

Student visa CAS issuing procedure – current students

Scope and purpose

As a Student visa sponsor under the Points Based System for Immigration, the University of Bath must ensure that Confirmation of Acceptance of Studies (CASs) are assigned in accordance with the Student visa requirements set by UK Visas and Immigration (UKVI) as part of the Home Office. This procedure forms a part of a suite of procedure documents that have been agreed to ensure that the University of Bath remains compliant with Student visa sponsor guidance.

This document is mainly intended for use by the Student Immigration Service (SIS), which offers immigration guidance, advice, and issues CASs to current and continuing students at the University of Bath.

The issuing of a CAS and the decision to sponsor a student under the Student visa route is at the University's discretion. The University reserves the right not to issue a CAS, or to withdraw Student visa sponsorship if a student does not comply with Student visa and/or University regulations. This will mean they are no longer permitted to continue studying at the University.

Key responsibilities

Responsibility for the management and implementation of these procedures lies with SIS.

Sponsoring students

All University of Bath international students who require immigration permission to be in the UK must have a valid visa allowing them to study. The majority will have a Student visa. As the visa sponsor, the University of Bath has specific responsibilities to fulfil. When a student's Student visa expires, the University's sponsorship ends, and the student is no longer allowed to continue with their studies whilst in the UK. The University cannot authorise absences in these cases. The student will be suspended or withdrawn until such time that they have immigration permission to study, or SIS is satisfied that they have left the UK and are permitted by the University to continue their study overseas.

A student's Student visa in the UK may have expired for the following reasons:

- They have had a visa refusal following an application to extend their permission to stay in the UK and have chosen not to submit an administrative review;

- They have had a visa refusal following an application to extend their permission to stay in the UK, submitted an administrative review and the administrative review was not successful;
- They made an application to extend their permission to stay before their current permission expired but it was returned to them invalid (incomplete) after their current permission had expired;
- They did not make an application to extend their permission to stay before their current permission expired;
- They have been granted permission in a different immigration category.

Issuing a CAS

UKVI issues Student visa entry clearance or further permission to stay to cover the length of course based on the course end date specified on the student's CAS. Students may need to apply to extend their visa to complete their current course of study if, for example, they decide to add a placement, need extra time to repeat a year, or for writing up in the case of doctoral students. For each new Student visa application, students must submit a fresh CAS number with their application. In these cases, the student will request a new CAS statement from SIS. The issuing of the CAS will be at the discretion of SIS in consultation with relevant colleagues including the Director of Studies, Director of Student Services and Director of Academic Registry. SIS reserve the right to refuse issue of a CAS if it is considered that:

- The student's visa application will be refused. A visa application will be refused where the student does not meet Student visa requirements or does not meet general grounds for a successful immigration application. This includes students who are not required to submit certain documents to UKVI. In these cases, students may still be required to submit documents to SIS.
- The University cannot meet its Student visa sponsor duties as outlined in the Student Sponsor Guidance and Immigration Rules.
- The student is not compliant with the rules and regulations attached to their Student visa. For example, a student who is not attending and engaging with their course is not compliant.

The issuing of the CAS may be subject to other factors at the University's discretion.

See the UKVI Sponsorship duties guidance for further information regarding assigning a CAS.

Appealing against a decision not to issue or to withdraw a CAS

Students who disagree with a decision regarding Student visa sponsorship are encouraged to appeal to the Head of the Student Immigration Service. Students are provided with a list of Specialist Immigration Solicitors should they wish to seek legal advice.

If a student wishes to appeal against the decision by the University of Bath not to issue or to withdraw a CAS statement, they must:

1. Write to the Head of Student Immigration Service within 28 days of being informed.
2. Submit copies of relevant correspondence to the Head of Student Immigration Service within the 28-day deadline, including any supporting documentation.

Append a further written statement explaining the reasons why they consider the decision to be incorrect.

The appeal should be addressed to the Head of Student Immigration Service and submitted via email: js296@bath.ac.uk

Notification of the email having been received and a decision will be received within 28 days.

If a visa application is refused

If a student applies in good time, they may receive a decision about their application before their current permission expires, in which case the University of Bath can continue to sponsor them while they submit an Administrative Review or make a fresh application.

When a student has a Student visa application refused, the student is in most cases entitled to request an Administrative Review. If the UKVI decision was correct based on the original documentation submitted, the outcome of the Administrative Review is unlikely to be successful.

If UKVI accept that an error has been made, the student will be granted permission.

If an Administrative Review is submitted within the given timeframe, even if the student's current permission has expired, they can continue to be sponsored by the University of Bath and continue to study until they receive a final decision.

If the student chooses not to submit an Administrative Review and their current permission has expired, then the University of Bath no longer has sponsor responsibilities for the student, they will be reported to UKVI and the student must cease their studies.

In liaison with academic departments SIS will advise students as to the best course of action at this stage and whether a fresh application in the UK is possible, given individual timeframes.

Where the University of Bath is responsible for a refused or invalid application and the student no longer has valid permission

The student is responsible for making a successful visa application, even if they choose to use the SIS 'Student Visa Extension Service'.

On the rare occasion that a student no longer has valid permission as a result of University generated documentation (for example, the CAS statement) being incorrect, or mandatory documents not being sent to UKVI on behalf of the student, the student will not be suspended from their studies on the conditions that:

- they can prove that they have the evidence required to make a fresh application;
- they apply using the UKVI Premium Service;
- they apply within 14 days from the date when they become an overstayer (timeframes will depend on individual circumstances).

SIS will produce a CAS for these students only when it is satisfied that they are able to meet requirements for a successful visa application.

The University will not report these students but will monitor attendance and progress closely.

If the student is unable to apply within 14 days of becoming an overstayer, they will need to leave the UK and make an application overseas. The University of Bath will report to UKVI and stop sponsoring the student. SIS will outline the risks to the student. SIS will liaise with the Director of Studies to determine whether the student's absence will require that they suspend their studies for a year.

If the student does not make an application to extend their permission to stay before their current permission expires

Although the University of Bath has measures in place to minimise the risk of this happening, the student is responsible for making a visa application before their current permission expires. In some cases, they do not have the required evidence at point of application. In these cases, the student may be advised to apply 'out of time.' Whether they can apply in the UK will depend on individual timeframes and circumstances. In all cases, students are suspended from study until they have new permission in place.

SIS will produce a CAS for these students only when it is satisfied that the student and the University are able to meet relevant requirements.

Appendix 1

'Before you assign a CAS, you should ensure that the student will meet the requirements for a visa or permission to extend their stay.'

(UKVI Sponsorship duties guidance)

Appendix 2

'Sponsors have responsibilities in respect of their sponsored students from the moment they assign a CAS to the student until:

- they withdraw sponsorship from the student;
- the student leaves the UK; or
- the student is given permission to stay in the UK with a different sponsor or in another immigration category.'

(UKVI Sponsorship duties guidance)