



University of
Salford
MANCHESTER

Asylum and Humanitarian Document Retention Processes

Version Number 0.2

Effective from 01 February 2018

Author: Information Officer, Home Office Compliance Team, Student Administration

Document Control Information			
Revision History incl. Authorisation: (most recent first)			
Author	Summary of changes	Version	Authorised & Date
Scott Mitchell	<i>Creation of process</i>	V0.2	ASQAC, 07 February 2018
Policy Management and Responsibilities:			
Owner: Head of Home Office Compliance	This Policy is issued by the Head of Home Office Compliance, who has the authority to issue and communicate the responsibilities pertaining to Tier 4 students and has delegated day to day management and communication of these responsibilities to the Home Office Compliance Team. It should be noted that part of the Tier 4 sponsor duties includes ensuring all non-EEA migrants registered at the University of Salford have a right to study.		
Others with responsibilities (please specify): Home Office Compliance Team; Research & Enterprise	All non-EEA asylum seeker students will be responsible for engaging with and adhering to this policy.		
Author to complete formal assessment with the following advisory teams:			
Equality Analysis (E&D, HR) Equality Assessment form	1. <i>This is mandatory. Specify date completed and brief outcome (08 February 2018). Email the completed EA to Equality@salford.ac.uk</i>		
Legal implications (LPG)	2. <i>N/A</i>		
Information Governance (LPG)	3. <i>N/A</i>		
Student facing procedures (QEO)	4. <i>N/A</i>		
UKVI Compliance (Student Admin)	5. <i>February 2018</i>		
Consultation:			

Document Control Information	
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. N/A
Review:	
Review due:	01 February 2019
Document location:	University Policy & Procedure Pages
University of Salford Policy pages http://www.salford.ac.uk/policies	
The owner and author are responsible for publicising this policy document.	

1. Background and overview

The University of Salford is a Tier 4 Sponsor of non-EEA international students. As a Tier 4 Sponsor the University of Salford is required to comply with the Immigration Rules, Tier 4 policy guidance and sponsor guidance as well as any other guidance it receives from the Home Office. This includes ensuring the right to study is checked for all non EEA nationals and documentation is retained where those checks have been completed.

1.1 Scope and sensitivity

Asylum applications often deal with sensitive subject matter, this would mean that any process should not inhibit the student's intention to complete study (unless at risk of the institutional license) and also ensure that the student's personal circumstances are only disclosed on a need to know basis. The only requirement for us, as an institution, is to confirm that an application has been made, where an application is made, that it has been made on time and to continue to monitor the status of the application until acceptance or refusal and then re-review where necessary. Understanding the reasons for the application is out of scope for the University's compliance team and should only be disclosed to the University's Student and Graduate Diversity Officer if and when the need arises for their support.

1.2 What is an Asylum application?

A person claiming asylum wishes to remain in the UK on the basis that they wish to be considered a refugee. The person claiming asylum must be unable to live in their home country due to fear of persecution because of:

- their race
- their religion
- their nationality
- their political opinion; or
- anything else that puts the person at risk because of social, cultural, religious or political differences in their country

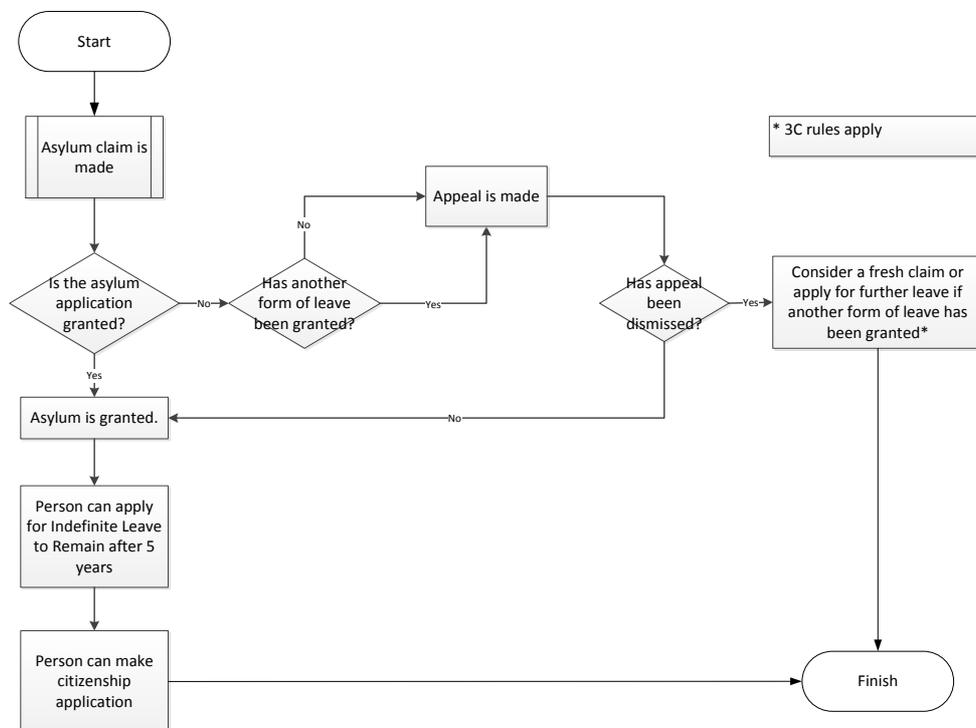
The person making the claim must also be able to demonstrate that the authorities in their own country have failed to protect them from persecution.

Children (under the age of 18) and partners can be included as ‘dependants’ in an individual’s asylum application and can also make an application on their own if they wish to do so.

After applying, the person making the claim is asked to attend a ‘screening’ meeting with an immigration officer and then an asylum interview with a caseworker. This is normally done by a Border Officer if the claim is made at the UK border. If the application is made whilst already in the UK the person making the claim will be asked to make an appointment with the Asylum Screening Unit.

If the claim is made upon arrival at the UK border, the border force officer can grant temporary admission to the UK in some cases. Asylum claims are likely to fall under this situation as there may be some delay before further action is taken. Part of the conditions of the temporary permission may be the requirement to reside at a particular address and report to the Home Office on a regular basis but at present there is no provision in the immigration rules to restrict study¹.

Below is a summary of the current asylum application process:



¹ <https://manual.ukcisa.org.uk/Immigration/Arriving-in-the-UK/Temporary-admission-and-special-immigration-status>

1.3 Changes in legislation – Immigration Act 2016

As part of the Immigration Act of 2016, temporary permission will be replaced by immigration bail. Part of the Immigration Act 2016, in particular schedule 10, states that a person who is on immigration bail can be subject to a restriction on study. Whilst it is unlikely that this provision will be used as a blanket ban on study for asylum applicants, it does mean that the conditions for each immigration bail issued after schedule 10 comes into effect may need to check for a restriction on study.² As of the date of this document's publication, schedule 10 of the act has not yet come into effect.³

1.4 What is Article 26?

Article 26 is a project run by the Helena Kennedy Foundation to promote and improve access to Higher Education for people who have sought asylum in the UK. Recipients of Article 26 scholarship receive an exemption from tuition fee payment and two payments towards travel and expenses of their course. The payments total £500 each and are paid over the course of the academic year.

If an asylum claim is granted to the recipient of the award, the award may cease as the student may become eligible for Student Finance. The University of Salford currently takes part in the Article 26 scheme.

1.5 Are UK Universities required to check non-Tier 4 immigration permission?

UK Visas and Immigration require all institutions with non-EEA students studying to hold the relevant permission to study at their institution. The Sponsor Guidance for Educators (Sponsorship Duties) advises in paragraph 2.3:

“A sponsor has a duty to:

- act honestly in all its dealings with the Home Office. For example, a sponsor must not make false statements, and must disclose all relevant information when it applies for a Tier 4 license or assigns a CAS;
- act with integrity as a genuine education provider;
- take responsibility for all its Tier 4 students while it is sponsoring them, including by doing all it can to ensure that prospective students are genuine students who

² <https://manual.ukcisa.org.uk/Immigration/Arriving-in-the-UK/Temporary-admission-and-special-immigration-status>
<http://www.legislation.gov.uk/ukpga/2016/19/schedule/10>

³ <http://legislation.data.gov.uk/ukxi/2017/380/made/data.htm?wrap=true>

can comply with the Immigration Rules, and that students enrol, comply with their conditions of leave, and see their course through to completion;

- ensure that concerns about the conduct and integrity of Tier 4 students are treated consistently with other students, including taking appropriate action where students are found to have used deception to gain advantage in their studies;
- 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 your institution has permission to study in the UK throughout the whole period of their study**.”⁴

The more pertinent part of this guidance specifies that steps should be taken to ensure every student at an educational institution has valid permission to study in the UK. This applies to the entirety of their programme of study. Therefore, should immigration permission expire the University of Salford has a duty and responsibility to ensure adequate provisions are in place to obtain up to date information from non-Tier 4 students including application updates and leave to remain documents. There is also a move across the sector to check every student's right to study in the UK, several sessions during the UK Council for International Student Affairs (UKCISA) 2017 conference dedicated aspects of their conference to 'right to study' checks.

2. Current issues

2.1 Fee assessment

At present fee assessment for Undergraduate (UG) students takes place based on information submitted via the student's UCAS application. Fee assessment will normally designate the student a residency code within BANNER of 7, which indicates they are a full time international student if they are a non-EEA national or do not have permanent settlement status. As some asylum applicants have been in the UK for a long period of time (in some cases, since birth where they are child of a main applicant) they may sometimes consider themselves as a UK national and indicate this on their UCAS

4

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/606678/Tier_4_Sponsor_Guidance_-_Document_2-Sponsorship_Duties.pdf

application. Where this is the case the fee assessment will designate a residency code within BANNER of 1, full time Home/EU. At present some document keeping requirements are not being fully met as these students are not being picked up via formal reports run from BANNER.⁵

2.2 Ownership of processes and pastoral support

Currently ownership of processes surrounding asylum applicants is fragmented. The immigration status of Article 26 students is checked regularly by the Student Graduate and Diversity Officer (based within Student Experience and Support), however the University does not have a documented policy. Whilst the Student Graduate and Diversity Officer provides pastoral support for non-Article 26 students upon request, the ownership of document retention related processes is currently in limbo. There is also no documented policy or process for students studying with ongoing asylum applications or where leave associated with asylum applications has expired. This document attempts to resolve this issue.

2.3 Registration and international check-in

All students currently fee-assessed as residency codes 7 (full time international) and 9 (part time international) are required to 'check-in' prior to completion of online registration. The open environments where registration events normally take place may not be suitable for students with complex immigration issues such as outstanding asylum applications. There has been agreement for a separate registration event for Article 26 students commencing study from September 2017 onwards. The scope of this document is to define a consistent process that can be followed for students seeking asylum within and outside of the Article 26 scheme.

2.4 Changes in immigration rules

With the impending change to immigration rules to transition from temporary immigration permission to immigration bail (and the potential for study to be a restriction on immigration bail), the University should ensure that documents provided at the point of entry to the UK are checked to confirm that a restriction to study is not in place (as per advice from

⁵ Fee Assessment issues are currently being reviewed by the Admissions and Student Diversity teams. In terms of document retention, work is currently ongoing by the Home Office Compliance Team to ensure reports identify all non EEA students and further work is taking place to ensure system support is in place to carry out right to study checks for all students.

UKCISA). Whilst the Immigration Act 2016 received royal ascent on the 13 June 2016, the date for schedule 10 of the Immigration Act 2016 to come into effect has not yet been set.

2.5 Availability of clear guidance in this area

The Helena Kennedy foundation has published compliance guidance for institutions currently taking part in the Article 26 scheme.

- The guidance is not fully published yet and is in draft
- The guidance refers to the use of solicitors letters confirming outstanding applications – experience of using this piece of evidence for students that fall outside of the asylum route has been mixed; there is a risk that the same level of experience may occur if we are reliant on solicitors letters alone
- The guidance available from Helena Kennedy refers to asking asylum applicants signing an undertaking that they will inform the university of any change in their circumstances – we currently undertake this process but only where we physically see all asylum applicants at the point of registration

2.6 Political Risks

In a referendum in June 2016, the United Kingdom voted in favour of leaving the EU and on the 29 March 2017 Article 50 of the Treaty of on the European Union was triggered. The United Kingdom's commitment to the fundamentals of asylum claims is unlikely to change on this basis as it is a signatory to the 1951 Geneva Convention on the Status of Refugees, which is an international commitment outside of the EU. However, the EU has fundamental rules in place on reception conditions of refugees whilst a decision on an asylum claim is pending.

The current political situation remains unchanged and there is no material impact in relation to this risk and this document. This document may need reviewing once arrangements for leaving the EU have received Royal Ascent.

3. Process – Article 26 Students

3.1 Prior to registration, the Student and Graduate Diversity Office will send a list of students accepted through the Article 26 scheme that are new to the University and are returning to their programme of study to HomeOfficeCompliance@salford.ac.uk. The

students will then be sent the 'Article 26 Appendix D Request' from the appendices of this document by the Student and Graduate Diversity Officer.

3.2 At either registration or when meeting with the Student and Graduate Diversity Officer, the student will be asked to provide the documents listed in the text above and sign the following document: A blank copy of the document is available via SharePoint and is detailed in section 5 and the appendices of this document:



Protecting your Immigration Status
Home Office Compliance Team
University of Salford

E-mail: HomeOfficeCompliance@salford.ac.uk
Tel: 0161 295 0023

Type of visa:	Asylum Applicant	Date: 04/07/2017
Student name:	Student One	
Banner ID: @	00123456	
Member of Staff:	Scott Mitchell	

Below is a summary of a discussion taken with a member of the University's Home Office Compliance Team or Student and Graduate Diversity Officer in relation to my Immigration Status.

Stated below are actions that I must complete in order to remain compliant. By signing the below I understand that failure to comply with these regulation may result in my status as a student being withdrawn which ultimately will lead to the withdrawal of my sponsorship (where applicable).

I confirm that I have been advised I need to inform the University of Salford if and when my Immigration Status changes.

Discussion Summary:
<ul style="list-style-type: none"> Student One has made an application for Asylum and provided the following documents; document one, document two, document three Student One has been advised that they need to provide an update when their circumstances change If further information has not been received within 6 months of the date of this form, Student One will need to provide permission for us to check the status of their application with UK Visas and Immigration

By signing below you are agreeing that the above is an accurate representation of your current Immigration Status:

Student Date: 04/07/2017
Signature:

Disclaimer: Please be aware that this information is based on the conversation between the Compliance staff or Student and Graduate Diversity Officer and the student named on this document. The advice given is done so in accordance with the UKVI Policy Guidance and immigration rules in place at the time and is subject to change in line with revisions of the immigration rules. Whilst every care is taken to ensure the advice provided is correct if you feel this inaccurate in any way please advise us within five working days by using the contact details listed at the top of this document.

The signed copy of the form should be stored within the student's file and made available during either a Home Office Compliance Team audit or at the request of UK Visas and Immigration.

3.3 An electronic copy of the documents should be retained in an agreed and shared location; this includes any documents provided as part of an update. They should be made available should the student file be audited as part of a Home Office Compliance Team audit or at the request of UK Visas and Immigration. Both the Student Diversity and Home

Office Compliance Teams may receive updates from students, however each team should inform the other if an update is received.

3.4 The Home Office Compliance Team will update BANNER accordingly in the following manner for all asylum applicants:

These will be denoted by the data held in the visa number field within GOAINTL:

Visa Information	
Visa Type:	<input type="checkbox"/> Asylum Applicant
Visa Number:	A26 21/09/16
Nation of Issue:	2826 United Kingdom
Issuing Authority:	
Port of Entry:	

For students fee assessed as international, the Article 26 scholarship provides an exemption from tuition fees. The visa number field will be used to differentiate between Article 26 students and non-Article 26 students.

The visa number field will show "A26" followed by the last time an update has been received. In this case, an update was received on the 21/09/16.

Visa Information	
Visa Type:	<input type="checkbox"/> Asylum Applicant
Visa Number:	Evidence 29/09/16
Nation of Issue:	2826 United Kingdom
Issuing Authority:	
Port of Entry:	

For non-article 26 students, the visa number field will show the word 'Evidence' followed by the date the last time an update has been received. In this case, an update was received on the 29/09/16.

3.5 A full list of Asylum applicants will be sent to the Student and Graduate Diversity Officer on a monthly basis from HomeOfficeCompliance@salford.ac.uk. The Student and Graduate Diversity Officer will be required to confirm if any further updates have been received for any students currently provided with support through the Article 26 scheme by an agreed deadline.

3.6 If the Student and Graduate Diversity Officer has any concerns regarding the status of a student or regarding a student who has failed to provide any updates they can request that the student record is placed on hold before the agreed deadline listed in 3.5.

3.7 If any further updates have not been received within six months of registration or 6 months of the last update, the Student and Graduate Diversity Officer should contact the student and request their permission to contact the Home Office regarding the status of

their application. This can either be confirmed in an email from the student or by using the form below. A blank version of the form can be accessed by clicking [here](#). The completed form should then be sent to HomeOfficeCompliance@salford.ac.uk



University of Salford
MANCHESTER
1967 - 2017 50 YEARS

Protecting your Immigration Status
Home Office Compliance Team
University of Salford

E-mail: HomeOfficeCompliance@salford.ac.uk
Tel: 0161 295 0023

Immigration Status Check

Student name:	Student One
Student DOB:	03/10/85
CAS number (where applicable):	N/A
Member of Staff:	Scott Mitchell

I, the student named above, give permission for a member of staff from the University of Salford to check the status of my current immigration permission and/or pending immigration application with a member of staff from UK Visas and Immigration.

Note to student: PLEASE DETAIL ANY FURTHER NOTES REQUIRED HERE.

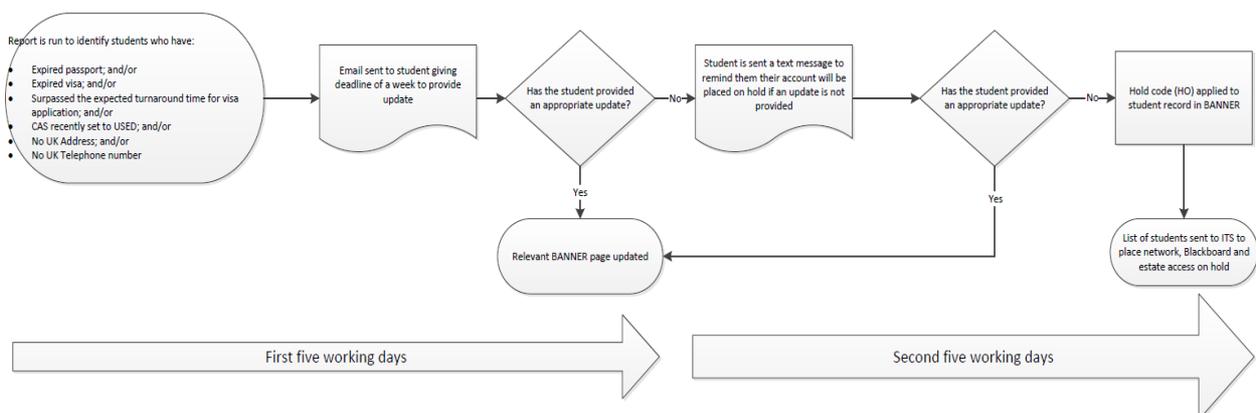
Student Signature:

Date: ____/____/____

4. Process – Students outside of the Article 26 scheme

4.1 A full list of Asylum applicants will be sent to the Student and Graduate Diversity Officer on a monthly basis. For students outside the Article 26 scheme, the Student and Graduate Diversity Officer will offer pastoral support.

4.2 The requirement to check and retain documentation will fall within the remit of the Home Office Compliance team and follow their standard visa expiration processes, as in the example below:



4.3 The initial documentation checks will take place at registration and in line with the types of documents requested for Article 26 students. Reassurances will be given to the student at the point of contact that the details of the application required are only the application status and right to study status of the student; any details as to why an application has been made are for the student to disclose to whom they choose to do so.

4.4 Where an update cannot be provided within the first six months, an email response from the student confirming this will be sufficient. Once six months has passed since registration or the last update provided by the student, the Home Office Compliance team will request permission from the student to check their immigration status with UKVI.

4.5 Where contact has not been made by the deadline stated by the Home Office Compliance Team, the University may place the student's record on hold until an update has been received.

5. Related documentation

5.1 Government guidance

The following documentation can be found on the Government webpages at <https://www.gov.uk/claim-asylum/overview>:

- Claiming Asylum in the UK
- Asylum applicants' rights and responsibilities
- Information leaflet for asylum applicants

The following information can be found on the Government webpages at <http://www.legislation.gov.uk/ukpga/2016/19/schedule/10>:

- Schedule 10 of the Immigration Act 2016

5.2 External Guidance

The following documentation can be found within the UK Council for International Student Affairs guide at <https://manual.ukcisa.org.uk/Immigration/Arriving-in-the-UK/Temporary-admission-and-special-immigration-status>:

- Temporary permission
- Immigration Bail
- Special Immigration Status

This information is published for education providers only and can be accessed by creating a UKCISA account using a University of Salford email address.

5.3 University Advice

The following documentation can be found at

[http://www.askus.salford.ac.uk/page/sanctuaryseeker:](http://www.askus.salford.ac.uk/page/sanctuaryseeker)

- Information on the Article 26 scholarship
- Information regarding the InterLINK mentoring scheme
- Information for students studying at the University of Salford claiming Asylum or Humanitarian Protection

6. Appendices

Appendix A: Appendix A: Article 26 Asylum Applicant Appendix D Request

Appendix B: Protecting your Immigration Status (signed by all non-Tier 4 students at the point of registration)

Appendix A: Article 26 Asylum Applicant Appendix D Request

STUDENT ID @00123456

Dear XXXX,

Congratulations on receiving your place at the University of Salford. The University is currently required by UK Visas and Immigration to ensure that every student that registers onto their programme of study holds the right permission to be in UK and has the right to study. To ensure that we can complete registration with you and offer you the best experience on the day please bring the following documents with you based on your current circumstances:

All students

- The academic and English language qualifications you used to obtain your offer at the University of Salford; and

Students with discretionary leave

- Your current visa; and
- Your current passport (if your passport has not been retained)

Students with an application for further leave to remain pending

- A photocopy of your previous discretionary leave to remain visa; and
- A photocopy of your current passport (if your passport has not been retained); and
- Any evidence to show that your application has been made before your previous discretionary leave has expired*

Students with an application for Asylum or Humanitarian Protection upon entry to the United Kingdom

- The document received at the border providing you with temporary permission to enter the UK; and

- Any further confirmation letters received from the Home Office regarding your application*

Students with an application for Asylum or Humanitarian Protection made after entering the UK

- A photocopy of your previous immigration permission; and
- Any further confirmation letters received from the Home Office regarding your application*

Students with an appeal currently pending

- The latest correspondence from the Courts and Tribunals service confirming that your appeal is currently ongoing – this will normally be detailed on the front page, you do not need to provide any further details regarding your appeal such as the reason for the application and the reason for appeal

****What kind of evidence can I bring with me?***

We do not need to document the reasons for your application and we understand that in many cases that there may be a highly sensitive issue as to why you have made your application. We only ask that the evidence you provide demonstrates clearly that an application has been made and, where applicable, that it has been made on time as we are required by the Home Office to adequately document you hold the right to study. The following are examples of what you may be able to provide:

- The summary sheet from an online application and Post Office receipt – this confirms the date your application was made; or
- A letter from UK Visas and Immigration confirming the date your application has been received; and/or
- A letter confirming an appointment date with the Asylum Screening Unit; and/or
- An Asylum Registration Card (ARC); or
- A letter from the Courts and Tribunals Service confirming that your appeal has been received; or

- A letter from the Courts and Tribunals Service confirming when your appeal will be heard; or
- A letter from the Home Office confirming a new application has been made

What can I do if I do not have any of the documents listed above or none of the examples apply to me?

You should contact the Student and Graduate Diversity Officer by telephoning 0161 295 0023 or by emailing sanctuary@salford.ac.uk; they may need to liaise with colleagues within the Home Office Compliance Team before a further update can be given to you. Alternatively you can fill out the attached document and we can check the **status** of your application directly with UK Visas and Immigration. If you fill out the attached form we will only check that an application is currently ongoing and that you have retained study rights as a result. We will not check any further information regarding your application.

Can I provide these documents to the Student and Graduate Diversity Officer instead of other members of staff at the registration event?

You will still need to attend the registration event to show the original academic and English language qualifications used to obtain your offer but you can provide any documents relating to your immigration status to the Student and Graduate Diversity Officer if you feel more comfortable discussing your current circumstances with them. In most instances the Student and Graduate Diversity Officer will have checked this information prior to your acceptance onto the Article 26 scheme but this will also need to be checked before registration in September (mainly to ensure your circumstances have not changed since you were accepted onto the scheme).

Once they confirm the relevant documents have been received then we can allow you to complete registration for your course online.

Do I need to provide any updates once I am registered?

You are asked to provide an update to the Student and Graduate Diversity Officer on a regular basis – it would be helpful for you to provide us with confirmation of the current status of your application on a monthly basis where possible. If, after six months, there has been no further update from you we may request you to provide us with permission to check the current status of your application with UK Visas and Immigration.

Should you have any further enquiries please contact the Student and Graduate Diversity Officer by telephoning 0161 295 0023 or by emailing sanctuary@salford.ac.uk; they may need to liaise with colleagues within the Home Office Compliance Team before a further update can be given to you.

We look forward to seeing you as you begin your new journey at the University of Salford.

Kind Regards

Appendix B: 'Protecting your Immigration Status'

Protecting your Immigration Status
Home Office Compliance Team
University of Salford

E-mail: HomeOfficeCompliance@salford.ac.uk

Tel: 0161 295 0023

Type of visa:	Choose an item.	Date: 2/8/2018
Student name:		
Banner ID: @		
Member of Staff:	Scott Mitchell	

Below is a summary of a discussion taken with a member of the University's Home Office Compliance Team or Student and Graduate Diversity Officer in relation to my Immigration Status.

Stated below are actions that I must complete in order to remain compliant. By signing the below I understand that failure to comply with these regulation may result in my status as a student being withdrawn which ultimately will lead to the withdrawal of my sponsorship (where applicable).

I confirm that I have been advised I need to inform the University of Salford if and when my Immigration Status changes.

<i>Discussion Summary:</i>
•

By signing below you are agreeing that the above is an accurate representation of your current Immigration Status:

Student
Signature:

Date: 8 February
2018/2/8/2018