

UK Visas & Immigration Tier 5 Government Authorised Exchange Scheme

Guidelines for Participants

Annex E

Requirements for UK Visas & Immigration (UKVI) Tier 5 Government Authorised Exchange Scheme (GAE)

As a Tier 5 participant you are coming to the UK to take part in an Erasmus+ scheme that aims to share knowledge, experience and best practice. You are going to do this work in addition to the host company's normal staffing requirements. Any work undertaken must be at a skill level S/NVQ 3 or above, unless coming to the UK as part of a European Union (EU) Erasmus+ Programme (formerly known as the Life Long Learning Programme). Your employment must conform to all relevant UK and European legislation, such as the National Minimum Wage Act and the EC working hours directive.

UK Visas & Immigration (UKVI) visits the British Council to ensure all duties (below) are being carried out to their set Home Office guidelines. These guidelines set out the processes a sponsor must follow when sponsoring an applicant under Tier 5 and how they must comply with all of the duties and responsibilities associated with being a licensed sponsor.

Sponsorship Duties – The host company receiving you for your Tier 5 work experience **AND** the British Council **must comply** with a number of duties in order for the British Council to retain their Tier 5 licence and their A Rating. These include:

Record Keeping Duties

You need to be aware that it is YOUR immigration responsibility to provide the documents below and to update your employer/British Council of any changes to your UK address or other contact details.

All Sponsors will request from you and will copy and keep on record (**British Council maintains all copies**) the following records or documents:

1. **Your documents**
 - **Copy of your current passport** pages showing all personal identity details (including biometric details); leave stamps, or immigration status document including your period of leave to remain (permission to stay) in the UK. This must show your entitlement to work for your licensed sponsor. In the absence of an entry stamp, other evidence such as the travel ticket to the UK or boarding card should be given.
 - **Copy of your Biometric Residence Permit (BRP).**
 - If you are a Croatian national subject to worker authorisation, a copy of your **Purple Registration Certificate** showing your entitlement to work for your sponsor.
2. Copy of your **National Insurance (NI) number**, unless you are exempt from requiring one <https://www.gov.uk/tax-come-to-uk>. This could be a copy of one of the following:
NI Card or NI number notification letter from HMRC or DWP or a wage slip.

3. A copy of any original **academic certificates** where required.
4. A copy of your **criminal record check certificate** where required.
5. You must also provide your **contact details** (address, personal email address, telephone number, emergency number and mobile telephone number).
6. A copy of any **contract** of/for employment/service for the job you are being sponsored to do.
7. You must tell them of any **absences** from work or from the UK.
8. If any of your personal details or contact numbers changes you **must** inform your host company immediately who will need to inform the British Council as they need to make the details available to officials of the UKVI on request. If you have registered with the police you will also need to inform Police Registration of the changes.
9. **Evidence that you have returned to your home country** at the end of your placement. This should be in the form of an email from your host company to the British Council confirming that you have completed the placement and returned home, together with a scanned copy of your boarding pass which should be emailed to the British Council on your return home, or any other suitable proof of return.

All Sponsors and host companies must ensure that they:

1. Comply with immigration law (must not employ anyone if they do not have permission to undertake the work in question) as the British Council can only issue certificates to those who they believe meet the requirements of Tier 5 and who will comply with the conditions of their leave.
2. Co-operate with the UK Visas & Immigration (allow UKVI staff access to any premises on demand, including unannounced visits; adhere to any UKVI action plan, and comply with any good practice guidance produced for the sponsors).

Reporting Duties for Sponsors

All participants **must report** the following information or events **to the British Council** to enable the British Council **to report to the UK Visas & Immigration**;

1. If you fail to turn up on the first day of work. Your host company will report this to the British Council and they will report this to UKVI within 10 working days and will include any known reasons given for your non-attendance (e.g. missed flight);
2. If you are absent for work for more than 10 consecutive working days without the Sponsor's reasonably granting you permission. Your host company will report this to the British Council who will report it to UKVI within 10 working days of the 10th day of your absence from work;
3. If you travel in and out of the UK for business or holidays, the host company will inform the British Council by email of the dates you leave the UK and then by email again on your return so that the

British Council can keep up to date records of your entry to and from the UK should UKVI require this information.

4. If your contract of/for employment/services or registration is terminated earlier than was indicated on the CoS, for example where you resign or are dismissed. The host company will report this within 10 working days of the event in question, and will include the name and address of any new employer that you have moved to, if they know it;
5. If the British Council stops sponsoring you or you move into another Tier. This will be reported to UKVI by the British Council within 10 working days;
6. If the host company stops sponsoring you for any other reason for example if;
 - i. you move into an immigration route that does not require a sponsor; or you take a period of unpaid leave. The host company will report this within 10 working days.
7. If there are any significant changes in your circumstances, for example:
 - i. a promotion or change in job title/core duties, other than those which require change of employment application.
 - ii. a change of salary from the level stated on your CoS, other than changes due to annual increments, bonuses or a change of employment application being made.
 - iii. a change of salary from the level stated on your CoS due to a period of maternity, paternity or adoption leave, or a period of long-term sick leave that lasted for one month or longer.
 - b. These changes will be reported to UKVI by the British Council within 10 working days.
8. If the location you are employed at changes, or if the duration of your contract of/for employment/services is shortened.
9. Details of any third party or intermediary, in the UK or overseas, who has assisted either of the sponsors in recruiting you;
10. Any suspicions it may have that you are breaching the conditions of your leave. This will be reported to UKVI by the British Council within 10 working days.

Either Sponsor must also give the police any information it may have that suggests that any Tier 5 participant may be engaging in terrorism or other criminal activity.

Other Information regarding Tier 5 Government Authorised Scheme

Tier 5 applicants **are also able to undertake other work which is supplementary** to that for which their Certificate of Sponsorship (COS) was assigned. It does not have to meet resident labour market test requirements and the employer does not have to be a licensed sponsor. The supplementary employment **must be in the same profession and at the same professional level as the work for which the COS was assigned or be a job which is on the shortage occupation list**. If the occupation is later removed from the list then you must cease that employment. It can be for up to 20 hours a week and even outside of normal working hours for which the COS was assigned.

UKVI do not need to be informed as long as they meet the criteria above but the host company must be informed.

Applicants may also undertake **courses of study** if they wish. There is no limit on the number of hours they can study or the type, or level of course, however it is expected that any study does not interfere with the applicant's ability to carry out the job they have been employed to do. Courses of study may be undertaken anywhere the applicant chooses and do not have to be with a sponsor registered under Tier 4.