

# Visas for Language Assistants and Lectors

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## Visas for language assistants and lectors

The aim of this briefing is to clarify the situation regarding the employment of language assistants and lectors in UK higher education in the light of current, post-Brexit visa regulations. (This applies only to those who are not British citizens or citizens of the Republic of Ireland.)

Language assistant and lector posts are a critical aspect of the teaching of modern languages in higher education. As native speakers, these language specialists are uniquely qualified to provide students with high-level language training, as well as deepening students' understanding of the countries in which the language is spoken. Those holding these posts come directly from a country in which the relevant language is spoken. Their knowledge of the language and relevant socio-cultural context is therefore very much up to the minute and provides valuable, contemporary insight (often not provided by permanent, UK-resident employees, regardless of their 'mother tongue').

Moreover, language assistant posts in higher education that are part of an arrangement with an overseas institution are critical in enabling languages students from UK higher education institutions (HEIs) to gain valuable study and work experience at higher education institutions abroad, because the arrangement is conditional upon reciprocity or other types of exchange.

## Temporary Worker (formerly Tier 5) Government Authorised Exchange Worker (GAE) route – relevant to language assistants

The Temporary Worker route is currently limited to positions that last for up to 24 months. Many language assistant posts are for one academic year and could therefore be covered by this scheme. Longer lector type posts would not be eligible.

There is an established scheme organising language assistantships (for schools, colleges, and universities) run by the British Council under the Temporary Worker (GAE) route – the Modern Language Assistants programme.

There are also a number of separate arrangements, directly between a university in the UK and an overseas university or other organisation (for example, DAAD, the German Academic Exchange Service and OeAD, Austria's Agency for Education and Internationalisation). While it might be possible to set up new schemes under the GAE route, these would require endorsement from a government department (probably DfE) and a body willing to act as sponsor, and would be time consuming and burdensome to set up and run (even assuming they would be approved by the Home Office).<sup>1</sup>

The British Council have indicated their willingness to explore how their scheme can accommodate the existing standalone arrangements. As long as these can be accommodated within the British Council's existing terms and conditions and processes, the British Council have indicated that this can be included within its current resource levels. The British Council has now received agreement from many of its overseas partners to be able to allocate students from specific overseas universities to UK universities in order to maintain existing partnerships between those overseas and UK universities. One UK university has already approached the British Council about this, and the British Council has formal agreement from its delivery partners in the relevant country to operate in this way. This means that the UK university will be receiving two language assistants

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<sup>1</sup> Similar considerations would apply to attempts to set up schemes as 'Overseas Government Language Programmes' like the Hanban Mandarin Teachers scheme.

through the British Council in the coming year, one from each of their partner universities, as they have done in the past. The British Council hopes to be able to replicate this arrangement with other UK universities to ensure continued provision of assistants in language departments across the sector.

This arrangement is not reciprocal so far as the British Council's involvement goes, since the British Council has no role in determining where UK assistants are placed in partner countries. Nonetheless, existing standalone arrangements can still be accommodated within this scheme (unless the non-UK country in question has a rule, equivalent to the UK one, that universities in that country cannot sponsor visas but require a government body of the country to provide the kind of service that the British Council offers to UK universities with the Temporary Worker Government Authorised Sponsorship). Indeed many countries do not require sponsorship as part of the visa process at all.

To illustrate this through the example of the UK university mentioned in the paragraph above: the British Council has worked with that university to ensure that it can receive language assistants from the two delivery partners (i.e. two overseas universities in the same country). The British Council is able to arrange the visa sponsorship for incoming assistants from those overseas universities to the UK one. However, there is no need for the outgoing side to come through the British Council programme since the two overseas universities may well simply be able to employ the students from the UK university directly. The exchange remains reciprocal as each university is sending and receiving the same number of assistants, but the British Council only needs to be involved with the incoming side to the UK.<sup>2</sup>

We are aware one university has made the case for language assistants to fall under the 'sponsored researcher' category, which is open to all UKRI funded HEIs and independent research organisations (IROs). However, the wider view was that while this may be appropriate in specific cases, the nature of the language assistant role in most institutions would make it difficult to argue convincingly that they are researchers, given the teaching load they often carry.

The financial requirements for the Temporary Worker route are that the individual has access to remuneration which is equivalent to the UK national minimum wage for the duration of their stay; this can come from any source, not just salary, and the host institution will have to evidence it, which may be by evidencing that they are continuing to be paid by their home institution/sponsor body. Individuals applying via this route are also required to pay the healthcare surcharge (usually £624 per year) where they intend to stay in the UK for over 6 months, in addition to an application fee.

### Skilled Worker (formerly Tier 2) route – lectors<sup>3</sup>

It is necessary to follow this route for roles lasting more than 24 months (or which the university may wish to be able to renew). The requirements are based on salary levels and/or points-based criteria. Almost all universities will already be sponsors for this route. As with some assistant positions, these posts are the result of partnerships between UK universities and overseas organisations such as DAAD and OeAD.

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<sup>2</sup> If, however, an overseas country operates in the same way as the UK where a single sponsoring body needs to be involved, then this would require additional funding for the British Council in order to set up and negotiate these arrangements. Equally, if the British Council was required to liaise with each overseas university directly to make any kind of arrangements then the British Council would require extra funding, since this would fall outside the scope of the current programme mechanics, given that the British Council currently operates with just one partnering organisation in each country. If such arrangements were required, increased resource would need to be requested from the DfE and its equivalents in the devolved administrations for the British Council to undertake this function.

<sup>3</sup> If negotiations with the British Council about the Temporary Worker GAE route are unsuccessful, it may be necessary to revisit how the Skilled Worker route could be used for language assistants, but the minimum salary levels are likely to be prohibitive.

Appointments can be made under SOC code 2319 ‘Teaching and other education professionals not elsewhere classified’, for which the minimum salary requirement is currently £26,500 (as this is higher than the ‘going rate’ for this role). This can be pro-rata-ed if the appointment is for less than 12 months.

Provided that this monetary threshold can be met (which must be a base salary and not include any additional allowances for travel or accommodation), **this route can be followed even where the non-UK partner organisation contributes to the base salary.** This point should be emphasised, since it is not specified in the published guidance, which has led to uncertainty in HR departments in some HEIs. The British Academy has now sought and received clarification on this point, as outlined in the paragraph below.

A non-UK partner organisation may contribute towards the base salary<sup>4</sup>, provided that this salary meets the minimum requirements and reflects going rates for the occupation. Salary payment must be recorded within the contract of employment with the sponsor, and it is important to ensure that payments are made at the correct amount. The sponsor is responsible for the full duties and outputs associated with the role for which they are employing the worker.

The situation may vary depending on the kind of scheme. For example, for exchange assistantships it may be the case that the host institutions can pay the minimum wage, but the non-UK partner organisation ‘tops up’ the salary by paying the additional amount direct to the individual. We have been given examples where this is the way the scheme works for Chinese Language Assistants.

For scholarship-funded assistantships, the outlook is different. Discussions have been had with the non-UK partners about how stipend levels could be adjusted to incorporate what are currently separate travel allowances to make it more likely minimum salary levels are met; however the conclusions are that there remain significant legal and practical hurdles.

In many cases, the language assistants are fractional appointments, and the salary therefore does not reach the minimum level of £26,500 (as the threshold cannot be pro rata-ed for part time roles).<sup>5</sup> However, as long as the salary meets a minimum of £20,480, an appointment may still be possible under this route if points can be gained via the Points-Based Route. This may be via:

- A salary of £23,040 plus holding a PhD (non-STEM) (however, these are primarily teaching roles, and therefore few applicants will hold a PhD)
- A salary of £20,480 plus the applicant is under the age of 26 on the date they will apply for entry clearance or permission to stay (or was last resident in the UK as a student or graduate within the last 2 years)

Unfortunately help cannot currently be provided by the [Shortage Occupation List](#), since the Migration Advisory Committee specifically recommended that SOC Code 2319 (“Teaching and other educational professionals not elsewhere classified”) should not be included in the Shortage Occupation List, and this was reflected in the 7 April 2021 update.

Another future option is to consider bilateral agreements. For example, before Austria was a member of the EU, it had a bilateral “cultural agreement” with the UK which included agreement on lectors/assistants. If bilateral cultural agreements are set up in future with all relevant partner states, this issue should be included in them.

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<sup>4</sup> The British Academy has received official confirmation that this interpretation of the published guidance is correct.

<sup>5</sup> It was noted that the issue of fractional appointments is particularly acute for less-widely studied languages such as Czech.

The immigration rules also set requirements for how roles must be advertised and selected for. Some institutions have identified ways to meet this requirement which still allows for recruitment of appropriately qualified candidates from outside the UK. It would be helpful to share practice of what has been found to be acceptable between institutions to provide reassurance to HR departments. UCML (the University Council of Modern Languages) is willing to coordinate this.

A further limitation under this route is the requirement to prove knowledge of English to at least level B1 on the CEFR scale. Given that the purpose of these roles is explicitly for cultural exchange and mutual improvement of language skills, **there is interest in exploring whether there could be an exemption to this requirement.** Proving knowledge of English presents a further cost to applicants - alongside others associated with the Skilled Worker route e.g. the visa application fee, healthcare surcharge and biometric card - as applicants are usually required to sit a test and pay fees in order to do so.