

# Student Sponsorship and the issuing of Confirmation of Acceptance for Studies (CAS) Policy

Policy last reviewed	September 2024
Approved by	The Authorising Officer of LSBU Student Sponsor Licence
Published on	LSBU website under About Us, Policies and Procedures <a href="https://www.lsbu.ac.uk/about-us/policies-regulations-procedures">https://www.lsbu.ac.uk/about-us/policies-regulations-procedures</a>

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# Contents

## Student Sponsorship and the issuing of Confirmation of Acceptance for Studies (CAS) Policy 1

1. Introduction .....	1
2. Scope – who is covered by this procedure? .....	1
3. Who is responsible for this procedure? .....	1
4. Confirmation of Acceptance for Studies .....	1
5. Exceptions .....	3
6. Withdrawal of sponsorship .....	4
7. Length of sponsorship .....	6
8. Requesting a Review of the decision not to issue a CAS.....	6
9. Requesting a Review of the decision to withdraw sponsorship.....	7
10. Student responsibilities .....	7

# Student Sponsorship and the issuing of Confirmation of Acceptance for Studies (CAS) Policy

**The Tier 4 route has been replaced with the student route as of 9am on 5 October 2020. All references to Visa Sponsored Students in this document are to be read as including students with leave under Tier 4 (General).**

## 1. Introduction

- 1.1. London South Bank University (“LSBU”) holds a Student Sponsor licence. The licence allows LSBU to sponsor certain students to enable them to apply for a visa under Student category of the points-based system.
- 1.2. LSBU takes its status as a student sponsor very seriously. As a sponsor licence holder, LSBU must demonstrate the highest level of compliance with sponsor duties which can be found in the Student Sponsor Guidance: <https://www.gov.uk/government/publications/student-sponsor-guidance>
- 1.3. LSBU at its sole discretion may issue a CAS where the student meets the requirements of the immigration rules set out by the Home Office.

## 2. Scope – who is covered by this procedure?

This policy applies to students who are currently sponsored by LSBU under the Student category and to those prospective or existing LSBU sponsored students who require a Confirmation of Acceptance for Studies to enable them to make an application for a student visa (together referred to as “students”). This procedure needs to be read in conjunction with LSBU’s Admission and Enrolment procedure, the Withdrawal and Interruptions and the Engagement Policy. These policies can be found [here](#).

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## 3. Who is responsible for this procedure?

- 3.1. The UKVI Authorising Officer has overall responsibility for this policy but has delegated the day-to-day oversight of the CAS allocation process to Key Contact.
- 3.2. This policy will be reviewed on a regular basis (and at least every two years) by the Immigration Compliance Manager in consultation with the University Solicitor to ensure it remains compliant with the Student Sponsor Guidance and Immigration Rules which are subject to change by the Home Office. The current version of this policy supersedes any previous versions.

## 4. Confirmation of Acceptance for Studies

4.1. A Confirmation of Acceptance for Studies (“CAS”) is required if a student needs to apply for permission to stay or permission to enter as a sponsored student. Please note the following important points:

4.1.1. The issuing of a CAS is at the discretion of LSBU, and we reserve the right to stop issuing CAS where courses become oversubscribed, or if we reach a limit of CAS allocated by the UKVI to LSBU.

4.1.2. Each request for a CAS is considered carefully by LSBU in line with the immigration rules and guidelines set out by the Home Office in the following documentation- It is important that applicants who require sponsorship or who are already currently sponsored read and understand this information: <https://www.gov.uk/student-visa>

4.1.3. LSBU is obliged to comply with the above rules, and with the Student Sponsor Guidance (link below) in respect of how the sponsorship process is administered and only assign a CAS to unconditional offer holders that LSBU reasonably believes will go on to meet the requirements of the Student category under which the CAS is assigned (as set out in Document 2 of the current Student Sponsor Guidance (Sponsorship Duties)):  
<https://www.gov.uk/government/publications/student-sponsor-guidance>

4.2. LSBU **will not** normally issue a CAS or where a CAS has been issued LSBU may make a report to the relevant authority where:

4.2.1. LSBU reasonably believes the student will be unable to meet the requirements of the student route including the eligibility criteria, please see here [Student visa : Overview - GOV.UK \(www.gov.uk\)](#).

This includes where LSBU does not have confidence that the student will complete their degree within the originally allocated period of immigration permission or have the necessary funds to support themselves whilst in the United Kingdom. As part of our agreement to sponsor, LSBU would expect full disclosure of all issues that may have a material effect on your ability to complete your course within the time of your original visa

4.2.2. LSBU reasonably believes the student will be unable to obtain the relevant visa in time for the start date of the course.

4.2.3. A student has no valid permission to stay in the UK, e.g. is an overstayer.

4.2.4. LSBU believes sponsoring a student will put its sponsor licence at risk.

4.2.5. LSBU suspects that the student’s intention to study is not genuine and that the student is applying for a CAS for reasons other than studying.

4.2.6. The student does not comply in a timely manner with a request for information relating to their studies. This may include providing a current UK telephone number or address.

- 4.2.7. a student has a pending immigration application, administrative review or appeal.
- 4.2.8. The course does not comply with Sponsored Student requirements e.g. where more than 50% of modules are exempted, or if a student is not expected to attend for a period of 60 days or more; academic progression requirements are not exempted or cannot be justified. Where a student is applying for a course at the same academic level, we will ask the student to justify (either in writing or through an interview) why it represents academic progress.
- 4.2.9. A student does not pay a deposit when requested or is unable to provide evidence showing sufficient funds to cover living costs and tuitions fees, which meet Home Office requirements or if the student falls into Bad Financial Standing and who owes tuition fees to the University.
- 4.2.10. A course requires an Academic Technology Approval Scheme certificate, and the student has not yet received one.
- 4.2.11. A student has exceeded or will exceed the amount of time permitted on a student visa by the end of their course.
- 4.2.12. A student requires a CAS to undertake a re-sit/re-take of a module, and:
- a) their previous academic engagement is not satisfactory; and/or
  - b) the student has attempted their permitted number of attempts, and this will be an additional attempt. There are limited exceptional circumstances whereby sponsorship may be agreed for an additional attempt, for example where some form of evidence based exceptional circumstance has impacted the student's ability to pass a module, and/or
  - c) the student was found to have committed serious academic misconduct/a series of academic misconduct offences.
- 4.2.13. A student cannot provide evidence to support his/her application for a CAS number.
- 4.2.14. A student has submitted documents which are proven or suspected to be fraudulent.
- 4.2.15. LSBU suspects that the student does not meet the English language requirements, regardless of the documents that they have submitted.

4.2.16. There was a previous immigration refusal of permission to stay or entry clearance refusal.

4.3. Once a CAS number has been issued to a student, LSBU will monitor him/her in line with the relevant Home Office regulations.

## **5. Exceptions**

5.1. Notwithstanding 4.2.3 and 4.2.16, LSBU will consider issuing a CAS if the following exceptional reasons apply:

5.1.1. serious illness which meant the student was unable to apply for further permission to stay in time (where supported by the appropriate medical documentation); or

5.1.2. unavoidable circumstances beyond the student's control, such as the Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss because of theft, fire or flood (where supported by compelling evidence).

5.2. In the event of immigration refusal of permission to stay, LSBU has taken the decision that it will not issue CAS to students who:

5.2.1. have been refused on the grounds of genuineness. In such cases, students may submit an Administrative Review ('AR') to the UKVI, but the student cannot be enrolled whilst the AR is being considered. Therefore, pending the outcome (of an overturning of the refusal decision), prospective students may be permitted to defer to the next intake of their course and current students may be suspended or interrupted; or

5.2.2. have no valid permission to remain in the UK (as per 4.2). However, LSBU may at its discretion consider issuing a CAS to a student in the following circumstances:

a) where the previous application was made in time and the student is able to apply and obtain Student permission to stay within the temporary suspension period (14 days as specified by the home office) and subject to approval by the school); or

b) where the student leaves the UK, provides evidence of this and shows that they meet the requirements for entry clearance under the student category; and:

i. where the student is not enrolled at LSBU; or

ii. arrangements can be made to temporarily suspend the student.

## **6. Withdrawal of sponsorship**

6.1. LSBU reserves the right to withdraw its sponsorship of a student where the

student:

- 6.1.1. is in breach of the Immigration Rules,
- 6.1.2. does not meet the University's admissions and/or enrolment or academic regulation requirements, including offer holder/student's actual knowledge of English despite any certificates provided by the offer holder/student,
- 6.1.3. is found guilty of a misconduct under LSBU disciplinary procedure; is convicted of a criminal offence,
- 6.1.4. Is unable to attend their course for reasons such as hospitalisation or being held on remand.

6.2. LSBU has a legal obligation to withdraw sponsorship and inform the Home Office where a student:

- 6.2.1. interrupts their course of study,
- 6.2.2. withdraws from their course either before they travel to the UK or once in the UK, and/or is deemed to be withdrawn from their course of study,
- 6.2.3. does not meet the admission and enrolment requirements on arrival in the UK, e.g. if the University has reasons to believe that the student does not meet the necessary minimum English language knowledge,
- 6.2.4. does not enrol within the enrolment period,
- 6.2.5. stops engaging academically. Please see our 'Visa Sponsored Students Academic Engagement Monitoring Policy and Procedure' [here](#).
- 6.2.6. is not expected to attend LSBU for a period of 60 days or more (excluding recognised vacation periods)<sup>1</sup>. In very exceptional circumstances (e.g. serious illness or injury that prevents a student from travelling), LSBU may decide to continue sponsoring a student for longer than 60 days if the student intends and is able to resume their studies and provided that:
  - a) acceptable evidence can be provided and
  - b) the student can still complete their course within their existing period of leave when they resume their studies (subject to the approval of the School),

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<sup>1</sup> [as outlined in Academic Calendar](#)

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- 6.2.7. moves into another immigration category,
  - 6.2.8. is breaking the conditions of their permission to stay in the UK (this includes working conditions),
  - 6.2.9. completes the course earlier than the course end date given on the CAS,
  - 6.2.10. is unable to pass a module after two re-sit attempts and there are no exceptional reasons to justify a further attempt (“exceptional” is different to extenuating circumstances and will be decided by LSBU, (Please see appendix at the end of the policy for examples of exceptional reasons. The list is not exhaustive.)
  - 6.2.11. has a resit opportunity but does not resubmit their assessments or resit their exams, a non-submission will be recorded, and this will be considered an attempt. In these cases, the student will be excluded from the University and will be notified in writing, including the process for requesting a Review of this decision.
  - 6.2.12. Has recorded and/or shared a copy of the pre-CAS interview online (either their own interview or an LSBU interview online that they have shared) without LSBU’s prior written permission,
  - 6.2.13. does not have sufficient funds following enrolment and is withdrawn or blocked from enrolment or re-enrolment by Finance team for non-payment of fees.
- 6.3. LSBU reserves the right to conduct such investigations and testing as it deems reasonable to satisfy itself that a student meets requirements to hold a CAS. For example, LSBU may require a student to undertake an English test in the UK, including at LSBU if it suspects that the student does not meet the required knowledge to study on a course.
- 6.4. LSBU reserves the right to withdraw a CAS or sponsorship if at any point during the visa process it becomes aware that a student does not meet the requirements (as set out in points 4.3.1 to 4.3.16 above) and it has already issued a CAS. The student will be notified that the CAS has been withdrawn and advised to withdraw their application if it has not yet been considered.
- 6.5. Once LSBU has withdrawn sponsorship because of any of the above, LSBU will inform the student via email to their personal and LSBU email accounts and by post where appropriate.



6.6. The visa (where issued) is then subject to cancellation by the Home Office. The Home Office will correspond directly with the student about this.

6.7. Withdrawal of a student's sponsorship is set out in the Withdrawals and Interruptions Policy [here](#). It will usually result in the withdrawal of:

- a) any offer to study at LSBU which has been made to the student, or
- b) the student's enrolment at LSBU.

## **7. Length of sponsorship**

LSBU will issue a CAS for the duration of a student's course. The course end date given on the CAS, as set by the course validation in conjunction with Registry, is the date by which the student has completed all academic elements of the course, including teaching sessions, examinations, assessments and writing and submitting dissertations/projects/theses. The course end date for PhD programmes will be 4 years from the student's course start date.

## **8. Requesting a Review of the decision not to issue a CAS or to withdraw sponsorship**

8.1. If a student is dissatisfied with a decision not to issue a CAS or to withdraw sponsorship, they may request a Review within 7 working days (see 8.3) of receiving the decision. Requests for a Review will be granted on limited grounds, namely:

8.1.1. There was a procedural irregularity when making the decision (e.g., there was a material failure by the University to follow its processes, or obvious reasons were not provided for the decision).

8.1.2. The decision was not reasonable in all the circumstances (i.e., no reasonable decision-maker, properly directing him/her/itself and considering the relevant facts, could have reached that decision).

8.1.3. New material evidence which the student was unable, for valid reasons, to provide earlier in the process.

8.2. You should set out your concerns clearly and succinctly and provide evidence in support (where possible). You must explain how the decision that you are requesting the review of falls within one or more of the grounds set out above.

8.3. Requests must be made in writing to the following:

8.3.1. In relation to the decision not to issue a CAS if you are an applicant: the Head of Admissions at [admissions-appeals@lsbu.ac.uk](mailto:admissions-appeals@lsbu.ac.uk)

8.3.2. In relation to a decision to withdraw sponsorship, which includes a decision not to issue a CAS to an existing student: the Academic Registrar at [tier4compliance@lsbu.ac.uk](mailto:tier4compliance@lsbu.ac.uk) with “Review to Academic Registrar” in the subject heading.

8.4. On receipt of the request for Review, LSBU will respond within 10 working days with the final decision. If your request for Review is incomplete, for example does not include the relevant evidence, it will be rejected.

8.5. Students in the UK are reminded that the Review process does not halt the Home Office visa curtailment process. It is the student’s responsibility to ensure they do not stay in the UK beyond the visa expiry date.

## **9. Student responsibilities**

9.1. A CAS will be sent to the student electronically via email. It is the student’s responsibility to check all the information given in the CAS before a visa application is made. Any amendments should be emailed to [cas@lsbu.ac.uk](mailto:cas@lsbu.ac.uk) and we will aim to make the amendments within two working days.

9.2. Issuing a CAS does not guarantee that a visa application will be successful, and it is the student’s responsibility to check that all Home Office requirements are met. LSBU is not responsible for any decision made by the Home Office/UK Visas & Immigration.

9.3. Once a CAS number has been issued it is the sponsored student’s responsibility to maintain his/her immigration status while studying at LSBU and inform LSBU of any changes to his/ her immigration status including if their application is rejected as invalid.

## **10. Use of data**

10.1. The University collects data on student admissions, enrolment, interruptions and withdrawals, and uses the data: a) internally for reporting, evaluation, learning and training; and b) externally for discussion with regulators in the higher education sector.

10.2. The data used by the University for the purposes set out in paragraphs 10.1 a) and b) will be anonymised where appropriate. Your personal data and sensitive personal data (‘Personal Data’) as defined by the Data Protection Act 2018 (the “DPA”) may be disclosed to the University’s members of staff and regulators for the purpose of dealing with your admission, enrolment, interruption and/or withdrawal, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.



## Appendix 1

Further to 6.2.10 - exceptional reasons may include but are not limited to the following, all reasons must be accompanied by independently verifiable evidence where possible. The Academic Registrar (or nominee) will determine the exceptional reason in consultation with PVC Education. The decision of the Academic Registrar is final:

1. Personal medical issue which impacted the ability to successfully pass the module, or submit the coursework/project.
2. Immediate serious life-changing family medical issue which has impacted as per point 1.
3. There was a procedural irregularity or there was a material failure by the University.
4. Other personal circumstances which barred the student from passing the module or submitting coursework i.e. fire, theft, criminal activity.