

A Brief Introduction to the New Points Based Process for Employing Non EU Migrants

From 2008 a points-based system for employing Non EU Migrants was introduced. Under the points-based system, employers need a sponsor licence to bring in skilled or temporary workers from outside the European Economic Area or Switzerland.

Who does the system apply to?

The points-based system only covers migrants from outside the European Economic Area (EEA) and Switzerland. If you want to employ or teach an EEA or Swiss national, you should be able to do this without needing permission. There are some restrictions on nationals of countries that have recently joined the EEA. There is a full section for European citizens providing more information on the rights of all EEA and Swiss nationals on the Border Agencies website.

How the system will work?

Under the new system, migrants need to pass a points-based assessment before they are given permission to enter or remain in the United Kingdom. The system consists of five tiers. Each tier has a different points requirement.

The number of points the migrant needs and the way the points are awarded are dependent on the tier they are applying under. Points are awarded to reflect the migrant's ability, experience, age and when appropriate the level of need within the sector the migrant will be working.

What is the role of the sponsor?

Migrants applying under any tier except tier 1 need to be sponsored in order for their application to be successful. If an employer wishes to recruit a migrant under tiers 2, 4 or tier 5 they have to apply to the UK Border Agency for a sponsor licence.

Under tiers 2 and 5, the sponsor needs to be a UK-based employer. Under tier 4, the sponsor needs to be a UK-based educational institution.

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What are the tiers?

The points-based system consists of five tiers. These are:

- tier 1 - highly skilled workers, for example scientists and entrepreneurs;
- tier 2 - skilled workers with a job offer, for example teachers and engineers;
- tier 3 - low skilled workers filling specific temporary labour shortages, for example construction workers for a particular project;
- tier 4 - students;
- tier 5 - youth mobility and temporary workers for example musicians coming to play in a concert.

The licence

You must have a licence if your organisation or educational institution wants to employ migrants (non-settled workers). You must have a licence to sponsor skilled workers, temporary workers or students under the new points-based system.

The tiers and categories

You can currently apply for licences to sponsor tier 2 and tier 5 workers.

Tier 2 has four categories of workers:

- skilled workers (general);
- intra-company transfers;
- sports people; and
- ministers of religion.

Tier 5 has two categories of workers:

- temporary workers; and
- the youth mobility scheme.

Sponsorship duties

Sponsors are fully responsible for the actions of any migrant they employ and teach. You must ensure migrants comply with their immigration conditions, by keeping records on each migrant, and reporting any changes to the UK Border Agency, such as if they do not turn up for work. If you do not comply with these duties, your licence can be downgraded to a B rating or withdrawn.

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Sponsors are responsible for issuing certificates of sponsorship to migrants. As well as having a certificate of sponsorship, migrants must also pass a points-based assessment to come to or stay in the United Kingdom.

Sponsorship and employers' helpline

The sponsorship and employers' helpline can be reached on **0845 010 6677**.

The sponsorship and employers' helpline offers the following dedicated service for employers:

- answers any general enquiries on preventing illegal working and carrying out the document checks necessary to attain the defence against conviction;
- provides free of charge printed copies of the comprehensive guidance for employers on the prevention of illegal working; and
- is the first point of contact if there are concerns with any immigration documents.

<http://www.ukba.homeoffice.gov.uk> - [Text Version](#)

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