

SHORTAGE OCCUPATIONS

- Caseworkers should check the application against the current Shortage Occupation list.

What to do if

- The skills, knowledge and experience are rare but not on the shortage list
- The Employer has made a convincing case for national shortages in particular occupations
- The job is not on the shortage occupation list and no satisfactory argument for waiving the advertising criteria has been put forward
- The overseas national does not have adequate qualifications and/or experience to fill the shortage occupation vacancy

Caseworkers should check the application against the current Shortage Occupation list

Caseworkers should check the relevant section of the application and match the job title and job description against the shortage occupation list.

Caseworkers should note that some occupations listed require experience and qualifications over and above what would be required to meet the normal work permit criteria. Caseworkers should ensure that the overseas national has adequate qualifications and experience to qualify as filling a shortage occupation vacancy.

What to do if

The skills, knowledge and experience are rare but not on the shortage list - These types of application do not qualify for Tier 1 treatment under the Shortage Occupation category. In these cases the employer must apply under Tier 2 and may make a case for the normal advertising requirements to be waived. Caseworkers should be satisfied that a recruitment search for such skills would not attract workers with the required skill from the resident labour market. Such applications should be approved exceptionally where all other criteria are met and P70A should be used in the approval letter.

The Employer has made a convincing case for national shortages in particular occupations- Caseworkers should treat the case as Tier 2 unless the occupation is officially recognised by Work Permits (UK) and listed on the shortage occupation list. Any information about shortages or possible shortages should be passed to the Policy Team to investigate further. Caseworkers should advise employers to send any evidence of shortages to the Policy team. Information on which shortage occupations to include on the list is obtained from consulting employers, outside organisations and sector panels. The Policy Team will undertake research and decide whether to add or remove an occupation from the list.

The job is not on the shortage occupation list and no satisfactory argument for waiving the advertising criteria has been put forward – The application should be refused and P83A/B included in the refusal letter. Caseworkers should note that all

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refusal reasons should be included in the refusal letter and all letters should be tailored to the individual application.

The overseas national does not have adequate qualifications and/or experience to fill the shortage occupation vacancy – The application should be processed as a Tier 2 application and caseworkers may consider any reasons put forward as why the employer might want us to waive the advertising criteria. If the application is to be exceptionally approved, paragraph P70A should be included in the decision letter. If the application is to be refused, paragraph P83A/P83B should be included in the decision letter.

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