

FREQUENTLY ASKED QUESTIONS (NON-EEA)

I will have the five years qualification for Indefinite Leave to Remain (ILTR) before my dependant partner. What happens?

They can stay on their Points Based System (PBS) visa until it expires. If they still haven't got the five years qualifying residence in the UK, you can apply for an extension for up to 2½ years.

My partner and I both have Tier 2 visas but his will expire shortly and he will switch to a dependent visa. How will this affect his application for ILTR?

The period he has spent in the UK on the Tier 2 visa and as your dependant can be amalgamated in an application for ILR. However, as a dependant he cannot qualify in isolation so you must be either applying for ILR at the same time or already hold this before he can make an application.

The minimum salary requirement for ILTR is £35,000 and I don't earn this much. Will my application be rejected?

Jobs which are deemed to be of a PhD level are exempt from this requirement. All research (research associate and above) and lecturing roles at the University are recognised as PhD level and therefore exempt from this requirement.

My Biometric Resident Permit (BRP) that I received for my ILTR visa has an expiry date of 10 years. Does this mean I lose my ILTR status after this date?

No, simply that the BRP itself needs to be renewed. You should complete form NTL which is straightforward and the extension process is reasonably quick.

Is there a limit to the time I can work in the UK on a Tier 2 visa?

Yes there is a time limit of five years, after which you would need to have a different visa status such as ILTR.

Will my step children be recognised as my dependants?

This is a complex issue which requires your relationship to them to be recognised in both your own country and subsequently by UK Visas and Immigration here. You may need to seek specialised immigration advice on this matter.

I have a permanent administrative job which I started when I was a Tier 4 holder's dependant. When they finish their studies will the University be able to offer me sponsorship?

In general the University is unable to offer sponsorship for roles other than research and lecturing posts, unless it is a highly specialised technical or professional role. Even if possible, the University would still need to meet the UKVI requirements such as advertising the post to satisfy the resident labour market test. You should consult with HR as to regards your situation.

If my Tier 2 visa has expired but I have been offered another job in the UK, will I be able to get another Certificate of Sponsorship?

If your Tier 2 visa expires, you may be subject to a one year cooling off period before you will be able to obtain another Certificate of Sponsorship within Tier 2 to work in the UK. If you left the UK before the expiry of your visa and can demonstrate the date that you left e.g. plane ticket, the UKVI will count that period as being within the twelve months from the date you physically left the UK.

If my Tier 2 visa has not expired but I am offered a job by another UK employer, will I be able to get another Certificate of Sponsorship?

Yes, as long as your current Tier 2 visa has not expired, your future employer is a licenced sponsor and the new role meets the UKVI requirements, you should be able to get another Tier 2 visa without leaving the country or entering a cooling off period.

I am currently a Research Associate at the University and have been offered a Lecturer post, can I continue on my current Tier 2 visa?

No, the standard occupation code (SOC) for these roles are different and therefore the UKVI would view this as a change of employment. However, if the usual requirements for sponsorship have been carried out e.g. externally advertising the role to the resident labour market, the University should be able to issue you with a certificate of sponsorship for your new role.

My partner and I are not married; can they still get a dependant's visa?

Yes, if you can demonstrate that you have been living together for at least two years in a relationship that the UKVI defines as "akin to marriage" and are continuing to live together in the UK. You will be expected to provide at least six original documents, issued to you over the course of the two years, as evidence that you have lived together during this period.

When should I apply for the extension to my Tier 2 visa?

You need to ensure that you either renew or switch visa type before your current visa ends. The University cannot apply for a new Certificate of Sponsorship more than three months before the end of the existing one and until you have been offered an extension to your existing role if you are on a fixed term contract. Once you have the Certificate of Sponsorship you must make your application before your leave to remain expires.

I need to go to a conference abroad around the time of my Tier 2 visa expiring and I don't want to be without my passport for months. Can I get the UKVI to fast track my application?

Apart from the standard applications, the UKVI offers a premium service where you go in person to a service centre to make your visa extension. Most application decisions are made on the same day and you do not need to send off your passport. In no circumstances should you be out of the country when your Tier 2 visa expires; you may not be allowed to return to the UK and, in some circumstances, could be required to spend a twelve month "cooling off" period before making any further Tier 2 applications.

What do I do if I was sponsored by my government to do my PhD in the UK and now I have been offered a job and want to switch from my Tier 4 student visa to a Tier 2 visa?

You will generally need permission from your home government with a formal document confirming that they have no objection to you taking up a sponsored job in the UK.

I was on a Tier 2 visa but I have now been granted ILTR. Do I need to do anything?

You should contact HR Services as they need to inform UKVI that you have changed your immigration status and they are no longer sponsoring you.