

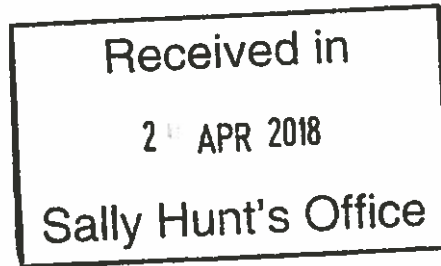


Home Office

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Thank you for your letter of 15 March to the Home Secretary and subsequent email of 23 March, seeking clarification of the position of international staff working in UK universities, specifically when they engage in strike action. I am replying as the Minister of State for Immigration. I am sorry for the delay in my response.

As you may be aware, Tier 2 is the main immigration route for skilled non-EEA workers. Applicants must have an offer of a graduate level job, paying an appropriate salary from an employer which has been licensed by the Home Office to sponsor migrant workers. Over 27,000 UK employers hold a Tier 2 sponsor licence.

The Immigration Rules, paragraph 323AA, define the circumstances where a Tier 2 migrant's leave may be curtailed. These include a number of circumstances called prohibited changes of employment.


One of these prohibited changes of employment is that a migrant worker should not have four weeks or more of unpaid absence in any calendar year. As strike absences are unpaid and do not count towards reckonable service, they are considered a prohibited absence and as such could have consequences for the Tier 2 migrant's leave.

Paragraph 15.7 of the Tiers 2 and 5: guidance for sponsors requires sponsors to report migrants they sponsor who are absent from work for 10 consecutive working days or more without permission to the Home Office within 10 working days of the 10th day of the absence. This is to ensure that migrants are genuinely working in the jobs they are sponsored to do and not taking undue absences.

This guidance can be found on the GOV.UK website at:
<https://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers>

If the Home Office is notified of more than 20 days' unauthorised absence (which could be the result of strike action) in a year, consideration will be given to the migrant's leave being curtailed under paragraph 323A of the Immigration Rules. This is discretionary and full regard will be given to the circumstances before leave is revoked.

Turning to the case highlighted in your letter, I am unable to comment on specific cases, but I can confirm that migrants are allowed to spend 180 days out of any 12 month consecutive period outside of the UK without affecting their ability to apply for settlement.

Yours sincerely


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