



# Overseas working and place of work (NC/C)

## Policy statement

It is necessary for University of the Built Environment (“the University”) to clearly state its position on where job roles are based and address the associated issues around place of work. This is necessary for several reasons, including employment and immigration rules post-Brexit, and to address the global interest which University job roles attract as a predominately online provider of education.

In addition, clarity for job applicants is crucial, particularly due to the value the University places on the application experience, as well as its employer brand.

This policy statement is applicable to both job applicants and existing University staff. Staff is the umbrella term used to cover the different categories of workers and employees at the University and also includes contractors and agency workers.

**This policy is non-contractual.**

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## Established offices

The University has offices in the United Kingdom (UK) and Hong Kong; the majority of staff work within and across the UK. Whilst the student population of the University is global, job roles are either carried out in the UK, or Hong Kong, with a few operating between the two countries. The contractual place of work, and associated employment terms and conditions, will reflect the laws of the relevant country.

## Job applicant assumptions

Some job applicants wrongly assume that University job roles can be carried out from anywhere in the world. In addition, some job applicants wrongly assume that the University will be able to either sponsor their employment or obtain work visas. These assumptions often lead to disappointment during recruitment processes, when the HR team explain that this is not the case.

Since Brexit, enquiries from overseas applicants have increased, and it is necessary for the University to be fully transparent about its position.

## Conditions

Not only are job roles either UK or Hong Kong based, but the following must apply in all cases:

1. Applicants and staff must have the legal right to work in the relevant country where the job role is based (UK or Hong Kong).
2. Staff must live in the relevant country whilst undertaking work for the University i.e. have a residential address and carry out the work there, or in a University office.
3. Staff must hold a personal bank or building society account in the relevant country.
4. Staff must be registered for tax and social security in the relevant country, so that the necessary contributions can be passed to the relevant Government tax authorities.

The above conditions are non-negotiable. The University is unable to apply any special conditions or make any variations.

## UK immigration and employer sponsor license

New systems for immigration into the UK have been introduced since December 2020 and they continue to evolve and change.

Foreign nationals wishing to work in the UK must do so under one of the routes operated by the Home Office. An employer who wishes to employ a foreign national under one of the routes must have a sponsor licence; without a sponsor licence, the employer is unable to issue a certificate of sponsorship, which is necessary for the individual's immigration application. **At this current time, the University does not hold a**

**sponsor licence, nor does it intend to apply for a licence in the foreseeable future.**

As a result, the University can only employ staff with the requisite right to work in the UK. In some cases, overseas applicants will already hold this right (leave to enter, leave to remain, right to work), and the HR and Payroll team will inspect right to work documents as part of the recruitment process.

Please note that University advertised job roles with permanent employment status, normally require indefinite leave to enter and remain in the UK, and right to work.

## Existing staff only

In some cases there are legacy arrangements in place for overseas working. These arrangements may have an agreed run-out period. Each individual case is unique and will be managed on a one-to-one basis, between HR, line manager and staff member.

## Risk-based approach

The University appreciates that place of work, overseas working, and right to work matters can be complex. There are several risks which the University must manage when considering the matters involved and these may not always be apparent to applicants and staff. Where possible the University will seek to clarify these matters in this policy statement but ultimately, **the decision on place of work is determined only by the University.**

## Questions

Should you have any questions about this policy statement, please contact the HR and Payroll team at [recruitment@ube.ac.uk](mailto:recruitment@ube.ac.uk) in the first instance.