University of Birmingham

Tier 1 Graduate Entrepreneur

Procedure

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1. Introduction

The Tier 1 (Graduate Entrepreneur) category, hereafter called Tier 1 GE, allows the UK to retain (non-EEA) graduates identified by UK higher education institutions as having developed world class innovative ideas or entrepreneurial skills, to switch visa route and extend their stay in the UK after graduation to establish a business in the UK.

The University of Birmingham has successfully applied to endorse students under Tier 1 GE, and is permitted to award up to ten endorsements in a 12 month period from April to April.

If granted, the visa holder may stay for one year, for the purpose of starting and running their proposed business. They may additionally work for up to 20 hours per week.

If the visa holder, or Entrepreneur, is deemed to be progressing their business successfully they may apply for a further one year extension. Should they wish to continue the business beyond this period, they could apply to switch into a Tier 1 Entrepreneur Visa or possibly another relevant visa route.

2. Endorsed places

The University of Birmingham will select up to ten graduates per year to endorse for an application for the Tier 1 GE visa.

Candidates will be selected on the basis of evidence of a viable and feasible business proposition, *and* demonstration of the personal potential to succeed as an entrepreneur.

The deadline dates for applications from candidates are normally as shown below but applicants are advised to see the website for full information <https://intranet.birmingham.ac.uk/as/employability/b-enterprising/programmes/grad-visa.aspx>. Applications must be received by emailing ei@contacts.bham.ac.uk by close of business (17:00) on the last working Friday in each of the following months:

* October
* March

Normally 8 endorsed places will be available for applicants in October and 2 in March. In the case where a high number of exceptional candidates are interviewed, and the applicants' current visas will expire before the next interview round, the panel may, at their discretion, choose to award additional places until the annual maximum of ten places are filled.

If a deadline has been missed, and the applicant’s visa would expire before the next round, it may still be possible to apply as long as there are unallocated endorsements rolled forward from a previous selection round.

If the applicant can demonstrate exceptional circumstances, and it is practicable to convene an interview panel, candidates may be considered at the discretion of the Careers Network team.

3. Stage 1 - Visa requirements

The first stage in the process is to establish that the student holds the correct visa to permit consideration for a Tier 1 GE visa .

Students will be required to have their visa checked by the International Student Advisory Service (ISAS) who will confirm to Careers Network that the application meets essential immigration criteria for making a Tier 1 GE application.

Should a student not be able to provide documentation meeting UKV&I criteria, the Head of the ISAS will notify Careers Network.

If the application meets UKV&I critieria it will normally be posted to UKV&I by the ISAS or using another method preferred by the student. If a visa is granted, the student must then inform Careers Network so that their term of engagement can be agreed.

Staff in the Schools, the ISAS or Careers Network are unable to advise on the visa application process.

When a visa is granted the visa holder is responsible for ensuring that they abide by the conditions of their visa and provide any such necessary evidence to this effect. Failure to adhere to visa conditions could result in a report to UKV&I and the visa holder could face UKV&I sanctions including having their visa curtailed (cancelled) and having to return to their country of origin.

*Note that for administration purposes, applicants must allow for 3 months prior to their visa expiring in order to apply for a Tier 1 GE Visa.*

4. Stage 2 - Application Selection Process

After the ISAS have confirmed that the applicant holds a relevant visa, there are two stages to the formal selection process.

4.1 A request (application) to be considered must be submitted electronically for short-listing by the relevant application deadline (details can be found at www.intranet.birmingham.ac.uk/ei/graduatevisa). Further details of what this should contain and maximum words permissible can be found at the above web link.

The application will be considered confidentially by a panel of two people who will be either members of staff at the Careers Network team, or their appointees.

Applications will either be short-listed for progression to an interview, or returned with feedback explaining why they have not been short-listed.

4.2 Selection criteria

The selection criteria will be applied to each application and the team must achieve concensus on all of the following:

Business potential:

* The product/service is well defined
* The business idea has potential for commercial viability and to benefit the UK economy
* There is a clear and convincing plan of action to develop the business
* The business is innovative and of 'graduate level'

Applicant Potential:

* The applicant could develop the idea into a business
* The applicant demonstrated evidence of personal qualities to succeed
* The presentation was well prepared and delivered

4.3 Short-listed applicants will be formally invited to attend a panel interview.

5. Stage 3 - Panel Interviews

The Interview Panel will consist of a minimum of three assessors, including at least one member of the Careers Network team. Panel interviews will normally last between 30 and 40 minutes including presentation time and questions from the Panel. Should a team be making a presentation, the format of team panel presentations will be adjusted according to the size of the team.

Applicants should prepare a presentation of up to, but not exceeding, 15 minutes which outlines their business proposal and demonstrates their personal suitability to develop the business.

Outcomes will normally be communicated to the applicant within five working days after the last interview for that application round has taken place.

The Interview Panel will apply the same criteria as in 4.2 (above). The purpose of the Panel Interview is to clarify and confirm the strength of the business proposition and potential of the applicant.

The Panel will then make one of the following recommendations:

5.1 The applicant and business both have sufficient potential to accept the application

5.2 The proposed business requires minor adjustments to be deemed viable and feasible. The panel will agree a timetable for the applicant to submit supplementary information and/or meet with members of the panel. The final decision will be made by chair's action.

5.3 The applicant is unsuitable to develop the proposed business and the application is rejected

5.4 The proposed business is not sufficiently viable or feasible and the application is rejected.

Following an interview, all candidates will be provided with written feedback on their own application. Careers Network will not release the details of other applications.

The decision of the panel is final and there is no appeal process.

6. Conditions of participation on the Scheme

6.1 Careers Network requires that entrepreneurs carry out their business in a way that is befitting of the University and not in conflict with its mission, charter, ordinances or regulations. Businesses should not state or imply the University’s endorsement in any way.

Entrepreneurs are fully responsible for their own conduct and decision-making, as well as those of the business. The University cannot be held liable for any business decisions howsoever made by the entrepreneur or the business’s employees.

6.2 Intellectual Property

It is essential that the applicant declares any intellectual property (IP) that the business depends on, and can demonstrate that they have the necessary permissions or ownership of the intellectual property to progress the business.

Where the University may have any interest whatsoever in the intellectual property, then the applicant must have the approval and permission of the University before the applicant can be recommended for endorsement. Article 5.4 of the University Regulations require students to make an assignment of rights in any IP that has commercial potential if the IP is developed during the course of the student’s research or study at the University.

Applicants should discuss this with their supervisor or tutor in the first instance, and will also need to work with their department/school's Business Development Manager, Research and Innovation Services, and Alta Innovations.

6.3 UK Legal Requirements

6.3.1 Visa - When a visa is granted the visa holder is responsibie for ensuring that they abide by the conditions of their visa and provide any such necessary evidence to this effect. Failure to adhere to visa conditions could result in a report to UKV&I and the visa holder could face UKV&I sanctions including having their visa curtailed (cancelled) and having to return to their country of origin.

6.3.2 Business and other legalities - the business proposal must also meet with all other UK legal requirements. Where there are other dependencies (including, but not limited to the granting of licences, accreditations, or working partnerships), it must be demonstrated that there is a high degree of probability that these will be achieved.

6.4 Team participation

It is recognised that many successful businesses are created by teams. Applications are welcomed from teams of two or more students, including other international students or UK/EEA students.

It must be demonstrated that the individual requiring a Tier 1 GE visa has a role in the business startup which is essential to the success of the business.

However, recommendations for endorsement for a Tier 1 GE visa will be made on a person-by-person basis, and discussions with the student will take into account any risks introduced by the dependence of the business on other team members and the potential future impact. For example should an EEA team member leave the team and the business idea becomes unsustainable, the University would inform UKV&I that they were no longer endorsing the visa holder who will then be expected to return to their country of origin or switch to a different visa route. In this circumstance the visa holder would be refered, as a matter of urgency, to the ISAS for advice and guidance.

7. Progression

The programme of business incubation will normally begin from the submission of a Tier 1 GE visa application that the ISAS advisor believes meets UKV&I criteria for making an application. However, if it is felt that the applicant should wait for the outcome of their visa application, the applicant wil be informed and the start date will be when their visa is granted. The ISAS and Careers Network team will make the decision on a case-by-case basis.

 The participant will be assigned a university contact most likely the B start-up manager.

7.1 The process during the time granted on the visa will normally reflect the following:

7.1.1 The participant will be required to revise their business plan in consultation with the start-up manager, adjusted to the known start date. Appropriate milestones will be agreed and set, which will be reviewed monthly with the start-up manager.

7.1.2 A two year plan should be set out, which would if followed, enable the incubee to meet the necessary business criteria for a Tier 1 Entrepreneur Visa.

7.1.3 A quarterly meeting should take place between the start-up manager and the incubee in which the programme manager must be satisfied that the business is progressing according to the milestones, and that any adjustments to the plan still support the two-year goal.

The participant will be expected to demonstrate that progress is being made. Evidence will vary person-by-person, but may include one or more of the following: business financial records, testimonials from clients, correspondence with clients and suppliers, marketing materials, contracts, invoices, time sheets.

7.1.4 Following each quarterly meeting, a summarised record of the meeting will be kept in the particpants file.

8. Extending the Tier 1 Graduate Entrepreneur visa

Prior to this, Careers Network will need to validate that the business is making appropriate progress. The expectation is that following a second 12-month period, the graduate should be in an appropriate postion to apply to the Tier 1 Entrepreneur Visa. The University cannot guarantee success or be held liable for failure in this regard, nor is it able to assist in the application for the Tier 1 Entrepreneur Visa.

Nine months into the initial 12-month visa, the entrepreneur will submit a summary progress report (against the original business plan), and a revised business plan covering the following 24-month period.

A panel interview will be convened to judge the revised plan. The panel will measure this against the criteria in 4.2. Additionally, they will review the entrepreneur’s progress to date. The panel will recommend that a visa extension is supported, if in their view:

* the business plan meets the criteria in 4.2
* the entrepreneur’s track record indicates that the business plan could be executed successfully
* the entrepreneur can demonstrate that they would be likely to meet the eligibility criteria for transfer to the Tier 1 Entrepreneur visa at the end of a further 12 months.

In assessing progress, the panel will recognise that the original business plan may not have been executed exactly as written. Rather, they will be looking to see how well the entrepreneur has balanced careful planning with responding adeptly to new opportunities and threats as they arise.

This review process will be completed by the end of month 10, and the decision of the panel communicated to the entrepreneur and to ISAS.

9. Early completion of the scheme

9.1 Mutual agreement

If the participant advises the start-up manager that they no longer wish to continue with their business idea but want to close the business and exit the scheme early, they should notify the start-up manager in writing. The start-up manager will then notify ISAS who will meet with the incubee and outline their immigration situation.

Following this, the ISAS will make a report to UKV&I.

9.2 Unsatisfactory progress

If at any point the start-up manager identifies that satisfactory progress is not being made and that this might breach the conditions of the visa, or; activities of the entrepreneur might damage the University's reputation or jeopardise its Highly Trusted Status, the start-up manager will:

* Notify ISAS
* Request that the participant addresses the issues and report back on progress within ten working days (University working days unless otherwise indicated) from the date of the request
* If satisfactory progress cannot be demonstrated, or there remains a risk to the University, the start-up manager will convene a panel at the earliest opportunity.

The panel will comprise

* The start-up manager
* A member of ISAS
* A member of academic or administrative staff of the University, invited to chair the group

The Panel will interview the participant and make a decision to either:

* Continue the participant’s endorsement and resume the programme.
* End the participant’s endorsement.
* Continue the participant’s endorsement under a period of further review, with additional checks to be made.

9.3 Other cause

Any action by the particpant which, were they staff or students of the University, would result in disciplinary proceedings will be reported immediately to the Academic Registrar who will decide the course of action to be taken, including but not limited to immediate suspension/revocation of the participants endorsement.

10. Progress and assessment - appeals process

The following is applied to the process in section 7 as outlined above.

* 1. Quarterly progress

In the event that a panel is required to judge progress, and the participant wishes to appeal the decision of the panel, they may write to the Academic Registrar whose nominee will propose an alternative panel to review the evidence. This panel may:

* Uphold the decision of the first panel.
* Recommend an alternative course of action, usually including a review period and obligations to be met by the participant and the start-up manager

10.2 Misconduct

Appeals for misconduct will be dealt with in the same manner as student misconduct.

10.3 Further extension of leave under Tier 1 Graduate Entrepreneur

Judgements regarding the suitability of the candidate or the business plan for continuation into a second twelve month period are final and cannot be appealed.

Where the processes outlined in this document have not been followed, an appeal may be made to the Academic Registrar or nominee, who may determine that:

* the process was followed correctly and no further action be taken, or
* the process was not followed correctly but that the outcome would not have been affected, in which case recommendations will be made to ensure future compliance, but no other action will be taken, or
* the process was not followed correctly, which may have affected the outcome, and therefore the panel (or a new panel) should be reconvened to consider the application afresh.

Please note, where all available Certificates of Sponsorship have been allocated to applicants, then regardless of the outcome of an appeal, no further places can be awarded.

11. Business support

Being endorsed for a Graduate Entrepreneur visa indicates that the University has identified that you and your business have the potential to succeed.

In addition to quarterly progress checks, there will be opportunities to attend training events and benefit from networking with other student and graduate entrepreneurs.

Careers Network operates a number of schemes to support entrepreneurs through training, mentoring and financing. Endorsement for a visa does not imply you will automatically be accepted on one of these programmes. However, where eligible you will be encouraged to apply.

In addition the Careers Network team will work with you to source a suitable business mentor, and to approach investors, where appropriate.

**12. Primary and Key points of contact**

* 1. Careers Network

Web: [www.intranet.birmingham.ac.uk/benterprising](http://www.intranet.birmingham.ac.uk/benterprising)

Email: ei@contacts.bham.ac.uk

In person (by appointment) venue to be confirmed individually

* 1. International Student Advisory Services

Web: https://intranet.birmingham.ac.uk/as/studentservices/international/