

Birmingham City University

Student Visa Route - CAS Issuing Policy

1. Introduction

Birmingham City University (BCU) holds a Student Sponsor Licence. The Licence allows BCU to sponsor students to enable them to apply for a visa under the Student Route of the points-based system.

BCU takes its status as a Student Sponsor very seriously. As a Student Sponsor Licence holder, BCU must demonstrate the highest level of compliance with sponsor duties which can be found in the [Student Sponsor Guidance](#).

In accordance with its duties and obligations as a Student Sponsor, BCU must support immigration control, including taking steps to ensure that every student has permission to study in the UK throughout the whole period of their study.

2. Scope and Purpose

This policy applies to students who are currently sponsored by BCU under the Student Visa Route or the former Tier 4 General route and to those prospective or existing BCU students who require a Confirmation of Acceptance for Studies (CAS) to enable them to make an application for a Student Route visa, either for a new visa or for an extension of their existing visa. Furthermore, the policy applies to students studying at Birmingham City University International College (BCUIC) as students also sponsored by BCU. For the purpose of this policy, references to Student Sponsor include the Student Sponsor sub categorize of Sabbatical Officer. The aim of this document is to outline the University's over-arching policy in relation to issuing a CAS for Student Route visas, as a Student Sponsor.

This policy is specific to BCU and does not represent a full statement of immigration or Student Sponsor requirements. This policy is subject to change and the University is entitled to revise its policies or procedures relating to compliance with its Student Sponsor duties at any time in order to ensure compliance with BCU's ongoing legal duties and obligations. The University is under no legal obligation to issue a CAS to any individual and must exercise caution with respect to issuing a CAS in order not to risk its status as a Student Sponsor.

3. Key Responsibilities

As the University's Student Visa Route Authorising Officer, the University Secretary has principal responsibility for the management and implementation of this policy with the day-to-day oversight being carried out by International Admissions, UKVI Compliance Team and the International Student Advisors.

Despite the overall key responsibilities, all staff at the University working with students covered by the points based immigration system must ensure the policy is adhered to accordingly.

4. Issuing a CAS

- 4.1 CASs for new students and those students switching from one RQF Level to another will be issued by the International Admissions Team. CAS for existing BCU students requiring further leave in order to complete their course or undertake a Sabbatical Officer role are the responsibility of the UKVI Compliance Team.
- 4.2 Prior to issuing a CAS, the University may make any additional checks it deems necessary to ensure it only sponsors genuine applicants and students who will successfully obtain a visa. These checks may include but are not limited to conducting an immigration history check via the Home Office, conducting interviews, reviewing bank statements and financial documents and requesting a copy of all previous UK visas and requesting previous CAS's from former institutions.
- 4.3 In cases where an applicant or student is already in the UK, the University will make appropriate checks to ensure that the individual has valid permission to be in the country prior to issuing a CAS and that they are able to extend their visa from within the UK.
- 4.4 For applicants from countries listed under the Home Office's differential evidence requirements (<https://www.gov.uk/student-visa/money>) CASs will be assigned no more than six months prior to the course start date for any applicant starting studies at the University and the same will apply for any student returning from a period of Interruption.
- 4.5 For applicants from countries not covered by the Home Office differentiation arrangements CASs will be assigned no more than three months prior to the course start date for any applicant starting studies at the University and the same will apply for any student returning from a period of Interruption.
- 4.6 As part of the Student Route visa application process, you are required to confirm that you have sufficient funds to cover your course fees and living costs. Therefore, students applying from outside of the UK may be required to provide UKVI compliant bank statements covering a 28-day period evidencing that they have sufficient funds available to cover their 1st year course fees and living costs for 9 months.
- All students applying from within the UK, who do not meet the UKVI exemption of having had immigration leave in the UK for the preceding 12 months, will need to provide UKVI compliant bank statements covering a 28-day period evidencing that they have sufficient funds to cover their 1st year course fees and living costs for 9 months before a CAS will be issued. Students applying with dependants will also need to evidence living costs for each dependant. For students who do meet the 12 month exemption rule, the University requires them to have paid a minimum of 50% of any tuition fees or £3000 whichever is higher before a CAS will be issued.
- 4.7 Once the conditions for CAS release have been met, the CAS will be provided directly to an applicant or student applying for entry clearance by the International Admissions Team or the International Student Visa Advisors for students applying for a visa extension from overseas unless the student is using a recruitment agent registered at BCU or one of the University's in-

country offices. CAS will not be sent to any other 3rd party unless the applicant or student has provided written consent.

4.7.1 Applicants or students applying from within the UK should submit their Student Route visa application through the University's Check and Send Scheme. In exceptional circumstances, applicants or students may chose not to use this scheme. Such students must complete the BCU Check and Send Opt-out form and meet all the relevant conditions before a CAS is released.

4.8 Issuing a CAS does not guarantee that a visa application will be successful and it is the student's responsibility to ensure they meet all of the Home Office requirements. BCU is not responsible for any decision made by the Home Office/UK Visas & Immigration.

4.9 CAS issued after the University's latest CAS issue date must be approved by the DVC academic.

4.10 BCU will not issue a CAS in cases where:

- 4.10.1 a student has no valid leave to remain in the UK e.g. is an overstayer;
- 4.10.2 a course requires an Academic Technology Approval Scheme certificate and the student has not yet obtained one;
- 4.10.3 International Admissions Team or UKVI Compliance Team have assessed that Academic Progression (as defined in Home Office Sponsor Guidance) cannot be justified. Where a student is applying for a course at the same academic level, BCU will ask the student to justify (either in writing or through an interview) why it represents Academic Progression (as defined in Home Office Sponsor Guidance) in order for the student's individual case to be considered;
- 4.10.4 International Admissions Team or UKVI Compliance Team have assessed that sponsoring an applicant or student will put the Sponsor Licence at risk or there are concerns about the credibility of the applicant or student;
- 4.10.5 a student has exceeded or will exceed the amount of time permitted on a student visa by the end of their course;
- 4.10.6 International Admissions Team or International Student Visa Advisors have assessed that the student is unable to provide evidence showing sufficient funds to cover living costs and tuition fees;
- 4.10.7 an applicant or student has submitted documents which are proven or suspected to be fraudulent or has had a visa refused in the past because of fraudulent documents;
- 4.10.8 there is any reason to believe an applicant or student will not comply with the conditions of their immigration leave (e.g. intention to work or past history of working more than 20 hours per week) or if a student is in breach of their visa conditions or has previously breached their conditions;
- 4.10.9 an applicant or student is currently subject to any order which prevents them from applying for a visa and/or entering the UK.
- 4.10.10 a student has any outstanding tuition fee or accommodation fee debt with the University, or has habitually defaulted on fees whilst studying at the University;
- 4.10.11 an applicant or student has had a visa refusal for another institution based on credibility grounds;
- 4.10.12 an applicant or student has provided false information to the University or omitted relevant information from their application (should a student's use of fraudulent

documents be discovered at enrolment or post enrolment, the University will look to withdraw the student).

It should be noted that 4.10 is not an exhaustive list and the University reserves the right not to issue a CAS in other circumstances.

5. Visa Extensions

5.1 Students wishing to extend their leave will be required to complete a CAS Request Form and submit it to their Faculty at least 3 months before their visa is due to expire. Completion of this form does NOT guarantee that a CAS will be issued. Furthermore, the University cannot guarantee that a CAS will be issued if the CAS Request Form is submitted to their Faculty less than 3 months prior to the student's visa expiry date.

5.2 The International Admissions Team and UKVI Compliance Team reserve the right to insist that, under certain circumstances a visa application must be made from overseas. In such cases the applicant or student must provide evidence that they have left the UK (e.g. immigration stamp in passport) before a CAS will be issued

5.3 A CAS for a visa extension will not be issued for a student who needs to re-sit assessments or needs additional time for writing up but is not required to be in attendance. Additionally, a CAS for a visa extension will not be issued if the re-sit is covered by the leave remaining on the student's current visa.

5.4 The UKVI Compliance Team reserves the right to reject a CAS Request based on grounds of previous or breach of visa conditions and/or if student has a debtor status.

5.5 A CAS for a visa extension will not be considered if the student has a record of unexplained poor engagement on their course.

5.6 As part of the immigration rules, there is an expectation that at the point of visa application you have sufficient funds to cover your course fees and living costs. Therefore, students applying from outside of the UK will be required to provide bank statements covering a 28-day period evidencing that they have sufficient funds to cover their 1st year course fee and living costs for 9 months.

All students applying from within the UK, who do not meet the UKVI exemption of having had immigration leave in the UK for the preceding 12 months, will need to provide bank statements covering a 28-day period evidencing that they have sufficient funds to cover their 1st year course fees and living costs for 9 months before a CAS will be issued.

For students who do meet the 12 month exemption rule, the University requires them to have paid a minimum of 50% of any tuition fees or £3000 whichever is higher before a CAS will be issued.

5.7 CAS Requests will not be considered if any of the scenarios in 4.10 apply.

6. Withdrawing a CAS

The University does not accept liability for any visas refusals or associated costs due to CAS withdrawal.

- 6.1 Where a CAS has already been issued and information is subsequently made available to us that falls into any of the categories where a CAS would not normally be issued or where sponsorship of the applicant or student would be inappropriate or otherwise contrary to BCU's duties as a Student Sponsor, or where the applicant or student is no longer able to meet the requirements for Student Visa Route sponsorship, the University reserves the right to withdraw the CAS or sponsorship at any time.
- 6.2 Where a CAS has already been issued for ACCA students and information is subsequently made available to us that the student has registered for and taken ACCA exams outside of the June and December exam sittings, the University reserves the right to withdraw the CAS or sponsorship at any time.
- 6.3 Where a student fails to declare all relevant information at the point of application to the University and/or point of CAS Request regarding their previous immigration history or planned location when making their Student Route visa application, the University reserves the right to withdraw the CAS or sponsorship.
- 6.4 Where a student fails to meet a condition of the Check and Send User Agreement (including additional terms) or fails to meet a condition of the Check and Send Opt-Out Agreement, the University reserves the right to withdraw the CAS or sponsorship at any time.
- 6.5 Where a student has been notified that they must apply overseas but instead tries to apply in the UK, the University will withdraw the CAS or sponsorship.
- 6.6 Where a student does not meet the evidence deadlines provided by the International Student Visa Advice Team, the CAS or sponsorship will be withdrawn.

7. Exceptional Assurance/Covid Concessions

- 7.1 Students who have applied for and have been given Exceptional Assurance will not automatically be issued a CAS. Prior to issuing a CAS, the University will make any additional checks it deems necessary to ensure it only sponsors genuine applicants and students who will successfully obtain a visa. These checks may include but are not limited to conducting an immigration history check via the Home Office, checking local travel restrictions and reviewing evidence that student has made reasonable attempts to leave the UK.

8. Visa Refusals

- 8.1 The University will only consider assigning one additional CAS following a visa refusal and only if the applicant or student can provide evidence to show there is minimal or no chance of their visa being refused a subsequent time. The assessment of risk of refusal will be made by the International Admissions Team or UKVI Compliance Team.
- 8.2 An additional CAS will not normally be assigned where an applicant or student has had a refusal due to failing a credibility interview.
- 8.3 Any applicant or student with a visa refusal will be reported to the UKVI and any sponsorship will be withdrawn.
- 8.4 Any applicant or student with a visa refusal who wishes to submit an administrative review must seek the advice of the University before proceeding.
- 8.5 Any applicant or student with a visa refusal who requests a new CAS must provide BCU with all pages of their Home Office refusal notice.
- 8.6 The University reserves the right to not issue a CAS to any applicant or student who has previously had their visa refused.

9. Policy Review

This policy will be reviewed on a regular basis to ensure it remains compliant with the Student Sponsor Guidance and Immigration Rules which are subject to change by the Home Office. The current version of this policy supersedes any previous versions.

Policy Approved by:	VCO
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