Guidance on Guest/Visiting members of Staff requiring visa for entry to the UK

When nominating a Guest/Visiting member of Staff who is from outside the EEA, it is likely that they will require an entry clearance visa for their visit. The nominee may qualify to enter the UK as an ‘Academic Visitor’, but if they do not fit the Home Office criteria, they may be eligible to enter as a ‘Sponsored Researcher’ under Tier 5 of the Home Office points based immigration system. These entry routes are described below.

Business Visitors

Academic Visitors come under the remit of Business Visitors.

A Business Visitor is someone who works abroad but who intends to visit the UK for short periods of time in order to transact business on their own or their employer’s behalf. As well as meeting all the normal requirements for leave to enter as a visitor, an immigration officer must be satisfied that the applicant

- is based abroad and has no intention of transferring their base to the UK, even temporarily.
- will not receive their salary from a UK source, although it is permissible from the business visitor to receive reasonable expenses to cover the cost of travel and subsistence.
- is not involved in selling goods or services to members of the public.

Academic Visitors

Academic Visitors must be well qualified to undertake the activities of their visit and can stay in the UK for a maximum of 12 months. They should be able to produce evidence that they have been working as an academic in an overseas HEI, or in the field of their academic expertise immediately prior to seeking entry to the UK.

Academic visitors must be either:

- A person on sabbatical leave from an overseas institution (not a student) who wishes to make use of their leave to carry out research here (to do research for a book for example); or
- An academic (including doctors) taking part in formal exchange arrangements with UK counterparts; or
- Eminent senior doctors and dentists coming to take part in research, teaching or clinical practice.
Academic Visitors must:

- Not receive funding for their work from any UK source (payments of expenses or honoraria to cover their needs whilst in the UK may be disregarded, as may payments on an exchange basis)
- Not engage in any work other than the academic activity for which they are being admitted
- Not be filling a genuine vacancy
- Not be engaging on a course of study
- Not stay in the UK for more than 12 months
- Intend to leave the UK at the end of their visit
- Be able to maintain themselves and any dependents without working or having recourse to public funds (or be adequately maintained and accommodated by relatives or friends)
- Be able to meet the cost of the return or onward journey from the UK.

Sponsored Researchers under Tier 5 (Government Authorised Exchange)

This category is for non EEA nationals coming to the UK through approved schemes that aim to share knowledge, experience and best practice and to experience the social and cultural life of the United Kingdom. It cannot be used to fill job vacancies or provide a way to bring unskilled labour to the UK.

What is a Sponsored Researcher?

A Sponsored Researcher is a person who wishes to come to the UK to lead or to take part in a formal research project. 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. Formal research projects are hosted but not necessarily funded by UK research institutions and the researchers will work under the full or partial control of the institution, which will itself benefit from the research.

Academics who wish to come to the UK simply to share knowledge or experience, to conduct research for their private purposes (such as to do research for a book) or to hold informal discussions with their UK counterparts may better fit the criteria for Academic Visitors.

Assigning a Tier 5 Certificate of Sponsorship

The University will assign a Tier 5 Certificate of Sponsorship to the Sponsored Researcher once the complete set of Guest/Visiting nomination paperwork and evidence of meeting the Home Office criteria for this route has been received by HR from the nominating unit and/or the nominee.
Please note, the fact that a Certificate of Sponsorship has been issued by the University does not guarantee that the applicant will succeed in obtaining entry clearance or leave to remain in the UK. The applicant must meet the Home Office conditions for the category and tier and apply accordingly.

**Responsibilities for Compliance**

The University must comply with certain duties for all migrants including employees, students, guest and visiting members of staff. The responsibility to ensure compliance is significant and audits can be carried out by the Home Office at any time, without notice. Non-compliance could result in the University's sponsorship licence being down-graded or cancelled, civil penalties being incurred or even criminal prosecution.

The University must report any non-attendance, non-compliance or disappearance of migrants to the Home Office. **Academics who nominate Guest/Visiting Staff who require a Tier 5 visa must report any non-attendance, non-compliance or disappearance of them to HR immediately as the Home Office must be informed within 10 working days.**

**Cost**

A Tier 5 Certificate of Sponsorship costs £14 and this will be charged directly to the Academic Unit.