



Home Office

# Tier 4 of the Points Based System: Guidance for Sponsors

## Document 3: Tier 4 Compliance

Version 04/2017- This guidance is to be used from 6 April 2017

This guidance covers:

1. Basic Compliance Assessment
2. Non-compliance
3. UKVI investigation and sanctions process
4. Sanctions
5. How some sanctions affect a sponsor's Tier 4 students

Please also see the other Tier 4 Sponsor Guidance documents 'Applying for a Tier 4 licence and 'Sponsorship Duties'.

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## Changes since last publication

Current paragraph number	Previous paragraph number	Changes made
N/A	N/A	References to the previous Qualification and Credit Framework (QCF) and the National Qualifications Framework (NQF) have been replaced with the Regulated Qualifications Framework (RQF)
2.24	N/A	Guidance on Basic Compliance Assessment (BCA) discretionary assessments has been updated.
2.25	2.24	Guidance on the circumstances in which a BCA discretionary assessment will be applied has been updated.
2.26	2.25	Guidance on the factors that will be taken into account as part of a BCA discretionary assessment has been updated.
3.12	3.12	Guidance on what is considered a sponsorship duty compliance concern has been updated.
3.15	3.15	Guidance on what is considered a sponsorship duty compliance failure has been updated to include failing a BCA.
6.7	N/A	Guidance on the maximum period a sponsor can continue to teach students after their licence is revoked has been added.

## 1. Introduction

- 1.1 This is Document 3 of the Tier 4 Sponsor Guidance, which sets out the requirements for education providers wishing to apply for and hold a licence to sponsor international students to come to the UK under Tier 4 of the Points Based System. Document 1 covers applying for a Tier 4 licence, Document 2 covers sponsorship duties, and Document 3 covers compliance assessments and sanctions for non-compliance. Sponsors, and education providers who would like to apply for a Tier 4 licence, should read all three documents and ensure they understand them and comply with them.

## 2. Basic Compliance Assessment

This section gives information on:

- Key points
- How to apply
- Core requirements
- Calculations
- Discretionary assessment
- Passing the Basic Compliance Assessment
- Failing the Basic Compliance Assessment

### Key points

- 2.1 A sponsor must apply for a Basic Compliance Assessment every 12 months.
- 2.2 It must do this regardless of how long it took UKVI to decide whether or not it has passed a previous assessment, or whether UKVI was able to reach a conclusion on the previous application.
- 2.3 A sponsor passing a Basic Compliance Assessment does not preclude UKVI from later considering the same sponsor to be non-compliant, and in breach of its sponsorship duties.
- 2.4 If a sponsor does not apply for a Basic Compliance Assessment within these timescales, UKVI will begin revocation action. The sponsor will be removed from the Tier 4 Register of Sponsors and given 20 working days to make representations against the revocation decision.

### How to apply

- 2.5 A sponsor must apply for a Basic Compliance Assessment every 12 months.
- 2.6 A sponsor must use the SMS to make an application for a Basic Compliance Assessment.
- 2.7 Applications can be made up to one month before they are due, but must be made by the date they are due, or the sponsor's licence will be revoked.
- 2.8 A sponsor must pay the fee using its SMS account, unless it is a sponsor which has subscribed for the Tier 4 premium customer service. The sponsor's Level 1 user must make the application. Once the application has been made, a sponsor can track its progress, including its current status and outcomes, using the 'Applications and Renewals' tracking function in SMS.
- 2.9 It is the sponsor's responsibility to make their application in time. The 'Licence summary' screen in SMS displays the sponsor's start date, end date and the date they can next make an application for a Basic Compliance Assessment.

UKVI will not send a reminder to apply for a Basic Compliance Assessment in time.

- 2.10 If the sponsor's Tier 4 licence is revoked, UKVI will reject the application automatically and without consideration.

## Core requirements

- 2.11 When UKVI carries out a Basic Compliance Assessment, it will assess the sponsor against the following core requirements. A sponsor must meet all of the requirements on the date that it applies.
- 2.12 The core requirements are that the sponsor must have:
- a refusal rate of less than 10 per cent;
  - an enrolment rate of at least 90 per cent; and
  - a course completion rate of at least 85 per cent.
- 2.13 If a sponsor delays reporting information which may affect its application, that may be considered to be a serious breach of their sponsor duties, and compliance action may be taken.

## Calculations

### Refusal rates

- 2.14 A sponsor's refusal rate must be less than 10 per cent. This means that of all the CAS they have assigned that students have 'used' to support an application for leave to enter or remain, the total number of applications we refused must be less than 10 per cent. For these purposes, a CAS is 'used' when it has been submitted in support of an application for leave to enter or remain and that application has been decided.
- 2.15 Students with live appeals or administrative reviews against a decision to refuse their Tier 4 application will not be included.
- 2.16 We will assess your refusal rate using CAS data from the SMS for the 12 month period immediately before you apply. We will take into account all CAS that students have used and applications we refused during this 12 month period.

### Enrolment rates

- 2.17 A sponsor's enrolment rate must be at least 90 per cent. This means that of all the CAS the sponsor has assigned to students who have been granted leave to enter or remain (to study with that sponsor), at least 90 per cent must have enrolled on their course within the enrolment period.

2.18 UKVI will assess the enrolment rate using CAS data from the SMS for the 12 month period immediately before the application, taking into account all the CAS students have used in a successful application where the student has enrolled on their course within the last 12 months.

### Course completion rates

2.19 A sponsor's course completion rate must be at least 85 per cent. This means that at least 85 per cent of students they have sponsored under Tier 4 who enrol with them must complete their course.

2.20 UKVI will assess the course completion rate using all CAS data available from the SMS. To determine the course completion rate, UKVI will calculate the number of students whose course was due to end in the 12 month period immediately before you apply and who dropped out of their course before the end date. It does not matter when they started their course. UKVI will then calculate the percentage of drop-outs compared with all students who were due to complete their course.

2.21 The calculation will not include students who:

- have deferred their studies and have temporarily left the UK;
- switched institution;
- switched to another immigration category; or
- left the course and left the UK.

2.22 If none of the sponsor's students were due to complete their course in the 12 month period immediately before the date of application, then UKVI will not assess them against this requirement. If the sponsor meets the other requirements they will pass.

2.23 If a sponsor has used the SMS to report that a student has left their course and that student has not been granted leave to switch into another immigration category, granted leave to switch institution or left the UK, that student will be counted when assessing the sponsor's course completion rate.

### Discretionary assessment

2.24 UKVI will decide whether to apply a discretionary assessment on a case by case basis. In all cases, a discretionary assessment would not be conducted where a sponsor has failed a BCA on three consecutive applications but had discretion applied each time.

2.25 UKVI will apply a discretionary assessment in the following circumstances:

- the sponsor fails to meet the required BCA enrolment rate and fewer than 50 of the sponsor's Tier 4 students were due to start their course during the 12 month period being assessed.
- the sponsor fails to meet the required BCA refusal rate and has used fewer than 50 CAS in the assessment period.

- the sponsor fails to meet the required BCA course completion rate and fewer than 50 of the sponsor's Tier 4 students were due to complete their course during the 12 month period being assessed.
- the sponsor has not used any CAS.
- the sponsor is an independent school which has not passed the core requirements.

2.26 Discretionary assessments will be conducted on a case by case basis, taking into account the sponsor's circumstances. UKVI will consider any relevant factors, including (but not limited to):

- reasons why visa applications were refused, students did not enrol or complete their course;
- whether the sponsor is complying with their general sponsor duties;
- the sponsor's compliance history; and
- whether the sponsor poses any threat to immigration control and is still suitable and eligible to hold a Tier 4 licence; and
- how many times a sponsor has failed to meet the core BCA requirements and been approved following a discretionary assessment.

2.27 Where the sponsor is a Probationary Sponsor and has either not used any CAS during the assessment period, or has only issued CAS to students who are yet to enrol, the sponsor will not normally be considered to have passed the Basic Compliance Assessment. However, where there are no reasons to revoke the sponsor's licence, UKVI may allow the sponsor to remain as a Probationary Sponsor until their next Basic Compliance Assessment, providing there is reason to believe that they will assign CAS during the next assessment period.

2.28 In limited cases, it may be possible for a sponsor who has not issued any CAS during the previous 12 months to pass their Basic Compliance Assessment. In such cases UKVI will consider any relevant factors from outside their role as a Tier 4 sponsor, including (but not limited to):

- any record of compliance as a Tier 2 or 5 sponsor; and
- any previous record of Tier 4 sponsor compliance (previous licence holders).

## Passing the Basic Compliance Assessment

2.29 If a sponsor passes the Basic Compliance Assessment, UKVI will write to the sponsor to tell them. Where a Probationary Sponsor passes a Basic Compliance Assessment, the sponsor will be given full Tier 4 Sponsor status, and the Tier 4 Register of Sponsors will be updated.

2.30 Where UKVI have been unable to assess the Probationary Sponsor's Basic Compliance Assessment due to either no CAS or limited CAS falling within



the required assessment period, they will write to confirm whether the sponsor is being permitted to remain as a Probationary Sponsor.

## Failing the Basic Compliance Assessment

- 2.31 A sponsor will fail the Basic Compliance Assessment where:
- The sponsor has used 50 or more CAS and does not meet one or more of the core requirements;
  - UKVI is not satisfied that the sponsor should pass the Basic Compliance Assessment following a discretionary assessment; or
  - The sponsor does not send UKVI any evidence requested within the given time limit and/or sends incomplete information.
- 2.32 If a sponsor fails the Basic Compliance Assessment, UKVI will write to the sponsor setting out the reasons for the decision, and will begin revocation action. The sponsor will be removed from the Tier 4 Register of Sponsors and be given 20 working days to make representations against the revocation decision.
- 2.33 If a sponsor wishes to challenge the decision, it must be able to demonstrate that the decision was materially flawed based on the facts at the time that the decision was made. UKVI will not reconsider individual visa application outcomes as part of the Basic Compliance Assessment.
- 2.34 UKVI will only consider any representations made outside of the 20 working day period in exceptional circumstances, where a sponsor has good reasons for needing further time to make representations.
- 2.35 If, following the consideration of any representations received in this period, the sponsor still fails to pass the Basic Compliance Assessment, its licence will be revoked. Please see the section below titled [Licence revocation](#) for further details.
- 2.36 There is no right of appeal against this decision.

## 3. Non-compliance

This section gives information on:

- Guiding principles
- Compliance action
- Breach of sponsorship duties
- Serious breach of sponsorship duties

### Guiding principles

- 3.1 The ability to sponsor students to study in the UK is a privilege that must be earned. When a sponsor is granted a Tier 4 licence, significant trust is placed in them. With that trust comes a responsibility placed on sponsors to act in accordance with the Immigration Rules and the sponsor guidance. UKVI has a duty to ensure that all sponsors discharge these responsibilities, and that a sponsor's actions (or omissions) do not create a risk to immigration control.
- 3.2 UKVI will monitor sponsors' compliance and take action against those who:
- pose a threat to immigration control; or
  - breach their sponsorship duties, or otherwise fail to comply with the Immigration Rules or sponsor guidance.
- 3.3 Where there has been a breach of sponsorship duties, UKVI will assess the issue and decide on the most appropriate course of action to take.

### Compliance action

- 3.4 UKVI will always take action when it considers that a sponsor poses, or may pose, a risk to immigration control. Compliance action may be taken on the basis of a reasonable suspicion that such a situation has arisen.
- 3.5 Where UKVI reasonably believes that a sponsor has breached its sponsorship duties, UKVI will consider the nature of the suspected breach.
- 3.6 Where the breach is an isolated or minor issue, the sponsor is willing and able to correct it, and the sponsor poses no continuing threat to immigration control, UKVI will in most cases support the sponsor in making the relevant improvements by issuing an action plan, which sets out the steps that the sponsor must take in order to retain its Tier 4 licence.
- 3.7 However, where there is a serious breach indicating a significant or systematic failing, the sponsor no longer meets the eligibility or suitability requirements for holding a Tier 4 licence, or UKVI considers that the sponsor constitutes a serious threat to immigration control, UKVI may decide to revoke the sponsor's licence. This may also occur where there has been sustained

non-compliance over a period of time, or where there have been a number of breaches which are isolated or minor in themselves but – taken together – indicate a serious or systematic failing.

- 3.8 If UKVI has grounds to believe that such a situation has arisen, it may act immediately to remove a sponsor from the Tier 4 Register of Sponsors, stop the sponsor from assigning CAS and prevent the use of any assigned but unused CAS while it investigates the matter further.
- 3.9 UKVI will take into account any representations that a sponsor makes. However, as set out above, UKVI places great weight on the importance of trust in the operation of the Tier 4 sponsorship system, and the need to ensure that sponsors take their duties seriously.
- 3.10 Accordingly, if UKVI believes:
- a serious breach has occurred; and/or
  - that there has been sustained non-compliance over a period of time; and/or
  - that a number of isolated or minor breaches have occurred which taken together indicate a serious failing;
- it is unlikely to consider that the provider should retain its Tier 4 licence.
- 3.11 As set out below, this is the case even if action is proposed, or has been taken, in order to remedy the situation, which means that the sponsor no longer poses, or will no longer pose, a risk to immigration control. This is because where a sponsor has breached its duties in the past, the sponsor may not be trusted to comply with its duties in the future.

## **Breach of sponsorship duties**

- 3.12 The following is a non-exhaustive list of breaches of sponsorship duties which, when they occur in isolation and/ or relate to a small number of students, and the sponsor is capable of correcting them, are unlikely to be regarded as serious. However, where a sponsor has committed a number of such breaches, they may be considered cumulatively to constitute a serious breach.

### **Compliance concerns**

- Failure to keep records about the institution.
- Failure to keep records about Tier 4 students.
- Failure to report a change in the sponsor's circumstances to UKVI and/or the relevant Educational Oversight body.
- Failure to report that a required rating in a Statutory education inspection and/or a Tier 4 Educational Oversight has not been achieved/maintained following an inspection by an Educational Oversight body.

- Failure to report a change in students' circumstances.
- Failure to withdraw sponsorship from non-compliant students.
- Failure to take steps to ensure that students have valid leave.
- Instances of the Sponsor Management System being misused.
- Failure of students to comply with their conditions of leave.
- Failure to register students with the appropriate awarding bodies.
- Failure to report that you want to surrender the whole or part of your licence.

### Eligibility concerns

- Institution's premises becomes unfit for use for teaching purposes.

### Suitability concerns

- Member of an institution's Key Personnel becomes bankrupt or prohibited from acting as a company director.
- Member of an institution's Key Personnel is linked to a sponsor whose licence is revoked.

## Serious breach of sponsorship duties

- 3.13 Any breach by a Probationary Sponsor will be regarded as a serious breach because the sponsor has not completed its probationary period.
- 3.14 Any breach of the sponsor guidance which suggests a serious or systematic failing, a sponsor is no longer eligible or suitable to hold a Tier 4 licence, or that a sponsor poses a risk to immigration control is likely to be regarded as a serious breach, including where this arises from the commission of a number of isolated or minor breaches.
- 3.15 The following is a non-exhaustive list of failings which are likely to be considered a serious breach:

### Compliance failings

- Failing a BCA
- Deliberately providing false information, failing to disclose information, or acting dishonestly.
- Failure to co-operate with the Home Office, such as not allowing its staff immediate access to any of your sites on request (whether or not visits are prearranged).
- Failure to report a significant change in your institution's circumstances, such as a change of ownership.

- Assigning CAS to students without properly assessing their English language ability in accordance with this guidance, or their academic suitability.
- Failure to properly assess a student's academic progression, or falsely claiming that students meet the exception to the requirement to be moving up an academic level.
- Applying for, or assigning, Tier 4 (Child) CAS inappropriately.
- Providing courses to Tier 4 students that do not meet the Tier 4 requirements set out in this guidance. For example, courses which do not lead to an approved qualification or meet the requirements relating to work placements, minimum RQF levels, or teaching locations.
- Failure to monitor student attendance effectively.
- Failure to comply, as an employer, with illegal working requirements.
- Sponsoring a Tier 2 or Tier 5 migrant who claims benefits with the sponsor's knowledge.
- Failure to pay an action plan fee, demonstrate willingness/ability to comply with an action plan, or satisfactorily fulfil an action plan within the specified timescales.
- Giving UKVI cause to believe that you do not or cannot comply with a sponsorship duty, when failure to comply suggests a serious or systematic failing or indicates a threat to immigration control. Operating in a manner that poses a risk to immigration control, such as failing to take steps to ensure non-EEA students have leave to remain in the UK.

### Eligibility failings

- Failure of a fire risk assessment conducted by a competent person, and being unable to operate at the relevant address.
- Losing appropriate planning permission or planning authority consent to operate at the relevant address.

### Suitability failings

- A member of an institution's Key Personnel is convicted of a relevant offence, and they have not been removed from their position.
- Failure to pay VAT when required to do so.

## 4. UKVI investigation and sanctions process

This section gives information on:

- Compliance Track 1
- Compliance Track 2
- Action plans

- 4.1 The process that UKVI will follow when it suspects that a sponsor has breached its sponsorship duties, or can no longer be trusted to play its part in protecting immigration controls, will depend on the seriousness of the suspected breach.
- 4.2 This section sets out the processes that UKVI will follow when investigating a breach of sponsorship duties and determining the course of action to take. However, it may be necessary to vary this procedure, including the timescales involved, in exceptional circumstances. UKVI may move from Compliance Track 1 to Compliance Track 2 at any time.

### Compliance Track 1

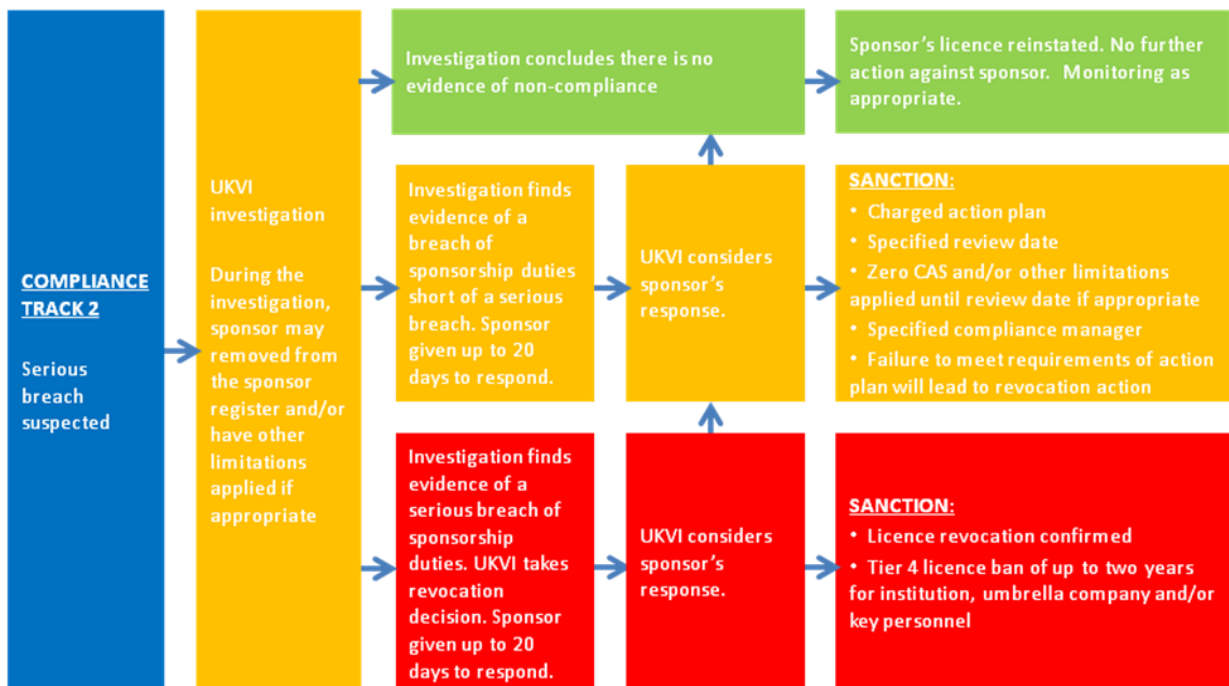
- 4.3 Where a Tier 4 Sponsor is suspected of an isolated or minor breach of the sponsor guidance, and it faces compliance action, UKVI will normally follow Track 1.
- 4.4 UKVI will carry out an investigation, which may include an announced or unannounced visit to the sponsor's site(s) and/or teaching partners' site(s). The sponsor may or may not be notified that there is an investigation. During the investigation, the sponsor will remain an active sponsor and be able to continue to assign CAS.
- 4.5 If no evidence of a breach is found, no further action will be taken, though the sponsor will be monitored by UKVI in the usual manner.
- 4.6 If UKVI finds evidence of a breach of sponsorship duties that falls short of a serious breach, it will write to the sponsor to inform it that the investigation has taken place, and set out its findings. The sponsor will then have the opportunity to respond to the findings in writing within 20 working days. UKVI will consider any reasonable request from the sponsor to extend this period, but extensions will only be given in exceptional circumstances.
- 4.7 If the sponsor demonstrates, by way of evidence, that the findings are incorrect and that no breach has taken place, no further action will be taken, though the sponsor will continue to be monitored in the usual manner.
- 4.8 If no representations are received, or if, following any representations, UKVI still considers that a breach has taken place, it will require the sponsor to follow an action plan. The action plan will set out actions that the sponsor

must take to correct the non-compliance by a specified date. For further information, see the section titled '[Action plans](#)' below.

## Compliance Track 2

- 4.9 If UKVI suspects a serious breach of sponsorship duties, including when such a suspicion arises in the course of an investigation that began under Track 1, it will follow Track 2. A serious breach may arise either where there has been a single serious breach of sponsorship duties, or where the sponsor has committed a number of breaches which cumulatively reveal serious or systematic failings, or which taken together are deemed to be equivalent to a serious breach.
- 4.10 In the majority of cases, the sponsor will be removed from the Tier 4 Register of Sponsors whilst UKVI investigates. During this time, the sponsor will not be permitted to issue any CAS, and may be subject to other restrictions on its licence, but must continue to meet its sponsorship duties and the requirements of this guidance. UKVI will write to the sponsor to explain the course of action that is being pursued.
- 4.11 At the end of the investigation, if:
- **no evidence is found against the sponsor**, the sponsor's licence will be reinstated and no further action will be taken, though the sponsor will be monitored in the usual manner.
  - **a breach that falls short of a serious breach has taken place**, the sponsor's licence will be reinstated and UKVI will require the sponsor to follow an action plan.
  - **a serious breach has taken place**, UKVI will begin revocation action, and write to the sponsor setting out the reasons for its decision. The sponsor will be given 20 working days to make representations against the revocation decision.

## Compliance Track 1 and Track 2 process





## Action plans

- 4.12 An action plan gives a sponsor who has committed a breach, short of a serious breach, an opportunity to improve its processes in order to avoid any further breaches, and to ensure that it does not become necessary for UKVI to revoke its licence.
- 4.13 An action plan sets out specific actions that a sponsor must take by a given review date. Depending on the circumstances, UKVI may or may not discuss the content of the action plan, or the given review date, with the sponsor before it is finalised.
- 4.14 A sponsor must pay a fee to receive an action plan. If it does not pay the fee, or fails to take the required action on the SMS, its licence will be revoked. Fee levels can be found on Gov.uk here:  
<https://www.gov.uk/government/publications/visa-regulations-revised-table>
- 4.15 Until the action plan is lifted, UKVI may apply any limitations to a sponsor's licence it considers appropriate. For example, limiting the number of CAS the sponsor can issue (including to zero). The sponsor's status on the Tier 4 Register of Sponsors will be listed as 'subject to an action plan'. UKVI expects a sponsor to keep its students informed of how the action plan may affect them. UKVI will carry out a review of the sponsor's compliance on or before the review date.
- 4.16 If the required actions have been taken and no other issues with the sponsor's compliance are identified, UKVI will lift the action plan and decide on the sponsor's CAS allocation. This may be lower than the allocation held before the action plan was imposed. If some concerns remain, UKVI may decide to extend or vary the action plan as well as any licence restrictions, depending on the nature of the remaining concerns.
- 4.17 If a sponsor has failed to take the actions required, or is otherwise non-compliant, or other breaches are identified in the course of the review process, UKVI will move to Track 2.

## 5. Sanctions

This section gives information on:

- Licence revocation
- Other sanctions

### Licence revocation

- 5.1 If UKVI decides to revoke a licence, the sponsor will be given the opportunity to respond to the findings in writing within 20 working days. UKVI will consider any reasonable request from the sponsor to extend this period, but extensions will only be given in exceptional circumstances.
- 5.2 UKVI will consider any representations the sponsor makes, but unless these demonstrate that no serious breach has occurred, the sponsor's licence is highly unlikely to be reinstated. After 20 working days, or a longer period if this is needed in order for UKVI to consider representations made by the sponsor, the revocation will be confirmed. There is no right of appeal against this decision.
- 5.3 For the avoidance of doubt, representations with proposals to change processes in order to improve compliance in the future will be considered. However, because of the importance placed on the ability to trust sponsors, and the imperative to operate a sponsorship system which encourages all sponsors to take their responsibilities seriously, such representations are unlikely to affect the decision except in exceptional circumstances.
- 5.4 Where a sponsor's licence is revoked, the institution will be banned from the Tier 4 Register of Sponsors. If it is owned by a parent company or companies, that company or those companies will also be banned from the Tier 4 Register of Sponsors. The presumption is that this ban will last for two years, unless there are exceptional circumstances. UKVI will inform the sponsor if a shorter ban is applied.
- 5.5 The commencement date for the ban will be the date UKVI notified the sponsor in writing of the intention to revoke their licence and removed them from the Tier 4 Register of Sponsors.
- 5.6 A ban of up to two years may also apply to a sponsor's Key Personnel and, depending on the seriousness of the non-compliance, others depending on their role in the matter.
- 5.7 In considering the length of a ban, UKVI will consider, among other matters, the nature and gravity of the breach(es) identified and the sponsor's history. UKVI will write to the sponsor setting out the sanctions it has applied.
- 5.8 Where a sponsor's Tier 4 licence is revoked, and the licence is a joint licence covering other Tiers, the revocation will also apply in relation to those Tiers.

- 5.9 If a sponsor chooses to surrender its licence at any point during a compliance investigation or compliance action, it will be treated as a revocation.

## Other sanctions

- 5.10 If a person with ownership or control of a Tier 4 sponsor (that is a private provider) is charged with a relevant offence, the sponsor will be removed from the Tier 4 Register of Sponsors pending the outcome of criminal proceedings. UKVI may not respond to any representations made by the sponsor until the outcome of such proceedings. Please see 'Sponsor is removed from the Tier 4 Register of Sponsors pending an investigation' below for information on how this will affect current students.
- 5.11 Sponsors who employ workers illegally will be treated in exactly the same way as any other employer. Sponsors can protect themselves against possible action by following our guide for employers on Right to Work checks. This guide, and further information on the penalties for employing illegal workers, is available on the Gov.uk website using the following link:  
[www.gov.uk/penalties-for-employing-illegal-workers](http://www.gov.uk/penalties-for-employing-illegal-workers).

## 6. How some sanctions affect a sponsor's Tier 4 students

This section gives information on:

- Sponsor is removed from the Tier 4 Register of Sponsors pending investigation
- Sponsor's licence is revoked

### Sponsor is removed from the Tier 4 Register of Sponsors pending investigation

- 6.1 If a sponsor is removed from the Tier 4 Register of Sponsors whilst it is under investigation, the sponsor's current students will not be affected while they continue to have valid leave.
- 6.2 If a student applies for an extension of stay with a valid CAS that the sponsor assigned before it was removed from the Tier 4 Register of Sponsors, UKVI will consider on a case by case basis whether to proceed with deciding their application before a final decision is taken on the sponsor's licence. In some circumstances, the application will be held pending the decision in relation to the sponsor's licence. Further checks may be made on the student's application while it is pending, and UKVI may ask the student to submit further documentation or attend an interview.
- 6.3 If a student has been already been issued a visa, they are advised not to travel.

### Sponsor's licence is revoked

- 6.4 The following action will be taken where the period given for representations against a revocation decision has ended, and the revocation is confirmed.

#### Students with extant leave and no outstanding application

- 6.5 If UKVI believes a student has not been a bona fide student at the institution, or that they have participated in the practices that contributed to the licence being revoked, it may immediately cancel the student's leave to remain in the UK. The student will have to leave the UK or face enforced removal.
- 6.6 In all other cases, UKVI will consider whether to allow some or all of the sponsor's students to continue to be taught by the sponsor for a limited period. It will take into account the following factors, and any other matter it considers relevant:
- The sponsor's previous history and compliance record.
  - Whether the reason for revoking the sponsor's licence relates to concerns about its ability to manage its Tier 4 students, or acting dishonestly.

- Whether there are any concerns about the sponsor’s educational quality standards (for example, following an assessment by an Educational Oversight body).
  - The number of Tier 4 students being taught by the sponsor.
  - How soon the Tier 4 students’ module or course of study will finish.
  - Whether the sponsor will remain solvent after its Tier 4 licence is revoked.
  - Whether the revocation will have an impact on the sponsor’s teaching quality.
- 6.7 The maximum period a sponsor can continue to teach students after their licence is revoked is six months or the end of the student’s current academic year. Where a common academic year end does not apply to all students, each case will be considered on an individual student basis.
- 6.8 Where UKVI does not consider that any of the sponsor’s Tier 4 students should be permitted to continue studying, UKVI will write to each student, curtailing their leave to 60 calendar days from the date of the letter. Where the revoked institution is an HEI, overseas HEI, Embedded College offering Pathway Courses, or an independent school, students may find a new sponsor and apply for further leave to remain during this period. Where the revoked institution is any other sponsor type, students wishing to study at another UK institution will have to leave the UK, and apply for leave to enter from overseas. In both cases, if their leave expires they will have to leave the UK or face enforced removal.

### **Students with an outstanding application**

- 6.9 If a student has made an application for leave to remain or further leave to remain prior to the expiry of their last grant of leave (or within 14 days of such date and has provided evidence of a good reason beyond the control of the applicant, or their representative, preventing the application from being made in time) and before the sponsor’s licence was revoked, and their application is still under consideration, their CAS will become invalid and UKVI will take one of the following actions:
- If the only ground for refusing the application is that the student’s CAS has become invalid following the revocation of the licence, the refusal of their application will be delayed to give them 60 days to regularise their stay or to leave the UK. UKVI will write to the student informing them of the date by which they should provide a new CAS if they intend to do so. If they fail to provide a new CAS within the specified period their application will be refused.
  - If there are other grounds for refusing the application (including where a student has not been a bona fide student at their institution or they have participated in the practices that may have contributed to your licence being revoked), UKVI will refuse it. If the applicant has extant leave, the case will also be referred to the curtailment team to consider curtailing the leave.

**Students with a valid visa who have not yet travelled to the UK**

- 6.10 If a student has already been issued a visa and they have not yet travelled to the UK, the visa will be cancelled. If they then travel to the UK, they will be refused entry.