

Regulations Governing Students Sponsored by the University under the Student visa route of the Points Based System

Note: the term 'Student visa' refers to both the Tier 4 (General) visa and the new Student visa which replaced the Tier 4 (General) visa on 5 October 2020.

Nothing in the Regulations is intended to absolve the University from complying with its obligations as a Licensed Sponsor under the Points Based System.

This section of the Regulations is to apply in addition to the other sections of the Regulations and should be read in conjunction with the other sections of the Regulations.

Overview Guidance on the Student visa route of the Points based system can be found at <https://www.gov.uk/student-visa> Students are also advised to follow the link from the Overview to the [full guidance](#) for clarity on all aspects of the application for a Student visa including length of stay and activities that may and may not be undertaken on a Student visa.

Background

The University is licensed by the UK Visas and Immigration to act as a sponsor for visa purposes under the Student visa route of the Points Based System to Eligible Students admitted to Relevant Programmes of Study at the University. The University of Southampton is a Higher Education Provider with a track record of compliance.

As a licensed Sponsor, the University has certain specified obligations to the UK Visas and Immigration.

Definitions

For the purposes of this section of the Regulations, the following terms shall have the meanings specified.

"CAS"	means Confirmation of Acceptance for Studies
"Eligible Student"	means a student who: has received an offer of a place at the University to follow a Relevant Programme of Study; and requires a visa to enter and remain in the UK; and in the University's reasonable opinion fits the criteria and requirements set out in the Sponsor Guidance; and "Eligible Students" shall be construed accordingly.
"Eligible Study"	means study by an Eligible Student in respect of a Relevant Programme of Study.
"Licensed Sponsor"	means an institution licensed by the UK Visas and Immigration under the Student visa route of the Points Based System.
"Regulations"	means the regulations of the University of Southampton.
"Relevant Programme of Study"	means a programme of study which fits the criteria and requirements set out in the Sponsor Guidance and Relevant Programmes of Study shall be construed accordingly.
"Sponsor Licence"	means a licence from the UK Visas and Immigration to sponsor students under the Student visa route of the Points Based System.

"Sponsor Obligations"	means the University's obligations as a Licensed Sponsor.
"UK Visas and Immigration"	means the UK Visas and Immigration or any other government office or body which succeeds the UK Visas and Immigration or is assigned the authority and powers currently bestowed upon the UK Visas and Immigration.
"Sponsor Guidance"	means the Sponsor Guidance produced by the UK Visas and Immigration from time to time in respect of the Student visa route of the Points Based System and includes any additional Sponsor Guidance relating to different levels of Sponsorship within the Student visa including (but not limited to) requirements in respect of Student Sponsor status.
"Visa Sponsor"	means to provide Visa Sponsorship.
"Visa Sponsorship"	means Visa Sponsorship under the Student visa route of the Points Based System as defined in the UK Visas and Immigration Sponsor Guidance.

Headings are inserted for convenience only and shall be ignored in interpreting the terms of these Regulations.

1. Application/Admission

- 1.1 Subject to Clause 6, following a request from the student, the University will request a CAS from the UK Visas and Immigration in respect of all Eligible Students admitted to the Relevant Programme of Study when:
 - a) the student has (firmly) accepted the offer from the University; and
 - b) there are no remaining academic and/or English Language conditions.
- 1.2 The University reserves the right to require payment of a (non-refundable) deposit as a condition of the offer which will be due at the time of the student's acceptance of the offer.
- 1.3 The University may require students wishing the University to request a CAS from the UK Visas and Immigration to provide further information and documentary evidence to the University to enable the University to satisfy itself that the student is an Eligible Student, and to enable the University to request a CAS from the UK Visas and Immigration.
- 1.4 Requesting a CAS from the UK Visas and Immigration does not guarantee that a student will be successful in securing a visa under the Student visa route of the Points Based System from the UK Visas and Immigration. The University is not responsible for any decisions made by the UK Visas and Immigration and cannot accept any liability for any student failing to obtain a visa and/or for the consequences and/or losses (whether financial or otherwise) of such failure.

2. Enrolment and Visa, Passport and Identity "Check In"

- 2.1 The University reserves the right to prevent any student subject to immigration control from enrolling before it has checked their immigration status (by seeing the student's passport and their visa/biometric identity card, leave stamps or immigration status document and the student in person).
- 2.2 Where the University has requested a CAS from the UK Visas and Immigration in respect of a student, the University reserves the right to prevent that student from enrolling and commencing studies until it has seen the student in person, checked their identity and (if the student used the CAS to obtain a Student visa) taken copies of the student's passport and Student visa/biometric identity card.
- 2.3 The University reserves the right to withdraw its Visa Sponsorship of students who do not enrol.

- 2.4 The University reserves the right to withdraw its Visa Sponsorship of students who do not attend a Visa, Passport and Identity "Check In".

3. Maintaining up to date contact details and passport/visa information

- 3.1 The University reserves the right to withdraw Visa Sponsorship of students if they:
- fail to keep their contact details up to date (address, telephone number, email address);
 - do not inform the Visa & Immigration Student Advice Service (~~Registry~~) when they change their passport or obtain a new visa.

4. Study, Attendance and Interruptions to Study

- 4.1 The University reserves the right to withdraw its Visa Sponsorship of students who do not attend and participate in their studies as required for their programme of study
- 4.2 The University reserves the right to withdraw its Visa Sponsorship of students whose studies are suspended for any period of time including (but not limited to) suspension in accordance with Regulations about [Student Discipline](#), the Regulations about [Transfer, Suspension, Withdrawal and Termination](#) and the University [Student Support Review Regulations](#).
- 4.3 The University reserves the right to withdraw its Visa Sponsorship of students who undertake a repeat year as an external student.
- 4.4 The University reserves the right to withdraw its Visa Sponsorship of students who transfer programmes if the student does not remain an Eligible Student.
- 4.5 The University reserves the right to withdraw its Visa Sponsorship of students who undertake a period of study or work or work experience/placement outside the University (save where the study, placement or work experience forms an integral and assessed part of the programme of study).
- 4.6 Following a request from the student, the University will request a CAS from the UK Visas and Immigration in respect of a student whose Visa Sponsorship has been withdrawn in accordance with clauses 3.1 - 3.5 above provided that the University deems the student eligible to return and ready to resume Eligible Study in accordance with their programme of study and (if applicable) in accordance with:
- the Regulations about [Student Discipline](#);
 - the University [Student Support Review Regulations](#);
 - the Regulations about [Progression](#);
 - the Regulations about [Transfer, Suspension, Withdrawal and Termination](#).

5. End Dates and Extensions to Study

- 5.1 The eligible period of Visa Sponsorship for taught programmes is defined as running from the formal programme commencement date until the programme end date, as stated on the CAS. The student is expected to remain in attendance until this date.
- 5.2 The eligible period of Visa Sponsorship for research programmes is defined as running from the formal programme commencement date until the end of the maximum period of candidature (as detailed in Section V of the Calendar) and may include a period of nominal registration. If the student is awarded before the end of his/her maximum period of candidature (as detailed in Section V of the Calendar,) clause 6.3 below will apply. If a student is permitted to formally extend his/her candidature (in accordance with Section V of the Calendar) following a request

from the student, the University will (if the student is an Eligible Student) request a CAS from the UK Visas and Immigration for the student in respect of the extension period up to the point of re-submission and/or examination.

6. Termination, Withdrawal and Completion

- 6.1 The University will withdraw its Visa Sponsorship of students whose studies are terminated under the Regulations.
- 6.2 The University will withdraw its Visa Sponsorship of students who withdraw or are deemed withdrawn under the Regulations.
- 6.3 The University will withdraw its Visa Sponsorship of students who complete their programme earlier than anticipated or have returned to their home country to complete their programme of study.

7. Refusal or Removal of Visa Sponsorship

- 7.1 The University reserves the right to:
 - a. decline to request a CAS from the UK Visas and Immigration; and/or
 - b. withdraw a CAS which it has assigned to a student; and/or
 - c. withdraw its Visa Sponsorship of students

in circumstances where the University has reason to believe that the student or students concerned is/are or is/are likely to be:

- a. in breach of the conditions of his/her visa; and/or
- b. engaging in terrorism; and/or
- c. engaging in criminal activity

and/or where Visa Sponsorship of a particular student or group of students would, in the opinion of the University, pose a risk to and/or compromise the University's Sponsor Licence.

- 7.2 Where the University:
 - a. declines to request a CAS from the UK Visas and Immigration; or
 - b. decides to withdraw a CAS which it has assigned to a student; or
 - c. decides to withdraw its Visa Sponsorship

in respect of a student, and the student believes that this decision was inappropriate, the student may follow the Appeals Procedure and/or the Complaints from Applicants (as applicable).

8. General

- 8.1 The University will collect and retain 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 Sponsor Guidance, the General Data Protection Regulation (GDPR) and the University's Data Protection Policy from time to time in force.
- 8.2 The University will share information with the UK Visas and Immigration to the extent that the University believes is required to comply with its Sponsor Obligations.
- 8.3 The University is obliged to comply with its Sponsor Obligations. As such the University cannot accept any liability for any loss (financial or otherwise) experienced directly or indirectly by any

student as a result of any actions or omissions on the part of the University which the University believes are necessary or desirable to comply with the University's Sponsor Obligations.

- 8.4 The decision to refuse or remove Visa Sponsorship will be made on behalf of the University by the President and Vice-Chancellor and the Academic Registrar.

Reviewed in June 2016; amendments approved by AQSC in June 2016 and by Senate in July 2016

Reviewed in June 2017; no changes made

Reviewed in May 2019; amendments approved by AQSC in May 2019 and by Senate in June 2019

Reviewed in May 2020; 'highly trusted' removed

Reviewed in November 2020; references to 'Tier 4' removed.

Reviewed in May 2021; amendments approved by AQSC in May 2021 and by Senate on 16 June 2021