Document T2

RIGHT TO STUDY POLICY

Approved by Academic Board – February 2020

Publication Date: 13 March 2018

Latest amendments: 28 January 2020
Right to Study Policy
Right to Study Policy

1. The Right to Study Policy has been developed in line with the Home Office’s Points Based System Guidance for migrants and sponsors and the UK Immigration Rules.

2. This policy is designed so that the University complies with the Home Office rules and regulations that all students must hold a valid right to study in order to enrol in higher education in the UK.

3. This policy should be read in conjunction with other University of Law policies.

Introduction

4. This policy sets out the scope of The University of Law (the University) Right to Study Policy and the process to be followed by all students to establish they hold a valid right to study on their chosen course at the University.

Definitions

5. Right to Study – permission to remain in the UK under the current Immigration Rules which does not restrict study on the student’s chosen course and institution.

6. Immigration Permission – an endorsement, visa or other document which confirms a person can remain in the UK for a limited or indefinite period. There may be specific conditions attached to the permission.

Responsibility for this policy

7. Ultimate responsibility for the development of clear and effective processes and procedures associated with right to study checks for students and overseeing their application lies with Student Immigration Compliance and Advice (part of the University’s Registry).

Scope of this policy

8. This policy applies to applicants and enrolled students who want to study a course and/or attend assessments or learning sessions at the University.
Right to Study Policy

Key aims and principles

9.1 Students who can demonstrate they hold a right to study which allows them to undertake their chosen course at the University will be permitted to enrol, subject to them meeting the entry requirements and complying with any other University Regulations.

9.2 It is the responsibility of the individual student to apply for and maintain immigration permission which will allow them to study at the University.

9.3 Students must comply with any requests by the University to provide evidence of their right to study after accepting their offer and must provide the original documents prior to enrolling on their course.

9.4 Enrolled students whose immigration permission is due to expire or has expired must comply with any requests to provide evidence of their continued right to study by any deadline imposed by the University.

9.5 The University reserves the right to refuse or withdraw an offer or cancel an accepted place or de-register a student at any point if the student cannot demonstrate that they hold a valid right to study and it allows them to undertake their course at the University.
Right to Study Policy

British Citizens and EEA / Swiss Nationals

10 Students who come under this category have the right to study at the University of Law without restrictions, subject to producing the documents listed in Appendix A at the enrolment of their course.

11 If a student is born in a non-EEA country or is a national of a non-EEA country and also holds nationality of an EEA country (e.g. dual nationals), they will be required to provide evidence of their British citizenship or EEA nationality after accepting their offer.

12 The documents that the University can accept as evidence of British citizenship or EEA nationality are listed in Appendix A.

13 The University will check the student's documents and update their student record to show that the student does not require a visa to study with us.

14 If a student fails to submit evidence of their British citizenship or EEA nationality by the deadline given by the University, their place to study on their course will be cancelled. The University will retain any deposit paid by the student to secure their place on the course and any fee liability incurred will apply.

Non-EEA Nationals who require Tier 4 sponsorship

15 Students who require Tier 4 sponsorship to study at the University will be required to provide evidence of their eligibility to receive a Confirmation of Acceptance for Studies (CAS) after accepting their offer.

16 The University will check the student's documents and confirm whether the student is eligible to be issued a CAS. The full process to receive a CAS is outlined on the University's Visa Requirements webpage.

17 If a student fails to submit any required documents or information by the deadline given by the University, their place to study on their course will be cancelled. The University will retain any deposit paid by the student to secure their place on the course and any fee liability incurred will apply.

18 Students who have been issued a CAS by the University must bring the original documents listed in Appendix A to Student Services at their campus before they can enrol and by the latest enrolment date for their course.

19 If a student fails to produce the original documents listed in Appendix A to Student Services by the latest enrolment date for their course, their place will be cancelled. The University will retain any deposit paid by the student to secure their place on the course and any fee liability incurred will apply.
Right to Study Policy

20 Students who require Tier 4 sponsorship must review the University’s Tier 4 Students Policy which outlines the requirements to receive a CAS and the conditions of continued Tier 4 sponsorship during their course.

Non-EEA Nationals with existing UK Immigration Permission

21 Students who hold immigration permission for the UK will be required to provide evidence that their current immigration status allows them to study at the University after accepting their offer.

22 The University will check the student’s documents and update their student record to show they do not require a visa to study at the University.

23 If a student fails to submit evidence of their existing immigration permission for the UK by the deadline given by the University, their place to study on their course will be cancelled. The University will retain any deposit paid by the student to secure their place on the course and any fee liability incurred will apply.

24 Students who have submitted evidence of their existing immigration permission for the UK and had their student record updated will be asked to bring their original documents to Student Services at their campus. They must bring the original documents listed in Appendix A before they can enrol on their course.

25 If a student fails to produce the original documents listed in Appendix A to Student Services by the latest enrolment date for their course, their place will be cancelled. The University will retain any deposit paid by the student to secure their place on the course and any fee liability incurred will apply.

Pending applications

26 The University can potentially enrol a student who has a pending application with the Home Office. The student will need to submit the following documents after accepting their offer:
   - Evidence of the immigration application they have submitted
   - Evidence that they submitted the application before their current leave expired.
   - Recent documentation to show the application is still pending.

27 The student must also bring the original documents in paragraph 26 to the pre-enrolment session before they can enrol on their course.

28 The University reserves the right to not enrol a student and consequently cancel their place if they are not satisfied that the evidence the student has provided meets all of the requirements in paragraph 26 and that the student is permitted to study while their application is pending.
Right to Study Policy

29 The University also reserves the right to contact the Home Office for confirmation of a student’s right to study before allowing them to commence enrolment. The student will be asked to provide written consent for the Home Office to share their information and immigration history with the University. Please note that it can take the Home Office at least 5 working days to process these requests. If a student fails to provide consent, the University will have to cancel their place on the course.

Pending appeals

30 If a student has a pending appeal against a Home Office decision to refuse an application, the University will contact the Home Office for confirmation of a student’s right to study before allowing them to commence enrolment. The student will be asked to provide written consent for the Home Office to share their information and immigration history with the University. Please note that it can take the Home Office at least 5 working days to process these requests. If a student fails to provide consent, the University will have to cancel their place on the course.

31 The University reserves the right to not enrol a student with a pending appeal if it has reason to believe the appeal will be unsuccessful.

Maintaining the right to study

32 It is the responsibility of the student to maintain their right to study for the entire duration of their course and if necessary, submit an in-time and valid application to extend their existing immigration permission or change into an immigration category which will allow them to study.

33 If a student has a change of circumstances which will affect their right to study, they must contact Student Immigration Compliance and Advice immediately for further guidance. Failure to do this will result in the student being de-registered by the University. No fee payments will be refunded.

34 Student Immigration Compliance and Advice will contact enrolled students if their current passport or immigration permission is due to expire and request a copy of the student’s new passport and/or biometric residence permit or visa.

35 Students must bring the original documents to Student Services at their campus by the deadline given by the Student Immigration Compliance and Advice to be checked and copied.

36 The University can allow a student to remain enrolled if they made an in-time and valid application to renew their immigration permission pending the outcome with the Home Office. Please refer to paragraphs 26-29 of this document for further guidance.

37 If a student fails to provide any documents requested by Student Immigration Compliance and Advice by the deadline, they will be de-registered by the University. No fee payments will be refunded.
Right to Study Policy

Resit students

38 Students who are returning to the University to resit an assessment or any part of a course must have their right to study verified again, if their previous immigration permission has expired.

39 Students will be asked to report to Student Services at the campus where they will be resitting with their passport and new biometric residence permit or visa.

40 Students who fail to report to Student Services before their resits will not be allowed to attend any assessments or learning sessions at the University. Any payments made to attend the resits will be retained by the University.

Responsibility for this Right to Study Policy

41 Responsibility for the implementation of this Right to Study Policy lies with Student Immigration Compliance and Advice (part of the University's Registry) and Campus Management.

Monitoring and evaluation of the provision

42 Responsibility for reviewing and evaluating the effectiveness of the Right to Study Policy lies initially with Academic Governance Quality & Standards. Formal responsibility for monitoring and evaluating of this Right to Study Policy lies with the Academic Board.

Next Review

28 January 2021

Version history

<table>
<thead>
<tr>
<th>Version</th>
<th>Amended by</th>
<th>Revision summary</th>
<th>Date</th>
</tr>
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<tr>
<td>V1.0</td>
<td>Head of International Visa Office</td>
<td>Initial drafting</td>
<td>07.03.18</td>
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<tr>
<td>V1.1</td>
<td>Head of International Visa Office</td>
<td>Review and amend</td>
<td>12.03.18</td>
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<td>V1.1</td>
<td>Approval by Academic Board</td>
<td>Approval</td>
<td>13.03.18</td>
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<tr>
<td>V1.2</td>
<td>Head of Immigration Compliance and Advice</td>
<td>Review and amend</td>
<td>28.01.20</td>
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</table>
Right to Study Policy

Appendix A: Right to Study – Immigration Categories

Below are some examples of common immigration and visa statuses and whether the University of Law will be able to enrol you on that particular immigration or visa status. It also indicates the documents you will need to provide in order for you to enrol. Please note that this is not an exhaustive list. You are strongly advised to contact Student Immigration Compliance and Advice at visaoffice@law.ac.uk before you accept your place to study with us if you think that you do not fit into any of these categories given below.

Table 1. General Overview

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Study Restrictions</th>
<th>Documentation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Citizen</td>
<td>No restrictions on study</td>
<td>One of the following:</td>
</tr>
<tr>
<td>EEA and Swiss Nationals</td>
<td></td>
<td>• Passport; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• EEA or Swiss National Identity Card; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Birth certificate and driving licence(only for British Citizens who do not hold a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>passport); or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Certificate of Naturalisation or Registration as a British Citizen</td>
</tr>
<tr>
<td>Non-EEA Nationals</td>
<td>This will depend on the type of immigration permission</td>
<td>This will depend on the type of immigration permission you hold. Please see Table 2</td>
</tr>
<tr>
<td></td>
<td>you hold. Please see the Table 2 below for further</td>
<td>below for further details.</td>
</tr>
<tr>
<td></td>
<td>details.</td>
<td></td>
</tr>
</tbody>
</table>
### Table 2. Non-EEA Immigration Categories

<table>
<thead>
<tr>
<th>Immigration Category</th>
<th>Study Restrictions</th>
<th>Documentation Required</th>
</tr>
</thead>
</table>
| Tier 4 (General) – Sponsored by the University of Law | No restrictions on study as long as you will be studying at the University of Law on the course for which your CAS was issued. | All of the following:  
  - Passport  
  - Biometric residence permit (BRP) with the University of Law’s Sponsor Licence Number and valid for the entire duration of the course you are enrolling onto; **or**  
  - Photocopy of information page in Passport  
  - Photocopy of current UK biometric residence permit (BRP) or visa  
  - Access UK Check Sheet showing that you applied for a new Tier 4 Student visa before your current visa expires |
| Short-term Study visa                             | You can only attend or enrol on the following:  
  - Assessment or study weekends (Online Course Students).  
  - Short courses which are 6 months or less in duration.  
  - Resit exams or modules.  
  - Viva or other oral presentation. | All of the following:  
  - Passport  
  - Immigration stamp or vignette in passport which states “Short-Term Student” |
## Right to Study Policy

<table>
<thead>
<tr>
<th>Immigration Category</th>
<th>Study Restrictions</th>
<th>Documentation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1 (General)</td>
<td>No restrictions on study, but you can only enrol on one of our part-time courses.</td>
<td>All of the following:</td>
</tr>
<tr>
<td>Tier 1 (Exceptional Talent)</td>
<td>This is because your visa was issued for a primary purpose other than study and if</td>
<td>• Passport</td>
</tr>
<tr>
<td></td>
<td>this changes, you are expected to change into another immigration category (e.g.</td>
<td>• Biometric residence permit (BRP) or Vignette in Passport</td>
</tr>
<tr>
<td>Tier 1 (Entrepreneur)</td>
<td>Tier 4 (General)).</td>
<td></td>
</tr>
<tr>
<td>Tier 1 (Graduate Entrepreneur)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 2 (General)</td>
<td>No restrictions on study.</td>
<td>All of the following:</td>
</tr>
<tr>
<td>Tier 2 (Intra Company Transfer)</td>
<td></td>
<td>• Passport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Biometric residence permit (BRP) or Vignette in Passport</td>
</tr>
<tr>
<td>Ancestry Visa</td>
<td>No restrictions on study.</td>
<td></td>
</tr>
<tr>
<td>Tier 1 (Investor)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 1 (Post-Study Work)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tier 5 (Youth Mobility)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Points Based System Dependants (Tier 1 and Tier 2)</td>
<td>No restrictions on study.</td>
<td>All of the following:</td>
</tr>
<tr>
<td>Points Based System Dependants (Tier 4)</td>
<td></td>
<td>• Passport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Biometric residence permit (BRP) or Vignette in Passport</td>
</tr>
<tr>
<td>Family Member of an EEA National</td>
<td>No restrictions on study.</td>
<td>All of the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Passport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Family Permit in Passport or Residence Card</td>
</tr>
<tr>
<td>Immigration Category</td>
<td>Study Restrictions</td>
<td>Documentation Required</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Spouse / Civil Partner / Unmarried Partner of an EEA National</td>
<td>No restrictions on study.</td>
<td>All of the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Passport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Biometric residence permit (BRP) or Vignette in Passport</td>
</tr>
<tr>
<td>Spouse / Civil Partner / Unmarried Partner of a British Citizen or Settled Person</td>
<td>No restrictions on study.</td>
<td>All of the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Passport</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Biometric residence permit (BRP) or Vignette in Passport</td>
</tr>
<tr>
<td>Indefinite Leave to Remain or Permanent Residence</td>
<td>No restrictions on study.</td>
<td>Passport and one of the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Biometric residence permit (BRP); or Vignette in Passport; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Immigration Stamp in Passport; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Letter from the Home Office confirming you have been granted Indefinite Leave to Remain</td>
</tr>
<tr>
<td>Asylum / Refugee Leave to Remain / Discretionary Leave / Humanitarian Protection</td>
<td>No restrictions on study.</td>
<td>One of the following:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Biometric residence permit (BRP); or Vignette in Passport or Travel Document; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Immigration Status Document; or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Letter from the Home Office confirming you have been granted Leave to Remain</td>
</tr>
<tr>
<td>Asylum Seekers</td>
<td>Study is usually not permitted unless you hold an Application Registration Card (ARC).</td>
<td>Application Registration Card (ARC).</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
</tbody>
</table>

Please note that a Travel Document on its own is insufficient evidence to demonstrate your right to study. It must be accompanied by one of the above documents.
Appendix B

Please see below for examples of the documents we can accept as evidence of your right to study.

1) Biometric residence permit (BRP)

2) Vignette (usually a sticker in passport)
3) Letter from the Home Office

Home Office
immigration and Nationality Directorate
Lunar House
40 Wellesley Road
Croydon
CR0 2AY
Telephone 8870 606 7566 Fax

FORENAMES SURNAME
Date of Birth: DATE
Nationality: NATIONALITY

Dear Salutation

GRANT OF HUMANITARIAN PROTECTION

You have/Your claim has been reviewed and you have been granted limited leave to enter/remain in the United Kingdom for a reason not covered by the Immigration Rules.

THIS LETTER IN ITSELF CONFERS NO LEAVE TO ENTER OR REMAIN IN THE UNITED KINGDOM AND DOES NOT CONSTITUTE PROOF OF YOUR STATUS.

Please find enclosed your Immigration Status Document/Passport. This has been endorsed with your leave to enter/remain in the United Kingdom. The date this leave to enter or remain expires is shown on the endorsement. It is this endorsement that constitutes proof of your immigration status in the United Kingdom.

You have been granted this leave in accordance with the published Home Office Asylum Policy Instruction on Humanitarian Protection.

4) Immigration Stamps

[Image of immigration stamps]

Given leave to remain in the UK for an indefinite period

On behalf of the Secretary of State

[Signature]

Date: 17 JUN 1991

[Stamp]

Leaves to enter as a short-term student for six months

Employment and recourse to public funds prohibited

[Stamp]

[Stamp]

Immigration Officer

[Signature]

Date: 25 JUN 2016

[Stamp]
5) Immigration Status Document

6) Residence Cards
7) Certificate of Application

[Image of Certificate of Application]

8) Tier 4 – Access UK Check Sheet

[Image of UK Visas & Immigration]

Document Checklist

Payment notification number: 20AA001143362
Payment amount: £419.00
Immigration health surcharge reference number: H185003439648
Email: [Email address]
Submitted date: 16 February 2016 21:15 +00:00 (+00:00)

Applicant

Product name/service: Tier 4 (General) student
Applicant's full name: [Full name]
Date of birth: 9 December 1997
Nationality: [Nationality]

Documents

All documents must be originals.
You have agreed to include the following documents in your application. Please tick the box beside each document to confirm that you are enclosing it:

Mandatory documents: