Tier 5 Temporary Visitors
(Government Authorised Exchange Scheme)

INTRODUCTION

Tier 5 sponsorship is for skilled workers you want to visit on a temporary basis. The route available to the University is:

- Government Authorised Exchange (Temporary Worker):
  - Work experience (1 year)
  - Research projects or training (2 years) to enable a short-term exchange of knowledge (This is the most used route for the UoS)

We sponsor the visitor via a Certificate of Sponsorship (CoS). A CoS costs £21 (date correct as at March 2016) to be paid by the department.

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 does must be equivalent to National Qualifications Framework Level 3 (NQF3) or above. Please refer to https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work

As a Higher Education Institute the University can sponsor someone coming to the UK as a sponsored researcher, visiting academic or examiner. These are the technical labels given by the UKVI under this process.

Please Note: A visiting academic is not the same as an academic visitor who the UKVI process under the Standard Visit Visa.

Criteria:

1. Individuals must have a CoS from a licensed sponsor (i.e.) UoS, before they can apply to come the UK for work. The UoS are able to sponsor individuals as a Higher Education Institution.

2. Individuals can stay for up to 24 months (if doing research, training or Overseas Government Language Programme). If stated on the visa individuals can also enter the UK for 14 days before the start of their CoS and stay for 14 days after the end date. This is to help with travel to and from the UK before and after visiting.

3. Sponsored Researchers are normally visiting researchers who will be carrying out formal research and do not meet the Academic Visitor criteria (i.e.) they will be undertaking collaborative research or they are not from an educational
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4. Formal research projects are those hosted but not necessarily funded by the UK research institution including universities, non-commercial research organisations, charitable organisations and national research councils (such as the Medical Research Council). The Sponsored Researcher fills a research post and works under the full or partial control of the institution, which will itself benefit from the research. Sponsored researchers can be funded from sources in the UK or overseas.

5. The research programme allows migrants to undertake research programmes and fellowships on a scientific, academic, medical or government research project at UK Higher Education Institution or another research institution operating under the approval of a relevant government department.

UKVI requirements:
- The migrant will be taking part in sponsored research.
- The migrant will not be filling a genuine vacancy.
- The migrant’s work will be in addition to the normal staffing needs of the University.
- The migrant will be undertaking skilled work at NFQ3 level or above.
- The migrant will be able to support themselves (and any dependants) without recourse to public funds.
- The migrant intends to leave the UK at the end of their visit.
- The migrants funding must meet the national minimum wage (see funding below).

Individuals can:
- work in the job described in the certificate of sponsorship
- do a second job for up to 20 hours per week (i.e.) work for Tempbank or Fees/Casual
- do a job on the Tier 2 shortage occupation list for up to 20 hours per week as well as their main job
- apply to change (‘switch’) into a Tier 1 Exceptional Talent visa if they are in the government authorised exchange scheme for sponsored researchers
- study (for some courses they will need an Academic Technology Approval Scheme certificate)
- bring family members with them

They can’t:
- take a permanent job
- get public funds

Funding:
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For a Tier 5 visa the work and funding must conform to all relevant UK and European employment legislation, such as the National Minimum Wage Act and EU working time directive. An individual who is wishing to fund themselves would not be able to apply under this process as they would not be receiving the equivalent of the national minimum wage.

An individual can be paid by a variety of ways including from the UK and this does not need to be from an academic institution -

1. 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 national minimum wage but can be quoted in currency other than UK Sterling.
2. 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 be obtained.
3. If the UoS is 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.
4. Reasonable expenses (i.e.) subsistence, can be paid to the individual. The way this can be paid will be dependent on certain criteria. For more information speak to accounts payable / expenses dept.

Maintenance (Funds) Requirement for UKVI

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

The UoS do not automatically certify maintenance for Tier 5 Visitors. However as a Premium Rated Sponsor we can where necessary provide a letter confirming we will certify the maintenance criteria for the individual migrant and any dependants. By confirming maintenance we are stating that if needed we will maintain and accommodate the individual up to the end of their first month of employment. Should this ever be necessary any costs incurred will be paid by the host faculty. If you believe the UoS should certify maintenance please ensure you speak to the Recruitment Team before offering this service. There will also be no recourse to public funds (state benefits) during their stay in the UK.

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

What do you need to provide Recruitment?

A temporary migrant worker will need to be set up as an unpaid visitor on the University system (ResourceLink). The following documents will be required:

1. A HR7 visitor request form from the line manager
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2. A subproject code to assign the cost of the CoS (£21)  
3. A CoS personal details form from the migrant worker  
4. A full colour photocopy of their passport including photo page  
5. Funding Letter(s)

FAQ's

What are my responsibilities as a host for Tier 5 visa holders?  
As a Premium Sponsor the University will be responsible for these visitors whilst they are in the UK. As the host manager you will need to be aware of their additional responsibilities including, reporting migrant activity, absences and any changes in circumstances. The University will be responsible for the cost of the Certificate of Sponsorship, whilst the visitor will be responsible for the cost of the visa.

How long is a 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 not 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).

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 individual has permission to come for longer than 6 months, they will be able to leave and come back to the UK during the time they have permission.

If they have permission to come for 6 months or less, they will not be able to leave and return as their permission will end once they leave the UK. The worker would need to re-apply to enter the UK.

If the individual requires a multiple entry certificate of Sponsorship please contact the Recruitment Team.

VERSION CONTROL
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