



# CHANGES TO TIER 1 AND TIER 2 OF THE POINTS-BASED SYSTEM

STATEMENT OF POLICY

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## INTRODUCTION

1. When we launched the Points-Based System two years ago, it was the biggest change to our immigration system in 45 years. The new system was designed from the outset to be flexible and to respond to changing economic needs.
2. This paper sets out changes we are making to Tier 1 (for highly skilled workers) and Tier 2 (for skilled workers with a job offer). These changes will come into effect on 6 April 2010, to coincide with the common commencement date for employment regulations.
3. At the same time as we launched the Points-Based System, we set up the Migration Advisory Committee (MAC) to provide Government with independent, evidence-based advice on issues relating to migration. Many of the changes set out in this document implement recommendations made by the MAC in its reports published on 19 August 2009 and 4 December 2009.
4. The changes recommended by the MAC include new points tables for Tier 1 and Tier 2, including points for highly skilled workers with undergraduate degrees or no degrees under Tier 1, and more protection against intra-company transfers being used to displace resident workers. The reports the Committee has published are robust and thorough pieces of research, but do not represent final Government policy. The purpose of this paper is to set out the specific details of the Government's response.
5. Some of the details of how the Government plans to implement the MAC's recommendations have evolved from what was published in the MAC's reports. These small alterations, which do not alter the essence of the recommendations, have been made as a result of practical considerations and following consultations the Government has had with a wide range of sponsors, trade unions and other stakeholder organisations.
6. We are also making other changes to Tiers 1 and 2, in addition to those recommended by the MAC. These include altering the provisions for doctors in training, and a new route for skills transfers. These changes have come about as a result of feedback we have had from sponsors who use the Points-Based System. They are designed to provide added flexibility to employers without compromising the aims of the system and the protection offered to resident workers.
7. This paper is intended to give an overview of the changes we are making, so that applicants and sponsors have time to prepare. It is not a comprehensive guide to making an application, and should not be referred to as such.
8. The changes to the Immigration Rules that bring these changes into effect have been laid before Parliament and published in the "Policy and Law" section of the UK Border Agency website ([www.ukba.homeoffice.gov.uk/policyandlaw/](http://www.ukba.homeoffice.gov.uk/policyandlaw/)). An Impact Assessment will also be published on the UK Border Agency website.
9. Comprehensive guidance for sponsors and applicants will be available on the UK Border Agency website on 6 April 2010, and will supersede the existing guidance for these routes.

## CHANGES TO TIER 1 (HIGHLY SKILLED WORKERS)

### NEW POINTS TABLE AND GRANTS OF LEAVE

10. The following points table will apply to migrants making their initial application under the Tier 1 (General) category:

Section	Highest qualification (or equivalent)		Previous earnings		Age		UK experience	
A  (75 points needed)	Bachelor degree	30	Under £25,000	0	Over 40	0	Qualification obtained in the UK	5
			£25,000 - £29,999	5	35 to 39	5		
	Masters degree	35	£30,000 - £34,999	15	30 to 34	10		
		PhD	45	£35,000 - £39,999	20	29 or under		
			£40,000 - £49,999	25				
			£50,000 - £54,999	30				
			£55,000 - £64,999	35				
			£65,000 - £74,999	40				
			£75,000 - £149,999	45				
	£150,000 or above	75						
B	English language ability – mandatory points							10
C	Maintenance (available funds) – mandatory points							10

**Pass mark = 95 points in total**

11. Applicants will initially be granted leave under Tier 1 (General) for 2 years, rather than the current 3 years. This is so that we can verify at an early stage that they are engaged in highly skilled work. After 2 years, Tier 1 (General) migrants will be able to apply to extend their leave for a further 3 years.
12. The new table allows applicants with very high previous earnings (£150,000 or above) to come to the UK under Tier 1 (General), even if they have no formal qualifications at a high level.
13. However, we will not allow this new provision to be used to avoid the Governing Body Endorsement requirements in place for professional sportspersons who come to the UK under Tier 2 or Tier 5. Tier 1 (General) migrants will not be allowed to take employment as a professional sportsperson (including as a sports coach).
14. Extension applications will be subject to the same points table as above, but with small differences to the points awarded for age and UK experience, as at present. These differences are set out in the table below. The age bands will be uplifted to take account of the change in age between initial application and extension. Applicants will only be able to claim points for UK experience based on earnings.

Age		UK experience	
Over 42	0	£25,000 or higher previous earnings in the UK	5
37 to 41	5		
32 to 36	10		
31 or under	20		

## TRANSITIONAL ARRANGEMENTS

15. We are mindful of the impact that changes to the system can have on migrants who are already in the UK in Tier 1 (General) or one of its predecessors. Therefore we will put in place transitional arrangements to mitigate this impact.
16. The new points table will not apply to migrants who are in the UK in one of the following immigration categories:
- Tier 1 (General), with leave granted before 6 April 2010
  - The Highly Skilled Migrant Programme (HSMP)
  - Writers, Composers and Artists
  - Self-employed Lawyers
17. We will not apply the new points table to migrants in these categories. They will continue to be awarded the same points as they are currently when they apply to switch into Tier 1 (General). These points are set out in the table below:

Section	Highest qualification <sup>1</sup> (or equivalent)		Previous earnings <sup>1</sup>		Age <sup>2</sup>		UK experience	
	<b>A</b> (75 points needed)	Bachelor degree	30	Under £16,000	0	Over 35	0	£16,000 or higher previous earnings in the UK
			£16,000 - £17,999	5	33 to 34	5		
Masters degree		35	£18,000 - £19,999	10	31 to 32	10		
			£20,000 - £22,999	15	30 or under	20		
PhD		50	£23,000 - £25,999	20				
			£26,000 - £28,999	25				
			£29,000 - £31,999	30				
			£32,000 - £34,999	35				
			£35,000 - £39,999	40				
			£40,000 or above	45				
<b>B</b>	English language ability – mandatory points							10
<b>C</b>	Maintenance (available funds) – mandatory points							10

**Pass mark = 95 points in total**

Notes: <sup>1</sup> Points for a Bachelor degree and/or earnings under £20,000 will not be available for those who were previously granted leave under Tier 1 (General) on or after 31 March 2009.

<sup>2</sup> Age bandings will be one year lower for those switching from the Highly Skilled Migrant Programme (Over 34; 32 to 33; 30 to 31; 29 or under) due to the shorter initial period of leave that was granted to applicants in this category.

18. Migrants who are in the UK under Tier 1 (General) with leave granted before 6 April 2010 will be granted a further 2 years leave when they apply for an extension.

19. Migrants who are in the UK under one of the other three categories (and also migrants with leave as an Innovator) will be granted 3 years leave when they apply to switch into Tier 1 (General).

20. These measures will allow all migrants in these categories to be granted leave to take their stay in the United Kingdom to five years.

## **RECOGNISING PROFESSIONAL QUALIFICATIONS**

21. Several organisations have suggested to the Migration Advisory Committee that points might be awarded for professional qualifications, for example those in law or accountancy. However, it is already the case that we award points for such qualifications.

22. Many professional qualifications already appear on the Points-Based Calculator on the UK Border Agency website ([www.ukba.homeoffice.gov.uk/pointscalculator](http://www.ukba.homeoffice.gov.uk/pointscalculator)). The points awarded for these qualifications have been based on the recommendations made by the National Academic Recognition Information Centre for the UK (UK NARIC) against the equivalent academic levels. Applicants can select these qualifications on the Points-Based Calculator, which shows how many points they are awarded.

23. If an individual disagrees with the points awarded for their professional qualifications, they should contact the professional body that awarded the qualification. The professional body may then decide to ask UK NARIC to re-consider their assessment.

24. If a professional qualification does not appear on the Points-Based Calculator, applicants can still claim points for it if they submit a letter from the relevant UK professional body confirming the level of the qualification. We will only accept this as evidence of the level of the qualification if it does not appear on the Points-Based Calculator.

## **DOCTORS IN TRAINING**

25. We will amend the restriction on working as a doctor in training in all four Tier 1 categories, following discussions with the Department of Health and other health sector stakeholders. The restriction is intended to prevent overseas doctors from depriving resident doctors of training placements.

26. We will extend the restriction so that it also applies to working as a dentist in training. We will also amend the restriction so that it does not apply to anyone who has a degree in medicine or dentistry from a recognised UK institution. This will ensure that doctors and dentists who have studied in the UK will have open access to training opportunities to further their careers here.
27. The above changes will also apply to dependants of Points-Based System migrants.
28. We will also make a small change to the Tier 1 (Post-Study Work) points table. Currently the table only allows applicants to apply if they have obtained their degree within the last 12 months. This prevents graduates of UK medical schools from using this route on completion of their NHS Foundation Programme, as their degrees will have been obtained more than 12 months previously.
29. We will amend the table so that doctors can switch into Tier 1 (Post-Study Work) within 12 months of completing the Foundation Programme. This will allow a migrant with a UK medical degree to undertake their Foundation Programme training in Tier 4 and then switch into Tier 1 (Post-Study Work) as they begin speciality training or training as a GP. Following two years in Tier 1 (Post-Study Work), they will then be able to switch into either Tier 1 (General) or Tier 2 (General), depending on their level of earnings.
30. We will also allow doctors who have leave in the old permit-free Postgraduate Doctor and Dentist category to switch into Tier 1 (Post-Study Work) on completion of the Foundation Programme.

## CHANGES TO TIER 2 (SKILLED WORKERS WITH A JOB OFFER)

### CATEGORIES THAT ARE CHANGING

31. The changes described in this section apply to the Tier 2 (General) and Tier 2 (Intra-Company Transfer) categories. There are no changes to Tier 2 (Ministers of Religion) or Tier 2 (Sportsperson). We are also making further changes to Intra-Company Transfers by introducing new sub-categories. These are described in the next chapter of this paper.

### POINTS FOR INITIAL APPLICATIONS

32. The following points table will apply to migrants making their initial application under the Tier 2 (General) or Tier 2 (Intra-Company Transfer) categories. Applicants must score 50 points for their attributes (section A), plus 10 points for their English language ability and 10 points for maintenance:

Section	Sponsorship		Highest qualification (or equivalent)		Prospective earnings	
<b>A</b>  (50 points needed)	Job offer in a shortage occupation <sup>1</sup>	50	No qualifications	0	Below £20,000	0
	Job offer which passes Resident Labour Market Test <sup>1</sup>	30	GCE A-level	5	£20,000 - £23,999	10
			Bachelor degree	10	£24,000 - £27,999	15
	Switching from a post-study work category <sup>1</sup>	30	Masters degree or PhD	15	£28,000 - £31,999	20
	Intra-company transfer <sup>2</sup>	25		£32,000 or above	25	
<b>B</b>	English language ability – mandatory points <sup>3</sup>					10
<b>C</b>	Maintenance (available funds) – mandatory points					10

**Pass mark = 70 points in total**

Notes: <sup>1</sup> Tier 2 (General) applications only

<sup>2</sup> Tier 2 (Intra-Company Transfer) applications only

<sup>3</sup> Tier 2 (Intra-Company Transfer) migrants only need to score points for English language ability if they are extending their stay in this category beyond 3 years

33. This table differs slightly from that proposed by the MAC. We do not intend to introduce a separate list of key public service occupations that attract an extra five points for sponsorship. We have concluded that such a list would complicate the system and would undermine the shortage occupation list.

34. Instead, we will award five points more for all non-shortage occupations in Tier 2 (General) than in Tier 2 (Intra-Company Transfer). This is because Tier 2 (General)

is designed specifically to ensure skilled jobs are first made available to resident workers.

35. A consequence of this change is that a Tier 2 (General) applicant with a Masters degree or PhD would need to score no points for prospective earnings. We have therefore made small adjustments to the MAC's proposed points for sponsorship and prospective earnings. These adjustments ensure that all applicants in non-shortage occupations need prospective earnings of at least £20,000 to qualify under Tier 2.

## **POINTS FOR EXTENSION APPLICATIONS**

36. As with Tier 1, we are mindful of the impact that changes to the system can have on migrants who are already in the UK under Tier 2. However, in Tier 2 we are able to take a simpler approach, as there is no need to test previous earnings over the time the migrant has been in the UK.
37. To mitigate the impact, we will award 50 points for all Tier 2 extension applications. This also has the added advantages of simplifying the system and protecting all Tier 2 migrants from the impact of future changes to the points for qualifications and earnings.
38. To qualify for an extension, the applicant must have a Certificate of Sponsorship to continue working in the same job for the same sponsor. They must also be paid at least the same, or higher, salary than that shown on their Certificate of Sponsorship for their previous grant of leave. Their salary must also be at least equal to the current appropriate rate for the job, which may have risen since their previous application.
39. As at present, changes of employment will be considered in the same way as initial applications, and will be subject to the new points table.

## **RECOGNISING PROFESSIONAL QUALIFICATIONS**

40. As with Tier 1 (General), several organisations have suggested to the Migration Advisory Committee that points might be awarded for professional qualifications under Tier 2. However, it is already the case that we award points for such qualifications under Tier 2 as well. For further details, please see the section on recognising professional qualifications in the Tier 1 chapter of this paper.

## **ALLOWANCES**

41. For administrative reasons, multinational companies sometimes pay part of the salary package for the employees they sponsor under Tier 2 in the form of allowances. This is acceptable, as long as the total salary package is at least equal to the appropriate rate that a resident worker would be paid.
42. The MAC recommended that allowances be scaled down when calculating points for prospective earnings, to prevent the tax system being used to subsidise migrant labour and undercut pay for resident workers. This recommendation would mean that only a proportion of allowances (for example, 75%) would be awarded points.

43. We use the gross salary figure stated on a Certificate of Sponsorship to check that the salary is at the appropriate rate for the job and to award points for prospective earnings. The stated salary must be the actual gross salary package that will be paid to the migrant. Sponsors cannot therefore use any tax exemptions that apply to multiply upwards net salaries and allowances to an artificial figure. We will state this more explicitly in our guidance, following enquiries from sponsors on this subject.
44. Aside from this clarification, we do not propose to make any changes relating to allowances from 6 April 2010. Scaling down allowances could place a heavy burden on businesses that use allowances for legitimate contractual reasons and not to undercut. Nor is it clear that, despite this additional burden, scaling down would have the desired effect because it would not prevent workers seeking tax relief on accommodation and subsistence expenses incurred against their salary rather than against an allowance.
45. However, we are mindful of the concerns that have been raised to the MAC about abuse of allowances. We will monitor the findings of compliance visits and keep the policy under review if these concerns prove to be correct.
46. We will normally withdraw a sponsor's licence if it does not pay a migrant at least the salary and/or allowances specified on the Certificate of Sponsorship. The gross salary package that will actually be paid to a migrant (regardless of any tax relief) must be at least equal to that which would be paid to a resident worker.

## **CHANGES OF EMPLOYMENT**

47. We will clarify our policy on when a new Tier 2 application is required because of changes of employment. A change of employment application is required if a Tier 2 migrant wishes to work for a different sponsor. This will not alter. However, the guidance will provide clearer, more objective instructions for cases in which a migrant's job is changing but they are remaining with the same sponsor.
48. We will no longer require a new application if the migrant is changing jobs, but remaining with the same sponsor and within the same Standard Occupational Classification (SOC) code.
49. There will be two exceptions:
  - If the migrant's salary reduces below the level stated on their Certificate of Sponsorship (other than company-wide reductions defined as acceptable in the Sponsor Guidance, or reductions due to maternity or adoption leave), a change of employment application will be required. A change of employment application will not be required for increases in salary.
  - If the migrant changes jobs within the SOC code from a job which is on the shortage occupation list to a job which is not on the shortage occupation list, a change of employment application will be required. A change of employment application will not be required if the migrant stays in the same job, but that job is removed from the shortage occupation list.

50. If a migrant is remaining with the same sponsor but changing jobs to a different SOC code, a change of employment application is required. Change of employment applications are considered against the same criteria as initial applications. This means that, for Tier 2 (General) applications, a Resident Labour Market Test is required unless the new job is in a shortage occupation.
51. It will continue to be a duty for sponsors to report any changes in a migrant's pay, other than those due to annual increments or bonuses, and to report any changes in start / end dates of employment or changes in working location. Sponsors should refer to the Sponsor Guidance for a comprehensive list of reporting duties.

## NEW SUB-CATEGORIES FOR INTRA-COMPANY TRANSFERS

52. The Tier 2 (Intra-Company Transfer) category is designed to allow multinational companies to transfer staff to a skilled job in a UK branch of the company for posts that would not otherwise be filled by resident workers. This category makes the UK an attractive location for overseas businesses, encouraging inward investment and boosting our economy.
53. From 6 April 2010, Intra-Company Transfers will be split into three new sub-categories. The table below summarises the main features of each sub-category:

	<b>Established Staff</b>	<b>Graduate Trainee</b>	<b>Skills Transfer</b>
Purpose	To fill posts requiring established employees that would not otherwise be filled by resident workers	For new graduates who need to come to the UK as part of a structured training programme	For new employees who will not fill a UK vacancy and are coming solely for skills transfer reasons
Points required	50 for attributes 10 for maintenance 10 for English language (if extending beyond 3 years)	50 for attributes 10 for maintenance	50 for attributes 10 for maintenance
Minimum skill level	S/NVQ level 3 and above	Graduate occupations only	Graduate occupations only
Minimum salary	Appropriate rate for the occupation	Appropriate rate for the occupation	Appropriate rate for the occupation
Previous experience required	12 months	3 months	None
Maximum length of leave	As Tier 2 (General)	12 months	6 months
Switching to other categories	Permitted, but can only switch Tier 2 categories if changing employer	Not permitted	Not permitted

### ESTABLISHED STAFF

54. The purpose of the Established Staff sub-category is the same as the existing Intra-Company Transfer category. It is intended to allow established employees to be transferred to the UK branch of their employer for posts requiring company-specific knowledge that would not otherwise be filled by resident workers.
55. To ensure the post genuinely requires an established member of staff, the minimum experience requirement is being doubled from six months to a year. This

means that the Established Staff sub-category will only be open to staff who have been employed by the company overseas for at least 12 months before coming to the UK. Time spent in the UK in this sub-category or under the Intra-Company Transfer rules in place before 6 April will count towards the 12 months. This means that applicants do not have to spend a further 12 months working overseas before they can apply to come back.

56. We will not allow the other new sub-categories to be used to circumvent this 12 months requirement. Time spent in the UK as a Graduate Trainee or Skills Transfer will not count towards the 12 months' company experience required for the Established Staff sub-category. However, if a migrant has worked for the company overseas for six months before coming to the UK as a Graduate Trainee or Skills Transfer, then returns and works for the company overseas for a further six months, we will allow them to add the two six month periods together.
57. To reflect the temporary nature of Intra-Company Transfers, the Established Staff category will not lead to settlement in the UK. As at present, an initial application may be granted for up to a maximum of 3 years, with a possible extension for up to a further 2 years. If the post is to become permanent, we expect employers to try to recruit from the resident labour market.
58. As a transitional arrangement, this change will only apply to new applicants. Tier 2 (Intra-Company Transfer) migrants who are already in the UK before 6 April 2010 will be able to apply for extensions in the Established Staff sub-category and continue their journey towards settlement in the UK. This will also apply to intra-company transfer work permit holders who need to extend their stay under Tier 2.
59. The purpose of the Established Staff sub-category is to enable multinational companies to fill posts in the UK which require skills that cannot be supplied by new recruits, and so could never be filled by carrying out a Resident Labour Market Test. Therefore migrants will not be allowed to switch from this sub-category into Tier 2 (General), unless the reason for the switch is that they wish to work for a different Sponsor.

## **GRADUATE TRAINEES**

60. The purpose of the Graduate Trainee sub-category is to allow multinational companies to transfer recent graduate recruits to the UK branch for training. The recruits must be being sent as a part of a structured graduate training programme, with clearly defined progression towards a managerial or specialist role.
61. The applicant must also have been employed by the company overseas for at least 3 months before coming to the UK. Time spent in the UK as a Skills Transfer will not count towards the 3 months experience required.
62. The recruit should be coming to the UK as a part of their training or career development, not to fill a long-term post, nor to displace a resident worker. Therefore the maximum length of stay that will be granted for this sub-category is 12 months. Applicants will not be able to extend their stay beyond 12 months or switch into other immigration categories.

63. To reflect the level of the training programme, this sub-category will only be open to migrants who are working in graduate occupations. The list of graduate occupations can be found in [Annex A](#) of this paper and will be incorporated into our published Codes of Practice.
64. This sub-category is not intended for all graduate recruits, only those on accelerated promotion or career development schemes (such as the Civil Service Fast Stream). We will therefore limit the sub-category to a maximum of five places, per sponsor, per year.

## **SKILLS TRANSFERS**

65. The purpose of the Skills Transfer sub-category is to enable those who have been newly recruited overseas by a multinational company to transfer temporarily to the United Kingdom to acquire or impart skills and knowledge relevant to their new role. They will not need previous company experience before coming to the UK.
66. The key principle underpinning this new sub-category is that the skills transfer should be incidental to the applicant's employment overseas and that while they may be transferring temporarily to the United Kingdom, their job or role must not. Examples would be:
  - a person newly recruited overseas by a multinational company to deliver a project overseas on behalf of a UK client and transferred temporarily to the company's UK branch for the purposes of client familiarisation;
  - a person newly recruited overseas by a UK-based multinational company to fill a post in one of the company's overseas branches and temporarily transferred to the company's UK headquarters for familiarisation with the company's culture, facilities, products or procedures.
67. Accordingly, this sub-category cannot be used to fill vacancies nor to displace resident workers. This means that the appointment must be additional to the company's UK staffing requirements. If it were not for the need for skills transfer, the role in the UK would not exist.
68. The maximum length of stay that will be granted for this sub-category is 6 months. Applicants will not be able to extend their stay beyond 6 months or switch into other immigration categories.
69. As with Graduate Trainees, the Skills Transfer sub-category will only be open to migrants who are working in one of the graduate occupations listed in [Annex A](#) of this paper.

## CHANGES BEYOND APRIL 2010

70. This chapter sets out other changes we are planning to make to Tier 1 and Tier 2, beyond April 2010.

### **TIER 1: ADJUSTING OVERSEAS EARNINGS**

71. We apply multipliers to past earnings from overseas to convert them into the equivalent UK earnings. These multipliers take account of the different earnings levels of highly skilled workers around the world. We are reviewing the multipliers we use to ensure that they are up-to-date. When this review is complete the multipliers will be updated on the Points-Based Calculator. These changes will not be completed by 6 April 2010 and so will be introduced at a later date. Please refer to the UK Border Agency website for updates.

### **TIER 1: INVESTORS, ENTREPRENEURS AND POST-STUDY WORKERS**

72. The MAC recommended that all three of these categories remain open. However, the MAC also recommended that:

- “The Government commissions detailed analysis of the economic returns to studying at particular institutions and for particular degree subjects. The Government should then review whether the current policy with regard to equal Post-Study Work route allowance for graduates of all qualifying institutions and degree subjects should be amended.”
- “The UK Border Agency dedicates sufficient resource to enforcement of [the Tier 1 (Entrepreneur)] route to allow detailed examination of whether jobs created through the entrepreneur route represent a genuine net increase in jobs.”

73. The Department for Business, Innovation and Skills (BIS) has already commissioned research which will shed more light on international students' experience of the Post Study Work route, the jobs they take on and whether or not the availability of Post Study leave to remain was decisive in them choosing to study in the UK. The Government has therefore decided that any further consideration of the MAC's recommendation about the Post-Study Work category should await the outcome of that research.

74. Implementing the recommendation about enforcement of Tier 1 (Entrepreneur) will provide valuable information to show whether there should be any changes to this category in the future. Until this analysis is completed, the criteria for this category will not change.

### **TIER 2: 'HIGHLY TRUSTED SPONSORS'**

75. The Government has previously set out its intention to introduce a new category of 'Highly Trusted Sponsor' under the Points-Based System. This new category of sponsor will be introduced on 6 April 2010 for Tier 4. In the autumn we will build on this by introduce a category of 'Highly Trusted Sponsor' for businesses. All

sponsors will have to meet a set of criteria to obtain 'Highly Trusted Sponsor' status. These criteria are being developed and will be published in due course.

76. This change will provide the best businesses with an even more streamlined approach to bringing workers to the UK without compromising security. Enhanced services to this new group are likely to include faster, tracked processing times, a simpler process for changes to licenses, simplified application processes, and increased access to information and guidance from trained account managers.
77. If, at any point we become aware of a sponsor not maintaining their performance against the criteria, then that sponsor's status will be downgraded to an appropriate level.

## **TIER 2: CERTIFYING THE RESIDENT LABOUR MARKET TEST**

78. The MAC recommended that, for the Resident Labour Market Test:

- "The Government considers the scope for introducing a certification regime for at least those employers identified as high risk."

79. Over the coming months we will consider carefully how a certification regime can best add to our existing sponsorship controls, and how such a regime might work in practice. At present we envisage this work stream being considered alongside a new category of highly trusted sponsor. Further details of any changes will be published in due course.

## **TIER 2: OTHER ENFORCEMENT RECOMMENDATIONS**

80. The MAC recommended that:

- "Government gives consideration to whether the level of resource currently being devoted to enforcement of intra-company transfers is sufficient and whether the degree of transparency around enforcement of the system could be increased."
- "[the UK Border Agency] and HM Revenue and Customs consider the scope for sharing information on what they are being told in relation to the intentions of particular immigrants, and investigate potential abuse of the system on a risk-based basis where there is an indication that abuse of the tax system may be occurring."

81. We are currently considering these recommendations, and to what extent we are able to publish details of our enforcement activity without undermining its effectiveness.

## USEFUL CONTACTS

82. This is not a consultation document. It is aimed at ensuring that those affected by the changes in this paper are able to prepare for them in good time. These changes have been developed principally from recommendations made by the Migration Advisory Committee (MAC). The MAC consulted fully before making their recommendations in reports published in August 2009 (Tier 2) and December 2009 (Tier 1).
83. If you have any queries regarding aspects of the Points-Based System, you can contact us at the telephone numbers and e-mail addresses below:

### **SPONSORSHIP AND EMPLOYERS' HELPLINE**

For employers and educational institutions to ask about general enquiries, Sponsor Management System issues, user IDs and passwords, confirmation of receipt of payments, and ongoing application queries

Phone: 0300 123 4699 (Open Mon to Fri: 09:00 - 17:00)

E-mail: [sponsorshipPBSenquiries@ukba.gsi.gov.uk](mailto:sponsorshipPBSenquiries@ukba.gsi.gov.uk)

### **IMMIGRATION ENQUIRY BUREAU**

For information on applying to remain or settle in the UK

Phone: 0870 606 776 (Open Mon to Thurs: 09:00 - 16:45, Fri: 09:00 - 16:30)

E-mail: [UKBApublicenquiries@ukba.gsi.gov.uk](mailto:UKBApublicenquiries@ukba.gsi.gov.uk)

### **VISA SERVICES WEBSITE**

For information on applying from outside the UK

Website: <http://www.ukvisas.gov.uk/en/howtoapply/>

### **NATIONALITY CONTACT CENTRE**

For information on British citizenship and right of abode only

Phone: 0845 010 5200 (Open Mon to Fri: 09:00 - 17:00)

E-mail: [ukbanationalityenquiries@ukba.gsi.gov.uk](mailto:ukbanationalityenquiries@ukba.gsi.gov.uk)

### **UK BORDER AGENCY CENTRAL STAKEHOLDER TEAM**

E-mail: [ukbacentralstakeholder@homeoffice.gsi.gov.uk](mailto:ukbacentralstakeholder@homeoffice.gsi.gov.uk)

### **UK BORDER AGENCY INTERNATIONAL GROUP STAKEHOLDER TEAM**

E-mail: [ukbaig-stakeholders@homeoffice.gsi.gov.uk](mailto:ukbaig-stakeholders@homeoffice.gsi.gov.uk)

## ANNEX A: LIST OF GRADUATE OCCUPATIONS

The following list shows the 75 graduate occupations that migrants can be sponsored for in the new Tier 2 (Intra-Company Transfer) sub-categories for graduate trainees and skills transfers.

We use the Standard Occupational Classification (SOC) 2000 for describing occupations under Tier 2. This widely-used system was designed by the Office for National Statistics to cover every possible occupation within 353 SOC codes.

The SOC code system is split into four skill levels. The MAC uses the top two skill levels as evidence that an occupation is skilled to S/NVQ level 3. For graduate occupations, we will use the top skill level alone. As described by the Office for National Statistics:

*“The fourth skill level relates to what are termed ‘professional’ occupations and managerial positions in corporate enterprises or national/local government. Occupations at this level normally require a degree or equivalent period of relevant work experience.”*

Our list of graduate occupations contains all the SOC codes in this fourth skill level, with one exception. Our list does not include the SOC code ‘2444 Clergy’ as this occupation falls under Tier 2 (Minister of Religion) and not under Tier 2 (Intra-Company Transfer).

1111	Senior officials in national government
1112	Directors and chief executives of major organisations
1113	Senior officials in local government
1114	Senior officials of special interest organisations
1121	Production, works and maintenance managers
1122	Managers in construction
1123	Managers in mining and energy
1131	Financial managers and chartered secretaries
1132	Marketing and sales managers
1133	Purchasing managers
1134	Advertising and public relations managers
1135	Personnel, training and industrial relations managers
1136	Information and communication technology managers
1137	Research and development managers
1141	Quality assurance managers
1142	Customer care managers
1151	Financial institution managers
1152	Office managers
1161	Transport and distribution managers
1162	Storage and warehouse managers
1163	Retail and wholesale managers
1171	Officers in armed forces
1172	Police officers (inspectors and above)
1173	Senior officers in fire, ambulance, prison and related services
1174	Security managers
1181	Hospital and health service managers
1182	Pharmacy managers
1183	Healthcare practice managers

1184	Social services managers
1185	Residential and day care managers
2111	Chemists
2112	Biological scientists and biochemists
2113	Physicists, geologists and meteorologists
2121	Civil engineers
2122	Mechanical engineers
2123	Electrical engineers
2124	Electronics engineers
2125	Chemical engineers
2126	Design and development engineers
2127	Production and process engineers
2128	Planning and quality control engineers
2129	Engineering professionals not elsewhere classified
2131	IT strategy and planning professionals
2132	Software professionals
2211	Medical practitioners
2212	Psychologists
2213	Pharmacists/pharmacologists
2214	Ophthalmic opticians
2215	Dental practitioners
2216	Veterinarians
2311	Higher education teaching professionals
2312	Further education teaching professionals
2313	Education officers, school inspectors
2314	Secondary education teaching professionals
2315	Primary and nursery education teaching professionals
2316	Special needs education teaching professionals
2317	Registrars and senior administrators of educational establishments
2319	Teaching professionals not elsewhere classified
2321	Scientific researchers
2322	Social science researchers
2329	Researchers not elsewhere classified
2411	Solicitors and lawyers, judges and coroners
2419	Legal professionals not elsewhere classified
2421	Chartered and certified accountants
2422	Management accountants
2423	Management consultants, actuaries, economists and statisticians
2431	Architects
2432	Town planners
2433	Quantity surveyors
2434	Chartered surveyors (not quantity surveyors)
2441	Public service administrative professionals
2442	Social workers
2443	Probation officers
2451	Librarians
2452	Archivists and curators