HOME OFFICE POINTS BASED IMMIGRATION SYSTEM

Under the Home Office Points Based Immigration System organisations wishing to employ non-EEA migrants must be licensed to ‘sponsor’ the worker. The University holds an A-rated licence (the highest level available) and is allowed to issue ‘Certificates of Sponsorship’ (CoS) – the equivalent of the old Work Permit – under Tier 2 of the Points Based System.

It remains the responsibility of the migrant to apply for ‘entry clearance’ or ‘leave to remain’ following the granting of a CoS. The basis for Home Office approval is the achievement of a minimum points value covering areas such as education, English language skills and maintenance (personal funds).

Recruitment

Academic/Research/Senior Support Staff

In issuing a Certificate of Sponsorship for any of the above job categories, the University must demonstrate that it has:

- undertaken a recruitment search – this must include advertising in prescribed newspapers/journals or on specified websites for a minimum of 28 days.
- kept a record the decisions taken at both shortlisting and interview stages.
- paid or intends to pay a salary that falls within prescribed minimum earnings bands for the relevant category of work eg. teaching, research, administration.

To gain sufficient points to enable them to take up employment with us in any of the above job categories, a non-EEA national must meet the following requirements:

- their salary must meet a prescribed minimum level linked to the type of job – this means that part-time earnings may not be sufficient to gain the required points;
- potential employees must have proof of qualification through certification or academic reference confirming the date of award. This means a postgraduate student who has submitted but has yet to defend their thesis will not be granted a permission to take up employment as, for example, a Lecturer or Research Officer;
- they must meet an English language requirement by either being a national of an English speaking country or hold a degree that was taught in English; otherwise they must pass an English Language test with a specified provider;
- there is a mandatory financial ‘maintenance’ requirement - personal savings of £800 if already in the UK (or £2,800 for overseas applicants) which must have been held for at least 3 months prior to making the points based application. Alternatively, the Sponsor can provide an undertaking to support the migrant should it become necessary.

Named Researchers

All the above apply, with the exception of the requirement to undertake a recruitment search. For this group only, the evidence required is for a copy of the grant confirmation to be recorded.

Academic Visitors

Entry Clearance for this category of visitor is a concession outside the Immigration rules, allowing academics to visit the UK for 12 months to undertake certain activities. There are clearly defined eligibility rules and no payment for any work undertaken for the University can be made to individuals using this visa route. Guidance must be sought from the Recruitment Team before inviting an
Academic from outside the EEA to visit. Depending on the reasons for the visit, entry as a Visitor or Business Visitor may be more appropriate.

**Sponsored Researchers**
In certain circumstances, individuals wishing to come to undertake specified research at the University of Essex, and who are being sponsored by an outside body for the duration of the visit, may be eligible for a Tier 5 ‘Government Authorised Exchange’ Certificate of Sponsorship. Guidance should be sought from the Recruitment Team before agreeing to host such an appointment.

**Sponsor Duties and Obligations**
In holding a Licence to sponsor migrant workers the University has to fulfil a range of duties and obligations relating to all staff employed under Certificates of Sponsorship.

**Record-keeping:**
- we are required to keep an up-to-date record of migrant workers contact details;
- we must keep a copy of passports and immigration documents, and re-check them on an annual basis;
- documentary evidence of relevant qualifications must be received;
- we must retain relevant documents relating to the recruitment process (eg. copies of adverts, job descriptions, shortlisting and decision grids).

**Reporting:**
The following information must be reported to the Home Office within 10 working days of the occurrence:
- if the sponsored worker does not turn up on their expected start date;
- if they are absent from work for more than 10 working days without permission;
- if their contract ends early or the University stops sponsoring them for any reason;
- if there are any significant changes to the employment contract eg. change of job;
- if we have any reason to believe the migrant worker is breaching the conditions of their leave.

**Compliance:**
- we must ensure that migrant workers are legally allowed to do the work in question;
- we must not employ someone whose immigration status (or lack of it) does not allow them to do the job in question.
- when issuing a CoS we must ensure that the job is at S/NVQ level 3 or above, is a genuine vacancy that meets the labour market test, and the rate of pay is appropriate for the job.

The above responsibilities are managed by Human Resources and any questions should be referred to the Recruitment Manager in the first instance.

Jo Goodwin
Recruitment Manager
2009