

ELIGIBILITY TO WORK IN THE UK

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- July 2017
- June 2018
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- August 2022

1. Background and Scope

The University has a responsibility to ensure that every employee has the legal right to work in the UK. The consequences of getting it wrong and employing an individual illegally include fines of up to £20,000, criminal prosecution for the University and individual employees, and downgrading or loss of our licence to sponsor visas for current or prospective employees.

Every employee is required to supply the appropriate documents to prove that they have the right to work in the UK before and where applicable throughout their employment with the University.

This policy applies to any worker who is paid by the University through its payroll and therefore includes permanent and fixed term contract employees, Associate staff, External Examiners/Assessors as well as those paid via the Short Term Teaching Payroll.

This policy and procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.

2. Purpose

The purpose of this policy is to ensure that the University complies with its legal responsibilities in accordance with the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, by ensuring that all employees hold the appropriate documents to allow them to work in the UK.

This policy will also provide guidance on pre-employment and subsequent checking of documents to ensure ongoing compliance.

Where applicable, the University will act as a Sponsor under the current system of immigration, and this policy outlines the duties placed on the University as a Sponsor as well as the additional responsibilities of employees who are sponsored by the University.

3. Right to Work Checks

The University of Surrey has a duty to prevent illegal working by carrying out document checks on all employees to confirm if a person has the right to work in the UK. A 3 step process will be followed:

- *Obtain*: original, acceptable documents before an employee starts work. Where there is a recruitment process all shortlisted candidates will be asked to bring evidence of their eligibility to work in the UK to the interview. Acceptable documentation is listed in Appendix A. If the individual does not have the correct documentation at interview, this will be checked before the individual starts work on their first day.
- *Check*: the document's validity in the presence of the holder by taking all reasonable steps to check that the document is genuine and to confirm that the holder is the person named in the document. The document should also allow the individual to do the work in question.

- *Copy:* Make and retain a clear copy, verifying and dating the copy to confirm an original has been seen and checked.

Further guidance on checking documents is in Appendix B.

In some cases, the University may contact the Employer Checking Service for information on certain documents issued by the UK Visas and Immigration (UKVI), or to confirm eligibility to work.

Candidates will also be required to bring in their original qualification certificates relevant to the position they are being interviewed for.

Where the documents show that the individual has an automatic or indefinite right to work in the UK no further check on eligibility is normally required during the period of employment. If an individual has a time limit on their right to work the eligibility checks will normally be made annually

4. Who is eligible to work in the UK?

An individual may have an automatic or indefinite right to work because:

- They are a national of the UK or Ireland
- They hold a valid visa or permit that doesn't require sponsorship
- They have indefinite leave to remain in the UK

5. Time-limited right to work in the UK

Individuals who do not have the indefinite or automatic right to work in the UK are subject to immigration control and must obtain an appropriate visa before they are permitted to take up employment. This provides the individual with time-limited right to work in the UK. These tend to be via two routes – the Points Based System (PBS), or other visas.

6. Recruiting an employee from outside the UK

The University recognises that it should be active in the global recruitment market in order to attract and retain the most innovative and creative individuals who will make a significant contribution to the UK economy.

If an overseas candidate is a preferred choice to fill a vacancy within the University, then with agreement from the relevant HR Business Partner, the appropriate visa options will be explored for engaging the candidate.

Recruiting managers should be aware that for some posts an Immigration Skills Charge will apply if recruiting a non UK/ Irish national to a position. HR Operations will advise on this as appropriate.

7. Points Based System (PBS)

The points based system consists of a two- part process in which a visa applicant must gain 70 points from both mandatory and tradeable requirements in order to qualify for a certificate of sponsorship. The mandatory requirements award 50 points and the tradeable requirements award 20 points.

Three criteria must be satisfied to meet the mandatory requirements:

- A visa applicant must have a job offer from a licenced sponsor
- The job must be at least RQF level 3 (A level or equivalent)
- The applicant must have a proven standard of English

20 points are available in the tradeable assessment as follows:

- The job offer must meet the highest of either the salary threshold or the going rate for the job as determined by UKVI, whether the post is full time or part time
- If the salary does not gain the full 20 points, then points can be traded if the post requires a PhD as an essential requirement or a PhD in a STEM subject. In some instances it may be possible to trade points where the applicant meets the new entrant criteria
- The job offer is on the Migration Advisory Committee Shortage Occupation List adopted by the UK government

A more detailed explanation of how the new points system is used to assess visa eligibility is attached as Addendum B.

7.1 Skilled Worker Visa

Following an offer of employment being made, providing the candidate can obtain the required 70 points, the University will allocate an undefined Certificate of Sponsorship (CoS) (for overseas workers currently sponsored in the UK) or a defined CoS for approval to enter the UK to work. The University will pay a fee for each CoS allocated. Once approval is given the applicant has a set time to apply for their visa against the unique CoS number. Their application to release the CoS in their name will cost them a set fee. Once the candidate has commenced employment, then they will be able to apply for reimbursement of the standard visa fee.

Employees who are granted a visa from abroad have a set time to travel and to provide details for their Biometric Card and other conditions they must satisfy on arrival in the UK. If a candidate does not meet the set timeframes, and is unable to commence work according to the date set out in their certificate of sponsorship, this could impact their employment at the University. In most circumstances the applicant must arrive and start work within 28 days of the start date on their visa.

7.2 Global Talent Visa

This visa route is for established or emerging leaders in academic or research, arts and culture or digital technology. This visa does not require an employer to sponsor a worker or to take any

responsibility for maintaining records or reports like those which are found in the conditions of a skilled worker visa.

Holders of this visa will need to apply for endorsement from one of four recognised professional science, academic and technical institutions, and then apply for their visa. There are no set requirements for salary levels, and individuals can apply to stay in the UK for up to 5 years at a time.

This visa is particularly relevant to senior academic appointments (Professor/ Associate Professor) and those with named research fellowships.

7.3 Visitor Visa

The Visitor Visa is for individuals who need to visit the UK regularly, but who are not employed or living full time in the UK.

A standard visitor's visa lasts up to 6 months, but academic visitors who meet the requirements may be able to stay for up to 12 months. Holders can enter and leave the UK as many times as they want during the period granted on their visa.

The holder of a visitor's visa enables them to:

- Travel around the UK as a tourist
- To visit family and friends
- To attend business meetings, negotiate and sign contracts
- To present papers to conferences
- To collaborate academically

While on a visitor visa, an individual cannot do paid or unpaid work, live in the UK for long periods of time, claim public funds, undertake a course of study for longer than 6 months or marry or register a civil partnership.

7.4 Youth Mobility Scheme

This is a two-year scheme agreed between the UK and other countries (presently Australia, Canada, Monaco, New Zealand, Japan, Hong Kong, Republic of Korea, San Marino and Taiwan) enabling citizens of both countries to stay on the YMS visa to experience life and work in that country. To be eligible, the applicant must be aged between 18 and 30 and not have been on the visa before. They must also meet maintenance requirements.

There are few restrictions on the type of work holders of this visa may undertake, however it should be noted that individuals cannot hold the visa for more than 24 months.

7.5 Temporary Worker - Government Authorised Exchange (Tier 5)

The Temporary Worker – Government Authorised Exchange (GAE) visa is applicable for individuals who want to come to the UK for a short period of time to undertake training, work experience, research or a fellowship through an approved GAE scheme. Individuals must have a sponsor, this can be their current employer, or an external funding body, meet the maintenance criteria and be issued a Certificate of Sponsorship by the University.

The University is allocated a limited number of Temporary Worker – GAE Certificates of Sponsorship on an annual basis, applicants will need to provide evidence that they meet the criteria before being assigned a CoS. HR Operations will be able to advise when this is the appropriate route to use.

7.6 UK Ancestry Visa

Allows grandchildren of UK born grandparents from the Commonwealth to stay and work in the UK for up to 5 years. Individuals are required to apply directly for this visa and are not sponsored by the University. There are no work limitations or reporting requirements for the University attached to this visa.

7.7 Graduate Scheme

This is a two or three year visa for individuals who have successfully completed a course in the UK, and must be applied for from within the UK. Individuals can apply for this visa if they are in the UK, hold a current Student or Tier 4 (General) visa, and have studied and successfully completed a UK bachelor's degree, postgraduate degree or other eligible course. There are limited work restrictions and no reporting requirements for the University attached to this visa.

7.8 Student Visa

Student Working Restrictions

There are some occasions on which the University will employ students to undertake substantive roles, however the recruiting manager should be aware that there may be restrictions that apply to this appointment.

A student with restricted right to work in the UK may be permitted to obtain employment to supplement their studies. It is important to remember that the leave to remain was granted to study in the UK, and this must remain the focus of their stay.

Work permitted during the student's studies is stated on the visa which may be an endorsement in the passport or a Biometric Residence Permit (BRP).

If permitted to work, there are restrictions placed on the number of hours which may be worked per week. The number of permitted hours will depend on the level of study for which the Certificate of Acceptance of Studies (CAS) was granted.

Students can do most kinds of work, but must not:

- take a permanent full-time job
- be self-employed
- be employed as a professional sportsperson including as a sports coach
- work as a doctor or dentist in training

UK Visas and Immigration introduced the requirement to obtain evidence of term and vacation dates as part of the right to work in the UK check. UK Visas and Immigration consider acceptable evidence to be one of the following:

- A printout from the student's education institution's website; or
- other material published by the institution setting out its timetable for the student's course of study; or
- A copy of a letter or email addressed to the student from their education institution confirming term time dates for the student's course; or
- A letter addressed to the proposed employer from the education institution confirming term time dates for the student's course.

Where a student has multiple employment contracts the total number of hours worked each week on the combined contracts must not exceed the conditions of the visa. It is essential that the number of hours worked per week is managed by both the Line Manager and the student.

Unless otherwise stated on the visa, foundation level students who are studying below degree level may work up to 10 hours per week during term time. Undergraduate, postgraduate and students studying for a PhD may work up to 20 hours per week during term time.

For Tier 4 students working through Unitemps, a similar process is in place to ensure they do not work more than their permitted hours. For further details, please contact Unitemps.

7.9 Permitted paid engagements (up to one month)

This visa allows visitors to come to the UK for up to one month to carry out permitted paid engagements. The types of activity allowed under this visa and relevant to the University are:

- An academic may examine students and/or participate in or chair selection panels, if they have been invited by a UK Higher Education Institution as part of that institution or organisation's quality assurance processes.
- An expert may give lectures in their subject area, if they have been invited by a UK Higher Education Institution provided this does not amount to filling a teaching position for the host organisation.

Individuals who have this visa can be paid via the Short Term Teaching Payroll.

8. Academic Technology Approval Scheme

ATAS is the 'Academic Technology Approval Scheme' and applies to international researchers who are intending to undertake research in certain subjects.

Visa applicants coming to the UK to work in these designated subjects must receive ATAS clearance before commencing research activity. When an offer of employment is made to commence a new role, the relevant HR contact will advise the individual that they are required to receive ATAS clearance, and only once this is received will they then apply for and issue a Certificate of Sponsorship.

9. NHS Surcharge

UK Visas and Immigration has introduced an NHS surcharge on top of the standard visa fee.

The surcharge was introduced by the government to ensure that non-UK and Irish nationals contribute to the NHS whilst they are living and working in the UK. The payment will go directly into the NHS and will ensure the individual is entitled to full access on the same terms as a permanent UK resident.

The current costs of the NHS Surcharge can be seen below

- £470 per year for a student or Youth Mobility Scheme visa, for example £940 for a 2-year visa
- £470 per year for visa and immigration applicants who are under the age of 18 at time of application
- £624 per year for all other visa and immigration applications, for example £3,120 for a 5-year visa

Dependants aged 18 or over usually need to pay the same amount as the new employee.

Payment for half of the yearly amount will be made if an application includes part of a year that is less than 6 months.

Payment for a whole year will be made if the application includes part of a year that is more than 6 months.

The full cost of the NHS Surcharge must be paid by the individual at the point of application.

10. Immigration Skills Charge

The University may have to pay an additional charge when we assign a certificate of sponsorship to someone applying for a Skilled Worker or Intra-company Transfer visa. This is called the 'immigration skills charge'.

The University must pay the immigration skills charge if an individual is applying for a visa from:

- outside the UK to work in the UK for 6 months or more
- inside the UK for any length of time

When a payment is not required

The University will not pay the immigration skills charge if sponsoring someone:

- on an Intra-company Graduate Trainee visa
- who is on a visa to study in the UK, and switches to a Skilled Worker or Intra-company Transfer visa - if they then extend their stay on the new visa, you will not have to pay the charge

The University will also not have to pay the charge if sponsoring someone with one of the following occupation codes:

- chemical scientists (2111)
- biological scientists and biochemists (2112)
- physical scientists (2113)
- social and humanities scientists (2114)
- natural and social science professionals not elsewhere classified (2119)
- research and development managers (2150)
- higher education teaching professionals (2311)
- clergy (2444)
- sports players (3441)
- sports coaches, instructors or officials (3442)

The cost of the immigration skills charge to the University is £1000 for the first year and £500 for every 6 months thereafter.

11. Biometric Residence Permit

All non- UK/Irish nationals applying from overseas for permission to stay in the UK for more than 6 months are issued with a Biometric Residence permit (BRP) which they must collect within 10 days of their arrival in the UK. This will replace the visa sticker inside the passport.

On issue a vignette will be provided to enable travel to the UK. This short-term biometric residence permit can be used as proof of right to work in the UK. However in order to continue working beyond the expiry of the short term permit the individual must collect the BRP and show the original to HR.

12. Workers not eligible to work in the UK

The University takes its responsibilities very seriously and if at any point it becomes clear that an employee is not eligible to work in the UK (perhaps due to expiration of Leave to Remain or production of incomplete or fraudulent documents) then the University will end the employee's employment.

The employee will be notified in writing and invited to attend a meeting to discuss their eligibility to work. The employee will have the right to be accompanied. The notification letter will set out that if the employee cannot provide evidence to demonstrate that they can work in the UK, then they could be summarily dismissed without notice. An employee has the right to appeal against any formal decision of dismissal and should address their written grounds of appeal to the Director of HR within 10 working days.

13. Duties of the University

The University has a duty to prevent illegal working by carrying out document checks to confirm if a person has the right to work in the UK. The University must also comply with its responsibilities and obligations as a sponsor of international staff under the points based system.

All staff have a role in ensuring the University remains compliant with immigration law.

13.1 Record keeping duties

The University must keep the following records for each sponsored worker and make them available to officials of the UK Visas and Immigration on request:

- A photocopy or electronic copy of the passport showing evidence of entitlement to work or study in the UK (having seen the original).
- Any page containing the holder's personal details including nationality, date of birth, signature, date of expiry, and their photograph. Any page showing leave stamps or immigration status including their period of leave to remain.
- Copy of the workers UK biometric card (both sides).
- A photocopy or electronic copy of the ID card when available (having seen the original).
- Up to date contact details (home address, telephone number, and mobile telephone number).
- Recruitment records including advertising details, screenshots of the advertisement, applications, shortlisting and interview notes demonstrating why each UK / Irish national was rejected.

13.2 Reporting duties

The University must report the following information or events to the UK Visas and Immigration within 10 days:

- If the sponsored worker does not turn up for their first day of work.
- Any unauthorized absence lasting more than 10 working days.
- If the sponsored worker discontinues his or her duties, or if his or her contract is terminated (including resignation or dismissal).
- If the University stops sponsoring the worker for any other reason.

- If there are any significant changes in the sponsored worker's circumstances such as a change of job or address.
- A change of salary due to maternity, paternity or adoption leave, or a period of sickness that lasts for one month or longer.
- Any suspicions the University may have that the sponsored worker is breaking the conditions of his or her leave to enter or remain.

The University must also give the police any information it may have that suggests that the sponsored worker may be engaging in terrorism or other criminal activity.

13.3 Complying with the law

To ensure that it is complying with the law, the University must also fulfil the following duties:

- Ensure that the sponsored worker is legally entitled to the job in question and has the appropriate registration or professional accreditation where legally required.
- To not employ or stop employing sponsored workers if their leave to enter or remain in the UK does not allow them to undertake the work in question.
- Only to issue certificates of sponsorship to workers who, to the best of the University's knowledge, meet the relevant requirements.

13.4 Co-operating with the UK Visas and Immigration

The University must allow UK Visas and Immigration staff access to any of its premises on demand and adhere to any action plan set by the UK Visas and Immigration.

13.5 Duties of the sponsored worker

Sponsored workers have the duty to:

- Provide original documents showing their eligibility to work before commencing employment and on a regular basis, responding quickly to any such request made by HR.
- Show the original qualification certificates relevant to the role to HR.
- Inform HR Operations of any changes in their circumstances such as changes relating to their leave to enter or remain in the UK, changes to their contact details (new home address or telephone numbers) and changes to their marital status.
- Comply with the University's yearly request for up to date contact details and requests for information within a timely manner.
- Inform HR Operations and their line manager of any prolonged absence from the work place (i.e. more than 10 consecutive working days) by complying with local reporting procedures.
- Record time (half a day or more) when work is not carried out at their contracted work base or from home using Outlook and provide a printed or electronic copy on request from HR.
- Report any other change to HR Operations which may have an impact on their sponsorship before any change takes place.

- Comply with the conditions of their visa.

13.6 Duties of the line manager

Line managers have the duty to ensure:

- A fair recruitment and selection process has been conducted for all positions.
- Proof of eligibility has been taken for staff prior to the start of the contract. Line managers need to ensure that no workers, including staff hired by Unitemps, associate staff and those paid via the Short Term Teaching Payroll, start work without their eligibility to work in the UK being checked by their HR Representative or Unitemps.
- All non-attendance, unauthorised absences, or disappearances of migrants are reported to HR Operations immediately.
- Resignations or retirements of sponsored workers are reported to HR immediately.
- Any change in circumstances for a sponsored worker is reported to HR Operations in advance of the change occurring. This might typically be a change in job title, working abroad for more than 10 continuous days in one period or more.

APPENDIX A

ACCEPTABLE DOCUMENTS FOR PROVING A RIGHT TO WORK IN THE UK

The documents that are acceptable for proving someone has the right to work in the UK are split into two lists.

List A documents show that the holder is not subject to immigration control, or has no restrictions on their stay, so they have an ongoing right to work in the UK.

List B documents show that the holder has been granted leave to enter or remain in the UK for a limited period of time, and/or has restrictions on their right to work.

If a person has an outstanding application with UK Visas and Immigration and therefore cannot produce acceptable documentation, HR will request a verification notice to confirm if the person has the right to work in the UK.

Frequency of document checks

- List A – before employment starts only
- List B – Group 1 – before employment starts and again when permissions expire
- List B – Group 2 – before employment starts and again after 6 months.

Validity of passports

As of May 2014, sponsored workers are expected to provide evidence of their right to work in the UK in the form of biometric documentation, and immigration endorsements in expired passports are not accepted as proof of right to work. Sponsored workers cannot commence employment until acceptable documentation is provided.

List A – acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.

4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of leave

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is

currently allowed to do the type of work in question.

2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.

4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021.

6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.

7. 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, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for six Months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules

(known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

2. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

3. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.

4. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

EEA Citizens – Right to Work Checks from 1 July 2021

EEA citizens granted status under the EU Settlement Scheme (EUSS)

From 1 July 2021, the majority of EEA citizens will prove their right to work using the Home Office online right to work service.

Those who have made a successful application to the EUSS will have been granted their immigration status digitally and can only prove their right to work using Home Office online service ‘prove your right to work to an employer’ available on GOV.UK: <https://www.gov.uk/prove-right-to-work>. To prove their right to work from 1 July 2021, individuals must provide HR Operations with a share code and date of birth.

If an EEA citizen has been granted ‘Settled Status’ by the Home Office, they will have a continuous right to work, in the same way as someone with Indefinite Leave to Enter / Remain status.

If an EEA citizen has been granted ‘Pre-Settled Status’ by the Home Office, they will have a time-limited right to work and you must carry out a follow-up check. The Home Office online service will advise when a follow-up check must be carried out.

When an Online check cannot be carried out for EEA Citizens

There will be some EEA citizens who do not have status under the EU Settled Status scheme:

- Frontier Worker Permits
- Service Provider of Switzerland visas

- Outstanding applications to UK EUSS
- Outstanding applications to Crown Dependency EUSS
- EEA citizens with Indefinite Leave to Enter/Remain
- Points-Based System visas

APPENDIX B

CHECKING A PERSON'S DOCUMENTS

Checking a person's documents to determine if they have the right to carry out the type of work offered comprises 3 key steps. Where a right to work in the UK check is carried out before someone starts employment the University will establish a 'statutory excuse' against payment of a civil penalty if an illegal worker is employed.

Obtain: original, acceptable documents before an employee starts work. Where there is a recruitment process all shortlisted candidates will be asked to bring evidence of their eligibility to work in the UK to the interview. Acceptable documentation is listed in Appendix A. If the individual does not have the correct documentation at interview, this will be checked before the individual starts work on their first day.

Check: the document's validity in the presence of the holder by taking all reasonable steps to check that the document is genuine and to confirm that the holder is the person named in the document. The document should also allow the individual to do the work in question. This will include checking that photographs and dates of birth are consistent across documents, that expiry dates for permission to be in the UK have not passed, that any work restrictions are assessed to ensure the individual can commence work, that documents are genuine and have not been tampered with, and that reasons for any difference in names across documents can be explained by the provision of evidence, for example a marriage certificate.

Copy: Make and retain a clear copy, verifying and dating the copy to confirm an original has been seen and checked. Ensure that the date the check was carried out is also clear and kept as a secure record.

In some cases, the University may contact the Employer Checking Service for information on certain documents issued by the UK Visas and Immigration (UKVI), or to confirm eligibility to work.

Candidates will also be required to bring in their original qualification certificates relevant to the position they are being interviewed for.

Where the documents show that the individual has an automatic or indefinite right to work in the UK no further check on eligibility is normally required during the period of employment. If an individual has a time limit on their right to work the eligibility checks will normally be made annually

APPENDIX C

POINT BASED SYSTEM FOR SKILLED WORKERS

The points system requires 70 points minimum for an applicant to be eligible for a visa.

50 points are awarded under the mandatory criteria as follows:

- Offer of a job by an approved sponsor 20 points
- Job at an appropriate skill level 20 points
- English language at a level B1 (intermediate) 10 points

20 points are awarded under the tradeable criteria as follows:

General Salary Threshold (or going rate, whichever is higher)	Points	Other (plus meet adjusted salary threshold)	Points
Salary of at least £20,480 (below this no visa)	0	Education qualification; PhD in a subject relevant to the job	10 (90% GR)
Salary of at least £23,040	10	Education qualification; PhD in a STEM subject relevant to the job	20 (80%GR)
Salary of at least £25,6000	20	Job in a shortage occupation (as designated by the MAC)	20
Salary of at least £20,480 (listed Health/Education job and meets	20	Applicant is a new entrant to the labour market (as	20 (70% GR)

national pay
scale)

designated by
the MAC)

Illustrated below are the permutations of how the tradeable points might work in practice:

1. Salary of £25,600+ and going rate for occupation

Will give 20 points without looking for other tradeable options

2. PhD relevant to job and salary of £23,040+ and 90% of going rate

Combination of both tradeable criteria will give 10 points each totalling the 20 required.

3. PhD in STEM subject and salary of £20,480+ and 80% of going rate

80% of 25600 is 23040 which gives 10 points and the PhD (in non stem subject gives another 10 points totalling the 20 required.

4. SOL job and salary of £20,480+ and 80% of going rate

The post must be listed on the published shortage occupation list to qualify for the 20 points. 80% of 25600 is £20,480 which gives 0 points.

5. New entrant and salary of £20,480+ and 70% of going rate

New entrant must be aged between 18 and 30 and entering their first recognised profession where new entrants are paid less in their initial years than experienced or qualified staff. To qualify the new entrant must earn at least £20,480 when the 70% of the going rate as listed by MAC is calculated.

This would give 20 points without any other tradable requirements (highly unlikely that this would apply in any case to a new entrant to a profession as they are in the learning phase of their career development where professional/academic qualifications will follow.

Salary Qualifications

Salary thresholds are based on a 39 hour week so it is permissible to calculate on less than 39 hours for the going rate providing that the total worked out pro rata is at or higher than the published thresholds.

For example, if a post is for 16 hours and the annual actual salary is less than the £24080 but the FTE is higher then it is the actual salary that is accepted for assessment. In this case therefore the part time post would not qualify for a visa.

- EU citizens to include Norway, Iceland, Switzerland and Liechtenstein but excludes Irish nationals who are covered by the common travel area between the UK and the Republic).

APPENDIX D

FURTHER INFORMATION ABOUT THE SKILLED WORKER VISA

Employing individuals under the Skilled Worker Visa is a complicated process which must be followed in order to comply with immigration legislation. This appendix gives a summary of the process, but further information should be sought from the HR Operations.

Defining the vacancy and SOC Codes

All employees sponsored under the Skilled Worker Visa must meet minimum skill level and salary requirements:

- The minimum skill level for the job must be RQF 3 level or above.
- The minimum salary must meet the higher of the salary threshold or the going rate for the job.

The SOC Codes are the method used for classifying jobs according to their titles and activities.

Offering the Job

Offers made to individuals requiring sponsorship must:

- Be subject to the individual getting entry clearance or leave to remain in the UK to undertake the job.
- Be in line with the advert (e.g. salary range, allowances, length of contract).
- Follow the salary rules as set out in the SOC Codes of Practice.

The Certificate of Sponsorship

If required, the University will issue the certificate of sponsorship to the overseas worker to enable them to apply for their leave to enter or remain in the UK. They will need to provide evidence of their eligibility to work in the UK prior to starting their employment.

A Certificate of Sponsorship is required for all individuals sponsored under the Skilled Worker Visa and Temporary Worker – GAE scheme. This is an electronic record, not a physical document. Each certificate has its own number which a worker will use to apply for their visa.

Certificates must be used within 3 months of application and 3 months from assigning to the migrant worker. A Certificate of Sponsorship must be assigned within six months of the role being advertised (or 12 months if it is in a PhD-level SOC code).

The University will ask to see evidence that the individual meets the points requirement before applying for the CoS.

Undefined certificates

Can be assigned at any time and are not subject to the annual UK limits, however the University is assigned a set allocation each year. These certificates are for:

- In country switch
- Contract extensions
- Change of employment applications

- High earners

The University is allocated a certain number of unrestricted certificates each year.

Defined certificates

Subject to the annual UK limit and must be approved by the UK Visas and Immigration, these certificates are for new hires applying from outside of the UK.

English Language Requirement

For current employees of the University who are applying to extend their current Tier 2 or Skilled Worker visa, the English Language and Maintenance requirements do not need to be met. New hires will need to prove their knowledge of English when they apply. This can be done by passing an English language test or having a degree level academic qualification taught in English (verified by Ecctis). There is an exception to prove this requirement for nationals of certain countries.

Maintenance Requirement

As part of the Skilled Worker visa application process, individuals will be asked to prove that they are able to financially support themselves on arrival in the UK. They can do this by showing proof of their funds when they make their visa application.

As the University is an 'A' rated sponsor, it can 'certify' the Maintenance of sponsored individuals at their own discretion. What this means is that the University provides a guarantee that the individual will have enough money to support themselves for the first month of employment. If the University does certify Maintenance the employee will not be required to submit any evidence of funds as part of the visa application. However, any monies used to support the employee within the first month of employment will be treated as a salary advance under the University Relocation policy.

Applying for leave to enter/remain

It is the responsibility of the migrant worker to apply for leave to enter or remain in the UK. This should happen before the Certificate of Sponsorship expires but no earlier than three months before its start date. The University will reimburse the employee for the cost of a successful standard leave to remain or leave to enter visa via an expenses claim form with appropriate receipts/evidence of payment once employment has commenced. Where an individual has used a premium/one day visa route, costs will be met up to the amount of a standard application.

The University will not pay the costs of a Global Talent Visa application, additional costs for dependents of an existing or incoming employee, the NHS surcharge or any additional costs related to the visa application. After 5 years of employment in the UK, it is expected that the sponsored worker will apply for indefinite leave to remain in the UK. This cost will not be met by the University. The University provides financial support through an Immigration Salary Advance. Staff can apply to have all their immigration or part of their immigration costs covered by applying for an advance against their salary. The total monies advanced is repayable in twelve equal monthly instalments commencing in the month after the advance was made. For further information staff should contact HR Operations.

Starting work

At some point before the individual starts work, a right to work check must take place. This must be done in line with the policy guidance on right to work checks.

For individuals sponsored under the Skilled Worker Visa, the right to work check cannot be done at interview so it is essential that the individual brings evidence of their right to work in the UK on their first day. They must not start work on their first day until their right to work documentation has

been checked by HR. The template welcome letter is designed to support this process. Offer letters to sponsored employees will contain, as a condition of employment, that they must satisfy the right to work check on or before their first day and if on their first day, before they start employment. Original documents must be presented and copies taken by HR will be signed, dated, stamped and timed so that future audit checks can verify that the right to work check was completed before the sponsored employee started work.

If these copies are taken on the day the individual arrives, then you must also write the time at which the copy was taken, and this time must be before they started work.

Supplementary employment

Individuals sponsored via the Skilled Worker Visa are allowed, in limited circumstances, to undertake other work in addition to that for which their Certificate of Sponsorship (CoS) was assigned. This is called supplementary employment.

There are fewer restrictions attached to supplementary employment:

- Supplementary employment can be undertaken with any employer and they do not have to be a licensed sponsor, unless the worker intends to work more than 20 hours per week for the new employer, or the work falls into a different SOC code to that stated on their CoS
- The sponsored individual does not have to inform UK Visas and Immigration that they are undertaking supplementary employment.
- The employer is not obliged to undertake any reporting or record keeping duties whilst the sponsored individual is completing supplementary employment.
- The work should be conducted outside of the normal working hours for which the CoS was assigned.