

UKVI Student Route Compliance Policy

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Further information: Queries regarding this Policy should be directed to quality.office@nscd.ac.uk	

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UKVI Student Route Compliance Policy

1. Introduction

This Policy document outlines the School's UKVI Student Route compliance alignment with the requirements of the Home Office UK Visas and Immigration (UKVI) service for the admittance of Non-UK students, excluding the Republic of Ireland, under Points Based Immigration – UKVI Student Route. It is subject to change in line with changes to Government legislation.

The Policy is checked intrinsically through the process it details, through consideration at UKVI Sub-Committee with approval through Senate.

The UKVI StudentRoute status allows the school to authorise Confirmation of Acceptance for Studies (CAS) for Non-UK students, excluding the Republic of Ireland, to obtain visa clearance to join courses at Regulated Qualification Framework (RQF) Level 3 or above. To retain its licence, the school has to fulfil criteria relating to the recruitment, arrival, monitoring and reporting of students on the UKVI Student Route. This policy outlines the school's intent to align with UKVI requirements and to minimise risk in respect of the status of all non-UK students, excluding the Republic of Ireland.

Strategic level responsibility for the monitoring of the school's continued compliance with the scope of its licence rests with the Vice Principal and the CEO & Principal of the school. The school's operational guidance specifies the actions required by Admissions, HR and the Quality Office to ensure that it is fulfilling its sponsor duties and safeguarding the school's UKVI Student Route licence.

2. Scope

This Policy is most relevant for NSCD staff, students and applicants but may be of use to:

- UK Visas and Immigration (UKVI),
- Office for Students (OfS)
- General public.

3. Responsibilities and Training

The CEO and Principal is the UKVI Student Route Sponsor's Authorising Officer. The role has overall responsibility for the School's UKVI Student Route licence, including oversight of the actions of staff who use the Home Office's Sponsor Management System (SMS). All applications to renew the school's licences under Points Based System, regardless of the route, are made under the Authorising Officer's name.

The Vice Principal are the UKVI Student Route Sponsor's Key Contact. The key contact is the main point of contact for the Home Office UK Visas and Immigration (UKVI). These roles are responsible for overall authorisation of users required to access the Home Office's Sponsor Management System (SMS).

NSCD has a single licence, which incorporates the UKVI Student Route and UKVI Skilled Worker licence responsibilities. The Human Resources (HR) department is responsible for the safeguarding of the School's UKVI Skilled Worker requirements; for policies and procedures, which relate to the employment of students and staff.

The leadership team has responsibility for monitoring the UKVI Student Route at national level and aligning and proposing changes in internal policy and procedures to ensure that the school's status as a UKVI Student Route sponsor remains secure.

The UKVI Sub-Committee has the responsibility for ensuring that relevant staff across the school comply with operational procedures and are supported to do so. The Admissions Manager, Quality Office and the Vice Principal will prepare relevant staff for Home Office audits to minimise risk and to ensure sponsor licence duties are maintained.

The Vice Principal will manage the annual sponsor licence service and its risk (annual Basic Compliance Assessment (BCA), annual CAS allocation and four-year licence renewal).

The Vice Principal will co-ordinate relevant local and sector level training for staff. This is usually supported by external input, from organisations such as Eversheds or UK ENIC webinars and courses.

5. Student Responsibilities

The student is responsible for meeting the requirements of their UKVI Student Route visa, in accordance with current Home Office UKVI Student Route sponsor policy and guidance. The School's Admissions Team and Quality Office will support students on the UKVI Student Route, throughout their student journey, to ensure they are aware of their responsibility to abide by the conditions of their UKVI Student Route leave. Any student in breach of their sponsorship conditions will be withdrawn from the School.

6. Use of Agents

NSCD does not use agents to recruit overseas students.

7. Confirmation of Acceptance for Studies (CAS)

Confirmation of Acceptance for Studies (CAS) to support UKVI Student Route visa applications from RQF Level 3 and above and UKVI Student Route Part-Time Visa applications, from RQF Level 7 and above, are actioned via the UKVI Sponsor Management System (SMS). NSCD students on a Student Visa can only study on a course Full-time at present.

UKVI Student Route eligibility (academic credentials; English language; and financial evidence) is assessed centrally by the Admissions Manager, Quality Office and finance staff. Once all overseas admissions and UKVI Student Route eligibility criteria are met a CAS is issued to the student.

A CAS will be issued solely on the discretion of the School as a UKVI Student Route sponsor, taking into consideration UK Visas and Immigration (UKVI) criteria and the school's assurance around issuance of CAS. Only authorised users of the SMS at Level One (authoriser) and Level Two (data entry) can issue a CAS.

UKVI Sub-Committee monitors the volume of institutional CAS issued and the School can request quarterly management information from UKVI. Significant deviation from expected numbers, a high percentage of 'no show' students, visa refusals or CAS that remain unused will be subject to further scrutiny by the UKVI and this may ultimately impact on the School's sponsor status. The UKVI Sub-

Committee monitors the data provided and work to ensure continued integrity in the issue process and the sustainability of its low visa rate.

All course end dates, which are outlined on the CAS, are required to be in line with the School's academic calendar. For courses more than 12 months the Home Office grants 4 months at the end of the academic period, which will cover the resit period. If students require an extended period, the internal CAS extension process will apply. Non-term date periods shall be advertised accordingly.

Exchange students undertaking a course of study at the School of 6 months or more will be issued a CAS and are required to apply for a Student visa. Exchange students attending a course of fewer than 6 months that does not form part of a formal credit-bearing academic programme may be eligible for the Standard Visitor route, in which case the School will issue a supporting letter on request. Students are advised to confirm the appropriate visa route with UKVI before making an application.

A CAS is valid for 6 months from the date it is assigned. The applicant can apply for entry clearance or leave to remain 6 months before the start of the course. If the CAS is not used within this period the CAS will expire. If the student's UKVI Student Route application is unsuccessful and they wish to reapply, a new CAS will be issued in line with the School's CAS issuance procedures.

NSCD ensure that any CAS is sent directly to the applicant. To support students in the application process the UKVI Sub-Committee will ensure up to date information is on the School's web pages and ensure that students are referred to specific UKVI guidance. The Admissions team will offer support for queries regarding the UKVI Student Route application process and direct students to the relevant pages of the Government website for advice.

8. Visa Extension

SMS Level 1 users administer the CAS issuance process for visa extensions. An extension only applies to UKVI Student Route visa holders who are on a full-time course and are academically progressing. If these rules apply the student can extend their visa in the UK from one Higher Education Provider (HEP) to another.

The student's current UKVI Student Route visa must be valid at the point the CAS extension is issued. The student will be expected to apply with the help of the Quality Office to support the prevention of visa refusal and the risk to the School's annual Basic Compliance Assessment.

If a student has not met academic progression they will be required to apply for fresh entry clearance overseas. The School will support a new application from overseas as long as the students study situation falls in line with the academic progression requirement of Northern School of Contemporary Dance.

In line with the Assessment Regulations, a student will be provided with the opportunity to extend their Student Route Visa to undertake deferred assessments, resits or repeat study, as long as the student is required to undertake continued participation (in classes or by contact) within 60 days of the next academic period starting.

9. Government or Financial Sponsorship

If the student is government sponsored the student's period of stay in the UK will be limited in line with the sponsor's specifications.

An authorised sponsor guarantee must be provided and approved by the Admissions team before a CAS can be issued. The CAS will be required to stipulate who is financially sponsoring the student. In

addition, as part of the Student Route Visa application process the student must provide an official headed letter of confirmation, bearing the organisation's official stamp.

10 Academic Progression

NSCD's Admissions Manager will assess the student's academic progression, in line with UKVI exemptions, on a case-by-case basis in line with UKVI Student Route guidelines. The student will be required to provide justification, at the admissions stage, as to why they would like to apply for the same level study.

NSCD will not assign a CAS if the student is applying for a lower-level course.

Supplementary study cannot be used to show academic progression.

11. Supplementary Study

The Quality Office should be informed of a student's supplementary study if the course is outside of the School. Students can take supplementary study in addition to their main course, as long as it does not jeopardise the progress of their main course of study. This can be at any level, taken any time in the day and does not have to relate to their main course. The additional study period(s) must be taken within their valid leave period. The School does not need to give the student permission to assume this study and UKVI do not need to be informed.

12. Standard Visitor Route

In accordance with the visa requirements, the Quality Office will provide a Standard Visitor visa acceptance letter for any applicant on any course, with details of the course.

Students from the age of 16 can apply for the Standard Visitor route, for study purposes at an accredited institution, which is issued for a 6 month calendar period. The student can undertake one or more concurrent or consecutive courses as long as they will be completed within the validity period of the visitor permission.

Students on the Standard Visitor route are not allowed to work in the UK. The student will not be able to undertake employment at the School with Standard Visitor Route Visa.

13. Under 18's

The minimum age requirement for the UKVI Student Route is 16 however NSCD's policy is that no students under the age of 18 upon enrolment will be considered for a place on our courses should they require a Student Route Visa.

This is in the best interests of the applicant and the School, given the intensity and complexity of transitioning to study in a different country as a minor.

Exceptions can be made in particular circumstances at the discretion of the Admissions Manager and Vice Principal.

14. English Language Criteria

On issuing a CAS, NSCD must ensure that students have met the UKVI language requirements for students whose first language is not English. Tests will be verified by the Admissions Manager to confirm the student has passed the required Secure English Language Test (SELT): these are typically IELTS for UKI, Language Cert International ESOL SELT OR PTE Academic UKVI.

As NSCD is a Higher Education Provider (HEP) we can assess the level of English through an alternative qualification providing it meets the required level.

The School's programme specifications and entry criteria on our website outlines language requirements for entry, these meet or exceed UKVI requirements. This information also reflects the level of achievements expected by UKVI for non-UK students, excluding the Republic of Ireland, in all four components across a range of the most common language qualifications.

15. Registration

The student is required to arrive by the start date of the course, as stipulated on the CAS; informing the Quality Office of any unavoidable changes to their arrival date in the UK. Approvals will be in line with the School's Admissions process.

If students on a Student Route Visa with limited leave to remain register at the School, the Quality Office will liaise with the student to ensure they have the continued right to study in the UK throughout the period of their course.

Students who require a Student Route Visa will be unable to register as new students or continuing students, without a current valid visa, relating to their current course. NSCD will ask students for their ShareCode to ensure they have a current valid visa.

If a student's visa expires within 2 months of the start of the course the School will register the students if:

- They are able to provide written evidence of a pending application to the UKVI for an extension or further permission to stay in the UK and evidence that any application was made prior to the expiry date of their old visa.
- They provide written evidence of submission of a pending administrative review against a decision of the UKVI to refuse an application or revoke the student's leave to remain in the UK.
- They have paid the required payment in respect of their annual tuition fee.
- If a student's immigration application is at the judicial review stage the student is not covered under Section 3C of the Immigration Act 1971, therefore will not be able to study at the School.
- Where at any time within a student's period of study their immigration status becomes invalid (e.g. their leave to remain in the UK expires or is revoked), the student will not be able to register. If they are a current student, they will be withdrawn from their course.

16. General Data Protection Act

Students have the right to make a request for any information held at the School and NSCD must comply with the Act in responding to the request. NSCD must follow strict rules known as 'data protection principles' and we must ensure we use data fairly, lawfully and transparently.

Corporate Governance is obliged to provide information to statutory agencies, at their request. The processing of such data will be based on the secure and confidential sharing of information between NSCD and the Home Office.

17. Reporting Duties

All sponsors must retain evidence of each individual UKVI Student Route status, including passport, visa and contact details for up to a year after a student has graduated. Any changes in the status of overseas students and any amendments to personal circumstances that would result in the School

ceasing sponsorship under the UKVI Student Route will be reported to UKVI by NSCD SMS Level 1 Users within 10 working days of the occurrence.

The School will continue to sponsor a Postgraduate student writing up their dissertation, as long as continued participation is required either by classes or contact. If the student decides to write up overseas, their UKVI Student Route leave will be withdrawn. If they wish to apply to return to the UK a CAS can be assigned if the UKVI Student Route eligibility requirements are met.

NSCD's SMS Level 1 Users will report to the UKVI all incidences of a student's failure to join or re-join their course, student delays, visa refusals, internal/external course transfers, early course completion, changes of study location, changes of immigration status, student no longer participating, withdrawals and suspensions and students contravening their visa requirements.

18. UKVI Student Route sponsor responsibilities

In accordance with the School's Admissions Policy, an active CAS or current UKVI Student Route leave will be cancelled if there is evidence of misrepresentation and fraud. If the student is actively involved the Home Office will immediately end their leave. If not, the Home Office will curtail the students leave from 60 calendar days from date of the Home Office curtailment letter which informs the student that their leave has been revoked.

19. Visa and Passport Checks

As a responsible sponsor, and as a service to students, the Quality Office will monitor visa and passport end dates for all on a Student Route Visa and will advise students of the need to renew documentation.

20. Pregnancy/Maternity/Paternity Leave

The School is able to continue to sponsor the student if illness occurs due to pregnancy. If a student on UKVI Student Route leave would like to take maternity leave during their study period; the School will continue to sponsor the student for no longer than 60 days, providing the student can still complete their course within their existing period of leave when they resume their studies. If not, the student will be advised to take an Interruption of studies and NSCD SMS Level 1 Users will report the student on the Home Office SMS.

A student can continue to be sponsored on paternity leave as long as the leave period is no greater than 60 days and that the student can still complete their course within their existing period of leave. The leave period should be approved by the Quality Office.

In all cases the student will be referred to the Student Services team for advice and guidance and to support the student, where required.

21. Attendance Monitoring

NSCD monitors attendance through the Student Engagement & Support through Studies Policy, this aligns with the Home Office UK Visas and Immigration UKVI Student Route requirements by applying a single academic engagement policy to all students across the institution.

Academic engagement is indicated by attending required lectures, seminars and tutorials, practical work, undertaking research and submitting essays, assignments, and practical coursework. It is the School's responsibility to decide which study elements are required for a given course and constitute academic engagement and what minimum level of engagement is required for each element.

NSCD's Quality Office monitor attendance for all students on a Student Route Visa on a weekly, half termly and termly basis. They will identify those UKVI Student Route Visa holders who require intervention in accordance with the current requirements of the Home Office UK Visas and Immigration (UKVI) regulations and compliance.

In line with the School's Student Engagement & Support through Studies Policy, where a student has been absent and made no contact for 2 weeks they may be withdrawn from their programme of study. The Quality Office will report a student on a UKVI Student Route to the Home Office and their UKVI Student Route visa shall be cancelled. At the point the School has reported the student to the Home Office, they are no longer sponsored by NSCD on a UKVI Student Route Visa.

22. Working in the UK

Students on a visa are usually permitted to work up to 20 hours a week for courses at undergraduate level and above. This is detailed on a student's e-visa, decision letter or digital immigration status during term time and full-time during non-term time. Non-term time is as outlined by the programme study pattern and differs for UG and PGT students. The School's term dates and student holidays are advertised on the NSCD website.

Students declare each term that they are meeting the attendance and work requirements, and that their contact details are up-to-date. NSCD is obliged to report to the Home Office any student who is working more than the working restrictions stated on their visa as this will be classed as illegal working. The implications of being reported for the student is the risk of having their visa revoked and having to leave the country.

Any time spent working can be in addition to any time spent on a permitted work placement. Further guidance on working, including voluntary and unpaid work, whilst on a Student Route Visa can be found here: [Working as an international student](#)