

## **ADDENDUM:**

### Periods of grant

The table below replaces the period of grant table for all applications except Intra-Company Transfer: Graduate Trainee and Skills Transfer on page 29.

Entry Clearance	For 3 years plus 1 month, or the period given on your Certificate of Sponsorship plus 1 month, whichever is shorter (beginning no more than 14 days before the start date given on the Certificate of Sponsorship).
Leave to Remain where your previous grant of leave was in Tier 2 and you are applying for an extension in the same job with the same sponsor.	For 2 years or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of sponsorship). If your application is decided early, extra leave will be added between the date of decision and the start date on your Certificate of Sponsorship.
Leave to Remain where your previous grant of leave was in one of the categories below; and you are applying for an extension in the same job with the same sponsor: <ul style="list-style-type: none"><li>• a Jewish Agency Employee;</li><li>• a Member of the Operational Ground Staff of an Overseas-owned Airline;</li><li>• a Minister of Religion, Missionary or Member of a Religious Order;</li><li>• a Business and Commercial work permit holder(except multiple entry work permits);</li><li>• a Sports and Entertainment work permit holder(except multiple entry work permits);</li><li>• a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation;</li><li>• a Tier 2 Migrant, provided you were granted leave under the transitional arrangements.</li></ul>	For the period of time you need to take your total stay in the United Kingdom to 5 years in an eligible category or for 2 years if this is longer (beginning on the start date given on your Certificate of Sponsorship). If your application is decided early, extra leave will be added between the date of decision and the start date on your Certificate of Sponsorship. Apart from this, leave cannot be granted for longer than the period given on the Certificate of Sponsorship plus 14 days.

Leave to Remain where you are making a change of employment application **and/or** your previous grant of leave was in one of the categories below:

- Any Tier 1 or Tier 4 category;
- A different Tier 2 category to the one you are now applying in;
- Tier 5 (Temporary Worker) in the Government Authorised Exchange sub-category, for a job as an overseas qualified nurse or midwife;
- Tier 5 (Temporary Worker) in the Creative and Sporting sub-category, for a job as a professional footballer;
- Dependant partner of a Tier 4 migrant;
- Highly Skilled Migrant Programme;
- Innovator;
- Fresh Talent: Working in Scotland Scheme;
- International Graduates Scheme (or its predecessor the Science and Engineering Graduate Scheme);
- Overseas Qualified Nurse or Midwife;
- Person Writing Up a Thesis;
- Postgraduate Doctor or Dentist;
- Representative of an Overseas Business;
- Student;
- Student Nurse;
- Student Re-Sitting an Examination;
- Student Union Sabbatical Officer.

For 3 years, or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of Sponsorship).



Home Office

**UK Border  
Agency**

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**TIER 2**  
version 07/10

# Tier 2 of the Points Based System – Policy Guidance

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## PART 1: INTRODUCTION

1. This document provides guidance for the skilled workers tier of the points-based system. Tier 2 is the route which enables United Kingdom employers to employ nationals from outside the resident workforce to fill particular jobs which cannot be filled by settled workers. A skilled worker in any Tier 2 category must not displace a suitable settled worker. Please note that it reflects policy at the time of publication and is subject to change. In this guidance, 'we', 'us' and 'our' refer to the UK Border Agency. 'You' and 'your' refer to a Tier 2 applicant.

### Categories in Tier 2

2. Tier 2 has four categories:

- **General** - if you have an offer of a skilled job that cannot be filled by a settled worker. This category includes applicants coming to fill shortage occupations.
- **Intra-Company Transfer** – if you are an employee of a multi-national company and are being transferred to a United Kingdom based branch of the same organisation either on a long term basis or frequent short visits. You cannot use this route if you are employee of an overseas organisation that is not linked by common ownership or control to the UK entity. There are 3 sub-categories of Intra-Company Transfer:
  - **Established Staff** - if you are an established employee of a multi-national company and are being transferred to a skilled job that could not be carried out by a new recruit from the resident workforce.
  - **Graduate Trainee** – if you are a recent graduate of a multi-national company and are being transferred to the UK branch of the same organisation as part of a structured graduate training programme, which clearly defines progression towards a managerial or specialist role.
  - **Skills Transfer** – if you are an overseas employee of a multi-national company and are being transferred to the UK branch of the same organisation in a graduate occupation to learn the skills and knowledge you will need to perform your job overseas, or to impart your specialist skills to the UK workforce.
- **Sportsperson** - if you are an elite sportsperson or coach whose employment will make a significant contribution to the development of your sport at the highest level.
- **Ministers of Religion** - if you are a Minister of Religion undertaking preaching and pastoral work, Missionary, or Member of a Religious Order, taking up employment, or a post/role within your faith community in the United Kingdom

3. You cannot apply under Tier 2 (General) or Tier 2 (Intra-Company Transfer) if you are applying for permission to work as a sportsperson or a minister of religion.

### Eligibility

4. You must have a job offer and a Certificate of Sponsorship from an organisation that is a licensed sponsor in the United Kingdom. You can only have a job offer if you will not be displacing a suitable settled worker. This means that employers cannot offer a job to a non-settled worker if it means that a suitable settled worker will be turned down for the job or made redundant.

5. The sponsor must meet the requirements for the category you are applying under and accept certain responsibilities to help with immigration control. You must not own more than 10% of your sponsor's shares, if the sponsor is a limited company, unless you are applying under the Intra Company Transfer category.

6. You must score a minimum of:

- **50 points for Attributes**, which includes having a sponsor and a valid Certificate of Sponsorship; and
- **10 points for English language skills** (except for certain Intra-Company Transfers); and
- **10 points for Maintenance (funds)**

7. You must be at least 16 years old on the date that the application is decided.

### **Care Arrangements for Children**

8. Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the UK Border Agency must have regard to the need to safeguard children and to promote their welfare. All children working in the United Kingdom must have suitable care arrangements in place for their travel, reception on arrival in the United Kingdom and living arrangements while here.

9. If you are 16 or 17 years old on the date that your application is decided, you must have your parent(s) or legal guardian(s) written consent that you can live and travel independently.

10. All arrangements for your care and accommodation in the United Kingdom must comply with relevant United Kingdom legislation and regulations.

### **Private foster care arrangement**

11. Children (under 16 years old or 18 years old if disabled) are privately fostered when they are cared for on a full-time basis by adults, who are not their parents or a close relative, for more than 28 days. It is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement (including the Tier 2 sponsor), to notify their United Kingdom local authority of the private fostering arrangement.

12. In the United Kingdom local authorities are responsible for safeguarding and protecting children. They must make sure that private foster carers are suitable and that they get any support and guidance that they may need to help them care for the child.

13. A close relative, parent or legal guardian caring for the child is not considered to be a private foster carer and so will not need to register with a United Kingdom local authority. A close relative is a grandparent, brother, sister, step-parent, uncle (brother or half-brother of the child's parent) or aunt (sister or half-sister of the child's parent) who is aged 18 or over.

14. You must also not fall under the General Grounds for Refusal. This means that there may be other reasons (such as your previous immigration history), that may lead to your application being refused. Please see our website for further information on General Grounds for Refusal: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter9/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter9/)

## **Self-assessment**

15. The points-based calculator on our website shows whether you are likely to score enough points. The calculator is available at: [www.ukba.homeoffice.gov.uk/pointscalculator](http://www.ukba.homeoffice.gov.uk/pointscalculator).

16. The results of the points-based calculator show the possible points you might score and does not guarantee that your application will be successful. The calculator may be subject to change. If you have any doubt about how many points you can claim, you should send as much of the evidence set out in this guidance as possible. We make a decision after receiving your full application and the evidence to support it.

17. Any documentary evidence that you provide must be issued by an authorised official of the issuing organisation and be:

- original (unless we say otherwise); and
- on the official letter-headed paper or stationery of the organisation.

## Switching

18. You can apply from inside the United Kingdom if you have, or were last granted, leave in one of the categories listed in the table below:

<p>Switching into Tier 2 (General), Tier 2 (Sportsperson) and Tier 2 (Minister of Religion)</p>	<ul style="list-style-type: none"> <li>• Any Tier 1 or Tier 4 category;             <ul style="list-style-type: none"> <li>• Tier 2 (General)</li> <li>• Tier 2 (Sportsperson)</li> <li>• Tier 2 (Minister of Religion)</li> <li>• Tier 2 (Intra-Company Transfer:Established Staff)</li> <li>• Tier 2 (Intra-Company Transfer), under the rules in place before 6 April 2010;</li> </ul> </li> <li>• Tier 5 (Temporary Worker) in the Government Authorised Exchange sub-category, for a job as an overseas qualified nurse or midwife<sup>1</sup>;</li> <li>• Tier 5 (Temporary Worker) in the Creative and Sporting sub-category, for a job as a professional footballer<sup>2</sup>;</li> <li>• Dependant partner of a Tier 4 migrant</li> <li>• Highly Skilled Migrant Programme;</li> <li>• Innovator;</li> <li>• Fresh Talent: Working in Scotland Scheme;</li> <li>• International Graduates Scheme (or its predecessor the Science and Engineering Graduate Scheme);</li> <li>• Business and Commercial work permits (except multiple entry work permits);</li> <li>• Sports and Entertainment work permits (except multiple entry work permits);</li> <li>• Jewish Agency Employee;</li> <li>• Member of the Operational Ground Staff of an Overseas-owned Airline;</li> <li>• Minister of Religion, Missionary or Member of a Religious Order;</li> <li>• Overseas Qualified Nurse or Midwife;</li> <li>• Person Writing Up a Thesis;</li> <li>• Postgraduate Doctor or Dentist;</li> <li>• Representative of an Overseas Business;</li> <li>• Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation;</li> <li>• Student;</li> <li>• Student Nurse;</li> <li>• Student Re-Sitting an Examination;</li> <li>• Student Union Sabbatical Officer.</li> </ul>
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Switching into Tier 2 (Intra Company Transfer: Established Staff)	<ul style="list-style-type: none"> <li>• Tier 2 (Intra-Company Transfer: Established Staff),</li> <li>• Tier 2 (Intra-Company Transfer), under the rules in place before 6 April 2010,</li> <li>• Intra Company Transfer work permit holder (except multiple entry work permits).</li> <li>• Representative of an Overseas Business (this includes representatives of overseas media companies)</li> </ul> <p>In all cases, you must be still working for the same employer named on your previous application.</p>
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<sup>1</sup>You must have completed your registration with the Nursing and Midwifery Council and meet the full points requirements of Tier 2 in order to switch.

<sup>2</sup>If you are unable to meet the Tier 2 requirements, including English language, you cannot switch. You must leave the United Kingdom when your leave expires and apply for re-entry under Tier 5.

## Transitional arrangements

19. If you are currently in the United Kingdom in an eligible immigration category and you have been here for less than five years, you may be able to apply under the transitional arrangements. Not all categories in the switching table above are eligible for the transitional arrangements. Please see [Part 9](#) of this guidance for further details.

## PART 2: POINTS AVAILABLE FOR ATTRIBUTES - TIER 2 (INTRA- COMPANY TRANSFER) AND TIER 2 (GENERAL)

### Introduction

20. The points you can score for attributes are as follows. **You must also score 10 points for your English language skills (except for some Intra Company Transfers) and 10 points for maintenance (funds),** as set out in [Part 7](#) and [Part 8](#) of this guidance.

Sponsorship		Qualifications		Prospective earnings	
Job in shortage occupation <sup>1</sup>	50	Masters degree or PhD or equivalent or above	15	£32,000 or more	25
Transitional arrangements	50	Bachelors degree or equivalent or above	10	£28,000 - £31,999.99	20
Offer of job that passes the resident labour market test <sup>1</sup>	30			£24,000 - £27,999.99	15
Switching from a post-study category <sup>1</sup>	30	A-level or S/NVQ 3 or equivalent or above	5	£20,000 - £23,999.99	10
Intra Company Transfer <sup>2</sup>	25	None, or below A-level or S/NVQ 3	0	Under £20,000	0
Extension in the same job and the same (or higher) salary (resident labour market test not required)	50				

<sup>1</sup> Tier 2 (General) applications only

<sup>2</sup> Tier 2 (Intra Company Transfer) applications only

21. You can only score points for one entry in each column, for example, for your highest-level qualification. You must score at least 50 points in total for your attributes. If you score 25 points for sponsorship, you will need to score at least an additional 25 points for your qualifications and/or prospective earnings.

### **PART 3: TIER 2 (INTRA COMPANY TRANSFER)**

#### **Minimum skill level and appropriate salary rate**

22. To score points for sponsorship, you must have a Certificate of Sponsorship from a licensed sponsor. The Certificate of Sponsorship must confirm that the job is at or above S/NVQ level

3. For the Graduate Trainee and Skills Transfer sub-categories the minimum skill level is a graduate occupation. The Certificate of Sponsorship must also confirm that you will be paid at or above the appropriate rate for the job. These requirements are set out in the codes of practice on our website at: [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/).

23. If you are applying for Tier 2 (Intra Company Transfer) Skills Transfer sub-category the Certificate of Sponsorship must confirm that the job is additional to normal staffing requirements.

#### **Salaries and allowances**

24. Your salary may be paid in the United Kingdom or abroad. If you will be paid abroad in a currency other than pounds sterling, the salary amount entered on your Certificate of Sponsorship will be based on the exchange rate published on [www.oanda.com](http://www.oanda.com) on the day the Certificate of Sponsorship is assigned.

25. The job must still be paid at or above the appropriate rate, even if you are not claiming points for prospective earnings. When we assess the appropriate rate, and when we award points for prospective earnings, we will consider salaries and allowances as follows:

26. We will consider:

- basic pay (excluding overtime); and
- allowances (including daily payments to cover the additional cost of living in the United Kingdom but not including expenses to cover travel to and from your home country), provided these allowances are part of your guaranteed salary package.

27. However, if allowances made available are solely for the purpose of accommodation, we will only take allowances up to 30% of the total gross salary package into account. This is whether such allowances are made available in cash or in kind. This means that your salary and other (non-accommodation allowances) must be at least 70% of the maximum package that we will take into account. The examples below explain how we calculate this.

#### **Example 1:**

- accommodation allowances: £7,000
- salary and other (non-accommodation) allowances: £21,000

The total salary package that the sponsor has offered is:

£7,000 + £21,000 = £28,000

We calculate the maximum package we can take into account by dividing the salary and other

(non-accommodation) allowances by 70%:

$$£21,000 \div 70\% = £30,000$$

In this example, the total package that the sponsor has offered is **less** than the maximum package we can take into account. We will therefore take into account all of the package that the sponsor has offered. We will use the total £28,000 when checking against the appropriate rate, and we will award 20 points for prospective earnings.

**Example 2:**

- accommodation allowances: £10,000
- salary and other (non-accommodation) allowances: £14,000

The total salary package that the sponsor has offered is:

$$£10,000 + £14,000 = £24,000$$

We calculate the maximum package we can take into account by dividing the salary and other (non-accommodation) allowances by 70%:

$$£14,000 \div 70\% = £20,000$$

In this example, the total package that the sponsor has offered is **more** than the maximum package we can take into account. We will therefore only take into account £20,000 when checking against the appropriate rate, and we will award 10 points for prospective earnings.

28. Due to the higher costs of short-term accommodation, we will take account of accommodation allowances up to 40% of the gross salary for short-term transfers. This means that your salary and other (non-accommodation allowances) must be at least 60% of the maximum package that we will take into account. This applies where either:

- You are applying from outside the United Kingdom with a Certificate of Sponsorship that has been issued for 12 months or less; or
- You are applying for an extension that will take your total stay in the United Kingdom to 12 months or less.

**For example:**

- accommodation allowances: £10,000
- salary and other (non-accommodation) allowances: £18,000

The total salary package that the sponsor has offered is:

$$£10,000 + £18,000 = £28,000$$

This is a short-term transfer, so we calculate the maximum package we can take into account by dividing the salary and other (non-accommodation) allowances by 60% instead of 70%:

$$£18,000 \div 60\% = £30,000$$

In this example, the total package that the sponsor has offered is **less** than the maximum package we can take into account. We will therefore take into account all of the package that

the sponsor has offered. We will use the total £28,000 when checking against the appropriate rate, and we will award 20 points for prospective earnings.

## **Claiming points for sponsorship**

### **Established Staff**

29. You can claim 25 points if you have been employed by your sponsoring organisation for at least 12 months immediately before the date of your application in any combination of:

- outside the United Kingdom; and/or
- as a Tier 2 (Intra-Company Transfer: Established Staff) or under the Tier 2 (Intra-Company Transfer) rules in place before 6 April 2010 and/or
- as an Intra-Company Transfer work permit holder; and/or
- as a Representative of an Overseas Business.

30. Time spent in the UK as a Tier 2 (Intra-Company Transfer: Graduate Trainee) or Tier 2 (Intra-Company Transfer: Skills Transfer) will not count towards the 12 months' company experience required for the Tier 2 (Intra-Company Transfer: Established Staff). However, if you have worked for the company overseas for 6 months (for example) before coming to the UK as a Tier 2 (Intra-Company Transfer: Graduate Trainee) or Tier 2 (Intra-Company Transfer: Skills Transfer), then return and work for the company overseas for a further 6 months, we will allow you to add the two 6 month periods together.

31. You should confirm with your sponsor that it has indicated Tier 2 (Intra-Company Transfer: Established Staff) on your Certificate of Sponsorship.

32. The Intra Company Transfer: Established Staff sub-category is not intended to allow a sponsor for whom you have been working for at least 12 months (Company A) to supply workers to another organisation (Company B) on a contract basis.

33. However, Company A may have a contract with Company B to provide a time bound service or deliver a time bound project. If you will work on that contract, you can be sponsored by Company A for the period of that contract under the Intra Company Transfer: Established Staff sub-category. Company A must have full responsibility for your duties, functions, and outputs while you are working in the United Kingdom.

34. Company A cannot sponsor you if:

- you are being contracted as 'agency' labour to Company B; or
- you are being sponsored to undertake a routine role for Company B which is not related to the delivery of a time bound service by Company A; or
- Company B has responsibility for your duties, functions and outputs while you are working in the United Kingdom.

35. In these circumstances you must obtain a Certificate of Sponsorship from Company B and apply under Tier 2 (General). Company B may need to carry out a resident labour market test before they can issue you with a Certificate of Sponsorship.

### **Graduate Trainee**

36. You can claim 25 points if you have been employed by your sponsoring organisation for at least three months immediately before the date of your application in any combination of:

- outside the United Kingdom; and/or
- as a Tier 2 (Intra Company Transfer) migrant before 6 April 2010.
- Please note that any time you may have spent in the UK as a Tier 2 (Intra Company Transfer: Graduate Trainee) will not count towards the 12 months experience required for the Established Staff sub-category.

37. You should confirm with your sponsor that it has indicated Tier 2 (Intra-Company Transfer: Graduate Trainee) on your Certificate of Sponsorship.

### **Skills Transfer**

38. You can claim 25 points if you are employed overseas by your sponsoring organisation immediately before the date of your application.

39. Your purpose of transfer to the UK branch of the multi-national company must be to learn or to transfer skills and knowledge to the sponsor's UK environment. Your appointment must be additional to your sponsor's UK staffing requirements, if it were not for the need for skills transfer, your role in the UK would not exist.

40. Please note that any time you may have spent in the UK as a Tier 2 (Intra Company Transfer: Skills Transfer) will not count towards the three months experience required for the Graduate Trainee sub-category or the 12 months experience required for the Established Staff sub-category.

41. You should confirm with your sponsor that it has indicated Tier 2 (Intra-Company Transfer: Skills Transfer) on your Certificate of Sponsorship.

### **Documents we require as evidence of sponsorship**

42. Your Certificate of Sponsorship reference number is used to claim points. If you are claiming points in either the Tier 2 (Intra-Company Transfer: Established Staff) or Tier 2 (Intra-Company Transfer: Graduate Trainee) sub categories, you must provide additional evidence that you have worked for your sponsor for the specified period (12 months for Established Staff or 3 months for Graduate Trainees). You do not have to be in the same job for the specified period.

43. You do not need to provide this evidence if you are making an extension or change of employment application to do the same or different job for the same sponsor.

### **You must provide one of the following types of required documents**

#### **EITHER**

#### **i) Payslips covering the full specified consecutive months**

The most recent payslip must be dated no earlier than one calendar month before the date of the application.

These should be either original payslips or on company-headed paper. If your payslips are not on headed paper or are printouts of online payslips, you must provide a letter from your sponsor, confirming the authenticity of the payslips. This letter can be posted, faxed or scanned and emailed to you. The letter must be on company headed paper, and must be signed by a senior official.

#### **OR**

**ii) Personal bank or building society statements covering the full specified consecutive months**

The most recent statement must be dated no earlier than one calendar month before the date of the application.

The statements should clearly show:

- your name; and
- your account number; and
- the date of the statement; and
- the financial institution's name and logo; and
- transactions by your sponsor covering the six month period.

Ad hoc bank statements printed on the bank's letterhead are acceptable as evidence (This excludes mini-statements from Automatic Teller Machines (ATMs)).

Electronic bank statements from an online account are acceptable but must contain all of the details listed above. In addition, you must provide a supporting letter from your bank, on company headed paper, confirming the authenticity of the statements provided. Alternatively an electronic bank statement bearing the official stamp of the bank on every page is acceptable.

**OR**

**iii) Building society pass book**

The building society pass book should clearly show:

- your name; and
- your account number; and
- the financial institution's name and logo; and
- transactions by the sponsor covering the full specified period immediately before the date of the application.

**Maternity, paternity or adoption leave**

44. If you are applying in the Established Staff sub-category and you have been absent from work on maternity, paternity or adoption leave during the last 12 months, we will accept evidence that you have been working for any 12 months within the last 24 month period.

45. For example, if you worked for nine months, took 12 months leave and then returned to work for three months before applying, you can provide evidence of working for the two periods, making 12 months in total.

46. This exception applies for a maximum of 12 months maternity, paternity or adoption leave. It does not apply to other breaks in your working, for example a period of study or a career break.

47. In addition to the evidence of 12 months working set out in paragraphs 43 and 44, you must provide the following specified documents:

**i) Original full birth certificate or original full certificate of adoption (as appropriate) containing the names of the parents/adoptive parents of the child for whom the leave was taken**

AND at least one of the following:

**ii) Original letter from your sponsor, on company headed paper, confirming the start and end dates of your leave; and/or**

**iii) One of the types of documents set out in paragraphs 43 and 44, covering the entire period of leave (as well as the 12 months working) showing your statutory maternity, paternity or adoption payments**

48. If the birth certificate or certificate of adoption is not available then you must provide both types of documents specified at ii) and iii) above.

49. If you cannot provide two types of documents from the three listed above, you may provide one alternative document listed below. This must be from an official source and must be independently verifiable:

- official adoption papers issued by the relevant authority; or
- any relevant medical documents that you are content to let us see; or
- a relevant extract from a register of birth provided it is accompanied by an original letter from the issuing authority.

50. You must still provide two types of evidence and at least one of these must be specified in i) to iii) above. You must fully explain the reasons why you cannot provide two of the specified types of documents in i) to iii) above. We will not accept other documents unless we are satisfied that the specified documents cannot be provided.

51. We will not accept other alternative documents, such as personal letters of confirmation, newspaper announcements, or other unofficial documents.

### **Claiming points for qualifications**

52. You can claim the following points for your qualifications, if they meet, or exceed, the United Kingdom recognised standard of the qualifications set out below. You can only score points for one qualification.

Masters degree or PhD or equivalent or above	15 points
Bachelors degree or equivalent or above	10 points
A-level or S/NVQ 3 or equivalent or above	5 points
None, or below A-level or S/NVQ 3	0 points

53. Qualifications are verified by the National Academic Recognition Information Centre for the United Kingdom (UK NARIC), which is a private company that specialises in comparing overseas qualifications to United Kingdom academic levels.

54. Points can also be awarded for a vocational or professional qualification where it is at least the same as one of the levels above, as long as it can be verified by UK NARIC or by the appropriate United Kingdom professional body.

55. You should check the level of your qualification by using the points-based calculator which contains information from UK NARIC and is on our website at: [www.ukba.homeoffice.gov.uk/pointscalculator](http://www.ukba.homeoffice.gov.uk/pointscalculator). If your qualification is not on the points-based calculator, you may still claim points for it but you must send additional evidence.

### **Documents we require as evidence of qualifications**

**You do not need to resend documentary evidence of a qualification if you have been awarded points for it in a previous Highly Skilled Migrant Programme, Tier 1 or Tier 2 application.**

56. You should provide a copy of your grant letter showing the points that you were previously awarded for the qualification.

57. Where you cannot show this, you must send your certificate of award for the qualification. This document must be the original (not a copy) and must clearly show:

- your name;
- title of the award;
- date of the award; and
- name of the awarding institution.

58. The evidence provided must be evidence of a qualification. We will not award points for evidence which is not a qualification, for example a certificate of registration with a professional body.

59. We will not accept original provisional certificates. The original certificate of award must always be provided unless you are awaiting graduation having successfully completed your qualification, or you no longer have the certificate and the institution is unable to provide a replacement.

60. In these cases you should send an original academic reference from the awarding institution together with an original academic transcript.

61. The original academic reference must be on the official headed paper of the awarding institution and clearly show:

- your name; and
- the title of award; and
- the date of award, confirming that it has been/will be awarded; and
- the date that the certificate will be issued (if you have not yet graduated) or confirmation that the institution is unable to reissue the original certificate or award.

62. The original academic transcript must be on the official paper of the awarding institution and must clearly show:

- your name; and
- the name of the academic institution; and
- the course title; and
- confirmation of the award.

63. If you cannot provide your original certificate for one of the reasons given above and you are claiming points for a qualification with a significant research bias (frequently doctorates) you may not be able to provide an academic transcript. In these cases we will accept an academic

reference alone. The academic reference must include all the information detailed above.

### **Additional documents required for academic qualifications that cannot be found on the points-based calculator:**

64. You must, in addition to the document(s) listed above, provide an original letter and/or certificate from UK NARIC confirming the equivalent level of your qualification. You must contact UK NARIC directly to assess the qualification. Contact details for UK NARIC are on its website: [www.naric.org.uk](http://www.naric.org.uk). UK NARIC may charge a fee for confirming qualifications.

### **Additional documents required for professional/vocational qualifications that cannot be found on the points-based calculator:**

65. You must, in addition to the document(s) listed above, provide an original letter from the appropriate UK professional body. This must clearly show the name of your qualification (including the country and awarding body), and confirmation of which United Kingdom academic level the qualification is equivalent to.

### **Claiming points for prospective earnings**

66. You can claim the following points for the prospective earnings offered by your sponsor. These salary bands are before tax (gross) and yearly.

£32,000 or more	25 points
£28,000 - £31,999.99	20 points
£24,000 - £27,999.99	15 points
£20,000 - £23,999.99	10 points
Under £20,000	0 points

67. If your salary does not meet the appropriate rate set out in the codes of practice, your application will be refused, even if you score enough points for your prospective earnings. The codes of practice are on our website at: [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/)

68. If you will be working in the United Kingdom for less than 12 months, you can claim points for your pro-rated yearly earnings. For example, if you will earn £10,000 on a six month contract, you can claim points for the equivalent earnings of £20,000 per year. This only applies to short term contracts.

69. If you will be working part time, you can only claim points for your actual earnings and not for the equivalent full time earnings.

70. We will only award points for up to a maximum of 48 hours a week, even if you are working more than this. For example, if you will earn £25,000 per year, working 60 hours per week, you must work out your equivalent earnings for a 48 hour week. This would be  $£25,000 \times (48 \div 60) = £20,000$ , so you can only claim 10 points for your prospective earnings.

71. The salary bands include allowances if they meet the requirements set out in paragraphs 24 to 28 of this guidance. You should add acceptable allowances to your gross salary to work out the points you can claim.

72. If you are working more than 48 hours a week, you should work out your equivalent earnings for a 48 hour week as set out above before adding any allowances.

73. You should ask your sponsor to confirm the salary details on the Certificate of Sponsorship. You do not need to send any other evidence of your prospective earnings.

## **PART 4: TIER 2 (GENERAL)**

### **Salaries and allowances**

74. Your salary may be paid in the United Kingdom or abroad. If you will be paid abroad in a currency other than pounds sterling, the salary amount entered on your Certificate of Sponsorship will be based on the exchange rate published on [www.oanda.com](http://www.oanda.com) on the day the Certificate of Sponsorship is assigned.

75. The job must still be paid at or above the appropriate rate, even if you are not claiming points for prospective earnings. When we assess the appropriate rate, and when we award points for prospective earnings, we will consider salaries and allowances as follows:

76. We will consider basic pay (excluding overtime) plus any allowances, such as London weighting, which would also be paid to a settled worker in similar circumstances, provided these allowances are part of your guaranteed salary package.

77. We will **not** consider other benefits, such as bonus or incentive pay, travel and subsistence (including travel to and from your home country).

### **Claiming points for sponsorship**

#### **Job in shortage occupation**

78. You can claim 50 points if your job was on the shortage occupation lists at the time your Certificate of Sponsorship was assigned by your sponsor. The current shortage occupation lists are on our website at: [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/).

79. There is one list for the whole of the United Kingdom and a further additional list for Scotland. If you are claiming points for a job on the shortage occupation list in Scotland, you must be undertaking that job in Scotland.

80. The shortage occupation lists are recommended by the Migration Advisory Committee (MAC), and will be revised over time.

81. Your contracted working hours must be for at least 30 hours a week.

82. You should confirm with your sponsor that it has indicated that your job is a shortage occupation in the relevant field on the Certificate of Sponsorship. You should also confirm with your sponsor that the SOC code and job description on the Certificate of Sponsorship show that the job is one of those on the shortage occupation lists, and that your sponsor has met the requirements for that shortage occupation set out in the relevant code of practice.

## Offer of job that passes the resident labour market test

83. You can claim 30 points if the sponsor has met the requirements of the resident labour market test before assigning a Certificate of Sponsorship, or if an exemption from the test applies. Your job will only have passed the test if there is no suitable settled worker available to fill the job.

84. You should confirm with your sponsor that they have indicated that a resident labour market test has been completed on the Certificate of Sponsorship, or that an exemption applies.

85. The only exemption is if you have current leave to be in the United Kingdom as a post-graduate doctor or dentist in further Speciality Training and you need to apply for further leave under Tier 2 (General) so that you can complete your training or return to your training after an out of programme experience.

86. You should also confirm that your sponsor has stated the Jobcentre Plus (or JobCentre Online for jobs in Northern Ireland) vacancy reference number on the Certificate of Sponsorship. Your sponsor does not need to do this if you are being sponsored to work in one of the following jobs:

- graduate jobs where recruitment took place through university milkrounds
- directors, chief executives or legal partners (jobs with SOC codes of 2411 and 1112), where the salary package is at least £130,000 or above or where there are stock exchange disclosure requirements
- creative sector jobs where the code of practice states that advertising is not required because you will be making an additional contribution to the United Kingdom labour market
- named researchers

87. The requirements of the resident labour market test vary depending on the type of job and are set out in the guidance for sponsors and the code of practice relevant to that occupation. These are available from the UK Border Agency website at the following links:

- [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/)
- [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/)

## Switching from a post-study category

88. You can claim 30 points if you have a Certificate of Sponsorship and are switching from:

- the Tier 1: Post Study category; or
- the Fresh Talent: Working in Scotland Scheme; or
- the International Graduate Scheme (or its predecessor, the Science and Engineering Graduate Scheme);

### AND

- if you have worked for your sponsor for at least six months immediately before the date of your application. You must be applying to continue in the same job you are doing on the date of the application.

### AND

- if you are applying from inside the United Kingdom.

89. If you do not meet these requirements, you will need to claim points for sponsorship in another way, for example if your sponsor has completed a resident labour market test.

90. Your Certificate of Sponsorship reference number is used to claim points. If you are claiming points for switching from a post-study category, you must provide the following additional evidence that you have worked for your sponsor for at least six months.

### **Documents we require as evidence of sponsorship**

EITHER

i) Payslips covering the full six consecutive months

OR

ii) Personal bank or building society statements covering the full six consecutive months

OR

iii) Building society pass book

Please refer to paragraphs 43 and 44 of this guidance for details of the specified dates of these documents and what information they must show.

If you are applying in the Tier 2 (General) category and have been absent from work on maternity, paternity or adoption leave during the last six months, we will accept evidence that you have been working for any six months within the last 18 month period.

### **Claiming points for qualifications and prospective earnings**

91. Please see paragraphs 52 to 73 in [Part 3](#) for details on how to claim points for qualifications and prospective earnings. This guidance applies to Tier 2 (General) as well as Tier 2 (Intra-Company Transfer).

## **PART 5: POINTS AVAILABLE FOR ATTRIBUTES – TIER 2 (SPORTSPERSON)**

92. You can claim 50 points for your Certificate of Sponsorship in this category.

93. In order for a Certificate of Sponsorship to be issued, your sponsor will need to have obtained an endorsement for you from the appropriate governing body for your sport. The endorsement will confirm that:

- you are internationally established as a player or coach at the highest level, and
- you will make a significant contribution to the development of your sport at the highest level in the United Kingdom; and
- the post could not be filled by a suitable settled worker.

94. A list of all approved governing bodies is available on our website at: [www.ukba.homeoffice.gov.uk/workingintheuk/tier2/sportspeople/](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/sportspeople/).

95. You must also score 10 points for your English language skills and 10 points for maintenance (funds), as set out in [Part 7](#) and [Part 8](#) of this guidance.

96. If you are a football player sponsored by a club in the United Kingdom, you do not need to make a new application if you move on loan to another club in the United Kingdom. You can continue to be sponsored by your original club. You should check with both clubs that they have made arrangements to manage the sponsorship duties.

97. If you are permanently transferred to another football club in the United Kingdom, or if you are moving on loan from a club overseas to a club in the United Kingdom, then you must make a new application. You will need a new Certificate of Sponsorship and a new governing body endorsement.

## **PART 6: POINTS AVAILABLE FOR ATTRIBUTES - TIER 2 (MINISTER OF RELIGION)**

98. You can claim 50 points for your Certificate of Sponsorship in this category.

99. You must provide an official letter from the sponsor with your application, which must be signed by someone with authority within the sponsor organisation and can be posted, faxed or scanned and emailed to you.

100. This letter must give an outline of your duties, details of remuneration, and an explanation of how the role passes the resident labour market test. Your duties may include preaching, whether regularly or on a one off occasion, and/or other pastoral duties.

101. You must also score 10 points for your English language skills and 10 points for maintenance (funds), as set out in [Part 7](#) and [Part 8](#) of this guidance.

## **PART 7: POINTS AVAILABLE FOR ENGLISH LANGUAGE SKILLS**

### **Introduction**

102. You must score 10 points for your English language skills, unless you are applying under Tier 2 (Intra Company Transfer) and you are not applying to extend your leave in this category beyond three years. Any time you have spent as an Intra Company Transfer work permit holder does not count towards the three years.

103. If you are unable to score 10 points for English language skills, your application will be refused, even if you have scored 50 points or more for attributes and have met all the other Tier 2 requirements.

104. English is the most widely spoken language of the United Kingdom. The ability to speak English well helps you succeed in the United Kingdom labour market and assists in integration.

105. If you are applying under the Tier 2 (Minister of Religion) category, you must have a high level of English language because of the need to speak to and for the religious communities you will represent, and in particular to communicate effectively with the younger generation. This level is equivalent to level B2 of the Council of Europe's Common European Framework of Reference.

106. If you are applying under other Tier 2 categories, you must be able to understand and use familiar everyday expressions and very basic phrases, to introduce yourself and others, and to ask and answer questions about very basic personal details. This level is closest to level A1 of the Council of Europe's Common European Framework of Reference.

### **Claiming points**

107. You can claim 10 points if you:

- score 50 points for sponsorship under the transitional arrangements; or
- have previously been granted leave under Tier 1 (General), Tier 1 (Entrepreneur), or the

Highly Skilled Migrant Programme under the rules which were introduced on 5 December 2006; or

- have previously been granted leave under a Tier 2 category, having already provided evidence of meeting the English language requirement (If you are applying under Tier 2 (Minister of Religion) you must have last been granted leave under this category for this to apply); or
- have previously been granted leave as a Minister of Religion on or after 23 August 2004 (If you are applying under Tier 2 (Minister of Religion) you must have been granted leave as a Minister of Religion on or after 19 April 2007); or
- are a national of a majority English speaking country; or
- hold a degree that was taught in English which **must** be equivalent to a United Kingdom Bachelors degree or above; or
- pass an English language test at the appropriate level.

### **Documents we require as evidence that you are a national of a majority English speaking country**

108. If you are a national of one of the countries listed below, you automatically meet the English language requirement:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Canada;
- Dominica;
- Grenada;
- Guyana;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago;
- United States of America.

109. You must provide your current valid original passport or travel document. If you are unable to do so, you must give full reasons in the passport section of the application form.

110. If your current passport / travel document has been lost or stolen; or has expired and been returned to the relevant authorities; or has been sent to another part of the UK Border Agency, you may exceptionally provide one of the following alternatives:

- a current national identity document; or
- an original letter from your home government or embassy, on the letter-headed paper of the

government or embassy. This letter must have been issued by an authorised official of that institution and must confirm your full name, date of birth and nationality.

## **Documents we require as evidence that you hold a degree taught in English**

111. Your degree **must** have been taught in English and **must** be recognised by National Academic Recognition Information Centre for the United Kingdom (UK NARIC) as equivalent to at least a United Kingdom Bachelors degree.

112. The qualification must be academic. Professional or vocational qualifications are not acceptable as evidence of English language skills.

113. You must provide the original certificate of the award or (if you are awaiting graduation) the original academic transcript. If these cannot be provided for the reasons set out in paragraph 72 of this guidance, we will accept an academic reference alone. The requirements for these documents are set out in the qualifications section of this guidance.

114. The only exception to this requirement is where you have undertaken the Pearson Test of English Academic (PTE Academic) test. In these cases you should provide a print out of your online score report. You should also ensure that you have made your online results available to the UK Border Agency on the Pearson verification system. If you fail to do this no points will be awarded for English Language.

115. Where the degree was taught in a majority English speaking country listed below, we will assume it to have been taught in English:

- Antigua and Barbuda;
- Australia;
- The Bahamas;
- Barbados;
- Belize;
- Dominica;
- Grenada;
- Guyana;
- Ireland;
- Jamaica;
- New Zealand;
- St Kitts and Nevis;
- St Lucia;
- St Vincent and the Grenadines;
- Trinidad and Tobago;
- United Kingdom;
- United States of America.

Please note that Canada is not on this list.

116. For degrees taught in other countries, you can claim 10 points where the points-based calculator confirms your qualification is equivalent to at least a United Kingdom Bachelors

degree and was taught to a level of English equivalent to level C1 on the Council of Europe's Common European Framework of Reference for Languages: Learning, Teaching, Assessment.

117. The points-based calculator contains information from UK NARIC and is on our website at: [www.ukba.homeoffice.gov.uk/pointscalculator](http://www.ukba.homeoffice.gov.uk/pointscalculator). You can confirm that your degree was taught in English by using the English language section.

118. If you are applying under Tier 2 (Minister of Religion) you can **only** score points for your degree being taught in English where it was taught in one of the countries listed above or you can find your degree on the English language section of the points-based calculator.

119. If you are applying under other Tier 2 categories and your degree is not included in the English Language section of the points-based calculator, you may still claim 10 points as follows:

120. You may still be able to confirm that your degree is equivalent to a United Kingdom Bachelors degree by using the qualifications section of the points-based calculator.

121. If you cannot confirm the level of your degree on the points-based calculator, you must, in addition to the document(s) listed above, provide an original letter and/or certificate from UK NARIC confirming the equivalent level of your qualification.

122. You must contact UK NARIC directly to assess the qualification. Contact details for UK NARIC are on its website: [www.naric.org.uk](http://www.naric.org.uk). UK NARIC may charge a fee for confirming qualifications.

123. UK NARIC will only be able to confirm that the qualification is equivalent to a United Kingdom Bachelors degree, not that it was taught in English. Therefore you must also provide a letter from your university. This letter must be original, issued by the awarding institution on the official headed paper of the institution and include:

- your name; and
- the title of award; and
- the date of the award; and
- confirmation that the qualification was taught in English.

### **Documents we require as evidence that you have passed an English language test at the appropriate level**

124. We will only accept original test result certificates from providers that have been assessed as meeting our requirements. Details of these tests are available on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/approvedenglishtestst2.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/approvedenglishtestst2.pdf)

125. The certificate must clearly show:

- your name;
- the qualification obtained; and
- the date of the award.

126. You are not exempt from the English Language requirement if you have a disability (for example, hearing difficulties). You should contact a test provider for details of support that can be provided whilst sitting the test.

127. If you are in the United Kingdom and your current leave is about to expire, you may need to apply before you have taken, or received the results of, an English language test. If this applies to you, you must send us the date of your English language test in writing within 10 working days of submitting your application. You must send this information to the following address, stating your payment reference number:

**UK Border Agency**  
**PO Box 3468**  
**Sheffield**  
**S3 8WA**

128. Once you have taken the test and received the results you must provide the certificate within five working days.

129. If you provide confirmation from the test provider that you have taken a test or have a confirmed date to take the test, we will continue to hold the application open for you to complete this process. If you do not pass the test on the first attempt, your application will not be held open to allow for more attempts to be made.

## **PART 8: POINTS AVAILABLE FOR MAINTENANCE (FUNDS)**

### **Introduction**

130. You must score 10 points for maintenance by showing you have at least £800 of available funds.

131. If you are unable to score 10 points for maintenance, your application will be refused, even if you have scored 50 points or more for attributes and have met all the other Tier 2 requirements.

132. You should check the costs of living in the United Kingdom and that you have enough money to support yourself and any dependants. You must have enough money to support yourself for your entire stay in the United Kingdom as you will not have access to most public funds (benefits provided by the state).

### **Claiming points**

133. You can claim 10 points if:

- you score 50 points for applying under the transitional arrangements; or
- you score 30 points for switching from a post-study category (This applies to in-country applications only); or
- you currently have entry clearance, leave to enter, or leave to remain as a Tier 2 Migrant; work permit holder; Jewish Agency Employee; Member of the Operational Ground Staff of an Overseas-owned Airline; Minister of Religion; Missionary; Member of a Religious Order; or Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation; or

your A-rated sponsor certifies on the certificate of sponsorship that they will maintain and accommodate you up to the end of your first month of employment in the United Kingdom if required. Your sponsor may limit the amount of the undertaking but any limit must be at least £800; or

- you have personal savings of at least £800 which must have been held for a consecutive 90 day period ending no more than 1 calendar month before the date of your application.

134. If you wish to rely on a joint account as evidence of available funds, you must be named on the account along with one or more other named individual(s).

135. Where the funds are in a currency other than pounds sterling, the amount we consider will be based on the exchange rate for the relevant currency on the date of the application, taken from the rates published on [www.oanda.com](http://www.oanda.com).

136. Any Dependants wishing to join you must also provide evidence that they have access to sufficient funds. Please refer to the dependants guidance which can be found on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/dependants)

### **Documents we require as evidence of your sponsor certifying your maintenance**

137. If your sponsor certifies maintenance, this must be confirmed on your certificate of sponsorship.

138. Only A-rated sponsors can certify your maintenance.

### **Documents we require as evidence of personal savings**

139. If you are claiming 10 points because you have personal savings of £800, that have been held for a consecutive 90 day period, you must provide one of the following types of specified evidence.

140. The evidence used to support personal savings for at least a consecutive 90 day period must be original, and issued by an authorised official of that organisation.

141. Evidence must be in the form of cash funds held in an account (this includes savings accounts and current accounts even when notice must be given). Other accounts or financial instruments such as shares, bonds, pension funds etc, are not acceptable, regardless of notice period.

142. Where an applicant is providing evidence of maintenance from a single account, we will always assess the funds available to an applicant from the closing balance given on the document provided.

143. Where two or more pieces of evidence from a single account are submitted (for example two consecutive bank statements) we will assess the funds available to the applicant from the closing balance of the most recent document.

144. Where evidence from two or more accounts are submitted, we will assess the funds available to the applicant using:

- the most recent closing balance of one account, plus
- any additional money available to the applicant on the date of that closing balance, for which the applicant has provided the required evidence.

145. We will always use the closing balance date from the account that most favours the applicant.

146. Only the following specified documents will be accepted as evidence of this requirement:

**i) Personal bank or building society statements covering a consecutive 90 day period**

The most recent statement must be dated no earlier than one calendar month before the date of the application.

The personal bank or building society statements should clearly show:

- your name;
- your account number;
- the date of the statement;
- the financial institution's name and logo;
- any transactions during the 90 day period;
- that there have been enough funds in your account throughout the period (The balance must always be at least £800) covering the 90 day period before the date of application ending no more than one calendar month before the date of application

All statements must be on the bank's stationery, unless the applicant is submitting electronic statements.

Ad hoc bank statements printed on the bank's letterhead/stationery are acceptable as evidence (This excludes mini-statements from ATMs).

If the applicant wishes to submit electronic bank statements from an online account these must contain all of the details listed above. In addition, the applicant will need to provide either:

- a supporting letter from his/her bank, on company headed paper, confirming the authenticity of the statements; or provided.
- Alternatively an electronic bank statement bearing the official stamp of the bank in question will be accepted. This stamp should appear on every page of the statement.

We will not accept statements which show the balance in the account on a particular day as these documents do not show that you hold enough funds for the full period needed.

**ii) Building society pass book covering a consecutive 90 day period, ending no more than one calendar month before the date of application:**

The building society pass book should clearly show:

- your name; and
- your account number; and
- the building society's name and logo; and
- any transactions during the 90 day period; and
- that there have been enough funds in your account throughout the period (The balance must always have been at least £800) covering the consecutive 90 day period before the date of application.

**iii) A letter from your bank or building society, or a letter from a financial institution regulated by the Financial Services Authority or, for overseas accounts, the home regulator (This is the official regulatory body for the country in which the institution operates and the funds are located) confirming funds and that they have been held for a consecutive 90 day period, ending no more than one calendar month before the date**

## **of application:**

This letter must show:

- your name; and
- your account number; and
- the date of the letter (which must be no more than one calendar month before the date of the application); and
- the financial institution's name and logo; and
- the funds held in your account; and
- confirmation that funds of £800 have been in the bank for at least a 90 day consecutive period on and before the date of the letter.

The letter must be dated no more than one calendar month before the date of application.

All statements must be on the bank's letterhead/official stationery.

147. We will not accept letters which show the balance in your account on a particular day as these documents do not show that you hold enough funds for the full period needed.

## **PART 9: TRANSITIONAL ARRANGEMENTS**

### **Introduction**

148. Under the transitional arrangements, you do not need to provide the full evidence in order to score the necessary 70 points. Your application will still be considered against the General Grounds for Refusal. Please see our website for further information on General Grounds for Refusal: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter9](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter9)

149. If your application is successful, you will be granted leave to remain for the period of time you need to take your total stay in the United Kingdom to five years in an eligible category, or for a period of two years if this is longer. You will not be granted leave for longer than the period given in your Certificate of Sponsorship plus 14 days.

### **Eligibility**

150. You can apply under the transitional arrangements if you:

- are currently in the United Kingdom; and
- have, or were last granted, leave in one of the eligible categories listed below; and
- have not been granted continuous leave in any combination of these categories for a total of five years or longer; and
- have a valid Certificate of Sponsorship; and
- are applying to continue working for the same employer doing the same job as your previous grant of leave was issued for.

Tier 2 (General)	Tier 2 (Intra Company Transfer)	Tier 2 (Sportsperson)	Tier 2 (Minister of Religion)
<ul style="list-style-type: none"> <li>• Business and Commercial work permit holder (except multiple entry work permits)</li> <li>• Sports and Entertainment work permit holder (except multiple entry work permits)</li> <li>• Member of operational ground staff of an Overseas-owned Airline</li> <li>• Jewish Agency employee</li> <li>• Tier 2 (General), provided you were last granted leave under the transitional arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Business and Commercial work permit holder (except multiple entry work permits), provided that work permit was granted as an Intra Company Transfer and you are still working for the same employer named on that work permit application</li> <li>• Tier 2 (Intra Company Transfer), provided you were last granted leave under the transitional arrangements</li> </ul>	<ul style="list-style-type: none"> <li>• Sports and Entertainment work permit holder (except multiple entry work permits)</li> <li>• Entertainment work permit holder (except multiple entry work permits)</li> </ul>	<ul style="list-style-type: none"> <li>• Minister of religion</li> <li>• Missionary</li> <li>• Member of a religious order</li> </ul>

151. Apart from the two exceptions set out below, you cannot apply under the transitional arrangements if you wish to change employer, or if you wish to continue working for the same employer and:

- there is any change to your core duties or responsibilities; or
- your position in the hierarchy of the sponsoring organisation changes, for example due to a promotion; or
- your pay changes from the level indicated on your current Certificate of Sponsorship or current work permit, other than changes due to annual increments, bonuses or natural progression within the same job (provided this progression is at the same level and is not a promotion).

152. You cannot apply under the transitional arrangements if you have already been granted five years leave in one of the eligible categories. Your application will be considered under the full Tier 2 criteria. If you are applying to continue working for the same employer doing the same job as your previous grant of leave was issued for, your application will be considered as an extension and a resident labour market test will not be required.

**Attributes for Tier 2 (General) and Tier 2 (Intra Company Transfer) under the transitional arrangements**

153. You can claim 50 points for attributes, without needing to claim points for your qualifications and/or prospective earnings.

154. The job you are doing must still be at or above S/NVQ level 3 and be paid at or above the appropriate salary rate, as set out in the codes of practice on our website at: [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/codesofpractice/).

155. The appropriate salary rate may have changed since your previous work permit was approved.

### **Attributes for Tier 2 (Sportsperson) and Tier 2 (Minister of Religion) under the transitional arrangements**

156. You must meet all the requirements for attributes for the category you are applying under, as set out in [Part 5](#) and [Part 6](#) of this guidance.

### **English language skills and maintenance (funds) under the transitional arrangements**

157. For all Tier 2 categories, if you are applying under the transitional arrangements you will automatically be awarded 10 points for English language skills and 10 points for maintenance (funds) without needing to provide evidence for these.

### **Exceptions for senior care workers and established entertainers**

158. There are two exceptions where you can apply under the transitional arrangements even if you are applying to work for a different employer:

- If your last grant of leave was to work as a Business and Commercial work permit holder, working as a senior care worker. You must be applying to continue working as a senior care worker but you may change employers.
- If your last grant of leave was in an entertainments category of the Sports and Entertainments work permit arrangements. You must be applying to continue working in a job which our guidance defines as being in the entertainment sector. It must also be one or more of the same types of work for which you have previously been established and granted leave. This may not necessarily be the same type of work as the work permit immediately before your new application.

159. In the two circumstances above, and only in these circumstances, your Certificate of Sponsorship for Tier 2 (General) or Tier 2 (Intra Company Transfer) does not need to confirm that the job is at or above S/NVQ level 3. The job must still be paid at or above the appropriate salary rate.

160. If you are applying to work for a different employer and your application is successful, you will be granted leave to remain for a maximum period of 3 years, or the period given in your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given in your Certificate of Sponsorship).

161. If you are applying for an extension with the same employer and your application is successful, you will be granted leave to remain as set out in paragraph 149 above.

### **If you have been granted continuous leave in the United Kingdom for five years or more**

162. If you have been granted continuous leave in the United Kingdom in any combination of the [eligible categories](#) for five years or more, you cannot apply under the transitional arrangements. You must apply under the full Tier 2 criteria.

163. However, if you currently have leave in one of the [eligible categories](#), you will automatically score 10 points for maintenance without needing to provide evidence.

164. If you are applying to continue working for the same employer doing the same job, your sponsor will not need to carry out a resident labour market test. If you are making a change of employment application, your sponsor may need to carry out a resident labour market test if this is required for the category you are applying under.

165. If your application is successful, you will be granted leave to remain for three years, or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of Sponsorship).

## **PART 10: MAKING AN APPLICATION**

### **Application forms**

166. If you are applying from outside the United Kingdom, you must have entry clearance before you travel. The application forms for entry clearance are available at [www.ukvisas.gov.uk/en/howtoapply/vafs](http://www.ukvisas.gov.uk/en/howtoapply/vafs).

167. If you are applying from inside the United Kingdom, the application forms for leave to remain are available at [www.ukba.homeoffice.gov.uk/workingintheuk/tier2/](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/).

### **Your Certificate of Sponsorship**

168. The Certificate of Sponsorship is not an actual certificate or paper document. It is a virtual document similar to a database record. Your Certificate of Sponsorship has a unique reference number and contains information about the job and your personal details.

169. We will not provide you with your Certificate of Sponsorship reference number as this is the responsibility of your sponsor. Your sponsor may also need to provide you with some of the information in the Certificate of Sponsorship, for example, your wage. You may need this information to complete the points-based calculator and the application form.

170. Your Certificate of Sponsorship is valid for one application only. If your application is unsuccessful, you will need a new Certificate of Sponsorship before you can apply again.

171. Please see [Annex A](#) for further information about Certificates of Sponsorship.

### **When to apply**

172. You must apply within three months from the date your Certificate of Sponsorship was issued. You must also apply no more than three months before the start date on your Certificate of Sponsorship. If this is not possible, you should contact your sponsor.

173. If you are applying from inside the United Kingdom, you should apply before your current leave expires. If you do not, you will be classed as an overstayer, which could affect any future applications you make.

### **Documents we require**

174. You must send the required supporting documents with your application, as set out in [Part 2](#), [Part 3](#), [Part 4](#), [Part 5](#) and [Part 6](#) of this guidance. These documents must be the originals (not copies) unless stated otherwise. We will only accept the documents specified in this guidance. We will not consider unrelated evidence.

175. Any documents that have to be submitted in support of points claimed, which are not in English or Welsh must be accompanied by a full translation that can be independently verified by the UK Border Agency, as well as the original. This translation must include details of the translator's credentials and confirmation that it is an accurate translation of the original document. It must also be dated and include the original signature of the translator.

176. You should provide full contact details for each document supplied to allow the documents to be verified if necessary. You should also provide any information/explanation of the documents that may help us to consider your application.

### **Additional evidence for sponsored students**

177. If you have been in the United Kingdom in one of the following categories, you may have been sponsored in your studies by a Government or international scholarship agency:

- Tier 4; or
- student; or
- student nurse; or
- student re-sitting an examination; or
- student writing up a thesis; or
- postgraduate doctor or dentist.

178. This means that you may have been wholly supported by an award that covers both fees and living costs. If you have had such sponsorship within the past 12 months, you must provide us with the Government or international scholarship agency's unconditional consent in writing, giving you permission to remain in or re-enter the United Kingdom.

179. The evidence must be original, on the official letter-headed paper or stationery of the organisation. It must have been issued by an authorised official of that organisation. If the organisation does not give unconditional consent or only gives permission for a limited time, we will refuse your application.

180. If you have received private sponsorship during your studies (for example from an employer or relative), we do not require the private sponsor's consent.

181. More advice on sponsored students is available on our website, at:

[www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter3/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDIs/idischapter3/).

### **Date of application**

182. For applications made outside the United Kingdom, the date of application is taken to be the date that the fee is paid. This means the date shown on your payment receipt, which depends on how you paid for your visa application, for example at a British Diplomatic Post, visa application centre or online.

183. For applications made in the United Kingdom, the date of application is taken to be the date of posting or, where the application form is sent by courier, the date on which it is delivered to us.

## Considering your application

184. We aim to consider applications quickly. However, we must be confident that applications meet the requirements of the Immigration Rules, and that the information you provide is a true reflection of your background.

185. If we have doubts about an application or the documents sent with your application, we may carry out verification checks and/or other checks. Please see [Annex B](#) for further information.

## Periods of grant

186. If your application is successful, you will be granted leave for a period of time set out in the table below:

### All applications except Intra-Company Transfer: Graduate Trainee and Skills Transfer

Entry Clearance	For 3 years plus 1 month, or the period given on your Certificate of Sponsorship plus 1 month, whichever is shorter (beginning no more than 14 days before the start date given on the Certificate of Sponsorship).
Leave to Remain where previous grant of leave was in Tier 2 and you are applying for an extension in the same job with the same sponsor	For 2 years or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of Sponsorship). If your application is decided early, extra leave will be added between the date of decision and the start date on your Certificate of Sponsorship
Leave to Remain where you are applying under the transitional arrangements (except changes of employment for senior care workers or established entertainers); or where you would be eligible under the transitional arrangements if you had not already stayed in the United Kingdom for five years or more	For the period of time you need to take your total stay in the United Kingdom to 5 years in an eligible category, or for 2 years if this is longer (beginning on the start date given on your Certificate of Sponsorship). If your application is decided early, extra leave will be added between the date of decision and the start date on your Certificate of Sponsorship. Apart from this, leave cannot be granted for longer than the period given on the Certificate of Sponsorship plus 14 days.
Leave to Remain in all other cases	For 3 years, or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of Sponsorship).

### **Intra-Company Transfer: Graduate Trainee**

Entry Clearance	For 12 months, or the period given on your Certificate of Sponsorship plus 1 month, whichever is shorter (beginning no more than 14 days before the start date given on the Certificate of Sponsorship).
Leave to Remain	For the period of time you need to take your total stay in the United Kingdom in this sub-category to 12 months, or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of Sponsorship).

### **Intra-Company Transfer: Skills Transfer**

Entry Clearance	For 6 months, or the period given on your Certificate of Sponsorship plus 1 month, whichever is shorter (beginning no more than 14 days before the start date given on the Certificate of Sponsorship).
Leave to Remain	For the period of time you need to take your total stay in the United Kingdom in this sub-category to 6 months, or the period given on your Certificate of Sponsorship plus 14 days, whichever is shorter (beginning on the start date given on the Certificate of Sponsorship).

### **Administrative Review (entry clearance applications only)**

187. If we refuse an application for entry clearance and you think that a mistake has been made, you can ask us to check our decision. This is known as an 'Administrative Review'. Please see [Annex C](#) for further information. Please note that you cannot apply for an Administrative Review if you are applying from within the United Kingdom.

### **Appeal rights (in-country applications only)**

188. If we refuse an application for leave to remain and you think that a mistake has been made, you may be able to appeal against our decision. Details on how and if you can appeal will be included with your refusal letter.

## **PART 11: WHILST YOU ARE IN THE UK UNDER TIER 2**

### **Conditions of leave**

189. The following conditions apply to all Tier 2 categories:

- You must not own more than 10% of your sponsor's shares, if the sponsor is a limited company, unless you are applying under Tier 2 (Intra Company Transfer); and
- You have no recourse to public funds; and

- You must register with the police if the Immigration Officer considers it necessary and in all cases if you are:
  - a national of a country listed in Appendix 2 of the Immigration Rules ([www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendix2/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendix2/)); and
  - applying under any Tier 2 category except Tier 2 (Ministers of Religion); and
  - granted leave to take your total stay in the United Kingdom to more than six months
- You cannot take employment, except:
  - working for the sponsor in the job recorded on your Certificate of Sponsorship; and
  - supplementary employment; and
  - voluntary work; and
  - you are in the Tier 2 (Sportsperson) category, playing for your national side when they are in the United Kingdom.
- You can study if you wish. There is no limit on the number of hours you can study or the type or level of course, provided this does not interfere with the job you have been sponsored to do. You can study anywhere you choose and you do not have to study with a sponsor registered under Tier 4 of the points-based system.

### **Supplementary employment**

190. You do not need to inform us of any supplementary employment, as long as it is:

- in the same profession and at the same professional level as the work for which your Certificate of Sponsorship was issued; and
- no more than 20 hours per week; and
- outside of your normal working hours for which your Certificate of Sponsorship was issued.

191. In addition, you must continue to work for your sponsor in the job recorded on your Certificate of Sponsorship.

### **Voluntary work**

192. You can also undertake voluntary work in any sector. You must not be paid for your work, other than the reasonable expenses outlined in section 44 of the National Minimum Wage Act, detailed at : [www.opsi.gov.uk/acts/acts1998/ukpga\\_19980039\\_en\\_1](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980039_en_1).

### **Secondary employment applications**

193. You must make a secondary employment application if you wish to do any other additional work. The secondary employment must be with a licensed sponsor and you will need a new Certificate of Sponsorship from that sponsor.

194. This application will be considered separately from your first application and must meet the full Tier 2 criteria by itself. You must meet all the points requirements, which may include your new sponsor carrying out a resident labour market test.

195. You must include a letter with the application explaining that you wish to vary your existing leave. The letter must also include:

- your name;
- your date of birth;
- your first Certificate of Sponsorship reference number (from your previous application); and

- the date your current leave expires.

196. You can only apply for secondary employment after starting work with your first sponsor. You cannot start work with your second sponsor until your application for secondary employment has been approved.

### **Change of employment applications**

197. You must make a change of employment application if you wish to change employer.

198. You must also make a change of employment application if you are remaining with the same employer but:

- there is a change to your core duties which means you change jobs to a different Standard Occupational Classification (SOC) code.; or
- you are remaining with the same sponsor but there is a change to your core duties which means you change jobs from a job which is currently on the shortage occupation list to a job which is **not** on the shortage occupation list; or
- your pay reduces from the level indicated on your current Certificate of Sponsorship or current work permit, other than changes due to company-wide reductions defined as acceptable in the Sponsor Guidance, or reductions due to maternity or adoption leave.

199. A change of employment application is not required for other changes to your job. For example if you are remaining with the same employer and change jobs to a different job within the same SOC code, or your pay increases.

200. A change of employment application is treated the same as an initial application. You must have a new Certificate of Sponsorship and you must meet all the points requirements, which may include your sponsor carrying out a new resident labour market test. A resident labour market test will not be required if you are applying as an Intra Company Transfer (continuing to work for the same company) or for a job which is a shortage occupation.

201. It is recommended that you do not commence employment until you have received your BRP. However, on the basis of your approval letter, if you and your sponsor agree to commence the employment before you have your BRP both you and your sponsor carry the risk of having no statutory excuse against a civil penalty if the BRP card is incorrect or withdrawn by us. You can continue working for your previous sponsor until the start date on your new Certificate of Sponsorship, provided your previous leave has not expired.

202. You do not need to resubmit evidence of the points you are claiming (other than your new Certificate of Sponsorship) if you have already provided it in a previous Tier 2 application. If you have not provided this evidence previously, you must provide it with your new application or the application will be refused.

### **Temporary reduction in working hours**

203. Some employers are temporarily reducing workers' hours to avoid making redundancies. A change of employment application is **not** required if:

- you currently have leave as a work permit holder or under Tier 2; and
- you are continuing to work in the same job, with reduced working hours; and
- the reduced working hours are part of a company-wide policy to avoid redundancies; and
- your employer is not treating migrant workers more favourably than resident workers; and
- your pay or working hours do not reduce by more than 30%; and

- any reduction in wages is proportionate to the reduction in hours; and
- the arrangements will be in place for no more than one year.

## **Extension applications**

204. You must make an extension application if you need to extend your leave and you are applying to continue in the same job for the same sponsor. You cannot apply for an extension if you are applying from outside the United Kingdom, or switching from another category, or changing employment (see above).

205. You must have a new Certificate of Sponsorship for your extension application. Your salary must be at least the same, or higher, than that shown on your Certificate of Sponsorship for your previous grant of leave.

206. If you are applying as a Tier 2 (Sportsperson) you will also need to have a new governing body endorsement with a new reference number.

207. You will not need to claim points for your qualifications and/or prospective earnings when applying for an extension. A resident labour market test is not required for extension applications.

208. You can continue working while we are considering your extension application, provided you submitted the application before your previous leave expired.

209. As part of your application to extend your leave in the UK, you (together with your dependants) will be required to provide your biometric details. If your application for an extension of stay is successful you will be issued with a Biometric Residence Permit. More information about biometrics and BRP can be found on our website or in the Tier 2 application forms.

## **Change of circumstances**

210. If during your stay under Tier 2, you wish to amend:

- Your contact details; or
- Details of your criminal convictions; or
- Your representative's details; or
- Your dependants details

211. Then you should inform your sponsor and fill out a change of circumstances form which is available on our website.

This form should be sent to:

**UK Border Agency**  
**Change of Circumstances Form**  
**PO Box 3468**  
**Sheffield**  
**S3 8WA**

212. We will confirm that we have noted your change of circumstances in a letter. You should keep this letter with the original documents from your application.

213. However, if your current grant of leave was made by means of a Biometric Residence Permit (BRP), you should not use the change of circumstances form to notify us of any of the following changes to your circumstances:

- Change of name
- Change of date of birth
- Change of nationality
- Change of gender
- Change of appearance

214. In these circumstances, you must make an application for a new BRP, using the application form BRP(RC), This can be obtained from the UK Border Agency website.

215. You should also use the BRP(RC) application form if you need to replace a BRP that has been lost, damaged or stolen.

### **Absences from the United Kingdom**

216. The United Kingdom, Channel Islands, Isle of Man and Republic of Ireland form a common travel area. If you leave this area while you are employed in the United Kingdom (for example, for holidays, business trips or a secondment overseas), you do not need to make a new application to return to the United Kingdom unless your leave expires or lapses.

217. If you have been granted entry clearance, or leave to remain for more than six months, your leave will not lapse when you leave the common travel area, unless your leave passes its expiry date or you stay outside the United Kingdom for more than two years.

218. However, if you do not have entry clearance or you have leave to remain which was granted for less than six months, your leave will lapse if you leave the common travel area.

219. If your leave has lapsed or expired while you are overseas you will not be able to re-enter the United Kingdom unless you make a new application with a new Certificate of Sponsorship from your sponsor.

### **Curtailing leave**

220. If you are no longer working for a licensed sponsor, we may curtail your leave. This may happen if:

- your employment ends before your period of leave; or
- your sponsor does not renew its licence; or
- your sponsor's licence is withdrawn; or
- your sponsor is taken over by another organisation and/or there is a transfer of employment, and your new employer does not apply to become a licensed sponsor within 28 calendar days of taking over the business.

221. We may curtail your leave as follows:

- to 60 days. You may wish to make a further application for leave in another category or with another sponsor; or
- with immediate effect, if the sponsor's licence was withdrawn and we consider that you were complicit in the actions that resulted in the licence being withdrawn.

- If you have 6 months leave or less remaining, we will not curtail your leave.

## **ANNEX A: SPONSORSHIP**

### **A1: What is a Certificate of Sponsorship?**

222. A Certificate of Sponsorship is not an actual certificate or paper document, but is a virtual document, similar to a database record.

223. You must have a Certificate of Sponsorship before you can apply under Tier 2. By issuing a Certificate of Sponsorship, your sponsor confirms that you are able to undertake a particular job and intend to do so.

224. Your Certificate of Sponsorship is 'live' when your sponsor has assigned a unique Certificate of Sponsorship reference number to you, but you have not yet used it to apply for leave. You can only have one 'live' Certificate of Sponsorship at a time. No other sponsor can assign a Certificate of Sponsorship to you at the same time.

225. It is very important that you only give your personal details (such as your passport number) to a sponsor that you intend to work for.

### **A2: What is a valid Certificate of Sponsorship?**

226. To be valid, your Certificate of Sponsorship must:

- have been issued by a licensed sponsor; and
- have the same details on it as in your passport; and
- have been assigned no more than three months before the date of application; and
- have a start date no more than three months after the date of application; and
- not have been withdrawn/cancelled by the sponsor or by us.

227. If you submit an application using a Certificate of Sponsorship that is invalid, the application will be refused. You must get a new Certificate of Sponsorship from your sponsor.

228. If a Certificate of Sponsorship is withdrawn/cancelled after you have already been granted entry clearance, the entry clearance will be revoked. You will not be allowed to enter the United Kingdom, even if you have already travelled.

229. A valid Certificate of Sponsorship does not guarantee that an application for entry clearance or leave to remain will be successful. You must meet the full conditions for the Tier 2 category you are applying under.

### **A3: When can a Certificate of Sponsorship be withdrawn/cancelled?**

230. A Certificate of Sponsorship can be withdrawn/cancelled at any time by either us or the sponsor. We may withdraw/cancel a Certificate of Sponsorship for a variety of reasons, for example:

- if you have used the Certificate of Sponsorship for a previous application; or
- if your sponsor's licence expires and they do not renew it; or
- if your sponsor's licence is withdrawn; or

- if your sponsor is taken over by another organisation and/or there is a transfer of employment, and your new employer does not get a sponsor licence; or
- if we have reason to believe that your sponsor has not met the requirements of the category, such as not completing a resident labour market test correctly (if required).

#### **A4: What should you do if you do not want to take up the job you have been sponsored for?**

231. If you do not want to take up the job because you want to work for a different sponsor, you must ask the sponsor to withdraw the Certificate of Sponsorship. You must contact the sponsor in writing or by email and give it five working days to withdraw the certificate.

232. If the sponsor fails to do so, you should send a reminder. If the sponsor does not withdraw the Certificate of Sponsorship within a further five working days, you should contact the Sponsor Licensing Unit by e-mail ([SponsorshipPBSenquiries.ukba.gsi.gov.uk](mailto:SponsorshipPBSenquiries.ukba.gsi.gov.uk)) or by post at:

**Sponsor Licensing Unit**  
**UK Border Agency**  
**North East, Yorkshire and Humber Region**  
**PO Box 3468**  
**Sheffield**  
**S3 8WA**

233. You must provide:

- your full name; and
- your nationality; and
- the name of the sponsor you no longer wish to work for; and
- the Certificate of Sponsorship reference number you wish to be cancelled; and
- the name of any other sponsor you wish to work for; and
- the reason why you wish the Certificate of Sponsorship to be cancelled; and
- the date you first contacted the sponsor to ask for the Certificate of Sponsorship to be cancelled; and
- the date you contacted the sponsor again to remind them to cancel the Certificate of Sponsorship; and
- a copy of any correspondence sent to your sponsor, which must clearly show who the correspondence was addressed to within the sponsoring organisation; and
- any correspondence from that sponsor in connection with those requests (for example, any acknowledgement e-mails or letters).

234. The Sponsor Licensing Unit will cancel the Certificate of Sponsorship if necessary after discussions with the sponsor.

235. If you do not want to come to the United Kingdom, you should tell your sponsor and ask them to withdraw the Certificate of Sponsorship. You do not need to contact the Sponsor Licensing Unit as the Certificate of Sponsorship will automatically expire three months after it was assigned.

#### **A5: What happens if your sponsor's licence has been suspended?**

236. If we are considering taking action which may lead to the withdrawal of your sponsor's licence, they will not be able to assign any new Certificates of Sponsorship.

237. If you are already working for the sponsor, you will be able to carry on working unless the sponsor's licence is withdrawn.

238. Any Tier 2 applications submitted while the sponsor's licence is suspended will not be considered. We will hold the application until the suspension ends and then make a decision.

239. If your leave is due to expire, you can apply for leave to remain if you have a new Certificate of Sponsorship. Your leave will continue during the time the application is on hold, as long as you apply before your leave expires.

240. If you are granted entry clearance before the sponsor's licence is suspended, you will be allowed to enter the United Kingdom and start work for the sponsor. However, if your sponsor's licence is suspended this may lead to the licence being withdrawn. If this happens you will not be allowed to continue working for the sponsor.

241. You should check the status of your sponsor's licence before you travel. If we suspend it, we will remove your sponsor from the register of sponsors on the UK Border Agency website ([www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/pbsregisterofsponsors](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/pbsregisterofsponsors)). If your sponsor's licence has been suspended, we recommend that you do not travel to the United Kingdom.

## **A6: What is a multiple entry Certificate of Sponsorship?**

242. If you need to leave and re-enter the United Kingdom on a regular basis you may be issued with a multiple entry Certificate of Sponsorship.

243. There is no difference in the conditions of a multiple entry Certificate of Sponsorship. This type of certificate is not needed for holidays or business trips overseas. It merely confirms that your sponsor expects you to regularly travel in and out of the United Kingdom.

## **A7: What duties does a sponsor have?**

244. Your sponsor has a number of additional duties, which include keeping copies of your passport, Biometric Residence Permit or United Kingdom immigration status documents, and contact details. The sponsor must not keep your original documents.

245. Your sponsor also has reporting duties, which include reporting to us if:

- you do not turn up for your first day of work; or
- you are absent from work for more than 10 working days, without the sponsor's reasonably granted permission; or
- your employment (including if you resign or are dismissed) or any registration you need to work in the United Kingdom (such as with a governing body) ends; or
- the sponsor stops sponsoring you for any other reason (for example, if you switch into an immigration route that does not require a sponsor); or
- there are any significant changes in your employment circumstances, for example, a change of job or salary (but not job title or annual pay rise) or a change in the location where you are working; or
- the sponsor has information which suggests you are breaching the conditions of your leave.

246. Your sponsor must also give the police any information they may have which suggests that you may be engaging in terrorism or other criminal activity.

247. You must give your sponsor all the information they need to be able to fulfil the above duties.

### **A8: How do you report abuse?**

248. You can report any instances where you believe that your sponsor is not complying with their duties, or has provided false information to us about you. This may include any discrepancy between the salary stated on your application and the salary the sponsor is paying you.

249. You, or any member of the public, can contact the Intelligence Unit about abuse of Tier 2 at:

**UK Border Agency**

**Intelligence Unit**

**PO Box 3468**

**Sheffield**

**S3 8WA**

**Telephone: 0114 207 2934**

**Fax: 0114 207 2935**

**E-mail: [workabuse@homeoffice.gsi.gov.uk](mailto:workabuse@homeoffice.gsi.gov.uk)**

Alternatively you can contact the Sponsor Licensing Unit by e-mail ([SponsorshipPBSenquires@ukba.gsi.gov.uk](mailto:SponsorshipPBSenquires@ukba.gsi.gov.uk)) or by post at:

**Sponsor Licensing Unit**

**UK Border Agency**

**PO Box 3468**

**Sheffield**

**S3 8WA**

250. If we undertake checks on you or your sponsor and find a discrepancy that you have not reported, we may take action. We may investigate whether you have colluded with the sponsor and take any necessary action based on those investigations.

### **A9: What happens during a UK Border Agency visit?**

251. Sponsors may be visited by our visiting officers at any time. The visit may be to check that the sponsor is complying with its duties. We may also want to speak to you and other migrant workers employed by the sponsor.

### **A10: Where can you find more information on sponsorship?**

252. Further information is available in the guidance for sponsors, which is on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance)

## **ANNEX B: VERIFICATION AND OTHER CHECKS**

### **B1. What may be checked?**

253. We may want to check the supporting documents you send with your application. Therefore, you must ensure that all the evidence comes from a source that can be clearly identified and that it can be independently confirmed as being genuine.

254. These checks may delay our decision on an application so we will only make them when we have clear reasons to do so.

## **B2. When will verification checks be made?**

255. Where we have reasonable doubts that a specified document is genuine we may want to verify the document with an independent person or government agency.

256. What we consider to be a reasonable doubt will depend on an individual application. However, our judgments will be based on the facts we have.

257. The purpose of these checks is to ensure that the document provided is genuine and accurately reflects statements made in the application. If the document is being used as evidence to score points, we also want to ensure that it entitles you to claim those points.

## **B3. When will other checks be made?**

258. We will make other checks where, for example, we have doubts about an application or the documents sent with the application but these are not serious enough for us to make a verification check.

259. This may be because previous verification checks have found that some supporting evidence is invalid and some is genuine, or where evidence provided contradicts information we already have. In these cases, we may carry out more checks.

## **B4. What are the possible outcomes of checks?**

260. There are four possible outcomes of a check:

- **Document confirmed as genuine.** If we conclude that the document is genuine, we will consider the application as normal.
- **Document confirmed as false.** If we conclude that the document is false, we will refuse the application, whether or not the document is essential to the application. If a document is confirmed as false we will normally refuse the application for more than one reason. For example, if you send us a bank statement to show that you have enough funds available, and we have evidence that the statement is false, we will refuse the application because you do not meet the funds requirement and because you have sent a false document. Where we confirm that a document is false it will be retained by the UK Border Agency and is likely to jeopardise any future application.
- **Check inconclusive (verification checks).** If we cannot verify that the document is either genuine or false then we will ignore it as evidence for scoring points. If you have sent other specified documents as evidence for scoring the relevant points, we will consider these as normal. If you have not sent any other documents, we will award zero points in that area.
- **Check inconclusive (other checks).** If we cannot verify that the document is either genuine or false then we will consider the application as if the document is genuine.
- **Check gives us cause to have reasonable doubt about the genuineness of a specified document (other checks).** If we cannot determine that the document is either genuine or false but as a result of the checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

## **B5. When would an application be refused without making verification checks?**

261. We may refuse an application without making verification checks where:

- We are concerned about a piece of evidence but would in any event refuse the application for other reasons, those reasons will form the basis of the refusal. We will not make verification checks in these circumstances. However, we will always verify passports if we doubt they are genuine.
- There is evidence that proves a particular document is false without verification checks.

## **B6. What is the procedure for verification and other checks?**

262. The procedures for both verification checks and other checks will vary from case-to-case, but they may involve:

- checking the details or genuineness of documents with employers, the relevant embassy or high commission, other government departments (in the United Kingdom and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

263. We will use a standard form to record the results of our enquiries, to ensure that we record any feedback consistently.

264. If we cannot obtain an immediate answer to enquiries, we will normally wait for up to a maximum of four weeks for the necessary information.

265. Our compliance team may visit your employer or educational institution (if you are a student) before we make a decision on the application.

## **ANNEX C: ADMINISTRATIVE REVIEW (ENTRY CLEARANCE APPLICATIONS ONLY)**

### **C1. What is Administrative Review?**

266. Administrative Review is the mechanism for reviewing refusal decisions made under the Points Based System where an applicant believes an error has been made in the decision. The Administrative Review is free of charge.

267. Administrative Review is an entitlement but the request must be made within 28 days from the date you receive the refusal notice. For time limits for making a request, see further paragraphs C6 and C7 below.

268. Administrative Review is a non-statutory scheme; that is there is no legislation setting out what it covers or who is eligible to apply. The policy is contained in this guidance.

### **C2. What if the Administrative Review request refers to matters outside the scope of the Administrative Review?**

269. Where this occurs the matters should be dealt with under the normal complaints procedure. In such cases you will be advised in writing.

### **C3. Who conducts the Administrative Review?**

270. An Entry Clearance Manager will conduct the administrative review. This may mean that in some cases, an Entry Clearance Manager from another Post will conduct the Administrative Review. You may receive the result of the Administrative Review from an entry clearance post that is different to the one that considered the original entry clearance application.

#### **C4. Who can apply for Administrative Review?**

271. Anyone refused entry clearance under the Points Based System, where they believe the Entry Clearance Officer has made an incorrect decision.

#### **C5. How do you apply?**

272. You will receive the Administrative Review Request Notice with the entry clearance refusal notice.

273. You must complete the Request Notice in full and send it directly to the address stated on the Request Notice.

274. You must not send any additional documents such as your passport or supporting documents with the Administrative Review request notice. If the refusal is overturned, you will be asked to send in your passport.

#### **C6. What is the deadline for applying for Administrative Review?**

275. You have 28 days from the date of receipt of your refusal notice, to submit a request for Administrative Review.

#### **C7. What if an application is submitted late?**

276. Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional circumstances to accept the application outside of the deadline. If the Administrative Review request is late and the administrative reviewer decides not to perform the Administrative Review, the request notice will be returned to you with a letter explaining why it is not being accepted.

#### **C8. How many times can an applicant request an Administrative Review?**

277. You may request only one Administrative Review per refusal decision. Any further review requests received for the same refusal decision will not be accepted. They will be returned to you.

278. However, where the Administrative Review upholds a refusal but with different refusal grounds, you may request an administrative review of these new refusal grounds.

279. If you have new or further information, documents or other paperwork that you failed to provide with your original application, you will need to make a new application and pay the appropriate fee.

#### **C9. How long will the Administrative Review take?**

280. The administrative reviewer will complete their review and notify you in writing of their decision within 28 days from the date of receipt of the Administrative Review request notice.

281. If, in exceptional circumstances, the administrative reviewer is unable to complete the Administrative Review within the 28 days, they will notify you in writing as to when to expect a decision.

#### **C10. What will the administrative reviewer look at?**

282. The administrative reviewer will examine the evidence provided with your original application, copies of which will be kept at the refusal post.

283. You are not allowed to provide new evidence. Any new evidence must be disregarded unless you were refused under paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal (see paragraph C12). Please see our website for further information on General Grounds for Refusal: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9)

284. Any new evidence you provide will be returned to you together with the outcome of the Administrative Review.

### **C11. How are Administrative Review decisions made?**

285. The administrative reviewer should focus on the areas which you have asked to be reviewed. They will check that:

- points have been correctly awarded; and
- documents have been correctly assessed; and
- verification checks have been properly carried out.

286. The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:

- failed to properly consider evidence provided with the original application;
- failed to apply the Immigration Rules correctly;
- made a mistake in processing the application;
- failed to give adequate reasons for refusing entry clearance. In this case, the administrative reviewer will recommend the Entry Clearance Officer revoke the original refusal and serve a new refusal notice giving a full explanation for the refusal.

287. Where the administrative reviewer recommends in line with the above, that the reasons for refusal should be revoked, you may still be refused but with new grounds for refusal.

288. The administrative reviewer will not recommend that the original decision is overturned simply because you claim there is a fault with UK Border Agency's underlying processes or policies.

### **C12. Does Administrative Review cover General Grounds for Refusal?**

289. Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on "General Grounds for Refusal." Please see our website for further information on General Grounds for Refusal: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/IDs/idischapter9)

#### **Reviews of refusals made under paragraphs 320(7A) and 320(7B) of the Immigration Rules**

290. You may provide further information with the Administrative Review request, if the refusal is based on paragraph 320 (7A) or 320 (7B) of the Immigration Rules on General Grounds for Refusal.

291. If an application has been refused because a false document was used or a false representation was made, you may claim that you were unaware of the false documents or false representations.

292. The refusal will still stand but you would have to prove that you did not know that false documents or false representations were used, if you are not to have any future applications automatically refused for 10 years.

293. Where the documents related directly to you (for example, employment references, qualifications or financial details), such a claim would be likely to fail unless you have clear evidence that an error has been made (for example, written confirmation from an employer, financial institution or educational establishment that they had supplied us with incorrect information at the time we verified the original documentation).

294. If the administrative reviewer does accept that you did not knowingly use false documents or false representations, the refusal will still stand, but you will not automatically have any future applications refused under the rules (paragraph 320 (7B)) where false documents or false representations were used.

### **C13. Does Administrative Review cover verification?**

295. Yes. As part of the administrative review process the administrative reviewer will ensure that the Entry Clearance Officer has followed the correct verification procedures.

### **C14. What are the possible outcomes of Administrative Review?**

296. There are three possible outcomes of Administrative Review:

- Uphold decision, reasons for refusal remain the same;
- Uphold decision, with revised reasons for refusal;
- Overturn decision and issue entry clearance.

### **C15. How will you be informed of the result of the Administrative Review?**

#### **i) Decision upheld and the reasons for refusal remain the same:**

- The administrative reviewer will notify you by letter. You will not be entitled to a further Administrative Review as the grounds for refusal have not changed.

#### **ii) Decision upheld but with revised reasons for refusal:**

- A new refusal notice (GV51) will be served along with the Administrative Review letter from the administrative reviewer stating why the refusal has still been upheld. If there are fresh reasons for refusal which were not notified originally, you will be able to submit a further Administrative Review request limited to those fresh reasons.

#### **iii) Decision overturned and entry clearance to issue:**

- The administrative reviewer will notify you by letter and request your passport.