**Immigration and Right to Work Update – November 2014**

1. **Recent Immigration Rules changes**

* Tier 1 (Exceptional Talent) visas – these will now be valid for five years instead of three. This will allow individuals under this route to become eligible for settlement without the need for multiple visa applications. Further information on the Tier 1 (Exceptional Talent) route can be found in the [HR Immigration webpages](http://www.hr.admin.cam.ac.uk/hr-services/immigration/visas-and-right-work-uk/time-limited-right-work/tier-1-exceptional-talent).
* Business Visitor route – a minor change means that individuals can now come to the UK for up to 6 months to:

*“Share knowledge or experience relevant to, or to advise on, an international project that is being led from the UK as an overseas scientist or researcher, provided the visitor remains paid and employed overseas and is not carrying out research in the United Kingdom.”*

* TUPE transfers - we must now complete a new right to work check for all employees transferring to the University under Transfer of Undertakings Protection of Employment (TUPE) legislation. We can no longer rely on the previous right to work check taken by the former employer. We have 60 days to complete the new right to work check from the date of transfer. If we do not take a new check, the University may be liable for a civil penalty of £20,000 (if an individual without right to work is erroneously employed) and could lose its Tier 2 and 5 sponsor licence.

1. **Repeat right to work checks for leavers**

It has recently been confirmed by the University’s Premium Customer Service team at UK Visas and Immigration that where an individual leaves the University (including TES) and then returns at a later date, regardless of the length of time that has passed, a new right to work check **must** be undertaken. Employees/workers are not permitted to start work until a new right to work check has been completed. This does not apply to those individuals who remain registered with TES but are between assignments.

1. **Premium Priority Service – Fee Introduced**

From 1 November, UK Visas and Immigration (UKVI) will apply a £300 charge for all Premium Priority Service applications for Tier 2 applicants. The Premium Priority Service aims to provide individuals making a Tier 2 visa application with a decision within 10 working days. Previously this service was free of charge under a three month pilot run by UKVI. A review of the Premium Priority Service will now be conducted by UKVI with input from Premium Sponsors. Should the service change again following this review, we will provide you with further updates. Updated information on the Premium Priority Service route can be found in the Tier 2 Frequently Asked Questions section of the [HR Immigration webpages](http://www.hr.admin.cam.ac.uk/hr-services/immigration/visas-and-right-work-uk/time-limited-right-work/tier-2-general/applying-vi-0).

1. **Resident Labour Market Test - reminder that offers must be in line with the terms of the advert**

Where a Certificate of Sponsorship is required for a new appointment, and where the [Resident Labour Market Test (RLMT) must be met](http://www.hr.admin.cam.ac.uk/hr-services/immigration/visas-and-right-work-uk/time-limited-right-work/tier-2-general/advertising), please ensure that the details of the offer made are consistent with the advert. Failure to do this risks invalidating the RLMT and may require the role to be re-advertised.

For example:

* The length of an appointment cannot be longer than the contract length specified in the adverts for the role;
* The salary paid to the individual must be within the range of the salary that was advertised;
* Guaranteed allowances or payments (e.g. Market Pay or an Advanced Contribution Supplement) cannot be paid unless details have been advertised (wording is provided in the [HR Recruitment Guidance webpages](http://www.hr.admin.cam.ac.uk/recruitment/step-2-recruitment-planning/advertise-vacancy/what-advertise));
* The job title in the advert, Certificate of Sponsorship application and contract must be consistent;
* The individual offered the job must meet the essential selection criteria specified (e.g. if it is specified that the role holder must have a PhD then being close to completion is not sufficient).

1. **Right to work requirements when employing Croatian nationals**

We would like to remind all departments/institutions that, unlike other EU nationals, Croatian nationals **do not** have the automatic right to work in the UK. Following Croatia’s accession to the EU in July 2013, the UK government imposed transitional arrangements on Croatian nationals and their ability to work in the UK. These will remain in force until June 2018.

Prior to taking up employment, Croatian nationals must first obtain either 'worker authorisation' or prove they are exempt from this requirement. In both cases, the University will require the individual to obtain the relevant registration certificate before employment starts. For full details on these transitional arrangements and the types of certificate that the University can accept as proof of right to work, please see the [HR Immigration webpages](http://www.hr.admin.cam.ac.uk/hr-services/immigration/visas-and-right-work-uk/automatic-and-indefinite-right-work).

Please contact the Compliance Team ([complianceteam@admin.cam.ac.uk](mailto:complianceteam@admin.cam.ac.uk) or (01223 7)68808) if you have any questions about this update or immigration matters generally.