

## Visa and Immigration Costs Assistance Policy

From: Human Resources

Date: June 2023

### POLICY INTENT

The visa costs assistance policy is designed to:

- Set out the assistance the University will provide to new and existing employees in relation to visa application fees and associated costs, where the employee and/or their dependent(s) requires a visa or other form of immigration permission to work for the University.
- Set out the eligibility requirements and process for accessing this assistance.
- Ensure fairness and consistency across the University in the assistance provided.

### LEGISLATION

- The University is legally required only to employ those with a valid permission to work in the UK. There is no legislation that requires the University to provide assistance with visa application fees and associated costs. However, where the University does provide assistance (as set out in the following policy), it must comply with the relevant HMRC tax and reporting rules, which may change from time to time. The University reserves the right to modify this policy and/or the accompanying process to remain compliant.

### SCOPE

This policy applies to employees who require a visa or other form of immigration permission to work for the University. Certain provisions also apply to employees who have dependents that require a visa or other form of immigration permission to accompany the employee to live in the UK, even if the employee themselves does not require a visa or other form of immigration permission to work for the University. Full eligibility requirements are stated within the policy wording.

This policy does not apply to workers, self-employed contractors, or postgraduate students engaged through UniWorkforce as demonstrators.

This policy is non-contractual.

### UNIVERSITY POLICY

## 1. Visa and Immigration Costs Assistance Principles

- 1.1 The ability to attract, successfully recruit and retain talented individuals from a global market is important to the achievement of our University Strategy. The University therefore provides assistance with the costs incurred in making visa and immigration applications where this is a requirement of working for the University.
- 1.2 Assistance is provided through reimbursement of eligible costs incurred (see section 4 of this policy) and/or through provision of an interest-free loan (see section 5 of this policy). These provisions may be combined to provide an overall package of assistance (e.g., reimbursement of an employee's visa application fees and associated costs, plus an interest-free loan to assist with dependents' visa application fees and associated costs).
- 1.3 The University cannot pay directly for visa and/or immigration applications or associated costs.
- 1.4 Where assistance amounts to a taxable benefit, the employee (not the University) is liable for the applicable tax and National Insurance.

- 1.5 Visas for business travel are a separate matter not within the scope of this policy. (Please refer to the University's Travel and Expenses policies).

## 2. Data Protection Principles

- 2.1 The University will process any personal data relating to this policy in compliance with any relevant data protection legislation in force at the time.
- 2.2 Further information on Data Protection and the Employee Privacy Notice can be found on the [University Website](#).

## 3. Equality Principles

- 3.1 The University is committed to advancing an inclusive university community by promoting equality, diversity, and inclusion (EDI). The University is committed to eliminating discrimination against any individual on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, as well as embedding the principles of EDI into all areas of work within the University.
- 3.2 The University is committed to ensuring that all staff are treated with dignity and respect. Staff must see it as their responsibility to maintain an inclusive culture based on respect, compassion, and curiosity.

## 4. Visa Reimbursement

### 4.1 Eligibility for visa reimbursement

- 4.1.1 The visa reimbursement provisions of this policy apply to new employees commencing employment with the University on Skilled Worker, Global Talent, UK Ancestry, British National (Overseas) and Graduate visas, and to existing employees extending or renewing their visa (which may include switching from other types of visa).
- 4.1.2 For new employees, reimbursement can only be made once employment has commenced. However, the process of application and approval for reimbursement may be completed pre-employment.

### 4.2 Visa reimbursement

- 4.2.1 The University will reimburse Skilled Worker, Global Talent, UK Ancestry, British National (Overseas) and Graduate visa application fees, as applicable, for:
  - a) New employees who are offered, accept and commence employment with the University; and
  - b) Existing employees who are extending or renewing their visa.
- 4.2.2 Where a new or existing employee is eligible for reimbursement of their visa application fee (as set out in 4.2.1) reimbursement is limited to the applicable standard visa application fee as set out from time to time by the UK Government.
- 4.2.3 Where a new or existing employee is eligible for reimbursement of their visa application fee (as set out in 4.2.1) the University will also reimburse the following associated costs:
  - a) Half of the Immigration Health Surcharge payable in connection with the visa application.
  - b) The costs of a Secure English language Test (SELT) and/or obtaining confirmation that a qualification meets the English Language requirement from Ecctis (UK Visas and Nationality Service), if these are required as part of the visa application, subject to an overall limit of £250 per employee per application.
  - c) The fee for providing biometric information if a separate fee is payable for this as part of the visa application, subject to a limit of £25 per employee per application.

### 4.3 Exclusions from visa reimbursement

- 4.3.1 The University will not reimburse:
  - a) The costs of unsuccessful visa applications.
  - b) Visa application fees or associated costs for visa types other than Skilled Worker, Global Talent, UK Ancestry, British National (Overseas) and Graduate visas.
  - c) Visa application fees or associated costs for any non-employees (including visitors or UniWorkforce workers)

- d) Visa application fees or associated costs for the dependents of new or existing employees.
  - e) The costs of applications for settlement (also called ‘indefinite leave to remain’), citizenship and/or naturalization.
- 4.3.2 In some situations where reimbursement is unavailable, assistance may instead be available through an Interest-free Loan for Visa and Immigration Costs (see section 5 of this policy).
- 4.4 Priority or expedited visa processing fees**
- 4.4.1 The University will not reimburse the costs of any priority or expedited visa processing services except where, in exceptional circumstances, the University has expressly required an employee or prospective employee to apply via a priority or expedited service.
- 4.4.2 Where the University has expressly required an employee or prospective employee to apply via a priority or expedited service, written authorisation must have been provided by the Head of School (or an equivalent senior member of staff) prior to submission of the visa application, and evidence of this authorisation will be required when submitting a claim for reimbursement.
- 4.5 Foreign currencies**
- 4.5.1 Where reimbursable fees and/or associated costs have been paid in a currency other than GBP, reimbursement will be made in GBP based on the exchange rate on the day the visa application was submitted.
- 4.5.2 Exchange rate information will be sourced by the University from the Bank of England or another reputable source of exchange rate information when processing a claim for reimbursement. The reimbursement claim limits set out in this policy still apply.
- 4.6 Tax on reimbursements**
- 4.6.1 Where the reimbursement of visa application fees and associated costs amounts to a taxable benefit, as determined by prevailing HMRC rules, the employee is liable for the applicable tax and National Insurance.
- 4.6.2 The ‘Request for Visa Reimbursement’ application form includes questions to establish whether or not reimbursement is a taxable benefit.
- 4.6.3 Where it is determined that reimbursement is a taxable benefit, the applicable tax and National Insurance will be deducted at source and the employee will receive the net reimbursement.
- 4.7 Claiming reimbursement**
- 4.7.1 Claims for reimbursement are made using a ‘Request for Visa Reimbursement’ application form.
- 4.7.2 Claims for visa reimbursement must be received by the University payroll team within six months of the relevant right to work check taking place.
- 4.7.3 Reimbursement will normally be made with salary on the last working day of a month. New employees must have started employment, opened a UK bank account and provided their bank details to the University before reimbursement can be made.
- 4.8 Recovery of reimbursements**
- 4.8.1 If an employee chooses to leave the University with more than six months of their visa remaining and (if employed on a fixed-term contract) with more than six months of their fixed-term contract remaining, they will be liable to repay to the University a proportionate amount of the reimbursement received, based on the number of months remaining on the visa (e.g., if an employee chooses to leave with 18 months of a 3 year visa remaining, they will be liable to repay 50% of the reimbursement received).
- 4.8.2 Repayment will be made direct from the employee’s remaining salary payment(s). If, for whatever reason, it is not possible to recover this amount from the employee’s remaining salary payment(s), the University will seek recovery by invoice and reserves the right to charge interest on any unrecovered sum after the employment relationship has ended.

## **5. Interest-Free Loan for Visa and Immigration Costs**

- 5.1 Eligibility for an interest-free loan for visa and immigration costs**
- 5.1.1 The interest-free loan provisions of this policy apply to:
- a) New or existing employees who require a visa or other form of immigration permission to work for the University.

- b) New or existing employees who have dependents that require a visa or other form of immigration permission to accompany the employee to live in the UK, even if the employee themselves does not require a visa or other form of immigration permission to work for the University.
  - c) Existing employees with at least two years' service who are making applications for settlement (also called 'indefinite leave to remain'), citizenship and/or naturalization for themselves.
- 5.1.2 For new employees, an interest-free loan will normally only be paid once employment has commenced, although the process of application and approval may take place pre-employment.
- 5.1.3 By exception, an interest-free loan may be paid to a new employee pre-employment, if all of the following apply:
- a) A conditional offer of employment is in place and, where required, an ATAS certificate has been obtained.
  - b) There is a clear and demonstrated need (i.e., the prospective employee would be unable to make their visa application without the assistance of a loan).
  - c) The University is able to make the payment (for context, a pre-employment loan will usually require payment into a non-UK bank account and/or currency conversion; such international transactions are not always possible, and can sometimes result in significant costs and time delays, which may not be desirable).
  - d) Authorisation has been provided by the Head of School (or an equivalent senior member of staff) accepting the additional risk inherent in issuing a loan before employment has commenced.
- 5.1.4 The University's ability to provide interest-free loans is reliant on an HMRC exemption on loans paid to employees or prospective employees. If the HMRC exemption is changed or removed, the University reserves the right to amend or withdraw this policy provision accordingly.
- 5.1.5 The University reserves the right to grant or not grant an interest-free loan at its entire discretion.
- 5.2 Allowable costs**
- 5.2.1 An interest-free loan may be sought to assist with the following costs (see also 5.3.3):
- a) Visa application fees and associated costs for new and existing employees and/or their dependents.
  - b) Immigration Health Surcharge costs for new and existing employees and/or their dependents.
  - c) The costs of applications for settlement (also called 'indefinite leave to remain'), citizenship and/or naturalization for existing employees with at least two years' service.
- 5.2.2 An interest-free loan will not be provided for:
- a) Meeting the maintenance requirements of a Skilled Worker visa (see our separate Skilled Worker maintenance loan provisions).
  - b) Priority or expedited visa processing services.
  - c) Visa application fees or associated costs for any non-employees (including visitors or UniWorkforce workers), except where they are dependents of an employee.
- 5.3 Value**
- 5.3.1 The maximum possible value of an interest-free loan for visa and immigration costs is £10,000, but a lower limit will apply in the following circumstances, in the interests of affordability, safeguarding of University funds, and regulatory compliance:
- a) Where an employee is on a fixed-term contract, or a contract that is otherwise anticipated to end within three years of the loan being paid. In these circumstances, the maximum value of the loan available will be reduced on a pro-rata basis (e.g., a maximum value of £5,000 would apply to an employee with 18 months of their contract remaining).
  - b) Where the value of the loan would exceed 1/8<sup>th</sup> of the employee's gross salary over the period of repayment (e.g., to qualify for a loan of £10,000, repayable over 24 months, an employee's gross salary must be at least £80,000 over the period of repayment, i.e., £40,000 per year or £3,333 per month).
  - c) Where an employee has other interest-free loans from the University (e.g., a Skilled Worker maintenance loan, an interest-free loan for travel or an interest-free advance of salary). In these

circumstances, the maximum combined value of all interest-free loans paid to the employee may not exceed £10,000.

- 5.3.2 An interest-free loan may only be requested up to the combined value of any allowable costs (see 5.2) incurred by the employee in respect of themselves or their dependents.
- 5.3.3 Loans are limited to the applicable standard visa and immigration application fees as set out from time to time by the UK Government.
- 5.3.4 In general, interest-free loans should not be sought for costs eligible to be reimbursed under our visa reimbursement provisions (see section 4). However, there are circumstances in which this may be appropriate, e.g., when an interest-free loan is paid, by exception, pre-employment.
- 5.3.5 Where an interest-free loan includes costs that are subsequently reimbursed under our visa reimbursement provisions (see section 4) the interest-free loan and its repayments will be adjusted at the appropriate time by the value of any reimbursement made.
- 5.3.6 Where allowable costs are charged in a currency other than GBP, loan values will be converted to GBP on the day the loan is processed for payment. Exchange rate information will be sourced by the University from the Bank of England or another reputable source of exchange rate information when processing a request for an interest-free loan.

#### **5.4 Applying for an interest-free loan for visa and immigration costs**

- 5.4.1 Applications for an interest-free loan for visa and immigration costs are made using an 'Request for Interest-Free Loan for Visa and Immigration Costs' application form.
- 5.4.2 Payment of an interest-free loan for visa and immigration costs will normally be made with salary on the last working day of a month.
- 5.4.3 Where, by exception, an interest-free loan is paid pre-employment, payment timescales will be dependent on the specifics of the case.

#### **5.5 Repayment**

- 5.5.1 By default, an interest-free loan for visa and immigration costs is repayable in equal instalments from net pay over 24 months, or the remaining term of an employee's contract of employment, whichever is shorter.
- 5.5.2 By exception, a shorter or longer repayment period may be agreed with Human Resources. The maximum possible repayment period is 36 months.
- 5.5.3 Repayments begin in the payroll following payment of the interest-free loan.
- 5.5.4 If the recipient of an interest-free loan leaves the University's employment during the period of repayment, for whatever reason, the University will recover any remaining balance direct from the employee's remaining salary payment(s). If, for whatever reason, it is not possible to recover the remaining balance from the employee's remaining salary payment(s), the University will seek recovery by invoice after the employment relationship has ended.
- 5.5.5 If the recipient of an interest-free loan paid pre-employment fails to start employment, for whatever reason, the University will seek immediate recovery of the full loan.
- 5.5.6 The University may use the services of a debt recovery agency to assist it in recovering outstanding loan values.

## **RESPONSIBILITIES**

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### **Human Resources**

- Will review this policy regularly to ensure it meets the University's needs and reflects changes in visa and immigration requirements.
- Will highlight this policy to recruiting managers to ensure awareness of the assistance offered by the University, and that appropriate budgetary provision is made before recruitment commences.
- Will check leaver notifications to establish where recovery of reimbursements or outstanding loan balances may be required.

### **Line Manager**

- Will manage expectations of employees and prospective employees regarding their eligibility for reimbursement and/or an interest-free loan, the process of application and the timing of reimbursement and/or payment of loans.
- Highlight the requirement for repayment if an employee leaves the University within the time limitations set out in this policy.

#### Employee

- Will provide satisfactory evidence of costs claimed, and complete the relevant application form(s) with truthful and accurate information.
- Will submit claims for reimbursement within six months of their right to work checks taking place.
- Agrees to repay a proportionate amount of any reimbursement received if they leave the University within the time limitations set out in this policy.
- Agrees to repay any interest-free loan provided to them under this policy over the repayment period agreed, and in full from any remaining salary payment(s) if leaving the University's employment before the end of the agreed repayment period.

#### Finance and Payroll

- Will ensure that all claims have appropriate supporting evidence and that tax and National Insurance is deducted if required.
- Will arrange for payment and recovery of reimbursements and/or loans, as applicable under this policy.

#### REVIEW

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We will review this policy from time to time to ensure it reflects our legal obligations, best practice, and our needs.

#### VERSION CONTROL

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