WHAT DO I NEED TO KNOW?

As the manager of a Tier 2 or 5 visa holder both you, your sponsored worker and the College have to meet a number of ongoing legal requirements. These include:

Right to work checks
Confirming the individual’s right to work in the UK as part of any initial verification checks. Please note, follow up checks are required within a specified time period, normally when the individual’s existing permission expires. Where these time periods are not met or specific documents received then the individual will not be able to continue working.

Absence/attendance
Maintaining an up-to-date record of:

- Any absences that are part of the College’s normal processes:
  - Planned absences such as Annual Leave; Family Leave (i.e. Maternity Leave, Paternity /Maternity Support Leave, Adoption/Surrogacy Leave & Parental Leave); and Special Leave such as Jury Service/Witness Duty, Sabbatical Leave/Leave of Absence, Secondments, Study Leave, leave for Public Duties & Volunteer Reserve Forces, etc. N.B. planned absence should be notified in advance.
  - Unplanned absences such as Sickness Absence; and Special Leave such as Compassionate Leave and Domestic/Family Emergency Leave, etc. N.B. unplanned absence should be notified as soon as possible, ideally on the day the absence occurs.

- Any other occasions where the individual is working away from the College and/or is not contactable e.g. attending Conferences outside the UK, etc. N.B. Absences that are part of the normal work related comings and goings such as working from home, travel to conferences within the UK, etc. do not need to be recorded providing the individual has provided you with their up-to-date contact details and is contactable within a reasonable period of time.

Contact details
Keeping their contact details (home address, home telephone number (if they have one) and mobile telephone number) up-to-date.

Biometric Residence Permit (BRP)
Reporting if their BRP is lost, stolen or damaged or changes to address, personal details or circumstances.

Travel outside the UK
Please be aware that:

- If the individual is outside of the UK and their leave to remain expires, they will not be able to re-enter the UK unless they make a further successful application for leave, which would require a new Certificate of Sponsorship.
- If they are a Tier 2 worker earning less than £155,300 per annum, they would also be subject to a ‘cooling off’ period of 12 months from the date their leave expired before they could apply again under Tier 2.
- Their leave to remain will automatically lapse if they leave the UK, Republic of Ireland, Isle of Man or the Channel Islands, and they do not have entry clearance or have been granted leave to remain in the UK for 6 months or less.
WHAT DO I NEED TO DO?

- Obtain, check and copy the individual’s original documents to confirm their right to work in the UK. For individuals coming to the UK from overseas, where the document provided is the short validity (travel) vignette in the individual’s passport which they used to travel to the UK, you must ensure that you check and copy their Biometric Residence Permit (BRP) before the vignette expires.

- The College is currently carrying out a phased move to a new online absence management system (TeamSeer), if your department has moved to the new system, the individual will be set up automatically. However, if your department is currently still using ICAMS, you will need to request that a record is set up for the individual via ASK HR https://imperial.service-now.com/hr/

- Approve any absence requests the individual raises in the relevant absence management system. Please advise the individual as to which system is currently being used with your department as follows:
  - ICAMS - located at www.imperial.ac.uk/ict/icams.
  - Guidance is available from: www.imperial.ac.uk/hr/icis/selfservice.
  - TeamSeer (add details)

- Use the first day induction meeting to ensure that your member of staff understands all the above responsibilities, including the requirement to raise absence requests using ICAMS and how to do this.

- Report any of the following circumstances to your local HR representative immediately:
  - The individual does not turn up for their first day at work (new appointments/associations only)
  - The individual’s contract/work/research project ends - this should be confirmed via a completed Leavers Form (available from www.imperial.ac.uk/hr/forms) as soon as possible prior to the individual’s end date.
  - The individual takes a period of unpaid leave in excess of one month
  - Any significant changes in circumstances e.g. promotion, salary, maternity, paternity, adoption or long term sick leave in excess of one month, location, duration of contract or TUPE transfer
  - The individual is absent from work for more than 10 consecutive working days without permission
  - You suspect that the individual is in breach of their leave conditions

IS THERE ANYTHING ELSE I SHOULD KNOW?

If the individual’s immigration status changes and they cease to be a Tier 2 or 5 worker, the above requirements will also cease.

Further information on the Points Based System is available from:
www.imperial.ac.uk/hr/procedures/immigration/pointsbasedsystem

Further information about UK visas and immigration is available from: https://www.gov.uk/visas-immigration

If you have any queries, please contact your local HR representative whose details are available from:
www.imperial.ac.uk/hr/contactus