UCL Right to Work Information and Guidance

Introduction

UCL is not legally allowed to provide personal immigration advice either to candidates or current staff. The content in this document is therefore intended to provide general information about Right to Work requirements and the UK immigration system that is relevant to UCL staff.

Individuals or departments requiring advice on immigration matters should seek external support from an Immigration Adviser registered with the Office of the Immigration Service Commission (OISC). OISC-registered advisers can be found using the OISC Adviser Finder.

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The Points Based Immigration System and Certificates of Sponsorship

The UK has a Points Based Immigration System (PBS) that sets out the rules and criteria for people from outside the European Economic Area who wish to work in the UK.

The present Government’s intention is to reduce net migration levels into the UK significantly and therefore the Government regularly reviews the PBS in order to try and achieve this goal.

In the UK, immigration policy and processes are managed and directed by UK Visas and Immigration (UKVI) a division of the Home Office.

This guidance is intended to help you understand the immigration routes available to prospective employees and their eligibility to work in the UK.

Scope

Immigration rules must be strictly followed by all applicants and all employees with working restrictions at UCL. Failure to comply with UK Visas and Immigration rules and UCL policy may result in UCL losing its ‘A’ rated sponsor status along. Furthermore, employees and employers who knowingly breach immigration rules may face curtailment of their leave to remain in the UK, unlimited fines and possible imprisonment.

The Points Based System

This document details:

- The five main ‘Tiers’ of the PBS through which non-EEA workers may enter the UK, supplementary routes, and the requirements, restrictions and responsibilities for each route.
- Visitor, Permitted Paid Engagement, and other types of visas.
- The processes to be followed by departments when checking right to work documentation, applying for Certificates of Sponsorship under Tier 2 and Tier 5, and monitoring migrant workers’ attendance.
- Visa holders’ responsibilities while in the UK.

Visa holders coming to the UK from particular countries (listed on the government website) for more than 6 months are required to register with the Police within 7 days of arriving in the UK, or receipt of their biometric residence permit. Further information is available at: Register with the Police.

Tier 1 (Exceptional Talent / Exceptional Promise)

Tier 1 (Exceptional Talent) is for people who are internationally recognised as world leaders (or show exceptional promise to become world leaders) in the fields of science the arts, and technology, and who wish to work in the UK. Those wishing to apply for a Tier 1 (Exceptional Talent / Exceptional Promise) visa are able to do so from both within and outside the UK. Furthermore, people on other types of UK visas are able to apply to switch onto Tier 1 (Exceptional Talent / Exceptional Promise).

Tier 1 Application Process

Stage 1:

The applicant must submit an ‘Application for Endorsement for Tier 1 (Exceptional Talent)’ form to UK Visas and Immigration (UKVI). The applicant must enclose the information requested by the
Designated Competent Body (DCB) with the application and pay a fee for the application to be considered.

Though the Stage 1 application form is sent directly to UKVI it is not an immigration application and endorsement by a DCB does not grant leave to enter the UK.

UKVI will send the Stage 1 application to the applicant’s chosen DCB who will advise UKVI on whether they meet their relevant endorsement criteria. After the DCB has considered the application for endorsement, UKVI will advise the applicant of the decision. If successful, an applicant can make a Stage 2 application.

Stage 2:

After being successfully endorsed by a DCB, the Tier 1 applicant must then make a Stage 2 immigration application. UK Visas and Immigration will consider the immigration aspects of the application before deciding whether to award leave to enter the UK as under Tier 1 (Exceptional Talent / Exceptional Promise).

The applicant must submit:
- If in the UK: A Stage 2 Tier 1 (Exceptional Talent) Application Form
- If outside the UK: an online application using the Government's online visa application service
- If a Croatian national: an application for a blue registration certificate

You will need to pay a fee for the visa application to be processed and you will also need to register your biometrics so that you can be issued with a Biometric Residence Permit (BRP).

The application is considered by UKVI and a decision made and communicated.

What if the application is refused?

At both stage 1 and 2 the applicant can contact UKVI to request that the decision to refuse them is reviewed.

How long does this take?

Applicants should expect to wait eight weeks for a DCB to assess a Stage 1 application for endorsement, however, for highly specialised subject areas this can take longer.

UK Visas and Immigration currently advise that it will take approximately three weeks for the Stage 2 application to be processed. This may, however, vary depending on your nationality.

Designated Competent Bodies (DCB)

The following DCBs will advise UK Visas and Immigration which applicants meet the 'exceptionally talented' or 'exceptionally promising' criteria to ensure that they are the brightest and best in their field. There are a total of 1,000 places available each year:
- The Royal Society (natural sciences and medical science research): 250 places
- Arts Council England (arts and culture): 250 places
- The Royal Academy of Engineering (engineering): 250 peoples
- The British Academy (humanities and social sciences): 150 places
- Tech City UK (digital and technology): 150 places

Each DCB has set the criteria and procedures it will use to determine whether an applicant qualifies for endorsement, which are available on the UK Visas and Immigration website.
Endorsement Criteria for The British Academy, The Royal Academy of Engineering, and The Royal Society

To qualify for an endorsement for the above DCBs you must be an outstanding scientist, engineer, or scholar; and demonstrate significant contributions in your field.

To be considered as Exceptional Talent you must be a long established, demonstrable world leader in your field.

To be considered as Exceptional Promise you need to be in an early stage of your career and show proven potential to be a world leader in your field.

<table>
<thead>
<tr>
<th>Mandatory Criteria</th>
<th>Exceptional Talent</th>
<th>Exceptional Promise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be an active researcher in a relevant field</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Have a PhD or equivalent research experience</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Provide a dated letter of personal recommendation from an eminent, qualified UK resident, familiar with the applicant’s work</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Been awarded, or hold, or have held in the last 5 years, a prestigious UK-based / international research fellowship or equivalent</td>
<td>N/A</td>
<td>✓</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Qualifying Criteria</th>
<th>Exceptional Talent</th>
<th>Exceptional Promise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be a member or foreign member of their national academy, or UK academy</td>
<td>✓</td>
<td>N/A</td>
</tr>
<tr>
<td>Have been awarded a prestigious, internationally recognised prize</td>
<td>✓</td>
<td>N/A</td>
</tr>
<tr>
<td>Provide an official recommendation from an authorised senior member of a reputable UK organisation with research in their field</td>
<td>✓</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Accelerated Applications: The British Academy, The Royal Academy of Engineering, and The Royal Society

The British Academy, Royal Academy of Engineering, and Royal Society provide an accelerated endorsement process for specific peer-reviewed Research Councils UK, Wellcome Trust, and UK National Academies research fellowships. If you wish to apply for an accelerated application you will need to select the ‘fast track’ option on the Stage 1 application form. If you wish to apply for endorsement through any fellowship not listed below then the standard application process applies.

For more information on the eligibility criteria set by UK Visas and Immigration and the designated competent bodies please see the UK Visas and Immigration website. For information on eligible grants and fellowships from the designated competent bodies, please visit their websites or contact them directly.
## Supporting Evidence for Stage 1 Eligibility Checks

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Expected Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Be an active researcher in a relevant field</td>
<td>Referenceable evidence, e.g. publications, research output, patents etc.</td>
</tr>
<tr>
<td>Have a PhD or equivalent research experience</td>
<td>Internationally recognised prize or fellowship that has been rigorously peer-reviewed, or a competitive fellowship or award for an early career researcher</td>
</tr>
<tr>
<td>Be at an early stage in their career</td>
<td>Must be a national academy and not a professional body</td>
</tr>
<tr>
<td>Been awarded, or hold, or have held in the last 5 years, a prestigious UK-based / international research fellowship or equivalent</td>
<td>Must be form an appropriate source or authority, e.g. a CEO, Vice-Chancellor, or Director; and Must be relevant to the Tier 1 application; Must demonstrate the strength of the application</td>
</tr>
<tr>
<td>Have been awarded a prestigious, internationally recognised prize</td>
<td>Must be a national academy and not a professional body</td>
</tr>
<tr>
<td>Be a member or foreign member of their national academy, or UK academy</td>
<td>Must be a national academy and not a professional body</td>
</tr>
<tr>
<td>Provide a dated letter of personal recommendation from an eminent, qualified UK resident, familiar with the applicant’s work</td>
<td>Must be form an appropriate source or authority, e.g. a CEO, Vice-Chancellor, or Director; and Must be relevant to the Tier 1 application; Must demonstrate the strength of the application</td>
</tr>
<tr>
<td>Provide an official written recommendation from an authorised senior member of a reputable UK organisation concerned with research in their field</td>
<td></td>
</tr>
</tbody>
</table>

## Supporting Evidence for Stage 2 Eligibility Checks

### Criteria – Exceptional Talent

<table>
<thead>
<tr>
<th>Evidence – Exceptional Talent</th>
</tr>
</thead>
<tbody>
<tr>
<td>CV, application form</td>
</tr>
<tr>
<td>Personal statement or recommendation letter</td>
</tr>
</tbody>
</table>

### Criteria – Exceptional Promise

<table>
<thead>
<tr>
<th>Evidence – Exceptional Talent</th>
</tr>
</thead>
<tbody>
<tr>
<td>CV, application form</td>
</tr>
<tr>
<td>Personal statement, recommendation letter</td>
</tr>
<tr>
<td>Personal statement, publications, recommendation letter</td>
</tr>
<tr>
<td>Personal statement, application form</td>
</tr>
</tbody>
</table>
Supporting Statements: The Royal Academy, The Royal Academy of Engineering, and The Royal Society

What should the supporting statements highlight?

Personal statement:
- The case for being reviewed as a world leader or potential world leader in their field
- The contribution they will make to UK research excellence and wider UK society in the next five years
- The potential economic benefits from the exploitation of intellectual capital (if applicable)

Letter of recommendation:
- The evidence for the applicant’s claim to be a world leader or potential world leader in their field
- The applicant’s achievements in the field – how are they outstanding?
- How living in the UK would benefit the applicant
- The contribution the applicant would make to UK research excellence and the wider society

Typical candidate profile

‘A candidate can be very good without being regarded as exceptional’. Designated competent bodies will only assess a claim of exceptional merit through evaluating concrete evidence. Exceptional track records and strong supporting documentation and references are therefore crucial for a successful endorsement.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Fellowship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Councils UK</td>
<td>Engineering and Physical Sciences Research Council (EPSRC) Established Fellow</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Academy of Engineering Research Chairs</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Academy of Engineering Senior Research Fellowships</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Economic and Social Research Council (ESRC) Professorial Fellow</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Wolfson Research Professorship</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Principal Research Fellowships</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Senior Research Fellowships in Basic Biomedical Science</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Senior Research Fellowships in Clinical Science</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Wellcome Trust Investigator Awards</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Royal Society Research Professorship</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Society Wolfson Research Merit Award</td>
</tr>
</tbody>
</table>
The Arts Council England assesses applications for exceptional talent and promise in the fields of dance, music, theatre, visual arts, literature, museums and galleries, and combined arts. Exceptional talent may, therefore, be more open to subjectivity and taste. For film, television, animation, post-production, or visual effects, only exceptional talent applications are permitted.

Candidates must provide:

- A brief statement explaining the nature of the artistic practice they wish to pursue in the UK
- Two letters of endorsement
- 10 pieces of evidence based on:
  - Significant media recognition
  - International awards for excellence
  - Proof of appearances / exhibitions in recognised international contexts

For candidates wishing to work in film or TV, international awards for excellence means:

- Awarded or nominated for:
  - An Academy Award
  - A BAFTA
  - A Golden Globe
  - An Emmy

### Endorsement Criteria for the Arts Council England

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Fellowship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Research Councils UK</td>
<td>The Arts and Humanities Research Council (AHRC) Leadership Fellows</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>The Arts and Humanities Research Council (AHRC) Leadership Fellow – Early Career Route</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Biotechnology and Biological Sciences Research Council (BBSRC) David Phillips Fellow (DP)</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Engineering and Physical Sciences Research Council (EPSRC) Early Career Fellow</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Economic and Social Research Council (ESRC) Future Research Leaders</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Medical Research Council (MRC) Senior Clinical Fellow</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Medical Research Council (MRC) Senior Non Clinical Fellow</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Medical Research Council (MRC) Clinical Scientist Fellow</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Medical Research Council (MRC) Career Development Award</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Medical Research Council (MRC) New Investigator Research Grant</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Natural Environment Research Council (NERC) Independent Research Fellow</td>
</tr>
<tr>
<td>Research Councils UK</td>
<td>Science and Technology Facilities Council (STFC) Ernest Rutherford Fellow</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Society Sir Henry Dale Fellowship</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Wellcome Trust Sir Henry Dale Fellowships</td>
</tr>
<tr>
<td>Wellcome Trust</td>
<td>Wellcome Trust Intermediate Clinical Fellow</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Academy of Engineering Research Fellowships</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Academy of Engineering Enterprise Fellowships</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Society University Research Fellowship</td>
</tr>
<tr>
<td>UK National Academies</td>
<td>Royal Society Dorothy Hodgkin Fellowship</td>
</tr>
</tbody>
</table>

Endorsement Criteria for the Arts Council England

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Candidates must provide:

- A brief statement explaining the nature of the artistic practice they wish to pursue in the UK
- Two letters of endorsement
- 10 pieces of evidence based on:
  - Significant media recognition
  - International awards for excellence
  - Proof of appearances / exhibitions in recognised international contexts

For candidates wishing to work in film or TV, international awards for excellence means:

- Awarded or nominated for:
  - An Academy Award
  - A BAFTA
  - A Golden Globe
  - An Emmy
The Arts Council England will make its assessment based on:

- Professionalism
- Outstanding quality
- High level of recognition internationally
- Track records
- Applicant still actively making work

**Endorsement Criteria for Tech City UK**

Tech City UK endorses world leaders and potential world leaders in the field of digital technology. In order to meet their criteria for exceptional talent or exceptional promise you must:

- Be established as a world leader in the field of digital technology
- Demonstrate the potential to become a world leader in the field of digital technology
- Be an internationally recognised skilled professional in this field; and/or
- Have the necessary business and technical skills to grow and scale-up technology companies

Tech City UK provides a comprehensive (but not exhaustive) list of technical and business skills that can demonstrate the above criteria on their website.

<table>
<thead>
<tr>
<th>Stage 1 Eligibility Checks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mandatory Criteria</strong></td>
</tr>
<tr>
<td>1. Either have a proven track record of innovation in the digital technology sector as a director / founder of a digital technology sector company or an employee working in a new digital field or concept that must be clearly evidenced (e.g. patent application) or</td>
</tr>
<tr>
<td>2. Proof of recognition for work outside your immediate occupation that has contributed to the advancement of the sector (e.g. evidence that you have gone beyond your day to day profession to engage in an activity that contributes to the advancement of the sector)</td>
</tr>
<tr>
<td><strong>Qualifying Criteria</strong></td>
</tr>
<tr>
<td>1. Have made significant technical, commercial, or entrepreneurial contributions in the digital technology sector as either a director, founder, or entrepreneur of a digital technology company</td>
</tr>
<tr>
<td>2. Have been recognised as a world leading talent in the digital technology sector</td>
</tr>
<tr>
<td>3. Have undergone continuous learning or mastery of new digital skills (commercial or technical) throughout your career.</td>
</tr>
<tr>
<td>4. Have demonstrated exceptional ability in the field by making academic contributions through research</td>
</tr>
</tbody>
</table>

Tech City UK requires the following documents for a Stage 1 endorsement application to be made:

- Two letters of recommendation from two different senior members of different established organisations in the digital technology sector
- A personal statement of no more than 7000 characters
- Evidence of demonstrating the mandatory criteria and qualifying criteria above

For more information on the documents you may be required to provide please review the guidance on the Tech City UK website.
**Accelerated Applications: Tech City UK**

Fast track applications can be made in the following three situations:
- Empowering the North – where you intend to settle and work in Hull, Leeds, Liverpool, Manchester, Newcastle, Sheffield, Sunderland, or their surrounding regions
- Bridging the Gap: building UK scale-ups: where you have a particular set of specialist technical knowledge.
- Relocating teams – if you wish to relocate a team of up to five individuals to the UK.

**Tier 1 (Graduate Entrepreneur)**

The Tier 1 (Graduate Entrepreneur) scheme is for students who have been identified by British universities as having developed world-class innovative ideas or entrepreneurial skills but who are not currently able to meet the requirements of the Tier 1 (Entrepreneur) visa. Under this type of visa, recent graduates will be able to develop their business ideas in the UK. There are up to 1,000 Tier 1 (Graduate Entrepreneur) visas available each year. UCL, as an A-rated and highly trusted sponsor is able to sponsor Tier 1 (Graduate Entrepreneur visas). More information is available on the UCL Innovation and Enterprise website.

**Tier 2 (General)**

Tier 2 of the Points Based System permits skilled workers from outside the European Economic Area to fill a genuine vacancy that cannot be filled by a suitably qualified worker from the UK, EEA, or someone settled in the UK. This is called the Resident Labour Market Test (RLMT) and UCL will normally have to meet the conditions of the test in order to provide a successful candidate with a Certificate of Sponsorship under Tier 2.

Tier 2 workers are required to apply for a visa from UK Visas and Immigration. For a visa to be granted they must achieve a minimum of 70 points in a points based assessment:
- Certificate of Sponsorship: 50 points
- English language: 10 points
- Maintenance: 10 points

The English language requirement can be met by the applicant demonstrating that they meet Level B1 on the Common European Framework of Reference for Languages. This can be achieved by being from a predominantly English speaking country, having a recognised degree-level qualification that was taught in English, or passing an approved English language test.

UCL will certify maintenance for future UCL employers who are applying for a Tier 2 visa.

**Resident Labour Market Test Exemptions**

There are a number of exemptions that allow UCL to sponsor people on Tier 2 visas without having to apply the Resident Labour Market Test:
- Roles on the Government’s Shortage Occupation List
- Posts attracting a salary of £155,300 or above
- Named researchers on a grant
- Tier 4 (Students) who recently graduated
Applying the Resident Labour Market Test

There are some important criteria that need to be met for UCL to be able to sponsor Tier 2 workers for a particular role:

- The role must be a graduate level occupation (Level 6 on the National Qualifications Framework).
- The role must be paid at least £25,000 per year or meet the minimum salary requirement as specified in the relevant standard occupational classification (£30,000 from April 2017).
- The role must meet the Resident Labour Market Test.

It is important to note that UK Visas and Immigration specifies two salary levels for most standard occupational classifications. This means that new entrants to the labour market (those under 26 and graduates switching to a Tier 2 visa) and experienced hires (all other people) may have significantly different income requirements in order to meet the sponsorship criteria. If a new entrant seeks an extension to their Certificate of Sponsorship they will need to meet the experienced hire salary or their extension will be rejected.

Vacancies also need to meet strict advertising criteria for the RLMT to be met. First, a position needs to be advertised for 28 days in at least two different advertising mediums. Second, one of these advertising mediums must be the UCL website. Third, any jobs which are below PhD level or which are paid less than £72,500 must be advertised in the Jobcentre Plus.

<table>
<thead>
<tr>
<th>Medium</th>
<th>Criteria for Suitable Medium</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newspaper</td>
<td>• Must be published at least once a week</td>
</tr>
<tr>
<td></td>
<td>• Must be marketed throughout the UK or the whole of the devolved nation in which the job is located (e.g. Scotland)</td>
</tr>
<tr>
<td>Professional journal</td>
<td>• Must be available nationally through retail outlets or subscription</td>
</tr>
<tr>
<td></td>
<td>• Must be published at least once a month and</td>
</tr>
<tr>
<td></td>
<td>• Must be related to the nature of the job, e.g. a relevant trade journal, official journal of a professional occupational body, or subject-specific publication</td>
</tr>
<tr>
<td>Website</td>
<td>• Must be an online version of a newspaper or professional journal which would satisfy the criteria set out above or</td>
</tr>
<tr>
<td></td>
<td>• Must be the website of a prominent professional or recruitment organisation, which does not charge a fee to jobseekers to view advertisements, or to apply for jobs via those advertisements, or</td>
</tr>
<tr>
<td></td>
<td>• If the sponsor is a multinational organisation or has over 250 permanent employees in the UK, the sponsor’s own website</td>
</tr>
</tbody>
</table>

For PhD level roles managers may select the best candidate regardless of whether they are a resident worker. For all other categories of occupation a suitable skilled resident worker must be appointed if they meet the minimum criteria for the role.

UCL has six months from the date the job was first advertised in which to issue a Certificate of Sponsorship for a particular role. However, if the job is PhD level then UCL has twelve months in which to issue the Certificate.
UK Visas and Immigration defines a PhD level occupation as:

<table>
<thead>
<tr>
<th>Standard Occupational Classification</th>
<th>Job Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>2111</td>
<td>Chemical Scientist</td>
</tr>
<tr>
<td>2112</td>
<td>Biological Scientist and Biochemists</td>
</tr>
<tr>
<td>2113</td>
<td>Physical Scientists</td>
</tr>
<tr>
<td>2114</td>
<td>Social and Humanities Scientists</td>
</tr>
<tr>
<td>2119</td>
<td>Natural and Social Science Professionals not elsewhere classified</td>
</tr>
<tr>
<td>2150</td>
<td>Research and Development Managers</td>
</tr>
<tr>
<td>2311</td>
<td>Higher Education Teaching Professionals</td>
</tr>
</tbody>
</table>

**Recent Graduates**

Recent graduates with a Bachelor’s, Master’s, PhD, PGCE, or PGDE qualification may be issued with a Certificate of Sponsorship under Tier 2 (General) of the points based system. Applicants must have an offer of a skilled job and be paid at least £25,000 per year (£30,000 from April 2017). The Resident Labour Market Test does not have to be met for recent graduates and they will be issued with unrestricted Certificates of Sponsorship.

PhD candidates who have reached the end of their studies can apply to stay in the UK for a further 12 months after their course completion date on a Tier 4 (Doctoral Extension Scheme) visa. Applications must be made no more than 60 days before the course completion date listed on the Confirmation of Acceptance of Studies and the candidate must still be resident in the UK. If given permission to stay under the Tier 4 (Doctoral Extension Scheme) candidates will have full and unrestricted right to work (barring becoming a doctor or dentist in training, sportsperson, or sports coach.) Working restrictions are lifted once your Tier 4 sponsor has confirmed that you have finished your PhD. For more information please visit the [UK Visas and Immigration website](https://www.gov.uk/). 

**Certificates of Sponsorship**

There are two categories of Certificate of Sponsorship (CoS):

**Unrestricted:**

There is no annual limit set against this category. UCL is allocated a number of Certificates of Sponsorship on an annual basis and these will be issued by the HR Department, subject to meeting the criteria set out above.

The unrestricted category covers:

- Changes of employment:
  - A current UCL employee who was last granted leave under Tier 2 (General) and who wants to change to a new job which falls in a different Standard Occupational Classification code.
  - An individual who was last granted leave under Tier 2 (General) while sponsored by a different UK employer, who wants to start a new job at the University.
• Highly-paid new hires: where the annual salary for the job is £155,300 or more.
• Switching immigration category: Where an individual who is already in the UK under another immigration category is eligible to switch into Tier 2 (General).
• Extensions: Where you need to extend leave for an individual who is already in the UK working for you and has or was last granted leave under Tier 2 (General) or as a Work Permit holder. See the guidance below on how to apply for an extension.
• Croatian nationals: Where you have a Croatian national who needs to obtain the right to work in the UK, they can apply for a Purple Registration Certificate, supported by an unrestricted CoS.

Where employees are transferring into UCL under TUPE legislation, please refer to UCL Employment Contract Administration for specialist advice.

Restricted:

This is for all out of country or new Tier 2 applications and for dependants of Tier 4 migrants switching to Tier 2. Each request must be approved by UK Visas and Immigration before a Certificate of Sponsorship is issued by UCL.

There are 20,700 places per year, nationally, allocated on a monthly basis. Places not allocated in one month will be carried over to the following month. Where more applications are received than there are places available, they will be ranked according to the number of points awarded for criteria including: whether the role is on the shortage occupation list, whether it is a PhD level role, whether it meets the Resident Labour Market Test, and salary.

UK Visas and Immigration has designed the points allocation to favour shortage occupations first, then PhD level roles, recognising the lower levels of pay that they attract. If in any given period, there are more applicants that meet the points threshold relative to the number of allocated places there are, then Restricted Certificates of Sponsorship will be issued to the highest scoring individuals. Applications are not automatically submitted the following month, but instead must be resubmitted. If you need to submit a request for a restricted Tier 2 Certificate of Sponsorship please review the timetable on the UCL website.

Tier 4 (Student)

In general, students in the UK on a Tier 4 (Student) visa have differing entitlements to work depending on the level of qualification that they are studying. Individual restrictions will be stated in the comments section of your Biometric Residence Permit. If the Permit states 'no work allowed' or 'work prohibited' then the student is not allowed to carry out any paid or unpaid work.

<table>
<thead>
<tr>
<th>Degree Level</th>
<th>Term-Time</th>
<th>Holiday-Time</th>
<th>After Finishing Studies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foundation Degree or below</td>
<td>10 hours/week</td>
<td>Full-time</td>
<td>Full-time</td>
</tr>
<tr>
<td>Bachelor's Degree</td>
<td>20 hours/week</td>
<td>Full-time</td>
<td>Full-time</td>
</tr>
<tr>
<td>Postgraduate (Taught)</td>
<td>20 hours/week</td>
<td>N/A</td>
<td>Full-time</td>
</tr>
<tr>
<td>Postgraduate (Research)</td>
<td>20 hours/week</td>
<td>N/A</td>
<td>Full-time</td>
</tr>
<tr>
<td>Doctorate</td>
<td>20 hours/week</td>
<td>N/A</td>
<td>Full-time</td>
</tr>
</tbody>
</table>
Taught postgraduate students and all research students at UCL are considered to be studying continuously throughout the year and therefore do not have term dates. These students are therefore restricted to working no more than 20 hours per week at any time during the calendar year.

Hours of work per week includes any paid work, unpaid work, voluntary or otherwise, and internships.

Previously UCL monitored hours worked on a Sunday to Saturday period, however following changes to legislation, from 6 April 2017 ‘week’ is now defined in Immigration Rules as “a period of seven days beginning with a Monday”.

Therefore Tier 4 students should not work over 20 hours between Monday to Sunday.

Before a UCL department can employ a student with a Tier 4 visa the department must obtain evidence of the student’s academic term and vacation dates. This evidence should come from the education institution that is sponsoring the student. Any right to work check completed for a Tier 4 student is invalid without this evidence.

If the student is studying on a non-standard programme, including a postgraduate taught or research degree, please complete the template on the UCL website.

Students on a Tier 4 visa must not:

- take a permanent contract (open-ended) until the individual has submitted an application for a work permit e.g. Tier 2
- be self-employed (including freelance or consultancy work)
- be employed as a doctor or dentist in training (unless on a recognised Foundation Programme)
- be employed as a professional sportsperson or entertainer

There are also restrictions placed by UKVI on work placements.
Tier 5

**Sponsored Researchers and Visiting Academics**

Though not exhaustive, the definition for Sponsored Researchers is currently:

- Someone who has a job overseas, who is still being paid for that job, has come to the UK to undertake a period of research at an employer/host organisation and the funding for the research remains overseas; or is transferred to the UK employer or host; or is paid by the UK employer or host.

- Someone who is on paid sabbatical, comes to the UK to undertake research at a UK employer/host organisation, funding is arranged and paid by the UK employer or host.

- Someone who is on unpaid sabbatical but receives funding from the UK employer or host.

The Tier 5 Government Authorised Exchange (GAE) arrangements allow HEIs to recruit a Visiting Academic who will be paid to give lectures, act as an examiner, or work on a supernumerary research collaboration, and who is required to be in the country for more than one month.

Academic Visitors, or Visiting Academics in the UK for less than one month will enter the UK through the new Permitted Paid Engagements route.

Student internships may be covered by this tier, if the following criteria are met:

- the work experience is supernumerary and involves taking part in a research project; and

- the student receives remuneration in line with the National Minimum Wage / National Living Wage, which means that unpaid internships cannot be covered through this route.

Tier 5 internships, work experience, exchanges, and youth exchanges are limited to one-off stays of a maximum of 12 months.

All other GAE schemes (sponsored researchers, fellowships, and training schemes in the fields of science and medicine) will continue to attract up to a maximum 24 months’ leave.

To bring Sponsored Researchers or Visiting Academics in through the Tier 5 route departments must complete a CoS5 Application form and return it to UCL HR Employment Contracts Administration who will provide any further advice and guidance on this route.

**Short Stay Visas**

Non-EEA nationals wishing to come to the United Kingdom on business for up to six months will generally be required to apply for a visit visa and prove they will be carrying out the following activities:

- attending meetings, conferences, seminars, interviews
- giving a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser
- negotiating and signing deals and contracts
- Attending trade fairs, for promotional work only, provided the visitor is not directly selling
- Carrying out site visits and inspections
- Gathering information for their employment overseas
- Being briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.
Scientists and researchers may:

- Gather information and facts for a specific project which directly relates to their employment overseas
- Share knowledge or advise on an international project that is being led from the UK, provided the visitor is not carrying our research in the UK.

For information on which nationalities require a visa please visit the [UK Visas and Immigration website](https://www.visa.gov.uk).

**Academics**

Academics will be able to visit the UK on the visit visa for up to twelve months.

To be eligible to qualify for entry as an academic visitor the migrant involved must be either:

- A person on sabbatical leave from an overseas academic institution who wishes to make use of their leave to carry out research here (to do research for a book for example); or
- An academic (including doctors) taking part in formal exchange arrangements with United Kingdom counterparts (with their salary continuing to be paid by the academic's own overseas institution); or
- Coming to share knowledge or experience or to hold informal discussions with UK counterparts (but not conducting research on University hosted projects); or
- An eminent senior doctor and dentist coming to take part in research, teaching or clinical practice

In addition they must:

- Be highly qualified within their own field of expertise;
- Be currently working in that field at an academic institution or institution of higher education overseas;
- Not be in receipt of funding for their work from UCL (payments of expenses or reasonable honoraria may be disregarded, as may payments on an exchange basis);
- Not be engage in any work other than the academic activity for which they are being admitted;
- Not be filling a normal post or a genuine vacancy;
- Not stay in the UK for more than 12 months;
- Not intend to take employment in the UK;
- Intend to leave the UK at the end of their visit;
- Be able to maintain themselves and any dependants without having recourse to public funds (or be adequately maintained and accommodated by relatives or friends);
- Be able to meet the cost of the return or onward journey from the UK

For information on which nationalities require a visa for entry as an academic visitor please visit the [UK Visas and Immigration website](https://www.visa.gov.uk).

A person who wishes to come to the United Kingdom solely to undertake a series of lectures for which they will receive a fee will normally be required to seek entry under Tier 2.

Academics may, however, be eligible to enter as a Permitted Paid Engagement (PPE) Visitor for a maximum of 1 month if they are coming to participate in a conference, seminar or lecture where it is a single or occasional event, and the event is not a commercial venture.
Permitted Paid Engagements

UK Visas and Immigration have created a route for permitted paid engagements under the visitor rules for a limited group of professionals who are invited to come to the UK because of their particular expertise and occupation overseas.

Permitted activities will include visiting to give a lecture, examining students and participation in or chairing selection panels. Entry will be restricted to one month. Visits of longer than one month to undertake paid activity will require sponsorship under Tier 2 or 5.

Visitors under this route will require a formal letter from UCL outlining the work to be undertaken and the dates of the engagement. A recommended letter template is available on the UCL HR website. Please click on the following link for a recommended letter template.

If you use this route please ensure that your visitor has obtained the correct stamp in their passport:

- D: VISIT: PPE: Code 4

This applies to both visa and non-visa nationals. If they do not have this stamp they are not allowed to do paid work.

More information on the Permitted Paid Engagement route can be found on the UK Visas and Immigration website.

Youth Mobility Scheme

The youth mobility scheme is for young people from participating countries who would like to come and experience life in the UK.

The countries and territories participating in the scheme, and the number of places or certificates of sponsorship allocated to them for 2016, are:

- **Australia** - 45,500 places
- **Canada** - 5,000 places
- **Japan** - 1,000 places
- **Monaco** - 1,000 places
- **New Zealand** - 12,000 places
- **Republic of Korea** - 1,000 places (sponsorship required)
- **Taiwan** - 1,000 places (sponsorship required)
- **Hong Kong** - 1,000 places (sponsorship required)

Nationals of one of these countries, may be able to come to the UK under the Youth Mobility Scheme. Their national government will be their sponsor. See the UKVI website for further information.

British Overseas Citizens, British Overseas Territories Citizens, and British Nationals (Overseas) can also apply under the scheme, and do not need a sponsor. Those in the UK on a Youth Mobility Scheme visa face may work and travel freely during their leave to remain in the UK, however, they may not work as doctors or dentists in training, sportspersons, or sports coaches.
Settlement

Settlement is an immigration status that means you can stay in the UK without time restrictions. There are two main routes to settlement:

- For European Economic Area and Swiss nationals: Permanent Residency
- For all other nationals: Indefinite Leave to Remain

Permanent Residency

EEA and Swiss Nationals who have five years’ continuous residency in the UK while exercising treaty rights as a:

- Job-seeker
- Worker
- Self-employed person
- Self-sufficient person
- Student

Are usually eligible to apply for Permanent Residence status, providing that they meet certain criteria and can demonstrate proof of their status in the UK. More information can be found on the UCL EU Referendum Advice page.

Indefinite Leave to Remain

Non-EEA nationals who have five years’ continuous residency in the UK on certain types of visas are eligible to apply for Indefinite Leave to Remain (ILR), providing they meet the set criteria. Below are the main requirements for:

Tier 1 (Exceptional Talent):

- You must be a current holder of a Tier 1 (Exceptional talent) visa
- You have been living and working in the UK for five years or more on this visa
- You have spent no more than 180 days outside the UK in any 12 months
- You’re still endorsed by a Designated Competent Body
- You’re still doing paid work in the field you came to the UK in
- You have passed the Life in the UK test and English language test (unless exempted)

Tier 2 (General):

- You must be a current holder of a Tier 2 (General) visa
- You have been living and working in the UK for five years or more
- You have spent no more than 180 days outside the UK in any 12 months
- Your employer (sponsor) still needs you for your job and you can demonstrate this
- Your job pays £35,000 or more (unless you’re exempted from the minimum earnings threshold)
- You get paid the relevant salary for your occupation (if exempted from the minimum earnings threshold because your occupation is on the shortage list or is at PhD level)
- You have passed the Life in the UK test and English language test (unless exempted)
UCL will only sponsor Tier 2 (General) certificates of sponsorship for a three year initial period (plus three years’ extension if agreed). The Government limits Tier 2 (General) leave to remain in the UK at six years. To prevent people being repeatedly granted Tier 2 leave, those who leave the UK will not be able to re-apply for entry clearance as a Tier 2 migrant until 12 months after they have left the UK, regardless of when their visa is due to expire. This is known by UKVI as ‘the cooling off period’.

Maintenance
The maintenance requirements set out in the different Tiers of the immigration system are:

<table>
<thead>
<tr>
<th>Tier</th>
<th>Category</th>
<th>Main applicant</th>
<th>Dependant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>Graduate Entrepreneurs</td>
<td>£945 if applying from inside the UK</td>
<td>£1,890 for dependents who have been in the UK for less than 12 months</td>
</tr>
<tr>
<td></td>
<td></td>
<td>£1,890 if applying from outside the UK</td>
<td>£630</td>
</tr>
<tr>
<td></td>
<td>Exceptional Talent</td>
<td>Exempt</td>
<td>Exempt</td>
</tr>
<tr>
<td>Tier 2</td>
<td>General</td>
<td>£945 (A rated sponsors may certify maintenance)</td>
<td>£630 for all dependants</td>
</tr>
<tr>
<td>Tier 5</td>
<td>Temporary Workers</td>
<td>£945 (A rated sponsors may certify maintenance)</td>
<td>£630 for all dependants</td>
</tr>
<tr>
<td></td>
<td>Youth Mobility Scheme</td>
<td>£1,890</td>
<td></td>
</tr>
</tbody>
</table>

Departmental Guidance and Responsibilities

Certificates of Sponsorship: Departmental guide to completing forms

There are a number of forms UCL HR uses to manage the Certificate of Sponsorship application process, which should be completed by the department (e.g. HOD, DA, PI, etc.) and not the visa applicant:
- Form CoS1 - applications for new employees (restricted or unrestricted).
- Form CoS2 - for extension applications (unrestricted).
- Form CoS5 - for Sponsored Researchers or Visiting Academics.

The signed forms and all supporting documents should be emailed to the UCL HR Employment Contract Administration Team.

Please note: Applicants are not allowed to have more than one entry clearance at the same time. Applicants who already have one entry clearance may submit applications for further entry clearance,
but if the application is granted and the applicant already has entry clearance beyond the start date of their new visa, they should be told that the extant leave will be cancelled and no refund issued. Applicants should be made aware of this and the implications of an application for further leave. Please see guidance on extant leave and how applicants who already hold an entry clearance can submit applications for another entry clearance.

It is illegal to employ staff who do not have the right to work in the UK. No one must start until they have full entry clearance / further leave to remain from the UK Visas & Immigration. It is imperative that any extensions to CoS or transfer from work permit to CoS is undertaken in a timely manner to ensure continued employment. Contracts will be terminated immediately if permission to work expires.

**CoS 1 – New Employees**

If an applicant does not have the right to work in the UK we will consider an application to issue a Certificate of Sponsorship (CoS):

- Unrestricted CoS requests must be made to the UCL HR Employment Contract Administration (ECA) team in line with the process below.
- Restricted CoS requests must be made to the ECA team in line with the process below and the monthly HR ECA deadlines for sponsorship applications.

Requests must include the UCL CoS Application Form, supporting paperwork, and any supporting information.

UCL has up to three months ahead of the applicant’s planned start date to apply for a CoS from UKVI. Where applications are provided to ECA without the required information (or it is unclear whether the information is complete) and the information cannot be acquired before the monthly deadline then the case will be held over to the next month. Before UCL is able to sponsor a skilled migrant we need to check that the job we are sponsoring them for meets the conditions of the skilled worker test:

- The job must be on the [Shortage Occupation List](#); or
- The job must be skilled at [NQF Level 6 or above](#); and
- The job must be paid at the [appropriate rate](#) or above; and
- We must normally have carried out the [Resident Labour Market Test](#) (RLMT) for the job using at least one of the [permitted methods](#).

If the job does not meet the criteria above then UCL will be unable to issue a Certificate of Sponsorship.

**Advertising Exemptions:**

You are not required to provide proof of advertising for the purposes of the RLMT in the following circumstances:

- The person is a named researcher on a grant. You must in this instance provide evidence of the conditions of the grant;
- The salary for the post is £155,300 or more;
- The person meets the criteria as a recent graduate.

However the qualification and salary criteria must still be met.
Supporting Documents:

Where it is necessary to meet the RLMT, you must fully complete the information requested in Q37 and Q38 on:

- The number of applicants who are settled workers and reasons why they were not shortlisted
- The number of 'settled' applicants who were shortlisted and reasons why they were not appointed

Furthermore, you must also provide:

- The full recruitment pack, including all applications and expressions of interest received
- The job description and person specification
- The proof of placement and copy of advertisements (please quote the UCL HR job reference number), which can be found on the UCL Jobs website.
- All panel notes from the interview
- All applicants’ CVs
- Evidence of how the successful applicant meets any:
  - Qualification or professional membership requirements for the post
  - Professional registration requirements for the post, how the registration was verified, and what the expiry date is
- References from past employers (emailed references are acceptable if the department is confident that they were sent from the authorised referee)
- Proof of funding (if named researchers on a grant)

References should be on headed paper and verify the relevant person’s work experience. Character references are not appropriate. They must provide the start and finish dates, details of the work, and any experience that makes the person qualified to do the job.

References/statements should ideally be on headed notepaper and verify the person’s relevant work experience. References/statements that only describe the person to be of good character are not appropriate. They must give the start and finish dates, details of the work and any experience that makes the person qualified to do the job. Emailed references/statements may be accepted as long as the source of the email is reasonably identifiable (e.g. from a recognised HEI email address, or a response to a request sent to that e-address by UCL).

Any documents or other evidence that we ask to see that are not in English must be accompanied by a certified translation. The translator’s credentials should be provided, along with their official confirmation that the translation is accurate.

For certain professions where the person has to be registered with a UK professional organisation, for example, GMC, NMC, GDC, and RCVS, please provide the person’s registration number. This is acceptable instead of references/statements from previous employers, including date checked and expiry date.

This documentation will be kept by the HR department for the duration of the migrant’s sponsorship, in line with UK Visas and Immigration requirements.

Please refer to the UCL Guidance on the Payment of Immigration Costs.
**CoS 2 – Extension to an existing CoS**

You are not required to advertise the post and meet the Resident Labour Market Test to satisfy an extension to a Certificate of Sponsorship.

To apply for an extension:

- The employee and department must determine whether they are likely to score enough points to remain in the UK
- The employee’s department must then complete the CoS 2 Form
- The form must be returned to UCL HR ECA with the required supporting evidence no earlier than three months before the expiry of their visa.

If the employee wishes to submit any dependant applications at the same time as their own application, they are encouraged to send both application applications in the same envelope.

Please refer to the UCL Guidance on the Payment of Immigration Costs.

**CoS 5 – Sponsored Researchers or Visiting Academics**

In order to sponsor a Visiting Academic or Sponsored Researcher who does not have the right to work in the UK, UCL needs to check that the job we are sponsoring them for meets the conditions of Tier 5. However, we do not have to undertake a RLMT or meet other specific conditions to engage someone.

**What supporting documents must I submit, alongside the CoS5 form?**

- CV
- A copy of the applicant’s highest qualification certificate
- Honorary Appointment Form (no fee from UCL) or Affiliate Academic Form (fee from UCL)
- A photocopy of the applicant’s passport

**Additional Supporting Documentation**

<table>
<thead>
<tr>
<th>Role</th>
<th>Documentation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsored Researcher</td>
<td>Written evidence of sponsor arrangements with the host organisation</td>
</tr>
<tr>
<td>Visiting Academic</td>
<td>A formal offer of work (please attach the confirmation of work letter generated by Registry to the application form) and evidence from their current employer that they are still being paid.</td>
</tr>
<tr>
<td>Paid Student Internships (Supernumerary)</td>
<td>An outline of the research project</td>
</tr>
</tbody>
</table>

This documentation will be kept by the HR department for the duration of the migrant’s sponsorship, in line with UK Visas and Immigration requirements.
Monitoring Migrants’ attendance and Sabbatical Leave

It is a UK Visas and Immigration requirement that UCL monitor attendance for all migrants that we sponsor. This includes:

- Attendance on day one
- Any absences of more than 10 working days that have not been authorised

UCL are required to notify UKVI under these circumstances, plus any changes to the migrant's role or sponsored status including where the migrant leaves employment with UCL. Please inform your HR Business Partner if you believe there may be an attendance breach and HR will liaise with UKVI.

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. Guidance can be found on the Monitoring Arrangements and Responsibilities document.

In order to assure ourselves that we are aware of when a sponsored migrant is absent for more than 10 working days, employees that UCL sponsor are required to:

- Either maintain one of the two UCL electronic diary systems such as Outlook (i.e. to keep up to date any times when they are away from their desk / normal place of work) and ensure their Manager or DA (or other designated person) has viewing access; or
- Maintain another agreed local notification system

Please note on the Certificate of Sponsorship form what system of monitoring attendance will be used.

Sabbaticals

Please be aware that UKVI places limitations on the ability of academic staff to partake of a period of unpaid sabbatical leave in line with UCL’s Unpaid Leave of Absence or Career Break Policy. UKVI Guidance states:

"If a sponsored migrant wishes to take a longer period of other unpaid leave, for example a sabbatical, you must stop sponsoring them and report this to us."

UCL would be obliged to terminate the certificate of sponsorship at this point which would bring the contractual relationship to an end.

There is no intention to restrict paid sabbaticals, related to work and personal career development, as long as the employee is still receiving the appropriate salary for the job.
Further Information

Please visit the UK Visas and Immigration website for more information on the Points Based Immigration System or the Prevention of Illegal Working.

UK Visas and Immigration: Premium Customer Service Relationship

UCL have registered for the UK Visas and Immigration Premium Customer Service relationship, which enables UCL to access an enhanced service on immigration matters.

What benefits does this service provide?

Personal and dedicated contact

- HR have a personal point of contact to get consistent advice and clarification on the nuanced and often changing requirements of the UK points-based immigration system and other general immigration related enquiries and problems. This means quicker and more assured information for UCL managers and staff.
- HR has access to three dedicated lines, open 08:00 to 18:00, seven days per week, 365 days per year.
- Please note that this service is not a personal immigration advice service, nor do they undertake fast track applications on our behalf.

 Employer checking service

- This service is used by HR when needed to identify and check a person’s eligibility to work. This may include questions relating to curtailment or cooling off periods. Subject to the receipt of the following information, the turnaround time will be one working day:
  - Full name
  - Nationality
  - Date of birth
  - Passport and/or identity card number
  - Written confirmation (email / scanned letter) of the individual’s consent to obtain information

 Visa Premium Service Centre appointments

- Staff may choose to submit in-person applications relating to their initial visa, extensions to stay, and settlement using the ‘premium service’ at UKVI Visa Premium Service Centres. For more information, please visit the UKVI website.
- UCL does not pay the cost of personal appointments, however, as a premium sponsor, UCL can obtain specific appointment dates and times, subject to availability. If you wish to arrange an appointment, please contact HR Employment Contracts Administration.

 Priority services overseas

- Access to priority services overseas, which means that staff arranging visas outside of the UK should find these applications are fast-tracked.
Passport returns

- For staff who have made an online application, passports will be returned within one working day of receipt by UKVI. If an application is by post, UCL can contact UKVI to arrange a quick passport return if this is needed.
- Please be aware, staff will still only be able to travel outside the UK before their original leave to remain expires.