

Framework of Compliance for Postgraduate Research Students on UKVI Tier 4

Table of Contents

Introduction	Page 2
The Academic Technology Approval Scheme (ATAS)	Page 3
Working while in UK	Page 3
Holiday Periods	Page 4
Deferring your studies (interruption)	Page 4
Discontinuing your studies	Page 4
Expected Award date	Page 4
Additional Time required	Page 4
Doctorate Extension Scheme	Page 5
When is a PhD student considered to have completed their programme of study?	Page 6
The monitoring process	Page 6
Monitoring during writing up and viva	Page 7
Checklist	Page 7
Glossary	Page 8

Introduction

This framework is designed to be used for all international research degree students registered at the University of Suffolk who require a Tier 4 visa. Tier 4 is the main visa route used by International postgraduate research students (those from outside the EU/EEA) to study in the UK.

We support all our Tier 4 postgraduate research students by sponsoring their visa while studying with us in the UK. This sponsorship places extensive duties on the University of Suffolk to ensure, amongst other things, that the postgraduate research student is actively engaging with their studies on our campus and making academic progress towards their qualification.

A Tier 4 visa is not an unrestricted right for a student to remain in, and travel to and from, the UK from application through to graduation. This Tier 4 timeline is important as it allows us to demonstrate to the Home Office that we are meeting our obligations of Sponsorship. It is important that all the Tier 4 research degree students are meeting the terms of their visa, which itself is dictated by the programme they been sponsored for. Where a PhD student is no longer following the terms of their visa, or studying on campus full-time without approval to be absent, we will withdraw the sponsorship of their visa as it is no longer being used for the purposes it was issued for.

A Tier 4 visa is issued only for full-time programmes, and Tier 4 visa holders are expected to be on campus on a full-time basis to complete their programme for it to remain valid. Any request to move to part-time study (or move to a distance learning option) will result in the sponsorship of their visa being withdrawn. The University duties stop when a student has formally completed their programme or they have had their status as a registered student removed.

Guidance on UK Visas and Immigration's (UKVI) policy for applications to stay or come to the UK Funder Tier 4 (General) and Tier 4 (Child)

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student>

The Academic Technology Approval Scheme (ATAS)

The requirement for an ATAS certificate applies to all students whose nationality is outside the European Economic Area (EEA) and Switzerland, irrespective of country of residence at the point of application. If you are applying for a PhD course in a listed science or technology subject and you will be studying in the UK on a visa, you will need an ATAS clearance certificate. Applicants with indefinite leave to remain are exempt, as are those who hold a visa which was issued before 6 April 2015 and does not expire until after the end of the intended course. ATAS clearance will be a condition of your offer if required by your course. You may not begin the course without a valid ATAS clearance certificate for the course to which you have been admitted – if you change course, you will need to obtain new ATAS clearance. Tier 4 visa applications will automatically be refused if you need an ATAS certificate and cannot provide one.

Working while in UK

The Home Office restricts the number of hours a student can work in the UK on a Tier 4 visa and the type of work that can be undertaken. It is very important you understand the working conditions on Tier 4 and check with the International Office (international@uos.ac.uk) if you are unsure prior to commencing any work. Tier 4 PhD students can only work up to a maximum of 20 hours per week during term time and must never breach this rule. This is a maximum of 20 hours in any one week and cannot be averaged over a longer period. A 'week' is defined by the Home Office as a period of 7 days beginning with a Monday. This also includes both paid and unpaid work.

A Tier 4 visa allows you work full-time during official vacation periods. A Tier 4 visa does not allow:

- Students to be self-employed or engage in 'business activity';
- Take a permanent full-time job;
- Be employed as a professional sportsperson including as a sports coach;
- Be employed as an entertainer;
- Work as a doctor or dentist in training, unless you are on the foundation programme.

Further information can be found in the UK Government Guidance, pg. 86. <https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student>

To undertake work you should be given a formal document by the employer such as a 'contract of employment' or a 'worker's agreement' or some other written statement confirming your employment status. This includes where you will be undertaking work for the University of Suffolk.

No recourse to public funds: On a Tier 4 visa you are not eligible to claim access to public funds and this includes local authority housing benefits and welfare benefits

Holiday Periods

PGR students do not follow the semester format. Other than annual leave our students do not have official vacation periods.

PhD students are entitled to a maximum of seven weeks (35 working days) holiday leave (including all times when the University is officially closed e.g. Christmas and bank holidays). PhD Students must complete a Student Notice of Absence form in advance of any leave of a week or more following agreement with their supervisor and send it to the Graduate School (graduateschool@uos.ac.uk) copying in their supervisor. There are some restrictions for students holding international visas to study in the UK. These students are under obligation to report annual leave periods to the Graduate School at the University of Suffolk for monitoring purposes, as defined by Home Office Tier 4 immigration policy.

Deferring your studies (interruption)

A deferral of studies or a period of intermission is likely to have significant implications for a Tier 4 visa. For PhD students, the implications of intermission, medical or non-medical, on a Tier 4 visa will depend on the length of time the intermission has been approved for:

Discontinuing studies

If you intend to discontinue (or 'withdraw') your studies, you must inform the Graduate School of the date when you will cease your studies and follow the formal application process to have this withdrawal from the University approved. This should always be in advance of the date of withdrawal. The University is required to report this change in circumstances to the Home Office. The Home Office will subsequently curtail your visa to 60 days within which time you will be required to leave the UK or apply for a new visa.

Expected award date

If, once the student has had their viva, he/she will have corrections to complete but if the current Tier 4 visa is not long enough to allow them to complete the corrections, the student will need to apply for a Tier 4 visa extension. PhD students who are holders of a Tier 4 visa who are either pending submission (final writing up), extended submission or under examination and residing within the UK must continue to record regular meetings with their supervisor.

Additional time required

A PhD student can typically extend their Tier 4 visa in the UK within the period of registration and providing there are no unusual factors. You will be required to make a new Tier 4 visa application prior to your current visa expiring. You have to contact the International Office at least three months ahead of your visa expiring. You have to keep the Graduate School and your relevant Department updated with the progress of the application.

Doctorate Extension Scheme

The Doctorate Extension Scheme (DES) allows students who are nearing the completion of a PhD to apply for a 12- month visa under the Tier 4 rules to gain further experience in their chosen field, seek skilled work, or develop plans to set up as an entrepreneur. The DES and Tier 4 are administered and enforced by UKVI which is part of the Home Office. As part of the DES, you will continue to be sponsored by the University during the 12 months, or until you apply for another visa. You will need to engage with the University at regular intervals, as requested by the University, to confirm that you continue to require our Tier 4 Sponsorship. If you are interested and you need further information please make an appointment to see an International Office. The application for the Doctorate Extension Scheme must also be submitted through The International Office.

To be able to apply for the Doctorate Extension Scheme you:

- Must meet all Tier 4 visa requirements as normal
- Must have a valid Tier 4 visa
- Must apply in the UK
- Must be studying and will obtain a PhD qualification
- Must have a new CAS statement for the Doctorate Extension Scheme
- Need to inform the Graduate School before your viva that you are interested in the Doctorate Extension Scheme, or as soon as possible if after your viva
- Must have an ATAS (if required) that covers you until the end of your course
- Must apply before the end date stated on your new CAS, which will be your anticipated end date
- Cannot apply more than 60 days before the end date on your new CAS
- Must apply before you submit your final hardbound version of your thesis
- Must maintain contact with the University of Suffolk, as the University will be sponsoring your visa

Key Dates to Apply Before

1. Your visa expiry date
2. The end date on your new CAS
3. Submitting your final hardbound version of your thesis

We require our students to submit their hard bounds thesis within 28 days of notification. This must also be before your current Tier 4 visa expires. You will keep University of Suffolk updated of any changes to their contact details while he/she holds a DES visa. You will notify University of Suffolk if you permanently leave the UK – this will be reported to UKVI and the visa will be curtailed. You must promptly respond to contact that is made by your DES Engagement Monitor – if you fail to do so, this will be reported to UKVI and visa will be curtailed.

When is a PhD student considered to have completed their programme of study?

A PhD student is considered to have completed their programme of study when they have met all the requirements necessary for the award and have had this award approved by the relevant Exam Board. For PhD students, this means that they should be considered to have completed their studies when they have submitted their thesis, undertaken their viva, completed any corrections required of them and been approved for the award of the qualification.

The monitoring process

Monitoring academic progression and engagement

This will be done by the PhD student's supervisor(s) who should flag any concerns with their students' studies to the Graduate School or International Office when it arises. This could be a missed meeting, a failure to submit work, or a significant concern over progression in their programme.

Monitoring physical presence on campus

There will be a sign-in system that requires PhD Tier 4 students to attend a central location (Graduate School, room W1.24) on a recurring basis to sign a register confirming their attendance on campus.

The sign-in system should:

- Ensure that a sign-in is obtained at least once every fortnight (or specifically 10 working days). We should expect to see a signature at least every 10 working days;
- Be countersigned by a staff member, confirming that the student was seen and signed-in on the date indicated.

It is important that student signatures are verified by a staff member when they are completed. The Graduate School will maintain an individual sign-in sheet for each Tier 4 student. The system must ensure students do not sign in either after, or before, the required session. The system will be reviewed weekly so that any issues can be raised quickly with the Supervisor and the International Office.

Data is also collected via electronic readers in all teaching and meetings rooms at the Ipswich Campus. All room users are required to 'swipe in' to rooms using their University of Suffolk ID cards. Information collected in this way may also be used to confirm a student's attendance on campus.

Authorised Absence

- Authorised absence is used in the case of a student who is ill, on authorised holiday leave or has personal mitigating circumstances.
- The maximum period permitted in any academic year should be limited to 2 weeks, provided the Department and the Graduate School are assured that the absence will not impact on the student's ability to complete their PhD on time.

- The student should inform the supervisor and the Graduate School of their absence in advance and the Graduate School should acknowledge it with their approval. The Graduate School will keep a record of this correspondence.
- Where a student will be spending time away from campus to engage in data collection or research they may be able to apply for off-campus study.
- Where a student will be away from campus for sound academic reasons they should complete an off -campus study form so that formal approval is given by the University and their visa is considered by the International Office.
- We have a duty to ensure only students who need their visa to remain the UK are sponsored under Tier 4, and those who are away for significant periods of time do not meet this criterion.
- Students who are off-campus must still be monitored while they are away and none of the Departments obligations are removed when off-campus arrangements are put in place. This monitoring can take several forms and can include: Skype meetings, telephone calls, emails and in person visits by supervisors. The form of intended monitoring must be noted on the off-campus form and recorded on the student's monitoring file.
- Off-campus requests for Tier 4 students will be passed to the Tier 4 Team to assess what, if any, action is needed on the student visa. All off-campus requests that are approved are reported to the Home Office, indicating a temporary change in study location. They will only be approved for such reporting where there are sound academic grounds.

Monitoring during writing up and viva

We are required to monitor Tier 4 PhD students during their writing up period and viva – right until the completion of their studies. Our duties only stop when a student has formally completed their programme or they have had their status as a registered student removed.

Checklist

This checklist summarises what you need to do to adhere to the University's Tier 4 sponsor licence responsibilities, your Tier 4 conditions and other considerations.

Before starting your studies, present your passport and visa to your University.	<input type="checkbox"/>
Check your visa and contact the International Office if there are any errors as they will need to be corrected.	<input type="checkbox"/>
Keep your UK contact details with your University up-to-date. This includes a telephone number and email address. You can do this via OASIS (see links on MySuffolk).	<input type="checkbox"/>
Continually engage in your studies	<input type="checkbox"/>
Check with the International Student Team and the Graduate School how changes to your studies may have implications for your visa.	<input type="checkbox"/>
Complete your course on time, and within the time limits imposed by your	<input type="checkbox"/>

visa.	
If your visa is expiring and you need more time to complete your studies, and the University has approved an extension, contact the Graduate School and the International Office to discuss your options.	<input type="checkbox"/>
Inform the Graduate School and the International Office if you are switching out of Tier 4 and present your new immigration documents.	<input type="checkbox"/>
Adhere to your Tier 4 conditions if required, register with the police and notify them of any changes (e.g. change of address).	<input type="checkbox"/>
Only work within the conditions set by the Home Office for a Tier 4 visa, and the greater restrictions set by the University.	<input type="checkbox"/>
Do not attempt to apply for 'public funds', including welfare and local authority housing benefits.	<input type="checkbox"/>
Report any relevant changes of circumstance to the Home Office.	<input type="checkbox"/>
Make sure you leave the UK prior to your visa expiring unless you obtain further valid leave.	<input type="checkbox"/>

Glossary

There are two types of Tier 4 (General) application, depending on where you are applying:

Entry clearance - This means applying in your home country, also known as a visa application.

Leave to remain - This means applying in the UK, sometimes called a visa extension. The UK Visa & Immigration (UKVI) is responsible for deciding applications in both cases

Administrative Review

This process has replaced appeals. If your Tier 4 application is refused, and you think that the UKVI have made a mistake, you may have a legal right to ask UKVI's to review their decision within 14 days of receiving the notice/visa. You will be told in your application refusal letter if you can ask for the decision on your visa application to be reviewed. This is known as an 'administrative review'.

Confirmation of Acceptance of your studies (CAS)

A CAS is the only route to gaining a Tier 4 student visa. It is a unique 14 digit alphanumeric reference number, not a paper document. As a University, we will issue you with a 'CAS statement' which will be sent by email. Your CAS will not be issued until you have met all the University conditions. You will not be issued a CAS if you cannot realistically obtain a visa before the start of your course. <https://www.gov.uk/visa-processing-times> Check your CAS statement carefully and report any incorrect information to us immediately. You will need to transfer some of the details on the CAS statement onto your visa application form. Any differences between the information on the CAS and what you provide on the visa application form could result in a visa refusal. The CAS is valid for six months and can only be used for one visa application.

Entry Clearance

This is permission to enter the UK. It is the name of the visa that you are given at the start of any period of time in the UK. It is usually a yellow sticker in your passport.

You can switch into Tier 4 (General) without leaving the UK if you have, or were last given, permission to stay in one of the following categories:

- skilled worker (Tier 2 General)
- intra-company transfer (Tier 2)
- minister of religion (Tier 2)
- child student (Tier 4)
- prospective student
- student
- student re-sitting an examination
- student nurses
- students writing up a thesis
- Student Union sabbatical officer
- work permit holder
- a postgraduate doctor or dentist
- participant in the Science and Engineering Graduate Scheme
- participant in the International Graduate Scheme
- participant in the Fresh Talent: Working in Scotland Scheme

If you are currently in the UK in any other immigration category, including student visitor, you must leave the UK and apply for a Tier 4 (General) visa from your country of residence.

Financial Sponsorship

Financial sponsorship is where a Tier 4 (General) student is given money to cover some or all his/her course fees and/or living costs. This financial sponsorship can be used as evidence of money you have.

- A Tier 4 (General) student can receive official financial sponsor from Her Majesty's Government, the Tier 4 (General) student's home government, the British Council or any international organisation, international company, university or an Independent School.
- If the Tier 4 (General) student's financial sponsor is only covering some of his/her course fees or living costs, he/she must show that he/she has the rest of the money needed.

Leave to remain

'Leave to remain' is permission to stay in the UK. Either, temporarily - 'limited leave to remain'; or, permanently - 'indefinite leave to remain'.

Points-based system

The UKVI name for their "*immigration system for managing applications by people who wish to come to the United Kingdom to work, train or study*".

Applicants are given a certain number of points for different aspects of their applications, for example a successful Tier 4 application would be given 30 points for having a CAS letter, and 10 points for having enough money.

Tier 4 Sponsor

This is the institution that has offered you a place. In this case, the University of Suffolk is the Sponsor.

UKVI

The UK Visa and Immigration Service is the section of the Home Office that is responsible for visas and immigration. The Home Office is the lead UK government department for immigration and passports, drugs policy, crime, counter-terrorism, police and equality.

The UKVI is not to be confused with the UK Border Force, who are responsible for securing the UK's borders.

UKCISA

The UK Council for International Student Affairs is an independent organisation which promotes and protects the needs of international students in the UK.

University of Suffolk Key Contacts

Graduate School

Graduateschool@uos.ac.uk

Infozone

Infozone@uos.ac.uk

International Office

International@uos.ac.uk