



Swansea University – Right to Study Checks

What is the ‘right to study’?

- The ‘right to study’ means you are not legally restricted from studying at Swansea University (SU). This generally pertains to your leave to remain in the UK under current immigration rules.
- Your right to study is granted in the form of a visa or endorsement, or you may be entitled to remain in the UK because you are the family member of someone who has permission to remain in the UK. A UK/EU passport also constitutes a right to study.

Who needs a right to study check?

Anyone who wants to enrol, or is currently enrolled, on a course of any length at SU must have their right to study checked.

Why do we check your right to study?

SU holds a Tier 4 Sponsor Licence, granted to us by the UK Government’s Home Office, which gives us permission to admit international students on UK Student Visas. We are required by the Home Office to take steps to ensure that every student studying at the institution has the right to study in the UK throughout the whole period of their study. Failure to do so is a breach of our duties as a Tier 4 Sponsor and can result in action against us or the revocation of our licence.

What you must do:

Please refer to Appendix A and B below which give examples of visas and immigration status.

If you are a prospective student/applicant/offer holder

It is important that you know if you have the right to study prior to commencing enrolment as a student at SU. We may not be able to enrol you and you will not be able to start your course if you cannot show evidence of this right to study when required. For example, if your visa is due to expire shortly after your course commences, or if you have a pending application which may mean we cannot determine if you have the right to study, you may be obliged to defer your studies until your immigration status has been extended or granted.

If you are currently enrolled as a student of Swansea University

It is important that you maintain your immigration status throughout your studies at SU and to maintain our records of this you will be asked, if you are a non EEA student, to present your visa and passport at every enrolment. You must take action to maintain your immigration status where your visa is due to expire, or where changes of circumstance occur which affect your immigration status. SU will suspend or withdraw students if it transpires that they no longer have the right to study.

Please be aware that the University can effectively remove your right to study if you fail to meet the conditions of enrolment set out in the Academic Guide. Violations include: failure to enrol on time, non-payment of fees, academic misconduct, poor attendance, criminal activity and any other serious disciplinary matter. The removal of your right to study will take the form of a compulsory suspension of studies or withdrawal.

Guidance review

This guidance will be reviewed on a regular basis to ensure it remains compliant with the Tier 4 Sponsor Guidance and Immigration Rules which are subject to change by the Home Office. The current version of this policy supersedes any previous versions.

Date: 28/04/2017

Appendix A: Right to study categories

The following is a list of common immigration categories, with additional information on their acceptability for study at Swansea University. Also included is a list of the documents you will need to submit as evidence of your right to study under this particular visa or status. Please note, this is not an exhaustive list – you are strongly advised to contact International@campuslife before you try to enrol if you think that you do not fit into any of the categories given.

Table 1. General Overview

Immigration Category	Study restrictions	Documentation required
British citizen	There is no restriction on study	One of the following: <ul style="list-style-type: none"> • Passport, • EU/EEA national identity card, • Birth certificate and additional documentation as per: https://www.gov.uk/check-british-citizen (only for British citizens who do not hold a passport) • Certificate of naturalisation or registration as a British citizen
EU/EEA national		
EU/EEA identity card holder		
Non-EU/EAA national	This will depend on the type of immigration status you hold.	See Table 2 for immigration categories applicable to you

Table 2. Non-EU/EAA Immigration Categories

Immigration Category	Study restrictions	Documentation required
Tier 4 General – sponsored by SU (18UEHPGX4)	There is no restriction on study as long as it is for study at SU for the course for which the CAS was issued. Supplementary study may also be permitted.	<p>One of the following: Valid Biometric Residence Permit (BRP) with Sponsor Licence Number 18UEHPGX4, issued for the duration of the course you are currently studying or enrolling onto.</p> <p>Letter from UKVI which confirms your application for a UK visa has been successful and that your BRP will be available for collection - we will enrol you on the understanding that you will be expected to bring in your BRP to us once it has been collected.</p> <p>Valid Biometric Residence Permit (BRP) with Sponsor Licence Number 18UEHPGX4, issued for your previous course. We will enrol you but you must make a new visa application using a CAS issued for your new course within 6 weeks of enrolment.</p> <p>An “ISAS Receipt” - Proof of a new application submitted using a CAS issued by SU. These are issued by International@campuslife following submission of an application under their supervision.</p>
Short-term study visa	There is no restriction on study for courses of 6 months or less	Valid vignette, or Valid stamp which states ‘short-term student’
Tier 1 (General) Category – closed for new applications	There is no restriction on study but you are expected to study only part-time. We will be unable to keep you enrolled at SU if you cannot show your right to study in the UK.	<p>One of the following:</p> <ul style="list-style-type: none"> • Valid Biometric Residence Permit (BRP) • Valid vignette • (Pending applications) we will need to see evidence of your previous immigration application, evidence that you submitted
Tier 1 (Exceptional Talent)		
Tier 1 (Entrepreneur)		
Tier 1 (Graduate Entrepreneur)		
Tier 2 (General)		

Tier 2 (Intra Company Transfer)*		your application before your previous leave expired, and recent evidence that it is still pending.
Tier 5 (Temporary Workers)		
Tier 1 (Post-Study Work) – closed for new applications	There is no restriction on study but you will be responsible for ensuring you can extend your leave to remain if it expires before your course ends. We will be unable to keep you enrolled at SU if you cannot show your right to study in the UK.	One of the following: <ul style="list-style-type: none"> • Valid Biometric Residence Permit (BRP) • Valid vignette (Pending applications) we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.
Tier 1 (Investor)		
Tier 5 (Youth Mobility Scheme)		
Ancestry visa		
Dependents – Tiers 1 and 2	There is no restriction on study. We will be unable to keep you enrolled at SU if you cannot show your right to study in the UK.	One of the following: <ul style="list-style-type: none"> • Valid Biometric Residence Permit (BRP) • Valid vignette • (Pending applications) we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.
Dependents – Tier 4		
Spouse/Civil Partners/ Unmarried Partner of EEA/EU National	No restrictions on study	Valid Family permit / Residence card, or (Pending applications) a Certificate of Application issued within last 6 months can be accepted in certain circumstances. We will need to contact you regularly to find out the progress of this application.
Spouse/Civil Partner/Unmarried Partner of a British citizen or a settled person	No restrictions on study	One of the following <ul style="list-style-type: none"> • Biometric Residence Permit • (Pending applications) we will need to see evidence of your previous immigration application, evidence that you submitted your application before your previous leave expired, and recent evidence that it is still pending.

Indefinite Leave to Remain or Permanent Residence	No restrictions on study. Status may be lost where you have been out of the UK for a continuous period of two years or more since the ILR was granted.	One of the following: <ul style="list-style-type: none"> • Valid Biometrics Residence Permit (BRP) • Vignette • Stamp in valid passport • Letter from Home Office confirming ILR has been granted
Asylum/Refugees/Discretionary leave/Humanitarian protection	No restrictions on study	One of the following: <ul style="list-style-type: none"> • Valid Biometrics Residence Permit (BRP) • Vignette • Valid Immigration Status Document • Letter from Home Office confirming you have been granted leave to remain
		Please note , a travel document alone is insufficient evidence to demonstrate your right to study. It must be accompanied by one of the above.
Asylum seekers	Study is usually not permitted unless you hold an Application registration Card which states 'Employment permitted'	Application Registration Card (ARC) stating 'Employment permitted'

It is necessary to obtain an ATAS certificate to study certain disciplines listed at paragraph 1 or 2 of Appendix 6 of the Rules before a person can study in these categories.

Pending applications

If you have an application pending for any of the above immigration categories, we reserve the right to contact the Home Office for confirmation of your right to study before allowing you to commence enrolment. We will ask you to sign a form which grants us permission for the Home Office to share information about yourself and your immigration history/status. Please note, such requests can take up to five working days for the Home Office to process.

Pending appeals

If you have an outstanding appeal against a Home Office decision to refuse an application for any of the above immigration categories, SU will contact the Home Office for confirmation of your right to study before allowing you to commence enrolment. We will ask you to sign a form which grants us permission for the Home Office to share information about yourself and your immigration history/status. Please note, such requests can take up to five working days for the Home Office to process.

Change in circumstances

If there is a change in your circumstances so that you no longer meet the conditions under which you were granted your visa or you no longer satisfy the provisions of the EEA Regulations, you may lose the right to study even though you have a valid residence card or other proof of immigration status, e.g. your permission to stay is on the basis of your relationship and your relationship breaks down permanently.



Home Office

Immigration and Nationality Directorate

Lunar House
40 Wellesley Road
Croydon
CR9 2BY
Telephone 0870 606 7766 Fax

FORENAMES SURNAME

Date of Birth: DATE

Nationality: NATIONALITY

Our Ref Our Ref

Your Ref Your Ref

Case ID CID Case ID

Date Date

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) Passport Stamps



7) Certificate of Application

 Home Office	UK Visas and Immigration Permanent Migration PO Box 306 Liverpool L2 0QH Tel 0870 606 7766 Fax 0151 213 2909 Email Web www.gov.uk/ukvisas/immigration
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 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) Tier 4 'Document Checklist

	UK Visas & Immigration
Document Checklist	
Payment notification number: 2PAA001143352	
Payment amount: £439.00	
Immigration health surcharge reference number : IHS003439948	
Email: [REDACTED]@gmail.com	
Submitted date: 10 February 2016 21:16 +00:00 (+00:00)	
Applicant	
Product name/service: Tier 4 (General) student	
Applicant's full name: Miss [REDACTED]	
Date of birth: 9 December 1987	
Nationality: Albania	
Documents	
All documents must be originals.	
You have agreed to include the following documents in your application. Please tick the box beside each document to confirm that you are enclosing it:	
Mandatory documents	