Tier 5 (Temporary worker) policy guidance

What is the Government Authorised Exchange Category (GAE)?
The government authorised exchange category is for people coming to the UK through approved schemes, or as a "sponsored researcher" that aims to share knowledge, experience and best practice, and to experience the social and cultural life of the UK. This category must not be used to fill job vacancies or to bring unskilled labour to the UK and any work the individual be equivalent to NVQ3, A Level or above.

The University can sponsor someone coming to the UK as a sponsored researcher, where the higher education institution the individual is coming to work at will be the sponsor.

What is the Creative and Sporting Category?
As a Sports person they will need to make a significant contribution to their sport at the highest level in the UK to be eligible for this visa.

A Creative Worker will need to make a unique contribution to the UK labour market, for example an internationally renowned musician, performer, artist or author.

How long is this Tier 5 visa valid for?
Successful applicants will be granted Entry Clearance valid for a maximum period of 12 months or 24 months (depending on the scheme applied for); or a shorter period if this is specified in the certificate of sponsorship plus 14 days either side of the start and end date of the certificate of sponsorship.

Can a migrant switch to or from Tier 5?
No applicants from other Tiers of the points based system are entitled to switch into the Tier 5 (Temporary Worker). In the same way, applicants from Tier 5 (Temporary Worker) cannot switch into other Tiers. The Tier 5 (Temporary Worker) route does not lead to settlement in the UK. No switching is permitted between the subcategories of Tier 5 (Temporary Worker).

Only a sports or entertainer visitor is entitled to apply to switch into the Tier 5 (Temporary worker) Creative and Sporting subcategory, provided they have a valid certificate of sponsorship issued to them before entering the UK.

What if a worker needs to be able to come and go from the UK with the job?
If the temporary worker needs to leave and come back to the UK quite a few times as part of the job they are doing, they can get a multiple entry certificate of sponsorship. The sponsor will need to assign a multiple entry certificate of sponsorship that allows the worker to come and go from the UK a number of different times during the length of their certificate.

If the worker has permission to come (entry clearance) for any length of time, they will be able to leave and come back to the UK during the time they have permission.

If the worker leaves the UK and they were given 6 months or less permission to stay (leave to remain), they will not be able to come back as their permission to stay ends when they leave the UK. They must apply again to be able to come back.

Applicants in any Tier 5 (Temporary Worker) category will be subject to the following conditions:

- no recourse to public funds; and
- registration with the police, if this is required by paragraph 326 of the Immigration Rules; and
- no employment, except:
- Working for the sponsor in the employment stated on the certificate of sponsorship, or, in the case of an applicant whom the certificate of sponsorship records as being sponsored in the government authorised exchange sub-category of Tier 5 (Temporary Worker) for any person for whom the sponsor directs him/her to work, provided that work is in the employment that the certificate of sponsorship records that the applicant is being sponsored to do;
- Supplementary employment

What is the Points Assessment for Tier 5?
A total score of 40 points is required in order for applicants to successfully submit an application for the Tier 5 (Temporary Workers) scheme.

Points are awarded under the following area:
Certificate of Sponsorship – 30 points.
To score points under this section, it is mandatory that applicants are in possession of a valid certificate of sponsorship issued by their sponsor.

Maintenance (Funds) – 10 points.
An applicant must demonstrate they have at least £945 of available funds and £630 for each dependant in a bank account for 90 consecutive days before the date of their application.

Maintenance (Funds) Requirement
An applicant must demonstrate they have at least £945 in savings for 90 days prior to their application.

The University does not automatically certify maintenance for a Tier 5 applicant. However, as a “Premium Rated” sponsor, we can where necessary, provide a letter confirming we will certify maintenance criteria. This letter can be submitted as part of your visa application. We do not intend for this letter to be a promise to cover any maintenance costs during the first month of employment. The University will not provide funding and there will be no recourse to public funds (state benefits) during their stay in the UK.

If the worker is coming from an overseas academic institution they will need a letter from them to confirm their funding and maintenance agreement.

If you require further information about maintenance, please contact your HR Adviser.

What is needed for Tier 5 Visitors to the University?
A temporary migrant worker will need to be set up as an unpaid visitor on the University system (rescourelink). The following documents will be required:

- A HR 7 visitor request form from the line manager
- A brief paragraph from the line manager about the role & responsibilities
- A subproject code to assign for the cost of the COS (£14)
- A HR2 personal details form from the migrant worker
- A full colour photocopy of their passport
- A letter from the sponsoring academic institution confirming maintenance/salary.

If you require further information please contact your Recruitment Adviser, HR Manager or HR Triage on 023 8059 2421.

This policy should be read in conjunction with the GOV.UK guidance.
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