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Confirmation of Acceptance for Studies (CAS) Policy

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Purpose

This policy establishes the framework for the issuance, refusal, and withdrawal of a Confirmation of Acceptance for Studies (CAS) for applicants and students requiring sponsorship by BIMM University under the Student Route of the UK Immigration Rules.

While this policy applies to both BIMM University and its partner institutions, references throughout the document are made to BIMM University and the University for the purposes of consistency and readability.

This policy ensures that BIMM University:

- complies with UK Visas and Immigration (UKVI) Student Sponsor Guidance;
- operates in accordance with Appendix Student of the Immigration Rules;
- protects its Student Sponsor Licence;
- mitigates the risk of visa refusal due to non-compliance; and
- applies fair, consistent and transparent decision-making.

Issuing a CAS does not guarantee that a Student Route Visa will be granted. Visa decisions are made solely by UKVI. BIMM University accepts no liability for visa refusals.

BIMM University reserves the right to decline to issue a CAS.

1. Overview of BIMM University CAS Policy

1.1. Applicants who request a CAS from BIMM University to apply for Entry Clearance or Leave to Remain to begin a new course under the student visa route of the Points Based System, must satisfy BIMM University that they meet the requirements of the relevant immigration category before a CAS is issued.

1.2. From 5 October 2020, this policy applies to students who are non-UK nationals, including EEA, EU and Swiss nationals (where applicable), who require a student visa to study in the UK.

2. General requirements

2.1 To receive a CAS, an applicant must:

a) have received and accepted an unconditional offer (the applicant has satisfied all educational entry requirements) to study at BIMM University
b) pass the University's credibility checks (the University reserves the right to conduct additional checks where necessary);
c) have paid the tuition fee deposit for their course; and
d) provide evidence that the applicant meets UKVI's maintenance (financial) requirements, where applicable, in accordance with UKVI guidance, as well as satisfying the University that the applicant has sufficient available funds.

2.2. Information on what UKVI considers to be suitable evidence of financial requirements is available in the guidance here: Student visa: Money you need - GOV.UK

3. Applications made from overseas (Entry Clearance)

3.1. Applicants applying from their country of residence will receive a CAS:

a) where there is sufficient time, based on published UKVI processing times, for Entry Clearance to be granted prior to the course start date; and

b) where applicants who have previously held permission in the UK can demonstrate that they left the UK before their visa expiry date, or within any permitted grace period. This can be demonstrated by submitting scanned copies of evidence of exit, along with copies of the relevant visa(s).

3.2. BIMM University will specify the latest date by which an applicant must arrive on campus and enrol, as stated under the 'Latest Acceptance' date on their CAS.

3.3. Applicants who are unable to arrive on campus by the 'Latest Acceptance' date indicated on their CAS must contact immigration@bimm.ac.uk as soon as possible. Failure to do so may result in the CAS being withdrawn.

3.4. Any refund of fees is subject to BIMM University's tuition fee refund policy.

4. Applications made from within the UK

4.1. The University will issue a CAS to applicants who currently hold valid permission to remain in the UK.

4.2. Please refer to the GOV.UK guidance Student visa: Switch to this visa - GOV.UK to confirm the ineligible visa categories that do not permit switching within the UK.

5. Academic Progression

5.1. The University will issue a CAS to applicants who currently hold valid permission in the UK, provided they meet UKVI's academic progression requirements, as set out in Appendix ST of the Immigration Rules.

5.2. All applicants must declare any previous UK study sponsored under the Student Route (formerly Tier 4).

5.3. The University applies the Student Route academic progression requirements in all cases, regardless of where the applicant intends to apply for a Student Route Visa

5.4. Academic progression will be assessed based on:

a) previous UK study;
b) the academic level of that previous study compared to that of the course applied for;
c) the type of visa previously used to study;
d) where any new visa application will be made (UK or home country); and
e) the number of years previously spent studying in the UK.

Details of how academic progression has been satisfied will always be included in the CAS.

5.5. The CAS process may be put on hold if BIMM University requires additional information or evidence from the applicant to assess academic progression. BIMM University will contact the applicant directly to request the relevant information.

5.6. If the academic progression requirements cannot be satisfied, BIMM University will not issue a CAS where it believes this would result in a likely visa refusal.

6. Credibility Interviews

6.1. BIMM University will only sponsor applicants who are assessed as genuine students. As such, the University may:

a) conduct credibility interviews, the interview will be fact-based and focused on the applicant's application. The Compliance Team will provide the applicant with relevant information regarding the credibility interview in advance;

b) request additional documentation;
c) require regional compliance checks.

6.2. A CAS will not be issued where:
a) the applicant fails a credibility interview;
b) fraudulent or inconsistent information is identified;
c) the University is not satisfied that the applicant intends to study.

The University reserves the right to expand its credibility assessment procedures where required to protect its Student Sponsor Licence.

6.3. If applicants are required to complete a credibility interview, they will be contacted directly by the Compliance Team.

7. Instances Where a CAS Will Not Be Issued

7.1. BIMM University reserves the right not to issue a CAS where UKVI's Student Route policies indicate that the application may result in a visa refusal. This includes (but is not limited to) circumstances where:
a) an applicant has exceeded, or will exceed, the maximum time permitted for degree-level study;
b) an applicant has previously studied at a higher academic level in the UK under the Student or Tier 4 visa routes, meaning academic progression cannot be demonstrated to UKVI, unless there are genuine career progression reasons for doing so;
c) an applicant is unable to demonstrate that they have sufficient funds to pay their tuition fees and living costs whilst in the UK;
d) there is a risk that the applicant may be refused on credibility grounds during the visa application process;
e) an applicant wishes to apply from within the UK but has not completed the previous course for which they were granted a Student or Tier 4 visa;
f) an applicant has previously been refused a visa on the basis of deception, and there is no evidence that the decision has since been overturned.

8. Instances where sponsorship can be withdrawn

8.1. BIMM University reserves the right to withdraw a CAS or withdraw sponsorship of a visa in certain circumstances. This includes (but is not limited to) situations where:
a) it becomes clear that an applicant will be unable to arrive by the 'Latest Acceptance' date detailed on their CAS.
b) following enrolment, an applicant is withdrawn from their course.
c) following enrolment, an applicant fails to provide BIMM University with documents relating to their immigration permission to be in the UK or subsequently fails to provide an update where their immigration permission has expired.

d) following enrolment, the Immigration and Compliance Team receives information from an examination board that an applicant has not been able to progress to the next stage of their course, is required to repeat a semester or more of the course without attendance or is only required to repeat part of the academic year with attendance.
e) BIMM University finds that any documents submitted in support of an applicant's application to study are fraudulent.
f) an applicant fails to present original versions of documents used to obtain their offer, where requested.

8.2. Applicants and students can refer to BIMM University's International Student Handbook for further information on how changes in circumstances affect visa sponsorship.
8.3. Any refund of fees is subject to BIMM University's tuition fee refund policy.

9. Visa Refusals and Applications Rejected as 'Invalid'

9.1. If UKVI has refused an application, or rejected an application as 'invalid', applicants must contact the Immigration and Compliance Team immediately with a copy of their refusal or rejection notice to discuss their options.
9.2. If, after discussion with the Immigration and Compliance Team, a decision is made to submit a new Student visa application, applicants will need to request a new CAS.
9.3. A second CAS can only be issued if applicants are able to demonstrate that the likelihood of being refused again for the same reason is low, as well as meeting the conditions set out in sections 1–6 of this policy. Where an applicant has made an in-country application, a new CAS will only be issued if the applicant still has leave to remain in the UK.
9.4. To avoid an application being rejected as 'invalid', applicants are encouraged to contact the Immigration and Compliance Team immediately if UKVI requests further information.
9.5. Where an in-country applicant's visa application is refused or rejected as 'invalid' following enrolment, a decision on whether the applicant can continue with their course will be made by the Immigration and Compliance Team.
9.6. All available options will be given to the applicant before their enrolment record is suspended or withdrawn.
9.7. Any refund of fees is subject to BIMM University's tuition fee refund policy.

10. Overstaying

10.1. Where an applicant has become an overstayer, the University will only consider issuing a CAS where:
a) there is a documented, compelling reason beyond the applicant's control;
b) a valid in-time or permissible late application can be made.

Each case will be assessed individually. The University is under no obligation to issue a CAS in overstaying cases.

10. Enrolling at BIMM University

10.2. Applicants are required to provide evidence of their immigration permission to be in the UK before enrolling at BIMM University. This is known as a Right to Study check.

10.3. In-country applicants must make an in-time visa application if they wish to start their course whilst awaiting a decision on their application. They must provide evidence of this before enrolling on their course.

10.4. Applicants who have made an in-time application to switch to the Student Route from a category that does not permit study on their course (e.g. Graduate route) will not be able to enrol until the student visa application has been successfully decided.

10.5. Applicants will be required to demonstrate to the Immigration and Compliance Team that an in-time application has been made by providing:

a) a copy of their previous visa or immigration permission;
b) a copy of their application 'checklist'; or
c) proof of payment for their visa application.

10.6. Where an applicant has enrolled on their course and is unable to provide evidence of an in-time application or their immigration permission, a decision on whether the applicant can continue with their course will be made by the Immigration and Compliance Team.

10.7. If an applicant is subsequently refused, the guidance within sections 8 and 9 of this policy will apply.

10.8. Applicants cannot enrol on a full-time course at BIMM University using a student visa sponsored by another Higher Education Provider (HEP).

11. Continuing Students

10.9. If a student needs a CAS to complete their studies, they must submit the CAS request form. The form can be found at the end of this policy. Once the request has been received, the Immigration and Compliance Team will assess it and determine whether a CAS is required.

10.10. Where a continuing student requires a student visa to cover a re-sit or repeat study period, the course expected end date (which is required for the CAS) will be determined by the term/teaching end date.

10.11. Students must also meet the following conditions to be eligible for a CAS:

a) Students should not have withdrawn from the course or have been withdrawn by the University.
b) The course end date should fall after the expiry of the current visa.
c) The course should require on-campus attendance.
d) There should be no outstanding debt to the University, unless a valid sponsor letter from an official financial sponsor is provided in line with UKVI rules.
e) Financial requirements should be met in accordance with UKVI regulations.
f) satisfactory record of attendance and engagement is required, as outlined in the University's Attendance and Engagement Policy.
g) UKVI academic progression requirements should be fulfilled, where applicable.
h) BIMM University recommends that passports are valid for at least six months at the date of the CAS application.

10.12. A CAS will not be issued for the following reasons:

a) to wait in the UK for results.
b) to attend graduation.
c) to extend a visa to allow more time to apply for another visa category.

10.13. BIMM University reserves the right to decline to issue a further CAS to enable a student to complete their studies.

11. Appeals and Complaints

11.1. Applicants who are refused a CAS may request an internal review within 10 working days of the decision, by emailing immigration@bimm.ac.uk.

11.2. Reviews will:

a) be conducted by a senior member of the Immigration and Compliance Team/Head of International Compliance who was not involved in the original decision.
b) assess whether the policy was applied correctly.
c) consider any new evidence provided.

11.3. The outcome of the review is final. Enrolled students should follow the University's formal complaints procedure.

12. Student Sponsor Licence Protection

12.1. BIMM University will not issue or maintain sponsorship were doing so would:

a) compromise compliance with UKVI Sponsor Guidance.
b) create an unacceptable immigration risk.
c) undermine the integrity of the Student Route.

12.2. Protection of the Student Sponsor Licence takes precedence in all CAS decisions.

13. Terminology

1. In-time application - We define this to be a visa application made before the applicant's / students most recent visa expired.
2. In-country applicant – An applicant who applies for their Student Visa from within the UK.
3. Entry Clearance – Applying for a Student Route Visa outside the UK
4. Leave to Remain – Applying for a Student Route Visa from within the UK.
5. Academic Progression - A requirement under the Student Route Visa whereby a student must demonstrate that a new course of study represents academic progress compared to their previous UK study and is consistent with UKVI requirements.