



# SPONSORSHIP AND VISA POLICY

Prepared by: Zoe Brown

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This document must not be disclosed outside of the QA group of companies without Director, InfoSec or Legal Team member approval.



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## 1. Introduction

This policy outlines QA Higher Education's approach and guidelines to employing non-British nationals that require sponsorship to work in the UK, as well as the process around sponsoring individuals already employed and employees on other time-limited visas. It ensures QAHE complies with its legal and contractual obligations around immigration law and sponsoring foreign workers.

This policy applies to all employees. It does not apply to agency workers/temporary staff or self-employed contractors.

We will review the policy from time to time to ensure that it continues to comply with any legal obligations and the Company's internal policies.

## 2. Definitions

**Certificate of Sponsorship (CoS)** – A digital document that allows foreign nationals to work in the UK under a specific visa category. A non-British national must receive a Certificate of Sponsorship from their sponsor prior to undertaking any work. The sponsor must assign the CoS and confirm all Visa requirements have been met. This document contains a unique reference number and details of the visa. The CoS is issued by us (the sponsor) to a worker via the Home Office's Sponsorship Management System (SMS).

**Sponsorship** – Visa sponsorship is the process where we, as an organisation takes responsibility for supporting a non-British national to enter or stay within the UK. We are authorised by the Home Office to do this through a 'Sponsor Licence'. Employers who hold a sponsor licence are known as sponsors and are able to provide sponsorship for eligible workers.

**Sponsorship Management System (SMS)** – SMS is an online portal provided by the Home Office for general management of sponsorship licences. This includes but is not limited to, managing and/or issuing CoS to sponsored workers, reporting key changes in relation to sponsored workers and to the organisation.

**UK Visa and Immigration (UKVI)** – An operational command of the Home Office.

## 3. Sponsorship Overview

Sponsorship allows QAHE to employ non-British nationals under the skilled worker route. In obtaining our licence we have demonstrated that we are a genuine organisation operating lawfully and have honest, dependable and capable people to carry out our sponsorship duties. If UKVI have reason to believe otherwise we run the risk of financial penalties and/or losing our licence.

## 4. Sponsorship Licences

QAHE has been awarded an A-rating which means that it is trusted by the UKVI to comply with the terms and conditions of the sponsorship licence and the immigration rules. This means QAHE is licensed to assign certificates of sponsorship under skilled work routes which allows us to sponsor non-British nationals who would otherwise not have the right to work in the UK. This policy will outline the terms and conditions of who is eligible for sponsorship.



## 5. Consequences of a Sponsorship Breach

In obtaining our sponsorship licence, QAHE has committed to following agreed processes and to carry out compliance and due diligence checks. Consequences of failing to carry out our duties can be severe including the following:

- Fines of up to £60,000 for each illegal worker.
- A maximum 2-year prison sentence and/or an unlimited fine if illegal workers are employed knowingly.
- Down-grading of our sponsor licence to a 'B' rating (partially compliant) with subsequent timed action plan to regain 'A' status, and further regular compliance visits to the same, and other, departments.
- Withdrawal of the sponsor licence, with the consequence that all sponsored workers would have to leave QAHE and the UK.

Responsibility for fulfilling our duties is shared between the employee, the People Team and managers.

## 6. Eligibility Criteria

### Job Requirements

For the job to qualify for sponsorship it must meet the following criteria:

- The position must be classified as an eligible occupation as outlined by the Home Office.
- The role must be skilled to at least RQF level 3 and require specialised knowledge. Evidence of these documents must be kept on file.
- The position must be full-time and permanent or a fixed term contract of at least 12 months.
- The salary must be paid in line with the salary rates set out in the Immigration Rules.

### Candidate Requirements

Candidates must meet all the following criteria to be eligible for sponsorship at QAHE:

- Aged 18 and over and must have the necessary qualification(s), skills, and experience for the position.
- Must meet the language proficiency requirements as stipulated by immigration authorities.
- Must be able to pass all required background checks and obtain relevant clearances.

Candidates must not have:

- Unspent criminal convictions for immigration offences or other crimes such as fraud or money laundering.
- Had a sponsor licence revoked in the last 12 months.



## 7. New Entrants Requirements

If candidates meet any of the 'new entrant' criteria for sponsorship, they can be paid less than the standard salary requirement, but they must meet at least one of the following requirements:

- Under 26 years old on the date, they submit their application.
- Studying or a recent graduate.
- Have a science, technology, engineering or maths (STEM) PhD level qualification that's relevant to their job.
- Have a postdoctoral position in science or higher education.

## 8. CoS Application

There are 4 key eligibility requirements that should be reviewed before starting, to ensure they can all be met.

1. Check the role is eligible. The role must be on the skilled occupations list, as advised by UKVI.
2. Check the salary is appropriate. There are minimum salary requirements which must be met.
3. Check the worker is eligible, and able to make a successful immigration application under the skilled worker route.
4. Check any other requirements that may relate.

Once the People Team are satisfied the above checks meet Home Office requirements the line manager and/or Head of Department will be required to create a business case and obtain approval from the People Team and the Exec leader for the relevant business area. Once approved the People Team will arrange a meeting with the employee to confirm all personal details and agree timeframes. After this is all confirmed the People Team will apply for a CoS via the online SMS.

On an annual basis, UKVI will allocate QAHE with a limited amount of CoS which may vary year on year, this is capped and cannot be exceeded.

There are different types of CoS, dependent on the worker's circumstances, the People Team will know the appropriate one to request. Once a CoS is assigned to a worker, they must submit their visa application before the start date listed on the CoS.

## 9. Managers Responsibilities

Managers of sponsored employees must understand that the sponsored employee is employed under a specific occupation code within their CoS, and as such **must** speak to the People Team if there are intentions to change the details of the employee's terms and conditions of employment. This can include but is not limited to, a change in job role or core duties, a promotion, a change in salary (including changes due to maternity, paternity, adoption and sick leave, but excluding annual pay review), a change in working hours, or a change in work location.

This is to ensure that the changes can be made within the sponsored role. Therefore, nothing should be discussed with the employee without prior agreement from the People Team.



The manager must also inform the People Team immediately of any of the following:

- The employees start date is delayed.
- The employee does not start the role within 28 days of the original agreed start date.
- The employee is absent from work without permission for more than 10 consecutive working days.
- The employee is absent from work without pay, or on reduced pay, for more than 4 weeks in total in any calendar year (January to December), except in the case of maternity, paternity, adoption and sick leave.
- The employee's salary changes from the level stated on their CoS.
- If they leave the business.
- We stop sponsoring an employee for any reason.

We have a requirement under the conditions of our Sponsorship licence to report any of the above changes to the home office within **10 working days** of the effective date of change.

If the employee makes the manager aware of any change to their circumstance or personal details, they must inform the People Team immediately.

When a manager recruits a sponsored employee, they will be asked to sign a document agreeing to undertake their responsibilities as outlined above. Failure to comply with these requirements which puts the company at risk, may result in disciplinary action.

## 10. Sponsored Employees Responsibilities

As part of the onboarding process, the sponsored employee will be sent a letter from the People Team detailing their obligations and requirements to remain compliant with UKVI which must be signed and returned prior to their start date.

They have a duty to ensure the following information held on PeopleLink is accurate, and any changes are also emailed to the People Team and their line manager immediately:

### Visa

- Proof of application.
- Updates from the Home Office on application.
- E-visa and Share Codes.

### Contact Details

- Home address.
- Home phone number.
- Mobile number.
- Emergency contact details.

### Absence

- Annual leave.
- Sickness absence.
- Other paid leave as per PeopleLink.



- Unpaid leave as per PeopleLink.

## 11. People Team Responsibilities

The People Team are responsible for ensuring that all employees have the legal right to work in the UK by carrying out all necessary document checks before employment begins and throughout their employment at QAHE. This also means we must ensure we have a statutory excuse in place if an employee's visa expires during employment, allowing them to continue working.

This is achieved by undertaking a ECS check also known as the Employer Checking service, this check is free of charge, run by us as the employer and has no implications on individuals visa application process. To run an ECS check we must have proof of an individual's visa application and obtain their permission in writing to carry out the check. These documents will be saved in the employee's folder.

They should also ensure any changes to sponsored employees personal and employment details are reported to UKVI via the SMS (sponsor management system) within required timeframes as outlined above under management responsibilities, this is in line with our legal obligation.

## 12. Current Employee Requirements

Three months prior to the visa expiry, the People Team will contact the employee and request appropriate documentation as evidence of their continued right to live and work in the UK. The new visa application must be submitted before the expiry of their current visa.

The Employee must provide when requested, up-to-date documentation. Failure to provide the required documentation confirming their continued right to work after the visa expiry will result in dismissal.

Depending on the documentation provided by the employee, a subsequent check may also need to be completed in a further six months.

Notwithstanding the follow-up document checks as stated above, QAHE reserves the right to request any employee to provide evidence of their right to work in the UK at any time, including communications from the Home Office whilst awaiting the outcome of the new visa application.

The documentation required for an ECS check/proof of visa application during employment include:

1. Final application overview PDF/email confirming it has been submitted.
2. Proof of Health Surcharge Payment email.
3. PDF Document Checklist confirming documents have been submitted.
4. PDF confirmation of appointment to submit biometrics.

Employees are required to present their e-visa and Share Code via email to [QAHEpeople.team@QA.com](mailto:QAHEpeople.team@QA.com). If the employee obtains a new passport the physical document needs to be brought to the People Team or their manager for a verified copy to be taken.



## 13. Other Time-limited Visas

Where an employee has limited leave to remain in the UK due to their visa type (i.e. student, graduate, dependent, global talent and youth mobility scheme visa), QAHE must also carry out follow-up document checks prior to the expiry of an employee's permission to work in the UK.

There may be times when employees who are working on a time-limited visa have a change in circumstances and request sponsorship with QAHE.

The business will only consider these requests where the role is eligible under the skilled worker route and where there is a genuine business need to retain the talent that cannot be recruited from within the domestic labour market. Exceptions cannot be made; however, the People Team will support where appropriate to do so and will direct the employee to the Citizens Advice Bureau.

The employee must inform the People Team immediately of any change in their immigration status or any change in their circumstances that may impact their immigration status. A failure to comply with this requirement could result in disciplinary action.

## 14. Data and Compliance

### Data Protection

QAHE will ensure that individuals' personal data, including information about race or ethnic origin collected to establish their right to work in the UK, and to comply with other immigration requirements is managed in accordance with our Data Protection Policy.

### QAHE Legal Obligations

QAHE are legally obligated to keep UKVI informed of any changes relating to sponsored employees, therefore we will inform UKVI of any changes to personal information during employment.

QAHE are also responsible for checking that our sponsored employees are undertaking their role for which they are being sponsored and therefore must monitor their attendance. We must inform the UKVI if a sponsored employee does not attend work, is absent without permission or if there are significant changes to their employment or the organisation.

### Record Keeping

UKVI have the right to conduct unannounced drop in visits and audits whenever they deem appropriate to ensure that we are adhering to our legally required sponsorship duties. It is therefore imperative that our record keeping is up to date. We may be required to provide the following documents on request:

- **Current passport copy.** Any relevant pages showing the employee's personal identity details and any relevant entry clearances (visas) or permission to enter stamps showing that the person has permission to work for us as a licence sponsor.
- Where relevant, **evidence of the employee's date of entry to the UK.** If we sponsored an employee's most recent application for entry clearance on the Skilled Worker route, we must check that they entered the UK during the validity period of their visa. We do not have to conduct this check if the employee has



been granted, or is applying for, permission to stay (leave to remain) in the UK.

This includes where they are applying for an extension of their Skilled Worker visa.

We must, however, conduct the right to work checks and retain the evidence as described above.

For any employee entering the UK on a visa, their date of entry is shown by an entry stamp, in the form of a wet ink stamp, from an immigration officer. This will normally be endorsed on the employee's visa. We must make and retain a copy of the stamp.

There are certain circumstances in which the employee will not have an entry stamp.

If the employee does not have an entry stamp in their passport, we must still check that they did not enter the UK before their visa became valid by asking to see other evidence, including, but not limited to, travel tickets or a boarding pass (in paper or electronic form). We must then make a record of the date that the employee entered the UK, but do not have to retain evidence of the date.

We must retain the following on an employee's record:

- **Up to date contact details** for the sponsored employee.
- Employees sponsored on the Skilled Worker route, after 1<sup>st</sup> December 2020, **evidence of any recruitment activity we** have undertaken must be retained.
- **Copies of employee's payslips**. Clearly showing the name, NI number, tax code, any allowances paid, and deductions made.
- Evidence of the **amount and frequency of all salary payments** made to each employee, showing the transfer of each payment into their bank account.
- Where the employee receives any **allowances** as part of their salary package, evidence of the value of those allowances must be kept, unless they are clearly shown in their contract of employment or on the employee's payslips.
- A copy of any **contract of employment** or for services, or a written statement of employment particulars, between the sponsor and the employee, which clearly shows all the following:
  - Start date and end dates if applicable
  - Job title
  - Contracted hours
  - Salary
  - Names and signatures of all parties involved
- **Job description** outlining the remit of the employee role.
- Copies of any relevant **qualifications** the employee holds to confirm skill level and experience to do the job. This can include **references** from previous employers.
- Copies of any registration and/or professional accreditation and/or any confirmation letter the employee is required to do their job.

## 15. Ensuring Fair & Equitable Opportunities

QAHE is committed to being a fair, equitable and inclusive employer. We will do all that we can to avoid discrimination of any kind in the workplace. As an employer we ensure



that no job applicant is excluded from a position because of their ethnicity or nationality.

QAHE will treat all applicants consistently at each stage of the recruitment process and make sure no assumptions are made. There will be no assumption that a foreign national or someone from an ethnic minority has no right to work in the UK.

QAHE will recruit the candidate who is most suited to the position in question and will always comply with its equal opportunity policy. To this end (although subject to eligibility for sponsorship where necessary), the nationality of the most suitable candidate will have no bearing on whether they are selected for the post.

The requirement to provide evidence of the right to work in the UK will apply to all appointees, regardless of their race, nationality or ethnic or national origins.

Anyone who cannot evidence their right to work in the UK will be referred to the Citizens' Advice Bureau for further advice. However, QAHE will not employ such an individual until the necessary checks have been carried out.

