



Home Office

Tier 2 of the points-based system

Version 29.0

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About this guidance

This guidance tells you about the Tier 2 category of the points-based system.

This guidance is based on the [Immigration Rules part 6A](#), paragraphs 245G to 245HF.

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
- certificate of sponsorship from an organisation that is a [licensed sponsor in the UK](#)

Where the guidance refers to the Regulated Qualifications Framework (RQF) these are the 9 levels recognised in England, Wales and Northern Ireland. Further details can be found at [GOV.UK](#). Scotland has 12 levels of qualification, for the equivalent levels in Scotland please see the [SCQF web site](#) and their [guide](#) to comparing qualifications in the UK and Ireland.

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 please email the Economic Migration Policy team.

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 and publication

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

- version **29.0**
- published for Home Office staff on **11 January 2018**

Changes from last version of this guidance

This version replaces the Tier 2 modernised guidance version 28.0 which has been withdrawn and archived and updates the guidance in line with changes to the Immigration Rules in force from 11 January 2018, which:

- clarifies some rules

- sets out changes in salary levels for high earners and experienced workers

Related content

[Contents](#)

Tier 2: key facts

This page provides an overview of Tier 2 and its subcategories.

Tier 2 is divided into 4 subcategories:

- [Tier 2 \(General\): key facts](#)
- [Tier 2 \(Intra-company transfer\): key facts](#)
- [Tier 2 \(Minister of religion\): key facts](#)
- [Tier 2 \(Sportsperson\): key facts](#)

Related content

[Contents](#)

Tier 2 (General): key facts

This page provides an overview of Tier 2 (General).

Eligibility requirements	<p>Applicants must:</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ 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 or periods with a certificate of sponsorship (CoS) which was assigned for 3 months or less○ will earn a gross salary of £159,600 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. <p>Applicants must not be in breach of immigration laws, except for those permitted under the Immigration rules in relation to overstaying.</p> <p>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:</p> <ul style="list-style-type: none">• support the application• give their consent to the applicant's:<ul style="list-style-type: none">○ travel arrangements to the UK○ reception and care in the UK. <p>If the applicant has, or was last granted, leave as a Tier 4 (General) student, including those on the doctorate extension scheme and either:</p> <ul style="list-style-type: none">• is currently sponsored by Her Majesty's Government, the applicant's own government, or
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	<p>any international scholarship agency</p> <ul style="list-style-type: none"> • was being sponsored by Her Majesty's Government, the applicant's own government, or any international scholarship agency, and that sponsorship came to an end 12 months ago or less <p>they must provide unconditional written consent from the sponsoring government or international scholarship agency to the application and must provide the specified documents to show that this consent has been obtained.</p> <p>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 £159,600 or higher.</p>
Application forms	<p>Application made outside UK: apply online by using Visa4UK or paper VAF 2 (for applicants in North Korea only)</p> <p>Extension or switching (in UK): apply online using the GOV.UK website</p> <p>Indefinite leave to remain: SET(O)</p>
Cost of application:	Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	TIER 2 (GENERAL) MIGRANT Category D
Conditions of leave to enter or remain	<p>Leave to enter or remain under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> • no employment except: <ul style="list-style-type: none"> ○ 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 • no recourse to public funds • must register with the police, if required by paragraph 326 of the Immigration Rules

	<ul style="list-style-type: none"> • study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the following restriction <p>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 their study if:</p> <ul style="list-style-type: none"> • they are over age 18 (or will be over 18 by the time their leave expires) • their course is one of the following: <ul style="list-style-type: none"> ○ 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 <p>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 printout of the new certificate to their institution promptly.</p>
<p>How long is leave normally granted for?</p>	<p>Entry clearance applications:</p> <p>Entry clearance will be granted with effect from up to 14 days before the start date given on the CoS.</p> <p>Alternatively, if the applicant has stated an intended travel date, entry clearance may be granted with effect from 7 days before this travel date, providing this does not mean granting with effect from more than 14 days after the start date given on the CoS.</p> <p>Entry clearance will be granted for the shorter period of either:</p>

- a period equal to the length of engagement shown on the CoS plus one month
- up to 5 years plus one month

Leave to remain will be granted for the shorter period of either:

- the period of time from the date of decision until the job end date shown on the CoS plus an additional 14 days:
- a period of up to 5 years
- the period of time they need to take their total stay in Tier 2 to 6 years
 - leave as a Tier 2 (Intra-company transfer) migrant is not included in the 6 year maximum
 - the 6 years is counted from the date the migrant was first granted entry clearance or leave to remain

In any case, 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 by 10 days between Tier 2 applications, the Tier 2 leave before and after the period of overstaying all count towards the maximum 6 years.

Maximum grant dates:

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. This does not apply if the applicant earns a gross salary of £159,600 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 or periods with a CoS which was assigned for 3 months or less.

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:

	<ul style="list-style-type: none"> ○ Tier 2 (General) migrant ○ Tier 2 (Minister of religion) migrant ○ Tier 2 (Sportsperson) migrant ○ Jewish Agency employee ○ member of the operational ground staff of an overseas-owned airline ○ Minister of religion, missionary ○ member of a religious order ○ work permit holder ○ 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, subject to the Academic Technology Approval Scheme (ATAS) restrictions described above.
Is switching into this category allowed?	<p>Switching into the Tier 2 (General) category is only allowed if the applicants has leave, or has last been granted leave as a:</p> <ul style="list-style-type: none"> ● Tier 1 migrant ● Tier 2 migrant ● representative of an overseas business ● as a Tier 4 migrant, including those of the doctorate extension scheme 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 ● dependent partner of a Tier 4 migrant <p>A person cannot switch into Tier 2 (General) from Tier 2 (Intra-company transfer) if they are in the UK and</p>

	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 to 245HF

Related content

[Contents](#)

[Tier 2: Key facts](#)

Tier 2 (Intra-company transfer): key facts

This page provides an overview of Tier 2 (Intra-company transfer).

Eligibility requirements	<p>Applicants must:</p> <ul style="list-style-type: none">• 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 <p>Applicants must not be in breach of immigration laws, except for those permitted under the Immigration rules in relation to overstaying.</p> <p>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:</p> <ul style="list-style-type: none">• support the application• give their consent to the applicant's:<ul style="list-style-type: none">○ travel arrangements to the UK○ reception and care in the UK <p>If the applicant has, or was least granted, leave as a Tier 4 (General) student, including those on the doctorate extension scheme, and either:</p> <ul style="list-style-type: none">• is currently being sponsored by Her Majesty's Government, the applicant's own government, or any international scholarship agency• was being sponsored by Her Majesty's Government, the applicant's own government, or any international scholarship agency and that sponsorship came to an end 12 months ago or less <p>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 consent has</p>
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	been obtained.
Application forms	<p>Application made outside UK: apply online by using Visa4UK or paper VAF 2 (for applicants in North Korea only)</p> <p>Extension or switching (in UK): apply online using the GOV.UK website:</p> <ul style="list-style-type: none"> • Tier 2 (ICT) - Long-term staff • Tier 2 (ICT) - graduate trainee <p>Indefinite leave to remain: SET(O)</p>
Cost of application:	Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	TIER 2 (INT COM TRAN) MIGRANT Category D
Conditions of leave to enter or remain	<p>Leave to enter or remain under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> • no employment except: <ul style="list-style-type: none"> ○ working for the sponsor in the job recorded on their CoS ○ supplementary employment ○ voluntary work • no recourse to public funds • must register with the police, if they are required to do so by paragraph 326 of the Immigration Rules • study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the following restriction <p>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 their study if:</p> <ul style="list-style-type: none"> • they are over age 18 (or will be over 18 by the time their leave expires)

	<ul style="list-style-type: none"> • their course is one of the following: <ul style="list-style-type: none"> ○ 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 <p>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.</p>
<p>How long is leave normally granted for?</p>	<p>Entry clearance applications:</p> <p>Entry clearance will be granted with effect from up to 14 days before the start date given on the CoS.</p> <p>Alternatively, if the applicant has stated an intended travel date, entry clearance may be granted with effect from 7 days before this travel date, providing this does not mean granting with effect from more than 14 days after the start date given on the CoS.</p> <p>Graduate trainees are granted for the shorter period of either:</p> <ul style="list-style-type: none"> • the period of engagement shown on the CoS plus one month • 12 months based on the start date on the CoS. <p>Long term staff are granted for the shorter period of either:</p> <ul style="list-style-type: none"> • 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 3 years, the applicant must have paid the higher application fee.

For leave to remain:

Graduate trainees are granted for the shorter period of either:

- the job end date shown on the CoS plus 14 days
- the period of time to take their total stay in Tier 2 ICT: graduate trainee to 12 months (counted from the date of entry clearance or leave to remain)

An applicant cannot reset the 12 month period by overstaying. For example, if they have overstayed by 10 days between Tier 2 applications, the Tier 2 leave before and after the period of overstaying all counts towards the maximum 12 months.

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 £120,000 or more
- where the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period or periods with a CoS which was assigned for 3 months or less

Long term staff can be granted:

- 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 3 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 5 years, if their salary is less than £120,000 per year
- for the period of time they need to take their total leave granted under Tier 2 (Intra-company transfer) to 9 years, if their salary is £120,000 or higher per year

	<p>The total stay of 5 (or 9 years if they are earning £120,000 or more) is not broken by any gaps between their periods of leave due to overstaying. For example, if they have overstayed by 10 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 years (or 9 years if they are earning £120,000 or more).</p> <p>If the applicant has already been granted the maximum 5 years (or 9 years if they are earning £120,000 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 £120,000 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 or periods with a CoS which was assigned for 3 months or less.</p>
Are dependants allowed?	Yes
Work and study allowed?	Yes
Is switching into this category allowed?	<p>Switching into Tier 2 (ICT: long term staff) is permitted by applicants who have or were last granted leave as a representative of an overseas business.</p> <p>No switching is allowed into the other Tier 2 (ICT) sub-category.</p>
Does this category lead to settlement (indefinite leave to remain)?	<p>Only if the period of continuous leave includes a period of leave as:</p> <ul style="list-style-type: none"> • a Tier 2 (ICT) migrant under the rules in place before 6 April 2010 • a ICT work permit holder
Is knowledge of language and life required?	Yes.
CID statistical category	<p>CID grant code:</p> <ul style="list-style-type: none"> • TR2GET – T2 SW Inter company transfer LTR Grant <p>CID refusal code:</p> <ul style="list-style-type: none"> • TR2RET – T2 SW Inter company transfer LTR

	Refusal
Immigration Rules paragraphs	245G to 245GF

Related content

[Contents](#)

[Tier 2: Key facts](#)

Tier 2 (Minister of religion): key facts

This page provides an overview of Tier 2 (Minister of religion).

Eligibility requirements	<p>Applicants must:</p> <ul style="list-style-type: none">• 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; and• be over 16 years old <p>Applicants must not be in breach of immigration laws, except for those permitted under the Immigration rules in relation to overstaying.</p> <p>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:</p> <ul style="list-style-type: none">• support the application• give their consent to the applicant's:<ul style="list-style-type: none">○ travel arrangements to the UK○ reception and care in the UK <p>If the applicant has, or was last granted, leave as a Tier 4 (General) student, including those on the doctorate extension scheme, and either:</p> <ul style="list-style-type: none">• is currently being sponsored by Her Majesty's Government, applicant's own government, any international scholarship agency• 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 <p>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 consent has</p>
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	<p>been obtained.</p> <p>If the sponsor is a limited company, the applicant must not own more than 10 per cent of its shares.</p>
Application forms	<p>Application made outside UK: apply online by using Visa4UK or paper VAF 2 (for applicants in North Korea only).)</p> <p>Extension or switching (in UK): applicants apply online using the GOV.UK website.</p> <p>Indefinite leave to remain: SET(O)</p>
Cost of application:	Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	'D' TIER 2 (MIN OF REL) MIGRANT
Conditions of leave	<p>Leave to enter or remain under this route is subject to the following conditions:</p> <ul style="list-style-type: none"> • no employment except: <ul style="list-style-type: none"> ○ 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 ○ voluntary work • cannot use public funds • study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the following restriction: <p>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 their study if:</p> <ul style="list-style-type: none"> • they are over age 18 (or will be over 18 by the time their leave expires)

	<ul style="list-style-type: none"> • their course is one of the following: <ul style="list-style-type: none"> ○ 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 <p>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.</p> <p>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.</p>
<p>How long is leave normally granted for?</p>	<p>Entry clearance applications:</p> <p>Entry clearance will be granted with effect from up to 14 days before the start date given on the CoS.</p> <p>Alternatively, if the applicant has stated an intended travel date, entry clearance may be granted with effect from 7 days before this travel date, providing this does not mean granting with effect from more than 14 days after the start date given on the CoS.</p> <p>Entry clearance will be granted for the shorter period of either:</p> <ul style="list-style-type: none"> • 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 <p>For leave to remain applications leave will be granted for the shorter period of:</p>

	<ul style="list-style-type: none"> • to the job end date shown on the CoS plus 14 days • 3 years • 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 <p>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 £159,600 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 or periods with a CoS which was assigned for 3 months or less.</p> <p>The 6 year restriction does not apply if the applicant:</p> <ul style="list-style-type: none"> • previously had leave under the Immigration Rules in place before 6 April 2011 as a: <ul style="list-style-type: none"> ○ Tier 2 (General) migrant ○ Tier 2 (Minister of religion) migrant ○ Tier 2 (Sportsperson) migrant ○ Jewish Agency employee ○ member of the operational ground staff of an overseas-owned airline ○ minister of religion, missionary or member of a religious order ○ work permit holder ○ 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	See the key facts page for Tier 2 (General)

category allowed?	
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 to 245HF

Related content

[Contents](#)

[Tier 2: Key facts](#)

Tier 2 (Sportsperson): key facts

This page provides an overview of Tier 2 (Sportsperson).

Eligibility requirements	<p>Applicants must:</p> <ul style="list-style-type: none">• 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:<ul style="list-style-type: none">○ 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 <p>Applicants must not be in breach of immigration laws, except for those permitted under the Immigration rules in relation to overstaying.</p> <p>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:</p> <ul style="list-style-type: none">• support the application• give their consent to the applicant's:<ul style="list-style-type: none">○ travel arrangements to the UK○ reception and care in the UK <p>If the applicant has, or was last granted, leave as a Tier 4 (General) student, including those on the doctorate extension scheme and either:</p> <ul style="list-style-type: none">• 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
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	<p>less</p> <p>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.</p> <p>The applicant must not own more than 10 per cent of its shares if the sponsor is a limited company.</p>
Application forms	<p>Application made outside UK: apply online by using Visa4UK or paper VAF 2 (for applicants in North Korea only).)</p> <p>Extension or switching (in UK): applicants apply online using the GOV.UK website.</p> <p>Indefinite leave to remain: SET(O)</p>
Cost of application:	For all applications see - Fees for Home Office services
Entry clearance mandatory?	Yes
Is biometric information required for applications?	Yes
Code of leave to remain granted	Code 4
Entry clearance endorsements	TIER 2 (SPORTSPEOPLE) MIGRANT Category D
Conditions of leave	<p>The applicant must:</p> <ul style="list-style-type: none"> • have no employment except: <ul style="list-style-type: none"> ○ working for the sponsor in the job recorded on their CoS ○ if they are playing for their national side when they are in the UK, playing in British University and College Sport (BUCS) competitions, 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 • have no recourse to public funds • register with the police, if required by paragraph 326 of the Immigration Rules

	<ul style="list-style-type: none"> • study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the following restriction: <p>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 their study if:</p> <ul style="list-style-type: none"> • they are over age 18 (or will be over 18 by the time their leave expires) • their course is one of the following: <ul style="list-style-type: none"> ○ 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 <p>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.</p>
<p>How long is leave normally granted for?</p>	<p>Entry clearance applications</p> <p>Entry clearance will be granted with effect from up to 14 days before the start date given on the CoS.</p> <p>Alternatively, if the applicant has stated an intended travel date on their visa application, entry clearance may be granted with effect from 7 days before this travel date, providing this does not mean granting with effect from more than 14 days after the start date given on the CoS.</p> <p>Entry clearance will be granted for the shorter period</p>

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 leave will be granted for the shorter period of:

- 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 £159,600 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 or periods with a CoS which was assigned for 3 months or less.

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
 - Tier 2 (Minister of religion) migrant
 - Tier 2 (Sportsperson) migrant
 - Jewish Agency employee
 - member of the operational ground staff of an overseas-owned airline
 - minister of religion, missionary
 - member of a religious order
 - 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

	<ul style="list-style-type: none"> 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?	<p>See the key facts page for Tier 2 (General) but in addition to these:</p> <ul style="list-style-type: none"> 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
CID case type	Grant – LTR TR2GEP – Grant ILR TR2GSP Refusal – LTR - TR2REP – Refusal ILR - TR2RSP
Immigration Rules paragraphs	245H to 245HF

Related content

[Contents](#)

Tier 2 entry clearance and leave to remain

This page tells you the cross-cutting requirements a person must meet to be granted either entry clearance or leave to remain as a Tier 2 migrant.

Before considering any Tier 2 application you must check:

- the application is valid
- the applicant's passport or travel document is genuine
- the applicant's immigration history by checking internal systems and previous case notes
- both the application and biometric information are registered and verified

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

Missing evidence

If specified evidence which is required is missing, it may be appropriate to request it under evidential flexibility.

Cooling off period

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

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.

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
- the applicant is applying under Tier 2 (ICT) and the gross annual salary stated on the applicant's current certificate of sponsorship (CoS) is £120,000 or higher
- the applicant is applying under Tier 2 (General), Tier 2 (Minister of Religion) or Tier 2 (Sportsperson) and the gross annual salary stated on the applicant's current certificate of sponsorship (CoS) is £159,600 or higher
- the applicant was only in the UK as a Tier 2 migrant during the last 12 months for a short period or periods with a CoS which was assigned for 3 months or less, for example 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
 - 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

If the applicant was assigned a CoS of 6 months in length, but the Home Office was 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 3 months)

Tier 2 categories

Tier 2 is made up of 4 categories which have different requirements:

- [Tier 2 \(General\): entry clearance and leave to remain](#)
- [Tier 2 \(Intra-company transfer\): entry clearance and leave to remain](#)
- [Tier 2 \(Minister of religion\): entry clearance and leave to remain](#)
- [Tier 2 \(Sportsperson\): entry clearance and leave to remain](#)

Related content

[Contents](#)

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

This page tells you the requirements a person must meet to be granted either entry clearance or leave to remain as a Tier 2 (General) migrant.

Requirements for granting entry clearance or leave to remain

A Tier 2 (General) applicant must score 70 points against 3 requirements. The applicant must score:

- 50 points for [attributes](#)
- 10 points for [English language](#)
- 10 points for [maintenance](#)

They must also:

- not fall for refusal under the general grounds for refusal
- be [switching](#) from one of the specified immigration categories, if applying in the UK
- be at least 16 years old

Entry clearance applicants coming to work in the education, health and social care sectors must also provide a criminal record certificate.

Applicants under 18 years of age

Where an applicant is under 18, 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

Previously studying in the UK

If the applicant has, or was last granted, leave under Tier 4 and either:

- is currently being sponsored by Her Majesty's Government, the applicant's own government or any international scholarship agency
- was being sponsored by Her Majesty's Government, the 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.

Applying to work in the UK as a nurse or midwife

Unless the applicant is already registered as a nurse or midwife in the UK, or obtained a Nursing and Midwifery Council pre-registration letter before 30 April 2015, they will need to pass their Observed Structured Clinical Examination (OSCE) after entering the UK.

You must not award points for sponsorship unless the applicant has either:

- obtained full registration with the NMC
- passed the NMC's Computer Based Test (CBT) of competence and the sponsor has confirmed that:
 - the applicant will sit an Observed Structured Clinical Examination (OSCE) to obtain Nursing and Midwifery Council registration no later than 3 months after the stated employment start date
 - once the applicant has NMC registration, it will continue to sponsor the applicant as a nurse or midwife, and will pay the applicant at least the appropriate rate for a Band 5 and equivalent nurse or midwife
 - the applicant will cease to be sponsored if they do not obtain full NMC registration within 8 months of the stated employment start date (or, if the applicant is extending Tier 2 leave granted to work as a nurse or midwife, within 8 months of the start date of that previous employment)
- obtained NMC permission before 30 April 2015 to undertake the Overseas Nursing Programme, and is sponsored to undertake a supervised practice placement as part of the programme, which has been approved by the NMC:
 - and the sponsor has confirmed that once the applicant has NMC registration, it will continue to sponsor the applicant as a nurse or midwife, and will pay the applicant at least the appropriate rate for a Band 5 and equivalent nurse or midwife

The applicant must provide evidence from the NMC to show that the requirements above are met.

Their sponsor must also tell the Home Office of any of the following where appropriate, within 10 working days:

- if the applicant fails their initial OSCE but arranges a re-sit and the sponsor still wants to sponsor the applicant, the sponsor must tell us the date of the applicant's re-sit
- if the applicant re-sits their OSCE and fails for the second time the sponsor must tell the Home Office – the sponsor must also stop sponsoring the applicant if they do not achieve full NMC registration within 8 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

Applicants are able to make 3 attempts to pass the OSCE. An applicant who fails their first attempt at OSCE can re-sit it after 10 days. If they fail it a second time, they will have the opportunity to sit for a third time, waiting 3 months to allow for further preparation.

If an applicant fails for a third time they will be unable to re-sit the OSCE until 6 months have passed since their previous unsuccessful test and will have to re-apply to the NMC.

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.

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 £159,600 or higher.

Requirements to extend 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.

If the applicant initially had entry clearance, leave to enter or leave to remain under the rules in place before 13 June 2012 and since their original grant they have not been granted leave to remain, entry clearance or leave to enter in any other route, then their job must be at or above Regulated Qualification Framework (RQF) level 4.

If the applicant initially had entry clearance, leave to enter or leave to remain under the rules in place on or after 14 June 2012 their job must be one of the following:

- at or above Regulated Qualification Framework (RQF) level 6
- in a listed creative sector occupation
- on the Shortage Occupation List

If the applicant initially had entry clearance, leave to enter or leave to remain under the rules in place before 24 November 2016 and since their original grant they have not been granted leave to remain, entry clearance or leave to enter in any other route, then their salary must meet the minimum threshold of £20,800 and they must be paid at or above the appropriate rate for the job.

If the applicant initially had entry clearance, leave to enter or leave to remain under the rules in place on or after 24 November 2016, their salary must meet the minimum threshold of £30,000 and they must be paid at or above the appropriate rate for the job. [Salary exemptions](#) for certain public sector roles apply.

The applicant's job does not have to meet the skills thresholds described above if they have been granted leave as a Tier 2 (General) migrant and either of the following situations apply:

- they are applying to extend their leave, and
 - will continue to work in the same occupation and for the same sponsor
 - the job does not meet the skills threshold only because of reclassification within the SOC system by the Office for National Statistics
- they are applying to continue to work in a job which was on the Shortage Occupation List at the time of their previous grant of leave

Maximum grant of leave

You cannot grant beyond the maximum time allowed (6 years) for applicants who entered the UK under the rules in place after 6 April 2011. The maximum period does not apply to applicants who initially entered Tier 2 (General) on or before 5 April 2011.

Related content

[Contents](#)

[Tier 2 entry clearance and leave to remain](#)

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

This page tells you the requirements a person must meet to be granted either entry clearance or leave to remain as a Tier 2 (Intra-company transfer (ICT)) migrant.

Requirements for granting entry clearance or leave to remain

A Tier 2 (ICT) applicant must score 60 points against 2 requirements. The applicant must score:

- 50 for [attributes](#)
- 10 for [maintenance](#)

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

- there is less ability to [switch](#) for those applicants already in the UK
- the specific [attribute](#) requirements of the Tier 2 (ICT) category differ

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 Regulated Qualification Framework (RQF) level 6. To award the 20 points for appropriate salary it must normally be at least £23,000 (for graduate trainee) or £41,500 (for long term staff). Some [salary exemptions](#) apply.

Applicants already in the UK and applying to extend in an ICT sub-category

If initial leave was granted under the rules in place on or after 14 June 2012, the CoS must confirm the job is RQF level 6, unless it is one of the following creative sector occupations skilled to RQF 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 the long term staff sub-category under the rules in place before 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 RQF level 4 or above.

The job does not have to meet the skills thresholds described above if either 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 job does not meet the skills threshold only because of reclassification within the SOC system by the Office for National Statistics

Related content

[Contents](#)

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

This page tells you the requirements a person must meet to be granted either entry clearance or leave to remain as a Tier 2 (Minister of Religion (MoR)) migrant.

Requirements for granting leave or entry clearance

A Tier 2 (MoR) applicant must score a minimum of 70 points against 3 requirements. The applicant must score:

- 50 for [attributes](#)
- 10 [English language](#)
- 10 for [maintenance](#)

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

- the [English language](#) requirements are lower
- the specific [attribute](#) requirements for the Tier 2 (MoR) category

Genuineness tests

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

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 10 business days of the date the request letter is posted)
- that 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

Maximum grant of leave

You cannot grant beyond the maximum time allowed (6 years) for applicants who entered the UK under the rules in place after 6 April 2011. The maximum period does not apply to applicants who initially entered Tier 2 (General) on or before 5 April 2011.

Related content

[Contents](#)

[Tier 2 entry clearance and leave to remain](#)

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

This page tells you the requirements a person must meet to be granted either entry clearance or leave to remain as a Tier 2 (Sportsperson) migrant.

Requirements for a grant of leave or entry clearance

A Tier 2 (Sportsperson) applicant must score a minimum of 70 points against 3 requirements. The applicant must score:

- 50 for [attributes](#)
- 10 for [English language](#)
- 10 for [maintenance](#).

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

Requirements for extensions

The applicant cannot rely on the governing body's endorsement they used in their initial application. They must provide a new endorsement with a new reference number.

Maximum grant of leave

You cannot grant beyond the maximum time allowed (6 years) for applicants who entered the UK under the rules in place after 6 April 2011. The maximum period does not apply to applicants who initially entered Tier 2 (General) on or before 5 April 2011.

Related content

[Contents](#)

Switching into Tier 2

This page tells you 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 as a main applicant:

- any Tier 1 category
- any Tier 2 category (but see below)
- 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 migrant
- representative of an overseas business

Applicants can also [switch from a student category \(including Tier 4\)](#) if additional criteria are met.

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) migrant under the rules in place before 6 April 2011 and is applying to change sponsor.

Tier 2 (ICT) migrants 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 a representative of an overseas business, including representatives of overseas media companies.

The applicant must be working for the same employer named on their previous application.

If the applicant is not in this category, they must leave the UK and make a new application for entry clearance under the correct immigration category.

Applicants are not allowed to switch into other Tier 2 (ICT) sub-categories.

Related content

[Contents](#)

Switching from Tier 4

This page tells you when an applicant can switch from Tier 4 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 onto these routes, applicants who have, or have last been granted, leave as a Tier 4 (General) student, including those on the doctorate extension scheme.

The applicant must:

- currently be, or have last been, sponsored by a Tier 4 sponsor which is either:
 - a UK recognised body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council
 - an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom
- have completed a course of study that leads to either a UK recognised:
 - bachelors or masters degree
 - Post Graduate 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
- have studied the above qualification during their current period of leave or in a period of continuous leave which includes their last grant of leave – leave will still be considered continuous if it includes any of the following:
 - a period of [overstaying](#) allowed under the Immigration Rules
 - a period with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in a category which would be eligible to switch into Tier 2 in the UK
- 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
- if they undertook the study whilst they held leave as a Tier 4 student, the applicant must have undertaken the study at the institution which is their Tier 4 sponsor, not under supplementary study
- meet the full requirements for Tier 2

Documents they must provide

To prove the applicant has completed a course of study leading to:

- a UK bachelor's or master's degree
- a PGCE
- a PGDE
- or has completed 12 months minimum study in the UK towards a PhD

during their current period of continuous leave, they must provide one of the following:

- 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 (except in the case of a degree certificate)
- the date they completed the course, having sat all exams and presented all academic papers, unless they are studying a PhD course where confirmation of 12 months study is required

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).

Related content

[Contents](#)

Overstaying

This page tells you what you 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 where permitted by the Immigration Rules in respect of periods of overstaying.

The Immigration Rules covering overstaying changed on 24 November 2016.

Full guidance on overstaying is available.

Related content

[Contents](#)

Tier 2: attributes

This page tells you about the attributes for each of the Tier 2 categories of the points-based system.

Tier 2 is made up of 4 categories each of which have different attributes:

- [Tier 2 \(General\): attributes](#)
- [Tier 2 \(Intra-company transfer\): attributes](#)
- [Tier 2 \(Minister of religion\): attributes](#)
- [Tier 2 \(Sportsperson\): attributes](#)

Related content

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Tier 2(General): attributes

This page tells you how points are scored in the attributes requirement for Tier 2 (General) and what supporting evidence an applicant must provide.

The applicant must score 50 points for their attributes.

Attributes	Points
A valid certificate of sponsorship (CoS) from a licensed sponsor that meets one of the following requirements: <ul style="list-style-type: none">• 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, inward investment, some research positions job offer with a salary of £159,600 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 that the:

- job is Regulated Qualification Framework (RQF) level 6 occupation, in a creative sector occupation skilled to RQF level 4 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 the [relevant minimum salary](#) or at (or above) the appropriate rate for the job, whichever is higher

You must also ensure the CoS is [valid](#).

If an application is submitted without a CoS, including in situations where the sponsor is currently unable to issue one (for example where the sponsor is suspended or has none of its CoS allocation remaining), the application should not usually be placed on hold. Such applications should be considered as normal, unless there are exceptional circumstances outside the control of the sponsor or the applicant, or their representative(s).

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.

Some CoS are not included within the limit and so there are 2 different types of CoS.

Restricted and unrestricted CoS

CoS issued under the limit are called 'restricted'. This means that employers must obtain permission from the restricted certificates of sponsorship team 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 £159,600 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 £159,600 or more. The only exception is 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
<ul style="list-style-type: none">• general (entry clearance)• general (Tier 4 dependant switching to Tier 2) <p>In either of the above cases, a Restricted CoS is only needed where the salary is less than £159,600 and not connected with an inward investment project.</p>	<ul style="list-style-type: none">• 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 or Tier 4 dependant switcher with a salary of £159,600 or more)• general (Entry clearance or Tier 4 dependant switcher connected with an inward investment project)

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.

Applicants granted Tier 2 (General) leave for a job which appeared on the shortage occupation list at the time of their grant of leave who are applying for the same job for either the same or different sponsor, can be granted regardless of the current skill of the post.

If the applicant was granted leave under Tier 2 (General) before 13 June 2012, the job must be at RQF level 4.

If they were granted leave under Tier 2 (General) on or after 14 June 2012, the job must be at RQF level 6.

The job does not have to meet the skills thresholds described above if all of the following apply:

- applicant is applying to extend their leave in Tier 2 (General) to continue to work in same occupation for the same sponsor
- job does not meet the skills threshold only because of reclassification within the SOC system by the Office for National Statistics

Related content

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[Tier 2: attributes](#)

Tier 2 (General): appropriate salary

This page tells you 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 £30,000 or the appropriate rate for the job, whichever is the higher	20
Salary of £20,800 or the appropriate rate for the job if the applicant is considered to be a 'new entrant'	20
Salary of £20,800 or the appropriate rate for the job if the CoS was assigned to the applicant before 1 July 2019 and is for one of the following occupations: <ul style="list-style-type: none"> • Medical radiographers (2217) • Nurses (2231) – please see below for nurses in a supervised practise placement • Secondary education teaching professionals – subject teachers in maths, science (where an element of physics will be taught), chemistry, computer science and Mandarin only (2314) • Paramedics (3213) 	20
Salary of £20,800 or the appropriate rate for the job, whichever is the higher, if the applicant is extending or changing employment and their initial Tier 2 (General) leave was granted on the basis of a CoS assigned before 24 November 2016	20
If the 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: <ul style="list-style-type: none"> • will be paid at least £16,800 (appropriate rate for a pre-registration nurse or midwife) • will continue to be sponsored as a nurse or midwife by the sponsor after getting Nursing and Midwifery Council registration • the applicant's salary will not be less than £21,909 a year once they have their registration confirmed (appropriate rate for a registered nurse or midwife) <p>In addition, the applicant must be paid at or above the relevant salary threshold once they have their registration confirmed – Nurses are exempt from the £30,000 threshold until 1 July 2019, but midwives are not (see above)</p>	20

Under £30,000 and none of the above categories apply, or are not paid the appropriate for the job	0
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Checking 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 5 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.

The [Codes of practice](#) contain more information about the appropriate rate.

If the salary does not meet the rate stated in the code of practice, you must award 0 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 CoS. The CoS can be accessed via the [sponsor management system](#).

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.

New entrants

You should consider an applicant to be a new entrant if one or more of the following apply:

- the applicant is exempt from the resident labour market test (RLMT) because they qualify under the [post-study work](#) provisions
- the RLMT was met via the provisions for '[new graduate jobs or internships](#)'
- the applicant was under 26 on the date the application was made

In all of the cases above, the applicant must also not be applying to extend their stay under Tier 2 (including the previous work permit category) beyond 3 years and 1 month.

Salaries and allowances: what you can consider

The applicant's salary can be made up of:

- guaranteed gross basic pay
- guaranteed allowances which would be paid for the duration of the applicant's employment in the UK and would be paid to a local settled worker in similar circumstances, such as London weighting

The following types of payments cannot be taken into account when calculating the appropriate salary:

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

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](#).

If the applicant intends to work in the UK on a short term CoS, you must consider the 12 month equivalent. If, for example, it is a 6 month CoS during which the applicant will be paid £15,000, the applicant can claim yearly earnings of £30,000.

If they are working part time, you must only consider the actual earnings and not the equivalent full time earnings when assessing the £30,000, or other applicable, threshold.

You must only consider earnings up to a maximum of 48 hours each week. For example, if the applicant has an annual income £31,200 and works 60 hours each week, you would need to assess the 48 hour equivalent. The calculation is as follows:

- $31,200 / 60 = 520$
- $520 \times 48 = £24,960$

Salaries should, however, be pro-rated when assessing whether an applicant is paid the appropriate rate (but see below). 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:

- $£30,000 / 30 = £1,000$
- $£1,000 \times 39 = £39,000$

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

Pro-rata salaries and the shortage occupation list (SOL)

If you are considering an application for a shortage occupation and the SOL specifies a minimum salary requirement to qualify, the application cannot be pro-rated.

For example a shortage occupation chef must be earning at least £29,570 for a full time role (or £30,000 if the £30,000 threshold applies to them). The applicant cannot be working fewer hours for a reduced salary or be working in excess of 48 hours per week in order to reach the minimum salary requirement.

The same applies to shortage occupation linesworkers, who must be earning at least £32,000 for a full time role.

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
- ask the sponsor to provide this information within 3 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

Related content

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[Tier 2\(General\): attributes](#)

[Tier 2: attributes](#)

Tier 2 (General): Sponsorship - shortage occupations

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

You can award 30 points for sponsorship if the:

- other requirements explained elsewhere in this guidance are met
- job on offer was on the [shortage occupation list](#) when the sponsor assigned the certificate of sponsorship (CoS)

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

The [shortage occupation list](#) contains more information about the appropriate rate.

‘Digitech’ shortage occupations

Four digital technology jobs are included on the Shortage Occupation list where the sponsor is a qualifying company. The jobs are:

- IT product manager (2133 IT Specialist managers)
- data scientist (2135 IT business analysts, architects and systems designers)
- senior developer (2136 Programmers and software development professionals)
- cyber security specialist (2139 Information and communication technology professionals not elsewhere classified)

In order for companies to be able to assign a CoS for one of these shortage occupations, they must meet certain criteria which will be assessed by sponsorship teams.

These sponsors are only allowed to sponsor 10 migrants in these ‘digitech’ shortage occupation roles at any one time. Please note that the above SOC codes do not solely relate to these ‘digitech’ jobs and can be used to sponsor additional migrants in non-shortage roles, providing the sponsor has carried out a resident labour market test.

Caseworkers should check on Metastorm that the sponsor has been assessed as being able to sponsor migrants under these shortage occupation roles. Approved sponsors will have been given a ‘digitech’ marker.

If the sponsor does have the 'digitech' marker, caseworkers should pass the case to investigations to check that the sponsor has issued no more than 10 CoS in these roles, and whether those migrants still have current leave to work for the sponsor.

If there is no 'digitech' marker on Metastorm, or granting the application would mean the sponsor would be sponsoring more than 10 Tier 2 migrants in shortage occupation 'digitech' roles, the CoS should not be considered to be for a shortage occupation and the application should be decided accordingly.

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.

Nursing roles and the RLMT

In general, if a role is on the shortage occupation list, the sponsor is not required to advertise the position. However, for nurses the sponsor must certify on the CoS that an [RLMT](#) has taken place and you may request evidence of this if required.

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[Tier 2\(General\): attributes](#)

[Tier 2: attributes](#)

Tier 2 (General): Sponsorship - resident labour market test

This page tells you how to score the 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](#).

The sponsor must confirm on the CoS either:

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

CoS and vacancy reference number

The sponsor must state on the CoS the details (including reference numbers) of advertising in at least 2 media permitted by the sponsor guidance. One of these must be Universal Jobmatch, Jobcentre Plus, or Job Centre Online (for jobs in Northern Ireland), unless the applicant is being sponsored to work in one of the following:

- a job where recruitment took place through university milkrounds, plus a prominent graduate recruitment website which does not charge a fee to jobseekers to view advertisements or apply for jobs via those advertisements and at least one other suitable medium
- a job where there are stock exchange disclosure requirements
- a 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
- a job where the salary is £73,900 per year
- a job falls within one of the PhD standard occupation classification (SOC) codes
- pupillage (training) positions for barristers
- a job which 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 £159,600 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, which means awarded by either:
 - a third party organisation, and the Award or Fellowship cannot be transferred to anyone else
 - the Sponsor if they have been selected through a competitive process on the basis of their own research proposal and the funding of the research is secured in an agreement between the Sponsor and a third party organisation, which includes objectively justified requirements that effectively prohibit any settled worker from undertaking the role
- the above exemption continues to apply after the relevant third party funding has ended, as long as they are being sponsored to continue to undertake the same research
- the job offer is to continue working as a member of an existing research team and:
 - the Sponsor is a Higher Education Institution or a Research Council
 - the applicant has previously worked with the lead researcher as part of their team for a continuous 12-month period immediately before the date of the application (or for 12 months during the 24 months immediately before the date of the application, if the applicant has been on maternity leave, paternity leave, shared parental leave, adoption leave or long term sick leave during that time)
- the CoS is linked to inward investment rules, and the applicant will be working in connection with the relocation of a high value business to the UK or a significant new [inward investment project](#)

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Tier 2 (General): Sponsorship - switching from study or post study

This page tells you how to score the attribute 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)
 - Tier 4 and meets the requirements for such a switch
- is applying from inside the UK
- meets the other requirements explained elsewhere in this guidance

The full [switching rules](#), including the [evidential requirements](#), appear earlier in this guidance.

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 \(RLMT\)](#) and the applicant will be considered to be a 'new entrant' when assessing the appropriate rate and the salary threshold. They must meet the £20,800 threshold for new entrants rather than the higher £30,000 threshold for other applicants.

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[Tier 2\(General\): attributes](#)

[Tier 2: attributes](#)

Tier 2 (General): Sponsorship - inward investment

This page tells you how to score the attribute points to a Tier 2 (General) applicant who is applying under the rules for inward investment.

You must award 30 points for sponsorship if the applicant:

- has a [valid certificate of sponsorship](#) (CoS) – this does not need to be a Restricted CoS
- the job offer is in connection with the relocation of a high value business to the UK or a significant new inward investment project
- meets the other requirements explained elsewhere in this guidance

Applicants meet the criteria for relocation of a high value business or significant new inward investment if:

- the sponsor was registered in the UK with Companies House no earlier than 3 years before the date the Certificate of Sponsorship was assigned
- the sponsor is the registered branch or wholly owned subsidiary of a business which has its headquarters and principal place of business outside the United Kingdom
- the relocation or inward investment involves new capital expenditure of £27 million or the creation of at least 21 new UK jobs

You should check the CoS to confirm if the application is linked to inward investment. Details will appear in a free text on the CoS and there are no evidential requirements placed on the applicant.

If you have concerns about the inward investment application, you can check the date of the sponsor's Companies House registration, and any media coverage of the relocation or inward investment online. You may not be able to verify the exact size of the investment or job creation from websites, but the criteria are set sufficiently high that it is highly likely there will be some business news coverage.

If, having checked online, you still have concerns, you may request further evidence from the sponsor.

Inward investment rules do not allow the supply of services to a third party client.

Related content

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[Tier 2: attributes](#)

Tier 2(General): Sponsorship – continue the same job for the same sponsor

This page tells you how to score the attribute points for a Tier 2 (General) applicant who is continuing 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 reclassification within the SOC system by the Office for National Statistics)
- is applying for leave to remain and has or last had entry clearance or leave to remain as a:
 - Tier 2 (General) migrant
 - 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

Previously working in a role on the shortage occupation list (SOL)

In general, a sponsor does not need to conduct a [resident labour market test](#) (RLMT) if the applicant is continuing in the same occupation (within the same Standard Occupational Classification code) for the same sponsor. However, if the applicant is changing jobs within an occupation, from a job which is on the [SOL](#) to a job which is not on that list, an [RLMT](#) is required.

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[Tier 2: attributes](#)

Tier 2 (General): genuine vacancy

This page tells you how you to assess that a genuine vacancy exists when an applicant applies for entry clearance, leave to enter or leave to remain.

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 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 10 business 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
- 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 do not need to take these actions for all applicants, but must do so when there is particular cause for concern, for example when:

- the applicant has been working for the employer and the job vacancy was not advertised
- the description appears to be a standard or 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

Official – sensitive: start of section

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Official – sensitive: end of section

Genuine vacancy concerns may lead to a compliance visit to the sponsor. Where it is not possible at the outset to decide such applications, they should remain on hold pending the outcome of a compliance visit. If the result is that the sponsor's licence is revoked, caseworkers should fully explain any genuine vacancy concerns in the decision letter, and not rely solely on the fact that the CoS is no longer valid due to the licence revocation.

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Tier 2(Intra-company transfer): attributes

This page tells you how points are scored in the attributes requirement for Tier 2 (Intra-company transfer).

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.

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

Certificate of sponsorship (CoS)

The CoS must confirm that the:

- job is at Regulated Qualifications Framework (RQF) level 6 graduate level occupation, unless [transitional arrangements](#) apply, or in one of the following creative sector occupations skilled to RQF level 4:
 - 3411 artists
 - 3412 authors and writers
 - 3413 actors and entertainers
 - 3414 dancers and choreographers
 - 3422 designers, product, clothing-related
- applicant will be paid at, or above, the [appropriate rate](#) for the job

You must also ensure the CoS is [valid](#).

There are 2 sub-categories of ICT which have different requirements:

- [Tier 2 \(ICT: long term staff\)](#)
- [Tier 2 \(ICT: graduate trainee\)](#)

Related content

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[Tier 2: attributes](#)

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

This page tells you how to award the attribute points for the Tier 2 (Intra-company transfer (ICT): long term staff) sub-category 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 or will be paid a salary of at least £73,900 per year
- 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.

You must not include time spent in the UK, but if the applicant worked for the company overseas for 6 months, for example, before coming to the UK to work for the company lawfully under any 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, but you can ask them to provide it. If the applicant does not provide the evidence when requested, you may refuse the application.

Applicants working on a contract basis

Under the Tier 2 (ICT: long term staff) sub-category, 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

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[Tier 2\(Intra-company transfer\): attributes](#)

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Tier 2 (ICT: long term staff): genuine vacancy

This page tells you how you to assess that a genuine vacancy exists when an applicant applies for entry clearance, leave to enter or leave to remain.

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): long term staff sub-category 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 10 business 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: long term staff) sub-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 description appears to be a standard or template response used for other businesses and the application is from a high-risk sector
- the applicant is switching from a route that has been identified as high risk

Related content

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[Tier 2\(Intra-company transfer\): attributes](#)

[Tier 2: attributes](#)

Tier 2 (Intra-company transfer: graduate trainee)

This page tells you how to award 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 3 months immediately before the date of their application
- meets the other requirements explained elsewhere in this guidance

You can only award these points if the sponsor has not sponsored more than 20 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](#).

You must check that:

- the certificate of sponsorship (CoS) confirms the applicant is applying as a Tier 2 (ICT: graduate trainee)
- the job is at Regulated Qualifications Framework (RQF) level 6 or above, unless [transitional arrangements](#) apply, or in one of the following creative sector occupations skilled to RQF level 4:
 - 3411 artists
 - 3412 authors and writers
 - 3413 actors and entertainers
 - 3414 dancers and choreographers
 - 3422 designers, product, clothing-related
- applicant will be paid at or above the [appropriate rate](#) for the job

You must also ensure the CoS is [valid](#).

Related content

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[Tier 2\(Intra-company transfer\): attributes](#)

[Tier 2: attributes](#)

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

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

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

- 12 months for long term staff (unless the salary is £73,900 per year or above)
- 3 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 10 business days, covering the full specified period, in the form of 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 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 - 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
- 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

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

For example, if the applicant supplies 12 months of payslips but the period they cover ends 6 months before the date of application, they should also supply a payslip dated no more than 31 days before the date of application to show that they are currently employed by the sponsor.

The applicant does not need to provide this evidence if they are applying:

- for an extension in the same job
- to do a different job for the same sponsor

Maternity, paternity, shared parental or adoption leave or long term sick leave

If the applicant has been absent from work on maternity, paternity, shared parental 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 9 months, took 12 months' leave and then returned to work for 3 months before applying, they can provide evidence of working for both periods, which makes 12 months in total.

This exception only applies for a maximum of 12 months leave for:

- maternity leave
- paternity leave
- shared parental leave
- adoption leave
- long term sick leave

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

Evidence of maternity, paternity, shared parental or adoption leave

If you ask the applicant to provide this, they must provide the following documents within 10 business 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
 - 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, shared parental 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 10 business days:

- original letter from their sponsor, on company headed paper, confirming the start and end dates of the applicant's leave
- 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 2 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
- 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 2 types of evidence and at least one of these must be as listed above, for maternity, paternity, shared parental, adoption leave or long term sick leave. The applicant must explain fully why they were not able to provide 2 of the listed documents. You must not accept one of the alternative documents unless you are satisfied with the reasons provided.

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[Tier 2\(Intra-company transfer\): attributes](#)

[Tier 2: attributes](#)

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

This page tells you 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 or the appropriate rate for the job, whichever is the higher.	20
ICT: graduate trainee, £23,000 or the appropriate rate for the job, whichever is the higher.	20
Less than the relevant minimum salary stated above or less than the appropriate rate for the job.	0

Checking that 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.

New entrants

You should consider an applicant to be a new entrant if one or more of the following apply:

- the applicant is applying under the graduate trainee sub-category
- the applicant was under 26 on the date the application was made

In all of the cases above, the applicant must also not be applying to extend their stay under Tier 2 (including the previous work permit category) beyond 3 years and 1 month.

Types of payments acceptable for appropriate salary

The applicant's salary can be made up of:

- guaranteed gross basic pay
- allowances, up to the limit below, which are guaranteed to be paid for the duration of the applicant's employment in the UK and:
 - would be paid to a local settled worker in similar circumstances, such as London weighting
 - are paid as a mobility premium or to cover the additional cost of living in the UK

The following types of payments cannot be taken into account when calculating the appropriate salary:

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

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

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

The sponsor offers:

- 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):

$$£35,000 \div 0.7 = £50,000.$$

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

The sponsor offers:

- 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):

$$£24,500 \div 0.7 = £35,000.$$

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
- 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 or graduate trainee 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.

Related content

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[Tier 2\(Intra-company transfer\): attributes](#)

[Tier 2: attributes](#)

Tier 2(Minister of religion): attributes

This page tells you how points are scored in the attributes requirement for Tier 2 (Minister of religion).

You must award 50 points if the applicant has a [valid certificate of sponsorship](#) (CoS) which sets out the specified details of the 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
- one of the following explanations:
 - 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
 - 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

Related content

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[Tier 2: attributes](#)

Tier 2(Sportsperson): attributes

This page tells you how points are scored in the attributes requirement for Tier 2 (Sportsperson).

You must award 50 points if the applicant has a [valid certificate of sponsorship](#) (CoS) with a governing body endorsement and provides the original letter issued by the governing body containing the endorsement.

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.

Governing body endorsement

Only a [governing body approved by the Home Office](#) can give a governing body endorsement.

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 highest level in the UK
- post could not be filled by a suitable settled worker

These details must be confirmed in the letter from the governing body.

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, as well as the details in the letter.

Related content

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[Tier 2: attributes](#)

Tier 2: English language requirement

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:
 - 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
- Jewish agency employee
- 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

Tier 2 (Sportsperson) English language tests

The Immigration Rules require migrants to meet the correct level of English language in speaking and listening, unless the applicant was exempted from sitting a component on the basis of their disability.

More details on awarding points based on the applicant's ability to speak English are available in the English language guidance.

Related content

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Tier 2: maintenance requirements

This page tells you 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 90 consecutive days (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
- 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

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
- 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 whose 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 or individuals.

If the main applicant is required to show maintenance funds, 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 Family members of points-based system migrants.

Required evidence for maintenance

An applicant must provide evidence of personal savings which must cover a 90-day period of time, ending no earlier than 31 days before the date of application and no later than the date of application. The applicant must show that they had the necessary funds for a 90-day period before the date they applied online, not just 90 days before the date they submitted their documents. This applies regardless of whether they submitted their documents by post or courier, or at a Premium Service Centre, after applying online.

You can accept documents dated after the date of application but can only assess a period ending on or before the date of application.

You must check that the documents:

- are original
- are 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 consecutive day period
- a letter from the bank confirming their funds and that they have been in the bank for at least 90 consecutive days
- a letter from a financial institution regulated by the Financial Conduct Authority (FCA) 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 consecutive day period
- there are enough funds in the account excluding any overdraft arrangement (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
 - 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. For example, where the conditions attached to the applicant's previous grant of leave prevented them from working as a doctor in training but we have evidence to show the salary used to claim points was linked to a training position.

Related content

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Tier 2: indefinite leave to remain (settlement) requirements

This page tells you what you 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
- the applicant's passport or travel document is genuine
- the applicant's immigration history by checking internal systems and previous case notes
- both the application and biometric information are registered and verified

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

Tier 2 has 4 categories, and the settlement requirements differ depending on the category:

- [Tier 2 \(Intra-company transfer\)](#)
- [Tier 2 \(General\), \(Minister of religion\) and \(Sportsperson\)](#)

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Tier 2 (Intra-company transfer): settlement requirements

This page tells you 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 5 years if they:

- previously applied under a Tier 2 (ICT) category before 6 April 2010
- 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
- the applicant has spent a continuous period of 5 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)
 - work permit holder
 - representative of an overseas business
- the continued period of leave (above) must include a period of leave as:
 - a Tier 2 (Intra-company transfer) migrant granted under the rules in place before 6 April 2010
 - a work permit holder if the work permit was granted because the applicant was the subject of an intra-company transfer - a work permit holder is one 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 will not be considered as acceptable 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 licence and has certified in writing that they:
 - require the applicant for employment in the job in question
 - 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, shared parental or adoption leave)

- the applicant provides the specified documents as set out in paragraphs 245GF-SD of the Immigration Rules
- 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 either:
 - under the age of 18
 - over the age of 65
- the applicant is not in breach of immigration laws, except for those permitted under the Immigration rules in relation to [overstaying](#)

Related content

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Tier 2 (General), (Minister of religion) and (Sportsperson): settlement requirements

This page tells you about the indefinite leave to remain (settlement) requirements for the Tier 2 (General), (Minister of religion) and (Sportsperson) categories 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
- the applicant has spent a continuous period of 5 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
 - work permit holder - a 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 will not be considered as acceptable 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) or Tier 1 (graduate entrepreneur) migrant
 - highly skilled migrant
 - innovator
 - 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 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 category 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, shared parental or adoption leave): this rate must meet the [minimum earnings requirement](#) of £35,000, unless the applicant is exempt: Tier 2 (Minister of religion) applicants are not required to meet the minimum earnings requirement: certain other applicants are exempt from the £35,000 threshold but must still be paid the appropriate rate for their occupation
- the applicant provides the [documents specified](#) in paragraphs 245HF-SD of the Immigration Rules
- 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
 - over the age of 65
- the applicant is not in breach of immigration laws, except for those permitted under the Immigration rules in relation to [overstaying](#)

Limited concession for Tier 2 (General) migrants

There is a limited concession in the Immigration Rules for Tier 2 (General) migrants who are taking leave, with their sponsor's agreement, to assist with international humanitarian or environmental crises. This limited concession will enable the sponsor to continue sponsoring the migrant where the incident lasts for more than 4 weeks. The sponsor should use the Sponsor Management System as usual to inform the Home Office of the changes so that curtailment action is not initiated. From 11 January 2018, the Immigration Rules were amended to state that absences from the UK for this purpose will not affect settlement applications.

Related content

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Tier 2: indefinite leave to remain (settlement): minimum earnings threshold

This page tells you about the minimum earnings threshold for indefinite leave to remain (ILR) (settlement) applications for Tier 2 (General) and (Sportsperson) categories of the points-based system.

ILR applications from Tier 2 (General) and Tier 2 (Sportsperson) migrants, submitted from 6 April 2016, are subject to the minimum earnings threshold. The relevant rule is [paragraph 245HF in part 6A](#) of the Immigration Rules.

The minimum earnings threshold has been set at £35,000 until 5 April 2018.

Applicants must provide [specified documents](#) to show that they meet the minimum earnings threshold.

When assessing applications against the minimum earnings threshold, you should consider earnings in the same way as you would for a limited leave application.

Maximum working hours

If the applicant is paid hourly, you must only consider earnings up to a maximum of 48 hours a week, even if the applicant works for longer than this.

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

Supplementary and secondary employment

Applicants can only count earnings for their main employment. They cannot combine earnings from multiple sponsors and/or employers to meet the threshold. They cannot use money earned from [supplementary employment](#).

Where an applicant is undertaking [secondary employment](#), they can use the salary linked to either sponsor, but cannot combine salaries from both.

Leave as a work permit holder

Applicants are exempt from the minimum earnings threshold if they can include time spent as a work permit holder (under the Rules in place before the introduction of Tier 2) within their 5 year continuous period for settlement.

For example, the applicant is applying for ILR on 6 April 2016. They had leave as a work permit holder from April 2008 to April 2013, which they extended in April 2013 under the Tier 2 (General) Rules. As part of their 5 year continuous period (April 2011 to April 2016) includes leave as a work permit holder, they would be exempt from the minimum earnings threshold.

Certificate of Sponsorship assigned before 6 April 2011

If the migrant's 5 year continuous period includes a grant of leave where the Certificate of Sponsorship (CoS) which led to that grant, was assigned before 6 April 2011, they are exempt from the minimum earnings threshold. This applies even if they did not use that CoS to apply for leave until after 6 April 2011.

For example, the applicant was assigned a CoS on 1 April 2011. They applied for leave in line with this CoS on 1 May 2011 and were granted 2 weeks later. They have had continuous Tier 2 leave since this date. They would therefore be exempt from the minimum earnings threshold when they reach the 5 year continuous period.

PhD level positions

If the migrant's most recent grant of leave to remain was for an occupation which is at PhD level, they are exempt from the minimum earnings requirement.

The [Codes of Practice](#) in appendix J of the Immigration Rules provides a full list of PhD level occupations.

Shortage occupations

If the migrant is currently sponsored in a shortage occupation role they are exempt from the minimum earnings threshold.

In addition, migrants currently in a role which has previously been in shortage may also be exempt. The role must have appeared on the Shortage Occupation List (SOL) at any time when the applicant:

- had leave to work in that occupation during the 6-year period directly prior to the date of their ILR application
- was assigned a CoS for that occupation, which led to a grant of leave, during the 6 -year period directly prior to the date of their ILR application

The migrant does not have to be working for the same employer who sponsored them at the time the role was in shortage.

The migrant must still be working in the role which is, or was previously, in shortage. If they changed employment and they are currently sponsored in a job which has not been on the SOL since they started in it, they are not exempt from the minimum earnings threshold.

[Appendix K of the Immigration Rules](#) contains a list of all shortage roles since 6 April 2011.

Example 1

An applicant applies for ILR on 6 April 2016. They are currently sponsored as a neurology consultant and have been in the same role since 6 April 2010. As the role appeared on the SOL until 6 April 2013, which was while they were sponsored in that job, they would be exempt from the minimum earnings threshold.

Example 2

An applicant applies for ILR on 6 April 2016. They were assigned a CoS as a pharmacologist on 10 November 2011. They successfully applied for their leave in line with that CoS on 20 November 2011 and are still in the same role. As their CoS was assigned before pharmacologists were removed from the SOL on 14 November 2011, they are exempt from the minimum earnings threshold.

Example 3

An applicant applies for ILR on 6 April 2016. They were assigned a CoS as a chemistry teacher on 1 September 2010 and were granted leave in line with that CoS on 15 September 2010. On 10 August 2012 they made a change of employment application, sponsored as a biology teacher, which was granted on 24 August 2012. They are still in that role. The applicant is **not** exempt from the threshold as:

- although they were sponsored as a chemistry teacher (a current shortage occupation) during their continuous 5 year period, they are no longer in that role
- although their current job of biology teacher was on the SOL during their continuous 5 year period, the job was removed from the list on 14 November 2011, before they were sponsored in that role

Related content

[Contents](#)

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

This page tells you 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 2 (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 for the foreseeable future.

If the migrant has leave as Tier 2 (General) or Tier 2 (Sportsperson), the sponsor must also confirm the gross annual salary paid and that this salary will continue to be paid for the foreseeable future.

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 for evidence

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.

You must stick to the following requirements when assessing 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 example, 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, shared parental or adoption leave: Tier 2 (General) and (Intra-company transfer)

Where the applicant is on maternity, paternity, shared parental 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	<p>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 Immigration Rules.</p> <p>Where they do and the applicant meets all of the other requirements for ILR then you can grant ILR.</p>
Nil or reduced	<p>If the applicant cannot provide:</p> <ul style="list-style-type: none"> • 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) <p>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) of the Immigration Rules:</p> <ul style="list-style-type: none"> • the payslip from the month immediately before the commencement of leave • payslips for each month of the maternity, paternity, shared parental 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, shared parental or adoption leave period <p>You can only accept pay slips and bank statements must meet the above requirements.</p>

The sponsor must also confirm in writing:

- when the period of maternity, paternity, shared parental or adoption-related leave commenced
- that the amount the applicant was being paid at this date was at the appropriate rate for the job
- 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, paternity, shared parental or adoption-related leave
- 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 the evidence does not confirm that the applicant meets these requirements, you must refuse the application.

Minimum earnings threshold: Tier 2 (General) and Tier 2 (Sportsperson)

Applicants are not required to provide any additional information to show that they meet the [minimum earnings threshold](#). The sponsor must state the gross annual salary paid. You must also check the most recent payslip and bank statement provided by the applicant to confirm the salary stated by the sponsor and that this meets the minimum earnings threshold.

Absences from the UK: Tier 2 (General), (Minister of religion), (Sportsperson) and (Intra-company transfer)

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.

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	<p>A letter which details the reasons for their absence with official documentation such as a medical, birth or death certificate.</p> <p>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.</p>

There is a limited concession in the Immigration Rules for Tier 2 (General) migrants who are taking leave, with their sponsor's agreement, to assist with international humanitarian or environmental crises This limited concession will

enable the sponsor to continue sponsoring the migrant where the incident lasts for more than 4 weeks. The sponsor should use the Sponsor Management System as usual to inform the Home Office of the changes so that curtailment action is not initiated. From 11 January 2018, the Immigration Rules were amended to state that absences from the UK for this purpose will not affect settlement applications.

Related content

[Contents](#)

Checking the Validity of a Certificate of Sponsorship

This section tells caseworkers how to check that a certificate of sponsorship (CoS) is valid using the CoS checking system and how to record it as used on the system.

Check the validity of the CoS

A valid CoS must:

- have been issued by a licensed sponsor, if the sponsor has been suspended
- 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 3 months before the date of application
- have a start date no more than 3 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
- have had any applicable Immigration Skills Charge (ISC) paid in full by the sponsor

How to search the CoS checking system

Access the CoS checking system using your username 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 using the:

- CoS number, by entering it into the relevant screen
- Applicant's details
- Sponsor's details

Searching using the 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

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

Searching using the sponsor's details

If you select this option you can search by:

- sponsor licence number
- sponsor name
- sponsor address
- postcode

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	<ul style="list-style-type: none"> • 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 <p>If they do not issue a new CoS, you must refuse the application.</p>
Withdrawn	Refuse the application if the sponsor does not issue another CoS because it is no longer valid.
Used	<p>Check to see if a new CoS has been issued.</p> <p>If not, you must refuse the application</p>

	because there is no valid CoS.
--	--------------------------------

Length of the CoS

The length of the CoS will depend on the type of application made. See the following links for further details:

- [entry clearance](#)
- [entry at port](#)
- [leave to remain](#)

Related content

[Contents](#)

Tier 2: checking validity – immigration skills charge

This section tells caseworkers how to check that the immigration skills charge (ISC) has been paid and that the certificate of sponsorship (CoS) is valid. It also explains how to request a top-up payment or refund through the ISC admin team.

Checking the ISC has been paid

The ISC was introduced on 6 April 2017 for applications submitted in line with a CoS assigned on or after this date. The payment is linked to the CoS, not the application for entry clearance, leave to enter or leave to remain. It is paid by the sponsor. There are a number of exemptions.

A CoS is exempt from the ISC if any of the following apply:

- the applicant is applying for Tier 2 (General) and is switching from Tier 4
- the applicant is applying for Tier 2 (Intra-Company Transfer) in the Graduate Trainee subcategory
- the applicant has applied outside the UK and the CoS has been assigned for less than 6 months
- the job is a PhD-level occupation listed in Appendix J of the Immigration Rules
- the sponsor remains the same as on the applicant's previous application and both of the following apply:
 - the CoS is for an extension or change of employment application as the applicant has moved SOC codes
 - the initial CoS the sponsor assigned to them was as a Tier 4 graduate switching to Tier 2
- the sponsor remains the same as on the applicant's previous application and both of the following apply:
 - the CoS is for a change of employment application as the applicant has moved SOC codes
 - the end date of the new CoS is no later than the end date of the previous CoS the applicant was assigned
- the applicant initially entered Tier 2 with a CoS assigned before 6 April 2017 and they are applying for either an extension or change of employment application

Charging costs

This section explains how much a sponsor is charged and the length of employment given on the certificate of sponsorship (CoS).

A sponsor is eligible to pay the small or charitable sponsor ISC charge if it has [charitable status](#) or is subject to the small companies' regime as set out in [chapter](#)

[one, paragraphs 381-384 of the Companies Act 2006](#). This is consistent with the differential rate that sponsors currently pay for a Tier 2 sponsor licence. If the sponsor does not pay the charge or does not pay the right amount, the CoS is not valid.

To establish whether the correct fee has been paid, you must:

- check the ISC payment amount using the CoS checker
- use the CoS work start and end dates to determine the length of employment then use the below table to ensure the correct payment has been made:

Work start and end dates	Small or charitable sponsor	Medium or large sponsor
12 months or less	£364	£1000
More than 12 months, but no more than 18 months	£546	£1500
More than 18 months, but no more than 24 months	£728	£2000
More than 24 months, but no more than 30 months	£910	£2500
More than 30 months, but no more than 36 months	£1092	£3000
More than 36 months, but no more than 42 months	£1274	£3500
More than 42 months, but no more than 48 months	£1456	£4000
More than 48 months, but no more than 54 months	£1638	£4500
More than 54 months, but no more than 60 months	£1820	£5000

ISC at Premium Service Centres (PSC)

Before the migrant arrives for their appointment the ISC admin team will:

- check that the ISC has been paid
- attempt to take payment from the sponsor if the correct amount has not been paid

The ISC admin team will also confirm in CID notes whether the ISC has been paid and how much, or if we have not been able to obtain the ISC charge from the sponsor.

You will need to check CID immediately before to the appointment to confirm the status of the ISC.

Service level agreement for Premium Service Centres is 2 working days.

Action for caseworkers

You must make sure you [check the ISC payment is correct](#). If:

- the sponsor has paid the correct charge, or is exempt, continue with consideration as normal
- the sponsor has underpaid and there are other grounds for refusal, you must refuse the application and ensure that ISC non-payment refusal wording is included
- the sponsor has underpaid and you need to write out for further information, or the ISC is the only reason to refuse the application, you must:
 - give the sponsor an opportunity to pay the charge by [contacting the ISC Admin Team](#)
 - exclude from the service level agreement as a complex case
 - send an 'ICD.4783 missed service' standard letter to the migrant
 - bring forward (BF) for 10 UK working days
- the sponsor has over paid, they will need a [partial refund](#)

The service level agreement for queries from caseworking teams is 5 working days.

Contacting the ISC admin team

You will need to e-mail the ISC Admin Team or ISC Admin Team in the Global Address List (GAL) whenever the sponsor needs to pay either:

- the full charge
- a top-up payment

You must also contact the ISC Admin Team where a partial refund is required.

You must you send all emails from your Team Mailbox and format the subject heading of your e-mail as below:

'Department name – CID reference – CoS reference – action required'

For example:

- 'PSC – 17571913 - E4G7TK6D12M0J1 – partial refund'
- 'TIER 2 – 1968524 – 54JGS5451PO032 – top up payment'

In the body of the email you will need to confirm:

- the sponsor
- CoS reference
- migrant details
- reason for top-up/refund
- top-up/refund value

The ISC Admin Team will reply to your team mailbox to confirm the correct payment has been made or after 10 UK working days if it hasn't been paid in full. Applications which do not fall under an exemption attract a fee based on the type of sponsor and the length of the CoS.

Further details on ISC, including a list of frequently asked questions, is included in separate ISC guidance.

Sponsor pays top-up after write out

Once the correct charge has been paid by the sponsor, you must complete consideration of the case as normal.

Granting a shorter period of leave

If you grant a migrant a shorter period of leave than was requested, the sponsor will need a partial refund. You must:

- send e-mail to the ISC Admin Team to request a partial refund using the agreed naming convention confirming the sponsor, CoS reference, migrant details, reason for refund and refund value
- add Admin Event 'ISC Partial Refund – migrant granted lesser period of leave' to CID

Granting leave where sponsor has overpaid

If you grant a migrant leave but the sponsor has overpaid the ISC, such as if the sponsor paid the large sponsor payment when they qualify as a charity, the sponsor will need a partial refund. You must:

- email the ISC Admin Team to a request partial refund using the agreed naming convention confirming the sponsor, CoS reference, migrant details, reason for refund and refund value
- add Admin Event 'ISC Partial Refund – overpayment' to CID

Refusing the application

If you refuse the migrant's leave and the sponsor is due a full refund, then you are not required to request a refund. The refund will be picked up by the ISC Admin Team using Management Information (MI).

If the sponsor does not pay the top-up after write out

You must continue with consideration the application. The appropriate Admin Event must be added to CID when refusing case, for example:

- 'Refusal Reason – ISC only'

- where **only** grounds for refusal are that sponsor has not paid the necessary ISC **and** we have given them at least 10 UK working days from the date of the appointment / initial case consideration to pay it
- 'Refusal Reason – ISC plus other'
 - where the incorrect ISC has been paid but is not the only reason for refusing the application

The following refusal wording must be used in the decision letter.

'The Secretary of State is not satisfied that you have been assigned a valid Certificate of Sponsorship. In order for a Certificate of Sponsorship to be considered valid, your Sponsor must have paid in full any Immigration Skills Charge which applies. [We contacted your Sponsor on <insert date of e-mail/letter sent> for the outstanding charge but this has not been paid. / In this case, we have not contacted your Sponsor for the outstanding charge as your application falls for refusal on other grounds.] Therefore, in line with Appendix A of the Immigration Rules we have been unable to award points for Sponsorship.'

Where other reasons for refusal also apply, these must be explained in the letter.

Related content

[Contents](#)

Tier 2: change of employment

This page tells you about change of employment applications 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 reclassification within the SOC system by the Office for National Statistics
 - 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 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, shared parental, 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 £30,000)
- 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 £159,600 or more
- their current leave in the UK allows them to work lawfully as a post-graduate 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 specialist 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, which means that:
 - 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

Related content

[Contents](#)

Tier 2: supplementary, voluntary and secondary employment

This page tells you about supplementary, voluntary 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 profession and at the same professional 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

If they meet the above requirements the applicant does not need to inform the Home Office before taking extra work.

Voluntary work

The applicant can 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](#).

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:

- the applicant's name
- date of birth
- CoS reference number, from the current leave to remain
- 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 2 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 employment end 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.

Related content

[Contents](#)

Tier 2: grant or refuse

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

The actions you must take will differ dependant on the type of application under consideration:

- [entry clearance](#)
- [entry at UK port](#)
- [leave to remain](#)
- [indefinite leave to remain \(settlement\)](#)

Related content

[Contents](#)

Tier 2: grant or refuse entry clearance

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

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 3 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 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

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

Tier 2 (Intra-company transfer (ICT): graduate trainee

If the applicant meets the 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, (beginning no more than 14 days before the start date on the CoS)
- the maximum time of 12 months based on the job start date shown on the CoS

Tier 2 (ICT: long term staff)

If the applicant meets the requirements, 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 3 years, the applicant must have paid the higher application fee

Endorsements

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'.

If the applicant has stated an intended travel date, entry clearance may be granted with effect from 7 days before this travel date, providing this does not mean granting with effect from more than 14 days after the start date given on the CoS.

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

Successful applicants for entry clearance are given a [biometric resident permit \(BRP\)](#). If the entry clearance application is successful they must be given a 30 day visa to allow them to collect their BRP after they have arrived in the UK.

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](#).

Related content

[Contents](#)

[Tier 2: grant or refuse](#)

Tier 2: grant or refuse entry at UK port

This page tells you 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
- none of the general grounds for refusal [in paragraphs 320 to 324 of the Immigration Rules](#) apply

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, before you make a decision.

You must also refer to Border Force operational policy, if you are considering a refusal on the grounds of:

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

Official – sensitive: Start of section

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

Official – sensitive: End of section

On entry refusal codes

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

Appeal rights and refusal forms

An applicant who has valid entry clearance (EC) or a biometric residence permit (BRP), which is cancelled at the border will not have a right of appeal against that decision. Where an EC or a BRP is cancelled the applicant may have a right to administrative review of that decision.

Where there is a right to administrative review at the border, you must serve an IS82 No RD AR in UK port cases and at the juxtaposed controls you must - serve an IS82 JUXT AR.

Where the applicant has an EC or BRP and is having their leave cancelled at the border and does not qualify for administrative review, you must serve an IS82 RD no AR in UK port cases and at the juxtaposed controls you must serve the IS82 JUXT No AR.

Where the applicant does not hold an EC or BRP there is no right to administrative review, you must serve the applicant an IS82 No AR RLE in UK port cases, and an IS82 JUXT No AR RLE at the juxtaposed controls.

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

Related content

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[Tier 2: grant or refuse](#)

Tier 2: grant or refuse leave to remain

This page tells you 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

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 the applicant has not since been granted entry clearance under any category and meets the above requirements, you must grant to the job end date shown on the CoS plus 14 days, or up to 5 years. There is no limit on their maximum length of stay in Tier 2.

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 3 years, the applicant must have paid the higher application fee, 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 6 years.

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
- 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 5 years

There is no limit to their maximum length 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 leave to an applicant who:

- 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 Tier 2 (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 5 years

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 5 years
- 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 £120,000 each year
- the period of time they need to take their total stay in Tier 2 (ICT) to 9 years (counted from the date they were first granted entry clearance or leave to remain) if their salary is £120,000 or higher each year

If the period of employment shown on the CoS is longer than 3 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
- 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 falls for refusal due to an expiry date that has passed

Paragraph 245HE of the Immigration rules states that leave should be granted for whichever of the following is the shortest:

- “(i) the length of the period of engagement plus 14 days,
- (ii) 5 years if the applicant is applying as a Tier 2 (General) Migrant, or
- (iii) 3 years if the applicant is applying as a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant, or

(iv) except where (b) applies, the difference between the continuous period of leave that the applicant has already been granted (notwithstanding any break between periods of leave which was disregarded when granting the further leave) as a Tier 2 Migrant (other than as a Tier 2 (Intra-Company Transfer) Migrant), and 6 years.”

If the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

If the reason why the calculated period of leave is zero or a negative number is due to delays outside of the control of the migrant you may grant 14 days leave to remain to allow the migrant to make a further application or leave the UK without becoming an overstayer.

Delays which would be considered outside of the control of the migrant include, but are not limited to:

- Home Office process delays
- suspension then reinstatement of the sponsor

Any exceptional grant of leave should be considered fairly.

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.

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](#) allowed under the Immigration Rules

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

Applicants can no longer exercise a right of appeal in country. 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: Start of section

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

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

Official – sensitive: End of section

Certain valuable documents must be retained following a refusal decision.

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 is made, see:

- 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

Related content

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[Tier 2: grant or refuse](#)

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

This page tells you 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
- does not fall for refusal under the general grounds for refusal in paragraph 322

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

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

Related content

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[Tier 2: grant or refuse](#)

Tier 2: conditions of leave

This page tells you 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, playing in British University and College Sport (BUCS) competitions, or doing temporary additional work as a sports broadcaster – for the Tier 2 (Sportsperson) category
- they have no recourse to public funds
- they must register with the police, if they are required to do so by paragraph 326 of the Immigration Rules
- study (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) 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 their 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 printout 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, playing in British University and College Sport (BUCS) competitions, or doing temporary additional work as a sports broadcaster – for the Tier 2 (Sportsperson) category
- they have no recourse to 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.

Related content

[Contents](#)

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 to 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
- dependent children

Related content

[Contents](#)

Related external links

Points-based system (dependants) policy guidance