



Points Based System – Skilled Workers (Tier 2)

15th August 2008

In May 2008, the UK Border Agency issued a Statement of Intent concerning skilled workers under the Points Based System. That system is currently being rolled out. So far, only the part of the system, which is for highly skilled individuals (Tier 1), has been introduced.

This information sheet provides information about skilled workers. For more general information on the Points Based System, see the “Points Based System – General” information sheet.

Statement of Intent on skilled workers

The Statement of Intent sets out the Government’s current proposals for skilled workers (Tier 2). However, the Foreword makes clear that these are only current proposals and may change before or after Tier 2 is introduced. The statement is available at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs/statementofintent/skilledworkersunderpbs.pdf?view=Binary>

The statement is not part of a formal consultation. However, comments are invited on the proposals. For further information on how to make comments, see page 17 of the statement.

Skilled workers

Tier 2 covers a wide range of migrants. It is intended to replace current Immigration Rules for:

- most work permit employment
- ministers of religion
- airport-based operational ground staff
- sabbatical posts
- seafarers
- named researchers
- training and work experience schemes
- Jewish agency employees
- overseas representatives (news media)

It is proposed that Tier 2 will be divided into three categories – General, Sports People and Ministers of Religion. Points will be awarded for qualifications and prospective earnings under the General category but not the Sports People or Ministers of Religion categories. This is meant to recognise that qualification and earnings are not useful indicators of the skills or prospects of sportspeople or ministers of religion.

To come to the UK under the General category, a migrant would need to be coming to work in an occupation recognised by the UK Border Agency as requiring skills at or above the equivalent of NVQ level 3. The UK Border Agency will publish a list of occupations which it does or does not accept meet this requirement; and guidance for assessing whether specific jobs within the occupation meet this requirement. It will take advice from the Migration Advisory Committee.

Initially, a successful migrant under Tier 2 would be granted permission to come to the UK for the duration of the post he or she is coming to fill in the UK up to a period of 3 years.

ILPA information service

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Information sheets provide general information only.

ILPA members listed in the directory at www.ilpa.org.uk provide legal advice on individual cases. ILPA does not.

What points will be needed under Tier 2

The Statement of Intent sets out how many points it is proposed a migrant applying to come to the UK under Tier 2 would need. The points required are proposed as follows:

- to come as a minister of religion – 50 points
- to come as a sportsperson – 50 points
- to come under the General category – 70 points

How points will be calculated under Tier 2

The Statement sets out how it is proposed that points will be awarded.

If a migrant demonstrates sufficient knowledge of the English language, he or she will acquire 10 points. If a migrant demonstrates that he or she has £800 (plus a further £535 for every dependent he or she wishes to bring to the UK), he or she will acquire 10 points. However, under Tier 2 a migrant must meet these requirements whether or not he or she could acquire the necessary points total without these points.

If a migrant demonstrates that he or she has a certificate of sponsorship, he or she will acquire 30 points. However, if the certificate of sponsorship is for an occupation which has been identified by the Migration Advisory Committee as one for which the UK has a current skills shortage, he or she will acquire 50 points. Before a licensed employer may sponsor a migrant under Tier 2, the employer will be required to take steps to recruit from within the UK or European Economic Area (EEA), including by advertising in JobCentre Plus.

Under the General category, a migrant would be able to acquire a maximum of 15 points for qualifications. He or she could acquire points by one (but only one) of the following:

- holding an NVQ level 3 qualification – 5 points
- holding a bachelors or masters degree – 10 points
- holding a PhD – 15 points

Under the General category, a migrant would be able to acquire a maximum of 20 points for prospective annual earnings. He or she could acquire points by one (but only one) of the following:

- for an annual earnings potential of £17,000-£19,999 – 5 points
- for an annual earnings potential of £20,000-£21,999 – 10 points
- for an annual earnings potential of £22,000-£23,999 – 15 points
- for an annual earnings potential of £24,000 – 20 points

Sponsorship

General information is available from the December 2007 “Points Based System – Sponsorship” information sheet. Under Tier 2, certificates of sponsorship will be issued by employers. Unless the Migration Advisory Committee has identified the occupation as one for which there is a current skills shortage (see above), an employer will need to have first sought to have recruited from the resident labour market. The exception to this will be for multinational companies who wish to transfer their current employees from overseas into a skilled post based in the UK (intra company transfers).

Additional employment

A migrant under Tier 2 would be entitled to take additional employment, up to a maximum of 20 hours outside of his or her normal working hours. However, this employment would need to be in the same profession and at the same professional level as his or her employment under Tier 2.