

Immigration and Right to Work Roles & Responsibilities

This document sets out the roles and responsibilities of the Staff Immigration Team, departments, faculties and colleges in relation to immigration and right to work. Departments, faculties and colleges should contact the Staff Immigration Team if they are unclear about any of the areas listed below.

STAFF IMMIGRATION TEAM ROLES AND RESPONSIBILITIES

Compliance and Home Office relations
Ensure the Collegiate University meets the legal requirements to retain Skilled Worker and Tier 5 sponsorship licences on behalf of the Registrar (who is legally accountable for the sponsorship licence). Where relevant to also retain the Student licence.
Ensure the Staff Immigration Team operates in compliance with the Immigration Advice Authority (IAA) rules.
Monitor compliance and provide assurance to the Registrar and Audit and Scrutiny Committee. Provide evidence and judgement for University risk registers
Be prepared at all times for Home Office audits on our Skilled Worker and Tier 5 licences by: <ul style="list-style-type: none"> ○ Maintaining central records of sponsored visa holders as required by the Home Office; ○ Keeping track of sponsored visa holders visa expiry dates and informing departments, faculties and Colleges three months in advance; ○ Reporting changes to sponsored visa holder's conditions to the Home Office as required within 10 working days of the change occurring; ○ Reporting any breaches in the sponsored visa rules to the Home Office as required by our sponsor licence.
Provide advice and support to departments, faculties and colleges in complying with right to work requirements.
Provide and improve HR systems (with IT) to support immigration and right to work compliance.
Pay licence fees on behalf of the Collegiate University.
Communicate with the Home Office, UK government and other decision makers to influence UK immigration policy to the benefit of the Collegiate.
Respond to government consultations and provide evidence to minimise the regulatory burden of complying with immigration law.
Immigration and Right to Work support
Understand the Immigration and Right to Work rules and interpret the rules in the most favourable way permitted.
Issue Skilled Worker and Tier 5 Certificates of Sponsorship to allow prospective and current employees/workers to obtain visas to allow them to work at the Collegiate University.
Support prospective and current Skilled Worker and Tier 5 employees/workers to obtain their visas.
Provide general immigration advice to individuals, departments, faculties and colleges to support issues on visa and immigration matters.
Support departments, faculties and colleges with right to work issues and obtaining correct right to work documentation.
Provide regular communication updates to departments, faculties and colleges on changes to immigration and right to work rules and procedures.
Provide training on Global Talent, Skilled Worker, Tier 5, Right to Work and Visitor rules.
Provide specialised advice and bespoke training to departments, faculties and colleges, as requested.
Communicate with and provide briefings and updates to sponsored visa holders.
Co-ordinating the Immigration User Group to facilitate feedback from Departments and Colleges.
Supply legal advice via the University's immigration solicitor when required.
Provide the required supporting evidence for Global Talent visa applications.
Support EU staff and their dependents with applications for Pre-Settled and Settled status if they have reasonable grounds for missing the 30 June 2021 deadline.

DEPARTMENT, FACULTY AND COLLEGE ROLES AND RESPONSIBILITIES

General
Inform the Staff Immigration Team about any communication from the Home Office dealing with immigration or right to work.
Report to the Staff Immigration Team any breaches, errors or omissions to Home Office rules, even if discovered after the event.
Name an Immigration and Right to Work Key contact to provide management oversight and support to administrative staff to ensure that the Collegiate University's legal responsibilities in regard to immigration and right to work are maintained.
Report changes to the Key Contact role to the Staff Immigration Team
Support the Stage one Global Talent visa applications in relation to supporting evidence
Skilled Worker and Tier 5 sponsorship
Ensure staff involved in sponsor applications attend the relevant Staff Immigration training.
Ensure relevant requirements have been met, and highlighted to the applicant, when submitting a Skilled Worker or Tier 5 CoS application.
Ensure that information provided on CoS application forms for new and extending staff is up to date and correct
Ensure that Certificate of Sponsorship applications are sent to the Staff Immigration Team well before the visa is required (three months before is recommended).
Keep records of absences and up to date contact details (including mobile phone numbers) of all sponsored visa holders.
Report to the Staff Immigration Team any changes in your sponsored visa holders' status as required by the reporting requirements within five working days of the change.
Report to the Staff Immigration Team when a sponsored visa holder has changed their immigration status and no longer needs to be sponsored by the Collegiate University.
Inform the Staff Immigration Team if any Tier 5 visa holders have problems with their funding.
Ensure that new sponsored visa holders and their line managers are aware of the visa holder's responsibilities.
Ensure new sponsored visa holders attend sponsored visa holder briefing sessions organised by the Staff immigration Team
Ensure records and documents (including those showing the Resident Labour Market Test had been met, and full recruitment information) for previous Tier 2 visa applications are retained, as these could still be audited by the Home Office.
Right to Work
Ensure all staff (including temporary cover) routinely involved with checking new staff and workers right to work have attended the Staff immigrations Right to Work training.
Ensure all current staff have demonstrable right to work in the UK, and that no new staff or workers are engaged without completing a right to work check before their engagement commences.
Ensure that those with limited right to work (such as visa holders) have obtained a new visa before the existing visa expires if you wish to continue their employment beyond the original visa expiry date.
Ensure the department, faculty or college abides by any restrictions on visa holders right to work, such as restrictions on hours worked or type of work permitted.
Retain copies of all employees and casual workers right to work documents for the duration of their engagement plus two years.
Contact the Staff Immigration Team for advice if there are questions about the validity of any right to work documents.
Keep any right to work monitoring systems (like CoreHR) up to date
Visitors
Ensure that staff involved with providing visitor invitation letters attend Staff Immigration visitor training.
Ensure that all visitors whose entry to the UK you are facilitating (whether applying in advance of travelling to the UK or applying at the port of entry) are provided with the correct type of invitation letter and are made aware of the restrictions on their activities dependent on their visitor immigration category.
Ensure that copies of passports and entry stamps/visitor visa vignettes are obtained for all visitors whose entry to the UK you have facilitated and these copies are retained for the duration of their visit.
Ensure that all visitors undertaking an element of research in a sensitive subject obtain an ATAS certificate from the FCDO (unless nationality exempt) and a copy is retained for the duration of the visit.