

# national centre for circus arts

## STUDENT VISA COMPLIANCE POLICY

### Glossary of terms in this policy

- **CAS** – Confirmation of Acceptance of Studies
- **EEA** – European Economic Area
- **SMS** – UK Government Home Office’s Sponsor Management System
- **Student Route Visa** – the visa via which overseas students can study at Rambert School, previously known as Tier 4 Visas
- **UKVI** – United Kingdom Visas and Immigration

**Students holding Student Visas are responsible for meeting the conditions and requirements of their visa. Queries regarding student visas should be addressed to [joanna@nationalcircus.org.uk](mailto:joanna@nationalcircus.org.uk)**

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## 1. Introduction

- 1.1 On 5th October 2020 the UKVI Tier 4 Student Visa was superseded by the UKVI Student Route. The UKVI Student Route sponsorship licence held by the School allows us to authorise Confirmation of Acceptance for Studies (CAS) for Non-UK students, excluding the Republic of Ireland, to obtain visa clearance to join courses at Regulated Qualification Framework (RQF) Level 4 or above.
- 1.2 The School attained a 'Track Record of Compliance' ('track record') as a sponsor on 25 June 2021 allowing it to benefit from certain privileges that other sponsors are not entitled to.
- 1.3 In order to retain its licence, the School has to fulfil certain criteria relating to the recruitment, arrival, monitoring and reporting of students on the UKVI Student Route.
- 1.4 This policy outlines how the School aligns with UK Visas and Immigration (UKVI) requirements and to minimise risk in respect of the status of all Non-UK students, excluding the Republic of Ireland.

## 2. Roles and Responsibilities

- 2.1 Strategic level responsibility for the monitoring of the School's continued compliance with the scope of its licence rests with the Principal of the School who is the authorising officer.
- 2.2 A schedule of staff roles and responsibilities for managing the visa requirements for the School is set out below:

Role	Staff member(s) responsible	Holds responsibility for:
UKVI Student Route Sponsor Authorising Officer	School Principal	Overall responsibility for School's UKVI Student Route Licence; Oversight of actions of staff who use the Home Office's Sponsor Management System (SMS); Monitoring and sign-off of all applications to renew the School's licences under the Points-Based System (regardless of the route)
Key School Contact for UKVI	Head of Academic Administration and Student Support	Main point of contact for Home Office UK Visas and Immigration (UKVI);

		Overall authorisation of users required to access the Home Office's Sponsor Management System (SMS) Four-year licence renewals
Management and risk management of annual Sponsor Licence Service	Administration and Registry Manager	Annual Basic Compliance Assessment (BCA); Annual CAS allocation;
Annual Monitoring and Review of Internal Compliance	TBD	Annual review of internal policies, processes and procedures; Assurance of security of School's status as a UKVI Student Route Sponsor; Assurance that School is complying with any changes to requirements at a national level

### 3. Student Responsibilities

- 3.1 The student is fully responsible for meeting the requirements of their UKVI Student Route visa, in accordance with current Home Office UKVI Student Route sponsor policy and guidance.
- 3.2 The School's Administration Team will provide information, advice and guidance to students on the UKVI Student Route, throughout their student journey, to ensure they are aware of their responsibility to abide by the conditions of their UKVI Student Route leave.
- 3.3 Any student in breach of their sponsorship conditions will have their Student Visa Sponsorship withdrawn and will be withdrawn from the School (for further information on withdrawal of Student Visa Sponsorship please see Section 11 of this Policy 'Withdrawal of Student Visa Sponsorship from a student by NCCA).

### 4. Assigning a CAS

- 4.1 As part of the School's admissions process, prospective students must provide evidence of their nationality and, where relevant, UK immigration status.
- 4.2 The School can enrol students who can demonstrate that they are British or Irish citizens without performing any additional immigration checks. We refer to these as 'UK students'.

- 4.3 If a non-UK student does not already have permission to live and study in the UK, the organisation can assign a CAS to them. The student can then use this to make an immigration application under the Student route.
- 4.4 From UKVI's perspective, the School's responsibilities in relation to sponsored students start when a CAS is assigned to the student and last until:
- sponsorship ends in accordance with the end date on the CAS; or
  - sponsorship is withdrawn by the organisation in accordance with UKVI's rules, if earlier.
- 4.5 A CAS must only be assigned for one course at a time and only when the following core requirements have been met:
- 4.5.1 The student's audition and interview met the organisation's entry requirements.
- 4.5.2 The student has provided a copy of a current passport.
- 4.5.3 The student meets the English language requirements set by UKVI, Although the organisation has track record status and can therefore assess English language ability for students who will study at degree level and above, it has opted not to do this. The English language requirement will therefore only be met where:
- a) the student has passed a Secure English Language Test ('SELT') approved by UKVI for the Student route, achieving the required level in all four components – listening, speaking, writing and reading, or;
  - b) where, as permitted under the Student route, they are from an English speaking country or have already met the English language requirements
- 4.5.4 If the student is applying from inside the UK, the rules on academic progression have been met, where required, and the student has provided evidence of their current immigration status that demonstrates that they are permitted to make an application from inside the UK. Because the School has track record status, sponsored students who have completed a Foundation Degree with the School may commence studies on the BA (Hons) top up as long as their leave to remain granted for the Foundation Degree has not expired. The student must submit a new immigration application, relying on a new CAS assigned by the organisation for the BA (Hons) top up, before their permission to stay expires and the School will obtain evidence that the application has been submitted in time. If the student is not from a majority English speaking country they must

prove their level of English to the UKVI required B2 level for a L6 qualification before the School will issue a CAS for the Top up year.

### ***'Gifted' student exemption***

- 4.6 The School will not generally assign a CAS under the 'gifted' student exemption. 'Gifted' student exemption is granted in exceptional circumstance. If such a case arises, approval must be obtained from the Authorising Officer before a CAS is assigned.
- 4.7 In the event of a refusal of an immigration application based on a CAS assigned by the School, a second CAS will only be assigned if the School is satisfied that the issues that led to the refusal decision have been resolved by the student.
- 4.8 If a student completes the course earlier than stipulated the student will be reported in line with the Schools UKVI Student Route sponsor reporting duties.
- 4.9 A CAS is valid for 6 months from the date it is assigned. The applicant can apply for entry clearance or leave to remain 6 months before the start of the course. If the CAS is not used within this period the CAS will expire.

## **5. English Language Criteria**

- 5.1 On issuing a CAS, UKVI Student Route sponsors must ensure that students have met the UKVI language requirements for Non-UK students, excluding the Republic of Ireland, entering the United Kingdom. Tests will be verified, by the Administration Team, on the English Language providers' verification system to confirm the student has passed the test.

## **6. Registration**

- 6.1 The student is required to arrive by the start date of the course, as stipulated on the CAS; informing the Administration team of any unavoidable changes to their arrival date in the UK. Students will be required to collect their BRP from the Post Office prior to being registered.
- 6.2 A student is registered at the University once their official identity documents, in accordance with current [Home Office Sponsor Guidance Appendix D](#), are approved and registered by the Administration team.

### ***Non-UK Nationals with limited leave to remain***

- 6.3 Excluding students from the Republic of Ireland, if non-UK nationals with limited leave to remain register at the School, the Administration team will liaise with the student to

ensure they have the continued right to study in the UK throughout the period of their course.

- 6.4 Excluding students from the Republic of Ireland, non-UK students, will be unable to register as new students or continuing students, without a current valid visa, relating to their current course.
- 6.5 If a student's visa expires within 2 months of the start of the course the School will conditionally register the student if:
- 6.5.1 The student is able to provide written evidence of a pending application to the UKVI for an extension or further permission to stay in the UK and evidence that any application was made prior to the expiry date of their old visa, or
  - 6.5.2 The student provides written evidence of submission of a pending administrative review against a decision of the UKVI to refuse an application or revoke the student's leave to remain in the UK, or
  - 6.5.3 The student has paid the required payment in respect of their annual tuition fee.
- 6.6 'Conditional registration' means that the School will register the student in the normal way, but in the event of UKVI confirming the student does not have permission to stay and must leave the UK, the School will review the student's registration status and this will change if required for the School to meet its statutory visa sponsorship requirements (see below for further information).
- 6.7 Where at any time within a student's period of study their immigration status becomes invalid (e.g. their leave to remain in the UK expires or is revoked), the student will not be able to register. If they are a current student they will be withdrawn from their course.
- 6.8 The student's documents will be retained in accordance with the University retention policy.

## **7. Reporting Duties**

- 7.1 All sponsors must retain evidence of each individual UKVI Student Route status, including passport, visa and contact details. Any changes in the status of Non-UK students, excluding the Republic of Ireland, and any amendments to personal circumstances that would result in the School ceasing sponsorship under the UKVI Student Route will be reported to the UKVI by the Administration team within 10 working days of the occurrence.

- 7.2 The Administration team will report to the UKVI, via the SMS, all incidences of a student's failure to join or re-join their course, student delayed, visa refusals, internal/external course transfers, early course completion, changes of study location, changes of immigration status, student no longer participating within 10 calendar days, withdrawals and suspensions and student contravening their UKVI Student Route sponsor responsibilities.
- 7.3 As a responsible sponsor, and as a service to students, the School will monitor visa and passport end dates for all Non-UK students, excluding the Republic of Ireland, and will advise students of the need to renew documentation.

## **8. Attendance Monitoring**

- 8.1 The School's Admission Regulations Policy aligns with the Home Office UK Visas and Immigration UKVI Student Route requirements.
- 8.2 Supplementary to the standard UKVI Student Route academic engagement monitoring requirements, the School will report, to the Home Office, students on the UKVI Student Route who fail to register, or are absent for a prolonged period without authorisation.

## **9. Withdrawal of Student Visa Sponsorship from a student by National Centre for Circus Arts**

- 9.1 NCCA may withdraw its sponsorship of a student in one or more of the following circumstances:
- 9.1.1 Failure by the student to complete their course of study;
  - 9.1.2 Unauthorised absence;
  - 9.1.3 If a student is learning remotely, and stops engaging with their distance learning for more than 30 days, whether overseas or in the UK, except in exceptional circumstances;
  - 9.1.4 If a student stops engaging with the onsite delivery of their course for more than 60 days, except in exceptional circumstances;
  - 9.1.5 If a student breaches the general conditions and/or any terms of their Student Visa by failing to inform the UK government of requisite information (eg a change of address; a change of course; failing to register with the Police if required to do so. These examples are not exhaustive);
  - 9.1.6 If a student breaches the general conditions and/or any terms of their Student Visa by working in excess of the hours permitted by the UK Government, or undertaking work not permitted under the terms of the visa;

- 9.1.7 Failure by the student to provide the documentation necessary for NCCA to ensure it meets the UK Government's Student visa requirements;
- 9.1.8 Fraudulent claims of public funds (state benefits) by a student to which they are not entitled;
- 9.1.9 Any other breach of the Student Visa conditions of stay.

## **10. Working in the UK whilst studying on a Student Visa**

- 10.1 The School's term dates are published on the School website. Holidays taken should be reasonable and consistent in line with the School's academic schedule.
- 10.2 If a student is permitted to work they are entitled to work up to 10 hours a week if studying at Foundation Degree and 20 hours per week if studying a BA ( Hons) course , as detailed on their [Biometric residence permit \(BRP\)](#) during term time and full-time during non-term time.
- 10.3 UKVI Student Route holders can do many kinds of work, but they must not: be self-employed, engage in business activity, take a permanent full-time job, be employed as a professional sports person including as a sport coach.
- 10.4 Additional information can be found on the types of roles that you can or cannot undertake via the UKCISA website: [What kind of work can you do?](#)