

Birmingham City University

Tier 4 (General) CAS Issuing Policy

1. Introduction

Birmingham City University (BCU) holds a Tier 4 licence. The licence allows BCU to sponsor students to enable them to apply for a visa under Tier 4 General of the points-based system.

BCU takes its status as a Tier 4 sponsor very seriously. As a Tier 4 licence holder, BCU must demonstrate the highest level of compliance with sponsor duties which can be found in the [Tier 4 Sponsor Guidance](#).

In accordance with its duties and obligations as a Tier 4 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 Tier 4 General 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 Tier 4 General visa, either for a new visa or for an extension of their existing visa. For the purpose of this policy, references to Tier 4 include the Tier 4 sub categories of Doctorate Extension Scheme and Sabbatical Officer. The aim of this document is to outline the University's over-arching policy in relation to issuing a CAS for Tier 4 visas, as a Tier 4 sponsor.

This policy is specific to BCU and does not represent a full statement of immigration or Tier 4 sponsor requirements. This policy is subject to change and the University is entitled to revise its policies or procedures relating to compliance with its Tier 4 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 Tier 4 sponsor.

3. Key Responsibilities

As the University's Tier 4 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 NQF 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 the Doctorate Extension Scheme 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 or 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, reviewing bank statements and financial documents or 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 individual has valid permission to be in the country prior to issuing a CAS.
- 4.4 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.
- 4.5 Once the conditions for CAS release have been met, the CAS will be provided directly to an applicant or student from the International Admissions Team or the International Student Advisors 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.
- 4.5.1 Applicants or students applying from within the UK should submit their Tier 4 visa application through the University's Batch Scheme. In exceptional circumstances, applicants or students may chose not to use this scheme. Such students must complete an Opt-out form and meet all the relevant conditions before a CAS is released.
- 4.6 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.
- 4.7 BCU will not issue a CAS in cases where:
- 4.7.1 a student has no valid leave to remain in the UK e.g. is an overstayer;
 - 4.7.2 a course requires an Academic Technology Approval Scheme certificate and the student has not yet obtained one;
 - 4.7.3 International Admissions Team or UKVI Compliance Team have assessed that academic progression 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 in order for the student's individual case to be considered;
 - 4.7.4 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;
 - 4.7.5 a student has exceeded or will exceed the amount of time permitted on a student visa by the end of their course;
 - 4.7.6 International Admissions Team or International Student Advisors have assessed that the student is unable to provide evidence showing sufficient funds to cover living costs and tuition fees;
 - 4.7.7 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;
 - 4.7.8 there is any reason to believe an applicant or student will not comply with the conditions of their Tier 4 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;

- 4.7.9 an applicant or student is currently subject to any order which prevents them from applying for a visa and/or entering the UK.
- 4.7.10 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;
- 4.7.11 an applicant or student has had a visa refusal for another institution based on credibility grounds;
- 4.7.12 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 4.7 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 must seek advice on the visa extension process from the International Student Advisors at least 3 months before their visa is due to expire.
- 5.2 Students wishing to extend their leave will be required to complete a CAS Request Form and submit it to their Faculty. 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 1 month prior to the student's visa expiry date.
- 5.3 The UKVI Compliance Team reserves the right to reject a CAS Request based on grounds of previous poor engagement or breach of visa conditions.
- 5.4 The International Admissions Team or UKVI Compliance Team reserve the right to assess whether a visa application must be made from overseas. In such cases the applicant or student will need to provide evidence that they are applying outside the UK (e.g. immigration stamp in passport).
- 5.5 A CAS for a visa extension will not be issued for a student who needs to re-sit or needs time for writing up but is not required to be in attendance or does not need supervisory contact. The University may, however, support a [Short-Term Study Visa](#).

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 Tier 4 sponsor, or where the applicant or student is no longer able to meet the requirements for Tier 4 sponsorship, the University reserves the right to withdraw the CAS or sponsorship at any time.
- 6.2 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 Tier 4 visa application, the University reserves the right to withdraw the CAS or sponsorship.

6.3 Where a student fails to meet a condition of the Batch User Agreement (including additional terms) or fails to meet a condition of the Batch Opt-Out Agreement, the University reserves the right to withdraw the CAS at any time.

6.4 Where a student has been notified that they must apply overseas but instead applies in the UK, the University will withdraw the CAS.

6.5 Where a student does not meet the evidence deadlines provided by the International Student Advisors, the CAS will be withdrawn.

7. Visa Refusals

7.1 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.

7.2 An additional CAS will not normally be assigned where an applicant or student has had a refusal due to failing a credibility interview.

7.3 Any applicant or student with a visa refusal will be reported to the UKVI and any sponsorship will be withdrawn.

7.4 Any applicant or student with a visa refusal who wishes to submit an administrative review must seek the advice of the University before proceeding.

7.5 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.

7.6 The University reserves the right to not issue a CAS to any applicant or student who has had their visa refused.

8. Policy Review

This policy will be reviewed on a regular basis to ensure it remains compliant with the Tier 4 Sponsor Guidance and Immigration Rules which are subject to change by the Home Office. The current version of this policy supersedes any previous versions.

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