

Section 20 Visa compliance review for visa breaches

20.1 Scope

- 20.1.1 The Visa compliance review for visa breaches policy applies to all sponsored international students enrolled at York St John University who require a Student visa to enter, remain, and study in the UK.

20.2 Definitions

- Visa: authorisation for a person to enter, remain, and study in the UK for a specified amount of time.
- Sponsorship: Student visa sponsorship.
- UK Visas and Immigration (UKVI) rules and regulations: instructions and guidelines, as amended by the UKVI from time to time. They govern entry, stay, and work in the UK for non-British/Irish citizens, focusing on visas and immigration, sponsorship, and compliance.
- Authorising Officer: nominated senior officer of the University with responsibility for actions taken in relation to the University's sponsorship licence.

20.3 Policy

- 20.3.1 Students who are sponsored by the University under the Student route must adhere to their visa conditions and obligations and to all other UK immigration-based requirements. Students' obligations also include the requirement to comply with the University's policies, regulations, processes and procedures (including its disciplinary procedures). Specific codes of conduct and practice may also apply.
- 20.3.2 Where there is an academic or attendance and/or engagement concern related to a visa-holding student, the Support to Study process should be followed. A Visa Compliance Review meeting is to be called only when there is a breach or attempted breach of visa conditions or any UK immigration rules and regulations, which are not related to normal university functions (for example, if a student is working illegally, or a student has started their own business). This will relate to something which contravenes UK Visas and Immigration (UKVI) rules and regulations but is not part of academic studies.
- 20.3.3 Further information can be found on our [Visa and Compliance website](#).
- 20.3.4 Where concerns arise that any visa conditions and obligations or any immigration laws have been breached, the student will be invited to a Visa Compliance Review meeting. The Support to Study Stage 4 meeting procedure will be followed, with the following specific arrangements:
- a) The Visa Compliance Review meeting will normally be convened and chaired by a Visa and Compliance team member. The Associate Head/Dean of School or other appropriate academic staff member will normally also attend, alongside a representative from Registry and the Progress Administration and Support Service (PASS) team.
 - b) The student will be given information about the alleged or attempted breach of visa conditions and obligations, UKVI rules and regulations or UK immigration law in advance of the meeting and will have the opportunity to respond to these concerns.
 - c) In cases where there is a breach or attempted breach of visa conditions and obligations, UKVI rules and regulations, or UK immigration law the Panel will normally recommend the withdrawal of sponsorship. The consequence of this sponsorship withdrawal is that the student's enrolment will also be withdrawn (enforced), as the student will no longer be able to meet the requirements for attendance and engagement at the University.
 - d) The timing of any sponsorship withdrawal will reflect the University's obligations as a sponsor. In deciding on the timing of the enforced withdrawal of enrolment, consideration will be given to the student's current academic status, including whether the student should, for example, be allowed to complete any assessment opportunities from abroad. Assessments from abroad will normally only be permitted where the student has attended teaching for the relevant modules and the assessment is imminent at time of the sponsorship withdrawal.

- e) When the Panel recommends sponsorship withdrawal, the Assessment team in Registry will put forward the recommendation to the University's Authorising Officer (or delegate), who approves the final decision to enforce withdrawal of the student's enrolment and sponsorship.

20.3.5 The student may choose to be accompanied by a supporter at the meeting as defined in [section 2.1.11](#).

20.3.6 Where a student is unable to attend a Visa Compliance Review meeting, for example where a student has been detained, imprisoned, or deported, the University will proceed in their absence, and efforts will be made to collect written correspondence from the student for consideration by the Panel.

20.3.7 Audio or video recordings of the meeting must not be made by the student or any accompanying person. AI notetaking software must not be used during the meeting by the student or any accompanying person.

20.4 Appeals

20.4.1 A student can appeal the decision of a Visa Compliance Review on the grounds of:

- A procedural irregularity in the process undertaken by the Visa Compliance Review Panel which has had a material impact on the decision.
- Where there is new relevant evidence that was not previously available and could have materially impacted the outcome.
- Exceptional circumstances not possible to have been made known at the time and could have materially impacted the outcome.

20.4.2 If a student appeals, the case will be considered by the University Secretary and Registrar and Academic Registrar, or their delegates. If the appeal is upheld, the case will be referred to a newly constituted Visa Compliance Review Panel. Any appeal must be made to the Student Casework team (casework@yorks.ac.uk) within **10 working days** of the original decision. Where a student seeks to appeal but does not meet the grounds for appeal, or where an appeal is not upheld, a Completion of Procedures letter will be issued to enable the student to raise the matter with the OIA.