

PROCEDURE FOR THE WITHDRAWAL OF UNIVERSITY STUDENT VISA SPONSORSHIP

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Procedure for the Withdrawal of University Student Visa Sponsorship

Section 1: Introduction and Key Principles

1. All students must have immigration permission granted by UK Visas and Immigration (UKVI) to live and study in the UK throughout the duration of their studies with the University, and any action taken under this procedure may lead to the removal of such permission i.e. student visa cancellation.
2. Students who are sponsored by the University under the Student Immigration Route must be aware of and ensure adherence to the requirements of their visa and other immigration-related obligations (including those that may result in a breach of the University's own sponsor obligations), more information about which can be accessed at: Your responsibilities as a Student visa holder | Brunel University of London. In this policy, unless otherwise indicated, references to 'students' refer to students holding student visas sponsored by the University.
3. This procedure should be read in conjunction with [Senate Regulation 15 – Immigration Compliance](#).
4. Where a student fails to adhere to the requirements of their student visa, or where their actions or inactions impact upon the University's ability to adhere to its own obligations to UKVI, then action may be taken against the student under this procedure including (as appropriate) to determine whether the student's registration should be terminated and visa sponsorship withdrawn. The procedure to be followed will depend on the nature of the suspected breach. Normally suspected breaches will be dealt with under this procedure although the University is not precluded in appropriate cases from treating the alleged breach as misconduct under Senate Regulation 6 and/or professional suitability concern under Senate Regulation 14.
5. In the operation of this procedure the University will remain mindful of its legal obligations, including its duty of care and its obligations under the Equality Act 2010 where appropriate to make reasonable adjustments.
6. In all cases considered under this procedure, the balance of probabilities is the test that is applied in determining if a concern is sustained.
7. The University may commence or proceed with any action or process under this procedure in the absence of the student and/or if the student does not engage with the action or process. In exceptional circumstances and where there is good cause to do so, the University may for a maximum of 10 working days place the consideration of a case in suspense at any stage¹. Where consideration of a case is placed in suspense, the University may refuse admission to any programme of study or the provision of any other service or facility to the student concerned, until consideration of the outstanding case is concluded.

¹ A 'working day' is defined as any day from Monday to Friday, excluding public holidays and formal University closure periods, when standard business operations are conducted at Brunel University.

Section 2: Breach of Sponsored Students' Engagement and Attendance Responsibilities

8. Students must comply with the engagement obligations set out in 'Brunel University of London Engagement: Sponsored Student Policy.' Suspected breaches of this policy will be dealt with under the procedures set out in Appendix A.

9. Where a student is found to be in breach of this policy in accordance with the procedures set out in Appendix A, a review will be undertaken by the Compliance and Sponsorship Manager (see paragraph 11 below). The student will be contacted primarily via email and given 5 working days to respond to account for their lack of attendance/engagement. Once this 5-working day period has elapsed, the Compliance and Sponsorship Manager will decide as to the continued visa sponsorship of the student (see Section 4 below).

Section 3: Breach of all other Student visa Responsibilities

10. Alleged breaches of a student's visa responsibilities, other than for non-engagement/attendance, or actions or inactions impacting upon the University's ability to adhere to its own obligations to UKVI, should be brought to the attention of the Compliance and Sponsorship Manager in the first instance, who will begin an investigation.

11. At the start of the investigation, the Compliance and Sponsorship Manager will write to the student concerned to advise on the nature of the concern and/or suspected breach and the purpose of the investigation. It may also be appropriate to notify the student's academic department.

12. In all cases the investigation should be carried out without undue delay.

13. During the course of the investigation, written and/or oral information may be gathered from the student concerned, other Brunel students and other parties either internal or external to the University.

14. The investigating member of staff may invite the student to a meeting as part of the investigation. If this is the case the student shall be informed in advance regarding the nature and purpose of the meeting. The student may be accompanied at the meeting by a representative and/or by a friend. Only a current student or member of staff of the University, or an advice worker from the Union of Brunel Students, or a relevant individual in the case of reasonable adjustments being made for a disabled student shall normally be permitted to be a representative or friend of a student. Neither the student nor the University shall normally be represented by a legal practitioner at meetings or hearings held in accordance with this procedure. The member/s of staff conducting the investigation shall maintain a written record of any meetings with the student.

15. In the course of the investigation the student shall normally be provided with a full written account of the concern, including any supporting information, and should be invited to provide a written response.

16. Once the investigation is completed the Compliance and Sponsorship Manager may:

- a) Dismiss the case

- b) Refer the concern for further investigation under this Regulation or any other Ordinance, Regulation, policy or procedure, code of practice or rule of the University
- c) Require the student to demonstrate future adherence with the requirements of their immigration status and/or their support of the University's sponsorship responsibilities
- d) Decide to withdraw sponsorship of the student's visa and de-registration from the University, subject to ratification from an Immigration Sponsorship Review Panel.

Section 4: Withdrawal Decisions and Review

17. Upon review of all available evidence, including a student's engagement/attendance records, the Compliance and Sponsorship Manager will make a preliminary decision as to whether or not the University should continue to sponsor a student's visa.

18. These decisions will be referred for independent review and ratification by a panel of staff members known collectively as the Immigration Sponsorship Review Panel. For the purposes of considering individual matters, a Panel shall consist of at least three members, one of whom shall normally be a student member.

19. All written information to be used in reaching a decision shall be made available to the student before the panel review process. Any information or evidence that the student had earlier provided (see sections 2 and 3 above) will be made available to the panel members.

20. Having completed its consideration of the matter, and considering any statements or evidence received from the student, the Panel may decide one of the following:

- a) That the case be dismissed
- b) To ratify the original decision of the Compliance and Sponsorship Manager, whether allowing the student to remain enrolled with continued visa sponsorship, or alternatively to proceed with withdrawing visa sponsorship. Where student visa sponsorship should be removed, this will typically lead to automatic de-registration from the University (unless it is possible for the student to complete the programme remotely or with a different immigration status)
- c) In instances where the final decision is to allow the student to remain enrolled with ongoing visa sponsorship, the student will be formally warned that any future breach of their visa obligations (for example, a failure to improve their attendance/engagement in line with Brunel's policy) may lead to further action being taken in the future that may lead to their de-registration and withdrawal of visa sponsorship.

21. The student will be notified of the final decision and the reasons for it in writing normally within 2 working days of the Panel's consideration of the matter.

Appeals

22. A student can appeal a decision to terminate their registration/withdraw visa sponsorship to the Pro Vice Chancellor (Education), in writing, within 5 working days of notification of the decision only on one or more of the following grounds:

- a) There has been procedural irregularity
- b) There is new evidence material to the case which the student can demonstrate was for good reason not previously available to the Compliance and Sponsorship Manager and Immigration Sponsorship Review Panel
- c) The decision is unreasonable and/or the termination of the student's registration is disproportionate.

23. If the Pro Vice Chancellor(Education) considers there is good cause to do so, he/she will review the appeal and complete it normally within 5 working days. The Pro Vice Chancellor (Education) may either reject the appeal, or make an alternate decision as outlined in paragraph 20 above. The student will be notified of the decision with reasons normally within 2 working days of the completion of the review.

24. The decision of the Pro Vice Chancellor (Education) is final. There is no further right of appeal.

25. Where the Pro Vice Chancellor ((Education) rejects the appeal (or where a student does not appeal) the University will, within 10 working days of the decision of the Immigration Sponsorship Review Panel to terminate the student's registration, withdraw the student's visa sponsorship. At this point, the student must leave the University and comply with the exit requirements of their visa (unless the student is allowed to complete the course remotely or under another immigration status).

Office of the Independent Adjudicator

26. Decisions taken under this procedure may be eligible for review by the Office of the Independent Adjudicator for Higher Education (OIA), which is an independent body set up to review student complaints. More information about the OIA can be accessed at <http://www.oliahe.org.uk/>. The OIA can be contacted at 0118 959 9813 or enquiries@oliahe.org.uk. Where applicable, students will be provided with a Completion of Procedures Letter and information about how to apply to the OIA for a review of a decision taken under this procedure.

Brunel University of London Visa Sponsored Student Attendance and Engagement Policy

This guidance covers:

1. Purpose
2. Expectation
3. Student Engagement and Attendance Monitoring
4. Engagement on courses at the Language Centre and Brunel Pathway College (BPC) and Visiting Research
5. University Engagement
6. Student Absence and Non-Engagement

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Introduction and Purpose

1.1. Academic engagement and attendance at timetabled teaching are vital in contributing towards student retention, progression, and attainment. Additionally, in the case of students sponsored for a student visa, engagement must be monitored as part of Brunel University's visa sponsorship obligations. The University is required to notify UK Visas & Immigration (UKVI) of students who are deemed to be non-engaged on their programme of study. This would result in a student's de-registration from Brunel University and eventual cancellation of their visa.

- 1.2. It is also recognised that poor attendance and engagement can be an indicator that a student is experiencing personal difficulties that are impacting their studies. Monitoring this gives the University the ability to provide more proactive support for students who may require it.
- 1.3. Brunel University also reserves the right to use the monitoring procedures outlined in this policy to escalate any potential concerns about a student's health or safety as outlined in [Senate Regulation 11 \(Extraordinary Support for Study\)](#).
- 1.4. This policy outlines the expectations of Brunel University in relation to engagement for all enrolled visa sponsored students studying at any level (Pre-sessional English, undergraduate, postgraduate taught or postgraduate research). It includes those enrolled at our partner Brunel Pathway College (BPC) and Study Abroad exchange students. Unless otherwise indicated, further references to 'students' in this policy are those being sponsored for either a student or Tier 4 (General) visa.¹
- 1.5. It must be noted that some professional and accredited courses carry additional attendance requirements, which must be met to fulfil the standards of the degree award. Students are required to adhere to these academic attendance policies to meet any professional accreditation requirements, even where they may be stricter than what is outlined in this policy.

2. Expectation

- 2.1. **All** Brunel students (including those not sponsored for a visa) are expected to attend and engage with **all** academic activities for the course on which they are enrolled. This includes physical attendance at timetabled teaching sessions and exams held on campus, as well as engagement with other scheduled academic activities such as coursework, dissertations, and research activity. Where applicable they are also expected to engage with Brunel's virtual learning environment, such as Brightspace, and devote suitable time to their studies outside of these specific academic events. Students must make appropriate arrangements for their accommodation, travel, and any employment schedule to support this requirement. The University will not accept any of these factors as a suitable explanation to account for poor attendance or engagement.
- 2.2. In terms of physical attendance at timetabled teaching events, students must ensure that they register their attendance via the SEAtS system via the multiple methods available. Students who experience technical difficulties that prevent them from doing so must seek support as quickly as possible to resolve this. Information on how to do this is available at: [Register your attendance for all teaching events](#).
- 2.3. Attendance is expected at all timetabled sessions regardless of their size (number of students) or if the session is video recorded, such as lectures. Students are expected to arrive on time and remain present for the duration of any session. Partial attendance by arriving late or leaving before completion will be recorded as absence.

¹ The Tier 4 (General) immigration category was disbanded in October 2020 and replaced by the Student Immigration Route. However, the regulations around visa sponsorship remain the same and some students who enrolled beforehand will still have Tier 4 visas.

- 2.4. Students should contact their personal tutor or research supervisor in the first instance if they expect to be absent from any timetabled teaching for short period of time (typically no more than two weeks), who will then inform the senior tutor and programme lead. Students who require prolonged absences due to circumstances such as ill health are expected to take a formal period of abeyance. In addition, students are advised not to leave the UK for any more than 10 days during term time except in exceptional circumstances.
- 2.5. Outside of scheduled teaching and assessment that takes place on campus, students are required to remain engaged via regular academic contact with the University as appropriate. This can include, but is not limited to, research supervision and fieldwork, work/Studying Abroad placements and coursework/dissertation supervision.
- 2.6. A core principle of visa sponsorship is that students must be physically present in the UK to engage in all on-campus activities and use University facilities to support their studies. Students who plan to leave the country and return home to work on/complete academic activities that could be done remotely i.e., dissertation/thesis writing are required to inform their personal tutor/supervisor. In these instances, the University may be required to withdraw visa sponsorship, leading to visa cancellation.
- 2.7. Postgraduate Researchers who have submitted their thesis are expected to remain engaged with their supervisor by preparing for their viva. Once the student has attended their viva and has received the panel's recommendations, engagement will resume as outlined in paragraph 3.4.
- 2.8. Postgraduate Research students may be permitted to leave the UK and return to their home country to undertake data collection with the permission of their supervisor. The students must remain engaged with their programme while abroad as outlined in section 3 below.
- 2.9. Brunel University's preferred method of contacting students, including with regards to engagement, is by email. Email communication will be sent to a student's Brunel email account. Students are expected to check their Brunel email account regularly. Failure to check email will not be accepted as mitigation should disciplinary proceedings arise because of non-engagement.
- 2.10. Students are expected to act with honesty and integrity with the systems and procedures used to monitor their attendance and engagement. They must be aware that any attempt to manipulate or falsify data within these may be regarded as misconduct under Senate Regulation 6, for which there would likely be an appropriate sanction if proven.

3. Student Engagement/Attendance Monitoring

- 3.1. Brunel monitors student engagement and attendance in different ways depending on the level and structure of the course. These methods are broadly outlined below:

Undergraduate and Postgraduate Student Attendance and Engagement

- 3.2. Undergraduate and taught postgraduate students will have their attendance at all timetabled on-campus teaching monitored using [SEAtS](#) across all appropriate semesters.
- 3.3. The engagement of undergraduate and postgraduate students with non-teaching academic events will also be monitored i.e., exam attendance, coursework submission, dissertation supervision, and submission.

Postgraduate Researchers (including Visiting Research)

- 3.4. Postgraduate Research students will be formally monitored against the initial 4-week review, supervisory meetings (routinely every 6-8 weeks), and progression meetings. Supervisory meetings must be recorded on the eVision system by both the researcher and the supervisor within ten working days of the meeting.
- 3.5. If the student is recommended for corrections (6 or 12 months) as the outcome of their viva, they will resume regular supervision meetings every 6-8 weeks accordingly. Once the student is recommended for award, no further supervisory meetings are required.
- 3.6. Although it is recognised Postgraduate Researchers will undertake a large amount of independent research that will take place away from the campus, they are sponsored for their visa with an expectation to be present in the UK and in regular attendance on the University's campus i.e. to use appropriate research facilities and meet with supervisors. To further support the above monitoring routines for Postgraduate Researchers, periodical reviews of their physical attendance on campus may be reviewed, through the use of ID cards and/or access to the on-campus IT network.

Work and Study Abroad Placements

- 3.7. The University must ensure that contact is maintained with students during all work placements to monitor continued engagement. Sponsored students are only permitted to undertake work placements that are 'integral and assessed' within a student's programme. These placements can be clinical/professional in nature i.e. a student must successfully complete them, often with a minimum number of working hours, to meet the accreditation requirements for professional courses such as teaching, medicine, and other health courses. These are known as Academic Placements. Alternatively, Brunel also offers 'professional practice' placements where students obtain relevant work experience usually connected to their field of study. These are known as Professional Placements. Students must be monitored on either type of placement.
- 3.8. Placement employers are expected to inform the University, whether through the academic lead or the Professional Work Experience Team, of students who have taken prolonged periods of unauthorised absence (typically more than five working days without medical certification or approval due to exceptional circumstances).
- 3.9. Regular contact between the University and a student/employer will be maintained and recorded to monitor continued engagement.
- 3.10. Students must also be monitored when on outbound Study Abroad exchanges. In these cases, the Global Engagement Office (GEO) will require the student to complete an

attendance form with the host institution on a monthly basis in order to monitor their engagement.

Student Union Sabbatical Officers

- 3.11. Students undertaking official roles as Sabbatical Officers at the Union of Brunel Students are subject to the Union's employee policy for attendance and leave. Although attendance is not specifically monitored, absence is managed according to this policy.

Brunel Language Centre and Brunel Pathway College (BPC) Students

- 3.12. Attendance of students enrolled at the Language Centre or BPC will be monitored internally by these departments, who have their own attendance policies and monitoring processes that differ from programmes delivered in the University's colleges. Attendance is typically monitored daily at most classes through the use of registers and measured by attendance percentages. Students are expected to adhere to these attendance policies at all times.

Engagement with other Visa Sponsorship Processes

- 3.13. In addition to continued academic participation, students are also expected to support Brunel's sponsor obligations by engaging with other procedures linked to the maintenance of an accurate student record. This includes timely registration and re-enrolment, prompt payment of tuition fees when required, and the maintenance of up-to-date UK address/contact details.

4. Student Non-engagement and Escalation Procedure

- 4.1. Brunel acknowledges that there may be instances of short-term absence due to ill health or other extenuating circumstances. Where evidence is available to support such absences, this will be accounted for when considering adequate engagement. However, students experiencing long term difficulties arising from changes in their personal, medical, or other relevant circumstances may be advised or required to temporarily withdraw from their studies (abeyance) and re-join when in a position to do so. Aside from extremely exceptional circumstances, the University is obligated to withdraw visa sponsorship of any student who cannot or does not engage with their studies for a period of sixty calendar days or more. However, escalation processes for non-engagement that have not been explained or authorised may be enacted in a shorter period, as outlined below.
- 4.2. Students should obtain evidence to account for any periods of non-engagement should they ever need to provide it to account for this. In cases where non-engagement is the result of a medical issue or appointment, the student should obtain medical evidence. The evidence must relate specifically to the time of the illness and must make clear that the student was medically unfit to engage with their studies at Brunel. It should confirm the date the student is fit to resume their studies. Letters from acupuncturists, herbalists or other alternative practitioners will only be accepted when supported by certification from GMC registered doctors. Medical evidence must bear appropriate authenticating features such as the hospital or GP's practice stamp and/or letter headed paper.

4.3. Non-engagement can take different forms but will typically include one or more of the following patterns of student behaviour:

Persistent and/or prolonged absences (or a failure to register attendance) at timetabled teaching events monitored using SEAtS. Students will be regarded as non-engaged where found to be absent without authorisation from a majority of timetabled events over a four-week period and/or where there have been prolonged periods of consecutive absences.

Routinely failing to complete scheduled assessed academic activities without accepted i.e. submission of coursework or dissertations or attend exams.

In relation to Postgraduate Researchers, non-completion of regular supervisory meetings or progression reviews

Failure to engage with any other scheduled forms of academic delivery i.e. work placements, dissertation supervision and Study Abroad Exchanges

4.4. Students can be deemed to be non-engaged at any point where Brunel's monitoring procedures identify this. In such cases, a student will be put through various stages of warning/intervention to improve their engagement. Students will be given the opportunity to provide reasons for short-term non-engagement and should be provided with appropriate pastoral support to rectify poor engagement.

4.5. However, students who fail to improve their engagement accordingly after intervention attempts and/or who fail to adequately account for this will be referred to the Compliance and Sponsorship Team for the final stage of escalation in accordance to [Senate Regulation 15 \(Immigration Compliance\)](#). This may lead to the de-registration of the student and the withdrawal of their visa sponsorship².

² For further details of these internal procedures, please refer to the 'staff policy': Visa Sponsored Student Engagement/Attendance Policy and Procedure