**Guidelines for employing/engaging Temporary Workers (Government Authorised Exchange) Sponsored Researchers**

This route replaced the Tier 5 (Temporary Worker) Government Authorised Exchange route with effect from 1 December 2020 and will apply to both:

* European Economic Area (EEA) nationals (with the exception of Irish nationals) who will arrive in the UK after 11pm on 31 December 2020, and
* Non-EEA nationals who apply for entry clearance or permission to stay on or after 1 December 2020.

These guidelines summarise the eligibility of individuals on Temporary Worker (Government Authorised Exchange) (GAE) visas and Managers responsibilities for migrant workers.

**Eligibility**

The Temporary Worker (GAE) Scheme enables researchers, including academics, researchers, scientists, research engineers or other skilled research technology specialists to come to the UK, where they are hosted at a UK higher education institution (HEI) in a supernumerary role.

The University has a license to issue a Certificate of Sponsorship (CoS) under the Temporary Worker (GAE) route and sponsor researchers for a maximum of 24 months to undertake the following activities:

* A formal research project or collaboration;
* A period of work-based training/work experience/internship/placement;
* Skill development/knowledge transfer;
* A series of lectures, which doesn’t amount to a formal teaching post, i.e. where they are not filling an advertised position and the work is above the Faculty’s normal requirements;
* External examinations.

Work or activities undertaken must never amount to a ‘genuine vacancy.’ The role must be supernumerary, which means it is:

* Over and above BU’s normal staffing requirements, and
* if the person filling the role were not there it wouldn’t be filled by anyone else.

The researcher does not have to be employed overseas to be eligible for sponsorship under this scheme and if necessary, it is permitted for BU to issue an employment contract to the researcher, provided the activity does not amount to a ‘genuine vacancy.’

Any work activity undertaken within the scheme must be at RQF level 3 or above (equivalent to A-level).

From 21 May 2021, a Temporary Worker coming to the UK to undertake research in a certain [subject area](https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-atas-academic-technology-approval-scheme-atas), and who is a non-EEA national (with the exception of some exemptions), will be required to obtain an Academic Technology Approval Scheme (ATAS) certificate in order to be eligible to apply for a Temporary (GAE) visa. The subjects are those where the knowledge could be used to develop Advanced Conventional Military Technology (ACMT), weapons of mass destruction (WMDs) or their means of delivery. If the research focus changes while at BU to include the above then an ATAS certificate must be obtained prior to undertaking this activity.

**Funding**

For a Temporary (GAE) visa the work and funding must conform to all UK and European employment legislation, such as National Minimum Wage and EU Working Time Directive.

An individual can be paid in a variety of ways including from the UK:

* If the candidate is on sabbatical leave we require confirmation from their home institution that they are on sabbatical leave and will be funded by the home institution. The funding quoted must be gross salary and must equate to the UK national minimum wage but can be quoted in currency other than UK Sterling.
* If an external body is funding the visit (e.g.) a research grant, this must be stated and a copy of the awarding letter from the funding body obtained.
* If BU are sponsoring the visit this should be stated with the gross amount to be paid and a copy of any evidence that the funding has been made available (e.g.) letter from the Research Committee confirming the gross payment and/or allowances.
* If the individual is undertaking work experience, funding may not be required.

The individual can not be self funded.

**Maintenance**

An applicant must demonstrate that they meet the UKVI’s maintenance requirements. BU does not usually certify maintenance.

**Managers responsibilities for migrant workers**

The University has a responsibility to monitor all individuals who work under the Temporary Worker category. The onus is on the University to ensure that all those on a Temporary Worker visa abide by the conditions of the immigration category. Therefore, **if you engage an individual under Temporary Worker (GAE), you (the Manager /Professional Service/ Faculty) will need to do the following**:

* Prior to any confirmation of arrangements, confirm to [Human Resources](mailto:BUVI@bournemouth.ac.uk) in writing the nature of the visit, the work the individual proposes to do and the assessment/recruitment process for appointment (e.g. how knowledge of the role and relevant experience will be assessed) and scanned copies of the individuals passport and relevant qualifications.
* Ensure that a Temporary Worker (GAE) Application Form is completed. Please email this to [BUVI@bournemouth.ac.uk](mailto:BUVI@bournemouth.ac.uk)
* **Prior** to commencement of the assignment/work, ensure that copies of the entry visa, passport, Biometric Residence Permit and Academic Qualifications are taken and verified by a member of [Human Resources.](mailto:BUVI@bournemouth.ac.uk)
* Inform [Human Resources](mailto:BUVI@bournemouth.ac.uk) immediately if a migrant worker under the Temporary Worker category fails to attend on their first day of employment (scheduled/agreed activity) as expected.
* Inform [Human Resources](mailto:BUVI@bournemouth.ac.uk) immediately if a migrant worker is absent from work (scheduled/agreed activity) which has not been authorised. Please refer to the [Attendance at Work Policy](http://intranetsp.bournemouth.ac.uk/policy/attendance-at-work.doc) for further information.
* Inform [Human Resources](mailto:hrequiries@bournemouth.ac.uk) immediately, if a migrant worker no longer requires sponsorship under the Temporary Worker (GAE) category.

**The University has 10 working days to report the above to the UK Visa & Immigration Service. Failure to comply with the above places the University at risk of losing its sponsorship license.**

**Individual Temporary Worker responsibilities**

Individuals who are working for BU on a Temporary Worker (GAE) visa must also ensure they comply with the conditions of their visa and must:

* not be filling a vacancy in the workforce
* not be establishing a business in the UK
* not be undertaking work, job-shadowing or training that has not been endorsed by BU
* not be taking part in work, job-shadowing or training for a period longer thant permitted under the scheme
* comply with the conditions of their entry clearance or permission to stay
* leave the UK when their entry clearance or permission to stay expires, unless they qualify for an extension of stay or permission under another route.

**Supplementary Work**

In addition to the work for which their visa was issued, Temporary Worker visa holders may take up supplementary work so long as the role is **either:**

* + supplementary work is in the same profession **and** at the same professional level as the work for which the Certificate of Sponsorship was assigned e.g. the funding/salary is at the same level; **Or**
  + A job on the [Shortage Occupation List](https://www.gov.uk/government/publications/tier-2-shortage-occupation-list)**;**

**And**:

* The supplementary research is for **no more than 20 hours** per week;
* The supplementary research is conducted outside of the normal working hours for which the Certificate of Sponsorship was assigned; **and**
* the person remains working for the sponsor in the job for which the CoS was assigned

The UKVI do **not** consider research and teaching as the same profession. Therefore, a researcher would not normally be permitted to give lectures as 'supplementary employment'.

If, however, a researcher has some lecturing responsibilities as part of the role for which their Temporary Worker visa was issued, and the lecturing responsibilities were noted on the CoS, then the migrant may give additional lectures as 'supplementary employment', providing this also complies with the above rules.

Prior to a sponsored individual undertaking supplementary employment at BU, if they are not a current employee of the University, a [right to work check](http://intranetsp.bournemouth.ac.uk/policy/Immigration%20Regulations%20(Guidance).docx) **must** be taken and a letter provided confirming their SOC code.

Working hours must be agreed and input into the Immigration Spreadsheet by the line manager a minimum of 24 hours in **advance** of the visa holder undertaking supplementary work in line with the conditions of their visa and the University’s policy. The Immigration Spreadsheet is used to record all working hours offered to visa holders with restricted working hours across the organisation. This is to ensure that even where a Temporary Worker visa holder holds multiple contracts, the University does not offer hours in excess of 20 per week. **Line managers have a personal responsibility to follow this step of the procedure, updating the** [**Immigration Spreadsheet**](https://livebournemouthac.sharepoint.com/sites/CasualStaffCompliance/SitePages/Casual-Staff-Compliance(1).aspx)**, and failure to do so will be treated seriously by the University.**

To be granted access to the [Immigration Spreadsheet](https://livebournemouthac.sharepoint.com/:x:/s/CasualStaffCompliance/EQh-zCdrp0RKhTHRePKLkl8B_RnKDjGsSI5NAi7ExPpF0Q?e=un8o2W), line managers must complete mandatory [Part Time Hourly Paid line manager training](https://brightspace.bournemouth.ac.uk/d2l/le/lessons/25709/units/1071694). This training, alongside the Immigration Spreadsheet guidance page, provides line manager support and guidance to fulfil this responsibility.

**PTHP pay claims must be checked against the immigration spreadsheet before they are approved.** **No retrospective changes to the immigration spreadsheet should be made**, however where more hours have been worked than were recorded in the immigration spreadsheet, this must be immediately reported to Humans Resources.

**Study**

Temporary Worker visa holders may do courses of study. There is no limit on the numbers of hours they can study or level of course they undertake, however any study done should not affect their ability to carry out the job that they have been employed/engaged to do as defined on their COS and must be ancillary. Further information can be found in section S8.22 of the [Workers and Temporary Workers: guidance for sponors - part 2](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492799/Tier_25_guidance_11-15_word_v1_1_addendum.pdf).

**If you have any questions on this guidance please contact the** [**Human Resources Team**](mailto:BUVI@bournemouth.ac.uk) **via** [**email**](mailto:hrequiries@bournemouth.ac.uk) **or +44 (0)1202 961133 (internal – 61133).**