

Home Office Points Based System for Tier 2 and Tier 5 Staff Policy

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Home Office Points Based System for Tier 2 and Tier 5 Staff

Policy

Purpose

1. The University's continued recruitment of high quality staff from non EU countries is reliant upon us maintaining relevant Home Office licences.
2. The purpose of this policy is to outline the University's commitment and overall approach to working effectively and efficiently within the Points Based System of Immigration (PBS) to support both the recruitment and employment of international staff who require a visa to work in the UK. The policy and procedures are mandatory and apply to the work of all existing staff within academic and professional services departments involved in the recruitment and/or employment of staff.

Definitions

Points Based System of Immigration

3. The System is designed to enable the UK to more effectively control migration, tackle abuse and identify the most talented students and workers who can best contribute to the success of the UK's economy. There are 5 tiers of immigration under which people applying to come to the UK to work or study can be categorised. Points are awarded across a variety of criteria to reflect an applicant's aptitude, experience, age and also the level of demand in any given sector. The 5 tiers of the system are:
 - Tier 1 visa for highly skilled individuals
 - Tier 2 visa for skilled individuals with a job offer
 - Tier 3 visa for low skilled workers
 - Tier 4 visa for students
 - Tier 5 visa for Government Authorised Exchanges

This policy and the associated procedures cover tier 2 and 5.

Sponsorship Management System

4. This online system is used by sponsor license holders to apply to the Home Office for Certificates of Sponsorship (CoS).

Certificate of Sponsorship

5. A certificate of sponsorship is not a paper certificate like a work permit. It is a 'virtual document', with a unique reference number which employers issue to a migrant so that they can apply for permission to enter the UK if they are overseas (known as 'entry clearance'), or permission to stay in the UK if they are already here (known as 'leave to remain').

Key Principles

6. The University of Strathclyde is pleased to have achieved A-Rated Sponsor status and takes its responsibilities as a Sponsor seriously.
7. The University is committed to developing and maintaining a positive and cooperative working relationship with Home Office colleagues and to engaging constructively and honestly with on-going dialogue and monitoring processes.

8. In its work on the Points Based System, the University acknowledges the two basic principles of sponsorship:
 - a. Those who benefit most directly from migration (employers, education providers or other bodies that bring migrants) help to prevent the system being abused; and
 - b. Those applying to come to the UK to work or study are eligible to do so and a reputable employer or education provider genuinely wishes to take them on.
9. In line with the specified duties that sponsors hold, the University has developed systems and processes to support and facilitate effective and appropriate monitoring, record keeping, and reporting of information to Home Office as required.
10. Systems and processes are in place to support the efficient and appropriate issuing of CoS and these are reviewed and updated as necessary on an on-going basis (see “Procedure for Recruiting and Monitoring Staff within the Points Based System (PBS) of Immigration)
11. All staff involved in the University’s work in the Points Based System of immigration and in employing non EU staff to come to the University to work, are required to operate in-line with the agreed policies and procedures. Since a wide range of both academic and professional services teams have key roles in the University’s work in this area, it is essential that all staff involved work collaboratively with relevant colleagues around the institution.
12. The University ensures an adequate number of suitable Level 1 and Level 2 users are in place to support the day-to-day administration of the Sponsorship Management System (SMS) and takes steps to avoid having more users than are required. These users are members of staff within the Human Resources team.
13. The University makes arrangements to renew its licences with the Home Office within the appropriate timescales.
14. The University provides and facilitates relevant training for staff members to support them in effectively undertaking work associated with Home Office systems.

Responsibilities

15. The Director of Human Resources is the University’s designated Authorising Officer for Tier 2 and Tier 5 and as such has overall responsibility for the number of staff members who have access to the Sponsor Management System (SMS) and the level of permission they will have, as well as the activities of all users of the system.
16. The Director of Human Resources is also the University’s Key Contact for Tier 2 and Tier 5 and as such is responsible for ensuring that information received from the Home Office is appropriately dealt with and/or forwarded within the University. The Director of Human Resources also has strategic responsibility for the operation and staffing of the Human Resources Teams, including work related to the SMS and internal systems relevant to the recruitment and employment of international staff requiring a visa under Tier 2 and Tier 5.
17. The Human Resources Managers and relevant members of their staff teams, have key operational responsibility in relation to the effective and efficient operating and development of systems and processes relevant to Tier 2 and Tier 5.
18. The Executive Deans of the four University Faculties have strategic responsibility for the effective implementation and operation of the University’s policies and procedures relevant to the recruitment and on-going monitoring of international staff with Tier 2 and Tier 5 status.

19. All staff who require a visa in order to work in the UK have a responsibility to comply with all legal requirements placed upon them, designated policy and procedures and in support of the University's compliance with the Home Office and relevant legal requirements.
20. All Heads of Department who have sponsored staff members within their areas have a responsibility to comply with designated policy and procedures and in support of the University's compliance with UKVI and relevant legal requirements.

Linked Policies and Procedures

Procedure for Recruiting and Monitoring Staff under the Points Based System (PBS)

Relevant Legislation or Guidance

Immigration Rules

UK Borders Act (2007)

The Borders, Citizenship and Immigration Act (2009)

Tier 4 of the Points Based System Policy Guidance

Tier 2 and 5 of the Points Based System Guidance for Sponsors

Using the Sponsor Management System – Certificate of Sponsorship

Immigration Act 1971