

## Policy governing the Student Visa sponsorship of current students at Swansea University.

### Current students requiring a CAS to complete their programme of study under the Student Visa Route.

1. In most cases, students wishing to extend their period of study in the UK will do so as an applicant for a new programme. Circumstances in which current students need to extend their study in the UK while continuing on the same programme should be limited.
2. In some circumstances however, a current student may request further time to complete their current programme of study (for example to redeem failure), to transfer on to a programme that requires further time to complete, to return from a period of authorised suspension. These students will therefore need to apply to the VISA Compliance team for a new CAS using the relevant application form.
3. Only the VISA Compliance team is authorised to issue a CAS for current students extending their visa to complete their programme (for example to redeem failure) or to apply for a new visa to return after a period of authorised suspension. When assessing a student's eligibility for a new CAS, the VISA Compliance team may require students to provide further information and documentary evidence to enable the University to properly evaluate the case and fulfil its sponsor duties before issuing a CAS.
4. It is the responsibility of the student to provide any required information and to fulfil any conditions identified by the University. Failure to provide required information or documentation may result in refusal of a CAS.
5. The VISA Compliance team will issue a CAS only where there is a demonstrated academic need for the student to remain / return to the UK to complete their programme. Waiting for results, an academic misconduct case decision or any other appeals process is not considered an academic need by the UK Visas & Immigration.
6. In addition the student must meet all the requirements below to be issued with a CAS:
  - a. has academic need and approval for extending their programme;
  - b. is demonstrating satisfactory academic progress on their programme of study;
  - c. is demonstrating progression in accordance with published Home Office guidance;
  - d. is not more than two years behind their original completion date for the programme, except in **exceptional compelling and compassionate personal circumstances (for example, serious illness or disability)** where documentary evidence of the circumstances has been provided and approved and **all** other requirements have been met;
  - e. is able to demonstrate a satisfactory and compliant attendance record;
  - f. has no outstanding financial duties to the University, whether for tuition or accommodation fees;
  - g. has obtained new ATAS clearance where appropriate;

- h. is not in breach of the conditions of their current/previous student visa;
- i. will not exceed the time limits on study under the Student Visa route imposed by UKVI as a result of a CAS being issued, as outlined in the Home Office's Student Visa Sponsor Guidance, except where the student can demonstrate **exceptional compelling and compassionate personal circumstances (for example, serious illness or disability)** which may cause the student to exceed these time limits. In such instances, documentary evidence will be required and will need to be approved, and the student will still need to meet **all** other requirements listed;
- j. has thus far maintained appropriate immigration permission for study in the UK;
- k. has, in cases of return to study following suspension on health grounds, provided evidence of fitness to return to study;
- l. has not overstayed his/her most recent visa, except in **exceptional and unavoidable circumstances**. In these instances, the University must be provided with documentary evidence that the student has left the UK and/or is not likely to be subject to ban on future entry clearance before a CAS will be issued;
- m. is not likely to receive a visa application refusal by the Home Office due to other factors.

Please note that the VISA Compliance team will consider all of the points listed above when assessing a student's eligibility to receive a CAS to extend their leave under the Student Visa route. Applications will be on a case-by-case basis and a student would usually be expected to meet **ALL** of the listed criteria to be eligible for further sponsorship under the Student Visa route. VISA Compliance may also take into consideration whether previous University immigration advice relating to suitable visa pathways or need to leave the UK during a period of suspension has been adhered to.

- 7. As per the University Terms & Conditions you will be refused a CAS if your continuing registration with the University puts us, or threatens to put us, in breach of any of our legal obligations to comply with UK immigration or other requirements.
- 8. The VISA Compliance team may, in certain circumstances, also require evidence of appropriate financial eligibility to remain in the UK under the Student Visa route before a CAS is issued and will liaise with the VISA Advice team on this requirement.
- 9. In certain circumstances, a student may be required to return to their home country to make a Student Visa application, in line with UKVI requirements. In these cases, the student will be advised of this requirement and the VISA Compliance team will not issue a CAS until proof that the student has left the UK (for example, an exit stamp, flight confirmation or boarding pass) has been provided.
- 10. Please note that as of 1<sup>st</sup> July 2021, the Doctorate Extension Scheme visa route will be closed and will be replaced by the Graduate Route, a post-degree work visa route for which separate eligibility criteria applies.
- 11. In line with current Student Visa sponsor guidance, students are not normally permitted to transfer to lower-level study whilst still under sponsorship and the University would not usually issue a CAS under these circumstances.

### **Programme end dates for Student Visa sponsorship**

1. The eligible period of Student Visa Sponsorship for taught programmes is defined as running from the formal programme commencement date until the latest date that the student is expected to attend teaching and/or attend examinations and/or submit assessment. For taught programmes, students cannot be sponsored under the Student Visa route after this date even if they are awaiting results.
2. The eligible period of Student 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 University Regulations). In exceptional circumstances, such as where a student is awaiting and preparing for a viva voce examination or where the outcome of the viva voce examination is corrections, students may request a CAS beyond the maximum period of candidature, provided that there is an academic necessity for the student to remain in the UK. Written confirmation that there is an academic necessity for the student to remain in the UK will be required from the College in these circumstances. The student and the College must agree to adhere to the Attendance Monitoring Policy for Research Students for this additional period.
3. If a student under the Student Visa route is successful in completing their degree before the period of maximum candidature, or before the course end date as stated on their original CAS, early completion of the programme will be reported to the Home Office, which is likely to lead to the mandatory curtailment (shortening) of the student's visa.

### **Additional points to note for current students requesting a CAS**

1. The University reserves the right to refuse to issue a CAS where applicants have not met these requirements, or if there are other circumstances which suggest that to issue a CAS would be contrary to Home Office guidance.
2. Where a student has been refused a visa under the Student Visa route, no further CAS will be issued until the applicant has provided documentary evidence that they would be in a position to make a successful application should a further CAS be issued. The maximum number of CAS issued to any applicant under the Student Visa route will normally be limited to two per application. In the event of general grounds for refusal on the basis of credibility, no further CAS will be issued to the applicant.
3. In addition to the above, where a student has previously had their Student Visa sponsorship withdrawn by the University, a request for a new CAS will be carefully considered with regard to the reasons why this sponsorship was withdrawn.
4. The University reserves the right to charge applicants where a CAS needs to be reissued due to a mistake on the student's part. The cost will be commensurate to the cost Swansea University must pay to UKVI per CAS issued (currently £55). All applicants are strongly advised to visit the University's [Visa and Immigration web pages](#) when preparing to make a visa application.

5. In some instances, the University may decline to issue a CAS, but will instead issue a supporting letter which would enable the student to apply to study in the UK with a 'Standard Visitor Visa', if the proposed study is permitted in line with UKVI guidance on Standard Visitor Visa rules. Any application for a Standard Visitor Visa must be made from outside the UK and evidence that the student has left the UK (for example, an exit stamp, flight confirmation or boarding pass) will be required before a Standard Visitor Visa supporting letter is issued. Please see the University information on [Standard Visitor Visas](#) to help you prepare your visa application.
6. Issuing a CAS or a supporting letter for a Standard Visitor Visa does not guarantee that a student will be successful in securing a visa. The University is not responsible for any decisions made by the Home Office and cannot accept liability for any student failing to obtain a visa and/or for the consequences and/or losses (whether financial or otherwise) of such failure. Nor is the University liable for consequences of declining to issue a CAS or supporting letter for an applicant on request.
7. Other than the circumstances noted above, circumstances when the University may decline to issue a CAS or withdraw sponsorship, include the following:
  - a. Reasonable suspicion that a student is in breach of their visa or deliberately failing to follow advice about their visa position;
  - b. The student's main purpose for being in the UK is other than full-time study, or a reasonable suspicion that this is the case;
  - c. The student is/has been engaging in terrorism, or a reasonable suspicion that this is the case;
  - d. The student is/has been engaging in criminal activity, or a reasonable suspicion that this is the case;
  - e. In the opinion of the University, the student's circumstances may compromise or pose a risk to University's Sponsor Licence.
8. Students under Student Visa sponsorship must reside at a commutable distance from Swansea University for the duration of their programme, except during periods of vacation, outside study, work placement or where exceptional personal circumstances may require an absence. In such cases, prior approval must be sought from the VISA Compliance team by emailing [VISA.Compliance@swansea.ac.uk](mailto:VISA.Compliance@swansea.ac.uk). Students are required to maintain their personal records with the University, including their address, for the duration of their studies.
9. Home Office rules are subject to change. The University's policy and practice may therefore be amended at short notice to reflect revised Home Office rules and guidance.
10. 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 duties. The University will retain this information in accordance with the Sponsor Guidance, Data Protection Legislation and the University's Data Protection Policy. The University will share information with The Home Office to the extent that the University believes is required to

comply with its Sponsor duties.

11. The University is obliged to comply with its Student Visa Sponsor duties. As such, the University cannot accept any liability for any loss (financial or otherwise) experienced directly or indirectly by any CAS / Student Visa applicant as a result of any actions on the part of the University which the University believes are necessary or desirable to comply with its Sponsor duties.

### **Consideration of a CAS Application**

1. Once submitted to the VISA Compliance team, your application for a CAS will be considered and you will be informed of the outcome via email to your student and personal email account, unless you specify an alternative contact address. CAS letters will also be sent to both your student email and personal account.
2. We may require further information to support your application; the team will contact you regarding this via email.
3. The VISA Compliance team will consider all CAS applications within an appropriate timescale, dictated by the current leave and academic situation pertaining to that student. Some applications will be held pending the outcome of progression boards, appeals etc. and some will be dealt with within a few working days. The team will advise you upon receipt of your application of an estimated timescale you can expect, subject to meeting academic and UKVI requirements.