

### **Tier 5 – Government Authorised Exchange (Non EEA sponsored researchers)**

This tier is only for non EEA nationals as Sponsored researchers. A Sponsored researcher is not normally an employee, however under the UK Visas & Immigration rules for Tier 5 the work and funding must conform to all relevant United Kingdom and European legislation, such as the National Minimum Wage Act and the EC working hour's directives.

Our Points Based System (PBS) licence has been granted on the understanding that the University will meet its record keeping, monitoring and reporting duties under the PBS, as outlined in the Immigration, Asylum and Nationality Act 2006 in order to prevent illegal working within the UK. If we fail to meet these responsibilities the University could be liable for a civil penalty of up to £10,000 and/or our licence may be revoked.

The University has been authorised by the UK Visas & Immigration to allocate a limited number of Certificates of Sponsorship under Tier 5, these will be issued by Human Resources for a maximum period up to 24 months and carry considerable monitoring and reporting responsibilities as outlined below.

In order to issue a Certificate of Sponsorship under Tier 5 Human Resources must have approval from the relevant Research Institute Director and be endorsed by the relevant Dean i.e. required to complete the Sponsored Researcher request pro-forma. Prior to taking up engagement the normal pre-engagement checks will apply in order to check and retain copies of documents to confirm their right to work legally within the UK.

### **UK Visas & Immigration Criteria**

The UK Visas & Immigration rules define a sponsored researcher as a person who wishes to come to the UK to lead or to take part in any formal research project. Formal research projects are those hosted but not necessarily funded by a UK research institution including universities, non-commercial research organisations, charitable organisations and national research councils (such as Medical Research Council). The sponsored researcher fills a research post and works under the full or partial control of the institution, which will itself benefit from the research. Sponsored researchers can be funded from sources in the UK or overseas.

### **UK Visas & Immigration Sponsored researcher requirements**

In order to assign a Certificate of Sponsorship the University will be required to guarantee that the migrant:

- Will be taking part in a work experience scheme;
- Will not be filling a genuine vacancy.
- The work undertaken will be in addition to the normal staffing needs of the University.
- Will be undertaking skilled work at NVQ3 level or above.

- Will be able to support themselves (and any dependents) without recourse to public funds.
- Will intend to leave the UK at the end of their visit.

### Reporting and Monitoring Duties

The relevant Research Institute is directly responsible for the activities of the sponsored researcher and must report the following information to their nominated HR Business Partner who in turn will notify UK Visas & Immigration as appropriate:

- If the sponsored researcher does not turn up for their first day of work; (notify HR within 5 working days);
- If the sponsored researcher is absent from work, occasions of agreed leave or attendance at conferences are not required to be reported as they will have been agreed by you as their research supervisor however absences caused e.g. by sickness or unauthorised absence must be reported immediately and **no later than 5 working days** following their first date of absence;
- If the sponsored researcher's period of engagement (including resignation from their placement or is dismissed) or if any registration they need to work in the UK (such as with a governing body) is ended is reported **immediately** and **no later than 5 working days** following receipt of their letter of resignation/notification of expiry of registration;
- If the sponsor stops sponsoring the researcher for any other reason (e.g. the migrant moves into an immigration route that does not require a sponsor);
- Any significant changes to the sponsored researcher's circumstances such as up to date contact details – which includes changes of addresses, change of telephone or mobile numbers, changes of work location;
- If the sponsor has information which suggests the migrant is breaching conditions of their leave to remain in the UK;
- If the sponsor has information that suggests a migrant may be engaged in terrorism or other criminal activity, it must give the police any information it may have.

### Points Available

The points available under this tier are:

1. Certificate of Sponsorship = 30 points (certificate is issued by the sponsor)
2. Maintenance requirement = 10 points (£900 – **note:** for applications submitted on or after 01 July 2014 increased to £945) (and £600 for each dependent – **note:** for applications submitted on or after 01 July 2014 increased to £630 for each dependent) **or** as an **A** rated sponsor the University (i.e. the Research Institute) may certify that they will maintain and accommodate the migrant until the end of their first month in the UK – please note the sponsor will not be able to certify maintenance for dependents. The University will also be required to inform the migrant that they must not claim state benefits.



Confirmation that the migrant meets the points will be required prior to Human Resources issuing a certificate of sponsorship.

Receipt of a Certificate of Sponsorship does not guarantee entry clearance to the UK. The migrant will be required to apply to the UK Visas & Immigration for Leave to Enter the UK.

If you are satisfied that the above requirements can be met please complete the [Sponsored Researcher Request Pro- forma](#) and if you require further advice contact the nominated HR Business Partner for your area. The completed pro-forma including visit approval should be returned to your nominated HR Business Partner for the issue of a Certificate of Sponsorship.

Source: Tier 2 & 5 of the Points Based System Guidance for Sponsors Version 04/14 – Valid from 06 April 2014