

An introduction to your visa and conditions

February 2021



Microsoft Teams Presentation

Microphone:

- Due to the number attending this presentation, 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 questions in the chat panel or turn on your mic to ask
- Contact details will be provided at the end of the session for personal questions.

Structure of Talk

- General Introduction
- Visa Obligations
- Future visa applications & Indefinite Leave to Remain (ILR)
- Questions

These slides are available to download on SIT website at:
<https://staffimmigration.admin.ox.ac.uk/forms-guidance>

Welcome to Oxford

The University values global talent

The University's Strategic Plan:

- To develop the University's position as a global forum for intellectual engagement
- To recruit and retain high calibre staff from across the world
- To work towards an increasingly diverse staffing profile.

Source: <http://www.ox.ac.uk/about/organisation/strategic-plan>

University Sponsor Licence

Our Sponsor License:

- Premium Sponsor status with UK Government (Home Office)

Allows us to:

- Welcome international talent from all over the world
- Sponsor visa holders (approx. 1,000 current sponsored visa holders – more visa than any other UK University)
- Seek advice & assistance from specific contacts within the Home Office in complex cases.

How can the Staff Immigration Team (SIT) help you?

Specialist team dedicated to handling applications & queries from sponsored visa holders and their families <https://staffimmigration.admin.ox.ac.uk/>

- At **recruitment** – we arrange your visa sponsorship (Certificate of Sponsorship)
- **Overseas** – we advise you how to apply for your visa
- **In the UK** – we check your application
- Remind your department to remind you when your visa is close to expiring
- Update the Home Office if your circumstances change – more information later
- Advise you of your visa conditions & help when problems arise (lost visas etc.)
- Help to ensure University compliance with its responsibilities to the Home Office to ensure that we keep our licenses to sponsor visas
- Work within the sector & with the Home Office to lobby for improvements.

Who do I contact?

- For any visa related queries or issues please contact the HR team/person in your department/college
- HR will contact the Staff Immigration Team (SIT) for specialist advice where necessary
- Urgent enquiries (such as a lost visa or if you are detained at an airport) contact SIT directly.

Our contact details are found at:

<https://staffimmigration.admin.ox.ac.uk/contact-us>

Other support

The Welcome Service Website

Practical information on and settling down in Oxford for academics, graduate students and their families

<https://welcome.ox.ac.uk>

University Newcomer's Club

Also open to spouses and partners

Meet other Newcomers from over 100 countries

www.newcomers.ox.ac.uk

A new skills-based immigration system

- A new immigration system was introduced from December 2020
- Tier 2 visa route replaced by Skilled Worker visa
- Global Talent Visa has been expanded
- Europeans not already living in the UK are now treated like other international staff.

Visa Types

- Global Talent visa - formally Tier 1 Exceptional Talent/Promise
- Skilled Worker visa - formally Tier 2
- Student Visa – formally Tier 4 students
- Tier 5 ‘Sponsored Researchers’ (*also other GAE, Youth Mobility, Charity workers, Religious Workers, International Agreement*).

Student Immigration Team holds student licence

www.ox.ac.uk/students/visa

SIT holds licences for Skilled Worker and Tier 5 ‘Sponsored Researcher’ and assists with Global Talent visa applications.

Questions?

Visa Obligations

Who does what?

- **Home Office (UK Visas & Immigration)** – decides which employers can hold sponsor licences and monitors the operation of those licences. Decides which applicants are granted leave to enter/remain & on what terms.
- **Your Sponsor (University of Oxford)** issues Certificates of Sponsorship (CoS) according to Home Office rules. Has *ongoing* responsibilities to monitor its employees/ sponsored visa holders, look after the integrity of its licence and report any issues to the Home Office
- **You** are the holder of either ‘permission to enter’ or ‘permission to stay’. You hold a Biometric Residence Permit (BRP). You have *ongoing* responsibilities as a ‘sponsored migrant’ and as the holder of a Biometric Residence Permit.

Skilled Worker (Tier 2) and Tier 5 visa holders

Skilled Worker/Tier 2 [Skilled Worker Visa | Staff Immigration \(ox.ac.uk\)](#)

Tier 5 [Overview | Staff Immigration \(ox.ac.uk\)](#)

What you must report to your employer/sponsor

- Any change of address or phone number (mobile & landline)
- Any change in job details (title, salary, hours, work location, duties or even leaving your employment/ project) – don't assume
- If you switch into a different immigration category
- You must follow University absence reporting procedures for sickness, holidays and other absences.

These changes must be reported to your departmental/college administrator or HR contact

Reporting to the Police

If you are required to register with the police, this will be stated in the letter confirming that your visa application has been granted. Within seven days of arrival in the UK** you must contact the police (creating an online account) and book an appointment to register.

****The Home Office knows this has not been possible due to Covid-19****

The police will record:

- Your address
- Your passport details
- Your marital status
- Your employment
- Your visa/BRP number

If any of these change you must report the change to the police within seven days

More information: <https://staffimmigration.admin.ox.ac.uk/police-registration>

What you must report to UKVI

- Lost or stolen or damaged Biometric Residence Permit: Report loss or theft to Thames Valley Police. Must report loss/theft/damage to UKVI ‘as soon as reasonably practicable’.

Must apply for replacement BRP within three months (cost £56)

If lost overseas, you can apply for a ‘replacement BRP visa’ to re-enter (cost £169). Must apply for new BRP within one month of return

More information: <https://staffimmigration.admin.ox.ac.uk/lost-or-stolen-brp>

- If you change your name, gender, nationality, or your facial appearance changes significantly you must apply for replacement BRP within three months.

Penalty for breach is £1000.

More information: <https://staffimmigration.admin.ox.ac.uk/changes-of-address-personal-details-and-family-changes>

Reporting Change of Address

You must report any changes of address to your department/ college, and to the police (if applicable).

University employees can update their own contact details through HR Self-Service, but this is not available to college employees.

<https://staff.admin.ox.ac.uk/working-at-oxford/you-and-work/hr-self-service>

UKVI states that you can inform them of your change of address if you expect to be at the new address for more than six months.

More information can be found in Home Office guidance at:

<https://www.gov.uk/change-circumstances-visa-brp>

Questions?

Losing Contact...

“I had a family emergency back home and had to rush back. I only meant to be away for a week or so, but ended up being away for 3 weeks. I forgot to get permission from my employer. Just turned up at Heathrow and they told me my leave had been cancelled”

If contact with your department/ college has been lost for 10 working days SIT must report this to the Home Office which will result in your visa being curtailed. **So:**

- Always update your department/ college HR team of any changes in contact details (including mobile number)
- Tell your department/ college HR team if you will be away and when you expect to return
- Tell your department/ college HR team about any change of plans.

What am I able to do while I am here?

- Work for your sponsor and undertake activities as described in your Certificate of Sponsorship (CoS)
- Undertake 'supplementary employment' in the same sector and at the same level, for up to 20 hours per week
- Do voluntary work e.g. charitable work – not unpaid work. (Skilled Worker (Tier 2) only)
- Study (so long as it does not interfere with your employment)

<https://staffimmigration.admin.ox.ac.uk/supplementary-employment-and-studying>

- Bring family (spouse/partner & children under 18)
- Use the NHS without further charge (unless visa for 6 months or less)
- Send your dependents to state schools.

Supplementary Employment

The supplementary employment must be:

- in either a job on the 'shortage occupation list' or a job which is the same type of work & at the same professional level as your main role as detailed in your CoS
- teaching and research are not the same type of work (*check if your CoS includes teaching & discuss with SIT*)
- no more than 20 hours per week
- outside the working hours covered by the CoS.

Supplementary employment can include self employment.

Undertaking employment which is not the same type of work or in excess of the 20 hours per week would constitute working illegally in the UK.

More information:

<https://staffimmigration.admin.ox.ac.uk/supplementary-employment-and-studying>

What am I not able to do?

- Work other than allowed in the CoS or under supplementary employment rules
- Take unpaid leave in excess of four weeks per year (January to December) – *unless as part of maternity, paternity, parental, shared parental, adoption, or sick leave, official strike action, or assisting with a national or international humanitarian or environmental crisis*
- Claim ‘public funds’
(Some nationalities can claim some public funds but this is a very complex area so advice should always be sought from SIT)
More information: <https://staffimmigration.admin.ox.ac.uk/public-funds>
- Bring dependants over the age of 18
- Commit a criminal offence...

Driving in the UK

You can generally drive in Great Britain:

- On your EU license (if you took your test in an EU country). You can exchange your license for a GB license, but you are not required to do so
- On your licence issued in a 'designated country': Andorra, Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland, Zimbabwe. You can drive in Great Britain on your license for 12 months from when you became resident. You can exchange it for a GB license for up to five years
- Other countries: You can drive in Great Britain on your licence for 12 months from when you became resident.

Driving without a license invalidates insurance. Driving without a license and/or without insurance is a criminal offence.

This is just a general guide and you should check your eligibility using the online tool:

<https://www.gov.uk/driving-nongb-licence>

Immigration Health Surcharge (IHS)

- All in-country applications, and overseas applications for residence of 6 months or more, require payment of IHS
- IHS is not required for Indefinite Leave to Remain (ILR) applications
- IHS paid as part of application process. £624 per year of leave granted for each applicant. Part year paid at 50% if less than 6 months, otherwise full year payable
- Will allow you to access NHS treatment without further charge
- Recommend take BRP when accessing NHS treatment.

Exemptions:

- European nationals and their family resident in the UK before 2021
- Babies born in UK, up to age of 3 months
- Accident and Emergency treatment always free at point of delivery.

More info: <https://staffimmigration.admin.ox.ac.uk/immigration-health-nhs-surcharge>

Tier 5 Specific

- Tier 5 visa can only be issued for, or extended up to, a maximum of 24 months. You must the leave the UK
- No limit on the number of Tier 5s you can hold so you may be able to apply for another Tier 5 visa for another later visit
- Unlike a Skilled Worker, cannot undertake voluntary work
- Tier 5 does not lead to Indefinite Leave to Remain (ILR)
- Must report to University if you are not receiving funding or are no longer undertaking your research

More info: <https://staffimmigration.admin.ox.ac.uk/changes-in-tier-5-activities>.

Questions?

Future Visa Applications & Indefinite Leave to Remain (ILR)

SIT assists with extension applications and provides advice and assistance to those applying for ILR <https://staffimmigration.admin.ox.ac.uk/settling-in-the-uk>

Global Talent visa

- UK immigration category for talented and promising individuals in specific sectors wishing to work in the UK. It replaced the Tier 1 (Exceptional Talent) visa on 20 February 202.
- Two stage process:
 - Stage 1** - Apply and obtain endorsement
 - Stage 2** - Submit visa application
- Advantages to Global Talent visa:
 - can move freely between roles, jobs, locations, organisations etc.
 - no concerns with unpaid leave, sabbatical, changes to role
 - can normally obtain Indefinite Leave to Remain after three years
- Staff Immigration Team can provide guidance or legally represent applicant, during Global Talent application process.

Global Talent visa

1. Individual Fellowship

Example: Newton International Fellowship/Leverhulme Senior Research Fellowship

A complete list can be found here: <https://royalsociety.org/grants-schemes-awards/global-talent-visa/route-2-individual-fellowships/>

2. Academic and Research appointment

Academic leadership roles; Associate Professors, Professor or Research leadership; Group Leader. Criteria on the recruitment and selection process must also be met

3. Endorsed funder

For researchers or specialist whose name or job title is on a grant from a listed endorsed funder (including, Wellcome Trust, UKRI, CRUK, British Heart Foundation). Several criteria must also be met (including the grant being for over two years in duration)

A complete list of endorsed funders can be found here <https://www.gov.uk/government/publications/ukri-endorsement-endorsed-funders-global-talent-visa/uk-research-and-innovation-endorsed-funders>

4. Full Peer Review

Assessment of applicants standing against a set of criteria. Applicants are either proven leaders within their field (Exceptional Talent) or early-career individuals who have demonstrated potential to become a world leader (Exceptional Promise)

More information: <https://staffimmigration.admin.ox.ac.uk/gtv-endorsement>

Tier 2 and Indefinite Leave to Remain

- Six year limit under Tier 2 no longer applies so you could keep extending instead
- You must complete five years 'continuous residence' to qualify for ILR
- University must confirm that you are **still required for the foreseeable future for the employment** and will continue to be paid at the appropriate rate for the job
- Maximum of 180 days absence per year: Fixed years, for periods of leave granted before 11 January 2018, and rolling 12 month periods (for periods of leave granted after 1 January 2018)
- 180 day absence applies to **all** absences except:
 - a. where you are working in a PhD level occupation and you have been absent from the UK because you are undertaking overseas research*
 - b. absences assisting with a national/ international economic/ humanitarian crisis*
 - c. stuck outside the UK due to Covid-19 (ill, self-isolating, impossible to return)*
- Salary must still meet the relevant thresholds
- Life in the UK test & English language requirements apply

More information: <https://staffimmigration.admin.ox.ac.uk/settling-in-the-uk>

PBS dependants

- Global Talent, Skilled Worker (Tier 2) and 5 sponsored visa-holders can have their partner and children under 18 years join them in the UK
- Only restrictions on PBS dependants employment is that they cannot be a doctor or dentist in training, or a professional sportsperson or coach
- PBS dependants must themselves complete five years continuous residence to qualify for ILR
- PBS dependants are subject to the 180 day per rolling 12 month period rule (for 'periods of leave' (visas) granted after 1 January 2018)
- The overseas research exemption extends to your PBS dependent spouse or partner if they accompanied you during your research. PBS dependent children are not subject to absence restrictions.

Ten Years ‘Long Residence’ ILR

- Ten years continuous lawful residence (under series of different visas)
- Absences must not exceed 18 months (540 days) over the ten years
- with no single absence for more than six months
- Life in the UK test & English language requirements apply
- Take care if considering a ten year application and you have PBS dependants. If main visa holder is granted ‘Long residence’ ILR family members can no longer continue under PBS Dependant visas.

If uncertain about travel history you can make a Subject Access Request for entry and exit records for the past 5 years held by Home Office, based on data received from carriers.

SIT can assist with queries on 10 year ‘Long residence’ ILR applications.

Children born in the UK

- No obligation to make any visa application for child (*but remember only eligible for free NHS treatment for the first three months & you will not be able to travel and re-enter the UK unless the child has a visa*)
- Children born in the UK is **automatically British** if either the mother or father has already ‘settled’ (*i.e. has ILR or British citizenship*) at the time of birth. Only need to apply for a British passport for the child.
- A child born in the UK whose parents were not ‘settled’ at the time of birth is not automatically British, but will become eligible for ‘**registration as a British citizen**’ as soon as either the mother or father is granted ILR
(so you could consider leaving any UK born children out of the ILR applications of the parent/s and then immediately register as British)
- Some countries do not permit **dual-nationality** so you should check with your embassy/ consulate whether your child would lose your citizenship if they become British.

British citizenship

- UK permits holding multiple citizenships. Check the position relating to your existing country of citizenship
- Normally eligible for ‘naturalisation’ after five years lawful residence and then holding Indefinite Leave to Remain (ILR) for one year
- No requirement to hold ILR for one year if married to/ civil partner of a British citizen
- Note difference between level of permitted absences for ILR and Naturalisation – 450 over five years, no more than 90 in final year & physically in the UK on day one of the five years.
- Discretion re ‘excess absences’ if all other requirements met and home, family and ‘substantial part of estate’ in UK.

More information: <https://staffimmigration.admin.ox.ac.uk/british-citizenship>

Visa loan scheme

- Interest free loan facility to assist current or prospective non EEA employees and their dependants with payment of:
 - UK visa fees
 - Immigration Health Surcharge (IHS) costs
 - fees for Indefinite Leave to Remain (ILR) applications,
 - and/or fees for British citizenship applications
- All loans are subject to the approval of the employee's department or faculty
- Maximum loan allowed under this scheme is set at £7,500
- Scheme is not, unfortunately, available for 'college only' appointments
- More information: <https://staffimmigration.admin.ox.ac.uk/visa-loan-scheme>.

Further Contact

Normally contact your department/ faculty/ college HR team first.

Staff Immigration Team

<https://staffimmigration.admin.ox.ac.uk/>

James Baker: james.baker@admin.ox.ac.uk

Tim Currie (ILR queries): tim.currie@admin.ox.ac.uk

Lisa Crook (Global Talent queries): lisa.crook@admin.ox.ac.uk

Full contact details at: <https://staffimmigration.admin.ox.ac.uk/contact-us>

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