken in conjunction with the holder's passport, which indicates the basis and extent of their current leave to remain in the UK and holds a series of their biometric data.
CAS	Confirmation of Acceptance for Studies A virtual document containing a unique code number issued by a sponsor to a student to allow them to apply for a Tier 4 Student Visa.
CEFR	Common European Framework of Reference for Languages
EEA	European Economic Area An area of free movement comprised of the 27 European Union member states plus Iceland, Liechtenstein and Norway.
HEI	Higher Education Provider A UK educational institution with degree awarding powers. An institution's HEP status is stated on the Student Register of Sponsors. HEP Tier 4 / Students are provided with a broader range of rights and privileges while in the UK.
PBS	Points Based System The UK Points Based visa system is the main immigration route for migrants from outside the UK and Ireland who wish to come to the UK to work, study, invest or train. In order to be eligible for a visa, applicants must undergo a points based assessment.
RQF	Regulated Qualifications Framework
SMS	Sponsor Management System An online tool which allows Student Sponsors to carry out day-to-day sponsorship activities and fulfil its reporting duties to UKVI in respect of sponsored students. The SMS is used to assign Confirmation of Acceptance for Studies (CAS) to students who wish to come to, or stay in, the UK to study.
Student Route	A category of the UK Home Office's Points Based System which a person may use to apply for leave in the UK as a student. This route was introduced 05 October 2020. This route will also be open to EU / EEA / Swiss nationals after the Brexit transition period ends 01/01/2021.
Tier 4	A now discontinued category of the UK Home Office Points Based Immigration System under which a person could previously apply for leave in the UK as a student. Reference to Tier 4 remains in this policy as NCG currently sponsors Tier 4 Students who made their visa applications prior to the discontinuation of the route.

UKVI	UK Visas and Immigration The operational command of the UK Home Office responsible for the implementation of immigration policy and legislation and for the issuing and maintenance of the UK Visa system.
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