6 AUGUST 2018

Staff Immigration and Right to Work News Bulletin

From the Staff Immigration Team

Who should read this bulletin?
- Staff involved in the administration of Certificates of Sponsorship (CoS) and visa applications
- Staff who manage sponsored visa holders
- Staff involved in completing right to work checks

Feedback welcome
We welcome your feedback about the Staff Immigration and Right to Work News Bulletin.

Staff news
James Galloway and Rose Boadu have joined the team as two additional Immigration Advisers as a result of the increasing volume of applications. While James and Rose are settling into their roles new applications and enquiries should be sent to Solveig and Angelina.
James can be contacted on (2)89927 or james.galloway@admin.ox.ac.uk, and Rose can be contacted on (2)89921 or rosemond.boadu@admin.ox.ac.uk

Polite Notice: SIT Administration (sit-administration@admin.ox.ac.uk) is not used as a general or shared inbox. Nina uses the SIT administration email account and focuses on centralised documents, organising our training sessions, and running right to work reports. If you have queries about visa applications or right to work issues, please send to one of the team directly, to ensure a timely response.

Tier 2 advertising requirements

- **Universal JobMatch is now ‘Find a job’**

The Universal JobMatch website (previously JobCentre Plus) has now been replaced by the GOV.UK ‘Find a job’ website (https://www.gov.uk/jobsearch). Advert printouts from Universal JobMatch before the change are still accepted in support of Tier 2 CoS applications as long as the normal requirements were met.

Roles which fall under the Research and Lecturer job codes do not have to be advertised on ‘Find a job’ but all other roles which are sponsorable under Tier 2 must be advertised there as one of the two locations.

Please make sure to clearly list the work location and closing date in the text of adverts appearing on ‘Find a job’ as these do not appear to automatically appear in the standard job detail fields.

Full details of the Tier 2 advertising requirements are found on the SIT website at: www.admin.ox.ac.uk/personnel/permits/tier2/overseas/advertisingrequirements/

- ‘Input confirmation’ from Jobs.ac.uk cannot be relied on in place of an advert printout

Please remember that printouts (not screenshots) of adverts must be taken on the day they are posted to evidence that the role has been advertised to meet the Tier 2 requirements. Advert printouts must clearly show the date of printing and URL of the website — these normally appear in the header and/or footer.

It is not possible to rely on ‘Input confirmation’ emails from Jobs.ac.uk or other forms of documents stating that adverts were placed.

SIT is happy to review draft adverts and advert printouts and advise in relation to the Tier 2 requirements, as long as they are provided in good time along with a copy of the job description/further particulars.
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Tier 2 advertising requirements contd.

- Tier 2 qualifications requirement

The ‘qualifications required’ is one of the seven essential points of information which must be included in adverts and the job description under the Tier 2 advertising rules.

To help ensure consistency and compliance SIT has provided a new user guide setting out four clearly defined options for listing the ‘qualifications required’, together with the evidence that must be submitted to SIT with a Tier 2 CoS application in each case. A copy of the new guide is provided along with this Bulletin and is available on the SIT website in their Tier 2 advertising guidance, and on the ‘Forms & guidance notes’ page at: www.admin.ox.ac.uk/personnel/permits/forms/

SIT recommends that the new guide should be circulated to academics, PIs and others who are involved in drafting job descriptions/ further particulars and adverts. While drafted with Research and Lecturer/ Professorial roles in mind, the guidance equally applies to other roles within the collegiate University which are sponsorable under Tier 2.

Limit on overseas Tier 2 ‘restricted’ applications

Where a Tier 2 visa application is being submitted from outside the UK sponsors have to request authority from the Home Office before they can issue a Tier 2 Certificate of Sponsorship (CoS). In a monthly cycle the Home Office assess the requests for authority submitted against a points system and if demand is higher than the allocations available they raise the points threshold to decide which requests will be authorised.

In every month since December 2017 the number of requests for authority has exceeded the available allocations and the points threshold has been raised significantly resulting in many requests being refused.

The vast majority of Tier 2 applications processed by SIT are for Research and Lecturer/ Professorial roles which automatically score higher points and have not been affected. While in only one case within the collegiate University authority to issue a Tier 2 CoS has been refused, SIT has been monitoring the potential effects.

With effect from 6 July 2018, the Home Office have exempted two job codes, for Doctors and Nurses, from having to request authority for overseas applications. While these job codes are not used within the University it is hoped that this new exemption for large numbers of NHS roles under these two job codes will reduce the overall demand for restricted allocations and prevent further refusals over the coming months.

If you are advertising a role which does not fall under the Researcher or Lecturer/ Professorial job code, please speak to SIT as early as possible so that they can provide more detailed advice and guidance.

Dependant child applications

Please note that where children are applying for visas either along with, or to join, their parents their applications will normally only be granted if both parents are in or will be coming to the UK, or if the parent in/ coming to the UK has sole custody.

In two recent cases Dependant visa applications for children have been refused as only one parent was in, or coming to, the UK on a UK visa.

Please highlight this point to visa applicants and if you, or the applicants, have any queries please contact SIT well in advance of submitting the visa applications.
New SIT Excel-based CoS application forms

The new Excel-based CoS application forms (Tier 2 & Tier 5, initial & extension) have all now been released. Please always download and use the current versions of the CoS application forms from the SIT ‘Forms & guidance notes’ page at: [www.admin.ox.ac.uk/personnel/permits/forms/](http://www.admin.ox.ac.uk/personnel/permits/forms/)

Through the new Excel-based forms, SIT aims to reduce the risk of simple errors and omissions by using dropdowns, notes, error messages, and fields for SIT feedback on specific issues. Any queries and feedback on the new Excel-based forms should be sent to Tim Currie tim.currie@admin.ox.ac.uk

Indefinite Leave to Remain (ILR)

Change in how the ‘continuous residence’ 180 days limit on absences from the UK is calculated

The Home Office have now stated that the new way in which the 180 days limit on absences from the UK are counted ([announced in our January 2018 Bulletin](http://www.admin.ox.ac.uk/personnel/permits/forms/)) will only apply to time spent under visas issued after 11 January 2018. As a result when applying for ILR:

- For time spent under visas **issued before 11 January 2018** — the 180 day limit on absences will be counted in separate consecutive 12 month periods, and

- For time spent under visas **issued after 11 January 2018** — the 180 day limit on absences will be counted on a rolling basis.

If an applicant believes that they are close to the 180 limit on absences at any point through their five year qualifying period for ILR please advise them to talk to SIT.

Tier 1 Exceptional Talent — ILR after 3 years but not for Dependents

The Home Office have unfortunately clarified that while Tier 1 Exceptional Talent visa holders are now eligible to apply for ILR after 3 (instead of 5) years continuous residence in the UK ([as announced in our January 2018 Bulletin](http://www.admin.ox.ac.uk/personnel/permits/forms/)), their Dependents do not benefit from this new rule and can only apply for ILR after 5 years. Any queries relating to this should be sent to lisa.crook@admin.ox.ac.uk

Online ILR applications

Online versions of the application forms for standard 5 year, and 10 year ‘Long residence’, ILR application routes are now available.

While SIT are not in a position to check ILR applications, Tim Currie provides advice and assistance with any queries in relation to the ILR requirements, application process, and application forms. Any queries about ILR (including from those under other UK visa routes) should be sent to tim.currie@admin.ox.ac.uk

Visa Loan Scheme

In light of increasing visa costs, SIT has been working with the Finance Division on an interest free loan scheme to assist current or prospective non-EEA employees and their dependants. The loan scheme will be launched soon and will cover UK visa fees and/or Immigration Health Surcharge (IHS) costs, and fees for Indefinite Leave to Remain (ILR) applications.

The loans will be paid back though salary deductions. The employing department/ faculty will be required to underwrite the loan, but are under no obligation to support visa loan requests.

SIT will communicate details of the loan scheme with heads of department/ faculty/ finance before the launch and will then provide full details of the scheme in a separate update and on their website.
Proposed new ‘settled status’ scheme for EU citizens and their families

The UK government have published information on the proposed new ‘settled status’ scheme for EU citizens and their family in the UK. While ‘nothing is agreed until everything is agreed’ the information provided does help to explain what has been agreed so far with the EU and how the new system should work.

While the agreement with the EU does not cover the non-EU European Economic Area (EEA) states (Iceland, Liechtenstein, and Norway) and Switzerland the UK government has stated that talks with these four states are also progressing and it is intended that the same system will be open to their citizens on a similar basis as for EU citizens.


SIT provide advice on the requirements, and application process, under the current EEA routes, and will offer similar assistance for applications under the new scheme when this is launched. If anyone has queries in relation to the rights to EU/EEA citizens, and their families, in the UK please advise them to talk to SIT.

Right to work news and updates

Restrictions no longer apply to Croatian nationals

As of 1 July 2018 restrictions on Croatian nationals’ rights to work in the UK no longer apply. As a result Croatian nationals no longer need sponsorship or a registration certificate and can now simply rely on their passport, or a valid national identity card, to evidence their right to work in the UK.

SIT have informed the small number of Croatian nationals within the collegiate University who were sponsored under Tier 2 of the change and have reported the end of their sponsorship to the Home Office.

As you should already have right to work copies of passports or valid national identity cards for any other Croatian employees, you can update their right to work record to show that their passport or national identity card is now a List A document as they now have the same rights as any other EEA national.

A new right to work record should be entered in CoreHR for University employees to reflect the end of restrictions. Under ‘List A’ you should select ‘UK/EEA (except Croatian)/Swiss’. This is the correct option and SIT is working with the HRIS support team to have this updated to remove ‘(except Croatian)’.

Any new Croatian employees should be treated the same as any other EEA national with a current or expired passport, or current national identity card accepted as evidence of right to work in the UK.