

# Time limits for study procedure (Student visas)

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Under the Appendix Student in the Immigration Rules, time is limited to 5 years to complete undergraduate study. Time limits do not apply for postgraduate courses (master's and research courses) under the Student visa.

Students who may be at risk of not being able to complete within time limits include those:

- who have completed a period of study at degree level at another institution before enrolling at the University of Bath
- who began one course then changed to a different course at the University of Bath
- who have had to repeat one or more years of their course
- who suspended their studies where cancellation action was not taken by UK Visas and Immigration (UKVI) against the Student visa

## Procedure summary

- Though it is the responsibility of the student to ensure they have permission to stay to complete their studies within time limits, efforts will be made by the University to warn students who might be at risk of non-completion within time limits and advise on options.
- It is within the University's rights to decide whether to continue to sponsor a student as outlined in the CAS issuing policy.
- Student consent will be sought at an early stage in the procedure to enable discussion of their case with the Home Office.
- 'At risk' students and their Director of Studies will be communicated with in an appropriate and timely manner.
- Every effort will be made to support students to complete their studies by another route.
- 'Compelling and compassionate' circumstances will be defined as those related to the personal circumstances of the student for example having a disability or suffering an injury for which there is evidence from the student's GP or medical specialist and which results in the student having to repeat a period of study thus contributing to the length of time spent studying in the UK.
- The Director of Academic Registry has the right to invoke University regulations 3.1 and 3.2 in order to withdraw or suspend students for whom we decide to terminate sponsorship.

## Minimising risk of non-completion within time limits

It is the responsibility of the student to ensure they have sufficient and appropriate permission to stay to complete their programme of study within time limits and this is made clear in all literature. In addition, the University of Bath has taken steps to minimise risk by communicating with the following groups:

- Applicants who are deemed to be at risk from the outset and who therefore need to exercise additional caution (those who have completed a period of study at degree level elsewhere in the UK).
- All current students on entry will be made aware of the risks associated with changing sponsor, changing course or failing / repeating a year of study.
- All current students who have been identified as not being able to complete their studies in the future within their current permission to stay will be informed as soon as possible allowing students to make an informed decision about when to exit their course or explore alternative options (Category 1 – see below).
- All continuing students who have been identified and deemed to be at risk of not being able to complete if they are required to extend their studies further for any reason (Category 2 – see below).
- Directors of Studies on courses where students ‘at risk’ have been identified in order that they can advise on academic options – i.e. to reduce length of course (by removing placement) and – as part of duty of care to all students – advise on accessing appropriate academic support to minimise academic failure.

## **Communication procedure**

### **Applicants**

The Student Immigration Service (SIS) identifies students who have completed a period of degree level study elsewhere before switching to Bath. Wherever possible they try to make applicants aware of potential risk at the point of offer. However, this is dependent on UKVI guidelines, and a full academic history being provided on the application form.

### **Current students on arrival**

The Student Immigration Service will inform all students about time limits and risks should they extend studies for whatever reason during the annual visa information session in November and subsequent email posts. In addition, information is clearly posted online.

### **Continuing students deemed to be at risk**

A Business Objects report will be run in October capturing Student visa holders. ‘At risk’ students will be identified where the expected end date is later than originally expected, and the Student visa no longer covers the length of their course. This includes students who have failed the year/assessments. The student’s record will be examined on SAMIS to discount periods of study below degree level - e.g. the International Foundation Year - and to factor in any periods of absence - e.g. suspension. Student visa holders changing to a longer course will be identified via the Change of Course (CC form) process. The ‘at risk’ list will include:

- Category 1 students who appear from evidence to not be able to complete within time limits.
- Category 2 students who are identified as being able to complete within time limits but who cannot extend their studies further.

## **Contacting the student**

### **Category 1**

Students who appear from evidence to not be able to complete within time limits will be invited to meet with a Student Immigration Adviser to discuss their case. This may include students whose visas are about to expire and students whose visas will expire sometime in the future, prior to them being able to complete their course. The procedure of managing these cases runs as follows:

- To complete an accurate time limit assessment, students may be asked to provide evidence of leaving the UK to return home during periods of suspense, or of compassionate and compelling circumstances.
- SIS may seek information from academics, Academic Registry, UKVI, and UKCISA as appropriate (consent to share information with UKVI will be sought).
- SIS updates the time limit calculation, based on all the evidence available. Advisers will ensure the calculation is second checked.
- Detailed case-notes will be stored by SIS on CRM and a summary included on the VIS screen in SAMIS.
- The student's Director of Studies will be made aware.
- A Student Immigration Adviser and the Head of Student Immigration will meet with the student and advise them regarding their immigration options (alternative visa routes, immigration solicitor contacts) and welfare support available at the University of Bath. In addition, at this stage:
  - a) Where a student's visa is not imminently due to expire, they will be advised that they can continue to study, however they will continue to incur fees and will not exit with the award they had originally intended to obtain. SIS will refer students to their Director of Studies to explore any academic options open to them, e.g. changing to a shorter course, removing the placement, finding flexible ways of being able to complete.
  - b) Where a student's visa is about to expire, SIS will refer them to our CAS issuing policy which explains that we cannot agree to sponsor a student if we know their visa application will be refused. They will be made aware of the option of appealing to the University. The Director of Academic Registry and the University's Sponsored Authorising Officer will be informed. The student will be withdrawn or suspended under regulation 3.1 and 3.2 in a timely manner to ensure they do not remain enrolled without valid permission. This will be reported to the Home Office.
  - c) Where there are deemed to be compassionate and compelling circumstances then SIS will discuss their validity, based on interpretation of UKVI Sponsor Guidance. The student will be advised whether we agree to continue to sponsor them on this basis.
  - d) More complex cases will be escalated to the Authorising Officer.

### **Category 2**

Students who are identified as being able to complete within time limits but who cannot extend their studies further are contacted via email to explain the consequences of any future course changes (including failing a year) and their Director of Studies is made aware. SIS will ensure that support and advice are made available to these students if requested. All advice will be delivered verbally where practical and followed up by a letter generated through SAMIS. All communications from third parties will be channeled via SIS and recorded in case-notes to minimise the risk of duplication and inconsistency.