

# Tier 5 Government Authorised Exchange Guidance

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## 1. Introduction

The University holds a sponsor's licence for Tier 5 (Government Authorised Exchange) which means we can engage migrants from outside the European Economic Area<sup>1</sup> (EEA) for a short time for work experience or to do training, an Overseas Government Language Programme, research or a fellowship through an approved government authorised exchange scheme.

**Whilst the individual sponsored under this scheme may be called a visiting academic or other University term, their immigration status is that of a temporary worker. Units and Faculties must ensure they have Right To Work checks completed and uploaded onto the Right To Work system, in line with the guidance on the People Services intranet and also follow the Unit and Faculty Responsibilities shown in point 4 of this guidance.**

This category cannot be used to fill jobs or provide a way to bring unskilled labour to the UK.

There are 4 types of scheme under the government authorised exchange category:

- a) Work experience programme – this includes volunteering, job-shadowing, internships and approved work-experience programmes for a maximum of 12 months;
- b) Research programme – this includes only those working on specific scientific, academic, medical or government research projects at UK higher education institutions or other research institutions operating under the authority and/or financial sponsorship of a relevant government department;
- c) Overseas language programme – this includes only schemes that are fully or partially funded by overseas governments or overseas government sponsored organisations. They are for those undertaking development placements to build and/or enhance foreign language skills and foster good cultural relations in the UK.
- d) Training programme – this includes only those receiving formal, practical training in the fields of science and/or medicine, those receiving training by HM Armed Forces or UK emergency services, or those:
  - who lawfully obtained a UK recognised bachelor or post graduate degree (not a qualification of equivalent level which is not a degree) during their last grant of leave; and
  - being sponsored to undertake a period of postgraduate professional training or work experience which is required to obtain a professional qualification or professional registration in the same professional field as the qualification described above; and
  - who will not be filling a permanent vacancy, such that the employer the migrant is directed to work for by the sponsor does not intend to employ them in the UK after the end of the training or work experience for which they are being sponsored.

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<sup>1</sup> EEA countries are:

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, UK

The overarching body who manages the scheme is the University. The migrant must have a sponsor AND a Certificate of Sponsorship (CoS) from the University before they can start work. The University will assign certificates of sponsorship (CoS) to only those who meet the requirements of the scheme.

Any work undertaken must be equivalent to level 3 or above on the Regulated Qualification Framework (RQF), or the equivalent in Scotland, unless the migrant is coming to the UK through a scheme which is part of the Erasmus+ programme. This link takes you to the UKVI website with all jobs that are at RQF and above: [Appendix J - Codes of Practice for Skilled Workers](#)

There is an annual limit on the number of CoS available to the University under the Tier 5 (Government Authorised Exchange Scheme) category.

Units and Faculties should be aware that there are no guarantees that any valid application will result in sponsorship or the migrant having a right to enter the UK from outside the EEA under this category.

## 2. UKVI criteria for sponsoring a migrant

To be able to sponsor a migrant under Tier 5 (G.A.E.), the Unit or Faculty guarantees that the migrant:

- is seeking to work or train here temporarily through an approved scheme
- will not establish a business in the UK
- meets the requirements of the scheme
- will not take part in any activities as part of the scheme that have not been endorsed by the sponsoring government department or approved by the UKVI
- will not take part in work or training for a period longer than approved by the scheme
- will comply with the conditions or rules of their permission to stay and, where they have been granted leave under Tier 5, will leave the UK when it expires.

## 3. Penalties

The University is responsible for all migrants sponsored under this scheme. If a CoS is assigned for a period longer than approved for the scheme, the UKVI will take action against the University. They will also speak to the endorsing government department who may stop endorsing the scheme at the University.

Units and Faculties are responsible for ensuring that the proposed migrant fully meets the UKVI criteria for Tier 5 (GAE), and Units and Faculties must ensure accurate information for CoS applications is provided to People Services.

## 4. Sponsorship duties and responsibilities

The University has specific sponsorship duties relating to record keeping and reporting duties to adhere to as part of their responsibilities to the UKVI. These are:

- Keeping copies of the sponsor's passport or UK immigration status document and contact details
- Reporting duties – see Unit Responsibilities and People Services Responsibilities below:

### Unit and Faculty Responsibilities

Units and faculties are responsible for:

- Keeping a photocopy or electronic copy of the relevant page/s of each Tier 5 (GAE) migrant's passport or UK immigration status document and biometric residence permit that show their entitlement to work including their period of leave to remain in the UK. This should be in line with the University's RTW checks and guidance and entered onto the RTW system.
- Maintaining up to date records of migrant's contact details: UK residential address, telephone number and mobile number and informing People Services of any changes

Units and Faculties are also responsible for **immediately** informing People Services (using the Sponsored Migrant Summary Form) if:

- The sponsored migrant does not turn up for their first day of work, including any reason given for non-attendance e.g. missed or delayed flight. You must provide the last recorded residential address and contact telephone number for the migrant and any personal email address
- The sponsored migrant's employment contract is terminated earlier than was indicated on their CoS, for example where the migrant resigns or is dismissed. You must include the name and address of any new employer that the migrant has moved to, if known plus the last recorded residential address and contact telephone number for the migrant and any personal email address
- The University stops sponsoring the migrant for any other reason E.g. they are absent from work for 4 weeks or more and this absence is not covered in the exceptions in reduction in salary (see [Tier 2 & 5 Sponsor Guidance](#)) plus provide the last recorded residential address and contact telephone number for the migrant and any personal email address
- There are significant changes in the sponsored migrant's circumstances, such as a promotion or change in core duties, a change of salary (except annual increments or bonuses) including where this is due to a period of maternity/paternity/adoption/shared parental leave or sick leave of one month or longer, the location employed at changes, or the duration of their contract is shortened:
  - The migrant's employment is affected by TUPE or similar e.g. a merger or demerger.
  - The migrant is absent from work for more than 10 consecutive days without permission.
  - You have any information that suggests that any sponsored migrant may be engaging in terrorism or other criminal activities.
  - The migrant's UK residential address and/or contact telephone number changes
  - Any information which suggests that the sponsored migrant is breaching the conditions of their leave.

The Sponsored Immigrant Summary Form should be used on a **weekly** basis as a prompt for Units and Faculties who employ sponsored migrants to ensure their responsibilities to the UKVI are identified and reported appropriately.

### **People Services Responsibilities**

People Services is responsible for:

- Reporting any of the absences or changes in circumstances of the sponsored migrant, as advised by Units and Faculties, to the UKVI within the specified timescales.
- Reporting any potential fraudulent/misused documents to the UKVI.

### **Useful references**

Certificate of Sponsorship Request Form for Tier 5 GAE  
Sponsored Migrant Summary Form