

12. Further, we would expect the letter to show clearly:

- the relationship between the parent(s) or legal guardian(s) and you;
- that your parent(s) or legal guardian(s) have given their consent to this application;
- that your parent(s) or legal guardian(s) agree to your living arrangements in the UK; and
- your parent(s)' or legal guardian(s)' full name and address.

### Private foster care arrangements

13. Children (under 16 years old or 18 years old if disabled) are privately fostered when they are cared for on a full-time basis by adults, who are not their parents or a close relative, for 28 days or more. It is the responsibility of the parent, carer, and anyone else involved in making the private fostering arrangement (including the Tier 2 sponsor), to notify their UK local authority of the private fostering arrangement.
14. In the UK, local authorities are responsible for safeguarding and protecting children. They must make sure that private foster carers are suitable and that they get any support and guidance that they may need to help them care for a child. We would expect you to tell us if you are living under local authority care in the UK, including by providing a letter from the local authority that is caring for you confirming that you are currently in local authority care. We would expect such letter to be on official headed paper.
15. A close relative, parent or legal guardian caring for a child is not considered to be a private foster carer and so will not need to register with a UK local authority.

### Switching

16. You can apply from inside the UK if you have, or were last granted, leave in one of the categories listed in the table below:

<b>Switching into Tier 2 (General), Tier 2 (Sportsperson) and Tier 2 (Minister of Religion)</b>	<ul style="list-style-type: none"><li>• Any Tier 1 main applicant;</li><li>• Any Tier 2 main applicant<sup>1</sup>;</li><li>• Tier 4 student<sup>2</sup>;</li><li>• Tier 5 (Temporary Worker) in the Creative and Sporting sub-category, for a job as a professional footballer switching into Tier 2 (Sportsperson) only<sup>3</sup>;</li><li>• Dependent partner of a Tier 4 student<sup>4</sup>;</li><li>• Representative of an Overseas Business.</li></ul>
<b>Switching into Tier 2 (Intra-Company Transfer: Long Term Staff)</b>	<ul style="list-style-type: none"><li>• Representative of an Overseas Business (this includes representatives of overseas media companies).</li></ul> <p><b>You must be still working for the same employer named on your previous application.</b></p>

1. Please note that no Tier 2 (Intra-company Transfer) migrant granted entry clearance under the rules in place on or after 6 April 2011 can switch into Tier 2 (General)

2. If you cannot meet the requirements as in paragraph 17 below, you cannot switch. You must leave the UK when your leave expires and apply for re-entry under the relevant Tier 2 category.

3. If you are unable to meet the Tier 2 requirements, including English language, you cannot switch. You must leave the UK when your leave expires and apply for re-entry under the relevant Tier 5 category.

4. If switching from a Tier 4 dependant to Tier 2 (General), you must be assigned a restricted CoS..

## Switching from a Tier 4 or Student category into Tier 2 (General), Tier 2 (Sportsperson) or Tier 2 (Minister of Religion)

17. If you are switching from Tier 4, you can only switch into Tier 2 if you meet the following criteria:

- You are currently, 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; **or**
  - an overseas higher education institution, and were sponsored to undertake a short-term study abroad programme in the United Kingdom,

**and**

- you have
  - completed, or are applying no more than 3 months before the expected completion date for, a course leading to a UK recognised bachelor's or master's degree;
  - completed, or are applying no more than 3 months before the expected completion date for a course leading to a Postgraduate Certificate in Education or Professional Graduate Diploma of Education; or
  - completed a minimum of 12 months' study in the UK towards a UK PhD during your current period of leave or a period of continuous leave<sup>1</sup> which includes your last grant of leave;

**and**

- you studied for, or are studying, the eligible award at a UK institution that is a UK recognised or listed body, or an education provider which holds a licence for sponsoring students under Tier 4 of the Points-Based System; **and**
- your periods of UK study and/or research towards your course 'have been undertaken whilst you had entry clearance, leave to enter or leave to remain in the UK that was not subject to a restriction preventing you from undertaking it; **and**
- if you undertook or are still undertaking, the study for the qualification whilst holding leave as a Tier 4 student, you have undertaken the study at the institution which is the Tier 4 sponsor, and not through supplementary study; **and**
- you are applying from inside the UK.

<sup>1</sup> A period of continuous leave includes grants of leave where you applied within 14 days of your previous leave expiring and we consider that there is an acceptable reason beyond your/your representative's control which prevented an in time application and/or following the refusal of a previous application for leave which was made in-time or to which the exception outlined above applied, and within 14 days of:

- the refusal of the previous application for leave; or
- the expiry of any leave which has been extended by section 3C of the Immigration Act 1971; or
- the expiry of the time limit for making an in-time application for administrative review or appeal (where applicable); or
- any administrative review or appeal being concluded, withdrawn or abandoned or lapsing.

This may also include includes grants of entry clearance under the Immigration Rules in place before 24 November 2016 where you applied no more than 28 days after your previous leave lapsed and/or any periods of overstaying in the UK of no more than 28 days.

A period of continuous leave also includes any time spent in the Isle of Man or the Channel Islands with valid leave in an equivalent category to those listed in the switching table above.

18. You must provide a degree certificate, academic transcript or an academic reference on official headed paper of the institution which must clearly show:

- your name; and

- the course title and award; and
- the course duration (except in the case of a degree certificate); and either
- the date you completed the course, having sat all exams and presented all academic papers, or
- the date you are expected to complete the course, which must be the expected date when all exams will have been taken and all academic papers submitted, or
- confirmation of 12 months' study if you are studying a PhD course.

You may have been sponsored in your studies by Her Majesty's Government, your home government or any international scholarship agency. For the purpose of this section of the guidance, 'sponsored' means supported by an award which covers both fees and living costs. If you have had such sponsorship within the past 12 months, you must provide us with the Government or international scholarship agency's unconditional consent in writing, giving you their permission to remain in, or re-enter, the UK.

19. Any documentary evidence that you provide must be issued by an authorised official of the issuing organisation and be on the official letter-headed paper or stationery of the organisation.

## PART 2: TIER 2 (INTRA-COMPANY TRANSFER)

### Attributes

20. You must score 50 points in total for your attributes. The points you can score for attributes are listed in the table below:

Criterion	Points
<b>Certificate of Sponsorship</b>	<b>30</b>
<b>Appropriate salary</b>	<b>20</b>

### Minimum skill level

21. To score points for sponsorship, you must have a valid Certificate of Sponsorship from a licensed sponsor.
22. The Certificate of Sponsorship must confirm that the job is at Regulated Qualifications Framework (RQF) level 6 as stated in the codes of practice, or the job is a creative sector occupation skilled to RQF level 4 as listed in the Tier 2 & 5 Sponsor Guidance. This does not mean that you must be educated to that level; it means that the job is at that level. The Certificate of Sponsorship must also confirm that you will be paid at or above the appropriate rate for the job. These requirements are set out in [Appendix J](#) of the Immigration Rules at [www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work](http://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-j-codes-of-practice-for-skilled-work) and the [Tier 2 & 5 Sponsor Guidance](#) on gov.uk.

### Cooling-off periods

23. Please note that for those who had successful applications for leave in one of the following categories:
  - a Tier 2 (Intra-Company Transfer) applicant in the Short Term Staff (now closed) or Graduate Trainee sub-categories will be granted leave for no longer than 12 months; at which point you must leave the UK and you will not be able to re-apply for further