

## **The Points Based System - Overview**

### **Sponsoring Migrant Workers from non EEA-countries under Tier 2 (General)**

There is a merit-based points system for non-EEA nationals wishing to work in the UK (unless other visa routes are available to an individual).

BCC holds a sponsorship licence for Tier 2 (General): skilled individuals with proven English language ability, who have a job offer and a sponsor employer. Tier 2 allows certain individuals to fill gaps in the UK labour market (eg teachers). BCC can provide sponsorship to schools for whom we provide payroll services, where we have a statutory responsibility as the Local Education Authority. Academies must obtain their own sponsorship licence.

Applicants must achieve a standard number of points to be eligible to work in the UK. Points are awarded according to a number of criteria eg valid Certificate of Sponsorship from a UK employer, salary (minimum salary threshold £30,000, exemptions apply to “new entrants and shortage occupation roles min threshold £20,800), value to job market (shortage occupation list), personal background (available maintenance funds) etc. There is an annual limit of non-EEA nationals coming into the UK (unless shortage occupation). Certain jobs are considered as hard to fill in the UK and the Home Office have included these on a “shortage occupation list” eg Maths teachers, Science (Physics & Chemistry) teachers.

All migrants coming to fill a vacancy under the Tier 2 (General) category must be at or above NQF level 6.

There is guidance and regulation over the way we advertise, interview, select and evidence roles that are expected to attract migrant workers. Where a post is not on the shortage occupation list, the employer must advertise the vacancy to evidence that no “settled worker” is available to fill the post – this is called the resident labour market test.

#### **Resident labour market test**

To be able to obtain a certificate of sponsorship for an overseas national a thorough recruitment search has to be evidence that no settled worker could be recruited. Job roles which may attract migrant workers must be advertised for a maximum of 28 calendar days. This includes mandatory advertising in Jobcentre Plus and one other advertising method permitted by the relevant code of practice (ie BCC website). You may initially advertise for 14 days and if you successfully attract suitable candidates that are either British Citizens or British settled workers and not Non-EEA nationals then no further advertising is required. If you attract a Non-EEA national you must advertise for a further 14 days.

- The role must be advertised for a maximum of 28 calendar days
- Evidence of the advert and the time frames to be kept
- All applicants who meet the criteria should be interviewed
- Should you offer to a non settled worker you must evidence why that person was selected and why others were not

The **Codes of Practice** give information on what the role entails, the salary framework, whether the Resident Labour Market Test is required and where and how long it should be advertised.

The Resident labour market test is not necessary for roles listed on the Shortage Occupation List.

#### **Immigration Skills Charge**

An additional charge for employers was introduced in April 2017 for each sponsored worker will cost £1,000 per year (some exemptions apply).

## **Requirement to provide criminal records certificates**

From 6 April 2017, tier 2 applicants coming to work in the UK in certain posts in the education, social care and health sectors are required to obtain a criminal records certificate. Affected migrants must provide criminal records certificates from each of the countries in which they have lived for 12 months or longer in the previous 10 years as part of their visa application.

## **Certificate of Sponsorship (CoS)**

A CoS is a unique reference number which acts as confirmation from the sponsor. Before a CoS is assigned to a migrant, certain criteria and requirements must be met.

The CoS number enables a migrant to apply for a visa. A CoS being assigned by us does not guarantee a visa being granted.

When a CoS has been used to support an application it cannot be used again.

The CoS number should be treated like a secure and confidential document.

A CoS assigned is valid for three months from the date it was assigned. The person intending to come to the UK must use this number to apply for a visa within three months. It will automatically become invalid if not used within 3 months.

## **Tier 5 – Youth Mobility Scheme**

The youth mobility scheme is a cultural exchange scheme which aims to promote the UK overseas. It allows young people between 18 and 30 to travel to the UK and offers opportunities to work temporarily while experiencing life in the UK. The sponsors under the youth mobility scheme are the national governments of the participating countries, not individual employers. The participating countries are: Australia, Canada, Japan, Monaco, New Zealand, Republic of Korea, Taiwan. The visa is usually granted for up to 2 years and cannot be extended nor can the individual switch into another visa category.