

#### 1. Introduction

- 1.1. Individuals sponsored by the University under Tier 2 and Tier 5 of the points-based system have visa restrictions which permit work and activities in the UK.
- 1.2. To ensure the sponsored individual's visa conditions are not breached, and the University adheres to its sponsor duties, it is essential that all changes made to a Tier 2 or Tier 5 employment are permitted and where necessary reported to UKVI.
- 1.3. For further information on this process, please contact the HR Immigration Adviser.

#### 2. Tier 2 and Tier 5 sponsored staff

- 2.1. Staff sponsored under Tier 2 and Tier 5 of the point-based system are permitted to undertake the job for which the Certificate of Sponsorship was allocated. The Certificate of Sponsorship states the salary, location, hours and duties. During employment, any changes requested to the specific requirements of the role must be agreed in advance by the HR Immigration Adviser.
- 2.2. Permitted changes (without the need for approval or reporting):
  - 2.2.1. Change in post but where the job remains in the original standard occupation classification code (SOC code)
  - 2.2.2. Changes in core duties but where the job remains in the original SOC code.
  - 2.2.3. Contract extensions – extension to the original post.
  - 2.2.4. Annual salary increments.
  - 2.2.5. Promotion – if within the standard promotion criteria and process.
  - 2.2.6. Maternity, paternity, adoption, study and sick leave are permitted and do not need to be reported if there are no significant changes to the sponsored staff salary.
- 2.3. All other changes to the staff members salary, post, location and employment conditions must be approved by the HR Immigration Adviser.

#### 3. Maternity, paternity, adoption and sick leave

- 3.1. Although Tier 2 and Tier 5 sponsored staff are able to take maternity, paternity, adoption and sickness absence, an assessment on the salary must be made and any significant change must be reported to the HR Immigration Adviser who will inform UKVI.

#### 4. Academic study leave

- 4.1. Paid Academic/Study Leave may be requested and approved via the University process.
- 4.2. Unpaid Academic/Study Leave may be permitted, however sponsorship may have to stop and the cooling off period is applicable (see below)

#### 5. Unpaid leave

- 5.1. If sponsored staff wish to take more than 4 weeks unpaid leave, sponsorship will stop and must be reported to UKVI.
- 5.2. Once sponsorship has stopped, the University is required to undertake a full recruitment process and appoint the most suitable candidate if re-engagement is required. Please see the recruitment procedures and refer to the appropriate Resourcing Adviser for further guidance.
- 5.3. Where sponsorship has stopped due to Academic/Study Leave, the resident labour market test is not applicable.
- 5.4. If a staff member is sponsored under Tier 2 and sponsorship has stopped or expired, they must wait 12 months before applying again under any Tier 2 category.

#### 6. End of employment

- 6.1. When employment ceases for Tier 2 and Tier 5 sponsored staff, the University is required to report to UKVI that sponsorship has ended.
- 6.2. Where employment ends due to the expiry of a fixed term contract and the leaving date is stated in the original Certificate of Sponsorship, the University is not required to report that sponsorship has stopped.
- 6.3. Where employment ends due to retirement, resignation or dismissal, the HR Immigration Adviser must be informed in advance of the proposed contract end date.
- 6.4. The HR Immigration Adviser received regular reports from the HR database confirming all leavers with restricted right to work. The HR Immigration Adviser will review and report sponsored staff where necessary.

#### 7. Reporting duties

- 7.1. We are required to report, within 10 working days, if:
  - the staff member fails to start work when expected
  - the staff member has 10 days of consecutive unauthorised absence
  - If the contract is terminated earlier than expected, i.e. resignation
  - If we stop sponsoring the staff member for any other reason

## Tier 2 & Tier 5 Sponsored Staff – Notification of Changes

- If there are any significant changes in the staff members circumstances
- If the staff members employment is affected by TUPE
- If the staff member moves into another immigration category.

7.2 Failure to report to the UKVI within 10 working days will be deemed as non-compliance with our sponsor duties and may have serious implications on our ability to sponsor overseas staff and students.

Therefore, any failure by a member of staff to report changes in sufficient time to allow the HR Immigration Adviser to meet UKVI reporting requirements, will be treated as a disciplinary offence.