

25 MARCH 2019

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.

Please email tim.currie@admin.ox.ac.uk

Immigration news and updates

BREXIT & advice for EU,EEA & Swiss staff

Existing staff

It is still not clear whether the UK will leave the EU with or without a deal or if 'Brexit' will be delayed. What has been confirmed is that in all scenarios EU, EEA, and Swiss nationals and their family members who are resident in the UK before Brexit will have until December 2020 to apply for Pre-Settled (if in the UK less than 5 years) or Settled (if in the UK 5 years or more) status.

On 30 March the full EU Settlement Scheme opens. This will allow applicants to apply using the Android phone app, or on a tablet, computer, by post and in person. There will be no application fee for Pre-Settled or Settled status when the full scheme opens and those who applied through either pilot stage should have their fee reimbursed by the Home Office. SIT will provide advice and guidance on the full EU Settlement Scheme as soon as this is released.

New staff & visitors

- If a **DEAL** is reached or Brexit is **DELAYED** the rules for Europeans will not change until the transition period ends at the end of December 2020.
- If the UK leaves with **NO DEAL** Europeans arriving after Brexit will be able to come to the UK to visit, study and/or work for up to three months. If they intend to stay for longer they will need to apply under a new 'Temporary' (3yr) visa route from within the UK. Non-European family members will need to apply for a 'Family Permit' before coming to the UK. SIT will provide guidance on these new routes when this information is published by the Home Office.

As the Brexit outcome and consequences become clearer, information will be available on the central University [Oxford and Brexit](#) page. Details of the new application routes (in a no deal scenario) will be provided by SIT on their [Brexit information](#) page, and through other communications.

Please direct any queries from existing or potential EU/EEA staff and visitors to James Baker (on (2)89908 / james.baker@admin.ox.ac.uk) or Tim Currie (on (2)89903 / tim.currie@admin.ox.ac.uk).

25 MARCH 2019

Staff Immigration and Right to Work News Bulletin

Increase in job specific Tier 2 salary thresholds

Increases in specific salary thresholds for different roles sponsored under Tier 2 will apply for any Tier 2 Certificates of Sponsorship (CoS) issued from 30 March.

While the new salary thresholds will not affect those who already hold a Tier 2 visa they will apply when they next extend their visa after 30 March.

As well as meeting the Tier 2 minimum salary thresholds of £20,800 p.a. (for a 'New Entrant'), and £30,000 p.a. (for an 'Experienced Worker') the job specific salary thresholds must also be met. While a Tier 2 applicants salary must meet or exceed the minimum salary threshold their pro-rata salary can be used to meet the job specific threshold.

The increases for most job codes is in line with previous cost of living increases of around £1,000, however significant increases affect the two SOC codes used most often within the University.

SOC code 2119 (used for Research roles):

	(based on 39hrs/week)	(37.5 hrs/week equivalent)
'New Entrant' threshold	up from £21,600 p.a. to £27,300 p.a.	£26,250 p.a.
'Experienced Worker' threshold	up from £28,000 p.a. to £32,000 p.a.	£30,770 p.a.

SOC code 2311 (used for Lecturer roles):

	(based on 39hrs/week)	(37.5 hrs/week equivalent)
'New Entrant' threshold	up from £25,700 p.a. to £31,400 p.a.	£30,193 p.a.
'Experienced Worker' threshold	up from £32,300 p.a. to £40,000 p.a.	£38,462 p.a.

The reason for the sudden increase is that the Home Office have used Annual Survey of Hours and Earnings (ASHE) salary data (which is used as the source for most thresholds) instead of figures specific to the University sector normally used for these 'PhD level' SOC codes. ASHE data is based on a 39 hour week and as the University standard full-time working week is 37.5 hours this may help in some cases.

While the Grade 7 salary scales meet the salary thresholds for University Postgraduate Research roles, for the few Grade 6 Research assistant roles which are sponsorable under Tier 2 (as they involve undertaking research rather than supporting the research of others) a salary higher up the scale would have to be offered.

Some College research roles may also be affected, however, taking the working hours into account may help to meet the new thresholds on a pro-rata basis.

The increased Lecturer thresholds will most likely affect Departmental Lecturer and Tutor roles not only when first applying as a 'New Entrant' (if eligible) but also when later extending as an 'Experienced Worker' at the higher threshold level.

SIT will be working with colleges and departments/ faculties affected by the new thresholds and are also contributing to lobbying against these sudden changes alongside the Russell Group, other Universities, Universities UK, and UCEA (the Universities & Colleges Employers Association).

The full list of SOC codes and associated job-specific salary thresholds can be found in Appendix J of the Immigration Rules at:

www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work

Please note, however, that the new thresholds will only appear after 30 March 2019.

If you have a current or upcoming recruitment which you think will be affected please contact SIT to discuss.

25 MARCH 2019

Staff Immigration and Right to Work News Bulletin

Increase in 'Super priority' fee but no change to visa and ILR fees

This year fees changes will take effect from 29 March in line with the opening of the full EU Settlement Scheme.

Surprisingly, application fees for the Points Based System (Tier 1, Tier 2, Tier 4, Tier 5) visa routes and ILR have not increased and there has only been a small (2-3%) increase in Visitor visa fees.

Unfortunately the 'Super priority' service for in-country applicants (previously called an 'Appointment in person') will increase from £610 per applicant (over the standard visa and NHS fees) to £800 per applicant with effect from 29 March 2019.

SIT contacted current Tier 1, Tier 2, and ILR applicants when the new fees were published and have encouraged and assisted many who were intending to use the Super Priority option to apply before the fee increase.

Please communicate to University employees that the **Visa Loan Scheme** provides interest free loans to help cover visa and NHS costs, fees for Indefinite Leave to Remain (ILR), and for British citizenship. The scheme is not unfortunately available for 'college only' appointments as it is administered through the central University payroll system and requires departmental/ faculty approval.

More details can be found at: www.admin.ox.ac.uk/personnel/permits/reimburse&loanscheme/

New in-country visa application process

The SIT December Bulletin, detailed changes to the in-country visa application processes and the new UK Visa and Citizenship Application Services (UK VCAS) centres operated by Sopra Steria. Applicants have still had the choice to submit their biometric information (fingerprints and photos) through the Post Office while the new processes and centres were being introduced. However, from the 25 March the Post Office service will no longer be available.

From 25 March all applicants will have to attend one of the:

- Core Centres offering free appointments (Solihull, Croydon, Cardiff, Sheffield, Liverpool, Belfast, Glasgow, or
- Approx. 50 enhanced service centres for an additional fee of £60 per applicant (the closest are Reading, Swindon, and Warwick)

The SIT website and guidance documents for in-country applicants have now been updated to reflect the removal of the Post Office service.

Applicants using the new centres have raised a number of concerns to SIT, including the additional travel burden, increase in cost to attend a Enhanced Service Centre, lack of available appointments, and priority services not meeting the specified quicker decision times. SIT continues to provide this feedback directly to Home Office and through the Russell Group.

SIT has held positive initial discussions with Sopra Steria about the possibility of opening an Enhanced Service Centre in Oxford and these will continue over the coming months.

We would encourage any applicants who experience difficulties with the new centres to get in touch with Lisa Crook (on (2)89919 / lisa.crook@admin.ox.ac.uk)

25 MARCH 2019

Staff Immigration and Right to Work News Bulletin

Other upcoming (positive) changes to Tier 2

The Spring Statement included mention of some positive changes to Tier 2, namely from 'Autumn 2019':

- 'PhD level' SOC codes, the Researcher and Lecturer codes used most frequently used within the collegiate University, will be removed from the Tier 2 cap on numbers, which should mean the end of the monthly round of SIT having to request and wait for Home Office permission before issuing a 'restricted' Tier 2 Certificate of Sponsorship (CoS) for an overseas applicant; and
- Research fieldwork overseas will no longer count towards the 180 days (in each 12 month period of the 5 year qualifying period) limit on absences from the UK under the 'continuous residence' requirement for Indefinite Leave to Remain (ILR). SIT will be lobbying for the most flexible interpretation of 'research fieldwork' and that this should apply for those in Lecturer and Professorial roles as well as Researchers.

SIT would expect these changes to be announced in the October changes.

Please direct any queries on ILR applications to Tim Currie (on (2)89903 / tim.currie@admin.ox.ac.uk).

Right to work news and updates

Updated Tier 4 Student Employment Declaration

A new version of the [Tier 4 Student Employment Declaration](#) has been published. A completed form must be held along with the right to work check and evidence of the students term and vacation dates.

New online Right to work checking service

As part of the new EU Settled Visa Scheme, the Home Office have introduced a new online Right to Work check portal. This allows an individual to request a 'share code' from the Home Office, which along with their date of birth can then be used to confirm valid RTW. Printing or saving electronically the results provides a 'statutory excuse'. However:

- The system only works if the individual has a BRP or status issued under the EU Settlement Scheme
- Use of the system is currently optional

University policy (in common with many other Universities) is currently not to use the new online system as it does not work for the majority of cases and currently makes adding RTW information into CoreHR more difficult.

If an individual insists on using this system or you believe using the new system may be an easier option for a 'remote' RTW check, please contact SIT to discuss.

Please always download and use the current versions of SIT forms.

Do not hesitate to contact us if you have any queries

www.admin.ox.ac.uk/personnel/permits/

