

A GUIDE FOR NON EEA NATIONALS & THEIR SCHOOLS

THE RIGHT TO WORK, UK VISAS & THE APPLICATION PROCESS

Any teacher from outside the UK or the European Union wishing to work in England will require a visa to do so. To gain entry for work in the UK, there are four possible routes. They are...

- Tier 5 – The Youth Mobility System
- Dual Nationality
- An Ancestral Visa
- Tier 2 – Sponsorship of Skilled Workers

The following information details each of the visa routes above and will help you to find out which visa you are eligible for.

CONTENTS

Pg 2	EEA Nationals
Pg 3	Tier 5 – Youth Mobility Visa <ul style="list-style-type: none">• Details• How to Apply
Pg 4	Ancestral Visa <ul style="list-style-type: none">• Details• How to Apply
Pg 5	Tier 2 – Certificate of Sponsorship <ul style="list-style-type: none">• Details• The Facts about Sponsorship• Schools:<ul style="list-style-type: none">- how to apply for a licence- How to issue a Certificate of Sponsorship- A Labour Market Test• Teachers:<ul style="list-style-type: none">- How to Apply for the sponsorship visa

FOR FURTHER ADVICE OR ASSISTANCE PLEASE CONTACT:

HOURGLASS EDUCATION

(0845 812 0201)

OR

UK VISAS & IMMIGRATION

(<https://www.gov.uk/browse/visas-immigration>)

EEA NATIONALS

If you are a citizen of a European Economic Area country then you have the right to work in the UK without the need for a visa.

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
- United Kingdom

Switzerland is neither an EU nor EEA member however citizens of Switzerland have the same rights to live and work in the UK as other EEA nationals.

TIER 5 – YOUTH MOBILITY VISA

This visa route is the obvious choice for young teachers under the age of 31. The Youth Mobility Visa is granted for 2 years and was previously known as The Working Holiday Visa or Working Holiday Maker. In November 2007 the UK Government moved all visa applications to a points based system and the Youth Mobility Scheme was introduced.

The YMS is only available to citizens of:

- Canada
- Australia
- New Zealand
- Japan
- Monaco
- Hong Kong
- Republic of Korea
- Taiwan

To satisfy the requirements of the YMS you must score 50 points to qualify.

To score 50 points you must be able to prove the following:

- Attributes:
 - that you hold a valid passport from one of the above named countries (30 points)
 - that you are over the age of 18 and under the age of 31 at the date of application (10 points)
- Maintenance:
 - that you have £1890 in personal savings.
 - The UK Government wants proof from you that you have the means to support yourself in the UK (10 points)

Restrictions:

It is very important to note the following:

- that you can not apply for the YMS if you have used a youth mobility visa or working holiday visa to enter or work in the UK previously
- dependants cannot accompany you on a youth mobility visa
- that you cannot switch to another visa category in country
- that you cannot extend your visa or stay

To confirm your eligibility for the YMS you can complete the self assessment points calculator:

<https://www.gov.uk/check-uk-visa>

Full information on the YMS can be found on:

<https://www.gov.uk/tier-5-youth-mobility/eligibility>

HOW TO APPLY

Application for the Youth Mobility Visa can be done online and most countries offer an online service.

The application process involves an application form being submitted and an appointment at a local visa application centre so that biometric information can be taken (fingerprints & photograph).

How to apply: <https://www.gov.uk/apply-uk-visa>

Visa Fees: <https://www.gov.uk/visa-fees>

Visa processing times: <https://www.gov.uk/visa-processing-times>

THE ANCESTRAL VISA

This is a visa which is granted for 5 years for teachers who have a Grandparent who was born in the UK, the Channel Islands, The Isle of Man or in what is now the Republic of Ireland before 31st March 1922.

You can also claim ancestry if you or relevant parent was adopted or were born within or outside of a marriage in the UK.

Unlike the Youth Mobility Scheme and Sponsorship, Ancestral Visas are non points based, however, you must be able to prove the following...

- That you are a Commonwealth Citizen
- That you are aged 17 or over
- That you are able to and intend to work in the UK
- That you can support yourself and any dependants who accompany you to the UK without the use of public funds.

On an Ancestral Visa dependants can join you.

In the eyes of the UK Border Agency a dependant is your husband, wife, civil partner or eligible partner and children under the age of 18. Dependants must have their own visa in their own passports to enter the UK, they cannot travel on the visa in yours.

When an Ancestral Visa is due to expire you can apply to extend your visa or apply to settle in the UK permanently. Both of the above can be done in-country.

Full information on Ancestral Visas can be found on:

<https://www.gov.uk/ancestry-visa/overview>

HOW TO APPLY

Application for an Ancestral Visa can be done online and most countries offer an online service.

You can only apply from outside of the UK. You can apply up to 3 months before date of travel.

The application process involves an application form being submitted and an appointment at a local visa application centre so that biometric information can be taken (fingerprints & photograph).

How to apply: <https://www.gov.uk/apply-uk-visa>

Visa Fees: <https://www.gov.uk/visa-fees>

Visa processing times: <https://www.gov.uk/visa-processing-times>

TIER 2 (GENERAL) – CERTIFICATE OF SPONSORSHIP

For teachers who are not eligible for the Youth Mobility Scheme, an Ancestral Visa or for British Citizenship the only route available is sponsorship.

Sponsorship can only be issued by a School, a Local Authority or an Academy sponsor in the form of a Certificate of Sponsorship. This is a virtual document with a unique reference number which teachers use to apply for entry clearance or to extend their visa if they are already in the UK. Not all Schools, Local Authorities or Sponsors can issue sponsorship, only those who have applied for a UKVI licence.

There are two types of sponsorship.

'Unrestricted' sponsorship is a certificate of sponsorship for teachers already in the UK who need to switch or extend their sponsorship. Maybe they are changing schools, extending their sponsorship at a school or switching from a different visa which is accepted in-country.

When a sponsor licence is issued, the school/LA or sponsor will be asked how many unrestricted certificates of sponsorship they think they will require for the year. The process is then as simple as issuing a certificate of sponsorship as and when required.

'Restricted' sponsorship is for overseas candidates who have secured a position in the UK. Before a school/LA or sponsor can issue a restricted certificate of sponsorship they first require permission from UKVI. This is because UKVI want to regulate how many teachers/individuals are relocating from overseas each year/month. The deadline for these applications is the 5th of every month for a decision made on 11th. Once this permission is granted the certificate of sponsorship can be issued.

USEFUL FACTS ABOUT SPONSORSHIP

- A Certificate of Sponsorship is a 'Tier 2 General' visa.
- In order to sponsor a teacher you must have a 'UK Visas & Immigration' sponsorship licence.
- Only schools, local authorities or academy sponsors/trusts can be sponsorship licence holders.
- The application for a licence can take up to 8 weeks (although we have been told by a UKVI advisor that for schools it doesn't take as long)
- The cost of a UK Visas & Immigration licence is £1476.
- A Certificate of Sponsorship is simply a reference number
- Certificates of Sponsorship are issued using a sponsor management system which is set up for schools once their licence has been approved.
- The cost of each certificate of sponsorship is £199.
- Mathematics, Physics & Chemistry are deemed shortage occupations and prioritised by UKVI. Sponsorship issued for any shortage subject is not subject to a labour market test.
- A Labour Market Test is required before a Certificate of Sponsorship can be issued for a non shortage subject position.
- A Certificate of Sponsorship can be issued for a maximum of 5 years, after which a new Certificate of Sponsorship must be issued or Indefinite Leave to Remain applied for.

- There are two types of Certificate of Sponsorship:
 - An Unrestricted Certificate of Sponsorship is for teachers already in the UK (either already here on a certificate of sponsorship or switching visas to sponsorship)
 - A Restricted Certificate of Sponsorship is for teachers overseas who have an offer of employment in the UK.
- Teachers who require sponsorship must be on a direct contract with the school; this can be a permanent or fixed term contract.
- A teacher can work in the UK via a certificate of sponsorship for up to six years; however, once they can prove 5 years of continuous employment a teacher can apply for Indefinite Leave to Remain which eliminates any future visa requirements.
- Sponsorship can only be issued when an offer of employment has been offered and accepted.
- When a Certificate of Sponsorship is issued the teacher applies for or updates a visa in their passport.

The Benefits of Sponsorship teachers:

- A Certificate of Sponsorship is the only option available for teachers who are not eligible for any other visa.
 1. This could be because they have already used a Youth Mobility Visa, in which case they may already have up to two years teaching experience in the UK.
 2. This could be because they are currently on a student visa, in which case they may have just completed teacher training at a UK university.
 3. This could be because they are older than 31 and not eligible for a youth mobility visa, in which case you could be looking at more experienced candidates.
 4. This could be because they are from a country that does not have a reciprocal agreement with the UK and thus cannot issue a youth mobility visa: e.g. Jamaica and South Africa.
- As a teacher can only work on a direct contract with a school in order to secure sponsorship this is a big commitment for them too, this should be a demonstration of their reliability and dedication to your school, your students and to the job.
- Teachers who require sponsorship must prove that they have the required maintenance funds available (£945) and the cost of the sponsorship visa is approximately £473-£1151 (depending on duration of sponsorship and if the job is on the shortage occupation list) so they do not undertake this lightly without being sure that teaching in the UK is what they want to do. There is further cost if they have dependants accompanying them.
- Teaching in the UK on a Certificate of Sponsorship is a long term venture for these teachers.

INFO FOR SCHOOLS: APPLYING FOR A SPONSOR LICENCE

Please find below the link to apply to become a Tier 2 licence holder. A 'Sponsorship guidance for employers' document is also available on this web page too: <https://www.gov.uk/apply-sponsor-licence>

The application process is as follows:

1. Register online with your name and email address.
2. Read all the information in the sponsor guidance
3. Complete the application online, print off the submission sheet and send it to UK Visas & Immigration with the required supporting documents.
4. UK Visas & Immigration process the sponsor application, making any checks that are necessary.
5. UK Visas & Immigration will make their decision.
6. If you a sponsor licence is awarded, the school/LA or sponsor name and rating are published on the UK Visas & Immigration register of sponsors.

The cost of a UK Visas & Immigration licence is £1476.

Once a sponsor licence is awarded, the licence holder will be given access to a 'Sponsorship Management System' which will be used to allocate the certificate of sponsorship.

We have a very useful helpline number for any enquiries regarding becoming a sponsor and subsequently any enquiries regarding the sponsor management system and the sponsorship process.

Sponsor Helpline: 0300 123 4699

SCHOOLS: THE PROCESS OF ISSUING CERTIFICATE OF SPONSORSHIP

For 'Unrestricted' Certificate of Sponsorship:

1. The sponsor, via the UKVI sponsor management system, selects 'Create & Assign a CoS'.
2. The school/LA (sponsor) enters the personal information of the teacher.
3. The sponsor checks the data entered and then assigns the Certificate of Sponsorship (which is just a reference number).
The sponsor will also be reminded of their current allocation limit for unrestricted certificates of sponsorship.

For 'Restricted' Certificate of Sponsorship:

1. The sponsor, via the UKVI sponsor management system, selects 'Apply for Restricted CoS'.
2. The school/LA (sponsor) enters the employment details specific to the position and submits it to UKVI for approval.
3. On the 11th of every month UKVI assess all applications made from 6th of the previous month to 5th of the current month. Shortage subjects are approved as a priority.
Once a decision has been made the sponsor's sponsor management system will be updated with the outcome. The details will appear in 'Granted applications – create and assign restricted CoS'. UKVI advise that this can take up to 10 days.
4. The school/LA (sponsor) enters the personal information of the teacher.

5. The sponsor checks the data entered and then assigns the Certificate of Sponsorship (which is just a reference number).

Urgent applications:

In exceptional circumstances a restricted certificate can be issued before the next allocation date if the reason for the delay in application was unavoidable.

Use your SMS account to make the application and then email Tier2Limits@ukba.gsi.gov.uk explaining why it's urgent.

SCHOOLS: A LABOUR MARKET TEST

UK Visas and Immigration do not list teaching as a shortage occupation, only a restricted list of shortage teaching subjects.

The following subjects are deemed as shortage occupations:

- Teacher of Mathematics
- Teacher of Science (Physics)
- Teacher of Science (Chemistry)

A current list of shortage occupations can be found via this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/423800/shortage_occupation_list_april_2015.pdf

Certificates of Sponsorship for a shortage occupation can be issued without the requirement of a labour market test. Also, in the case of a 'restricted' certificate of sponsorship, UKVI prioritise school/LA/sponsor applications which are for teachers of shortage subjects.

Certificates of Sponsorship for teachers of all other subjects (non-shortage subjects) can only be issued subject to a resident labour market test.

A resident labour market test is a test to prove that there was no 'settled' worker suitable or available to do the job.

Exceptions to the labour market test:

You do not need to complete a resident labour market test if:

- The job is on the shortage occupation list
- You are staying with the same employer/sponsor but the sponsorship needs extending
- The annual salary for the sponsored job is £153,500 or more
- You are already in the UK and switching from one of the following visas:
 - Tier 1 (post study work visa)
 - International Graduate Scheme
 - Fresh Talent Working in Scotland Scheme
 - Science and Engineering Graduates Scheme
 - Tier 4 – having successfully obtained a UK recognized Bachelor or Masters degree, a PGCE or have completed a minimum of 12 months towards a UK PHD.

How to Complete a Labour Market Test:

1. The job vacancy must be advertised for 28 days. This can be a continuous period of 28 days or advertising in two stages, each stage for a minimum of 7 days but combined amount to 28 days.

2. The job vacancy must be advertised on the Job Centre Plus Universal Job Match
3. The job vacancy must also be advertised in one of the following:
 - a National newspaper (published once a week across the UK) or their online version
 - a professional journal (published once a month and relevant to the job) or their online version
4. The job vacancy must be written in English and the advertisement must contain:
 - the job title
 - the main duties and responsibilities of the job (job description)
 - the location of the job
 - an indication of the salary package or salary range or terms on offer.
 - skills, qualifications and experience needed
 - the closing date for applications

Sponsors can use recruitment agencies to help with their recruitment. We can recruit on your behalf but the recruitment exercise must meet the requirements of the labour market test and the sponsor is held responsible for this.

Full guidance on UKVI labour market test can be found via this website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/428196/Tier_2_5_Sponsor_Guidance_v_1_1.pdf

INFO FOR TEACHERS – HOW TO APPLY FOR A SPONSORSHIP VISA

A Certificate of Sponsorship is the permission to work in the UK, however, it does not give a teacher the right to enter and remain in the UK. Once a certificate of sponsorship is issued, the teacher must apply for the visa.

Each time a new certificate of sponsorship is issued, the visa needs to be brought in line with it.

If a teacher is outside the UK then they need to apply for an entry clearance visa. A 'leave to remain' visa (Biometric Residence Permit) is issued when they arrive.

If a teacher is in the UK then they need to update their visa/Biometric Residence Permit in line with their new certificate of sponsorship.

Applying for a sponsorship (Tier 2) visa inside the UK (extending or switching):

Application for a Tier 2 visa in-country can be done online, by post or via a premium service centre.

Generally a decision will be made within 8 weeks for online and postal applications or on the same day via the premium service.

Dependants: In the eyes of the UK Border Agency a dependant is your husband, wife, civil partner or eligible partner and children under the age of 18. Dependants must have their own visa in their own passports and their visa/leave to remain stamp must be updated with yours.

How to apply: <https://www.gov.uk/tier-2-general/extend-your-visa>

Visa Fees: <https://www.gov.uk/visa-fees>

Applying for a sponsorship (Tier 2) visa from outside the UK:

Application for a Tier 2 visa (entry clearance) can be done online and most countries offer an online service.

The application process involves an application form being submitted and an appointment at a local visa application centre so that biometric information can be taken (fingerprints & photograph).

Dependants: In the eyes of the UK Border Agency a dependant is your husband, wife, civil partner or eligible partner and children under the age of 18. Dependants must have their own visa in their own passports to enter the UK; they cannot travel on the visa in yours.

Eligibility to Apply:

A visa application on the basis of sponsorship is granted according to a points based system and you must score 70 points to qualify. To score 70 points you must be able to prove the following:

- Attributes:
 - that you have a Certificate of Sponsorship. For this you will need your reference number. (30 points)
 - that the position you have secured will pay you at or above the appropriate rate for the job. (20 points)
- Controls:
 - that you meet the required English standard. (10 points)
If you are a National from one of the following countries then your passport will prove this:
Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Christopher (Kitts) and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the United States of America.

If the country you are a National of did not feature in the list then you need to provide evidence of an English Language test or that you took a degree which was taught in English
 - that you have sufficient funds to support yourself financially. You must provide evidence that you have personal savings to the amount of £945 (plus £630 per dependant) for a consecutive 90 day period dated no more than 31 days prior to the date of application. (10 points)

The requirement of these funds can be negated if your sponsor agrees to certify maintenance when issuing your certificate of sponsorship. However this does not mean they will financially support you.

How to apply: <https://www.visa4uk.fco.gov.uk/home/welcome>

Visa Fees: <https://www.gov.uk/visa-fees>

Visa processing times: <https://www.gov.uk/visa-processing-times>