**Guidelines for employing Tier 5 (Sponsored Researchers – Government Authorised Exchange)**

These guidelines summarise the eligibility of individuals on Tier 5 visas and Managers responsibilities for migrant workers.

**Eligibility**

The Tier 5 (Sponsored Researcher - Government Authorised Exchange) Scheme enables researchers, including academics, researchers, scientists, research engineers or other skilled research technology specialists to come to the UK, where they are hosted at a UK higher education institution (HEI).

The University has a license to issue a Certificate of Sponsorship (CoS) under Tier 5 (GAE) and sponsor researchers for a maximum of 24 months to undertake the following activities: :

* A formal research project or collaboration;
* A period of work-based training/work experience/internship/placement;
* Skill development/knowledge transfer;
* A series of lectures, which doesn’t amount to a formal teaching post, i.e. where they are not filling an advertised position and the work is above the Faculty’s normal requirements;
* External examinations.

Work or activites undertaken must never amount to a ‘genuine vacancy.’ The role must be over and above BU’s normal staffing requirements and will not automatically be refilled once the post holder leaves.

The researcher does not have to be employed overseas to be eligible for sponsorship under this scheme and if necessary, it is permitted for BU to issue an employment contract to the researcher, provided the activity does not amount to a ‘genuine vacancy.’

Any work activity undertaken within the scheme must be at RQF level 3 or above (equivalent to A-level).

**Funding**

For a Tier 5 (GAE) visa the work and funding must conform to all UK and European employment legislation, such as National Minimum Wage and EU Working Time Directive.

An individual can be paid in a variety of ways including from the UK:

* If the candidate is on sabbatical leave we require confirmation from their home institution that they are on sabbatical leave and will be funded by the home institution. The funding quoted must be gross salary and must equate to the UK national minimum wage but can be quoted in currency other than UK Sterling.
* If an external body is funding the visit (e.g.) a research grant, this must be stated and a copy of the awarding letter from the funding body obtained.
* If BU are sponsoring the visit this should be stated with the gross amount to be paid and a copy of any evidence that the funding has been made available (e.g.) letter from the Research Committee confirming the gross payment and/or allowances.
* If the individual is undertaking work experience, funding may not be required.

The individual can not be self funded.

**Maintenance**

An applicant must demonstrate that they meet the UKVI’s maintenance requirements. BU does not usually certify maintenance.

**Managers responsibilities for migrant workers**

The University has a responsibility to monitor all individuals who work under the Tier 5 category. The onus is on the University to ensure that all Tier 5 workers abide by the conditions of the immigration category. Therefore, **if you engage an individual under Tier 5, you (the Manager / Faculty) will need to do the following**:

* Prior to any confirmation of arrangements, confirm to Human Resources in writing the nature of the visit, the work the individual proposes to do and the assessment/recruitment process for appointment (e.g. how knowledge of the role and relevant experience will be assessed) and scanned copies of the individuals passport and relevant qualifications.
* Ensure that a Tier 5 – Government Authorised Exchange Application Form is completed. Please arrange this with your named HR Adviser.
* **Prior** to commencement of the assignment/work, ensure that copies of the entry visa, passport, Biometric Residence Permit and Academic Qualifications are taken and verified by a member of Human Resources.
* Inform Human Resources immediately if a migrant worker under the Tier 5 category fails to attend on their first day of employment (scheduled/agreed activity) as expected.
* Inform Human Resources immediately if a migrant worker is absent from work (scheduled/agreed activity) which has not been authorised. Please refer to the [Attendance at Work Policy](http://intranetsp.bournemouth.ac.uk/policy/attendance-at-work.doc) for further information.
* The University has **10 working days** to report any unauthorised absence to the UK Visa & Immigration Service.
* Inform Human Resources immediately, if a migrant worker no longer requires sponsorship under the Tier 5 category.

**Failure to comply with the above places the University at risk of losing its sponsorship license.**

**Supplementary Work**

In addition to the work for which their visa was issued, Tier 5 visa holders may take up supplementary work so long as the following conditions are observed:

* the supplementary work is in the same profession as the job specified on the original request for permission to the UKVI on the CoS (if the individual is sponsored by another employer, they must provide a letter confirming their SOC code prior to undertaking any supplementary work);
* the supplementary work is at the same professional level as the work specified on the CoS, e.g. the funding/salary is at the same level;
* the supplementary research is for no more than 20 hours per week; and
* the supplementary research is outside the working hours covered by the CoS.

The UKVI do **not** consider research and teaching as the same profession. Therefore, a researcher would not normally be permitted to give lectures as 'supplementary employment'.

If, however, a researcher has some lecturing responsibilities as part of the role for which their Tier 5 was issued, and the lecturing responsibilities were noted on the CoS, then the migrant may give additional lectures as 'supplementary employment', providing this also complies with the above rules.

**Study**

Tier 5 visa holders may do courses of study. There is no limit on the numbers of hours they can study or level of course they undertake, however any study done should not affect their ability to carry out the job that they have been employed/engaged to do as defined on their COS and must be ancillary. Further information can be found in section 39.57 of the [Tier 2 and 5 of the points-based system: guidance for sponsors](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492799/Tier_25_guidance_11-15_word_v1_1_addendum.pdf).

**If you have any questions on this guidance please contact the** [**Human Resources Team**](https://staffintranet.bournemouth.ac.uk/aboutbu/professionalservices/humanresources/hrcontacts/) **via** **email** **or +44 (0)1202 961133 (internal – 61133).**