

University of Hertfordshire
Codes of Practice
For entry in our
2018/19 academic year

(Academic Year – 1st August 2018 to 31st July 2019)

ADDITIONAL INFORMATION FOR TIER 4 APPLICANTS OR TIER 4 STUDENTS

The purpose of this document is to provide additional information to applicants and students from outside the EU/EEA sponsored by the University under Home Office Tier 4 regulations. It covers key areas of activity governing the Tier 4 sponsorship of students and circumstances where that sponsorship may be withdrawn. This Code of Practice should be read in conjunction with the University's [University Policies and Regulations](#) (UPRs).

University policy and practice is designed to ensure compliance with Home Office regulations and duties. Nothing in University policy or practice is intended to absolve the University from complying with its duties as a licensed sponsor under the Points Based System. Full details of our Tier 4 compliance duties are available from the [Home Office website](#).

1. [Certificate of Acceptance for Studies \(CAS\)](#)

- 1.1 The University may at any time require anyone requesting a CAS to provide further information and documentary evidence to properly evaluate the application and fulfil its sponsor duties before issuing a CAS.
- 1.2 Typical further information and evidence would include (but is not limited to) copies of bank statements from the applicant/student (or from their parent(s), together with a birth certificate for the applicant and letter from the parent confirming they would be paying the applicant's fees). The University would generally only ask for the kind of further information and evidence that it believes the applicant/student would have to provide in due course to the Home Office when applying for a visa. The purpose in asking for this further information and evidence would therefore be to check the application against the same criteria as the University believes would be likely to be applied by the Home Office. The University recognises the time and effort that is involved in applying for a visa, and does not wish to issue a CAS if it believes that an applicant is subsequently unlikely to fulfil the criteria for making a successful visa application.
- 1.3 The University reserves the right to make any additional enquiries with the Home Office or other Government agencies in determining eligibility before the issue of a CAS.
- 1.4 It is the responsibility of the applicant/student to provide any required information and to fulfil any conditions identified by the University.
- 1.5 It is the responsibility of the applicant/student to check the CAS as soon as they receive it. If the applicant/student believes the CAS contains any errors or omissions they should notify the University immediately by e-mailing admint@herts.ac.uk (for applicants) or tier4compliance@herts.ac.uk (for continuing students). The University cannot accept responsibility for any errors or omissions in the CAS that it is not given sufficient opportunity to correct before the applicant/student submits their visa application.
- 1.6 Subject to paragraph 1.8 below, the University will issue a CAS for an *applicant* where they:
 - a. have met all academic and English language conditions for the programme including applicable Home Office standards for English language; and

- b. have paid the required deposit or provided acceptable proof of financial sponsorship; and
- c. are seeking to study a programme that is deemed to be progression from previous study; and
- d. will not exceed the maximum time permitted by the Home Office for study on a Tier 4 (General) visa in the UK; and
- e. have provided their current passport details; and where appropriate, details of their current leave to enter/remain in the UK; and
- f. have completed the University's Immigration History Questionnaire; and
- g. have been granted a valid ATAS certificate (if required).

1.7 There may be circumstances when an existing University *student* needs to extend their leave in order to complete their current programme of studies. These circumstances should be limited.

The University will issue a CAS only where there is a demonstrated requirement for the student to remain in the UK to complete their programme and where the student:

- a. has academic approval for extending their studies; and
- b. is required to be in attendance to complete their studies; and
- c. is making satisfactory progress on their programme of study; and
- d. will not exceed the maximum time permitted by the Home Office for study on a Tier 4 (General) visa; and
- e. has no outstanding financial obligations to the University; and
- f. has been granted a valid ATAS certificate (if applicable); and
- g. has completed the necessary CAS request paperwork and submitted it to the Tier 4 Compliance Team at least 4 weeks prior to the expiry of their current leave.

1.8 The University reserves the right to refuse to issue a CAS or visa letter where:

- a. it is known or suspected that the applicant/student has breached any previous grant of leave; or
- b. there are circumstances which suggest the issue of a CAS would be contrary to Home Office guidance; or
- c. it is known or there is reason to believe that an applicant/student is unable to fulfil the Home Office criteria for making a successful visa application; or
- d. for visa applications made from the UK, the applicant/student does not have valid leave to remain (extant or Section 3C or Section 3D leave of the Immigration Act 1971); or
- e. an applicant/student has not met the conditions specified in **Section 1.6** or **Section 1.7** of this document; or
- f. the applicant/student already has a pending visa application with the Home Office.

1.9 Where an applicant/student needs less than 6 months to complete their programme of study, the University also reserves the right to refuse to issue a CAS. In these circumstances the University will issue a 'visa letter' instead (subject to section 1.8 above) which would enable the applicant/student to apply for a short-term study visa.

- 1.10 The University's right to refuse to issue a CAS or visa letter applies even if an applicant/student has already accepted an offer of a place at the University. If the University refuses to issue a CAS or visa letter in these circumstances, the applicant/student shall (notwithstanding their acceptance of the offer) lose their entitlement to take up their place at the University.
- 1.11 Issuing a CAS or visa letter does not guarantee that an applicant will be successful in securing a visa. The University is not responsible for any decisions made by the Home Office and cannot accept any liability for anyone failing to obtain a visa and/or for the consequences and/or losses (whether financial or otherwise) of such failure. The University is not liable for any consequences of refusing to issue a CAS/visa letter for an applicant /student on request.
- 1.12 Where a Tier 4 visa application has been refused a new CAS will be needed in order to make a new Tier 4 application. In these circumstances the University reserves the right to refuse to issue a new CAS where the refusal was as a result of fraud/false information/a Home Office credibility interview or where the University has reason to believe the applicant is unable to fulfil the criteria for making a successfully application for leave to remain/enter the UK.
- 1.13 Where a student is not required to be in attendance for a period of 60 days or more (excluding approved university holidays) the University, in accordance with Tier 4 Policy, will stop sponsoring the student. The student should leave the UK and apply for a visa to return to the UK at a later date when their studies are due to resume. In this instance, a CAS will not be issued until such time that the University is satisfied that the student has left the UK.
- 1.14 Unless the applicant/student is undertaking a programme which has a compulsory work placement, any CAS issued will not include an optional placement year. Students needing further immigration permission to complete their studies will be required to apply for further leave at their own expense. A work placement must also be fully approved by the University's Careers & Employment team before a CAS is issued for this purpose.

2. [Registration and 'Visa Check'](#)

- 2.1 The University reserves the right to prevent **any** student from registering or re-registering before it has checked their identity. For non EU/EEA/Swiss national students this includes verifying their immigration status by checking the student's passport, visa/biometric identity card, leave stamps or other immigration status documents. These documents must be presented in person by the applicant/student for verification. These documents should be originals.
- 2.2 The student's immigration status must permit study on the chosen programme (including level and mode of study) and must permit study at the University of Hertfordshire.
- 2.3 Immigration documents will be checked, copied and held on the student's record and will be made available for inspection by the Home Office.
- 2.4 The University reserves the right to withdraw its Tier 4 sponsorship of any student who does not register (or re-register) by the published last enrolment date or agreed registration date (if later).

- 2.5 The University reserves the right to withdraw its Tier 4 sponsorship of any student who defers entry or their studies.
- 2.6 In addition to registration and re-registration points, the University will undertake one further 'Visa Check' during the academic year. At this time a non EU/EEA student will be required to present themselves in person with up-to-date documentary evidence of their immigration status. This will include their passport and visa/biometric identity card or other documentary evidence of their immigration status. These documents should be originals.
- 2.7 The University reserves the right to withdraw its Tier 4 sponsorship of any student who does not appear for their 'Visa Check' within the specified period.

3. [Tier 4 Doctorate Extension Scheme](#)

- 3.1 The Doctorate Extension Scheme is a sponsored scheme. To apply for this scheme the student must make a Tier 4 visa application with a new CAS number. For the University's conditions relating to the issue of a CAS please refer to **Section 1** of this document.
- 3.2 Prior to the issue of a CAS the student must agree, in writing, to abide by the University's student responsibilities under the Tier 4 Doctorate Extension Scheme.
- 3.4 The student's responsibilities include:
- a. abiding by the conditions of their visa; and
 - b. agreeing to maintain contact with the University during the validity of their visa; including attendance at the University Visa Check; and
 - c. agreeing to inform the University's Tier 4 Compliance Team of the following:
 - i. any changes in their contact details (UK address, phone numbers and emails); or
 - ii. failure to complete their course or where they are awarded a qualification lower than doctorate level; or
 - iii. switching to another immigration category; or
 - iv. permanently leaving the UK; or
 - v. any breach of their visa conditions.

4. [Sabbatical Officers](#)

- 4.1 Where a student takes up a Student Union sabbatical post whilst they have current Tier 4 leave, the University will report this change in their circumstances to the Home Office.
- 4.2 During the sabbatical placement, the student will continue to be monitored in accordance with the University's Tier 4 sponsorship duties.
- 4.3 Prior to commencing the sabbatical placement, a student must agree, in writing, to
- a. abide by the conditions of their visa; and
 - b. maintain contact with the University during the period they are on sabbatical, including attendance at University Visa Checks; and

- c. inform the University's Tier 4 Compliance Team of the following:
 - i. any changes in their contact details (UK address, phone numbers and emails); or
 - ii. the sabbatical placement ending early.

5. Record Keeping

- 5.1 As a Tier 4 sponsor, the University must maintain up-to-date records for all students on tier 4 leave it has enrolled, in accordance with Appendix D of the Points Based System: Guidance for Sponsors which can be found on the [Home Office website](#).
- 5.2 In accordance with the Home Office's Tier 4 Sponsor Policy the University must hold up-to-date evidence of leave for all students on time limited leave.
- 5.3 These file copies are open for inspection by any Home Office official in the execution of their compliance monitoring duties.
- 5.4 It is the responsibility of the student to ensure that their contact details (UK address, email and phone numbers) are updated via [StudyNet](#) as and when they change. The University reserves the right to withdraw Tier 4 sponsorship of any student who fails to update their contact details.
- 5.5 Throughout their enrolment, a student is required to provide the University with updated copies of:
 - a. their immigration status, including where their visa has been renewed, curtailed, refused or where their immigration category has changed; and
 - b. ATAS certificate (if applicable).

The University reserves the right to withdraw any student who fails to provide updated documents listed in this paragraph.

- 5.6 The Home Office imposes a legal obligation on visa holders to inform them, in writing, of certain changes of circumstances. Full details can be found on the [Home Office website](#).

Failure to inform the Home Office of any change can be seen as a breach of conditions and as such the University reserves the right to withdraw Tier 4 sponsorship of any student found to be in breach.

6. Reporting

- 6.1 There is a legal requirement that a Tier 4 sponsor is required to report certain activities to the Home Office, including where a student is withdrawn from study or fails to enrol. Reporting duties are mandatory only in relation to students who have been issued a CAS and who have used that CAS to apply for leave to enter or remain in the UK under Tier 4 in order to study at the University. Additional reporting duties apply for those students who have applied for the Tier 4 Doctorate Extension Scheme.

Full details can be found at on the [Home Office website](#)

6.2 Reporting a student to the Home Office can result in that student's leave being curtailed.

7 Withdrawing Tier 4 sponsorship

7.1 To be compliant with its responsibilities as a Tier 4 Sponsor, and in order to protect its sponsor licence, the University has the right to withdraw Tier 4 sponsorship in the following situations where an applicant/student:

- a. does not have a valid visa for study at the University of Hertfordshire (either extant leave or Section 3C or Section 3D leave of the Immigration Act 1971); or
- b. has given false or misleading information in order to obtain a CAS or offer of study; or
- c. fails to co-operate with the University in the maintenance of accurate records including (but not limited to) failing to provide accurate address and contact details or failing to provide copies of immigration documents; or
- d. is not required to be in attendance for a period of 60 days or more (excluding approved University vacation periods); or
- e. undertakes a period of study or work outside the University (save where the study, or work forms an assessed part of the programme of study); or
- f. does not fully register (or re- register) on their programme within the required timescales. This includes circumstances in which registration is prevented due to non-payment of tuition fees; or
- g. fails to attend and/or participate in their studies as required for their programme of study; or
- h. transfers to a part-time mode of study; or
- i. studies are suspended for any period of time including (but not limited to): suspension in accordance with University policies and regulations; or
- j. completes their studies earlier than expected; or
- k. no longer meets the definition of a Tier 4 (General) student, or Tier 4 Doctorate Extension Scheme.
- l. leaves the UK in order to complete their studies as an overseas distance learner.

7.2 The University also has the right to withdraw Tier 4 sponsorship where:

- a. it is known, or the University has reason to believe that a student is unable to make a successful Tier 4 application; or
- b. the student has breached their immigration conditions, including (but not limited to) by working more than their permitted hours; or
- c. the student fails to make themselves available to any UKVI inspection visit; or
- c. it is known, or the University has reason to believe that the student is engaging in criminal/terrorist activity; or
- d. any other issues emerge that suggest that sponsorship is contrary to the University's duties to the Home Office.

7.3 Where Tier 4 sponsorship is withdrawn by the University, the student's studies may also be terminated.

- 7.4 If the University withdraws Tier 4 sponsorship, the student must be informed of the decision and for the need to return home to make a fresh visa application (if appropriate). This is done via email and Royal Mail Signed For™ 1st Class letter to their current recorded term time address.
- 7.5 In situations where a Tier 4 student is withdrawn, the University will inform the Home Office. Reporting a student to the Home Office can result in that student's leave being curtailed.
- 7.6 In situations where a Tier 4 student is withdrawn, the University will also review any employment or accommodation offered/provided to the relevant student by the University, in the light of that withdrawal.

8. Immigration Responsibilities

- 8.1 Anyone who has been issued leave to enter or remain must ensure that they comply with the conditions of their leave at all times. Failing to comply is a criminal offence and could result in their visa being withdrawn.
- 8.2 Responsibilities include:
- a. ensuring that they do not stay in the UK beyond the expiry date stated on their visa unless they have made a valid, on time, visa application; and
 - b. adhering to any work conditions; and
 - c. registering with the police (if applicable); and
 - d. informing the Home Office of any changes of circumstances.
- 8.3 The University reserves the right to withdraw any student found to be in breach of their immigration conditions.
- 8.4 The UK Council for International Student Affairs (UKCISA) have produced an information sheet on Protecting your Tier 4 immigration status.

9. General

- 9.1 The University will collect, retain and share any such information about its applicants and students as it deems necessary for the purposes of complying with its sponsor obligations. The University will retain this information in accordance with the Tier 4 Sponsor Guidance, the Data Protection Act 1998 and the University's Data Protection Policy.
- 9.2 The University cannot accept liability for any loss (financial or otherwise) experienced directly or indirectly as a result of any actions or omissions on the part of the University which the University reasonably believes are necessary to comply with their sponsor obligations, including (but limited to) any decision not to issue a CAS notwithstanding an applicant's prior acceptance of an offer to study at the University.
- 9.3 In the execution of its sponsorship duties the University reserves the right to make any additional enquiries with the Home Office or other Government agencies.
- 9.4 By accepting an offer of a place at the University or by requesting a CAS to continue with studies, an applicant/student thereby grants permission to the Home Office to disclose

information to the University of Hertfordshire with regards to their immigration status and history.

10. [Further Information](#)

- 10.1 The International Student Support team at the University is responsible for supporting overseas students during their stay in the UK. Before, during and after their studies, the ISS team is available to assist applicants and students with advice and support on all aspects of living and studying in the UK including immigration and making student visa applications. This service is provided free of charge. Immigration advice in the UK is regulated by the [OISC](#) (Office of the Immigration Services Commissioner) and the advice provided by the team is given in accordance with OISC regulations.

International Student Support
Student Centre, College Lane, Hatfield, AL10 9AB
Tel: + 44 1707 281299

Email: iss@herts.ac.uk

- 10.2 The following websites also provide a lot of useful information about visas and immigration:
The University of Hertfordshire: <http://www.herts.ac.uk/international>
UKCISA (UK Council for International Student Affairs): <http://ukcisa.org.uk>
The Home Office: <https://www.gov.uk/browse/visas-immigration/study-visas>

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