Home Office

Tier 5 (Temporary Worker) of the points-based system

Version 16.0

 Published for Home Office staff on 6 April 2016

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About this guidance

This guidance tells you how to consider applications from people who wish to enter or remain in the UK under the Tier 5 (Temporary Worker) category of the points-based system.

The Tier 5 (Temporary Worker) sub-categories are:

- Creative and Sporting
- Charity Workers
- Religious Workers
- Government Authorised Exchange
- International Agreement

This guidance is based on the Immigration Rules. For more information, see related links to the Immigration Rules.

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

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

Information owner – 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 more information.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email the Migration Policy Unit.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance

Below is information on when this version of the guidance was cleared:

- version 16.0
- published for Home Office staff on 6 April 2016

Official – sensitive: do not disclose: start of section

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

Changes from last version of this guidance

This guidance has been changed to reflect Immigration Rules changes made in November 2015 and April 2016. These are:

- the introduction of transitional arrangements for charity workers who applied for their initial visa before 19 November 2015
- clarification of work permitted to be undertaken by charity workers
- the introduction of the requirement for sportspeople to include the original governing body endorsement letter with their visa application
- changes to the conditions of leave for private servants in diplomatic households

Related content
Contents

Related external links

Paragraphs 245ZM-245ZS of the Immigration Rules

Immigration Rules: appendix A: Attributes

Immigration Rules: appendix C: Maintenance

Entry or leave to remain requirements

This page tells you how to check an applicant meets the entry or leave to remain requirements under the Tier 5 (Temporary Worker) category of the points-based system.

Before you consider an application you must check:

- the application is valid
- the applicant's passport or travel document is genuine
- the applicant's immigration history (this includes relevant internal systems and previous case notes)
- there are no general grounds for refusal
- the application and biometric information are registered and verified

You must do verification checks if you think any of the supporting documents an applicant has submitted are not genuine.

Requirements for a grant of leave

The applicant must:

- score 40 points made up of:
  - 30 points for having a valid certificate of sponsorship
  - 10 points by meeting the maintenance requirement
- not be refused under general grounds for refusal, and for:
  - leave to enter they must have a valid entry clearance, unless they are a non-visa national seeking entry in the Tier 5 (Temporary Worker) - Creative and Sporting category leave to remain they must be extending, or
  - switching from one of the specified immigration categories

If the applicant is under 18 years of age, the:

- application must be supported by the applicant's parents, legal guardian, or by just one parent if that parent has sole legal responsibility for the child, and
- applicant's parents, legal guardian, or just one parent if that parent has sole responsibility for the child, must confirm they consent to the arrangements for the applicant's travel to the UK, and reception and care in the UK

An applicant in any Tier 5 (Temporary Worker) sub-category will be able to extend their leave up to the maximum time in that sub-category. They will need to satisfy the Immigration Rules in force at the time of their extension applications and this could be different to the Immigration Rules in force when they first applied for their entry clearance. However, where a charity worker applies to extend their leave for the purpose of the same employment, is not seeking to change sponsor, and their initial visa was applied for before 19 November 2015, they will be assessed against the Immigration Rules which were in force at 18 November 2015.

When assigning the certificate of sponsorship for the applicant's extended leave, the sponsor will therefore have guaranteed that the charity worker:

- will be continuing to undertake the voluntary fieldwork that they were sponsored to do during their initial period of leave and which continues to directly relate to the purpose of their charity
- will not be paid except reasonable expenses outlined in section 44 of the National Minimum Wage Act
- will not be filling a permanent position
- will comply with the conditions of their permission to stay and leave the UK when it expires

Genuineness tests

On 1 October 2013, the Immigration Rules changed to tackle abuse on all Tier 5 (Temporary Worker) routes. Genuine applicants are not affected by these changes.

When applying for entry clearance, leave to enter or leave to remain, you must be satisfied on the balance of probabilities that the applicant:

- genuinely intends to undertake the role described on the certificate of sponsorship (CoS)
- is capable of undertaking the role described on the CoS
- will not undertake employment in the UK other than permitted by the entry clearance, leave to enter or leave to remain, should it be granted

To assess this, you may request:

- additional information and evidence, and refuse the application if the information or evidence is not provided (you must receive any documents requested at the address given in the request within 28 working days of the date it is sent)
- the applicant attends an interview, and refuse the application if they fail to comply with such request without giving a reasonable explanation

To make the above assessment, you may take into account the applicant's:

- knowledge of the role
- relevant experience of the skills needed 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 most applicants to undertake these tests. You should ask them to do so only after you have assessed whether the application can be refused with the information already available and when:

- you have concerns individual sponsors are assigning unusually large numbers of CoS for the same type of role
- there are reasonable grounds to suspect the applicant will not be working in the role described on the CoS

- the job description on the CoS is unusual for the sub-category the applicant is applying under, and/or
- intelligence suggests applicants are linked to:
  - extremism
  - terrorism
  - trafficking

Switching into Tier 5 (Temporary Worker)

Applicants cannot normally switch into the Tier 5 (Temporary Worker) category, the only exceptions are:

- visitors (excluding visitors for permitted paid engagements, marriage or civil partnerships or transit) who entered the UK undertaking permitted activities in the sports or creative sectors on or after 28 April 2015 who:
  - are applying to switch into the Tier 5 (Temporary Worker) - Creative and Sporting sub-category
  - hold a valid certificate of sponsorship (CoS) that was assigned before they came to the UK
- overseas government employees (previously granted leave to enter under paragraphs 160-162 and 164-165 of the old Immigration Rules) who are applying to switch into the Tier 5 (Temporary Worker) International Agreement sub-category - paragraphs 160 -162 of the Immigration Rules are now in appendix F
- work permit holders who:
  - are applying to switch into the Tier 5 (Temporary Worker) - International Agreement sub-category
  - hold a CoS which shows they are being sponsored as an overseas government employee in the International Agreement sub-category, and will be continuing in employment with the same organisation
- work permit holders who:
  - are applying to switch into the Tier 5 (Temporary Worker) - Government Authorised Exchange sub-category
  - were previously issued with a work permit for the purpose of employment as a sponsored researcher
  - have been granted a CoS to continue their employment
- students (paragraphs 57 – 62 of the Immigration Rules), students re-sitting an examination (69A – 69F), student nurse (63-67), student union sabbatical officers (87A-87F), people writing up a thesis, postgraduate doctors and dentists – all of which can be found in appendix F of the Immigration Rules, or Tier 4 (General) migrants (245ZT – 245ZY) can apply to switch into the Tier 5 (Temporary Worker) - Government Authorised Exchange sub-category, provided they:
  - have lawfully obtained a UK bachelors, masters degree, post graduate certificate in education (PGCE) or post graduate diploma in education (PGDE)
  - intend to pursue a career overseas at the end of the period of work experience or training
  - are being sponsored to undertake postgraduate professional training or work experience required to obtain a professional qualification or registration

in the same professional field as their qualification described above are being sponsored to undertake an internship for up to 12 months which is directly related to the qualification described above

Applicants cannot switch between the different sub-categories of Tier 5 (Temporary Worker). They can apply for extensions in the same Tier 5 sub-category, however, if they have not exceeded the maximum grant of leave allowed in that category.

Tier 5 (Temporary Worker) - Creative and Sporting: dual purpose visits

Definition of dual purpose visit

This is when an entertainer comes to the UK to:

- perform at a permit free festival
- take employment under the Tier 5 (Temporary Worker) - Creative and Sporting sub-category

Dual purpose visits: switching

Entertainers who come to the UK for a dual purpose may enter as standard visitors. They can then apply to the Home Office to switch into the Tier 5 (Temporary Worker) - Creative and Sporting sub-category providing:

- they have a valid certificate of sponsorship (CoS) issued before they sought entry to the UK
- the permit free festival(s) take place before the Tier 5 employment

If the entertainer wants to switch, they must meet the above requirements and the Tier 5 requirements. If they do, you must grant leave to remain for the period specified by the sponsor on the CoS plus 14 days, or 12 months, whichever is shorter.

If they then intend to do more permit free festival appearances, they may do so as supplementary employment.

Dual purpose visits: entry under Tier 5

Entertainers coming for a dual purpose can also be granted on entry under Tier 5 if they meet the requirements above, providing their sponsor agrees to extend the CoS to cover the periods the performer is appearing at permit free festivals.

As an alternative, they can get entry clearance for a period of up to 12 months. They may then undertake festival appearances as supplementary employment.

Related content

Contents

Related external links

Paragraphs 245ZM-245ZS of the Immigration Rules

Immigration Rules: appendix A: Attributes

Immigration Rules: appendix C: Maintenance

Tier 5: certificate of sponsorship

This page tells caseworkers how to check if a Tier 5 applicant's certificate of sponsorship (CoS) is valid.

Checking the validity of the CoS

A valid CoS must:

- have been issued by a licensed sponsor who must be 'A-rated', unless it is an extension application to continue working for the same employer as in their last grant of leave
- have a reference number which links to a CoS checking service entry that names the applicant as the migrant
- confirm the sponsor is sponsoring the migrant in the Tier 5 category they have applied for
- confirm the relevant information as required by paragraph 111 of appendix A of the Immigration Rules
- show the same details as in the applicant's passport
- have been assigned no more than 3 months before the date of the application
- have a start date no more than 3 months after the date of the 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

Tier 5: certificate of sponsorship checking 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, because the decision has not been made and they could use it again

Check the current status of the CoS

If the status of CoS on the checking system is:

- assigned, you may continue to assess the application
- suspended, you must:
  - 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 revoked and if the sponsor's licence is revoked, you must refuse the application
- withdrawn, you must refuse the application if the sponsor does not issue another CoS because it is no longer valid
- used, you must refuse the application if the sponsor does not issue another CoS because it is no longer valid

Tier 5: searching the certificate of sponsorship checking system

You can 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 for the CoS using the either:

- CoS number
- applicant details
- sponsor details

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

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
- gender

Searching using sponsor details

If you select this option you can search by:

- sponsor licence number
- sponsor name
- sponsor's address
- sponsor's postcode

Related content

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Related external links

Immigration Rules: appendix A: Attributes

Tier 5 (Temporary worker): certificate of sponsorship requirements

This page tells you about the requirements a migrant must meet to be issued a valid certificate of sponsorship (CoS) by a sponsor in a Tier 5 sub-category.

Creative and Sporting

This category is for applicants in the creative and sporting sector who are entering the UK for short-term contracts or engagements.

Applicants must get entry clearance before they come to the UK, unless they are a non-visa national seeking entry for a period of less than three months.

Sports people

When a sponsor issues a CoS, they guarantee:

- the applicant is internationally established at the highest level in their sport, and/or
- their employment will make a significant contribution to the development and operation of that particular sport in the UK
- (for coaches) they are suitably qualified to do the job

Governing body endorsement

To issue a CoS, the sponsor must get an endorsement for the migrant from the governing body of the appropriate sport. The endorsement must confirm:

- the player or coach is internationally established at the highest level, and/or
- they will make a significant contribution to the development of their sport at the highest level in the UK
- the post could not be filled by a suitable settled worker

Confirmation that an endorsement has been obtained must be shown on the CoS and applicants must also provide the original letter issued by the governing body containing the endorsement as part of their application for leave or entry clearance.

Sports loans

A sportsperson with leave under the creative and sporting sub-category may be temporarily loaned to another sports club if:

- their sponsor is a sports club
- they are only sponsored as a player
- player loans are specifically permitted by the relevant sports governing body
- the player's sponsor has made arrangements with the loan club to allow them to meet their sponsor duties
- the player will return to play for the sponsor at the end of the loan

Creative workers

When a sponsor issues a CoS, they guarantee the applicant:

- is seeking entry to the UK to work or perform in the creative sector
- is not intending to base themselves in business in the UK
- poses no threat to the resident labour force
- will comply with the conditions of their permission to stay and leave the UK when it expires

To issue a CoS for migrants to perform or work in dance, theatre, film or television, sponsors must follow the requirements in the appropriate creative code of practice.

The sponsor must indicate on the CoS how they have considered the resident labour market by:

- ticking the relevant box on the CoS, and either:
  - providing details of how the resident labour market was considered
  - by any other acceptable way described in the creative codes of practice, such as stating the performer is internationally established

Group certificates of sponsorship

Sponsors can issue a group CoS for a performer and their entourage. An entourage can include people whose work is directly related to the employment of an entertainer, cultural artist, sportsperson or a dramatic production. Members of an entourage must have proven technical or other specialist skills.

Multiple engagements or performances – certificates of sponsorship

A creative worker may need to perform or work at a number of venues. If they have a single sponsor, for example an agent, and there are no more than 14 calendar days between each engagement, the sponsor can issue a single CoS to cover the whole period.

If, however, they have multiple sponsors, for example individual venues, producers or promoters, each sponsor can issue a CoS to cover their own show. The periods of work stated on the CoS must not overlap.

Charity Workers

This category is for those wanting to undertake unpaid voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose in the UK, for a maximum period of 12 months.

'Voluntary fieldwork' is defined as activities which would not normally be offered at a waged or salaried rate, and which contribute directly to the achievement or advancement of the sponsor's charitable purpose. It does not include work in support of the sponsor's charitable purpose including, for example, routine back office administrative roles, retail or other sales roles, fund-raising roles and roles involved in the maintenance of the sponsor's offices and other assets.

This category cannot be used to temporarily fill a position which is required on a

permanent basis.

When a sponsor issues a CoS, they guarantee the applicant:

- will be undertaking voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor's charitable purpose
- will not receive any form of payment or remuneration, including benefits in kind except reasonable expenses outlined in section 44 of the National Minimum Wage Act
- will not be filling a permanent position, including on a temporary basis
- comply with the conditions of their permission to stay, and leave the UK when it expires

Religious Workers

This category is for applicants coming to work temporarily in the UK for a maximum of 24 months as:

- religious workers whose duties may include:
  - preaching
  - pastoral work
  - non-pastoral work
- visiting religious workers who:
  - are employed overseas doing the same work as they are seeking to come to do in the UK (although the exact detail of their duties in the UK may differ)
  - their employment is ongoing, and the time spent in the UK is consistent with a break from their employment
- members of religious orders, for example monastic communities of monks, nuns or similar religious communities, which involves a permanent commitment

When a sponsor issues a CoS, they guarantee:

- they accept the responsibilities of sponsorship for the applicant
- they will support the applicant through funds and/or accommodation that are sufficient for them to maintain themselves for the duration of the CoS
- the applicant is qualified to do the job in question
- the applicant will only work at the location(s), specified on the CoS, except when working under the supplementary employment provisions
- the applicant will not displace or deny an employment opportunity to a suitably qualified member of the resident labour force
- the applicant will comply with the conditions of their permission to stay and will leave the UK when it expires

The CoS must:

- outline the duties of the migrant
- detail any payments they will receive, and:
  - provide an explanation of how the sponsor has met the resident labour market test requirements

- justify that the role the migrant will be doing is supernumerary and they will not be filling a vacant position that could otherwise be filled by a settled worker
- explain that the role the migrant will be doing involves living mainly within and being a member of a religious order, which is a lineage of communities or of people who live in some way set apart from society in line with their specific religious devotion, for example, an order of nuns or monks

Government Authorised Exchange

This category is for applicants coming to the UK for a maximum period of 12 or 24 months for approved exchange schemes that aim to share knowledge, experience and best practice.

This category cannot be used to fill job vacancies or bring unskilled labour to the UK.

GAE sponsor

Individual employers and organisations are not allowed to sponsor migrants in this category, even if they are licensed as sponsors under other tiers or categories of Tier 5 (Temporary worker).

A Tier 5 (GAE) sponsor must be an overarching body that manages the exchange scheme and has the support of a UK government department.

When a sponsor issues a CoS, they must state on it the applicant:

- is seeking entry to the UK to work or train temporarily here through an approved exchange scheme listed in appendix N of the Immigration Rules
- will work or train at or above the skill level described below
- will work or train in a role that complies with all relevant UK or EU legislation
- will not fill a vacancy in the UK
- meets the requirements of the individual exchange scheme

Skill level

Any work applicants do on an exchange scheme must be skilled. Skilled work is defined as being equivalent to National or Scottish vocational qualification (N/SVQ) level 3 or above. The only exception to this is when migrants are coming to the UK through a scheme set up as part of the European Union (EU) Lifelong Learning Programme, when they may do vocational education and training at a lower skill level.

International agreement

This category is for migrants coming to the UK under contract to provide a service covered under international law, including:

- the General Agreement on Trade in Services (GATS) and similar agreements between the UK or European Union (EU) and another country and/or countries
- employees of overseas governments and international organisations
- private servants in diplomatic households

The maximum period allowed in this category is 24 months, except for those providing a service under contract as set out in the General Agreement on Trade In Services (GATS) and other similar trade agreements who may only be granted up to a maximum of 6 months in any 12 month period. Employees of overseas governments and international organisations and private servants in diplomatic households who may apply to extend their stay for 24 months at a time up to a total of 5 or 6 years depending on when they entered the UK.

GATS or other international agreements

When a sponsor issues a CoS to migrants under GATS or other similar trade agreement, they guarantee the applicant is either:

- a contractual service supplier who is employed by a company based outside the European Union (EU) that has a contract to supply services to someone in the UK as set out in the GATS or a similar trade agreement
- an independent professional who is self-employed, with no commercial presence inside the EU and has a contract to supply services to someone in the UK as set out in the EU - CARIFORUM economic partnership agreement or similar trade agreement

Contractual service supplier

If the applicant is a contractual service supplier:

- the employer must be based outside the EU in a country or territory which is a signatory to the trade agreement under which they are supplying services and the applicant must be a national of that country
- they must have been an employee of the company for at least 12 months
- they must have a degree or equivalent level qualification unless they are:
  - supplying fashion model services, chef de cuisine services or entertainment services other than audiovisual services under the EU - CARIFORUM economic partnership agreement
  - supplying advertising and translation services
- they must have specific professional qualifications to provide some services in the UK if this is required by relevant legislation, regulations or is a sector requirement
- they must have three years professional experience in the sector in which they are supplying services unless they are supplying chef de cuisine services under the EU – CARIFORUM economic partnership agreement, in which case, they must have at least 6 years relevant experience at the level of chef de cuisine and have an advanced technical qualification

Independent professional

If the applicant is an independent professional, they must:

- be a national of that country and their business must be established on the territory of a country outside the EEA that has signed that agreement and they must be a national of that country

- have a university degree or technical qualification which proves they have knowledge of a similar level to a degree
- have specific professional qualifications to provide some services in the UK if required by relevant legislation, regulations or is a sector requirement
- have 6 years professional experience in the sector in which they are supplying services

Employees of overseas governments and international organisations

When a sponsor issues a CoS to employees of overseas governments and international organisations, they guarantee the applicant:

- is under a contract of employment with the overseas government or international organisation
- will not take up any job for the sponsor, other than the one for which the certificate of sponsorship was issued
- will not try to avoid immigration controls by changing to a different category of worker within the international agreements category after entering the UK

Private servants in diplomatic households

When a sponsor issues a CoS to private servants in diplomatic households, they guarantee the applicant:

- is aged 18 years old or over
- will be employed by and as a private servant in the household of either:
  - a member of staff of a diplomatic or consular mission who has diplomatic privileges and immunity as defined by the Vienna Convention on Diplomatic Relations
  - an official employed by an international organisation with certain privileges and immunities under UK or international law
- intends to work full-time in domestic employment
- will not take up any other form of job for the sponsor other than as a private servant in the specified household
- will leave the UK when their permission to stay has expired

Applicants must provide written evidence of the terms and conditions of their employment in the UK in the form set out in appendix 7 of the Immigration Rules. This must be signed by the applicant and their employer, who must be a diplomat or an official employed by an international organisation. It must confirm that the applicant will be paid at least the national minimum wage. In addition the employer must provide a declaration that the work the applicant will do will not be within the meaning of paragraph 57 of the National Minimum Wage Regulations 2015.

Applicants who spend a continuous period of 5 years in this category are eligible to apply for indefinite leave to remain (settlement).

Applicants may change employer, but if they do so, the alternative employment must be as a domestic worker in a private household and for whichever is the shorter period of: 6 months or the period left of their leave.

Compliance with UK employment laws: National minimum wage

Official – sensitive: start of section

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

Official – sensitive: end of section

Private servants in diplomatic households should be paid at least the NMW.

Employers of private servants in diplomatic households must provide a statement confirming that the work carried out in the UK does not meet the terms of paragraph 57 of the National Minimum Wage Regulations 2015. This section provides an exemption from the NMW for those living as part of the family.

All private servants in diplomatic households must hold a contract using the template provided in appendix 7. This contract was revised in April 2015 and must be completed in full for all applications for leave to enter and leave to remain.

You must check that the salary arrangements meet the requirements of the National Minimum Wage Regulations. These rates are amended, usually annually, so you must make sure that you are using the correct rates. There is a calculator at the related link GOV.UK - National minimum wage rates, that can be used to check whether salaries meet the relevant rates. You must make sure that salaries quoted in monthly (or other) time periods are prorated to a weekly sum. The calculation for this would be to take a monthly sum, multiply it by 12, and divide by 52.

Please note that the only amount that may be offset against the NMW is an accommodation offset. The amount is specified in related link GOV.UK - National minimum wage: accommodation. Allowances for items such as food, travel, phone calls, and so on, cannot be offset against the NMW entitlement.

Where you are not satisfied that the NMW entitlement is met, the application should be refused.

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Tier 5 (Temporary Worker): dependants

This page tells you which dependants can join a person who comes to the UK as a Tier 5 (Temporary Worker) migrant.

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 5 (Temporary Worker) migrant, provided they meet the requirements of the rules:

- spouse, civil partner, unmarried or same-sex partner
- dependent children

For more information on the requirements that dependants must meet to be granted leave in line with a Tier 5 (Temporary Worker) migrant, see related links:

- Points-Based System (dependant) policy guidance
- Paragraphs 319A-319K of the Immigration Rules

Related content

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Tier 5 (Temporary Worker): maintenance

This page tells you about the Tier 5 (Temporary Worker) maintenance requirements.

An applicant must score 10 points for maintenance, they must:

- show they have personal savings of at least £945 – this amount excludes overdraft facilities, and the funds must have been held for a consecutive 90 day period ending no more than 31 days before the date of their application
- have an A-rated sponsor who certifies on the certificate of sponsorship (CoS) they will make the applicant aware they must not claim state benefits during their period of leave

You must refuse the applicant if they cannot score 10 points for maintenance, even if they meet all other requirements of the Immigration Rules.

If the applicant's sponsor has certified maintenance on the CoS, no further evidence is required.

Dependants

Any dependants must also provide evidence they have access to sufficient funds. The sponsor cannot certify it for them.

Tier 5 (Temporary Worker): evidence to prove maintenance

Evidence must be in the form of documents relating to cash funds held in current or savings accounts. Other accounts, financial instruments or investments, for example shares, bonds and pension funds, regardless of notice, are not acceptable.

The applicant must provide original documents that have been issued by an authorised official of the financial organisation.

Acceptable forms of evidence

The applicant must provide one of the following as evidence of maintenance:

- personal bank or building society statements on the official letter-headed paper or stationery of the organisation covering 90 consecutive days:
  - the most recent statement must be dated no earlier than 31 days before the date of the application
  - mini-statements from automated teller machines (cash points) are not acceptable
  - you cannot accept statements which only show the balance in the account on a particular day as these documents do not demonstrate that applicants have held sufficient funds for the full 90 days
- building society pass book covering the previous 90 day period
- letter from the bank confirming funds, and that they have been in the bank for at least 90 days
- letter confirming funds from a financial institution regulated by the Financial Services Authority (FSA)

- for an overseas account, a letter confirming funds from an institution regulated by the official regulatory body for the country in which the institution operates and the funds are located

Acceptable forms of evidence

The applicant must provide one of the following as evidence of maintenance:

- personal bank or building society statements on the official letter-headed paper or stationery of the organisation covering 90 consecutive days:
  - the most recent statement must be dated no earlier than 31 days before the date of the application
  - mini-statements from automated teller machines (cash points) are not acceptable
  - you cannot accept statements which only show the balance in the account on a particular day as these documents do not demonstrate that applicants have held sufficient funds for the full 90 days
- building society pass book covering the previous 90 day period
- letter from the bank confirming funds, and that they have been in the bank for at least 90 days
- letter confirming funds from a financial institution regulated by the Financial Services Authority (FSA)
- for an overseas account, a letter confirming funds from an institution regulated by the official regulatory body for the country in which the institution operates and the funds are located

Information required

The information must clearly show:

- the applicant's name
- the account number and type of account, for example current or savings
- the date of the statement
- the financial institution's name and logo
- transactions covering the 90 day period
- there are, and have been, sufficient funds, not including overdraft facilities, present in the account (the balance must always be at least £945)

Electronic bank statements

Electronic bank statements must contain all of the details listed above. In addition, the migrant must provide a supporting letter from their bank, on company headed paper, confirming the authenticity of the statements provided.

Alternatively, you can accept an electronic bank statement bearing the official stamp of the bank in question. This stamp must appear on every page of the statement.

Related content

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Related external links

Immigration Rules: appendix C: Maintenance

Tier 5 (Temporary Worker): indefinite leave to remain (settlement) requirements

This page tells you about indefinite leave to remain (settlement) in the Tier 5 (International agreement) category for people working as private servants in diplomatic households.

The only Tier 5 migrants eligible for settlement are those in the Tier 5 (International agreement) category who work as private servants in diplomatic households and who were last granted entry clearance before 6 April 2012.

Before you consider an application in the Tier 5 (International agreement) category for people who work as private servants in diplomatic households, you must check the:

- application is valid
- applicant's passport or travel document is genuine
- applicant's immigration history on internal systems and previous case notes
- 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
- Passports and travel documents
- Internal system checks – leave to remain
- Adverse immigration history
- General grounds for refusal
- Biometric information
- Points-based system – evidential flexibility

If you have any doubts whether the applicant's supporting documents are genuine you must do verification checks.

If the applicant previously applied under the Tier 5 (International agreement) category as a private servant in a diplomatic household and was last granted entry clearance before 6 April 2012, they can apply for settlement when they have been in the UK for a continuous period of 5 years in that category.

Requirements for indefinite leave to remain (settlement)

You must grant indefinite leave to remain if:

- the applicant meets the requirements of paragraph 245ZS of the Immigration Rules
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply
- the applicant has spent a continuous period of 5 years in the UK lawfully with leave in the Tier 5 (International agreement) category, working as a private servant in a diplomatic household

- the applicant has sufficient knowledge of the English language and about life in the UK, with reference to appendix KoLL (knowledge of language and life) of the Immigration Rules – this is unless the applicant is either:
  - under the age of 18
  - aged 65 or over at the time the application is made
- the applicant provides a letter from the employer which gives the reason for and the length of absences from employment, including periods of annual leave:
  - where the absence was due to a serious or compelling reason, the applicant must provide a personal letter which includes full details of the reason for the absences
  - it must also include all original supporting documents about those reasons – for example medical certificates, birth or death certificates, and the reasons which led to the absence from the UK
- the applicant is not in breach of immigration laws, except:
  - any period of overstaying for 28 days or less which will be disregarded
  - if the application was submitted before 9 July 2012

Related content
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Related external links
Paragraphs 245ZM-245ZS of the Immigration Rules

Immigration Rules: appendix A: Attributes

Immigration Rules: appendix C: Maintenance

Tier 5 (Temporary Worker): grant or refuse entry clearance

This page tells you how to grant or refuse an application for entry clearance as a Tier 5 (Temporary worker) migrant.

Grant entry clearance

You must grant entry clearance if the applicant meets all the requirements of paragraph 245ZO of the Immigration Rules.

Length of grant

You may grant entry clearance for whichever is the shorter of:

- up to the maximum period allowed for entry in the category:
  - 6 months in any 12 month period for those providing a service under contract as set out in the General Agreement on Trade In Services (GATS) and other similar trade agreements in the International Agreement sub-category
  - 12 months for those using: Charity Workers, Creative and Sporting, Government Authorised Exchange and who are applying for entry clearance in a work experience programme under the Immigration Rules in place on or after 6 April 2012
  - 24 months for those using: Religious Workers, Government Authorised Exchange and who are applying for entry clearance under the Immigration Rules in place before 6 April 2012, or for those applying for entry clearance in a research programme or training programme under the Immigration Rules in place on or after 6 April 2012, International Agreements except for those providing a service under contract as set out in the GATS and other similar trade agreements
- the time given on the certificate of sponsorship (CoS), plus both:
  - up to 14 days before the beginning of the first engagement
  - 14 days after the last period of engagement

Entry clearance must be valid from the date the applicant intends to travel to the UK.

Tier 5: Creative and Sporting

For applicants seeking entry for multiple engagements or performances, you may grant entry clearance to cover the whole period, providing there are not more than 14 calendar days between periods of engagements.

Endorsements

You should use the most appropriate of the following category D endorsements:

- TIER 5 TW (CHARITY) MIGRANT
- TIER 5 TW (CRE-SPORT) MIGRANT
- TIER 5 TW (EXCHANGE) MIGRANT
- TIER 5 TW (INT AGREE) MIGRANT
- TIER 5 TW (RELIGIOUS) MIGRANT

Biometrics 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 residence 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 GOV.UK – Biometric Residence Permits.

Refuse entry clearance

When the applicant has not provided the required evidence that they meet all the requirements of paragraph 245ZO, you must refuse the application.

Appeal rights

There are no appeal rights for those who are applying from overseas.

Overseas applicants will be able to seek an administrative review if they feel there is an error in the decision.

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Immigration Rules: appendix A: Attributes

Immigration Rules: appendix C: Maintenance

Tier 5 (Temporary Worker): grant or refuse entry at UK port

This page tells you how to grant or refuse entry at a UK port for applications made under the Tier 5 (Temporary Worker) migration route.

Granting leave to enter

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

- the applicant has valid entry clearance or leave in the UK as a Tier 5 (Temporary Worker) migrant, unless they are applying for leave in the Creative and Sporting sub-category
- there are no reasons to believe the applicant provided false information to obtain the entry clearance or permission to stay in the UK, nor that circumstances have changed since it was issued
- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply

Refusing leave to enter

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

Landing card codes

For Tier 5:

- Creative and Sporting, use T5P
- International Agreement, use T5A
- Government Authorised Exchange, use T5E
- Religious Worker, use T5W
- Charity Worker, use T5Y

Creative and Sporting: no entry clearance

To enter without entry clearance, passengers must:

- be non-visa nationals
- be seeking leave to enter in the creative and sporting category for three months or less
- be able to present a valid certificate of sponsorship (CoS) reference number and proof of maintenance
- not satisfy any of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules

Check the certificate of sponsorship (CoS)

You must check the CoS number is valid by searching the sponsorship management system (SMS). If the number is not valid, you must refuse leave to enter.

If the number is valid and you must grant leave to enter, you must confirm that the CoS has been used on SMS. You do not need to do this if the passenger is re-entering the UK on a CoS which has been used.

Maintenance
For information on the maintenance requirements for Tier 5 (Temporary Worker), see the guidance on maintenance.

Granting leave to enter
You must grant leave to enter on code 4 if both:

- the requirements of paragraph 245ZO have been met
- there are no general grounds for refusal

Length of grant
Passengers can enter the UK up to 14 days before the date they start their job (the start date is the date given by their sponsor on the CoS), and they can remain for either:

- up to 14 days after the last job
- for a maximum period of 3 months

For passengers seeking entry for multiple engagements or performances, you must grant leave to cover the whole period, providing there are not more than 14 calendar days between periods of engagements.

Passengers who enter this category in this way without entry clearance cannot extend their stay in the UK.

Refusing leave to enter
For more information on refusing leave to enter, see General grounds for refusal.

Dependants
You can grant entry on code 1 (for the same period as the main applicant) to the partner or child of a Tier 5 Creative and Sporting applicant who seeks entry without entry clearance providing they:

- are a non-visa national
- meet the maintenance requirements for dependants

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Paragraphs 245ZM-245ZS of the Immigration Rules

Immigration Rules: appendix A: Attributes

Immigration Rules: appendix C: Maintenance

Tier 5 (Temporary Worker): grant or refuse leave to remain

This page tells you how to grant or refuse leave to remain in the Tier 5 (Temporary Worker) category.

Check the certificate of sponsorship (CoS)

Applicants must score 30 points for holding a valid CoS. You must use the CoS checking system to verify:

- the CoS is valid and covers the period of leave the applicant is applying for
- the sponsor's licence has not been suspended or withdrawn - if the sponsor's licence is:
  - suspended – the sponsor is under investigation by the sponsor licensing unit (SLU) - bring forward (BF) the application and await the outcome of SLU's investigation
  - withdrawn – the CoS is not valid - refuse the application

You can award 30 points if you are satisfied the:

- sponsor is licensed
- CoS is valid
- CoS contains the required information for the sub-category it was assigned for

For information on the eligibility requirements to be issued a CoS in a Tier 5 sub-category, see Certificate of sponsorship requirements.

Maintenance

Applicants must score 10 points for maintenance. For guidance on the Tier 5 (Temporary Worker) maintenance requirements, see related link: Maintenance.

Overstayers

Applicants must not be in breach of immigration laws, except for the following periods of overstaying which will be disregarded:

- for 28 days
- if the application was submitted before 9 July 2012

For more information, see Applications from overstayers (non family routes).

Grant leave to remain

You can grant leave to remain on code 4 conditions if the applicant meets all the requirements of paragraph 245ZQ of the Immigration Rules.

For more information on the requirements, see Entry or leave to remain extension requirements.

Length of grant

You may grant leave to remain for whichever is the shorter of:

- up to the maximum period allowed in the category:
  - 6 months in any 12 month period for those providing a service under contract as set out in the General Agreement on Trade In Services (GATS) and other similar trade agreements in the International Agreement sub-category
  - 12 months for those using: Charity Workers, Creative and Sporting, Government Authorised Exchange and who are applying for entry clearance in a work experience programme under the Immigration Rules in place on or after 6 April 2012
  - 24 months for those using: Religious Workers, Government Authorised Exchange and who are applying for entry clearance under the Immigration Rules in place before 6 April 2012, or for those applying for entry clearance in a research programme or training programme under the Immigration Rules in place on or after 6 April 2012: International Agreements except for those providing a service under contract as set out in the GATS and other similar trade agreements
- the time given on the certificate of sponsorship (CoS), plus both:
  - up to 14 days before the beginning of the first engagement
  - 14 days after the last period of engagement

Applicants who entered the UK in the Tier 5 (Temporary worker) creative and sporting sub-category without entry clearance for 3 months or less cannot extend their leave in the UK.

For a step by step guide on how to record your grant decision, see Record grant decision.

CID codes - grant

For Tier 5:

- Creative and Sporting, use TR5GEP
- International Agreement, use TR5RSA
- Government Authorised Exchange, use TR5GEE
- Religious Worker, use TR5GEW
- Charity Worker, use TR5GEB

Refuse leave to remain

You must refuse leave to remain if the applicant does not meet all the requirements of paragraph 245ZQ of the Immigration Rules.

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. If they think the Home Office has made an error in considering their application, however, they can apply for an administrative review. Details of how to make an administrative review application must be included in the decision letter.

CID codes – refusal

For Tier 5:

- Creative and Sporting, use TR5REP
- International Agreement, use TR5REA
- Government Authorised Exchange, use TR5REE
- Religious Worker, use TR5REW
- Charity Worker, use TR5REB

For more information on general grounds for refusal, appeal rights and administrative review, see related links:

- General grounds for refusal
- Administrative review modernised guidance

Official - sensitive: start of section

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

Official - sensitive: end of section

For information on the process for retaining documents after a refusal decision has been made, see Retention of Valuable Documents.

For information on Home Office file creation, this will be in line with local instructions. Please refer to your team leader for further advice.

If the applicant raises the issue of failure to consider Human Rights under sections 47 and 55 before the refusal decision was issued, see the related links for further information.

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Tier 5 (Temporary Worker): grant or refuse indefinite leave to remain (settlement)

This page tells you about indefinite leave to remain (settlement) in the Tier 5 (International Agreement) category for people working as private servants in diplomatic households.

The only Tier 5 migrants eligible for settlement are those who:

- are in the International Agreement sub-category
- work as private servants in diplomatic households
- were last granted entry clearance before 6 April 2012

Grant settlement

You must grant settlement if the applicant meets all the requirements of paragraph 245ZS of the Immigration Rules as follows:

- none of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply
- the applicant has spent a continuous period of 5 years in the UK lawfully, with leave in the Tier 5 (International agreement) category, working as a private servant in a diplomatic household
- the applicant has sufficient knowledge of the English language and about life in the UK, with reference to appendix KoLL of the Immigration Rules – unless the applicant is:
  - under the age of 18
  - or aged 65 or over at the time the application is made

For more information, see related links:

- international agreement
- general grounds for refusal
- knowledge of language and life in the UK

CID grant code

If you grant an applicant for settlement in the Tier 5 (International Agreement) category you must use CID code: TR5GSA.

Refuse indefinite leave to remain

You must refuse indefinite leave if:

- the applicant does not meet the requirements of paragraph 245ZS of the Immigration Rules
- any of the general grounds for refusal in paragraphs 320 to 324 of the Immigration Rules apply

For more information on appeal rights and administrative review, see related link:

- Administrative review modernised guidance

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. If they think the Home Office has made an error in considering their application, however, they can apply for an administrative review. Details of how to make an administrative review application must be included in the decision letter.

CID refusal code

If you refuse an applicant indefinite leave to remain in the Tier 5 (International agreement) category you must use CID code: TR5REA.

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Related external links

Paragraphs 245ZM-245ZS of the Immigration Rules

Tier 5 (Temporary Worker): conditions of leave

This page tells you about the conditions of leave that apply to an applicant granted entry or leave to remain in the UK as a Tier 5 (Temporary Worker) migrant.

Applicants granted leave as a Tier 5 (Temporary Worker) migrant are subject to the following conditions:

- they can only work for the sponsor in the job stated on their certificate of sponsorship (CoS) – exceptions to this are:
  - supplementary employment except private servants in diplomatic households who entered the UK under the Immigration Rules in place on or after 6 April 2012
  - Tier 5 Government Authorised Exchange – applicants can work for any person the sponsor tells them to, providing the work is the same as that stated on the CoS
  - Tier 5 Creative and Sporting – applicants can work as a sportsperson for their national team while that team is in the UK, play in British University and College (BUCS) competitions and take temporary engagements as a sports broadcaster
  - private servants in diplomatic households may change their employer provided they are employed as a domestic worker in private household for whichever is the shorter period of: 6 months or the period left of their leave
- they cannot use public funds
- they must register with the police, if required to do so by paragraph 326 of the Immigration Rules
- applicants who are 18 years old or over need to apply for an Academic Technology Approval Scheme (ATAS) certificate if they wish to undertake study covered by appendix 6 of the Immigration Rules

For more information, see related links:

- public funds
- police registration
- paragraph 326 of the Immigration Rules

Supplementary employment

As well as the job specified on the CoS, an applicant, except private servants in diplomatic households who entered the UK under the Immigration Rules in place on or after 6 April 2012, can do supplementary work if it is:

- a job on the shortage occupation list in appendix K of the Immigration Rules or in the same sector and at the same level as the work for which the CoS was assigned
- no more than 20 hours a week
- outside the working hours covered by the CoS

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