| Policy name | Immigration Compliance Policy |
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| Subject | University implementation of requirements for UKVI compliance |
| Approving authority | Assurance Committee |
| Accountable person | Registrar |
| Responsible Team | Registry and Academic Affairs |
| First approved | July 2024 |
| Last updated | July 2024 |
| Version | 1 |

# 1    Introductory Purpose & Background

The University of Nottingham ("the University") has an immigration sponsor licence under the UK Home Office Points Based system which permits it to sponsor international students to study in the UK. This falls within the scope of UK Visas and Immigration ("UKVI") which is part of the Home Office responsible for decisions regarding who has the right to visit or stay in the UK.

The purpose of the university's Immigration Compliance Policy is to set out the university's arrangements for the management of immigration policies and the importance of UKVI compliance in line with UK immigration law. The university is required to ensure that each academic school/department and professional service department is aware of its responsibilities relating to immigration compliance. This policy aims to ensure high levels of compliance with the university's sponsorship obligations and to protect the university's staff and students from risks associated with breaching UK immigration law and poor compliance.

# 2    Scope

The scope of this policy relates to both student visa holders and other visa holder categories.

The university holds a UKVI student sponsor licence and has associated compliance requirements which apply to all Faculties and Professional Service Departments at the University of Nottingham in the UK (UoN).

This policy applies to all staff who have roles and responsibilities listed in section 4.2 of this policy.

It is important to note that while most sponsor duties relate to students in the UK on student visas, some sponsor duties extend to other non-British/non-Irish students and visitors who hold alternative immigration permission in the UK.  Immigration

compliance duties extend to EU, EEA and Swiss nationals since the UK left the European Union.

Separately, the Human Resources department of the University of Nottingham manages the UKVI immigration sponsor licence for working visa routes such as the Skilled Worker route and the Government Authorised Exchange (Temporary Worker) route and these are not covered in this policy. Right to work compliance information and guidance is provided by Human Resources.

Student responsibilities are not within the scope of this policy but are set out in full on the [university's web pages](#) and are provided to students at the point of initial online registration with the University and at other relevant points throughout their course of study.

# 3    Definitions

**UK Visas and Immigration ("UKVI"):** a division of the Home Office responsible for decisions regarding who has the right to visit or stay in the UK

**UK Home Office Points Based system:** students are covered by the points-based system, achieving "the required points if they can demonstrate that they have an offer from an approved educational institution, speak English and are able to support themselves during their studies in the UK."[1]

**Immigration sponsor licence:** education providers can sponsor international students to study in the UK by issuing them with a Confirmation of Acceptance for Studies (CAS) as long as the education provided has undertaken the necessary checks and continue to ensure each sponsored individual remains compliant throughout their student journey. Education providers are issued with a unique sponsor licence number which permits UKVI to track activity of the HEI and their students

**Sponsor:** an organisation which supports an applicant for a student visa by issuing a CAS and undertakes the necessary checks as laid out in UK immigration law for the requirements of the student visa, ensuring compliance throughout the journey of that student

**Right to study checks:** prior to registration and where applicable throughout a student's programme, students demonstrate their right to study by providing the university with copies of their passport and current immigration documents

**Basic Compliance Assessment:** carried out by the UKVI on each institution that wants to retain their Student sponsor status. Institutions must apply for and successfully pass this assessment every 12 months. The outcome of the application is determined by assessing an institution's performance in several areas (core requirements) against defined limits.

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[1] https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement

**Confirmation of Acceptance of Studies (CAS):** a unique reference number generated by a sponsor within the UKVI Student Management System for each student they have decided to sponsor. It contains information about the course of study for which it has been issued and the student's personal details. A CAS is not a certificate or paper document but is a virtual document similar to a database record.

**UKVI's Student Management System (SMS):** the UKVI's IT system which sponsors are granted access to in order to carry out day-to-day sponsorship duties, including assigning CASs, reporting to UKVI and applying for the BCA.

**Skilled Worker route:** HR managed route for visa applicants to come to or stay in the UK to do an eligible job with an approved employer.

**Government Authorised Exchange (Temporary Worker):** HR managed route for visa applicants who want to come to the UK for a short time for work experience or to do training, an Overseas Government Language Programme, research or a fellowship through an [approved government authorised exchange scheme](#).

# 4 Policy

## 4.1 Key principles

This policy and associated guidance and procedures aims to ensure that the university:

- Meets the requirements of the institution as an immigration sponsor and promotes this to its staff and students
- Ensures that staff who work with applicants or students who may require immigration sponsorship in order to study in the UK are aware of the legislative requirements to undertake these activities and are supported by clear roles, responsibilities and reporting processes
- Provides training and resources for all staff to develop knowledge and awareness of the range of immigration issues that can impact on all staff and students.

## 4.2 Roles and Responsibilities

There are a specific number of named roles within the university who will provide this support and take action where required. They are as follows:

**The Registrar** takes overall accountability for immigration compliance as the authorising officer, including oversight of the university's immigration policy, practice and culture at the university. The Immigration Compliance Group is chaired by the **Academic Registrar**, on behalf of the Registrar and reports to the Assurance Committee.

The **Director of Registry and Academic Affairs** is supported by the Associate Director (Global Opportunities, Visas & Immigration) and the Head of the Visa and Immigration team who manages the central Visa and Immigration team, responsible

for immigration advice and compliance. The team's main responsibilities for UKVI compliance include:

- Maintaining compliance with the university's sponsorship duties by ensuring that relevant university immigration policies, guidance and procedures are up to date and applied consistently
- Maintaining accurate records and undertaking Right to Study Checks
- Keeping records relating to the Basic Compliance Assessment (BCA)
- Providing staff and students with advice and student case management, including queries arising from: non-attendance/poor-attendance, transfer requests, interruptions and advice on withdrawal of sponsorship where necessary
- Approving and issuing Confirmation of Acceptance of Studies (CAS) for visa extensions.
- Undertaking training and outreach across the university on the policy, practice roles, responsibility and importance of immigration compliance

It is important to note that, although the Visas and Immigration team has the responsibility to ensure that the university achieves and maintains a consistently high level of compliance with the UKVI immigration rules, the team are supported to work in close collaboration with Admissions, International Student Recruitment, Academic Schools/Departments, Registry and Academic Affairs and other relevant Professional Service Departments. There is an expectation that all university staff working with international students and/or international visitors are aware of the university's responsibilities with respect to immigration compliance and avoid actions that are in breach of UK immigration rules.

**Faculty Pro Vice Chancellors and Directors of Professional Services** are accountable for implementing immigration compliance supported by **Heads of Schools or Departments** as the immigration lead. For PGR students, immigration leads will also include **Heads of Research Groups and PGR Directors**.

**Immigration Leads (Heads of Schools/Departments and/or Heads of Research Groups/ PGR Directors) at faculty or school/departmental level are responsible for:**

- Providing a point of contact for immigration issues within the School/Department or PSD.
- Providing advice and guidance for staff within their School/Department or PSD when they raise immigration issues, agreeing an appropriate course of action and timescales. Ensure immigration issues raised within the School/Department or PSD are reported to the Visas & Immigration team promptly.

There are also a number of other groups of Staff who are directly involved in supporting students and therefore potentially identifying immigration queries and should have the appropriate training, support and knowledge. The list is not exhaustive, but would include:

- Teaching staff
- Student facing APM (Administrative Professional & Management) staff in schools
- Senior & Personal Tutors
- Registry and Academic Affairs
- Campus & Student Life - Mental Health Advisory Services, Counselling Services, ResX team, Disability Support Services
- External Relations – International Student Recruitment

The Human Resources Department has an essential role to play in managing the university's immigration responsibilities, with specific responsibility for:

- Embedding compliant recruitment practices across the university
- Undertaking training for staff with regard to recruitment practices and immigration requirements

### 4.3 Requirements of the University of Nottingham

Each year the university must pass a basic compliance assessment which is based on three key metrics:
- A refusal rate of less than 10 percent;
- An enrolment rate of at least 90 per cent; and
- A course completion rate of at least 85 percent.

The university's duties as an immigration sponsor require the university to maintain accurate records and submit specific reports to the UKVI through the UKVI's Student Management System (SMS) portal to inform the Home Office of any changes to a student's course or attendance or enrolment status.

### 4.4 The consequences of non-compliance with the policy and/or related procedures

Failure to comply with this policy could result in the university failing a Home Office audit and thus losing our licence to sponsor current and prospective students to study in the UK. This would affect both current visa holding students studying at the university and prospective students whom we are aiming to recruit. Any reputational damage created by this could also have a knock-on effect for wider UK recruitment.

### 4.5 Compliance governance and oversight

The university may be audited by the Home Office at any time with regard to the implementation of UKVI policy at an institutional level. The university will therefore undertake regular internal audits of key policy and practice to assess the robustness of the University to successfully complete an external audit, based on current legislation. Where necessary, external legal advice will be sought to strength test the efficacy of the university's implementation of policy and where we require additional focus, e.g. academic engagement and associated policies.

Governance and oversight of immigration policies are maintained through a number of individuals and committees. As detailed within this policy, Faculty & Professional Services leads and the Director, Associate Director and Head of Visa & immigration within Registry and Academic Affairs have specific roles and responsibilities, with oversight of this process and the outcomes through the Registrar and Deputy Registrar.

The Immigration Compliance Group provides oversight and scrutiny of the university's policy, practice, risks and outcomes relating to immigration policy and includes staff from across designated teams within Registry and Academic Affairs, International Student Recruitment, Admissions, the Centre for English Language Education and Student Services.

**4.6 Provisions for monitoring and reporting related to the policy**

The Immigration Compliance Group reports on developments within the university's immigration policy and practice directly to the Assurance Committee twice a year with annual reports  to University Executive Board (UEB) and University Council.

# 5    Review
The policy will be reviewed as a minimum every two years or as required in line with policy or regulatory changes.

# 6    Related policies, procedures, and guidance

The Visa and Immigration Team

Visa and Immigration SharePoint site (internal access only)

Code of Practice - limitations on immigration sponsorship

Code of Practice on UKVI Academic Engagement

Code of Practice - inviting overseas visitors to UoN

Guidance for students on immigration responsibilities and change of circumstances

Student sponsor policy of UKVI:
Appendix D of Immigration Rules: guidance for sponsors on keeping records
Appendix English Language - Immigration Rules
Appendix Student – Immigration Rules
Appendix Visitor – Immigration Rules
Appendix ATAS – Immigration Rules
Appendix Graduate – Immigration Rules

There is existing immigration compliance training in place for staff, bookable via the Visa and Immigration Sharepoint Site (internal access only)