

# Visa and Compliance Policies

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## Right-to-study check policy

York St John University (YSJU) has a legal obligation with the Home Office / UK Visas and Immigration (UKVI) as a sponsor, to ensure that all international students have permission to study in the UK. The Home Office/ UKVI define an international student as any student who is not British or Irish.

### International students with a student visa

Obligations on YSJU as a sponsor include:

- To retain all records and documentation in line with UKVI [Student sponsor guidance – Document 2](#) requirements as well as our Immigration and Compliance Document Retention Policy.
- To conduct a right-to-study check. Students are required to provide all necessary documentation as evidence of their right to study in the UK to be fully enrolled on their course.

Obligations on international students include:

- To provide relevant documentation to the YSJU Visa and Compliance team (see Appendix 1 and Appendix 2). All documents must be uploaded to the student's Enroly CAS Shield account, where they can easily be accessed.
- To meet deadlines for provision of necessary documentation, to ensure enrolment can be completed.

### Student visitors

If a student is a [visa national](#) attending YSJU for a short course of up to 6 months, they are required to apply for a standard visitor visa. The visa may be issued as a vignette in their passport.

If a student is a non-visa national attending YSJU for a course of up to 6 months, the student will be issued an Electronic Travel Authorisation ([ETA](#)).

Both students from visa or non-visa nationals attending YSJU for an English language course that runs between 6 and 11 months in duration will need to apply for a short-term student visa, details of which will need to be provided to the Visa and Compliance team in the form of your eVisa share code.

### Other Immigration Categories

A student may have other leave to remain (LTR) in another immigration category. These include, but not limited to:

- An indefinite leave to remain visa.
- A skilled worker visa.
- A dependent visa.
- A family visa.
- A diplomat visa.
- A student seeking asylum.

- A student who has been granted refugee status in the UK.

These students will be required to provide evidence of their leave to remain in the UK. This may take the form of a share code, Certificate of Entitlement (to the Right of Abode) or any other immigration document/visa vignette to prove their right to study in the UK.

### Appendix 1: Documents required for right-to-study checks

| Document/information required  | Check details   | Example |
|--|---|---------|
| <b>Passport</b>  | An original valid passport must be presented on the day of conducting the checks<br>A colour copy of the bio-data page and page with signature and any other personal details must be retained.   |         |
| <b>Fee status</b>  | SITS must be checked to ensure that the student's online enrolment status is at P4 stage and no fees are outstanding before enrolment can be completed.<br><br>If fees are outstanding, the student cannot complete their right-to-study check and complete enrolment. The student must make contact with the finance team to make the full relevant payment. |         |
| <b>eVisa share code</b>  | Each student (including EU/EEA/Swiss nationals on a Student Visa) is required to provide a share code to allow for checking of their visa status, validity and restrictions.<br><br>These will need to be checked by the Visa and Compliance Team only, and a copy of the eVisa digital document will be held on the student's file.                          |         |
| <b>Entry stamp/Boarding Pass (for students who obtained entry clearance)</b> | Each student is required to provide proof of their date of arrival in the UK. This is usually in the form of an Immigration Officer (IO) passport date stamp.<br><br>Where the students are permitted entry to the UK   |         |

|   |  |   |
|---|--|---|
|   | <p>using e-Gates, their passport will not contain an IO passport date stamp. In these circumstances, the student must provide proof of their arrival in the form of a boarding pass. In instances where the student has a transit flight, they must provide the boarding pass for the inbound UK leg of their journey.</p> <p>Students are required to upload a copy of their passport date stamp or boarding pass either onto their Enroly CAS Shield account if they have one, or contact the Visa and Compliance Team via the <a href="#">Student Hub</a> if they do not have an Enroly CAS Shield account.</p> |    |
| <b>In-country visa extension application and submission form</b> (and biometric appointment confirmation if provided)                   | <p>Where students have submitted a visa extension application within the UK, they are required to submit their visa extension application and submission form</p>  |   |
| <b>Contact details:</b><br>UK/term time address, email and contact number(s) and;<br>Home country address, email and contact number(s). | <p>Accurate and current contact information is required by UKVI.</p> <p>On enrollment, it is vital to ensure that all current contact details are recorded.</p>  |   |
| <b>Visa Decision Letter/Email</b>   | <p>Letter/email from Home Office/UKVI notifying the student that their visa has been granted can be checked but this is not a mandatory requirement as the student's eVisa will have all the information relating to the student immigration status.</p>   |  |

## Appendix 2: Submitting right-to-study documents to the Visa and Compliance Team for checks

### **All sponsored international students with a student visa:**

Students must upload the following documents onto their Enroly CAS Shield account:

- Passport ID page
- Passport entry stamp/boarding pass (for students who obtained entry clearance)
- eVisa share code
- In-country visa extension application and submission form (and biometrics appointment confirmation if provided)

Additional documents may be required depending on individual circumstances.

### **All other international students:**

Students must contact the Visa and Compliance team through the [Student Hub](#) with copies of the following documentation, with their student ID number and full name in the subject heading of the email:

- Passport ID page
- eVisa share code
- Passport entry stamp/boarding pass (for students who obtained entry clearance)
- Electronic Travel Authorisation (ETA) document
- Any other immigration document/visa vignette to prove the right to study in the UK
- In-country visa extension application and submission form (and appointment confirmation if available)

Additional documents may be required depending on individual circumstances.

After submitting their right to study documents to the Visa and Compliance team for checks, students will still be required to attend campus to see the Visa and Compliance team with their original documents (except for the share codes). The Visa and Compliance team will verify the student's documents, their identity and also confirm that the relevant course fee payment is made before completing the student's right-to-study check.

### **Provisional right-to-study checks (students who submitted in-country visa extension applications):**

Students who submit an in-country visa extension application will have their documents provisionally checked until their visa application is approved and they obtain their e-visa.

Once their eVisa is issued, students must upload their eVisa share code onto their Enroly CAS Shield account if they have one, or provide their share code to the Visa and Compliance team through the [Student Hub](#) with their student ID number and full name in the subject heading, if they do not have an Enroly CAS Shield account. Students must also contact the Visa and Compliance team to arrange an appointment to complete their right-to-study checks and to be fully enrolled in their course.

Failure to comply with the right-to-study checks, misrepresentation of any documents or the presentation of any fraudulent documents will result in a student not being enrolled in their course. For sponsored international students, their visa sponsorship will be withdrawn and the student will be required to return to their home country.

## Right-to-study checklist

In order to comply with UKVI regulations, it is imperative that the University completes the appropriate right-to-study checks for all enrolling international students.

This checklist provides details of what right-to-study checks must be conducted during enrolment.

### International students with a student visa

| Document/information required | Check details   | Example [DOCUMENTS NOT REAL]   |
|-------------------------------|---|--|
| <b>Passport</b>               | An original valid passport must be presented on the day of conducting the checks<br>A colour copy of the bio-data page and page with signature and any other personal details must be retained.   |                                        |
| <b>Fee status</b>             | SITS must be checked to ensure that the student's online enrolment status is at P4 stage and no fees are outstanding before enrolment can be completed.<br><br>If fees are outstanding, the student cannot complete their right-to-study check and complete enrolment. The student must make contact with the finance team to make the full relevant payment. |  |
| <b>eVisa share code</b>       | Each student (including EU/EEA/Swiss nationals on a Student Visa) is required to provide a share code to allow for checking of their visa status, validity and restrictions.<br><br>These will need to be checked by the Visa and Compliance only, and a copy of the eVisa digital document will be held on the student's file.                               | <p></p> <p>Example of share code.</p> |

|   |   |   |
|---|---|---|
| <b>Entry stamp/Boarding Pass</b><br>(for students who obtained entry clearance)   | <p>Each student is required to provide proof of their date of arrival in the UK. This is usually in the form of an Immigration Officer (IO) passport date stamp.</p> <p>Where the students are permitted entry to the UK using e-Gates, their passport will not contain an IO passport date stamp. In these circumstances, the student must provide proof of their arrival in the form of a boarding pass. In instances where the student has a transit flight, they must provide the boarding pass for the inbound UK leg of their journey.</p> <p>Students are required to upload a copy of their passport date stamp or boarding pass either onto their Enrol CAS Shield account if they have one, or to the Visa and Compliance Team through the <a href="#">Student Hub</a> if they do not have an Enrol CAS Shield account.</p> |   |
| <b>In-country visa extension application and submission form (and biometric appointment confirmation if provided)</b>                   | Where students have submitted a visa extension application within the UK, they are required to submit their visa extension application and submission form  |   |
| <b>Contact details:</b><br>UK/term time address, email and contact number(s) and;<br>Home country address, email and contact number(s). | Accurate and current contact information is required by UKVI.<br>On enrollment, it is vital to ensure that all current contact details are recorded.  |   |

|                                   |  |  |
|-----------------------------------|--|--|
| <b>Visa Decision Letter/Email</b> | <p>Letter/email from Home Office/UKVI notifying the student that their visa has been granted can be checked but this is not a mandatory requirement as the student's eVisa will have all the information relating to the student immigration status.</p> |  <p>UK Visas &amp; Immigration<br/>Vulcan House<br/>44-46 London Road<br/>Sheffield<br/>S3 8NU<br/>Tel: 0300 790 6268<br/>Web: <a href="http://www.gov.uk/uk-visa-immigration">www.gov.uk/uk-visa-immigration</a></p> <p>3 July 2024</p> <p>Dear [REDACTED]</p> <p>Your application for a United Kingdom (UK) visa (original(s)) has been successful.</p> <p>This letter is not permission to travel to the UK.</p> <p>What this means for you</p> <p>Before you travel to the UK, you will need to collect your visa from the visa application centre, or if you have purchased a courier return service, wait until you have received your visa in the post. You will not be able to enter the UK until you have your visa.</p> <p>We will contact you when your visa is ready to collect from the visa application centre where you submitted your application.</p> <p>Please do not visit the visa application centre until you are contacted.</p> <p>This notice explains that, when you arrive in the UK, you will have permission to be in the UK for a period of 90 days (as entry as a Visitor (Leisure or Enter)).</p> <p>If you have been issued with a UK visa (also known as 'Authorised Leave to Enter'), the 'valid until date' on your visa (and this notice) represents the expiry date of your passport and does not indicate an expiry of 'settling'.</p> <p>You are granted a 90-day leave to enter temporary residence visa, which allows you to travel to the UK. This visa is valid for 90 days. If you did not travel to the UK before your visa expiry date, you will need to apply and pay for a new visa. You can find out more about renewing a visa and making an application on <a href="http://www.gov.uk/uk-visa-immigration">www.gov.uk/uk-visa-immigration</a>.</p> <p>Yours sincerely</p> <p>UK Visas &amp; Immigration, Home Office</p> |
|-----------------------------------|--|--|

## International students who have applied for asylum

Where a student has applied for Asylum in the UK, subject to the application conditions provided by the Home Office, they may be permitted to study in the UK but will not have a valid passport. In these circumstances, the student must provide the following:

1. Bail form – this will be provided by the port of arrival if relevant. The form will also have all the bail conditions the student must comply with. See example below.



2. Application registration card (ARC) - provided by the Home Office for all individuals and their dependents who have made an application for asylum in the UK. See example below.



## Student visitors

Student visitors can be split into 2 categories, visa and non-visa nationals.

### Visa Nationals

If the student is a visa national, attending YSJU for a short course up to 6 months in duration, they will be required to apply for a standard visitor visa. This must be checked on enrolment. See example below.



For English language courses that run between 6 and 11 months in duration, the visa national will be required to apply for a short-term student visa. An eVisa will be issued and must be verified by obtaining the student's share code.

## Non-visa nationals

If the student is a non-visa national attending a course at YSJU for a duration of up to 6 months, they must apply for an Electronic Travel Authorisation ([ETA](#)). The ETA confirmation will be sent to the student via email, and this will need to be checked on enrolment.

Once all relevant checks for international students have been completed, the “Right2Study” flag can be removed from SITS and the student may proceed onto the next stage of enrolment.

## Work placement policy

The information below sets out York St John University's (YSJU) policy for international students applying for a Postgraduate programme with a work experience year.

If a student is applying for a two-year postgraduate course with a work placement, a CAS will be issued accordingly for the two-year duration of the course. To ensure the credibility and integrity of our sponsorship, once a CAS has been processed (USED) by the UKVI or a Student visa has been issued, the student will be unable to remove the work placement year from their course. This is in line with our current Student Financial Regulation 2025/2026 which can be found [here](#) and also our Immigration Compliance Regulation which can be found [here](#). Where a student still wishes to have their work placement year removed from their course, they will not be eligible for a refund of any tuition fees paid.

It is the student's responsibility to ensure that they secure their own work placement. Students who are unable to secure a job offer within the first four weeks from the start of the professional experience year/year in industry will remain on the Venture Creation Lab at the York campus and Enterprise Academy at the London campus. A job offer must be secured and all employment paperwork in place by the end of the fourth week of the professional experience year/year in industry.

### What constitutes a work placement role

- The role should link to the skills and knowledge the student is learning on their course.
- The role should be advertised as a placement or fixed-term contract. It cannot be a role advertised as a permanent job.
- The role should preferably be a full-time paid role, lasting a minimum of 36 weeks and must not constitute more than 50% of the entire course. A role that has fewer than 36 hours' work may be considered if it meets the requirements of the programme specification and the opportunity will give the student relevant and adequate experience.
- All roles must be approved by the Student Opportunities team at either the York or the London campus before a student can accept their job offer from an employer.
- An employment contract and job description from the employer, as well as the employer's contact details (i.e. contact name, UK address and UK phone number and email address) must be emailed to the Student Opportunities team before the student can start their job.
- The organisation offering the job must have the correct insurance in place (i.e. Employers Liability and Public Liability insurance) and be compliant with UK Health and Safety regulations and UK Employment Law.
- The role should be obtained within the UK and preferably be in person, or consist of hybrid or remote working if this is stated in the employment contract.
- The following work placement is acceptable:
  - A work placement with a company that is registered and located in the UK, with the student working in-person, hybrid or \*\*remotely from within the UK.
- \*\*To preserve the credibility of the student's work placement, some work placements comprising remote work only may not be permitted.
- The following work placement may be acceptable at the discretion of the Student Opportunities Team:
  - A work placement with a company that is registered in the UK and headquartered in the UK (e.g. British Airways), where the company requires the student to work abroad (outside the UK) in-person or hybrid, but not remotely. For these students, placement visit / check-ins will most likely be via video meetings.

- A work placement with a company that is registered abroad and located abroad (e.g. Facebook Inc), with the student working remotely from within the UK.

In all cases, the employer will still have to provide an attendance time sheet for the student every two weeks.

- All other work placements are not acceptable, including:
  - A work placement with a company that is registered and located abroad, with the student moving abroad (outside the UK) to work with the company.

Students are allowed to work full-time in their work placement role. Students are also permitted to work up to 20 hours per week in addition to their work placement, in line with Student visa conditions, if it does not disrupt or interfere with their work placement.

#### **Annual leave during the work placement year**

Students can take annual leave from their job, up to two weeks at a time, as long as their employer approves it in line with UK employment law and their annual leave company policy. Employers must provide a confirmation of the approved annual leave in writing.

Students must inform the University about their approved annual leave by providing a copy of their annual leave approval from their employer to the relevant team through the [Student Hub](#).

#### **Check-ins during the work placement year**

All students on a work placement will be required to check-in with the Student Opportunities team every two weeks via a relevant member of staff from their employer, to provide a student's attendance record.

Students on the work placement are enrolled students at the University and are able to still access all the University services and facilities.

All students on a work placement will be allocated an academic tutor who, along with a member of the Student Opportunities Team, will carry out at least one visit to their place of work during their work placement year, either in person or virtually. These visits are to check that students are carrying out the work specified in their job description, as well as to support them and ensure they are having a good experience. Where there are any concerns about a student doing a work placement, the relevant support or disciplinary policies and procedures will apply.

## Student visa conditions and agreement

In return for YSJU continuing to provide me with a place on a Course, I agree to follow the rules and regulations of York St John University (YSJU), as well as the conditions placed on me by the Home Office/UKVI in accordance with my Student visa.

**I understand that as part of my enrolment with YSJU it is my duty to comply with the following:**

- Attend a minimum of 60% of my lectures and classes and maintain my attendance and engagement with my studies for the duration of my course, in line with the University's [Student Engagement Policy](#).
- Pay my fees by the designated payment deadline as set out by YSJU.
- Engage in no more than 20 hours of paid or unpaid work per week during term time.
- Acknowledge that any paid or unpaid work is incidental to my studies and should not be my primary source of funding my educational and maintenance expenses.
- Request any absences of more than 3 consecutive days during term time using the online [Absence Request Form](#) and upload any evidence, including, but not limited to, medical certificates/reports from a UK Healthcare Provider. A leave of absence can only be taken after approval is granted by the Visa and Compliance team.
- Ensure that YSJU is provided with my current contact details including full details of my home country address and mobile/telephone number(s), and my UK term-time address and mobile/telephone number(s) and any updates.
- Reside within a commutable distance from the Campus to attend all classes on time.
- Inform the Visa and Compliance team about any changes to my immigration status, personal details or decision to no longer continue with the course for any reason as soon as possible, and in all cases within 10 days of becoming aware of such change.
- Submit a Change of Programme form online via e:Vision if I would like to add a placement year only to my course. I understand that this change will be reported to the UKVI in line with YSJU's UKVI sponsor duties.
- Understand that I cannot make any other changes to my course in line with UKVI requirements and YSJU's internal policies.
- Abide by all conditions placed on me by the Home Office/UKVI in accordance with my student visa and inform the Home Office/UKVI of any changes to my circumstances by completing and submitting the [MCC form](#) within 10 working days of the change. This also includes updating details on my [UKVI account](#) if any of my personal details (e.g name,

mobile number, email address, home/postal address, nationality, photo) and passport or travel document information change, or my date of birth needs correcting.

- Ensure that I follow all YSJU policies, including the Student Code of Conduct.

I understand that failure to comply with any of the above will result in intervention. Such intervention may include:

- Being subject to interventions set out within YSJU policies including the following:
  - [Support to Study Policy](#)
  - [Visa Compliance Review for Visa Breaches Policy](#)
  - [Student Disciplinary Policy and Procedure](#)
  - [Sexual Harassment and Sexual Misconduct Policy](#)
- Inability to be enrolled on my course;
- Suspension of access to YSJU resources;
- Enforced withdrawal of my enrolment and visa sponsorship; and
- Being reported to the Home Office/UKVI for breach of visa conditions.

I acknowledge that the list above is not exhaustive and must be read in conjunction with YSJU policies.

#### **Authorisation to liaise and share documents with the Home Office and UKVI**

All personal information gathered and held by York St John University is treated with the care and confidentiality required by the General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Please see the Student visa privacy notice which details the information the University collects and processes to comply with Home Office/UKVI requirements.

I authorise YSJU to liaise with the Home Office/UKVI in any matters relating to my UK immigration status during the validity period of my Student visa.

I also authorise YSJU to provide any necessary documentation or information to the Home Office/UKVI when requested to ensure UK Immigration Compliance.

I confirm that I have read and understood the contents of this document together with the supporting information at the weblinks provided and consent to my personal data being processed in the manner set out in the aforementioned privacy notice.

## Immigration and compliance document retention policy

### Purpose

As a sponsorship licence holder under the Home Office/UK Visas and Immigration (UKVI) which enables York St John University (YSJU) to sponsor international students, the University is required to retain documents that confirm a student's right to study in the UK. The University has a duty to act in accordance with UK Immigration Law, UK Immigration rules and regulations, UKVI Sponsorship Requirements and Home Office guidance and advice.

The purpose of this Policy is to ensure the adequate maintenance and retention of necessary records and documents in accordance with York St John's UKVI sponsorship duties.

This policy applies to all recorded information in digital and hard copy formats that is created, received and maintained by YSJU as the users of the information while carrying out its usual operational functions.

### Policy

YSJU will retain records and data efficiently in compliance with relevant UKVI [Student sponsor guidance – Document 2](#) requirements, UK Immigration law, and the [Data Protection Act 2018](#).

Records will be created, maintained and retained, in order to confirm that all international students have the appropriate right to study in the UK, in line with YSJU's sponsorship duties.

The records will remain in the control of YSJU and can be disclosed to UKVI or any other relevant government department or third party upon request.

All data will be kept for 7 years from the date the data is received, in accordance with YSJU's operational requirements and in line with the university's retention policy.

All records and documents held by YSJU will be maintained and stored in such a way that they can easily be identified and located to support YSJU business activities and ensure appropriate accountability, using established procedures for limited and secure access and handling.

Records will be retained and disposed of in accordance with the agreed retention schedule in a secure manner.

This policy will be reviewed every three (3) years, or in the event of changes to UKVI sponsorship duties, UK immigration law, rules and regulations, whichever is earlier.

## Student visa privacy notice

All personal information gathered and held by York St John University is treated with the care and confidentiality required by the General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. This privacy notice sets out the ways in which York St John collect, use, store and share your data and details the rights you retain in relation to your personal information.

### Who are we?

For the purposes of processing your personal information in this instance, the data controller is York St John University, Lord Mayor's Walk, York, YO31 7EX. The University's Data Protection Officer is the University Secretary and Registrar, York St John University, Lord Mayor's Walk, York, YO31 7EX, tel: 01904 626027, email: [us@yorksj.ac.uk](mailto:us@yorksj.ac.uk).

### What information do we collect?

Any relevant information or documentation pertaining to your UK immigration status (including information or documentation relating to your UK immigration history), as well as your right to study in the UK.

### How do we use your personal information?

The data will be used to process any relevant applications, UK right-to-study checks and enrolment procedures. The data will also be used to ensure compliance with the Home Office/UKVI rules, regulations, processes and procedures as well as UK Immigration law.

### What legal basis do we have for processing your personal data?

The GDPR requires us to establish a legal basis for processing your information. For the purpose of this privacy notice the processing is covered under UK GDPR Article 6(a) where the data subject has given clear consent to process their personal data for a specific purpose.

Where special category data is collected, we are required to establish an additional condition for processing the information. For the purpose of this privacy notice the processing is covered under GDPR Article 9(2)(a) where the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

### When do we share your personal data?

Data may be shared with relevant internal departments (including our international recruitment partners), as well as other external public and private bodies and agencies including but not limited to the Home Office/UKVI, Higher Education Statistics Agency (HESA), Office for Students (OfS) and Universities and Colleges Admissions Service (UCAS).

The third parties we share your information with are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

### Where do we store and process your personal data?

All data will be stored in a secure online location with limited access to relevant employees and international recruitment partners only, during the performance of their duties.

Controls are in place to prevent unauthorised access or disclosure, any changes to or destruction of data, and to ensure that data is not misused and is not accessed except by relevant staff.

### How do we secure your personal data?

In order to ensure that the safety and security of such data is maintained, we will:

- protect data against accidental loss
- prevent unauthorised access to, use of, destruction of or disclosure of the data
- ensure business continuity and disaster recovery
- restrict access to personal information
- conduct Privacy Impact Assessments in accordance with the law and University policies
- train staff and contractors on data security
- manage third party risks, through use of contracts and security reviews

### How long do we keep your personal data?

All data will be kept for 7 years from the date the data is received, in accordance with YSJU's operational requirements and in line with the immigration document retention policy.

### What are your rights in relation to your personal data?

Under the UK GDPR, you have a right to:

- be kept informed as to how we use your data;
- request a copy of the data we hold about you via a Subject Access Request;
- update, amend or rectify the data we hold about you;
- change your communication preferences;
- ask us to remove your data from our records;
- object to or restrict the processing of your information
- raise a concern or complaint about the way in which your information is being used.

### Any questions or concerns?

If you have any questions or concerns about the way we are collecting and using your personal data we request that you contact us at York St John University, Lord Mayor's Walk, York, YO31 7EX, email: [us@yorksj.ac.uk](mailto:us@yorksj.ac.uk), tel: 01904 626027. You also have the right to complain to the Information Commissioner's Office (ICO) about the way in which we process your personal data. Details can be found at: <https://ico.org.uk>.