

Visitors

A guide to the Immigration Rules for visitors

February 2024



Staff
Immigration
Team



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

Staff Immigration Team

Website: <http://staffimmigration.admin.ox.ac.uk>

James Baker – Head of Staff Immigration

Tel: (2)89908

Email: james.baker@admin.ox.ac.uk

Tim Currie – Staff Immigration Officer

Tel: (2)89903

Email: tim.currie@admin.ox.ac.uk

Lisa Crook – Staff Immigration Officer

Email: lisa.crook@admin.ox.ac.uk

Staff Immigration Assistant

Email: sit-administration@admin.ox.ac.uk

Kim Proffitt – Administrative Assistant

(College Tier 4 Hours Monitoring)

Tel: (2)89894

Email: collegetier4@admin.ox.ac.uk

Staff Immigration Advisors:

Medical Sciences / Humanities / GLAM / UAS /
Continuing Education

Angelina Pelova

Email: angelina.pelova@admin.ox.ac.uk

Paul Deeble

Email: paul.deeble@tss.ox.ac.uk

MPLS / Social Sciences / Colleges

Lyn Davis

Email: lyn.davis@admin.ox.ac.uk

Richard Birt

Email: richard.birt@admin.ox.ac.uk

What we do

- Advise departments, colleges and visa holders on:
 - Global Talent, Skilled Worker and Tier 5 process and requirements
 - Right to Work checks
 - Visitor immigration requirements
- Process Skilled Worker and Tier 5 Certificate of Sponsorship applications and hold all data on these 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.
- 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

- Who requires a Visitor visa?
- Who does not require a Visitor visa?
- Standard Visitor visa subcategories
- 31 January 2024 Visitor rules changes
- Visitor visa restrictions
- Stages of the Visitor visa process
- Case studies
- Summary

Who requires a Visitor visa?

- A visitor is someone 'coming to the UK for up to 6 months for a temporary purpose' – usually tourism, business, or academic
- All non-UK/Irish nationals require a visa to enter the UK, as either:

Visa national: Must apply for a visa before travelling to the UK; or

Non-visa national: Can show documents at border to enter under correct route

- All visitors require an invitation letter from the University that confirms the purpose & dates of the visit, & which Visitor sub-category they are applying/ entering under

Home Office website oversimplifies and tells some '*you do not need a visa*'. They still need to enter under the correct Visitor visa route so need to be considered like every other case and advice & an invitation letter provided

Who does not require a Visitor visa or entry stamp?

- British and Irish citizens do not need a Visitor visa
- Those already in the UK on a visa which permits work (Global Talent, spouse, Pre-Settled/ Settled Status, indefinite leave to remain etc.) do not need a Visitor visa
- EU, EEA and Swiss nationals resident in the UK prior to 1 Jan 2021, had until 30 June 2021 to apply for Pre-Settled/ Settled status
- From 1 January 2021, EU, EEA & Swiss nationals residing outside of the UK are considered as 'non-visa nationals', even if you have had arrangements with them previously
- Not sure? Ask SIT

Standard Visitor visa subcategories

- **Leisure:** come as a tourist, visit family or friends;
 - **Business Visitor:** Attend conferences, meetings, interviews, give a one off or short series of non-commercial talks;
 - **Academic Visitor:** conduct research (up to 6 months collaborative or private research/ over 6 up to 12 months only private research), share knowledge & experience, take part in conference/ seminar etc;
 - **Permitted Paid Engagement (PPE):** paid visiting lecturer/ examiner/ assessor. Cannot be responsible for teaching, only in 'guest slot'.
 - **Student:** Study, or learn research techniques for up to 6 months which is linked to their overseas studies
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- Invitation letter templates available at:
<https://staffimmigration.admin.ox.ac.uk/forms-guidance>

31 January 2024 Visitor rules changes

- **Academic Visitors**

Previously only permitted to undertake their own private research. Now if visit is for less than six months can undertake collaborative and/or own private research.

Academic Visitor may now be appropriate for more short visits instead of Tier 5.

- **Permitted Paid Engagement (PPE) Visitors**

Previously PPE was a separate Visitor visa route requiring a PPE Visitor visa or PPE Visitor visa entry stamp on entering the UK.

PPE is now a Standard Visitor subcategory so specific PPE entry stamp no longer required, but PE activities must be completed within the first 30 days of the visit after they arrive in the UK

- **Remote working for overseas employer**

Visitors are now permitted to undertake some work for their overseas employer during their visit to the UK, as long as this is not the main purpose of their visit.

Standard Visitor – Business

Typical uses within the University:

- Attending a job interview;
- Attending a conference;
- A researcher attending a meeting to discuss future research collaborations;
- A presenter giving one/a series of talks or speeches;
- An expert in a particular field coming to share knowledge/advise on a particular area of expertise in relation to an international project led in the UK;
- A researcher coming to receive training in a specific technique/ practice not available in their home country;
- An employee of overseas manufacturer/supplier coming to setup/service equipment.

Restrictions and requirements specific to Business Visitors:

- Cannot be paid (although payment of reasonable expenses is permitted) – except directors attending board meeting;
- Can only visit UK for up to six months.

Standard Visitor – Academic

A person on leave from **an overseas academic institution** who wishes to make use of their leave to conduct research, exchange information on research techniques, take part in a formal exchange or act as a senior medical doctor or dentist.

The academic visitor visa may also be granted for up to twelve months.

- coming for **up to 6 months** – undertaking **collaborative** and/or **own private research**
- coming for **over 6 up to 12 months** – can only undertake **own private research**

Length of visit (up to 6 or 12 months) must be determined from the outset & ‘frequent & successive’ visits prohibited so can’t just leave and return again for another 6 months.

Typical uses within the University:

- A researcher visiting the University’s libraries or museums to do research for a book they are writing;
- A researcher visiting the University to share information about a particular research technique they have been using overseas/ to receive information about a technique used at Oxford (but not conducting research on University projects);
- A researcher taking part in a formal exchange where an Oxford colleague goes overseas and a member of the overseas research team comes to Oxford;
- An eminent senior doctor coming to Oxford to teach and collaborate on research.

Standard Visitor – Academic

Academic Visitor may be a better option than a short Tier 5 visa if the visit is for less than six months, but if accompanied by family they enter as tourists and partner cannot work. If apply for Tier 5 visa, partner will apply for Dependant visa and will be permitted to work in the UK during the visit.

Restrictions and requirements specific to Academic Visitors:

- Must have been working at an overseas HEI/ in the field of their expertise immediately prior to applying as an Academic visitor;
- Can only conduct collaborative research if coming for up to 6 months;
- Cannot be paid (payment of reasonable expenses permitted);
- Can visit UK for up to six months, or up to twelve months with additional documentation;
- ‘Frequent & successive visits’ prohibited so cannot leave & return again to try to stay longer than six or twelve months originally agreed;
- Retired academic not eligible, Semi-retired may be – ask SIT;
- Students and those who work outside academic institutions not eligible

Standard Visitor – Permitted Paid Engagement (PPE) Visitor

Enter the UK under the PPE visa route to engage in specified paid activity.

Typical uses within the University:

- Lecturers coming to deliver lectures in their field of expertise, but they cannot be responsible for teaching only here as a guest for additional input alongside our staff;
- External examiners where they are paid a fee;
- Sometimes used for artists/performers – discuss with SIT.

Restrictions and requirements specific to PPE Visitors:

- Must be coming to work in their area of expertise and/or qualifications;
- Must relate to their main occupation overseas;
- Research prohibited;
- Must be paid (no minimum payment specified by the Home Office);
- Can only visit UK for up to one month.

PPE activities must be completed within first 30 days after arriving in the UK

Visitor restrictions

Business, Academic and PPE visitors must:

- Intend to leave the UK at the end of the visit;
- Be able to maintain and accommodate themselves (and any dependants) without using public funds;
- Not intend to have frequent or successive visits (several months would have to pass before they could return for another new visit);
- Not intend to take paid or unpaid employment (but PPE activities must be paid);
- Be able to meet the cost of an onward or return journey;
- Not intend to produce goods or provide services within the UK;
- Not be a child under the age of 18;
- Not intend to marry or form a civil partnership;
- Not intend to give notice of a marriage or civil partnership;
- Not intend to receive private medical treatment;
- Not be in transit to a country outside the common travel area;
- If an Academic Visitor requires an ATAS certificate for their research they must not start their visit or be given any access until they have presented their ATAS certificate.

Step 1: Initial conversation

- HR are informed that an academic would like to invite a visitor and they need access to the building and IT system. HR issues **visitor form** that the visitor must fill in.
- Once completed visitor form is received, HR can assess whether the visitor:
 - requires a visitor visa to enter the UK (based on their nationality);
 - which visa category is suitable for the activities they are undertaking;
 - which letter of invitation the department/college need to issue.
- If the visitor is a ‘visa national’ they need to apply for a visa before coming to the UK. HR discussed a realistic start date for the visit and this is added on the invitation letter.
- Agree payment of expenses (or fee, if PPE), if applicable.

Step 2: Consider ATAS

Visitor 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 during their visit 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.

*Visit cannot commence or any access given until they have received ATAS certificate.
Individual should always apply for and obtain prior to travelling.*

Step 3: Issue letter of invitation

- Once visit and dates have been agreed, HR team (not the PI/ academic) must provide letter of invitation, based on our templates.
- The templates are available on our website:
<https://staffimmigration.admin.ox.ac.uk/forms-guidance>
- Keep detail to a minimum and print on department/college headed paper.
- You can state amount of expenses, if required.
- Signature and contact details required.
- Alert visitor to conditions of their visa (on second page of letter).

Stage 4: Visa application

Visa nationals and Academic visitors over six months:

- Make visa application in advance. Cannot travel until visa granted;
- Online applications in most countries;
- Need to enrol biometrics (fingerprints & photographs) at Visa Application Centre;
- Apply around three months before arrival date;
- Academic Visitors coming for more than six months:
 - may have to take TB test before applying: www.gov.uk/tb-test-visa if they have lived in a listed country or countries for six months or more
 - issued with one month visa in passport & may have to collect BRP

Academic and Business under Standard Visitor visa applications: www.gov.uk/standard-visitor-visa

PPE Visitor applications: www.gov.uk/permitted-paid-engagement-visa/apply

Stage 4: Arriving at the UK border

Receive 'permission to enter' at UK border

- **Visa nationals:** Present passport and entry vignette.
Announce purpose of visit: Business, Academic, PPE Visitor – not tourist

Non-visa national: Present passport and letter of invitation.

Announce purpose of visit: Business, Academic, PPE Visitor – not tourist

- Present other necessary evidence, if prompted.
- May or may not receive entry stamp in passport

Using eGate

- Individuals from Australia, Canada, Japan, New Zealand, Singapore, South Korea, United States, EU, EEA and Swiss can use eGates at major UK terminals. Cannot be used if:
 - Visiting under Permitted Paid Engagement route (need stamp in passport);
 - Travelling with children under 10 years old;
 - Do not have a biometric chip in their passport.

Stage 4: Required documents

When applying for a visa in advance of travel/ applying for entry on arrival in UK, applicants may be asked to provide:

- Passport (current and potentially previous);
- Evidence of marital status (if bringing spouse);
- Evidence of current employment;
- Bank statements, payslips, other evidence of overseas income;
- Details of accommodation in UK and return travel bookings;
- Letter of invitation from Oxford;
- Any information about activity to be undertaken ;
- Evidence of working at HEI/in field of expertise prior to application (Academic Visitors) i.e. letter from overseas employer;
- Evidence that a paid engagement relates to expertise, qualification, occupation (PPE Visitors) – qualification, letter from overseas employer, publication record etc.

Step 5: Arriving at the University

- Visitor reports to appropriate departmental/college HR/ admin person on first day before visit commences;
- Copy, sign and date the passport details and visa/immigration stamp, if no stamp copy boarding pass or other proof of entry date;
- Ensure ATAS certificate has been obtained (if applicable)
- Retain immigration status and ATAS certificate (if applicable) for duration of visit along with a copy of the letter of invitation and any information confirming intended activity;
- Remind visitor of the conditions of their visa;
- Remind Academic visitors here for more than six months to collect BRP if they have not already (police registration requirement has now been abolished)
- If they have a BRP you will have to complete an online status check

Case studies

<p>Scenario 1</p>	<p>An academic wants to invite an eminent professor from a Turkish university to come for a visit in two months' time.</p> <p>They don't provide any information about who the visitor is or what they're doing at the University. How do you proceed?</p>
<p>Scenario 2</p>	<p>An academic wants you to order a University card to a visitor who is coming tomorrow.</p> <p>This is the first you've heard of this visit and you find out the academic has already sent them an invitation letter. How do you proceed?</p>
<p>Scenario 3</p>	<p>A person you've never seen before appears at the HR office asking for an SSO and access card. They say they're a Japanese national and entered the UK yesterday. What do you do?</p>

Case study

Scenario 1	An academic wants to invite an eminent professor from a Turkish university to come for a visit in two months time. How do you proceed?
	<p>Recommendation on how to proceed:</p> <ul style="list-style-type: none">- Ask visitor to fill in departments/college's visitor form to find out who they are, how long they're coming for and what they are doing.- Also ask whether the prospective visitor already holds a UK visitor visa.- Review the visitor form and email trail between the professor and visitor to find out whether there's a suitable route.- Check with SIT, when in doubt about visitor visa routes.- Issue a letter of invitation to facilitate their entry to the UK.

Case study

Scenario 2	An academic wants you to order a University card to a visitor who is coming tomorrow. The invitation letter has already been sent.
	<p>Recommendation on how to proceed:</p> <ul style="list-style-type: none">- Ask the academic to outline who the visitor is, what they are coming to do and how long they're coming for;- Ask for a copy of the letter of invitation and email trail between them and the visitor;- If the visitor is a visa national, they may have already submitted a visa application. Ask for a copy of this as it will state what the main purpose of their visit is;- Contact SIT as soon as possible and provide the information you have gathered. We will provide advice on the steps moving forward;- Remind the academic to contact HR before issuing any letters to prospective visitors. Misleading letters may lead to visa refusals or interrogations at the border;- Assess internal procedures to try and avoid these situations in the future.

Case study

Scenario 3

A person you've never seen before appears at the HR office asking for an SSO and access card. They say they're a Japanese visitor and entered the UK yesterday. What do you do?

Suggestion on how to proceed:

- Ask who provided the invitation to visit the department/college and ask to see a copy of the letter of invitation (if they have one);
- See their passport and check whether visitor is 'visa national' or 'non-visa national'. The former will have a vignette in their passport, and the other may simply have a stamp;
- In this case the person is a non-visa national and can enter via the eGates. Ask whether they entered the eGate or saw an immigration officer and what was stated as the purpose of their visit at the border;
- Enquire as to how long the visitor will be staying in the UK and which activities they will be undertaking;
- Contact SIT immediately and provide the information you have gathered. We will provide assistance on what to do next.

Summary

- All visitors must enter UK under appropriate visitor immigration category.
- Ensure all visitors undertaking research checked if they require an ATAS certificate.
- If ATAS required visit cannot commence & access cannot be granted without this.
- Since Brexit EEA/Swiss nationals are considered non-visa nationals.
- Tourist visa holders may only take part in typical tourist activities.
- Visa nationals & Academic Visitors over 6 months require visa before travel to UK.
- Non-visa nationals enter under appropriate route on UK arrival.
- Academic Visitors: coming for up to 6 months – private and/or collaborative research coming for over 6 up to 12 months – only private research permitted.
- PPE activities must be completed within the first 30 days after arriving in the UK.
- All visitors will require a letter of invitation from HR team in host college/department.
- Keep in touch with PI's/academics to ensure HR are informed of any overseas visitors.
- HR must check passport and visa/entry stamp/proof of entry date before visit commences and copy & retain.

Questions and feedback

