



Employing Workers from Overseas

Introduction

This policy sets out Birmingham Newman University's approach to employing workers from overseas.

We value workers from overseas and the knowledge and skills they can contribute to creativity, innovation and productivity within the institution. This may include performing jobs which require specialist skills that are not available in the UK, or vacancies for jobs in certain specified occupations. The University recognises its responsibility in recruiting migrant workers, carrying out the necessary checks and making sure the law is followed. The University will comply with our legal obligations in relation to employing workers from overseas.

The HR Department will conduct the necessary right to work checks during the recruitment process with the exception of those staff employed as External Examiners. In those cases, the Registry Department is responsible for conducting the necessary right to work checks for External Examiners during the recruitment process. The HR Department are available to provide advice and guidance on these checks as required and reserve the right to complete ad-hoc audits on the process being followed to ensure compliance.

Avoiding illegal working

The University will not employ anyone who does not have a legal right to work in the UK. All offers of employment we make will be subject to the job applicant providing us with:

- the required original documents which evidence that they have the legal right to work in the UK and to undertake the work in question (which we will verify with the job applicant in person or remotely by via a live video link); or
- the information we need to be able to carry out a check using the Home Office online right to work service confirming the job applicant's right to do the work in question – (for us to be able to conduct an online check, the individual must have shared their right to work details with us using the Home Office [prove your right to work to an employer](#) online service by providing their share code and date of birth).

The University may request a Positive Verification Notice via the Employer Checking Service for evidence of time limited right to work in the UK, in the appropriate circumstances.

Alternatively, and in exceptional circumstances where the above options are not suitable, we may engage the services of our certified IDSP (digital identity service provider), *First Advantage: Know Your People* to undertake a digital identity/right to work check on an individual basis for UK/Irish Nationals. When this digital check has been completed, the

Human Resources Department will review the resulting report and undertake an 'imposter check' (in person or remotely via a live video link) before the right to work check is completed. The only exception to this in the case of the recruitment of External Examiners when the 'imposter check' will be completed by the Registry Department.

If an individual has time-limited permission to live and work in the UK, they will need to provide evidence of their renewed right to live and work in the UK, or of a valid application having been made, prior to the expiry of that time-limited permission. The University will then carry out checks in line with Home Office requirements.

If we are unable to verify that a successful job applicant has the legal right to work in the UK, we will have no option but to withdraw the conditional offer of employment that has been made.

If we become concerned during the course of their employment that an employee does not have the legal right to work in the UK, for any reason, we will investigate the circumstances. If it becomes clear that the employee does not, or does not appear to, have the right to work in the UK, we **may** be left with no option other than to terminate the employee's contract of employment.

Points-based system

The University will comply with the requirements of the Home Office's points-based system for employing workers from overseas. For eligible workers from overseas who we plan to recruit, we hold a sponsor licence to enable us to request and assign a certificate of sponsorship for a skilled worker visa, in the appropriate circumstances. We will comply with our obligations as a licensed sponsor. Where we plan to recruit a worker who is subject to immigration control and who does not already have the right to work in the UK, the HR Department will investigate whether sponsorship is the most appropriate way forward.

Under the points-based immigration system, with the exception of Irish citizens, anyone coming to the UK for work must meet a specific set of requirements for which they will score points. Visas are then awarded to those who gain enough points.

The Skilled Worker route encompasses the UK jobs eligible for overseas recruitment. Under the Skilled Worker route, anyone the University wishes to recruit from outside the UK will need to demonstrate that they score 70 'points' to be eligible. This includes 50 points for mandatory or 'non-tradeable' criteria, and 20 points for 'tradeable' criteria.

The mandatory criteria are set out in the table below:

Points Type	Points Description	Points Available
Sponsorship	The applicant must have a valid Certificate of Sponsorship for the job they are planning to do.	20
Job offer at an appropriate skill level	The job must be in an eligible occupation (SOC code) and (where relevant) meet the ATAS requirement (Academic Technology Approval Scheme)	20

English Language	The applicant must have English language skills at level B1	10
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In addition to scoring 50 points for the above criteria, the applicant must also score 20 'tradeable' points from one of the options in the table below and for the purpose of meeting these points:

1. (a) an applicant can only be awarded points from options A to E, unless they meet the requirements in (b) or (c).
2. (b) An applicant can only be awarded points from options F to J if:
 1. (i) they are being sponsored for a Health and Care ASHE salary job; or
 2. (ii) the date of application is before 4 April 2030, they were granted permission as a Skilled Worker under the rules in place before 4 April 2024, and they have had continuous permission as a Skilled Worker since then (except that where paragraph 39E applies, that period of overstaying will be disregarded).
3. (c) An applicant can only be awarded points from option K if they are being sponsored for a job in an appropriate eligible SOC 2020 occupation code listed in Table 3 of Appendix Skilled Occupations.

Option	Requirements	Points Available
A – salary only	The applicant's salary equals or exceeds both: <ul style="list-style-type: none"> • £38,700 per year; and • the going rate for the SOC 2020 occupation code. 	20
B – relevant PHD	The applicant has a PhD in a subject relevant to the job and their salary equals or exceeds both: <ul style="list-style-type: none"> • £34,830 per year; and • 90% of the going rate for the SOC 2020 occupation code. 	20
C – relevant STEM PHD	The applicant has a PhD in a STEM subject relevant to the job and their salary equals or exceeds both: <ul style="list-style-type: none"> • £30,960 per year; and • 80% of the going rate for the SOC 2020 occupation code. 	20
D – job is included in the Immigration Salary List	The applicant is being sponsored for a job on the Immigration Salary List and their salary equals or exceeds both: <ul style="list-style-type: none"> • £30,960 per year; and • the going rate for the SOC 2020 occupation code 	20
E – new entrant	The applicant is a new entrant at the start of their career and their salary equals or exceeds both: <ul style="list-style-type: none"> • £30,960 per year and 	20

	<ul style="list-style-type: none"> • 70% of the going rate for the SOC 2020 occupation code. 	
F	<p>The applicant's salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £29,000 per year; and • the going rate for the SOC 2020 occupation code. 	20
G	<p>The applicant has a PhD in a subject relevant to the job and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £26,100 per year; and • 90% of the going rate for the SOC 2020 occupation code. 	20
H	<p>The applicant has a PhD in a STEM subject relevant to the job and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £23,200 per year; and • 80% of the going rate for the SOC 2020 occupation code. 	20
I	<p>The applicant is being sponsored for a job on the Immigration Salary List and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £23,200 per year; and • the going rate for the SOC 2020 occupation code. 	20
J	<p>The applicant is a new entrant at the start of their career and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £23,200 per year; and • 70% of the going rate for the SOC 2020 occupation code. 	20
K	<p>The applicant is being sponsored for a job in a listed health or education occupation and their salary equals or exceeds both:</p> <ul style="list-style-type: none"> • £23,200 per year; and • the going rate for the SOC 2020 occupation code. 	20

Further details regarding the mandatory and tradeable criteria are available at www.gov.uk

Identify whether a job meets the required skill level

The applicant must be sponsored for a job in an eligible SOC 2020 occupation code listed as eligible in the 'Appendix Skilled Occupations' or 'Appendix Immigration Salary List' available on www.gov.uk

Speaking English at the Required Level (Mandatory)

An applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least level B1 (intermediate).

The applicant must show they meet the English language requirement as specified in 'Appendix English Language' available on www.gov.uk.

If these requirements are met, the applicant will be awarded 10 mandatory points for meeting the English language requirement.

Financial requirement

If the applicant is applying for entry clearance from outside the UK, or has been in the UK for less than one year at the date of application, they must show they have held the required funds to support themselves and any family members in the UK for a 28 day period.

If the applicant is applying for permission to stay and has been in the UK with permission for 12 months or longer on the date of application, they will meet the financial requirement and do not need to show funds.

Overseas criminal record certificate requirement

Some applicants on the Skilled Worker route must obtain this certificate to be granted entry clearance or permission to stay. This will depend on whether they are being sponsored for a job in specified occupation codes. If this is the case, they must provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (whether continuously or in total) in the past 10 years before the date of application, while aged 18 or over.

TB Tests

A person applying for entry clearance as a Skilled Worker must, if required, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

Sponsor Reporting Duties

The University will fulfil all of its obligations as a sponsor license holder, including reporting any relevant changes to the organisation, key contacts and sponsored workers on the Sponsor Management System (SMS) and retaining key documents and information in line with Appendix D of the Home Office Guidance.

The University (HR Department) will issue those employed on a skilled worker visa with written confirmation of any relevant changes in circumstances that the worker in question must report to their line manager and HR immediately, during the course of their sponsored employment with the University.

Similarly, the HR Department will provide written confirmation to the line manager of any relevant changes in circumstances for the worker in question that the line manager must report to HR immediately.

HR have developed specific guidance for the employment of sponsored workers and the reporting duties that are required. These can be found on HR page of the staff intranet the staff intranet: <https://www.newman.ac.uk/intranet/knowledge-base/hr-policies-for-staff/>

Other Immigration Routes

There are also a number of other routes to working in the UK, which include (but are not limited to) the following (and do not all require sponsorship):

- The Global Talent route enables the most highly skilled individuals, who can achieve the required number of points, to enter the UK without a job offer if they are endorsed by a recognised UK body, as approved by the Home Office. You can live and work in the UK for up to 5 years at a time.
- A High Potential Individual (HPI) visa gives you permission to stay in the UK for at least 2 years. To apply, you must have been awarded a qualification by an eligible university in the last 5 years.
- A Graduate visa gives you permission to stay in the UK for at least 2 years after successfully completing a course in the UK. You must be in the UK when you apply, and meet the specified eligibility criteria. It is an unsponsored route, meaning you do not need a sponsor licence to hire someone with a Graduate visa.
- A Health and Care Worker visa allows medical professionals to come to or stay in the UK to do an eligible job with the NHS, an NHS supplier or in adult social care, subject to qualifying criteria and eligibility.
- Creative route - This route is for applicants in the creative industry who are entering the United Kingdom for short-term contracts or engagements for up to 12 months. Applicants must have a confirmed job offer and their employment sponsored by a UK employer licensed by the Home Office.
- Youth Mobility Scheme - You can apply for a Youth Mobility Scheme visa if you: want to live and work in the UK for up to 2 years, are aged 18 to 30 or 18 to 35 depending on where you're from, have £2,530 in savings, and have certain types of British Nationality or are from certain countries or territories listed in the eligibility requirements.

EU citizens and the EU Settlement Scheme

The EU Settlement Scheme was established to enable EU, EEA and Swiss citizens resident in the UK by 31 December 2020, and their family members, to get the immigration status they needed to continue to live, work and study in the UK. Right to work checks for this group must be completed via the Home Office online right to work check service. Pre-settled status is a grant of UK limited leave to remain or enter the UK for five years. Settled status is the right to live in the UK permanently. An individual can usually apply for British citizenship once they have had settled status for 12 months.

An individual can usually apply for settled status once they have lived in the UK for 5 years in a row and it is free to apply. An individual will need to make a new application to the scheme to switch from pre-settled status to settled status. If an individual does not do this, the Home Office will extend their pre-settled status by 2 years just before it's due to expire. The Home Office may cancel the extension if they think the individual no longer meets the

requirements for it, for example, because they have been outside the UK for more than 6 months in a 12 month period.

Immigration skills Charge

The University may have to pay an additional charge when assigning a certificate of sponsorship to someone applying for a Skilled Worker visa. This is called the 'immigration skills charge'. We must pay the immigration skills charge if the person is applying for a visa from:

- outside the UK to work in the UK for 6 months or more
- inside the UK for any length of time

The charge does not have to be paid if we are sponsoring someone in certain occupation codes, including (but not limited to) the following:

- natural and social science professionals not elsewhere classified (2119)
- research and development managers (2161)
- other researchers, unspecified discipline (2162)
- higher education teaching professionals (2311)

The amount to be paid is based on:

- the size of the organisation
- how long the worker will work for us, using the start and end dates on their sponsorship certificate

Period	Small or charitable sponsors	Medium or large sponsors
First 12 months	£364	£1,000
Each additional 6 months	£182	£500

Further guidance about the immigration skills charge can be found on www.gov.uk

Avoiding race discrimination

The University will do all that it can to avoid race discrimination in the workplace, and to ensure that no job applicant is excluded from a position because of their colour, race, nationality, or ethnic or national origins.

We will treat all job applicants in the same way at each stage of the recruitment process, and will make no assumptions on the basis of, for example, appearance or name.

We will recruit candidates who are most suited to the position and we will comply with our equal opportunities policy at all times. The offer of any post is subject to the successful candidate having the legal right to work in the UK, regardless of their race, nationality or ethnic or national origins. We will consider whether sponsorship is appropriate when making an offer of employment.

Data Protection

We will process individuals' personal data, including information about racial or ethnic origin, collected to establish the right to work in the UK and to comply with other immigration requirements, in accordance with our data protection policies.

Further Guidance

The legal requirements related to the sponsorship of overseas workers are both detailed and complex, and are subject to review and change; the current legal requirements as detailed by the Home Office can be viewed at the following link at www.gov.uk:

[Sponsor a Skilled Worker - GOV.UK \(www.gov.uk\)](http://www.gov.uk)