

## Guidance Summary Document: Home Office Issues (Heads of Department/School/Director)

### General Overview

- The University is required to ensure all those undertaking paid work with us have eligibility to work within the UK. This requirement is regardless of whether the individual is an employee, worker or is paid via the undertaken duties or student payments system.
- The University holds a licence to sponsor employees under the Tier 2 and Tier 5 categories of the Points Based System of Immigration (PBS).

### Tier 2 and Tier 5: General

- Under Tier 2, individual migrant workers are sponsored by the University to work in a specific post of a medium to high skill nature. In most cases it will be necessary to satisfy the 'Resident Labour Market Test' before appointing a migrant worker to the position. This will ordinarily include public advertising for a period of no less than 28 calendar days.
- Under Tier 5 (Government Authorised Exchange), individual migrants are sponsored by the University as a 'Sponsored Researcher' for a period of up to 24 months to share knowledge, experiences and best practices and to experience the social and cultural life in the UK. The role the migrant undertakes must be supernumary, i.e. it cannot be a role that the University would otherwise fill.

### Tier 2 and Tier 5: Monitoring Responsibilities for Departments

- The University is required to monitor staff attendance on an ongoing basis and report to the Home Office any sponsored members of staff who fail to commence employment, fail to attend work, resign or has their contract terminated early.
- You should ensure that your sponsored member of staff are encouraged to and given adequate time to comply with the University's annual checks of their immigration documents (note the international staff drop-in clinic is currently held in HR on Thursdays, 10-11am).
- **You must advise HR immediately if a new member of staff sponsored under Tier 2 or Tier 5 does not commence work as expected.** HR then must report this to the Home Office within 10 days of the previously agreed start date.
- **You must have a process in place for monitoring the attendance of staff sponsored under Tier 2 or Tier 5 (e.g. through line management supervision) and you must advise HR immediately if a sponsored member of staff is absent without permission so that they can advise the Home Office accordingly.** The Home Office must be advised within the 10 days following the 10<sup>th</sup> day of absence.

- You should make arrangements (through line managers as appropriate) to ensure that sponsored staff members are advised of the local reporting arrangements for absence, and the individual should be reminded that adherence to these procedures is part of the requirements of their visa.
- You should ensure that a key contact is identified within the Department / School with responsibility for monitoring each sponsored individual. Further information on the key contact's responsibilities as well as examples of local monitoring arrangements can be found at:  
[http://www.strath.ac.uk/media/ps/humanresources/hrinternational/Guidance\\_document\\_for\\_key\\_contacts.pdf](http://www.strath.ac.uk/media/ps/humanresources/hrinternational/Guidance_document_for_key_contacts.pdf)
- If a staff member does not attend work as expected, efforts should be made to contact the staff member and establish their whereabouts.
- HR must be advised in a timely manner of any changes or proposed changes to a sponsored migrants circumstances e.g. a change in job duties/responsibilities, a proposed change in salary level, a period of family leave (maternity, paternity, shared parental or adoption), a change in work location and a proposed early termination of contract or resignation.

#### Other PBS Categories;

- Tier 4 students: if engaging individuals within this category in work it should be noted that they can generally work a maximum of 20 hours per week during term time and full time during the vacation period (dependent on level of study and when the work is undertaken).