

# RIGHT TO STUDY POLICY

The University of Law's Right to Study Policy has been informed by the Office for Students Sector-Recognized Standards and the General Ongoing Conditions of Registration and has regard to the UK Quality Code for Higher Education. These definitive reference points for all English higher education institutions set out how academic standards are established and maintained and how excellence in the quality of learning opportunities is assured.

This policy sits within The University of Law's Quality and Standards Code, which provides a suite of policies designed to safeguard the academic standards of The University of Law and to assure the quality of learning opportunities offered; this policy should therefore be read in conjunction with other relevant policies within the code.

- 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 valid proof of identity and 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.

## Key aims and principles

- 9.1 All students are required to show proof of their identity and if applicable, their immigration permission for the UK as part of their enrolment at The University of Law.
- 9.2 Students who can provide proof of their identity and demonstrate that 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.
- 9.3 It is the responsibility of the individual student to apply for and maintain immigration permission which will allow them to study at the University.
- 9.4 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.
- 9.5 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.
- 9.6 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.

## **British Citizens**

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 prior to enrolment on their course.

11 If a student is born outside the UK or is a national of a country other than the UK and also holds UK nationality (e.g. dual nationals), they will be required to provide evidence of their British citizenship prior to enrolment on their course.

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

13 Students must submit their documents using the University's online verification system before their course start date. The University will check the student's documents and update their student record to show that the student holds the right to study with us.

14 If a student fails to submit sufficient evidence of their identity and British citizenship which is verified by the University before their course start date, 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.

## **EEA / Swiss Nationals**

15 Students who come under this category require Student visa sponsorship to study in the UK from 1 January 2021. Please see the section below for nationals who require Student visa sponsorship.

16 If an EEA / Swiss National holds Pre-Settled or Settled status under the EU Settlement Scheme, they do not require Student visa sponsorship and can study at The University of Law without any restrictions.

17 The documents that the University can accept as evidence of Pre-Settled / Settled status are listed in Appendix A.

18 Students must submit their documents using the University's online verification system before their course start date. The University will check the student's documents and update their student record to show that the student holds the right to study with us.

19 If a student fails to submit sufficient evidence of their identity and Pre-Settled / Settled status which is verified by the University before their course start date, 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-UK Nationals who require Student visa sponsorship**

20 Students who require Student visa 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.

21 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.

22 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.

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

24 If a student fails to produce the original documents listed in Appendix A to the Student Information Team 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.

25 Students who require Student visa sponsorship must review the University's Student Visa Policy which outlines the requirements to receive a CAS and the conditions of continued Student visa sponsorship during their course.

### **Non-UK Nationals with existing UK Immigration Permission**

26 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 through the University's online verification system before their course start date.

27 The documents that the University can accept as evidence of a student's current immigration status are listed in Appendix A.

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

29 If a student fails to submit sufficient evidence of their identity and current immigration status which is verified by the University before their course start date, 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.

## Expired Documents

- 30 The University can accept an expired passport as proof of identity for British Citizens.
- 31 Students of other nationalities must provide an identity document as listed in Appendix A that is valid on their course start date.
- 32 If a student cannot provide an identity document which is valid on their course start date, they must contact the Student Information Team at their campus for further guidance.
- 33 It is the student's responsibility to contact the Student Information Team at their campus before their course start date if there are any issues with providing proof of their identity.

## Pending applications

- 34 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.
- 35 The University will not accept letters or statements from a solicitor or other legal representative that a student has a pending application with the Home Office.
- 36 The student must also bring the original documents in paragraph 34 to the Student Information Team at their campus before they can enrol on their course.
- 37 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 34 and that the student is permitted to study while their application is pending.
- 38 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.
- 39 If a student fails to submit sufficient evidence that they have a pending application with the Home Office and are permitted to study while the application is being considered, 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.
- 40 If a student's pending application is refused post enrolment, their place to study on their course will be cancelled, unless they can demonstrate that they have on-going immigration

permission. 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 appeals**

41 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.

42 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.

43 If a student fails to submit sufficient evidence that they have a pending appeal against a Home Office decision and are permitted to study while the appeal is being considered, 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.

### **Maintaining the right to study**

44 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.

45 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.

46 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.

47 Students must bring the original documents to their Campus by the deadline given by the Student Immigration Compliance and Advice to be checked and copied.

48 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.

49 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.

**Resit students**

50 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.

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

52 Students who fail to report to the Student Information Team 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**

53 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**

54 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.

**Version history**

<b>Version</b>	<b>Amended by</b>	<b>Revision summary</b>	<b>Date</b>
V1.0	Head of International Visa Office	Initial drafting	07.03.18
V1.1	Head of International Visa Office	Review and amend	12.03.18
V1.1	Approval by Academic Board	Approval	13.03.18
V1.2	Head of Immigration Compliance and Advice	Review and amend	28.01.20



V1.3	Head of Immigration Compliance and Advice	Review and amend	05.03.21
V1.4	Director and Head of Immigration Compliance and Advice	Review and amend	06.02.23

## 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 [visaadvice@law.ac.uk](mailto:visaadvice@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

Nationality	Study Restrictions	Documentation Required
British Citizen	No restrictions on study	One of the following: <ul style="list-style-type: none"> <li>• Passport; or</li> <li>• Birth certificate <b>and</b> driving licence; or</li> <li>• Certificate of Naturalisation or Registration as a British Citizen</li> </ul>
EEA and Swiss Nationals	<ul style="list-style-type: none"> <li>• Students with Pre-Settled or Settled Status under the EU Settlement Scheme: No restrictions on study</li> <li>• Students who require Student visa sponsorship: Please see Table 2 below for further details.</li> </ul>	All of the following: <ul style="list-style-type: none"> <li>• Passport or National ID card</li> <li>• Share Code issued by Home Office to verify status under the EU Settlement Scheme</li> </ul>
Non-UK Nationals	This will depend on the type of immigration permission you hold. Please see the Table 2 below for further details.	This will depend on the type of immigration permission you hold. Please see Table 2 below for further details.

Table 2. Immigration Categories


Immigration Category	Study Restrictions	Documentation Required
<p>Student Route – Sponsored by The University of Law</p>	<p>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.</p>	<p>All of the following:</p> <ul style="list-style-type: none"> <li>• Passport</li> <li>• 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; <b>or</b></li> </ul>
		<p>All of the following:</p> <ul style="list-style-type: none"> <li>• Passport</li> <li>• Current UK biometric residence permit (BRP) or visa</li> <li>• Access UK Check Sheet showing that you applied for a new Student Route visa before your current visa expires</li> </ul>
<p>Visitor visa</p>	<p>You can only attend or enrol on the following:</p> <ul style="list-style-type: none"> <li>• Assessment or study weekends (Online Course Students).</li> <li>• Short courses which are 6 months or less in duration.</li> <li>• Resit exams or modules.</li> <li>• Viva or other oral presentation.</li> </ul>	<p>All of the following:</p> <ul style="list-style-type: none"> <li>• Passport</li> <li>• Immigration stamp or vignette in passport</li> </ul>

Immigration Category	Study Restrictions	Documentation Required							
<table border="1"> <tr><td>Graduate Route Visa</td></tr> <tr><td>High Potential individual</td></tr> <tr><td>Seasonal Worker (Temporary Visa)</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>	Graduate Route Visa	High Potential individual	Seasonal Worker (Temporary Visa)					<ul style="list-style-type: none"> <li>GRV and HPI: The study condition states that you cannot study any course that can be sponsored under the student route.</li> <li>Seasonal Worker (Temporary visa): The holder of this visa is not permitted to study</li> </ul>	All of the following: <ul style="list-style-type: none"> <li>Passport</li> <li>Biometric residence permit (BRP) or Vignette in Passport</li> </ul>
Graduate Route Visa									
High Potential individual									
Seasonal Worker (Temporary Visa)									
<table border="1"> <tr><td>Ancestry Visa</td></tr> <tr><td>Points Based System Dependents</td></tr> <tr><td>Youth Mobility Scheme</td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>	Ancestry Visa	Points Based System Dependents	Youth Mobility Scheme			No restrictions on study.	All of the following: <ul style="list-style-type: none"> <li>Passport</li> <li>Biometric residence permit (BRP) or Vignette in Passport</li> </ul>		
Ancestry Visa									
Points Based System Dependents									
Youth Mobility Scheme									
Immigration Category	Study Restrictions	Documentation Required							
Spouse / Civil Partner / Unmarried Partner of a British Citizen or Settled Person	No restrictions on study.	All of the following: <ul style="list-style-type: none"> <li>Passport</li> <li>Biometric residence permit (BRP) or Vignette in Passport</li> </ul>							
Indefinite Leave to Remain or Permanent Residence	No restrictions on study.	Passport and one of the following: <ul style="list-style-type: none"> <li>Biometric residence permit (BRP); or</li> </ul>							

		<ul style="list-style-type: none"> <li>• Vignette in Passport; or</li> <li>• Immigration Stamp in Passport; or</li> <li>• Letter from the Home Office confirming you have been granted Indefinite Leave to Remain</li> </ul>
Asylum / Refugee Leave to Remain / Discretionary Leave / Humanitarian Protection	No restrictions on study.	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• Biometric residence permit (BRP); or</li> <li>• Vignette in Passport or Travel Document; or</li> <li>• Immigration Status Document; or</li> <li>• Letter from the Home Office confirming you have been granted Leave to Remain</li> </ul> <p>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.</p>
Asylum Seekers	Study is usually not permitted unless you hold an Application Registration Card (ARC).	Application Registration Card (ARC).



3) Letter from the Home Office



## Home Office

Immigration and Nationality Directorate  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY  
Telephone 0870 606 7766 Fax

<p>FORENAMES SURNAME</p> <p>Date of Birth:   DATE</p> <p>Nationality:   NATIONALITY</p>	<p>Our Ref           Our Ref</p> <p>Your Ref        Your Ref</p> <p>Case ID          CID Case ID</p> <p>Date             Date</p>
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Dear Salutation

**GRANT OF HUMANITARIAN PROTECTION**

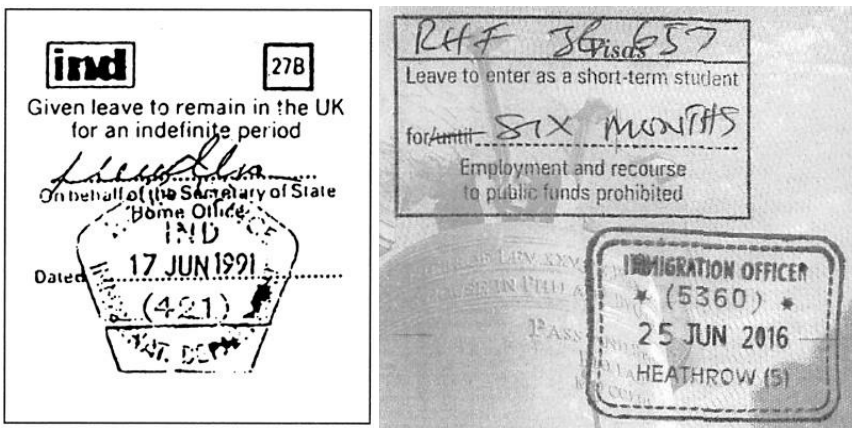
You have/Your claim has been reviewed and you have been granted limited leave to enter/remain in the United Kingdom for a reason not covered by the Immigration Rules.

**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







## 7) Certificate of Application

	<b>UK Visas and Immigration</b> Permanent Migration PO Box 306 Liverpool L2 0QN <b>Tel</b> 0870 606 7766 <b>Fax</b> 0151 213 2909 <b>Email</b> <b>Web</b> <a href="http://www.gov.uk/uk-visas-immigration">www.gov.uk/uk-visas-immigration</a>
Address	Our Ref Case ID Your Ref Your Ref Date 04 June 2014

Dear Sir/Madam,

Re:

**CERTIFICATE OF APPLICATION**

Thank you for your application for a Residence Card/Permanent Residence Card/Derivative Residence Card. We will make a decision on the application as soon as we can and, in any event, within the next 6 months.

Please do not telephone or make enquiries about the progress of the application before you hear from us unless a passport or other document is needed urgently, as this diverts resources from making decisions.

We advise you not to make any non-urgent travel plans until we have decided your application and returned your passport(s) or travel document(s).

You are permitted to accept offers of employment in the United Kingdom, or to continue in employment in the United Kingdom, whilst your application is under consideration and until either you are issued with residence documentation or, if your application is refused, until your appeal rights are exhausted.

An employer may ask to see this document as evidence of eligibility to work, so you should keep it in a safe place until the application has been decided as it may not be replaced.

**Note for employers**

This document may form part of a statutory defence against liability to pay a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 for employing an illegal migrant worker. However, it should only be accepted for this purpose if presented within 6 months of the date of issue and provided you can demonstrate that the document has been verified by the Home Office Employer Checking Service.

The holder must present the original document. You should request verification of the document by downloading the Employer Checking Service form from the Home Office website and e-mailing it to [Employerchecking@ukba.gsi.gov.uk](mailto:Employerchecking@ukba.gsi.gov.uk) and retain a copy of it in your records. Further information about the Employer Checking Service and the responsibilities of employers can be found at <https://www.gov.uk/government/organisations/home-office>.

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## 8) Student Route – Visa Application

	<b>UK Visas &amp; Immigration</b>	
APPLICANT NAME:	<b>Confidence Chukwunonso Udeh</b>	
UNIQUE APPLICATION NUMBER:	<b>1212-0001-1804-4878/00</b>	
GWF NUMBER:	<b>GWFO62398344</b>	
PASSPORT NUMBER:	<b>A09861588</b>	
COUNTRY OF NATIONALITY:	<b>Nigeria</b>	
DATE OF BIRTH:	<b>15 January 1993</b>	
GENDER:	<b>Male</b>	
DATE OF APPLICATION:	<b>07 October 2021 15:45 British Summer Time (BST)</b>	
TYPE OF VISA / APPLICATION:	<b>Student visa</b>	
CAS NUMBER:	<b>E4G4NH5I42B0R8</b>	
SERVICE OPTION:	<b>Standard</b>	
TOTAL FEE:	<b>492.00 USD</b>	
SUBMISSION METHOD:	<b>Online</b>	
PAYMENT REFERENCE:	<b>3PG0027563491</b>	
CONTACT EMAIL:	<b>confidenceude@gmail.com</b>	
CONTACT LANGUAGE:	<b>English</b>	