



Right to study policy

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1 Purpose

- 1.1. This policy is for immigration compliance purposes and sets out the basis of who may study at Embley ('the school').
- 1.2. The school is a UK Visa & Immigration ('UKVI') student sponsor licence holder and therefore must demonstrate that there are systems and processes in place to monitor and keep adequate records of students' immigration status.
- 1.3. This policy should be read in conjunction with the school's Admissions Policy.

2 Definition

- 2.1. The 'right to study' means that students are not restricted from studying at the school.
- 2.2. Any student will have a right to study at the school (subject to the school's normal selection and admission procedures) if:
 - a. They are a British national;
 - b. They are an EEA national and can evidence their status under the EU Settlement Scheme ('EUSS');
 - c. They hold a Biometric Residence Permit ('BRP') or digital immigration status confirming that they are entitled to remain in the UK and are permitted to study under the terms of that leave.

3 Right to study checks: Pre-admissions

- 3.1. The school will request information on all prospective students' nationality and immigration status pre-admission. This information is obtained through our admissions process by way of specific questions about the student's nationality and immigration status in our registration and acceptance form.
- 3.2. Evidence of a student's nationality and immigration status may be requested and held on file if deemed appropriate. Where a student is identified as possibly being subject to immigration control, evidence of nationality and immigration status may be obtained for the student and parent(s) where necessary.
- 3.3. Nationals from outside the UK will be asked whether they require a student or child student visa in order to study in the UK.
- 3.4. A number of documents including passport details will be required to support a student or child student visa application, and to assign a Confirmation of Acceptance of Studies (CAS). Copies of documents relied upon will be retained.
- 3.5. Information may be shared with UKVI.
- 3.6. Parent(s) will be asked to formally consent to:
 - a. the application

- b. living and care arrangements in the UK
 - c. the applicant's travel and reception arrangements in the UK. The intended carer (if the applicant will be living with a close relative or private foster carer) must also provide consent in writing.
- 3.7. If the applicant will be living with a private foster carer, evidence of notification to the relevant local authority must be provided.

4 Right to study checks: Enrolment

- 4.1. Students will be asked to provide their original current passport and original BRP (where applicable) upon enrolling. Copies will be taken. Passports and BRPs of boarding students sponsored by the school will be stored securely in the Boarding House and signed in and out to ensure security.
- 4.2. Where a right to study check indicates that a student is a dependent, the school may ask for the student's parent(s) original current passport and original BRP or digital immigration status, which confirms their right to be in the UK, upon enrolling. Copies may be taken and stored.
- 4.3. The school reserves the right to request further information about the immigration status of a student or the parent(s) of a prospective student and to share that information with UKVI.
- 4.4. The school may ask students and/or a student's parent(s) at various times to produce their original current passport and original BRP or digital immigration status for ongoing monitoring purposes. If a student's right to study in the UK is time limited, the school will record the expiry date of their leave and make enquiries prior to the expiry date to confirm what action will be taken to ensure the student continues to have the right to study at the school.

5 Mandatory checks and records

- 5.1. The school will keep a copy of the following in order to comply with the terms of the sponsorship licence.
 - a. Copy of each sponsored student's current passport pages showing all personal identity details.
 - b. Copy of the student's BRP or e-visa.
 - c. Evidence of the date that the student entered the UK under their student visa.
 - d. An absence and attendance record.
 - e. Tuberculosis certificate, if applicable.
 - f. A history of the student's contact detail to include UK residential address, mobile and home telephone number.
 - g. When a student is living in foster care, details of the name of the foster carer and of the address where the foster carer and the student will be living will be given to the relevant local authority in whose area the child will be living.
 - h. Copies or originals of any documentation obtained prior to making an offer to the student or before assigning a CAS to the student.
 - i. If the student is under the age of 18, a copy of the letter from the student's parent(s) or legal guardian(s) consenting to the arrangements for the student's application, travel, reception and care arrangements in the UK.

- j. Documentation the school is required to hold in relation to the student's living arrangements in the UK.
- k. A copy of the student's parent(s) passport and BRPs, if the student is a dependent.
- l. Any other evidence the school is required to retain to remain compliant with UKVI requirements.

6 Ongoing duties

- 6.1. Students will be asked to sign a statement of their responsibilities under the student visa programme and a copy of this will be held on their file.
- 6.2. Parent(s) must ensure that travel arrangements and contact details are communicated to the Heads of Boarding at least 72 hours before first arrival and prior to the end of term and the beginning of each holiday period. This should include details of where a student is for the duration of their time in the UK including all school holidays. It is important that any address the student is staying at is provided in writing to the Heads of Boarding along with parental consent for the student to stay there. The school reserves the right to cross check travel arrangements or request further evidence from parent(s)/guardian(s).
- 6.3. Parent(s) must ensure that they are meeting the school's guardianship requirements. Any change of guardian must be notified to the school immediately.
- 6.4. Non-compliance with the school's policies, including this Right to Study Policy, may lead to the contract being terminated.

7 Expired leave

- 7.1. If a student's leave to study expires, the student's parent(s) or guardian(s) will be contacted.
- 7.2. Notification will be given to the UKVI visa team and the contract will be terminated if it transpires that a student does not have valid leave to continue to study at the school.
- 7.3. Where a student does not have valid leave to continue to study the contract will be terminated.

Document information

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Where available	United Learning Hub, Network, school website
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