

PROCEDURE FOR THE WITHDRAWAL OF UNIVERSITY STUDENT VISA SPONSORSHIP

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Procedure for the Withdrawal of University Student Visa Sponsorship

1. All students must have permission to live and study in the UK for the duration of their programme at the University. If this permission is removed, action may be taken under this Procedure and [Senate Regulation 15](#).
2. Students who are sponsored by the University under the Tier 4/Student visa immigration system must comply with their visa and immigration obligations at all times, as set out on the [Visas and Immigration webpages](#). It is the responsibility of students to ensure they know and understand their responsibilities and the conditions of their stay.¹
3. Where a student does not comply with the requirements of their Tier 4/Student visa (either on or off campus), breaches the conditions of their stay, or interferes with or prevents the University from meeting its sponsorship responsibilities, action may be taken against them under this Procedure to determine whether their registration should be terminated and their immigration sponsorship withdrawn. Where appropriate, the University may also refer the concerns for consideration under other Senate Regulations, such as [Senate Regulation 6](#) where there are allegations of misconduct, and [Senate Regulation 14](#) where there are professional suitability concerns.
4. In accordance with the Equality Act, the University will consider any reasonable adjustments to this Procedure, which may be required to support students.
5. Under this Procedure, the balance of probabilities is the test that is applied in determining if a concern is sustained.
6. References in this Procedure to specific University staff will include their nominees.
7. The absence or non-engagement of the student will not prevent the University from taking action under this Procedure nor invalidate any decisions reached. In exceptional circumstances and where there is good cause to do so, the University may suspend the consideration of a case for a maximum of 10 working days. Whilst the case is suspended, the University may refuse admission to any programme of study or the provision of any service or facility to the student, until consideration of the outstanding case is concluded.

Breach of Tier 4/Sponsored Students' Engagement Responsibilities

8. Students must comply with the engagement obligations set out in 'Brunel University London Engagement: Tier 4/Sponsored Student Policy'. Appendix A of the Policy confirms the process for considering suspected breaches of these responsibilities.

Breach of all other Tier 4/Student visa Responsibilities

9. All other alleged breaches of a student's visa requirements or the conditions of their stay, or actions or inactions impacting upon the University's ability meet its sponsorship responsibilities, should be reported to the Compliance and Sponsorship Manager in the first instance, who will refer the matter to the Registrar for investigation. The Registrar may investigate the matter themselves or nominate a staff member.

¹ Unless stated otherwise, references to 'students' in this Procedure refer to students holding Tier 4/Student visas sponsored by the University.

10. The investigation should begin as soon as possible. At the start of the investigation the staff member should write to the student concerned to inform them of the nature of the concern and/or suspected breach and the purpose of the investigation. It may also be appropriate for the staff member to notify the student's academic department.

11. During the course of the investigation, written and/or oral information may be gathered from the student concerned, other University students and other parties either internal or external to the University. All supporting documentation will be shared with the student, as well as a full written account of the concern, and the student will be invited to provide a written response.

12. The staff member may invite the student to a meeting as part of the investigation. If this is the case, the student will be informed in advance about the nature and purpose of the meeting. The student may be accompanied by a representative and/or by a friend. Only a current University student staff member, or an advice worker from the Union of Brunel Students, or a relevant individual in the case of reasonable adjustments being made for a disabled student shall normally be permitted to be a representative or friend of a student. Neither the student nor the University will normally be represented by a legal practitioner at meetings or hearings held in accordance with this Procedure. The member of staff conducting the investigation will maintain a written record of any meetings with the student.

13. Once the investigation is completed, the Registrar shall consider the documentary evidence, and will determine one of the following:

- a) Dismiss the case;
- b) Refer the concern for further investigation under this Procedure or any other Ordinance, Regulation, policy or procedure, code of practice or rule of the University;
- c) Require the student to demonstrate future compliance with the requirements of their immigration status and/or their support of the University's sponsorship responsibilities; or
- d) Refer the matter to the Secretary to the Immigration Sponsorship Review Panel.

Immigration Sponsorship Review Panel

14. Upon receipt of a referral, the Secretary to the Immigration Sponsorship Review Panel will convene a Panel at the earliest practicable opportunity to consider the case. The Panel will normally comprise at least three members, one of whom shall act as Chair, and one of whom shall be a student member). The Secretary will support the Panel.

15. All relevant documentary evidence shall be sent to the student before the Panel meeting, and the student will have the opportunity to provide a further statement or evidence for the Panel's consideration in order to respond to the allegations of non-engagement or breach of visa conditions.

16. The Panel shall consider the documentary evidence before it, and will determine one of the following:

- a) That the case be dismissed;
- b) That a compliance plan should be put in place setting out conditions for the student's continued visa sponsorship; or
- c) That the student's Tier 4/Student visa sponsorship should be removed.

17. Option (c) will typically result in the student being automatically deregistered from the University, unless it is possible for them to complete the programme remotely or with a different immigration status. The University will, normally within 10 working days of the decision of the Panel, terminate the student's registration and withdraw their visa sponsorship, and the student must leave the University and comply with the exit requirements of their visa (unless they have been permitted to complete the course remotely or under another immigration status).

18. The decision of the Panel will normally be communicated in writing, within 2 working days of its meeting.

Appeals

19. If a student is dissatisfied with the decision made by the Panel to terminate their registration, they should submit an appeal to the Vice-Provost (Education) within 5 working days of the date of the Panel outcome letter. A student may appeal on one of more of the following grounds only:

- a) There has been procedural irregularity on the part of the University, and that sufficient evidence remains that the appeal warrants further consideration;
- b) There is new evidence material to the case that could not have been, or for good reason was not available to the Panel;
- c) The decision is unreasonable and/or the termination of the student's registration is disproportionate.

20. Upon receipt of an appeal, the Vice-Provost (Education) will determine whether the ground(s) of appeal have been met. Where the Vice-Provost (Education) determines the ground(s) have been met, they can set aside the Panel's decision and replace it with one of their own, as set out in paragraph 16 above. Where the Vice-Provost (Education) dismisses the appeal, the University will terminate the student's registration and withdraw their visa sponsorship, and the student must leave the University and comply with the exit requirements of their visa (unless they have been permitted to complete the course remotely or under another immigration status).

21. The decision of the Vice-Provost (Education) will normally be communicated within 7 working days of receipt of the appeal.

22. The decision of the Vice-Provost (Education) is final. There is no further right of appeal.

Office of the Independent Adjudicator

23. When all internal procedures are complete, students will be issued with a Completion of Procedures Letter, and may then request an independent review of their case by the OIA.

BRUNEL UNIVERSITY LONDON ENGAGEMENT: TIER 4/SPONSORED STUDENT POLICY

This guidance covers:

1. Purpose
2. Expectation
3. Student Engagement Monitoring
4. Engagement on courses at the Language Centre and London Brunel International College (LBIC) and Visiting Research
5. University Engagement
6. Student Absence and Non-Engagement

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Addendum to this policy – October 2020

On 5 October 2020, the Tier 4 (General) Student immigration category was replaced by the new Student Immigration Route in the UK. From this point, international students will apply for and obtain a 'Student Visa' to study in the UK (incorporating nationals of the EU, EEA and Switzerland from 1 January 2021). The regulations set by UK Visas and Immigration (UKVI) regarding the requirement to monitor the engagement of international students with Student Visas remains the same as under the previous Tier 4 system. The terminology used in this policy has therefore been amended to reflect this, although it has not changed operationally. Students enrolled on Tier 4 (General) visas will not be required to obtain a new Student visa. The regulations and processes outlined in this policy therefore apply to both Tier 4 (General) and Student visa holders.

1. Purpose

1.1. Academic engagement is vital for the successful completion of a student's studies. It is also a key element of Brunel's mission of being part of a community that is inspired to work, think and learn together to meet the challenges of the future. Additionally, in the case of students on Tier 4/Student visas, compulsory engagement is monitored as part of Brunel University's visa sponsorship obligations. The University is required to notify UK Visas & Immigration (UKVI) of students who are deemed to not be engaging on their programme of study.

1.2. This policy provides guidance and information on the expectations of Brunel University London in relation to engagement for all international students with sponsored visas.

2. Expectation

2.1. Students are expected to attend and engage with **all** academic activities for the course they are enrolled on (i.e. teaching, coursework, tutor/supervisor meetings, exams) and to devote appropriate time to their studies outside of these.

2.2. It is expected that students with sponsored visas will contact their Department if they expect to miss any scheduled activity, to explain their absence.

2.3. When students have a period of study with no taught classes (i.e. when writing a dissertation/thesis or undertaking a placement), they are required to remain in regular contact with their tutor/supervisor and attend any scheduled workshops or other meetings arranged by the University.

2.4. Tier 4/Sponsored Students are required to notify their Department of their intentions to leave the country (for more than 10 days), including during any writing up periods².

2.5. Students who plan to work on/complete their dissertation in the UK will be required to have regular meetings with their supervisor. Failure to do so may result in the University having no option other than to withdraw the student and notify UKVI, possibly leading to the visa being cancelled.

2.6. Students who plan to leave the country and return home to work on/complete their

² Although this is excepted for the 2020/21 academic year in response to the COVID-19 pandemic

dissertation are required to inform their academic Department of the date they will be leaving. The University may be required to withdraw visa Sponsorship and the visa may be cancelled.

2.7. Postgraduate Research students who have submitted their thesis are expected to stay engaged with their supervisor by preparing for their viva. Once the student has attended their viva and has received the panel's recommendations, engagement will resume as outlined in paragraph 3.4.

2.8. Postgraduate Research students may be permitted to leave the UK and return to their home country to undertake data collection with the permission of their Supervisor/Academic Department. The student must remain engaged with their programme while abroad as outlined in section 3 below.

2.9. The University's preferred method of contacting students, including in relation to engagement, is by email. Students are expected to check their Brunel email account regularly. Failure to check email will not be accepted as mitigation if the University takes further action as a result of a student's non-engagement.

3. Student Engagement Monitoring

3.1. All degree level students will be formally monitored against at least ten pre-defined 'engagement points' each year by their Department.

3.2. Engagement points will be based on course requirements and will consist mainly of coursework submissions, examinations, reassessments, attendance at teaching sessions, and tutor/supervisor meetings, as determined by Course Leaders.

3.3. Postgraduate Research students will be formally monitored against the initial 4 week review, supervisory meetings (routinely every 6 weeks), and progression meetings. Supervisory meetings are not complete until the supervisor has signed them off in e-Vision; this should be done within 2 weeks of their occurrence.

3.4. If the student is recommended for corrections (6 or 12 months) as the outcome of their viva, they will resume regular supervision meetings every 6 weeks accordingly. Once the student is recommended for award, no further supervisory meeting are required.

3.5. The University is also obliged to ensure contact is maintained with students during work placements. The University will only recognise work placements for Tier 4/Sponsored Students that are confirmed with the Professional Development Centre (PDC) by the placement deadline. Whilst the student is on placement, the PDC will contact the student at 3 engagement points to confirm they are still at their placement. Any unauthorised absences of the student, or more than 5 days off work due to illness without a medical certificate, will be considered non-engagement and will be reported by the employer to their University contact.

3.6. Engagement is also monitored throughout a student's enrolment by the use of academic facilities such as the Library and access to the computer network on campus, to help ensure continued student attendance on their course.

4. Engagement on courses delivered at the Language Centre and London Brunel International College (LBIC) and Visiting Research

4.1. Attendance of students enrolled at the Language Centre or LBIC will be monitored by these departments, who have their own attendance policies and monitoring processes that differ from programmes delivered at the University. Attendance is typically monitored on a daily basis at most classes and measured by attendance percentages. Students are expected to adhere to these attendance policies at all times; failure to do so may lead to escalation for non-engagement as outlined in section 6.3 below.

4.2. All visiting research students on Tier 4/Student visas should have appropriate formal supervisory arrangements in place at Brunel, even though they may continue to receive other supervisory support from their home institution. The engagement of visiting research students on Tier 4/Student visas will be formally monitored via their attendance at supervisory meetings, routinely every 6 weeks.

5. University Engagement

5.1. In addition to the College Departments monitoring students' engagement on their course, Tier 4/Sponsored Students will have additional engagement points with the University across the academic year. All students will be required to sign a Student Declaration on eVision at the start of each academic year upon registration/re-enrolment. Students will also be required to log on to eVision in April to confirm/update their UK contact details.

6. Student Absence and Non-Engagement

6.1. Brunel acknowledges that there may be instances of absence due to ill health or other extenuating circumstances. Where evidence is available to support such absences, this will be taken into account when considering a student's engagement. Students experiencing long term difficulties arising from changes in their personal, medical or other relevant circumstances may be advised or required to temporarily withdraw and re-join their studies when in a position to do so.

6.2. In cases where a missed contact point is the result of ill health, the student should provide evidence of this. The evidence must relate specifically to the time of the illness and must make clear that the student was medically unfit to attend Brunel. It must confirm the date the student is fit to resume their studies. Letters from acupuncturists, herbalists or other alternative practitioners will only be accepted when supported by certification from GMC registered doctors. Medical evidence must bear the hospital or GP's practice stamp and/or be on appropriate letter-headed paper.

6.3. Tier 4/Sponsored Students who miss an engagement point, are absent for 2 weeks or more without authorisation or are considered to not be engaged on their course at any time will be contacted by their College/Department. Students will be given the opportunity to provide reasons for their non-engagement and will be required to meet with their supervisor/tutor. Students who fail to attend this meeting or do not have a sufficient reason for their non-engagement may be referred to the Immigration Sponsorship Review Panel by the Dean of College (or nominee) in accordance to Senate Regulation 15.

6.4. At all stages, students are encouraged to disclose evidence of ill health or other exceptional circumstances, such as family bereavement, to explain periods of absence.