

<b><u>Policy Title</u></b>	<b>UKVI Compliance Policy</b>
<b><u>Policy Category</u></b>	Compliant
<b><u>Owner</u></b>	International Compliance Officer
<b><u>Group Executive Lead</u></b>	Executive Director and Secretary to the Board
<b><u>Date Written</u></b>	April 2020 / Reviewed Feb 2021
<b><u>Considered By</u></b>	Executive Board
<b><u>Approved By</u></b>	HE Governance Committee
<b><u>Date Approved</u></b>	May 2021
<b><u>Equality Impact Assessment</u></b>	The implementation of this policy is not considered to have a negative impact on protected characteristics
<b><u>Freedom of Information</u></b>	This document will be publicly available through the Groups Publication Scheme.
<b><u>Review Date</u></b>	April 2022
<b><u>Policy Summary</u></b>	The purpose of the NCG Group Policy is to provide further information in relation to Student sponsorship within NCG.

<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Newcastle College	Yes	Yes
Newcastle Sixth Form College	N/A	N/A
Carlisle College	No	Yes
Kidderminster College	No	Yes
Lewisham College	No	Yes
Southwark College	No	Yes
West Lancashire College	No	Yes
Professional Services	No	Yes

<u>Changes to Earlier Versions</u>	
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>
Changes made February 2021	
New additions to policy: <ul style="list-style-type: none"> <li>• Paragraph regarding Leave to Remain Student Visa applications</li> <li>• Section on Appendix D document retention</li> <li>• Section on Sponsor Management System (SMS) reporting</li> </ul>	

<u>Linked Documents</u>	
<u>Document Title</u>	<u>Relevance</u>
English Language Proficiency Policy	Provides further details in relation to accept English language accepted qualifications.
International Attendance Policy / Procedure	Provides further detail in relation to the attendance expectations placed on UKVI sponsored students.

**Note** – A ‘Glossary of Terms’ is included as Annex 1 to this document.



## 1. Admissions

Admissions decisions are made in accordance with each College’s International Admissions Policy.

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 can be done in person if the applicant is in the UK and via Skype if applying 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 an 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.

<p>Newcastle College Rye Hill Campus NE4 7SA</p>	<p>Newcastle College Aviation Academy Newcastle International Airport NE13 8BT</p>	<p>Newcastle College Riverside Dene Cruddas Park Shopping Centre NE4 7QY</p>
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Applicants requiring Student sponsorship must demonstrate English language competence to the required CEFR level in accordance with Home Office 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 our Tier 4 **English Language Proficiency Policy** for further details.

## 2. 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 a check of 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.

- **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.

- **Previous Student** – Applicants must declare any previous studies undertaken in the UK.
- **Eligibility Checks** – NCG reserves the right to carry out eligibility checks with the Home Office. If an applicant does not consent to disclosure of this information the application will be rejected.

Before a CAS is issued, the CAS Approval Committee will meet to review each individual case. In the event that the Committee cannot reach agreement on whether to issue a CAS, the final decision will be made by the Executive Director of Governance, Assurance and Risk.

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 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:

- 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).
- The course is not considered to represent academic progression, where an exemption does not apply.
- The applicant / student will arrive in time for the course start date.
- The applicant / student is not expected to successfully complete the course by the course end date.
- The applicant / student is not expected to follow the course of study.
- The applicant / student has submitted documents which are proven or suspected to be fraudulent.
- Sponsoring a student will put its sponsor licence at risk.

- NCG has concerns about the applicant / student's genuine intention to study.
- There is any reason to believe that a student will not comply with the conditions of their Student leave.
- Concerns about the applicant / student's ability to pay course fees exist.

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.

### **3. 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 two-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 the 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.

### **4. Tier 4/Student 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.

- Passport
- Entry Clearance visa (inside passport)
- BRP visa (collected from nominated local Post Office)
- Certificates and transcripts used in visa application (please refer to "Documents Used" section of CAS)
- Remaining course fees

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

## 5. 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.

## 6. 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 Immigration Rules 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.**

## 7. Dependants

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

Tier 4/Students who are sponsored by NCG are permitted to bring Dependants in the following circumstances:

- Full-time student following a course at RQF level 7 or above lasting 9 months or more.
- Government sponsored students following a full-time course that is longer than six months.
- Students applying for leave to undertake a full-time course longer than six months and have, or last had, within the three months preceding the date of the application, leave as a Tier 4 (General)/Student to undertake a course longer than six months; the partner/child have, or last had within the three months preceding the date of application, leave as the dependants of the Tier 4 (General) student/Student who has leave to undertake a full-time course longer than six months; and the dependants and Tier 4 (General)/Student applicant are applying at the same time.

## 8. Transferring Course at Newcastle College, NCG

A Tier 4 Student 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:

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

In addition, the new course must also:

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

## 9. 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 Tier 4 Sponsor requirements.

Tier 4/Students undertaking a work placement as part of their course remain subject to Tier 4 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.

## 10. Withdrawal of Sponsorship

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

- Non-enrolment on the course of study by the published date.
- 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.
- 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.
- Interruption / suspension of studies for more than 60 days.
- Failure to meet NCG's attendance & engagement requirements.

- Financial exclusion when the sponsored student has failed to pay tuition fees when due.
- Withdrawal from the course of study.
- Completion of the course earlier than the course expected end date stated on the CAS.
- NCG becomes aware that the sponsored student is in breach of the terms of their leave.
- The sponsored student does not have valid leave to remain in the UK.

## **11. Document Retention (Appendix D)**

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

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

- Passport.
- Biometric Residence Permit (front and back).
- Immigration status record for EU/EEA obtained via share-code.
- If entering the UK through an e-gate, the date of entry into the UK must be recorded.
- Attendance Record (held within Unit-e Columbus).
- History of the migrant's contact details.
- Academic evidence (certificates, transcripts etc) listed within CAS.

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

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

Appendix D documents as listed above will be audited by the International Compliance Officer on three occasions over the academic year – November, March and July.

## **12. 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:

- Student withdraws from the course before travelling to the UK.
- Student start date delayed before they enter the UK.
- Student does not enrol within the enrolment period.
- Student stops academically engaging with their course of study.
- Student defers their studies after they have arrived in the UK and is no longer actively studying.
- Student withdrawn from course.
- Student moves into different immigration category.
- Student completes course sooner than expected.
- Report the address of employer if student commences work placement
- Student changes course.
- If NCG receives evidence that a Student is in breach of immigration conditions (eg working hours) .
- 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:

- If NCG wishes to replace the Authorising Officer or Key Contact.
- If NCG changes its address and/or name.
- If NCG wishes to add or remove a site.
- If NCG has a criminal prosecution pending, or is convicted of a relevant offence.
- If educational oversight status changes (Ofsted or OFS).
- If NCG sells all or part of its business or is involved in a merger.
- If NCG becomes insolvent.
- If NCG is required to surrender all or part of its licence.
- NCG is subject to a civil penalty.
- 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.

## Annex 1

## Glossary of Terms

<b>BRP</b>	<p><b>Biometric Residence Permit</b></p> <p>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.</p>
<b>CAS</b>	<p><b>Confirmation of Acceptance for Studies</b></p> <p>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.</p>
<b>CEFR</b>	<p><b>Common European Framework of Reference for Languages</b></p>
<b>EEA</b>	<p><b>European Economic Area</b></p> <p>An area of free movement comprised of the 27 European Union member states plus Iceland, Liechtenstein and Norway.</p>
<b>HEI</b>	<p><b>Higher Education Provider</b></p> <p>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.</p>
<b>PBS</b>	<p><b>Points Based System</b></p> <p>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.</p>
<b>RQF</b>	<p><b>Regulated Qualifications Framework</b></p>
<b>SMS</b>	<p><b>Sponsor Management System</b></p> <p>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.</p>
<b>Student Route</b>	<p>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.</p>



<p><b>Tier 4</b></p>	<p>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.</p>
<p><b>UKVI</b></p>	<p><b>UK Visas and Immigration</b></p> <p>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.</p>