



Department
for Education

UK Border Agency requirements for bringing overseas-trained teachers to the UK

1. This document provides important information for schools, academies and local authorities who employ or may wish to employ teachers who are nationals of countries from outside of the European Economic Area (EEA) and Switzerland and require permission to work in the UK.
2. Under the Immigration, Asylum and Nationality Act 2006, it is illegal to employ someone who does not have the right to work in the UK. All employers have a duty to check the documents of all potential employees in schools to ensure they have the right to work in the UK **before** they are employed. Further information and guidance on the checks you need to carry out are on the [UK Border Agency website](#).

What are the UKBA arrangements for bringing overseas trained teachers (OTTs) from outside of the EEA to teach in the UK?

3. The UKBA has a points-based system based on the sponsorship of overseas workers which replaced the work permit scheme in November 2008. Workers enter the UK under one of five tiers. Teachers in schools will normally enter the UK under Tier 2 (General) which is for skilled workers with a job offer from an employer.

How does the system work?

4. Schools or local authorities (LAs) wishing to bring teachers from outside the EEA to the UK first need to be licensed by the UKBA as the sponsor of a migrant worker. Schools wishing to apply for a sponsor licence should refer to the policy guidance for Tier 2 and Tier 5 sponsors, available from the [UK Border Agency website](#).

Once a school or local authority (LA) has obtained a sponsor licence, subject to satisfying the requirements relating to salary, qualifications, maintenance funds, command of the English language and providing there are no suitable resident UK teachers, they can apply for or issue a certificate of sponsorship for the OTT they wish to employ. A certificate of sponsorship is not an actual certificate or paper document, but is a virtual document, similar to a database record. Sponsors under Tier 2 and/or Tier 5 complete a process within the sponsorship management system that results in the assignment of a unique certificate of sponsorship reference number.

Do all schools and LAs need to apply for a sponsor licence?

5. No. You should only apply for a sponsor licence if you need to fill posts with teachers who are nationals of countries outside of the EEA and Switzerland and require permission to work in the UK. You also need a sponsor licence if you wish to retain a teacher when their existing work permit expires. In these circumstances you will be required to issue a certificate of sponsorship to the teacher.

When should I apply to become a licensed sponsor?

6. You will need to be a licensed sponsor before you can issue certificates of sponsorship. UKBA aim to process applications for sponsor licenses within six weeks, so you should make your application as early as possible if you need to bring overseas teachers to the UK or wish to retain existing teachers when their current permission expires.

Who is going to pay for the fees incurred on the certificate of sponsorships?

7. Since 6 April 2013, the Department for Education no longer pays for certificates of sponsorship on behalf of state maintained schools, academies and LAs. Certificates of sponsorship issued on or after this date will be paid on-line by the sponsor at the time of issue. The current charge is £179 per certificate.

Academies and schools converting to academies

8. Since 1 November 2012, academies who wish to employ or continue employing overseas teachers must apply for their own sponsor licence.

9. Some LAs act as the sponsor on behalf of schools within their authority. When a school is converting to become an academy, they must apply for a sponsor licence as described above if they currently employ or intend to employ overseas teachers in the future. Failure to do so may mean the overseas teacher does not have a valid sponsor and is employed unlawfully.

Contacts

10. Further advice on becoming a sponsor is available from the [UK Border Agency website](#).

11. For questions and further information for sponsors on the new points-based system, the UKBA has an Employers and education providers' helpline (0300 123 4699) or you can email sponsorshipPBSenquiries@ukba.gsi.gov.uk

The full policy guidance document for Tier 2 and Tier 5 sponsors is available from the [UK Border Agency website](#).

12. Guidance on how to complete a resident labour market test before you employ migrants under Tier 2 (General) of the points-based system can be found on the [UK Border Agency website](#).

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