



Tier 2 (General) Immigration Category

– Departmental responsibilities for migrant workers

The UK Government has introduced a 'points based system', in order to allow migrants to enter the UK under one of five tiers. The system has been introduced to streamline the number of entry routes into the UK from eighty categories to five tiers.

The five Tiers are:

Tier 1 – Highly Skilled Migrant Workers

Tier 2 – Migrant Workers with a job offer

Tier 3 – low skilled workers (currently suspended)

Tier 4 – Students

Tier 5 – Youth mobility and temporary workers

Migrants who enter the UK under the Tier 2 category must have a job offer from a UK employer which is licensed as a sponsor. The sponsorship licence is granted subject to a number of conditions. The School is a registered sponsor with the UK Border Agency.

At the appointment stage, HR will advise departments if the successful candidate(s) require permission to work in the UK. HR will liaise with the candidate to discuss whether she/he should apply for permission to work in the UK under the Tier 1 category or Tier 2 category. The Tier 1 category replaces the former Highly Skilled Migrant Programme and the Tier 2 category replaces the Work Permit Holder category.

HR will advise departments which category the successful candidate(s) should apply under.

The School has an obligation to monitor all School employees who work at the School under the Tier 2 immigration category. Under the new system, the onus is on the employer rather than the UK Government to ensure that all workers under the Tier 2 category abide by the conditions of the Tier 2 category.

Departments should:

1. Ensure that vacancies are advertised for the appropriate number of weeks and in an appropriate publication in order to satisfy the 'Labour Market Test' which is now part of the new system (HR can advise on this).
2. Ensure that there are full and complete notes on the reasons for shortlisting and not shortlisting all applicants and candidates
3. Inform the Human Resources Division (**HR.Pay.Info@lse.ac.uk**) **immediately** if a migrant worker under the Tier 2 (General) category fails to attend work on their first date of employment, as expected.
4. Maintain a **weekly** attendance record of the attendance of all migrant workers in the department under the Tier 2 category. This should be kept in the form of a spreadsheet and sent to **HR.Pay.Info@lse.ac.uk** on a **weekly basis**.

An example of a record could be:

For week commencing 16 February 2009, Dr J Smith was absent from work on 20 February 2009 due to annual leave.

The record should show the name(s) of the migrant workers and the dates at which they were confirmed to attend work. Should any migrant worker be absent from work, such as on annual leave, on sabbatical leave, conducting jury service etc, the dates of which they are absent and the reason for the absence should be recorded.

5. Inform the Human Resources Division **immediately** if a migrant worker is absent from work which has not been authorised. Any unauthorised absence should be reported to the Human Resources Division immediately, by email to **b.hancock@lse.ac.uk**

The School has **10 working days** to report any unauthorised absence to the UK Border Agency. Any sponsor who is found to be in breach of its sponsorship obligations risks losing its licence which will mean that it is no longer able to recruit migrant workers.

Please refer to the 'Attendance Policy' (on HR Website) for a list of all permitted absences under the School policies and for further information on monitoring Tier 2 migrant workers.

Recruitment, HR
February 2009