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1. **Introduction**

1.1 The presence of staff from Europe and overseas enriches the experience of all who work and study at the University. For staff joining the University from outside of the European Economic Area substantial costs can be incurred when obtaining the correct visa for themselves and their family members.

1.2 Staff entering under Tier 2 and Tier 5 of the points-based system must show that they have enough money to support themselves and any dependants when they enter the UK, until they start to receive an income.

1.3 To qualify for entry clearance or leave to remain in the UK, individuals must meet the maintenance requirements set out in the Immigration Rules - with the exception of Croatian nationals applying for worker authorisation, who do not have to meet any maintenance requirements.

1.4 As an A rated sponsor, the University of Kent is able to certify maintenance for individuals entering under Tier 2 and Tier 5. The University is also able to certify maintenance for dependants of staff entering under Tier 2.

1.5 This policy and procedure details how maintenance is certified and how the monies will be recovered, if necessary.

1.6 For further information on this policy or to discuss a visa application, please contact the HR Immigration Adviser.

2. **Aims and objectives**

2.1 The general aims of this policy are:

2.1.1 to ensure that staff sponsored by the University of Kent are given the appropriate support during their visa application, and;

2.1.2 that the process for the recovery of maintenance funds is clearly defined.

3. **Scope**

3.1 This policy applies to all members of staff who have entered the UK under Tier 2 or Tier 5 of the points based system and where maintenance is certified by the University of Kent.

3.2 In addition, this policy applies to dependants of staff entering the UK under Tier 2, where maintenance is certified by the University.

3.3 This policy does not apply to dependants of staff entering the UK under Tier 5 as, under the current Immigration Rules, the University is unable to certify maintenance for them.

4. **Responsibilities**

4.1 The Director of Human Resources & Organisational Development, or his/her nominee, is responsible for:

4.1.1 ensuring this policy reflects UK Immigration Rules, has regard to best practice, and initiating a review of it as and when appropriate;
4.1.2 engaging the necessary staff and trade union representative bodies as and when any such review is undertaken;

4.1.3 providing advice, guidance and support to both staff and managers in the use and application of this policy;

4.1.4 ensuring this policy is followed and applied consistently across the University of Kent;

4.2 Staff are responsible for:

4.2.1 ensuring that, if they do not wish the University to certify maintenance, they advise the HR Immigration Adviser that this is the case before the Certificate of Sponsorship is required;

4.2.2 ensuring that, where funds are required, they understand the policy and terms of re-payment;

4.2.3 asking questions of their line manager or the HR Immigration Adviser if they are unsure about any aspect of the policy.

4.3 Schools/departments are responsible for:

4.3.1 agreeing a new recovery period where the member of staff is unable to repay the funds within a three month period (not exceeding six months);

4.3.2 repayment of all funds not recovered from the member of staff within six months of their start date.

5. Procedure

5.1 Maintenance requirement

5.1.1 In order to meet the UK Visas and Immigration maintenance requirement, individuals must have £945 of available funds which must have been continuously in their account for a period of 90 consecutive days before the visa application is made.

5.1.2 Each dependant must also have £630 available to them at the point of their application. This is in addition to the £945 the main visa holder must have.

- **Example:** The member of staff must have £2,205 if bringing their partner and one child to the UK (£945 plus £630 for the partner and £630 for the child).

5.2 Certifying maintenance

5.2.1 When certifying maintenance under Tier 2, the University confirms that, where needed, the University will maintain and accommodate the member of staff up to the end of their first month of employment in the UK.

5.2.2 By certifying maintenance for Tier 2 dependants, the University confirms that, where needed, it will provide maintenance and accommodation for the first month.

5.2.3 When certifying maintenance under Tier 5, the University confirms that the member of staff will not claim public funds.
5.2.4 When certifying maintenance, the University must make the member of staff aware that state benefits must not be claimed.

5.2.5 The University will automatically certify maintenance when assigning the Certificate of Sponsorship. If the member of staff does not wish for the University to certify maintenance, the HR Immigration Adviser must be advised before the Certificate of Sponsorship process commences.

5.3 **Recovery of funds**

5.3.1 If it becomes necessary for the University to provide maintenance and accommodation for the first month of employment, undertakings will be limited to £945 for the member of staff and £630 for each dependant respectively.

5.3.2 Where any funds are provided, the University will recover the monies from the member of staff over a three month period, starting from the second month of employment with the University.

5.3.3 Deductions will be taken from the member of staff’s salary (starting from month two of employment) in equal installments, until the full sum has been recovered.

5.3.4 If the member of staff is unable to repay the funds within the allotted time, a local agreement with the Head of School/Department may be made. The recovery period should not, however, exceed six months.

5.3.5 The School/Department will be responsible for repayment of any funds not recovered from the member of staff within six months of the employment start date.

5.3.6 If employment is ending before the full funds have been recovered, the University will recover any outstanding monies from the final salary payment.

6. **Review**

6.1 As and when required, this policy will be reviewed in accordance with applicable legislation.

7. **Associated practices**

7.1 This policy complies with relevant legislation and UKVI sponsor duties.

7.2 In addition, other relevant University of Kent People Practices include:

- Equality, Diversity and Inclusivity
- Recruitment