

APPEALS ARISING FROM A BREACH OF THE OBLIGATIONS OF STUDENT WHO HOLDS A TIER 4 STUDENT VISA ATTACHED TO THE UNIVERSITY OF BUCKINGHAM– POLICY AND PROCEDURE

Regulations and Appeals Policy.

Students who wish to consider appealing against decisions relating to the suspension or withdrawal from their studies due to a breach their obligations under their Tier 4 visa by the School/Department or Visa Office are governed by the following policy and procedures.

The appellant must submit a completed appeal form and any relevant evidence to the Visa Office no later than 10 calendar days from the date of the original decision to suspend or withdraw the student from their studies.

1 The breaches of students' obligations under a Tier 4 student visa are as follow:

- a) Non-attendance
- b) No-adherence to work allowance
- c) Working on a self-employment basis
- d) Making false representation about attendance or immigration status
- e) Failure to provide the University with original immigration documents
- f) Being in breach of Tier 4 regulations/condition of a Tier visa by using deceit.

2 Any Appeal should satisfy one or more of the below legitimate grounds of appeal stated below:

2.1 Where attendance has been incorrectly recorded or the procedure to record attendance was has been incorrectly followed;

2.2 Where non-adherence to work allowance or self-employment work has been incorrectly reported and recorded;

2.3 Where the student has evidence that representations made by her/him about their attendance or immigration status are not false.

2.4 Where failure to provide the University with original Immigration documents is due circumstances considered outside the student's control, such as illness prove of which or other mitigating circumstances must be adduced.

2.5 Where the student has evidence that the grounds to suspect that the student used deception to breach of Tier 4 regulations/condition of a Tier visa are baseless.

3. Following receipt of the documentation referred to in paragraph 2, the Visa Office will assess the documentation and will seek additional information if necessary. If the grounds of the Appeal fall under paragraph 2 (1-5) above, Visa Office may consult with the School/Department or Student Welfare if appropriate. The student shall be given the opportunity to make representation in person to their Head of Department or Programme Director or Visa Compliance Officer. The Head of Department or Programme Director or Visa Compliance Officer is required to complete their consideration of the Appeal within two weeks from the date of its submission to them.

4. Visa Compliance Officer must complete the appropriate sections of the Appeals Form and submit this, together with the student's letter of appeal and any relevant medical or other

relevant evidence to The Director of Academic Services for consideration where appropriate. The form should be completed as fully as possible. A recommendation as to the action that should be taken in response to the Appeal must be stated in the form.

5. The Director of Academic services will review the documentation and consider the recommendation of the Visa Office within two weeks. The Director of Academic Services shall either approve the recommendation or amend it, as he/she considers appropriate, taking account of all evidence submitted.

6. Authority vested in the Director of Academic Services includes:

6.1 to accept the appeal; lift the suspension of studies and allow the student to continue with their programme.

6.2 to reject the appeal and uphold the decision to suspend the student studies until further notice.

7. If the decision of the Director of Academic Services falls within 6.1, the student will be informed that he is entitled to resume their studies and that the University will take no steps to withdraw its Tier 4 sponsorship from the student.

8. If the decision of the Director of Academic Services falls within 6.2, the student will be informed in writing that their studies remain suspended until further notice. In this case, the University will withdraw its Tier 4 sponsorship from them within 10 calendar days from the date of the student being informed of the decision.

9. Where section 8 applies, the student will be given the opportunity to request a review of this decision within 5 calendar days if unsatisfied with the original outcome. Copies of the correspondence must be forwarded to the Visa Office immediately for the purposes of maintaining the student record.

10. If the student requests a review of the decision, the appeal paperwork will be forwarded to a Dean from another School. The function of the independent Dean is to review the decision in a timely manner and, in the interest of fairness to the student, to ensure that appropriate procedures have been followed in respect of considering the appeal.

11. If the decision of the Dean from another School supports the original decision taken by the Director of Academic Services, then no further approval is required and the decision is considered final. The outcome of the review will be communicated to the student (and the student's Head of Department or Programme Director) by the Dean from another School who considered the appeal in a Completion of Procedures letter. The Completion of Procedures letter will include information on referring the appeal to the Office of the Independent Adjudicator for Higher Education (OIA) if the student is still unsatisfied with the outcome. Copies of the correspondence must be forwarded to the Registry Manager immediately for the purposes of maintaining the student record, and to the Secretary to Senate for the report to Senate.

12. If the decision of the Dean from another School is to uphold the appeal (and thereby overturns the original decision made by the Director of Academic Services) then the paperwork must be forwarded to the Pro-Vice Chancellor (Academic and Student Experience) for a final decision. The outcome of the appeal will be communicated to the student (and the student's Head of Department or Programme Director), by the Pro-Vice Chancellor (Academic and Student Experience). Copies of the correspondence must be forwarded immediately to the Registry Manager for the purposes of maintaining the student record, and to the Secretary to Senate for the report to Senate.

13. Queries from students and staff in respect of the above procedures should be addressed to the Compliance Manager.

15. The effectiveness of this Appeals Policy and Procedures will be monitored and reviewed annually by the Compliance Officer.

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