

Immigration to the UK - The New Tier System

During 2008 the immigration law in the UK is being replaced with a points based system. The new system consists of five tiers and each one has its own requirements and conditions. The tier system covers employment and student based immigration to the UK. Migrants wishing to gain entry into the UK will have to score a sufficient amount of points. These points will be awarded to reflect aptitude, experience, age and also the level of demand in any given work sector. At present there are over 80 different types of visa which are currently in use in the UK. The new tier system has been put in place to streamline and rationalise the wide variety of immigration visa services and make the whole immigration process easier to understand. However some of the tier system is likely to be subject to change the closer it gets to launching. Below is a brief description on each tier:

Tier One

Tier one is designed for UK visa applicants who can bring desirable professional skills, qualifications and experience to the UK which will contribute the most to the UK economy. This tier is an application led process where the candidate has the right to emigrate to the UK without already having a job lined up. This also means you will not need to apply for a UK work permit and will have full and free access to work anywhere in the UK.

You will need to gain 75 points to be granted access under the tier one of the immigration process. If you become successful in your application you will be able to stay in the UK between two and three years. Once this time is up a migrant will have to re-apply under tier one if they wish to continue living and working within the UK.

Tier one can be split into a number of sub categories.

- General Highly Skilled Migrants – points can be gained from your age, qualifications, work experience and earnings
- Entrepreneurs – to qualify in this category you must have plans to invest and have at least £200,000 of disposable capital to set up your business.
- Investors – you must plan to make a substantial financial investment in the UK. At least £1,000,000 of disposable capital is required. You will have to provide evidence that you are going to be able to support yourself financially, but you are exempt from the English language requirement.
- Post-study work – this sub-category exists in order to retain the brightest foreign students who have studied in the UK. Successful applicants in this sub category will be free to find work after study without the need for a sponsor.

Tier Two

This tier is for those skilled migrants that have a job offer which fills the job shortages in the labour market. This tier replaces the work permit scheme. You will be required to get sponsorship from a potential employer. AN employer must indicate that they have satisfied one of the following:

- Your potential employer has carried out a Resident Labour Market Test (RLMT)
- The job offer appears on the list of shortage occupations published by the Border and Immigration Agency.
- The salary of the job is at least £40,000 a year.
- You are part of an Intra-Company Transfer who has been working with an overseas branch of the employer for at least the last six months.
- You are a religious worker.
- You are a sportsperson seeking to establish him or herself in the UK.

Tier two also offers a potential route for permanent settlement in the UK because after working for five years within the UK you may become eligible to apply for Indefinite Leave to Remain or Permanent Residence.

Tier Three

Tier three is for those migrants that are unskilled or low skilled who wish to apply for temporary or seasonal work in the UK. This tier is replacing the

current Seasonal Agricultural Workers scheme (SAWS) and the Sector Based Scheme (SBS).

The application under tier 3 is led by an employer and they have to prove they have tried unsuccessfully to get workers from the UK.

Tier three doesn't allow settlement within the UK and will not provide migrants with the opportunity to apply for permanent residence in the UK. Once your 12 months of work is carried out, you are obliged to return home.

Tier Four

Tier four is for students wanting to study in the UK. To qualify under this tier you will need to get sponsorship from a university or college. This tier is not coming into effect until 2009 and once in place it aims to make the route to studying in the UK more transparent.

Tier four is split into three sections:

- General student – this is when you are studying at or above degree level. This q includes 15 hours of studying per week and you are permitted to be able to work for 20 hours a week, which raises to full time during holiday periods.
- School – covers students who are in full time study at an independent school and goes up to the age of 18.
- Study through work – this refers to students who are on courses or work experience/placements. Whilst undergoing this you are also permitted to work for 20 hours a week.

Tier Five

Tier five is for youth and mobility workers, for those wishing to work in the UK temporarily. Tier five is for use by youth and mobility workers. It is being put in place for working holiday makers, temporary exchange workers and voluntary workers. Tier five allows people to work in the UK for a temporary period of time. Again you will have to gain sponsorship but this time from the migrant's home government. If you are a voluntary worker you will be required to get sponsorship from a charity. This tier is being brought into force to replace the current Commonwealth Working Holidaymaker and AU Pair programme.

You are not allowed to bring dependants under this tier and will not be able to switch tiers.

The option of applying to work within the UK under tier five is available to applicants from participating countries aged 18-30 and will grant leave to enter the UK for a maximum period of 24 months.

About the Author

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