

## UKVI Student Compliance Policy and Procedure

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Version number	Date approved (including committee)	Reason for production/revision	Author	Proposed next review date
V1.2	August 2021 ExCo	This policy has been produced in response to the legislation changes due to Brexit. It supersedes the CAS Policy.	COO	Q4 2021
<b>Related policies</b>				
<ul style="list-style-type: none"><li>• Attendance Policy</li></ul>				
<b>External Reference</b>				
<p>This policy has been developed with reference to the UK Government's regulations and the sponsorship duties contained therein for institutions who sponsor international students<sup>1</sup></p> <p>This policy establishes the context within which ICMP is operating in terms of UK Immigration law.</p>				

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<sup>1</sup> <https://www.gov.uk/government/publications/student-sponsor-guidance>

## **1. Policy introduction and scope**

- 1.1.** This document is to instruct and inform all ICMP staff members who work with international students (via all immigration categories) or who govern processes relating to the recruitment and service provision of these individuals.
- 1.2.** ICMP is a licensed sponsor of international students via the Student Visa route, previously known as 'tier 4'.
- 1.3.** As such ICMP must abide by the prevailing UKVI immigration rules, not only for those studying via the Student Visa route but for all of its international student population.
- 1.4.** As a sponsor ICMP accepts a range of responsibilities and duties regarding the recruitment and sponsorship of genuine students, and the monitoring and reporting of said students whilst enrolled on programmes of study at ICMP.
- 1.5.** ICMP is fully committed to discharging its duties as a sponsor and as illustrated in the relevant Home Office guidance documentation.
- 1.6.** ICMP undertakes to establish effective and appropriate mechanisms to assure itself that it is discharging these duties.
- 1.7.** Non-Student Visa international students who are subject to an immigration status are also monitored in keeping with UKVI's Immigration Policy.
- 1.8.** Failure to comply with UKVI requirements may result in the loss or suspension of the ICMP's 'license' to sponsor international students.

## **2. Details of licence**

- 2.1.** ICMP's sponsor license commenced 30th July 2009 and is renewed on a four-yearly cycle. The Authorizing Officer or Key Contact, with the support and under the guidance of the Visa Compliance Committee (VCC) will apply for renewal no later than one month before expiry.
- 2.2.** ICMP's Student Sponsor status is reviewed annually through the basic compliance assessment (BCA). The Authorising Officer or Key Contact, with the support with the support and under the guidance of the Visa Compliance Committee (VCC) will apply for renewal no later than one month before expiry.

### 3. Basic Compliance Assessment (BCA)

- 3.1. In order to retain its student sponsor license ICMP must apply for BCA every 12 months.
- 3.2. The Authorising Officer or Key Contact, after consultation with the Visa Compliance Committee will apply to be the BCA each year when appropriate.
- 3.3. The BCA for the Student Visa considers three key metrics
  - 3.3.1. The refusal rate of visa applications made in the preceding 12 months using a CAS must not exceed 10%
  - 3.3.2. At least 90% of students sponsored in the preceding 12 months by ICMP through the Student Visa route must register onto their course
  - 3.3.3. At least 85 % of students whose visa expired in the preceding 12 months completed their course

### 4. Allocation of 'Confirmation for Acceptance for Study' (CAS)

- 4.1. ICMP is awarded an annual allocation of CAS. The Authorising Officer or Key Contact, with the support with the support and under the guidance of the Visa Compliance Committee (VCC) will apply for renewal no later than one month before expiry.

### 5. Roles and responsibilities

#### Issuing CAS

UKVI Requirement	Responsibility
Issue CAS to new and continuing students	The CAS panel is responsible for making final checks to any CAS applicant and ensuring that all documents supplied meet the UKVI regulations, and to confirm that the applicant is suitable to have a CAS issued at that time. The CAS panel is made up of a minimum of three members of the VCC. The Visa Compliance Officer, Admissions Supervisor or a more senior Admissions Manager will create the CAS in the SMS once approved.

## Record keeping

UKVI lays out its requirements for the retention of documents in Appendix D of the Sponsor Guidance documentation.<sup>2</sup>

UKVI Requirement	Responsibility
Evidence used for issuing CAS	Visa Compliance Officer, Admissions Manager and Registry - held on Quercus
Copies of passports, BRP, vignettes, visas	Registry - held on Quercus
Contact details	Academic Support - held on Quercus
Absence and attendance records	Academic Support - held in Celcat

## Reporting duties

UKVI Requirement	Responsibility
Student Visa refused	Admissions Manager and Registry - held on Quercus
Student fails to enrol	Admissions Manager and Registry - held on Quercus
Student withdraws / defers	Academic Support - held on Quercus
Student contact ceases	Academic Support - held on Quercus
Changes of circumstances etc	Academic Support - held on Quercus

**5.1.** The Admissions team are responsible for communicating with students (and agents where appropriate) regarding admission to the course, and application for the CAS. Admissions Advisors and the Visa Compliance Officer will communicate guidance and support during the application.

### **5.2. Monitoring and maintaining compliance with UKVI regulations**

The Visa Compliance Committee (VCC) is responsible for monitoring CAS applications and maintaining compliance with UKVI stipulations on the issuance of a CAS and make recommendations of actions where necessary regarding the CAS process.

### **5.3. Appeals & Complaints**

Appeals and complaints relating to the CAS process are handled by the ICMP's Quality Manager in line with our Public Complaints Procedure available at [www.icmp.ac.uk](http://www.icmp.ac.uk).

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<sup>2</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/946067/2020-12-18\\_Sponsor-guidance-Appendix-D-12-20\\_v2.0\\_002\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/946067/2020-12-18_Sponsor-guidance-Appendix-D-12-20_v2.0_002_.pdf)

## 6. The Confirmation of Acceptance for Studies (CAS) Process

- 6.1. All applicants, including international, for any ICMP programme must have submitted an application form, and completed a suitable audition and/or interview as stipulated for entry in the Admissions Policy.
- 6.2. All applicants who require a Student Visa to study in the UK and who have successfully completed an application and audition and/or interview will need to supply the requisite documents needed to meet UKVI regulations to ICMP prior to the issuance of a CAS.

### 6.3. Documents and Requirements

- 6.3.1. **Passport.** The applicant must supply a copy of the photo page of the passport with which they intend to apply for a CAS. This passport must show the biometric information in English as well as the native language from where it was issued. The passport must have a minimum of 6 months validity before expiry.
- 6.3.2. **Qualifications.** Applicants are required to provide copies of their qualifications achieved which must be suitable for entry on to their chosen course.
- 6.3.2.1. These must be official final certificates or transcripts (not provisional), stamped and/or signed by the educational institute who issued the certificate/transcript, and on official headed paper.
- 6.3.2.2. If the applicant has previously studied in the UK, the course they are applying for must be of a higher academic level on the QCF. If the course is of the same academic level a justification must be provided to support the application.
- 6.3.2.3. All qualifications will be assessed at the level they are assigned from UK NARIC. A copy of the UK NARIC advice is required with the applicant's certificate/transcript for CAS panel approval.
- 6.3.3. **English Language Qualification.** All applicants are required to obtain an ICMP approved English language qualification (please contact ICMP for list of approved qualifications) with the exception of those that come from a majority English speaking country as defined by UKVI. Applicants will need to meet the minimum level of B2. The English test must be within the UKVI stipulated validity times.

Applicants may be exempt from this where they have successfully completed a course equivalent to UK Bachelor's level which was taught in a UKVI approved majority English speaking country.

**6.3.4. Financial Statements.** Applicants are required to show that they have enough monetary funds available to them to support themselves financially for the duration of their study.

6.3.4.1. ICMP is considered “in London”, located within the City of London and the Former Metropolitan Police District.

6.3.4.2. Applicants from low-risk countries are able to self-certify their documents and therefore may not be asked to provide proof but are still expected to hold to the relevant point above and should be prepared to present evidence if required to do so.

The following documents can be used to show monies available:

6.3.4.3. Personal bank/building society statements showing a consecutive 28-day period, ending no more than one month before the date of the application for the visa. Statements must include the name on the account, the account number, the date of the statement, the money available over the 28 days, and must be printed on headed paper showing the bank’s logo.

6.3.4.4. Electronic bank statements showing the same account information may be used, however they will need either a letter from the bank/building society to confirm the authenticity of the statements, or official bank stamps signed by a bank authority on each page of the electronic statements<sup>3</sup>.

6.3.4.5. A letter from the applicant’s bank/building society on headed paper with the bank’s logo which must confirm the name on the account, the account number, and that the applicant has held the required amount of funds for a minimum of 28 consecutive days.

6.3.4.6. A joint account may be used, provided evidence of funds is submitted in one of the accepted methods, and that the applicant is named as one of the joint holders of the account.

6.3.4.7. Personal bank/building society passbook showing a consecutive 28-day period, ending no more than one month before the date of the application for the visa. The passbook must include the name on the account, the account number, the date of the statement, the money available over the 28 days and must clearly show the institution’s name and logo.

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<sup>3</sup> ICMP can provide applicants with a template bank letter if requested.

6.3.4.8. An approved loan. The loan letter must be:

- dated no more than 6 months before the date of application
- confirms the loan is a student loan provided by either the relevant government or a government sponsored student loan company or an academic or educational loans scheme
- confirms there are no conditions on release of the loan funds other than a successful application to study
- confirms the amount of the loan
- confirms the loan is for you
- is on official stationery

Applicants can also use money held by a parent or legal guardian as evidence of funds available to them for the duration of their study. The applicant will need to provide one of the above documents showing funds available in the name of their parent/legal guardian. Applicants who choose this option will also need to provide:

6.3.4.9. The applicant's birth certificate showing the names of their parents or a certificate of adoption showing the names of both parents and legal guardians or a court document naming the legal guardian.

6.3.4.10. A letter of sponsor support from the parents/legal guardians which must be signed and must confirm the relationship between the sponsor and the applicant, and the sponsors consent to the applicant to use their funds for the duration of their study in the UK.

6.3.4.11. Copies of the parent/legal guardian sponsor's passport for signature verification.

6.3.4.12. Financial statements or letters that confirm funds held in a foreign currency will be converted using the UKVI recommended currency converter, OANDA Classic Converter. Copies of the currency conversion should be included with the application prior to CAS committee approval.

6.3.4.13. Financial statements or letters from banks/building societies are checked against the UKVI Appendix P<sup>4</sup> list of both satisfactory and unsatisfactory international institutions.

6.3.5. **Tuition Fees.** Normally, the applicant must ensure that tuition fees for either the full course (course of one academic year) or the first year's tuition fees (for courses of more than one academic year) are paid in full. CAS will not normally be issued prior to full payment being received unless the applicant has an approved loan.

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<sup>4</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-p-lists-of-financial-institutions>

6.3.6. Exceptionally due to the impact caused by the pandemic on travel to and from the UK and the changes to UK immigration under Brexit ICMP will consider applications from international students regarding a staged payment of course fees. These would therefore be exceptional to our normal policy of requiring applicants to pay course fees in full before a CAS is issued. This payment schedule would require 50% of the course fees to be paid before the issue of the CAS. Applicants would have to demonstrate the balance of fees in addition to their London living expenses at interview.

6.3.7. Student Visa applications should ensure they are familiar with ICMP's Refund Policy available at [www.icmp.ac.uk/policies](http://www.icmp.ac.uk/policies) prior to making payment of their fees.

**6.4. Other Considerations.** ICMP may consider other aspects of an applicant's documents, previous education or personal history when deciding to issue a CAS, more specifically:

6.4.1. Applicants who have applied for Student Visa (previously known as a Tier 4 visa) for study in the UK previously will need to declare this information on their application form and/or CAS declaration. If an applicant has previously had an application refused, they may be required to provide further information.

6.4.2. Applicants who have studied previously in the UK on a Student Visa (previously known as a Tier 4 visa) for three years at below QCF Level 6, or for five years at QCF Level 6 or above will not be eligible for a CAS for further study due to UKVI regulations.

6.4.3. Applicants applying for a Student Visa, who are currently in the UK under a different visa, will need to disclose their current immigration status, and we would recommend they apply for either the Student Visa, or an extension of their current visa, prior to their existing leave expiring.

6.4.4. Applicants applying for an extension who are already in the UK on an ICMP issued Student Visa will need to apply for an extension prior to their existing leave expiring. Any new CAS approved will continue on from the day after the previous visa expires.

6.4.5. Applicants in the UK on a Student Visa with another institution who wish to transfer to ICMP will be treated as a new applicant.

## **7. Responsibilities of CAS applicants**

**7.1. Responsibilities at Application.** In order to operate the CAS approval process in a fair, effective manner, we place certain obligations upon the applicant, namely:



- 7.1.1. to provide complete and accurate information as requested through the application process, so that the application can be properly assessed
- 7.1.2. to provide all relevant documents as requested by ICMP against UKVI regulations, the documents are outlined to applicants through the CAS Guidance for Student Visa applicants which is sent to all overseas applicants
- 7.1.3. to update us as soon as possible if personal details or study intentions change, this includes during the application process, once a CAS has been issued but before the arrival of the applicant, and once the student arrives and is enrolled on the course
- 7.1.4. to provide any additional information required to support the approval process which may be requested by ICMP
- 7.1.5. to meet any and all requirements for entering the UK as stipulated by the UKVI, such as registration with the police.

**7.2. CAS Declaration.** Prior to the issue of a CAS, the ICMP requires Student Visa applicants to sign a 'CAS declaration document'. This document confirms:

- 7.2.1. Any previous study in the UK which the applicant has undertaken.
- 7.2.2. Any previous applications for a UK Student Visa, or Tier 4 visa ,and the outcome of any applications made.
- 7.2.3. The student is responsible for keeping ICMP up to date and notifying us of any changes to their contact details, residency details and terms of their stay, marital status, etc.
- 7.2.4. The student is responsible for keeping ICMP informed of any necessary absences from their studies.
- 7.2.5. The student is aware of the required attendance levels for their course.
- 7.2.6. The student is aware that they must pay the health surcharge fees
- 7.2.7. The student is aware they are only permitted to work up to a maximum of 20 hours per week during term time and full-time during vacation if on a course at Level 6 or above, and 10 hours per week during term time and full-time during vacation if on a course below level 6 whilst sponsored by ICMP<sup>5</sup>.
- 7.2.8. The 'CAS Declaration Document' also makes the applicant aware that they may be requested to complete a credibility interview as part of their

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<sup>5</sup> Only applies to CAS's issued after 1<sup>st</sup> August 2019. CAS's issued before 1<sup>st</sup> August 2019 continue to have no working rights.

application for a Student Visa and offers basic guidance on areas in which the student may be required to provide information.

**8. Refusal of Sponsorship.** ICMP reserves the right to refuse sponsorship of an applicant where:

**8.1.** The applicant has exceeded the maximum time allowed to study in the UK.

**8.2.** The applicant has studied previously in the UK on the same or higher-level qualification and cannot show sufficient justification for the application.

**8.3.** The applicant has provided false or misleading information as part of their application to the course, including the audition.

**8.4.** A first CAS application has been refused on the basis of documents provided to the UKVI, which were not provided to ICMP prior to the application.

**9. Withdrawal of Sponsorship.**

**9.1.** ICMP reserves the right to withdraw their sponsorship of a Student Visa applicant once a CAS has been issued should the applicant:

9.1.1. not enrol for their course, or subsequent year of a course

9.1.2. withdraw themselves from the course

9.1.3. not make satisfactory academic progress whilst studying on their course

9.1.4. owe fees for any part of their course

9.1.5. breach the terms and conditions of their stay as set out by UKVI

9.1.6. breach the terms set out in their course handbook

9.1.7. fail to maintain a satisfactory level of attendance for the duration of their course or meet their required 10 consecutive contact points (as articulated in ICMP's Attendance Policy, available at [ICMP.ac.uk](http://ICMP.ac.uk))

9.1.8. take an unauthorised leave of absence from the course

9.1.9. move to another institution

9.1.10. fail to adhere to the student code of conduct

**9.2.** Where withdrawing an applicant who has been issued a CAS, the ICMP will notify UKVI via the Sponsor Management System.

**9.3.** Where an applicant transfers to another UK based institution, the ICMP will notify UKVI via the Sponsor Management System with details of the applicant's new course and institution, if known.

## **10. Educational agents**

**10.1.** ICMP retains the services of a number of international education recruitment agencies. These educational agents are not empowered to offer students places.

**10.2.** Agents wishing to represent ICMP must submit an application and suitable references, with successful applicants signing a 24-month contract.

**10.3.** The VCC annually reviews all agents and their performance, and subsequently approves the list of appointed agents.

**10.4.** Changes in ICMP's list of approved agents are reported to UKVI by the authorising officer under the guidance of the VCC.

## **11. Other visa routes to study**

**11.1.** When dealing with application from or registering a non-Student Visa student ICMP will record the visa expiry date and the category of visa to ensure that the student has the right to study and has the required time remaining on their visa to complete their studies.

## **12. Enrolment procedures**

**12.1.** Records for all overseas students will be held within Quercus. At enrolment students will complete a registration process overseen by the Registry that will include:

12.1.1. Passport scan. Original document checked and scan held on Quercus with passport number recorded.

12.1.2. BRP. Original document checked and scan held on Quercus with number recorded.

12.1.3. Qualifications. Original documents checked and scans held on Quercus.

12.1.4. Students are required to attend an 'Orientation' session, which will include a component on Student Visa compliance obligations.

12.1.5. The Admissions team will record and retain all documents used in the decision to issue the CAS.

12.1.6. Students who fail to produce all necessary documentation by the end of teaching week 4 will be contacted by Registry and will normally be

withdrawn if documents have not been produced after a further 10 working days.

### **13. Attendance monitoring**

- 13.1.** All international students must remain compliant with the UKVI expectations of attendance and engagement as articulated in the Sponsor guidance<sup>6</sup> as well as ICMP's Attendance Policy.
- 13.2.** The Academic Support team monitor the attendance and engagement of all of ICMP's students in line with our Attendance Policy. Where levels of engagement are a cause for concern ICMP will contact the student to ascertain the reason for absence and, if a suitable reason for absence is identified, will support the student to record an authorised absence.
- 13.3.** If not, then the Academic Support team will inform the Registrar of the case so that due consideration can be made to UKVI reporting.

### **14. Resit and Repeating students**

- 14.1.** These students may continue to be sponsored provided that their continued participation is required. If the students participation is not required in one full semester then sponsorship will be withdrawn for that semester. Consultation will be required with the International Student Officer or Registrar to determine an individual situation
- 14.1.1.** If the student needs to attend both semesters then ICMP will continue to sponsor the student. The student should be referred to Admissions, as they will need to extend their visa before the revised end of the programme. They will have to comply with some CAS application regulations, such as financial evidence.
- 14.1.2.** If the student only needs to attend one semester, or wishes to interrupt their studies, then the Registrar will email the student to advise them that ICMP is required to report that they are no longer studying. They should look to leave the UK as soon as possible (ideally within 60 days of suspending/interrupting studies) and they should consider their visa as curtailed, and cancelled from the day they leave the UK. A copy of the notification is held on the student file. Three months before they are due to start back, or as soon as practically possible, they should contact Admissions to request a new CAS and obtain a new visa to return in time for the restart date.

### **15. Compliance and monitoring**

- 15.1.** The VCC will receive reports and undertake a number of scheduled activities throughout the year to monitor ICMP's compliance. The key

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/939471/Student\\_Sponsor\\_Guidance\\_-\\_Doc\\_2\\_-\\_Sponsorship\\_Duties\\_2020-12.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/939471/Student_Sponsor_Guidance_-_Doc_2_-_Sponsorship_Duties_2020-12.pdf)

activities to be monitored include:

- 15.1.1. Completeness of Passport and Visa records relating to Overseas Nationals
- 15.1.2. Completeness of student contact details on Quercus
- 15.1.3. Attendance records in Celcat
- 15.1.4. Completeness of Quercus files
- 15.1.5. Changes to UKVI policies and regulations
- 15.1.6. Adherence to 'Procedures' articulate within this Guidance.