Tier 4 Sponsorship and CAS Issuing Policy

1. Purpose

This document sets out the University’s policy regarding the sponsorship of overseas applicants and students requiring a Tier 4 visa. This policy is specific to the University of Kent and does not represent a full statement of immigration or Tier 4 sponsor requirements. This policy is subject to change and the University is entitled to revise its policies or procedures relating to compliance with its Tier 4 sponsor duties at any time. The Immigration Rules and Tier 4 guidance will at all times supersede and override the content of this policy. The University is under no legal obligation to sponsor any individual and exercises caution with respect to issuing a Confirmation of Acceptance for Studies (CAS) to not risk its status as a Tier 4 sponsor.

2. Key Responsibilities

Responsibility for the management and implementation of this policy and any accompanying procedures lies with the Academic Registrar who is the Home Office Authorising Officer, with assistance of the Visa Compliance Team, Admissions team, Finance Office, and Schools.

All staff working with applicants and students covered by the points based immigration system must ensure the policy is adhered to accordingly.

3. Tier 4 Sponsorship and CAS Assignment

3.1. The Admissions team is responsible for assigning CASs to applicants starting a new course at the University as well as existing students switching into Tier 4 during their studies. CASs issued to existing Tier 4 students who wish to further extend their leave in order to complete a course will be issued by the Visa Compliance Team.

3.2. The University will only assign a CAS to an applicant if they have met all the conditions of their offer, entry requirements of the University as well as the conditions of this policy.

3.3. CASs will be assigned no more than three months prior to course start date for any applicant starting studies at the University and for any student returning from intermission. For example, CASs will be assigned no earlier than June for any courses beginning in September. For existing students requiring an extension to their visa to continue on a course there is no set period prior to visa expiry date in which a student must apply for an extension; however, CASs will only be issued in a reasonable timeframe which align with the student’s programme of study.

3.4. The University will make appropriate checks to ensure any applicant or student already in the UK has valid permission to be in the country prior to issuing a CAS. This may include an Immigration History Check conducted through the University’s UKVI Licence Manager. If it is found an applicant or student does not have valid leave to be in the UK then the University will not issue a
CAS. The University may request evidence from individuals to ensure they are no longer in the UK.

3.5. The University may make any additional checks it deems necessary to ensure it only sponsors genuine applicants or students who will successfully obtain a visa. These checks may include but are not limited to conducting an immigration history check via the Home Office, reviewing bank statements and financial documents or requesting previous CAS’s from former institutions.

3.6. The University will not sponsor applicants or students in the following situations:

- The course the applicant or student intends to study will not comply with Tier 4 requirements.

- There is any reason to believe an applicant or student will not comply with the conditions of their Tier 4 leave (e.g. intention to work or past history of working more than 20 hours per week) or if a student is in breach of their visa conditions.

- An applicant or student has submitted documents which are proven or suspected to be fraudulent.

- An applicant or student has outstanding tuition and accommodation fee debts with the University and the University has concerns about the student’s ability to pay tuition and accommodation fees.

- The duration of an applicant’s or student’s course will result in the applicant or student exceeding the maximum allowable time studying as a Tier 4 student. Likewise, the University will not sponsor any student wishing to extend their course if the extension would result in the student exceeding the maximum length of study.

- The University believes sponsoring an applicant or student will put its sponsor licence at risk or has concerns about the applicant’s or student’s intention to study and genuineness.

- An applicant will not arrive in time for their course’s latest start date. CAS will not be issued after the Friday immediately before week 0 for any student with a standard September start date.

- The course does not represent academic progression in accordance with the Tier 4 Sponsor Guidance and Immigration Rules and section of this policy.
3.7. The University will only sponsor an applicant or student where it believes the visa application will be successful and will not fall for refusal and reserves the right to not sponsor any applicant or student if there are reasonable grounds for suspecting otherwise, including:

- A history of visa refusals
- Insufficient maintenance funds
- Criminal convictions or involvement with terrorist activity
- Any behaviour or evidence which would lead the University to believe the student is not genuine or does not truly intend to study
- Any evidence to suggest a student has broken immigration laws
- The student has overstayed by more than 28 days
- The student is in the UK and does not hold valid immigration permission to be in the country
- The student’s course does not represent academic progression
- Poor English language ability
- The student has provided false information to the University, presented fraudulent documentation or omitted relevant information from their application.

3.8. The University will not normally sponsor an applicant or student who has overstayed by less than 28 days unless there are exceptional circumstances preventing the applicant or student from making an in-time application. The University applies a high threshold for what constitutes ‘exceptional circumstances’ including:

- Serious illness which prevents the applicant or student or their representative from making an in-time application (supported by appropriate medical documentation)
- Travel or postal delays beyond the applicant’s or student’s control (eg. unforeseen postal strike or travel delays due to natural disaster or war)
- Inability to provide necessary documents due to unavoidable circumstances such as the Home Office being at fault of losing or delaying the return of documents

3.9. Where ATAS clearance is required, the University will only issue a CAS once a copy of the ATAS clearance certificate has been sent to the University by the Foreign & Commonwealth Office.

3.10. Applicants requiring Tier 4 sponsorship may not defer their admission to the University, they will be required to re-apply to the University.

3.11. Any student wishing to extend their leave under Tier 4 to study at the University must complete a CAS Application Form. A CAS extension will be considered once a student has signed and submitted the CAS application form as well as submitted additional documents.
3.12. CASs will be assigned to Doctorate Extension Scheme candidates in accordance with the University’s Tier 4 Doctorate Extension Scheme Policy.

3.13. Applicants or students will only be issued a CAS upon agreeing to the University’s Terms and Conditions of Tier 4 Sponsorship.

4. **Academic Progression**

4.1. The University will only sponsor applicants or students who meet academic progression requirements set out in the Immigration Rules and Tier 4 Sponsor Guidance (mainly paragraphs 5.74 to 5.91). If the Admissions Team or Compliance Manager (Overseas Students) do not consider academic progression can be justified then the University will not issue a CAS.

5. **Length of Sponsorship**

5.1. The University will sponsor a student for the duration of their course, subject to any compliance requirements of the University or the UKVI which would result in sponsorship being withdrawn. The University may withdraw sponsorship if it is not necessary to continue sponsorship or if the University cannot fulfil its sponsor duties.

5.2. The course start date on the CAS will correspond with the date of registration in person on the course or induction, whichever is earlier.

5.3. The course end date on the CAS will correspond with the course end date of the applicant’s or student’s programme of study and is the date by which an applicant or student has completed all academic elements of the course including taught sessions, examinations, assessments and writing and submitting dissertations and theses unless these can be completed from afar and there is no substantial reason to remain on campus.

5.4. The course end date for PhD courses will be 4 years from the course start date and covers the registration period where the student is undertaking full-time study as a registered student including any writing up period and continuation year.

5.5. If a student meets the conditions to have their leave extended to continue their course, the University will only sponsor the student for the remaining duration of the course. In the case of a postgraduate research student an extension will be granted only to the submission deadline recorded on the student data system as the completion date.
6. **Visa Refusals**

6.1. The University will only consider assigning one additional CAS following a visa refusal and only if the applicant or student can provide evidence to show there is minimal or no chance of their visa being refused a subsequent time.

6.2. Further CASs will not normally be assigned where an applicant or student has had a refusal due to failing a credibility interview.

6.3. Any applicant or student with a visa refusal will be reported to UK Visas & Immigration and any sponsorship will be withdrawn.

6.4. Any applicant or student with a visa refusal who requests a new CAS must provide to the University all pages of their Home Office refusal notice.

6.5. Provided the conditions of paragraph 6.1 are met, the University will issue one additional CAS to an applicant or student following a visa refusal. If a visa is refused a second time the University will not issue a further CAS.

6.6. The University reserves the right to not issue a CAS to any applicant or student who has had their visa refused.

7. **Sending a CAS to an Applicant or Student**

7.1. A CAS will be provided directly to an applicant or student. A CAS will not be sent to any other party without the applicant’s or student’s consent. In all cases where an applicant or student has provided consent to send their CAS to a third party, such as an agent, the CAS will be sent to the applicant or student and copied to the third party.

8. **Intermissions, Re-sits and Repeats**

8.1. When a student returns to their studies following a period of intermission the University will only sponsor the student if they meet the conditions of this policy.

8.2. If a Tier 4 student is outside the UK and is required to re-sit an exam the University will not assign a CAS to a student if there is no further participation or intention to study after the exam. The student will be expected to obtain a short term study visa which will allow them to enter the UK to re-sit the exam.

8.3. If a student is required to repeat modules then a CAS will be assigned if the student’s continued participation is required within 60 days of the start of the next academic period. For example, if
a student is required to repeat 60 credits in the autumn term only and write exams in May then sponsorship would cease at the end of the autumn term. At the end of December there would be no continued participation required of the student within 60 days of the start of exams. Therefore the student would be required to leave the UK and return for their exams in May.

9. **Writing Up, Vivas and Revisions**

9.1. The University will not issue a CAS for a post graduate research student who has already submitted their thesis and requires an extension to their leave to attend their viva or complete revisions.

9.2. In the event a student’s continued participation on campus and use of University facilities is required for the purposes of carrying out revisions then the University may consider issuing a CAS provided the University can continue to meet its sponsorship duties. For example, a student may require the use of scientific laboratories to redo experiments for the purpose of completing major revisions. These cases will be rare and the University will consider requests on a case by case basis and reserves the right to refuse any request to issue a CAS for a student in such circumstances.

9.3. Postgraduate research students outside the UK will not be sponsored to return to the UK to attend their viva. The University will not assign a CAS and will expect the student to obtain a short-term study visa.

10. **Pre-sessional Courses and International Foundation Programmes**

10.1. The University will only assign one CAS to cover a pre-sessional course and main course of study if the applicant has received an unconditional offer on their main course of study and the pre-sessional English course is less than 3 months duration. The University currently only issues a combined CAS for its Block 4 pre-sessional English language students.

10.2. In all other cases a separate CAS will be issued for the pre-sessional course and a new CAS will be assigned for the main course when the student successfully completes the pre-sessional course, meets all conditions of their offer on the main course of study as well as meets the conditions of this policy.

10.3. Applicants studying an undergraduate course with an *Integrated Foundation Year* will be issued a single CAS to cover the entire period of study including both the foundation year and main degree level portion of the course, as the entire programme consists of four continuous years at NQF Level 6.
10.4. Students studying the *International Foundation Programme (IFP)* offered through the Centre for English and World Languages, will be sponsored only for the IFP course. Progression to any degree course and the issue of any further CAS for the main course is subject to the satisfactory completion of the International Foundation Programme and any specific conditions of entry as required by the University.

11. **Terms and Conditions of Tier 4 Sponsorship**

All students sponsored by the University are expected to abide by the University’s Terms and Conditions of Tier 4 Sponsorship. The University reserves the right to withdraw sponsorship at its discretion.

12. **Policy Review**

This policy will be reviewed on a regular basis to ensure it remains compliant with the Tier 4 Sponsor Guidance and Immigration Rules as well as good sector practice.

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<th>Policy Approved by</th>
<th>Jon Pink, Academic Registrar (Home Office Authorising Officer)</th>
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