

Skilled Worker Sponsorship

A comprehensive guide for departments and colleges

April 2024



Microsoft Teams Training

Microphone:

- Due to the number undertaking training, please mute or turn off your mic.

Questions:

- The training will be broken into sections, with a 'pause' at certain points for questions.
- You can type in questions in the chat panel or turn on your mic to ask.

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What we do

- Advise departments, colleges and visa holders on:
 - Global Talent, Skilled Worker and Tier 5 process and requirements
 - ILR and British citizenship
 - Right to Work checks
 - Visitor immigration requirements
- Process Skilled Worker and Tier 5 Certificate of Sponsorship applications and hold all data for Skilled Worker and Tier 5 visa holders centrally.
- Manage complex cases and matters of non-compliance with external legal input where necessary.
- Support any EU/EEA Frontier worker applications and any staff applying late for the Pre-Settled/Settled status due to reasonable grounds.
- Provide regular training on Global Talent, Skilled Worker, Tier 5, right to work and visitors visas.
- Represent the collegiate University's comments and concerns with immigration policy to the Home Office.
- Provide assurance to the Audit and Scrutiny Committee on immigration and right to work compliance.

Contents of today's session

- Compliance
- The Points-Based System and Skilled Worker overview
- Sponsorship criteria
- Certificate of Sponsorship request
- Visa application
- Visa holder's arrival in the UK
- Changes during employment
- Visa extensions
- Changing employment
- Visa restrictions and conditions
- Application fees

Compliance

- Home Office rules are complex, onerous and inflexible...but compliance is mandatory
- Oxford have a good relationship with the Home Office and have lobbied successfully in the past for key changes
- Consequences of non-compliance with Home Office rules:
 - Down-grading of the University's sponsor licence to a B rating - would not be able to sponsor new applicants from overseas
 - Withdrawal of the sponsor licence - **all** sponsored visa holders would have to leave the University and the UK
 - Up to £20,000 fine for **each** illegal migrant
 - Up to 2 year prison sentence and/or an unlimited fine if illegal workers are employed knowingly

A breach of Home Office requirements from a single college or department (including those who do not have any Skilled Worker or Tier 5 sponsored visa holders) may result in serious consequences for entire Collegiate University.

Points-Based System

Global Talent

- For highly skilled academics and researchers, and those in the arts and digital technology
- Accelerated routes for external funded posts, Individuals Fellowships and Senior Academic and Research appointments

Skilled Worker

- Worker with a job offer, and sponsored by the University

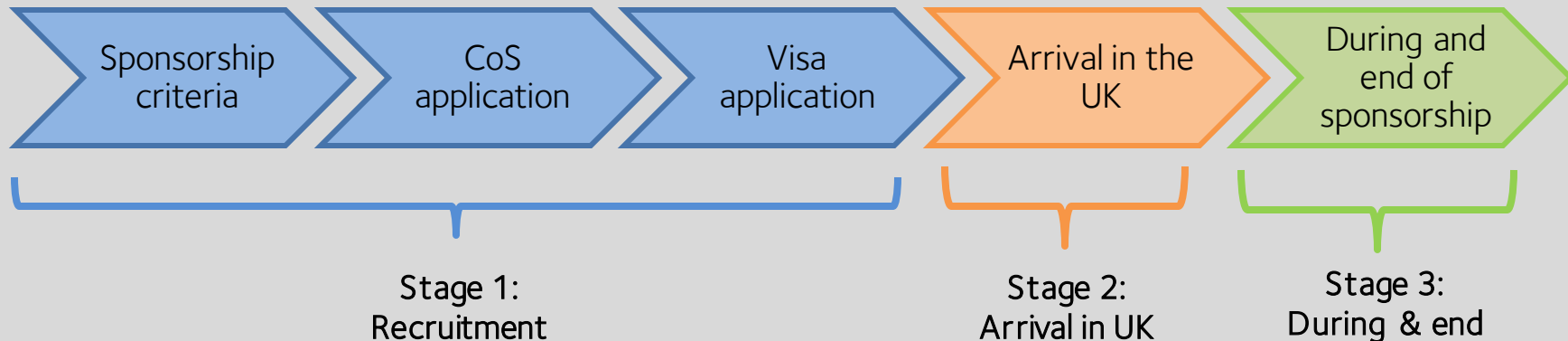
Student Visa

- Managed by Student Immigration team
- Graduate Scheme – DPhil – 3 years post study visa, all other graduates – 2 years

Tier 5

- Government Authorised Exchange (supernumerary researchers, lecturers, external examiners)
- Youth Mobility Scheme (for people under 31 from qualifying countries)

Skilled Worker process



Data to be sent at each stage to be held centrally by SIT

Stage 1: recruitment – using CoS form

Stage 2: arrival in UK – using Arrival form

Stage 3: during/end of employment – using changes & leaver form

Questions



STAGE 1: RECRUITMENT

Skilled Worker visa holder

- Non UK/Irish nationals who require a visa to work in the UK
- Undertake a **'skilled' role** as defined by the Home Office
- **Salary** meets the threshold for the specific role they are appointed to
- Appointed to a **'genuine' vacancy**
- Hold University/college contract of employment
- Paid via University/college payroll

Skilled Role

Is the role classified as being eligible for Skilled Worker

- Assessment of job description against the Home Office published occupations
- Roles the University sponsors under Skilled Worker includes:

PhD- Level Occupation	Example job titles
Researchers Undertaking independent research	<ul style="list-style-type: none"> - Postdoctoral Researchers (Generally Grade 7) - Senior Research Associates - Research Assistants (Grade 6) discuss with SIT
Higher education teaching Significant focus on teaching at undergraduate level or above. Permitted to undertake research activities.	<ul style="list-style-type: none"> - Departmental Lectures - Associate Professors (where Global Talent is not applicable)

Vacancy – Eligibility

Roles outside of research and teaching include:

RQF – Level 3 and above occupations	
IT specialist managers IT project and programme managers Programmers and software development professionals IT user support technicians	Mechanical, electrical, electronics engineers and technicians
Senior professionals of educational establishments	Laboratory technicians
Actuaries, economists and statisticians	Counsellors, career advisors
Business, research and administrative professionals not elsewhere classified, office managers	Financial accounts managers, financial and accounting technicians
Public relations professionals	Conference and exhibition managers and organisers
Archivists and curators Librarians	Graphic designers

Check with SIT

Skilled Worker rules changes

- New higher Skilled Worker salary thresholds were introduced on 4 April 2024
- Existing Skilled Worker visa holders from before 4 April 2024 do not have to meet the new higher thresholds, updated versions of the existing thresholds apply to them when they extend, change job, or apply for ILR
- New Skilled Worker applicants from 4 April 2024 do have to meet new higher thresholds but in many cases we should be able to use ‘tradeable points’ to benefit from lower versions of these thresholds
- The new salary rules are more complex (as there are now two sets of thresholds) but you are not expected to know or figure these out – SIT is here to advise on the relevant thresholds
- SIT expects that most roles we see within the collegiate University should still be sponsorable, but with more use of tradeable points.
- SIT can assess job descriptions to confirm if a role is sponsorable but researcher and lecturer roles should be so it is the less common roles which would need to be discussed, please don't send us every postdoc job description to check.

Salary

Going Rate

Occupation specific

Higher rates for new Skilled Worker applicants from 4 April 2024

Can be pro-rated based on FTE appointment

Absolute Minimum

£29,000 for those holding Skilled Worker visas before 4 April 2024

£38,700 for new Skilled Worker applicants from 4 April 2024

Cannot be pro-rated

Lower salaries with

Tradeable points:

‘New Entrant’

PhD relevant to role

STEM PhD relevant to role

Salary must meet ‘going rate’ or ‘minimum’ threshold, whichever is higher
Lower versions of the ‘going rate’ and ‘minimum’ thresholds apply with tradeable points
Allowances cannot be included in the salary calculation

Salary – New Entrant

- Under 26 on the date of their Skilled Worker visa application
- Hold or last held (within the past 2 years) a Student (Tier 4) visa having completed their studies, or at least 12 months of study towards a PhD
- Switching from a Tier 1 (Graduate Entrepreneur) visa
- The job offer is a postdoctoral position (limited occupations)
Either the job title specific 'postdoctoral' or the duties listed on the CoS include this

4 year 'New Entrant' limit on time under Graduate and Tier 2 / Skilled Worker visas so lower 'New Entrant' salary may work for this visa but there could be an issue when they go to extend if they cannot then meet the normal higher threshold

Salary – other tradeable points

Shortage Occupation

- going rate
- £23,200 minimum for SW visa holders before 4 April 2024
- £30,960 minimum for new SW applicants from 4 April 2024
- Only **research/ laboratory technician (with 3+yrs experience)** on this list

PhD in a subject relevant to job

- 90% of going rate
- £26,100 absolute minimum for SW visa holders before 4 April 2024
- £34,830 absolute minimum for new SW applicants from 4 April 2024
- Only certain occupations
- If overseas PhD, UK NARIC confirmed

STEM PhD in subject relevant to job

- 80% of going rate
- £23,200 absolute minimum for SW visa holders before 4 April 2024
- £30,960 absolute minimum for new SW applicants from 4 April 2024
- Only certain occupations
- If overseas PhD, UK NARIC confirmed

Don't panic – SIT will do these calculations you're not expected to work out thresholds

Genuine Vacancy

- Job description accurate to the requirements of the role, and duties have not been inflated to meet skills level
- Applicant meets the skills, experience and qualification requirements as detailed in the Job description
- Think carefully about wording of qualification – refer to [SIT guidance](#) on how to describe PhD/near to completion
- Role is in line with the universities scope and plan

Certificate of Sponsorship (CoS)

A CoS is a Home Office database record which shows details of the post the applicant will be filling.

- Request a CoS from SIT approx. 3 months before start date / visa expiry date
- Late submission = possible delay in start date
- Submit CoS application form and documents electronically
- Put supporting documents in one folder – password protect the folder using 7Zip
- Email applications to [Staff Immigration Advisor](#) – mark as confidential & include ‘Skilled Worker’, applicant’s name & start/ visa expiry date in subject line

CoS application form

- Excel based form found at <https://staffimmigration.admin.ox.ac.uk/skilled-worker-initial-cos-application-form>
- Provides drop downs, notes, error messages and sections greyed if not applicable
- Staff Immigration Advisor will check and return comments on the right hand section

Key areas of the form:

- **Previous UK visas** – 6 year limit & ‘cooling off period’ no longer apply but need for ILR
- **Maintenance** – default positions is the employing department/college certifies this requirement if required during first month of employment, otherwise the applicant has to evidence **£1,270** of personal savings, plus **£285** for partner, **£315** first child, & **£200** each additional child, held for **28** days, prior to date visa application is submitted.
- **Residential address** and any visa status for where the applicant is currently resident
- **Employment details** – start date, end date, salary, main duties
- **Record-keeping** and reporting declaration
- Checklist for **supporting documents**
- **Declaration** – to be completed by key contact/ responsible delegated person

CoS application form

Ensure applicant prepares:

- Evidence to meet the **English language** requirement, *either*
 - a) national of an English-speaking country as defined by the Home Office
 - b) has been awarded degree from a UK institution
 - c) has been awarded a degree taught entirely in English and have this confirmed by UK ENIC (*previously called UK NARIC*) to level B1 (if applicable)
 - d) has passed a Home Office approved English language test to level B1
 - e) previously met the English language requirement when applying for a UK visa
- Undertakes **TB Screening**, if resident in a listed country or countries for longer than 6 months. Further info & countries list: <https://www.gov.uk/tb-test-visa>
- Sponsorship for 'Senior professionals of educational establishments' roles (rarely used) must also submit criminal record certificate to cover last 10 years.

CoS application form

- Applicant may need to obtain an **ATAS certificate** from the Foreign, Commonwealth and Development Office (FCDO) if;
 1. Undertaking an element of research at PhD level or above in an area that could be used to develop military technology, and weapons of mass destruction
 2. Not on the nationality exempt list
 - EU/EEA nationals, Australia, Canada, Japan, New Zealand, Singapore, South Korea, Switzerland and the USA

Process

- Identify all relevant [‘CAH Codes’ using the spreadsheet](#)
- If ATAS required HR issue a letter to individual, using [HR Template Letter](#)
- Individual submits a free online application to FCDO
- Certificate received in approx. 2 weeks, although can be up to 4 weeks in busy period.

CoS cannot be issued until ATAS certificate obtained.

Questions



Visa/leave to remain application

- SIT issue CoS to applicant by email with details on how to apply for their visa. Email copied to department/college HR contact
- Advise applicants to apply as soon as possible – to avoid delay in start date
- Must apply no later than three months after CoS is issued (CoS expires after three months)

Application process:



Online application

Main applicant, and each dependant
Staff Immigration Advisor can check draft pdf.



Payment

Visa fee
NHS Surcharge:
Priority service available in some counties.



Biometric details

In country: Submit at a UKVCAS Sopra Steria Centre
Overseas: Make appointment to attend Visa Application Centre
EU/EEA & Swiss may be able to use ID App



Submit documents

For example, passport, photographs, evidence of English language, relationship to dependants (marriage/birth certificate)

Questions



STAGE 2: ARRIVAL

Arrival

1. Any delay in start date/do not arrive (no more than 28 days) notify SIT
2. Conduct RTW check **before** visa holder commences work
3. Departments fill out Right to Work screen in People XD
4. Add to your list of List B document holders (include expiry date and type of visa)
5. Fill out Arrival Form and send to SIT within **five working days** of start date with:
 - Contact details (even if temporary)
 - Copies of Signed Contract & RTW copies
 - Personnel Number & Oxford email address
 - NI number (can follow if not available on arrival)
6. Communicate with visa holder about reporting change in contact details, absence and non UK travel, (**police registration requirement has now been abolished- 09/11/22**)
7. For joint appointments – ensure agreement is in place between departments/colleges as to who will lead on reporting to SIT

BRPs still issued to some but no longer accepted as proof of RTW

If new starter whose Home Office letter states they will be issued a BRP is unable to collect their BRP before commencing engagement:

- Can rely on the 30 day vignette as proof of right to work
- Advise individual to collect BRP within 10 days of arrival into the UK and BEFORE vignette expires
- BRP cannot be relied on as proof of right to work but they will need the BRP number to generate a 'share code' so you can carry out an online right to work check

Individuals with electronic immigration status, must provide a 'share code' and their date of birth for an employer check to be completed. Full details on [SIT website](#). Also require evidence of their arrival date to UK – e.g travel ticket, boarding pass.

Questions



STAGE 3: CHANGES DURING EMPLOYMENT

Changes during employment

1. Use the Changes & Leaver Form to inform SIT **within 5 working days** of:
 - Change in start date on CoS/ did not arrive on start date (no more than 28 days)
 - Change in job details (*e.g. job title/ duties/ salary/ hours/ work location*)
 - Unauthorised absence of more than ten consecutive working days
 - Authorised unpaid leave of up to a total of four weeks in twelve months (Jan–Dec)
 - Change in salary due to leave (*maternity, paternity, shared parental, adoption, sick*)
 - Left early (*e.g. finished early/ resigned/ funding withdrawn/ dismissed*)
 - Change in immigration status (*e.g. granted ILR/ other visa/ other nationality*)
 - Left as expected in line with visa

SIT is required to record/report these changes to the Home Office

2. Update People XD with changes (departments only)
Changes in residential/contact details only need to be reported to SIT if not entered onto People XD (*these details must always be kept up to date*)

Form at: <https://staffimmigration.admin.ox.ac.uk/skilled-worker-t5-changes-and-leavers-form>

Absence recording and reporting

Normal work related travel does not need to be recorded or reported

Annual leave and sick absence:

- Record according to staff group and keep in department/college
- **Communicate with visa holders** about this policy

For Indefinite Leave to Remain applications visa holder must record all out of UK travel for their application. Dependants on visas issued after the 11 Jan 2018 will also need to detail absences.

Unauthorised absence: does not arrive for an expected work contact (e.g. to give a lecture)

- If a visa holder does not show for work when expected – contact them immediately!
- If absence is explained (e.g. sick, family emergency) – not classed as unauthorised
- Record unauthorised absence and report unauthorised absences of more than ten consecutive working days to SIT (Changes/Leaver Form)

Contact details vital – must be able to contact visa holder in reasonable time

- If visa holder is travelling to out of contact area they must notify admin

Absence policy overview

Academic staff

- Sickness – must report to line manager as soon as possible on first day of absence
- Annual leave – determine own duration of working time but in accordance with regulations, Academic staff are entitled to at least the statutory minimum number of days paid holiday per year

Academic related and support staff

- Sickness – must report to line manager as soon as possible on first day of absence
- Annual leave – entitlement as specified in letter of appointment

**Procedures must be in place to record sick and annual leave for all
Skilled Worker sponsored visa holders – Home Office policy**

Skilled worker visa extensions

- Includes extending current Tier 2 visa holders
- New CoS required (use CoS Extension form)
- Apply for CoS approx. 3 months before visa expiry date
- Job details must remain same as on original CoS (duties, location, job title etc.)
- Salary increases as a result of annual increments permissible
- Visa application to be made no later than six weeks before visa expires
- Visa application can be checked by SIT prior to submission
- Priority/Super Priority options for urgent applications but cost more
- Conduct a repeat RTW check before visa is due to expire (if visa application pending when visa expires, complete Employer Checking Service)
- Send copies of RTW for Skilled Worker and T5 sponsored visa holder to SIT

Switching employment

Applicant holding a Tier 2/Skilled Worker visa with a different employer cannot start a new post with the University until:

- SIT have issued a CoS and
- Their new permission to stay (visa) application has been approved by the Home Office and
- Their Skilled Worker Biometric Residence Permit has been received

Applicants already working for the University on a Skilled Worker visa may be able to change employment without having to obtain a new visa, if:

- The new job is in the same occupation (i.e. same profession – research, teaching, IT etc.) and
- Is paid at the appropriate level and
- Changes in job details are reported to SIT to report to Home Office

Visa restrictions and conditions

- Must be paid into own bank account – cash payments prohibited
- No recourse to public funds (i.e. must not claim benefits) – exclusions apply for nationals of some countries
- Voluntary work permitted
- Skilled Worker visas are job specific – supplementary employment permitted under specific circumstances

Supplementary employment

Supplementary employment permitted (as long as they are still working in their main role) where the work is:

- a type of work that would be sponsorable under the Skilled Worker visa route (salary thresholds don't apply it's just about the type of work)

administrative roles, bar work, working as a waiter or kitchen porter, for example, would not be permitted – if unsure discuss with SIT

- for no more than 20 hours per week
- outside the working hours covered by the CoS.

Previously Skilled Worker visa holders could only undertake supplementary employment which was the same type of work as their main role, but following a 4 April 2024 rules change all types of work which could be sponsorable is permitted. So no longer any need to report teaching as an additional duty.

Data holding

- Hard or electronic copies to be kept by department/college
- SIT holds electronic data record for Skilled Worker visa holders **except**:
 - Absence and sick records – to be recorded according to staff group and retained by department/college
- Send data to SIT at three stages:
 - Recruitment – using CoS form
 - On arrival – using arrival form
 - During/end of employment – using Changes/leaver form
- See <https://hr.admin.ox.ac.uk/retention-periods-for-university-personnel-records> for info on how long documents need to be retained

Application fees

- CoS – paid for by SIT and cross-charged to department (colleges need to check amount with SIT and arrange bank transfer)
- Visa application fee: [Costs involved | Staff Immigration \(ox.ac.uk\)](#)
- NHS Surcharge: [Immigration Health \(NHS\) Surcharge | Staff Immigration \(ox.ac.uk\)](#)
- Immigration Skills charge per individual sponsored by the University, paid for by SIT and cross-charged

Exemptions;

- 'PhD' Occupations
- Student (Tier 4) switching into Skilled Worker
- Those sponsored before 6 April 17 extending or changing sponsor

University Visa Loan Scheme: staffimmigration.admin.ox.ac.uk/visa-loan-scheme

recommendation on reimbursement of visa costs:

staffimmigration.admin.ox.ac.uk/reimbursement-policy

Summary

- Assess the sponsorship requirements with help from SIT
- Apply in good time
- SIT need to review ATAS details as part of complete CoS application before ATAS letter is issued to applicant
- Delayed start dates can be no more than 28 days
- Report changes within five working days
- Keep up to date absence records (sick and annual leave)
- Keep People XD up to date (departments only)
- Send all required data on Skilled Worker and Tier 5 visa holders to SIT
- Self-audit to ensure that all required past changes have been notified

Questions

