



UK Visas  
& Immigration

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**TIER 2  
Version  
10/19**

# Tier 2 of the Points Based System – Policy Guidance

This guidance is to be used for all Tier 2 applications supported by a Certificate of Sponsorship assigned on or after 06 October 2019

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## Changes to the Shortage Occupation List October 2019 - Archaeologists

On 9 September, the Government laid in Parliament, amended Immigration Rules, which included updates to the Tier 2 Shortage Occupation List (SOL), set out at Appendix K of the published Rules.

The SOL – set on the advice of the independent Migration Advisory Committee (MAC) – provides employers and migrants with particular benefits when recruited into jobs on the list, recognising that they are in national shortage and beneficial to the UK economy.

Due to an administrative error, the changes to the Rules omitted an occupation recommended for inclusion by the MAC.

To ensure that no individual migrant or sponsor is impacted adversely, from 6 October 2019 when the changes to the SOL take effect, the occupation listed below will be treated as a shortage occupation and as if included in Appendix K of the Immigration Rule:

<b>Standard Occupational Classification (SOC) code and description</b>	<b>Job titles included on the United Kingdom Shortage Occupation List and further criteria</b>
2114 Social and humanities scientists	Only the following jobs in this occupation code: <ul style="list-style-type: none"><li>• Archaeologists</li></ul>

The Immigration Rules will be updated accordingly at the next available opportunity.

## 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.
2. Where the guidance refers to the Regulated Qualifications Framework (RQF) these are the 9 levels recognised in England, Wales and Northern Ireland. Further details can be found at [www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels](http://www.gov.uk/what-different-qualification-levels-mean/list-of-qualification-levels). Scotland has 12 levels of qualification. For the equivalent levels in Scotland, please see the [SCQF web site](#) and a [guide](#) to comparing qualifications in the UK and Ireland from the Quality Assurance Agency for Higher Education web site.

### Categories in Tier 2

3. Tier 2 has 4 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 existing employee of a multinational employer who needs to be transferred to their UK branch, for training purposes or to fill a specific vacancy that cannot be filled by a settled or EEA worker, either on a long term basis or for frequent short visits. You cannot use this route if you are an employee of an overseas employer that is not linked by common ownership or control to the UK branch. There are 2 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 up to a maximum of 5 years. There are more flexible rules for high earners.
    - **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 for a maximum period of 12 months as part of a structured graduate training programme with clearly defined progression towards a managerial or specialist role within your organisation.
  - **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 in the UK.
  - **Minister of Religion** – if you are a Minister of Religion undertaking preaching and pastoral work, Missionary, or Member of a Religious Order, and in each case are taking up employment or a post/role within your faith community in the UK.
4. 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

5. 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.
6. 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, directly or indirectly, 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 £159,600 or more.
7. 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).
8. 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](#).
9. You must be at least 16 years old on the date that the application is decided.

## Care arrangements for children

10. 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.
11. 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. This consent can be given (and we recommend it is given) in the form of 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. We would expect such letter to confirm if your parent(s) or legal guardian(s) have legal custody or sole responsibility for you. If they have sole responsibility, they should sign the letter. If they do not, we would expect the letter to confirm that each parent or legal guardian agrees to the content of the letter and to be signed by each parent or legal guardian.



12. Further, we would expect the letter to show clearly:

- 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

13. 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 28 days or more. 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.

14. 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. We would expect you to tell us if you are living under local authority care in the UK, including by providing a letter from the local authority that is caring for you confirming that you are currently in local authority care. We would expect such letter to be on official headed paper.

15. 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.

### Switching

16. 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:

<b>Switching into Tier 2 (General), Tier 2 (Sportsperson) and Tier 2 (Minister of Religion)</b>	<ul style="list-style-type: none"><li>• Any Tier 1 main applicant;</li><li>• Any Tier 2 main applicant<sup>1</sup>;</li><li>• Tier 4 student<sup>2</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>3</sup>;</li><li>• Dependent partner of a Tier 4 student<sup>4</sup>;</li><li>• Representative of an Overseas Business;</li><li>• Start-up;</li><li>• Innovator.</li></ul>
<b>Switching into Tier 2 (Intra-Company Transfer: Long Term Staff)</b>	<ul style="list-style-type: none"><li>• Representative of an Overseas Business (this includes representatives of overseas media companies).</li></ul> <p><b>You must be still working for the same employer named on your previous application.</b></p>

1. Please note that no Tier 2 (Intra-company Transfer) migrant granted entry clearance under the rules in place on or after 6 April 2011 can switch into Tier 2 (General)

2. 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.

3. 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.

4. If switching from a Tier 4 dependant to Tier 2 (General), you must be assigned a restricted CoS unless you are being sponsored in an occupation listed in paragraph 54 of this guidance.



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

17. If you are switching from Tier 4, you can only switch into Tier 2 if you meet the following criteria:

- You are currently, or have last been, sponsored by a Tier 4 sponsor which is either:
  - a higher education provider with a track record of compliance<sup>1</sup>; **or**
  - an overseas higher education institution, and were sponsored to undertake a short-term study abroad programme in the United Kingdom,

**and**

- you have
  - completed, or are applying no more than 3 months before the **expected** completion date for, a course leading to a UK recognised bachelor's or master's degree;
  - completed, or are applying no more than 3 months before the expected completion date for a course leading to a Postgraduate Certificate in Education or Professional Graduate Diploma of Education; or
  - 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>2</sup> which includes your last grant of leave;

**and**

- you studied for, or are studying, 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**
- your periods of UK study and/or research towards your course 'have been undertaken whilst you had entry clearance, leave to enter or leave to remain in the UK that was not subject to a restriction preventing you from undertaking it; **and**
- if you undertook or are still undertaking, the study for the qualification whilst holding leave as a Tier 4 student, you have undertaken the study at the institution which is the Tier 4 sponsor, and not through supplementary study; **and**
- you are applying from inside the UK.

<sup>1</sup> A 'higher education provider' is an education institution which, in England, is eligible to register with the Office for Students, or an equivalent institution in Scotland, Wales or Northern Ireland which is regulated on the basis that it teaches higher education courses. A "track record of compliance" means a four-year track record of immigration compliance and Educational Oversight (an independent assessment of the provider's educational quality), established by a Tier 4 sponsor in accordance with the requirements set out in the Tier 4 guidance for sponsors. The Tier 4 Register of Sponsors available on [gov.uk](http://gov.uk) confirms if a sponsor meets this requirement.

<sup>2</sup> A period of continuous leave includes grants of leave where you applied within 14 days of your previous leave expiring and we consider that there is an acceptable reason beyond your/your representative's control which prevented an in time application and/or following the refusal of a previous application for leave which was made in-time or to which the exception outlined above applied, and within 14 days of:

- the refusal of the previous application for leave; or
- the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
- the expiry of the time limit for making an in-time application for administrative review or appeal (where applicable); or
- any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

This may also include includes grants of entry clearance under the Immigration Rules in place before 24 November 2016 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.

A period of continuous leave also includes any time spent in the Isle of Man or the Channel Islands with valid leave in an equivalent category to those listed in the switching table above.

18. You must provide a 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 and award; and
- the course duration (except in the case of a degree certificate); and either
- the date you completed the course, having sat all exams and presented all academic papers, or
- the date you are expected to complete the course, which must be the expected date when all exams will have been taken and all academic papers submitted, or
- confirmation of 12 months' study if you are studying a PhD course.

You may have been sponsored in your studies by Her Majesty's Government, your home government or any international scholarship agency. For the purpose of this section of the guidance, 'sponsored' means 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.

19. Any documentary evidence that you provide must be issued by an authorised official of the issuing organisation and be on the official letter-headed paper or stationery of the organisation.

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

### Attributes

20. 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

21. To score points for sponsorship, you must have a valid Certificate of Sponsorship from a licensed sponsor.
22. The Certificate of Sponsorship must confirm that the job is at Regulated Qualifications Framework (RQF) level 6 as stated in the codes of practice, or the job is a creative sector occupation skilled to RQF 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 [Appendix J](#) of the Immigration Rules at [www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work](http://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work) and the [Tier 2 & 5 Sponsor Guidance](#) on gov.uk.

### Cooling-off periods

23. 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 Short Term Staff (now closed) 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 £120,000 or higher, or where you were only being sponsored in Tier 2 (as recorded by the Certificate of Sponsorship) for a period of 3 months or less) until 12 months after your last leave as an Intra-Company Transfer migrant 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 5 years. You will not be able to extend your stay beyond 5 years (or 9 years for any staff earning £120,000 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 £120,000 or higher or where you were only being sponsored in Tier 2 (as recorded by the Certificate of Sponsorship), for a period of 3 months or less.
24. 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.

25. Certificates of Sponsorship granted for stays of less than 3 months are not subject to the Tier 2 cooling-off period. This includes multiple short stays within any 12-month period. This provides additional flexibility for businesses looking to transfer key staff for short periods of time. In practice, this means that cooling off periods do not apply where:
- a. You were assigned a Certificate of Sponsorship of 3 months or less in the preceding 12-month period, and had no other Tier 2 leave during that period
  - b. You have had more than one period of Tier 2 leave in the last 12 months and each Certificate of Sponsorship was assigned for less than 3 months, even where they may total over 3 months. It is the intention that this waiver permits only short-term periods of leave in the UK. If you intend to work in the UK for longer than 3 months, you should ensure that your sponsor assigns a Certificate of Sponsorship to you that states the total expected duration of this work.

**Note:** Tier 2 cooling-off periods are attached to the length of the Certificate of Sponsorship, rather than to time worked by the migrant. So where, for example, you were assigned a Certificate of Sponsorship of 6 months in length, but we have been notified by your sponsor that you ceased working in the UK after 2 months, a cooling-off period will still apply (as the Certificate of Sponsorship was assigned for more than 3 months).

## Scoring Points for Sponsorship

### Long Term Staff

26. You will be awarded 30 points if you have been working for your sponsoring organisation for at least 12 months outside the UK. You do not need to meet this requirement if your salary in the UK will be £73,900 or more per year.
27. The 12 months' company experience will normally be the 12 months immediately before the date of your application. However, it can be any 12 month period, providing you have worked continuously and lawfully for your sponsoring organisation ever since the start of the period. For example, if you have worked for the company overseas for 12 months, before working for the company in the UK as a Tier 2 dependant, you can use the 12 months' experience overseas. Alternatively, if you have worked for the company overseas for 6 months, followed by a period working for the company in the UK, then you returned and worked for the company overseas for a further 6 months, we will allow you to add the two 6 month periods together.
28. If you have been absent from work for any of the reasons listed in paragraph 234 of this guidance that lasted for one month or longer during the last 12 months, we will count any work undertaken in the last 24 months towards the 12 month company experience requirement.

29. For example, if you worked for 9 months, took 12 months' maternity leave and then returned to work for 3 months before applying, we will allow you to add together the 2 periods of work, making 12 months in total.
30. This exception applies for a maximum of 12 months' for any of the reasons listed in paragraph 234 of this guidance . It does not apply to other breaks in your working, for example, a period of study or a career break.
31. The Long Term Staff sub-category is 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.
32. Your sponsor can only assign you a Certificate of Sponsorship if they have full responsibility for deciding the duties, functions and outcomes or outputs of the job shown on the Certificate of Sponsorship Checking Service. Where you are carrying out work for a third party on your sponsor's behalf, you must be contracted by your sponsor to provide a time-bound service or project on your sponsor's behalf. This means a service or project which has a specific end date, after which it will have ended or the service provided will no longer be operated by your sponsor or anyone else. You must not be:
  - an agency worker, hired to a third party to fill a position with them, whether temporary or permanent, regardless of any contract between your sponsor and any employment agency or employment business; or
  - contracted to undertake an ongoing routine role or to provide an ongoing routine service for the third party, regardless of the length of any contract between you and another.

### **Genuine vacancy**

33. When applying for entry clearance or leave to remain, we must be satisfied that you are being sponsored to undertake a genuine role and are appropriately qualified to undertake the role for which the Certificate of Sponsorship was assigned.

In order to assess this, we may:

- request additional information and evidence from you or your sponsor, 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 10 business days of the date the request letter is posted.

### **Graduate Trainee**

34. 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 3 months immediately before the date of your application outside the UK.

**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.**

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

### **Appropriate salary and allowances**

36. Please note that the appropriate rate only applies to the time you are actually working in the

UK. For example, where you will be required to spend part of your time working in the UK and part of your time working for your overseas employer, you only need to be paid the appropriate salary when working in the UK.

<b>Intra-Company Transfer: Long Term Staff £41,500 or the appropriate rate for the job, whichever is the higher</b>	<b>20 points</b>
<b>Intra-Company Transfer: Graduate Trainee £23,000 or the appropriate rate for the job, whichever is the higher</b>	<b>20 points</b>
<b>None of the above</b>	<b>0 points</b>

37. 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 £25,000 on a 6 month contract, you will be awarded points for the equivalent earnings of £50,000 per year.
38. If you will be working part time, you will be awarded points for your actual earnings and not for the equivalent full time earnings.
39. 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.
40. 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 £20 per hour, working 60 hours per week, you must work out your equivalent earnings for a 48 hour week. This would be £49,920 (20x48x52) not £62,400 (20x60x52).
41. 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 [Oanda](#) on the day the Certificate of Sponsorship is assigned.
42. 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 in [Appendix J](#) of the Immigration Rules. 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:**

- guaranteed gross basic pay (excluding overtime); and
- allowances, up to the limit below, which are guaranteed to be paid for the duration of your employment in the UK, and would either be paid to a settled worker in similar circumstances, or are paid as a mobility premium or to cover the additional cost of living in the UK.

**We will not consider:**



- one-off payments, such as those linked to the cost of relocation, which do not form part of your regular salary package;
- payments which cannot be guaranteed, such as bonuses or incentive related pay;
- overtime payments, whether or not overtime is guaranteed;
- payments to cover business expenses, including (but not limited to) training; international travel, hotels and business travel within the UK;
- any payments for which you will need to reimburse the sponsor or a linked overseas business;
- employer pension contributions;
- medical benefits;
- payment of any tuition fees; or
- the value of any shares which you have obtained in exchange for some of your UK employment rights as an employer-owner.

This list is not exhaustive. Salary packages are considered on the base monetary salary.

43. 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 regardless of 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 the entire 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 £41,500 threshold for Long Term Staff, we will award no points for salary.

44. 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 the Graduate Trainee sub-category. 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.

**For example:**

- accommodation allowances: £10,000
- salary and other (non-accommodation) allowances: £21,000

The total salary package that the sponsor has offered is:

$$£10,000 + £21,000 = £31,000$$

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):

$$£21,000 \div 0.6 = £35,000$$

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 the entire package that the sponsor has offered. We will use the total £31,000 when checking against the appropriate rate, and we will award 20 points for salary.

**Documents we require as evidence of sponsorship:**

45. 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): 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 or linked overseas business for the specified period (12 months for Long Term Staff or 3 months for Graduate Trainees). You do not have to be in the same job for the specified period.

You do not need to send these documents with your application, but we reserve the right to request them and to refuse applications if these documents are not received within 10 business 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, or if your salary in

the UK will be £73,900 or more per year.

**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 formal payslips or on company-headed paper. For other payslips, you must provide a letter from your sponsor or linked overseas business, 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.

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 or linked overseas business covering the full specified period immediately before the date of the application.

46. Where the 12 month period ended more than 31 days before the date your application was submitted, you must also provide evidence dated no more than 31 days prior to the date of application.

For example, if you supply 12 months of payslips but the period they cover ends 6 months before your date of application, you must also supply a payslip dated no more than 31 days before the

date of application. This demonstrates that you are currently employed by the sponsor or linked overseas business.

**Additional documents we require as evidence of statutory maternity, paternity, parental, shared parental or adoption leave**

47. If we ask you to provide the evidence of 12 months' working set out in paragraph 45 (i), (ii) and (iii) above, you must also provide the following specified documents for any periods of statutory maternity, paternity, parental, shared parental or adoption leave, within 10 business days of the request:

**Full birth certificate or 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. A letter from your sponsor or linked overseas business, 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 45 (i), (ii) and (iii) above covering the maternity, paternity, parental, shared parental 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) in paragraph 45.

48. If you cannot provide 2 types of documents from those listed in paragraph 45 to 47 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 a letter from the issuing authority.

49. You must still provide 2 types of evidence and at least one of these must be specified in paragraph 45 to 47 above. You must fully explain the reasons why you cannot provide 2 of the specified types of documents in paragraph 46 to 48 above.

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

**Additional documents we require as evidence of sick leave**

51. If we ask you to provide the evidence of 12 months working set out in paragraph 45 (i), (ii) and (iii) above, you must also provide the following specified documents for any periods of long term sick leave, within 10 business days of the request:

**BOTH** of the following:

- i. A letter from your sponsor, or linked overseas business, 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 45 (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 (if relevant).

## **Additional documents we require as evidence of assisting in a humanitarian or environmental crisis or taking strike action**

52. If we ask you to provide the of periods of absence due to assisting with a national or international humanitarian or environmental crisis overseas or taking part in strike action as part of a legally organised industrial action, you must provide either:
- i. A letter from your sponsor, or linked overseas business, on company headed paper, confirming the start and end dates of your absence and the reason for it; or
  - ii. If you are unable to provide the document in (i), a full explanation of why the document cannot be provided, together with any other relevant documents, from an official source and which are independently verifiable, showing the duration of and reason for each such period of absence.

## PART 3: TIER 2 (GENERAL)

### Tier 2 (General) annual limit

53. 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 the 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.
54. The applications below are not subject to the limit. Certificates of Sponsorship for these applications are known as “unrestricted” and sponsors can assign these without first applying for permission:
- if you are sponsored for a job as a doctor or nurse (SOC codes 2211 and 2231)
  - if you are sponsored for a job at PhD level listed in table 1 of [Appendix J to the Immigration Rules](#)
  - if you are sponsored for a job with a salary of £159,600 or above
  - if you are sponsored for a job connected with the inward investment provisions (set out in paragraph 55 below)
  - all in-country applications (with the exception of Tier 4 dependant switchers).
55. Your job will satisfy the inward investment provisions if:
- it is connected with the relocation of a high value business to the UK or a significant new inward investment project, and
  - your sponsor was registered in the UK with Companies House no earlier than three years before the date the Certificate of Sponsorship was assigned, and
  - your sponsor is the registered branch or wholly owned subsidiary of a business which has its headquarters and principal place of business outside the UK, and
  - the relocation or inward investment involves new capital expenditure of £27 million or the creation of at least 21 new UK jobs, and
  - your job does not involve the supply of services to a third party client.
56. We 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 [gov.uk](#).
57. 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.
58. If you have a Certificate of Sponsorship from your sponsor, you will not be refused due to the limit being reached. You must still apply for entry clearance or leave to remain and meet the eligibility criteria.
59. 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 may be revoked.

### Attributes

60. 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

61. To score points for sponsorship, you must have a valid Certificate of Sponsorship from a licensed sponsor.
62. A sponsor must only assign a Certificate of Sponsorship to you if are appropriately qualified or registered to do the job (or will be, by the time you begin the job) shown on the Certificate of Sponsorship Checking Service. For example, if you are working as a doctor, your sponsor must make sure that you have the correct registration that allows you to practise in the UK. Your sponsor must keep a copy of any registration document or certificate, and give this to us on request.
63. If you are applying to work in the UK as a nurse or midwife and are not yet registered with the Nursing and Midwifery Council (NMC), you must have passed the NMC's Computer Based Test (CBT) or your application will be refused. You must provide evidence from the NMC demonstrating this. Your sponsor must also confirm that you will sit an Objective Structured Clinical Examination (OSCE) within 3 months of your stated employment start date.
64. If you need to pass your OSCE, your sponsor must tell us within 10 working days:
  - If you fail your OSCE but arrange a re-sit and they still want to sponsor you if you pass. They must tell us the date of your re-sit.
    - If you re-sit your OSCE and fail for the second time, they must tell us. They must also stop sponsoring you if you do not obtain full NMC registration within 8 months of the start date on your Certificate of Sponsorship. If you have moved sponsors but were previously granted Tier 2 leave as a nurse or midwife, the 8 months will start from the start date of your previous employment.
    - If you pass your OSCE, they must tell us the date you will start working for them as a registered nurse or midwife.
    - If they decide at any point that they no longer wish to sponsor you. For example, if you fail your first OSCE and they do not want to wait until you have done a re-sit.

You are able to make 3 attempts to pass the OSCE. If you fail your first attempt at OSCE, you can re-sit it after ten days. If you fail it a second time, you will have the opportunity to sit for a third time, waiting 3 months to allow for further preparation.

If you fail for a third time, you will be unable to re-sit the OSCE until 6 months have passed since your previous unsuccessful test and will have to re-apply to the NMC.

If you are already in the UK with entry clearance or leave to remain and your sponsor stops sponsoring you, we will reduce (curtail) your leave as in paragraphs 240 to 246 of this guidance.

## Applications for entry clearance or switching into Tier 2 (General)

65. If you are applying to work in the UK, the Certificate of Sponsorship must confirm that the job is at RQF level 6 as stated in the codes of practice or, in a creative sector occupation, skilled to RQF level 4 as listed in [Appendix A](#), the job is an exception as shown in table 2A to [Appendix J](#) or the job appears on the Shortage Occupation List (SOL). In order to be on the SOL, the most highly-skilled jobs in an otherwise lower skilled occupation code can be raised to RQF level 4 in order to qualify. For example, SOC 5434 Chefs are RQF level 3, but those which qualify for the SOL are recognised at RQF level 4. The SOL lists the requirements for this which are set out in [Appendix K](#) to the Rules. This does not mean that you must be educated to this level; it means that the job must be 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 [Appendix J](#) and the [Tier 2 Sponsoring Guidance](#) on gov.uk.
66. If you meet the requirements of the Tier 2 (General) category, you will be granted leave up to 5 years depending on the job start and end dates that the Certificate of Sponsorship shows you are being sponsored to do, with the possibility of extending. **However**, you will not be able to extend your total stay in this category beyond 6 years.
67. Please note that if you have had a grant of leave for entry clearance, leave to enter or remain as a Tier 2 Migrant at any time during the 12 months immediately before your date of application, unless you were only being sponsored in Tier 2 (as recorded by the Certificate of Sponsorship) for a period of 3 months or less, you will not be able to apply for further leave under Tier 2 unless one of the following applies:
- i. you were not in the UK with leave as a Tier 2 Migrant at any time during the above 12 month period immediately before your date of application and you can provide evidence to show this has been met as set out in paragraph 68 below, or
  - ii. the salary for the job that the Certificate of Sponsorship Checking Service shows you are being sponsored to do (including any allowances listed as acceptable for this purpose in paragraph 79 of [Appendix A](#) to the Immigration Rules) is £159,600 or higher.
68. 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 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. In all cases where the Certificate of Sponsorship was assigned for longer than 3 months, the cooling off period will apply, even in cases where your length of stay in the UK is less than 3 months. For instance, where you were assigned a Certificate of Sponsorship of 6 months in length and we were notified that you ceased working in the UK after 2 months, the cooling-off period will apply as the Certificate of Sponsorship was assigned for more than 3 months.

### **Overseas criminal record certificates**

- 69. If you are applying for Tier 2 (General) entry clearance and are coming to work in the education, health and social care sectors, you must provide a criminal record certificate as part of your application.
- 70. This requirement may also extend to your partner. You should read the [‘Skilled Worker and Student Dependants’](#) guidance for further details.
- 71. Certificates must be provided for any country in which you have resided for 12 months or more (whether continuously or in total) in the last 10 years prior to your application, while aged 18 or over.
- 72. The requirement applies where your occupation is defined by one of the following Standard Occupation Classification (SOC) codes:
  - 1181 - Health services and public health managers and directors
  - 1184 - Social services managers and directors
  - 2211 - Medical practitioners
  - 2212 - Psychologists
  - 2213 - Pharmacists
  - 2214 - Ophthalmic opticians
  - 2215 - Dental practitioners
  - 2217 - Medical radiographers
  - 2218 - Podiatrists
  - 2219 - Health professionals not elsewhere classified.
  - 2221 - Physiotherapists
  - 2222 - Occupational therapists
  - 2223 - Speech and language therapists
  - 2229 - Therapy professionals not elsewhere classified
  - 2231 - Nurses
  - 2232 - Midwives
  - 2312 - Further education teaching professionals
  - 2314 - Secondary education teaching professionals
  - 2315 - Primary and nursery education teaching professionals
  - 2316 - Special needs education teaching professionals
  - 2317 - Senior professionals of educational establishments
  - 2318 - Education advisers and school inspectors
  - 2319 - Teaching and other educational professionals not elsewhere classified
  - 2442 - Social workers
  - 2443 - Probation officers
  - 2449 - Welfare professionals not elsewhere classified

73. If you are a prospective Tier 2 (General) migrant in an occupation defined by one of SOC codes above, your sponsor should inform you of this requirement when they assign a Certificate of Sponsorship.
74. If you are affected, you must provide:
- a criminal record certificate for each country (excluding the UK) where you have resided for 12 months or more in the last 10 years (whether continuously or in total), while aged 18 or over, issued by the relevant overseas authority
  - a translated copy of any certificate that is not in English, in line with our requirements. More details are available at: [www.gov.uk/certifying-a-document](http://www.gov.uk/certifying-a-document)
75. Guidance on how you can obtain certificates is available at: [www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)
76. Where a country is not included in the above guidance, you should not assume that there is no process for obtaining a certificate. You should contact the Embassy or High Commission in the relevant country for more information.
77. Certificates from your most recent country of residence will normally only be considered valid if they have been issued no earlier than 6 months before your application date. Certificates from countries prior to your most recent country of residence must normally cover the entire period of residency (up to 10 years prior the application date) but will otherwise be considered valid indefinitely.
78. If you are unable to obtain a certificate covering the required period, you must explain in your application what attempts you have made to obtain a certificate and why this has not been possible.
79. If you do not explain why you are unable to provide a certificate, we may contact you or your representative in writing. You must provide any further evidence within 28 calendar days.

### **Applications for leave to remain**

80. If you are already in the UK, you can apply to extend your stay up to 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 you can show that you have been outside the UK for 12 months, whichever is sooner. This will be the case even if you have been in Tier 2 for less than 6 years.
81. The Certificate of Sponsorship must confirm that the job is at or above RQF level 6 or the job is an exception as shown in table 2A to [Appendix J](#). 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 in [Appendix J](#).
82. Your job does not currently have to meet the skills thresholds described in the previous 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;
  - the job does not meet the skills threshold solely because of reclassification within the SOC system by the Office for National Statistics.

## Appropriate salary and allowances

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

<b>£30,000 or the appropriate rate for the job, whichever is the higher</b>	<b>20 points</b>
<b>If you are considered to be a “new entrant”:</b>  <b>£20,800 or the appropriate rate for the job, whichever is the higher</b>	<b>20 points</b>
<b>If your Certificate of Sponsorship is for one of the following occupations:</b> <ul style="list-style-type: none"> <li>• Medical radiographers (2217)</li> <li>• Nurses (2231) – please see below for nurses in a supervised practice placement</li> <li>• Secondary education teaching professionals – subject teachers in maths, physics, chemistry, computer science and Mandarin only (2314)</li> <li>• Paramedics (3213)</li> </ul> <b>£20,800 or the appropriate rate for the job, whichever is the higher</b>	<b>20 points</b>
<b>If you are applying for an extension or a change of employment application and your initial grant of leave was granted on the basis of a CoS assigned before 24 November 2016</b>  <b>£20,800 or the appropriate rate for the job, whichever is the higher</b>	<b>20 points</b>
<b>You are being sponsored as a pre-registration candidate nurse or midwife and:</b> <ul style="list-style-type: none"> <li>• you will be paid at least Agenda for Change Band 3 rate (the appropriate rate for a pre-registration nurse);</li> <li>• you will continue to be sponsored as a nurse or midwife by the sponsor after achieving Nursing and Midwifery Council registration;</li> <li>• your salary will not be less than Agenda for Change Band 5 rate (the appropriate rate for a registered nurse or midwife) once that registration is achieved.</li> </ul> In addition, you must be paid at or above the relevant salary threshold once you have your registration confirmed – nurses are exempt from the £30,000 threshold, but midwives are not (see above).	<b>20 points</b>
<b>Under £30,000 and none of the above apply</b>	<b>0 points</b>

**Please note:** The Home Office previously announced that the minimum salary of £25,000 would rise to £30,000 in April 2017. There are no transitional arrangements for applicants granted between 24 November 2016 and April 2017 - applicants who were required to meet the previous minimum salary of £25,000 are now required to meet the higher rate.

84. 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 6 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.

85. 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.
86. 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 £10 per hour, working 60 hours per week, you must work out your equivalent earnings for a 48 hour week. This would be £24,960 (10x48x52) not £31,200 (10x60x52) so would therefore not be awarded points for appropriate salary.
87. If you are applying for a shortage occupation role which specifies a minimum salary in order to qualify as a shortage role, your salary cannot be pro-rated.
88. 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 [Oanda](#) on the day the Certificate of Sponsorship is assigned.
89. 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 in [Appendix J](#). When we assess the appropriate rate, and when we award points for appropriate salary, we will consider salaries and allowances as follows:

**We will consider:**

- guaranteed gross basic pay (excluding overtime); and
- allowances which are guaranteed to be paid for the duration of your employment in the UK and would be paid to a settled worker in similar circumstances.

**We will not consider:**

- one-off payments, such as those linked to the cost of relocation, which do not form part of your regular salary package;
- payments which cannot be guaranteed, such as bonuses or incentive related pay;
- overtime payments, whether or not overtime is guaranteed;
- payments to cover business expenses, including (but not limited to) training; international travel, hotels and business travel within the UK;
- any payments for which you will need to reimburse the sponsor or a linked overseas business;
- employer pension contributions;
- medical benefits;
- payment of any tuition fees; or
- the value of any shares which you have obtained in exchange for some of your UK employment rights as an employer-owner.

This list is not exhaustive. Salary packages are considered on the base monetary salary.

**Points awarded for sponsorship**

90. Your sponsor can only assign a Certificate of Sponsorship to you if they have full responsibility for deciding the duties, functions and outcomes or outputs of the job

shown on the Certificate of Sponsorship Checking system. Where you are carrying out work for a third party on your sponsor's behalf, they must be contracted by your sponsor to provide a time-bound service or project on your sponsor's behalf. This means a service or project which has a specific end date, after which it will have ended or the service provided will no longer be operated by your sponsor or anyone else. You must not be:

- an agency worker, hired to a third party to fill a position with them, whether temporary or permanent, regardless of any contract between your sponsor and any employment agency or employment business; or
- contracted to undertake an ongoing routine role or to provide an ongoing routine service for the third party, regardless of the length of any contract between you and another.

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

91. 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.
92. You should confirm with your sponsor that they have indicated that a resident labour market test has been completed on the Certificate of Sponsorship.
93. 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 [gov.uk](https://www.gov.uk).

### **Resident labour market exemptions**

94. 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 either:
    - (i) by a third party organisation, and the Award or Fellowship cannot be transferred to anyone else; or
    - (ii) by your Sponsor if the following requirements are met:
      - (1) you have been selected through a competitive process on the basis of your own research proposal; and
      - (2) the funding of the research is secured in an agreement between your Sponsor and a third party organisation, which includes objectively justified requirements that effectively prohibit any settled worker from undertaking the role.This exemption continues to apply after the relevant third party funding has ended, as long as you are being sponsored to continue to undertake the same research; or
  - 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
  - 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; or
  - to resume a post in a Higher Education Institution, working for the same Sponsor as in a previous grant of entry clearance or leave to remain as a Tier 2 (General) Migrant, where the break in employment is due solely to a period of academic leave.
  - to continue working as a member of an existing research team and:
    - (i) the Sponsor is a Higher Education Institution or a Research Council, and

- (ii) you have previously worked with the lead researcher as part of their team for a continuous 12 month period immediately before the date of the application (or for 12 months during the 24 months immediately before the date of the application, if you have been absent due to the reasons shown in paragraph 234 of this guidance during that time)
- connected with the inward investment provisions in paragraph 55 of this guidance.

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

95. If you are continuing to work for the same sponsor, but in a different role, your sponsor must carry out a resident labour market test unless you are exempt. This includes situations where you are moving from a shortage occupation role into a job which is not in shortage. There are some exceptions, for example graduate trainee programmes – see paragraph 217 of this guidance for details.

### **Job in shortage occupation**

96. You will be awarded 30 points if your job was on a shortage occupation list at the time your Certificate of Sponsorship was assigned by your sponsor. The current shortage occupation lists are published on our website at: [gov.uk](http://gov.uk).
97. 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.
98. The shortage occupation lists are recommended by the Migration Advisory Committee (MAC) and are revised periodically.
99. If you were last granted leave for a job in a shortage occupation that is not at RQF 6 level 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.
100. Your contracted working hours must be at least 30 hours a week.
101. You should confirm with your sponsor that they have 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.
102. In general, if a role is on the shortage occupation list, your sponsor is not required to advertise the position. However if you are being sponsored as a nurse, you must confirm with your sponsor that your Certificate of Sponsorship states that a resident labour market test has been carried out.

### **Offer of a job with a salary of £159,600 or more**

103. 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 £159,600 or more.

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

104. You will be awarded 30 points if you have a Certificate of Sponsorship and you are continuing to work in the same occupation for the same sponsor. You must be applying for



leave to remain and you must have, or have last been granted, entry clearance, leave to enter or remain as a Tier 2 (General) Migrant.

105. The occupation must fall under the same Standard Occupational Classification code as on your previous grant of leave unless the only reason for the change in SOC Code is the reclassification within the SOC system by the Office for National Statistics.

### Post-study work

106. 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 have last been granted entry clearance, leave to enter or remain under one of the following:

- Tier 1(Post-Study Work) category; or
- Tier 1(Graduate Entrepreneur).

### Tier 4 students

107. 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 migrant

### And you must meet all of the following requirements described below:

- you are currently, or have last been, sponsored by a Tier 4 sponsor which is either:
  - a higher education provider with a track record of compliance<sup>1</sup>; or
  - an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom
- and**
- you have
  - completed, or are applying no more than 3 months before the expected completion date for, a course leading to a UK recognised bachelor's or master's degree;
  - completed, or are applying no more than 3 months before the expected completion date for a course leading to a Postgraduate Certificate in Education or Professional Graduate Diploma of Education; or
  - 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 which includes your last grant of leave;
- 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, or are studying, 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**
- if you undertook, or are undertaking, the study while you held leave as a Tier 4 student, you must have undertaken the study at your Tier 4 sponsor, not under supplementary study; **and**
- you are applying from inside the UK.

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.

<sup>1</sup> See page 9 for a definition of these requirements

### UK recognised degree

108. 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.

109. 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.

110. 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**

111. 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**

112. 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.gov.uk/government/publications/register-of-licensed-sponsors-students](http://www.gov.uk/government/publications/register-of-licensed-sponsors-students) for a list of educational institutions that hold a sponsor licence.

113. Where the institution studied at is removed from one of the relevant lists or the 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**

114. A period of continuous leave includes grants of entry clearance of leave to remain where you applied:

- before 24 November 2016 and no more than 28 days after your previous leave expired
- on or after 24 November 2016 and no more than 14 days after your previous leave expired and we consider that there are exceptional circumstances for the delay
  - on or after 24 November 2016 and following the refusal of a previous application for leave which was made in-time or for which the Secretary of State considered there was a good reason why it could not be made in-time; and within 14 days of:
    - the refusal of the previous application for leave; or
    - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
    - the expiry of the time limit for making an in-time application for administrative review or appeal (where applicable); or
    - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

115. 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.

116. 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.
117. 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

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

**1. your certificate of award.** This must clearly show:

- your name;
- the course title/award; and
- unless the course is a PhD course, the date of course completion and pass (or the date of award in the case of a degree certificate).

We will not accept provisional certificates.

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

**2. an 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;
- the course title/award;
- the course duration; and
- the date you completed the course, having sat all exams and presented all academic papers; or
- the date you are expected to complete the course, which must be the expected date when all exams will have been taken and all academic papers submitted; or
- confirmation of 12 months' study if you are studying a PhD course.

#### Genuine vacancy

119. When applying for entry clearance or leave to remain, we must be satisfied that you are being sponsored to undertake a genuine vacancy and are capable of undertaking, the role for which your Certificate of Sponsorship was assigned. The requirements of the job must be reasonable and not have been tailored to exclude resident workers from being recruited.
120. In order to assess this, we may request additional information and evidence from you or your sponsor, and refuse your 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 10 business days of the date the request is posted.

## **PART 4: TIER 2 (SPORTSPERSON)**

### **Points awarded for Sponsorship**

121. You will be awarded 50 points for your Certificate of Sponsorship in this category.
122. In order for a Certificate of Sponsorship to be assigned, 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
  - your employment 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.
- You must provide the letter issued by the governing body containing the endorsement as part of your application for leave.
123. A list of [all approved governing bodies](#) is available on our website.
124. 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.
125. 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.
126. You must also meet the English Language and maintenance (available funds) requirements for this category.

### **Applications for entry clearance or switching into Tier 2 (Sportsperson)**

127. If you meet the requirements of the Tier 2 (Sportsperson) category, you will be granted leave up to 3 years depending on the start and end dates of the job that the Certificate of Sponsorship shows you are being sponsored to do, with the possibility of extending for a further 3 years. However, you will not be able to extend your total stay beyond 6 years.
128. Please note that if you have had a grant of leave for entry clearance, leave to enter or remain as a Tier 2 Migrant at any time during the 12 months immediately before your date of application, unless you were only being sponsored in Tier 2 (as recorded by the Certificate of Sponsorship) for a period of 3 months or less, you will not be able to apply for further leave under Tier 2 unless one of the following applies:
- i. you were not in the UK with leave as a Tier 2 Migrant at any time during the above 12-month period immediately before your date of application and you can provide evidence to show this has been met as set out in paragraph 129 below, or
  - ii. the salary for the job that the Certificate of Sponsorship Checking Service shows you are being sponsored to do (including any allowances listed as acceptable for this purpose in paragraph 75 of [Appendix A](#) of the Immigration Rules) is £159,600 or higher.

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 period of 12 months is counted from the date that your leave ends.

129. 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 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. In all cases where the Certificate of Sponsorship was assigned for longer than 3 months, the cooling off period will apply, even in cases where your length of stay in the UK is less than 3 months. For instance, where you were assigned a Certificate of Sponsorship of 6 months in length and we were notified that you ceased working in the UK after 2 months, the cooling-off period will apply as the Certificate of Sponsorship was assigned for more than 3 months.

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

### **Points awarded for sponsorship**

130. You will be awarded 50 points for your Certificate of Sponsorship in this category.
131. 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 [www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers](http://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers) .

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 in 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.

132. 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.
133. You must also meet the English language and maintenance (funds) requirements for this category.

### **Genuineness test**

134. 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 10 business 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.

Any information obtained during the course of an interview may be relied on for the further purpose of assessing a sponsor's compliance with their sponsor duties.

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)**

135. If you meet the requirements of the Tier 2 (Minister of Religion) category, you will be granted leave up to 3 years depending on the job start and end dates that the Certificate of Sponsorship shows you are being sponsored to do, with the possibility of extending for a further 3 years. However, you will not be able to extend your total stay beyond 6 years.

136. Please note that if you have had a grant of leave for entry clearance, leave to enter or remain as a Tier 2 Migrant at any time during the 12 months immediately before your date of application, unless you were only being sponsored in Tier 2 (as recorded by the Certificate of Sponsorship) for a period of 3 months or less, you will not be able to apply for further leave under Tier 2 unless one of the following applies:

- i. you were not in the UK with leave as a Tier 2 Migrant at any time during the above 12-month period immediately before your date of application and you can provide evidence to show this has been met as set out in paragraph 137 below, or
- ii. the salary for the job that the Certificate of Sponsorship shows you are being sponsored to do (including any allowances listed as acceptable for this purpose in paragraph 79 of [Appendix A](#) of the Immigration Rules) is £159,600 or more.

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.

137. 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 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. In all cases where the Certificate of Sponsorship was assigned for longer than 3 months, the cooling off period will apply, even in cases where your length of stay in the UK is less than 3 months. For instance, where you were assigned a Certificate of Sponsorship of 6 months in length and we were notified that you ceased working in the UK after 2 months, the cooling-off period will apply as the Certificate of Sponsorship was assigned for more than 3 months.



## PART 6: POINTS AVAILABLE FOR ENGLISH LANGUAGE SKILLS

### Introduction

138. You must score 10 points for your English language skills, unless you are applying for entry clearance or further leave to remain under:

- Tier 2 (Intra-Company Transfer); or,
- Tier 2 (General) as a doctor, dentist, nurse or midwife who has passed an English language assessment which is accepted by the relevant professional regulatory body (the General Medical Council, General Dental Council or the Nursing and Midwifery Council).<sup>1</sup>

<sup>1</sup> Provided the regulatory body has accepted your English language assessment the Home Office will not need to confirm the continued validity of any such test.

139. 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.

140. If you are applying for entry clearance or further leave to remain under the Tier 2 (General) category, you must have a level of English equivalent to level B1 or above of the Council of Europe's Common European Framework for Language Learning. The only exceptions to this requirement is if:

- you are applying for leave to remain and you currently have, or you were last given, permission to stay in Tier 2 (General) under the rules in place before 6 April 2011 and you have not been granted leave to remain in any other routes, or entry clearance or leave to enter in any route, since the grant of leave; you must have a level of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning, or
- you may be exempted from sitting some components of an English language test on the basis of a disability, see paragraph 151.
- you qualify under the transitional arrangements detailed in paragraph 159 below.

141. 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 or above of the Council of Europe's Common European Framework for Language Learning.

142. If you are applying for leave to remain under the Tier 2 (Sportsperson) category, 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 of the Council of Europe's Common European Framework for Language Learning.

143. Further details about the Common European Framework can be found on the [Council of Europe website](#).

### Points awarded for English language

144. 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 Bachelor's 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 qualify under the transitional arrangements.

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

145. You are from a majority English language speaking country if you are a national of:

- 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;
- The United States of America.

We will confirm your nationality using the documents set out below.

### **Documents we require**

146. Paragraph 39B of the Immigration Rules states that where the Rules require specified documents to be provided, only such specified documents will be accepted as evidence of the relevant requirement. Paragraph 39B also applies to determine whether any specified documents provided are valid.

For the purpose of determining your nationality under Appendix B of the Rules, the specified documents are:

#### **Current original passport or travel document**

You must give full reasons in the passport information section of the application form if you cannot submit your current original passport or travel document at the time of the application.

Valid exceptional circumstances when you can provide alternative specified documents include if your current passport or travel document has:

- been lost
- been stolen
- expired and been returned to the relevant authorities, or
- been sent to another part of the Home Office.

#### **If your passport or travel document is unavailable**

If, for a valid reason, you need to provide alternative evidence, you must provide the following alternative specified documents:

- Current national identity document
- Letter from your home government or embassy. This document must:
  - be on the government's or embassy's letter headed paper
  - have been issued by that institution's authorised official, and
  - confirm your full name, date of birth, and nationality.

### **Degree taught in English**

147. You may provide evidence that you hold a degree which is equivalent to a UK bachelor's or master's degree or a PhD, and which was taught or researched in English to a particular level, as evidence of your English language ability.

148. The degree must:

- be recognised by National Academic Recognition Information Centre for the UK (UK NARIC) as equivalent to a UK bachelor's or master's degree or PhD; and
- have been assessed by UK NARIC as having been taught in English to the relevant standard.

If you studied your degree in one of the majority English speaking countries listed below, it is assumed it will 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;
- The UK;
- The United States of America

**(Please note that Canada is not on this list because some of their degrees are not taught in English).**

If your degree was taken in a country that is not on the list above, you must obtain a letter from UK NARIC which confirms that your qualification is equivalent to UK Bachelor's level or higher. Alternatively, you may wish to use a different (qualifying) qualification if you have one.

See the following website page [www.naric.org.uk/visasandnationality](http://www.naric.org.uk/visasandnationality) for more information.

## Documents we require

You must send either a certificate of award or an academic transcript.

### Certificate of award

This document must clearly show:

- your name
- the name of the awarding institution.
- the title of the award
- the date of the award

Provisional certificates are not acceptable.

The certificate must always be provided unless you:

- are awaiting graduation but have successfully completed your degree, or
- no longer have the certificate and the awarding institution is unable to issue a replacement, in which case you must send the following.

### Academic transcript

This must be on the institution's official paper and must show:

- your name
- the name of the awarding institution
- the title of the award
- the date of the award, and
- confirmation the qualification was taught in English.

This evidence must be an official document, on the stationery of the organisation and have the official stamp of that organisation on it. It must have been issued by that organisation's authorised representative.

You must make sure the contact details for the awarding body are up-to-date, because if we need to verify the details and cannot contact them, the evidence cannot be accepted and your application may be refused.

### English language test

149. We will only accept English language tests from providers that have been assessed as meeting our requirements. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of [gov.uk](http://gov.uk).
150. You must have passed an English language test that is still within its validity period. If you are applying in Tier 2 (General) or Tier 2 (Minister of Religion), you must have achieved the appropriate level in all 4 components (reading, writing, speaking and listening). If you are applying in Tier 2 (Sportsperson), you only need to have achieved the appropriate level in the speaking and listening components.
151. You may be exempt from some or all of the English language test components if you have a disability (for example, you have hearing difficulties). You should contact a test provider for details of support that can be provided to you while taking the test.

## Process

152. You will need to book an English language test using the provider's online booking system. You will also pay for your test using this system. This booking system will allow you to choose where you want to sit the test.
153. On the day of your test, you will need to provide evidence of your identity at the test centre before you will be allowed to sit the test. The only acceptable forms of identification for UK centres are:
- a passport;
  - an EU Identity Card;
  - a Biometric Residence Permit.
- The above documents must be originals, include a photograph and must not have exceeded their expiry dates. Where the document contains a signature, this will also be verified on the date of the test.
154. Where you are unable to provide evidence of your identity, you will not be allowed to sit the test.
155. If you are successful, the provider will provide you with a SELT unique reference number. You must quote this reference number on your application to the Home Office. You do not need to provide any other documentation, for example, the test certificate. The Home Office will use this unique reference number on the provider's online verification system to confirm that you passed the test.
156. If the test does not appear on the online verification system, the application will not meet the English language requirements.

## Documents we require

157. You do not need to provide any documentary evidence of your test with your application. Instead, you should provide your SELT unique electronic reference number, provided by the awarding body.

## Previous grants of leave

158. 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:
- under the Tier 1 (General) category, Tier 1 (Entrepreneur) category or as a Businessperson or under Tier 1 (Post Study Work) category; or
  - as a Highly Skilled Migrant under the Rules in place on or after 5 December 2006; or
  - under the Tier 1 (Graduate Entrepreneur) category, having then provided evidence of having a knowledge of English equivalent to level B1 of the Council of Europe's Common European Framework for Language Learning or above; or
  - under the Minister of Religion category (not Tier 2 (Minister of Religion)) under the rules in place on or after 19 April 2007; or
  - under the Tier 2 (Minister of Religion) category, having the provided evidence of meeting the English language requirement; or
  - under the Tier 2 (General) category 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 Council of Europe's Common European Framework for Language Learning or above; or

- as a 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

159. 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.

160. You will be awarded 10 points for English language if you are applying for leave to remain under Tier 2 (General) and you have previously been granted entry clearance, leave to enter or leave to remain in any of the following categories:

- a Jewish Agency Employee,
- a Member of the Operational Ground Staff of an Overseas-owned Airline,
- a Minister of Religion, Missionary or Member of a Religious Order,
- a Work Permit Holder,
- 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.

161. You will be awarded 10 points for English language if you are applying for leave to remain under the Tier 2 (Sportsperson) category 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 other than Tier 2 (Sportsperson) and as a Qualifying Work Permit Holder under the Rules in place since 28 November 2008.

162. You will be awarded 10 points for English language if you are applying for leave to remain under the Tier 2 (Minister of Religion) category and you have previously been granted entry clearance, leave to enter and/or leave to remain as a Minister of Religion, Missionary or Member of a Religious Order, and you have not been granted leave in any other category other than Tier 2 (Minister of Religion), Minister of Religion, Missionary or Member of a Religious Order, under the Rules in place since 28 November 2008.



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

### Introduction

163. You must score 10 points for maintenance by showing you have at least £945. Overdraft facilities will not count as available funds.
164. 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.
165. 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

166. 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; 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 £945; or
  - you have personal savings of at least £945 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 'Skilled Worker and Student Dependants guidance' provides more information on this.
167. If you wish to obtain points for currently holding entry clearance, leave to enter, or leave to remain in Tier 2, your leave must still be valid at your date of application. If your leave has already expired, you must provide alternative evidence as indicated below to demonstrate that you meet the maintenance requirement.
168. 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).
169. 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 [Oanda](#).
170. If you are required to show maintenance funds, 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 dependants fail to meet this requirement, all applications will be refused.
171. If you already have leave in a Tier 2 category and you were required to show maintenance funds when you applied, any dependants who wish to join you at a later date must also provide evidence that they have access to sufficient funds. Please refer to the dependants' guidance which can be found on gov.uk.

172. 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 in [Appendix P](#) of the Immigration Rules. 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**

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

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

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

175. If you want to be awarded 10 points because you have personal savings of £945, that have been held for a consecutive 90 day period ending no more than 31 days before your application, you must provide one of the following types of specified evidence.

176. Please note that if you are submitting your documents after the date of your application, they must show that you had the necessary funds for a 90 day period before the date you applied online, not just 90 days before the date you submit your documents. This applies regardless of whether you submit your documents by post or courier, or at a Premium Service Centre, after applying online.

177. The evidence used to support personal savings for at least a consecutive 90 day period must be issued by an authorised official of that organisation.

178. 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.

179. 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. 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.

180. 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.

181. Where 2 or more pieces of evidence from a single account are submitted (for example 2 consecutive bank statements), we will assess the funds available to you from the closing balance of the most recent document. Where evidence from 2 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 £945 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. 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 £945 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 at least £945 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

182. If you are applying from outside the UK, you must have entry clearance before you travel. [gov.uk](https://www.gov.uk) has the forms and information on how to fill them in.
183. 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 available on [gov.uk](https://www.gov.uk).
184. 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 [gov.uk](https://www.gov.uk).

### Your Certificate of Sponsorship

185. The Certificate of Sponsorship is not an actual certificate or paper document but is a virtual document similar to a database record. Each Certificate of Sponsorship has a unique reference number and contains information about the job for which it has been assigned for and your personal details. The information that the sponsor will include in a CoS can be found on [gov.uk](https://www.gov.uk).
186. We will not provide you with your Certificate of Sponsorship reference number as this is the responsibility of your sponsor.
187. Your sponsor may also need to provide you with some of the information in the Certificate of Sponsorship, for example, your salary. You will need this information to complete your application form accurately.
188. 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 by us or withdrawn by you, however, you can apply again using the same Certificate of Sponsorship provided it is still valid on the date you apply.
189. 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.
190. Your Certificate of Sponsorship will only be valid if your sponsor has paid the Immigration Skills Charge (ISC), unless an exemption applies. If your sponsor has not paid the correct charge, your application may be delayed or refused. Further details on the ISC can be found in the [Tier 2 and 5 Sponsor Guidance](#).
191. Please see Annex A for further information about Certificates of Sponsorship.

## When to apply

192. You must apply within 3 months from the date your Certificate of Sponsorship was assigned. You must also apply no more than 3 months before the start date on your Certificate of Sponsorship. If this is not possible, you should contact your sponsor.
193. 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

194. 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. We will only accept the documents specified in this guidance. We will not consider unrelated evidence.
195. If you have submitted specified documents in which:
- documents are missing, for example an English language certificate;
  - parts of a set of documents (for example, a set of bank statements) are missing; or
  - a document or evidence has been submitted but is in the wrong format, for example, where a letter must be on letterheaded paper; or
  - a document or evidence does not contain all the specified information;
  - a Confirmation for Acceptance of Studies (CAS) or Certificate of Sponsorship (CoS) contains minor errors or missed fields;

we may contact you and/or your representative and/or your sponsor, and request the required documents or missing information.

We will not ask for additional documents if your application will be refused for other reasons.

You must provide the requested documents to the address specified in the request within 10 working days of the date of the request. Working day means any day other than Saturday or Sunday, a bank holiday, Christmas Day or Good Friday.

196. 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.

The translation must:

- confirm that it is an accurate translation of the original 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.

197. 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

198. If you have been in the UK as a Tier 4 student, you may have been sponsored in your studies by Her Majesty's Government, your home government, or an international scholarship agency.
199. For the purpose of this section of the guidance, 'sponsored' means 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.
200. The evidence must be on the official letter-headed paper or stationery and include the official stamp of the organisation(s). 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.
201. 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.
202. More advice on sponsored students is available on [gov.uk](https://www.gov.uk).

## Date of application

203. 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.
204. 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.
205. Applications for leave to remain will fall for refusal if you have overstayed beyond the end of the last period of leave to enter or remain you were granted. The only exceptions are where your application is made:
  - within 14 days of your previous leave expiring and we consider there is a good reason beyond your / your representative's control, provided in or with the application, why the application could not be made in time; or
  - within 14 days of:
    - the refusal of the previous application for leave; or
    - the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
    - the expiry of the time-limit for making an in-time application for administrative review or appeal (where applicable); or
    - any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

If there are good reasons beyond your control which prevented you from applying in time, you must submit evidence of these with your application. All cases will be decided on their merits.

## Considering your application

206. 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.
207. 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

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

<b>Entry Clearance</b>	
<p><b>Entry clearance will be granted with effect from 14 days before the start date of the job you are being sponsored to do in the UK as stated on your Certificate of Sponsorship.</b></p> <p><b>If entry clearance is being granted less than 14 days before the start date of your CoS, it will be granted with immediate effect.</b></p> <p><b>Alternatively, if you state the date you intend to travel to the UK on your visa application, entry clearance can be granted with effect from 7 days before this date. However, your intended travel date can be no later than 14 days after the start date of your CoS.</b></p>	
<b>Immigration category</b>	<b>Period of grant of leave</b>
<b>Tier 2 (Intra-Company Transfer) – Long Term Staff</b>	<p>You may be granted leave for whichever is the shorter of:</p> <ul style="list-style-type: none"> <li>i. a period equal to the length of the engagement shown on your Certificate of Sponsorship plus 14 days either side, or</li> <li>ii. up to 5 years plus 1 month based on the job start date shown on your Certificate of Sponsorship.</li> </ul>
<b>Tier 2 (Intra-Company Transfer) – Graduate Trainee</b>	<p>You may be granted leave for whichever is the shorter of:</p> <ul style="list-style-type: none"> <li>i. a period equal to the length of engagement shown on your Certificate of Sponsorship plus 14 days either side, or</li> <li>ii. a maximum time of 12 months based on the job start date shown on your Certificate of Sponsorship.</li> </ul>
<b>Tier 2 (General)</b>	<p>You may be granted leave for whichever is the shorter of:</p> <ul style="list-style-type: none"> <li>i. a period equal to the length of the engagement shown on your Certificate of Sponsorship plus 14 days either side, or</li> <li>ii. up to 5 years plus 1 month based on the start date shown on your Certificate of Sponsorship.</li> </ul>

<b>Tier 2 (Minister of Religion) and Tier 2 (Sportsperson)</b>	<p>You may be granted leave for whichever is the shorter of:</p> <ul style="list-style-type: none"> <li>i. a period equal to the length of engagement shown on your Certificate of Sponsorship plus 14 days either side, or</li> <li>ii. 3 years plus 1 month based on the start date shown on your Certificate of Sponsorship.</li> </ul>
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<b>Leave to Remain</b>	
<p>Leave to remain will be granted for the periods in the table below. In addition, leave to remain will be granted for the period between the date that your application is decided and the date that the Certificate of Sponsorship Checking Service records as the start date of the job in the UK, provided this is not a negative value.</p>	
<b>Immigration category</b>	<b>Period of grant of leave</b>
<b>Tier 2 (Intra-Company Transfer) – Long Term Staff</b>	<p>You may be granted leave for whichever is the shorter of:</p> <ul style="list-style-type: none"> <li>i. to the job end date shown on your Certificate of Sponsorship plus 14 days, or</li> <li>ii. up to 5 years, or</li> <li>iii. if your salary is less than £120,000 per year, for the period of time to take your total leave granted under Tier 2 (Intra-Company Transfer) to 5 years. This is counted from the date you were first granted entry-clearance or leave to remain, regardless of any breaks between your periods of leave. For example, if you have had 5 years' continuous leave in Tier 2 (Intra-Company Transfer) but you overstay for 10 days at the end of the 5 years before applying again, the 10 days in which you had no Tier 2 (Intra-Company Transfer) leave does not mean you can qualify again. Similarly, if you overstayed up to 10 days in the middle of a period of continuous leave, this does not mean you can qualify for another period of leave to take your total stay in Tier 2 beyond 5 years, or</li> <li>iv. if your salary is £120,000 or higher per year, for the period of time to take your total leave granted total leave granted under Tier 2 (Intra-Company Transfer) to 9 years. This is counted from the date you were first granted entry clearance or leave to remain, regardless of any breaks between your periods of leave.</li> </ul> <p><b>If you were previously granted leave as an Intra-Company Transfer (ICT) under the Immigration Rules in place before 6 April 2011 or as a Work Permit Holder and you have not been granted entry clearance in this, or any other, route since the grant of this leave, there is no limit to the total time you can stay in this sub-category. Please note that the Immigration</b></p>

	<p>Rules are subject to change. You must meet all the requirements of the Immigration Rules as they apply <b>at the time you make an application for further leave to remain.</b></p>
<p><b>Tier 2 (Intra-Company Transfer) – Graduate Trainee</b></p>	<p>You may be granted leave for whichever is the shorter of:</p> <ol style="list-style-type: none"> <li>i. to the job end date shown on your Certificate of Sponsorship plus 14 days, or</li> <li>ii. for the period of time to take your total leave granted under Tier 2 (Intra-Company Transfer) Graduate Trainee Staff to 12 months. This is counted from the date you were first granted entry clearance or leave to remain, regardless of any breaks between your periods of leave.</li> </ol>
<p><b>Tier 2 (General)</b></p>	<p>You may be granted leave for whichever is the shorter of:</p> <ol style="list-style-type: none"> <li>i. to the job end date shown on your Certificate of Sponsorship plus 14 days, or</li> <li>ii. up to 5 years, or</li> <li>iii. for the period of time to take your total stay in Tier 2 (discounting leave as a Tier 2 (Intra-Company Transfer)) to 6 years (this is counted from the date you were first granted entry clearance or leave to remain). Please note that the 6 years is not broken by any gaps between your periods of leave. For example, if you have had 6 years' continuous leave in Tier 2 (General) but you overstay for 10 days at the end of the 6 years before applying again, the 10 days in which you had no Tier 2 (General) leave does not mean you can qualify again. Similarly, if you have overstayed up to 10 days in the middle of a period of continuous leave, this does not mean you can qualify for another period of leave to take your total stay in Tier 2 beyond 6 years.</li> </ol> <p><b>The 6 year restriction does not apply:</b></p> <p><b>if you previously had leave under the Immigration Rules in place before 6 April 2011 as:</b></p> <ul style="list-style-type: none"> <li>• a Tier 2 (General) Migrant,</li> <li>• a Tier 2 (Minister of Religion) Migrant,</li> <li>• a Tier 2 (Sportsperson) Migrant,</li> <li>• a Jewish Agency Employee,</li> <li>• a Member of the Operational Ground Staff of an Overseas-owned Airline,</li> <li>• a Minister of Religion, Missionary or Member of a Religious Order,</li> <li>• a Qualifying Work Permit Holder, or</li> <li>• a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,</li> </ul>

	<p><b>and</b></p> <p>you have not been granted entry clearance as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant under the Immigration Rules in place from 6 April 2011,</p> <p><b>and</b></p> <p>you have not been granted entry clearance, leave to enter or leave to remain in any other category since that grant of leave.</p>
<p><b>Tier 2 (Minister of Religion) and Tier 2 (Sportsperson)</b></p>	<p>You may be granted leave for whichever is the shorter of:</p> <ol style="list-style-type: none"> <li>i. to the job end date shown on your Certificate of Sponsorship plus 14 days, or</li> <li>ii. 3 years, or</li> <li>iii. the difference between the time you have already been granted leave under Tier 2 (discounting leave as a Tier 2 (Intra-Company Transfer)) and 6 years (this is counted from the date you were first granted entry clearance or leave to remain). Please note that the 6 years is not broken by any gaps between your periods of leave. For example, if you have had 6 years' continuous leave in Tier 2 (Minister of Religion) or Tier 2 (Sportsperson) but you overstay for 10 days at the end of the 6 years before applying again, the 10 days in which you had no Tier 2 leave does not mean you can qualify again. Similarly, if you have overstayed up to 10 days in the middle of a period of continuous leave, this does not mean you can qualify for another period of leave to take your total stay in Tier 2 beyond 6 years.</li> </ol> <p><b>The 6 year restriction does not apply:</b></p> <p><b>if you previously had leave under the Immigration Rules in place before 6 April 2011 as:</b></p> <ul style="list-style-type: none"> <li>• a Tier 2 (General) Migrant,</li> <li>• a Tier 2 (Minister of Religion) Migrant,</li> <li>• a Tier 2 (Sportsperson) Migrant,</li> <li>• a Jewish Agency Employee,</li> <li>• a Member of the Operational Ground Staff of an Overseas-owned Airline,</li> <li>• a Minister of Religion, Missionary or</li> <li>• Member of a Religious Order,</li> <li>• a Qualifying Work Permit Holder, or</li> <li>• a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,</li> </ul>

	<p><b>and</b></p> <p>you have not been granted entry clearance as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant under the Immigration Rules in place from 6 April 2011,</p> <p><b>and</b></p> <p>you have not been granted entry clearance, leave to enter or leave to remain in any other category since that grant of leave.</p>
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### **Administrative Review**

209. If your application is refused, you cannot appeal against our decision. You can apply for an administrative review of the decision, if you think the Home Office has made an error in considering your application. Details of how to make an administrative review application will be included in the decision letter. Further information is contained in Appendix C of this guidance and on [gov.uk](http://gov.uk).

### **Further information on administrative reviews**

210. If you want more information about administrative review, this can be found on [gov.uk](http://gov.uk).



## PART 9: WHILST YOU ARE IN THE UK UNDER TIER 2

### Conditions of leave

211. The following conditions apply to all Tier 2 categories:

- 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](#); 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 6 months.

212. 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, playing in British University and College Sport (BUCS) competitions, or doing temporary additional work as a sports broadcaster.

213. You can study but you will need to obtain an Academic Technology Approval Scheme (ATAS) certificate for the course/research and present it to your education institution before you start your study if:

- (a) you are over age 18 (or will be over 18 by the time your leave expires); and
- (b) your course is one of the following:
  - (i) a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of Appendix 6 of the Immigration Rules, or
  - (ii) a taught master's degree or other postgraduate qualification in one of the disciplines listed in paragraph 2 of Appendix 6 of the Immigration Rules, or
  - (iii) a period of study or research in one of the disciplines listed in paragraphs 1 or 2 of Appendix 6 of the Immigration Rules at an institution of higher education, where this forms part of an overseas postgraduate qualification.

[Appendix 6](#) of the Immigration Rules can be found on the gov.uk

If your course (or research) completion date is postponed or delayed for more than 3 calendar months, or there are any changes to the course contents (or the research proposal), you must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to your institution promptly.

214. There is no limit on the number of hours you can study 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

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

216. 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 reclassification within the SOC system by the Office for National Statistics) 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 were earning at least £159,600 (or the equivalent threshold that applied when you made your application), and your salary is reduced to an amount that is lower than that threshold.

217. 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; or
- you are undertaking a professional examination(s), for example, an Objective Structured Clinical Examination (OSCE) or Professional and Linguistic Assessments Board (PLAB), to assess whether your skills meet UK standards before you start working for your sponsor, where this is a regulatory requirement of the job shown on your Certificate of Sponsorship and you continue to be sponsored during such period; or
- your salary is reduced due to any of the reasons listed in paragraph 234 of this guidance that lasted for one month or longer; or
- changes to your core duties mean 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); or
- you are sponsored in a graduate training programme and have changed occupation during, or at the end of, that programme (provided you continue to hold valid leave for that sponsor and your sponsor notifies us of the change in your role and any change in salary).

218. 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), for a job which is a shortage occupation or for a job where your salary is £159,600 or above.

219. It is recommended that you do not start work for your sponsor until you have received your biometric residence permit (BRP). However, on the basis of your approval letter, if you and your sponsor agree you can start work 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**

220. 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 208 above for the total amount of time leave can be granted for in each Tier 2 category.
221. You must have a new Certificate of Sponsorship for your extension application and you must meet all the points requirements.
222. If you are applying as a Tier 2 (Sportsperson), you will need to have a new governing body endorsement with a new reference number.
223. A resident labour market test is not required for extension applications.
224. You can continue working while we are considering your extension application, provided you submitted the application before your previous leave expired.
225. 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 at [www.gov.uk/biometric-residence-permits](http://www.gov.uk/biometric-residence-permits).

### **Supplementary employment**

226. You do not need to inform us of any supplementary employment, as long as it is:
- in either a job which is included on the Shortage Occupation List in [Appendix K](#) of the Immigration Rules, or a job in the same profession, 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.

In addition, you must continue to work for your sponsor in the job recorded on your Certificate of Sponsorship.

### **Voluntary work**

227. 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 1998](#).

### **Secondary employment applications**

228. You will need authorisation for any additional work not covered by supplementary or voluntary work. The secondary employment must be with a licensed sponsor and you will need a new Certificate of Sponsorship from that sponsor.
229. 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.
230. 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.

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

232. If we approve your secondary employment, we will have to vary your initial grant of leave. You will have 2 sponsors during the period that both your Certificates of Sponsorship are valid. You will be issued a new biometric residence permit (BRP) card indicating that you have secondary employment and a letter which shows employment end dates for each sponsor. You cannot start work with your second sponsor until your application for secondary employment has been approved.

### **Change of circumstances**

233. If during your stay under Tier 2, you wish to amend your details, for example, you have changed your name or nationality you should inform your sponsor and fill out a change of circumstances form which is available on our website. The form you need to complete is different depending on your circumstances. Further details are available on gov.uk: [www.gov.uk/change-circumstances-visa-brp](http://www.gov.uk/change-circumstances-visa-brp)

### **Acceptable absences from work**

234. This guidance contains a number of scenarios where allowances are made if an applicant is affected by one of the following circumstances:

- statutory maternity leave,
- statutory paternity leave,
- statutory parental leave,
- statutory shared parental leave,
- statutory adoption leave,
- sick leave,
- assisting with a national or international humanitarian or environmental crisis overseas, providing their Sponsor agreed to the absence(s) for that purpose, or
- taking part in strike action as part of a legally organised industrial action.

### **Absences from the UK**

235. 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.

236. 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 paragraphs 240 and 241 below.

237. If you have been granted entry clearance, or leave to remain for more than 6 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 242 below), unless your leave passes its expiry date or you stay outside the UK for more than 2 years.

238. However, if you do not have entry clearance or you have leave to remain which was granted for less than 6 months, your leave will lapse if you leave the common travel area.
239. It is important to make sure, if you are travelling overseas for any reason, that you fully understand the implications of your leave lapsing or expiring while you are overseas. You may need to wait 12 months until you can apply to return to the UK under Tier 2 if this happens.

### Curtailing leave

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

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

241. 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 fails to apply for a licence within 28 days of the business being transferred; or
  - applies for a sponsor licence and is refused; or
  - applies for a sponsor licence and is granted one, but in a category which does not allow you to be issued with a Certificate of Sponsorship.
- You were granted leave because a Premium Sponsor confirmed that you satisfied a requirement of these rules, or that the Premium Sponsor has seen and verified appropriate evidence, but compliance checks show that you do not satisfy that requirement of the rules or that the specified evidence had not been seen and verified by your sponsor;
- Your job your Certificate of Sponsorship was assigned for undergoes a prohibited change.

242. The following are prohibited changes unless a further application for leave to remain is granted which permits the change:

- You are a Tier 2 (General) migrant and your start date is changed to a date more than 28 days from either of the following, whichever is later:
  - the date on which your entry clearance or leave to remain is granted; or
  - the start date as stated on your Certificate of Sponsorship (taking into account any changes to the start date that have been properly reported by your Tier 2 Sponsor before the date on which entry clearance or leave to remain is granted).
- You are absent from work without pay for 4 weeks or more in total, according to your normal working pattern, during any calendar year (1 January to 31 December). For example, if your normal working pattern is 4 days a week, this would apply if you were absent from work without pay for 16 or more days. This applies whether the absence was over a single period or more than one period. It does **not** apply to absences which were solely due to:
  - statutory maternity leave;
  - statutory paternity leave;
  - statutory parental leave;
  - statutory shared parental;
  - statutory adoption leave;
  - sick leave;
  - assisting with a national or international humanitarian or environmental crisis overseas, providing your Sponsor agreed to the absence(s) for that purpose, or
  - taking part in strike action as part of a legally organised industrial action.

- Your employment changes such that you are working for a different employer or Sponsor, unless:
    - You are working for a different Sponsor under arrangements covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 or similar protection to continue in the same job; or
    - You are a Tier 2 (Sportsperson) all of the following are met:
      - Your sponsor is a sports club;
      - You are sponsored as a player only and are being temporarily loaned as a player to another sports club;
      - Player loans are specifically permitted in rules set down by the relevant sports governing body listed in Appendix M;
      - Your sponsor has made arrangements with the loan club to enable it to continue to meet its sponsor duties; and
      - You will return to working for the sponsor at the end of the loan.
    - The employment changes to a job in a different Standard Occupational Classification (SOC) code to that recorded by the Certificate of Sponsorship Checking Service, unless all of the following apply:
      - You are sponsored to undertake a graduate training programme covering multiple roles within the organisation;
      - You are changing to a job in a different SOC code either as a part of that programme or when appointed to a permanent role with the Sponsor at the end of that programme; and
      - Your Sponsor has notified the Home Office of the change and any change in salary.
    - Your employment changes to a different job in the same Standard Occupational Classification code to that recorded by the Certificate of Sponsorship Checking Service, and the gross annual salary (including such allowances as are specified as acceptable) is below the appropriate salary rate for that new job as specified in the Codes of Practice in Appendix J.
    - If you were required to be sponsored for a job at a minimum RQF level in the application which led to your last grant of entry clearance or leave to remain, the employment changes to a job which the Codes of Practice in Appendix J record as being at a lower level.
    - If you are a Tier 2 (General) Migrant and scored points for working in an occupation on the shortage occupation list, the employment changes to a job which does not appear in the Shortage Occupation List in Appendix K.
    - The gross annual salary (including such allowances as are specified as acceptable) reduces below:
      - any minimum salary threshold specified in Appendix A of these Rules, you were subject to or relied on in the application which led to your current grant of entry clearance or leave to remain, or
      - the appropriate salary rate for the job as specified in the Codes of Practice in Appendix J, or
      - in cases where there is no applicable threshold in Appendix A and no applicable salary rate in Appendix J, the salary recorded by the Certificate of Sponsorship Checking Service.
- Reductions in salary are permitted if the reduction coincides with a period of:
- absence for any of the acceptable reasons for an absence over 4 weeks as defined above;
  - working for your sponsor's organisation while you are not physically present in the UK, if you are a Tier 2 (Intra-Company Transfer) Migrant, or
  - undertaking professional examinations before commencing work for the sponsor, where such examinations are a regulatory requirement of the job



you are being sponsored to do, and providing you continue to be sponsored during that period.

243. Where your circumstances fall under a reason listed above but any of the following apply to you, it may affect our decision to curtail:

- you are under the age of 18;
- you have a dependant child under the age of 18;
- you have fewer 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.

244. 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.

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

246. 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 expected to leave the UK and, if you fail to do so, will be subject to appropriate enforcement action.



## PART 10: TIER 2 SETTLEMENT (INDEFINITE LEAVE TO REMAIN) APPLICATIONS

247. This section describes the current requirements for settlement (also known as Indefinite Leave to Remain). Please note that the Immigration Rules are subject to change. You should always check the latest guidance before you apply.
248. The settlement form is called 'SET(O) – Application for indefinite leave to remain in the United Kingdom in one of the categories listed in this form and a biometric immigration document'. The form is available here: [www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto](http://www.gov.uk/government/publications/application-to-settle-in-the-uk-form-seto).
249. You will need to meet some requirements which apply to all Points Based System settlement applications and some which are specific to Tier 2.
250. The Immigration Rules for settlement can be found at paragraphs 245GF of the Immigration Rules for Tier 2 (Intra-company Transfer), 245HG for Tier 2 (Minister of Religion) and 245HF for Tier 2 (General) or Tier 2 (Sportsperson).

### Length of time in the United Kingdom needed to qualify – settlement

251. You can apply for settlement under Tier 2 once you have reached 5 years' continuous leave in the United Kingdom.
252. Your most recent grant of leave must have been under Tier 2. The continuous 5 years can include leave you previously held as a:
- Tier 2 (General) Migrant;
  - Tier 2 (Minister of Religion) Migrant;
  - Tier 2 (Sportsperson) Migrant;
  - Tier 2 (Intra-Company Transfer) Migrant (see below for further information);
  - Tier 1 (Exceptional Talent) Migrant;
  - Tier 1 (Entrepreneur) Migrant;
  - Tier 1 (Investor) Migrant;
  - Tier 1 (General) Migrant;
  - Representative of an Overseas Business;
  - Work Permit Holder;
  - Highly Skilled Migrant;
  - Innovator
253. You can only include leave as a Tier 2 (Intra-Company Transfer) Migrant if the continuous period of 5 years spent lawfully in the United Kingdom includes a period of leave as:
- a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 6 April 2010, or
  - a Work Permit Holder, provided that the work permit was granted because you were the subject of an Intra-Company Transfer.
254. If you initially applied for Tier 2 (Intra-Company Transfer) on or after 6 April 2010, you cannot qualify for settlement.
255. Your qualifying period can include time from the date your initial application (for entry clearance or leave to remain) was approved.
256. **You can apply for settlement up to 28 days before you will reach the qualifying period if you apply earlier than that, your application may be refused.** Otherwise your

qualifying period will either be the 5 years immediately before the date you apply for settlement or the 5 years immediately before the date your settlement application is decided, depending which is most beneficial for you. If you have spent more than 5 years in the United Kingdom, we will only consider the most recent 5 year period.

## Absences - settlement

257. You cannot have had more than 180 days' absence from the United Kingdom during any consecutive 12 month period within the 5 year period.
258. You will need to list details of your absences from the United Kingdom, including the reasons for those absences, on the form.
259. If any of your absences are in connection with employment you will need to provide a letter from the relevant employer detailing the purpose and period of absences, including periods of annual leave.
260. You will need to provide this information for the full 5 year continuous period. Therefore, if you are moving employers and are considering applying for settlement in the future, you may wish to request a letter detailing your absences before you move to your new post. If you are unable to obtain a letter as specified in the Immigration Rules, because your previous employer has ceased to exist for example, you should confirm this in writing when you make your application. The caseworker who considers your application will assess this on a case by case basis.
261. If any of your absences are due to a serious or compelling reason, you must provide a personal letter which includes full details of the reason(s) for the absences and all relevant supporting documents in relation to those reasons - e.g. medical certificates, birth/death certificates, other information about the reasons which led to the absence from the United Kingdom.
262. Whatever the reason for absences from the United Kingdom, they will still be counted towards the maximum 180 days (but see information about delayed entry to the UK below) unless they fall under a specific exemption. This includes any absences for work reasons, or serious and compelling reasons.
263. There are two exemptions where absences are not considered as part of the maximum 180 days: where you have been absent from the United Kingdom assisting with a national or international humanitarian or environmental crisis, or where you are working in a PhD level occupation and you have been absent from the UK because you are undertaking overseas research.

Exemption	Details
Assisting with a national or international humanitarian or environmental crisis	<p>This exemption applies to any Tier 2 migrant.</p> <p>You must provide a letter confirming that this was the purpose of the absence and that your Tier 2 Sponsor agreed to it.</p>
Undertaking overseas research	This exemption applies to Tier 2 (General) migrants sponsored to work in

	<p>a PhD level occupation listed in <a href="#">Table 1 of Appendix J</a> to the Immigration Rules. Applicants must remain in paid employment with their UK sponsor during their overseas research.</p> <p>You must provide a letter from your sponsor confirming the research absence was linked to the reason for your Tier 2 sponsorship and that your Tier 2 Sponsor agreed to it.</p> <p>This exemption also extends to your PBS dependant spouse or partner if they accompanied you during your research. PBS dependant children are not subject to absence restrictions.</p>
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264. You can include the time between your entry clearance being granted and you entering the United Kingdom as part of your continuous period. Absences between the date entry clearance is granted and the date you enter the United Kingdom are treated as an absence from the United Kingdom and will form part of the 180 days allowed within a continuous 12-month period.

For example, if you entered the United Kingdom 100 days after you obtained entry clearance and have a further 81 days' absence during the remainder of a continuous 12 month period, you will have exceeded the number of absences permitted from the United Kingdom. You would therefore not qualify for settlement 5 years after the date you obtained entry clearance. You would need to wait until a date where you have spent a total of 5 years in the UK with absences of less than 180 days in any consecutive 12 months before you could qualify.

265. You do not need to provide evidence to demonstrate a period of absence between obtaining entry clearance and entering the United Kingdom.

266. If you have been outside of the United Kingdom for more than 180 days in a consecutive 12 month period, you will need to start the qualifying period for settlement again. If this happens, you may be unable to complete a further 5 year qualifying period before you reach the maximum time you can spend in your Tier 2 category. You should therefore pay careful attention to your absences from the United Kingdom if it is your intention to apply for settlement.

267. For settlement applications made from 11 January 2018, we consider absences from the UK on a rolling basis, rather than in separate consecutive 12-month periods. If your qualifying period includes leave granted before this date, any absences during that leave will be considered under the previous rules – in separate 12-month periods, ending on the same date as you make your settlement application.

For example:

You apply for settlement on 30 June 2020. Your continuous period includes the

following grants of leave:

- One grant of leave from 1 July 2015 to 28 July 2018 – Any absences during this grant of leave will be considered in separate 12 month periods, ending on 30 June each year.
- One grant of leave from 29 July 2018 to 30 June 2020 – Any absences during this grant of leave will be considered on a rolling basis. We will not include any absences from the previous grant of leave when we assess this.

### **Specific Tier 2 criteria - settlement**

268. In addition to the above, you must meet the following criteria:

- You must still be required by your current Sponsor in the role recorded on your Certificate of Sponsorship for the foreseeable future;
- If you are either a Tier 2 (General) or Tier 2 (Sportsperson) migrant, you must be earning at least the appropriate rate for the job, as stated in the Codes of Practice in Appendix J or a gross annual salary of at least the minimum earnings threshold, whichever is the higher. The minimum earnings thresholds are:
  - £35,800, if you apply for settlement on or after 6 April 2019
  - £36,200, if you apply for settlement on or after 6 April 2020
  - £36,900, if you apply for settlement on or after 6 April 2021
  - £37,900, if you apply for settlement on or after 6 April 2022
  - £38,800, if you apply for settlement on or after 6 April 2023
  - £40,100, if you apply for settlement on or after 6 April 2024.

### **Minimum earnings threshold – settlement**

269. You can only include earnings from your main sponsored employment. If you also undertake supplementary employment, you cannot combine these earnings with those for your sponsored employment.

270. If you undertake secondary employment, you can claim the salary for either of your sponsored positions but you cannot combine them in order to reach the minimum earnings threshold. For more information on secondary employment see: [Secondary employment applications](#).

271. If you are paid hourly, you can only claim for earnings up to a maximum of 48 hours a week, even if you work for longer than this.

For example, an applicant who works 60 hours a week for £12 per hour will be considered to have a salary of £29,952 (12x48x52) and not £37,440 (12x60x52), and will therefore not meet the minimum earnings threshold.

272. The type of allowances that can be included as part of your salary for the minimum earnings threshold are the same as those acceptable when calculating the appropriate rate. See [Appropriate salary and allowances](#) for further details.

273. You will be exempt from the minimum earnings threshold if any of the following apply to you:

- Your most recent grant of leave was as a Tier 2 (Minister of Religion) Migrant;
- Your continuous 5 year period includes all or part of a grant of leave as a work permit holder, or as a Tier 2 migrant where your Certificate of Sponsorship was assigned before 6 April 2011;

- You have been employed in a job:
  - that appears on the Shortage Occupation List in Appendix K, or has appeared on that list during any time you were being sponsored to do that job during the last 6 years; or
  - that appears on the occupations skilled to PhD-level as stated in the Codes of Practice in Appendix J.

For example:

If you are applying for settlement and you were granted leave for a Certificate of Sponsorship as a 'secondary education teacher in the subject of chemistry' at any point between 6 April 2011 and 6 April 2017 (when the job ceased to be in recognised shortage), and this period forms part of your continuous period for settlement, you would not be required to meet the minimum earnings threshold. You would instead be required to demonstrate that you are earning the appropriate rate for your position.

274. Appendix K provides a list of all posts that have been listed as in shortage since 6 April 2015. You can confirm whether any of your previous Certificates of Sponsorship were issued for a shortage occupation by checking your previous applications or by speaking to your current and/or previous employer.

### **Specified Documents - settlement**

275. You must provide a letter from your current sponsor confirming:

- you will still be required for the foreseeable future and
- your absences from the United Kingdom (explained in more detail above).

276. For Tier 2 (Intra-Company Transfer), Tier 2 (General) and Tier 2 (Sportsperson) your current sponsor must also confirm:

- your gross annual salary;
- if you are currently on maternity, paternity, shared parental or adoption leave, the date that leave started, confirmation of your salary immediately before your leave started and what it will be on your return, and
- if you are paid hourly, the number of hours per week your salary is based on.

277. To support your sponsor's confirmation that you meet the earnings requirement you must also provide either:

- a payslip and a personal bank or building society statement; or
- a payslip and a building society pass book.

278. Payslips must be:

- your most recent payslip;
- dated no earlier than one calendar month before the date of the application; and
- either:
  - a formal payslip issued by your Sponsor and showing your Sponsor's name; or
  - accompanied by a letter from your Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

279. Personal bank or building society statements must:

- be your most recent statement;
- be dated no earlier than one calendar month before the date of the application;
- clearly show:
  - your name;
  - your account number;
  - the date of the statement;
  - the financial institution's name;

- the financial institution's logo; and
- the payment of your salary, as shown on your payslip, by the sponsor; and
- be either:
  - printed on the bank's or building society's letterhead;
  - electronic bank or building society statements, accompanied by a supporting letter from the bank or building society, on company headed paper, confirming the statement provided is authentic; or
  - electronic bank or building society statements, bearing the official stamp of the bank or building society on every page.

You cannot provide mini-statements from automatic teller machines (ATMs).

280. Building society pass books must:

- clearly show:
  - your name;
  - your account number;
  - the financial institution's name;
  - the financial institution's logo; and
  - the payment of your salary, as shown on your payslip, by the sponsor.

281. If you are not being paid the appropriate rate in Appendix J due to statutory maternity, paternity, parental, shared parental or adoption leave, your payslip, bank statement or building society statements must meet the relevant requirements above except that you must provide evidence from the month immediately preceding, and for each month of, the relevant leave.

For example:

If you are applying for settlement on 1 April 2019 and you went on maternity leave on 1 February 2019, you would need to provide your payslips and bank statement/building society statements covering January, February and March.

282. You must also provide your child's birth or adoption certificate as appropriate, where one has been issued.

283. If you are not being paid the appropriate rate in Appendix J due to sick leave, assisting in a humanitarian or environmental crisis or taking strike action, your payslip, bank statement or building society statements must meet the relevant requirements above except that you must provide evidence from the month immediately preceding, and for each month of, the relevant leave

284. You must also provide either:

- A letter from your Sponsor on company headed paper, confirming the start and end date of each such period of absence and the reason for it; or
- If you are unable to provide the document above, a full explanation of why the document cannot be provided, together with any other relevant documents, from an official source and which are independently verifiable, showing the duration of and reason for each such period of absence

285. Where your period of continuous leave includes time in routes other than Tier 2 (from the list of allowable routes stated above), you would also need to provide details to show that you met the relevant requirements of those Rules while in those categories. More information can be found in the SET(O) application form.

286. Please note that no additional evidence is required to show that you meet the minimum earnings threshold for settlement.

### **General Grounds for Refusal – settlement**

287. As with Tier 2 limited leave applications, you will also be subject to General Grounds for Refusal. Further details on General Grounds for Refusal are available here: [www.gov.uk/government/publications/general-grounds-for-refusal-about-this-guidance](http://www.gov.uk/government/publications/general-grounds-for-refusal-about-this-guidance).

### **Knowledge of Language and Life - settlement**

288. When you apply for settlement, you are required to show that you have knowledge of the English language and life in the United Kingdom before you can be granted (unless you fall under an exemption).

289. You can demonstrate this by passing both the Life in the UK test and holding an English speaking and listening qualification at level B1 or above. Some of the exemptions that apply for further leave to remain do not apply for settlement applications.

290. More information on Life in the UK test, including how to book and the relevant exemptions. can be found here: [www.gov.uk/life-in-the-uk-test](http://www.gov.uk/life-in-the-uk-test).

291. More information on the language requirement can be found here: [www.gov.uk/english-language](http://www.gov.uk/english-language).



## **ANNEX A: SPONSORSHIP**

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

292. 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.
293. 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.
294. A Certificate of Sponsorship is valid when assigned to you and if it 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.
295. 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?**

296. Examples of when a Certificate of Sponsorship is valid include, but are not limited, to:
- it has been assigned by a licensed sponsor; and
  - it has the same details on it as in your passport; and
  - it has been assigned no more than 3 months before the date of application; and
  - it has a start date no more than 3 months after the date of application; and
  - it has not been withdrawn or cancelled by the sponsor or by us; and
  - any applicable Immigration Skills Charge has been paid in full by the sponsor.

Further information is available in the [Immigration Rules, Appendix A](#).

297. 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.
298. If we find that the Certificate of Sponsorship on which your entry clearance or leave to remain was based was improperly assigned and 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 described in the curtailment section of this guidance.
299. 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 which you are applying under.

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

300. If you have already been granted entry clearance and you no longer want to come to the UK, you should tell your sponsor.
301. 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 5 working days to withdraw the Certificate.
302. 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 5 working days, you should contact us by writing to us at:

Sponsor Licensing Unit  
UK Visas and Immigration  
Home Office  
PO Box 3468  
Sheffield  
S3 8WA

303. 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 whom 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 3 months after it was assigned.

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

304. 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.

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

306. Any Tier 2 applications submitted while the sponsor's licence is suspended will not be considered, even if the application is accompanied by a valid Certificate of Sponsorship. If

the application falls for refusal on other grounds (for example, the job is not a genuine vacancy), we may make a decision. Otherwise, we will hold the application until the suspension ends and then make a decision.

307. 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.
308. If you do not hold a valid Certificate of Sponsorship, the Home Office will not hold your application while you obtain one. Applications submitted without a valid Certificate of Sponsorship will be refused.
309. 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.
310. 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](#).

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

311. If you need to leave and re-enter the UK on a regular basis, you may be assigned a multiple entry Certificate of Sponsorship.
312. There is no difference between the conditions of a multiple entry Certificate of Sponsorship and any other 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 travel regularly in and out of the UK.

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

313. 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.
314. 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 ends (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 promotion or change in job title or salary (but not annual pay rises or bonuses) or a change in employment location or duration, other than those which need a further application for leave to remain; or
  - the sponsor has information which suggests you are breaching the conditions of your leave.
315. 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.

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

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

317. 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.

318. You, or any member of the public, can report suspected immigration crime (such as illegal immigration or illegally employing foreign workers) and other immigration offences via [gov.uk](https://www.gov.uk).

319. Alternatively you can write to us at:

Sponsor Licensing Unit UK Visas and Immigration Home Office  
PO Box 3468  
Sheffield  
S3 8WA

320. 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?**

321. 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?**

322. Further information is available in the guidance for sponsors on [gov.uk](https://www.gov.uk).

## **ANNEX B: VERIFICATION AND OTHER CHECKS**

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

324. 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?**

325. There are 2 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**

326. 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.

327. 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.

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

### **B3. Reasonable doubt**

329. There are many reasons why we may doubt that a specified document is genuine and what we consider 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**

330. There are 3 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**

331. We may refuse an application without making verification checks in 2 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**

332. 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.

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

## **B7. Extra checks**

334. 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**

335. There are 4 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 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.
- 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**

336. 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**

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

338. If we cannot get an immediate answer to enquiries, we will normally wait for up to a maximum of 4 weeks for the necessary information.

339. Our compliance team may visit your sponsor before we make a decision on the application.



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

### **(Overseas Applications Only)**

340. The following guidance refers to Administrative Reviews for applications made overseas only. For information about Administrative Reviews for applications made in the UK, please refer to [gov.uk](https://www.gov.uk).

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

341. Overseas Administrative Review is the mechanism for reviewing refusal decisions on applications made outside the UK under the Points Based System, where an applicant believes an error has been made in the decision. The Administrative Review is free of charge.

342. Administrative Review is an entitlement but the request must be made within 28 days from the date the refusal notice is received by you. Further information on the time limits relating to making a request can be found in paragraphs C6 and C7 below.

343. 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?**

344. 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?**

345. 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 overseas Administrative Review?**

346. Anyone refused entry clearance under the Points Based System, where they believe the Entry Clearance Officer has made an incorrect decision.

#### **C5. How does the applicant apply?**

347. You will receive the Administrative Review Request Notice with the entry clearance refusal notice. You must complete the Request Notice in full and send it directly to the address stated on the Request Notice.

348. You must not send any additional documents such as passport or supporting documents with the Administrative Review request notice. If the refusal is subsequently overturned, you will be asked to send in your passport.

349. You must not use the in country Administrative Review application form to apply for overseas Administrative Review. The in country form can only be used to apply for Administrative Review of eligible decisions on applications made from within the UK.

## **C6. What is the deadline for applying for Administrative Review?**

350. You have 28 days from the date of receipt of the refusal notice, to submit a request for overseas Administrative Review.

## **C7. What if an application is submitted late?**

351. Where an Administrative Review request is received outside the 28-day period, the administrative reviewer will consider if there are exceptional reasons to accept the application outside of the deadline.

352. If the Administrative Review request is outside of the 28-day period and the administrative reviewer decides not to accept the request, the request notice will be returned to you with a letter explaining why it is not being accepted.

## **C8. How many times can you request an Administrative Review?**

353. You may only request one Administrative Review of a refusal decision. Any further review requests about the same refusal decision will not be accepted. They will be returned to you.

354. However, where the Administrative Review upholds a refusal but with different refusal grounds, you may request an administrative review of these new refusal grounds.

355. If you have new or further information, documents or other paperwork that you failed to submit 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?**

356. 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.

357. 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?**

358. The administrative reviewer will examine the evidence submitted with the original application, copies of which will be kept at the refusal post.

359. 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).

360. Any new evidence you submit will be returned to you together with the outcome of the Administrative Review.

## **C11. How are Administrative Review decisions made?**

361. The administrative reviewer should focus on the areas which you have asked to be reviewed. They will check that:

- points have been correctly awarded;
- documents have been correctly assessed; and
- verification checks have been properly carried out.

362. The administrative reviewer may recommend that the reason for refusal should be overturned, if they find that the Entry Clearance Officer:
- failed properly to consider evidence submitted 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.
363. 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.
364. 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?**

365. Yes. Administrative Review will also look at refusals on the basis of paragraph 320 of the Immigration Rules on "General Grounds for Refusal".

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

366. You may submit 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.
367. 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. 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. 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 you have supplied us with incorrect information at the time we verified the original documentation).
368. 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?**

369. 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?**

370. There are 3 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 are you informed of the result of the Administrative Review?**

371. 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 has not changed.

372. 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.

373. Decision overturned and entry clearance to issue:

- The administrative reviewer will notify you by letter and request your passport.