

BIMM Tier 4 Compliance Team (Last updated November 2017)

This guidance has been created by BIMM Tier 4 Compliance Team. If you have any queries regarding information contained in this guide, please contact us at overseasadmissions@bimm.co.uk

IMMIGRATION COMPLIANCE

This guide has been created to provide BIMM students with an overview of Tier 4 student visa responsibilities. It covers reporting and record-keeping duties of BIMM, as well as your responsibilities to your education provider as your Tier 4 Visa sponsor.

If you fail to meet these responsibilities it may have implications towards your immigration status and permission to stay in the UK. You will be required to sign a Student Agreement which outlines these points prior to your enrolment.

Tier 4 students should ensure that they understand the immigration rules that apply to them and keep up to date with changes throughout the duration of their visa.

UK Visas and Immigration (UKVI) requirements change frequently (up to 4 times a year) and therefore you are advised to check the UKVI website for the most up to date information:

gov.uk/government/organisations/uk-visas-and-immigration

Failure to comply with Home Office regulations will have severe penalties for BIMM including the removal of our Tier 4 Sponsor Licence. BIMM will ensure that its sponsorship duties are met.

Copies of immigration documents

UKVI rules state that a Tier 4 sponsor must keep copies of all non-EU/EEA student immigration documents; this includes your passport and visas (current and previous). Therefore, we ask that you provide these documents prior to enrolment – these documents are added to your student file. *

We advise that students bring all immigration documents with them to enrol. Please be aware that we must take a copy of your Biometric Residence Permit (BRP) when you first enrol at BIMM. If you apply for a new visa at any point during your studies, you must take your passport and new BRP to Compliance/Student Support team to be updated on your student record. It is important that you update BIMM on a regular basis regarding your immigration status.

**BIMM will use your personal information for the purposes of providing educational services. Your personal information will be properly safeguarded and handled in accordance with the requirements of the Data Protection Act 1998. In certain circumstances, BIMM may also share your personal information with the police and other law enforcement agencies for the purposes of the prevention and detection of crime.*

Visa application refusal

If you receive a visa application refusal from UKVI, you must contact the Compliance Team (overseasadmissions@bimm.co.uk) immediately with an email containing scans of all the pages of the refusal notice. There are strict deadlines for submitting a new application or applying for an Administrative Review. If you have made a mistake with your visa application or haven't submitted the documents approved by BIMM to support your Visa application, we will need to conduct further risk assessment to investigate whether new CAS can be issued.

Failing to enrol at BIMM

Tier 4 sponsor must report to UKVI if a student fails to enrol or delays their enrolment on a programme of study.

If your enrolment is delayed, you must contact BIMM Compliance Team at overseasadmissions@bimm.co.uk to request late enrolment. Please note that it may not be possible for you to enrol after the latest date of enrolment as stated on your CAS.

If you have decided not to re-enrol at BIMM for the next academic year and intend to withdraw from the course, you must inform your Student Support Advisor and the Compliance Team.

If you have decided to leave BIMM to study at a new institution in the UK, you must contact your Student Support Advisor and the Compliance Team and provide the details of your new education provider. If you do not enrol or re-enrol at BIMM, you will be reported to UKVI and your Tier 4 visa will be curtailed. If you are in the UK, you will need to plan to leave within 60 days of the report to UKVI (unless Visa curtailment letter from UKVI states an earlier date). If you are out of the country, you will not be able to travel to the UK using your Tier 4 visa once BIMM has reported your failure to enrol on the programme.

Attendance

UKVI rules state that a Tier 4 sponsor must report if a student fails to attend their programme without being granted authorised absence.

Attendance monitoring is undertaken by academic departments/Student Support on a weekly basis during a student's studies at BIMM. This is to ensure that students are engaging with their studies; to identify problems as early as possible to ensure that action can be taken to advise and provide necessary support to meet the requirements set by UKVI for students with Tier 4 visas. You must maintain attendance on your programme and continue to engage with all aspects of your studies. If you are absent, you must tell your dedicated Student Support Advisor the reason for your absence immediately. Please note that if failure to engage with your programme is in breach of your visa conditions and may result in withdrawal of your Tier 4 Visa sponsorship by BIMM, as per Tier 4 Sponsor duties.

Work & Paid Performance restrictions

As we are a Private Educational provider, there will be no working hours granted within the conditions of your leave. This means that you are not permitted to undertake paid or unpaid employment (internships) as a Tier 4 Visa student. When work placement is an assessed part of the course, this will be permitted as per your BRP.

Restrictions that apply to Tier 4 Students sponsored by any type of education provider in the UK:

- cannot be self-employed or set up a business
- cannot be employed as a professional sports person or as an entertainer.

Please note that any performance in front of a paying audience would be classed as immigration law breach and is not permitted. UKVI Policy views it as providing services as an entertainer which is classified as self-employed work.

Students can perform at unpaid gigs, showcases, open mic nights, charity events, providing they are not in front of a paying audience. This means that these shows must be free entry (no pre-paid tickets or any admission charge at the entrance) and you are not to be paid for your performance.

Please note that BIMM provides numerous performance opportunities, of which you are able to audition for. **Any reports of illegal work in the UK will be sent to the Home Office as immigration crime and will be actioned without caution.**

Changes in your circumstances

UKVI rules state that a Tier 4 sponsor must report any significant changes to a student's circumstance within 10 working days of the change. These changes include; change in course of study at BIMM, change in study location (please note that study transfers are recommended within BIMM UK only due to immigration status implications), if the length of programme changes or you will complete a work placement as an assessed part of your course.

If there is a change in your circumstances, points below outline implications to your immigration status:

➤ **Course change**

If you would like to change your course at BIMM you should discuss the matter with the Course Leader and your dedicated Student Support Advisor. Should this be approved, the course change and new course end date (if applicable) will be reported to UKVI.

If your programme will become longer, you will need to apply to extend your Tier 4 (General) visa to remain in the UK to complete your course. You will need another CAS – please contact Compliance Team for updated CAS checklist*.

If due to the change in programme your study duration becomes shorter, BIMM must report this to UKVI. Upon reporting your visa will be curtailed to the new course end date.

- **Change in study location**
If you transfer to a different UK campus, BIMM must report the new address of study to UKVI. You must contact the Student Support to request a transfer and contact Compliance Team should this be approved. You must also provide your new permanent address once you move.
- **Work placement (Non-Performance courses only)**
If you will complete a work placement in the UK that is an integral and assessed part of your course, BIMM must report the location and duration of the work placement to UKVI. The percentage of work being undertaken must not be more than 30% of the total length of the course and BIMM is responsible for you throughout the period of your work placement as your Tier 4 sponsor, therefore your attendance and engagement will be monitored throughout your work placement duration.
- **Contact details**
UKVI rules state that a Tier 4 sponsor must keep on file each student's up to date contact details. You must keep BIMM updated with your UK contact details including your address, mobile number and email address. We will be sending out Tier 4 student survey on a termly basis, to ensure your details are correct.
- **Changing immigration category**
UKVI rules state that a Tier 4 sponsor must report if a student switches to a different immigration category.
If you change your immigration status while studying at BIMM, for example if you change from a Tier 4 to a Tier 2 visa or obtain a EU/UK passport, you must notify the Compliance Team and bring your passport and new visa to the office, so copies can be taken and added to your student record.
If you no longer require Tier 4 sponsorship due to an immigration change, BIMM will report this to UKVI and your Tier 4 visa will be curtailed.

Deferrals, withdrawals and repeat studies

UKVI rules state that a Tier 4 sponsor must report if a student withdraws or interrupts their studies.

- **Gap Year**
If you decide to take a gap year from your studies and continue your course in the following year, BIMM will report to UKVI that it wishes to withdraw sponsorship of your Tier 4 visa, your visa will be curtailed and you will be required to leave the UK. You will receive an email to confirm that sponsorship has been withdrawn and you should make arrangements to leave the UK within 60 days of BIMM's report to UKVI (unless the letter states otherwise). When you are due to return to your programme, you will need another CAS which can be obtained by completing new CAS checklist.
- **Withdrawal**
If you decide to withdraw from your course at BIMM, we will report this to UKVI, your visa will be curtailed and you will be required to leave the UK or apply for a new visa to change your purpose of stay in the UK if applicable. You will be required to fill out a withdrawal form which can be requested from Student Support department, we may ask you to provide further information (new immigration status or proof of leaving the UK).
- **Repeat studies**
If you have not passed the year and can repeat failed assessments without attendance, your current Tier 4 visa will be curtailed. You cannot remain in the UK unless you are attending classes, therefore you must leave the UK while you are not required to be at BIMM. If you need to return to BIMM to sit an exam or hand in coursework, you can do so by obtaining a short-term student visa.
If your attendance is required throughout the year, we will continue your Visa Sponsorship. Your attendance will be monitored as per usual, your course engagement will be monitored closely.

UK Visas and Immigration Visit

To ensure that BIMM remains compliant and retains its Tier 4 Sponsor status, we will be subject to an audit visit from the Home Office. These visits will be conducted by UKVI staff. This includes the review of BIMM's current policies and procedures, interviewing staff associated with Tier 4 practices, and may also select some Tier 4 students to interview. These interviews will take place so UKVI can ensure that BIMM has sponsored your Tier 4 visa correctly and maintained its responsibility for you. You should note that if you are called to meet with UKVI you will be expected to attend. UKVI may only give one week's notice for an audit visit, therefore you may be asked to attend an interview with a UKVI representative at a short notice. In this unlikely event, should you have any concerns about this, please email the Compliance Team at overseasadmissions@bimm.co.uk.

UKVI Requirements	BIMM responsibilities as a Tier 4 Sponsor	Tier 4 Student responsibilities
Report to UKVI of any Tier 4 students who fail to enrol.	BIMM must report to UKVI within 10 working days of the enrolment period ending including the reasons for non-enrolment.	Enrol with us on time. Please do not exceed the date stated on your CAS. If you are not able to join the course, please contact overseasadmissions@bimm.co.uk immediately.
Report to UKVI if a student receives a visa application refusal.	BIMM must report when a student's visa application has been refused within 10 days of receiving this information.	If you receive a visa refusal you must submit copies of all the pages to overseasadmissions@bimm.co.uk immediately. The Compliance Team will review it on case by case basis and advise accordingly. Second CAS may not be issued depending on your case*.
Keep a copy of immigration documents.	BIMM must keep a copy of your current passport pages showing your personal identity details and a copy of your current valid visa/BRP.	If you obtain a new passport, immigration status, BRP please provide a copy of a new document to BIMM Compliance team as soon as you receive it.
Report poor attendance and course engagement. When more than 10 unauthorized consecutive contact points missed sponsorship is to be withdrawn.	BIMM must report to UKVI within 10 working days if a student is withdrawn from their programme as a result of an unauthorised absence or poor engagement with the course.	Maintain attendance on your programme and continue to engage with all aspects of your studies. If you are absent from BIMM, you must contact Student Support department to provide a valid reason for your absence and sufficient evidence.
Notify UKVI if there are any significant changes in a student's circumstances.	BIMM must inform UKVI of any significant changes to a student's circumstance, e.g. course / campus transfer, or if you start a work placement. This must be reported within 10 working days of the change.	Please ensure you keep Student Support team informed if you are considering course or campus change, fill out your termly Tier 4 Student Survey on change of circumstances in a timely manner.
Report to UKVI if a student withdraws or defer their studies.	BIMM must inform UKVI if a student interrupts or withdraws from their studies within 10 working days of the change. BIMM will email the student to confirm they have been reported to UKVI.	Once BIMM has withdrawn Visa sponsorship, you will no longer have permission to stay in the UK and will have to return home. You must provide flight details of your intended departure back to your home country to the Compliance Team. If you have deferred your studies and intend to return to BIMM, you will need to apply for a new CAS from the Compliance Team at least 3 months before you are due to return.
Notify UKVI if a student's Immigration status changes to a different category.	BIMM must report to UKVI within 10 working days of the change taking place.	Inform the Compliance Team of any change in your immigration status and provide a copy of your passport and new visa. This must be done as soon as you receive your new immigration document.

Keep each student's UK contact details and update them as necessary.	Maintain students' historic and current contact details for the period of Tier 4 sponsorship.	You must keep BIMM updated with your current contact details including your address, mobile number and email address.
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