



EPSOM

COLLEGE

Policy on the Verification of Pupils' Immigration Status

1 Introduction

1.1 Epsom College (the "School") is a licensed Child Student and Student visa sponsor enabling the School to sponsor boarding pupils who are not British or Irish nationals and who wish to study at the School for courses of more than six months' duration.

1.2 One of the guiding principles of the sponsorship regime is that holding a sponsor licence is a privilege and not a right. In order to maintain and retain the privilege of holding a sponsor licence (and to benefit from the migration which it enables) the Home Office and UK Visas and Immigration (**UKVI**) requires sponsors to play their part in helping to control immigration by fulfilling certain duties.

1.3 UKVI's guidance to sponsors outlines the general duties with which sponsors must comply, one being that a sponsor has a duty to:

"comply with all aspects of the Immigration Rules and sponsor guidance, and support immigration control, including by taking steps to ensure that every student at their institution who is subject to immigration control has permission to study in the UK throughout the whole period of their study."

1.4 Guidance also lists examples of serious breaches of sponsorship duties which could result in compliance action being taken against a sponsor, which ultimately could include licence revocation. That list includes the following:

"Operating in a manner that poses a threat to immigration control, such as failing to take steps to ensure that students who are subject to immigration control have leave to remain in the UK."

1.5 For these reasons it is extremely important that the School takes steps to:

1.5.1 identify all prospective and current international pupils; and

1.5.2 check that they have the right to be in the UK and to study throughout the period they are studying with us.

1.6 In 2014 the Home Office wrote to the Independent Schools Council setting out the steps independent schools are expected to take to meet their responsibilities as sponsors in relation to the above duty. This policy takes those steps into account.

2 **Pre-admission checks: ALL PUPILS**

- 2.1 The School has in place processes to identify those pupils who will be subject to immigration control, whether their Student Visas are sponsored by us or they have limited leave to remain under a different immigration category.
- 2.2 Initial indications as to each prospective pupil's immigration status are obtained through the School's admissions process by way of specific questions about the pupil's nationality and immigration status on the School's registration form.
- 2.3 The School specifically requests all prospective pupils to disclose and provide evidence (such as a copy of their passport and any immigration status in relation to:
 - 2.3.1 nationality;
 - 2.3.2 whether they require Child Student or Student visa sponsorship by us if they are not a British or Irish citizen; and
 - 2.3.3 if not, the basis on which they are entitled to study in the UK, e.g. they have been issued a visa as the dependent child of someone with limited leave to remain in another immigration category.
- 2.4 The School reserves the right to request further information about a prospective pupil's immigration status and to share that information with UKVI. We will request further information if we are uncertain about a prospective pupil's immigration status or if information submitted by the pupil or parent indicates that they might be subject to immigration control (for example, if overseas correspondence addresses are provided).
- 2.5 Where an overseas pupil has entered, or is to enter, the UK under an immigration category that does not require the School's sponsorship (for example, as a Skilled Worker dependant), in addition to the prospective pupil's documents, we also ask that parents provide a copy of their passport and proof of their immigration status. The School reserves the right to request further information about the immigration status of the parent(s) of a prospective pupil and to share that information with UKVI. We will request further information if we are uncertain about the immigration status of the parent(s) of a prospective pupil.

3 **Enrolment checks: BRITISH / IRISH PUPILS ONLY**

- 3.1 Although there is no requirement for schools to inspect or take copies of evidence of nationality for British and Irish pupils we reserve the right to do so, especially if there are obvious discrepancies disclosed as part of the admissions or enrolment process. This will be the case where a home address outside the UK or Ireland is provided.
- 3.2 In cases where we do conduct further checks on enrolment, staff use a Right to Study checklist to carry out these checks.

4 **Enrolment checks: NON-BRITISH / IRISH PUPILS NOT SPONSORED BY THE COLLEGE**

- 4.1 In addition to pre-admission checks described above, the School carries out additional checks on enrolment of pupils who are not British or Irish citizens and who the School is not sponsoring under the Child Student or Student immigration category.

- 4.2 We inspect the pupil's current passport and digital immigration status accessed via <https://www.gov.uk/check-immigration-status> using a share code provided to us by the pupil to confirm the information given by the pupil at the pre-admission stage.
- 4.3 Copies are taken of the pupil's documents showing all personal identity details and their immigration permission entitling them to study at the School.
- 4.4 Staff use a Right to Study checklist to carry out these checks.
- 4.5 If a pupil has not been granted leave which covers the entire duration of the time they will be at the School, we record the date of expiry of the pupil's leave. In these circumstances, before the pupil's leave is due to expire we will make enquiries as to what the pupil intends to do to ensure they maintain their right to study. Pupil files are monitored to ensure that their right to study is maintained.

5 **Enrolment checks: CHILD STUDENT AND STUDENT VISA SPONSORED PUPILS ONLY**

- 5.1 We are obliged to carry out certain mandatory checks and retain records in relation to each overseas pupil whose visa application we have sponsored.
- 5.2 We inspect each sponsored pupil's original current passport and immigration status document to check that the pupil is entitled to study at our School in the UK.
- 5.3 Copies are taken of pupils' original current passports or immigration status document showing all personal identity details including biometric details, leave stamps and entitlement to study at the School.
- 5.4 In the absence of an immigration stamp in the pupil's passport relating to their entry to the UK, we require pupils to provide their travel ticket to the UK or boarding card.
- 5.5 The Home Office requires sponsors to maintain a history of each sponsored pupil's contact details whilst they are in the UK. This includes details of their residential addresses and telephone numbers (both in the UK and abroad if relevant). The School therefore maintains a record of contact details for pupils sponsored under the Child Student or Student category and requires parents of pupils to update the School when there is any change to these details. We keep previously submitted information, in order to ensure a record of the history of contact details.
- 5.6 The School is required to keep a record of each sponsored pupil's absence and attendance at the School. This requirement is met by the School marking the pupil's attendance / absence at daily registrations, in line with prevailing pupil registration regulations.
- 5.7 The School is required to keep a copy of the letter submitted by each sponsored pupil's parents or legal guardians confirming their consent to the pupil's visa application and arrangements for travel to, and reception and care whilst in, the UK. The School also requires a copy of evidence demonstrating the relationship between the sponsored pupil and his / her parents / legal guardian. The School retains these documents on the pupil's file.
- 5.8 The School is required to check that the Educational Guardian nominated by the parents is suitable and meets the UKVI regulations. The School retains a copy of the Guardian Agreement Form signed by the parents and Guardian.

6 Periodic checks on existing pupils

- 6.1 The overriding principle is that schools are required to take steps to prevent a situation arising where they continue to teach pupils who do not have valid leave to be in the UK. We do this by carrying out the checks listed above before pupils commence their studies.
- 6.2 UKVI expect schools to know the immigration status of all pupils. We meet this requirement by maintaining a record of nationality of each pupil which also contains details of the immigration status of all pupils who are not British or Irish citizens.
- 6.3 In addition, the School ensures that our information and records are current and that parents and pupils understand the importance of such by means of the following:

Action	When / how often
Periodically reviewing pupil files of currently enrolled pupils to ensure that we hold information about their current immigration status	Monthly
Requesting proof of immigration status if this information is found to be missing following review	As required
Parents are advised that they must inform the School if their child does not have the right to live and study in the UK or if their immigration status changes	As per the School's Terms and Conditions
Ensuring that parents and pupils are aware that the School may share information with UKVI	As per the School's Terms and Conditions
Ensuring that the School may terminate the education of a pupil who has no legal right to be in the UK.	As per the School's Terms and Conditions

7 Timing of checks

- 7.1 Right to study checks are conducted and documents copied at enrolment before the pupil commences their course of study at the School.
- 7.2 If a pupil produces a document which demonstrates that their permission (also known as "leave") to be in the UK is time limited, then their right to study will also be time limited. In these circumstances, we record details of when the pupil's leave is due to expire and make enquiries as to what the pupil intends to do to ensure they maintain their right to study. Pupil files are monitored to ensure that their right to study is maintained.

8 Checking documents

- 8.1 The Admissions Department use a Quick Reference Guide to help identify:
- 8.1.1 whether pupils have a right to study; and

- 8.1.2 documentation we may ask to inspect and copy at enrolment.
- 8.2 In relation to pupils who are not British or Irish citizens, it is the School's policy to check the original document(s) on enrolment to confirm that the pupil has the right to study in the UK. These documents are checked in the presence of the prospective pupil.
- 8.3 The documents listed on the Admissions Quick Reference Guide represent best practice but there may be occasions when parents of prospective pupils may insist that the pupil has a right to study in the UK but are unable to produce any of the documents specified. Such cases are to be treated sensitively and carefully and a child could be admitted for studies if the School can be satisfied that the parent and prospective pupil have a right of residence in the UK. Such an exercise can only be conducted by the COO, the Director of Admissions or the Admissions Registrar who will liaise with our external advisers on pupil immigration issues.
- 8.4 We check that the documents are genuine, have not been tampered with and relate to the pupil who has given them to us. We also check, so far as possible, that the document appears consistent with other information that we hold about the pupil.
- 8.5 We complete the Right to Study Checklist to assist in collecting the required information at enrolment.
- 8.6 A guide on checking digital immigration status is to be used to assist in checking digital immigration status.

9 **Pupils identified without the right to be in the UK**

- 9.1 Where the School suspects that a pupil does not have valid leave, we take the action described in the following paragraphs.
- 9.2 We will contact the pupil's parent(s), legal guardian, educational guardian and / or agent who recruited the pupil, to clarify the position.
- 9.3 If it transpires that the pupil does not have valid leave, we will notify UKVI of the situation and work collaboratively with them to try to regularise the pupil's immigration status.
- 9.4 If it is not possible to regularise the pupil's immigration status within a reasonable time frame, we will consider exercising our rights under the parent contract to terminate the contract. In so doing, we will consider the best interests of the pupil, where they are under the age of 18. For example, where the pupil is part way through the school year it may be appropriate to postpone this action until the end of the school year. We will take such decisions in collaboration with UKVI, in order not to prejudice the School's sponsor licence or the rights of other sponsored pupils.