

Employing Overseas Workers at Newman University

Immigration Update - March 2017

Please note: There have been significant changes to the Tier 2 minimum salary requirements which will take effect from 6 April 2017. For further details on this and other recent immigration changes, please see the 'Useful Contacts' below.

Newman University values workers from overseas and the knowledge and skills they can contribute to creativity, innovation and productivity within the institution. This may include performing jobs which require specialist skills that are not available in the UK, or vacancies for jobs which the government agrees are in designated 'shortage occupations'. The University recognises their responsibility in recruiting migrant workers, carrying out the necessary checks and making sure the law is followed.

The Legal Framework

Those entitled to work in the UK

Newman University recognises that all overseas nationals must comply with the entry requirements of the various immigration Acts and Regulations. Currently, there are several broad categories of overseas nationals in terms of their freedom to enter and work in the UK:

- Those who are free to enter, remain and work in the UK with minimal restriction on their length of stay or ability to change employment. These include nationals of the 'old' European Economic Area (EEA) countries, nationals of the Accession 8 or 'A8' countries who joined the EU in May 2004 (whose restrictions on the right to work in any EU Member State were lifted from May 2011), nationals of Bulgaria or Romania (the 'A2' countries who joined the EU in 2007 and whose restrictions to work in any EU Member State were lifted from January 2014), Swiss nationals, and nationals of other countries who have been granted indefinite leave to remain.
- Those with greater, but still limited, restrictions on their ability to enter and work in the UK, including Commonwealth nationals with UK ancestry and dependants of British citizens and EEA nationals.
- Those admitted to the UK with temporary permission as students or participants in short-term employment including exchange schemes, or for training or work experience.

- Those admitted to work in the UK in certain sectors on a 'permit free' basis, but still requiring specific and time-limited permission.
- Those requiring full employment-based permission to work in the UK.

The points-based system

A points-based system has been in place since 2008 to assess non-UK nationals from outside the EEA that want to come to work in the UK. The criteria are adjusted from time to time, so it's essential that individuals check the latest information (see 'Useful Contacts' below). The institution is committed to implementing up to date procedures.

There are five tiers:

- Tier 1 - Highly-skilled individuals, entrepreneurs and high net-worth individuals (not requiring a sponsor)
- Tier 2 - Skilled workers with a job offer
- Tier 3 - Low skilled workers for temporary labour shortages (although this Tier has never been used because of the strong labour supply from EEA countries)
- Tier 4 - Students
- Tier 5 - Youth mobility and temporary workers: people allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives.

Migrant workers are required to score a certain number of points to obtain permission to enter, or remain, in the UK and the points criteria differ for each tier. Since the launch of the new system, significant changes have been made to the management and points table of Tiers 1 and 2.

Sponsorship by an employer is essential for Tiers 2-5.

Only employers registered with and licensed by the Home Office are permitted to issue a Certificate of Sponsorship (CoS) to a named individual, who must then apply for permission to enter the UK. The employer must have undertaken a strict verification exercise in order to issue a CoS.

Employers' responsibilities for avoiding illegal employment

The University is aware that it's a criminal offence to knowingly employ a person who requires but lacks immigration permission, to be in that role. There is a maximum prison sentence of two years and an unlimited fine for employers caught in breach.

Newman University will check and copy specific original documentation for any new employees. The [government's guidance](#) sets out when checks must be made, what employers need to do including tips on how to check authenticity and what to photocopy and retain. Checks must be completed before employment begins, but re-checking is also required for employees with time-limited immigration status.

Any checks that are made should be done in a non-discriminatory manner in accordance with [government guidance](#) which recommends that all job applicants should be treated in the same way.

The UK's decision to leave the European Union

In June 2016, the UK voted to leave the European Union. Since the vote, and in a [white paper](#) published earlier this year, the UK government has indicated that it plans to end free movement of labour for non-UK nationals from the European Economic Area. The government has also announced plans to publish a consultation paper in summer 2017 that will set out its proposals for future EU immigration policy. The timing of the introduction of migration restrictions on non-UK nationals from the European Economic Area will be subject to the outcome of the negotiations between the UK government and the European Union.

Useful Contacts

Resources are available on-line at the following:

[GOV.UK - Sponsorship: codes of practice for skilled workers](#)

[GOV.UK - Immigration rules: statement of changes](#)

[GOV.UK - Check if someone can work in the UK \(interactive online tool\)](#)

[GOV.UK - Employers: illegal working penalties](#)

[Migration Advisory Committee \(MAC\)](#)