

**Home Office & UK Visas and
Immigration (UKVI)
Non-EU/EEA Employee and
Tier 2 Policy**

Home Office & UK Visas and Immigration (UKVI) Non-EU/EEA Employee and Tier 2 Policy

Date approved: 12 July 2019
 Approved by: SMT
 Responsible Manager (s): Director of Human Resources
 Executive Lead: Vice Principal HE and Student Enhancement

Applicable to staff:	Yes
Applicable to students:	No
Accessible to students:	No
Accessible to general public: (Including clients)	Yes

Consultation

Consultation undertaken with: _____ Date: _____

- | | | |
|--|-----|------------|
| • SMT | Yes | April 2019 |
| • AMT | Yes | April 2019 |
| • CCMT | Yes | April 2019 |
| • Employee representatives (<i>HR policies only</i>) | Yes | April 2019 |
| • Other – UKVI Strategy and Compliance Group | Yes | April 2019 |

Policy review frequency, normally: every 2 years

Contents

1. Scope and purpose of the policy
2. Policy statement
3. Legislation
4. Student involvement
5. Accountability
6. Linked policies
7. Linked procedures
8. Equality impact assessment

1. Scope and purpose of policy

- 1.1 In accordance with the Immigration, Asylum and Nationality Act 2006, Blackpool and The Fylde College (B&FC) has a duty to prevent illegal working. This policy relates to the recruitment, employment and monitoring of all non-EU/EEA employees to ensure that B&FC is fully compliant with the Act, as outlined in the UK Visas and Immigration (UKVI) Sponsor Guidance and Home Office immigration rules.
- 1.2 This policy also relates to providing Tier 2 Sponsorship for employees from overseas to ensure that B&FC is fully compliant with UKVI Tier 2 policy guidance.
- 1.3 This policy does not form part of employee contracts of employment nor does it confer any contractual rights.

2. Policy statement

- 2.1 B&FC takes all reasonable steps to ensure that every potential employee has permission to be in the UK, and carries out the necessary immigration status checks to ascertain any working restrictions.
- 2.2 For all employees, B&FC carries out pre-employment checks to confirm eligibility to work in the UK. B&FC will ensure records for Tier 2 visa holders comply with UKVI policy and guidance and are available to officials of the UKVI upon request.
- 2.3 B&FC ensures that it is fully compliant with the UKVI's recruitment advertising requirements and a resident labour market test has been carried out during the recruitment process and before any offer of employment is made to an overseas candidate.
- 2.4 Certificates of Sponsorships (CoS) are only issued in support of a Tier 2 visa application once the prospective employee has satisfied all documentary requirements of both the UKVI and B&FC.
- 2.5 B&FC monitors the following for all employees who are employed either on a visa which permits work or where B&FC has provided a Tier 2 CoS:
 - Visa expiry dates
 - Attendance
 - Up to date contact details
 - Where applicable, working restrictions relating to the number of hours permitted to work
- 2.6 B&FC does not provide documentation to support visa applications for individual, non-college sponsored applicants.
- 2.7 B&FC is an A rated, Tier 2 sponsor for the recruitment of overseas employees. This rating reflects that the UKVI is content that B&FC does not abuse immigration processes and has all the necessary systems in place to meet its duties as a sponsor.

3. Legislation

- 3.1 B&FC is compliant with the UKVI Sponsor Guidance and Home Office immigration rules. Updates to these are embedded into the relevant policies and procedures as they occur (listed in section 6 & 7). The latest versions of the guidance and codes of practice can be found at:
<https://www.gov.uk/browse/visas-immigration>
<https://www.gov.uk/entering-staying-uk/Foreign-nationals-working-in-UK>

4. Student involvement

There is no student involvement.

5. Accountability

The Director of Human Resources is responsible for the updating and implementation of this policy. The whole College community is responsible for the operation of this policy.

5.1 Human Manger or nominated deputy will:

- Conduct right to work checks on all new and where appropriate existing employees
- Ensure all vacancies are advertised in line with Resident Labour Market Test
- Liaise with the migrant and the hiring manager to gather the necessary information to complete the CoS application
- Retain full records relating to sponsored migrant
- Update this policy every two years, or sooner if required in line with legislative changes

5.2 The Head of Student Administration (who has responsibility for UKVI within B&FC) will:

- Manage B&FC's sponsor licence and allocation of unrestricted CoS with the UKVI
- Ensure compliance with UKVI and Home Office policy and guidance
- Apply for and assign restricted and unrestricted CoS with the UKVI
- Report any information about sponsored migrants to the UKVI in line with immigration regulations

5.3 Migrants must:

- Provide all the requested and necessary information for B&FC to conduct the Right to Work Checks
- Provide HR with all the necessary personal information to enable the completion of the CoS
- Apply for their visa as required in order to work or continue working at B&FC
- Keep HR informed of any changes to their personal information or immigration status
- Comply with all the conditions of their visa
- Inform B&FC of any absences from work
- If required register with the Police; this will be stated on their visa

5.4 All employees involved in recruitment and selection activities at B&FC are responsible for the operation of this policy

6. Linked policies

Recruitment and Selection Policy and procedure
Employee Attendance Management Policy
Disclosure and Barring Service (DBS) Check Policy and Procedure
Employee Probationary Policy
Employee Disciplinary Policy

7. Linked procedures

Employee Attendance Management procedure
Employee Probationary procedure
Employee Disciplinary procedure

8. Equality Impact Assessment

Impact Assessment for the 4 strands of Equality, Safeguarding, Health and Safety and Sustainability	
Initial Form to be completed with Risk Assessments or as part of a proposal or change to a policy, plan or new way of working	
<p>Title of Activity: Home Office & UK Visas and Immigration (UKVI) Non-EU/EEA Employee and Tier 2 Policy</p> <p>Author and Date: Director of HR, April 2019</p>	<p><input type="checkbox"/> New or <input checked="" type="checkbox"/> Revision Please tick as appropriate</p> <p>Expected Implementation Date: July 2019 What is the review date? Normally within 2 years</p>
<p>Equality and Diversity</p> <p>Which of the characteristics may be impacted upon? And, if yes, how has this been considered? What are the risks? What are the benefits?</p>	<p>Socio-economic, race and ethnicity</p> <p>Applied Home Office UKVI legislation and policy guidance. Legal compliance</p>
<p>Safeguarding:</p> <p>Are there any aspects of this proposal which could cause a learner/member of staff/visitor to feel unsafe? If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Health and Safety:</p> <p>Have any risks been identified? If yes, how has this been considered? What are the risks? What are the benefits?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Potential risks of transferring notifiable diseases from staff entering UK from high risk countries. Very low numbers and pre-employment medical checks make it low risk</p>
<p>Sustainability:</p> <p>Are there expected benefits or impacts on sustainability issues? If yes, how have these been considered?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Evidence:</p> <p>What evidence do you have for your conclusions and expectations for these conclusions? How will this impact be monitored for all these considerations?</p>	
<p>Is this policy of a high/medium or low risk? :</p>	<p><input type="checkbox"/> High <input type="checkbox"/> Medium <input checked="" type="checkbox"/> Low</p>