**UCL Right to Work and Immigration 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](http://home.oisc.gov.uk/adviser_finder/finder.aspx).

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.

**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. 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.

**Types of working visas**

This document signposts you to information on:

The four main [visa ‘Tiers’](https://www.gov.uk/browse/visas-immigration/work-visas) of the PBS through which non-EEA workers may enter the UK and undertake work, the requirements, restrictions and responsibilities for each tier. This includes:

* Information about eligibility criteria, application routes, funding arrangements and qualifying employment categories covered by the [Global Talent Visa](https://www.gov.uk/global-talent) (GTV).
* [Visitor](https://www.gov.uk/standard-visitor-visa), [Permitted Paid Engagement](https://www.gov.uk/permitted-paid-engagement-visa#:~:text=Overview,Paid%20Engagement%20visa%20if%20you%3A&text=want%20to%20come%20to%20the,the%20points%2Dbased%20visa%20system), and other types of visas.
* The processes to be followed by departments when checking [right to work documentation](https://www.gov.uk/check-job-applicant-right-to-work), applying for [Certificates of Sponsorship](https://www.gov.uk/tier-2-general/eligibility) under Tier 2 and Tier 5, and monitoring migrant workers’ [attendance](https://www.ucl.ac.uk/students/immigration-and-visas/tier-4-visas/tier-4-responsibilities#attendance).
* Visa holders’ and employers’ [responsibilities](https://www.gov.uk/uk-visa-sponsorship-employers/your-responsibilities) while in the UK.

Visa holders coming to the UK from [particular countries](https://www.gov.uk/register-with-the-police/who-needs-to-register) (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](https://www.gov.uk/register-with-the-police).

**Global Talent Visa**

From 20th February 2020, the GTV replaced the Tier 1 Exceptional Talent/ Exceptional Promise visa.

Those who qualify for a GTV can:

* Move freely between jobs, roles, organisations and location.
* Obtain a GTV without any minimum salary cap restrictions.
* Do so without needing to obtain an English language test qualification.
* Apply for settled status after 3 years. Those who spend time outside the UK to do research will still be eligible to apply for settlement.
* Move to the UK with their dependents who will enjoy full access to the UK labour market (where applicable) if they meet the relevant criteria.

There are four routes to obtain a GTV.

1. Senior appointments – this is where an individual is recruited through open competition as a professor, associate professor, reader, senior research group leader or equivalent. This route is administered by [The British Academy](https://www.thebritishacademy.ac.uk/), the [Royal Academy of Engineering](https://www.raeng.org.uk/) and [The Royal Society](https://royalsociety.org/).
2. Fellowships – this is where an individual is awarded an individual fellowship on the list approved by [The British Academy](https://www.thebritishacademy.ac.uk/), the [Royal Academy of Engineering](https://www.raeng.org.uk/) and [The Royal Society](https://royalsociety.org/). The fellowship must be a current award or have been held within the 12 months prior to the application.
3. Endorsed funders – this route provides endorsement for researchers and other academic specialists whose name and job title (where appropriate) is specified in a successful grant application from a recognised funder. This route is administered by UK Research and Innovation (UKRI). Information about the GTV, the list of first phase recognised funders and requirements for the visa is available on the [UKRI website](https://www.ukri.org/research/international/global-talent-visa/).
4. Peer review – an individual can obtain a standard endorsement for a GTV following the successful submission of an application for review by The British Academy, the Royal Academy of Engineering or The Royal Society (depending on their field of expertise).

The four recognised bodies are responsible for endorsing applications on behalf of the Home Office. Researchers may also be able to switch to this visa type from within the UK, if they meet the eligibility criteria and will be working on a grant from an endorsed funder.

Individuals wishing to apply for the new visa can do so via the [UK Government website](https://www.gov.uk/apply-to-come-to-the-uk). UCL staff requiring further advice about the GTV should in the first instance contact HR Services.

[**Start-up visa**](https://www.gov.uk/start-up-visa)

This has replaced the Tier 1 (Graduate Entrepreneur) visa. Applicants from outside the EEA who want to set up a business in the UK, can apply for a [Start-up visa](https://www.gov.uk/start-up-visa) if they meet the eligibility criteria. Applicants must be endorsed by a HEI such as UCL or by a business organisation with a history of supporting UK entrepreneurs.

Business ideas must be genuinely unique, innovative and viable. For more information about this route read the [endorsing bodies list](https://www.gov.uk/government/publications/endorsing-bodies-start-up).

[**Tier 2 (General)**](https://www.gov.uk/tier-2-general)

The Tier 2 (General) visa 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 (CoS) under Tier 2.

Upon receiving a CoS from UCL the candidate will need to apply for a Tier 2 visa ensuring they meet all other criteria for eligibility. The English language [requirement](https://www.gov.uk/tier-2-general/knowledge-of-english#:~:text=passing%20an%20approved%20English%20language,degree%2C%20master's%20degree%20or%20PhD) can be addressed by the applicant demonstrating that they meet Level B1 on the Common European Framework of Reference for Languages.

***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](https://www.gov.uk/government/publications/tier-2-shortage-occupation-list)
* Posts attracting a salary of £159,600 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 £30,000 per year or meet the minimum salary requirement as specified in the relevant [standard occupational classification](https://www.gov.uk/government/publications/sponsorship-codes-of-practice-for-skilled-workers).
* 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, please see the sections on advertising in the government’s Tiers 2 and 5: guidance for sponsors. 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 £73,900 must be advertised in the Jobcentre Plus.

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.

For occupations skilled to PhD level please see: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work>.

***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 Division, subject to meeting the criteria.

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 meets a minimum salary threshold determined by central Government.
* 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/605930/Create_a_CoS_-_guide_for_Tier_2_and_5_sponsors_-_Apr_2017.pdf) 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 an unrestricted CoS. For information see the [Nino staff guide: Croatian nationals](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/576725/nino-staff-guide-croatian-nationals.pdf).

Where employees are transferring into UCL under TUPE legislation, please refer to UCL HR Services 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.

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](http://www.ucl.ac.uk/hr/docs/cos_deadlines.php) [on the UCL website](https://www.ucl.ac.uk/human-resources/working-ucl/employment-contract-administration-team/immigration/ucl-hr-employment-contract).

**Supplementary Work**

A Tier 2 worker may take supplementary work without permission from UKV&I. However, the work must:-

* be the **same SOC code** which the migrant’s CoS was assigned **or**
* be a job which is in a shortage occupation listed in [Appendix K](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-k-shortage-occupation-list) of the Immigration Rules
* be for no more than 20 hours a week
* be outside of the normal working hours for which the migrant’s CoS was assigned.

It is critical that before any work is undertaken you ensure you take a copy of the Tier 2 worker’s CoS and check the SOC code is the same as the job you are offering. Please seek advice from HR Services  if you are not sure.

**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. For more information about the [right to work](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843003/T4_Migrant_Guidance_October_2019.pdf), please read the Tier 4 Guidance.

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.

**Postgraduate Research Tier 4 students.**

Postgraduate Research students are required to be in continuous attendance as the standard University term dates do not apply to them. Please note that although it will be stated on the student’s Tier 4 visa that they are permitted to work 20 hours per week during term time, this applies to the entire duration of their programme until their registration end date has passed. This will be from the date that the degree is officially conferred by UCL and not from the thesis submission date or viva date. Following this date the student is permitted to work full-time until their visa expiry date, but cannot fill a permanent vacancy.

**Postgraduate Taught Tier 4 students**

Postgraduate Taught Masters students are required to be in continuous attendance as the standard University term dates do not apply to them. Please note that although it will be stated on the student’s Tier 4 visa that they are permitted to work 20 hours per week during term time, this applies to the entire duration of their programme until the programme end date has passed. For Tier 4 students this end date is the course end date stated on the CAS which was used to obtain their current Tier 4 visa. This includes the period following the end of formal teaching when students are writing the dissertation. Following the course end date stated on the CAS, they are permitted to work full-time until the visa expiry date, but cannot fill a permanent vacancy.

Hours of work per week includes any paid work, unpaid work, voluntary or otherwise, and internships. A ‘week’ is 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](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/immigration-2016-notifying-ucl-of-student-term-dates.pdf).

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 4 Doctorate Extension Scheme***

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 (Doctorate Extension Scheme) visa. Please read the Tier 4 Guidance for more information about this [Scheme](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843003/T4_Migrant_Guidance_October_2019.pdf).

**Tier 5**

***Sponsored Researchers and Visiting Academics***

The [Tier 5 Government Authorised Exchange (GAE)](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-n-authorised-exchange-schemes) arrangements allow HEIs to sponsor a sponsored researcher, a visiting academic or examiner who is required to be in the country for more than one month and up to 24 months. For more details about this Scheme please refer to the [Tier 5 Guidance](https://www.gov.uk/tier-5-government-authorised-exchange).

Academic Visitors, or Visiting Academics in the UK for less than one month will enter the UK through the  [Permitted Paid Engagements route](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/immigration-2016-faqs_0.pdf).

Student internships may be covered by this tier, if sponsored via [GTI Recruiting Solutions](https://tier5intern.com/).

To bring Sponsored Researchers or Visiting Academics in through the Tier 5 route departments must complete a [CoS5 Application form](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/cos5_form.doc) and return it to HR Services 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](https://www.gov.uk/choose-uk-visit-short-stay-visa) and prove they will be carrying one or more of the activities relevant to this type of visa application.

Scientists and researchers may:

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

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

***Academics***

* Academics will be able to visit the UK with a visit visa for up to twelve months provided they meet the relevant [eligibility criteria](https://www.gov.uk/standard-visitor-visa/eligibility?step-by-step-nav=f49b3f00-d489-4726-b116-4157cfb6a183) and comply with [Visitor Rules](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor-rules).

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

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](https://www.gov.uk/apply-permitted-paid-engagement-visa) 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***

This visa allows visitors to give a lecture, examine students and participate in or chair 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](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/ppe_template.doc). 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.

***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. For a list of countries participating in the Scheme and the eligibility criteria visit the [Youth Mobility Scheme visa (Tier 5)](https://www.gov.uk/tier-5-youth-mobility).

**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: Settled Status
* For all other nationals: Indefinite Leave to Remain

***Settled Status***

If you’re an EU, EEA or Swiss citizen, you and your family can apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021. If your application is successful, you’ll [get either settled or pre-settled status](https://www.gov.uk/settled-status-eu-citizens-families/what-settled-and-presettled-status-means).

***Indefinite Leave to Remain***

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

**Global Talent visa:**

* You must be a current holder of a Global Talent visa
* You have been living and working in the UK for three years or more on this visa or an equivalent preceding 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

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 can be found [here](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784381/Fees_table_-_29_March_2019.pdf).

**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](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/hr_form_cos1v4.doc) - applications for new employees (restricted or unrestricted).

[Form CoS2](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/hr_form_cos2v3.doc) [-](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/hr_form_cos2v3.doc) for extension applications (unrestricted).

[Form CoS5](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/cos5_form.doc) [-](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/cos5_form.doc) for Sponsored Researchers or Visiting Academics.

The signed forms and all supporting documents should be emailed to Newland Chase using their ‘Immigo system’, access to which can be provided via HR Services.

Please note: Applicants are not allowed to have more than one entry clearance at the same time. For rules surrounding this, please visit the Government website on [extant leave](https://www.gov.uk/government/publications/extant-leave-ecb22/extant-leave-ecb22).

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 UCL HR Services.
* Restricted CoS requests must be made to HR Services in line with the [appropriate monthly deadlines](https://www.ucl.ac.uk/human-resources/working-ucl/hr-services/immigration/hr-services-deadlines-restricted-tier-2-certificates-sponsorship).

Requests must include the relevant [UCL CoS Application Form](https://www.ucl.ac.uk/human-resources/working-ucl/hr-services/immigration-until-31st-december-2020), 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 HR Services 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. To be awarded a CoS:

* The job must be on the [Shortage Occupation List](https://www.gov.uk/government/publications/tier-2-shortage-occupation-list); or
* The job must be skilled at [RQF Level 6 or above](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work); and
* The job must be paid at the [appropriate rate](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work) or above; and
* We must normally have carried out the [Resident Labour Market Test](https://www.gov.uk/uk-visa-sponsorship-employers/job-suitability) (RLMT) for the job using at least one of the [permitted methods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901455/2020-07-16_Tier-2-5-sponsor-guidance_Jul-2020_v1.0.pdf) (see section 28).

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

**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 £159,600 or more;

For a full list of exemption criteria see section 28.2 of the [Tier 2 and 5: Guidance for Sponsors - Addendum](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901455/2020-07-16_Tier-2-5-sponsor-guidance_Jul-2020_v1.0.pdf). 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](https://www.ucl.ac.uk/human-resources/working-ucl/information-recruiting-managers/employment-contract-administration-team/advertise-ucl).
* 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 Division 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.](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/immigration-2016-guidance-on-the-payment-of-immigration-costs.pdf)

***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](https://www.gov.uk/tier-2-general/extend-your-visa) to remain in the UK
* The employee’s department must then complete the [CoS 2 Form](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/hr_form_cos2v3.doc)
* The form must be returned to UCL HR Services with the required [supporting evidence](https://www.gov.uk/tier-2-general/documents-you-must-provide) no earlier than three months before the expiry of their visa.

The employee may not need to provide this evidence if they are making an extension or change of employment application to do the same or different job for UCL, or if their salary is at least the minimum [threshold](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/900030/2020-07-13_Tier_2_Policy_Guidance.pdf) amount.

If the employee wishes to submit any [dependant applications](https://www.gov.uk/tier-2-general/family-members) at the same time as their own application, they are encouraged to send both applications in the same envelope.

Please refer to the [UCL Guidance on the Payment of Immigration Costs](https://www.ucl.ac.uk/human-resources/sites/human-resources/files/immigration-2016-guidance-on-the-payment-of-immigration-costs.pdf). ***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**

|  |  |
| --- | --- |
| **Role** | **Documentation Required** |
| **Sponsored Researcher** |   | Written evidence of sponsor arrangements with the host organisation |
| **Visiting Academic** |   | A formal offer of work (please attach the confirmation of work letter generated byRegistry to the application form) and evidence from their current employer that they are still being paid. |
| **Paid Student (Supernumerary)** | **Internships** | An outline of the research project |
| **All which require****registration** | **professional** | Registration number |

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

**Sabbaticals**

Please be aware that UKVI places restrictions on the ability of academic staff holding Tier 2 or Tier 5 visas to partake of a period of unpaid sabbatical leave in line with UCL’s [Unpaid Leave of Absence or Career Break Policy](https://www.ucl.ac.uk/human-resources/unpaid-leave-absence). 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.

**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 in the [Monitoring Arrangements and Responsibilities document](immigration-2020-monitoring-arrangements.docx)**.**

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.

**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

**Premium Service**

* Besides the standard service delivered through [Sopra Steria](https://www.ukvcas.co.uk/home-internal) on behalf of UKVI, [enhanced](https://www.ukvcas.co.uk/additional-services/detail) and [premium services](https://www.ukvcas.co.uk/additional-services/detail) are available at a higher cost, offering faster and more flexible ways of submitting the necessary evidence to complete a visa application. UCL does not pay the cost of personal appointments, however, as a premium sponsor, UCL may be able to assist applicants to obtain specific appointment dates and times, subject to availability. If you wish to arrange an appointment, please contact HR Services.

**Priority services overseas**

* Access to [priority services overseas](https://www.gov.uk/guidance/visa-decision-waiting-times-applications-outside-the-uk#faster), 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.

**Further Information**

Please visit the UK Visas and Immigration website for more information on the [Points Based Immigration System](https://www.gov.uk/government/organisations/uk-visas-and-immigration) or the [Prevention of Illegal Working](https://www.gov.uk/government/publications/preventing-illegal-working).

All general enquires relating to immigration matters should, in the first instance, be directed to HR Services. This includes any queries surrounding ‘right to work’, supporting documentation and verification, the Employer Checking Service, visa restrictions and requests for ‘Immigo’ access. Complex queries or specific visa-related actions are handled by Newland Chase via their ‘Immigo system’. From 1 January 2021, a new [Points Based System](https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers) will be introduced governing immigration to the UK. For more information about this new system and changes to UCL processes arising from its introduction, please visit our webpage about [Immigration to the UK from 2021 onwards](https://www.ucl.ac.uk/human-resources/immigration-1st-january-2021-under-construction).

**Employment Policy Team**

**August 2020**