



Home Office

Tier 5 Temporary Worker of the Points Based System.

Version 04/2019

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About this guidance

This guidance tells is for stakeholders and applicants and provides information about the Tier 5 (Temporary Worker) subcategories.

Publication

Below is information on when this version of the guidance was published:

- version **04/19**
- published on **5th April 2019**

Changes from last version of this guidance

- References to the Tier 5 Seasonal Workers pilot scheme have been added to reflect the introduction of that scheme.
- A paragraph has been added to reflect that Tier 5 (Religious Workers) entering under this route will no longer be permitted to work as a minister of religion.
- A paragraph had been added to reflect new cooling off periods for Tier 5 (Charity Workers) and Tier 5 (Religious Workers).
- A link has been added to the new definition of professional sportsperson.
- Formatting errors and broken links corrected, minor housekeeping changes.

Related content

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Introduction

1. This document provides policy guidance on Tier 5 (Temporary Worker) of the Points-Based System. Please note that it reflects policy at the time of publication and is subject to change.

For the purpose of these guidance notes, the terms 'we', 'us' and 'our' refer to the Home Office.

It should be read in conjunction with the relevant [paragraphs of the Immigration Rules](#). Separate guidance on [Tier 5 \(Youth Mobility Scheme\)](#) is also available.

2. If you are making an application from outside the United Kingdom for entry clearance, you should go to our website at www.gov.uk/apply-uk-visa, where you can apply online.
3. If you are making an application from inside the United Kingdom for an extension of your existing leave or a change of employment in Tier 5 (Temporary Worker), you should use the online Tier 5 (Temporary Worker) application form or its paper equivalent available on our website: www.gov.uk/browse/visas-immigration/work-visas.
4. Under Tier 5 (Temporary Worker), you must have both a sponsor and a valid Certificate of Sponsorship before applying.
5. Tier 5 (Temporary Worker) has six subcategories:
 - Creative and sporting - for people coming to the United Kingdom to work or perform as sports people, entertainers or creative artists.
 - Charity workers – for people coming to the United Kingdom to do voluntary work and not paid work for a charity.
 - Religious workers – for people coming to the United Kingdom to work as religious workers, such as non-pastoral duties. People looking to fill roles which include preaching or pastoral work should consider applying for a [Minister of Religion visa \(Tier 2\)](#)
 - Government authorised exchange – for people coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice.
 - International agreement – for people coming to the United Kingdom under contract to provide a service that is covered under international law.
 - Seasonal Workers: is a two-year pilot route beginning in Spring 2019, enabling employers in the edible horticulture sector to access seasonal workers, via an approved scheme operator.

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General guidance for Points-Based System (PBS) applicants

Date of application

6. The date of application will, in all cases, be taken to be the date that the fee associated with the application is paid. This date is shown on your payment receipt.

Documents required

7. You must ensure you provide all the necessary supporting documents at the time you make your application to the Home Office. The documents you use for your application must be issued by an authorised official of the issuing organisation and be on the official letter-headed paper or stationary of the organisation.
8. Where any documents provided are not in English or Welsh, you must provide the document in the original language and a full translation that can be independently verified.
9. The translation must:
 - confirm that it is an accurate translation of the document; and
 - be dated; and
 - include the full name and signature of the translator or an authorised official of the translation company; and
 - include the translator or translation company's contact details; and
 - if you are applying for leave to remain or indefinite leave to remain, be fully certified and include details of the translator or translation company's credentials
10. We may contact you and/or your representative in by email using the email address or telephone numbers provided on the application form or Certificate of Sponsorship. correct documents under our [evidential flexibility policy](#). If we request information under this policy you must provide the requested documents at the address specified in the request within 10 working days of the date of the request. Working day means any day other than Saturday, Sunday or UK public holidays.
11. We reserve the right to verify all documents submitted to us as part of an application. Where we are unable to verify a document or a document is found to be false, that document may be discounted or the application refused.

General grounds for refusal

12. Applicants in all the Points-Based System categories will be subject to General Page 8 of 30 Tier 5 (Temporary Worker) Policy Guidance - Version 04/19

Grounds for Refusal. This means that even if you qualify under the specific category of the Rules under which you are applying to come here, there may be other reasons (such as your previous immigration history), that may lead to the application being refused.

13. Further information on General Grounds for Refusal is available on our website at www.gov.uk/government/publications/general-grounds-for-refusal-considering-entry-clearance.

Termination of employment

14. If your employment ends before your period of leave, we may curtail your leave to 60 days. If you have less than 60 days of your leave remaining, we will not curtail this leave. You may wish to make a further application for leave during this time.
15. Find more information about the sponsor's licence status in the 'Guidance for sponsor applications Tier 2, Tier 4 and Tier 5 of the Points-Based System' on our website at: www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators.

Compliance officer visits

16. Sponsors may get an on-site visit from our compliance officers at any time. The visit may be to check that the sponsor is complying with its duties. When we visit, we may also want to speak to you and other migrant workers the sponsor is employing.

Genuine Tier 5 (Temporary Worker) Migrant Test

17. When applying for entry clearance, leave to enter 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 that permitted by the entry clearance, leave to enter or leave to remain, should it be granted. This doesn't apply to those who are seeking entrance under the seasonal worker's scheme.
18. 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
19. In order to assess this, we may:

- request additional information and evidence and refuse the application if the information or evidence is not provided. Any requested documents must be received by us 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 the application if you fail to comply with any such request without providing a reasonable explanation

Points scoring

20. In order to obtain entry clearance or leave to enter or remain within Tier 5 (Temporary Worker) subcategories, you must score enough points and send supporting evidence where appropriate.
21. The points available are:

Certificate of Sponsorship: 30 points
Maintenance requirement: 10 points
22. These requirements are based on [Appendix A](#) and [Appendix C](#) of the Immigration Rules. Further information on the conditions under which sponsors should issue Certificates of Sponsorship can be found within our [sponsor guidance](#).

Administrative review

23. If your application is refused and you think that we have made a mistake in the decision on your application, you can request an administrative review of that decision. For more information, please see the [administrative review](#) information on our website.

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Creative and Sporting category

24. This subcategory is for applicants in the creative and sporting sector who are entering the United Kingdom for short term contracts/engagements.

Sportspeople

25. A “Professional Sportsperson”, is someone, whether paid or unpaid, who:

1. is currently providing services as a sportsperson, playing or coaching in any capacity, at a professional or semi-professional level of sport;
2. is currently receiving payment, including payment in kind, for playing or coaching, and that payment covers all, or the majority of, their costs for travelling to, and living, in the UK, or has received such payment within the previous four years;
3. is currently registered to a professional or semi-professional sports team, or has been so registered within the previous four years. This includes all academy and development team age groups;
4. has represented their nation or national team within the previous two years, including all youth and development age groups from under 17s upwards;
5. has represented their represented their state or regional team within the previous two years, including all youth and development age groups from under 17s upwards;
6. has an established international reputation in their chosen field of sport and/or
7. engages an agent or representative, with the aim of finding opportunities as a sportsperson, and/or developing a current or future career as a sportsperson, or has engaged such an agent in the last 12 months unless they are playing or coaching as an “Amateur” in a charity event.

26. In order for a Certificate of Sponsorship to be assigned for a sportsperson under this subcategory, the sponsor will need to have an endorsement for you from the appropriate governing body for your sport. The endorsement will confirm that: you are internationally established at the highest level; and/or your employment will make a significant contribution to the development of your sport at the highest level in the UK; and your post could not be filled by a suitable settled worker.

27. The endorsement will be obtained from the governing body by your sponsor. You must provide the original letter issued by the governing body containing the endorsement as part of your application for leave or entry clearance. Find a list

of all approved governing bodies on our website in [Appendix M to the Immigration Rules](#).

Creative workers

28. For a creative worker, and their entourage operating in dance, theatre, film and television, or as a model in the fashion industry, the sponsor must commit to following the specified code of practice specified in Appendix J of the Immigration Rules, which includes taking into account the needs of the resident labour market in that area. Where your job is not covered by a specific code of practice, your sponsor must show that the post could not have been filled by a settled worker. Examples to demonstrate this might be recruitment activity undertaken, written support from an appropriate industry representative body or sector labour market information.

Group Certificates of Sponsorship

29. You will be able to bring your entourage using a group Certificate of Sponsorship. An entourage can include people whose work is directly related to the employment of an entertainer, cultural artist, sports person or a dramatic production. The person should have proven technical or other specialist skills.

Multiple engagements or performances

30. Due to the nature of the creative sector, at times you may need to perform a number of engagements at a number of venues. If you have a single sponsor, for example, an agent, and there is no more than a maximum of 14 calendar days between each engagement, that sponsor can assign a single Certificate of Sponsorship to cover the whole period.
31. If you are sponsored by individual venues, producers or promoters, then it is still possible for each sponsor to assign a Certificate of Sponsorship to cover its own show. The periods of work stated on the Certificates of Sponsorship must not overlap (you may need to co-ordinate the periods of work with your sponsors).
32. If there is no more than a maximum of 14 calendar days between each engagement, then entry clearance will be granted to cover the whole period. If there is a gap of more than 14 days between engagements, you will have to leave the United Kingdom and apply for entry clearance again as a new application.

Validity of leave

33. You can come to the United Kingdom for up to 12 months, or the time given on your Certificate of Sponsorship plus 28 days, whichever is shorter.
34. You may apply to extend your leave to remain in the UK for up to a maximum of 24 months if you stay with the same sponsor.

Switching

35. Sports or entertainer visitors, or visitors who entered the UK undertaking permitted activities, are allowed to switch into the Tier 5 (Temporary Worker) Creative and Sporting subcategory if they have a valid Certificate of Sponsorship that was assigned to them before they came to the United Kingdom.

Visa concession for non-visa nationals

36. A concession exists for non-visa nationals who wish to come to the United Kingdom as creative workers or sports people for no more than three months.
37. If you are a non-visa national seeking entry to the United Kingdom for three months or less, via Ireland, you must obtain either [remote clearance](#) or entry clearance (a visa) prior to travelling to the United Kingdom. This is because individuals travelling from Ireland to the UK will not necessarily encounter an immigration officer to endorse the correct form of leave to permit this concession. Further information can be found in the [Common Travel Area guidance](#) on GOV.UK.
38. The option to request leave to enter remotely is not, however, available if you are entering the UK to commence a contract of employment which, because of the nature of that employment, would require their employer to undertake right to work checks. This is because your remote clearance application would not include receipt of acceptable documentation which your employer could use to undertake right to work checks. In this event, you must obtain a visa before entering through Ireland. For further information, see '[An employer's guide to right to work checks](#)' on GOV.UK.
39. If you are not coming via Ireland, you can apply for leave to enter at the border. If you want to do this, you will require a Certificate of Sponsorship, but will not be required to obtain entry clearance. Separate arrangements, consistent with the principles of sponsorship, will enable appropriate checks to be made at port of entry.
40. Where you are granted leave to enter for up to three months by an Immigration Officer on arrival in the UK, your leave will automatically lapse once you travel outside the Common Travel Area (the Common Travel Area encompasses the UK, Ireland, the Isle of Man, Jersey and Guernsey). This means that you will not automatically be able to re-enter the UK on the basis of your original grant of leave. However, you may need to come back to the UK to fulfil your engagements for your sponsor here. In this instance, you must tell the Immigration Officer your original Certificate of Sponsorship number on arrival. The Immigration Officer will ask you to provide your evidence of meeting the maintenance requirements again. The Immigration Officer will carry out checks to ensure that the sponsor has not withdrawn their sponsorship of you since your original entry, and may wish to speak to the sponsor again to confirm the

details on the Certificate of Sponsorship.

41. Provided you meet all the criteria, the Immigration Officer will be able to grant leave to allow you to complete the engagements for your sponsor within the period of your original grant of leave.

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Charity Workers

42. This subcategory is for those wanting to undertake unpaid voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose in the UK.
43. "Voluntary fieldwork" is defined as activities which would not normally be offered at a waged or salaried rate and which contribute directly to the achievement or advancement of the sponsor's charitable purpose. It does not include work ancillary to the sponsor's charitable purpose including, for example, routine back office administrative roles, retail or other sales roles, fund-raising roles and roles involved in the maintenance of the sponsor's offices and other assets.
44. This subcategory cannot be used to temporarily fill a position which is required on a permanent basis.
45. In assigning a Certificate of Sponsorship, the sponsor will have guaranteed that you:
 - will be undertaking voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose
 - will not receive any form of payment or remuneration, including benefits in kind, (except reasonable expenses outlined in [section 44 of the National Minimum Wage Act 1998](#) (as amended from time to time))
 - will not be filling a permanent position, including on a temporary basis
 - will comply with the conditions of your permission to stay and leave the United Kingdom when it expires

Validity of leave

46. You can come to the United Kingdom for up to 12 months, or the time given on your Certificate of Sponsorship plus 28 days, whichever is shorter.
47. If you are granted less than 12 months leave to remain in the first instance, you can apply to stay in up to a maximum of 12 months.
48. In order to qualify for entry clearance to return to the UK, you must not have held leave to remain as a Tier 5 Religious Worker or Tier 5 Charity Worker at any time during the 12 months immediately before the date of application, unless you can provide evidence which demonstrates you were not in the UK at any time during that period.

Switching

49. Switching into this subcategory is not permitted.

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Religious Workers

50. To apply for a licence, you must be a bona fide religious organisation which:
- is a registered, excepted or exempt UK charity according to the charity legislation in force in your part of the UK, or is an ecclesiastical corporation, either corporation sole or body corporate, set up for charitable purposes; in Northern Ireland, you must have charitable status for tax purposes from HM Revenue and Customs
 - **Note:** if you are a charity which is not registered according to the relevant charity legislation, you must tell us the reason for non-registration, the charities acts have more information see:
[Charities Act 2011 for England & Wales](#)
[Charities and Trustee Investment \(Scotland\) Act 2005](#)
[Charities Act \(Northern Ireland\) 2008](#)
 - is the structure for a faith-based community with a common system of belief and spiritual goals, codes of behaviour and religious practice, which exists to support and/or propagate common beliefs and practices and where beliefs:
 - include any religious belief or similar philosophical belief in something transcendental, metaphysical or ultimate **and**
 - exclude any philosophical or political belief concerned with man, unless that belief is similar to religious belief
 - does not exclude from your community on the basis of gender, nationality or ethnicity
 - receives financial and material support for your core religious ministry from your congregation or community on a voluntary basis, without promise or coercion
 - does not breach, or encourage others to breach any UK legislation
 - does not work against the public interest, or have a detrimental effect on personal or family life as commonly understood in the UK
51. This subcategory is for those coming to work temporarily in the United Kingdom as a religious worker. For examples of the duties we expect those coming in under the Tier 5 (Temporary Worker) - religious worker sub-category to undertake, please see [Tier 2 and 5 of the points-based system: guidance for sponsors](#) on GOV.UK.
52. In assigning a Certificate of Sponsorship, the sponsor will have guaranteed that:
- you are qualified to do the job in question;
 - you will only work at the specified location(s), except where working under the supplementary employment conditions;
 - they will accept the responsibilities of sponsorship for you;
 - where applicable, they will support you through funds and/or accommodation that are sufficient for you to maintain yourself throughout the duration of the Certificate of Sponsorship. If you are unable to support

yourself, you could face financial hardship because you will not have access to most state benefits;

- you will not be displacing or denying an employment opportunity to a suitably qualified member of the resident labour force; and
- you will comply with the conditions of your permission to stay and will leave the United Kingdom when it expires

53. Your Certificate of Sponsorship must outline your duties, details of any payments you will receive and must demonstrate that the role you intend to undertake does not constitute that of a Minister of Religion. A separate category exists under Tier 2 of the Points Based System for individuals wishing to come to the UK as a Minister of Religion. For further information, see: [Tier 2 and 5 of the points-based system: guidance for sponsors](#) on GOV.UK.

Validity of leave

54. You can come to the United Kingdom for up to 24 months, or the time given on your Certificate of Sponsorship plus 28 days, whichever is shorter.
55. If you are granted less than 24 months leave to remain in the first instance, you can apply to stay in up to the maximum of 24 months.
56. In order to qualify for entry clearance to return to the UK, you must not have held leave to remain as a Tier 5 Religious Worker or Tier 5 Charity Worker at any time during the 12 months immediately before the date of application, unless you can provide evidence which demonstrates you were not in the UK at any time during that period.

Switching

57. Switching into this subcategory is not permitted.

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Government Authorised Exchange (GAE)

58. This subcategory is for those coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice through work placements, whilst experiencing the wider social and cultural setting of the United Kingdom. This subcategory cannot be used to fill job vacancies or provide a way to bring unskilled labour to the United Kingdom.
59. Individual employers and organisations will not be allowed to sponsor anyone under This subcategory, even if they are licensed as sponsors under other tiers or categories of Tier 5, to prevent potential abuse of this category and the formation of small individual schemes.
60. The only exceptions to this are:
 - Sponsored Researchers – a scheme has been approved by the Department for Innovation, Universities and Skills, so higher education institutions will be able to recruit sponsored researchers under this subcategory of the Points Based System
 - UK Research and Innovation – Science, Research and Academia – a scheme which enables URRI to engage with sponsored researchers within its own organisation as well as well as being able to endorse selected research organisations
 - where the employer is a Government Department or an Executive Agency of a Government Department
61. A list of approved GAE schemes can be found at [Appendix N](#) of the Immigration Rules.
62. There will be an overarching body to manage the exchange scheme. This overarching body will be the sponsor. The scheme and the overarching body must have the support of a United Kingdom government department. The overarching body will assign certificates of sponsorship to those who meet the requirements of the scheme.
63. When the overarching body assigns a Certificate of Sponsorship, they will have guaranteed that you:
 - are seeking entry to the United Kingdom to work or train temporarily here through an approved exchange scheme;
 - do not intend to establish a business in the United Kingdom; and
 - meet the requirements of the individual exchange scheme
64. Information for anyone seeking to introduce a new GAE scheme can be within the [sponsor guidance](#).

Validity of leave

65. You can stay in the UK for up to 12 or 24 months (depending on the scheme you're applying for) or the time given on your certificate of sponsorship plus 28 days, whichever is shorter.
66. If you are granted less than 24 months leave to remain in the first instance, you can apply to stay in up to the maximum of 24 months, depending on the terms of the scheme you are applying for.

Switching

67. Tier 4 (General) Migrants (paragraphs 245ZT to 245ZY of the Immigration Rules) can apply to switch into the Tier 5 (Temporary Worker) Government Authorised Exchange sub-category, provided they:
 - have lawfully obtained a UK bachelors, Master's degree, PGCE or PGDE during their last grant of leave;
 - are being sponsored to undertake postgraduate professional training or work experience which is required to obtain a professional qualification or registration in the same professional field as their qualification described above; and
 - are being sponsored to undertake an internship for up to 12 months which is directly related to the qualification described above

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International Agreement

68. This subcategory is for those who are coming to the United Kingdom under contract to provide a service covered under international law, including:
- private servants in diplomatic households;
 - employees of overseas governments and international organisations;
 - the General Agreement on Trade in Services (GATS); and
 - similar agreements between the United Kingdom or European Union and another country or other countries
69. This subcategory does not include the intra-corporate transfer commitment of GATS or similar commitments in other agreements. Those coming to the United Kingdom under these arrangements should come under Tier 2 (Intra-Company Transfer) of the Points-Based System.

Private servants in diplomatic households

70. In assigning a Certificate of Sponsorship to private servants in diplomatic households, the sponsor will have guaranteed that you:
- are aged 18 years old or over;
 - will be employed as a private servant by, and in the household of:
 - a named member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna Convention on Diplomatic Relations; or
 - a named official employed by an international organisation with certain privileges and immunities under United Kingdom or international law;
 - intend to work full-time in domestic employment for that named employer;
 - will not take up any other form of job for the sponsor other than as a private servant in the specified household;
 - are not a relative of the employer, or employer's spouse, either by blood or by marriage. This includes but is not limited to: the spouse or unmarried partner, child, parent, grandparent or sibling of either the employer or the employer's spouse; and
 - will leave the United Kingdom when your permission to stay has expired
71. Please note that you must provide written evidence of the terms and conditions of your employment in the United Kingdom in the form set out in [Appendix 7 of the Immigration Rules](#). This must be signed by you and your employer, who must be a diplomat or an employee of an international organisation recognised by the Government who enjoys certain privileges or immunity under UK international law. It must, among other things, confirm that you will be paid at least the National Minimum Wage. Your employer must also separately provide a written and signed statement confirming that you are an employee and the work that will be carried out you will not constitute work within the meaning of paragraph 57 of the [National Minimum Wage Regulations 2015](#) (as amended from time to time).

72. Please also note that domestic workers in the private households of individuals wishing to enter the UK for less than 6 months should apply for a domestic worker in a private household visa – see [Domestic Workers in a Private Household visa](#) on GOV.UK

Employees of overseas governments and international organisations

73. In assigning a Certificate of Sponsorship to employees of overseas governments and international organisations, the sponsor will have guaranteed that you will:
- be under a contract of employment with the overseas government or international organisation;
 - not take up any job for the sponsor other than that for which the Certificate of Sponsorship was assigned; and
 - not try to avoid immigration controls by changing to a different category of worker within the international agreements category after entering the United Kingdom

General Agreement on Trade in Services (GATS)

74. In assigning a Certificate of Sponsorship for those coming to the United Kingdom under GATS or another similar trade agreement, the sponsor will have guaranteed that you are either:
- a contractual service supplier who is employed by a company with no commercial presence inside the European Union that has a contract to supply services to them in the United Kingdom as set out in the GATS or a similar trade agreement; or
 - an independent professional who is self-employed, with no commercial presence inside the European Union and have a contract to supply services to them in the United Kingdom as set out in the EU - CARIFORUM economic partnership agreement or a similar trade agreement

Contractual service supplier

75. If you are a contractual service supplier:
- your employer must be based outside the European Union in a country or territory which is a signatory to the trade agreement under which you are supplying services and you must be a national of that country;
 - you must have been an employee of the company for at least 12 months;
 - you must have a degree level or equivalent level qualification, unless you are:

- supplying fashion model services, chef de cuisine services or entertainment services other than audiovisual services under the EU - CARIFORUM economic partnership agreement; or
- supplying advertising and translation services;
- where required by relevant UK legislation, regulations or sectoral requirements, you must hold any specific professional qualifications or registrations to provide the services in the UK; and
- you must have three years professional experience in the sector in which you are supplying services unless you are supplying chef de cuisine services under the EU – CARIFORUM economic partnership agreement, in which case, you must have at least six years' relevant experience at the level of chef de cuisine and have an advanced technical qualification

Independent professional

76. If you are an independent professional:

- your business must be established on the territory of the country which is signatory to the trade agreement under which you are supplying services and you must be a national of that country;
- you must have a university degree or technical qualification which demonstrates knowledge of a similar level;
- where required by relevant legislation, regulations or sectoral requirements, you must have specific professional qualifications to provide some services in the UK; and
- you must have six years professional experience in the sector in which you are supplying services

Validity of leave

77. For a maximum period of 24 months, or the time given on the Certificate of Sponsorship plus 14 days after the end date given on the Certificate of Sponsorship and up to 14 days before the start date, whichever is the shorter.

78. The exceptions to this are for those applying as:

- private servants in diplomatic households and who were granted entry clearance in that capacity under the Rules in place **before 6 April 2012** can apply for an extension for a maximum of 24 months at a time, up to a total of six years
- private servants in diplomatic households who were granted entry clearance in that capacity under the Rules in place on or after 6 April 2012 can also apply for an extension for a maximum of 24 months at a time up to a maximum of five years or up to the length of their employer's posting, whichever is shorter
- employees of overseas governments and international organisations only, who can apply for an extension for a maximum of 24 months at a time, up to a total of six years

- those providing a service under contract as set out in the General Agreement on Trade In Services (GATS) and other similar trade agreements such as the European Union (EU) - CARIFORUM economic partnership agreement, the EU – Andean multiparty trade agreement and the EU European Union - Chile free trade agreement, can only apply for a maximum stay of 6 months in any 12 month period

Switching

79. All other switching into Tier 5 (Temporary Worker), or between subcategories of Tier 5 (Temporary Worker), is not permitted.

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Seasonal Workers

80. This subcategory is for migrants coming to the UK as seasonal workers in the edible horticulture sector through an approved scheme operator. This is a pilot scheme that will run between March 2019 and December 2020.
81. There are two scheme operators appointed to manage and act as sponsors for this pilot. They will assign certificates of sponsorship to those who meet the requirements of the scheme. The approved scheme operators are listed in Appendix U of the Immigration Rules.
82. Any work or activity carried out by you on a Tier 5 (Temporary Worker) Seasonal Workers scheme must be in a seasonal role with an employer in the horticultural sector, assigned by an approved scheme operator.
83. When the scheme operators assigns a Certificate of Sponsorship, they will have guaranteed that you:
 - are at least 18 years old
 - will not establish a business in the UK
 - will only take employment in a seasonal job permitted by this scheme, and with an employer in the horticultural sector that has been assigned by you
 - will comply with the conditions of their entry clearance and will leave the UK when it expires
84. This pilot is subject to an annual quota of 2,500, set by the Home Office, and divided between the two scheme operators.
85. The scheme operators are responsible for ensuring that, including ensuring that:
 - your work environment is safe and complies with relevant Health and Safety requirements
 - you are treated fairly by your employer
 - you are paid properly – this includes satisfying National Minimum Wage regulations and Holiday Pay
 - you are allowed time off, and proper breaks
 - you are provided with appropriate equipment to do your job safely
 - you are housed in hygienic and safe accommodation,
 - you are not transported in unsafe vehicles
 - you are not threatened with, or subjected to, violence
 - your passport is not withheld from you
 - procedures are in place to enable migrants to report any concerns to the scheme operator, and to enable migrant workers to move to another employer where possible

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Maintenance requirement

86. In order to qualify for entry clearance, leave to enter or leave to remain under the Tier 5 (Temporary Worker) category you must meet the maintenance requirement.
87. You can do this automatically if the Tier 5 A-rated sponsor provides a written undertaking that, should it become necessary, it will maintain and accommodate you for a month. The undertaking may be limited provided the limit is at least £945. A Tier 5 A-rated sponsor can do this by:
 - endorsing the certification on the Certificate of Sponsorship, or
 - providing the certification in a letter from the sponsor which includes:
 - the applicant's name,
 - the sponsor's name and logo, and details of any limit
88. Alternatively, you must demonstrate that you have at least £945 of personal savings which must have been held for at least a consecutive 90-day period ending no earlier than 31 days before the date of application.
89. You must demonstrate that you have the required funds in the form of cash funds in the bank (this includes savings accounts and current accounts even when notice must be given), or as a loan available to you. We will not take into account other assets (for example shares, bonds, overdrafts, credit cards or pension funds) or money you have earned while you were in breach of the United Kingdom's immigration laws as evidence of maintenance funds. You can find details of the maintenance requirement in [Appendix C](#) of the Immigration Rules.
90. Any dependants wishing to join you must also provide evidence that they have access to sufficient funds. See [Guidance for dependants of UK visa applicants \(Tiers 1, 2, 4, 5\)](#) for further information.

Related content

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Documents we require if you are switching into the Government Authorised Exchange sub-category from one of the student immigration categories

Sponsored students

91. 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 (General) student; or
- student; or
- student nurse; or
- student re-sitting an examination; or
- student writing up a thesis; or
- Student Union sabbatical officer
- postgraduate doctor or dentist

92. 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.

93. The evidence must be 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.

94. 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.

95. More advice on [sponsored students](#) is available on our website.

Evidence of qualification

You must provide your 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 (except in the case of a degree certificate); and date of course completion unless you are studying a PhD course

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

Documents we require if you are applying as a contractual service supplier or independent professional under the International Agreement sub-category.

Documents we require if you are applying as a contractual service supplier

97. You must supply payslips to cover at least 12 months of employment, the most recent of which must be dated no earlier than one calendar month before the date your application is submitted. These should be either payslips or on company-headed paper. If your payslips are not on headed paper or are printouts of online payslips, you must provide a letter from your employer 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.
98. Unless you are supplying fashion model services or entertainment services other than audiovisual services under the EU - CARIFORUM economic partnership agreement, or supplying advertising and translation services, you must provide a degree certificate, equivalent level qualification certificate or technical qualification certificate from your place of study. This must clearly show:
 - your name; and
 - the course title/award; and
 - the course duration; and
 - date of course completion

Documents we require if you are applying Independent professional

99. You must provide a university degree certificate or equivalent level qualification certificate from your place of study. This must clearly show:
 - your name; and
 - the course title/award; and
 - the course duration; and
 - date of course completion

Related content

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Change of circumstances

Supplementary employment

100. You can undertake work that is supplementary to that for which your Certificate of Sponsorship has been issued unless you are here as a private servant in a diplomatic household and your entry clearance was granted under the Rules in place on or after 6 April 2012. Supplementary employment must meet the following criteria:
- must be in either a job on the shortage occupation list in [Appendix K](#) of the Immigration Rules or a job in the same sector and at the same level as the work for which the Certificate of Sponsorship was assigned;
 - must be no more than 20 hours per week;
 - must be outside of your normal working hours for which your Certificate of Sponsorship was assigned
101. If you are granted leave as a sports person under Tier 5, you can also take work as a temporary sports broadcaster.
102. You must continue to work for the sponsor in the employment that the Certificate of Sponsorship records that you are being sponsored to do.
103. Applicants do not need to advise us of any supplementary employment they undertake as long as it meets the above stated criteria.

Change of employment

104. If you have previously received permission to enter or remain in the United Kingdom, you can apply for a 'change of employment' unless you are here as a private servant in a diplomatic household. This is where you wish to vary your leave in the United Kingdom because you want to change your employment, either within the same organisation or with a new organisation.
105. The work will need to be with a licensed sponsor, and you must have a new Certificate of Sponsorship. You will need to provide evidence of meeting the maintenance requirement where you are making an application for a change of employment.
106. We will only grant permission to stay to reach the maximum time allowed under the relevant sub-category and they will not be able to switch into another tier, category or sub-category.
107. If you are here as a private servant in a diplomatic household, you may change employment without making an application provided you continue to work as a domestic worker. The conditions attached to your leave should not prevent you leaving your place of employment. More information about your rights in the UK, including where to find help, can be found [here](#).

Other changes

108. If during your period of employment, you wish to amend:

- personal details; or
- criminal convictions; or
- contact details; or
- representative details; or
- dependants' details

you should inform your sponsor and fill out a change of circumstances form which can be found on our website at:

[change of circumstances form](#)

109. This should be sent to:

Home Office
PO Box 3468
Sheffield
S3 8WA

110. If we consider that the intended change can be treated as a change of circumstances, we will confirm this in writing and you should keep this letter with the original documents.