

Points based system

Recordkeeping



What documents you must keep

You must keep the following records or documents, and be prepared to give them to our officials if asked:

- a photocopy or electronic copy of each sponsored migrant's passport or United Kingdom immigration status document (and in time, their ID card), showing evidence of their entitlement to work or study including the time of their permission to stay in the United Kingdom. Sponsors who are employers should be aware of their responsibilities to help prevent illegal working in the United Kingdom; and
- each sponsored migrant's contact details (address, telephone number, mobile telephone number), which must be kept up-to-date;

You must give documents about sponsored migrants that we think are relevant. For example, we may ask for details of your recruitment practices, so we can make sure the resident labour market test is met correctly. See Appendix D for a full list of documents you must send.

ID cards

From 2008 we start introducing ID cards for foreign nationals. These are a new type of immigration status document containing details of the holder's immigration status, photograph and fingerprints.

If the migrant has an ID card, you must keep a copy of it.

Compliance

This explains the rules you must follow to comply with the law as a sponsor under the points-based system.

You must comply with the immigration laws and meet the following obligations:

- you must make sure the migrant who is coming to work is legally allowed to do the job, and has the right registration or professional accreditation where needed by law, and keep a copy of the registration document or certificate which you can give us if we ask. For example, if the migrant is coming to work as a doctor, you must make sure they have the right registration to allow them to practice as a doctor in the United Kingdom;
- you must not employ someone whose immigration status (or lack of status) does not allow them to do the job they are applying for, and you must stop employing someone who stops being allowed to work for any reason;
- you must only assign certificates of sponsorship to those who, to the best of your knowledge, meet the requirements of the tier or category they are applying under specified in the immigration rules, and who are likely to meet the conditions of their permission to enter or stay in the United Kingdom.

Checking identity cards for foreign nationals

This explains the identity cards we started to issue to some categories of foreign nationals from 25 November 2008 and your obligation to check these identity cards.

For more general information on identity cards for foreign nationals, why we are introducing them and how we will do this.

We will phase in identity cards for foreign nationals from outside the European Economic Area (EEA) and Switzerland over the next three years. From 25 November 2008, we started issuing compulsory identity cards to those granted an extension of their permission to stay in the United Kingdom as students or as the husbands, wives or partners of permanent residents and dependants in these categories. From 31 March 2009, subject to parliamentary approval of regulations laid in February more categories of applicants will be required to apply for an identity card as part of their immigration application. For a full list of all applications affected please see the applicant category table, which you can download from the right side of this page. Other applicants continue to receive a sticker (vignette) in their passport, and the two systems will run alongside each other for a few years.

If you are licensed to sponsor skilled foreign workers from outside the EEA or Switzerland under the points-based system, the identity cards will help you to check a migrant worker's right to work in the United Kingdom. When we implement Tier 4 of the points-based system for students during 2009, this will also apply to educational establishments that sponsor students.

Purpose of the identity card

The card is evidence of the holder's nationality, identity and status in the United Kingdom. It will help you to understand what the migrant is entitled to and his/her right to work or study here.

Checking the identity card

Sponsors are expected to look at the card carefully. It will show the person's entitlement to work, study or access public funds. The Guidance on identity cards for foreign nationals shows how you can check a card to ensure it is valid. This will help you to become familiar with its design and recognise the card when you are shown one. It also gives information on the card's security features, to help you make your checks.

Although you are not legally required to check documents, we recommend that you do so for everyone you wish to employ. It will enable you to establish an excuse against payment of a civil penalty for employing an illegal worker, shows your recruitment process is open and transparent, and ensures your recruitment practices do not discriminate against anyone because of their race.

How does this change what I do?

The introduction of identity cards does not mean you must change the checks you usually make on a foreign nationals' right to be in the United Kingdom. Gradually, they will simply replace existing vignettes and other immigration status documents with a card that is more secure.

How the points-based system works

This page explains in detail the five tiers of the new points-based system, the points-based assessment and sponsors' duties.

Some aspects of the points-based system may change over time. If this happens, the information given on this website will be updated.

The five tiers of the points-based system

The new immigration system is underpinned by a framework of five tiers. This framework will help people understand how the system works, and will direct applicants to the category that is most appropriate for them. The tiers are:

- Tier 1 Highly skilled individuals, to contribute to growth and productivity
- Tier 2 Skilled workers with a job offer, to fill gaps in the United Kingdom workforce
- Tier 3 Limited numbers of low-skilled workers needed to fill temporary labour shortages
- Tier 4 Students
- Tier 5 Youth mobility and temporary workers, who are allowed to work in the United Kingdom for a limited period of time to satisfy primarily non-economic objectives

The five tiers have different conditions, entitlements and entry-clearance checks. This makes the system easier to understand and to use, and allows us to adapt our policy on points and sponsorship to the very different needs of people entering the United Kingdom to work and study.

Tiers 3 and 5 are temporary routes. Migrants in these tiers cannot switch out of them once they are in the United Kingdom.

Migrants in Tiers 1, 2 and 4 can switch between these tiers, if they meet the requirements of the tier they want to switch to. Tiers 1 and 2 can potentially lead to settlement in the United Kingdom, if the migrant meets the settlement requirements at the time when they apply to settle.

Dependants are allowed into the United Kingdom under Tiers 1, 2, 4 and 5, except where the main applicant is in the United Kingdom under the youth mobility scheme in Tier 5. However, dependants are not allowed to work if they are accompanying a student (Tier 4) or a temporary worker (Tier 5) who has been given permission to stay in the United Kingdom for less than 12 months.

Tier 1

Tier 1 has four categories:

1. **General:** for people who are looking for highly skilled employment in the United Kingdom, or are self-employed or setting up a business
2. **Investor:** for people who are making a large investment in the United Kingdom
3. **Entrepreneur:** for people who are investing in the United Kingdom by setting up or taking over the running of a business
4. **Post-study:** for people who are studying now or have studied in the past in the United Kingdom

Tier 2

Tier 2 has four categories:

1. **General:** for skilled workers who have a job offer from a licensed sponsor and are coming to fill a gap in the workforce that cannot be filled by a settled worker
2. **Intra-company transfer:** for employees of multinational companies who are being transferred by their overseas employer to a skilled job in a United Kingdom-based branch of the organisation
3. **Minister of religion:** for people coming to the United Kingdom as religious workers within religious organisations for more than two years
4. **Sportsperson:** for elite sportspeople and coaches who are internationally established at the highest level and will make a significant contribution to the development of their sport

Tier 3

This tier is currently suspended.

Tier 4

Tier 4 has two categories:

1. **Adult student** (also known as general student): for people coming to the United Kingdom for their post-16 education
2. **Child student:** for children between 4 and 17 years old who are coming to the United Kingdom for their education. Those between 4 and 15 years old may only be educated at independent fee-paying schools

Tier 5

Tier 5 has six categories:

1. **Temporary worker - creative and sporting:** for people coming to the United Kingdom to work or perform as sportspeople, entertainers or creative artists for up to 12 months
2. **Temporary worker - charity workers:** for people coming to the United Kingdom to do voluntary (unpaid) work for charity
3. **Temporary worker - religious workers:** for people coming to the United Kingdom to work temporarily as a religious worker
4. **Temporary worker - government authorised exchange:** for people coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice and experience the social and cultural life of the United Kingdom
5. **Temporary worker - international agreement:** for people coming to the United Kingdom under contract to do work that is covered under international law - this includes the General Agreement on Trade in Services (GATS), similar agreements between the United Kingdom and another country, employees of overseas governments and international organisations, and private servants in diplomatic households

6. **Youth mobility scheme:** for young people from participating countries who would like to experience life in the United Kingdom

Points-based assessment

For each tier, applicants need to score enough points to gain permission to enter or stay in the United Kingdom. We award points according to objective and transparent criteria. We also look at whether the applicant is likely to comply with their immigration requirements while they are in the United Kingdom.

In Tier 1 (for highly skilled workers) and Tier 2 (for skilled workers with a job offer), we award points for attributes such as age, previous or prospective salary, and qualifications. Prospective applicants can assess themselves against these criteria using an online self-assessment tool called the 'points-based calculator', to see whether they have enough points to qualify before they pay an application fee.

The system of points gives us an objective way of making decisions, and of trading attributes off against each other. The previous Highly Skilled Migrants Programme, which was replaced by Tier 1, was based on points and was found to be successful. We are able to rely on a more structured and objective decision-making process, which is more transparent and easier for applicants to use.

Sponsorship duties

Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must:

- apply for a licence to sponsor migrants and bring them into the United Kingdom; and
- meet a number of duties while they are sponsoring migrants.

All applicants in Tiers 2 to 5 must send us a certificate of sponsorship from a licensed sponsor when they apply for permission to enter or stay in the United Kingdom.

When it is licensed, a sponsor is given an A rating or a B rating. This rating is published in the register of sponsors on our website, so prospective employees or students can see the rating and take it into account when they decide which sponsor to choose.

The B rating is a transitional rating. A sponsor with a B rating must improve its performance within a relatively short time to be upgraded to an A rating - if it does not do this, we may withdraw its sponsor licence. We will draw up a sponsorship action plan for the B-rated sponsor, listing the steps that it must take in order to comply with its sponsorship duties and obtain an A rating.

If there is a serious breaches of the rules, a sponsor may be removed from the register of sponsors and prevented from sponsoring migrant workers or students.

<http://www.ukba.homeoffice.gov.uk/employers/points/>