



# information sheet

## Points Based System – Temporary Workers (Tier 5)

19<sup>th</sup> September 2008

In May 2008, the UK Border Agency issued a Statement of Intent concerning temporary workers and youth mobility (Tier 5) under the Points Based System. That system is currently being rolled out. So far, only the part of the system for highly skilled migrants (Tier 1) has been introduced.

This information sheet provides information regarding proposals for temporary workers. For information on youth mobility, see the “Points Based System – Youth Mobility” information sheet. For more general information on the Points Based System, see the “Points Based System – General” information sheet.

### Statement of Intent on temporary workers and youth mobility

The Statement of Intent sets out the Government’s current proposals for temporary workers and youth mobility (Tier 5). The Introduction makes clear that these are only current proposals and may change before or after Tier 5 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, the UK Border Agency invites comments on the proposals. For further information on how to make comments, see page 17 of the statement.

### Temporary workers

This category of Tier 5 will be different to other tiers. Migrants wishing to come to the UK will:

- not be able extend their stay in the UK beyond the period of time for which they were initially granted permission to come to the UK
- not be able to switch into other Tiers (or other categories or subcategories within Tier 5)

There will be five subcategories of Temporary Worker, and the maximum period for which permission to come to the UK will be granted is different for each subcategory:

- creative and sporting (maximum 12 months)
- charity workers (12 months)
- religious workers (24 months)
- government authorised exchange (24 months)
- international agreement (24 months)

The Statement of Intent sets out specific guarantees which a sponsor will need to give in order to sponsor a migrant coming to the UK under any of these subcategories. (For more general information on sponsorship – see the information sheet on “Points Based System – Sponsorship”).

### General requirements under the Temporary Workers category

This category of Tier 5 will be similar to other tiers of the Points Based System in that migrants wishing to come to the UK will:

- need to be sponsored
- need to demonstrate access to £800 (to support themselves before they begin earning) –

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ILPA members listed in the directory at [www.ilpa.org.uk](http://www.ilpa.org.uk) provide legal advice on individual cases. ILPA does not.

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however, if the migrant is sponsored by an A-rated sponsor (see the December 2007 information sheet “Points Based System – Sponsorship”), it will be sufficient for the sponsor to confirm the migrant is able to support him or herself

Under this category 30 points will be awarded for sponsorship; and 10 points for demonstrating access to £800 (or having the required confirmation from an A-rated sponsor). Since 40 points are needed, and no other points are available, it is clear that both of these requirements must be met.

### **Creative and sporting**

This subcategory will allow artists and sportspeople to be sponsored to come to the UK by events organisers, sports clubs and sporting bodies.

Arrangements are yet to be decided for creative and sporting applicants who wish to travel to the UK on more than one occasion during the year, not always with the same sponsor.

However, some artists and sportspeople may not need to be sponsored. Currently there are a number of concessions relating to entertainers and sportspeople; and these are to be replaced by new categories in the Immigration Rules which will be set out in the revised Rules relating to visitors. There will be no need for a sponsor in these cases.

Those coming to the UK under the creative and sporting subcategory in Tier 5 will (like other Points Based System applicants) usually have to obtain permission to come to the UK before arriving here. However, non-visa nationals who want to stay for no more than 3 months will not need to do so.

There will be separate arrangements made for the 2012 Olympic Games.

### **Charity workers**

This subcategory will allow charities to sponsor migrants to come to the UK to undertake voluntary work.

### **Religious workers**

This subcategory will allow recognised religious institutions to sponsor migrants coming to the UK to undertake religious work – but not to preach or undertake pastoral work.

### **Government authorised exchange**

This subcategory will allow for workers to come to the UK under certain exchange schemes. Any scheme will need the support of a UK Government department. The statement of intent indicates that an organisation or organisations will be established to administer these schemes. This organisation will be responsible for sponsoring migrants under the scheme – not the employer or department for whom the migrant is coming to work.

### **International agreement**

This subcategory will allow for the following types of worker:

- domestic workers of diplomats or officials working for recognised international organisations
- employees of diplomatic missions or recognised international organisations

Diplomatic missions and international organisations will be able to sponsor these workers in much the same way as is described for employers and education establishments in the “Points Based System – Sponsorship” information sheet.