



## **Policy on Conducting Right to Study Checks**

---

### **Verifying Pupils' Immigration Status**

**Please note that this policy describes the position of European Economic Area (EEA) and Swiss nationals after free movement ended at 11 pm on 31 December 2020. Until 30 June 2021, EEA and Swiss nationals will still be able to travel to the UK and prove their status simply using their passports and national identity cards, so checks on EEA and Swiss nationals as described in this policy do not need to be conducted until 1 July 2021.**

## 1 Introduction

1.1 Cranleigh School (**School**) is a licensed Child Student visa sponsor enabling the School to sponsor pupils who are not British or Irish nationals and who wish to study at the School for courses of more than six months' duration.

1.2 One of the guiding principles of the sponsorship regime is that holding a sponsor licence is a privilege and not a right. In order to maintain and retain the privilege of holding a sponsor licence (and to benefit from the migration which it enables) the Home Office and UK Visas and Immigration (**UKVI**) requires sponsors to play their part in helping to control immigration by fulfilling certain duties.

1.3 UKVI's guidance to sponsors outlines the general duties with which sponsors must comply, one being that a sponsor has a duty to:

*"comply with all aspects of the Immigration Rules and sponsor guidance, and support immigration control, including by taking steps to ensure that every student at their institution who is subject to immigration control has permission to study in the UK throughout the whole period of their study."*

1.4 Guidance also lists examples of serious breaches of sponsorship duties which could result in compliance action being taken against a sponsor, which ultimately could include licence revocation. That list includes the following:

*"Operating in a manner that poses a threat to immigration control, such as failing to take steps to ensure that students who are subject to immigration control have leave to remain in the UK."*

1.5 For these reasons it is extremely important that the School takes steps to:

1.5.1 identify all prospective and current international pupils; and

1.5.2 check that they have the right to be in the UK and to study throughout the period they are studying with us.

1.6 In 2014 the Home Office wrote to the Independent Schools Council setting out the steps independent schools are expected to take to meet their responsibilities as sponsors in relation to the above duty. This policy takes those steps into account.

## 2 Pre-admission checks: ALL PUPILS

2.1 We have in place processes to identify those pupils who will be subject to immigration control, whether their Child Student visas are sponsored by us or have limited leave to remain under a different immigration category.

2.2 Initial indications as to each prospective pupil's immigration status are obtained through our admissions process by way of specific questions about the pupil's nationality and immigration status in the School's registration form.

- 2.3 The School specifically requests all prospective pupils to disclose and provide evidence (such as a copy of their passport and Biometric Residence Permit (**BRP**)<sup>1</sup>) in relation to:
- 2.3.1 nationality;
  - 2.3.2 whether they require Child Student visa sponsorship by us if they are not a British or Irish citizen; and
  - 2.3.3 if not, the basis on which they are entitled to study in the UK, e.g. they have been issued a visa as the dependent child of someone with limited leave to remain in another immigration category.
- 2.4 The School reserves the right to request further information about a prospective pupil's immigration status and to share that information with UKVI. We will request further information if we are uncertain about a prospective pupil's immigration status or if information submitted by the pupil or parent indicates that they might be subject to immigration control (for example, if overseas correspondence addresses are provided).
- 2.5 Where an overseas pupil has entered, or is to enter, the UK under an immigration category that does not require the School's sponsorship (for example, as a Tier 2 dependant), in addition to the prospective pupil's documents, we also ask that parents provide a copy of their passport and BRP<sup>2</sup> or a "share code" so that we can access the child's digital immigration status. The School reserves the right to request further information about the immigration status of the parent(s) of a prospective pupil and to share that information with UKVI. We will request further information if we are uncertain about the immigration status of the parent(s) of a prospective pupil.

### **3 Enrolment checks: BRITISH / IRISH PUPILS ONLY**

- 3.1 Although there is no requirement for schools to inspect or take copies of evidence of nationality for British and Irish pupils we ask **all** pupils to provide proof of their immigration and nationality status to ensure full compliance and we reserve the right to do so if there are obvious discrepancies disclosed as part of the admissions or enrolment process. This will be the case where a home address outside the UK or Ireland is provided.

### **4 Enrolment checks: NON-BRITISH / IRISH PUPILS ONLY**

- 4.1 In addition to pre-admission checks described above, the Schools carries out additional checks on enrolment of pupils who are not British or Irish citizens and who the School is not sponsoring under the Child Student immigration category.
- 4.2 We inspect the pupil's original current passport and BRP (or their digital immigration status accessed via <https://www.gov.uk/check-immigration-status> using a share code provided to us by the pupil) to confirm the information given by the pupil at the pre-admission stage.
- 4.3 Copies are taken of the pupil's original documents showing all personal identity details and their immigration permission entitling them to study at the School.
- 4.4 In the absence of an immigration stamp in the pupil's passport relating to their entry to the UK, we require pupils to provide their travel ticket to the UK or boarding card. Staff use the right to study checklist (at [Appendix 2](#)) and BRP checking guide (at [Appendix 3](#)) to carry out these checks. A copy of the completed checklist is then appended to the pupil's file.

<sup>1</sup> Pupils who do not have a BRP at the time of application will still be required to show their BRP to staff at enrolment so it can be checked and a copy taken.

<sup>2</sup> Pupils whose parents do not have their BRP at registration will be required to provide a photocopy of it at enrolment.

4.5 If a pupil has not been granted leave which covers the entire duration of the time they will be at the School, we make a record of the date of expiry of the pupil's leave on a centralised spreadsheet. The School has a colour coded system of expiry dates which are monitored through a computerised diary.

## 5 **Enrolment checks: CHILD STUDENT VISA SPONSORED PUPILS ONLY**

5.1 We are obliged to carry out certain mandatory checks and retain records in relation to each overseas pupil whose visa application we have sponsored.

5.2 We inspect each sponsored pupil's original current passport and BRP to check that the pupil is entitled to study at our School in the UK.

5.3 Copies are taken of pupils' original current passports or immigration status document showing all personal identity details including biometric details, leave stamps and entitlement to study at the School.

5.4 In the absence of an immigration stamp in the pupil's passport relating to their entry to the UK, we require pupils to provide their travel ticket to the UK or boarding card. Staff use the right to study checklist (at [Appendix 2](#)) and BRP checking guide (at [Appendix 3](#)) to carry out these checks. A copy of the completed checklist is then appended to each sponsored pupil's file.

5.5 The Home Office requires sponsors to maintain a history of each sponsored pupil's contact details whilst they are in the UK. This includes details of their residential address in the UK, a telephone number and mobile telephone number. The School therefore maintains a spreadsheet of contact details for pupils sponsored under the Child Student category and requires parents of pupils to update the School when there is any change to these details. We do not overwrite previously submitted information, in order to ensure a record of the history of contact details.

5.6 The School is required to keep a record of each sponsored pupil's absence and attendance at the School. This requirement is met by the School marking the pupil's attendance / absence at daily registrations, in line with prevailing pupil registration regulations.

5.7 The School is required to keep a copy of the letter submitted by each sponsored pupil's parents or legal guardians confirming their consent to the pupil's visa application and arrangements for travel to, and reception and care whilst in, the UK. The School also requires a copy of evidence demonstrating the relationship between the sponsored pupil and his / her parents / legal guardian. The School retains these documents on the pupil's file.

## 6 **Periodic checks on existing pupils**

6.1 The overriding principle is that schools are required to take steps to prevent a situation arising where they continue to teach pupils who do not have valid leave to be in the UK. We do this by carrying out the checks listed above before pupils commence their studies.

6.2 UKVI expect schools to know the immigration status of all pupils. We meet this requirement by maintaining a record of nationality of each pupil which also contains details of the immigration status of all pupils who are not British or Irish citizens.

6.3 In addition, the School ensures that our information and records are current and that parents and pupils understand the importance of such by means of the following:

Action	When / how often
Periodically reviewing pupil files of currently enrolled pupils to ensure that we hold information about their current immigration status	Review period - e.g. termly
Requesting proof of immigration status if this information is found to be missing following review	As required
Parents are advised that they must inform the School if their child does not have the right to live and study in the UK or if their immigration status changes	When completing the School's registration form and in the School's parent contract
Ensuring that parents and pupils are aware that the School may share information with UKVI	In the School's parent contract and in relevant correspondence with parents
Ensuring that the School may terminate the education of a pupil who has no legal right to be in the UK	In the School's parent contract

## 7 Timing of checks

- 7.1 Right to study checks are conducted and documents copied at enrolment before the pupil commences their course of study at the School.
- 7.2 If a pupil produces a document which demonstrates that their permission (also known as "leave") to be in the UK is time limited, then their right to study will also be time limited. In these circumstances, we record details of when the pupil's leave is due to expire and make enquiries as to what the pupil intends to do to ensure they maintain their right to study. Pupil files are monitored to ensure that their right to study is maintained.

## 8 Checking documents

- 8.1 **Appendix 1** provides a quick reference guide to help identify:
- 8.1.1 whether pupils have a right to study; and
  - 8.1.2 documentation we may ask to inspect and copy at enrolment.
- 8.2 In relation to pupils who are not British or Irish citizens, it is the School's policy to check the original document(s) which are set out in **Appendix 1** on enrolment to confirm that the pupil has the right to study in the UK. These documents are checked in the presence of the prospective pupil.
- 8.3 The documents listed in **Appendix 1** represent best practice but there may be occasions when parents of prospective pupils may insist that the pupil has a right to study in the UK but is unable to produce any of the documents specified. Such cases are to be treated sensitively and carefully and a child could be admitted for studies if the School can be satisfied that the parent and prospective pupil have a right of residence in the UK. Such an exercise can only be conducted by Mrs Jane Gallie who will liaise with our external advisers on pupil immigration issues.

- 8.4 We check that the documents are genuine, have not been tampered with and relate to the pupil who has given them to us. We also check, so far as possible, that the document appears consistent with other information that we hold about the pupil.
- 8.5 We complete the form set out at [Appendix 2](#) to assist in collecting the required information at enrolment. The checklist is stored on the pupil file.
- 8.6 [Appendix 3](#) is to be used to assist in carrying out checks of BRPs.
- 8.7 [Appendix 4](#) is to be used to assist in checking digital immigration status.
- 9 Pupils identified without the right to be in the UK**
- 9.1 Where the School suspects that a pupil does not have valid leave, we take the action described in the following paragraphs.
- 9.2 We will contact the pupil's parent(s), legal guardian, educational guardian and / or agent who recruited the pupil, to clarify the position.
- 9.3 If it transpires that the pupil does not have valid leave, we will notify UKVI via [EducatorsHelpdesk@homeoffice.gov.uk](mailto:EducatorsHelpdesk@homeoffice.gov.uk) of the situation and work collaboratively with them to try to regularise the pupil's immigration status.
- 9.4 If it is not possible to regularise the pupil's immigration status within a reasonable time frame, we will consider exercising our rights under the parent contract to terminate the contract. In so doing, we will consider the best interests of the pupil, where they are under the age of 18. For example, where the pupil is part way through the school year it may be appropriate to postpone this action until the end of the school year. We will take such decisions in collaboration with UKVI, in order not to prejudice the School's sponsor licence or the rights of other sponsored pupils.

## Appendix 1 Quick guide: right to study by nationality and immigration category

Nationality		
	Right to study in the UK / restrictions on study in the UK	Evidence of right to study
British citizen <i>or</i> Irish citizen	No restrictions	<ul style="list-style-type: none"> <li>• British passport (valid or expired) showing British citizenship</li> <li>• Irish passport (valid or expired) showing Irish citizenship</li> <li>• If the child was born or adopted in the UK or Ireland, their <b>full</b> birth / adoption certificate which includes the name(s) of at least one of their parents, together with documentation which confirms one of their parents was a British / Irish citizen at the date they were born / adopted</li> <li>• If the child was born outside the UK and Ireland, their <b>full</b> birth certificate which includes the name(s) of at least one of their parents or adoptive parents, together with documentation which confirms that either:               <ul style="list-style-type: none"> <li>○ one of their parents was a British citizen by birth or naturalisation on the date they were born; or</li> <li>○ one of their parents was born on the island of Ireland</li> </ul> </li> <li>• A certificate of registration as a British / Irish citizen, naming the child</li> </ul>
A non-British / Irish citizen who has the right of abode	No restrictions	<ul style="list-style-type: none"> <li>• A <b>current</b> passport endorsed with a certificate of entitlement to the right of abode in the UK</li> </ul>
A non-British / Irish citizen who has been granted indefinite leave to enter or remain (AKA "settlement")	No restrictions	<ul style="list-style-type: none"> <li>• A passport endorsed to show that the child is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK</li> <li>• A current BRP confirming that the child is allowed to stay indefinitely in the UK, holds permanent residence or has no time limit on their stay in the UK</li> <li>• Proof of the pupil's digital immigration status obtained by</li> </ul>

		following the process set out in <a href="#">Appendix 4</a>
A non-British / Irish citizen	This will depend on the immigration status the pupil holds (see below)	See below

Immigration category		
	Right to study in the UK / restrictions on study in the UK	Evidence of right to study
Child Student visa sponsored by the School	Right to study at the School on the course for which the Confirmation of Acceptance of Studies ( <b>CAS</b> ) was issued	<p><b>New pupil</b></p> <p>Valid BRP with the School's sponsor licence number on it, issued for the duration of the course the pupil will be / is currently studying, together with a valid passport</p> <p>Note: A 30 day vignette endorsed in the pupil's passport is not proof of the right to study for the full duration of the course. If a sponsored pupil does not have a BRP (because there has been a delay in it being issued) then they can commence their studies at the School but follow up checks must be conducted before the 30 day vignette expires by when the pupil should have been issued their BRP</p> <p><i>Or, for pupils granted digital immigration status:</i></p> <p>Proof of the pupil's digital immigration status obtained by following the process set out in <a href="#">Appendix 4</a></p> <p><b>Current pupil</b></p> <p>As above, although if the pupil joined the School before the implementation of BRP system (pre-2015) a valid passport with a vignette showing their permission to be in the UK for the duration of the pupil's study at the School</p>
Non-British / Irish citizen who has limited leave to remain other than as a visitor	Right to study in the UK until the expiry date on the BRP granted to the child	<p>Valid BRP confirming that the child has limited leave to remain in any category other than visitor</p> <p><i>Or, for pupils granted digital</i></p>

		<p><i>immigration status:</i></p> <p>Proof of the pupil's digital immigration status obtained by following the process set out in <a href="#">Appendix 4</a></p> <p>Where the child's BRP or digital status indicates that they are a dependant, we also need to see:</p> <ul style="list-style-type: none"> <li>• a copy of the relevant parents' passport or BRP confirming their right to be in the UK; or</li> <li>• proof of the relevant parents' digital immigration status</li> </ul>
Non-British / Irish citizen who is in the UK under the visitor category	<p>Right to study at the School on a course or courses ending no later than:</p> <ul style="list-style-type: none"> <li>• the expiry of the child's visit visa; or</li> <li>• six months from the date the child last entered the UK</li> </ul> <p>whichever is the earlier.</p>	<p>The pupil's current, valid passport, together with:</p> <ul style="list-style-type: none"> <li>• a visit visa endorsed in that passport and stamped to confirm date of most recent entry as a visitor; or</li> <li>• for foreign nationals holding a passport which does <b>not</b> feature in <a href="#">Appendix Visitor: Visa National List</a> of the Immigration Rules, either: <ul style="list-style-type: none"> <li>○ an immigration stamp endorsed in their passport confirming date of most recent entry to the UK as a visitor; or</li> <li>○ if their most recent entry to the UK was via passport eGates, proof of the date of arrival, such as an airline ticket or boarding pass</li> </ul> </li> </ul>
Non-British / Irish citizen without valid leave to remain in the UK	No right to study	



<input type="checkbox"/>	A certificate of registration as a British or Irish citizen, naming the child. <b>No further checks required.</b>
<input type="checkbox"/>	A <b>current</b> passport endorsed with a certificate of entitlement to the right of abode in the UK. <b>No further checks required.</b>
<b>Child Student visa holder</b>	
<input type="checkbox"/>	A valid passport and BRP issued by the Home Office to the holder indicating that the pupil named is sponsored by our School and is allowed to stay in the UK for the duration of the pupil's course.
<input type="checkbox"/>	Proof of immigration status obtained through the " <b>check someone's immigration status</b> " page on gov.uk and accessed using a share code provided by the pupil. The online check must indicate that the pupil named is sponsored by our School and is allowed to stay in the UK for the duration of their course.
<input type="checkbox"/>	<i>(In addition)</i> Copy of the parental consent letter and birth certificate / court document held on file.
<b>Other non-British or Irish citizen</b>	
<input type="checkbox"/>	A valid BRP issued by the Home Office, endorsed to confirm that the child is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK. <b>No further checks required.</b>
<input type="checkbox"/>	A <b>current</b> passport endorsed to show that the child is allowed to stay in the UK in any category other than as a visitor. <b>Check again if the document will expire before the end of the pupil's studies.</b>  Where the endorsement indicates that the child is a dependant, this should also be accompanied by a copy of the relevant parents' passport or BRP confirming their right to be in the UK.
<input type="checkbox"/>	A <b>current</b> BRP issued by the Home Office to the holder which indicates that the child can currently stay in the UK in any category other than as a visitor. <b>Check again if the document will expire before the end of the pupil's studies.</b>  Where the BRP indicates that the child is a dependant, this should also be accompanied by a copy of the relevant parents' passport or BRP confirming their right to be in the UK.
<input type="checkbox"/>	A <b>current</b> immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, in any category other than as a visitor. <b>Check again if the document will expire before the end of the pupil's studies.</b>  Where the endorsement indicates that the child is a dependant, this should also be accompanied by a copy of the relevant parents' passport or BRP confirming their right to be in the UK.
<input type="checkbox"/>	Proof of immigration status obtained through the <b>check someone's immigration status</b> page on gov.uk and accessed using a share code provided by the pupil. The online check must indicate that the pupil named is allowed to stay in the UK in any category other than as a visitor.

<input type="checkbox"/>	<p>A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer of one of the child's parents, which indicates that the parent may stay in the UK and is permitted to work. <b>Check again within six months of the date of the Notice.</b></p> <p>We also need to see proof of relationship between the child and the named parent and that the child has an outstanding application or appeal outstanding with the Home Office.</p>
<input type="checkbox"/>	<p><b>For pupils joining the School for a short course of no more than six months:</b></p> <p>The pupil's <b>current</b> passport, <b>together with</b> a visit visa endorsed in that passport and stamped to confirm date of most recent entry as a visitor <b>or</b>, where the pupil is a 'non-visa national', either an immigration stamp endorsed in that passport confirming date of most recent entry to the UK as a visitor <b>or</b>, if their most recent entry to the UK was via passport eGates, proof of the date of arrival, such as an airline ticket or boarding pass.</p> <p><b>Note that pupils in the UK as visitors must complete their studies by the expiry date of their visit visa, or six months from the date they last entered the UK, whichever is earlier.</b></p>

**Step 2: Check**

You must **check** that the original documents are genuine, that the person presenting them is the prospective pupil or pupil and the rightful holder.

Are photographs consistent across documents and with the person's appearance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Are dates of birth consistent across documents and with the person's appearance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed <i>(if applicable)</i> ?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? <i>(Supporting documents should also be photocopied and a copy retained.)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

**Step 3: Copy**

You must make a clear **copy** of each original document in a format which cannot later be altered, and retain the copy securely: electronically or in hard copy. You must copy and retain:

<input type="checkbox"/>	<p><b>Passports:</b> any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.</p>
--------------------------	--

<input type="checkbox"/>	<b>Proof of digital immigration status:</b> a copy of the pupil's "profile" page (the page that includes the pupil's photo and date on which the check was conducted) either printed as a hard copy or saved as a pdf or html file.
<input type="checkbox"/>	<b>All other documents:</b> the document in full (Note: <b>both sides</b> of a Biometric Residence Permit).

<b>Deadline for conducting follow up check (if required):</b>	
---	--

### Appendix 3 How to check the validity of a BRP



1. Is the image an image of the pupil in front of you?
2. Does the name match the name of the person registered with the school?
3. Does the "Valid until" date cover the duration of the time the pupil will be at the school? This will be five or ten years if the holder has been given permission to settle in the UK (known as indefinite leave to remain).
4. Does this say UK?
5. Does the immigration category match what you know about the pupil's circumstances? If the pupil is a dependant of a person under a different category it should say that the pupil is a dependant.
6. These are the immigration entitlements for the length of the holder's stay, and may continue on the back of the permit. A child who is 16 or over is permitted to work. You can also work, if you're 16 or over: part-time during term for up to ten hours per week; full-time during vacations or on a work placement as part of their course, (but not for more than 50% of their course time).
7. Does the BRP have a unique permit number?
8. Most children will not be required to provide a signature.
9. Does the BRP have a biometric chip?
10. Is the pupil's gender recorded accurately?
11. Does the pupil's date and place of birth reflect your records?
12. Does the nationality recorded reflect your records?
13. This is an extension of the conditions attached to the pupil's leave to be in the UK. Pupils who are 16 or over may be required to register with the police if they are from certain countries. If having considered the pupil's circumstances, the information recorded on the BRP in relation to registering with police is inaccurate then the conditions attached to the pupil's leave are inaccurate and the school has a duty to report this to UKVI.
14. This information does not need to be checked and is for UKVI purposes only.

## Appendix 4 Checking digital immigration status

In certain circumstances a foreign national's immigration status will not be endorsed on a physical document but instead they will have a digital status that needs to be accessed online via an online portal. Pre-settled status and settled status granted to EEA and Swiss nationals under the EU Settlement Scheme is evidenced in this way, as is immigration permission granted to EEA and Swiss nationals from 1 January 2021, provided those individuals hold biometric, "chipped" passports.

Checking digital immigration status is a three-step process:

### Step 1: Use the Home Office online right to work checking service

When a pupil wishes to share their immigration status with you, they should provide you with the share code generated by the [Home Office's online immigration checking service](#). They may provide this to you directly, or they may choose to send this to you via the service, in which case you will receive an email from Status service [status.service@notifications.service.gov.uk](mailto:status.service@notifications.service.gov.uk).

To view the pupil's immigration status, you will need to type in the share code and the pupil's date of birth.

You must use the Home Office online right to work checking service to conduct an online check. You must do this by accessing the [check someone's immigration status](#) page on gov.uk. It is not sufficient to simply view the details provided to the pupil on the migrant part of the service.

#### Check someone's immigration status

Use this service to check someone's immigration status if you have their 'share code'.

The share code will have been emailed to you or given to you by the person whose status you're checking. It expires after 30 days. You will also need the person's date of birth.

The service will show if they have the right to:

- live in the UK
- access services like the NHS
- apply for benefits
- apply for a bank account, loan or credit card in the UK

Use a different service to [check someone's right to work](#).

**Start now** >

### Step 2 Check

Check that the photograph on the online immigration status check is of the pupil presenting themselves to you (i.e. the information provided by the check relates to the pupil and they are not an imposter).

You must only allow the pupil to commence studies at the School, or continue in their studies if you are conducting a follow-up check, if the online check confirms they have the right to live in the UK and are not subject to a condition preventing them from studying in the UK.

### Step 3 Retain evidence of the online check

You must retain evidence of the online immigration status check. For online checks, this should be the profile page confirming the pupil's immigration status. This is the page that includes the pupil's photo and date on which the check was conducted. You will have the option of printing the profile (the response provided by the Home Office online immigration status checking service), or saving it

as a pdf or html file.

You should store this securely (electronically or in hard copy) for the duration of the pupil's studies with the School.