Document T1

STUDENT VISA POLICY

Approved by Academic Board – October 2020

Publication Date: 20 August 2014

Latest amendments: 15 October 2020
The Student Visa Policy has been developed in line with the Home Office’s Points Based System, Appendix ST: Student of the Immigration Rules and the Student Sponsor Guidance. The Home Office’s Student Sponsor Guidance is a source of reference for all UK education institutions and sets out the rules and regulations for compliance by education institutions.

This policy is designed to ensure that the University complies with the Home Office rules and regulations for students on a Student Visa and therefore, safeguard the University’s Student Sponsor status.

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

Introduction

This policy sets out the scope of The University of Law (the University) Student Visa Policy and the principles, under which the University recruits, admits and monitors sponsored international students. Central to this policy is the University’s responsibility and compliance as a Student Sponsor.

Definitions

RQF – Regulated Qualifications Framework

Section 3C of the Immigration Act 1971 - act that protects applicants from becoming overstayers if the Home Office has not decided their application by the time the leave that was endorsed in their passport or biometric residence permit expires.

Responsibility for this policy

Ultimate responsibility for the development of clear and effective processes and procedures associated with international students under the Tier 4 (General) Student Visa and overseeing their application lies with Student Immigration Compliance and Advice (Registry).

Scope of this policy

This policy applies to all international students sponsored by the University on a Student Route Visa or a Tier 4 (General) Visa. For the purposes of this policy, the term “Student Visa” refers to both a Student Route Visa and a Tier 4 (General) Visa unless otherwise specified.

Key aims and principles

The University ensures that:

International students who demonstrate their ability and intention to study in a clear and transparent manner with the appropriate supported evidence will be sponsored under the Student Route Visa by the University.
9.2 Every international student who needs Student visa sponsorship is supported and guided through the visa application process by Student Immigration Compliance and Advice.

9.3 International students sponsored by the University on a Student Visa (Visa Sponsored Students) are supported in their personal and academic development to encourage them to develop their full potential.

9.4 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 University has any reason to believe that the student could put the University’s Student Sponsor status at risk.

Student Visa Admissions and Sponsorship

10 A Confirmation of Acceptance for Studies (CAS) can be issued to a student only if they meet the requirements of the Student Route category and will comply with the conditions of their permission to stay in the UK.

11 A CAS can be assigned to a student only if the University is satisfied that the student both intends and is able to follow the course of study concerned and where the University expects the student to successfully complete their course on the date specified on the CAS.

12 It is the responsibility of students to abide by the conditions of their Student Visa. This responsibility includes ensuring that they leave the UK when their visa expires, unless they have obtained further valid leave.

13 Student Immigration Compliance and Advice checks students’ documents to ensure that they meet the academic, maintenance and other requirements set out in the Immigration Rules and by the University. A CAS is only assigned once a student has demonstrated that their documents fully meet the Home Office requirements.

14 Students are not entitled to Student Visa sponsorship on the basis they have met the entry requirements for their Course and hold an offer to study. They must also demonstrate to the University that they meet the requirements for Student Visa sponsorship. The University reserves the right to refuse a request for Student Visa sponsorship, cancel a CAS or withdraw Student Visa sponsorship at its discretion.

15 The University will refuse or withdraw Student Visa sponsorship if any of the following apply:

- The course that the applicant or student intends to study will not comply with Home Office requirements.
- Any applicant or student has submitted documents which are proven or suspected to be fraudulent.
- Any applicant or student has outstanding debts to the University, such as tuition fees.
- Any further Student Visa sponsorship would lead to the applicant or student to exceed the limit for study set out in Appendix ST: Student of the Immigration Rules.
The applicant or student is not able to meet Home Office academic progression requirements as set out in Appendix ST: Student of the Immigration Rules.

The University believes sponsoring an applicant or student will put its Student Sponsor status at risk or has concerns about the applicant or student’s intention to study and genuineness.

There is any reason to believe an applicant or student will not comply with the conditions of their Student Visa leave or if a student is in breach of their visa conditions.

The University has reason to believe that an application will not be successful or will not be made in accordance with the Immigration Rules. This includes where an applicant or student is unable to provide evidence showing sufficient funds to cover living costs and tuition fees which meets Home Office requirements.

If an applicant has previous criminal convictions and/or has been involved with terrorist activities.

The applicant cannot demonstrate that they will arrive in time for the latest enrolment date for their Course.

The University advises that students who require Student Visa sponsorship from the University should not make any financial commitments until they have applied for and received their visa. This includes but is not limited to arranging travel to the UK, payments for accommodation or terminating employment.

The University will not usually be responsible for any expenses incurred by a student whose:

- Request for Student Visa sponsorship is refused by the University; or
- Student visa sponsorship is withdrawn by the University; or
- Student visa application is refused by the Home Office.

Such costs include but is not limited to visa application fees, travel expenses and payments for accommodation.

**Subject Exemptions, including Recognition of Prior Learning**

It is not possible for students on a Student Visa to study a course with any subject exemptions. No modular exemptions, such as those acquired through Recognition of Prior Learning, are allowed as this changes the course structure and it will automatically become a non-eligible course for students to be sponsored under a Student Visa.

**Academic Progression**

The University does not sponsor students who have not successfully completed the course relied on for academic eligibility and/or their most recent course studied in the UK.

The only exception is Master’s Degree students who are still pursuing their studies, but have completed all exams and assignments excluding the dissertation. Students must submit a letter issued by the relevant awarding institution which confirms that they have passed all exams and assignments, excluding the dissertation.
The letter must also state that based on their progress to date, they are highly likely to complete their current course successfully.

21 The University will not normally sponsor students who have failed to complete a previous course of study in the UK, unless there are exceptional mitigating circumstances such as serious illness. The University reserves the right to request evidence such as medical documentation before agreeing to provide Student Visa sponsorship.

22 The University does not sponsor students for an undergraduate degree programme if they have already completed an RQF Level 6 qualification or above in the UK.

23 The University can sponsor students for the Graduate Diploma in Law if they have completed an RQF Level 6 qualification in the UK, subject to meeting the academic progression justification.

24 If the student’s new course at the University is at a lower level than the previous course of study, they do not meet the definition of academic progression. Therefore, they cannot receive Student Visa sponsorship, unless they confirm they will apply for their new Student Visa in their country of nationality and provide evidence they have left the UK. For example, a flight ticket to their home country and an entry stamp in their passport. Student Immigration Compliance and Advice will still assess whether the student has genuine reasons for wanting to study a course at a lower level.

25 The University can sponsor students for the Legal Practice Course and the Bar Practice Course if they have completed an RQF Level 7 qualification in the UK, subject to meeting the academic progression justification.

Maintenance

26 A CAS can only be issued to a student if they meet the requirements for a valid CAS and will be able to make a successful application for entry clearance or leave to remain in the UK. As such, the University will check students’ proof of maintenance as per the Home Office regulations.

27 The University will not necessarily check proof of maintenance for students who qualify for the Home Office’s differentiation arrangements (Appendix A), but reserves the right to do so if there are concerns as to whether the student meets the Home Office’s Financial Requirement.

28 Students whose fees will be covered by an official sponsorship or government sponsor must submit a letter of confirmation from the sponsor outlining the amount of money the sponsor is giving to the student. The letter must meet the requirements laid out in Appendix ST: Student of the Immigration Rules. If the amount given will not cover the full tuition fees and maintenance, students must submit proof of maintenance for the remaining amount.
Induction and Enrolment

29 Only students who have applied for a Student Route Visa using a CAS issued by the University can enrol on to the course.

30 The University may allow students to enrol on the course if they have submitted an in-country application for a new Student Route Visa which is pending with the Home Office. The student must have applied with a CAS number issued by the University and provided evidence they have made an in-time application.

31 Students must not attend any scheduled classes, personal tutor sessions or course leader meetings until their documents have been checked and verified and they have been formally enrolled by the Student Information Service at their campus or other relevant staff.

32 If students attend any scheduled classes, personal tutor sessions or course leader meetings without having had their documents checked or if they have been instructed not to, they will be subject to disciplinary action and may be required to leave the University with immediate effect.

33 Any member of University staff who allows a student sponsored on a Student Route visa whose documents have not been checked to attend any scheduled classes, personal tutor sessions or course leader meetings, or who has issued a Student ID card to such a student, will be subject to performance review.

Attendance

34 Under Student Sponsor licence obligations, the University is required by the Home Office to monitor the attendance and engagement of all international students on a Student Visa.

35 The Attendance Policy is designed to ensure that students are aware of the basic regulations of their Student Visa and what is considered to be a breach of their Student Visa in terms of their attendance. The Attendance Policy is attached in Appendix B.

Centre Tier 4 Officer

36 Each Campus has a dedicated Centre Tier 4 Officer who is responsible for ensuring that Campuses comply with their Student Visa responsibilities.

Contact from the University

37 Students contacted either by their Centre Tier 4 Officer or by Student Immigration Compliance and Advice regarding their attendance or any other matter are required to respond immediately. Failure to respond by any deadlines given by either the Centre Tier 4 Officer or by Student Immigration Compliance and Advice will result in withdrawal of the student’s visa sponsorship.
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38 Students are required to notify Student Immigration Compliance and Advice immediately of any change of circumstances affecting their immigration status. Failure to notify Student Immigration Compliance and Advice will result in withdrawal of the student’s visa sponsorship.

39 Students are required to submit the Verifying Contact Details Form with proof of address three months into their course of study. Failure to respond to Student Immigration Compliance and Advice’s request for the Verifying Contact Details Form will result in withdrawal of the student’s visa sponsorship.

Cancelling or deferring the student’s place on the Course

40 The University will withdraw its sponsorship from any application the student may make or may have made for a visa to enter the country to study if the student cancels or defers their place. The University will notify the Home Office accordingly. The CAS issued will become null and void.

41 If a student cancels or defers their place without a valid reason after they have received their student visa but before enrolling onto the course, the University will not sponsor the student again. The University will notify the Home Office accordingly. The CAS issued will become null and void.

Intermissions

42 Student Immigration Compliance and Advice must be notified by the Campus of any international students on a Student Visa who wish to intermit.

43 Student Immigration Compliance and Advice is responsible for approving any request to intermit; this will only be granted under very special circumstances.

44 If the intermission is approved, the Home Office will be notified by the University. The student is expected to send a copy of their travel booking to Student Immigration Compliance and Advice, as well as their boarding card once they leave the UK and the copy of the entry stamp that they received in their home country.

45 If a student intermits and wants to return to complete their course, they must request a CAS from the University and apply for a new Student Route Visa. The student must meet all of the usual Home Office requirements to receive sponsorship.

Transferring to a different Campus

46 Students receiving visa sponsorship by the University can only transfer to a different campus to the one stated on their CAS, if their new campus is currently listed on the University’s Student Sponsor licence.

47 There are no implications for a student’s sponsorship by the University, although the University is obliged to report this to the Home Office.
Once the Campus transfer has been approved, Student Immigration Compliance and Advice must be notified in order to report to the Home Office as appropriate.

Transferring to a different Course

A student may request a course transfer, but it will not be possible to permit this if the transfer means that the student and the University are in breach of the Home Office rules on academic progression.

If a student receiving visa sponsorship by the University wishes to transfer to a part-time course, they must return to their home country and apply for a new Student Route visa. They cannot make their application from within the UK.

The University will notify the Home Office of the transfer as appropriate.

Withdrawing from the Course

Once the withdrawal process has been completed, the University will notify the Home Office and withdraw the student’s visa sponsorship.

The student is required to leave the UK as soon as their visa sponsorship is withdrawn. The student is expected to send a copy of their travel booking to Student Immigration Compliance and Advice, as well as their boarding card once they leave the UK and the copy of the entry stamp that they received in their home country.

The University will not normally allocate a CAS to students who have previously withdrawn from one of our courses.

Visa Application Refusals

If a student’s visa application is refused, the student must contact the Student Immigration Compliance and Advice immediately. The student must send a scanned copy of the refusal letter from the Home Office, which explains the reasons why the application has been refused.

The University will be able to advise the student of the options available to them. The student will be told whether they have the right to apply for an Administrative Review of the refusal decision. If the student submits an Administrative Review in the UK, the student will be permitted to remain in the UK while the review is in progress. The student may continue studying at the University during this time, provided that the student produces evidence that they have applied for an Administrative Review (such as a post office receipt and/or a letter from the Home Office).

If a student’s visa application is refused and they fail to notify the Student Immigration Compliance and Advice, their offer to study at the University will be withdrawn. If they were enrolled temporarily on the basis that they had a pending visa application with the Home Office, they will be withdrawn from their course. No fee payments will be refunded.
Overstayers

If a student’s visa is due to expire, they must either leave the UK or apply for new leave to remain before the visa expiry date. If they do not apply for new leave to remain before their current visa expires, the student will become an overstayer, which can have serious consequences for both the student and the University.

According to the Home Office rules: if a migrant over stays their leave by more than 14 days, any applications they submit for further leave to remain within the UK will be refused. The migrant must also have good reason beyond their control or their representative’s as to why an in-time application could not be made. If a migrant overstays their leave by more than 30 days, they will be prohibited from returning to the UK for at least 12 months from the date they leave the UK.

Furthermore, the student may be asked to declare the fact that they have overstayed on future immigration applications they make, not just for the UK but for other countries too.

The University will not provide Student visa sponsorship to an applicant or student who has overstayed their current or previous visa.

If a student becomes an overstayer as defined by the Home Office’s Immigration Rules, they will be deregistered by the University. No fee payments will be refunded.

Judicial Review

Students whose visa application appeal has been unsuccessful and who decide to submit an application for Judicial Review, are no longer protected under the Section 3C of the Immigration Act 1971. They have not extended their leave by virtue of 3C leave and therefore will not be able to study at the University or take any assessments on this basis.

Religious Obligations

For each course of study, there is a published schedule of examinations and assessments. All students are expected to attend these scheduled examinations and assessments and any absence must be explained by use of a Concession Application Form.

There are occasions when it is not possible to avoid all major religious festivals when scheduling the University’s courses. Should there be any instances where the University has scheduled an examination or assessment during a major religious festival which would mean that the student is unable to attend the examination, the student must notify Student Immigration Compliance and Advice and the Assessment Office in their Centre of this as soon as they can and in any event at least two weeks in advance of the relevant assessment.

In such circumstances the University will attempt to re-schedule the assessment to an alternative date or time, within the examination period. However, if that is not
possible, the University will allow the student to defer the examination to the next available sitting without detriment.

Where there are issues around fasting for religious reasons, the University will attempt to re-schedule examinations to allow a student to sit the exams as early in the day as possible.

### Re-sits

The University expects students to sit their re-sit examinations at a University campus. However, where a student resides overseas, and does not hold a visa that will cover the re-sit period, the University can, wherever possible and at the cost of the student, arrange for an overseas establishment to hold the assessment on the University’s behalf to enable them to complete their re-sit examinations. The student must contact the Overseas Assessment Office to arrange to sit exams overseas.

Where possible, the University will make arrangements with an establishment in the student’s home country, but in some instances it may be necessary for the student to travel to the venue (either within their country, or to another country).

Most students receive four (Bachelor Degree courses) or two (postgraduate courses) additional months after the official course end date on their Student visa. The majority of the re-sit exams will be arranged within that period of time; therefore no visa extensions will be given. However, where this is not possible, some re-sits may be arranged for the period after the end date of the visa. In this case, students would have to obtain a visa to cover the duration of their stay for the re-sits.

#### Options available:

**71.1 Short-term Study Visa** – Students are advised to obtain a Short-term Study Visa in order to do their re-sits. The Short-term Study Visa has to be obtained from the student’s home country. Once the re-sit exams have been registered and paid for, Student Immigration Compliance and Advice will issue a letter which will support the application for the Short-term Study Visa.

**71.2 Students from a non-visa national country** can obtain entry clearance as a Short Term Student at the border. For a list of visa nationals, see Appendix C.

**71.3 Student Route Visa** – in exceptional circumstances the University will sponsor students for the re-sit examination period. For example, if overseas re-sits and where neither of the above options are not possible.

### Employment

International students studying at the University on a Student Visa (Sponsored Students) are permitted to work part-time up to 20 hours per week during term time, provided that they are studying a full-time course and their biometric residence permit or permit includes the correct work entitlement.
Student Visa Policy

73 Visa Sponsored Students are eligible to work full-time during official University holidays as long as they are studying a full-time course and their biometric residence permit or visa does not prohibit work.

74 Visa Sponsored Students who are studying a part-time course are not entitled to undertake any type of work. This includes paid or unpaid work, internships, voluntary work and work placements.

75 Visa Sponsored Students are also expected to comply with the rules on the types of work they are permitted to undertake as outlined in Appendix ST: Student of the Immigration Rules. Failure to comply with these rules will result in the University deregistering the student and withdrawing their visa sponsorship.

Responsibility for the provision

76 Responsibility for the implementation of the provision lies with Student Immigration Compliance and Advice (Registry) and Campus Management.

Monitoring and evaluation of the provision

77 Responsibility for reviewing and evaluating the effectiveness of the Tier 4 (Student) Policy lies initially with the Head of Immigration Compliance and Advice. Formal responsibility for monitoring and evaluating of this provision lies with the Academic Board.
## Version history

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Appendix A

Countries that qualify for the Home Office’s differentiation arrangements:

Australia
Austria
Bahrain
Barbados
Belgium
Botswana
Brazil
British National (Overseas)
Brunei
Bulgaria
Cambodia
Canada
Chile
China
Croatia
Republic of Cyprus
Czech Republic
Denmark
The Dominican Republic
Estonia
Finland
France
Germany
Greece
Hong Kong
Hungary
Iceland
Indonesia
Ireland
Italy
Japan
Kazakhstan
Kuwait
Latvia
Liechtenstein
Lithuania
Luxembourg
Macao SAR
Malaysia
Malta
Mauritius
Mexico
Netherlands
New Zealand
Norway
Oman
Peru
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Poland
Portugal
Qatar
Romania
Serbia
Singapore
Slovakia
Slovenia
South Korea
Spain
Sweden
Switzerland
Taiwan
Thailand
Tunisia
United Arab Emirates
USA

https://www.gov.uk/guidance/immigration-rules/appendix-st-student#student
Appendix B

Attendance Policy for Visa Sponsored Students

As a Student Sponsor, The University of Law is expected to ensure that we and our students are compliant with the Student Sponsor Guidance and the Immigration Rules. This policy is designed to ensure that you are aware of the basic regulations of your Student visa, and what is considered a breach of your visa in terms of your attendance.

Irrespective of any attendance requirements of your individual programme, as a student sponsored by the University on a Student visa (Visa Sponsored Student) your attendance at the University is required to be 80% or above at all times. The exception to this is International Foundation Programme and Pre-Sessional English students who are required to maintain an attendance level of 85% or above.

Your attendance is calculated from the day you begin your course and it will be verified on a weekly basis.

General Guidance

You are required to attend all scheduled classes and examinations as detailed below. If you do not attend and your absence is not authorised, this will be counted as an unauthorised absence, which will be in breach of your Student visa conditions (see the section on Unauthorised Absence).

1. You are required to attend all scheduled learning and teaching sessions on your course.
2. It is the tutor’s responsibility to take the attendance register.
3. You should arrive on time for classes and remain for the duration of the teaching session. Late arrival at, and early departure from, teaching sessions is disruptive, discourteous, unprofessional and unfair to other class members and tutors.
4. All arrivals after the session has started will be marked as ‘Late’ and any student who misses more than 50% of the session will be marked as ‘Absent’.
5. Absence from any session must be reported by completion of the absence form on the ELITE system. The form can be found on the home page of ELITE. You should provide as much detail as possible on the form in the ‘Further information’ box. Once you complete the form, the details will be updated on your attendance record.
6. You must submit evidence to verify your absence if requested to the Visa Compliance Team (visacompliance@law.ac.uk) or to the Student Information Service at your campus. If you fail to do so, your absence will be considered as unauthorised.
7. If you need to be absent from the University due to serious ill health, you must seek medical attention, and then submit documentary evidence to the Visa Compliance Team. If you miss 4 or more sessions due to ill health, you must submit medical evidence. The evidence must relate specifically to the time of the illness, and state that you are medically unfit to attend the University. Retrospective medical certificates and doctor’s notes stating that a student claims to have been unwell may not be accepted.
8. You must respond to any request from the Centre Tier 4 Officer for an official meeting regarding your attendance. Failure to do so, without a relevant reason,
Student Visa Policy

will result in you being issued a Formal Written Warning letter. You must respond to any correspondence regarding your attendance by any deadline given by the Visa Compliance Team. This includes submitting any supporting evidence for unauthorised absences. Failure to do so, will result in you being issued a Formal Written Warning.

Authorised Absence

Please note that this is not an exhaustive list and each request will be considered on its own merit:

- Medical appointment which could not be made outside the scheduled classes
- Death or serious illness of a family member
- Adverse weather conditions or severe travel disruption that leaves student with no method of travel
- Genuine family emergency
- Graduation ceremony (one day only). This must be your own ceremony and not a friend or relative’s
- Visa/immigration/nationality documentation reasons (e.g. you must renew passport in your home country)
- Official exams in your home country that cannot be changed.

Unauthorised Absence

1. Visa Sponsored Students are permitted to take holidays and leave the UK, but only at weekends and during official University holidays. This does not include dissertation or revision periods.
2. If you require an authorised absence during term time, written permission must be obtained from the Visa Compliance Team (visacompliance@law.ac.uk). Such requests must be put in writing and fully explain the circumstances for the absence with supporting evidence.
3. Should you leave the UK during term time without written permission from the Visa Compliance Team, you may be refused re-entry by UK Border Control and your Student visa will be curtailed by the Home Office.
4. Unauthorised holiday will affect your overall attendance and you will be required to attend a meeting with the Centre Tier 4 Officer at your campus upon your return to the UK.
5. You cannot miss classes due to job interviews, vacation (VAC) schemes or any work commitments.
6. As a Visa Sponsored Student you are entitled to work up to 20 hours per week during term time, but this must be outside of scheduled class times.
7. Any absences due to work commitments will be considered unauthorised and a violation of the Student visa conditions.

Action taken for unsatisfactory attendance

Where your attendance is unsatisfactory, one or more of the following actions will be taken:
Student Visa Policy

1. You will be contacted by the Visa Compliance Team, who will require that you explain your unsatisfactory attendance and submit proof if you have three or more unexplained absences.

2. If you have five or more unexplained or unauthorised absences, you will be required to attend a meeting with the Centre Tier 4 Officer at your campus to discuss how your attendance can be improved and whether you need any support. This meeting should be treated as an official disciplinary meeting.

3. If your attendance does not improve immediately after the meeting, a Formal Written Warning letter will be issued outlining the conditions on which you can stay on the course. You may also be required to attend a meeting with the Visa Compliance Manager.

4. If you fail to respond to the Formal Written Warning letter and do not meet the conditions outlined in the letter, you will be withdrawn from your course for non-compliance with your visa conditions.

5. Should you have 10 or more consecutive unexplained absences or your attendance falls below the required level for your course (for unauthorised reasons), the University will be required to report a withdrawal of your Student visa sponsorship to the Home Office. Your Student visa will be curtailed by the Home Office and you will be required to leave the UK.
Appendix C

Visa Nationals

According to the Home Office, nationals or citizens of the following countries and territorial entities are known as 'visa nationals':

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<tr>
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<td>Taiwan (unless they hold a Taiwan passport which includes the number of the identification card issued by the competent authority in Taiwan)</td>
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<tr>
<td>Yemen</td>
<td>Zambia</td>
<td>Zimbabwe</td>
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*There are some exceptions for people who hold a diplomatic or special passport issued by these countries.