

Points Based System – Tier 2 Policy and Guidance

1. Purpose

- 1.1 Newman University's continued ability to recruit high quality staff from non EU countries is valued and is reliant upon maintenance of relevant Home Office licences.
- 1.2 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. It recognises that a Certificate of Sponsorship (CoS) is a 'virtual document' with a unique reference number which employers issue to a migrant so they can apply for permission to enter the UK if they are overseas ('entry clearance') or permission to stay in the UK if they are already here ('leave to remain').

2. Key Principles

- 2.1 Newman University takes its responsibilities as a Sponsor seriously. The University is committed to developing and maintaining a positive and co-operative working relationship with the Home Office and to engaging constructively and honestly with on-going dialogue and monitoring processes.
- 2.2 The University acknowledges two basic principles of sponsorship:
 - a. Those who benefit most directly from migration (including employers) help to prevent the system being abused; and
 - b. Those applying to come to the UK to work must be eligible to do so and that a reputable employer genuinely wishes to take them on.
- 2.3 In line with the specified duties that sponsors hold, the University supports the efficient and appropriate issuing of Certificates of Sponsorship (CoS) within the Points Based System (PBS). All staff involved with the employment of non EU staff are required to work collaboratively with relevant colleagues around the institution to ensure compliance with this process.

3. Responsibilities

- 3.1 The University Registrar and Secretary is the institution's designated Authorising Officer for Tier 2 and as such has overall responsibility for its management.
- 3.2 The Director of Human Resources is the University's Key Contact for Tier 2 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 Team including work related to the recruitment and employment of international staff requiring a visa under Tier 2.
- 3.3 The Faculty Deans have strategic responsibility for the effective implementation and operation of designated procedures relevant to the recruitment and on-going monitoring of international staff with Tier 2 status.
- 3.4 All staff who require a visa in order to work in the UK have a responsibility to comply with designation policy and procedures in support of the University's compliance with the Home Office and relevant legal requirements.
- 3.5 All line managers who have sponsored staff members within their areas have a responsibility to comply with designated policy and procedures in support of the University's compliance with UKVI and relevant legal requirements.

4. Tier 2 Visas – Summary of Criteria

Newman University recognises that employing individuals through a Tier 2 (General) visa is a complex process, involving numerous procedures, which must be followed precisely in order to comply with immigration legislation.

In summary, it includes:

- 4.1 The job must meet minimum skill level and salary requirements;
- 4.2 If required, the job must have been advertised meeting the requirements of the Resident Labour Market Test;
- 4.3 The rules concerning the selection process must have been followed;
- 4.4 To obtain a Tier 2 Visa, the individual must be eligible to apply;

- 4.5 A Certificate of Sponsorship must be obtained via Human Resources at Newman;
- 4.6 The individual must apply for and obtain the visa;
- 4.7 Prior to commencement of employment and throughout the employment the individual, their managers and the University must comply with the sponsor duties.

5. Newman University's Sponsor Duties

- 5.1 As a licensed sponsor, the University recognises its duty to:
 - Prevent abuse of assessment procedures
 - Capture early any patterns of migrant behaviour that may cause concern
 - Address possible weaknesses in process which can cause those patterns
 - Monitor compliance with Immigration Rules
- 5.2 Responsibilities as a sponsor start on the day a licence is granted and end if the University surrenders the licence or if it is revoked.
- 5.3 The University will keep the following records and make them available to the Home Office on request:
 - A photocopy of the relevant page(s) of each sponsored migrant's passport, worker authorisation or UK immigration status document and biometric residence permit (if available), that show their entitlement to work including their period of leave to remain in the UK.
 - Each sponsored migrant's contact details – up to date UK residential address, telephone number and mobile number.
- 5.4 The University will report certain information or events to the Home Office using the sponsor management system (SMS) within any time limit set. This includes that within 10 working days the following will be reported:
 - If a sponsored migrant does not turn up for their first day of work
 - If a sponsored migrant's contract of employment is terminated earlier than shown on their CoS
 - If Newman stops sponsoring a migrant for any other reason
 - If there are any significant changes in the sponsored migrant's circumstances
 - If a sponsored migrant's employment is affected by TUPE or similar protection
 - If a sponsored migrant is absent from work for more than 10 consecutive working days without permissionWithin 20 working days, the University will:

- Report any significant changes to University structure, such as a merger or take over

All reports will include whether or not Newman is continuing to endorse the migrant, and why.

5.5 Information will be given to the police that suggests any migrant sponsored by Newman may be engaged in terrorism or criminal activity.

5.6 The University seeks to comply with the law and will:

- Only employ migrants who are appropriately qualified, registered or experienced to do the job, or will be by the time they begin the job
- Keep a copy of any registration document, certificate or reference that confirm they meet the requirements of the specific job
- Not employ migrants where they don't have the experience or permission to do the job in question, and stop employing any migrants who are no longer entitled to do the job
- Not assign a CoS where there is no genuine vacancy or role which meets the Tier 2 criteria
- Only allow the migrant to undertake the specific role set out in their CoS
- Comply with UK employment law
- Only assign a Cos to a migrant where the University is satisfied that they intend and are able to fill the role

6. Relevant Legislation or Guidance

6.1 The legal requirements related to migrant workers are subject to frequent review and change; this guidance is not therefore intended to replace the current legal requirements as detailed by the Home Office at the following link: <https://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers>