

UNIVERSITY OF YORK

Student and Academic Services

Guidance on authorised absences for sponsored international students (Tier 4 visa holders)

The University of York acts as immigration sponsor for students holding a Tier 4 visa during their studies. If a sponsored international student's studies are interrupted for personal or academic reasons (e.g. illness, pregnancy, maternity or paternity leave, financial reasons), **the University is normally required to withdraw its sponsorship and report this to the Home Office**. In such circumstances, the Home Office will curtail the student's visa and the student will be required to leave the UK or submit an alternative visa application within 60 days of the date of the report. When a student wishes to return to their studies, the University will issue a new Certificate of Acceptance for Studies ('CAS') to enable the student to apply for a new visa.

All students are required to abide by the University's regulations, including those on residence and attendance (regulations 2.5 and 6.4) and on undertaking paid employment (regulations 2.3 and 6.2).¹ Sponsored international students must also meet expected engagement points in line with the University's Attendance Management Policy for Sponsored International Students.²

There are limited circumstances in which the University will not withdraw its sponsorship of a student's visa during a period of authorised absence; these are:

- for absences due to illness of **7 days or fewer** during designated periods of study which are registered, where appropriate, via the self-certification procedure³;
- for all students, absences of **up to 30 days** authorised by the student's department during which time the student must continue to meet their expected points of contact, and on the understanding that the student will complete their studies within their normal registration period (ie without a change to the student's submission deadline or expected end date); and
- for **postgraduate research students only**, absences of **between 31 and 60 days** authorised by the Special Cases Committee, during which time the student must continue to meet their expected points of contact, and on the understanding that the student will complete their studies within their normal registration period (ie without a change to the student's submission deadline or expected end date).

If the University agrees to continue to sponsor a student's visa during a period of authorised absence, the student can remain in the UK and their Tier 4 visa will continue to be valid. The student should however be aware of the following:

- The restrictions on paid employment that apply during term time also apply during a period of authorised absence. If a student's visa allows them to work up to 20 hours per week during term time and they choose to remain in the UK during a period of authorised absence, they must not work more than 20 hours per week.
- The University will be required to maintain contact with the student during this period. The student must continue to meet their expected engagement points, and must respond to all contacts (eg by email) from the University.
- The Home Office will not permit a student to apply for an extension of leave to remain in the UK as a consequence of an authorised absence of 60 days or fewer in which the student's visa has not been curtailed. Students who apply for an authorised absence of up to 60 days must be made aware that the circumstances

¹ Ordinances and Regulations, accessed Jan 20, 2016,

<https://www.york.ac.uk/about/organisation/governance-documents/ordinances-and-regulations/>

² Attendance Requirements, accessed Jan 20, 2016, <https://www.york.ac.uk/students/studying/tier4/attendance/>

³ Self-certification of illness, accessed Jan 20, 2016, <https://www.york.ac.uk/students/support/health/selfcert/>

leading to this absence **will not be considered to be valid grounds for a change to their submission deadline or expected end date** either at the time of the absence or retrospectively.

- If the student has previously had a period of authorised absence during which their visa has not been curtailed (ie they have been able to remain within the UK), the University may refuse any subsequent request for an authorised absence.

Departments should always consult with the Student Records and Visa Compliance team within Registry Services prior to authorising an absence request for a sponsored international student.

If a student's submission deadline or expected end date is deferred as a consequence of an authorised absence or LOA of any duration (including one of 60 days or fewer), or if the University is unable to carry out its sponsorship duties during a period of absence from studies, it will be necessary for the University to curtail its sponsorship of the student and for the student to leave the UK.

In all cases sponsored international students who are considering applying for any period of leave should consult with an Immigration Adviser before taking this step.

Absence of 7 days or fewer	A sponsored international student may remain in the UK provided that they: <ul style="list-style-type: none">● notify their department of their absence; and● register their illness via the self-certification procedure (if appropriate).
Absence of up to 30 days	A sponsored international student may remain in the UK provided that: <ul style="list-style-type: none">● they seek prior authorisation for the absence from their department; and● their programme end date or submission deadline remains unchanged; and● the student continues to meet their expected points of contact throughout the duration of their absence.
Absence of between 31 and 60 days	A sponsored international postgraduate research student may remain in the UK provided that: <ul style="list-style-type: none">● they seek prior authorisation for the absence from the Special Cases Committee; and● their programme end date or submission deadline remains unchanged; and● the student continues to meet their expected points of contact throughout the duration of their absence.
Absence of more than 60 days	The student will need to leave the UK and apply for a new visa to re-enter the UK when ready to resume their studies.

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