

UNIVERSITY OF BIRMINGHAM

**CODE OF PRACTICE ON COMPLIANCE WITH STUDENT IMMIGRATION VISA PERMISSIONS
FOR STUDENTS STUDYING AT OVERSEAS CAMPUSES**

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1. Purpose

- 1.1 This Code of Practice sets out the University's obligations as a visa sponsor for students wishing to study at an Overseas Campus of the University of Birmingham. It provides information about student responsibilities in maintaining immigration permissions and sets out the procedures taken to address non-compliance.
- 1.2 This Code of Practice applies to Registered Students registered to study at an overseas campus of the University (including students in Thesis Awaited status and students returning from Leave of Absence) who are subject to immigration control to enter and remain in the country in which that campus is located.
- 1.3 'Visa' is used in a generic sense and refers to both the entry clearance visa used to enter the country in which the overseas campus is located, to any further leave to remain obtained in the country to continue studies and, where applicable, to the residence permit which must be obtained immediately after arrival and each subsequent year of study as applicable.
- 1.4 Student academic engagement requirements / processes are dealt with under the Code of Practice on Student Academic Engagement.
- 1.5 References to the Campus Director or the Provost for the campus include their nominee and refer to the holders of those posts at the overseas campus in question.
- 1.6 In the case of students based at the University's overseas campuses working days will reflect national public holidays and any locally designated closed days.

2. Responsibilities and Duties

- 2.1 The University is normally the visa sponsor for students registered to study at its overseas campuses who are subject to immigration control. The University will at all times act to ensure compliance with local immigration law and its duties and responsibilities for those students with visa sponsorship.
- 2.2 Students are responsible for ensuring that they comply with the requirements of their visas, including, but not restricted to:
 - a) entering the host country on an appropriate visa permitting study;
 - b) applying for an appropriate visa (residence permit) during each year of study;
 - c) holding, for the duration of their studies, any other valid documentation as required by the authorities of the host country.
- 2.3 Where it is determined that a student has failed to comply with the conditions of their visa, the University may:
 - a) withdraw its visa sponsorship of a student; and/or
 - b) withdraw a student from their programme.
- 2.4 Students are responsible for ensuring that they comply with the requirements set out in Regulation 5 in respect of personal details. It is a requirement and condition of study that students who require immigration permissions to study at its overseas campuses must:
 - a) provide the University with their local University address and contact details and must at all times ensure that these details are kept up-to-date;

- b) inform the University of any changes to their circumstances that could impact on their visa permissions or their continued right to study.

3. Right to Study Check

- 3.1 The University will ensure that all students, irrespective of their fee status, have the right to study in the country concerned and that those who are subject to immigration control, hold the appropriate visa or immigration permissions where required.
- 3.2 All students who require immigration permissions in order to study must attend a "Right to Study" check before beginning their programme of study. Students who do not attend a "Right to Study" check, who do not hold or cannot provide conclusive proof that they hold current valid immigration permissions appropriate for their programme of study will not be permitted to begin or continue their programme of study.
- 3.3 Where appropriate, the University may proceed to consider withdrawal of a student's immigration sponsorship and/or registration on a programme of study or with the University.

4. Procedure

- 4.1 Where the University is considering taking action in relation to a student under the provisions of Regulation 5 the following procedure will apply.
- 4.2 The student will be notified in writing that there is reasonable suspicion that the student:
 - a) has not provided satisfactory documentation to prove their Right to Study; and/or
 - b) has not attended a "Right to Study" check, or
 - c) does not hold or cannot evidence that they hold current valid immigration permissions permitting them to enter the host country and that is appropriate for their programme and mode of study; or
 - d) has failed to comply with or provide evidence of compliance with one or more of the conditions or requirements of their immigration permissions; or
 - e) has failed or is failing to comply with conditions imposed under this Code of Practice.

The student will be invited either to attend a meeting or to submit written representations normally within 10 working days, though in exceptional circumstances the University may reduce the time limit for providing written representation. If so, the student will be notified why this is necessary.

- 4.3 On receipt of the student's representations or, if the student has not provided representations within the specified time limit, whichever is the sooner, the Campus Director, will decide the matter as set out below.
- 4.3.1 The Campus Director will decide whether:
 - a) the University should continue to be the visa sponsor for the student; or
 - b) the University's continued visa sponsorship of the student is subject to the student's compliance with specific conditions; or
 - c) the University should withdraw its visa sponsorship of the student.

If the Campus Director has decided to withdraw the University's visa sponsorship in accordance with paragraph 4.3.1(c) above, the Campus Director will then decide whether:

- d) the student's registration should continue; or
- e) the student's registration should continue subject to the student's compliance with specific conditions; or
- f) the student should be withdrawn from the programme and/or the University; or
- g) the student should be withdrawn from the University.

4.4 The Campus Director may request further information or invite the student to attend a meeting before making a decision or may defer making a decision.

4.5 The student will be notified in writing of the Campus Director's decision normally within 3 University working days. If the student is under the age of 18 or the student remains under parental sponsorship for the purposes of immigration and "Right to Study" the Campus Director may also inform the student's parent(s) or guardian(s) of the outcome.

4.6 The Campus Director will notify the Head of the student's Principal Academic Unit of the decision. Where the Campus Director decides that the University should withdraw its sponsorship of the student, the University will inform the relevant authorities of the host country of the decision.

4.7 In cases where a relevant authority has advised the University that the student does not have the right to study and that the University must not allow the student to begin or to continue studying, the decision of the University will be final.

5. Review

5.1 The student may request that the decision of the Campus Director be reviewed by the Provost under either, or both, of the following grounds:

- a) that relevant new evidence has come to light which was not available for good reason at the time of the Campus Director's consideration;
- b) that a material procedural irregularity occurred in the application of this Code of Practice.

5.2 The request for review should be made in writing and addressed to Provost, to be received not later than 10 working days from the date of the letter notifying the student of the Campus Director's decision.

5.3 The Provost will receive such further information as is necessary. The decision of the Provost will be communicated to the student in writing normally within 10 working days of receipt of the request for review.

5.4 The decision of the Provost is final.

There will be no further right to review or appeal within the University.

6. Future Visa Sponsorship and Registration

The University reserves the right to decide at its sole discretion whether act as visa sponsor or admit to any programme any student or former student whose sponsorship or Registration

has been withdrawn under this Code of Practice. In considering whether to act as a sponsor or make an offer of admission the University may take into account:

- a) the previous conduct of the student or former student;
- b) any breach of visa conditions as a student holding visa permissions in the UK whilst in attendance at a University Birmingham overseas campus and in accordance with Regulation 5, 5.2.2(a)-(e).