

Policy on Conducting Right to Study Checks

Verifying Pupils' Immigration Status

City of London Freeman's School

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1 Introduction

1.1 The City of London Corporation (the **School**) is licensed under Tier 4 of the points based system of immigration to sponsor pupils who are not nationals of a European Economic Area (**EEA**) country or Switzerland and who wish to study at the School for courses of more than six months' duration.

1.2 One of the guiding principles of the points based system is that sponsorship is a privilege and not a right. In order to maintain and retain the privilege of holding a sponsor licence (and to benefit from the migration which it enables) the Home Office and UK Visas and Immigration (**UKVI**) requires sponsors to play their part in helping to control immigration by fulfilling certain duties.

1.3 Paragraph 2.3 of *Tier 4 guidance for sponsors document 2: sponsorship duties* (June 2017) outlines the general duties with which sponsors must comply, one being that a sponsor has a duty to:

"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."

1.4 Paragraph 3.15 of *Tier 4 guidance for sponsors document 3: Tier 4 compliance* (April 2017) lists examples of serious breaches of sponsorship duties which could result in compliance action being taken against a sponsor, which ultimately could include licence revocation. That list includes the following:

"Operating in a manner that poses a threat to immigration control, such as failing to take steps to ensure that non-EEA students have leave to remain in the UK."

1.5 For these reasons it is extremely important that the School takes steps to:

1.5.1 identify all prospective and current non-EEA or non-Swiss pupils; and

1.5.2 check that they have the right to be in the UK and to study throughout the period they are studying with us.

1.6 In 2014 the Home Office wrote to the Independent Schools Council setting out the steps independent schools are expected to take to meet their responsibilities as Tier 4 sponsors in relation to the above duty. This policy takes those steps into account.

2 Pre-admission checks: ALL PUPILS

2.1 We have in place processes to identify those pupils who will be subject to immigration control, whether they are sponsored by us under Tier 4 or have limited leave to remain under a different immigration category.

2.2 Initial indications as to each prospective pupil's immigration status are obtained through our admissions process by way of specific questions about the pupil's nationality and immigration status in the School's registration form.

2.3 The School specifically requests all prospective pupils to disclose and provide evidence (such as a copy of their passport and Biometric Residence Permit (**BRP**)¹) in relation to:

¹ Pupils who do not have a BRP at the time of application will still be required to show their BRP to staff at enrolment so it can be checked and a copy taken.

- 2.3.1 nationality;
 - 2.3.2 whether they require sponsorship by us under Tier 4 if they are a non-EEA / non-Swiss national; and
 - 2.3.3 if not, the basis on which they are entitled to study in the UK, e.g. they have been issued a visa as the dependent child of someone with limited leave to remain in another immigration category.
- 2.4 The School reserves the right to request further information about a prospective pupil's immigration status and to share that information with UKVI. We will request further information if we are uncertain about a prospective pupil's immigration status or if information submitted by the pupil or parent indicates that they might be subject to immigration control (for example, if non-EEA / non-Swiss correspondence addresses are provided).
- 2.5 Where a non-EEA or non-Swiss pupil has entered, or is to enter, the UK under a non-Tier 4 category (for example, as a Tier 2 dependant), in addition to the prospective pupil's documents, we also ask that parents provide a copy of their passport and BRP². The School reserves the right to request further information about the immigration status of the parent(s) of a prospective pupil and to share that information with UKVI. We will request further information if we are uncertain about the immigration status of the parent(s) of a prospective pupil.

3 Enrolment checks: EEA / SWISS PUPILS ONLY

- 3.1 Although there is no requirement for schools to inspect or take copies of evidence of nationality for British, EEA and Swiss pupils, we reserve the right to do so if there are obvious discrepancies disclosed as part of the admissions or enrolment process. This will be the case where a home address outside the EEA or Switzerland is provided.
- 3.2 In cases where we do conduct further checks on enrolment, staff use the right to study checklist (at Appendix 2) to carry out these checks. A copy of the completed checklist is then appended to the pupil's file.

4 Enrolment checks: NON-EEA / NON-SWISS PUPILS ONLY

- 4.1 In addition to pre-admission checks described above, the Schools carries out additional checks on enrolment of pupils who are non-EEA or non-Swiss nationals and who the School is not sponsoring under Tier 4.
- 4.2 We inspect both the pupil's original current passport and BRP to confirm the information given by the pupil at the pre-admission stage.
- 4.3 Copies are taken of the pupil's original current passports or immigration status document showing all personal identity details including biometric details, leave stamps and entitlement to study at the School.
- 4.4 In the absence of an immigration stamp in the pupil's passport relating to their entry to the UK, we require pupils to provide their travel ticket to the UK or boarding card. Staff use the right to study checklist (at Appendix 2) and BRP checking guide (at Appendix 3) to carry out these checks. A copy of the completed checklist is then appended to the pupil's file.

² Pupils whose parents do not have their BRP at registration will be required to provide a photocopy of it at enrolment.

- 4.5 If a pupil has not been granted leave which covers the entire duration of the time they will be at the School, we make a record of the date of expiry of the pupil's leave on our database and will contact the parent and / or Guardian to make enquiries as to what the pupil intends to do to ensure they maintain their right to study.

5 **Enrolment checks: TIER 4 SPONSORED PUPILS ONLY**

- 5.1 We are obliged to carry out certain mandatory checks and retain records in relation to each pupil that we sponsor under Tier 4.
- 5.2 We inspect each sponsored pupil's original current passport and BRP to check that the pupil is entitled to study at our School in the UK.
- 5.3 Copies are taken of pupils' original current passports or immigration status document showing all personal identity details including biometric details, leave stamps and entitlement to study at the School.
- 5.4 In the absence of an immigration stamp in the pupil's passport relating to their entry to the UK, we require pupils to provide their travel ticket to the UK or boarding card. Staff use the right to study checklist (at Appendix 2) and BRP checking guide (at Appendix 3) to carry out these checks. A copy of the completed checklist is then appended to each sponsored pupil's file.
- 5.5 The Home Office requires sponsors to maintain a history of each sponsored pupil's contact details whilst they are in the UK. This includes details of their residential address in the UK, a telephone number and mobile telephone number. The School therefore maintains a spreadsheet of contact details for Tier 4 sponsored pupils and requires parents of pupils to update the School when there is any change to these details. We do not overwrite previously submitted information, in order to ensure a record of the history of contact details.
- 5.6 The School is required to keep a record of each sponsored pupil's absence and attendance at the School. This requirement is met by the School marking the pupil's attendance / absence at daily registrations, in line with prevailing pupil registration regulations.
- 5.7 The School is required to keep a copy of the letter submitted by each sponsored pupil's parents or legal guardians confirming their consent to the pupil's visa application and arrangements for travel to, and reception and care whilst in, the UK. The School also requires a copy of evidence demonstrating the relationship between the sponsored pupil and his / her parents / legal guardian. The School retains these documents on the pupil's file.

6 **Periodic checks on existing pupils**

- 6.1 The overriding principle is that schools are required to take steps to prevent a situation arising where they continue to teach pupils who do not have valid leave to be in the UK. We do this by carrying out the checks listed above before pupils commence their studies.
- 6.2 UKVI expect schools to know the immigration status of all pupils. We meet this requirement by maintaining a record of nationality of each pupil which also contains details of the immigration status of all non-EEA pupils.
- 6.3 In addition, the School ensures that our information and records are current and that parents and pupils understand the importance of such by means of the following:

Action	When / how often
Periodically reviewing pupil files of currently enrolled pupils to ensure that we hold information about their current immigration status	Annually
Requesting proof of immigration status if this information is found to be missing following review	As required
Parents are advised that they must inform the School if their child does not have the right to live and study in the UK or if their immigration status changes	When returning the School's registration form or acceptance form
Ensuring that parents and pupils are aware that the School may share information with UKVI	In the school's Admissions Policy, the Terms and Conditions and in any other relevant correspondence with parents
Ensuring that the School may terminate the education of a pupils who has no legal right to be in the UK	In the School's Terms and Conditions

7 Timing of checks

- 7.1 Right to study checks are conducted and documents copied at enrolment before the pupil commences their course of study at the School.
- 7.2 If a pupil produces a document which demonstrates that their permission (also known as "leave") to be in the UK is time limited, then their right to study will also be time limited. In these circumstances, we record details of when the pupil's leave is due to expire and make enquiries as to what the pupil intends to do to ensure they maintain their right to study. Pupil files are monitored to ensure that their right to study is maintained.

8 Checking documents

- 8.1 Appendix 1 provides a quick reference guide to help identify:
- 8.1.1 whether pupils have a right to study; and
 - 8.1.2 documentation we may ask to inspect and copy at enrolment.
- 8.2 In relation to non-EEA and non-Swiss nationals, it is the School's policy to check the original document(s) which are set out in Appendix 1 on enrolment to confirm that the pupil has the right to study in the UK. These documents are checked in the presence of the prospective pupil.
- 8.3 The documents listed in Appendix 1 represent best practice but there may be occasions when parents of prospective pupils may insist that the pupil has a right to study in the UK but is unable to produce any of the documents specified. For example, the prospective pupil may be the non-EEA or non-Swiss national child of an EEA or Swiss national but has not yet applied for a residence card. In such a scenario, the prospective pupil may indeed have a right to study if their EEA or Swiss national parent is exercising an EU Treaty right as a worker, self-employed person, self-sufficient person or student. Such cases are to be

treated sensitively and carefully and a child could be admitted for studies if the School can be satisfied that the parent and prospective pupil have a right of residence in the UK. Such an exercise can only be conducted by the Director of External Relations who will liaise with our external advisers on Tier 4 immigration issues.

- 8.4 We check that the documents are genuine, have not been tampered with and relate to the pupil who has given them to us. We also check, so far as possible, that the document appears consistent with other information that we hold about the pupil.
- 8.5 We complete the form set out at Appendix 2 to assist in collecting the required information at enrolment. The checklist is stored on the pupil file.
- 8.6 Appendix 3 is to be used to assist in carrying out checks of BRPs.

9 Pupils identified without the right to be in the UK

- 9.1 Where the School suspects that a pupil does not have valid leave, we take the action described in the following paragraphs.
- 9.2 We will contact the pupil's parent(s), legal guardian, educational guardian and / or agent who recruited the pupil, to clarify the position.
- 9.3 If it transpires that the pupil does not have valid leave, we will notify UKVI via SponsorshipStrategyandCoordination@homeoffice.gsi.gov.uk of the situation and work collaboratively with them to try to regularise the pupil's immigration status.
- 9.4 If it is not possible to regularise the pupil's immigration status within a reasonable time frame, we will consider exercising our rights under the terms and conditions to terminate the contract. In so doing, we will consider the best interests of the pupil, where they are under the age of 18. For example, where the pupil is part way through the school year it may be appropriate to postpone this action until the end of the school year. We will take such decisions in collaboration with UKVI, in order not to prejudice the School's sponsor licence or the rights of other sponsored pupils.

Appendix 1 Quick guide: right to study by nationality and immigration category

Nationality		
	Right to study in the UK / restrictions on study in the UK	Evidence of right to study
British citizen	No restrictions	<ul style="list-style-type: none"> British passport (valid or expired) showing British citizenship If the child was born in the UK, their full birth certificate which includes the name(s) of at least one of their parents or adoptive parents, together with documentation which confirms one of their parents was a British citizen or had settled status in the UK at the date they were born If the child was born outside the UK, their full birth certificate which includes the name(s) of at least one of their parents or adoptive parents, together with documentation which confirms one of their parents was a British citizen at the date they were born A certificate of registration as a British citizen, naming the child
A national of an EEA country or Switzerland	No restrictions	<ul style="list-style-type: none"> Valid EEA or Swiss passport EEA or Swiss national identity card Registration certificate or document certifying permanent residence issued by UKVI
A national of a country outside the EEA or Switzerland who has the right of abode	No restrictions	<ul style="list-style-type: none"> A current passport endorsed with a certificate of entitlement to the right of abode in the UK
A national of a country outside the EEA or Switzerland who has acquired permanent residence or been granted indefinite leave to enter or remain	No restrictions	<ul style="list-style-type: none"> A passport endorsed to show that the child is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK A current BRP confirming that the child is allowed to stay indefinitely in the UK, holds permanent residence or has no time limit on their stay in the UK

A national of a country outside the EEA or Switzerland	This will depend on the immigration status the pupil holds (see below)	See below
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Immigration category		
	Right to study in the UK / restrictions on study in the UK	Evidence of right to study
Tier 4 (Child) sponsored by the School	Right to study at the School on the course for which the Confirmation of Acceptance of Studies (CAS) was issued	<p>New pupil</p> <p>Valid BRP with the School's sponsor licence number on it, issued for the duration of the course the pupil will be / is currently studying, together with a valid passport</p> <p><i>Note: A 30 day vignette endorsed in the pupil's passport is not proof of the right to study for the full duration of the course. If a sponsored pupil does not have a BRP (because there has been a delay in it being issued) then they can commence their studies at the School but follow up checks must be conducted before the 30 day vignette expires by when the pupil should have been issued their BRP</i></p> <p>Current pupil</p> <p>As above, although if the pupil joined the School before the implementation of BRP system (pre-2015) a valid passport with a vignette showing their permission to be in the UK for the duration of the pupil's study at the School</p>
Tier 4 (General) sponsored by the School	Right to study at the School on the course for which the CAS was issued	<p>New pupil</p> <p>Valid BRP with the School's sponsor licence number on it, issued for the duration of the course the pupil will be / is currently studying, together with a valid passport</p> <p><i>Note: A 30 day vignette endorsed in the pupil's passport is not proof of the right to study for the full duration of the course. If a sponsored pupil does not have a BRP (because there has been a delay in it being issued) then they can</i></p>

		<p><i>commence their studies at the School but follow up checks must be conducted before the 30 day vignette expires by when the pupil should have been issued their BRP</i></p> <p>Current pupil</p> <p>As above, although if the pupil joined the School before the implementation of BRPs (pre-2015) a valid passport with a vignette showing their permission to be in the UK for the duration of the pupil's study at the School</p>
<p>Non-EEA or non-Swiss national dependant of a non-EEA or non-Swiss national who has limited leave to remain other than as a visitor (except children accompanying a parent who is an "academic visitor" may study)</p>	<p>Right to study in the UK until the expiry date on the BRP granted to the child</p>	<p>Valid BRP confirming that the child has limited leave to remain in any category other than visitor (unless the parent they are accompanying has a valid BRP confirming that they are here on an "academic visit")</p> <p>Where the child's BRP indicates that they are a dependant, we also need to see:</p> <ul style="list-style-type: none"> • a copy of the relevant parents' passport or BRP confirming their right to be in the UK
<p>Non-EEA or non-Swiss national who is in the UK under the visitor category</p>	<p>No right to study (unless a parent whom they are accompanying is an academic visitor)</p>	
<p>Non-EEA or non-Swiss national without valid leave to remain in the UK</p>	<p>No right to study</p>	

	checks required.
<input type="checkbox"/>	A certificate of registration as a British citizen, naming the child. No further checks required.
<input type="checkbox"/>	A current passport endorsed with a certificate of entitlement to the right of abode in the UK. No further checks required.
EEA / Swiss national⁴	
<input type="checkbox"/>	A valid passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a EEA country or Switzerland. No further checks required.
<input type="checkbox"/>	A valid registration certificate or document certifying permanent residence issued by the Home Office. No further checks required.
Non-EEA or non-Swiss national who has acquired permanent residence or been granted indefinite leave to enter or remain	
<input type="checkbox"/>	A valid permanent residence card issued by the Home Office, to the family member of a national of a EEA country or Switzerland. No further checks required.
<input type="checkbox"/>	A valid BRP issued by the Home Office, endorsed to confirm that the child is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK. No further checks required.
Tier 4 (Child) sponsored non-EEA / non-Swiss national	
<input type="checkbox"/>	A valid passport and BRP issued by the Home Office to the holder indicating that the pupil named is has been sponsored by our School and is allowed to stay in the UK for the duration of the pupil's course.
<input type="checkbox"/>	<i>(In addition)</i> Copy of the parental consent letter and birth certificate / court document held on file.
Tier 4 (General) sponsored non-EEA / non-Swiss national	
<input type="checkbox"/>	A valid passport and BRP issued by the Home Office to the holder indicating that the pupil named is has been sponsored by our School and is allowed to stay in the UK for the duration of the pupil's course.
<input type="checkbox"/>	<i>(In addition if the pupil is under the age of 18)</i> Copy of the parental consent letter and birth certificate / court document held on file.
Other non-EEA or non-Swiss national	
<input type="checkbox"/>	A current passport endorsed to show that the child is allowed to stay in the UK in any category other than as a visitor. Check again if the document will expire before the end of the pupil's studies. Where the endorsement indicates that the child is a dependant, this should also be accompanied by a copy of the relevant parents' passport or BRP confirming their right to be in

⁴ See paragraph 3 of the policy for the circumstances in which staff may carry out checks on pupils who have declared EEA or Swiss nationality on admission or enrolment.

	the UK.
<input type="checkbox"/>	<p>A current BRP issued by the Home Office to the holder which indicates that the child can currently stay in the UK in any category other than as a visitor. Check again if the document will expire before the end of the pupil's studies.</p> <p>Where the BRP indicates that the child is a dependant, this should also be accompanied by a copy of the relevant parents' passport or BRP confirming their right to be in the UK.</p>
<input type="checkbox"/>	<p>A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, in any category other than as a visitor. Check again if the document will expire before the end of the pupil's studies.</p> <p>Where the endorsement indicates that the child is a dependant, this should also be accompanied by a copy of the relevant parents' passport or BRP confirming their right to be in the UK.</p>
<input type="checkbox"/>	<p>A valid immigration status document issued by the Home Office, to the family member of a national of a EEA country or Switzerland. Check again if the document will expire before the end of the pupil's studies.</p>
<input type="checkbox"/>	<p>A certificate of application issued by the Home Office to a family member of an EEA or Swiss national naming the child or a parent. Check again within six months of the date of the certificate.</p> <p>Where the certificate relates to the child's parent, we also need to see proof of relationship.</p>
<input type="checkbox"/>	<p>A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer of one of the child's parents, which indicates that the parent may stay in the UK and is permitted to work. Check again within six months of the date of the Notice.</p> <p>We also need to see proof of relationship between the child and the named parent and that the child has an outstanding application or appeal outstanding with the Home Office.</p>

Step 2: Check

You must **check** that the original documents are genuine, that the person presenting them is the prospective pupil or pupil and the rightful holder.

Are photographs consistent across documents and with the person's appearance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Are dates of birth consistent across documents and with the person's appearance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (<i>if applicable</i>)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? <i>(Supporting documents should also be photocopied and a copy retained.)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
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Step 3: Copy	
You must make a clear copy of each original document in a format which cannot later be altered, and retain the copy securely: electronically or in hardcopy. You must copy and retain:	
<input type="checkbox"/>	Passports: any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.
<input type="checkbox"/>	All other documents: the document in full (Note: both sides of a Biometric Residence Permit).

Deadline for conducting follow up check (if required):	
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Appendix 3 How to check the validity of a BRP



1. Is the image an image of the pupil in front of you?
2. Does the name match the name of the person registered with the school?
3. Does the "Valid until" date cover the duration of the time the pupil will be at the school? This will be five or ten years if the holder has been given permission to settle in the UK (known as indefinite leave to remain).
4. Does this say UK?
5. Does the immigration category match what you know about the pupil's circumstances? If the pupil is a dependant of a person under a different category it should say that the pupil is a dependant.
6. These are the immigration entitlements for the length of the holder's stay, and may continue on the back of the permit. A child who is 16 or over is permitted to work. You can also work, if you're 16 or over: part-time during term for up to ten hours per week; full-time during vacations or on a work placement as part of their course, (but not for more than 50% of their course time). If a child has been sponsored under the Tier 4 (general) category by the school they are not entitled to work. If the BRP states that they are entitled to work the school duty to report this to UKVI.
7. Does the BRP have a unique permit number?
8. Most children will not be required to provide a signature?
9. Does the BRP have a biometric chip?
10. Is the pupil's gender recorded accurately?
11. Does the pupil's date and place of birth reflect your records?
12. Does the nationality recorded reflect your records?
13. This is an extension of the conditions attached to the pupil's leave to be in the UK. Pupils who are 16 or over may be required to register with the police if they are from certain countries. If having considered the pupil's circumstances, the information recorded on the BRP in relation to registering with police is inaccurate then the conditions attached to the pupil's leave are inaccurate and the school has a duty to report this to UKVI.
14. This information does not need to be checked and is for UKVI purposes only.

Appendix 4 Model covering letter to send to existing parents, together with permission to study in the UK form

Dear Mr and Mrs []

In common with all independent schools which welcome pupils from overseas, City of London Freeman's School is obliged to comply with rules and guidance issued by the Home Office. I am writing to ask for your assistance with this responsibility.

The School has to take steps to ensure that every pupil has permission to study in the UK throughout the whole period of their study. Most of our pupils will have this permission by virtue of having the right of abode in the UK, which all British citizens have automatically.

Other pupils may have permission to study by virtue of other status - for example, if you are an EEA national or you are working in the UK on a Tier 2 visa and your child has been granted a visa as your dependant, your child will be permitted to study in the UK.

The School needs to carry out its own checks and therefore I would be grateful if you could complete the form attached and return it to me by no later than [• 00 month year].

All information will be used and processed subject to the School's usual data protection policies.

Thank you for your assistance.

Yours sincerely

[• Name and position]

Permission to study in the UK

All parents to complete the following section

Pupil name
Pupil nationality	<input type="checkbox"/> British citizen <input type="checkbox"/> EEA national <input type="checkbox"/> Swiss national <input type="checkbox"/> Other: please indicate

If you have ticked British citizen, EEA national or Swiss national please sign and date this form and return it to [• name] by no later than [• 00 month year]. You do not need to complete any of the other parts of this form or send us any further documentation.

If you have ticked "Other", please complete the remainder of this form.

Please indicate the basis on which your son / daughter has permission to study in the UK	<input type="checkbox"/> Dependant of a Points Based System (PBS) migrant <input type="checkbox"/> Right of abode <input type="checkbox"/> Family member of an EEA or Swiss national <input type="checkbox"/> Settled in the UK / indefinite leave to remain <input type="checkbox"/> Other: please indicate
Please indicate the period of validity of your son / daughter's permission to study in the UK	<input type="checkbox"/> From to <input type="checkbox"/> Indefinite / not time-limited

When returning this form, please attach a photocopy of the following documents:

- your son's / daughter's passport
- the relevant immigration permission for your son / daughter.

If your son / daughter has permission to study in the UK as the dependant of a parent who has limited leave to enter or remain in the UK, please also attach a photocopy of the following documents:

- that parent's passport
- that parent's Biometric Residence Permit.

Please note that we reserve the right:

- to request further information and sight of documentation in support of your declarations in this form
- to share information with UK Visas and Immigration (**UKVI**) and the Home Office for the purposes of compliance with our responsibilities.

Signature

Date