

Immigration Status: The Points based system Tier 2

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Tier 2 of the Points based System deals with individuals from outside the UK and the European Economic Area (EEA) who have to come to the UK to fill particular jobs that cannot be filled by local British or EEA workers. This category is also divided into four categories.

Tier 2 (General): If a person is a skilled worker with a job offer from a licensed sponsor coming to fill a gap in the workforce that cannot be filled by a settled worker then you need to apply under this category. This is basically a direct replacement for the work permit scheme. Employers would have to recruit foreign workers, subject to conditions including usually having attempted to recruit in the UK and having failed.

Tier 2 (Intra -company transfer) relates to employees of multi-national companies who are being transferred by an overseas employer to a skilled job in a United Kingdom based branch of the organization. Advice should be sought when seeking to implement this category. The next category caters for Ministers of religion coming to the UK as religious workers within a religious organization for more than two years. These should be qualified to do the job and should intend to base themselves in the United Kingdom. Maintenance requirements also apply and applicants should comply with conditions of permission to stay.

Tier 2 (sportsperson) deals with sportspersons coming to work in the UK. These could be elite sports people and coaches who are internationally established at the highest level and would make a significant contribution to the development of their sport in the United Kingdom. These could have been approved by a governing body for the sport they participate in. **Tier 2 (entertainer)** applies specifically to entertainers coming to the UK. These could be musicians and other various entertainers.

People wishing to apply under any of the tier 2 categories will have a job offer and a sponsor licensed by the Home Office supporting their application. Some additional work beyond that named in the certificate of sponsorship may be done but there are normally strict conditions which should be observed at all times. Tier 2 migrants are granted either a period of leave equivalent to the length of their employment contract plus a month or a period of three years plus one month whichever is shorter.

To be eligible for Tier 2 an applicant needs to have a job offer, certificate of sponsorship from a licensed sponsor and to score enough points to apply. To be successful one should score 70 points from the three sets of criteria. The three main criteria for which points should be scored are attributes for which one should score 50 points (sponsorship, qualifications and prospective earnings), English language skills (10 points) and maintenance (10 points) with (£800 in savings available for use when one is in the UK and a further £533 for each dependent). Applicants should be aware that there is a resident labour test, unless the job in question features on the shortage occupation list. The test ensures that local people have an opportunity to apply for the job. Any prospective employer should secure a certificate of sponsorship and this is mandatory. The certificate of sponsorship should be used within three months from the date of issue.

Applicants should also know that they can apply to extend their stay in the UK under tier 2. The extension test is similar to the initial entry test as it would include the certificate of sponsorship and points scoring.

It is important to note that applicants may be exempted to show proof of maintenance if one can produce a letter from an "A" rated sponsor that they will maintain and accommodate the applicant if need be for at least the first month whilst one would be working for that sponsor. There are also points to be awarded for maintenance without giving evidence provided you have been given permission to stay in tier 2 before and are applying to extend your stay. Consideration would also be given if one is switching from Tier 1. Points would also be given without giving evidence if you are a member of a religious order or a work permit holder and various other categories. Applicants are urged to seek legal advice at all times as the points system is still new and yet to be fully developed.

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