UCL Immigration Monitoring Arrangements

1. Monitoring Arrangements

1.1 Under Tier 2 and Tier 5 requirements, and as an A rated sponsor, it is necessary for University College London (UCL) to monitor staff attendance on an on-going basis and report any sponsored member of staff who fails to commence employment with the University, fails to attend work, resigns or has the contract of employed terminated early.

1.2 A staff member in any of these situations must be reported by UCL to UK Visas and Immigration (UKVI), through the Sponsor Management System within 10 working days of the start date, resignation date, non-attendance date, or termination date.

1.3 Sponsored staff members, employing departments/schools, and UCL HR have joint and separate responsibilities

2. Sponsored Staff Responsibilities

2.1 Sponsored have a number of responsibilities, which are set out below.

2.2 Advising the Departmental Administrator and Human Resources (HR) if they are delayed in arriving to the UK, providing details of the reason and expected date of arrival.

2.3. Providing evidence of their National Insurance (NI) Number, unless they are exempt from requiring one. For example, copy of their NI card (or NI number notification letter from Her Majesty’s Revenue and Customs (HMRC) or the Department for Work and Pensions), wage slip, P45, New Starter Checklist, P60, P11 (employers declaration to HMRC), P14 (employers return to HMRC), P35 (employer’s annual return to HMRC).

2.4 Maintaining up-to-date contact details either through updating MyView or through direct communication of any changes to HR. UKVI requires that the following details are kept up to date at all times:

- UK residential address
- UK telephone number
- Mobile telephone number
2.5 Checking their UCL e-mail account regularly to ensure that they are informed of any updates with respect to their employment at UCL, including those related to their visa, and that they can respond promptly to any requests for information or action UCL has in this regard.

2.6 Requesting absences such as leave and off site meetings/conferences using MyView and/or recording them in their Outlook calendar. They should ensure that their Departmental Administrator and line manager have access, so that they can be located when UCL is audited by UKVI.

2.7 Making appropriate contact with their employing department in circumstances of illness or emergencies to clarify the nature of the absence and seek permission as required by normal UCL procedures. Failure to attend work without such contact/permission will be reported to UKVI via the Sponsorship Management System.

2.8 Advising their Departmental Administrator if resigning from their post and/or take up employment elsewhere in a timely manner, providing details of any future UK employer, where applicable.

2.9 Advising their Departmental Administrator and HR that they have moved into an immigration category which does not require a sponsor and providing evidence to confirm their change of category.

2.10 Applying promptly for further leave to remain where UCL has been granted a further certificate to extend the sponsorship period.

2.11 If a migrant worker is travelling outside the UK, Channel Islands, Isle of Man and Republic of Ireland (the common travel area) they must ensure that they have sufficient clearance to re-enter the UK. Where the leave to remain has been granted for a period of more than six months, this will mean that your leave to remain cannot expire whilst outside the UK and you cannot remain outside the UK for more than two years. Where the leave to remain has been granted for a period of less than six months, your leave to remain will lapse if you leave the common travel area.

2.12 Ensuring that they do not claim benefits, tax credits or housing assistance that they are not entitled to. For more information please refer to the UK Visas and Immigration guidance.

3. Department Responsibilities

3.1 Employing departments also have a number of responsibilities, which are normally delegated by the Head of Department to the Departmental Administrator:

3.2 The Departmental Administrator is required to confirm the starting status of an employee within their department to HR through the online New Starters Reminder System.

3.3 Any new staff members who do not commence employment on the agreed start date must be reported by UCL to UKVI within 10 working days of the anticipated start date. Employing departments must advise HR ECA immediately if a sponsored new
member of staff does not attend work as expected in order that the situation can be jointly monitored.

3.4 Each department is required to have in place a robust process through which sponsored Tier 2 and Tier 5 staff members (along with all other staff) are effectively monitored in terms of their attendance. Employing departments must advise HR ECA immediately if a sponsored member of staff is absent from work without permission as this must be reported to UKVI within 10 working days of the 10th day of absence. Where a member of staff is on an agreed period of leave and/or has made appropriate contact to advise that they are absent due to illness or similar this does not need to be reported.

3.5 The Departmental Administrator is required to ensure all staff use MyView to record sickness absences and to use MyView and/or Outlook to record other absences such as leave and off site meetings/conferences.

3.6 Staff members must be informed of the local procedures for attendance monitoring/reporting by the employing department, highlighting that they must comply with these procedures as a requirement of their visa.

3.7 If a staff member is absent from work without permission, efforts should be made by the department to contact the staff member and establish their whereabouts.

3.8 The Departmental Administrator is required to check the Limited Leave to Remain Reminder System to identify any pending expiring visas, and prompt staff accordingly.

3.9 The Departmental Administrator receives a system generated email from the Limited Leave to Remain Reminder System 2 months prior to a right to work expiry date. This email identifies the staff member whose right to work expiry is about to occur, and on receipt the Departmental Administrator is required to prompt staff accordingly of any pending expiring visas.

3.10 HR must be advised in a timely manner of any changes or proposed changes to the sponsored migrants circumstances including: a potential promotion or change in job duties/ responsibilities, a change of salary level, a period of maternity, paternity, adoption and shared parental leave, a change of location of work, a proposed extension to contract or a proposed early termination of contract/resignation.

4. UCL Human Resources Responsibilities

4.1 Human Resources are responsible for the following:

4.2 The Employment Contracts Administration (ECA) team maintain a list of all Tier 2 and Tier 5 sponsored migrants.

4.3 Share information, including UKVI updates and changes, with Departmental Administrators at the HR DA User Group on a regular basis to maintain up-to-date knowledge and effect any required amendments to practices.
4.4 The ECA team will write to individuals sponsored under Tier 2 and Tier 5 annually to remind them of their obligations including how to update their contact details.

4.5 Annually the ECA team will send Departmental Administrators a list of the staff in their area that are currently subject to Tier 2 or Tier 5 permissions, including a reminder of the monitoring obligations that apply.

4.6 The ECA team will be responsible for updating the right to work information (on the HR/Payroll database) that appears on the Limited Leave to Remain Reminder System.

4.7 The ECA team will undertake all reporting requirements to UKVI of any matters of concern or changes of circumstances. Circumstances which are required to be reported to UKVI include:

- Reductions to salary with the exception of University wide reductions for economic reasons, reductions due to periods of maternity, paternity, adoption, shared parental and unpaid leave, each lasting no more than one month. N.B. reductions for other reasons are unlikely to be permissible.

- If the sponsored migrant does not commence employment on the agreed first day of employment with UCL.

- If the employment contract is terminated earlier than the date of expiry of the CoS e.g. in cases of resignation or dismissal.

- Cases where the employee wishes to take more than one month’s unpaid leave\(^1\), in which UCL must stop sponsoring the migrant and this must be reported to UKVI.

- Cases where the employee has switched immigration categories and no longer requires UCL to sponsor them.

- Promotions or changes in job title or core duties, other than those requiring a change of employment application.

- Changes of salary other than those related to annual increments or pay awards and not requiring a change of employment application.

- Changes to salary as a result of maternity, paternity, adoption and shared parental leave or sickness absence lasting one month or more.

- Changes to location of work.

- Changes which mean the employee will be affected by TUPE regulations.

- Unauthorised absence of more than 10 consecutive days. This must be reported within 10 working days after the 10th day of absence.

\(^1\) Excluding maternity, paternity, adoption, shared parental leave, or sickness absence.
4.8 The HR immigration Working Group meets monthly to review internal processes to ensure all appropriate action is being taken to ensure compliance with relevant legislation and guidance and that any amendments issued by UK Visas and Immigration are disseminated including changes to procedures where necessary.