

Start- up Visa Policy	
Operational Owner:	Maria Luisa Haijima
Executive Owner:	Lucy Evans
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Review date:	Thursday 30 th April 2020 (or when any UKVI changes take place)
Related documents:	Start-up Visa GOV.UK Immigration Rules Appendix W: Immigration Rules for Workers Document 2 - Tier 4 of the Points Based System: Guidance for Sponsors Start-up and Innovator endorsing bodies: guidance

Approval History

Version	Reviewed by	Reason for review	Approved by	Date
1	Points Based System Group Student Enterprise	New visa	Sponsor License Holder	

1 Introduction

1.1 Purpose

1.1.1 The University runs the Start-up Visa scheme in conjunction with UK Visas and Immigration (UKVI). The scheme provides graduate entrepreneurs that have an innovative, viable and scalable business the opportunity to develop their venture in the UK for a maximum period of two years. At its discretion, the University will endorse applicants that successfully pass the University of Surrey's Start-up Visa application process. The scheme is run by a collaboration between Student Enterprise and International Student Support.

1.1.2 This policy is specific to the University of Surrey and does not necessarily set out the full requirements of the Immigration Rules. The University is entitled to revise its policies or procedures relating to compliance with its Start-up sponsor duties at any time and will usually do so where there have been any applicable changes to sponsorship requirements made by UKVI. This policy should be read alongside:

- [Start-up Visa GOV.UK](#)
- [Immigration Rules Appendix W: Immigration Rules for Workers](#)
- [Document 2 - Tier 4 of the Points Based System: Guidance for Sponsors](#)
- [Start-up and Innovator endorsing bodies: guidance](#)

1.1.3 The Immigration Rules and associated UKVI guidance documents will remain the main source of the University's obligations.

1.2 Scope

1.2.1 This policy applies to current international (non EEA) University of Surrey students in their final year of study. In order to be able to sponsor students on the Start-up Visa, the University is required to comply with the terms of the Immigration, Asylum and Nationality Act, 2006.

1.2.2 Eligible students include:

- Current University of Surrey students in their final year of study (including Masters students)
- Current Tier 4 (Doctorate Extension Scheme) Visa holders
- Must **not** have previously established a business in the UK
- Must **not** have previously had 2 years' leave in the Start-up and Tier 1 (Graduate Entrepreneur) categories

1.3 Definitions

Endorsing body: an organisation which has been approved by the Home Office to endorse applicants in the relevant category. Except where otherwise stated, references to an endorsing body mean: (a) the endorsing body relied upon to support the current application. (b) where there is no current application for the individual concerned, the endorsing body relied upon to support the application which led to their most recent grant of entry clearance or leave to remain.¹ The University of Surrey is the endorsing body.

Applicant: The graduate/ current student applying for the Start-up Visa.

¹ www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-w-immigration-rules-for-workers#endorsingbody

Endorsement: The endorsement is an essential part of the points based system set out in the Immigration Rules Appendix W: Immigration Rules for Workers. An endorsement will come in the form of an endorsement letter which contains an endorsement reference number. An endorsement will only be granted if the applicant successfully passes the Surrey's Start-up Visa application process.

Endorsee: A Start-up visa holder.

Year 1 Endorsee: Graduates in their first year of the Start-up Visa scheme.

Year 2 Endorsee: Graduates in their second year of the Start-up Visa scheme.

2 Policy Principles

2.1 Policies

2.1.1 Transitional Arrangement for Tier 1 (Graduate Entrepreneurs)

If an Endorsee is currently endorsed under the [Tier 1 \(Graduate Entrepreneur\) Visa](#) and require re-endorsement for the second year, they will be endorsed under the Start-up Visa category. However, they do not need to confirm that their business meets the Start-up Visa category. Instead, the Endorsee will need to continue to show that their business is genuine and credible (as required under the [Tier 1 \(Graduate Entrepreneur\) Visa](#)).

2.1.2 Start-up Visa Monitoring

Endorsees' progress will be monitored by Student Enterprise via 'checkpoints' in the following months:

- Month 6
- Month 12
- Month 24

At the beginning of the Endorsee's visa, Student Enterprise will set checkpoints dates. In order to meet the checkpoint requirements, Endorsees will submit a business progress report on the date agreed. Student Enterprise may ask the Endorsee to also attend a meeting in person.

2.1.3 Tier 1 (Graduate Entrepreneurs) Visa Monitoring

If an Endorsee is currently endorsed on the Tier 1 (Graduate Entrepreneur) Visa or will be endorsed for Year 2 on the Tier 1 (Graduate Entrepreneur) Visa, the following monitoring process applies:

- Email a quarterly business report to Student Enterprise within 7 working days prior to the contact meeting.
- If the endorsee cannot attend the quarterly contact meeting, they are required to inform Student Enterprise 7 working days prior to the contact meeting in order to reschedule.

2.1.4 Employment

There are no working hour restrictions on the Start-up visa or the Tier 1 (Graduate Entrepreneur) Visa, however, endorsees must spend the majority of their time developing their business idea.

2.2 Procedures

2.2.1 Endorsement Application Process

The University of Surrey has two Start-up Visa application intakes per year. Applications made outside of these deadlines will not be considered. The endorsement procedure at the University is as follows:

- **Stage 1: Start-up Visa Application Form**
The applicant will submit via email, their business plan with the Start-up Visa Application Form to Student Enterprise.
- **Stage 2: The Pitch**
If selected, the applicant will receive an invitation via email from Student Enterprise to pitch their business plan to a panel of internal experts in person.
- **Stage 3: Start-up Visa Application to UKVI**
If selected, the applicant is offered an endorsed by the University of Surrey and contacts International Student Support for assistance to help send their visa application.

2.2.2 Out of Country Application Process

If for some reason the applicant is out of the UK for Stage 2 of the Application process, they will be invited for a Skype interview that will be recorded for auditing purposes.

2.2.3 Failure to Meet Monitoring Requirements

Endorsees are required to give 5 working days' notice to Student Enterprise if they believe that they will miss a contact meeting (Tier 1 (Graduate Entrepreneur) Visa) or Checkpoint (Start-up Visa). Failure to give notice or failure to meet monitoring requirements will be considered as a visa breach. This will result in Visa Compliance reporting the Endorsee to the Home Office. It is the Endorsee's responsibility to ensure they are aware of monitoring dates.

2.2.4 Visa Refusals

Applicants/ Endorsees that are refused for a visa from UKVI are required to email all refusal documentation to International Student Support. If grounds for the visa refusal are valid, International Student Support will inform Visa Compliance who exercise discretion in deciding whether they can be endorsed.

2.2.5 Recording and Reporting Information

Information recorded about the Endorsee will be stored in the internal University shared drive accessed only by Student Enterprise, International Student Support and Visa Compliance.

Endorsees are required to bring their new Start-Up Visa (BRP) to the MySurrey Hive so that a scanned copy can be taken. The scanned copy will be stored on the University's internal database, E-vision.

Student Enterprise will provide a monitoring report to Visa Compliance.

2.3 Codes and Protocols

2.3.1 Responsibilities of a Start-up Visa Endorsee include:

- Adhering to previous visa conditions until the new visa is granted (if applicable).
- Informing Student Enterprise of start and end date of the visa once granted by the Endorsee bringing their Biometric Residence Permit to the MySurrey Hive to be copied.
- Spending the majority of time developing the business venture, although additional employment can be taken up.
- Complying with Student Enterprise's checkpoint requirements to monitor progress and continued development of the business.
- Assisting and/or attend *Start-up Events* held by Student Enterprise and International Student Support to raise awareness of the scheme.
- Keeping up-to-date personal and current contact details with Student Enterprise.
- Producing any corrected, updated, extended or replacement immigrations documents (e.g. vignette, Biometric Residence Permit or other) to MySurrey Hive for scanning and recording as soon as they are received.
- Agreeing to the University sharing information for publicity purposes.
- Adhering/complying to the conditions of the visa at all times.

2.4 Guidelines

2.4.1 Visa Support

If an Endorsee/Applicant requires visa guidance or advice, they can contact International Student Support. It is the responsibility of the Endorsee/Applicant to ensure that they make the application to UKVI in a timely manner (International Student Support suggest 28 days before visa expiry). It is the Endorsee/Applicant's responsibility to ensure that their visa conditions are adhered to at all times.

2.4.2 In country Visa Applications

An Endorsee/Applicant can access visa advice via International Student Support prior to sending their visa application to the Home Office. The Endorsee/Applicant will be required to sign a Client Care Letter.

2.4.3 Out of Country Applications

An Endorsee/Applicant can access visa advice via International Student Support prior to sending their visa application to the Home Office. The Endorsee/Applicant will be required to sign a Client Care Letter.

2.4.4 Expiring Visas and Overstayers

The University considers that responsibility for visa validity remains solely with Endorsee. If the Endorsee's visa is about to expire, it is their responsibility to ensure contact is made with International Student Support for guidance/ advice.

3 Governance Requirements

3.1 Implementation / Communication Plan

3.1.1 Details of the Start- up Visa will be communicated at various times and in various way:

- Via Admissions and Recruitment at recruitment stage

- Via MySurrey Visa and Immigration Hub
- Via International Student Support web pages and social media tool
- Via Student Enterprise web pages and events
- Via 'Information Sessions' throughout the year, including key campaigns such as International Student Employability Week

3.1.2 Endorsee conditions for the visa and the University's obligations to report to UKVI will also be communicated via the channels above. This policy will be communicated to academic and administrative staff via signposts to appropriate web pages and International Student Support outreach projects.

3.2 Exceptions to this Policy

3.2.1 The offer of an endorsement from Student Enterprise does not mean a visa.

3.2.2 The University reserves the right to not issue an endorsement letter to any student who:

- Does not meet Home Office requirements
- The university deems has a negative immigration history
- Has had a previous visa refusal

3.2.3 Visa refusals will be reviewed on a case by case basis by the University's Visa Compliance office.

3.4 Review and Change Requests

3.4.1 The Student Data and Records Manager convenes a fortnightly operations group which oversees activities and monitoring relating to non-EEA students.

3.4.2 This policy will be reviewed on a yearly basis to ensure it remains compliant with Start-up Sponsor Guidance, Immigration Rules and good sector practice. If the Home Office put forward changes outside their usual cycle, this policy will immediately be reviewed.

3.5 Legislative context

3.5.1 Sponsorship duties for the Start-up Visa Sponsor are described in:

- [Start-up and Innovator endorsing bodies: guidance](#)
- [Immigration Rules Appendix W: Immigration Rules for Workers](#)

3.5.2 In summary, the University's duties are:

	Duty	Source
1	To ensure that the applicant's business meets the following requirements: <ol style="list-style-type: none"> 1. Innovation 2. Viability 3. Scalability 	Appendix W W5.2 (a) <u>Immigration Rules</u> <u>Appendix W: Immigration Rules for Workers</u>

2	The endorsing body is reasonably satisfied that the applicant will spend the majority of their time in the UK on developing business ventures.	Appendix W W5.2 (b) Immigration Rules Appendix W: Immigration Rules for Workers
3	Gain consent in writing from the applicant before endorsement to allow the endorsing body to: <ul style="list-style-type: none"> • Monitor progress in establishing a business • Share information relating to the business with the Home Office, where this is necessary for the University of Surrey to meet its responsibilities as an endorsing body 	Start-up and Innovator endorsing bodies: guidance
4	Maintain contact with the Endorsee and assess their progress at checkpoints: <ul style="list-style-type: none"> • Month 6 • Month 12 • Month 24 	Appendix W W5.3 (b) Immigration Rules Appendix W: Immigration Rules for Workers
5	To inform the Home Office if at these checkpoints both of the following apply: <ul style="list-style-type: none"> • The Endorsee has not made reasonable progress with their original business venture • The Endorsee is not pursuing a new business venture that also meets the endorsement criteria set out in these Worker rules 	Appendix W W5.3 (b) Immigration Rules Appendix W: Immigration Rules for Workers
6	To inform the Home Office if the Endorsee misses any of the check points.	Appendix W W5.3 (b) Immigration Rules Appendix W: Immigration Rules for Workers
7	To inform the Home Office if there is evidence that the Endorsee breaks conditions of their leave	Appendix W W5.3 (b) Immigration Rules Appendix W: Immigration Rules for Workers
8	To inform the Home Office if there is evidence that the Endorsee is no longer in the UK or no longer under the Start-up Visa	Appendix W W5.3 (b) Immigration Rules Appendix W: Immigration Rules for Workers

3.6 Stakeholder Statements

3.6.1 Equality: An Equality Analysis has been completed.

3.6.2 Health & Safety: N/A

3.6.3 Other: N/A