

## QUALIFICATION OF THE WORKER

To qualify for a Business and Commercial work permit the worker should have the skills, qualifications and experience to do the job on offer. Also, the qualifications and skills of the person must be in line with the following criteria:

**EITHER** – the individual must possess the following **qualifications**:

(a) a UK equivalent degree level qualification; or

(b) a Higher National Diploma (HND) level qualification which is relevant to the post on offer; or

(c) a HND level qualification, which is not relevant to the post on offer plus one year of relevant full time work experience at National/Scottish Vocational Qualification (N/SVQ) level 3 or above;

**OR** the individual must possess the following **skills**:

(d) 3 years full time experience of using specialist skills acquired through doing the type of job for which the permit is sought. This should be at N/SVQ level 3 or above.

Some jobs require specific academic or professional qualifications of the worker in order that they are able to do the job. Workers should have the specific qualifications required **and** these should be at least at the equivalent of Higher National Diploma (HND) level in order to meet the qualifications criteria of the work permit arrangements. **Note** – a Higher National Certificate (HNC) or and NVQ Level 4 is not an equivalent to a HND level qualification. Some jobs on the Shortage Occupation list require specific qualifications above this level and these should be checked during caseworking.

- Job description
- Advertisements
- Occupation sheet & Connexions Website
- Copies of qualifications
- UK Naric
- Registration with a professional body

### What to do if?

- The Risk Assessment grid is checked
- The job does not require the worker to have specific qualifications
- There are doubts about the worker's qualifications being genuine
- The worker's qualifications do not meet the skills criteria of work permits (UK)
- The job description requires qualifications not normally required for such a post

- No qualifications are required but the post requires specific skills and experience
- The overseas national is not registered with the relevant governing body
- Do not know if registration requires an individual to be qualified to a level that would meet the skills criteria
- The qualifications of the worker meet the skills criteria and the requirements of the post.
- The evidence provided meets the requirements of the work permit criteria

### **Job description**

Caseworkers should check the job description and the 'Details of Employment' section of the application to identify if any specific qualifications are required for the post.

### **Advertisements**

The academic or professional qualifications listed in the 'Details of Employment' section on the application should also be reflected in the advertisements.

### **Occupation sheets & Connexions Website**

The qualifications required for the post should be similar to those listed on the relevant occupation sheet or on the Connexions Website. If significant differences between the qualifications listed in the employer's job description and those listed in the occupation sheet or on the Connexions Website, caseworkers should check with the relevant governing body or on the relevant website.

### **Copies of qualifications**

For Tier 2 applications, copies of qualifications possessed by the worker should be sent. For Tier 1 applications, however, this is not a requirement, as most are considered low risk. Another exception is where the overseas national must register with the appropriate UK professional body before they are allowed to practice in the UK. In these cases the employer does not need to provide a copy of the overseas national's qualifications, only details of their registration, as the worker's qualifications are checked by the professional body before registration is granted.

Employers should not send original certificates in support of the application; a photocopy of the certificate is usually all that is necessary. Where an employer sends original certificates, caseworkers should take a photocopy to keep with the case papers and return the originals to the employer or representative as quickly as possible. This should be noted on the case comments.

Caseworkers can, however, ask to see the worker's original certificates if the copies provided are not of good quality or they look as if they have been forged or tampered with. Caseworkers can also ask to see copies of certificates if they were not supplied with the application in all cases if they have reason to do so.

## **UK Naric**

Caseworkers should note that overseas qualifications are not always at an equivalent level to a UK qualification. The National Academic Recognition Information Centre for the United Kingdom ([UKNaric](#)) is the body contracted by the Department for Education and Skills (DFES) to investigate and compare the different education systems around the world for the UK Government.

If a worker has an overseas academic qualification, caseworkers should normally check UK Naric's International Comparisons database to find out what level it is in terms of its UK equivalence. Vocational qualifications may not be easily compared, and are often not available via NARIC. The employer will be required to provide evidence that the vocational qualification is equivalent to the level required by the criteria.

Also available on UK Naric's International Comparisons database is the UK country file. This file should be used where someone has a degree from a UK educational institution and the caseworker is uncertain whether that institution is allowed to issue such a qualification. This check can also be done on the DfES [website](#).

## **Registration with a professional body**

In certain professions there is a statutory requirement for anyone working in the UK to be registered with the appropriate governing or professional body. Caseworkers should check that the worker has appropriate registration. UK governing bodies of some professions require those people with certain overseas qualifications in the field concerned to undertake conversion/adaptation training to meet UK statutory requirements (including supervised practice for nurses). In these cases, caseworkers should ensure that the worker has the appropriate qualifications to be eligible to undertake the adaptation training. The employer should be able to provide a letter from the relevant governing body to confirm this.

## **What to do if?**

**The Risk Assessment grid is checked** – If the qualifications box is ticked by the Executive Officer (EO) who pre-sifted the case, doubt has arisen regarding the worker's qualifications. Caseworkers should ensure that all the above relevant checks have been carried out fully. In some cases the EO will have given comments, any instructions should be carried out.

**The job does not require the worker to have specific qualifications** – not all posts require the worker to have specific qualifications, some posts require the worker to have specific skills and experience instead (see Establishing the overseas national). However, in order to gain a work permit the minimum criteria must be met.

**There are doubts about the worker's qualifications being genuine** – Caseworkers may contact the educational establishment that awarded the qualification to check that the worker did achieve the qualification. Caseworkers may also wish to check on the UKNaric database whether the body issuing the qualification is genuinely entitled to do so, as it is possible to buy some qualifications from some "establishments" without having to show any knowledge in a subject. UKNaric list state recognised universities on their description of a country's education system including that of the UK.

**The worker's qualifications do not meet the skills criteria of work permits (UK)** - If the worker's qualifications do not meet the skills criteria as set out above, the application should be refused and P81A should be included in the letter. Caseworkers should note that all refusal reasons should be included in a refusal letter and all letters should be tailored to the individual application.

**The job description requires qualifications not normally required for such a post** - Where the requirements in the job description do not match the normal requirements for the post, caseworkers should consider whether the post has been purposefully tailored to match the skills, qualifications and/or experience of the overseas national (also see Genuine Vacancy and skills criteria (job)). If this is the case, the job should be refused as no genuine vacancy exists that would otherwise be filled by a resident worker. P80Q should be used in the refusal letter.

**No qualifications are required but the post requires specific skills and experience** – see Work experience of the worker.

**The overseas national is not registered with the relevant governing body** – If the employee is required by law to register for any reason, and the employer cannot provide proof of registration, the caseworker should ask for a satisfactory explanation. Where the explanation is satisfactory, the caseworker should ask for copies of exemptions or the document when the employer receives them. If the response from the employer does not satisfy the caseworker that the employee meets UK legislation, the application should be refused on skill of the worker and employer failing to meet UK legislation.

**Do not know if registration requires an individual to be qualified to a level that would meet the skills criteria** – Caseworkers should contact the relevant governing body and seek confirmation of the level of qualification and/or experience.

**The qualifications of the worker meet the skills criteria and the requirements of the post** – Continue the case working process.

**The evidence provided meets the requirements of the work permit criteria** – Continue the case working process.

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