



Visitors from non-EEA countries

Guidance on immigration arrangements

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1. Introduction

Immigration arrangements for international visitors to the University can be complex, depend on a number of factors and have restrictions on activities while the visitor is here.

The term “Academic Visitor” has a distinct meaning in an immigration context which may differ from that commonly used in UK HEIs; **the visiting title itself doesn’t determine what type of visa someone needs**. In this guidance, the term is only used in an immigration context. This guidance should be read in conjunction with the [guidance on visiting titles](#).

If you’re planning to invite anyone from overseas to the University, please speak to your [Faculty HR team](#) as early as possible to make sure it all goes smoothly. You can also contact immigration@leeds.ac.uk. If study will be involved in any way, please contact the [International Student Advice Team](#) for advice.

2. Does the person I want to invite need a visa?

UK Visas and Immigration (UKVI) splits the world into three segments:

1) Nationals of the UK and Switzerland, and all EEA countries as listed below:

Austria	Estonia	Ireland	Netherlands	Spain
Belgium	Finland	Italy	Norway	Sweden
Bulgaria	France	Latvia	Poland	
Croatia	Germany	Liechtenstein	Portugal	
Cyprus	Greece	Lithuania	Romania	
Czech Rep	Hungary	Luxembourg	Slovakia	
Denmark	Iceland	Malta	Slovenia	

People from these countries currently don’t need any permission to enter, and work in, the UK.

2) Anyone from the rest of the world who may or may not need a visa to enter the UK depending on the circumstances of their visit (“non-visa nationals”):

Non-visa nationals are people from any country which isn’t listed at appendix 2 to [Appendix V of the Immigration Rules](#). Examples (but not an exhaustive list) of non-visa national countries include:

Argentina	Brunei	Japan	Namibia	USA
Australia	Canada	Macao	New Zealand	
Botswana	Chile	Malaysia	Singapore	
Brazil	Hong Kong	Mexico	South Korea	

3) Anyone from the rest of the world (most of the rest of the world in fact) who needs a visa to enter the UK (“visa nationals”)

The relevant countries are listed at appendix 2 to [Appendix V of the Immigration Rules](#). Anyone from the listed countries needs to have a visa to enter the UK before they travel, whatever the reason.

Non-visa nationals visiting for 6 months or less

If you’re inviting a non-visa national to the UK for 6 months or less, they’ll normally be issued permission to enter the UK in the form of a passport stamp when they arrive in the UK, and don’t need to apply in advance of their trip (though they can, if they wish, as it provides a bit more certainty).

If they don’t apply in advance, they’ll need to have their passport and a letter of invitation from the University. They may also need proof that they can support themselves while they’re here, details of accommodation and

return journey and proof that their visit relates to their expertise, qualifications and main job in their home country (eg a letter from their employer).

Non-visa nationals visiting for more than 6 months

If you're inviting a non-visa national for more than 6 months, they'll always need to get a visa before they travel.

If you and/or your visitor aren't sure whether they'll need a visa, UKVI provides an [online checking service](#), or you can contact immigration@leeds.ac.uk to check.

3. **IMPORTANT:** Is my visitor classed as staff or student?

If you're unsure of whether your visitor should be classed as a student visitor or staff visitor, ask yourself the following questions:

Question	Yes	No
a) Is the visitor a current PhD student at an overseas institution?	Go to question b	They're a staff visitor
b) Is the visitor also a member of staff at their home university?	Go to question c	They're a student visitor
c) Is the visitor coming to the University to work on research for their own PhD?	They're a student visitor	They're a staff visitor

Essentially, your visitor's a student if:

- They're registered on a course overseas and they're coming to the University to carry out activities which will contribute to their studies (they should be registered on a Miscellaneous PhD Programme).
- They may need to pay a [tuition fee](#).

Those who visit as staff may need to pay a bench fee (these are at the discretion of, and determined by, individual schools/research projects) and it's likely that, whatever the reason for the visit, there'll be an element of collaboration at some point. In determining the right visa type, the questions to ask are:

1. **Who's deciding what the visitor should do while they're here, and who'll benefit the most from what they're doing?**

If it's a PI or someone else at the University, then they're likely to need a Tier 5 visa. If the visitor will principally be doing their own research and they're the ones who'll mainly benefit, they're likely to need an academic visitor visa.

2. **What's the main purpose of the visit?**

See the activities in the first column overleaf.

4. **Potential consequences of choosing the wrong visa type**

- A £20,000 fine per illegal migrant
- Downgrading of our Tier 2 and Tier 5 sponsor licences to 'B' rating, meaning we wouldn't be able to sponsor any new migrants
- Removal of our Tier 2 and Tier 5 sponsor licences, meaning all of our sponsored migrants would need to leave the UK immediately
- Repercussions for our Tier 4 licence, affecting international students as b) and c) above would affect staff
- A custodial sentence

Examples of visa types and when to use them are overleaf, followed by the options (including restrictions) in more detail.

Visa types for visitors and when to use them

Activity which is the <u>main purpose</u> of the visit		Visa type required	Maximum length	Visa Conditions	Is a visa needed in advance?
Undertake a lecture/series of lectures, examine students (see below if this is for more than one month)		Permitted Paid Engagement (PPE)	1 month	<ul style="list-style-type: none"> No limitations on payment amount or source (though HR should advise on the appropriate level of payment) Need invitation letter from host department Can't extend or switch to another visa 	<p><u>Visa nationals</u>¹:</p> <ul style="list-style-type: none"> must always have a visa before coming to the UK. <p><u>Non-visa nationals</u>:</p> <ul style="list-style-type: none"> can seek entry at the UK border as: <ul style="list-style-type: none"> PPE Standard visitor include nationals of USA, Canada, Australia, New Zealand, Japan, Brazil, amongst others. must apply in advance: <ul style="list-style-type: none"> for a Tier 5 (GAE) visa where entry as an Academic Visitor is needed for more than 6 months <p>(cont overleaf)</p>
Chair an interview panel					
Attend a meeting, conference or interview		Standard Visitor visa (Business Visitor category)	6 months	<ul style="list-style-type: none"> Can't receive payment from any UK source (except for reasonable expense and subsistence payments) Need invitation letter from host department Can't extend beyond 6 months <u>except</u> Academic Visitors, who can hold a visa for a maximum of 12 months 	
Share knowledge/experience <u>but not conduct research</u>					
Conduct research	Private research for own purposes (ie not as part of a course of study/employment)	Standard Visitor visa (Academic Visitor category)	<ul style="list-style-type: none"> 6 months if sought at UK border 12 months if obtained in advance 	<ul style="list-style-type: none"> Need Tier 5 Certificate of Sponsorship (CoS) Can be funded by anyone but themselves Must be paid at least National Minimum Wage (certain internships/work experience are exempt²) Can't normally be employed by us Role can't be a "genuine vacancy" – must be over and above normal staffing requirements, not automatically refilled once post holder leaves Internships/work experience must be academic (graduate) or research but doesn't necessarily have to be lab-based Can study while researching, but <u>this can't be the primary purpose of the visit</u>, and it can't interfere with the purpose of the engagement as defined on their CoS 	
	Collaborative research (ie collaborating/working with University staff)				
Undertake a series of lectures (but this mustn't amount to a formal teaching post)		Tier 5 (Temporary Worker - Government Authorised Exchange)	2 years		
Examine students					
Carry out work-based training/work experience/internship placement					

¹ Full list can be found [here](#).

² Bear in mind that some people on work experience or internships might not be entitled to the National Minimum Wage due to specific legislative exemptions. Further guidance is available [here](#).

Activity which is the <u>main purpose</u> of the visit	Visa type required	Maximum length	Visa Conditions	Is a visa needed in advance?	
	<p>Where this is <u>in addition to</u> carrying out a researcher role</p>	<p>Tier 5 (Temporary Worker - Government Authorised Exchange)</p>	<ul style="list-style-type: none"> • 2 years 	<ul style="list-style-type: none"> • Need Tier 5 Certificate of Sponsorship (CoS) • Can be funded by anyone but themselves • Must be paid at least National Minimum Wage (certain internships/work experience is exempt) • Can't be employed by us • Can't be a "genuine vacancy" – must be over and above normal staffing requirements, not fulfilled by anyone else if the individual wasn't here, and not automatically refilled once post holder leaves • Can study while researching, but <u>this can't be the primary purpose of the visit</u>, and it can't interfere with the purpose of the engagement as defined on their CoS 	<ul style="list-style-type: none"> • must apply in advance (cont): - for a short term study visa - for a Tier 4 (General) visa
<p>Study</p>	<p>A short period of research</p>	<p>Short term study visa</p>	<ul style="list-style-type: none"> • 6 months • 11 months for those <u>16 or over and doing an English language course</u> only 	<ul style="list-style-type: none"> • Must be already enrolled on an overseas degree course which is equivalent to a UK degree • Can't undertake any paid or unpaid work • Can't receive help from public funds • Can't extend the visa 	
	<p>All instances where studying isn't short term, and is the main purpose of the leave to enter and remain (see SES website for guidance)</p>	<p>Tier 4 (General)</p>	<p>Depends on course length and study already completed</p>	<ul style="list-style-type: none"> • Need Tier 4 Confirmation of Acceptance for Studies (CAS) • Must have an unconditional offer of a place on a course • Can study: <ul style="list-style-type: none"> - full-time leading to a qualification that's at least level 6 on the Ofqual register - part-time leading to a qualification that's at least level 7 on the Ofqual register - an overseas course of degree level study that's equal to a UK higher education course and is being run by an overseas HEI - full-time, with at least 15 hours per week of organised daytime study, leading to a qualification which is at least level 3 on the Ofqual register - a recognised foundation programme as a postgraduate doctor or dentist 	

Activity which is the <u>main purpose</u> of the visit		Visa type required	Maximum length	Visa Conditions	Is a visa needed in advance?
				<ul style="list-style-type: none"> • Must be able to speak, read, write and understand English • Must have enough money to support themselves and pay for their course • Can't work as a professional sportsperson or sports coach 	

If the activity you're looking for isn't listed here, please check the detailed guidance which follows.

Visitor visas

In 2015 the Home Office consolidated the following types of visa into a single Standard Visitor visa category:

- Family Visitor visa
- General Visitor visa
- Child Visitor visa
- Business Visitor visa, including visas for academics, doctors and dentists
- Sports Visitor visa
- Entertainer Visitor visa
- Prospective Entrepreneur visa
- Private Medical Treatment Visitor visa
- Approved Destination Status (ADS) visa

The Standard Visitor visa has several sub-groups which include:

- Tourism, including visiting family and friends
- Academic visit, including teaching and exchange
- Business, including sports and entertainment

Standard Visitor (Tourist sub-group)

A visitor using this route can visit friends and family and / or come to the UK for a holiday. They can also volunteer, but:

- this can't be the main purpose of the visit,
- they can only volunteer for up to 30 days in total, and
- the volunteering is for a charity that's registered with either the Charity Commission for England and Wales, the Charity Commission for Northern Ireland or the Office of the Scottish Charity Regulator.

If a visitor's coming to visit a student (but not study) or attend a graduation ceremony they can also apply under this sub-group.

If any type of work or work-like activity is to be carried out on University premises, or elsewhere on behalf of the University, this type of visa is not suitable.

Standard Visitor (Academic sub-group)

The definition of Academic Visitors in an immigration context may differ from that commonly used in UK HEIs.

The title of Academic Visitor doesn't determine what type of visa someone needs.

For immigration purposes, Academic Visitors are a sub-group of the Standard Visitor category, and the visitor needs to be able to evidence that they're:

- highly qualified in their field of expertise, and
- currently employed in a teaching and/or researching role in that field at an academic or higher education institution overseas.³

The main purpose of their visit might be to:

- carry out research for their own purposes (eg researching a book or publication) while on sabbatical leave from their home institution
- take part in a formal exchange programme (eg where the University is collaborating with an overseas university on research and exchanges staff for some or all of the duration of the project) where their salary continues to be paid by their own institution
- share knowledge and experience or hold informal discussions with UK counterparts, but **not** conduct research on University hosted projects
- take part in a conference or seminar that isn't a commercial or non-profit venture
- take part in research, teaching or clinical practice as an eminent senior doctor or dentist considered to be top of their field of expertise, provided this doesn't amount to filling a permanent teaching post.

But it can't be to:

- work
- collaborate with University staff on research projects (see guidance on [Tier 5](#))
- study

And they can't be:

- retired
- a named researcher on a grant
- a sponsored researcher

Can we pay them?

Academic Visitors can't be paid from any UK source, except for reasonable expense and subsistence payments.

How long can they stay in the UK?

An Academic Visitor can apply for a visa for up to 12 months. However, if they're a non-visa national who arrives in the UK without having already obtained a visa, their stay will be limited to 6 months. If they plan to be in the UK for more than 6 months, they need to receive their visa before travelling. Visa nationals must receive a visa before travelling regardless of the length of stay.

Dependants (spouses/partners and children) of Academic Visitors can apply for a Standard Visitor visa to come with them to the UK for up to 6 or 12 months in line with the Academic Visitor's visa. Spouses/partners won't be able to work while they're in the UK. Where dependent children of Academic Visitors are coming to the UK for less than 12 months, they can't study at a state-funded school. However, if accompanying an Academic Visitor for 12 months, the restriction on studying at a state-funded school doesn't apply.

³ **Students from overseas universities cannot be Academic Visitors in an immigration context.** Overseas students should enter the UK either on a [Tier 4 \(General\)](#) visa, or as a [Short Term student](#) if their trip is for up to 6 months.

Can they extend the visa or switch to a new category?

They can extend only as long as the total time they spend in the UK is less than 12 months (eg if they apply for a 6 month visa, they can apply to extend it for 6 more months). They can't switch to another visa category.

What's the process?

Academic Visitors don't need to be sponsored to come to the University, but they will need a letter of invitation from the University. If they're a visa national, or a non-visa national coming to the University for more than 6 and up to 12 months, they'll need to apply in advance - they can do so and find more information [here](#). If they're a non-visa national coming for 6 months or less, they can choose to apply in advance or request a visa on arrival in the UK.

Standard Visitor (Business sub-group)

Business Visitors are also a sub-group of the Standard Visitor category.

The main purpose of their visit might be to:

- come to the UK for a **conference, seminar, meeting, interview or training**
- give a **one-off or short series of talks** and speeches provided these aren't organised as commercial events and won't make a profit for the University
- **accompany students on a study abroad programme** as an academic, in which case they can provide a small amount of teaching but it mustn't amount to filling a permanent teaching role
- take a **clinical attachment or observer post** as a doctor or dentist
- take the **Professional and Linguistic Assessment Board (PLAB) test** or sit the **Objective Structured Clinical Examination (OSCE)**
- take part in a **specific sports-related event**
- perform as an **artist, entertainer or musician**
- take part in a one-off archaeological excavation as an archaeologist

But it can't be to:

- work in the UK, whether paid or unpaid, which includes the following:
 - o taking employment in the UK;
 - o doing work which amounts to them filling a role or providing short-term cover for a role within a UK based organisation;
 - o establishing or running a business as a self-employed person;
 - o doing a work placement or internship;
 - o direct selling to the public; or
 - o providing goods and services.
- live in the UK for long periods of time through frequent visits

And they can't:

- study for longer than 30 days and, if they are studying, this can't be the main purpose of their visit

Can we pay them?

Business Visitors can't be paid from any UK source, except for reasonable expense and subsistence payments.

How long can they stay in the UK?

A maximum of 6 months.

Can they extend the visa or switch to a new category?

They can extend only as long as the total time they spend in the UK is less than 6 months (eg if they apply for a 3 month visa, they can apply to extend it for 3 more months). They can't switch to another visa category.

What's the process?

Business Visitors don't need to be sponsored to come to the University, but they'll need a letter of invitation from the University. If they're a visa national, they'll need to apply in advance - they can do so and find more information [here](#). If they're a non-visa national, they can choose to apply in advance or request a visa on arrival in the UK.

Permitted Paid Engagement (PPE)

This visa route is intended for international people invited to the UK as an expert in their profession. They need to be over 18, have enough money without help from public funds to support and house themselves (though, as the name suggests, we can pay them), leaving the UK at the end of their visit and able to pay for their onward/return journey.

Note that the maximum length of this visa is **1 month**.

The main purpose of their visit might be to:

- be a student examiner or assessor
- take part in selection panels as a highly qualified academic
- give lectures, as long as it's not a part-time or full-time substantive role
- take part in arts, entertainment or sporting activities including broadcasting

But it can't be to:

- do paid work unrelated to their main job or area of expertise at home
- sell merchandise

And they can't:

- live in the UK for extended periods
- get access to public funds
- study for longer than 30 days and, if they are studying, this can't be the main purpose of their visit

Can we pay them?

Yes, and there are no restrictions on the amount (though HR should advise on the appropriate level of payment).

How long can they stay in the UK?

Up to one month.

Can they extend the visa or switch to a new category?

No extensions are possible with this visa route, and they can't switch to another route while they're in the UK.

What's the process?

No sponsorship by the University is necessary, but they'll need a letter of invitation from the University and they must apply in advance - they can do so and find more information [here](#).

Tier 5 (Government Authorised Exchange)

This visa route was widened in July 2018 to allow any researcher (academics, researchers, scientists, research engineers or other skilled research technology specialists) to come to the UK on a temporary basis, where they are hosted at a UK HEI, to carry out specific activities.

[Appendix N](#) to the Immigration Rules lists all eligible schemes.

What are the criteria?

- They aren't self-funded
- The payment/funding they're receiving must meet National Minimum Wage (see "Can we pay them?" below)
- They mustn't be filling a 'genuine vacancy', the role must be supernumerary (ie it's above your normal staffing requirements and, after they leave, no-one will carrying on the role)
- They don't need to be employed by an overseas institution
- Any work or activity must be at or above RQF level 3 (AS/A level or equivalent) – note, this refers to the SOC code, not the qualification required by the University or held by an applicant. Speak to your HR hub to clarify if need be.

The main purpose of their visit might be to:

- be **working with colleagues** on a formal research project or collaboration
- undertake a period of **work-based training/work experience/internship/placement**
- want to **develop their skills** or take part in **knowledge transfer**
- carry out a **series of lectures**, as long as this doesn't amount to a formal teaching post
- act as an **external examiner**

And they can:

- do a second job for up to 20 hours per week while they're here (but this must be the same type of job specified on the Certificate of Sponsorship)
- study, though this can't be the main purpose of their visit and can't interfere with the hours and responsibilities on their Certificate of Sponsorship

But they can't:

- fill a 'genuine vacancy' (see above)
- be employed by us
- get access to public funds

Can we pay them?

Yes. All engagements must conform to UK employment legislation and any funding/salary received must meet [National Minimum Wage](#) (NMW) requirements*. Funding can come from any source, including from the University or a third party, but the individual cannot fund themselves. Other than the NMW requirement, there are no restrictions – they can be paid weekly/monthly/annually or in one lump sum. HR should advise on the appropriate level of payment if this comes from the University.

*If they're here to do work experience or an internship, UK legislation might mean that they wouldn't be entitled to the NMW. Further guidance is available [here](#).

To meet NMW for April 18 – March 19, based on 37.5 hours per week, the monthly gross amount needs to be:

- For those aged 25 and over: £1,272.38
- For those aged 21-24: £1,199.25

For different weekly hours, check [this at-a-glance calculations sheet](#).

How long can they stay in the UK?

Up to 24 months.

Can they extend the visa or switch to a new category?

The visa can be extended, but only up to a maximum of 24 months. It is possible to switch to a [Tier 1 \(Exceptional Talent\)](#) visa.

What's the process?

[This visa route](#) requires sponsorship by the University; your [local HR team](#) can help you to arrange this.

Short periods of research

The Short Term Study visa route can be used for someone coming to the UK for a short period of research when they're already enrolled on an overseas degree course. To be eligible:

- their course must be equivalent to a UK degree
- they must be carrying out the research at the University
- they must be at least 16 years old

The main purpose of their visit can be:

- Do a short period of research as part of a degree course if they're studying abroad

But they can't:

- use this route regularly/successively as an alternative to a Tier 4 visa for study
- work (including on a work placement or work experience) or carry out any business
- get access to public funds

How long can they stay in the UK?

6 months.

Can they extend the visa or switch to a new category?

No extensions are possible with this visa route, and they can't switch to another route while they're in the UK.

What's the process?

[This visa route](#) doesn't require sponsorship by the University, though a letter of invitation is needed.

5. What if someone wants to study in the UK?

Tier 4 (General)

For information on Tier 4, see the [UK Visas and Immigration guidance](#) and/or contact your Faculty Graduate School office or the [International Student Advice Team](#).

Short Term Study visa

For information on this visa type, see the [UK Visas and Immigration guidance](#) and/or contact your Faculty Graduate School office or the [International Student Advice Team](#).

Other routes

Study is also possible on a [Business Visitor](#), [Permitted Paid Engagement](#) or [Tier 5 \(GAE\)](#) visa, but the study may be limited and cannot be the main purpose of the visit.