GUIDANCE NOTE – IMMIGRATION – UK CAMPUSES

ACADEMIC TECHNOLOGY APPROVAL SCHEME (ATAS)

Introduction
This Guidance note explains the rules under the Academic Technology Approval Scheme (ATAS) which apply to most non-UK/EEA academics and researchers appointed to undertake research in specific subject areas in the UK since 21st May 2021. This includes employees who were already sponsored under Tier 2 or Skilled Worker visa and whose visa is due for extension after May 2021.

It outlines information for Hiring Managers, HR Recruitment and Admin Teams, individual employees to whom the new rules are applied, Line Managers and Academic Visitors.

As further guidance and advice becomes available this document will be updated.

We strongly recommend that you read through this Guidance and, particularly for research staff, visit and take note of the Home Office Guidance. You may address general queries to **HR helpdesk** *but we are only able to give general advice and we cannot give personal or immigration advice or support you in making the application.*

What is ATAS?
The Academic Technology Approval Scheme (ATAS) is a scheme administered by the Foreign, Commonwealth and Development Office (FCDO) and is aimed at preventing the transfer of information, knowledge or technology which could develop, advance or support an Advanced Conventional Military Technology (ACMT) and Weapons of Mass Destruction (WMD) programme or their means of delivery.

Introduced in 2008 for international students, from May 21st, the scheme expanded to include researchers coming into the UK.

Who will be required to hold ATAS?
Researchers coming to the UK in the following visa routes:
- Skilled Worker (previously Tier 2)
- Graduate Visa
- Government Authorised Exchange Worker (Tier 5)
- High Potential Visa
- Visitor routes

will be required to hold ATAS, irrespective of their country of residence, if they are undertaking research at PhD level in one or more of the Codes set out in Appendix 1.

A list of the limited exempted nationalities is set out in Appendix 2. If you hold dual nationality with one of the exempt nationalities, you will not need an ATAS.

Any individual <u>entering the UK</u> to undertake research at PhD level in one of the listed areas including academics, researchers and visiting researchers with a Certificate of Sponsorship will need to confirm that an ATAS certificate is required.

Researchers making an application on the above visa routes will need to apply for and be granted ATAS certification <u>before</u> making their visa application.

Individuals <u>already in the UK</u> undertaking research will not need to apply for an ATAS certificate until a new visa application is made, either switching into a new visa or a request to extend the current visa.

<u>Students</u> who held an ATAS certificate for a course of study undertaken in the UK and who are making an application to "switch" to a Skilled Worker, Inter-company transfer, Tier 5 International Agreement, or Tier 5 Government Authorised Exchange visa will need to obtain a new ATAS certificate before submitting the visa application.

<u>Visitors</u> need to obtain an ATAS certificate the next time research is undertaken in the UK. This also includes overseas nationals who require a visa to visit the UK to undertake some research, potentially also including from our Dubai or Malaysia campuses. Visitors will need to obtain ATAS before beginning any relevant research activity once they arrive in the UK but will not need to do so before making a visa application (where they are required to do so).

How long will it take to obtain ATAS?
ATAS certification applications will take <u>a minimum</u> 30 working days (six full weeks) to be processed with this likely to increase between April and September[1]. Please assume that the application will take at least 6 weeks and possibly longer to be approved to allow for delays in the processing. As this certificate needs to be obtained before a visa application or visa extension is made, this will add a minimum of 6 weeks to the visa process.

It is therefore very important that Hiring Managers and Line Managers build this into their recruitment and selection process or contract extension process as the work cannot start until both the ATAS certificate and the visa have been obtained.

Please do not resubmit your application unless you are specifically asked to do so by either The Home Office or FCDO. There is no fast-track route for ATAS Applications.

Definition of a researcher
'An individual conducting investigation into a problem or situation, where the intention is to identify facts and/or opinions that will assist in solving the problem or dealing with the situation. A researcher may be working independently or as part of team.'

What do I need to do as a Hiring Manager or PI when creating a new position, extending a contract or appointing a supernumerary researcher?
1. Check Appendix 1 to see if the research areas you are recruiting or appointing to is listed. Note that as far as possible we have tried to identify the likely School against the relevant Code but please check the whole list for complete accuracy and notify **HR helpdesk** if you find a code used in your School that has not been identified.

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[1] The Home Office does not have a Service Level Agreement and in reality, it is taking much longer than the minimum time period advised.

2. If the research will fall into one or more of the Codes, please note this as part of your vacancy request, or your contract extension request, or your proposal to offer paid research work
3. Ensure you have an appropriate research statement that can either be included in the Job Description where appropriate and/or provided to HR; this statement will be used by the researcher when making the ATAS application and it needs to match information held by the University about the research being undertaken.
4. Carry out your selection process as usual and do not make any decisions based on whether or not a candidate may need a visa or an ATAS.
5. Once you have completed your selection process and put the offer through ERP, HR will advise you:
   a. If the candidate needs a visa
   b. If the candidate needs an ATAS
6. HR will also liaise with you to ensure
   a. The appropriate research statement has been provided in a format enabling the new appointee to use it as part of their online ATAS application
   b. You are aware of the timeline set out by the Home Office for approving ATAS applications and approving visas
   c. Any start date agreed takes this time into account and can be flexed. Work CANNOT start until both the ATAS certificate and Visa have been approved.

How does a researcher apply for ATAS?
You can find information at the links below and in Appendix 3.
find-out-if-you-require-an-atas-certificate
how-to-apply-for-an-atas-certificate

If you're a new researcher you will need to have an agreed research statement with Heriot-Watt University. This should adequately reflect the research you will undertake throughout your entire stay in the United Kingdom.

You should be able to obtain this either from the Job Description (where appropriate) or from the Hiring Manager or PI.

How long is an ATAS Certificate valid for?
The ATAS certificate will state that it is "valid" for three or six months when you receive it. This means that it is valid for that length of time as part of your visa application process and you must therefore apply for your visa whilst the ATAS Certificate is still "Valid".

However, the ATAS certificate then covers you for the whole period of the visa and you only need to apply for a new ATAS certificate if you
- change job within Heriot-Watt
- change employer
- change the area or areas of research
- need to extend your visa
- need to apply for a new visa

Example:
The ATAS certificate states it is valid for three months.
You use this to apply for your Skilled Worker Visa within that three month period and choose the 3-year option for your visa.

The ATAS certificate will be valid for the 3 years of your Skilled Worker Visa and you will not need to reapply <u>unles</u>s one of the circumstances listed above applies.

Our responsibilities
As a Licensed Sponsor for international staff, it is our responsibility to check whether the worker is subject to the ATAS requirement and, if so, to ensure that the worker obtains an ATAS certificate.

UK immigration law does not allow universities to permit international researchers to undertake research in an ATAS applicable discipline until an ATAS certificate has been supplied.

What happens if we don't notify the Home Office, or the individual does not apply for the certificate?
The worker's application is likely to be refused which means they will not be able to be employed in the UK nor visit the UK for work.

We may lose our sponsor licences if we do not meet these responsibilities. This would mean we are unable to appoint any non-UK Nationals into positions in the UK and at worst, our Student Licence would also be removed.

It is a criminal offence to carry out research in these restricted areas without an ATAS Certificate.

Appendix 1 - Relevant subject areas

The subject areas covered by the ATAS requirement are listed below by CAH code and by School based on information provided by Research Engagement Directorate. However, if research is undertaken in areas that do not have a School identified, any researcher carrying out that research must also obtain an ATAS Certificate before starting work or visit; mapping the School against the Code is intended to be additional help rather than definitive advice.

ACADEMIC SUBJECT	CAH Code	SCHOOL
Subjects allied to Medicine:		
Pharmacology	CAH02-02-01 -	EPS
Toxicology	CAH02-02-02 -	
Pharmacy	CAH02-02-03 -	
Bioengineering, Medical and Biomedical Engineering	CAH10-01-06 -	EPS
Others in subjects allied to Medicine	CAH02-05-03 –	
Biological Sciences:		
Biology (non-specific)	CAH03-01-02 -	EPS, MACS
Ecology and Environmental Biology	CAH03-01-03 -	EGIS
Life Science	CAH03-01-03	
Marine Biology	CAH03-01-03	EGIS
Zoology	CAH03-01-06 -	EGIS, EPS
Microbiology and Cell Science	CAH03-01-04 -	EPS
Plant Sciences	CAH03-01-05 -	EPS
Biotechnology	CAH10-03-05 –	EPS
Genetics	CAH03-01-07 -	
Biomedical Sciences (non-specific)	CAH02-05-03 -	EPS
Molecular Biology, Biophysics and Biochemistry	CAH03-01-08 -	EPS
Biosciences (non-specific)	CAH03-01-01 -	EPS
Others in Biological Sciences	CAH03-01-10 -	
Veterinary Sciences, Agriculture and related subjects:		
Others in Veterinary Sciences	CAH05-01-02 -	
Agricultural sciences	CAH06-01-02 -	EPS
Physical Sciences:		
Chemistry	CAH07-02-01 -	EPS
Materials Science	CAH10-03-07 -	EPS, SoTD
Physics	CAH07-01-01 –	EPS, MACS
Photonics	CAH07-01-01 –	EPS
Astronomy	CAH07-01-02 -	EPS
Others in Geographical Studies	CAH26-01-05 -	

ACADEMIC SUBJECT	CAH Code	SCHOOL
Physical Sciences:		
Physical Sciences (non-specific)	CAH07-04-01 -	EPS
Sciences (non-specific)	CAH07-04-03 -	EPS, EGIS
Natural Sciences (non-specific)	CAH07-04-04 -	EGIS
Mathematical and Computer Sciences:		
Computer Science	CAH11-01-01 -	MACS
Mathematics	CAH09-01-01 -	MACS
Operational Research	CAH09-01-02 -	MACS
Information Technology	CAH11-01-02 -	MACS, EPS
Information Systems	CAH11-01-03 -	MACS, EPS
Software Engineering	CAH11-01-04 -	MACS, EPS
Artificial Intelligence	CAH11-01-05 -	MACS, EPS
Engineering:		
Engineering (non-specific)	CAH10-01-01 -	EPS
Civil Engineering	CAH10-01-07 -	EPS, EGIS
Mechanical Engineering	CAH10-01-02 –	EPS
Aeronautical and Aerospace Engineering	CAH10-01-04 -	EPS
Naval Architecture	CAH10-01-05 -	EPS
Electrical and Electronic Engineering	CAH10-01-08 -	EPS
Chemical, Process and Energy Engineering, Global Sustainability, Renewable Energy	CAH10-01-09	EPS
Petroleum Engineering	CAH10-01-09	EGIS
Applied Geo-Science and Petroleum Geo-Science	CAH10-01-09 -	EGIS
Technologies:		
Polymers and Textiles		EPS, SoTD
CAH10-03-01 - Minerals Technology	CAH10-03-03 -	EGIS
Materials Technology	CAH10-03-02 -	EPS, SoTD
Maritime Technology	CAH10-03-04 -	EPS, MACS

Nationalities that are exempt from this restriction:

Australia	Latvia
Austria	Liechtenstein
Belgium	Lithuania
Bulgaria	Luxembourg
Canada	Malta
Croatia	Netherlands
Republic of Cyprus	New Zealand
Czech Republic	Norway
Denmark	Poland
Estonia	Portugal
Finland	Romania
France	Singapore
Germany	Slovakia
Greece	Slovenia
Hungary	South Korea
Iceland	Spain
Ireland	Sweden
Italy	Switzerland
Japan	United States of America

Appendix 3 – extract from Home Office Web pages
The information set out below is a summary based on the Guidance on the Home Office website.
Please make sure you read through the official Home Office Guidance to ensure you provide everything required in your application.
https://www.gov.uk/guidance/academic-technology-approval-scheme
https://www.gov.uk/guidance/guidance-on-how-to-apply-for-an-atas-certificate

How to complete the online application form
The application portal is the same for both researchers and students.

The online application form has 10 sections, which should be completed in full, with as much detail as possible provided for each section. Everything provided on the online form is used to assess your application; please therefore check all the information you provide very carefully as ATAS applications with incorrect information will either lead to a long delay in processing or rejection of your application.

- Proposed area of research: Heriot-Watt University will provide you with all the relevant details for this section e.g. in your statement of research. We will advise you of the appropriate CAH3 code and give you the correct form of words for the 'What Will you be Studying/Research Statement' box.
  You will be able to add to this description in the next box: 'Personnel Statement of Intent'.
  Add your Head of Department if you are still waiting for a research supervisor allocation

- Personal details: Details from this section will be included in your ATAS certificate. Complete this carefully and in full, and review at least once before submitting.
  If you have served in the armed forces or trained in Chemical Biological Radiological Nuclear (CBRN) please provide details including courses undertaken, relevant roles and, if applicable, years of service.
  If you have undertaken government funded research, include the funding agency and details of the project.
  Typos and transposed numbers are regular mistakes in this area and if the details provided do not match the details in your passport exactly, you will have trouble securing a visa.

- Spouse: state if you are married and planning to bring your spouse into the UK.
  If your spouse chooses to study or research an ATAS relevant subject while in the UK accompanying you, they will need to apply for their own ATAS certificate separately.

- Contact details: Make sure your contact details are accurate. The ATAS certificate will be sent to the preferred email address you enter in this section.

- Undergraduate/Postgraduate studies: provide as much detail as you are able on all previous undergraduate and postgraduate studies you have undertaken.

- Other studies: state if you have undertaken any other studies you think may be relevant to your application.

- Published papers: state if you have had any academic or professional papers published, either on your own, or with co-publishers.

- Employment history: give as much detail as possible, of any jobs you have held. Jobs that relate to your proposed course of study or research area are particularly relevant.

- Referees: provide details of 2 referees who have known you for a minimum of 3 years. At least one of the referees must be from the academic sector.

  If you have any work experience, a referee from your employment would also be useful. A referee from your home country would be preferable, but it is not essential if you have studied and/or worked in another country. Family members are not acceptable.

If you're refused an ATAS certificate
Without an ATAS certificate, you will not be granted permission to research in the UK. If you think your application has been treated unfairly you can ask for a review. However, please note that you are unlikely to be provided with a reason for the refusal and neither the Home Office nor the FCDO will advise Heriot-Watt University of any reason for refusal.

When you get your certificate
If your ATAS application is successful, you will receive a certificate by email to the address that you used to register. You should check your Junk folders regularly to ensure the email has not been filtered out.

Once you receive your certificate, you should:
- check the details on it are correct and match your offer/research documentation from Heriot-Watt University
- print out the certificate if everything is correct and include it in your visa application documentation
- contact the ATAS unit at ATAS@fcdo.gov.uk if there are any mistakes

If your visa has expired and you haven't received your ATAS certificate
It is important that you know the expiry date of your current period of permission to stay in the UK and have a clear understanding of what documentation you need to support a new application for extending that permission.

You must ensure you have submitted an ATAS application to support your visa application under the relevant route in plenty of time: at least 3 calendar months before you need to apply for permission to stay. If you are
- already carrying out research in an area for which an ATAS certificate is required, but you need to apply for permission to stay to complete your research
  or
- switching from studying to a research position

  and a decision on your subsequent ATAS application has not been made, then you can submit your application for permission to stay to the Home Office and include a letter indicating you will send your ATAS certificate on when you have it. You should not re-submit your ATAS application unless the Home Office or FCDO specifically request you to do so.

Applying for an ATAS certificate does not guarantee it will be issued.

Failure to produce a valid ATAS certificate could result in your application for permission to stay being refused.

Contact the ATAS team
ATAS@fcdo.gov.uk if you have a query about your application.