



	Compliance and 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 throughout the duration of their studies with the University, and action may be taken under this procedure if they fail to retain such permission.
2. Students who are sponsored by the University under Tier 4/Student immigration category of the Points Based System must be aware of and ensure adherence to the requirements of their visa and other immigration-related obligations (including those that may result in a breach of the University's own sponsor obligations), more information about which can be accessed at <http://www.brunel.ac.uk/international/visas-and-immigration/yourresponsibilities-as-a-tier-4-student>. In this policy, unless otherwise indicated, references to 'students' refer to students holding Tier 4/Student visas sponsored by the University.
3. This procedure should be read in conjunction with [Senate Regulation 15 – Immigration Compliance](#).
4. Where a student fails to adhere to the requirements of their Tier 4/Student visa, or where their actions or inactions impact upon the University's ability to adhere to its own obligations to the Home Office, then action may be taken against the student under this procedure including (as appropriate) to determine whether the student's registration and their student contract should be terminated and whether their immigration sponsorship should be withdrawn. The procedure to be followed will depend on the nature of the suspected breach. Normally suspected breaches will be dealt with under this procedure although the University is not precluded in appropriate cases from treating the alleged breach as misconduct under Senate Regulation 6 and/or professional suitability concern under Senate Regulation 14.
5. In the operation of this procedure the University will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act 2010 where appropriate to make reasonable adjustments.
6. Where reference is made under this procedure to the Registrar, such references are to be read as including references to the equivalent officer, or to the Registrar's nominee. Where reference is made under this Regulation to Secretary to the Immigration Sponsorship Review Panel, such references are to be read as including any member of staff delegated by the Registrar, or by the equivalent officer or nominee, to perform the duties of the Secretary to the Immigration

### **Breach of Tier 4/Sponsored Students' Engagement Responsibilities**

9. Students must comply with the engagement obligations set out in 'Brunel University London Engagement: Tier 4/Sponsored Student Policy'. Suspected breaches of this policy will be dealt with under the procedures set out in Appendix A.

10. Where a student is found to be in breach of this policy in accordance with the procedures set out in Appendix A, a referral for non-engagement may be made by the appropriate Dean of College<sup>1</sup> to the Secretary to the Immigration Sponsorship Review Panel (see paragraph 11 below).

### **Breach of all other Tier 4/Student visa Responsibilities**

11. Alleged breaches of a student's visa responsibilities, other than for non-engagement, or actions or inactions impacting upon the University's ability to adhere to its own obligations to the Home Office, should be brought to the attention of the Compliance and Sponsorship Manager in the first instance, who will refer this to the Registrar.

12. The Registrar may appoint one or more members of staff to undertake an investigation on their behalf.

13. At the start of the investigation the member of staff carrying out the investigation should write to the student concerned to advise the student of their name, the nature of the concern and/or suspected breach and the purpose of the investigation. It may also be appropriate for the investigating member of staff to notify the student's academic department.

14. In all cases the investigation should be carried out without undue delay.

15. During the course of the investigation, written and/or oral information may be gathered from the student concerned, other students of the University and other parties either internal or external to the University.

16. The investigating member of staff may invite the student to a meeting as part of the investigation. If this is the case the student shall be informed in advance regarding the nature and purpose of the meeting. The student may be accompanied at the meeting by a representative and/or by a friend. Only a current student or member of staff of the University, 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 shall normally be represented by a legal practitioner at meetings or hearings held in accordance with this procedure. The member/s of staff conducting the investigation shall maintain a written record of any meetings with the student.

17. In the course of the investigation the student shall normally be provided with a full written account of the concern, including any supporting information, and s

- d) Refer the matter to the Secretary to the Immigration Sponsorship Review Panel

### **Immigration Sponsorship Review Panel**

19. For the purposes of considering individual matters, a Panel shall consist of at least three members, one of whom shall chair the Panel and one of whom shall normally be a student member (who shall not chair the Panel).

20. When a referral is made to the Secretary to the Immigration Sponsorship Review Panel, the Secretary will refer the case to a Panel for consideration and determination at the earliest practicable opportunity. The Secretary also cannot chair the Panel.

21. All written information to be used in reaching a decision shall be made available to the student before the Panel meeting. The student shall have the opportunity to provide a further statement or evidence to explain/justify alleged non-engagement or breach of visa conditions, if they wish this to be considered by the Panel.

22. Having completed its consideration of the matter, and taking into account any statements or evidence received from the student, the Panel may decide one of the following:

- a) That the case be dismissed
- b) That the student's Tier 4/Student visa

Review Panel to terminate the student's registration, withdraw the student's visa sponsorship. At this point the student must leave the University and comply with the exit requirements of their visa (unless the student is allowed to complete the course remotely or under another immigration status).

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## **APPENDIX - BRUNEL UNIVERSITY ENGAGEMENT: TIER 4/SPONSORED STUDENT POLICY**

### **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. Note that 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 the University's mission to provide a high quality education.

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leaving. Please note, the University may be required to withdraw visa Sponsorship and the visa may be curtailed (cancelled).

- 2.7. Postgraduate Research students who have submitted their thesis are expected to stay engaged with their supervisor by preparing for their viva. OoU1B4g@T051S6R&h3S735/e



Colleges. 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 and failure to do so may lead to escalation for non-engagement as outlined in section 6.3 below.

- 4.2. It is expected that all visiting research students on Tier 4/Student visas will 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 Declarat