

The new points-based system (PBS) for migration

This document gives an overview of the new framework for the United Kingdom's immigration rules.

At the time of writing, the UK Border Agency (UKBA) is rolling out a points-based system (PBS) for all applicants wishing to work in the UK. Under the new system all applications will be submitted online, and all applicants will have to register under the biometrics programme **before** travelling to the UK.

Information on biometrics can be found at UKBA's visa services website at: <http://www.ukvisas.gov.uk/en/faqs/faqapplyforvisa/2967203>

The system

The new system has five tiers:

- Tier 1: Highly skilled individuals to contribute to growth and productivity.
- Tier 2: Skilled workers with a job offer to fill gaps in the UK labour force.
- Tier 3: Limited numbers of low skilled workers needed to fill specific temporary labour shortages.
- Tier 4: Students.
- Tier 5: Youth mobility and temporary workers: people allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives.

Under the new system individuals entering the UK to work in film, will enter under either tier 2 or tier 5.

Both tiers have a points requirement which the applicant must meet. Information on points can be found under the relevant tier section below.

Tier 2

This tier is for skilled workers with a job offer in the UK.

Entering under this tier is a 'route to settlement'. An applicant will need a minimum of five years' residence in the UK before qualifying for settlement.

Workers will be allowed to work in the UK if they have a ‘sponsor’ in the UK (see Sponsors below) and, for film and TV, if they fulfil the requirements of the resident labour market code of practice, along with meeting the points requirement.

Details of points required under tier 2 can be found at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general/eligibility/>

Details of the resident labour market code of practice are still being finalised.

Some film companies may bring in workers under tier 2. These are likely to be companies offering long term contracts such as visual effects companies.

Under tier 2, such UK sponsor companies will issue a ‘certificate of sponsorship’ to the worker, who will be granted leave to remain in the UK if they meet the requirements.

More information on tier 2 is available at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general/>

Tier 5

This tier is for short-term workers in the UK and is not a route to settlement.

Workers will be allowed to work in the UK for up to 12 months if they have a ‘sponsor’ in the UK and, for film and TV, if they fulfil the requirements of the resident labour market code of practice, along with meeting the points requirement.

Details of points required under tier 5 can be found at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general/eligibility/>

Details of the resident labour market code of practice are still being finalised.

Film companies may bring in workers under tier 5. These will be short term workers. Under tier 5, UK sponsor companies will issue a ‘certificate of sponsorship’ to the worker, who will be granted leave to remain in the UK if they meet the requirements.

Individuals entering the UK to work in film will come in under the creative and sporting sub-category.

More information on tier 5 is available at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5/creativeandsporting/>

Resident labour market codes of practice

There are two resident labour market codes of practice for film and TV, one for performers and one for non-performers. These have been drawn up and agreed by the industry and are currently being finalised by UKBA.

Sponsors

In order to sponsor migrants to work in the UK, employers will need to register with UKBA; satisfy the requirements of the relevant tier and accept various responsibilities in relation to helping with immigration control. They will then receive a license as a registered sponsor.

As well as taking on greater responsibility for checking the credentials of migrants whom they wish to bring to the UK, sponsors will be required to cooperate with UKBA's monitoring. Sponsors will be required to inform UKBA if a sponsored migrant fails to turn up for their first day of work. Similarly they will be expected to report any prolonged absence from work; if a migrant's contract is being terminated; or if the migrant is leaving their employment. Sponsors will also need to notify UKBA if their own company circumstances alter, for example, if the company is subject to a merger or takeover.

Sponsors will need to provide evidence that the relevant code of practice has been followed, should UKBA require it.

Employers planning to bring in workers under tier 2 and tier 5 of the scheme, which takes effect in November 2008, may apply now for their licence.

Guidance for sponsors is available at:

<http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/>

Visas

Some applicants will require visas to enter the UK (visa nationals). Identifying the nationality of the applicant will determine whether this is the case.

A full list of visa and non-visa nationals is available at UKBA's visa services website at:

<http://www.ukvisas.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1020786334922>

Transitional arrangements

Information on transitional arrangements for tier 2 can be found at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general/transitionalarrangements/>

Information on transitional arrangements for tier 5 can be found at:

<http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5/creativeandsporting/transitionalarrangements/>