

# Right to study policy

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## 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 that is a pupil or prospective pupil who has or will have a Child Student visa that is sponsored by us, or a pupil or prospective pupil who has or will 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 from all prospective pupils details of their nationality (and where relevant, their immigration status) and to provide evidence (such as a copy of their passport or a "share code" so that we can access the child's digital immigration status)<sup>1</sup> so that we can establish:

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<sup>1</sup> Pupils who do not have a visa which permits them to study in the UK at the time of application will still be required to provide a "share code" so that we can access their digital immigration status at enrolment so it can be checked and a copy taken.

- 2.3.1 their 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, or are in the process of applying for such a visa.
- 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 Skilled Worker dependant), 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: PUPILS NOT SUBJECT TO IMMIGRATION CONTROL ONLY**

- 3.1 Pupils who are not subject to immigration control will be:
- 3.1.1 British or Irish citizens
  - 3.1.2 Holders of other passports that have been endorsed with a "Certificate of Entitlement to the Right of Abode"
  - 3.1.3 Holders of other passports who have been granted settlement (otherwise known as indefinite leave to remain)
- 3.2 Although there is no requirement for schools to inspect or take copies of evidence of status for pupils who are not subject to immigration control we ask **all** pupils to provide proof of their immigration and nationality status to ensure full compliance and we reserve the right to request additional documents if there are obvious discrepancies disclosed as part of the admissions or enrolment process.
- 3.3 Appendix 1 to this policy sets out the documents which can be used to demonstrate that a pupil is not subject to immigration control. In most cases pupils will have a British or Irish passport, in which case no further checks are required. There will be occasions in which a family are unable to provide any of the suggested documents, but insist that their child is British or Irish. These cases are to be referred to Ms Vivienne Wearn or Mr Alex Forsdike.
- 3.4 Most pupils who have been granted settlement will provide evidence to us with a "share code". Appendix 3 sets out the steps to be followed when checking a pupil's immigration status via a share code. If parents wish to rely on alternative evidence that a pupil holds settled status, this must be approved by the School before proceeding.
- 3.5 A copy of the document or documents obtained as confirmation of the pupil's status is then appended to the pupil's file and their pupil record updated to record the fact that they are not subject to immigration control.

## 4 **Enrolment checks: PUPILS SUBJECT TO IMMIGRATION CONTROL**

- 4.1 This section applies to the pre-admission checks which we conduct prior to the 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 Appendix 2 to this policy sets out the documents which can be used to demonstrate that a pupil holds an immigration status which allows them to enrol at the School. In most cases this evidence will come in the form of a digital immigration status (an **eVisa**) accessed via a "share code" provided to us by the pupil or the family. Appendix 3 sets out the steps to be followed when checking a pupil's immigration status via a share code. If parents wish to rely on alternative evidence that a pupil holds an immigration status that permits their child to study at the School, this must be approved by Ms Vivienne Wearn or The Director of Admissions before proceeding.
- 4.3 We inspect the pupil's digital immigration status using a share code provided to us by the pupil (or the originals of any other documents which the School has agreed to accept as evidence of the pupil's immigration status) to confirm the information given by the pupil at the pre-admission stage.
- 4.4 Copies are taken of the pupil's digital immigration status (or other original documents) checking that all personal identity details match those provided elsewhere in the pupil's application, and that their immigration permission entitles them to study at the School.
- 4.5 We make a record of the date of expiry of the pupil's immigration permission on a centralised spreadsheet, even in cases where that permission will expire after the date on which the pupil is expected to leave the School. The School has a system to monitor expiry dates 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 and these are set out in detail in UKVI's Student Sponsor Guidance<sup>2</sup> [and in the School's Child Student Visa Sponsorship Policy].
- 5.2 In addition to the other mandatory documents, we inspect each sponsored pupil's original current passport and proof of their current immigration status (accessed via a share code) to check that the pupil has been granted a Child Student visa in line with the Confirmation of Acceptance for Studies assigned to them by the School.
- 5.3 Copies are taken of pupils' original current passports including all pages which show any personal identity details including biometric details, immigration stamps relating to their current visa and/or entry to the UK.
- 5.4 Where a pupil was granted their Child Student visa on the basis of an application which was submitted while they were outside the UK, the School is required to check the date on which the pupil entered the UK following the approval of that visa. This is because a pupil who entered the UK before the start date of their Child Student visa will not have entered the UK on the basis of that visa and therefore will not have activated the visa so will not have permission to study. In the absence of an immigration stamp in the pupil's passport relating to

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<sup>2</sup> The list of documents to be retained is set out in Student Sponsor Guidance Document 2: Sponsorship Duties, at paragraphs 2.5 to 2.11.

their entry to the UK, we require pupils to provide their travel ticket to the UK or boarding card so that we can check that they arrived in the UK after the visa became valid.

## 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 expects schools to know the immigration status of all pupils. We meet this requirement by maintaining a record of the nationality of each pupil, along with 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
Reviewing the School's spreadsheet of pupils who are subject to immigration control to monitor for any upcoming expiry visa dates and to initiate discussions with parents/guardians about the steps being taken to extend those visas.	Monthly
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 and Appendix 2 provide quick reference guides 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 It is the School's policy to check the original document(s) which are set out in Appendix 1 or Appendix 2 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 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 prospective pupil has a right of residence in the UK. Such an exercise can only be conducted by Ms Vivienne Wearn or The Director of Admissions 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 Appendix 3 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 doing so, 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: evidence that someone is not subject to immigration control**

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	Any of the following: <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>● A certificate of registration as a British / Irish citizen, naming the child</li> </ul>
A British citizen <i>or</i> Irish citizen who does not hold any of the above documents	Birth in the UK or Ireland does not automatically confer British or Irish citizenship on a child, so further enquiries will need to be made	<ul style="list-style-type: none"> <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> </ul> <p>Where the above documents are unavailable, refer to the School for further guidance before proceeding.</p>
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>● Proof of the pupil's digital immigration status obtained by following the process set out in Appendix 3 which confirms that there is no expiry date on the pupil's permission to live in the UK</li> <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> </ul>

## Appendix 2 Quick guide: evidence of immigration permission for pupils who are subject to immigration control

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	Proof of the pupil's digital immigration status obtained by following the process set out in Appendix 3.
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 digital immigration status granted to the child	<ul style="list-style-type: none"> <li>● Proof of the pupil's digital immigration status obtained by following the process set out in Appendix 3.</li> <li>● Alternative proof of the pupil's current immigration status as approved by the School following consultation with the School's external advisers.</li> </ul>
Non-British / Irish citizen who is in the UK under the visitor category	Right to study at the School on a course of no more than six months' duration.	<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 the date of most recent entry as a visitor; or</li> <li>● for foreign nationals holding a passport which does <b>not</b> feature in Appendix Visitor: Visa National List 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	

## Appendix 3 Checking digital immigration status

Most foreign nationals granted immigration permission in the UK will not have that status confirmed on a physical document but instead will have a digital status that needs to be accessed online via an online portal.

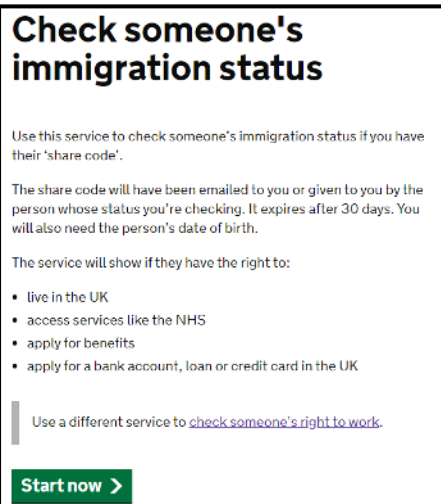
Checking digital immigration status is a three-step process:

### 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 <https://www.gov.uk/check-immigration-status>. It is not sufficient to simply view the details provided to the pupil on the migrant part of the service.



### 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, and - for pupils holding a Child Student visa sponsored by the School - for 12 months after their sponsorship has ended.

