

Appointing Visitors from Overseas: UKVI and Identity Check Considerations

Overview:

Unless a visiting academic who is a non-UK/Irish national has an existing UK Visa/Right to Work in the UK (e.g. Settled Status under the EU Settlement Scheme), they will either need to obtain a Visa to come to the UK, or at least establish at the border that they will be undertaking an academic visit.

This individual will therefore need extra support when being appointed and further considerations need to be taken when undertaking ID checks. The HR Compliance team will support you through this process and they can be contacted at the following address: hrcompliance@sussex.ac.uk

Please refer to the process / guidance in this document when appointing and ID checking a visitor who is a non-UK/Irish national. The flow chart on page 3 is the go-to guide you can refer to regularly, while the information on page 4 provides more in-depth information on the available visa types for Visitors.

February 2022 Updates:

- ATAS: Some visitors coming from overseas may require ATAS (Academic Technology Approval Scheme) clearance before carrying out research at the University. ATAS has been required for certain international students for a long time, however in May 2021 it became a requirement for some sponsored or visiting researchers (including staff and visitors).

If ATAS applies, clearance needs to be obtained before any research takes place. The flow chart on page 3 has been amended to include ATAS considerations, and information on page 2 will explain when ATAS may apply.

- Remote visits: some visits may take place completely remotely from an individual's home country. In these cases, the ID check doesn't need to take place on a Visa – however please make it explicitly clear in the Visitor letter that the visit is completely remote and they will not be coming to the UK.

Guidance contents:

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1. Appointing Non-UK/Irish Visitors: Process Flowchart introductory notes

Please read before looking at the flow chart or the following questions may not make sense:

“Is individual a Visa National or a Non-Visa National?”

To establish if someone is a Visa National or a Non-Visa National please see if their nationality is listed on the [Visa National list](#). If they are not listed, they are a Non-Visa National.

Visa nationals require a visa before coming to the UK (for any period of time)

“Could ATAS clearance be required?”

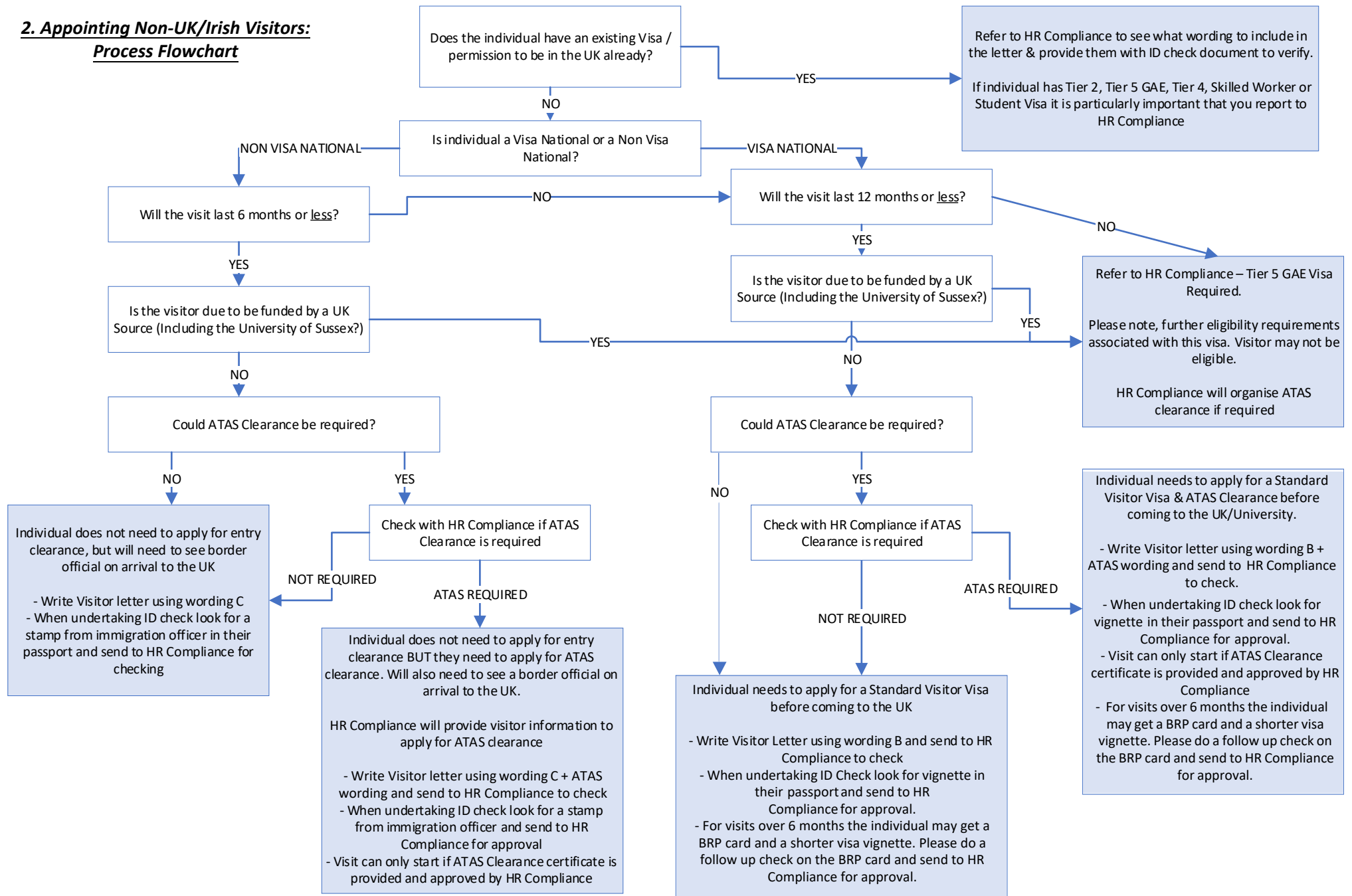
ATAS may apply to visitors undertaking research in “sensitive” subjects (mainly STEM fields) who are not exempt nationals.

If YES is the answer to the following questions then it may be required:

- Are they undertaking some form of research in the following School/Department: Engineering & Informatics, Life Sciences, MPS, BSMS, ITS or Global Studies (Physical/Scientific Geography only)
- Are they NOT on the [list of individuals exempt from ATAS](#)

Non-visa nationals & those exempt from ATAS tend to overlap, but not completely (there are around 40 or so countries whose nationals don't need a visa before coming to the UK, but do need ATAS clearance).

2. Appointing Non-UK/Irish Visitors:
Process Flowchart



3. Information for Visitors from outside the UK/Ireland:

If a visiting academic who is a non-UK/Irish national does not have an existing UK Visa/Right to Work in the UK they will either need to obtain a Visa to come to the UK, or establish at the border that they will be undertaking an academic visit. The route they are required to take is dependent on their length of stay and nationality.

It is imperative that Visitors do not enter the UK as tourists.

Visits up to 6 months

Visa nationals:

Individuals whose nationalities are listed on the [Visa National list](#) require entry clearance before travelling to the UK as a Visitor.

They will therefore need to apply for a [Standard Visitor Visa](#) (see below: Visits of 6 -12 Months)

Non-Visa nationals:

Individuals whose nationalities are not listed on the Visa National list do not require entry clearance before travelling to the UK as a Visitor, however they will need to speak to an immigration officer at the border and specify that they are visiting for the purposes of an academic visit.

They may be asked to prove the following at the border:

- That they're eligible for the activities they want to do
- That they've arranged accommodation for their stay
- That they'll leave at the end of the visit
- That they're able to support themselves and dependents during the trip (or have funding from someone else)

EU nationals plus nationals from Australia, Canada, Iceland, Japan, Liechtenstein, New Zealand, Norway, Singapore, South Korea, Switzerland or the USA are eligible to use ePassport Gates (eGates), however these must not be used as it will grant them tourist status. They must instead see a border officer.

Visits of 6 – 12 Months: Standard Visitor Visa

Anyone coming to the UK for longer than 6 months will need to obtain entry clearance before travelling, therefore non-visa nationals visiting for longer will need to apply for a Standard Visit Visa

Visit visas usually only last 6 months, however there is a concession within the Standard Visitor Visa allowing academics to visit the UK for *12 months* to undertake certain academic activities.

To apply for a Standard Visitor Visa for the purposes of an academic visit, the visitor must fulfil the following criteria:

- They are highly qualified within their field of expertise (usually with a PhD or higher)
- They are currently working in that field of expertise at an academic institution overseas
- Are visiting to either: take part in a formal exchange with a UK counterpart OR carry out their own research
- Not be filling a permanent teaching post

Academics on Standard Visitor Visa's must also:

- not receive funding for their work from any United Kingdom source (payments of expenses or reasonable honoraria 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 normal post or a genuine vacancy
- not stay in the UK for more than 12 months
- not intend to take employment in the UK
- intend to leave the UK at the end of their visit
- be able to maintain themselves and any dependants without 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.

Visits of 12+ Months: Sponsored Researchers – Tier 5 Government Authorised Exchange (GAE) Visa

This route is appropriate for academic visits over 12 months / visits which do not meet the above criteria for the Standard Visitor Visa (i.e. if they are due to be funded from a UK source / may undertake paid work).

This Visa is suited for those coming to the UK to lead or to take part in a formal research project. The University will need to sponsor them and issue a Certificate of Sponsorship.

Visitors wishing to obtain a Tier 5 GAE Visa must not be self-funded, they will either need to be funded by their own institution, the University of Sussex or an external organisation.

Further criteria will also need to be met so please refer to HR Compliance.

Further information on this can be found in the following webpages:

<https://www.gov.uk/standard-visitor>

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor>

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-permitted-activities>

4. Visitor Visa Examples

VISA VIGNETTE



This is a common example of an Academic Visa Vignette – it has been issued for 6 months to a visa national.

You may instead be presented with something more limited for a non-visa national undertaking a short visit e.g. a physical stamp and handwritten note from an immigration officer.

BRP CARD



For visits over 6 months the individual may be initially get a visa vignette which isn't long enough, and then pick up a BRP card while in the UK. Please ensure you check BOTH (checking the BRP before the visa vignette expires). Send both to HR Compliance for approval.

5. Extending Non-UK/Irish Visitors

Existing (non-visit) Visa / Permission to be in the UK already

- Check expiry date on Visa.
- If extended visit exceeds expiry date refer to HR Compliance. If not, issue extension letter.

Please note, Indefinite Leave to Remain Visas & Confirmation of Settled Status under the EU Settlement Scheme do not expire. Pre-Settled status under the EU Settlement Scheme does expire.

Visa or Non-Visa National extending stay:

Applicable to people who obtained a Standard Visitor visa prior to travelling & and non-visa nationals who obtained stamp in passport from border official at airport.

- Refer to HR Compliance who will advise & assist with extension letter
- Please note, if **total** length of visit (look at date on first visitor letter) exceeds 12 months then the individual will not be able to extend their visit visa or switch to a new immigration category within the UK. The visit cannot be extended.

Tier 5 GAE Visa Holder extending stay:

- Refer to HR Compliance
- A new Certificate of Sponsorship will be required (issued by HR Compliance)
- HR Compliance will assist with extension letter
- Tier 5 GAE can be extended up to a maximum of 24 months