Home Office

Tier 2

This guidance is based on the Immigration Rules.

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Tier 2

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This guidance tells caseworkers how to decide applications for those who wish to enter or remain in the UK as a Tier 2 migrant.

This guidance is based on the Immigration Rules part 6A, paragraphs 245G – 245HF (see related link).

The Tier 2 category allows UK employers to recruit workers from outside the European Economic Area (EEA) to fill a particular vacancy they cannot fill with a British or EEA worker.

To be eligible under Tier 2 the applicant must have a:

- skilled job offer, and
- certificate of sponsorship from an organisation that is a licensed sponsor in the UK.

Changes to this guidance – This page tells you what has changed since previous versions of this guidance.

Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.

Information owners – This page tells you about this version of the guidance and who owns it.

Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find out more.

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Links to staff intranet removed

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This page lists changes to the 'Tier 2' guidance, with the most recent at the top.

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Date of the change	Details of the change
9 April 2015	Change request Changes made throughout the guidance to reflect the rules change of 6 April 2015
3 March 2015	Change request: • Tier 2: grant or refuse entry clearance ○ Amendments to administrative review
6 November 2014	Change request Changes made throughout the guidance to reflect the rules change of 6 November 2014
	For previous changes to this guidance you will find all earlier versions in the archive. See related link: Points-based system Tier 2 - Archive.

Related links
Links to staff intranet removed

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Tier 2

Key facts: Tier 2

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This section gives caseworkers the key facts for each of the Tier 2 categories for the points-based system.

For a summary of the key facts for each of the Tier 2 categories, see the related links:

- Tier 2 (General): key facts
- Tier 2 (Intra-company transfer): key facts
- Tier 2 (Minister of religion): key facts
- Tier 2 (Sportsperson): key facts.

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Tier 2 (General): key facts

Tier 2 (Intra-company transfer): key facts

Tier 2 (Minister of religion): key facts

Tier 2 (Sportsperson): key facts

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (General): key facts

This page shows you the key facts for Tier 2 (General).

Eligibility requirements	Applicants must:
	
	• not fall for refusal under general grounds for refusal
	• not have had entry clearance or leave to remain as a Tier 2 migrant at any time during the 12 months immediately before the date of the application, unless they:
	  ○ were not in the UK with leave as a Tier 2 migrant during this period and provide evidence to show this
	  ○ were only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a certificate of sponsorship (CoS) which was assigned for 3 months or fewer
	  ○ will earn a gross salary of £155,300 or higher
	• have a job offer and a certificate of sponsorship (CoS) from an organisation that is a licensed sponsor in the UK
	• have a minimum of 50 points for attributes
	• score 10 points for the English language requirement
	• score 10 points under the maintenance requirement
	• be over 16 years old
	
	Applicants must not be in breach of immigration laws for any period of overstaying except for the following which will be disregarded:
	
	• 28 days or less
	• if the application was submitted before 9 July 2012
	
	For more information, see Applications from overstayers (non family routes).
	
	If the applicant is under 18 years of age the applicant's parents, legal guardian, or sole parent with legal responsibility for the child must:
	• support the application
	• give their consent to the applicant's:
	  ○ travel arrangements to the UK
	  ○ reception and care in the UK
	
	If the applicant has, or was last granted, leave as a:
	
	• student
	• postgraduate doctor or dentist
	• student nurse

	• student re-sitting an examination • student writing-up a thesis • student union sabbatical officer • Tier 4 (General) student, including those on the doctorate extension scheme and: • is currently sponsored by Her Majesty's Government, applicant's own government, or any international scholarship agency • was being sponsored by Her Majesty's Government, applicant's own government, or any international scholarship agency, and that sponsorship came to an end 12 months ago or less they must provide unconditional written consent from the sponsoring government or international scholarship agency to the application and must provide the documents to show that this consent has been obtained. If the sponsor is a limited company, the applicant must not own more than 10 per cent of its shares unless their gross annual salary is £155,300 or higher .
Application forms	• application made outside UK – paper VAF9 & Appendix 5 or online by using UK4Visas • extension or switching (within UK) – most applicants must apply online using the GOV.UK website. Applicants who apply at a Premium Service Centre can apply using the Tier 2 paper form • indefinite leave to remain – SET(O)
Cost of application:	For all applications see - Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	TIER 2 (GENERAL) MIGRANT Category D

Conditions of leave to remain	The applicant:
	
	• cannot take employment except:
	  ○ working for the sponsor in the job recorded on their CoS
	  ○ continuing in the lawful employment they were in on the date of the application, up until the start date on the CoS
	  ○ supplementary employment

	○ voluntary work • cannot use public funds • must register with the police, if required by paragraph 326 of the Immigration Rules - for more information, see Police registration • cannot own more than 10 per cent of their sponsor's shares, if the sponsor is a limited company unless their gross annual salary is £155,300 or higher • is allowed to study and, if it doesn't interfere with the job they have been sponsored to do, there is no limit on the number of hours they can study Study is subject to the following restriction. The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start your study if: • they are over age 18 (or will be over 18 by the time their leave expires) • their course is one of the following: ○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules ○ 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 ○ a period of study or research in excess of 6 months 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. If their 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), they must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to their institution promptly.
How long is leave normally granted for?	Entry clearance applications: Leave will be granted up to 14 days before the start date given on the CoS and for the shorter period of either: • a period equal to the length of engagement shown on the CoS plus one month • up to 5 years plus one month - if the period of engagement shown on the CoS is longer than 3 years, the applicant must have paid a higher

	application fee
	
	For leave to remain:
	
	The shorter period of either;
	
	• to the job end date shown on the CoS plus 14 days
	• up to 5 years - if the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee
	• for the period of time they need to take their total stay in Tier 2 (discounting leave as a Tier 2 (Intra-company transfer)) to 6 years (counted from the date they were first granted entry clearance or leave to remain) -if the period of employment shown on the CoS is longer than 3 years, the applicant must have paid the higher application fee
	
	An applicant cannot reset the 6 year period by overstaying -for example, if they have overstayed up to 27 days between Tier 2 applications, the Tier 2 leave before and after the period of overstaying all count towards the maximum 6 years.
	
	If the applicant has already been granted the maximum 6 years, the application will be refused. They cannot be granted more leave under Tier 2 until 12 months after their last Tier 2 leave expired or they can provide evidence which shows they have been outside the UK for at least 12 months, whichever is sooner, unless they will earn a gross salary of £155,300 or more or where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for 3 months or fewer.
	
	The six year restriction does not apply if:
	
	• the applicant previously had leave under the Immigration Rules in place before 6 April 2011 as:
	  ○ a Tier 2 (General) migrant
	  ○ a Tier 2 (Minister of religion) migrant
	  ○ a Tier 2 (Sportsperson) migrant
	  ○ a Jewish Agency employee
	  ○ a member of the operational ground staff of an overseas-owned airline
	  ○ a minister of religion, missionary
	  ○ member of a religious order
	  ○ a qualifying work permit holder
	  ○ a representative of an overseas newspaper, news agency or broadcasting organisation
	• they 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 • they have not been granted entry clearance, leave to enter or leave to remain in any other category since that grant of leave
Are dependants allowed?	Yes
Work and study allowed?	Yes

Is switching into this category allowed?	Switching into Tier 2 (General) is permitted by applicants who have, or were last granted leave in any of the following categories:
	
	• any Tier 1 main applicant
	• Tier 2 (Sportsperson)
	• Tier 2 (Minister of religion)
	• Tier 2 (Intra-company transfer: Established staff) if applying to change sponsor
	• Tier 2 (Intra-company transfer) under rules in place before 6 April 2010 if applying to change sponsor
	• one of the categories below but they must have successfully completed and passed a UK recognised bachelors or masters degree, Postgraduate Certificate in Education (PGCE), Professional Graduate Diploma of Education (PGDE) or have completed a minimum of 12 months study in the UK towards a UK PhD. This must have been during their current period of leave or in a period of continuous leave which includes their last grant of leave. The study must have been at a UK recognised institution or listed body, or an education provider which holds a Tier 4 licence:
	  ○ Tier 4 (General) student, including those on the doctorate extension scheme
	  ○ student
	  ○ student nurse
	  ○ student re-sitting an examination
	  ○ student union sabbatical officer
	  ○ overseas qualified nurse or midwife
	  ○ person writing up a thesis, or
	  ○ postgraduate doctor or dentist
	• dependent partner of a Tier 4 student
	• highly skilled migrant programme
	• innovator
	• fresh talent working in Scotland scheme
	• international graduates scheme (or its predecessor the Science and engineering graduate scheme)
	• business and commercial work permits (except multiple entry work permits) including Intra-company transfer work permits

	• sports and entertainment work permits (except multiple entry work permits) • Jewish agency employee • member of the operational ground staff of an overseas owned airline • minister of religion, missionary or member of a religious order • overseas qualified nurse or midwife • person writing up a thesis • postgraduate doctor or dentist • representative of an overseas business • representative of an overseas newspaper, news agency or broadcasting organisation A person cannot switch into Tier 2 (General) from Tier 2 (Intra-company transfer: long term staff) if they are in the UK and were granted leave under the rules in place after 6 April 2011.
Does this category lead to settlement (indefinite leave to remain)?	Yes
Is knowledge of language and life required?	Yes
CID statistical category	TR2GEG – T2 SW General Migrant LTR Grant.
Immigration Rules paragraphs	245H – 245HF

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Intra-company transfer): key facts

This page shows you the key facts for Tier 2 (Intra-company transfer) (ICT)

Eligibility requirements	Applicants must:
	
	• not fall for refusal under general grounds for refusal
	• have a job offer and a certificate of sponsorship (CoS) from an organisation that is a licensed sponsor in the UK
	• have a minimum of 50 points for attributes
	• score 10 points under the maintenance requirement
	• be over 16 years old
	
	Applicants must not be in breach of immigration laws, except for the following periods of overstaying which will be disregarded:
	
	• 28 days or less
	• or, if the application was submitted before 9 July 2012
	
	For more information, see: Application from overstayers (non family routes).
	
	If the applicant is under 18 years of age the applicant's parents, legal guardian, or sole parent with legal responsibility for the child must:
	
	• support the application, and
	• give their consent to the applicant's:
	  ○ travel arrangements to the UK
	  ○ reception and care in the UK
	
	If the applicant has, or was least granted, leave as a:
	
	• student
	• postgraduate doctor or dentist
	• student nurse
	• student re-sitting an examination
	• student writing-up a thesis
	• student union sabbatical officer,
	• Tier 4 (General) student, including those on the doctorate extension scheme
	
	and:
	
	• is currently being sponsored by Her Majesty's Government, applicant's own government, or any international scholarship agency

	• was being sponsored by Her Majesty's Government, applicant's own government, or any international scholarship agency and that sponsorship came to an end 12 months ago or less they must provide the unconditional written consent to the sponsoring government or international scholarship agency to the application and must provide the specified documents to show that this consent has been obtained.
Application forms	• application made outside UK – paper VAF9 & Appendix 5 or online by using UK4Visas • extension or switching (within UK) – most applicants must apply online using the GOV.UK website. Applicants who apply at a Premium Service Centre can apply using the Tier 2 paper form • indefinite leave to remain – SET(O)
Cost of application:	For all applications see - Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	TIER 2 (INT COM TRAN) MIGRANT Category D

Conditions of leave to remain	The applicant:
	
	• cannot take employment except:
	  ○ working for the sponsor in the job recorded on their CoS
	  ○ supplementary employment
	  ○ voluntary work
	• cannot use public funds
	• must register with the police, if they are required to do so by paragraph 326 of the Immigration Rules -for more information, see Police registration
	• is allowed to study, as long as it doesn't interfere with the job they have been sponsored to do there is no limit on the number of hours they can study
	
	Study is subject to the following restriction. The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start your study if:
	
	• they are over age 18 (or will be over 18 by the time their leave expires)
	• their course is one of the following:

	○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules ○ 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 ○ a period of study or research in excess of 6 months 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 If their 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), they must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to their institution promptly.
How long is leave normally granted for?	**Entry clearance applications** Leave will be granted up to 14 days before the start date given on the CoS. Short term staff and graduate trainees are granted for the shorter period of either: • for the period of engagement shown on the CoS plus one month, or 12 months based on the start date on the CoS • long term staff are granted for the shorter period of either: ○ for the period of engagement shown on the CoS plus one month ○ up to 5 years -if the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee Skills transfers are granted for the shorter period of either: • for the period of engagement shown on the CoS plus one month • a maximum time of 6 months based on the job start date on the CoS **Leave to remain applications** Short term staff and graduate trainees are granted for the shorter period of either:

	• to the job end date shown on the CoS plus 14 days • for the period of time to take their total stay in Tier 2 ICT: short term staff or graduate trainee to 12 months (counted from the date of entry clearance or leave to remain) An applicant cannot reset the six year period by overstaying. For example, if they have overstayed up to 27 days between Tier 2 applications, the Tier 2 leave before and after the period of overstaying all counts towards the maximum 6 years. If the applicant has already been granted the full 12 months, the application will be refused. They cannot be granted any more leave under Tier 2 (except in the long term staff sub-category): • until 12 months after the leave expired • until they can provide evidence which shows they have been outside the UK for at least 12 months if they have previously been granted Tier 2 leave • unless they will be paid an annual gross salary of £155,300 or more • where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for 3 months or fewer **Long term staff can be granted:** • to the job end date shown on the CoS plus 14 days • up to five years. If the period of employment shown on the CoS is longer than three years, the applicant must have paid a higher application fee • for the period of time they need to take their total leave granted under Tier 2 (Intra-company transfer) to five years, if their salary is less than £155,300 (or £153,500 if their CoS was assigned before 6 April 2015) per year • for the period of time they need to take their total leave granted under Tier 2 (Intra-company transfer) to nine years, if their salary is £155,300 or £153,500 if their CoS was assigned before 6 April 2015) or higher per year The total stay of 5 (or 9 years if they are earning £155,300 or more) is not broken by any gaps between their periods of leave up to 28 days. For example, if they have overstayed up to 27 days in the middle of a period of continuous leave, they cannot apply for another period of leave to take their total stay in Tier 2 beyond 5 (or 9 years

	if they are earning £155,300 or more). If the applicant has already been granted the maximum five years (or nine years if they are earning £155,300 or more), the application will be refused. They cannot be granted any more leave under Tier 2 until 12 months after their last Tier 2 leave expired or they can provide evidence which shows they have been outside the UK for at least 12 months, whichever is the sooner, unless they will be paid an annual gross salary of £155,300 or more, or where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for 3 months or fewer. If the applicant was previously granted leave as an ICT under the Immigration Rules in place before 6 April 2011 or as a qualifying work permit holder and they 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 they can stay in this sub-category. **Skills transfer are granted for the shorter period of either:** • to the job end date shown on the CoS plus 14 days • for the period of time to take their total stay in this category to 6 months An applicant cannot reset the 6 month period by overstaying. For example, if they have overstayed up to 27 days between Tier 2 applications, the Tier 2 leave before and after the period of overstaying all count towards the maximum 6 month period (except in the long-term staff sub-category). If the applicant has already been granted the full six months, the application will be refused. They cannot be granted any more leave under Tier 2 (except in the long term staff sub-category): • until 12 months after the leave expired • until they can provide evidence which shows they have been outside the UK for at least 12 months if they have previously been granted Tier 2 leave • unless they will be paid an annual gross salary of £155,300 or more • or where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for 3 months or fewer

This guidance is based on the Immigration Rules.

Are dependants allowed?	Yes
Work and study allowed?	Yes
Is switching into this category allowed?	Switching into Tier 2 (ICT: long term staff) is permitted by applicants who have or were granted leave as: • Tier 2 (ICT: established staff) • Tier 2 (ICT) - under the rules in place before 6 April 2010 • ICT work permit holder (except multiple entry work permits) • representatives of overseas businesses (this includes representatives of overseas media companies. They must still be working for the same employer named on their previous application. No switching is allowed into the other Tier 2 (ICT) sub-categories.
Does this category lead to settlement (indefinite leave to remain)?	Only if the period of continuous leave includes a period of leave as: • a Tier 2 (ICT) migrant under the rules in place before 6 April 2010 • a qualifying ICT work permit holder
Is knowledge of language and life required?	Yes.
CID statistical category	CID grant code: • TR2GET – T2 SW Inter company transfer LTR Grant CID refusal code: • TR2RET – T2 SW Inter company transfer LTR Refusal
Immigration Rules paragraphs	245G – 245GF

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Minister of religion): key facts

This page shows you the key facts for Tier 2 (Ministers of religion)

Eligibility requirements	Applicants must:
	
	• not fall for refusal under general grounds for refusal
	• have a job offer and a certificate of sponsorship (CoS) from an organisation that is a licensed sponsor in the UK
	• have a minimum of 50 points for the attributes
	• scores a minimum of 10 points for the English language requirement
	• scores a minimum of 10 points for the maintenance requirement
	• be over 16 years old
	
	Applicants must not be in breach of immigration laws, except for the following periods of overstaying which will be disregarded:
	
	• for 28 days or less
	• or, if the application was submitted before 9 July 2012
	
	For more information, see: Application from overstayers (non family routes).
	
	If the applicant is under 18 years of age the applicant's parents, legal guardian, or sole parent with legal responsibility for the child must:
	
	• support the application
	• give their consent to the applicant's:
	  ○ travel arrangements to the UK
	  ○ reception and care in the UK.
	
	If the applicant has, or was last granted, leave as a:
	• student
	• postgraduate doctor or dentist
	• student nurse
	• student re-sitting an examination
	• student writing-up a thesis
	• student union sabbatical officer
	• Tier 4 (General) student, including those on the doctorate extension scheme
	
	and:
	
	• is currently being sponsored by Her Majesty's

	Government, applicant's own government, any international scholarship agency • or was being sponsored by Her Majesty's Government, applicant's own government, the British Council, or any international scholarship agency, and that sponsorship came to an end 12 months ago or less: ○ they must provide the unconditional written consent of the sponsoring government or international scholarship agency to the application and must provide the specified documents to show that this consent has been obtained If the sponsor is a limited company, the applicant must not own more than 10 per cent of its shares.
Application forms	• application made outside UK – paper VAF9 & Appendix 5 or online via UK4Visas • extension (within UK) – most applicants must apply online using the GOV.UK website. Applicants who apply at a Premium Service Centre can apply using the Tier 2 paper form • indefinite leave to remain – SET(O)
Cost of application:	For all applications see - Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	'D' TIER 2 (MIN OF REL) MIGRANT

Conditions of leave to remain	The applicant:
	
	• cannot take employment except:
	  ○ working for the sponsor in the job recorded on their CoS
	  ○ continuing in lawful employment they were in on the date of the application, until the start date on their CoS
	  ○ supplementary employment, and
	  ○ voluntary work
	• cannot use public funds
	• is allowed to study - as long as it doesn't interfere with the job they have been sponsored to do there is no limit on the number of hours they can study
	
	Study is subject to the following restriction. The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the

	course or research they intend to undertake and present it to their education institution before they start your study if:
	
	• they are over age 18 (or will be over 18 by the time their leave expires)
	• their course is one of the following:
	  ○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules
	  ○ 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
	  ○ a period of study or research in excess of 6 months 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
	
	If their 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), they must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to their institution promptly.
	
	Tier 2 (Minister of Religion) migrants are not normally required to register with the police, as they are exempted under paragraph 326 of the Immigration Rules.

How long is leave normally granted for?	Entry clearance applications: Leave will be granted up to 14 days before the start date given on the CoS and for the shorter period of either: • for the period of engagement shown on the CoS plus one month • 3 years plus one month based on the job start date shown on the CoS For leave to remain applications: • to the job end date shown on the CoS plus 14 days • 3 years • for the difference between the time they have already been granted leave under Tier 2 (discounting leave as a Tier 2 (Intra-Company Transfer)) and 6 years If the applicant has already been granted the maximum 6 years, the application will be refused. They cannot be

	granted more leave under Tier 2 until 12 months after their last Tier 2 leave expired or they can provide evidence which shows they have been outside the UK for at least 12 months, whichever is sooner, unless they will earn a gross salary of £155,300 or more, or where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for 3 months or fewer The 6 year restriction does not apply if the applicant: • previously had leave under the Immigration Rules in place before 6 April 2011 as: ○ a Tier 2 (General) migrant ○ a Tier 2 (Minister of religion) migrant ○ a Tier 2 (Sportsperson) migrant ○ 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 qualifying work permit holder ○ a representative of an overseas newspaper, news agency or broadcasting organisation • has 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 • has not been granted entry clearance, leave to enter or leave to remain in any other category since that grant of leave
Are dependants allowed?	Yes
Work and study allowed?	Yes
Is switching into this category allowed?	See the key facts page for Tier 2 (General)
Does this category lead to settlement (indefinite leave to remain)?	Yes
Is knowledge of language and life required?	Yes
CID case type	CID grant code: TR2 GEM – T2 SW Minister of religion LTR Grant
Immigration Rules paragraphs	245H – 245HF

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Sportsperson): key facts

This page shows you the key facts for Tier 2 (Sportsperson).

Eligibility requirements	Applicants must:
	
	• not fall for refusal under general grounds for refusal
	• have a job offer and a certificate of sponsorship (CoS) from an organisation that is a licensed sponsor in the UK
	• have a minimum of 50 points for attributes, by having:
	  ○ a certificate of sponsorship (CoS) from an organisation that is a licensed sponsor for employing sportspeople in the UK
	  ○ an endorsement from the appropriate governing body
	• score a minimum of 10 points for the English language requirement
	• score a minimum of 10 points for the maintenance requirement
	• be over 16 years old
	
	Applicants must not be in breach of immigration laws, except for any period of overstaying which will be disregarded:
	
	• 28 days or less, or
	• if the application was submitted before 9 July 2012
	
	For more information, see: Application from overstayers (non family routes).
	
	If the applicant is under 18 years of age the applicant's parents, legal guardian, or sole parent with legal responsibility for the child must:
	
	• support the application
	• give their consent to the applicant's:
	  ○ travel arrangements to the UK
	  ○ reception and care in the UK
	
	If the applicant has, or was last granted, leave as a:
	
	• student
	• postgraduate doctor or dentist
	• student nurse
	• student re-sitting an examination
	• student writing-up a thesis
	• student union sabbatical officer

	• Tier 4 (General) student, including those on the doctorate extension scheme and: • is currently being sponsored by Her Majesty's Government, applicant's own government, or any international scholarship agency • was being sponsored by Her Majesty's Government applicant's own government, or any international scholarship agency, and that sponsorship came to an end 12 months ago or less they must provide the unconditional written consent of the sponsoring government or international scholarship agency to the application and must provide the specified documents to show that this consent has been obtained. The applicant must not own more than 10 per cent of its shares if the sponsor is a limited company.
Application forms	• Application made outside UK – paper VAF9 & Appendix 5 or online via UK4Visas • Extension or switching (within UK) – most applicants must apply online using the GOV.UK website. Applicants who apply at a Premium Service Centre can apply using the Tier 2 paper form • Indefinite leave to remain – SET(O)
Cost of application:	For all applications see - Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required for applications made in the UK?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	TIER 2 (SPORTSPEOPLE) MIGRANT Category D

Conditions of leave to remain	The applicant:
	
	• can only be employed in the job described on their certificate of sponsorship working for their sponsor, except:
	  ○ if they are playing for their national side when they are in the UK or doing temporary additional work as a sports broadcaster
	  ○ continuing in lawful employment on the date of the application until the start date on the CoS
	  ○ supplementary employment
	  ○ voluntary work
	• cannot use public funds
	• must register with the police, if they are required to

	do so by paragraph 326 of the Immigration Rules -for more information, see Police registration
	• is allowed to study - as long as it doesn't interfere with the job they have been sponsored to do there is no limit on the number of hours they can study
	
	Study is subject to the following restriction. The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start your study if:
	
	• they are over age 18 (or will be over 18 by the time their leave expires)
	• their course is one of the following:
	  ○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules
	  ○ 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
	  ○ a period of study or research in excess of 6 months 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
	
	If their 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), they must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to their institution promptly.

How long is leave normally granted for?	Entry clearance applications: Leave will be granted up to 14 days before the start date given on the CoS and for the shorter period of either: • for the period of engagement shown on the CoS plus one month • 3 years plus one month based on the job start date shown on the CoS For leave to remain applications: • to the job end date shown on the CoS plus 14 days • 3 years • for the difference between the time they have already been granted leave under Tier 2 (discounting leave

	as a Tier 2 (Intra-company transfer)) and 6 years
	
	If the applicant has already been granted the maximum 6 years, the application will be refused. They cannot be granted more leave under Tier 2 until 12 months after their last Tier 2 leave expired or they can provide evidence which shows they have been outside the UK for at least 12 months, whichever is sooner, unless they will earn a gross salary of £155,300 or more, or where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for 3 months or less
	
	The six year restriction does not apply if the applicant:
	• previously had leave under the Immigration Rules in place before 6 April 2011 as:
	  ○ a Tier 2 (General) migrant
	  ○ a Tier 2 (Minister of religion) migrant
	  ○ a Tier 2 (Sportsperson) migrant
	  ○ a Jewish Agency employee
	  ○ a Member of the Operational Ground Staff of an Overseas-owned Airline
	  ○ a minister of religion, missionary
	  ○ member of a religious order
	  ○ a qualifying work permit holder
	  ○ a representative of an overseas newspaper, news agency or broadcasting organisation,
	• has 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
	• has not been granted entry clearance, leave to enter or leave to remain in any other category since that grant of leave

Are dependants allowed?	Yes
Work and study allowed?	Yes
Is switching into this category allowed?	See the key facts page for Tier 2 (General) but in addition to these: • Tier 5 (Temporary worker) in the creative and sporting sub-category, for a job as a professional footballer if they meet the Tier 2 requirements including English language
Does this category lead to settlement (indefinite leave to remain)?	Yes
Is knowledge of language and life required?	Yes

This guidance is based on the Immigration Rules.

CID case type	Grant – LTR TR2GEP – Grant ILR TR2GSP Refusal – LTR - TR2REP – Refusal ILR - TR2RSP
Immigration Rules paragraphs	245H – 245HF.

This guidance is based on the Immigration Rules.

Tier 2

Overstaying

About this guidance Key facts: Tier 2 Tier 2: entry clearance and leave to remain requirements Switching into Tier 2 Tier 2 (General): annual limit Tier 2: attributes Tier 2: English language requirement Tier 2: maintenance Tier 2: indefinite leave to remain (settlement) requirements Tier 2: certificate of sponsorship Tier 2: changes of employment Tier 2: supplementary, voluntary and secondary employment Tier 2: granting or refusing Tier 2: conditions of leave Tier 2: dependants	This page tells caseworkers what they must check if an applicant has overstayed when making a decision on applications. This applies to all Tier 2 categories, including extensions, switching and changes of employer. Before considering any Tier 2 application you must check the applicant is not in breach of immigration laws, except for any period of overstaying which will be disregarded: • 28 days or less, or • if the application was submitted before 9 July 2012. For more information, see related link: Applications from overstayers (non family routes).	Links to staff intranet removed

This guidance is based on the Immigration Rules.

Tier 2

Entry clearance and leave to remain requirements

About this guidance
Key facts: Tier 2
Overstaying
Switching into Tier 2
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Tier 2: attributes
Tier 2: English language requirement
Tier 2: maintenance
Tier 2: indefinite leave to remain (settlement) requirements
Tier 2: certificate of sponsorship
Tier 2: changes of employment
Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This section tells caseworkers what they must check to see if an applicant meets the entry clearance or leave to remain requirements for the Tier 2 categories of the points-based system.

Before considering any Tier 2 application you must check the:

- application is valid
- applicant's passport or travel document is genuine
- applicant's immigration history (you must check internal systems and previous case notes to find this information)
- application has no general grounds for refusal
- application and biometric information are registered and verified

For more information, see related links:

- specified application forms and procedures
- internal system checks – leave to remain
- adverse immigration history
- general grounds for refusal
- biometric information
- points-based system - evidential flexibility

You must do verification checks if you have any doubts about whether the supporting documents an applicant has submitted are genuine.

For more information on changes of employment and supplementary employment, see links on left.

Cooling off period

If the application is for entry clearance or switching from another leave category within the

In this section

Tier 2 (General): entry clearance and leave to remain requirements

Tier 2 (Intra company transfer): entry clearance and leave to remain requirements

Tier 2 (Minister of religion): entry clearance and leave to remain requirements

Tier 2 (Sportsperson): entry clearance and leave to remain requirements

Links to staff intranet removed

UK a 12 month cooling off period applies.

The applicant must not have been in the UK with entry clearance or leave to remain as a Tier 2 migrant at any time during the 12 months immediately before the date of the application, unless one of the exceptions below applies.

Exceptions:

1. Where the applicant left the UK before their Tier 2 leave expired, the 12 month period can start earlier than the date their leave expired but only if they can provide evidence of having not been in the UK for a period of 12 months immediately before that date. Acceptable evidence may include, but is not limited to:

- travel tickets or boarding card stubs, but only if the applicant's sponsor submitted an SMS report at the time, confirming that their employment in the UK had ended
- exit or entry stamps in the applicant's passport which confirms that they were not in the UK
- a letter from the applicant's overseas employer confirming the date they started or restarted work overseas, after returning from the UK any other evidence that shows the applicant was not in the UK

Where evidence is produced and accepted, the cooling off period must be calculated to start from the earliest date supported by that evidence.

2. The cooling off period does not apply where the applicant is applying under Tier 2 (ICT) - Long Term Staff and was previously granted under Tier 2 (ICT) - Short Term staff, Graduate Trainee or Skills Transfer, or under the Tier 2 (ICT) Rules in place before 6 April 2011.
3. The cooling off period does not apply where the gross annual salary stated on the applicant's current certificate of sponsorship (CoS) is £155,300 or higher.
4. The cooling off period does not apply where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period(s) with a CoS which was assigned for three months or fewer. For instance:

- where the applicant was assigned a CoS of 3 months or less in the preceding 12

	month period, and had no other Tier 2 leave during that period, the cooling off period will not apply • where the applicant has had more than one period of Tier 2 leave in the last 12 months and each CoS was assigned for less than 3 months, even where they may total over 3 months, the cooling off period will not apply • where the applicant was assigned a CoS of 6x months in length but the Home Office were notified by their sponsor that they ceased working in the UK after 2 months, the cooling off period will apply (as the CoS was assigned for more than three months) **Tier 2 categories** Tier 2 has four categories, for more information on the entry clearance and leave to remain requirements for each of them, see related links: • Tier 2 (General): entry clearance and leave to remain requirements • Tier 2 (Intra-company transfer): entry clearance and leave to remain requirements • Tier 2 (Minister of religion): entry clearance and leave to remain requirements • Tier 2 (Sportsperson): entry clearance and leave to remain requirements	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (General): entry clearance and leave to remain requirements

About this guidance
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Tier 2: dependants

This page tells caseworkers what they must check to see if an applicant meets the entry clearance or leave to remain requirements for the Tier 2 (General) category of the points-based system.

Requirements for granting leave or entry clearance
A Tier 2 (General) applicant must score 70 points against three requirements.
The applicant must score:

- 50 points for attributes
- 10 points for English language skills - for more information on English language for Tier 2, see link on left
- 10 points for the maintenance requirement

They must also:

- not fall for refusal under the general grounds for refusal. For more information, see related link
- be switching from one of the specified immigration categories, if applying in the UK. For a full list see link on left: Switching into Tier 2
- be over 16 years old

If the applicant is under 18 years of age
Their parents, legal guardian, or just one parent with sole legal responsibility for the child, must:

- support the application
- give their consent to the arrangements for the applicant's travel to, and reception and care in, the UK

If the applicant has been studying in the UK

In this section

Tier 2 (Intra company transfer): entry clearance and leave to remain requirements

Tier 2 (Minister of religion): entry clearance and leave to remain requirements

Tier 2 (Sportsperson): entry clearance and leave to remain requirements

Links to staff intranet removed

	If the applicant has, or was last granted, leave as: • a student • postgraduate doctor or dentist • student nurse • student re-sitting an examination • student writing-up a thesis • a Tier 4 (General) student • student union sabbatical officer and: • is currently being sponsored by Her Majesty's Government, applicant's own government or any international scholarship agency • was being sponsored by Her Majesty's Government, applicant's own government or any international scholarship agency, and that sponsorship came to an end 12 months ago or less They must provide unconditional consent from the sponsoring government or agency giving permission for them to remain in or re-enter the UK. This evidence must be original and on the organisation's official letter-headed paper. If they do not provide this you must refuse the application. **If the applicant is applying to work in the UK as a nurse or midwife** The applicant will need to pass their Observed Structured Clinical Examination (OSCE) and their sponsor must tell the Home Office of any of the following where appropriate, within 10 working days: • if the applicant fails their OSCE but arranges a re-sit and the sponsor still wants to sponsor the applicant if they pass, the sponsor must tell us the date of the applicant's re-sit • if the applicant re-sits their OSCE and fails the sponsor must tell the Home Office. The sponsor must also stop sponsoring the applicant if they do not pass the OSCE within	

	eight months of the start date on their CoS • if the applicant passes their OSCE, the sponsor must tell us the date the applicant will start working for them as a registered nurse or midwife • if the sponsor decides at any point that they no longer wish to sponsor the applicant - for example if the applicant fails their first OSCE and the sponsor does not want to wait until the applicant has done a re-sit If the applicant is already in the UK with entry clearance or leave to remain and the sponsor stops sponsoring the applicant you must reduce (curtail) the applicant's leave. For more information on the curtailment, see related link: Curtailing the leave of points-based system migrants. **If the sponsor is a limited company** The applicant must not own more than 10 per cent of the company's shares, unless their gross annual salary is £155,300 or higher. **Requirements for leave to remain** An applicant must make an application if they need to extend their leave. The skill level and appropriate salary requirements vary for applicants already in the UK, depending on when they initially had entry clearance, leave to enter or leave to remain under one of the categories below: Under the rules in place before 6 April 2011 as a: • Tier 2 (General) migrant • qualifying work permit holder • representative of an overseas newspaper, news agency or broadcasting organisation • member of the operational ground staff of an overseas airline • Jewish agency employee, and since this grant they have not been granted leave to remain, entry clearance or leave to	

	enter in any other route and they are applying for the same job for either the same or a different employer.
	
	In these cases, the job must be at or above national qualification framework (NQF) level 3 (or equivalent in Scotland) and the salary does not need to meet the minimum threshold of £20,800, but must still be at or above the appropriate rate for the job.
	
	Under the rules in place between 6 April 2011 and 13 June 2012:
	
	• since their original grant they have not been granted leave to remain, entry clearance or leave to enter in any other route
	• their job must be at or above national qualification framework (NQF) level 4 or equivalent in Scotland
	• their salary must meet the minimum threshold of £20,800 and they must be paid at or above the appropriate rate for the job
	
	Under the rules in place on or after 14 June 2012 their job must be:
	
	• at or above national qualification framework (NQF) level 6 (or equivalent in Scotland)
	• in a listed creative sector occupation
	• one on the Shortage Occupation List
	
	and their salary must meet the minimum threshold of £20,800 and they must be paid at or above the appropriate rate for the job.
	
	The applicant's job does not have to meet the skills thresholds described above in the following situations, if they have been granted leave as a Tier 2 (General) and are:
	
	• applying to extend their leave, and:
	  ○ will continue to work in the same occupation and for the same sponsor
	  ○ their CoS used in their previous grant was assigned before 6 April 2013
	  ○ the job does not meet the skills threshold only because of the reclassification from SOC 200 to SOC 2010	

	• applying to continue to work in a job which was on the Shortage Occupation List at the time of their previous grant of leave For a leave to remain application: • the applicant must have a valid CoS • the applicant must provide their biometric information with their extension application (for more information see related link: Biometric information • leave cannot be granted beyond the maximum time allowed (six years) for applicants who entered the UK under the rules in place after 6 April 2011 For more information on the attributes for this category, see related link: Tier 2 (General): attributes. For information on granting or refusing leave to remain, see related link: Tier 2: grant or refuse leave to remain (extension).	

Tier 2

Tier 2 (Intra-company transfer): entry clearance and leave to remain requirements

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Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers what they must check to see if an applicant meets the entry clearance or leave to remain requirements for the Tier 2 (Intra-company transfer) (ICT) category of the points-based system.

Requirements for a grant of leave
A Tier 2 (ICT) applicant must score 60 points, 50 for attributes and 10 for maintenance.

Most of the requirements are the same as those for Tier 2 (General), except:

- there is less ability to switch
- the specific attribute requirements of the Tier 2 (ICT) category

For more information on the requirements for Tier 2 (General) and the ICT attributes, see related links:

- Tier 2 (General): entry clearance and extension requirements
- Tier 2 (Intra-company transfer): attributes

For more information on the procedures you must follow before you consider an application, see related link: Tier 2: entry clearance and extension requirements.

Requirements for leave to remain
Most of the requirements are the same as those for Tier 2 (General), except for those below.

To award 30 points for a certificate of sponsorship (CoS), the job must normally be at national qualification framework (NQF) level 6 (or equivalent in Scotland). To award the 20 points for appropriate salary it must normally be at least £24,800 (for short term staff, graduate trainee or skills transfer) or £41,500 (for long term staff).

If the applicant is already in the UK and applies to extend in an ICT sub-category

In this section

Tier 2 (General): entry clearance and leave to remain requirements

Tier 2 (Minister of religion): entry clearance and leave to remain requirements

Tier 2 (Sportsperson):- entry clearance and leave to remain requirements

Links to staff intranet removed

	If initial leave was granted under the rules in place on or after 14 June 2012, the CoS must confirm the job is NQF level 6 (or equivalent in Scotland) unless it is one of the following creative sector occupations skilled to NQF level 4 or above: • 3411 artists • 3412 authors, writers and translators • 3413 actors, entertainers and presenters • 3414 dancers and choreographers • 3422 product, clothing and related designers If initial leave was granted in one of the following categories: • Tier 2 (ICT: long term staff) • Tier 2 (ICT: short term staff) • Tier 2 (ICT: graduate trainee) • Tier 2 (ICT: skills transfer) under the rules in place between 6 April 2011 and 13 June 2012 and leave to remain, entry clearance or leave to enter has not been granted in any other route, the CoS must confirm the job is NQF level 4 (or equivalent in Scotland) or above. The CoS must confirm the job is NVQ level 3 (or equivalent in Scotland) or above, if initial leave was granted as a: • Tier 2 (Intra-company transfer) migrant under the rules in place before 6 April 2011, or qualifying work permit holder • leave to remain, entry clearance or leave to enter has not been granted in any other route The job does not have to meet the skills thresholds described above if the: • applicant is applying to extend their leave in Tier 2 (Intra-company transfer) to continue to work in the same occupation for the same sponsor	

	• the CoS used in their previous grant was assigned before 6 April 2013 • job does not meet the skills threshold only because of the reclassification from SOC 2000 to SOC 2010 **If the applicant is already in the UK and applies to extend their leave in the long term staff sub-category** The job does not need to be NQF level 6 (or equivalent in Scotland) and the applicant does not need to meet the minimum annual salary of £41,500, if they were last granted leave in one of the following categories: • Tier 2 (ICT) under the rules in place before 6 April 2010 • Tier 2 (ICT: established staff • ICT work permit holder (except multiple entry work permits) For these applicants the CoS must confirm the: • job is at or above NQF level 3 (or equivalent in Scotland) • person will be paid at, or above, the appropriate rate for the job For information on granting or refusing leave to remain, see related link: Tier 2: grant or refuse leave to remain.	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Minister of religion): entry clearance and leave to remain requirements

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Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers what they must check to see if an applicant meets the entry clearance and leave to remain requirements for the Tier 2 (Minister of religion) category of the points-based system.

Requirements for granting leave or entry clearance
A Tier 2 (Minister of religion) applicant must score a minimum of 70 points against three requirements.

Most of the requirements are the same as those for Tier 2 (General), except for the English language and the specific attribute requirements for the Tier 2 (Minister of religion) category.

For information on the Tier 2 (General) requirements and the specific attribute requirements for ministers of religion, see the following related links:

- Tier 2 (General): entry clearance and extension requirements
- Tier 2 (Ministers of religion): attributes

Genuineness tests
On 1 October 2013 the Immigration Rules changed to tackle abuse on this route but genuine applicants were not affected.

When an applicant applies for entry clearance, leave to enter or leave to remain you must be satisfied they:

- genuinely intend to undertake the role for which the certificate of sponsorship (CoS) was assigned
- are capable of undertaking the role for which the CoS was assigned
- will not undertake employment in the UK other than that permitted by the entry clearance, leave to enter or leave to remain

In this section

Tier 2 (General): entry clearance and leave to remain requirements

Tier 2 (Intra company transfer): entry clearance and leave to remain requirements

Tier 2 (Sportsperson): entry clearance and leave to remain requirements

Links to staff intranet removed

	To assess this on the balance of probabilities, you may request: • additional information and evidence, and refuse the application if the information or evidence is not provided. The Home Office must receive any requested documents at the address given in the request within 28 working days of the date the request letter is posted • an applicant attends an interview and refuse the application if they fail to comply with any such request without providing a reasonable explanation You may take into account the applicant's: • knowledge of the role • relevant experience relative to skills required to do the role • knowledge of the sponsor in the UK • explanation of how they were recruited • any other relevant information You will not need to take these actions for most applicants and will only do so when: • individual sponsors are assigning unusually large numbers of CoS for ministers of religion relative to their size or for the same type of role • there are reasonable grounds to believe the applicant will not be working in the role described on the CoS • the job descriptions on the CoS indicate the applicant will be mainly carrying out non-pastoral duties that might otherwise be done under Tier 2 (General) • intelligence suggests applicants are linked to extremism, terrorism or trafficking **English language requirement** A minister of religion must score 10 points for English language because they have to: • speak to and for the religious communities they will be representing • communicate with younger English-speaking generations	

	For more information on English language requirements, see link on left. **Requirements for leave to remain** Leave cannot be granted for more than the maximum time allowed (six years) for applicants entering after 6 April 2011. For more information, see related links: • Tier 2: grant or refuse leave to remain	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Sportsperson): entry clearance and leave to remain requirements

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Tier 2: changes of employment
Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers what they must check to see if an applicant meets the entry clearance and leave to remain requirements of the Tier 2 (Sportsperson) category of the points-based system.

Requirements for a grant of leave or entry clearance
A Tier 2 (Sportsperson) applicant must score a minimum of 70 points against three requirements.

Most of the requirements for Tier 2 (Sportsperson) are the same as those for Tier 2 (General), except for the specific attribute requirements for this Tier 2 category.

For information on the Tier 2 (General) requirements and the specific attributes for sportspeople, see the following related links:

- Tier 2 (General): entry clearance and extension requirements
- Tier 2 (Sportsperson): attributes.

Requirements for leave to remain
The applicant must provide a new governing body endorsement with a new reference number. Leave cannot be granted beyond the maximum time allowed (six years) for applicants entering after 6 April 2011.

English language requirement
A sportsperson must score 10 points for English language. For more information, see link on left: Tier 2: English language requirement.

For more information on the procedures you must follow before you consider an application, see link on left: Tier 2: entry clearance and leave to remain requirements.

For information on granting or refusing leave to remain, see related link: Tier 2: grant or

In this section

Tier 2 (General): entry clearance and leave to remain requirements

Tier 2 (Intra company transfer): entry clearance and leave to remain requirements

Tier 2 (Minister of religion): entry clearance and leave to remain requirements

Links to staff intranet removed

	refuse leave to remain.	

This guidance is based on the Immigration Rules.

Tier 2

Switching into Tier 2

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Tier 2: dependants

This section tells caseworkers when an applicant can switch into the Tier 2 category of the points-based system.

Switching into Tier 2 (General), Tier 2 (Sportsperson) and Tier 2 (Minister of religion)
You can switch applicants who have, or were last granted leave in any of the following:

- any Tier 1 main applicant
- Tier 2 (General)
- Tier 2 (Intra-company transfer: Established staff) if applying to change sponsor
- Tier 2 (Intra-company transfer) under the rules in place before 6 April 2010 applying to change sponsor
- Tier 2 (Sportsperson)
- Tier 2 (Minister of religion)
- one of the student categories (for more information, see related link: Switching from a student category into Tier 2)
- Tier 5 (Temporary worker) in the creative and sporting sub-category, for a job as a professional footballer if they meet the Tier 2 (Sportsperson) requirements including English language
- dependent partner of a Tier 4 student
- highly skilled migrant programme
- Iinovator
- fresh talent working in Scotland scheme
- international graduates scheme (or its predecessor the Science and engineering graduate scheme)
- business and commercial work permits (except multiple entry work permits)
- sports and entertainment work permits (except multiple entry work permits)
- Jewish agency employee
- member of the operational ground staff of an overseas owned airline
- minister of religion, missionary or member of a religious order

In this section

Switching from a student category into Tier 2

	• Overseas qualified nurse or midwife • representative of an overseas business • representative of an overseas newspaper, news agency or broadcasting organisation **Switching into Tier 2 (General) from Tier 2 (Intra-company transfer)(ICT)** You must not switch a person into Tier 2 (General) from Tier 2 (ICT) unless the migrant has, or was last granted leave as a: • Tier 2 (ICT: Established staff) migrant and is applying to change sponsor • Tier 2 (ICT) migrant under the rules in place before 6 April 2010 and is applying to change sponsor Tier 2 (ICT: Long Term Staff) granted entry clearance under the rules in place on or after 6 April 2011 cannot switch into Tier 2 (General). **Switching into Tier 2 (ICT: long term staff)** You can switch applicants who have, or were last granted leave as: • Tier 2 (ICT: Established staff) • Tier 2 (ICT), under the rules in place before 6 April 2010 • ICT work permit holder (except multiple entry work permits) • representative of an overseas business, including representatives of overseas media companies In all cases, the applicant must be working for the same employer named on their previous application. If the applicant is not in any of these categories, they must leave the UK and make a new application for entry under the correct immigration category. Applicants are not allowed to switch into other Tier 2 (ICT) sub-categories.	

This guidance is based on the Immigration Rules.

Tier 2

Switching from a student category into Tier 2

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This page tells caseworkers when an applicant can switch from a student category into the Tier 2 category of the points based system.

Switching into Tier 2 (General), Tier 2 (Sportsperson) and Tier 2 (Minister of religion)
You can switch applicants who have, or have last been granted, leave in one of the following categories:

- Tier 4 (General) student, including those on the doctorate extension scheme
- student
- student nurse
- student re-sitting and exam
- student union sabbatical officer
- person writing up a thesis
- postgraduate doctor or dentist

The applicant must:

- have successfully completed a course and passed a UK recognised:
  - bachelors or masters degree
  - Post Graduate Certificate in Education (PGCE)
  - Professional Graduate Diploma of Education (PGDE)
  - have completed a minimum of 12 months study in the UK towards a UK PhD
- studied the above during their current period of leave or in a period of continuous leave which includes their last grant of leave
- have undertaken the period of study and/or research towards their award whilst they had entry clearance, leave to enter or leave to remain in the UK and they were not subject to a restriction preventing them from undertaking a course of study and/or research
- have studied at a UK recognised institution or listed body, or an education provider which holds a Tier 4 licence

Related links

Tier 2 (General): job passes resident labour market test (RLMT)

	• meet the full requirements for Tier 2 **Documents they must provide** To prove the applicant has successfully completed and passed a • UK bachelor's or master's degree • PGCE • PGDE • 12 months minimum study in the UK towards a PhD during their current period of continuous leave they must provide an: • original degree certificate • academic transcript • academic reference on the institution's official headed paper which clearly shows: • their name • the course title and award • the length of the course • the date they completed the course unless they are studying a PhD course If the applicant has, or has last been granted, leave in one of the above categories on the date of application and satisfies the above conditions, the sponsor will not have to undertake a resident labour market test (RLMT). For more information, see related link: Tier 2 (General): job passes resident labour market test (RLMT).	

This guidance is based on the Immigration Rules.

Tier 2

Attributes

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Tier 2: supplementary, voluntary and secondary employment
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This section tells caseworkers about the attributes and the points an applicant can be awarded for each of the Tier 2 categories of the points-based system.

For information on the attributes for each of the Tier 2 categories, see related links:

- Tier 2 (General): attributes
- Tier 2 (Intra-company transfer): attributes
- Tier 2 (Minister of religion): attributes
- Tier 2 (Sportsperson): attributes.

In this section

Tier 2 (General): attributes

Tier 2 (Intra-company transfer): attributes

Tier 2 (Minister of religion): attributes

Tier 2 (Sportsperson): attributes

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (General): attributes

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Tier 2: dependants

This section tells caseworkers how to score the attribute points for the Tier 2 (General) category of the points-based system and what supporting evidence an applicant must provide.

The applicant must score 50 points for their attributes.

The table below is a summary of the points that the applicant can score.

Attributes	Points
Valid certificate of sponsorship (CoS) from a licensed sponsor that meets one of the following requirements: • a resident labour market test has been passed by the sponsor, • a resident labour market test exemption applies (for example, post-study work, shortage occupation, job offer with a salary of £155,300 or more), or • the application is an extension where the individual continues to work in the same job for the same employer.	30
Appropriate salary for the job	20

Certificate of sponsorship
For initial applications, the CoS must confirm the:

- job is national qualification framework (NQF) level 6 (or equivalent in Scotland) occupation, in a creative sector occupation skilled to NQF level 4 (or the equivalent in Scotland) as listed in appendix A of the Immigration Rules, unless transitional arrangements apply, or it is on the shortage occupation list
- applicant will be paid at least £20,800 or at, or above, the appropriate rate for the job, whichever is higher

In this section

Tier 2 (General): appropriate salary and allowances

Tier 2 (General): job is in a shortage occupation

Tier 2 (General): job passes resident labour market test (RLMT)

Tier 2 (General): switching from a post-study category

Links to staff intranet removed

For more information about transitional requirements, see link on left: Tier 2 – entry clearance and extension requirements.

For more information on appropriate salaries, see related link: Codes of practice.

For more information on the CoS, see link on left: Tier 2: certificate of sponsorship.

The annual limit
An annual limit of 20,700 CoS applies to Tier 2 (General). The limit runs from 6 April one year to 5 April the following year.

Restricted and unrestricted CoS
CoS issued under the limit are called ‘restricted’. Employers must get permission before they can issue restricted CoS by using the monthly allocation process. Restricted CoS are needed for all Tier 2 (General) entry clearance applications, unless the salary on the CoS is £155,300 or more. ‘Restricted’ CoS are also needed for Tier 2 (General) leave to remain applications from those who are applying to switch from within the UK as a dependent partner of a Tier 4 (General) student.

CoS for applications outside the limit are called ‘unrestricted’. Employers do not need separate permission before they issue these from their annual allocation of CoS. Unrestricted CoS can only be used for Tier 2 (General) entry clearance applications where the salary on the CoS is £155,300 or more. ‘Unrestricted’ CoS can be used for all Tier 2 (General) leave to remain applications, except where the applicant is applying to switch from within the UK as a dependent partner of a Tier 4 (General) student.

Entry clearance officers and caseworkers must check the type of CoS being used, and must not award points for a CoS if the application is one where a ‘restricted’ CoS is required, but the applicant is applying using an ‘unrestricted’ CoS. The table below shows the types of CoS which are ‘restricted’ and ‘unrestricted’.

‘Restricted’ CoS	‘Unrestricted’ CoS

• general (Entry clearance with salary less than £155,300) • general (Tier 4 dependant switching to Tier 2)	• general (switching immigration category) • general (Extensions) • general (Changes of employment) • general (New hires – high earners) • general (Tier 4 graduate switching to Tier 2) • general (Entry clearance with a salary of £155,300 or more)

Attributes for extension or change of employment applications
The skill level that applies for extension or change of employment applications is the same as the one under which the original leave was granted. They must already be in the UK as a:

- Tier 2 (General) applicant
- qualifying work permit holder
- representative of an overseas newspaper, news agency or broadcasting organisation
- member of the operational ground staff of an overseas owned airline
- Jewish agency employee
- Tier 2 (General) or qualifying work permit holder for a job which appeared on the shortage occupation list at the time of their grant of leave and they are applying for the same job for either the same or different sponsor.

If the applicant was granted leave under Tier 2 (General) before 6 April 2011 the job must be at NQF level 3 (or equivalent in Scotland) unless they were last granted as a senior care worker or established entertainer, as defined in paragraph 6 of the Immigration Rules.

For more information, see related link.

If they were granted leave under Tier 2 (General) between 6 April 2011 and 13 June 2012 the job must be at NQF level 4 (or equivalent in Scotland)

If they were granted leave under Tier 2 (General) on or after 14 June 2012 the job must be at NQF level 6 (or equivalent in Scotland)

	The job does not have to meet the skills thresholds described above if the: • applicant is applying to extend their leave in Tier 2 (General) to continue to work in same occupation for the same sponsor • applicant's CoS was given to the applicant before 6 April 2013 • job does not meet the skills threshold only because of the reclassification from SOC 2000 to SOC 2010 For more information on the Tier 2 (General) attributes, see related links: • Tier 2 (General): job is in a shortage occupation • Tier 2 (General): job passes resident labour market test (RLMT) • Tier 2 (General): switching from a post-study category • Tier 2 (General): appropriate salary and allowances	

Tier 2

Appropriate salary and allowances

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This page tells caseworkers how to score the appropriate salary attribute points for the Tier 2 (General) category of the points-based system.

The table below gives the points you can award for appropriate salary and the applicant must meet one of the 20 point attributes. This is the annual salary they are going to be paid before tax (gross).

Attributes	Points
Salary of £20,800 and above and paid the appropriate rate for the job.	20
If they have or last had entry clearance, leave to enter or leave to remain as a: • Tier 2 (General) migrant under the rules before 6 April 2011 • Jewish agency employee • Member of the operational ground staff of an overseas owned airline • Minister or religion, missionary or member of a religious order • Representative of an overseas newspaper, news agency or broadcasting organisation, or • qualifying work permit holder and are paid the appropriate rate for the job.	20
If the certificate of sponsorship (CoS) states the applicant is being sponsored as a nurse or midwife in a supervised practise placement approved by the Nursing and Midwifery Council, and: • will be paid at least £16,271 • will continue to be sponsored as a nurse or midwife by the sponsor after getting Nursing and Midwifery Council registration	20

In this section

Tier 2 (General): attributes

Tier 2 (General): job is in a shortage occupation

Tier 2 (General): job passes resident labour market test (RLMT)

Tier 2 (General): switching from a post-study category

Links to staff intranet removed

• the applicant's salary will not be less than £20,800 a year once they have their registration confirmed and are paid the appropriate rate for the job, both before and after registration.	
Under £20,800 and none of the above categories apply, or are not paid the appropriate for the job.	0

Check the salary is at the appropriate rate for the job
The certificate of sponsorship (CoS) must confirm that the applicant will be paid at or above the appropriate rate for the job. You can check this is appropriate from the relevant code of practice for the occupation.

Where a CoS is assigned which would mean the applicant's total stay in Tier 2 (plus any time as a work permit holder) would be longer than 3 years and 1 month, the salary shown on the CoS must be at least the 'experienced' rate of pay. For example, if the sponsor assigns a five year CoS with the 'new entrant' rate of pay, it will not meet the minimum requirements of the rules and the applicant must be refused.

For more information, see related link: Codes of practice.

When you assess if the salary is the appropriate rate, and award points, you must:

- consider basic pay (excluding overtime) plus any allowances (for example, London weighting) or bonuses which would also be paid to a settled worker in similar circumstances, provided these allowances and/or bonuses are part of the guaranteed salary package
- not consider other benefits, such as:
  - bonus or incentive pay
  - travel and subsistence, including travel to and from the applicant's home country

You must not include the value of the shares if the person has been given shares as part of an employee shareholder employment contract.

	If the salary does not meet the rate stated in the code of practice, you must award zero points for appropriate salary and refuse the application, even if the applicant meets the other requirements for salary and allowances. You must check the appropriate salary claimed by the applicant on the application form matches the amount stated on the certificate of sponsorship (CoS). If the amount is significantly different, you must discuss it with your manager to see if it is appropriate to refer to the sponsor licensing unit (SLU) and complete the TMIH referral form, see related link. For information on checking a CoS, see related link: Tier 2: searching the certificate of sponsorship checking system. **Salaries for applicants sponsored by Research Councils** Research Councils are bound by HM Treasury rules on public sector pay increases, which are currently limited to one per cent each year. In most cases Research Councils will be able to pay their sponsored workers the current minimum prescribed rate, but there may be instances where the salary on offer falls slightly short. In these cases, you must consider any reasons given by the sponsor for the shortfall. You must discuss with your manager whether to apply discretion and exceptionally grant the application outside of the rules. You may contact the work operational policy team, using the related link, for advice if you need it. **Salaries and allowances: what you can consider** **Salaries** Salaries can be paid in the UK or abroad. If the funds are in a currency other than pounds sterling, the amount entered on the CoS must reflect the exchange rate for the relevant currency on the date the employer assigned the CoS. You must use the rates on the OANDA web site (see related link). If the applicant intends to work in the UK on a short term work contract, you can consider the 12 month equivalent. If, for example, it is a 6 month contract paying £11,000, the applicant can claim yearly earnings of £22,000.	

If they are working part time, you must only consider the actual earnings and not the equivalent full time earnings when assessing the £20,800 threshold.

You must only consider earnings up to a maximum of 48 hours each week. For example, if the applicant has an annual income £24,024 and works 52 hours each week, you would need to assess the 48 hour equivalent. The calculation is as follows:

- 24,024/52 = 462
- 462 x 48 = £22,716.

Salaries should, however, be pro-rated when assessing whether an applicant is paid the appropriate rate. For example, if the appropriate rate in the Codes of Practice is £40,000 for a 39-hour week and the applicant will be paid £30,000 for a 30-hour week, the calculation is as follows:

- £30,000 / 30 = £1,000
- £1,000 x 39 = £39,000

The applicant in this example would therefore be being paid less than the appropriate rate.

Allowances
If the CoS confirms the applicant will be receiving allowances, but it is not clear what the allowances are for, you must:

- contact the sponsor and request this information, and
- ask the sponsor to provide this information within three working days. If they do not, you must:
  - not consider the allowances when you assess appropriate salary and allowances,
  - refer the possible breach of compliance to SLU using the TMIH referral form, see related link

This guidance is based on the Immigration Rules.

Tier 2

Job is in a shortage occupation

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This page tells caseworkers how to score the attribute points for the Tier 2 (General) category of the points-based system if a job is in a shortage occupation.

You can award 30 points for sponsorship if:

- the other requirements explained elsewhere in this guidance are met
- the job on offer was on the shortage occupation list when the sponsor assigned the certificate of sponsorship (CoS) - for more information, see related link

The contracted hours must be for at least 30 hours a week.

The CoS must confirm the:

- job is in a shortage occupation
- standard occupational classification (SOC) code
- sponsor has met the requirements for that shortage occupation set out in the shortage application list

For more information see related link: Codes of practice.

Leave to remain for shortage occupations or changes of employment in the same shortage occupation
If the applicant was last granted leave for a job in a shortage occupation and the job is no longer on the current shortage occupation list, they can still apply for an extension, or to do the same job for another employer. This applies even if the job, as described on the previous shortage occupation list would not otherwise meet the skills threshold.

If the applicant is changing employer in these circumstances, the new sponsor will need to carry out a resident labour market test before they can sponsor the applicant.

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Tier 2 (General): attributes

Tier 2 (General): appropriate salary and allowances

Tier 2 (General): job passes resident labour market test (RLMT)

Tier 2 (General): switching from a post-study category

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This guidance is based on the Immigration Rules.

Tier 2

Job passes resident labour market test (RLMT)

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Tier 2: dependants

This page tells caseworkers how to score attribute points for the Tier 2 (General) category of the points-based system if a job passes the resident labour market test (RLMT).

You can award 30 points for sponsorship if:

- the other requirements explained elsewhere in this guidance are met
- the sponsor has met the requirements of the RLMT before assigning a certificate of sponsorship (CoS)
- an exemption from the RLMT applies

It is the sponsor's responsibility to make sure they meet the published requirements of the RLMT. The full requirements of the RLMT are in the sponsor guidance, see related link:

- sponsor guidance

The sponsor must confirm on the CoS either:

- how they have met the RMLT, including:
  - when and where they advertised the post
  - the duration of the advertising
  - the relevant reference number(s)
- why the RLMT is not required

CoS and vacancy reference number
The sponsor must state on the CoS the Universal Jobmatch, Jobcentre Plus, or Job Centre Online (for jobs in Northern Ireland) vacancy reference number, plus one other advertising method permitted by the sponsor guidance. The sponsor does not have to undertake advertising in Universal Jobmatch, Jobcentre Plus or Job Centre Online if the applicant is being sponsored to work in one of the following:

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Tier 2 (General): attributes

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Tier 2 (General): job is in a shortage occupation

Tier 2 (General): switching from a post-study category

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	• job where recruitment took place through university milkrounds
	• job where there are stock exchange disclosure requirements
	• creative sector job where the code of practice states that advertising is not required because the applicant will be making an additional contribution to the UK labour market
	• job where the salary is £72,500 per year (or £71,600 per year if the job was advertised before 6 April 2015)
	• job falls within one of the PhD standard occupation classification (SOC) codes
	• pupillage (training) positions for barristers
	• positions in the National Health Service (NHS) where the RLMT includes advertising on NHS Jobs between 19 November 2012 and 6 April 2015,
	• job is exempt from RLMT
	
	Exemptions to RLMT
	The sponsor does not need to advertise the post if:
	
	• an applicant's salary (as stated on the CoS) is £155,300 (£153,500 if the recruitment took place before 6 April 2015 or more
	• an applicant has been working lawfully in the UK as a doctor or dentist in speciality training, and:
	  ○ they need to apply for further leave under Tier 2 (General) to complete their training under the same NHS training number
	  ○ are returning to their training under the same NHS training number after an out of programme experience
	• the job offer is as a doctor in speciality training and the applicant's salary and training costs are being met by the government of another country under an agreement with that country and the UK government
	• the job offer is in a supernumerary research position where the applicant has been issued a non-transferable scientific research award or fellowship by an external organisation which is not the sponsor:
	  ○ meaning the role is over and above the sponsor's normal requirements
	  ○ if the applicant was not there, the role would not be filled by anyone else
	  ○ the job offer is 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	

Tier 2

Switching from a study or post-study category

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This page tells caseworkers about awarding points to a Tier 2 (General) applicant who is switching from a study or post-study category.

You must award 30 points for sponsorship if the applicant:

- has a valid certificate of sponsorship (CoS)
- is switching from:
  - Tier 1 (Graduate entrepreneur)
  - Tier 1 (Post-study work)
  - International graduate scheme (or its predecessor, the Science and engineering graduate scheme)
  - Fresh talent: working in Scotland scheme
  - the student categories and meets the requirements for such a switch
- is applying from inside the UK
- meets the other requirements explained elsewhere in this guidance.

For more information on students switching into Tier 2, see related link.

If the applicant has, or has last been granted leave in one of the above categories, the sponsor will be exempt from the resident labour market test (RLMT). For more information see related link: Tier 2 (General): job passes resident labour market test (RLMT).

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Tier 2 (General): attributes

Tier 2 (General): appropriate salary and allowances

Tier 2 (General): job is in a shortage occupation

Tier 2 (General): job passes resident labour market test (RLMT)

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Continuing to work in the same job for the same sponsor

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This page tells caseworkers about awarding points to a Tier 2 (General) applicant who is continuing to work in the same job for the same sponsor.

You must award 30 points for sponsorship if an applicant:

- has a valid certificate of sponsorship (CoS)
- is continuing to work in the same job for the same sponsor under the same Standard Occupation Classification (SOC) code (unless the change in SOC Code is due only to the reclassification from SOC 2000 to SOC 2010)
- is applying for leave to remain and has or last had entry clearance or leave to remain as a:
  - Tier 2 (General) migrant
  - qualifying work permit holder
  - representative of an overseas newspaper, news agency or broadcasting organisation
  - member of the operational ground staff of an overseas-owned airline
  - Jewish agency employee
- meets the other requirements explained elsewhere in this guidance.

Genuine vacancy
On 6 November 2014, the Immigration Rules changed to tackle abuse in this route.

This section tells caseworkers about how to assess that a genuine vacancy exists when an applicant applies for entry clearance, leave to enter or leave to remain and the additional supporting evidence the applicant can provide.

A genuine vacancy is one which:

- requires the jobholder to perform the specific duties and responsibilities for the job and meets all of the requirements of the Tier 2 (General) category for the duration of the

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Tier 2 (General): switching from a post-study catergory

	vacancy shown on the assigned certificate of sponsorship (CoS) • does not include dissimilar and/or lower-skilled duties and must not have been tailored to exclude suitable qualified or skilled settled workers To assess this you may request additional information and/or evidence from the migrant or their sponsor to establish this requirement, and may refuse the migrant's application if this is not provided within our deadline. The Home Office must receive any requested documents at the address given in the request within 28 calendar days of the date the request letter is posted. Examples of vacancies that are not considered to be genuine include: • one which contains an exaggerated or incorrect job description to deliberately make it appear to meet the requirements of the Tier 2 (General) category when it does not • for a job or role that does not exist in order to enable a migrant to come to, or stay in the UK • advertisements with requirements that are inappropriate for the job on offer, and have been tailored to exclude resident workers from being recruited This is not an exhaustive list. You need not take these actions for all applicants, but should do so when there is particular cause for concern, for example: • the applicant has been working for the employer and the job vacancy was not advertised • the description appears to be a standard/template response used for other businesses and the application is in a high risk sector • the applicant is switching from a route that has been identified as high risk, for example, Tier 1 (Post study work) or Tier 4 student category	

Tier 2

Tier 2 (Intra-company transfer): attributes

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This section tells caseworkers how to score the attribute points for the Tier 2 (Intra-company transfer) (ICT) category of the points-based system and the supporting evidence the applicant must provide.

The applicant must score a minimum of 50 points against the following attributes:

Attribute	Points
Valid certificate of sponsorship from a licensed sponsor	30
Appropriate salary	20

For a list of licensed sponsors, see related link: Register of sponsors.

Certificate of sponsorship (CoS)
The CoS must confirm the:

- job is at national qualification framework (NQF) level 6 (or equivalent in Scotland) graduate level occupation, unless transitional arrangements apply, or in one of the following creative sector occupations skilled to NQF level 4:
  - 3411 artists
  - 3412 authors and writers
  - 3413 actors and entertainers
  - 3414 dancers and choreographers, or
  - 3422 designers, product, clothing-related, and
- applicant will be paid at or above the appropriate rate for the job.

For more information about transitional skill level requirements see link on left: Tier 2: entry clearance and leave to remain requirements.

For information on appropriate salaries, see related links:

In this section

Tier 2 (intra-company transfer): sub categories

Tier 2 (intra-company transfer): evidence of period of employment

Tier 2 (intra-company transfer): appropriate salary and allowances

Tier 2 (intra-company transfer: short or long term staff and graduate trainees) additional evidence

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	• Codes of practice • Tier 2 (Intra-company transfer): appropriate salary and allowances. For more information on the general details needed to make a CoS valid, see link on left: Tier 2: certificate of sponsorship. For more information on each of the Tier 2 (ICT) sub-categories, see related link.	

This guidance is based on the Immigration Rules.

Tier 2

Sub categories

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This section tells caseworkers about the four Tier 2 (Intra-company transfer) (ICT) sub-categories.

The Tier 2 (ICT) category is for existing employees of multi-national companies who are transferring to a UK based branch of the same organisation for training purposes or to fill a specific role that cannot be filled by a settled or European Economic Area (EEA) worker, either on a long term basis or for frequent short visits.

It is not for overseas organisations with no link by common ownership or control to the UK business.

There are four sub-categories of ICT:

- Tier 2 (ICT: short term staff)
- Tier 2 (ICT: long term staff)
- Tier 2 (ICT: graduate trainee)
- Tier 2 (ICT: skills transfer).

For more information on each of these sub-categories, see related links.

In this section

Tier 2 (Intra-company transfer: short and long term staff)

Tier 2 (Intra-company transfer: graduate trainee)

Tier 2 (Intra-company transfer: skills transfer)

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Intra-company transfer: short and long term staff)

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This page tells caseworkers how to award the attribute points for the Tier 2 (Intra-company transfer (ICT): short and long term staff) sub-categories of the points-based system.

You must award 30 points for sponsorship if an applicant:

- has a valid certificate of sponsorship (CoS)
- has been working for the sponsor for at least 12 months immediately before the date of their application
- meets the other requirements explained elsewhere in this guidance

When calculating the amount of time spent working for the sponsor, you must include any time spent working for the sponsor:

- outside the UK
- in the UK with leave in any of the following categories:
  - Tier 2 (ICT: short term staff)
  - Tier 2 (ICT: long term staff)
  - Tier 2 (ICT: established staff)
  - under Tier 2 (ICT) rules in place before 6 April 2010
  - as an ICT work permit holder
  - as a representative of an overseas business

When you calculate the 12 months experience you must not include time spent in the UK under:

- Tier 2 (ICT: graduate trainee)
- Tier 2 (ICT: skills transfer)
- any other immigration category

But if the applicant worked for the company overseas for 6 months, for example, before

In this section

Tier 2 (Intra-company transfer) sub categories

Tier 2 (Intra-company transfer: graduate trainee)

Tier 2 (Intra-company transfer: skills transfer)

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coming to the UK to work for the company lawfully under:

- Tier 2 (ICT: graduate trainee)
- Tier 2 (ICT: skills transfer)
- any other immigration category

and then returns to work for the company overseas for a further 6 months, you may add these 6 month overseas periods together.

The applicant does not need to provide evidence to show they have worked for their sponsor for this 12 month period with their application, however you can ask them to provide it. If the applicant does not provide the evidence requested, you may refuse the application.

For more information on what supporting documents you can ask for, see related link: Tier 2 (Intra-company transfer: short term and long term staff and graduate trainees) additional evidence.

Applicants working on a contract basis
Under the Tier 2 (ICT; short term and long term staff) subcategories, where a migrant is working on a contract basis and is being supplied to one organisation by another organisation, their sponsor must be whoever has full responsibility for the duties, functions and outcomes, or outputs of the job.

An example is where company A has a contract with a client - company Z - to deliver an IT solution within agreed timescales. An applicant who is sponsored by company A to work on that project, may be sent to work for the length of the contract at company Z's premises, but they remain employed by company A throughout the period of the contract. As company A is fully responsible for their duties, functions, outputs or outcomes, company A must be the applicant's sponsor.

A sponsor can only assign a certificate of sponsorship (CoS) if they have full responsibility for deciding the duties, functions and outcomes or outputs of the job. Where the applicant is carrying out work for a third party on their sponsor's behalf, they must be contracted by their sponsor to provide a time-bound service or project on their 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 their sponsor or anyone else. An applicant 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 the sponsor and any employment agency or employment business
- 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 the sponsor and another party

Genuine vacancy
On 6 November 2014, the Immigration Rules changed to tackle abuse in this route but genuine applicants were not affected.

This section tells caseworkers about how to assess that a genuine vacancy exists when an applicant applies for entry clearance, leave to enter or leave to remain and the additional supporting evidence the applicant can provide.

A genuine vacancy is one which:

- requires the jobholder to perform the specific duties and responsibilities for the job and meets all of the requirements of the Tier 2 Intra-company transfer (ICT): short and long term staff sub-categories for the duration of the vacancy shown on the assigned certificate of sponsorship (CoS)
- does not include dissimilar and/or lower-skilled duties and must not have been tailored to exclude suitable qualified or skilled settled workers

To assess this you may request additional information and/or evidence from the migrant or their sponsor to establish this requirement, and may refuse the migrant's application if this is not provided within our deadline. The Home Office must receive any requested documents at the address given in the request within 28 calendar days of the date the request letter is posted.

	Examples of vacancies that are not considered to be genuine include: • one which contains an exaggerated or incorrect job description to deliberately make it appear to meet the requirements of the Tier 2 (ICT): short and long term staff sub-categories when it does not • for a job or role that does not exist in order to enable a migrant to come to, or stay in the UK • advertisements with requirements that are inappropriate for the job on offer, and have been tailored to exclude resident workers from being recruited This is not an exhaustive list. You need not take these actions for all applicants, but should do so when there is particular cause for concern, for example: • a representative has been used and the application is from a high risk sector • the applicant is switching from a route that has been identified as high risk	

Tier 2

Tier 2 (Intra-company transfer: graduate trainee)

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Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers how to score the attribute points for the Tier 2 (Intra-company transfer (ICT): graduate trainee) sub category of the points-based system.

You must award 30 points for sponsorship if the applicant:

- has a valid certificate of sponsorship (CoS)
- is being sponsored as part of an accelerated graduate training programme
- has been working for the sponsor overseas for at least three months immediately before the date of their application, and
- meets the other requirements explained elsewhere in this guidance.

You can only award these points if the sponsor has not sponsored more than five applicants (including the applicant in question) in the graduate trainee sub-category in the current year (beginning on 6 April and ending on 5 April).

You can only include time spent working for the sponsor outside the UK.

Any time they spend in the UK as a Tier 2 (ICT: graduate trainee) does not count towards the 12 months experience required for the long term staff sub-category. For more information on the Tier 2 (ICT) attributes, see related link.

You must check that:

- the certificate of sponsorship (CoS) confirms the applicant is applying as a Tier 2 (ICT: graduate trainee), and
- the job is at national qualification framework (NQF) level 6 (or equivalent in Scotland) or above, unless transitional arrangements apply, or in one of the following creative sector occupations skilled to NQF level 4:
  - 3411 artists

In this section

Tier 2 (Intra-company transfer) sub categories

Tier 2 (Intra-company transfer: short and long term staff)

Tier 2 (Intra-company transfer: skills transfer)

Links to staff intranet removed

	○ 3412 authors and writers ○ 3413 actors and entertainers ○ 3414 dancers and choreographers, or ○ 3422 designers, product, clothing-related. For more information about transitional skill level requirements see link on left: Tier 2 – entry clearance and leave to remain requirements. The CoS must also confirm that the applicant will be paid at or above the appropriate rate for the job. For more information on appropriate salaries, see related links: • Codes of practice • Tier 2 (Intra-company transfer): appropriate salary and allowances. For more information on the CoS, see link on left: Tier 2: certificate of sponsorship.	

Tier 2

Tier 2 (Intra-company transfer: skills transfer)

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Tier 2: changes of employment
Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers how to score the attribute points for the Tier 2 (Intra-company transfer (ICT): skills transfer) sub-category of the points-based system.

You can award 30 points for sponsorship if the applicant has a valid certificate of sponsorship (CoS), and the purpose of the transfer is as described below.

The purpose of the transfer to the UK branch of the multi-national company must only be for the applicant to learn or to transfer skills and knowledge to the sponsor's UK environment.

The job must be:

- additional to the sponsor's UK staffing requirements. It is the sponsor's responsibility to make sure they can show that if the applicant was not learning or transferring skills, the role in the UK would not exist, and
- at national qualification framework (NQF) level 6 (or equivalent in Scotland) or above, unless transitional arrangements apply, or in one of the following creative sector occupations skilled to NQF level 4:
  - 3411 artists
  - 3412 authors and writers
  - 3413 actors and entertainers
  - 3414 dancers and choreographers, or
  - 3422 designers, product, clothing-related.

The CoS must confirm that:

- the job is additional to normal staffing requirements
- the applicant will be paid at or above the appropriate rate for the job. For more information on appropriate salaries, see related links:
  - Codes of practice, or

In this section

Tier 2 (Intra-company transfer) sub categories

Tier 2 (Intra-company transfer: short and long term staff)

Tier 2 (Intra-company transfer: graduate trainee)

Links to staff intranet removed

	○ Tier 2 (Intra-company transfer): appropriate salary and allowances, and • the applicant is applying under the Tier 2 (ICT: skills transfer) category. For more information on the CoS, see link on left: Tier 2: certificate of sponsorship. For more information on other Tier 2 (ICT) attributes, see related link.	

This guidance is based on the Immigration Rules.

Tier 2

Evidence of period of employment

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Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers what documents an applicant must provide for Tier 2 (Intra-company transfer: short and long term staff or graduate trainees) sub-categories.

If the applicant is applying for either Tier 2 (ICT: short or long term staff) or Tier 2 (ICT: graduate trainee), you may ask them to they provide evidence they have worked for the sponsor for the following specified period before the date of application:

- 12 months for short or long term staff, or
- three months for graduate trainees.

They do not have to be in the same job for the specified period.

If you ask them to provide evidence, they must provide it within seven days, covering the full specified consecutive months from either:

- Payslips:
  - The most recent payslip must be dated no earlier than 31 days before the date of the application.
  - These must be original formal payslips issued by the employer showing the employer's name. If payslips are not original documents or are printouts of online payslips, they must provide a letter from the employer, confirming the information on the payslips is accurate. 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.
- Personal bank or building society statements:
  - The most recent statement must be dated no earlier than 31 days before the date of the application and must clearly show the applicant's name, account number, date of statement, the financial institution's name and logo and transactions between the applicant and their sponsor covering the full specified period.
  - You can accept ad hoc bank statements printed on the bank's letterhead as

In this section

Tier 2 (Intra-company transfer) attributes

Tier 2 (intra-company transfer): sub categories

Tier 2 (intra-company transfer): appropriate salary and allowances

Tier 2 (intra-company transfer: short or long term staff and graduate trainees) additional evidence

	evidence (This does not include mini-statements from automatic teller machines (ATMs)). ○ You can accept electronic bank statements if they contain all of the details listed above. In addition, applicants must provide a supporting letter from their bank, on company headed paper, confirming the authenticity of the statements and with the official stamp of the bank on every page of the electronic bank statements. • Building society passbooks which clearly show the: ○ applicant's name ○ account number ○ financial institution's name and logo ○ transactions between the applicant and their sponsor covering the full specified period immediately before the date of the application. The applicant does not need to provide this evidence if they are applying: • for an extension in the same job, or • to do a different job for the same sponsor. **Maternity, paternity or adoption leave or long term sick leave** If the applicant has been absent from work on maternity, paternity or adoption leave during the last 12 months, you must accept evidence that they have been working for any 12 months within the last 24 month period. This also applies if they have been absent from work on sick leave for one month or longer during the last 12 months. For example, if they worked for nine months, took 12 months leave and then returned to work for three months before applying, they can provide evidence of working for the two periods, making 12 months in total. This exception only applies for a maximum of 12 months leave for: • maternity • paternity • adoption leave,	

- long term sick, or
- periods spent working in the UK under the graduate trainee or skills transfer sub-categories.

It does not apply to other breaks in working, for example, a period of study or a career break.

Evidence of maternity, paternity or adoption leave
If you ask the applicant to provide this, they must provide the following documents within seven days:

- original full birth or adoption certificates, containing the names of the parents or adoptive parents of the child for whom the leave was taken and at least one of the following:
  - original letter from their sponsor, on company headed paper, confirming the start and end dates of leave, and/or
  - payslips or personal bank or building society statements or building society passbook covering the entire period of leave, as well as the 12 months working, showing statutory maternity, paternity or adoption payments to the applicant.

If the birth or adoption certificates are not available the applicant must provide both of the other documents listed above.

Evidence of long term sick leave
If you ask the applicant to provide this, they must provide both of the following within seven days:

- original letter from their sponsor, on company headed paper, confirming the start and end dates of the applicant's leave, and
- payslips or personal bank or building society statements or building society passbook covering the entire period of leave, as well as the 12 months working, showing the applicant's statutory sick pay and/or sick pay from their health insurance.

If the applicant cannot provide two types of documents from those listed above, they must

	provide one of the alternative documents listed below. This must be from an official source and must be independently verifiable: • official adoption papers issued by the relevant authority • any relevant medical documents, or • a relevant extract from a register of birth provided it is accompanied by an original letter from the issuing authority. The applicant must still provide two types of evidence and at least one of these must be as listed above, for maternity, paternity, adoption leave or long term sick leave. The applicant must fully explain why they were not able to provide two of the listed documents. You must not accept one of the alternative documents unless you are satisfied with the reasons provided.	

Tier 2

Appropriate salary and allowances

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Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers how to score the attribute points for the appropriate salary for the Tier 2 (Intra-company transfer) (ICT) category of the points-based system.

You can award the following points for appropriate salary. This is the annual salary they are going to be paid before tax (gross).

Attributes	Points
ICT: long term staff £41,500 and above and paid the appropriate rate for the job.	20
ICT: short term staff, graduate trainee or skills transfer, £24,800 and above and paid the appropriate rate for the job.	20
If the applicant is extending ICT leave, granted under the rules in place before 6 April 2011, they must be paid at least the appropriate rate for the job.	20
Under £24,800 or £41,500 (as appropriate) or paid less than the appropriate rate for the job.	0

Check the salary is at the appropriate rate for the job
The certificate of sponsorship (CoS) must confirm that the applicant will be paid at or above the appropriate rate for the job. You can check this is appropriate from the relevant code of practice for the occupation in Appendix J of the Immigration Rules.

Where a CoS is assigned which would mean the applicant's total stay in Tier 2 (plus any time as a work permit holder) would be longer than 3 years and 1 month the salary shown on the CoS must be at least the 'experienced' rate of pay. For example, if the sponsor assigns a 5 year CoS with the 'new entrant' rate of pay, it will not meet the minimum requirements of the rules and the applicant should be refused.

For more information, see related link: Codes of practice.

Related links

Tier 2 (Intra-company transfer): attributes

Tier 2 (Intra-company transfer): sub categories

Tier 2 (Intra-company transfer): evidence of period of employment

Tier 2 (Intra-company transfer: short or long term staff and graduate trainees) additional evidence

Links to staff intranet removed

Limits on accommodation allowance
If the applicant is applying in the long term staff sub-category, you can only consider accommodation allowances of up to a maximum of 30 per cent of the gross salary package. The following examples show you how to assess if the accommodation allowances are within this limit.

Example 1

- accommodation allowances: £10,000
- salary and other (non-accommodation) allowances: £35,000.

The total salary package the sponsor has offered is: £10,000 + £35,000 = £45,000.

The salary and other (non-accommodation) allowances can be a minimum of 70 per cent of the total package you can take into account. This means that £35,000 is 70 per cent of the maximum package you can take into account. You calculate this maximum package by dividing £35,000 by 70 per cent (or 0.7):

£35,000 ÷ 0.7 = £50,000.

In this example, the total package the sponsor has offered is less than the maximum package you can take into account. In this case you can:

- take into account the whole package
- use the total £45,000 when checking the appropriate rate
- award 20 points for the salary

.

Example 2

- accommodation allowances: £20,000
- salary and other (non-accommodation) allowances: £24,500

	The total salary package the sponsor has offered is: £20,000 + £24,500 = £44,500. You calculate the maximum package you can take into account by dividing the salary and other (non-accommodation) allowances by 70 per cent (or 0.7):, £24,500 ÷ 0.7 = £35,000. In this example the total package the sponsor has offered is more than the maximum package you can take into account. In this case you can: • only take into account £35,000, and • award no points, as it is below the £41,500 threshold for long term staff. If the applicant is applying in one of the short term staff, graduate trainee or skills sub-categories you can consider accommodation allowances of up to a maximum of 40 per cent of the gross salary package, instead of 30 per cent for long term staff. This is to reflect the higher cost of short term accommodation.	

Staff and graduate trainees - evidence

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Tier 2: dependants

This page tells caseworkers how to assess the additional evidence they may request for the Tier 2 (Intra-company transfer (ICT): short or long term staff and graduate trainee) sub-categories of the points-based system.

You may ask the applicant to provide additional evidence that they have worked for their sponsor. The supporting documents are either:

- payslips
- personal bank or building society statements, or
- building society passbook.

For more information on the requirements for this evidence, see related link: Tier 2 (Intra-company transfer): evidence of period of employment.

The evidence must show previous employment of:

- 12 months for Tier 2 (ICT: short or long term staff), or
- three months for Tier 2 (ICT: graduate trainees).

The applicant does not have to be in the same job for the specified period but must be working for the same sponsor (or its linked overseas entity or entities).

The applicant does not need to provide this evidence if they are making an extension or change of employment application to do the same or different job for the same sponsor.

In this section

Tier 2 (Intra-company transfer) attributes

Tier 2 (intra-company transfer): sub categories

Tier 2 (intra-company transfer): evidence of period of employment

Tier 2 (intra-company transfer): appropriate salary and allowances

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This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Minister of religion): attributes

About this guidance
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Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers how to score the attribute points for the Tier 2 (Minister of religion) category of the points-based system, and the supporting evidence an applicant must provide.

You must award 50 points if the applicant has a valid certificate of sponsorship (CoS) which sets out the specified details.

For more information on the general details needed to make a CoS valid, see link on left: Tier 2: certificate of sponsorship.

The CoS must contain:

- an outline of the duties (this may include regular or one off preaching, and/or other pastoral duties)
- details of earnings, and
- an explanation:
  - of how the role passes the resident labour market test
  - that the sponsor has justified the role is supernumerary, the applicant will not be filling a vacant position that could otherwise be filled by a settled worker, and the applicant intends to be based in the UK for the duration of their permission to stay, or
  - that the role 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 line with their specific religious devotion, for example an order of nuns or monks.

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (Sportsperson): attributes

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Tier 2: dependants

This page tells caseworkers how to score the attribute points for the Tier 2 (Sportsperson) category of the points-based system.

You must award 50 points if the applicant has a valid certificate of sponsorship (CoS) with a governing body endorsement.

For more information on the general details needed to make a CoS valid, see link on left: Tier 2: certificate of sponsorship.

For the CoS to be valid for a Tier 2 (Sportsperson) it must also include a governing body endorsement reference number for the applicant.

If the sponsor wishes to continue to employ the person beyond the period of leave, the sponsor must assign a new CoS and get a new governing body endorsement.

For more information on the CoS, see related links:

- Tier 2: searching the certificate of sponsorship checking system
- Tier 2: certificate of sponsorship checking system.

Governing body endorsement
Only a governing body approved by the Home Office can give a governing body endorsement.

For a list of the approved governing bodies, see related link: Sports governing bodies.

The governing body endorsement that goes with the CoS confirms the:

- applicant is internationally established as a player or coach at the highest level
- applicant will make a significant contribution to the development of their sport at the

Related link
Links to staff intranet removed

	highest level in the UK, and • post could not be filled by a suitable settled worker. **The governing body endorsement reference number** The governing body must provide the sponsor with a reference number to confirm the endorsement. The reference number will begin with an abbreviated form of the governing body (for example RUGU for rugby union). You must check this reference number is on the CoS towards the bottom of the CoS.	

This guidance is based on the Immigration Rules.

Tier 2

English language requirement

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Tier 2: dependants

This page tells caseworkers about the English language requirements for the Tier 2 categories of the points-based system.

A person must meet the English language requirements if they are applying under:

- Tier 2 (General)
- Tier 2 (Minister of religion)
- Tier 2 (Sportsperson)

If the applicant cannot score 10 points for English language, you must refuse their application, even if they have met all the other Tier 2 requirements.

Awarding points
The applicant may score points on either their immigration history, or on their ability to speak English.

You must award 10 points for English language if they:

- are a national of a majority English speaking country
- hold a degree that was taught in English which must be equivalent to a UK bachelors degree or above
- have passed a Secure English Language Test (SELT) at the appropriate level
- are applying for leave to remain and have previously been granted leave as a:
  - qualifying work permit holder
  - representative of an overseas newspaper, news agency or broadcasting organisation
  - member of the operational ground staff of an overseas owned airline
  - minister of religion, missionary or member of a religious order, or
  - Jewish agency employee, and

  have not been granted leave in any other category than Tier 2 and those listed above,

Related links
Links to staff intranet removed

	or entry clearance in any category, under the rules in place since 28 November 2008
	• have previously been granted leave under:
	  ○ Tier 1 (General)
	  ○ Tier 1 (Entrepreneur) or Businessperson
	  ○ Tier 1 (Post-study work)
	  ○ the highly skilled migrant programme under the rules which were introduced on 5 December 2006
	• have previously been granted leave under a Tier 2 category, and already provided evidence of meeting the English language requirement:
	  ○ if the applicant is applying under Tier 2 (Minister of religion), they must have last been granted leave under this category for this to apply
	• have previously been granted leave under Tier 4 (General) student where the confirmation of acceptance for studies support the application for that grant was assigned on or after 21 April 2011:
	  ○ If the applicant is 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
	• are applying under Tier 2 (ICT) or Tier 2 (Sportsperson) and were previously granted leave as a minister of religion on or after 23 August 2004
	• are applying under Tier 2 (Minister of religion) or Tier 2 (General), and were granted leave as a minister of religion on or after 19 April 2007
	
	For more information on the above, see related links:
	
	• National of a majority English speaking country
	• Degree taught in English
	• English language test	

This guidance is based on the Immigration Rules.

Tier 2

Maintenance

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Tier 2: dependants

This section tells caseworkers the maintenance requirements for the Tier 2 categories of the points-based system.

The applicant must score 10 points for maintenance by showing they have available funds of at least £945.

If the applicant cannot score 10 points for maintenance, you must refuse their application, even if they have met all the other Tier 2 requirements.

Awarding points
You must award 10 points if they:

- have personal savings of at least £945, which must have been held for a consecutive 90 day period (finishing on the date of the closing balance), ending no more than 31 days before the date of their application - you must not include an overdraft facility as available funds
- currently have entry clearance, leave to enter, or leave to remain as a:
  - Tier 2 migrant
  - work permit holder
  - Jewish agency employee
  - member of the operational ground staff of an overseas-owned airline
  - minister of religion, missionary or member of a religious order
  - representative of an overseas newspaper, news agency or broadcasting organisation
- have an A-rated (premium), A-rated small or medium-sized enterprise (SME+) or A-rated sponsor who certifies on the certificate of sponsorship (CoS) that they will maintain and accommodate them up to the end of their first month of employment in the UK if required - the sponsor may limit the amount of the undertaking but any limit must be at least £945

In this section

Tier 2: evidence required for maintenance

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	When the funds are in a currency other than pounds sterling, you must: • use the rates published on the OANDA website to convert the amount, see related link, and • base the amount the applicant has stated on the exchange rate for the relevant currency on the date of the application. If the applicant claims points for holding entry clearance, leave to enter, or leave to remain in one of the routes listed above, their leave must still be valid at their date of application. If the leave has already expired they must provide alternative evidence to demonstrate that they meet the maintenance requirement. This includes applicants who are within the 28 day period where overstaying is disregarded. If the money is in a joint account the applicant's name must be on the account along with one or more other named individual(s). Any dependants must also provide evidence that they have access to sufficient funds, even if they are joining the applicant at a later date. For more information on what funds they need and how to calculate there is sufficient, see related link: Family members of points-based system migrants. For more information on the evidence needed for maintenance, see related link: Tier 2: evidence required for maintenance.	

Evidence required for maintenance

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This page tells caseworkers what evidence an applicant must provide as proof of maintenance to support an application for the Tier 2 category of the points-based system.

An applicant must provide evidence of personal savings which cover a period of 90 consecutive days, and no more than one calendar month before submitting the application.

The documents must:

- be original
- be on the organisation's official letter-headed paper or stationery
- have the organisation's official stamp
- have been issued by an authorised official of that organisation

Evidence must be in the form of cash funds. You must not:

- include any overdraft facilities
- accept other accounts or financial instruments (such as shares, bonds and pension funds), regardless of notice

The applicant must provide one of the following:

- personal bank or building society statements covering 90 consecutive days. The most recent statement must be dated no earlier than 31 days before the date of the application
- building society pass book covering the previous 90 day period
- a letter from the bank confirming their funds and that they have been in the bank for at least 90 days
- a letter from a financial institution regulated by the Financial Services Authority (FSA) or, in the case of overseas account, the home regulator (official regulatory body for the country in which the institution operates and the funds are located), confirming funds

The information must clearly show:

- the applicant's name
- the account number
- the date of the statement
- the financial institution's name and logo
- transactions covering the 90 day period
- there are enough funds in the account (the balance must always be at least £945)

You can accept as evidence:

- other bank statements printed on the bank's letterhead
- electronic bank statements, if they contain all of the details listed above, and:
  - the applicant provides a supporting letter from the bank, on company headed paper, confirming the statements provided are authentic
  - the electronic bank statement has the official bank stamp on every page

You cannot accept the following because they do not show the applicant holding enough funds for the 90 days required:

- mini-statements from automatic teller machines
- statements which simply show the balance in the account on a particular day

You must not consider money earned when the applicant was in breach of the UK's immigration laws as evidence of maintenance funds.

This guidance is based on the Immigration Rules.

Tier 2

Indefinite leave to remain (settlement) requirements

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This section tells caseworkers what they must check to see if an applicant meets the settlement requirements for the Tier 2 categories of the points-based system.

Before considering any Tier 2 application you must check the:

- application is valid
- applicant's passport or travel document is genuine
- applicant's immigration history:
  - this information can be found on the internal systems and previous case notes
- application has no general grounds of refusal
- biometric information is registered and verified.

For more information, see related links:

- Specified application forms and procedures
- Internal systems check – leave to remain
- Adverse immigration history
- General grounds for refusal
- Biometric information
- Points-based system – evidential flexibility

You must do verification checks if you have any doubts about the genuineness of any supporting documents an applicant has submitted.

Tier 2 has four categories, for more information on the settlement requirements for each, see related links:

- Tier 2 (General), (Minister of Religion) and (Sportsperson): indefinite leave to remain (settlement) requirements
- Tier 2 (Intra-company transfer): indefinite leave to remain (settlement) requirements.

In this section

Tier 2 (Intra-company transfer): indefinite leave to remain (settlement) requirements

Tier 2 (General), (Minister of religion) and (Sportsperson): indefinite leave to remain (settlement) requirements

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Tier 2

Tier 2 (Intra-company transfer): indefinite leave to remain (settlement) requirements

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This page tells caseworkers about the indefinite leave to remain (settlement) requirements for the Tier 2 (Intra-company transfer (ICT)) category of the points-based system.

Intra-company transfer migrants
A migrant can apply for settlement when they have been in the UK for five years if they:

- previously applied under a Tier 2 (ICT) category before 6 April 2010, or
- switch into that category from being an ICT work permit holder.

You must refer to paragraph 254GF of the Immigration Rules when you read the following instructions.

Requirements for indefinite leave to remain (ILR)
You must grant ILR if:

- The applicant meets the requirements of paragraph 245GF of the Immigration Rules.
- None of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply. For more information, see related link.
- The applicant has spent a continuous period of five years in the UK lawfully, the most recent period of leave must have been as a Tier 2 (Intra-company transfer) migrant in any of the following categories:
  - Tier 2 (Intra-company transfer)
  - qualifying work permit holder, or
  - representative of an overseas business.
- The continued period of leave (above) must include a period of leave as:
  - Tier 2 (Intra-company transfer) migrant granted under the rules in place before 6 April 2010. Or
  - A qualified work permit holder if the work permit was granted because the applicant was the subject of an intra-company transfer. A qualifying work permit holder is one

Related links

Tier 2 (General), (Minister of religion) and (Sportsperson): indefinite leave to remain requirements

Tier 2: indefinite leave to remain (settlement): specified documents

Tier 2: grant or refuse indefinite leave to remain (settlement)

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	in either the business and commercial category or the sports and entertainment category, providing that their work permit was not a multiple entry work permit. Training and Work Experience Scheme (TWES) or Sectors Based Scheme (SBS) work permit holders are not qualitifying work permit holders.
	• The sponsor who issued the certificate of sponsorship leading to the applicant's last grant of leave still holds, or has applied to renew, a Tier 2 (Intra-company transfer) sponsor license and has certified in writing they:
	  ○ require the applicant for employment in the job in question, and
	  ○ are paying the applicant at, or above, the appropriate rate for the job as stated in Appendix J of the Immigration Rules (unless the applicant qualifies for a concession from this requirement because of a reduction in pay due to maternity, paternity or adoption leave).
	• The applicant provides the specified documents as set out in paragraphs 245GF-SD of the Immigration Rules. For more information, see related link: Tier 2: indefinite leave to remain (settlement): specified documents.
	• The applicant satisfies the requirements of the knowledge of the English language and life in the UK, with reference to paragraphs 33B to 33D of the Immigration Rules unless at the time the application is made the applicant is:
	  ○ under the age of 18, or
	  ○ over the age of 65.
	• The applicant is not in breach of immigration laws, except for the following which will be disregarded:
	  ○ any period of overstaying for 28 days or less, or
	  ○ if the application was submitted before 9 July 2012.
	
	For more information on the Knowledge of life requirement, see related link: Knowledge of language and life in UK.	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2 (General), (Minister of religion) and (Sportsperson): indefinite leave to remain (settlement) requirements

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This page tells caseworkers about the indefinite leave to remain (settlement) requirements for the Tier 2 (General), (Minister of Religion) and (Sportsperson) category of the points-based system.

You must refer to paragraph 254HF of the Immigration Rules when you read the following instructions.

Requirements for indefinite leave to remain (ILR)
You must grant ILR if:

- the applicant meets the requirements of paragraph 245HF of the Immigration Rules
- none of the general grounds for refusal in paragraphs 320 and 324 of the Immigration Rules apply, for more information see related link
- the applicant has spent a continuous period of five years lawfully in the UK in any combination of the following categories, of which the most recent period must have been spent with leave as a Tier 2 migrant:
  - member of the operation ground staff of an overseas owned airline
  - minister of religion, missionary, or member of a religious order
  - qualifying work permit holder - a qualifying work permit holder is a work permit holder in either the business and commercial category or the sports and entertainment category, provided their work permit was not a multiple entry work permit. Training and Work Experience (TWES) or Sectors Based Scheme (SBS) work permit holders are not qualifying work permit holders
  - representative of an overseas business
  - representative of an overseas newspaper, news agency or broadcasting organisation
  - Tier 1 migrant, other than a Tier 1 (post-study work) migrant
  - highly skilled migrant
  - innovator

Related links

Tier 2 (Intra-company transfer): indefinite leave to remain requirements

Tier 2: indefinite leave to remain (settlement): specified documents

Tier 2: grant or refuse indefinite leave to remain (settlement)

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	○ Tier 2 (General) migrant, a Tier 2 (Minister of religion) migrant or a Tier 2 (Sportsperson) migrant ○ Tier 2 (Intra-company transfer) (ICT) migrant, provided the continuous period of 5 years spent lawfully in the UK includes a period of leave as a Tier 2 (ICT) migrant granted under the rules in place before 6 April 2010, or a qualifying work permit holder, provided that the work permit was granted because the applicant was the subject of an ICT • the sponsor who issued the certificate of sponsorship leading to the applicant's last grant of leave still holds, or has applied to renew, a Tier 2 sponsor licence in the relevant catergory and has certified in writing they: ○ still require the applicant for employment in the job in question, and ○ are paying the applicant at or above the appropriate rate for the job as stated in Appendix J of the Immigration Rules (unless the applicant qualifies for a concession from this requirement because of a reduction in pay due to maternity, paternity or adoption leave) • the applicant provides the documents specified in paragraphs 245HF-SD of the Immigration Rules - see related link: Tier 2: indefinite leave to remain (settlement): specified documents • the applicant satisfies the requirements of the knowledge of the English language and life in the UK, with reference to paragraphs 33B to 33D of the Immigration Rules unless at the time the application is made the applicant is: ○ under the age of 18 ○ or over the age of 65 • the applicant is not in breach of immigration laws, except for the following which will be disregarded: ○ any period of overstaying for 28 days or less ○ orif the application was submitted before 9 July 2012 **Limited concession for Tier 2 (General) migrants** On 6 November 2014, a limited concession outside of the Immigration Rules was introduced for Tier 2 (General) migrants sponsored as doctors who are taking unpaid leave with their sponsor's agreement to assist in the Ebola crisis in West Africa. This limited concession will enable the sponsor to continue sponsoring the migrant for up to 6	

	months of unpaid leave each year. The sponsor should use the SMS as usual to inform the Home Office of the changes so that curtailment action is not initiated. From 6 April 2014 the Immigration Rules were amended to state that absences from the UK for this purpose will not affect settlement applications.	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2: indefinite leave to remain (settlement): specified documents

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This page tells caseworkers about the specified documents required for indefinite leave to remain (ILR) (settlement) applications for Tier 2 categories of the points-based system.

Below is a list of the specified documents (referred to in paragraph 245GF (f) and set out in paragraphs 245GF-SD and 245HF(e) of the Immigration Rules) which are required for you to be able to grant indefinite leave to remain.

Tier 2 (General), Tier (Minister of religion), Tier 2 (Sportsperson) and (Intra-company transfer)
To grant indefinite leave to remain in any of these categories the employer must confirm in writing, on company headed paper, that they still need the applicant to be employed in the job in question.

Appropriate rate: Tier 2 (General) and (Intra-company transfer)
The applicant must provide either a payslip and a:

- personal bank or building society statement
- building society pass book

Requirements
The payslip must:

- be the most recent given and be dated no earlier than 31 days before the date of the application
- be the original formal payslip issued by the employer which clearly shows the employer's name:
  - If the payslip is not the original document, or is a printout of an online payslip, the applicant must provide a letter on company headed paper from the employer and signed by a senior official, confirming the information on the payslip is accurate - this letter can be posted, faxed or scanned and emailed to you

Related links

Tier 2 (Intra-company transfer): indefinite leave to remain (settlement) requirements

Tier 2 (General), (Minister of Religion) and (Sportsperson): indefinite leave to remain (settlement) requirements

Tier 2: grant or refuse indefinite leave to remain (settlement)

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	Personal bank or building society statements:
	
	• the most recent statement must be dated no earlier than 31 days before the date of the application and must clearly show the:
	  ○ applicant's name
	  ○ applicant's account number
	  ○ date of the statement
	  ○ financial institution's name and logo
	  ○ transactions between the applicant and their sponsor covering the full specified period
	• you can accept ad hoc bank statements printed on the bank's letterhead as evidence
	• you cannot accept mini-statements from automatic teller machines (ATMs)
	• you can accept electronic bank statements if they contain all of the details listed above. However applicants must also provide a supporting letter from their bank, on company headed paper, confirming the authenticity of the statements and with the official stamp of the bank on every page of the electronic bank statements
	
	Where an applicant is paid through FOREX, the applicant must provide a statement from the account which meets the requirements specified above and a supporting letter from the employer.
	
	FOREX, or the foreign exchange market or currency market, is the international market where one currency is traded for another. Some participants in this market simply use it to exchange a foreign currency for their own. For examplie multinational corporations which must pay wages and other expenses in different nations to where they sell their products.
	
	Building society passbooks must clearly show the:
	
	• applicant's name
	• account number
	• financial institution's name and logo
	• transactions between the applicant and their sponsor covering the full specified period	

immediately before the date of the application

The applicant may submit a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the authenticity of the statement provided.

Maternity, paternity or adoption leave: Tier 2 (General) and (Intra-company transfer)
Where the applicant is on maternity, paternity or adoption related leave when they make their application the employer may not be able to prove they are being paid the appropriate rate for the job. This is because the applicant, although employed and required for the job, will be on nil or reduced pay. The requirements to be met by are set out in paragraph 245GF(e)(ii), 245GF-SD, 245HF(d)(ii) and 245HF-SD of the Immigration Rules.

Type of pay	Action
Reduced	You must calculate whether the level of reduced pay meets the requirements of paragraph 245GF(e)(ii)(2) or 245HF(d)(ii)(2) of the rules. Where they are and the applicant meets all of the other requirements for ILR then you can grant ILR.
Nil or reduced	If the applicant cannot provide: • confirmation from their employer that they are being paid at or above the appropriate rate for the job • the specified documents at paragraphs 245GF-SD(A) or (B) or 245HF-SD(A) or (B) the applicant must provide the following evidence as set out in paragraphs 245GF(f) and 245GF-SD(C) or 245HF(e) and 245HF-

		SD(C): • the payslip from the month immediately before the commencement of leave • payslips for each month of the maternity, paternity or adoption leave • bank or building society statements from the month before the period of leave • bank or building society statements for each month of the maternity, paternity or adoption leave period You can only accept pay slips and bank statements must meet the above requirements.

The sponsor must also confirm in writing:

- when the period of maternity or paternity or adoption-related leave commenced
- that the amount the applicant was being paid at this date was at the appropriate rate for the job, and
- the sponsor must also confirm that the applicant is still needed for the job.

They will meet this requirement provided this evidence confirms that the applicant:

- was being paid at the appropriate rate as required in paragraph 245GF(e)(ii) or 245HF (d)(ii) of the Immigration Rules, immediately before going on maternity leave or paternity or adoption-related leave, and
- the applicant meets all the other requirements of paragraph 245GF(e)(ii) or 245HF(d)(ii) of the Immigration Rules, including the requirement for the employer to confirm that the applicant is still needed for their employment.

If this evidence does not confirm that the applicant meets these requirements you must refuse the application.

Absences from the UK: Tier 2 (General), (Minister of religion), (Sportsperson) and (Intra-company transfer)
From 12 December 2012 applicants applying under Tier 2 (General), Tier 2 (Minister of religion), Tier 2 (Sportsperson) and Tier 2 (Intra-company transfer) must provide evidence of all work-related absences.

This requirement does not apply to considerations of cases which were received before this date but decided after.

The type of evidence required will depend on the reason for the absence:

Type of absence	Form of evidence
Work-related	A letter from the applicant's current or previous employer which gives the reason for the absence and includes periods of paid annual leave.
Absence for compelling or compassionate reasons	A letter which details the reasons for their absence with official documentation such as a medical, birth or death certificate. If the absence was due to a natural disaster such as a tsunami or earthquake, the applicant must provide official documents which detail serious delays to travel, for example a letter from their travel operator.

On 6 November 2014, a limited concession outside of the Immigration Rules was introduced for Tier 2 (General) migrants sponsored as doctors who are taking unpaid leave with their sponsor's agreement to assist in the Ebola crisis in West Africa. This limited concession will enable the sponsor to continue sponsoring the migrant for up to six

	months of unpaid leave per year without this affecting their sponsorship. Absences from the UK for this purpose will not affect future settlement applications. The sponsor should use the SMS as usual to inform the Home Office of the changes so that curtailment action is not initiated.	

This guidance is based on the Immigration Rules.

Tier 2

Certificate of sponsorship

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This section tells caseworkers how to check that a certificate of sponsorship (CoS) issued by a sponsor to a Tier 2 applicant is valid.

Checking the validity of the CoS

A valid CoS must:

- have been issued by a licensed sponsor, if the sponsor has been suspended, see related link: Tier 2: certificate of sponsorship checking system
- have been issued by an A-rated sponsor, unless it is an extension application to continue working for the same employer as in their last grant of leave
- have a reference number that links to a CoS checking service entry that names the applicant as the migrant
- confirm that the sponsor is sponsoring them in the Tier 2 category the migrant has applied for
- have the same details as in the applicant's passport
- have been assigned no more than three months before the date of application
- have a start date no more than three months after the date of application
- not have been used for a previous application, if that application was approved or refused (but not rejected or withdrawn)
- not have been withdrawn or cancelled by the sponsor or by the Home Office since it was assigned.

For more information on the attributes for the sub-categories, see related links:

- Tier 2 (General): attributes
- Tier 2 (Intra-company transfer): attributes
- Tier 2 (Sportsperson): attributes
- Tier 2 (Minister of religion): attributes.

For more information on the steps you must take when checking the CoS, see related link:

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Tier 2

Tier 2: certificate of sponsorship checking system

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This page tells caseworkers how to check a certificate of sponsorship (CoS) from a Tier 2 applicant using the CoS checking system and how to record it as used on the system.

When you check the CoS, you must:

- find it on the CoS checking system
- check the case type given on CID matches the type of CoS issued - you can find this on the top of the CoS
- record it as used in all approval and refusal cases
- not mark it as 'used' if you are rejecting, withdrawing or voiding the application, or the applicant is varying it to another category, because the Tier 2 decision has not been made and they could use it again

Check the current status of the CoS

Status of CoS on the checking system:	What you must do:
Assigned	Continue to assess the application.
Suspended	• not decide the case • keep it on hold • contact the sponsor licensing unit (SLU) to find out if they will be re-instating the sponsor or if it will be suspended indefinitely, and what information you can share with the applicant: ○ if they do not issue a new CoS, you must refuse the application
Withdrawn	Refuse the application if the sponsor does not issue another CoS because it is no longer valid.

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Tier 2: searching the certificate of sponsorship checking system

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Used	Check to see if a new CoS has been issued. If not, you must refuse the application because there is no valid CoS.	

Length of the CoS
The length of the CoS will depend on the type of application made.

For more information deciding an application, see related links:

- Tier 2: grant or refuse entry clearance
- Tier 2: grant or refuse entry at port
- Tier 2: grant or refuse leave to remain

Tier 2: searching the certificate of sponsorship checking system

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This page tells you how to search on the certificate of sponsorship (CoS) checking system for the details of the CoS that a Tier 2 applicant has provided.

Access the CoS checking system using your user name and password. To access the search function click 'CoS check'. The CoS checker times out every 30 minutes, so you may need to log in again after this time.

You can search the system by the:

- CoS number, by entering the number into the relevant screen
- applicant details, or
- sponsor details.

Searching using applicant's details
If you select this option you can search by:

- passport or travel document number
- family name
- given name
- nationality
- date of birth, or
- gender.

The more information you provide, the narrower the search will be.

Searching using sponsor details
If you select this option you can search by:

- sponsor licence number
- sponsor name

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Tier 2: certificate of sponsorship checking system

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	• sponsor's address, or • postcode. For more information deciding and application, see related links: • Tier 2: grant or refuse entry clearance • Tier 2: grant or refuse entry at port • Tier 2: grant or refuse leave to remain.	

This guidance is based on the Immigration Rules.

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Changes to employment

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This page tells caseworkers about changes to employment for Tier 2 categories of the points-based system.

Changes of employment
A person must make a change of employment application if they:

- change employer
- remain with the same employer and:
  - change their core duties which means their new job is in a different standard occupational classification (SOC) code to the one stated on their original CoS, unless the change of SOC code is due only to the reclassification from SOC 2000 to SOC 2010
  - change their core duties which means they change jobs from one currently on the shortage occupation list to one that is not on the list
  - they are a high earner (as described in sponsor guidance) and their salary is reduced to an amount lower than the high earner threshold that applied when they made their application

A person does not need to make a change of employment application if:

- they are staying with the same employer and changing their job to one in the same SOC code, and the change does not mean moving from a job on the shortage occupation list to one that is not on the list
- their pay increases
- they are moving under Transfer of Undertakings (Protection of Employment) (TUPE) arrangements due to a takeover, merger or de-merger
- under TUPE (or similar) protection they change jobs, the new job is in the same SOC code and the new salary continues to meet the appropriate rate for the new job as set out in the codes of practice
- they are undertaking a professional examination(s) for example, an Objective

Related links
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	Structured Clinical Examination (OSCE) or Professional and Linguistic Assessments Board (PLAB) to assess whether their skills meet UK standards before they commence working for their sponsor, where this is a regulatory requirement of the job shown on their certificate of sponsorship (CoS) • their salary is reduced due to maternity, paternity, adoption leave, and/or a period of sick leave that lasted for one month or longer • their salary is reduced, but continues to meet the appropriate rate and any Tier 2 salary thresholds which apply (for example £20,800) • there are changes to core duties leading to their job changing within the same SOC code, provided the new salary rate is at or above the appropriate rate for the job as set out in the codes of practice If the applicant has been subject to a TUPE transfer the sponsor licence unit will check the transfer was done correctly. They will update the applicants CID or CRS record with the new sponsors details. You must consider a change of employment application in the same way as an initial application. The applicant must: • provide a new CoS from their new sponsor • meet all the points requirements For more information on the requirements, see link on left: Tier 2: entry clearance and extension requirements. **Resident labour market test for changes of employment** The sponsor must carry out a new resident labour market test if it is required. A resident labour market test will not be required if: • they are applying as a Tier 2 (Intra-company transfer) migrant • the job is a shortage occupation	

	• the salary (as stated on the CoS) is £155,300 (or £153,500 if the recruitment took place before 6 April 2015) or more
	• their current leave in the UK is to work lawfully as a post-graduate doctor or dentist in speciality training:
	  ○ they need to apply for further leave under Tier 2 (General) to complete their training under the same NHS Training number
	  ○ or are returning to their training under the same NHS training number after an out of programme experience
	or
	• the job offer is as a doctor in speciality training and the applicant's salary and training costs are being met by the government of another country under an agreement with that country and the UK government
	• the job offer is in a supernumerary research position where the applicant has been issued a non-transferable scientific research award or fellowship by an external organisation which is not the sponsor:
	  ○ meaning the role is over and above the sponsor’s normal requirements
	  ○ if the applicant was not there, the role would not be filled by anyone else	

Supplementary, voluntary and secondary employment

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This page tells caseworkers about supplementary and secondary employment in the Tier 2 category of the points-based system.

Supplementary employment
In addition to the job specified on the certificate of sponsorship (CoS), the applicant can do extra work if it is:

- in either a job on the shortage occupation list or a job in the same sector and at the same professional level as the work for which the CoS was assigned
- no more than 20 hours a week, and
- outside the working hours covered by the CoS.

If they meet the above requirements the applicant does not need to inform the Home Office.

Voluntary work
The applicant can also do voluntary work in any sector. They must not be paid or receive other money for the voluntary work, except reasonable expenses as described in section 44 of the National Minimum Wage Act. For more information, see related link: National Minimum Wage Act 1998.

Secondary employment
The applicant can do a second (additional) job that is not in the same profession as the job specified on the CoS and is not supplementary employment. For example, it requires more than 20 hours work a week. They will need a new CoS for this second job and apply for a variation of leave, in addition to the CoS and leave for their existing job.

They cannot apply for further leave to remain for the second job until they have started working for their first sponsor. They will need to make a new application which must include a letter saying they want to change their existing leave to remain. The letter must include:

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	• the applicant's name • date of birth • CoS reference number, from the current leave to remain, and • confirmation of the date when the current leave to remain expires. If you approve their secondary employment you will be varying their initial leave and the applicant will have two sponsors during the period that both CoS are valid. You must arrange for a new biometric residence permit (BRP) card to be issued. Where the CoS reference number is displayed, the card should now read '2 CoS as Letter'. This indicates that the applicant has secondary employment. You must also change the applicant's approval letter to state the primary and secondary sponsors and the leave expiry dates for each. You must tell the applicant they must keep the approval letter with their biometric card as proof of their right to work. For more information on the requirements for new applications, see link on left: Tier 2: entry clearance and extension requirements.	

This guidance is based on the Immigration Rules.

Tier 2

Granting or refusing

About this guidance
Key facts: Tier 2
Overstaying
Tier 2: entry clearance and leave to remain requirements
Switching into Tier 2
Tier 2 (General): annual limit
Tier 2: attributes
Tier 2: English language requirement
Tier 2: maintenance
Tier 2: indefinite leave to remain (settlement) requirements
Tier 2: certificate of sponsorship
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Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This section tells caseworkers how to grant or refuse an application under the Tier 2 categories of the points-based system.

For more information, see related links:

- Tier 2: grant or refuse entry clearance
- Tier 2: grant or refuse entry at UK port
- Tier 2: grant or refuse leave to remain
- Tier 2: grant or refuse indefinite leave to remain (settlement).

In this section

Tier 2: grant or refuse entry clearance

Tier 2: grant or refuse entry at UK port

Tier 2: grant or refuse leave to remain

Tier 2: grant or refuse indefinite leave to remain (settlement)

This guidance is based on the Immigration Rules.

Tier 2

Tier 2: grant or refuse entry clearance

About this guidance
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This page tells you how to grant or refuse entry clearance for the Tier 2 categories of the points-based system.

Grant entry clearance
You must grant entry clearance if:

- the applicant meets all the requirements of paragraph 245GB or 245HB of the Immigration Rules
- none of the general grounds for refusal in paragraphs 320 to 324 apply (see related link)

Tier 2 (General)
If the applicant meets the above requirements you must grant entry clearance for the shorter period of either:

- a period equal to the length of engagement shown on the certificate of sponsorship (CoS) plus one month
- or up to 5 years plus one month based on the start date shown on the CoS - if the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee

Leave must start no more than 14 days before the start date given on the CoS.

Tier 2 (Minister of religion) and Tier 2 (Sportsperson)
If the applicant meets the above requirements you must grant entry clearance for the shorter period of either:

- a period equal to the length of engagement shown on the CoS plus one month
- 3 years plus one month based on the start date shown on the CoS

In this section

Tier 2: grant or refuse entry at UK port

Tier 2 grant or refuse leave to remain

Tier 2: grant or refuse indefinite leave to remain (settlement)

Links to staff intranet removed

	Leave must start no more than 14 days before the start date given on the CoS. **Tier 2 (Intra-company transfer (ICT): short term staff and graduate trainee** You must grant entry clearance for the shorter period of: • a period equal to the length of engagement shown on the CoS plus one month, (beginning no more than 14 days before the start date on the CoS) • a maximum time of 12 months based on the job start date shown on the CoS **Tier 2 (ICT): skills transfer** • a period equal to the length of engagement shown on the CoS plus one month, (beginning no more than 14 days before the start date on the CoS) • a maximum time of six months based on the job start date shown on the CoS. **Tier 2 (ICT: long term staff)** You must grant entry clearance for a period the shorter period of either: • a period equal to the length of engagement shown on the CoS plus one month (beginning no more than 14 days before the start date on the CoS) • or up to 5 years plus one month based on the start date shown on the CoS - if the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee You must use the following endorsements: • TIER 2 (GENERAL) MIGRANT • TIER 2 (INT COM TRAN) MIGRANT • TIER 2 (MIN OF REL) MIGRANT • TIER 2 (SPORTSPEOPLE) MIGRANT. The category is ‘D’. Entry clearance must be valid from the date of decision.	

	For more information on the conditions of leave that a person who is granted leave as a Tier 2 (General) migrant has, see link on left: Tier 2 - conditions of leave. **Biometric information for entry clearance** From 30 March 2015, depending on the country where the migrant applied, successful applicants for entry clearance will not be given a vignette in their passport, but rather they will be given a biometric resident permit (BRP). If successful they will be given a 30 day visa to allow them to collect their BRP after they have arrived in the UK. There will be a phased introduction of this. For more information on this please see related link: GOV.UK – Biometric Residence Permits. **Refuse entry clearance** You must refuse the application when the applicant has not provided the required evidence that they meet all the requirements of paragraph 245GB or 245HB, or if any of the general grounds for refusal in paragraphs 320 to 324 apply. **Rights of appeal and administrative review - Out of country applications** If an application for entry clearance is refused under the points-based system, the applicant cannot appeal against our decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. For further information on administrative reviews see related link: Ask for a visa administrative review.	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2: grant or refuse entry at UK port

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Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers how to grant or refuse entry at a UK port for the Tier 2 categories of the points-based system.

Granting leave to enter
Before you grant leave to enter, you must be satisfied that:

- the applicant has valid entry clearance or leave to remain in the UK for Tier 2
- there are no reasons to believe the applicant gave false information to obtain the entry clearance or leave to remain in the UK or that circumstances have changed since it was issued, and
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply (see related link).

Refusing leave to enter
You must refuse under paragraph 320(5) and 245GA or 245HA (as appropriate) of the Immigration Rules if someone seeks entry under Tier 2 without a valid UK entry clearance or leave to remain for this purpose.

You must take into account the applicant's continuing leave if you are considering refusing them after their return from a short absence abroad. You must consider the refusal under paragraph 321A of the Immigration Rules.

If the applicant is subject to a deportation order, any leave they have been granted is cancelled. You must refuse under paragraph 320(2) of the Immigration Rules. You must also refer to Border Force operational policy, using related link: Email: BF OAS enquiries, before you make a decision.

You must refer to Border Force operational policy, using related link: Email: BF OAS enquiries if you are considering a refusal on the grounds of:

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Tier 2: grant or refuse entry clearance

Tier 2: grant or refuse leave to remain

Tier 2: grant or refuse indefinite leave to remain (settlement)

Links to staff intranet removed

- national security
- public policy
- sensitive information, or
- where the decision may affect relations with another country.

Official sensitive: start of section

This information on this page has been removed as it is for internal Home Office use only. .

Official sensitive: end of section

For information on refusing passengers who have entry clearance, see related link: Entry at UK port – refusal when the passenger has entry clearance.

On entry refusal codes

- Lack of required non-settlement entry clearance – E4
- Other reasons – Z1.

Appeal rights and refusal forms
A Tier 2 applicant who does not have entry clearance has no right of appeal against refusal of leave to enter. You must serve the applicant with form IS 82A, which you can find on CID.

A Tier 2 applicant with valid entry clearance is entitled to an in country right of appeal. You must serve the applicant with form IS 82C, which you can find on CID.

If the applicant is the subject of an extant deportation order, they do not have a right of appeal before removal. You must serve them with form IS 82A, which you can find on CID.

Landing card codes

- Tier 2(General) - T2G
- Tier 2(Minister of religion) - T2M

	• Tier 2(Intra-company transfer) - T2T • Tier 2(Sportsperson) - T2P • Tier 2 (Dependant) - T2R.	

This guidance is based on the Immigration Rules.

Tier 2

Tier 2: grant or refuse leave to remain

About this guidance
Key facts: Tier 2
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Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers how to grant or refuse leave to remain for the Tier 2 categories of the points-based system.

Granting leave to remain
You must grant leave to remain if:

- the applicant meets all the requirements of paragraph 245GD or 245HD of the Immigration Rules
- none of the general grounds for refusal in paragraphs 320 to 324 apply (see related link)

Applicant was previously granted leave in a category that was replaced by Tier 2 or under Tier 2 (General), (Minister of religion) or (Sportsperson) before 6 April 2011
If the applicant was previously granted leave in one of the following categories:

- Tier 2 (General), Tier 2 (Minister of Religion) or Tier 2 (Sportsperson) under the Immigration Rules in place before 6 April 2011
- business and commercial or sports and entertainment work permit holder (except multiple entry work permits)
- Jewish agency employee
- member of the operational ground staff of an overseas-owned airline
- minister of religion, missionary or member of a religious order
- representative of an overseas newspaper, news agency or broadcasting organisation

and has not been granted entry clearance under Tier 2 (General), Tier 2 (Minister of Religion) or Tier 2 (Sportsperson) under the rules in place since 6 April 2010 or any other category since the last grant of leave, and meets the above requirements. In these cases you must grant to the job end date shown on the CoS plus 14 days, or up to five years. If the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee. There is no limit on their maximum length of stay in Tier 2.

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Other Tier 2 (General) cases
If the above section does not apply and the applicant meets the above requirements you must grant for the shorter period of either:

- to the job end date shown on the CoS plus 14 days
- up to 5 years

If the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee, or or for the period of time they need to take their total stay in Tier 2 (discounting leave as a Tier 2 (Intra-Company Transfer)) to six years If the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee.

Other Tier 2 (Minister of religion) or Tier 2 (Sportsperson) cases
If the above section does not apply and the applicant meets the above requirements you must grant for the shorter period of either:

- to the job end date shown on the CoS plus 14 days
- 3 years
- for the period of time they need to take their total stay in Tier 2 (discounting leave as a Tier 2 (Intra-Company Transfer)) to 6 years

Tier 2 (Intra-company transfer) (ICT) long term staff applicant who was previously granted leave as an (ICT) work permit holder, or as a Tier 2 (ICT) applicant having previously had leave as an ICT work permit holder
You must grant an applicant who meets the following criteria:

- was previously granted leave in one of these categories
- is continuing to work for the same employer or sponsor
- has not been granted entry clearance in this or any other category since being granted entry clearance as a work permit holder
- meets the above requirements

	You must grant for the shorter period of either: • to the job end date shown on the CoS plus 14 days • up to five years. If the period of employment shown on the CoS is longer than 3 years, the applicant must have paid the higher application fee There is no limit to their maximum lengthy of stay in this sub-category. **Tier 2 (ICT) long term staff applicant who was previously granted leave under Tier 2 (ICT) rules in place before 6 April 2011** You must grant an applicant who meets the following criteria: • was previously granted leave in the above category • has not been granted entry clearance in this or any other category since being granted entry clearance under Tier2 (ICT) under the rules in place on or after 6 April 2011 • meets the above requirements You must grant for the shorter period of either: • to the job end date shown on the CoS plus 14 days • up to five years. If the period of employment shown on the CoS is longer than 3 years, the applicant must have paid the higher application fee There is no limit to their maximum length of stay in Tier 2 in this sub-category. **Tier 2 (ICT) long term staff applicant who was initially granted leave under Tier 2 (ICT) long term staff on or after 6 April 2011** The applicant was initially granted in the Tier 2 (ICT) long term staff category under the Immigration Rules in place on or after 6 April 2011, and meets the above requirements. In these cases you must grant for whichever of the following periods is shorter:	

	• to the job end date given on the CoS plus 14 days • up to five years - if the period of employment shown on the CoS is longer than 3 years, the applicant must have paid the higher application fee • for the period of time they need to take their total stay in Tier 2 (ICT) to 5 years (counted from the date they were first granted entry clearance or leave to remain) if their salary is less than £155,300 each year • for the period of time they need to take their total stay in Tier 2 (ICT) to nine years (counted from the date they were first granted entry clearance or leave to remain) if their salary is £155,300 or higher each year - if the period of employment shown on the CoS is longer than three years, the applicant must have paid the higher application fee **Applicant was previously granted leave under Tier 2 (ICT) short term staff or graduate trainee** The applicant was previously granted leave in Tier 2 (ICT) short term staff or graduate trainee sub-categories, and meets the above requirements. In these cases you must grant for the shorter period of either: • to the job end date shown on the CoS plus 14 days • for the period of time they need to take their total stay in this sub-category to 12 months (counted from the date they were first granted entry clearance or leave to remain) **Applicant was previously granted leave under Tier 2 (ICT) skills transfer** The applicant was previously granted leave in Tier 2 (ICT) skills transfer sub-category, and meets the above requirements. In these cases you must grant for whichever is the shorter period of either : • to the job end date shown on the CoS plus 14 days • for the period of time they need to take their total stay in this sub-category to 6 months (counted from the date they were first granted entry clearance or leave to remain)	

	CID grant codes
	
	• TR2GEG – T2 SW General Migrant LTR Grant
	• TR2GET – T2 SW Inter Company Trans LTR Grant
	• TR2GEM – T2 SW Minister of Religion LTR Grant
	• TR2GEP – T2 SW Sports Person LTR Grant.
	
	Biometric information
	You must check the biometric residence permit (BRP) system before you submit a BRP card production request.
	
	For further information on how to do this see related link: Check the BRP system and submit a card production request.
	
	Refuse leave to remain
	You must refuse leave to remain if:
	
	• the applicant does not meet all of the requirements of paragraphs 245GD or 245HD of the Immigration Rules
	• any of the general grounds for refusal apply
	• the applicant is in breach of immigration laws, except:
	  ○ for any period of overstaying for 28 days
	  ○ for any period of overstaying if the application was submitted before 9 July 2012 which will be disregarded
	
	For more information, see related link: Applications from overstayers (non family routes).
	
	CID refusal codes
	
	• TR2REG – T2 SW General Migrant LTR Refusal
	• TR2RET – T2 SW Inter Company Trans LTR Refusal
	• TR2REM – T2 SW Minister of Religion LTR Refusal
	• TR2REP – T2 SW Sports Person LTR Refusal	

Rights of appeal and administrative review - in country applications for leave to remain made before 2 March 2015
If the application was made before 2 March 2015, depending on their appeal rights, applicants may be able to submit an appeal if they want to challenge a refusal decision for leave to remain (permission to stay in the UK). Details of whether and how they can appeal against the Home Office decision must be included in the decision letter.

Rights of appeal and administrative review - In country applications for leave to remain made on or after 2 March 2015
If the application was made on or after 2 March 2015, applicants cannot appeal against the Home Office decision. However, if they think the Home Office has made an error in considering their application, they can apply for an administrative review. Details of how to make an administrative review application must be included in the decision letter.

Official sensitive – do not disclose - start of section

The information in this page has been removed as it is restricted for Home Office use only.

Official sensitive – do not disclose - end of section

For information on the process for retaining documents after a refusal decision, see related link: Retention of Valuable Documents.

Home Office files are created in line with local instructions. Please refer to your team leader for further advice.

If the applicant raises consideration of Human Rights, section 47 and section 55 before the

	decision to refuse was made, see the following related links for further information: • Safeguard and promote child welfare • Section 55 and the child's best interests • Human rights considerations: Article 8 • ISG 01 19 13 Removal decisions under section 47 of the Immigration, Asylum and Nationality Act 2006	

Tier 2

Tier 2: grant or refuse indefinite leave to remain (settlement)

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Tier 2: supplementary, voluntary and secondary employment
Tier 2: granting or refusing
Tier 2: conditions of leave
Tier 2: dependants

This page tells caseworkers whether to grant or refuse indefinite leave to remain (settlement) applications for the Tier 2 (General), (Minister of religion) and (Sportsperson) category of the points-based system.

Grant indefinite leave to remain
You must grant indefinite leave to remain if the applicant:

- meets the requirements of paragraph 245GF or 245HF of the Immigration Rules. For more information, see link on left: Immigration Rules – paragraph 245GF and 245HF
- does not fall for refusal under the general grounds for refusal in paragraph 322 - for more information, see related links:
  - Immigration Rules paragraphs 320-324
  - General grounds for refusal

CID grant codes
If you grant the applicant you must choose the correct CID codes from the list below:

- TR2GSG – 5 years aggregate of pre PBS and Tier 2 SW Gen Migrant settlement
- TR2GST – 5 years aggregate of pre PBS and Tier 2 SW Int. Com. Tran. Settlement
- TR2GSM – 5 years aggregate of pre PBS and Tier 2 SW Min. of Rel. settlement
- TR2GSP – 5 years aggregate of pre PBS and Tier 2 SW Sports Person settlement

Refuse indefinite leave to remain
You must refuse indefinite leave if the applicant:

- does not meet all of the requirements of paragraph 245GF or 245HF of the Immigration Rules
- satisfies any of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules - for more information, see related link

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Tier 2: grant or refuse entry at UK port

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	CID refusal codes If you refuse the applicant you must choose the correct refusal code from the list below: • TR2RSG – T2 SW General ILR refusal • TR2RSTC – T2 SW Inter Company Trans ILR refusal • TR2RSM – T2 SW Minister of Religion ILR refusal • TR2RSP – T2 SW Sportsperson ILR refusal For more information on the applicant's appeal rights, see related link: 1.0 - Rights of Appeal. See related link: Chapter 9, Section 1 of the IDI's Adverse decisions: this gives general guidance and important advice about the decision making process. You must consult this link in every case where you consider a refusal.	

This guidance is based on the Immigration Rules.

Tier 2

Conditions of leave

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	This page tells caseworkers about the conditions that an applicant must meet if they are granted leave in a Tier 2 category of the points-based system.
	
	Applicants granted entry clearance in a Tier 2 category are subject to the following conditions:
	
	• they cannot take employment except:
	  ○ working for the sponsor in the job recorded on their certificate of sponsorship (CoS)
	  ○ supplementary employment
	  ○ voluntary work
	  ○ playing for their national side when they are in the UK or doing temporary additional work as a sports broadcaster – for the Tier 2 (Sportsperson) category
	• they cannot use public funds
	• they must register with the police, if they are required to do so by paragraph 326 of the Immigration Rules
	• they are allowed to study providing this does not interfere with the job they are sponsored to do - there is no limit on the number of hours they can study.
	
	Study is subject to the following restriction. The migrant is allowed to study, but they must obtain an Academic Technology Approval Scheme (ATAS) certificate for the course or research they intend to undertake and present it to their education institution before they start your study if:
	
	• they are over age 18 (or will be over 18 by the time their leave expires)
	• their course is one of the following:
	  ○ a doctorate or master's degree by research in one of the disciplines listed in paragraph 1 of appendix 6 of the Immigration Rules
	  ○ 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
	  ○ a period of study or research in excess of 6 months in one of the disciplines listed in
		Links to staff intranet removed

	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
	
	If their 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), they must apply for a new ATAS certificate within 28 calendar days, and must provide a print-out of the new certificate to their institution promptly.
	
	Applicants granted leave to remain in Tier 2 (General), (Minister of Religion) or (Sportsperson) are subject to the following conditions:
	
	• they cannot take employment except:
	  ○ working for the sponsor in the job recorded on their certificate of sponsorship (CoS) unless the applicant is already in lawful employment on the date of the application
	  ○ supplementary employment
	  ○ voluntary work
	  ○ playing for their national side when they are in the UK or doing temporary additional work as a sports broadcaster – for the Tier 2 (Sportsperson) category
	• they cannot use public funds
	• they must register with the police if they are required to do so by paragraph 326 of the Immigration Rules
	• they can study if they wish - study is limited in the same way as on entry clearance application.
	
	Applicants granted leave to remain in Tier 2 (ICT) are subject to the same conditions as they are when being granted leave to enter and/or entry clearance.
	
	For more information, see related links:
	
	• Public funds
	• Police registration
	• Immigration Rules - paragraph 326	

This guidance is based on the Immigration Rules.

Tier 2

Dependants

About this guidance Key facts: Tier 2 Overstaying Tier 2: entry clearance and leave to remain requirements Switching into Tier 2 Tier 2 (General): annual limit Tier 2: attributes Tier 2: English language requirement Tier 2: maintenance Tier 2: indefinite leave to remain (settlement) requirements Tier 2: certificate of sponsorship Tier 2: changes of employment Tier 2: supplementary, voluntary and secondary employment Tier 2: granting or refusing Tier 2: conditions of leave Tier 2: dependants	This page tells caseworkers which dependants can join a person who comes to the UK in a Tier 2 category of the points-based system. Under paragraphs 319A-319K of the Immigration Rules, the following dependants are allowed to come to the UK to join a person granted entry clearance or leave to remain as a Tier 2 migrant, provided they meet the requirements of the rules: • spouse, civil partner, unmarried or same-sex partner, and • dependent children. For more information on the requirements that dependants must meet in order to be granted leave in line with a Tier 2 migrant, see related links: • Points-based system (dependants) policy guidance • Paragraphs 319A-319K of the Immigration Rules.	Links to staff intranet removed

This guidance is based on the Immigration Rules.

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This page explains to caseworkers who to contact if you need more help when you are considering a specific case in a Tier 2 category of the points-based system (PBS).

If you have read this guidance and still need more help, you must first ask your senior caseworker or line manager.

If the question cannot be answered at that level:

- Border Force officers can email: BF OAS enquiries (see related link)
- Entry clearance officers and caseworkers can email: work team, migration policy unit (see related link)

Changes to this guidance can only be made by the Guidance, rules and forms team (GRaFT). If you think the policy content needs amending you must contact the work team, migration policy unit (see related link), who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: Guidance – making changes.

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Changes to this guidance

Information owner

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This guidance is based on the Immigration Rules.

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This page tells you about this version of the 'Tier 2' guidance and who owns it.

Version	20.0
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Approval date	2 April 2015

Changes to this guidance can only be made by the Guidance, rules and forms team (GRaFT). If you think the policy content needs amending, you must contact the migration policy unit, see related link, who will ask the GRaFT to update the guidance, if appropriate.

The GRaFT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the related link: Email: Guidance – making changes.

Related links

Changes to this guidance

Contact

Links to staff intranet removed