

# Sotheby's INSTITUTE OF ART

## VISA COMPLIANCE FRAMEWORK

### VISA COMPLIANCE POLICY (Document A)

This policy is applicable to all applicants and students under Sotheby's Institute of Art – London's Student Route sponsor licence

#### Introduction and background

1. This policy provides clarity on Sotheby's Institute of Art and the Vogue College of Fashion (both further referred to as "the Institutions") approach to sponsorship of students and graduates under the UK immigration system. It sets out the principles under which the Institutions will offer sponsorship for immigration purposes, and the circumstances in which such sponsorship may be withdrawn. It should be read in conjunction with documents B and C, which form the Institutions' Visa Compliance Framework.
2. The Sotheby's Institute of Art and Vogue College of Fashion hold and operate under a shared Student Route visa sponsor licence, issued by the UK Visas and Immigration service (UKVI), to sponsor international students for the purpose of obtaining a UK visa under the Student Route visa category, to be admitted for programmes of study at the Institutions.
3. UKVI places obligations upon the Institutions, as a sponsor license holder, as specified within the [Student Sponsor Guidance](#). Sotheby's Institute of Art - London is committed to complying in full our obligations as a licensed sponsor.

#### Scope

4. This policy applies to:
  - a) Applicants and students on programmes of study delivered on the Institutions' premises who require a Student Visa to study in the UK.
  - b) Students who are participating in placement or internship opportunities outside of the premises.
  - c) Graduates who have been endorsed as completed by the Institutions under the Graduate Route Visa.
5. This policy does not apply to:
  - d) Employees of the Institutions (except where the employee is also a student or graduate of the Institutions).
  - e) Applicants and students of the Institutions who hold UK citizenship or are EU citizens, or their family members, who hold either pre-settled or settled residency status under the EU Settlement Scheme.
  - f) Applicants or students who hold non-Student Route visa status (e.g. dependent, diplomatic, military, spouse, investor, or any other kind of visa permission where full-time study is allowed).

## Admission of new students

6. Admissions requirements for students who require a Student Visa to study in the UK will adhere to current UKVI guidance and may be subject to change, in accordance with updates provided by the Home Office.
7. In the event that UKVI guidance is amended after an application to study has been received, the Institutions will normally apply the guidance in place at the time the Confirmation of Acceptance for Studies (CAS) is issued.
8. Only applicants for programmes which satisfy the eligibility criteria for sponsorship under the Student Route and the Admissions Policy, as stated in the Student Sponsor Guidance and internal policy framework, will be offered sponsorship under the Student Route.
9. Sponsorship will only be offered to applicants who are required to be in the UK to undertake their studies. Applicants for programmes delivered wholly by distance learning are not eligible for sponsorship.
10. If an applicant commences their studies via distance learning, with the intention of becoming a full-time, campus-based student at a later date, sponsorship will only be offered for the period of time that the student is required to be in the UK.
  - a) If the above paragraph applies, eligibility for sponsorship will be assessed on the requirements in force at the time the CAS is issued. If a student is unable to obtain a visa to travel and study in the UK, and cannot continue with their studies, they will be withdrawn from the Institutions.
11. Applicants must provide suitable evidence to the Institutions to demonstrate that they satisfy the Institutions' English language criteria in a manner that is acceptable to UKVI.
12. Where an applicant has previously studied in the UK, the programme applied for must be deemed by the Institutions to fulfil the requirements for 'academic progression' as defined within the Student Sponsor Guidance. Applicants may be required to provide the Institutions with a full academic or immigration history to support this assessment.
13. Applicants must provide the Institutions with specified documentation and fulfil all of the conditions of their offer before a CAS can be provided. All documentation will be retained in accordance with the Institutions' document retention practices.
14. Where a deposit has been requested, this must be paid in full before sponsorship can be offered.
  - a) A student that has been accepted onto one of the Vogue College of Fashion courses will be required to pay their tuition fees in full before sponsorship can be offered.
15. After the Institutions have agreed to offer sponsorship, and an unconditional offer to study has been made, a CAS will be issued in accordance with paragraphs 29 - 37 of this policy.
16. Receipt of an unconditional offer, or an offer of sponsorship, does not guarantee that a CAS will be issued.
17. The Institutions reserves the right to refuse sponsorship under the Student Route to any applicant.
18. The Institutions will only offer sponsorship to applicants who will study on the Institutions' own premises.

## Visa Extensions for existing students

*This section refers to existing students who require more time to complete or wish to switch to a Student Visa from another immigration route to complete a current programme of study at the Institutions. Applicants and graduates wishing to start a new programme of study should always refer to paragraphs 6 - 18 of this policy.*

19. Students who require a visa extension must request a CAS from the Institutions for this purpose.
20. The Institutions will endeavor to remind students of an imminent visa end date but is not responsible for the maintenance of a non-Student Route visa. Responsibility for maintaining a non-Student Route visa will always fall to the holder; this will be confirmed as understood at enrolment under a signed responsibility agreement, which will be held on the student's Appendix D document file.
21. All requests for a CAS for the purpose of a visa extension will be considered in accordance with current UKVI guidance and paragraphs 29 - 37 of this policy.
22. Students seeking a visa extension must provide the Institutions with specified documentation, and fulfil any conditions specified by the Institutions before the request can be considered. All documentation will be retained in accordance with the Institutions' retention practices.
23. A CAS request will only be considered where there is an unequivocal requirement for the student to remain in, or return to, the UK to complete their studies. Where viable, other visa routes may be considered as a preferable option. Writing up of dissertations or final projects is not in itself a valid reason to remain in or re-enter the UK unless exceptional circumstances exist. UKVI would expect dissertations to be completed and submitted from the home country unless good reason can be provided. Applications will be considered on a case by case basis.
24. Where a student must leave the UK in order to submit a visa application, the CAS will normally be granted upon receipt of suitable evidence of departure.
25. A request for a visa extension will only be considered where the student has academic approval for extending their period of study.
26. Under no circumstances will a CAS be issued to a student who has already submitted their final elements of assessment.
27. Students do not have an automatic right to extend their visa. Each request will be considered individually upon its own merit. The Institutions reserves the right to refuse a visa extension to any student and cannot accept any responsibility if a student is unable to secure a visa extension for any reason.
28. The Institutions will only offer sponsorship under the Student Route to students who are studying on the Institutions' own premises or are engaged in an authorized placement or internship which forms an integral element of their course.

## Issuing a CAS

29. By issuing a CAS, the Institutions confirms that it is willing to act as the applicant's/student's sponsor for the purposes of obtaining a Student Visa and agrees to comply with its obligations as a student sponsor.
30. All requests for a CAS are subject to extensive checking and document verification by the Visa Compliance office of the Institutions. Where false or misleading information is provided by either an applicant, a student, or an agent purporting to represent a student in relation to a CAS request, the Institutions may refer the matter to internal disciplinary procedure, UKVI

or other relevant authorities.

31. CAS is issued in strict accordance with the Student Sponsor Guidance in force at the time that the CAS is assigned on the UKVI Sponsor Management System.
32. A CAS will only be assigned where the Institutions believe that the applicant/student is able to make a successful Student Visa application. This includes, but is not limited to, monetary requirements, academic progression, immigration history, and the ability to satisfy a UKVI caseworker during a credibility interview.
33. The Institutions will not normally issue a CAS in instances where a student has:
  - a) Demonstrated a lack of engagement with their current or previous studies.
  - b) Not made sufficient academic progress.
  - c) Broken the conditions of their current or previous visa.
  - d) Stayed in the UK beyond the expiry of their current visa.
  - e) Given the Institutions any reasonable cause to doubt their intention for seeking a UK visa.
  - f) Been found to have used any form of deception, whether knowingly or unknowingly, as part of a current or previous visa or current application,
  - g) An adverse immigration history.
  - h) An outstanding and overdue debt to the Institutions unless exceptional circumstances exist. Consideration of what constitutes 'exceptional' will be made on a case-by-case basis.
34. In considering the circumstances listed in paragraph 33 above, the Visa Compliance Manager will consider any evidence as it deems appropriate.
35. The issue of a CAS is at the sole discretion of the Institutions. The Institutions reserves the right to refuse a CAS to any applicant/student. The final decision on whether a CAS may be issued rests with the Visa Compliance Manager working in conjunction with the Registrar and Head of Global Enrolment.
36. Applicants/students are responsible for checking the accuracy of the information contained in their CAS prior to submitting a visa application. By accepting a CAS, the applicant becomes responsible for the document and any details contained therein. The Institutions will not hold any responsibility for matters arising from the use of an inaccurate CAS.
37. Issuing a CAS does not guarantee a successful visa application. The Institutions are not responsible for a failed visa application, or for any consequences (financial or otherwise) of such failure.

### **Withdrawal of sponsorship under the Student Route**

38. Sponsorship under the Student Route will be withdrawn for students who:
  - a) Fail to fully register for their course of study within the required timeframe.
  - b) Have their studies terminated for reasons of academic progression decided by the Registrar.
  - c) Withdraw or interrupt from their course of study.
  - d) Become expelled or suspended from studies (for any reason) for a period of more than 60 days.
  - e) Move to a different visa category.

39. Sponsorship will normally be withdrawn for students who:
- a) Successfully complete their course of study in advance of the end date stated on their CAS.
  - b) Fail to meet the requirements set out in the internal Attendance Monitoring Policy.
  - c) Elect to transfer to part-time or distance-learning.
  - d) Fail to provide accurate and up to date contact details.
  - e) Fail to provide a copy of their passport, BRP card, or qualifications when requested.
  - f) Are discovered to be in breach of the terms of their visa.
  - g) Are in breach of UKVI regulations for any reason.
40. Students for whom sponsorship has been withdrawn will normally have their studies permanently or temporarily terminated, unless evidence is provided to show that they are no longer bound by Student Visa regulations.
41. A student may request a review of a decision to withdraw sponsorship, to be submitted in writing to the Registrar and Visa Compliance Manager within 14 days of the notification of sponsorship withdrawal.

### **Graduate Route**

42. Students wishing to apply for the Graduate Route visa should only submit visa applications to UKVI once they know their completion has been confirmed to UKVI by the Institutions.
43. The Institutions will confirm completion to UKVI electronically using SMS only once the qualification has been ratified by the Board of Examiners at the awarding body. Ratification date is deemed to be 'completed' in UKVI terms under this policy and not earlier, irrespective of the policies of other institutions, whether educational or advisory in nature.
44. The Institutions are not able to offer detailed guidance on Graduate Route as this visa category falls firmly outside of the Student Visa framework. Office of the Immigration Services Commissioner's (OISC) guidelines mean we should not become involved in applications or provide advice tailored to individuals. We should direct students to the UK Council for International Student Affairs (UKCISA) reference materials where possible and only advise on a generic basis.
45. The Institutions are not liable for any loss (financial or otherwise) incurred as a result of action taken by UKVI against the Institutions or any Graduate Route applicant in relation to its status as a Student sponsor, or actions as confirming completion body under the Graduate Route.
46. In addition, the Institutions are not liable for refused Graduate Route applications under any circumstances.

### **General**

47. From time to time, it may be necessary or desirable to make exceptions to this policy. Any exception will be considered on an individual basis without precedent and will be at the sole discretion of the Visa Compliance Manager working in association with the Registrar.
48. UKVI policy is subject to change. The Institutions' policy and procedures may therefore change at short notice, in order to remain compliant with current requirements. The Institutions cannot accept any liability for any loss (financial or otherwise) incurred as a result of policy changes imposed by UKVI.

<b>Title</b>	Visa Compliance Policy
<b>Date first implemented</b>	2023
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