

Guidance Notes for Line Managers on their reporting responsibilities associated with the employment of non EEA and Swiss Nationals

1. Introduction

- 1.1 In order to continue to recruit non EEA and Swiss nationals the University is now required to sponsor such workers and had to apply and satisfy certain criteria as set out by the UK Visas & Immigration in order to be approved as a sponsor by the UK Visas & Immigration.
- 1.2 In order to maintain our licence to sponsor non EEA and Swiss nationals the UK Visas & Immigration places a number of reporting duties on the University as an employer. You as a Line Manager of a non EEA or Swiss national are required to assist in the implementation of number of these reporting duties.
- 1.3 These guidance notes have been prepared to assist Line Managers in implementing their responsibilities following changes to the employment of non EEA or Swiss nationals, as a consequence from the introduction of the Points Based System (Tier 2) by the UK Visas & Immigration, which replaces the issue of work permits for non EEA and Swiss nationals.

2. Reporting duties of the University as a sponsor

- 2.1 The reporting duties of the University as a sponsor include:
 - The University, as a sponsor **must** report to the UK Visas & Immigration within 10 working days if a sponsored migrant fails to appear on the first day of employment, and if known, provide reasons for why the migrant did not take up their post.
 - If the migrant is absent from work for **more** than 10 working days **without the manager's permission**; this must be reported to the UK Visas & Immigration within 10 working days of the date of the original absenteeism.
 - On cessation of sponsorship e.g. due to dismissal or resignation, the University, as sponsor, must report this to the UK Visa & Immigration within 10 working days and should where possible provide details of the new employer.

3. Reporting duties of the Line Manager

- 3.1 The direct reporting to the UK Visa & Immigration, on behalf of the University, will be conducted by Human Resources; however you as the Line Manager **will be required to report to your nominated HR Business Partner** for staff within your area as follows:
 - If a new appointment does not take up their post on the agreed date, and if known, the reason why they have failed to take up the post offered – no later than 6 working days following their expected date of appointment.

- If an employee is absent from work, occasions of annual leave or attendance at conferences or courses are not required to be reported as they will have been agreed by you as their line manager – however absences caused e.g. by sickness or unauthorised absences must be reported **immediately** to Human Resources and **no later than 6 working days** following their first date of absence.

- **If a migrant member of staff is absent from work from work without your approval you should contact the nominated HR Business Partner for your area immediately and the following procedure should be activated:**
 - You as the line manager should attempt to make contact with the migrant member of staff via the contact numbers on file they have provided. (If contact is made and an explanation provided no further action will be taken unless the migrant states that they do not intend to return to work, in which case the University – via Human Resources – will notify the UK Visas & Immigration within 10 working days)
 - If no contact is made using the contact telephone numbers provided by the migrant member of staff you will arrange a house visit to be carried out either on the first day or at some point on the following day. (If contact is made and an explanation provided no further action will be taken unless the migrant states that they do not intend to return to work, in which case the University – via Human Resources – will notify the UK Visas & Immigration within 10 working days)
 - If no contact is made you will arrange to write to the migrant member of staff at the address held on file. (If contact is made within 5 working days and an explanation provided no further action will be taken unless the migrant states that they do not intend to return to work, in which case the University – via Human Resources – will notify the UK Visas & Immigration within 10 working days.)
 - If the migrant member of staff has not been contacted successfully following the above process – the University – via Human Resources – will ensure that the UK Visas & Immigration is notified within 10 working days of the original absenteeism.

- If an employee resigns from their post, a copy of their resignation letter must be forwarded **immediately** to Human Resources and **no later than 6 working days** following receipt of their letter of resignation.

It is essential that you notify HR immediately of any changes. You should note that failure to report any such changes may jeopardise the University's license to employ non EEA nationals.

4. Maintenance of Staff Contact Details

- 4.1 As a condition of our sponsor licence the University is required to maintain up to date contact details for all migrant workers – which include changes of address, change of telephone or mobile numbers.
- 4.2 As a Line Manager should you become aware a member of your staff has moved accommodation, changed their home telephone number or mobile phone number, you are required to remind them they must report this change, in their personal contact details **in writing** within 6 working days of any changes in their contact details by completing the 'Change of Personal Contact Details' proforma which is available on the HR website <http://www.ulster.ac.uk/hr/Forms/ContactDetailChange.doc> and forwarding to Human Resources in order to maintain up to date our records of staff contact details should these be required by the UK Visas & Immigration.

You should be aware that UK Visas & Immigration officials can arrive on campus at any time and we as an employer must be in a position to locate that individual. It is therefore essential that the University has accurate contact details.

Source: Home Office Guidance for sponsor applications Tier 2 & Tier 5 of the Points Based System – Sponsorship Guidance (2008)