



Home Office

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**TIER 2**  
version 10/13

# Tier 2 of the Points Based System – Policy Guidance

This guidance is to be used for all Tier 2 applications made on or after 1 October 2013

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## CONTENTS

<b>Part 1: Introduction</b> .....	<b>1</b>
Categories in Tier 2 .....	1
Eligibility.....	2
Care Arrangements for Children.....	2
Private Foster Care Arrangements .....	3
Switching .....	4
Switching from a Tier 4 or Student category into Tier 2 (General), Tier 2 (Sportsperson) or Tier 2 (Minister of Religion).....	5
Self-assessment using the points based calculator.....	6
<b>Part 2: Tier 2 (Intra-Company Transfer)</b> .....	<b>6</b>
Attributes .....	6
Minimum skill level .....	6
Applications for Entry Clearance .....	6
Applications for Leave To Remain .....	7
Scoring Points for Sponsorship .....	9
Short Term and Long Term Staff.....	9
Graduate Trainee.....	10
Skills Transfer.....	10
Appropriate salary and allowances.....	11
Documents we require as evidence of sponsorship .....	13
Additional documents we require as evidence of maternity, paternity or adoption leave ...	14
Additional documents we require as evidence of long term sick leave .....	15
<b>Part 3: Tier 2</b> .....	<b>15</b>
Tier 2 (General) Annual Limit.....	15
Attributes .....	16
Minimum skill level.....	16
Applications for Entry Clearance or Switching into Tier 2 (General) .....	16
Applications for Leave To Remain .....	17
Appropriate salary and allowances.....	19
Points awarded for sponsorship .....	20
Resident labour market test applies .....	20
Job in shortage occupation.....	21
Offer of a job with a salary of £152,100 or more .....	21

Continuing to work in the same occupation for the same sponsor .....	22
Post-Study Work.....	22
Tier 4 students/previous student categories .....	22
UK recognised degree .....	23
Qualifications that are not acceptable .....	23
Institution .....	23
Immigration Status in the UK during the period of study and /or research in the UK .....	24
Documents required .....	24
<b>Part 4: Tier 2 (Sportsperson) .....</b>	<b>24</b>
Points awarded for Sponsorship.....	24
Applications for Entry Clearance or Switching into Tier 2 (Sportsperson) .....	25
<b>Part 5: Tier 2 (Minister of Religion) .....</b>	<b>25</b>
Points awarded for Sponsorship.....	25
Genuineness Test.....	26
Applications for Entry Clearance or Switching into Tier 2 (Minister of Religion) .....	26
<b>Part 6: Points Available for English Language Skills.....</b>	<b>27</b>
Introduction.....	27
Points awarded for English Language.....	27
Previous grants of leave .....	27
Transitional arrangements .....	28
National of a majority English speaking country.....	29
Degree taught in English .....	29
Passed an English language test at the appropriate level .....	31
<b>Part 7: Points Available for Maintenance (Funds) .....</b>	<b>32</b>
Introduction.....	32
Points awarded for maintenance .....	32
Documents we require as evidence of your sponsor certifying your maintenance .....	33
Documents we require as evidence of personal savings .....	33
<b>Part 8: Making an Application .....</b>	<b>35</b>
Application forms .....	35
Your Certificate of Sponsorship .....	36
When to apply.....	36
Documents we require.....	36
Additional evidence for sponsored students.....	37
Date of application.....	38

Considering your application .....	39
Periods of grant .....	39
Administrative Review (entry clearance applications only).....	43
Appeal rights (in-country applications only).....	43
<b>Part 9: Whilst You Are in the UK Under Tier 2 .....</b>	<b>43</b>
Conditions of leave .....	43
Change of employment applications .....	43
Extension applications.....	44
Supplementary employment.....	45
Voluntary work.....	45
Secondary employment applications.....	45
Temporary reduction in working hours.....	46
Change of circumstances .....	46
Absences from the UK.....	47
Curtailing leave.....	47
<b>Annex A: Sponsorship .....</b>	<b>49</b>
A1. What is a Certificate of Sponsorship? .....	49
A2. What is a valid Certificate of Sponsorship?.....	49
A3. What should you do if you do not want to take up the job you have been sponsored for? .....	49
A4. What happens if your sponsor’s licence has been suspended? .....	50
A5. What is a multiple entry Certificate of Sponsorship?.....	51
A6. What duties does a sponsor have?.....	51
A7. How do you report abuse? .....	51
A8. What happens during a Home Office visit?.....	52
A9. Where can you find more information on sponsorship?.....	52
<b>Annex B: Verification and Other Checks.....</b>	<b>53</b>
B1. When we will do a check?.....	53
B2. Verification checks .....	53
B3. Reasonable doubt.....	53
B4. Outcome of verification check.....	53
B5. Refusing applications without making verification checks.....	54
B6. Other checks .....	54
B7. Extra checks.....	54
B8. Outcome of other checks .....	54
B9. Procedure for verification and other checks.....	55

B10. Standard procedure .....	55
<b>Annex C: Administrative Review (Entry Clearance Applications Only) .....</b>	<b>56</b>
C1. What is Administrative Review?.....	56
C2. What if the Administrative Review request refers to matters outside the scope of the Administrative Review? .....	56
C3. Who conducts the Administrative Review? .....	56
C4. Who can apply for Administrative Review?.....	56
C5. How do you apply? .....	56
C6. What is the deadline for applying for Administrative Review? .....	56
C7. What if an application is submitted late?.....	56
C8. How many times can an applicant request an Administrative Review? .....	57
C9. How long will the Administrative Review take? .....	57
C10. What will the administrative reviewer look at? .....	57
C11. How are Administrative Review decisions made?.....	57
C12. Does Administrative Review cover General Grounds for Refusal?.....	58
C13. Does Administrative Review cover verification? .....	58
C14. What are the possible outcomes of Administrative Review? .....	58

## 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 UK 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 Home Office. 'You' and 'your' refer to a Tier 2 applicant. It should be read in conjunction with the relevant paragraphs of the Immigration Rules.

### 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 the UK to fill shortage occupations.
  - **Intra-Company Transfer** – if you are an employee of a multi-national company and are being transferred to a UK based branch of the same organisation either on a long term basis or for frequent short visits. You cannot use this route if you are an employee of an overseas organisation that is not linked by common ownership or control to the UK entity. There are 4 sub-categories of Intra-Company Transfer:
    - Long Term Staff -if you have been working for your organisation for at least 12 months directly prior to your transfer and are being transferred to a skilled job in the UK to fill a post which cannot be filled by a settled worker. This is for a period of more than 12 calendar months, up to a maximum stay of 5 years (or 9 years for any staff earning £152,100 a year or more). This route can also be used for periods of less than 12 months. It is up to you and your sponsor to decide whether to use this sub-category or the Short Term sub-category for periods of less than 12 months.
    - Short Term Staff - if you have been working for your organisation for at least 12 months directly prior to your transfer and are being transferred to a skilled job in the UK to fill a post which cannot be filled by a settled worker for a maximum period of 12 months.
    - Graduate Trainee – if you are a recent graduate recruit being transferred to a UK branch of your organisation for the purpose of training. (This route must not be used to fill long-term posts). You must be coming to the UK as part of a structured graduate training programme with clearly defined progression towards a managerial or specialist role within your organisation.
    - Skills Transfer – if you are employed overseas and are being transferred to a UK branch of the same organisation to acquire the skills and knowledge needed to perform your role overseas, or to impart your specialist skills to the UK workforce. You are not required to have been employed for a minimum period to qualify for this sub-category.
  - **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.
  - **Minister 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 UK.
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 UK. 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 or your Certificate of Sponsorship shows you will earn £152,100 or higher.
6. You must score a minimum of:
  - **50 points for Attributes**, which includes having a sponsor and a valid Certificate of Sponsorship (Appendix A of the Immigration Rules); and
  - **10 points for English language skills** (except for Intra-Company Transfers) (Appendix B of the Immigration Rules); and
  - **10 points for Maintenance (funds)** (Appendix C of the Immigration Rules).
7. Even if you score the required 70 points or 60 points if you are applying under Intra-Company Transfers your application will still be considered against the General grounds for refusal criteria and may lead to your application being refused (e.g. because of your previous immigration history). Please see our website for further information on General Grounds for Refusal:  
  
[www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/general-grounds-refusing/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/general-grounds-refusing/)
8. You must be at least 16 years old on the date that the application is decided.

## Care Arrangements for Children

9. Under Section 55 of the Borders, Citizenship and Immigration Act 2009, the Home Office must have regard to the need to safeguard children and to promote their welfare. All children working in the UK must have suitable care arrangements in place for their travel, reception on arrival in the UK and living arrangements while here.
10. Please note that 16 and 17 year olds have the legal right to live independently in the UK, and may therefore make their own arrangements for accommodation. 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 to the arrangements that have been made in regard of your application, travel, reception and care arrangements. You must submit a letter from your parent(s) or legal guardian(s) giving their consent to you making this application and to the arrangements for your care in the UK. The letter must be original (not a copy) and must confirm if your parent(s) or legal guardian(s) have legal custody or sole responsibility for you. If they have sole responsibility they must sign the letter. If they do not, the letter must confirm that each parent or legal guardian agrees to the content of the letter and must be signed by each parent or legal guardian.

11. The letter must clearly show:

- the relationship between the parent(s) or legal guardian(s) and you;
- that your parent(s) or legal guardian(s) have given their consent to this application;
- that your parent(s) or legal guardian(s) agree to your living arrangements in the UK; and
- your parent(s) or legal guardian(s) full name and address.

## **Private Foster Care Arrangements**

12. 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 UK local authority of the private fostering arrangement.
13. In the UK 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 a child. You must tell us if you are living under local authority care in the UK. If you are in local authority care you must provide a letter from the local authority that is caring for you confirming that you are currently in local authority care. The letter must be original (not a copy) and be on official headed paper.
14. A close relative, parent or legal guardian caring for a child is not considered to be a private foster carer and so will not need to register with a UK 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.



## Switching

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

<p><b>Switching into Tier 2 (General), Tier 2 (Sportsperson) and Tier 2 (Minister of Religion)</b></p>	<ul style="list-style-type: none"> <li>• Any Tier 1 category;</li> <li>• Tier 2 (General);</li> <li>• Tier 2 (Intra-Company Transfer: Established Staff) if you are applying to change sponsor<sup>1</sup>;</li> <li>• Tier 2 (Intra-Company Transfer), under the rules in place before 6 April 2010 if you are applying to change sponsor<sup>1</sup>;</li> <li>• Tier 2 (Sportsperson);</li> <li>• Tier 2 (Minister of Religion);</li> <li>• Tier 4 student<sup>3</sup>;</li> <li>• Tier 5 (Temporary Worker) in the Creative and Sporting sub-category, for a job as a professional footballer switching into Tier 2 (Sportsperson) only<sup>2</sup>;</li> <li>• Dependant partner of a Tier 4 student;</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) including Intra-Company Transfer 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<sup>3</sup>;</li> <li>• Person Writing Up a Thesis<sup>3</sup>;</li> <li>• Postgraduate Doctor or Dentist<sup>3</sup>;</li> <li>• Representative of an Overseas Business;</li> <li>• Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation;</li> <li>• Student<sup>3</sup>;</li> <li>• Student Nurse<sup>3</sup>;</li> <li>• Student Re-Sitting an Examination<sup>3</sup>;</li> <li>• Student Union Sabbatical Officer<sup>3</sup>.</li> </ul>
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**Switching into Tier 2  
(Intra-Company Transfer:  
Long Term Staff)**

- Tier 2 (Intra-Company Transfer: Established Staff), under the rules in place before April 6 April 2011
- Tier 2 (Intra-Company Transfer), under the rules in place before 6 April 2010
- Intra Company Transfer work permit holder (except multiple entry work permits)
- Representative of an Overseas Business (this includes representatives of overseas media companies)

**In all cases, you must be still working for the same employer named on your previous application.**

1. Please note that Tier 2 (Intra-Company Transfer) Long Term Staff granted entry clearance under the rules in place after 6 April 2011 cannot switch into Tier 2 (General).
2. If you are unable to meet the Tier 2 requirements, including English language, you cannot switch. You must leave the UK when your leave expires and apply for re-entry under the relevant Tier 5 category.
3. If you cannot meet the requirements as in paragraph 17 below, you cannot switch. You must leave the UK when your leave expires and apply for re-entry under the relevant Tier 2 category.

**Switching from a Tier 4 or Student category into Tier 2 (General), Tier 2 (Sportsperson) or Tier 2 (Minister of Religion)**

16. If you are switching from one of the following categories:

- Tier 4;
- Student;
- Student Nurse;
- Student Re-Sitting an Examination;
- Person Writing Up a Thesis;
- Postgraduate Doctor or Dentist;
- An Overseas Qualified Nurse or Midwife; or
- Student Union Sabbatical Officer.

You can only switch into Tier 2 if you meet the following criteria:

- you must have successfully completed and passed a UK recognised bachelor's or master's degree, Postgraduate Certificate in Education or Professional Graduate Diploma of Education or have completed a minimum of 12 months study in the UK towards a UK PhD during your current period of leave or a period of continuous leave<sup>1</sup> which includes your last grant of leave; **and**
- you studied for the eligible award at a UK institution that is a UK recognised or listed body, or an education provider which holds a licence for sponsoring students under Tier 4 of the Points-Based System; **and**
- you are applying from inside the UK.

17. You must provide an original degree certificate, academic transcript or an academic reference on official headed paper of the institution which must clearly show:

- your name; and
- the course title/award; and
- the course duration; and

<sup>1</sup> A period of continuous leave includes grants of entry clearance where you applied no more than 28 days after your previous leave lapsed and/or any periods of overstaying in the UK of no more than 28 days.

- date of course completion and pass unless you are studying a PhD course.

The academic reference must include all the information detailed above.

18. You may have been sponsored in your studies by Her Majesty's Government, your home government, the British Council or any international company, university or Independent School. For the purpose of this section of the guidance 'sponsored' means wholly supported by an award which 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 their permission to remain in or re-enter the UK.

### Self-assessment using the points based calculator

19. 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).

20. The results of the points-based calculator show the possible points you might score but 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 will be awarded, 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.

21. 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.

## PART 2: TIER 2 (INTRA-COMPANY TRANSFER)

### Attributes

22. You must score 50 points in total for your attributes. The points you can score for attributes are listed in the table below:

Criterion	Points
Certificate of Sponsorship	30
Appropriate salary	20

### Minimum skill level

23. To score points for sponsorship, you must have a valid Certificate of Sponsorship from a licensed sponsor.

### Applications for Entry Clearance

24. The Certificate of Sponsorship must confirm that the job is at NQF level 6 (or the equivalent in Scotland) as stated in the codes of practice, or the job is a creative sector occupation skilled to NQF level 4 as listed in the Tier 2 & 5 Sponsor Guidance. This does not mean that you must be educated to that level, it means that the job is at that level. 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/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/) and the Tier 2 & 5 Sponsor Guidance at [www.ukba](http://www.ukba).

25. Please note that for those who had successful applications for leave in one of the following categories:

- a Tier 2 (Intra-Company Transfer) applicant in the Skills Transfer sub-category will be granted leave for no longer than 6 months; at which point you must leave the UK and you will not be able to re-apply for further leave under an Intra-Company Transfer category (other than in the Long Term Staff sub-category or if you will be paid an annual gross salary of £152,100 or higher) until 12 months after your last leave as an Intra-Company Transfer expired or 12 months after you left the UK, whichever is sooner.
- a Tier 2 (Intra-Company Transfer) applicant in the Short Term Staff or Graduate Trainee sub-categories will be granted leave for no longer than 12 months; at which point you must leave the UK and you will not be able to re-apply for further leave under an Intra-Company Transfer category (other than in the Long Term Staff sub-category or if you will be paid an annual gross salary of £152,100 or higher) until 12 months after your last leave as an Intra-Company Transfer expired or 12 months after you left the UK, whichever is sooner.
- a Tier 2 (Intra-Company Transfer) applicant in the Long Term Staff sub-category will be granted leave up to 3 years with the possibility of extending for a further 2 years. You will not be able to extend your stay beyond 5 years (or 9 years for any staff earning £152,100 or more) and you will not be able to re-apply to return to the UK under an Intra-Company Transfer category until 12 months after your last leave as an Intra-Company Transfer expired or 12 months after you left the UK, whichever is sooner, unless you will be paid an annual gross salary of £152,100 or higher.

26. Where you left the UK before your last period of Tier 2 leave expired, the 12 month period during which you will not be able to reapply can start earlier than the date your leave expired but only if you can provide evidence of having not been in the UK for a period of 12 months immediately prior to that date. Acceptable evidence may include, but is not limited to:

- travel tickets or boarding card stubs, but only if your sponsor, or previous sponsor also submitted an SMS report at the time, confirming that your employment in the UK had ended;
- exit or entry stamps in your passport which confirm that you were not in the UK;
- a letter from your overseas employer confirming the date you started or restarted work overseas, after returning from the UK;
- any other evidence that shows you were not in the UK.

Where evidence is produced and accepted, we will calculate the cooling off period to start from the earliest date supported by that evidence.

## **Applications for Leave To Remain**

27. If you are already in the UK and were initially granted leave in one of the categories listed below:

- Tier 2 (Intra-Company Transfer: Established Staff), under the Rules in place before 6 April 2011,
- Tier 2 (Intra-Company Transfer), under the Rules in place before 6 April 2010,

- Intra-Company Transfer work permit holder (except multiple entry work permits),
- Representative of an Overseas Business (this includes representatives of overseas media companies)

**AND**

- You have not since been granted leave to remain, entry clearance or leave to enter in any other route;

you can apply to extend your stay in the Long Term Staff sub-category and can extend your stay beyond 5 years. If you are applying for an extension in this way, the job does not need to be at NQF level 6 (or the equivalent in Scotland), nor do you need to meet the minimum salary threshold of £40,600. However, the Certificate of Sponsorship must confirm that the job is at or above NQF level 3 (or the equivalent in Scotland). 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/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice).

28. If you are already in the UK and were initially granted leave between 6 April 2011 and 13 June 2012 in one of the categories listed below:

- Tier 2 (Intra-Company Transfer) Long Term Staff
- Tier 2 (Intra-Company Transfer) Short Term Staff
- Tier 2 (Intra-Company Transfer) Graduate Trainee
- Tier 2 (Intra-Company Transfer) Skills Transfer

**AND**

- You have not since been granted leave to remain, entry clearance or leave to enter in any other route;

you can apply to extend your stay for the maximum amount of time allowed for your specific sub-category. If you are applying for an extension in this way, the job does not need to be at NQF level 6 (or the equivalent in Scotland). However, the Certificate of Sponsorship must confirm that the job is at or above NQF level 4 (or the equivalent in Scotland) as stated in the codes of practice. 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/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/).

29. If you are already in the UK and were initially granted leave on or after 14 June 2012 in one of the categories listed below:

- Tier 2 (Intra-Company Transfer) Long Term Staff
- Tier 2 (Intra-Company Transfer) Short Term Staff
- Tier 2 (Intra-Company Transfer) Graduate Trainee
- Tier 2 (Intra-Company Transfer) Skills Transfer

You can apply to extend your stay for the maximum amount of time allowed for your specific sub-category. If you are applying for an extension in this way, the job must be at NQF level 6 (or the equivalent in Scotland) as stated in the codes of practice.

30. Your job does not have to meet the skills thresholds described in the previous three paragraphs if:

- you are applying to extend your leave in any of the Tier 2 (Intra Company Transfer) categories in order to continue to work in the same occupation for the same sponsor;
- your certificate of sponsorship in your previous application was assigned to you before 6 April 2013; and
- the job does not meet the skills threshold solely because of the reclassification from SOC 2000 to SOC 2010.

## Scoring Points for Sponsorship

### Short Term and Long Term Staff

31. You will be awarded 30 points if you have been working for your sponsoring organisation for at least 12 months immediately before the date of your application in any combination of:

- outside the UK; or
- in the UK if you have, or were last granted leave to work for the sponsoring organisation in the categories listed:
  - Tier 2 (Intra-Company Transfer: Short Term Staff)
  - Tier 2 (Intra-Company Transfer: Established Staff),
  - Tier 2 (Intra-Company Transfer), under the rules in place before 6 April 2010,
  - Intra-Company Transfer work permit holder (except multiple entry work permits).
  - Representative of an Overseas Business (this includes representatives of overseas media companies).

32. 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: Long Term 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.

33. If you are applying in the Short Term or Long Term Staff sub-categories and you have been absent from work on maternity, paternity or adoption leave or long term sick leave that lasted for one month or longer during the last 12 months, we will allow you to have been working for any 12 months within the last 24 month period.

34. For example, if you worked for nine months, took 12 months maternity leave and then returned to work for three months before applying, we will allow you to have been working for the two periods, making 12 months in total.

35. This exception applies for a maximum of 12 months maternity, paternity, adoption leave or long term sick leave. It does not apply to other breaks in your working, for example, a period of study or a career break. You should confirm with your sponsor that it has indicated whether it is sponsoring you in the Short Term Staff or Long Term Staff sub-categories on your Certificate of Sponsorship.

36. The Short Term staff or Long Term Staff sub-categories are 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.

37. 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: Short Term Staff or Long Term Staff sub-categories. Company A must have full responsibility for your duties, functions, and outputs while you are working in the UK.

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 UK.

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 assign you with a Certificate of Sponsorship.

## Graduate Trainee

38. You will be awarded 30 points if you have been employed by your sponsoring organisation as part of a graduate training programme for at least three months immediately before the date of your application in any combination of:

- outside the UK
- and/or in the UK if you had leave to work for the sponsoring organisation as:
- a Tier 2 (Intra Company Transfer) skilled worker 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 Long Term Staff sub-category.**

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

## Skills Transfer

40. You do not need to have been employed overseas by your sponsoring organisation before applying in this sub-category.

41. You will be awarded 30 points if the sole purpose of transfer to the UK branch of the multi national company is to learn the skills and knowledge needed to perform your role overseas or to transfer skills and knowledge to the sponsor's UK workforce. 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.

42. 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 12 months experience required for the Long Term Staff sub-category.

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

### Appropriate salary and allowances

44. You will be awarded the following points for the appropriate salary offered by your sponsor. These salary bands are before tax (gross) and yearly.

If your salary does not meet the appropriate rate set out in the Tier 2 codes of practice, your application will be refused. The codes of practice are on our website at: [www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/)

<b>Intra-Company Transfer: Long Term Staff £40,600 and above and paid at least the appropriate rate</b>	<b>20 points</b>
<b>Intra-Company Transfer: Short Term Staff, Graduate Trainee or Skills Transfer £24,300 and above and paid at least the appropriate rate</b>	<b>20 points</b>
<b>In the UK as an Intra-Company Transfer under the rules in place before 6 April 2011, paid at least the appropriate rate and if applying in the Long Term Staff sub-category has not been granted Entry Clearance in this or any other route since that grant of leave</b>	<b>20 points</b>
<b>None of the above</b>	<b>0 points</b>

If you will be working in the UK for less than 12 months, you will be awarded points for your pro-rated yearly earnings. For example, if you will earn £15,000 on a six month contract, you will be awarded points for the equivalent earnings of £30,000 per year.

45. If you will be working part time, you will be awarded points for your actual earnings and not for the equivalent full time earnings.

46. You should add acceptable allowances to your gross salary to work out the points you will be awarded. If you have exchanged some of your UK employment rights for shares as an employee-owner, however, we will not count the value of those shares as part of your salary package.

47. If you will be paid an hourly rate, or are contracted to work a specific number of hours, 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 £8 per hour, working 60 hours per week, you must work out your equivalent earnings for a 48 hour week. This would be £19,968 (8x48x52) not £24,960 (8x60x52) so will therefore not be awarded points for appropriate salary.

48. 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 appropriate salary. Your salary may be paid in the UK 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.



49. 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 Tier 2 codes of practice on our website at: [www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/). The job must be paid at or above the appropriate rate. When we assess the appropriate rate, we will consider salaries and allowances as follows:

**We will consider:**

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

50. However, if allowances made available are solely for the purpose of accommodation, and you are applying in the Long Term Staff sub-category, 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: £10,000
- salary and other (non-accommodation) allowances: £35,000

The total salary package that the sponsor has offered is:

$$£10,000 + £35,000 = £45,000$$

The salary and other (non-accommodation) allowances can be a maximum of 70% of the total package we can take into account. This means that £35,000 is 70% of the maximum package we can take into account. We calculate this maximum package by dividing £35,000 by 70% (or 0.7):

$$£35,000 \div 0.7 = £50,000$$

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 £45,000 when checking against the appropriate rate, and we will award 20 points for salary.

**Example 2:**

- accommodation allowances: £20,000
- salary and other (non-accommodation) allowances: £24,500

The total salary package that the sponsor has offered is:

$$£20,000 + £24,500 = £44,500$$

We calculate the maximum package we can take into account by dividing the salary and other (non-accommodation) allowances by 70% (or 0.7):

$$£24,500 \div 0.7 = £35,000$$

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 £35,000. As this is below the £40,600 threshold for Long Term Staff, we will award no points for salary.

51. Due to the higher costs of short-term accommodation, we will take account of accommodation allowances up to 40% of the gross salary if you are applying in either the Short Term Staff, Graduate Trainee or Skills Transfer sub-categories. 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 UK with a Certificate of Sponsorship that has been assigned for 12 months or less; or
- You are applying for an extension that will take your total stay in the UK 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% (or 0.6) instead of 70% (or 0.7):

$$£18,000 \div 0.6 = £30,000$$

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 salary.

**Documents we require as evidence of sponsorship**

52. Your Certificate of Sponsorship reference number is used when we award points. If you are awarded points in either the Tier 2 (Intra-Company Transfer): Short Term Staff or Long Term Staff or Tier 2 (Intra-Company Transfer): Graduate Trainee sub-categories, we may ask you to provide additional evidence that you have worked for your sponsor for the specified period (12 months for Short Term Staff or Long Term Staff or 3 months for Graduate Trainees). You do not have to be in the same job for the specified period.

The application may be granted without these specified documents but we reserve the right to request them and to refuse applications if these documents are not received within 7 working days of the date of the request.

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.

## **If requested to do so, you must provide one of the following types of required documents**

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

- The most recent payslip must be dated no earlier than 31 days before the date of the application.
- These should be either original, formal payslips or on company-headed paper. For other 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 31 days 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 between you and your sponsor covering the full specified 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 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 between you and your sponsor covering the full specified period immediately before the date of the application.

## **Additional documents we require as evidence of maternity, paternity or adoption leave**

53. If we ask you to provide the evidence of 12 months working set out in paragraph 52 (i), (ii) and (iii) above, you must also provide the following specified documents for any periods of maternity, paternity or adoption leave, within 7 working days of the request: **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:

- i. Original letter from you and your sponsor, on company headed paper, confirming the start and end dates of your leave; and/or
- ii. One of the types of documents set out in paragraph 52 (i), (ii) and (iii) above covering the maternity, paternity or adoption payments.

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.

### **Additional documents we require as evidence of long term sick leave**

54. If we ask you to provide the evidence of 12 months working set out in paragraph 52 (i), (ii) and (iii) above, you must also provide the following specified documents for any periods of long term sick leave, within 7 working days of the request:

**BOTH** of the following:

- i. Original letter from your sponsor, on company headed paper, confirming the start and end dates of your leave; and
- ii. One of the types of documents set out in paragraphs 52 (i), (ii) and (iii) covering the entire period of leave (as well as the 12 months working) showing your statutory sick pay and/or sick pay from your health insurance.

55. If you cannot provide two types of documents from those listed in paragraph 52 to 53 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.

56. You must still provide two types of evidence and at least one of these must be specified in paragraph 52 to 53 above. You must fully explain the reasons why you cannot provide two of the specified types of documents in paragraph 52 to 53 above. We will not accept other documents.

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

## **PART 3: TIER 2**

### **Tier 2 (General) Annual Limit**

58. There is an annual limit on the number of Certificates of Sponsorship available under Tier 2 (General). This limit applies to Certificate of Sponsorship for those nationals seeking entry clearance to the UK under the Tier 2 (General) category and those who are applying

to switch into Tier 2 (General) category from within the UK as a dependant of a Tier 4 (General) student. We refer to these as “restricted” Certificates of Sponsorship.

59. Those seeking admission to fill a vacancy with a salary of £152,100 or above and all in-country applications (other than Tier 4 dependant switchers) are not affected by the limit. Certificates of Sponsorship for these applications are known as “unrestricted” and sponsors can assign these without first applying for permission.
60. We will operate the annual limit by not allowing any sponsor to assign a “restricted” Certificate of Sponsorship unless they first get permission to do so by using the monthly allocation process. Further information on this can be found on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/) .
61. Allocation of a restricted Certificate of Sponsorship to a sponsor does not mean that we have approved an application to bring a national from outside the resident workforce to the UK.
62. You must still apply for entry clearance and meet the eligibility criteria.
63. If a sponsor is found to be issuing unrestricted Certificates of Sponsorship to Tier 2 applicants within the restricted category, their Tier 2 sponsor licence will be withdrawn.

## Attributes

64. Whether you are applying in or out of the UK and on a restricted or unrestricted Certificate of Sponsorship you must score 50 points in total for your attributes. The points you can score for attributes are listed in the table below. You can only score points for one entry in each row.

Criterion	Points
<b>Assigned Certificate of Sponsorship having met the requirements of:</b> <ul style="list-style-type: none"> <li>• A resident labour market test exemption; or</li> <li>• A resident labour market test by the sponsor; or</li> <li>• An extension - Continuing to work in the same occupation for the same sponsor.</li> </ul>	<b>30</b>
<b>Appropriate salary</b>	<b>20</b>

## Minimum skill level

65. To score points for sponsorship, you must have a valid Certificate of Sponsorship from a licensed sponsor.

## Applications for Entry Clearance or Switching into Tier 2 (General)

66. If you are applying to work in the UK, the Certificate of Sponsorship must confirm that the job is at NQF level 6 (or the equivalent in Scotland) as stated in the codes of practice or in a creative sector occupation skilled to NQF level 4 (or the equivalent in Scotland) as

listed in the Tier 2 & 5 Sponsor Guidance, or the job is at NQF level 4 and appears on the list of shortage occupations. This does not mean that you must be educated to this level, it means that the job is at that level. 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 [www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/) and the Tier 2 & 5 Sponsor Guidance at [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/).

67. Please note that successful Tier 2 (General) applications will be granted leave up to 3 years with the possibility of extending for a further 3 years. You will not be able to extend beyond 6 years. You will also not be able to re-apply to return to the UK under Tier 2 until 12 months after your last leave under Tier 2 expired or you can show you have been outside the UK for 12 months, whichever is sooner, unless you will be paid a gross annual salary of £152,100 or more. This will be the case even if you have been in Tier 2 for less than 6 years.

Where you left the UK before your last period of Tier 2 leave expired, the 12 month period can start earlier than the date your leave expired but only if you can provide evidence of you having not been in the UK for a period immediately prior to that date. Acceptable evidence may include, but is not limited to:

- a) travel tickets or boarding card stubs, but only if you or your previous sponsor also submitted an SMS report at the time, confirming that your employment in the UK had ended;
- b) exit or entry stamps in your passport which confirm that you were not in the UK;
- c) a letter from the your overseas employer confirming the date you started work overseas, after returning from the UK;
- d) any other evidence that shows you were not in the UK.

Where evidence is produced and accepted, we will calculate the cooling off period to start from the earliest date supported by that evidence.

## **Applications for Leave To Remain**

68. The job does not need to be at NQF 6 level (or the equivalent in Scotland) if you are already in the UK and were initially granted leave in one of the categories below:

- Tier 2 (General) or Qualifying Work Permit Holder for a job which appeared on the shortage occupation list at the time of your grant of leave; and
- you have not since been granted leave to remain, entry clearance or leave to enter in any other route; and

you are applying for the same job for either the same or different sponsor,

**OR**

under one of the following categories:

- Tier 2 (General) under the Rules in place before 6 April 2011; or
- Qualifying Work Permit Holder; or
- Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation; or
- Member of the Operational Ground Staff of an Overseas-owned Airline; or
- Jewish Agency Employee; **and**

you have not since been granted leave to remain, entry clearance or leave to enter in any other route.

However, the Certificate of Sponsorship must confirm that the job is at or above NQF level 3 (or the equivalent in Scotland) unless your last grant of leave was as a senior care worker or established entertainer. 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/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/)

69. If you are already in the UK and were initially granted leave in Tier 2 (General) under the Rules in place between 6 April 2011 and 13 June 2012 **and** you have not since been granted leave to remain, entry clearance or leave to enter in any other route, you can apply to extend your stay for the maximum period of 6 years. Please note that you will not be able to extend beyond 6 years. You will also not be able to reapply to return to the UK under Tier 2 until 12 months after your last leave under Tier 2 expired or can show you have been outside the UK for 12, whichever is sooner. This will be the case even if you have been in Tier 2 for less than 6 years. The Certificate of Sponsorship must confirm that the job is at or above NQF level 4 (or the equivalent in Scotland). 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/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/)

70. If you are already in the UK and were initially granted leave in Tier 2 (General) under the Rules in place on or after 14 June 2012 and you have not since been granted leave to remain, entry clearance or leave to enter in any other route, you can apply to extend your stay for the maximum period of 6 years. Please note that you will not be able to extend beyond 6 years. You will also not be able to reapply to return to the UK under Tier 2 until 12 months after your last leave under Tier 2 expired or can show you have been outside the UK for 12 months, whichever is sooner, unless you will be paid a gross annual salary of £152,100 or more. This will be the case even if you have been in Tier 2 for less than 6 years. The Certificate of Sponsorship must confirm that the job is at or above NQF level 6 (or the equivalent in Scotland). 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/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/)

71. Your job does not have to meet the skills thresholds described in the previous three paragraphs if:

- you are applying to extend your leave in Tier 2 (General) in order to continue to work in the same occupation for the same sponsor;
- your certificate of sponsorship in your previous application was assigned to you before 6 April 2013; and
- the job does not meet the skills threshold solely because of the reclassification from SOC 2000 to SOC 2010.

### Appropriate salary and allowances

72. You will be awarded the following points for the appropriate salary offered by your sponsor. These bands are before tax (gross) and yearly.

<b>£20,300 and above</b>	<b>20 points</b>
<p><b>For those who have or last had entry clearance, leave to enter or leave to remain in one of the following categories:</b></p> <ul style="list-style-type: none"> <li>• Tier 2 (General) under the Rules in place before 6 April 2011; or</li> <li>• Jewish Agency employee; or</li> <li>• Member of the Operation Ground Staff of an overseas-owned airline; or</li> <li>• Representative of an Overseas newspaper, News Agency or Broadcasting Organisation; or</li> <li>• Work Permit holder.</li> </ul>	<b>20 points</b>
<b>You are being sponsored as a nurse, will continue to be sponsored as a nurse by the Sponsor after achieving Nursing and Midwifery Council registration, and your salary will not be less than £20,300 per year once that registration is achieved.</b>	<b>20 points</b>
<b>Under £20,300 and none of the above apply</b>	<b>0 points</b>

No points will be awarded for appropriate salary if the salary referred to above is less than the appropriate rate for the job as stated in the codes of practice for Tier 2 Sponsors on our website at: [www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/).

73. If you will be working in the UK for less than 12 months, you will be awarded points for your pro-rated yearly earnings. For example, if you will earn £15,000 on a six month contract, you will be awarded points for the equivalent earnings of £30,000 per year. If you will



be working part time, you will be awarded points for your actual earnings and not for the equivalent full time earnings.

74. You should add acceptable allowances to your gross salary to work out the points you will be awarded. If you have exchanged some of your UK employment rights for shares as an employee-owner, however, we will not count the value of those shares as part of your salary package.
75. If you will be paid an hourly rate, or are contracted to work a specific number of hours, 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 £8 per hour, working 60 hours per week, you must work out your equivalent earnings for a 48 hour week. This would be £19,968 (8x48x52) not £24,960 (8x60x52) so would therefore not be awarded points for appropriate salary.
76. Your salary may be paid in the UK 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.
77. 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 Tier 2 codes of practice on our website at: [www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/). When we assess the appropriate rate, and when we award points for appropriate salary, we will consider salaries and allowances as follows:
78. We will consider basic pay (excluding overtime) plus any allowances (such as London weighting) or bonuses, which would also be paid to a settled worker in similar circumstances, provided these allowances and or bonuses are part of your guaranteed salary package.
79. We will not consider other benefits, such as incentive pay / or travel and subsistence (including travel to and from your home country). Also, if you have exchanged some of your UK employment rights for shares as an employee-owner, the value of those shares will not be included.

## **Points awarded for sponsorship**

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

80. You will be awarded 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 it.
81. You should confirm with your sponsor that they have indicated that a resident labour market test has been completed on the Certificate of Sponsorship.
82. The resident labour market test does not apply if:
- the job offer is in a supernumerary research position where you have been issued a non-transferrable scientific research Award or Fellowship by an external organisation which is not your Sponsor, meaning that the role is over and above your Sponsor's normal staffing requirements and if you were not there, the role would not be filled by

anyone else; or

- the job offer is to continue working as a Doctor or Dentist in training, under the same NHS Training Number which was assigned to you for previous lawful employment as a Doctor or Dentist in Training in the UK, including where you are applying to return to your training after an out of programme experience; or
- the job offer is as a Doctor in Speciality Training and your salary and the costs of your training are being met by the government of another country under an agreement with that country and the UK Government.

Your sponsor must include full details of the why the exemption applies on the Certificate of Sponsorship.

83. The requirements of the resident labour market test vary depending on the type of job and are set out in the guidance for sponsors which is available on the Home Office website at the following link: [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/)

### **Job in shortage occupation**

84. You will be awarded 30 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 published on our website at: [www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/shortageoccupationlist/).

85. There is one list for the whole of the UK and a further additional list for Scotland. If you want to be awarded points for a job on the shortage occupation list in Scotland, you must be undertaking that job in Scotland.

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

87. If you were last granted leave for a job in a shortage occupation that is not at NQF 6 level (or the equivalent in Scotland) as stated in the Tier 2 codes of practice and the job is no longer on the current shortage occupation list, you can still apply for an extension, or to do the same job for another employer. The job will still be considered to meet the required skill level for Tier 2. If you are changing employer in these circumstances, your new employer will need to carry out a resident labour market test before they can sponsor you.

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

89. 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 included on the shortage occupation list.

### **Offer of a job with a salary of £152,100 or more**

90. You will be awarded 30 points if the gross annual salary package for the job stated on your Certificate of Sponsorship assigned by your sponsor is £152,100 or more (£150,000 if you were recruited before 6 April 2013). Your sponsor will be exempt from undertaking a resident labour market test.

## **Continuing to work in the same occupation for the same sponsor**

91. You will be awarded 30 points if you are continuing to work in the same occupation for the same sponsor, you are applying for leave to remain and you have entry clearance or leave to remain as:

- a Tier 1 (Graduate Entrepreneur);
- a Tier 2 (General) Migrant;
- a Qualifying Work Permit Holder;
- a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation;
- a Member of the Operational Ground Staff of an Overseas-owned Airline; or
- a Jewish Agency Employee.

## **Post-Study Work**

92. You will be awarded 30 points if you have a Certificate of Sponsorship and are applying to switch into Tier 2 (General) and you have, or were last granted entry clearance, leave to enter or leave to remain under one of the following:

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

**Your sponsor will only be exempt from doing a resident labour market test if you have or have last had leave in one of the above categories.**

## **Tier 4 students/previous student categories**

93. You will be awarded 30 points if you have a Certificate of Sponsorship and are applying to switch into Tier 2 (General) and you have or were last granted entry clearance, leave to enter or remain as a:

- Tier 4;
- Student;
- Student Nurse;
- Student Re-Sitting an Examination;
- Person Writing Up a Thesis;
- Postgraduate Doctor or Dentist;
- Overseas Qualified Nurse or Midwife;
- Student Union Sabbatical Officer.

## **AND YOU MUST MEET ALL OF THE FOLLOWING REQUIREMENTS (FURTHER DETAILS OF WHICH ARE GIVEN BELOW):**

- you have successfully completed and passed a UK recognised bachelor's or master's degree; or UK Postgraduate Certificate in Education (PGCE) or Professional Graduate Diploma of Education (PGDE); or you have completed a minimum of 12 months study in the UK towards a UK PhD during your last grant of leave or period of continuous leave which includes your last grant of leave; **and**

- your period of study and/or research towards your award was undertaken whilst you had entry clearance, leave to enter or leave to remain in the UK and you were not subject to a restriction preventing you from undertaking a course of study and/or research; **and**
- you studied for the eligible award at a UK institution that is a UK recognised or listed body, or holds a sponsor licence under Tier 4 of the Points-Based System; **and**
- you are applying from inside the UK.

Your sponsor will be exempt from undertaking a resident labour market test. Please note your application to switch will be refused if you do not meet all of the above requirements, even if your sponsor has chosen to conduct a resident labour market test.

## UK recognised degree

94. For a qualification to be considered a UK recognised degree, it must have been awarded by a UK recognised body. A qualification will have been deemed to have been 'obtained' on the date on which you were first notified in writing, by the awarding institution of the award.

95. A UK recognised body is an institution which has been granted degree awarding powers by a Royal Charter, an Act of Parliament or the Privy Council. All UK universities and some higher education colleges are UK recognised bodies.

96. Further information on the UK recognised bodies can be found on the Gov.UK website at [www.gov.uk/recognised-uk-degrees-recognised-bodies](http://www.gov.uk/recognised-uk-degrees-recognised-bodies).

## Qualifications that are not acceptable

97. Qualifications that cannot be used for the award of points include:

- Foundation degrees;
- Honorary degrees;
- Qualifications awarded in the UK by overseas awarding bodies;
- Qualifications undertaken solely at an overseas campus of UK institutions;
- Postgraduate certificates and diplomas (except PGCE/PGDE);
- Professional qualifications (whether or not they are of an equivalent level) that are not degrees.

## Institution

98. You can only be awarded 30 points if you have undertaken a period of study for your eligible qualification at an institution that:

- is a UK recognised or UK listed body; or
- holds a sponsor licence under Tier 4 of the Points-Based System. Please see [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation) for a list of those who hold sponsor licences.

99. Where the institution studied at is removed from one of the relevant lists or Tier 4 Sponsor Register, any award obtained after the date the institution was removed will not be eligible for the award of points for switching into Tier 2 and the evidence will be discounted.

## Immigration Status in the UK during the period of study and /or research in the UK

100. A period of continuous leave includes grants of entry clearance where you applied no more than 28 days after your previous leave lapsed.
101. You can only score 30 points if we can establish that the whole of your period of study in the UK for the eligible qualification was completed whilst you had leave to enter or remain that was not subject to a restriction preventing you from undertaking a course of study and/or research.
102. No points will be awarded if your immigration status did not permit you to pursue a course of study at any point during which you were studying in the UK towards the eligible qualification.
103. You do not have to have remained in the UK throughout the entire period of your study. It is reasonable to expect, for example, that you may have undertaken periods of overseas study and/or research whilst obtaining the eligible qualification.

### Documents required

104. The specified evidence you must provide to demonstrate you meet this requirement is:

**1. your original certificate of award.** This must be your original certificate (not a copy) and must clearly show:

- your name;
- title of the qualification; and
- the name of the awarding body.

We will not accept provisional certificates.

If the certificate has yet to be issued, you will be unable to provide the original certificate of award. In these circumstances, you must provide:

**2. an original academic transcript or an academic reference on official headed paper from the institution at which you studied towards your eligible qualification.** It must have been issued by an authorised official and must confirm:

- your name;
- title of the qualification;
- date of the award ;
- the body awarding the qualification;
- the reason why you are unable to provide your original certificate of award; and
- that the certificate will be issued.

## PART 4: TIER 2 (SPORTSPERSON)

### Points awarded for Sponsorship

105. You will be awarded 50 points for your Certificate of Sponsorship in this category.
106. 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 UK; and
- you intend to be based in the UK for the duration of your permission to stay; and
- your post could not be filled by a suitable settled worker.

107. A list of all approved governing bodies is available on our website at:

[www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/sportsgoverningbodies/](http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/sportsgoverningbodies/).

108. If you are a football player sponsored by a club in the UK, you do not need to make a new application if you move on loan to another club in the UK. 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.

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

110. You must also meet all of the requirements for maintenance (available funds) and English language skills.

## **Applications for Entry Clearance or Switching into Tier 2 (Sportsperson)**

111. Please note that successful Tier 2 (Sportsperson) applications will be granted leave up to 3 years with the possibility of extending for a further 3 years. You will not be able to extend beyond 6 years. You will not be able to re-apply to return to the UK under Tier 2 until 12 months after your last leave under Tier 2 expired or you can show you have been outside the UK for 12 months, whichever is sooner, unless you will be paid a gross annual salary of £152,100 or more. This will be the case even if you have been in Tier 2 for less than 6 years. If you leave your job with your Tier 2 Sponsor early, you should ensure that your Sponsor notifies us that you have left so that we can curtail your leave. This is important as the 12 months is counted from the date that your leave ends.

## **PART 5: TIER 2 (MINISTER OF RELIGION)**

### **Points awarded for Sponsorship**

112. You will be awarded 50 points for your Certificate of Sponsorship in this category.

113. 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 they have justified that the role you will be undertaking is supernumerary and you will not be filling a vacant position that could otherwise be filled by a settled worker and you intend to be based in the UK for the duration of your permission to stay.
- that the role you will be doing involves living mainly within and being a member of a religious order, which is a lineage of communities or of people who live in some way set apart from society in accordance with their specific religious devotion, for example, an order of nuns or monks.

Further details are set out in the guidance for sponsors, which is available on the Home Office website at the following link: [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/).

114. Your sponsor will need to have confirmed that they will support you through funds and/ or accommodation that are / is sufficient for you to maintain yourself throughout the period of employment stated on your Certificate of Sponsorship, and that you will receive pay and conditions at least equal to, or excess of those normally given to a settled worker in the same role. This may be a traditional salary, stipend, customary offering, board and lodgings or a combination of these but must comply with, or be exempt from, the National Minimum Wage regulations.
115. Your salary may be paid in the UK 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.
116. You must also meet the English language and maintenance requirements for this category.

## **Genuineness Test**

117. When applying for entry clearance or leave to remain, we must be satisfied that you genuinely intend to undertake, and are capable of undertaking, the role for which the Certificate of Sponsorship was assigned and you will not undertake employment in the UK other than permitted by the entry clearance or leave to remain, should it be granted.

In order to assess this, we may:

- request additional information and evidence, and refuse your application if the information or evidence is not provided. Any requested documents must be received by the Home Office at the address specified in the request within 28 working days of the date the request is sent; and
- request you attend an interview, and refuse your application if you fail to comply with any such request without providing a reasonable explanation.

In making the above assessment, we will base our decision on the balance of probabilities and may take into account your:

- knowledge of the role;
- relevant experience relative to skills required to do the role;
- knowledge of the Sponsor in the UK;
- explanation of how you were recruited; and
- any other relevant information.

## **Applications for Entry Clearance or Switching into Tier 2 (Minister of Religion)**

118. Please note that successful Tier 2 (Minister of Religion) applications will be granted leave up to 3 years with the possibility of extending for a further 3 years. You will not be able to extend beyond 6 years. You will not be able to re-apply to return to the UK under Tier 2 until 12 months after your last leave under Tier 2 expired or you can show you have been outside the UK for 12 months, whichever is sooner, unless you will be paid a gross

annual salary of £152,100 or more. This will be the case even if you have been in Tier 2 for less than 6 years. If you leave your job with your Tier 2 Sponsor early, you should ensure that your Sponsor notifies us that you have left so that we can curtail your leave. This is important as the 12 months is counted from the date that your leave ends.

## **PART 6: POINTS AVAILABLE FOR ENGLISH LANGUAGE SKILLS**

### **Introduction**

119. You must score 10 points for your English language skills, unless you are applying under Tier 2 (Intra-Company Transfer).
120. 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.
121. English is the most widely spoken language of the UK. The ability to speak English well enables success in the UK labour market and assists in integration.
122. If you are applying under the Tier 2 (General) category you must have a level of English equivalent to level B1 on the Common European Framework of Reference (CEFR).
123. 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. This level is equivalent to level B2 on the CEFR.
124. If you are applying for leave to remain under Tier 2 (Sportsperson), 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 must be equivalent to level A1 or above on the CEFR.

### **Points awarded for English Language**

125. You will be awarded 10 points if you are applying for leave to remain under Tier 2 (General), Tier 2 (Sportsperson) or Tier 2 (Minister of Religion) and you meet the requirements of one of the categories listed below:
  - you are a national of a majority English speaking country; or
  - you hold a degree that was taught or researched in English which must be equivalent to a UK Bachelors degree or above; or
  - you have passed an English language test at the appropriate level; or
  - you have met the English language requirements when given a previous grant of leave; or
  - you meet transitional arrangements.

### **Previous grants of leave**

126. You will be awarded 10 points for English language where you have met the English language requirement in a previous grant of leave. This will be the case if you have ever been granted leave in one of the following categories:
  - Tier 1 (General); or
  - Tier 1 (Entrepreneur); or



- Businessperson; or
- Highly Skilled Migrant Programme, under the rules in place on or after 5 December 2006; or
- Tier 1 (Exceptional Talent), having provided evidence of meeting the English language requirement; or
- Minister of Religion (not Tier 2 (Minister of Religion)) under the rules in place on or after 19 April 2007; or
- Tier 2 (Minister of Religion), having provided evidence of meeting the English language requirement; or
- Tier 2 (General) under the rules in place on or after 6 April 2011, having provided evidence of having a knowledge of English equivalent to level B1 of the CEFR or above; or
- Tier 4 (General) student where the Confirmation of Acceptance for Studies used to support your application for that grant was assigned on or after 21 April 2011. If you are applying for Tier 2 (Minister of Religion), the Certificate of Acceptance of Studies must also have been assigned for a course of at least degree level study.

### **Transitional arrangements**

127. You will be awarded 10 points for English language where you have previously been granted leave under Tier 2 (General) or Tier 2 (Sportsperson) before 6 April 2011 and you have ever been granted leave:

- under Minister of Religion (this is not to be confused with Tier 2 ((Minister of Religion)) under the Rules in place on or after 23 August 2004; or
- under any Tier 2 category where you provided evidence of meeting the English language requirement.

You will also be awarded 10 points for English language if you are applying for leave to remain under Tier 2 (General) or Tier 2 (Intra-Company Transfer) and you have previously been granted entry clearance, leave to enter or leave to remain as:

- a Jewish Agency Employee; or
- a Member of the Operational Ground Staff of an Overseas-owned Airline; or
- a Minister of Religion, Missionary or Member of a Religious Order; or
- a Qualifying Work Permit Holder; or
- a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation; AND

you have not been granted leave in any other category other than Tier 2 (General), Tier 2 (Intra-Company Transfer) and those listed above under the Rules in place since 28 November 2008; or

- if you are applying for leave to remain under Tier 2 (Sportsperson) and you have previously been granted entry clearance, leave to enter or leave to remain as a Qualifying Work Permit Holder and you have not been granted leave in any other category under the Rules in place since 28 November 2008; or
- if you are applying for leave to remain as a Tier 2 (Minister of Religion) and you have previously been granted entry clearance, leave to enter or leave to remain as a Minister of Religion, Missionary or Member of a Religious Order, and have not been granted in any other category other than Tier 2 (Minister of Religion) under the Rules

in place since 28 November 2008.

## **National of a majority English speaking country**

128. 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.

129. 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.

130. 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 Home Office, 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.

## **Degree taught in English**

131. Your degree must have been taught in English and must be recognised by National Academic Recognition Information Centre for the UK (UK NARIC) as equivalent to at least a UK bachelor's degree.

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

133. We will not accept original provisional certificates. You must provide the original certificate of the award 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.

134. As PhD qualifications are research-based, it may not be possible to produce an academic transcript. In such circumstances, a letter from the awarding institution will be acceptable in the absence of a transcript. This letter should outline the key details requested for academic transcripts as below.

135. 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 or 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.

136. 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.

137. 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;
- UK;
- United States of America.

**Please note that Canada is not on this list.**

138. For degrees taught in other countries, you will be awarded 10 points where the points-based calculator confirms your qualification is equivalent to at least a UK bachelor's degree and was taught to a level of English equivalent to level C1 on the CEFR.
139. 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 we regard your degree was taught in English by using the English language section.
140. If you are applying under Tier 2 (General) or 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.
141. If you are applying under Tier 2 (Intra Company Transfer) or Tier 2 (Sportsperson) and your degree is not included in the English Language section of the points-based calculator, you may, if you meet the criteria set out in paragraphs 142 to 143 below, still be awarded 10 points.
142. You may still be able to confirm that your degree is equivalent to a UK bachelor's degree by using the qualifications section of the points-based calculator.
143. 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.
144. 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.
145. UK NARIC will only be able to confirm that the qualification is equivalent to a UK bachelor's 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.

### **Passed an English language test at the appropriate level**

146. We will only accept original test result certificates from providers that have been assessed as meeting our requirements. You must do this by checking that you have passed an English language test that is still within its validity period and that you have achieved the appropriate level in all four components (reading, writing, speaking and listening); see paragraphs 122 to 124 for the appropriate level.
147. Only the English language tests that have been assessed as meeting our requirements will be accepted for applications. Details are available on our website at: [www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf](http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/new-approved-english-tests.pdf)

148. You must provide the documents given in Appendix O of the Immigration Rules with your application to confirm your qualification. The document(s) must clearly show:

- your name; and
- that you have achieved or exceeded the required level of the Council of Europe's Common European Framework for Language learning in all four components (reading, writing, speaking and listening), unless you are exempted from sitting a component on the basis of a disability; and
- the date of the award; and
- that your test certificate is still valid and has not expired

149. 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.

150. The only exception to these requirement are where you have:

- completed 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 Home Office on the Pearson verification system. If you fail to do this no points will be awarded for English Language.
- completed a test awarded by Cambridge English (previously known as Cambridge ESOL) on or after 6 April 2013. No documents are required in these cases as we will verify your score using the Cambridge English online system.

## **PART 7: POINTS AVAILABLE FOR MAINTENANCE (FUNDS)**

### **Introduction**

151. You must score 10 points for maintenance by showing you have at least £900 of available funds. Overdraft facilities will not count as available funds.

152. 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.

153. You should check the cost of living in the UK 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 UK as you will not have access to most public funds (benefits provided by the state).

### **Points awarded for maintenance**

154. You will be awarded 10 points if:

- you currently have entry clearance, leave to enter, or leave to remain as a Tier 2 skilled worker; 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 (Premium), A-rated Small or Medium-sized Enterprise (SME) or 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 UK if required. Your sponsor may

limit the amount of the undertaking, but any limit must be at least £900; or

- you have personal savings of at least £900 which must have been held for a consecutive 90 day period ending no more than 31 days before the date of your application. Any partners or children (also known as dependants) that you want to bring to the UK with you must have money in place to support them. The points based system dependants' guidance provides more information on this and can be found at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/pbsdependantspolicy1.pdf>.

155. 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).

156. 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).

157. Any dependants applying at the same time as you must also provide evidence that they have access to sufficient funds. If you or any of your dependant's fail to meet this requirement all applications will be refused.

158. If you already have leave in a Tier 2 category and have dependants who wish to join you at a later date, you must also provide evidence that they have access to sufficient funds. Please refer to the dependant's guidance which can be found on our website at: <http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/pbsdependantspolicy1.pdf>.

159. We will not award points for maintenance where the funds you rely on to meet the maintenance requirement are held in a financial institution with which the Home Office is unable to make satisfactory verification checks. A list of financial institutions which do not satisfactorily verify financial statements can be found on our website at [www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/studying/financial-institutions/). Whether the financial institution in which you hold your funds appears on this list will be considered using the list in force on the date of your application.

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

160. If your sponsor certifies maintenance, this must be confirmed on your Certificate of Sponsorship.

161. Only A-rated (Premium), A-rated (SME+) or A-rated sponsors can certify your maintenance.

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

162. If you want to be awarded 10 points because you have personal savings of £900, that have been held for a consecutive 90 day period (finishing on the date of the closing balance) ending no more than 31 days before your application, you must provide one of the following types of specified evidence.

163. 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. For example, earnings made from UK employment will only be considered if you had leave to enter or remain in the UK at the time they were earned, and in a category which permitted you to take employment.

164. Evidence must be in the form of cash funds held in an account (this includes saving

accounts and current accounts even when notice must be given). Other accounts or financial instruments such as shares, bonds, overdrafts, credit cards, pension funds etc, are not acceptable, regardless of notice period.

165. We will not consider money you earned during a time that you were in breach of the UK's immigration laws as evidence of maintenance funds.

166. If you are providing evidence of maintenance from a single account, we will always assess the funds available to you from the closing balance given on the document provided as evidence.

167. 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 you from the closing balance of the most recent document. Where evidence from two or more accounts is submitted, we will assess the funds available to you using:

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

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

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 31 days before the date of the application.

The personal bank or building society 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
- any transactions during the 90 day period; and
- that there have been enough funds in your account throughout the period (The balance must always be at least £900) covering the 90 day period before the date of application ending no more than 31 days before the date of application.

All statements must be on the bank's stationery, unless you are 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 you wish to submit electronic bank statements, these must contain all of the details listed above. In addition, you will need to provide either:

- a supporting letter from your bank, on company headed paper, confirming the authenticity of the statements; or
- 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 31 days 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 £900) 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 31 days 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 31 days 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 (The balance must always be at least £900) 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 31 days before the date of application.

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

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 8: MAKING AN APPLICATION**

### **Application forms**

168. If you are applying from outside the UK, you must have entry clearance before you travel. You should go to our website at [www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/outsideuk/](http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/outsideuk/), where you can find the forms and information on how to fill them in.

169. If you are applying from inside the UK for an extension of your existing leave or a change of employment in Tier 2, you should use the online Tier 2 application form or its paper equivalent available on our website at [www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/applying/](http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/applying/).



170. The category of leave you are applying for is a temporary one. During the validity of your temporary leave, you do not have the right to remain in the UK permanently and remain subject to immigration conditions. If you meet certain requirements, you may be able to apply to settle permanently in the UK after a period of lawful residence in the UK. Settled status is known as 'indefinite leave to remain'. If you are considering applying for settlement in the future, please note that the Immigration Rules are subject to change. You must meet all the requirements of the Immigration Rules as they apply **at the time you make your application for settlement**. They may not be the same as the requirements for settlement when you first obtain leave to enter the UK. You can find more information about this on the Home Office website at [www.ukba.homeoffice.gov.uk/visas-immigration/settlement/](http://www.ukba.homeoffice.gov.uk/visas-immigration/settlement/)

## Your Certificate of Sponsorship

171. 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.

172. 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 salary. You may need this information to complete the points-based calculator and the application form.

173. Your Certificate of Sponsorship cannot be used more than once. If your application is refused and you wish to make another application, you will need a new Certificate of Sponsorship from your sponsor. If your application is rejected, however, you can apply again using the same certificate of sponsorship provided it is still valid on the date you apply.

174. A Certificate of Sponsorship can be withdrawn or cancelled at any time by either the Home Office or your sponsor. Where your application relies on a Certificate of Sponsorship that has been either withdrawn or cancelled, your application will be refused.

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

## When to apply

176. You must apply within three months from the date your Certificate of Sponsorship was assigned. 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.

177. If you are applying from inside the UK, 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

178. You must send the required supporting documents to us with your application, as set out in [Part 2](#), [Part 3](#), [Part 4](#), [Part 5](#), [Part 6](#) and [Part 7](#) 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.

179. If you do not provide the specified documents, we will contact you to ask for them only when you have submitted:

- A sequence of documents, and some of the documents in the sequence have been omitted (for example, if one bank statement from a series is missing);
- A document in the wrong format;
- A document that is a copy and not an original document; or
- A document which does not contain all the specified information.

We will contact you or your representative in writing, and the evidence must be received by the Home Office processing centres within 7 working days. If you do not send in the correct documents we may refuse your application.

If you have submitted a specified document that:

- is in the wrong format; or
- is a copy and not an original document; or
- does not contain all the specified information, but the necessary information is verifiable from:
  - other documents submitted with the application; or
  - the website of the organisation which issued the document; or
  - the website of the appropriate regulatory body,

we may approve your application exceptionally if we are satisfied that the specified documents are genuine and that you meet all the other requirements. We reserve the right to request the original documents in the correct format and to refuse your application if the specified documents are not provided.

We will not ask for further information where none of the information has been submitted (for example an English language certificate is missing); or where we do not anticipate that a correction of minor errors or omissions will lead to an approval because your application will fail for other reasons.

180. Any documents that have to be submitted in support of points awarded which are not in English or Welsh must be accompanied by a full translation that can be independently verified by the Home Office, 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.

181. 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**

182. If you have been in the UK in one of the following categories, you may have been sponsored in your studies by Her Majesty's Government, your home government, the British Council or any international company, university or Independent School:

- Tier 4 student; or
- student; or
- student nurse; or

- student re-sitting an examination; or
- student writing up a thesis; or
- student union sabbatical officer; or
- postgraduate doctor or dentist; or
- an overseas qualified nurse or midwife.

183. For the purpose of this section of the guidance 'sponsored' means wholly supported by an award which 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 their permission to remain in or re-enter the UK.

184. 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.

185. 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.

186. More advice on sponsored students is available on our website at [www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/eligibility/students-financial-sponsorship/](http://www.ukba.homeoffice.gov.uk/visas-immigration/working/tier2/general/eligibility/students-financial-sponsorship/).

## **Date of application**

187. For applications made outside the UK, 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.

188. For applications made in the UK, 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, for online applications this is taken to be the date of submission, or where the application form is submitted in person, the day the application form is accepted by our public enquiry office (PEO).

189. Applications for further leave to remain under Tier 2 of the Points-Based System will be refused if you have overstayed for more than 28 days on the date of application, unless there were exceptional circumstances which prevented you from applying within the 28 day period. The 28 day period of overstaying is calculated from the latest of:

- the end of your last period of leave to enter or remain granted,
- the end of any extension of leave under sections 3C or 3D of the Immigration Act 1971, or
- the point a written notice of invalidity is deemed to have been received, in accordance with paragraph 34C or 34CA of the Immigration Rules, in relation to an in-time application for further leave to remain.

If there were exceptional circumstances which prevented you from applying in time, you must submit evidence of these exceptional circumstances with your application. The threshold for what constitutes 'exceptional circumstances' is high and will depend on the individual circumstances of the case but, for example, may include delays resulting from unexpected or unforeseeable circumstances such as the following:

- serious illness which meant that you or your representative were unable to submit the application in time (where supported by appropriate medical documentation).
- travel or postal delays which meant that you or your representative were unable to submit the application in time.
- inability to provide necessary documents. This would only apply to exceptional or unavoidable circumstances beyond your control, such as Home Office being at fault in the loss of, or delay in returning, travel documents, or delay in obtaining replacement documents following loss as a result of theft, fire or flood (where supported by evidence of the date of loss and the date you applied for replacement documents).

## Considering your application

190. 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.

191. 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

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

<b>For all Tier 2 (General), (Minister of Religion) and (Sportsperson) applications</b>	
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 your Certificate of Sponsorship).
Leave to Remain where your previous grant of leave was in one of the categories below: Tier 2 before 6 April 2011 (Not including Intra-Company Transfer); or Work Permit Holder (Business and Commercial or Sports and Entertainment); 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.	We will always calculate the leave to remain grant period from the start date given on your Certificate of Sponsorship.  This will be: <ol style="list-style-type: none"> <li>i. 3 years plus 14 days; or</li> <li>ii. to the end date given on your Certificate of Sponsorship plus 14 days</li> </ol> whichever is the shorter period.

<p>Leave to Remain if your initial grant of leave in Tier 2 is on or after 6 April 2011</p>	<p>We will grant leave:</p> <ul style="list-style-type: none"> <li>i. for 3 years plus 14 days from the start date given on your Certificate of Sponsorship; or</li> <li>ii. to the end date given on your Certificate of Sponsorship plus 14 days; or</li> <li>iii. the period of time you need to take your total leave granted in Tier 2 to 6 years (counted from the date you were first granted entry clearance or leave to remain).</li> </ul> <p>whichever is the shorter period.</p>
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<p><u>For all Tier 2 (Intra Company Transfer) Long Term Staff</u></p>	
<p>Entry Clearance</p>	<p>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 your Certificate of Sponsorship).</p>
<p>Leave to Remain where you were last granted:</p> <ul style="list-style-type: none"> <li>- leave as an ICT Work Permit Holder, or</li> <li>- you previously had leave as an ICT Work Permit Holder and your last grant was to extend that leave with the same employer, under Tier 2 (ICT).</li> </ul>	<p>We will grant leave:</p> <ul style="list-style-type: none"> <li>i. for 3 years plus 14 days from the start date given on your Certificate of Sponsorship; or</li> <li>ii. to the end date given on your Certificate of Sponsorship plus 14 days.</li> </ul> <p>whichever is the shorter period.</p>
<p>Leave to Remain where your initial grant of Tier 2 (Intra Company Transfer) leave was before 6 April 2011 and you have not been granted entry clearance in this or any other route since.</p>	<p>We will grant leave:</p> <ul style="list-style-type: none"> <li>i. for 2 years from the start date given on your Certificate of Sponsorship;</li> <li>ii. to the end date given on your Certificate of Sponsorship plus 14 days; or</li> </ul> <p>whichever is the shorter period.</p>

<p>Leave to Remain where your initial grant of Tier 2 (Long Term Staff) leave was on or after 6 April 2011</p>	<p>We will grant leave:</p> <ul style="list-style-type: none"> <li>i. for 2 years from the start date given on your Certificate of Sponsorship; or</li> <li>ii. to the end date given on your Certificate of Sponsorship plus 14 days; or</li> <li>iii. if your salary is less than £152,100 a year, for the period of time you need to take your total leave granted in this subcategory to 5 years (counted from the date you were first granted entry clearance or leave to remain); or</li> <li>iv. if your salary is £152,100 a year or more, for the period of time you need to take your total leave granted in this sub category to 9 years (counted from the date you were first granted entry clearance or leave to remain);</li> </ul> <p>whichever is the shorter period.</p>
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<p><b>For all Tier 2 (Intra Company Transfer) Short Term Staff or Graduate Trainee</b></p>	
<p>Entry Clearance</p>	<p>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 your Certificate of Sponsorship).</p>
<p>Leave to Remain</p>	<p>We will grant leave:</p> <ul style="list-style-type: none"> <li>i. the period of time you need to take your total stay in this sub-category to 12 months (counted from the date you were first granted entry clearance or leave to remain); or</li> <li>ii. to the end date given on your Certificate of Sponsorship plus 14 days.</li> </ul> <p>whichever is the shorter period.</p>

**For all Tier 2 (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 your Certificate of Sponsorship).
Leave to Remain	We will grant leave: <ul style="list-style-type: none"><li>i. the period of time you need to take your total stay in this sub-category to 6 months (counted from the date you were first granted entry clearance or leave to remain); or</li><li>ii. to the end date given on your Certificate of Sponsorship plus 14 days.</li></ul> whichever is the shorter period

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

193. 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 UK.

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

194. 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 9: WHILST YOU ARE IN THE UK UNDER TIER 2**

### **Conditions of leave**

195. 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) or your certificate of sponsorship states you will earn £152,100 or more; 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 UK to more than six months.

196. 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 have been granted leave in the Tier 2 (Sportsperson) category, and you are playing for your national side whilst you are in the UK.

197. 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.

### **Change of employment applications**

198. You must make a change of employment application if you wish to change employer. You must have a new Certificate of Sponsorship from your new sponsor and you must meet all the points requirements.



199. 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 and the new job is in a different Standard Occupational Classification (SOC) code to the one stated on your CoS. (This does not apply if the SOC Code for your new job has only changed because of the reclassification from SOC 2000 to SOC 2010.); or
- you change jobs and the new job is in the same SOC code, but your new salary is less than the appropriate rate for the new job as set out in the codes of practice. Please note however that if your new job is not paid at the appropriate rate, your application will not succeed; or
- you have been working in a shortage occupation and are remaining with the same sponsor but there is a change to your core duties such that you have changed jobs and your new job is not on the shortage occupation list; or
- you are a 'high earner' (as described in the guidance for sponsors) and your salary is reduced to an amount that is lower than the high earner threshold that applied when you made your application.

200. 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 you are moving under TUPE (or similar) protection due to a takeover, merger, de-merger or any other circumstances in which TUPE is triggered.
- your salary is reduced due to company-wide reductions defined as acceptable in the Sponsor Guidance, or
- your salary is reduced due to maternity, paternity, adoption leave, and/or a period of sick leave that lasted for one month or longer; or
- changes to your core duties which means your job changes within the same SOC code (provided your new salary rate is at or above the appropriate rate for the job as set out in the codes of practice).

201. Your sponsor may be required to carry 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), a job which is a shortage occupation or job where your salary is £152,100 (or £150,000, if the recruitment took place before 6 April 2013) or above.

202. It is recommended that you do not commence employment until you have received your biometric residence permit (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.

## **Extension applications**

203. 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 UK, or switching from another category, or changing employment (see above). You should refer to paragraph 192 above for the total amount of time leave can be granted for in each Tier 2 category.

204. You must have a new Certificate of Sponsorship for your extension application and you must meet all the points requirements.
205. If you are applying as a Tier 2 (Sportsperson) you will need to have a new governing body endorsement with a new reference number.
206. A resident labour market test is not required for extension applications.
207. You can continue working while we are considering your extension application, provided you submitted the application before your previous leave expired.
208. 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 BRP. More information about biometrics and BRP can be found on our website or in the Tier 2 application forms.

### **Supplementary employment**

209. You do not need to inform us of any supplementary employment, as long as it is:
- in either a job on the Shortage Occupation List or a job in the same sector and at the same professional level as the work for which your Certificate of Sponsorship was assigned; and
  - no more than 20 hours per week; and
  - outside of the normal working hours for which your Certificate of Sponsorship was assigned.
210. In addition, you must continue to work for your sponsor in the job recorded on your Certificate of Sponsorship.

### **Voluntary work**

211. 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**

212. 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.
213. 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.
214. You must include a letter with the application explaining that you wish to vary your existing leave. The letter must also include:
- your name; and
  - your date of birth; and
  - your first Certificate of Sponsorship reference number (from your previous application); and
  - the date your current leave expires.

215. You can only apply for secondary employment after starting work with your first sponsor.

216. You cannot start work with your second sponsor until your application for secondary employment has been approved.

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

217. 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 Tier 2 skilled workers more or less favourably than resident workers; and
- any reduction in your wages is proportionate to the reduction in your hours and is not reduced by more than 30%; and
- the arrangements will be in place for no more than one year.

### **Change of circumstances**

218. 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

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:

**Home Office  
Change of Circumstances Form  
PO Box 3468  
Sheffield  
S3 8WA**

219. 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.

220. However, if your current grant of leave was made by means of a 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

221. In these circumstances, you must make an application for a new BRP, using the application form BRP (RC), this can be obtained from the Home Office website at [www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/do-i-need-brp/responsibilities/](http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/do-i-need-brp/responsibilities/).

222. 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 UK

223. The UK, 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 UK (for example, for holidays, business trips or a secondment overseas), you do not need to make a new application to return to the UK unless your leave expires or lapses.
224. Please note that if you have been assigned a multiple entry Certificate of Sponsorship, this does not override the rules on ceasing to work for your sponsor which are described in paragraph 229 below.
225. 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 if you continue to be employed by, and have not ceased working for your sponsor for a period of one calendar month or more (see paragraph 229 below), unless your leave passes its expiry date or you stay outside the UK for more than two years.
226. 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.
227. It is important to make sure that if you are travelling overseas for any reason that you fully understand the implications of your leave lapsing or expiring while you are overseas.

## Curtailling leave

228. We will curtail your leave in the following circumstances:

- If you fail to commence working for your sponsor; or
- If you cease to be employed by your sponsor.

229. We may curtail your leave if:

- Your sponsor ceases to have a sponsor licence (for whatever reason);
- Your sponsor transfers the business for which you work to another person and that person does not have a sponsor licence and either fails to apply for a licence within 28 days of the business being transferred, applies for a sponsor licence and is refused or applies for a sponsor licence and is granted but in a category which does not allow you to be issued with a Certificate of Sponsorship.
- You were awarded points further to certification by a Premium Sponsor that you satisfied a requirement of these rules or that the Premium Sponsor has seen and verified but compliance checks show that you do not satisfy that requirement of the rules or that the specified evidence has not been seen and verified.
- You cease to work for the Sponsor for a period of one calendar month or more except where your absence is solely due to maternity, paternity or adoption leave or sick leave.
- Paragraph 226 above applies but any of the following apply to you, which may affect the decision to curtail:
  - you are under the age of 18;
  - you have a dependant child under the age of 18;
  - you have less than 60 days leave remaining where the intention is to curtail your leave;
  - you have been granted leave to enter or remain with another sponsor or in another immigration category;

- you have an application for leave to remain or variation of leave pending with the Home Office or you have a pending appeal under section 82 of the Nationality, Immigration and Asylum Act;
- your sponsor applies for a sponsor licence but is refused.

230. We will curtail your leave as follows:

- to 60 days starting from the date the decision to curtail leave is made. 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.

231. You will be notified in writing of the immigration decision to restrict the limit on the duration of your leave.

232. If you do not make a successful application to vary your leave and/or your sponsor within the 60 days following curtailment, you will be subject to appropriate enforcement action.

## **ANNEX A: SPONSORSHIP**

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

233. A Certificate of Sponsorship is not an actual certificate or paper document, but is a virtual document, similar to a database record. When your sponsor assigns you a Certificate of Sponsorship they must give you a reference number so that you can enter it on your application form for entry clearance or leave to remain.

234. You must have a valid Certificate of Sponsorship reference number before you can apply under Tier 2. By assigning a Certificate of Sponsorship, your sponsor confirms to the best of their knowledge that you are able to undertake a particular job and intend to do so.

235. A Certificate of Sponsorship is valid when assigned to you and which has not been used in a previous application where leave has been granted or refused. You can only have one Certificate of Sponsorship assigned to you at a time.

236. 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?**

237. Examples of when a Certificate of Sponsorship is valid include, but are not limited to:

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

Further information is available in the Immigration Rules, Appendix A, which is on our website at: [www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixa/](http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendixa/)

238. 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.

239. If you are already in the UK with entry clearance or leave to remain, we will cancel your Certificate of Sponsorship and reduce (curtail) your leave as in paragraphs 228 to 232 above, if we find that the Certificate of Sponsorship on which your entry clearance or leave to remain was based and is improperly assigned.

240. 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 specific criteria for the Tier 2 category or sub-category you are applying under.

### **A3. What should you do if you do not want to take up the job you have been sponsored for?**

241. If you have already been granted entry clearance and you no longer want to come to the UK, you should tell your sponsor.

242. 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.

243. 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 us by e-mail ([SponsorshipPBSenquires@ukba.gsi.gov.uk](mailto:SponsorshipPBSenquires@ukba.gsi.gov.uk)) or by post at:

**Sponsor Licensing Unit**  
**Home Office**  
**North East, Yorkshire and Humber Region**  
**PO Box 3468**  
**Sheffield**  
**S3 8WA**

244. 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).

We will cancel the Certificate of Sponsorship if necessary after discussions with the sponsor.

If you do not want to come to the UK, you should tell your sponsor and ask them to withdraw the Certificate of Sponsorship.

You do not need to contact us as the Certificate of Sponsorship will automatically expire three months after it was assigned.

#### **A4. What happens if your sponsor's licence has been suspended?**

245. 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.

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

247. 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.

248. 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.

249. If you are granted entry clearance before the sponsor's licence is suspended, you will be allowed to enter the UK 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.

250. 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 Home Office website at [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/pbsregisterofsponsors](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/pbsregisterofsponsors)

## **A5. What is a multiple entry Certificate of Sponsorship?**

251. If you need to leave and re-enter the UK on a regular basis you may be assigned with a multiple entry Certificate of Sponsorship.

252. 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 UK.

## **A6. What duties does a sponsor have?**

253. Your sponsor has a number of additional duties, which include keeping copies of your passport, BRP or UK immigration status documents, and contact details. The sponsor must not keep your original documents.

254. 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 UK (such as with a governing body) ends; or
- your 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.

255. 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.

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

## **A7. How do you report abuse?**

257. 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.



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

**Home Office  
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 us by e-mail ([SponsorshipPBSenquires@ukba.gsi.gov.uk](mailto:SponsorshipPBSenquires@ukba.gsi.gov.uk)) or by post at:

**Sponsor Licensing Unit  
Home Office  
PO Box 3468  
Sheffield  
S3 8WA**

259. 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.

#### **A8. What happens during a Home Office visit?**

260. Sponsors may be visited by our compliance 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.

#### **A9. Where can you find more information on sponsorship?**

261. 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**

We will ask for a number of verifiable documents to allow us to consider your application.

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.

### **B1. When we will do a check?**

There are two situations in which we will undertake a check:

- verification checks – where we have reasonable doubts that the documents are genuine; or
- other checks – where we carry out further checks, for example, where we have doubts about an application or the documents sent with the application but the doubts are not serious enough for us to make a verification check.

### **B2. Verification checks**

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.

The purpose of these checks is to make sure 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.

Verification may delay our decision on your application so we will only do it when there are clear reasons for it.

### **B3. Reasonable doubt**

There are many reasons why we may doubt that a specified document is genuine and what we consider to be a reasonable doubt will depend on each individual application. However, our judgments will be based on the facts we have.

### **B4. Outcome of verification check**

There are three possible outcomes of a verification check:

- Document confirmed as genuine - if we can conclude the document is genuine, we will consider the application as normal.
- Document confirmed as false - if we can conclude 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 have provided us with 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 Home Office and is likely to jeopardise any future application.
- Verification check inconclusive - if we cannot verify that the document is either genuine or false, 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 give zero points in that area.

## **B5. Refusing applications without making verification checks**

We may refuse an application without making verification checks in two circumstances:

- 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 always verify passports if we doubt they are genuine.
- where there is evidence that proves a particular document is false. If we can confirm that a document is 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 the applicant does not meet the funds requirement and because you have sent a false document.

## **B6. Other checks**

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.

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

## **B7. Extra checks**

Sometimes we will have suspicions about a document, but they will not be enough to make us doubt that it is genuine. For example, 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.

## **B8. Outcome of other checks**

There are four possible outcomes of these checks:

- Document confirmed as genuine – if we can conclude the document is genuine, we will consider the application as normal.
- Document confirmed as false – if we can conclude 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 the applicant does 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 Home Office and is likely to jeopardise any future application.
- Check inconclusive - 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 - if we cannot verify the document is either genuine or false but as a result of checks we find other reasons to doubt the genuineness of a particular specified document, we may decide to make a verification check.

## **B9. Procedure for verification and other checks**

The procedures for both verification checks and other checks will usually be similar and 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 UK and overseas); and
- checking the accuracy and authenticity of documents with banks, universities and professional bodies.

## **B10. Standard procedure**

We will use a standard form to record the results of our enquiries to make sure that we record any feedback consistently.

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

Our compliance team may visit the applicant's sponsor before we make a decision on the application.

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

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

262. 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.

263. 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.

264. 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?**

265. 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?**

266. 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?**

267. 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?**

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

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

270. 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?**

271. 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?**

272. 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?**

273. 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.
274. However, where the Administrative Review upholds a refusal but with different refusal grounds, you may request an administrative review of these new refusal grounds.
275. 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?**

276. 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.
277. 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?**

278. The administrative reviewer will examine the evidence provided with your original application, copies of which will be kept at the refusal post.
279. 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/modernised/general-grounds-refusing/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/general-grounds-refusing/)
280. 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?**

281. 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.
282. 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.

283. 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.

284. The administrative reviewer will not recommend that the original decision is overturned simply because you claim there is a fault with the Home Office's underlying processes or policies.

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

285. 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: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/modernised/general-grounds-refusing/>

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

286. 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.

287. 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.

288. 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.

289. 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).

290. 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?**

291. 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?**

292. 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.