Protecting your immigration status

International Student Advice, Department of Student Services and Administration

www.canterbury.ac.uk/international-student-advice

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An introduction to your responsibilities under Tier 4 of the UK Border Agency's Points Based System

Who should read this booklet?

All students from outside of the European Economic Area (EEA) with permission to be in the UK as a Tier 4 (General) Student should be guided by, and comply where necessary, with the content of this booklet. It will state clearly on your Entry Clearance vignette (visa) or Biometric Residence Permit (BRP) if you are a Tier 4 (General) Student. Your Tier 4 status will be noted alongside the Sponsor License Number of Canterbury Christ Church University (CCCU). This should read 4GT7787Y7 and means that CCCU is your immigration sponsor.

This booklet is written specifically for those with Tier 4 (General) Student visas. Students with permission to be in the UK under any other immigration category should contact the International Student Adviser (ISA) as different rules will apply.

Why should I read this booklet?

This guide explains the reporting and record-keeping duties CCCU must undertake as an immigration sponsor, as well as your responsibilities as a Tier 4 (General) Student. Your unique Confirmation of Acceptance of Studies (CAS) number links your visa to CCCU and as such, the University will inform the UK Border Agency (UKBA) if you fail to abide by the required Immigration Rules.

The UKBA can contact the University to enquire about your student status, and the progress you are making with your studies, at any time. Furthermore, you may be required to participate in one-to-one discussions and focus groups during future UKBA and/or University audits. If this is the case, you will be given due notice and briefed by the ISA in advance so that you are fully prepared and know what to expect.

When should I read this booklet?

It is important that you read this booklet as soon as you commence your studies at CCCU because in registering as a student, you are agreeing to meet your responsibilities under Tier 4. You should keep this booklet safe and refer to it regularly to ensure you are familiar with the Immigration Rules. If anything in this booklet confuses you, or if you have further questions, it is important to contact the ISA as soon as possible.

Who, at CCCU, is responsible for record-keeping and reporting to the UKBA?

This work is undertaken by the UKBA Compliance Office that sits within the University's Registry.

Who can I turn to for help whilst at CCCU?

Any student with an immigration-related query should contact the ISA (see below). External help can be sought from the UK Council for International Student Affairs (UKCISA).

How is immigration advice monitored at CCCU?

The ISA operates within the Code of Ethics for those advising international students devised by UKCISA: the UK Council for International Student Affairs and the Association of International Student Advisers. Immigration advice and services are regulated by the Office of the Immigration Services Commissioner (OISC). Anyone giving immigration advice must comply with the OISC Code of Standards and with the Commissioner's Rules.



Laura Spencer – International Student Adviser Email: i-zone@canterbury.ac.uk Web: www.canterbury.ac.uk/international-student-advice

02. Record-keeping duties

a. Student passports, visas and BRPs

The University is asked to keep copies of the relevant pages of student passports and/or travel documents as well as their permission to stay in the UK.

What this means for the University

 The UKBA Compliance Office will take a photocopy of your passport and/or travel document and visa and/or BRP at registration, and retain these on your student file

What this means for you

- It is your responsibility to present evidence of your entitlement to stay in the UK
- You must supply your passport and/or travel document and your visa and/or BRP in order to continue the process of registration and attend class
- If you ever obtain a new visa, you must present this immediately to the UKBA Compliance Office so that your student files can be updated
- Failure to provide the necessary documents during the required timeframe will mean that the University must presume you do not have permission to be in the UK. This may result in the termination of your studies and the UKBA being informed accordingly (see: Withdrawal and termination of sponsorship)
- You are advised to keep photocopies of your passport and/or travel document and visa and/or BRP for your own records

b. Student Academic Technology Approval Scheme certificates

The University is asked to keep a copy of all Academic Technology Approval Scheme (ATAS) certificates granted to students during their time at CCCU.

What this means for the University

What this means for you

- The University will have stated clearly on your CAS whether you required an ATAS certificate in order to obtain your visa
- If you did need to obtain an ATAS certificate, the UKBA Compliance Office will photocopy this document at registration. It will then be retained on your student file
- If you were asked to apply for an ATAS certificate in order to obtain your visa, it is your responsibility to present this document at registration

c. Student contact details

The University is asked to hold up-to-date contact details for all students in the UK under Tier 4.

What this means for the University

What this means for you

- The University must be satisfied that the contact details it holds in relation to Tier 4 students are always up-to-date
- Student contact details are stored on the central student records database and can be updated at any time by both University staff and students themselves (via the CLIC portal)
- The University must hold a permanent address for all Tier 4 students as well as any temporary addresses you may have during your time as a student

- It is your responsibility to ensure your address, telephone number and email details are up-to-date. You can do this easily via the CLIC portal
- Your permanent address refers to your home address overseas; your temporary address refers to your current, term-time address in the UK
- In addition, it is your responsibility to inform the UKBA if your contact details change

- In addition, the University must hold your current email address and telephone number
- If your immigration permission is held in the form of an entry clearance vignette obtained from your home country, you must make any changes via the Migrant Change of Circumstances form
- If your immigration permission is held in the form of a BRP, you must make amendments online via the UKBA web pages

O3. Reporting duties

a. Failure to register

The University is asked to inform the UKBA of any students who fail to register when expected.

What this means for the University

- The UKBA Compliance Office will report to the UKBA the names of any students who fail to register when expected to do so
- This information must be passed to the UKBA within 10 days of the latest permitted registration date

What this means for you

- It is your responsibility to register by the latest permitted registration date, as indicated on your CAS
- In addition, it is your responsibility to attend any subsequent reregistration sessions organised by the University's Registry
- If you are reported to the UKBA for having failed to register, your immigration permission will be curtailed and you are expected to leave the UK without delay

b. Unauthorised absence

The University is asked to inform the UKBA of the names of those students who regularly fail to attend their expected 'learning contacts'.

What this means for the University

What this means for you

- Each Academic Programme will communicate to students its definition of a 'learning contact'
- Any student considered by their tutors to have unsatisfactory attendance levels will be referred to the ISA under CCCU's Cause for Care and Concern Policy
- Any student who regularly misses expected 'learning contacts' will be referred to the UKBA Compliance Office
- The UKBA Compliance Office will report to the UKBA any student who continually fails to attend their expected 'learning contacts'

- In keeping with Appendix A of the CCCU Student Attendance Policy, you are required to understand your Academic Programme's definition of 'learning contacts' and engage with your studies as expected
- If, for exceptional reasons, you require a brief leave of absence from your studies, you must seek prior permission through the formal Leave of Absence procedure, and by completing the University's LA1 form. Any such period of absence will only be authorised for extenuating circumstances and if for less than 60 days
- You must engage with any reregistration events to which you are invited
- If you are completing a work placement in the UK as part of your course, monitoring and reporting rules still apply
- If you are undertaking an exchange or study abroad period as part of your course, the University will cease sponsoring you all the while you are outside of the UK. This means that your current immigration permission will be curtailed and you will have to apply for a fresh visa in order to return to the UK

c. Significant changes to study plans

The University is asked to inform the UKBA of any significant changes to your study plans including alterations to the location of your studies and details concerning any work placements or exchanges that form an integral part of your course.

What this means for the University

What this means for you

Transferring courses at CCCU

- If you transfer from one programme of study to another at CCCU, the UKBA Compliance Office will notify the UKBA of this change within 10 working days of the transfer occurring
- If your new course is of the same duration as the old course and you have enough time on your current visa to complete it, you do not have to get permission from the UKBA to make the transfer
- If your new course is shorter than your original course, you must notify the UKBA of the transfer by emailing: migrantreporting@ukba. gsi.gov.uk
- If your new course is longer than your original course and you require an extension to your visa, you must make a further immigration application (see: Extending a Tier 4 (General) Student visa). You should be aware that the UKBA may refuse your request and so you transfer courses at your own risk. The University bears no responsibility if the UKBA denies your transfer

Formal interruption of studies whilst at CCCU

- If the University agrees to your request, the UKBA Compliance Office will notify the UKBA of this change within 10 working days of your interruption of studies
- You were issued a visa to study at CCCU and so if for any reason you stop studying (e.g. because you formally interrupt your studies), the UKBA will expect you to return to your home country without delay

- Your current immigration permission will be curtailed and you are expected to make a fresh visa application to return to the UK when you are able to resume your studies
- You do not have to inform the UKBA if you interrupt your studies. This is because the University is required to notify the UKBA of this change and does so on your behalf

Transferring to a new university with HTS status

• The UKBA Compliance Office will notify the UKBA of this change within 10 working days of your withdrawal from CCCU

- If you last applied for your Tier 4 permission before 05 October 2009 and you have enough time on your visa to complete your new course, you must contact the UKBA and request permission to change institution using the 'Permission to Change Tier 4 Sponsor' application form. There is a fee for this application
- You will not be able to enrol at the new university until you have made this application
- If you last applied for your Tier 4 permission on or after 05 October 2009, you must make a fresh Tier 4 application. You will require a CAS from your new university and should contact the ISA there for assistance
- You will not be able to enrol at the new university until you have made this application
- You should be aware that the UKBA could refuse your request and so you enrol at another university at your own risk

d. Withdrawal and termination of sponsorship

The University is asked to inform the UKBA if you withdraw from your studies and/ or it terminates sponsorship.

What this means for the University

• If you withdraw, or the University withdraws you from your studies, the UKBA Compliance Office will notify the UKBA of this fact within 10 working days of the change

What this means for you

- You were issued a visa to study at CCCU and so if for any reason you are not (e.g. because you withdraw from your course), the UKBA will expect you to return to your home country without delay
- You do not have to inform the UKBA if you discontinue your studies. This is because the University is required to notify the UKBA of this change and does so on your behalf
- This report will result in the UKBA curtailing your visa

e. Refusal of a visa extension application

The University is asked to inform the UKBA if any visa extension application you make is refused.

What this means for the University

What this means for you

- If, upon receipt of your Refusal Notice, you have a right of appeal and intend to exercise this, the UKBA Compliance Office will monitor the outcome of your case
- All the while your appeal is pending or, indeed, if your appeal is upheld, the UKBA Compliance Office will not make any report to the UKBA
- If any immigration application that you make is refused, it is essential to notify the UKBA Compliance Office in the University's Registry immediately and contact the ISA for urgent immigration advice
- The rules surrounding immigration appeals are extremely complex and governed by strict timeframes. If you receive a refusal, it is essential to seek advice without delay

- If you do not have a right of appeal, or if you have the right but choose not to exercise it, the UKBA Compliance Office will notify the UKBA of this fact within 10 working days of receiving the information
- Equally, the UKBA Compliance Office will notify the UKBA if your appeal fails
- Depending on the circumstances of your case, the ISA may refer you to an immigration solicitor for specialist legal representation. If this is the case, you will be expected to pay any associated legal fees yourself
- Providing your appeal is lodged within the stipulated timeframe, you will be permitted to study all the while your appeal is pending
- If your appeal is upheld, you will be permitted to continue with your studies
- If your appeal fails, you will no longer have valid permission to be in the UK and may have to formally interrupt your studies in order to return home and seek fresh immigration permission

f. Moving into a different immigration category

The University is asked to inform the UKBA if you move into a different immigration category.

What this means for the University

What this means for you

- The UKBA Compliance Office will notify the UKBA immediately if you have moved into a different immigration category (e.g. Tier 2)
- If you move into a different immigration category, you must notify the UKBA Compliance Office immediately and provide proof of this change

g. Criminal behaviour and/or breaking of immigration conditions

The University is asked to inform the UKBA if it becomes aware of the fact you have engaged in any criminal activity and/or broken the conditions of your immigration permission.

What this means for the University

- The ISA is obliged to inform the UKBA Compliance Office of any criminal offence and/or breach of visa conditions that you disclose, or if any offence is known or suspected
- The UKBA Compliance Office will notify the UKBA immediately of any offence committed
- For example, offences might include:
 - 'Overstaying'
 - Working illegally
 - Claiming public funds
 - Failure to register with the Police when required to do so

What this means for you

Remember that:

- It is a criminal offence to become an 'overstayer' by being in the UK and allowing your current immigration permission to expire without having made an in-time application for further leave to remain
- It is a criminal offence to work more hours than are stated on your visa/BRP
- It is a criminal offence to claim public funds when you are not entitled to do so
- It is a criminal offence not to register with the Police when required to do so
- In addition, engaging in any such action would result in you facing penalties under the University's Disciplinary Procedures
- You should seek urgent advice from the ISA if you think your planned actions may lead you to commit a criminal offence

O4. Canterbury Christ Church University's duties when assigning a Confirmation of Acceptance of Studies to existing students who need to extend their permission to stay in the UK under Tier 4

The UKBA will have granted you the appropriate length of leave in order to complete your programme of study, plus a short 'extra period' in which you can attend your graduation ceremony if it falls within that timeframe (see below). The duration of this 'extra period' is dependent upon the length of your course:

- If your course lasts less than 6 months, you will have been granted an additional 7 days
- If your course lasts more than 6 months but less than 12, you will have been granted an additional 2 months
- If your course lasts 12 months or more, you will have been granted an additional 4 months

Despite this, there may be exceptional circumstances when existing students need to extend their permission to be in the UK because they require additional time in which to complete their course. For example, you may need to repeat a module or even an entire year of study.

Whether you are able to repeat a period of study is a matter to be decided by the University Examination Boards, in liaison with the UKBA Compliance Office, and in accordance with the Immigration Rules. Consideration will be given to the length of time you have studied at degree level or above (see Tier 4 time limits (cap)), the

number of times you have repeated a period of study and your overall attendance levels. If appropriate, the UKBA Compliance Office will assign a new CAS which confirms the University's intention to continue sponsoring your studies. If you have failed any part of your course, you are advised to contact the ISA as soon as possible to discuss your options. This is because, unless your circumstances are truly exceptional, the Immigration Rules prevent you from resitting an examination or repeating a period of study on more than two occasions. The University is unable to sponsor your studies in the UK or support your visa extension application if, in making an application, you contravene any part of the Immigration Rules. Further details concerning CCCU's Re-sit arrangements for Tier 4 (General) Students can be found on the International Student Advice web pages.

Additional points to note:

- You are unable to extend a Tier 4 (General) Student visa solely in order to attend a graduation ceremony. If your ceremony is not scheduled to take place during the timeframe of your visa, you are expected to leave the UK and return under the Visitor route, unless you are eligible to switch into a different immigration category from within the UK
- A CAS will not be assigned if you have outstanding debts to the University
- If you are required to re-sit final year exams only, you will be expected to leave the UK during the interim period and may be advised to return under the Student Visitor route at a future date. This form of immigration permission is different from the Tier 4 (General) Student route and has very different conditions attached to it. If you are requesting permission to re-enter the UK under the Student Visitor route, it is important to seek advice from the ISA prior to travel

05. Tier 4 time limits (cap)

Since April 2012, the UKBA has imposed a limit on the length of time that anyone can study at degree-level or above in the UK on a Tier 4 (General) Student visa or an 'old style' Student visa (which pre-dated the Tier 4 (General) Student immigration category).

This rule may affect you if you are making an application to enter or remain in the UK for degree-level study and, if that permission were to be granted, it would result in you spending more than 5 years studying at degree level or above in the UK.

There are exemptions to this rule:

- The UKBA has exempted certain courses from the cap. For details, please refer to the Tier 4 Policy Guidance
- If you have completed a degree level course in the UK which was at least 4 years long and you now wish to study a Master's level programme at university, the cap is extended to 6 years. (This does not include courses which were longer than expected due to re-sits/repeat years of study)
- The UKBA has exempted students studying a PhD at university all the while you are registered on the programme. However, no further permission to be in the UK under Tier 4 will be granted once the PhD is complete, if a further grant of leave would mean you spend more than 8 years in the UK as a Tier 4 (General) Student / 'old style' Student visa holder

If you would like help calculating how long you have studied at degree level or above in the UK, contact the ISA.

The University is unable to sponsor your studies in the UK or support your visa extension application if, in making an application, you contravene the UKBA's time limit.

Extending a Tier 4 (General) Student visa

There are instances whereby those with Tier 4 (General) Student visas need additional time in the UK to either complete a current course (perhaps because of re-sits/repeat years of study) or to enable progression onto a new programme of studies. The ISA is able to help you make a Tier 4 (General) Student application from within the UK or from your home country.

If you choose to make your application from within the UK (NB you can only do this if there is less than 28 days between the expiry date of your current permission and the start date of your proposed course of study), it may be possible for the ISA to submit your application (and those of your dependants) through the UKBA's Student Batch Scheme. The process and rules remain the same but, if required, the ISA is able to make representations to the UKBA whilst the application is being considered by a caseworker.

The University makes no charge for submitting your application through the Student Batch Scheme, but there is an application fee that you must pay. You will need to purchase postal orders to cover the cost of your application and pay the commission charged by the Post Office.

Before the ISA agrees to send your application under this scheme, you are required to read and understand the Terms and Conditions, and sign to say that you agree with them.

It is very important that any extension application sent on your behalf via the Student Batch Scheme is complete and contains all the necessary documents. The ISA reserves the right not to send your application via the Student Batch Scheme. If this is the case, you will be advised of the decision in a timely fashion so that you can make your own in-time application.

07. The Student Batch Scheme: Terms and Conditions

The International Student Adviser will:

- Check your application as soon as possible after you submit your completed application
- Keep copies of any important documents you submit in case of future UKBA queries
- Post your application and any further original documents by Special Delivery. (The UKBA will return your documents to the University by Recorded Delivery)
- Send your extension application before your immigration permission expires (providing your application is completed in time)
- Contact you if there are any queries about your application or further documents are required
- Update your Police Registration Certificate if a new visa is granted (if applicable)
- Inform CCCU's UKBA Compliance Office of the outcome of your application and provide a photocopy of your new immigration permission for your student file
- Notify you when your passport, BRP and documents are ready for collection

You (as the applicant) are expected to:

- Read through the UKBA's Tier 4 Policy Guidance carefully before completing the extension application
- Pay the correct extension fee using postal orders
- Ensure that the information you submit with your application is correct and complete and is not in any way misleading
- Take and retain a photocopy of your application and the supporting documents submitted
- Submit a completed application and original supporting documents to the ISA at least 3 weeks before your current immigration permission expires
- Make and attend an appointment to give your biometric data (finger prints and an iris scan) when invited to do so by the UKBA
- Contact the ISA if you have not received a letter from the UKBA asking you to make a biometric appointment more than 4 weeks after you submit your application

- . Inform the ISA immediately if there are any changes to your contact details
- Inform the ISA immediately if your situation changes while your application is being considered
- Refrain from booking any travel until your passport and documents are returned to you
- Cooperate fully if the UKBA requires further information or documents from you
- Understand that CCCU does not accept responsibility for loss or damage to documents during transit or whilst with the UKBA
- Understand that applications submitted through the Student Batch Scheme are not guaranteed to be successful and that UKBA Immigration Rules override CCCU academic regulations

Additional points to note:

- Once your application is with the UKBA, it is very difficult to request that documents are returned early. Typically, it takes 1-3 months for an application to be assessed via the Student Batch Scheme
- If you know that you will need to travel urgently, you are strongly advised to make an in-person, premium rate application. The ISA can guide you through this process
- If you stay in the UK after the expiry date of your visa and without making an in-time extension application, you will become an 'overstayer', with all the consequences that this entails
- If you have 'overstayed' by less than 28 days, the UKBA will allow you to make a visa
 extension application from within the UK. However, as an 'overstayer' your application
 cannot be 'valid'. Therefore, if your application is unsuccessful, you will not be able to
 appeal the decision
- As an 'overstayer' you are not permitted to study at CCCU. Your sponsorship will cease until fresh immigration permission is obtained and the UKBA will be informed accordingly
- If you have 'overstayed' by more than 28 days and you attempt to extend your visa from within the UK, the UKBA will refuse your application

I confirm that I have read and understood these terms and conditions.

SignedDate.....

(Please print your name).....

08. A summary of duties and responsibilities

In summary, your immigration responsibilities are to:

- Provide the University with a copy of your passport and visa/BRP
- Inform the University if you apply for an extension of permission to be in the UK under Tier 4 or if you switch into another immigration category
- Provide the University with a copy of your ATAS certificate (if applicable)
- Inform the University of your current contact details via the CLIC portal
- Attend your course and make progress with your studies
- Consult with the ISA and follow CCCU processes if there are any changes to your circumstances prompting you to interrupt, transfer or withdraw from your course
- Leave the UK within 60 days if you decide to interrupt or withdraw from your course, or if your studies are terminated or you complete your studies early
- Not breach the conditions of your visa by working more hours than the Immigration Rules permit, claiming public funds or by failing to register with the Police and make updates as appropriate
- Report any change of circumstance to the UKBA using the 'Migrant Change of Circumstances' form/online form for BRP holders. The changes that you are required to report are:
- Changes to your personal details
- Criminal convictions that you have not previously disclosed
- Changes to your contact details

- Changes to your representative's details
- Changes to your family members' details if they are in the UK as your dependants
- Ensure that you always retain valid permission to be in the UK and that you never become an 'overstayer' by allowing a visa to expire. It is your responsibility to apply for a new visa before your current permission expires and provide the University with a copy of any new visa granted
- Not exceed the time limit imposed by the UKBA for study at degree level and above

BY UNDERTAKING THESE RESPONSIBILITIES, YOU ARE ABLE TO PROTECT YOUR IMMIGRATION STATUS.

In summary, CCCU's immigration responsibilities are to:

- Ensure that any student requiring immigration permission to study in the UK has valid permission
- Take and retain copies of passports and visas/BRPs in relation to all students
- Maintain up-to-date contact details for all students
- Report to the UKBA any student who fails to register for their course
- Report to the UKBA any student who fails to abide by the University Attendance Policy
- Report to the UKBA any student who makes changes to their student status by interrupting, transferring or withdrawing from their course
- Report to the UKBA any significant changes in circumstances such as earlierthan-expected completion dates
- Ensure that no student it sponsors exceeds the time limit imposed by the UKBA for study at degree level and above

BY UNDERTAKING THESE RESPONSIBILITIES, CCCU IS ABLE TO PROTECT ITS HIGHLY TRUSTED SPONSOR (HTS) STATUS.

09. Resources

- Where can I locate the UK Immigration Rules?
 www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/
 immigrationrules
- Where can I locate the UKBA's Tier 4 Policy Guidance?
 www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students
- Where can I locate the Tier 4 (General) Student application form for in-country extension applications?

www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students

• Where can I obtain specific guidance about extending a Tier 4 (General) Student visa from within the UK?

Visit the international Student Advice board in CLIC (accessed via the Student Support tab) $% \left(\mathcal{A}_{\mathrm{S}}^{\mathrm{S}}\right) =\left(\mathcal{A}_{\mathrm{S}}^{\mathrm{S}}\right) \left(\mathcal{$

• Where can I locate form VAF 9 and Appendix 8 for Tier 4 (General) Student applications made from my home country?

www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/ apply-outside-uk

• Where can I locate the Migrant Change of Circumstances form?

 $www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/\ changes$

• Where can I locate the online change of circumstances form for BRP holders?

www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/do-i-need-brp/responsibilities

• Where can I locate the Tier 4 (Permission to Change Tier 4 Sponsor) application form?

 $www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/\ changes$

- Where can I locate information relating to PBS Dependant applications? www.ukba.homeoffice.gov.uk/visas-immigration/studying/adult-students/ family
- Where can I locate CCCU's Student Attendance Policy? http://www.canterbury.ac.uk/support/student-support-services/students/cccuattendance-policy-nov12.pdf
- Where can I locate the CCCU's Leave of Absence application form? http://www.canterbury.ac.uk/support/registry/documents/Student%20 Resources/formal-leave-of-absence-oct10.pdf#search=%22LA1%22
- Where can I locate CCCU's Cause for Care and Concern Policy? www.canterbury.ac.uk/support/student-support-services/staff/cause-for-careconcern
- Where can I locate CCCU's Re-sit arrangements for Tier 4 (General) Students? www.canterbury.ac.uk/support/student-support-services/students/ international-student-advice/index.asp
- Where can I obtain information about Police Registration procedures in the UK?

Visit the international Student Advice board in CLIC (accessed via the Student Support tab)