

# Immigration Compliance Policy

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## 1. Background

Christie's Education, London (CE) is required to comply with the Immigration, Asylum and Nationality Act 2006. CE is licensed by UK Visas and Immigration (UKVI) under Tier 4 of the Points based system to act as a sponsor of international students for visa purposes. CE are listed on the UKVI Register of Tier 4 Sponsors under sponsor licence number R3GM9KNT8.

Under UK immigration law, CE is expected to contribute to supporting immigration control by ensuring that all overseas students have valid permission to remain and study in the UK. Furthermore, CE is required to demonstrate that it has processes and procedures in place to ensure that students coming to study have the intention and ability to succeed academically, comply with the Tier 4 visa conditions and leave the UK or transfer to another visa following completion of their studies. CE undertake a range of duties and responsibilities as a holder of a Tier 4 sponsor licence, which focus on issuing of "Confirmation of Acceptance for Studies" (CAS) record keeping and reporting duties.

Failure to comply with UKVI's policies may lead to the loss or suspension of the CE Tier 4 sponsor licence.

CE is measured against performance indicators set by the UKVI. These performance indicators relate to: enrolment; visa refusals; and completion of studies and failure to meet these performance indicators may result in the loss or suspension of the CE Tier 4 sponsor licence.

The International Managing Director is the Authorising Officer for CE and has overall responsibility for the relationship between CE and UKVI.

The Student Services and Business Director is the UKVI authorised key contact and is responsible to the International Managing Director for ensuring that CE remain compliant with UKVI policy.

## 2. Purpose of Policy

- To ensure consistent and coherent institutional arrangements for immigration compliance
- To state where responsibilities lie for the collection and monitoring of relevant compliance information
- To ensure that CE's processes are fit for purpose and provide evidence to the UKVI that CE fulfils its duties as a Tier 4 sponsor

## 3. Scope of Policy

This policy applies to all international students on postgraduate programmes sponsored on a Tier 4 (General) visa by CE and all international undergraduate students who are studying at CE whilst sponsored on a Tier 4 (General) visa by the University of Glasgow.

## 4. Recruitment and Admissions Procedures

The [CE Recruitment and Admissions Policy & Procedure can be found here](#). Tier 4 applicants apply to CE in the same way as other students via an online application form on the CE website for postgraduate study.

In addition to the published entry requirements, the CE Admissions Department will conduct an initial check to ensure that the academic progression requirements and years of study cap as set out by the UKVI policy can be met.

## 5. CAS Issuance

Once a Tier 4 applicant has accepted an offer and paid a deposit, a CAS request form is sent together with an information pack outlining the visa application process. The CAS request form is completed and returned to the Student Services and Business Director who will then assess the request and make a final decision on whether CE will issue a CAS. CE will only issue a CAS to an applicant after the following requirements are met:

- The application to study is complete with all the necessary supporting documents
- Applicants satisfy the English language requirements as detailed in the Tier 4 policy guidance

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- The course applied for demonstrates academic progression from previous UK study (see section 6)
- The applicant has demonstrated the intention and ability to complete the chosen course of study
- The applicant has demonstrated the ability to fund themselves for the entirety of their stay in the UK
- The application is fully compliant in terms of UKVI Tier 4 policy.

The above points are verified not only by documentary evidence but also by telephone interview with the Student Services and Business Director.

The CAS will be assigned in line with UKVI policy guidance by a level 1 user on the SMS system.

### 6. Academic Progression

The UKVI academic progression rule is in place to ensure that Tier 4 students are progressing academically if they wish to undertake further studies in the UK and are not merely seeking to extend their stay in the UK.

In order to demonstrate academic progression, the student's new course must normally be above the level of the previous course for which they were given Tier 4 leave. For example, if a student was previously granted leave for a programme of study at QCF or NQF level 6 then their next course should be at least QCF or NQF level 7

If a student has failed to successfully complete a previous course for which they were granted Tier 4 leave meaning they have not achieved the qualification for which they were studying they will not be able to demonstrate academic progress and it is highly unlikely that a CAS would be issued by CE even if one of the below exceptions applied.

A Tier 4 student does not need to show academic progression if:

- They are making their first Tier 4 (General) application
- They are making a Tier 4 (General) application from overseas.

### 7. Reasons for Refusing a CAS

CE reserves the right to refuse to issue a CAS to an applicant. Reasons for refusal include but are not limited to:

- Failure to declare academic history in the UK
- Previous visa refusals either with CE or other sponsors
- Deception used in an application
- Failure to declare any information that might change the outcome of the application
- Insufficient financial funds
- Previous breach of visa conditions
- Insufficient time to complete the chosen course of study within the cap stated by UKVI
- Inconsistencies in application
- Lack of evidence of academic progression
- Any other circumstance that suggest the issuance of a CAS might contravene CE's responsibilities and UKVI policy guidance

In the event that the Tier 4 visa application is refused, the CE Admissions Department will request a copy of the 'refusal of entry clearance'. The Student Services and Business Director will report the refusal against the relevant CAS number on the SMS system and detail the reason why the visa was refused. The decision to issue a second CAS is entirely at the discretion of CE and will take into consideration the reason for the initial refusal, the latest date of enrolment, the current date and

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whether the applicant still wishes to come to CE. CE is neither responsible for visa application outcomes (including applicants failing to obtain a visa and/or the consequences of such failure) nor liable for any consequence associated with declining to issue a CAS.

For details of circumstances under which a refund will be made in the event of a visa refusal, please refer to the [CE Terms and Conditions here](#).

### 8. Enrolment Procedures

All students (UK, EU and international) must provide evidence of the right to remain and study in the UK on enrolment. Students who fail to produce evidence of their entitlement to remain and/or study in the UK will not be enrolled at CE.

Tier 4 Students who successfully obtained their Tier 4 visa are expected to enrol at CE on the date as stated in their CAS. Tier 4 students must inform CE of any changes in their plans, including if they are not able to enrol on time, not able to travel to the UK, intend on postponing their studies, etc. On arrival to the UK, all Tier 4 students must collect their Biometric Residence Permit (BRP) prior to or at the point of enrolment.

CE recognises that in order to ensure full compliance with UK immigration law, it will be required to evidence that it has implemented appropriate checking of documents where required.

For each document that CE receives, it will undertake the following:

- check that the name on the documents correspond to the name of the student's UK immigration documents
- make copies of the relevant pages of the documents
- date stamp and countersign the copies to confirm that CE UKVI authorised staff have seen original documents and are satisfied that the documents are valid, genuine, belong to the holder, and have not been tampered with.

All students (UK, EU and International must provide evidence of right to remain and study in the UK at enrolment. At the point of enrolment, the following original documents are checked, signed and dated as true copies and kept in the students registration file:

- Registration form - containing UK contact details
- Passport photo page
- Previous UK entry stamps
- Vignette for landing clearance
- Biometric card
- Police registration (if applicable)
- Qualifications used to obtain offer
- English Language qualifications (if applicable)

In addition, Tier 4 students are required to attend an orientation week which includes a compulsory session outlining Tier 4 regulations.

Student files and records are updated with visa numbers and expiry dates, signed copies of evidence documents and a history of contact details in London.

Tier 4 students who have not produced all necessary documentation by the end of the enrolment week will be withdrawn.

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### 9. Tier 4 Student Responsibilities

Tier 4 students must comply with the conditions of their visa. CE will provide the necessary information and guidance, however students are responsible for complying with the conditions of their visa. CE will withdraw sponsorship of students who do not comply with the conditions of their visa.

Tier 4 students must:

- Inform CE of the outcome of their visa and/or any changes of plans including lateness to arrive, deferrals, cancellations, etc
- Produce valid passport, visa and qualifications as requested by CE
- Collect Biometric Residence Permit within 10 days of arrival in the UK
- Enrol on the date stated in the CAS
- Inform CE of any change of circumstances including changes to UK address and contact details
- Pay the tuition fee or arrange a payment plan by the 1 September of the year in which studies commence
- Register with the police (if required on visa)
- Attend all scheduled teaching sessions and remain engaged with their studies
- Work only as allowed on the visa.
- Ensure that their visa documentation is always valid and up to date
- Provide evidence of exit from the UK/ transfer to another visa upon completion of studies.
- Adhere /comply with the conditions of their visa at all times.

### 10. Christie's Education Tier 4 Responsibilities

The responsibilities of CE as a Tier 4 sponsor begin when a CAS is assigned until:

- CE withdraw sponsorship of the student
- The student leaves the UK; or
- The student is granted permission to remain in the UK with a different sponsor or in another immigration category.

### 11. Reporting Duties and Monitoring

CE will report to the UKVI if and when any of the instances detailed in Paragraphs 2.9 to 2.12 and 6 of the UKVI Tier 4 sponsorship guidance, Document 2: Sponsorship Duties occur, which are outlined below:

- Students who fail to enrol
- Students whose visa was refused
- Students whose attendance falls below the required threshold of 80% or students who miss 10 consecutive contacts (whichever is lower)
- Students who fail to engage with their studies
- Students who defer their studies

Any relevant changes in a student's circumstances these include but are not limited to:

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- A change in where they do their work placement
- A change of course
- Anything that suggests that they are breaking the conditions of their permission to stay in the UK such as working in breach of their conditions
- Any reason to suspect that a student is not a genuine student

### 12. Record Keeping

CE will maintain all records as specified in Appendix D of Sponsorship: Guidance for Employers and Educators November 2016 for all international students and will provide UKVI with any records/ information at its request. Students are expected to assist CE in discharging its Tier 4 compliance duties by cooperating with all reasonable requests for information and/or documentation.

CE operates an electronic database. This electronic database holds contact details of all students both in London and their home country. Permanent home details are captured with the initial application and London contact details are captured during the enrolment process which takes place during induction.

CE has the facility to retain historical data and provide an accurate history of all students' personal data.

In order to ensure student personal information is kept up to date, CE requires Tier 4 students to confirm any change of contact details (address, telephone number, mobile telephone number and next of kin) and notify them to the administration.

If any of the Tier 4 students notify CE that their contact details have changed, the administrative team will record the notification on the database and file the notification in the student's personnel file.

As part of their on-going compliance obligations CE sends the Tier 4 students termly reminders of their responsibility to provide up to date contact details.

### 13. Attendance Monitoring

CE has an obligation to monitor Tier 4 students' attendance and engagement with studies and take relevant action against those students attendance and/or engagement is deemed to be unsatisfactory. Tier 4 students are required to demonstrate continued attendance. CE reserves the right to determine whether as a result of absences, non-attendances and/or non-engagement with their studies or other reasonable grounds, Tier 4 students will be able to complete their studies within the original timeframe of their visa. If Tier 4 students are not able to complete studies within the original timeframe of their Tier 4 visa, they may be advised to defer their studies, return to their home country and/or reapply for another visa to continue at a later date. CE will withdraw sponsorship for the duration of the deferral. This will be reported to UKVI and the Tier 4 visa will be curtailed.

Please refer to the [CE Attendance Policy](#)

### 14. Engagement with Studies

All Tier 4 students must engage with their studies. If there is evidence that there is poor engagement with studies, the case will be assessed and appropriate information will be sought from the relevant academic department. Where there is reasonable evidence that the student will not be able to complete the course within the timeframe of their visa, CE will consider withdrawing the Tier 4 sponsorship. In cases where sponsorship is withdrawn this will be reported to the UKVI and the student's Tier 4 visa will be curtailed.

Examples of non-engagement with studies include but are not limited to:

- Poor attendance
- Consistent late submission of work
- Frequent non-submission of work.

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- Non-submission of dissertation
- Consistent failure to successfully complete assignments.

### 15. Work Placements

Tier 4 students may undertake a work placement if it is an integrated assessed part of the course. Placements will be allocated by CE and all placements will take place at Christie's. CE remains responsible for Tier 4 students during their work placement and will continue to comply with all sponsor duties, including attendance monitoring.

### 16. Withdrawal of Tier 4 Sponsorship

CE will withdraw sponsorship of a Tier 4 visa in the following circumstances:

- Failure to enrol within the required timescale
- Early completion of studies
- Expulsion from CE following the outcome of disciplinary procedures
- Failure to cooperate with CE in the maintenance of accurate records (immigration documents and contact details)
- Failure to pay course fees
- Failure to inform CE of a change in circumstances
- Deferral of studies
- Visa refusal
- Failure to adhere to the attendance policy
- Failure to engage with studies

Other than the circumstances listed above, CE may withdraw Tier 4 Sponsorship if:

- A student has been engaged in terrorism or radicalisation, or there is a reasonable suspicion that this is the case
- Student is/has been engaging in a criminal activity, or a reasonable suspicion that this is the case
- In the opinion of CE the students circumstances pose a risk to the CE Tier 4 license
- There is a reasonable suspicion that the student is in breach of visa conditions
- There is a reasonable suspicion that that the student's main purpose for being in the UK is one other than full time study.

When Tier 4 sponsorship is withdrawn by CE the student's study will also be terminated. In all cases CE will report the withdrawal of Tier 4 sponsorship within 10 days of the withdrawal. Once Tier 4 sponsorship has been withdrawn, the student is required to provide CE with evidence of leaving the UK (paid flight ticket, boarding pass, entry stamp) as outlined in the Departure Plan set out in paragraph 17 below.

### 17. Departure Plan

All Tier 4 students will be sent a Departure Plan form to complete one month prior to the end of their studies. This form should be returned to the CE administration together with evidence of:

- Departure from the UK (paid flight tickets, boarding pass, entry stamp into home country

*or*

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- Evidence of transfer into another UK visa category.

Failure to return the departure plan may result in final certificates being withheld.

### **18. Disclaimer**

The UK immigration rules are subject to change. CE's policy and practices may therefore be amended at short notice to reflect those changes.

CE will collect and retain information about its applicants and students as it deems necessary for the purposes of complying with its Tier 4 sponsorship responsibilities. CE will retain this data in accordance with the Tier 4 sponsor guidance and the UK Data Protection Act 1998. CE will share information with the UKVI to the extent to which it is required to comply with its Tier 4 sponsor duties.

Approved by: Strategic Planning Committee October 2017