

UNIVERSITY OF ABERDEEN

POLICY ON EMPLOYMENT OF OVERSEAS NATIONALS

1 UKBA IMMIGRATION REGULATIONS: PREVENTION OF ILLEGAL WORKING

UK immigration law requires employers of non-EU staff to register and obtain a sponsor licence which in turn enables the employer to issue certificates of sponsorship in support of visa applications for overseas nationals. The University is a registered UKBA licence holder and, as such, is responsible for preventing illegal migrants working at the University. This responsibility is governed by the Immigration, Asylum and Nationality Act 2006 which came into force on 29 February 2008.

1.1 Before appointment

To comply with the terms of our UKBA licence, we are required to be satisfied of the entitlement of prospective employees to work in the UK prior to any employment being undertaken. By conducting the following checks on all prospective employees we will fulfil our responsibilities as a licence holder:-

1. Before appointment a prospective employee will be required to provide one of the original documents in List A or two of the original documents specified in List B (detailed in appendix 1)
2. We will must check the following information when presented with these original documents:
 - Photographs are consistent with the appearance of the individual
 - Dates of birth are consistent with the application forms and that they correspond with the individual's appearance
 - The expiry dates of the documents and/or the limited leave to enter or remain in the UK will remain valid throughout the course of the employment.
 - The UK Government endorsements to ensure that they allow the individual to work in the UK
 - as far as can be determined the documents are genuine and have not been tampered with.
3. We will keep a copy of the documents provided for the duration of the individual's employment and 2 years after their employment has ceased. For passports the front cover of the passport along with the personal details page and any page with a UK Government endorsement or stamp will be retained. These documents shall be retained within the individual's personal file held centrally in the Human Resources Office.

At the time of interview all candidates will be asked to provide these documents for copying.

An individual will be prohibited from not commencing in post until these documents have been received.

1.2 Ongoing checks

Where an individual presents a document on List B, we will conduct repeat checks every 12 months and record the date of these checks. Repeat checks will be conducted on an annual basis in November/December.

To ensure that individuals who are working in the UK on a UKBA Immigration document have the appropriate documentation and leave to remain in the UK at all times, the HR office will record the immigration document number and expiry date within the Northgate HR database. This will enable regular reports to be run to identify individuals whose documentation is due to expire. Where a leave to remain document is identified as being due to expire the relevant HR Adviser will contact the member of staff to arrange to meet with them to discuss whether an extension to their visa is required and thereafter guide them through the appropriate procedure and paperwork.

2 EMPLOYEES CONTACT DETAILS

We are required to demonstrate that up to date contact details for all our migrant employees are held and easily accessible. In this connection, we are required to hold historical address and contact details for all migrant employees.

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It is an explicit contractual requirement of all employees to inform their Line Manager or their HR Adviser of any change to their contact details.

Developments are ongoing to enable a self-service mechanism for staff to update their personal records with any changes to their home addresses and telephone numbers. Until such a process is available staff are reminded of the importance of updating these details through their local HR office.

3 ADVERTISING OF POSTS

We follow the Codes of Practices released by UKBA in relation to recruitment practices. The UKBA regulations require every vacancy for which the qualification required to undertake the post is at NVQ Level 3 or above to be advertised in the Job Centre for a minimum period (as stipulated in the most recent Code of Practice) in addition to the standard advertising media. Information on the requirements of advertising a vacancy is available from the HR Office.

We keep records of all applicants (both EEA and non-EEA nationals) for posts in which the successful applicant requires a Certificate of Sponsorship. These records will be retained for the duration of the employment of the overseas national and will also include the reasons underpinning the recruitment decision which was taken.

4 PROFESSIONAL ACCREDITATION

For individuals who are employed within posts which require evidence of Professional Accreditation e.g. General Medical Council, General Dental Council, General Teaching Council, we are required to demonstrate that a record is kept of an individual's accreditation and that checks to ensure ongoing registration are carried out on an annual basis. The HR Section will continue to check the accreditation of affected staff at the time of their appointment and record their registration number and expiry dates on the Northgate database.

5 MANAGEMENT OF STAFF ATTENDANCE

The new regulations require us to monitor the attendance of those who require a Certificate of Sponsorship to work in the UK. We are required to notify the UKBA of instances where individuals fail to report for their first day at work, or have a period of 10 days or more unauthorised absence. Therefore, we must be able to identify the attendance of any of our staff on any given working day.

To assist with this, the following principles will apply in relation to staff attendance:

- Where Outlook calendaring facilities are provided, it is expected that staff will maintain their diary for the purposes of recording work commitments.
- All members of staff are required to advise their Line Manager or Head of School as appropriate of any absence (planned or unplanned) from work.
- For those members of staff who do not require access to IT facilities to carry out their role, all unexpected absences from work must be reported to their Line Manager as soon as possible on the first day of absence.
- All members of staff are required to report all absences from work due to illness in line with the procedures contained within the University's Sickness Absence Policy.