

FREQUENTLY ASKED QUESTIONS: TIER 5 CERTIFICATES OF SPONSORSHIP

Who needs a Tier 5 Certificate of Sponsorship?

Leonardo and Grundtvig Programme participants who are nationals of an EEA country or Switzerland do not have to apply for a Tier 5 Certificate of Sponsorship in order to undertake a work placement in the UK. Leonardo and Grundtvig Programme participants who are not nationals of one of the EEA countries or Switzerland who want to undertake a work placement in the UK must first obtain a Tier 5 Certificate of Sponsorship from ECOTEC prior to applying for a UK visa.

Accompanying people do not require a Tier 5 Certificate of Sponsorship. Accompanying people will be able to obtain a 'business visitor' visa without a Tier 5 Certificate of Sponsorship.

The table below sets out which participants require a Tier 5 Certificate of Sponsorship. Only participants who fall into one of the four categories marked with a ✓ need to obtain a Tier 5 Certificate of Sponsorship.

Programme/Measure	Nationals of EEA countries and Switzerland	Nationals of countries other than those listed left
Leonardo Mobility IVT (Initial Vocational Training)	×	✓ (Requires Tier 5 Certificate)
Leonardo Mobility PLM (People in the Labour Market)	×	✓ (Requires Tier 5 Certificate)
Grundtvig Senior Volunteering	×	✓ (Requires Tier 5 Certificate)
Grundtvig Assistantships	×	✓ (Requires Tier 5 Certificate)
Leonardo Mobility VETPRO (Vocational Education and Training Professionals)	×	×
Leonardo and Grundtvig Preparatory Visits	×	×
Leonardo and Grundtvig Partnership Projects	×	×
Leonardo and Grundtvig Multilateral Projects & Network	×	×
Leonardo Transfer of Innovation	×	×
Grundtvig Visits and Exchanges	×	×
Grundtvig In-Service Training	×	×
Transversal Programme	×	×

What is a Tier 5 Certificate of Sponsorship?

A Tier 5 Certificate of Sponsorship is not an actual certificate or paper document but is a virtual document, similar to a database record. Participants who successfully apply for Tier 5 sponsorship will receive a **unique Certificate of Sponsorship reference number** (in a letter) from ECOTEC, a licensed sponsor.

Do residents of EEA countries or Switzerland who are not nationals of an EEA country or Switzerland need to obtain a Tier 5 Certificate of Sponsorship (e.g. an Albanian national resident in Italy or a Turkish national resident in Germany)?

Yes.

What is ECOTEC's role?

ECOTEC is a licensed Tier 5 Sponsoring Organisation. This means that ECOTEC can issue Tier 5 Certificates of Sponsorship to participants in the Leonardo and Grundtvig Programmes who require a Certificate. ECOTEC is not involved in any aspect of the visa application process.

To whom can ECOTEC issue Tier 5 Certificates of Sponsorship?

ECOTEC can issue Tier 5 Certificates of Sponsorship to participants in the Leonardo and Grundtvig Programmes who require a Tier 5 Certificate in order to undertake a work placement in the UK.

To whom can ECOTEC not issue Tier 5 Certificates of Sponsorships?

ECOTEC cannot issue a Tier 5 Certificate of Sponsorship to anyone who is not a participant in the Leonardo or Grundtvig Programmes.

Do accompanying people require a Tier 5 Certificate of Sponsorship?

Accompanying people do not require a Tier 5 Certificate of Sponsorship. Accompanying people will be able to obtain a 'business visitor' visa without a Tier 5 Certificate of Sponsorship.

How does a participant coming to the UK obtain a Tier 5 Certificate of Sponsorship?

Participants are required to send (by fax, e-mail or post) ECOTEC the following documents (in accordance with the instructions set out in the 'Participant Information Form'):

- Completed '*Participant Information Form*'
- Completed '*Sending Organisation Letter of Support*'
- Copy of contract between local Leonardo/Grundtvig National Agency and the Sending Organisation (should include page bearing signatures; contract appendices are not required)
- Photocopy of participant's passport showing their photograph and biographical details.

When the above documents are received by ECOTEC they will be processed to create a **Certificate of Sponsorship unique reference number** which will then be sent to the participant.

When should a participant coming to the UK apply for a Tier 5 Certificate?

Participants should apply for a Tier 5 Certificate at least 3 months prior to their intended date of travel to the UK, allowing one month to obtain a Tier 5 Certificate plus two months for visa processing.

Visa processing times vary: usually 5-30 days, but you should allow up to two months.

A UK visa must be applied for while the Tier 5 Certificate is valid. The Tier 5 Certificate is valid for 3 months from the date it is issued by ECOTEC. After 3 months the Tier 5 Certificate expires.

Is there a cost for a Tier 5 Certificate?

The cost of processing and issuing Tier 5 Certificates is paid by the UK government. (Please note, however, that the visa cost has to be paid by the participant/Sending Organisation.)

Can a participant undertake paid work additional to that undertaken as part of their Leonardo/Grundtvig Programme work placement?

He/she can undertake work that is additional to his/her Leonardo/Grundtvig Programme work placement provided that the additional work is:

- In the same professional sector¹ and at the same professional level (i.e. requires the same level of academic/professional training) as the work for which the Tier 5 Certificate of Sponsorship was issued (e.g. if they come to the UK to undertake an engineering work placement they cannot undertake supplementary work in a bar, restaurant or shop);
- No more than 20 additional hours per week; and
- Outside of the normal working hours for which his/her 5 Certificate of Sponsorship was issued.

What are the participants 'Conditions of Leave' while in the UK?

Participants are granted entry to the UK based on his/her compliance with the conditions listed below. We recommend that participants are familiar with these requirements prior to travelling to the UK.

- **Do not establish him/herself in business** in the UK during his/her Leonardo/Grundtvig Programme work placement².
- **Do not claim state benefits** while in the UK during his/her Leonardo/Grundtvig Programme work placement³.
- **Change of UK accommodation address or telephone number:** Inform ECOTEC in writing by e-mail (tier5@ecotec.com) if their UK accommodation address or mobile phone number change before or during his/her Leonardo/Grundtvig Programme placement in the UK using the '*ECOTEC Change of Contact Details Report*'.
- **Withdrawal from Leonardo/Grundtvig Programme:** Inform ECOTEC in writing by e-mail (tier5@ecotec.com) if he/she decides to withdraw from the Leonardo/Grundtvig Programme while in the UK.
- **Changes to work placement Host Organisation Details:** Inform ECOTEC in writing by e-mail (tier5@ecotec.com) if any of the work placement Host Organisation details (e.g. contact person, organisation name or address) change during their Leonardo/Grundtvig Programme work

¹ UK sectors: <https://www.uktradeinvest.gov.uk/ukti/appmanager/ukti/sectors>

² "Establish him/herself in business" includes activities such as registering yourself as self-employed in the UK or starting a company.

³ "State benefits" refers to payments from the state to individuals such as unemployment benefit and housing benefit.

placement using the '*ECOTEC Change of Contact Details Report*' template which can be downloaded from: <http://www.leonardo.org.uk> or <http://www.grundtvig.org.uk>.

- **Changes to his/her personal details/criminal convictions/contact dependants' details:** Inform the UK Border Agency of changes to his/her personal details, criminal convictions, contact details or dependants' details in writing using the '*Change of Circumstances Form*'. Instructions and downloadable form available from the UK Border Agency website⁴.
- **Do not switch into or out of Tier 5⁵ (Temporary Worker)** during their stay in the UK, (e.g. from Tier 5 Temporary Worker to Tier 2 – Skilled Worker), or between subcategories of Tier 5 (e.g. from subcategory 'Government Authorised Exchange' through which he/she has entered the UK for the Leonardo/Grundtvig Programme work placement to 'International Agreement' during his/her Leonardo/Grundtvig Programme work placement).
- **'Tier 5 Certificate and Maintenance Letter':** If requested, make the '*Tier 5 Certificate and Maintenance Letter*' he/she receives from ECOTEC available to Immigration Official(s) when he/she arrives in the UK and during his/her stay in the UK.
- **Additional (paid) Work:** If he/she undertakes work that is additional to the Leonardo/Grundtvig Programme work placement that the additional work must be:
 - In the same professional sector⁶ and at the same professional level (i.e. requires the same level of academic/professional training) the work for which the certificate of sponsorship was issued (e.g. if they come to the UK to undertake an engineering work placement they cannot undertake supplementary work in a bar/restaurant/shop);
 - No more than 20 hours per week; and
 - Outside of the normal working hours (stated in Section 2 of this form) for which their Tier 5 certificate of sponsorship was issued.

What is the Work Placement Host Organisation required to report to ECOTEC on during the participant's Leonardo/Grundtvig Programme work placement?

During the participant's placement, the work placement Host Organisation is obliged to report the occurrence of certain incidents to ECOTEC who then report these to the UK Border Agency. These include:

- If he/she does not turn up for his/her first day of work placement (this includes cases where a decision has been taken to delay the placement start date).
- If he/she is absent from work for more than 10 working days.
- If he/she withdraws from their work placement at their organisation or moves to another host employer.
- If his/her location of work placement changes or the duration of the work placement shortens.
- Any information which suggests that he/she is breaching the conditions of his/her leave (e.g. by claiming UK state benefits or undertaking work additional to their Leonardo/Grundtvig Programme work placement that falls outside that permitted under UK Border Agency regulations).
- Any information they may have that suggests that he/she may be engaging in terrorism or other criminal activity.

If a Tier 5 Certificate is issued does it guarantee that a visa will be granted?

No, obtaining a Tier 5 Certificate does not guarantee that a UK visa will be granted. The final decision to grant entry clearance to the UK resides with Immigration Officials.

⁴ <http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/changeofcircumstancesform/>

⁵ See '*Participant Guidance*' for an explanation of the UK Border Agency's system of Tiers.

⁶ UK sectors: <https://www.uktradeinvest.gov.uk/ukti/appmanager/ukti/sectors>

Can ECOTEC help speed up visa processing?

No, ECOTEC is not involved in visa processing and has no capacity to influence the time taken to process visa applications.

Can participants leave the UK for short periods during their work placement and re-enter to the UK?

Yes, participants are able to leave and come back to the UK during the time he/she has permission to be in the UK (e.g. if he/she wants to travel home for a weekend holiday or for a family emergency).

Can participants travel outside England, Scotland, Wales and Northern Ireland during their Leonardo/Grundtvig Programme work placement in the UK?

The 'Common Travel Area' is the UK (England, Scotland, Wales and Northern Ireland), Republic of Ireland, the Isle of Man and the Channel Islands (i.e. participants are free to travel in these countries during the period for which he/she is granted entry clearance).

What happens if the dates of the work placement change after the Tier 5 Certificate has been issued?

If the work placement start date changes from that stated in the Participant Information Form after the Tier 5 certificate has been issued the work placement Host Organisation needs to complete the '*Incident Report*' template and return it to ECOTEC. The '*Incident Report*' should be completed and returned within 10 working days of the participant's original planned date work placement start.

For example, if the Participant Information Form stated that the work placement would start on 1st December 2009 and the Tier 5 Certificate of Sponsorship was issued on that basis. After the Tier 5 Certificate has been issued the work placement start date changes from 1st December to 21st December 2009. In this example the work placement Host Organisation would complete and return the Incident Report within 10 working days of the planned placement start date of 1st December.

Why do work placement host organisations need to keep records and report incidents?

When UK organisations have a person who is not a national of an EEA country or Switzerland working for them keeping evidence of his/her attendance/absence and a photocopy of his/her passport is a requirement of the UK Border Agency. Information on the UK Border Agency's processes and requirements can be found at: <http://www.bia.homeoffice.gov.uk/employers/>.

Who will check that work placement host organisations fulfil their obligation to report incidents and keep records?

This will be subject to checks by ECOTEC in their capacity as Sponsoring Organisation⁷ and the UK Border Agency.

⁷ Sponsoring Organisation: Over-arching body which assesses applications for visa sponsorship and issue certificates of sponsorship. In the case of the Leonardo and Grundtvig programmes ECOTEC acts as the Sponsoring Organisation.