

# **STATEMENT OF INTENT: CHANGES TO TIER 1, TIER 2 AND TIER 5 OF THE POINTS BASED SYSTEM; OVERSEAS DOMESTIC WORKERS; AND VISITORS**



**Home Office**

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# Introduction and overview of changes

## INTRODUCTION

In April, the Government will make changes to the Immigration Rules in pursuit of its programme of reform of the migration routes. This Statement of Intent explains the changes that will apply to those seeking settlement from Tier 2 of the Points Based system; certain changes to Tier 5 and Visitor rules; and changes to the rules on Overseas Domestic Workers. The changes will be laid before Parliament on 15 March and come into force on 6 April.

We are also making changes to Tier 4 (students) and Tier 1 (closure of Post-Study Work and introduction of Graduate Entrepreneurs). These are explained in a separate Statement of Intent<sup>1</sup>. We are still considering changes to the Family migration route which were the subject of a separate consultation<sup>2</sup> and which will be announced in due course.

We will publish a separate Statement of Intent on arrangements for the Tier 2 limit in 2012-13 and associated policies.

The Government has already made changes to the Immigration Rules, in summary as follows:

- Tier 1: closure of Tier 1 (General), expansion of routes for entrepreneurs and investors; creation of the Exceptional Talent Route.
- New settlement rules for Tiers 1 and 2: migrants to meet the same pay criteria at settlement as apply at the further leave to remain stage; to be clear of unspent criminal convictions; requirement to take the Knowledge of Life in the UK test; no settlement for Intra-Company transferees.
- Tier 2: limit on numbers of migrants; new rules on intra-company transfers; minimum skills level of NQF4; minimum English language requirement of B1.

- Tier 4: various changes to the sponsorship regime for education providers, English language ability of students, entitlements of students to work and to sponsor dependants; rules concerning extension of study.
- Visitors: introduction of a new route for Prospective Entrepreneurs with ability to switch into the Tier 1 Entrepreneur route.

## OVERVIEW OF RULES CHANGES TO BE MADE IN APRIL 2012

When announcing in November 2010 the above changes to Tiers 1 and 2, the Home Secretary set out the Government's intention to break the link between work and staying in the UK permanently. The Government said it would consult on those changes and that those applying to enter or stay in the UK under the Points Based System after 6 April 2011 should be aware that the rules may change and that their applications would need to meet the new rules.

During 2011, the Government consulted on proposed reforms to the indefinite leave to remain<sup>3</sup> rules for workers in Tier 1 and Tier 2, at the same time as proposing changes to the work-based immigration routes in Tier 5 of the Points-Based System, and the two routes for Overseas Domestic Workers (ODWs). The consultation<sup>4</sup> generated 12,499 responses and a report providing further details of these responses has been published on the Home Office website<sup>5</sup>. The independent Migration Advisory Committee also consulted on aspects of the criteria for deciding settlement applications. The Committee's report on settlement of skilled workers is available on the UK Border Agency website<sup>6</sup>.

1 <http://www.homeoffice.gov.uk/publications/agencies-public-bodies/changes-study-visa-soi>

2 <http://www.ukba.homeoffice.gov.uk/policyandlaw/consultations/closed/>

3 Throughout this Statement, the terms 'indefinite leave to remain' and 'settlement' are used interchangeably.

4 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/employment-related-settlement>

5 <http://www.homeoffice.gov.uk/publications>

6 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/settlement-restrictions-workers/>

The Government has now decided on the changes it will make further to those consultations. In summary, they are as follows:

- From 6 April 2016, those applying for settlement from Tier 2 and who entered Tier 2 under the rules in force from 6 April 2011 must be paid at least £35,000 per annum or the going rate in the relevant UK Border Agency Code of Practice, whichever is higher.
- There will be exceptions to this for occupations on the Shortage Occupation List, those in designated “PhD-level” jobs and Ministers of Religion. As now, those in the former two categories will have to be paid the appropriate rate for the occupation.
- The £35,000 threshold will be held at that level until April 2018. We will announce the expected 2018 threshold during 2013.
- Tier 2 General, Ministers of Religion and Sportsperson migrants will be able to stay for up to six years in Tier 2 (initial leave of three years, and an extension of up to three years). They will be able to apply for settlement, if they meet the criteria, after five years (as now) and at any point up to the expiry of their leave.
- Those who do not apply for or obtain settlement must leave the UK on expiry of their leave and wait 12 months before applying to return in Tier 2.
- There will be no changes to the settlement arrangements for Tier 1 migrants.
- Leave in certain Government Authorised Exchange (GAE) schemes in Tier 5 - those for work experience - will be limited to 12 rather than 24 months.
- There will be a new Visitor category called ‘permitted paid engagements’ for specified categories of fee-paid workers on short-term assignments, outside the Points-Based System.

- Overseas Domestic Workers in private households will only be allowed to accompany visitors to the UK. They will be allowed to work for the visitor on an ODW visa as now, but must leave the UK with the visitor after a maximum of six months, and may not extend their stay, switch employer, sponsor dependants or settle in the UK from this route. There will be heightened pre-entry checks.
- Overseas Domestic Workers in diplomatic households will be allowed to stay for the duration of the stay of the diplomat for whom they are working, up to a maximum of five years whichever comes first. They may not switch employer or settle in the UK from this route, but may sponsor dependants.

## APPLICATION OF THE NEW RULES

The various changes set out in this statement will come into effect at different times:

The new rules on Tier 2 settlement (pay threshold of £35,000) will apply to anyone who entered or switched into Tier 2 of the Points-Based System under the rules in force from 6 April 2011 and who will therefore be eligible to make a settlement application in this category from April 2016 (i.e. after five years). The settlement pay threshold of £35,000 will not apply to those who entered Tier 2 under the rules in force on 5 April 2011.

The new rules limiting leave in Tier 2 to a maximum of six years will apply to those who entered Tier 2 after 6 April 2011. Those who entered before then (i.e. those who entered under the rules in place on or before 5 April 2011) are not affected and may apply for further periods of temporary leave. However, the 12 month ‘cooling off’ period will apply to any Tier 2 migrant who leaves the UK and applies for entry clearance on or after 6 April 2012, regardless of when their previous leave was granted. It will also apply to those who switch out of Tier 2 while in the UK and who wish to re-apply to Tier 2 on or after 6 April 2012.

The new rules on Tier 5 GAE schemes, Visitors undertaking permitted paid engagements and Overseas Domestic Workers will affect those applying to enter these routes on or after 6 April 2012. Those already in the routes before 6 April 2012 will remain subject to the current rules.

We will lay the necessary changes to the Immigration Rules before Parliament in mid-March and the UK Border Agency will at that point publish detailed guidance. In the meantime, this Statement provides information on how we expect the new arrangements will operate. We are publishing it now to help ensure a smooth transition with minimal disruption to sponsors' and migrants' plans.

The measures outlined in this Statement should not be seen as a definitive account of the requirements that will apply in the future. The definitive version is expected to be set out in the Immigration Rules and formal guidance which we will publish separately. This Statement does however represent the Government's current intentions. All Immigration Rules are subject to review and change and applicants must meet the rules in place at the time of application.

This document also includes information about the transitional measures which will apply to migrants with leave to enter or remain in Tier 2 granted or applied for before 6 April 2011, and to migrants with leave to enter or remain in Tier 5 or either Overseas Domestic Worker route, granted or applied for before 6 April 2012.

The Government will review the impact of the various changes set out in this document and, if necessary, make further changes in order to meet its objectives of controlling migration, restricting settlement to the brightest and best and reducing net migration to sustainable levels.

# Tier 1 – Requirements for Indefinite Leave to Remain and extensions of leave

Tier 1 of the Points-Based System caters for high value migrants who will contribute to the UK economy and attract investment in the UK and businesses. These high value migrants do not require a UK sponsor.

From 6 April 2012, Tier 1 will contain the following categories:

- Tier 1 Exceptional Talent for people who are recognised or have the potential to be recognised as leaders in the fields of science, engineering, humanities or the arts.
- Tier 1 Entrepreneurs for people who want to set up or take over, and be actively involved in running, a business or businesses in the UK.
- Tier 1 Investor for people who want to make a substantial investment in the UK.
- Tier 1 Graduate Entrepreneur for graduates from a UK Higher Education Institution, who have or want to develop an existing viable business proposition.
- Residual routes for those in the Tier 1 (General) and (Post Study Work) categories before their closure.

The rules for Tier 1 Investors, Entrepreneurs and Exceptional Talent migrants will remain unchanged, allowing these migrants to continue to apply for unlimited periods of further temporary leave, and for settlement.

Migrants in Tier 1 who wish to apply for settlement will need to meet the existing requirements in the Immigration Rules. They should be aware that all Immigration Rules are subject to review and change and they will need to meet the rules which are in place at the time they apply for either leave to enter or remain or to settle.

We are introducing a new route for Graduate Entrepreneurs from April 2012. Time spent in this route will not count towards settlement.

# Tier 2 – Requirements for Indefinite Leave to Remain and extensions of leave

Tier 2 of the Points-Based System caters for skilled workers with a job offer in the UK.

Tier 2 currently includes the following categories:

- Tier 2 General, for workers coming to the UK to fill a vacancy that cannot be filled by a resident worker. This category is subject to an annual limit on numbers.
- Tier 2 Intra-Company Transfer (ICT), for multinational employers who wish to transfer existing company employees to the UK for training or to fill vacancies that cannot otherwise be filled.
- Tier 2 Minister of Religion, for those undertaking preaching or pastoral work, missionaries or members of religious orders.
- Tier 2 Sportsperson, for elite sportspeople and coaches whose employment will make a significant contribution to the development of their sport at the highest level.

The Government consulted on proposals to reform the settlement rules for the Tier 2 sub-categories, except the Tier 2 ICT route which no longer provides a route to settlement<sup>7</sup>.

The changes we are planning to make to the Immigration Rules for Tier 2 have been informed by the public consultation and the independent Migration Advisory Committee report Analysis of the Points Based System: Settlement rights of migrants in Tier 1 and Tier 2<sup>8</sup>.

A summary of the changes and how they will affect Tier 2 migrants is at **Appendix A**.

In future, Tier 2 will operate as follows:

- All Tier 2 General, Sportsperson and Ministers of Religion migrants will continue to be able to apply for settlement after five lawful and continuous years' residence in the UK. They will continue to be required to meet settlement criteria which include: a test of the migrant's knowledge of language and life in the UK; a requirement to be free of unspent criminal convictions; and certification from their employer that they continue to be needed for the employment in question.
- In addition, Tier 2 General and Sportsperson migrants who apply for settlement from 6 April 2016 will need to demonstrate that they are being paid a minimum rate for the occupation specified on their Certificate of Sponsorship. The minimum pay requirement will be either £35,000 per annum (gross) or the appropriate rate for the occupation as specified in the Codes of Practice published by UK Border Agency<sup>9</sup>, whichever is higher. The Codes of Practice are subject to revision from time to time and (as now) applicants will need to meet the pay rate applicable at the time of their application for settlement.
- To provide certainty for migrants and employers, we will hold the settlement pay threshold at £35,000 until 5 April 2018. Those who will be eligible to apply for settlement from April 2018 should be aware that we will review the threshold to take account of wage inflation. We will announce the 2018 threshold during 2013.
- Tier 2 General migrants in designated 'PhD level' occupations will be exempt from the settlement pay threshold (i.e. the requirement to be paid a minimum of £35,000 per annum when they apply

7 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/employment-related-settlement/>  
8 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/workingwithus/mac/settlement-restrictions-workers/>

9 <http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice/>

for settlement). However, they will still need to be paid the appropriate rate for their occupation and meet all the other settlement criteria, as set out in the Rules at the time they apply.

- Tier 2 General migrants who are working in shortage occupations will also be exempt from the settlement pay threshold. They will still need to be paid the appropriate rate for their occupation and meet all the other settlement criteria. This exemption will apply to those holding a Certificate of Sponsorship for a job which has appeared on the Shortage Occupation List at any time while they were being sponsored to do that job.
- Leave under the Tier 2 General, Sportsperson and Minister of Religion categories will be capped at six years (up to three years leave to enter or remain followed by extensions or change of employment applications of up to three years). After this time, migrants must either apply and qualify for settlement or leave the UK.
- To prevent repeat periods of leave in Tier 2, we will apply a ‘cooling off’ period to Tier 2 General, Sportsperson and Minister of Religion migrants who leave the UK without qualifying for settlement. In line with the existing requirements for Tier 2 Intra-Company Transfers, all Tier 2 migrants will be required to spend a period of 12 months outside the UK, after their Tier 2 leave expires, before they may reapply to enter in a Tier 2 category. Equivalent arrangements will apply to those who switch out of the Tier 2 General, Sportsperson and Minister of Religion categories while in the UK and who later wish to reapply as a Tier 2 General migrant, Sportsperson or Minister of Religion.
- We will continue to allow Tier 2 migrants to be accompanied by or joined by their dependants, who will still be able to work while in the UK. We have consulted separately on proposals to extend the probationary period before spouses and partners can

apply for settlement in the UK from the current two years to five years<sup>10</sup>. We will make an announcement on this and other proposals in the Family Migration consultation document later this year.

- The above changes will apply to all those in the Tier 2 General, Sportsperson and Minister of Religion categories who applied for an initial grant of leave as a Tier 2 migrant under the rules in force from 6 April 2011 and will therefore be eligible to apply for settlement from April 2016 onwards. (Please see the section on transitional arrangements for more detail.)

Further information on how these changes will impact on each of the Tier 2 sub-categories is below.

## TIER 2 (GENERAL)

When you apply for settlement, it will remain the responsibility of your employer to confirm in writing that you are being paid either £35,000 per annum or the appropriate rate for your job as listed in the Codes of Practice, whichever is applicable. You will also continue to be required to provide evidence that you are being paid at the correct level. The minimum pay requirement will apply in respect of the job for which you have been issued a Certificate of Sponsorship. Additional earnings (e.g. from overtime or a second job), even where these are from permitted supplementary employment, will not count towards the threshold.

The pay threshold will be held at £35,000 until early April 2018 but will be subject to review and change after that time. The threshold from April 2018 will be announced by April 2013, with subsequent years’ thresholds confirmed on an annual basis thereafter. This will enable those entering the route to know from the outset what the pay threshold will be.

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<sup>10</sup> ‘Family migration – a consultation, July 2011  
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/family-migration/>



## ‘PHD LEVEL’ OCCUPATIONS

If you are being sponsored under Tier 2 (General) to undertake employment in one of the eight ‘PhD level’ Standard Occupational Classification (SOC) codes listed below you will not be required to meet the minimum pay threshold for settlement (i.e. £35,000). You will still need to demonstrate that you are being paid at the appropriate rate for your occupation as specified in the published Codes of Practice, as well as meeting all of the remaining settlement criteria. However, you will not be granted temporary leave to remain in the UK for longer than six years. If you wish to remain for longer, you will need to apply and qualify for settlement.

The eight SOC codes listed below are those which are currently listed as being eligible for additional points under the Tier 2 limit:

- 1137 Research and Development Managers
- 2111 Chemists
- 2112 Biological Scientists and Research Chemists
- 2113 Physicists, Geologists and Meteorologists
- 2311 Higher Education teaching Professionals
- 2321 Scientific Researchers
- 2322 Social Science Researchers
- 2329 Researchers not elsewhere classified

## SHORTAGE OCCUPATIONS

If you are being sponsored under Tier 2 (General) to undertake employment in an occupation on the Shortage Occupation List (SOL) you will be exempt from the settlement pay threshold (i.e. £35,000). You will still need to be paid the appropriate rate for your occupation and meet all the other criteria for settlement.

The SOL is subject to revision and updating from time to time. However, you will be eligible to benefit from the SOL exemption if, when you apply for settlement, you are being sponsored under Tier 2 (General) to undertake employment in a job which has been removed from the SOL while you were being sponsored to do that job. If you have at one time

been sponsored to undertake employment in a SOL job but subsequently changed occupation and are not in a SOL job when you apply for settlement, you will not benefit from the exemption.

## LENGTH OF STAY

We will grant Tier 2 General migrants no more than six years leave in total (up to three years leave to enter or remain followed by extensions or change of employment applications of up to three years). After this time, you will need to either apply and qualify for settlement or leave the UK, unless you qualify for leave to remain under another part of the Immigration Rules which permit an in-country application.

As now, Tier 2 migrants will be able to switch employer while in the UK, but will need to submit a change of employment application. Following a successful change of employment application, the leave will be granted such that the migrant does not exceed six years in total as a Tier 2 migrant.

To prevent repeat grants of temporary leave, Tier 2 migrants will be subject to a ‘cooling off period’. Those who leave the UK without qualifying for settlement will need to wait for 12 months from the expiry of their leave before re-applying to Tier 2. Equally, those who switch into another category of leave while in the UK will not be able to re-apply for leave as a Tier 2 General migrant until 12 months after their last leave as a Tier 2 migrant has expired.

## TIER 2 (SPORTSPERSON)

The Tier 2 Sportsperson sub-category will be subject to the settlement pay threshold (i.e. £35,000). For most sporting professions there is no Code of Practice which applies, therefore if you are a Tier 2 Sportsperson you will usually need to meet the £35,000 threshold.

The limits on maximum length of stay and the ability to extend temporary leave will be the same as for the Tier 2 General sub-category. This means that the

maximum total length of time you may stay in the UK as a Tier 2 Sports person will be limited to six years (up to three years leave to enter or remain followed by extensions or change of employment applications of up to three years). If you wish to remain for longer than six years, you will need to apply and qualify for settlement. If you leave the UK or switch into another category of leave you will be subject to the 'cooling off period' described above.

## **TIER 2 (MINISTER OF RELIGION)**

We are not making any changes to the settlement rules for this Tier 2 sub-category at this time. You will not be subject to the £35,000 settlement pay threshold.

Currently, there is no salary requirement for settlement applications made by Ministers of Religion. Therefore, in order to qualify for settlement you will continue to need to meet the settlement criteria as set out in the Rules at the time you apply. These include five years of lawful and continuous residence and knowledge of language and life in the UK. You will need to be free of unspent criminal convictions and your employer must confirm that you continue to be needed for the employment in question.

However, the limits on maximum length of stay and the ability to extend your temporary leave will be changed in line with the Tier 2 General and Sports person sub-categories. This means that the maximum total length of time you may stay in the UK as a Tier 2 Minister of Religion will be limited to six years (up to three years leave to enter or remain followed by extensions or change of employment applications of up to three years). If you wish to remain for longer than six years, you will need to apply and qualify for settlement. If you leave the UK or switch into another category of leave you will be subject to the 'cooling off period' described above.

## **TIER 2 (INTRA-COMPANY TRANSFERS)**

We are not making any changes to this route, and existing rules will continue to apply. However, you should be aware that all Immigration Rules are subject to review and change and that you will need to meet the rules which are in place at the time you apply for either leave to enter or remain or to settle.

# Requirements for Indefinite Leave to Remain – review of language criteria

The Family Migration consultation document<sup>11</sup> proposed that all applicants for settlement, including dependants, should be required to demonstrate a level of English language competence equivalent to the level currently required for the Life in the UK test, which is equivalent to level B1 of the Common European Framework of Reference. The Government is also considering whether changes should be made to the testing regime by which migrants establish the required knowledge of language and life in the UK for settlement or citizenship. Potential settlement applicants should note, therefore, that there may be further announcements on the knowledge of language and life in the UK requirement and that they will be required to meet the requirement as at the date of their settlement application.

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<sup>11</sup> <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/family-migration/>

# Tier 5

Tier 5 of the Points-Based System comprises the Temporary Worker and Youth Mobility Scheme categories which allow people to travel to the UK to satisfy primarily non-economic objectives. Tier 5 routes do not lead to settlement in the UK (except private servants in diplomatic households).

The Temporary Worker category comprises five sub-categories:

- Creative and sporting-for creative workers and sportspeople coming to work or perform in their relevant sector.
- Charity workers-for people coming to do voluntary fieldwork directly related to a UK charity.
- Religious workers-for people coming to do religious work, for example in non-pastoral roles.
- Government Authorised Exchange (GAE)-for a variety of approved schemes aimed at sharing knowledge, experience and best practice through skilled work.
- International Agreement-for migrants coming under contract to provide a service that is covered under international law, including world and bilateral trade agreements, employees of overseas governments and international organisations and the provision for private servants in diplomatic households. (We discuss the changes we are making to the Overseas Domestic Worker routes separately).

## CHARITY WORKERS, RELIGIOUS WORKERS AND YOUTH MOBILITY

We are not making any changes to these routes, and existing rules will continue to apply. However, migrants in these categories should be aware that all Immigration Rules are subject to review and change and they will need to meet the rules in place at their time of application.

## CREATIVE AND SPORTING, GOVERNMENT AUTHORISED EXCHANGE AND INTERNATIONAL AGREEMENT

The following changes will be made to the Tier 5 Creative and Sporting, GAE and International Agreement routes:

- We will restrict certain types of GAE scheme (internships, work experience/exchanges and youth exchanges) to one-off stays of a maximum of 12 months.
- All other GAE schemes (research, fellowships and training in the fields of science and medicine) will continue to attract leave of up to 24 months.
- We will create certain categories within the International Agreement route (Contractual Service Suppliers and Independent Professionals) reflecting international commitments. Leave will be limited to six months to reflect our commitments under the General Agreement on Trade in Services (GATS) and other Free Trade Agreements (FTA). There will be a six month 'cooling off period' at the end of leave so that migrants using this route can only come to the UK for six months in every 12 months. We will not, however, implement this change until the Autumn.
- Other migrants in the International Agreement route will continue to get leave of up to 24 months.
- Sportspeople entering under the Tier 5 Creative and Sporting sub-category will be permitted to undertake some guest sports broadcasting work where this is not filling a permanent position.
- Dependants will continue to be allowed to accompany, or join, the main applicant, and work whilst they are here.
- We will provide a new route in the current Visitor rules to allow for certain short-term fee paid

activities to be carried out in specific business, creative and sporting sectors without the need to be sponsored under one of the PBS Tiers. We will limit the length of the engagement to one month. The Tier 5 route will remain available for those who are now eligible to use it and who prefer to do so.

A summary of the changes and how they will affect Tier 5 migrants is at **Appendix B**. Further information on how these changes will impact on Tier 5 sub-categories is below.

## GOVERNMENT AUTHORISED EXCHANGES

From April 2012, the maximum periods of leave under each of the various GAE schemes will be:

Internships, work experience /exchanges (see <b>Appendix C</b> )	12 months maximum
All other GAE schemes (research, fellowships and training schemes in the fields of science and medicine)	24 months maximum

If you applied for leave to enter or remain in the UK in any of the Tier 5 GAE schemes before 6 April 2012, then you will continue to be granted up to 24 months leave. If you leave the UK and wish to apply to re-enter the UK under Tier 5 at a later date, you will be able to do so but, if successful, you will only be granted leave up to the new maximum for any sub-category where this applies.

## INTERNATIONAL AGREEMENTS

In the Autumn, we will bring forward further changes to the Immigration Rules in connection with the UK's commitments to admit Contractual Service Suppliers and Independent Professionals under the General Agreement on Trade in Services (GATS) and other Free Trade Agreements. These changes will limit the maximum length of stay for such workers to six months. From that point, the maximum periods of leave under each of the various International Agreement schemes will be:

Employees of overseas governments or international organisations established by international treaty	No change
Private servants in diplomatic households	Maximum of 24 months Extensions permitted of up to 5 years  No settlement
Contractual Service Suppliers and Independent Professionals under GATS and other Free Trade Agreements	Maximum 6 months

# Visitors carrying out Permitted Paid Engagements

The current Immigration Rules do not permit business or creative activities to be undertaken as a visitor where the individual receives a fee payment. The Points-Based System-Tier 2 or Tier 5-is not always appropriate for those coming for short periods to perform one-off remunerated activities and who do not have a formal sponsor.

We shall not create a general route for any short-term fee-paid workers. However we will amend the current Visitor rules to create a new category for a small number of pre-arranged, specified permitted activities where we will allow the migrant to receive fee payment. The new route will be restricted to those coming for one month or less and will not require formal sponsorship. A summary of the new route is at Appendix D.

## PERMITTED PAID ENGAGEMENTS

The new route (“permitted paid engagements”) will cater for a limited group of migrants who are invited to come to the UK because of their particular skill or expertise. The individual must be able to show that they have a formal invitation to carry out the engagement, and that the specific activity relates to their area of expertise and/or qualifications, and full-time occupation overseas. The permitted activities are:

- visiting to give a lecture, examining students, participating in or chairing selection panels.
- overseas designated air-pilot examiners assessing UK pilots to ensure they meet the national air regulatory requirements of those countries.
- providing advocacy in a particular area of law as a qualified lawyer in a court or tribunal hearing, arbitration or other form of alternative dispute resolution in the UK.
- professional artists, entertainers or sports-persons carrying out an activity relating to their main profession e.g. artists exhibiting and selling their works; authors doing book signings; entertainers giving one off or a short series of performances

and sports-persons providing guest commentary in their field of sport.

## APPLICATION OF THE NEW RULES

If you wish to come to the UK for a short period, of up to one month, for one of these permissible activities, you may apply to enter the UK under the new Visitor category for permitted paid engagements. If you are a visa national, you will need prior entry clearance, and if successful, will be issued with a single-entry visa for the UK. You will need to meet the requirements of the “permitted paid engagements” Visitor rules which are in place from 6 April 2012.

If you wish to remain for longer than one month and undertake any of these activities for which you will be paid, you will continue to need to apply under the relevant Tier 2 or Tier 5 category.

An individual entering in this route must be a genuine visitor, provide relevant documentary evidence to demonstrate that they have been invited to the UK because of their skills and expertise, and intend to leave the UK at the end of their visit.

The current options within the PBS will remain available for those who prefer to use them, e.g. those entertainers who have a regular sponsor can continue to use Tier 5.

If you enter the UK as a Visitor undertaking “permitted paid engagements”, and your circumstances change whilst you are here (for example, the reason why you originally came to the UK changes so that you will be paid for longer than one month, or the nature of your work is no longer of a type which is allowed) then you must leave the UK and if appropriate reapply to enter under Tier 2 or Tier 5. If you remain in the UK in the new Visitor category for longer than one month including where you are being paid for the work you are doing, or if you undertake paid work which is not allowed, you will be in breach of the Immigration Rules, and may be subject to enforced removal. Should this happen, you should be aware that this may impact on your ability to successfully re-enter the UK at a later date.



# Overseas Domestic Workers

There are two ways to come to the UK as an Overseas Domestic Worker (ODW):

- **To work in the private household of an employer.** This provision was introduced into the Immigration Rules in 2002 to enable people coming to the UK to bring with them their foreign domestic staff—for example nannies, chauffeurs and cooks.
- **To work in the private household of a foreign diplomat.** This provision is for ODWs coming to the UK with or to join a diplomat to work in their private household. It is provided due to the UK being a signatory to the Vienna Convention on Diplomatic Relations 1961. The route is in the International Agreement category of Tier 5 of the Points Based System.

A summary of the planned changes and how they will affect overseas domestic workers is at **Appendix E**.

## OVERSEAS DOMESTIC WORKERS IN PRIVATE HOUSEHOLDS

We are changing this route as follows:

- Entry into the UK will be limited to a maximum of six months, with no extensions beyond this time.
  - You will only be able to enter the UK where you are accompanying your employer (or his spouse or child) who is also coming here at the same time as a visitor or who has come here in that capacity.
  - You will be required to leave the UK at the same time as your employer.
  - You will not be able to change employer whilst in the UK.
  - You will not be able to apply for settlement in the UK.
- You will not be able to switch into a different immigration category whilst you are in the UK. If you wish to do so, you will first need to leave the UK and apply for entry clearance from overseas.
  - You will not be able to bring your dependants with you. Your family members will be able to seek to come here in their own right, as a visitor.
  - You will be able to work for your employer on your overseas domestic worker visa. You will not be on a visitor visa.

## OVERSEAS DOMESTIC WORKERS IN DIPLOMATIC HOUSEHOLDS

We are changing this route as follows:

- Entry into the UK will be limited to a maximum of five years' stay, or to the length of your employer's posting, whichever is shorter.
- You will not be able to change employer whilst in the UK.
- You will not be able to apply for settlement in the UK.
- You will not be able to switch into a different immigration category whilst you are in the UK. If you wish to do so, you will first need to leave the UK and apply for entry clearance from overseas.
- You will be able to bring your dependants with you, however they will be expected to leave the UK at the same time as you. They cannot switch into a different immigration category whilst they are in the UK. They will be able to work whilst they are here.

## APPLICATION OF THE NEW RULES

We will apply the new requirements described above to migrants who apply for leave to enter the UK in either Overseas Domestic Worker category on or after 6 April 2012.

This means that if you are already in the UK in either category, apply to enter and are granted leave, or enter before the 6 April, the changes outlined above will not apply to you.

For those admitted under the Immigration Rules in force before 6 April, who are eligible to apply for settlement, we will not be applying a pay threshold to applications made under the domestic worker routes.

## MEASURES AGAINST ABUSE

We will be introducing a new package of protections that will minimise the possibility of abusive relationships being brought to the UK, and will provide information on and access to suitable protections in the UK and a route home for those ODWs who are in need of this.

For those ODWs who come here to work in the private household of their employer, we will retain the existing requirement to have worked for that employer for twelve months. Additionally, we will strengthen pre-entry requirements by seeking more evidence that there is an established employer-employee relationship. For both ODW routes we will make it a requirement that written terms and conditions of employment in the UK are agreed by the ODW and their employer. We will also provide information, in a range of languages, to ODWs when they apply for their visa. This will inform them of their rights in the UK and how to obtain help if they have problems.

For ODWs who are in the UK, referral to the National Referral Mechanism, which identifies and supports victims of trafficking, will be available to those who have been, or have potentially been, trafficked here. For those who consider their terms and conditions of employment are not being met, assistance is available

from, for example, the Pay and Work Rights Helpline, which provides employment advice in a range of languages. For those who experience abuse but have not been trafficked here, we will continue dialogue with Non-Governmental Organisations to ensure that initial support, prior to assistance to return home is available to ODWs. We will also look to ensure that ODWs can come here only if the UK is able to help them return home by means of effective bilateral returns agreements.



# Transitional arrangements

## TIER 2

### REQUIREMENTS FOR INDEFINITE LEAVE TO REMAIN (ILR)

We will not apply the new settlement pay threshold (minimum £35,000 per annum) to Tier 2 migrants who hold Tier 2 leave to enter or remain granted under the Immigration Rules in force on or before 5 April 2011.

Those who switched into Tier 2 on or after 6 April 2011, or who subsequently switch, should be aware that they will be subject to the new settlement pay threshold. The exception will be those who switch or switched into Tier 2 after holding leave as a Tier 1 migrant (other than a Tier 1 Post Study Work migrant), a work permit holder or certain other specified Points Based System (PBS) predecessor categories. We will make transitional arrangements to enable this group to qualify for settlement without meeting the minimum pay threshold. The specified PBS predecessor categories are:

- Member of the Operational Ground Staff of an Overseas-owned Airline;
- Minister of Religion, Missionary or Member of a Religious Order;
- Qualifying Work Permit Holder;
- Representative of an Overseas Business;
- Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation;
- Highly Skilled Migrant;
- Innovator.

### REQUIREMENTS FOR ENTRY CLEARANCE AND LEAVE TO REMAIN

We will not apply the rule limiting the maximum length of stay in the Tier 2 General, Sportsperson and Minister of Religion sub-categories to six years to

those in these categories who hold leave to enter or remain granted under the Rules in force on or before 5 April 2011 (but see below regarding those who leave the UK and subsequently re-apply for entry clearance and those who switch out of Tier 2 while in the UK).

We will not apply the 'cooling off period' to applications for entry clearance or leave to remain as a Tier 2 migrant made on or before 5 April 2012.

However, those who hold Tier 2 leave, including that granted under the Rules in force on or before 5 April 2011, should be aware that if they leave the UK and apply for entry clearance on or after 6 April 2012 they will be subject to the new requirements described in this Statement of Intent, including the requirement to wait 12 months from the expiry of their previous Tier 2 leave before applying for entry clearance as a Tier 2 migrant. A 12 month 'cooling off period' will also apply to those who switch out of Tier 2 while in the UK and who wish to re-apply to the Tier 2 General, Sportsperson or Minister of Religion sub-categories on or after 6 April 2012.

## TIER 5

We will not apply the new requirements to Tier 5 migrants who apply for entry clearance or leave to remain on or before 5 April 2012. Those who apply on or before this date will have their application decided under the rules in force on 5 April 2012.

## OVERSEAS DOMESTIC WORKERS

We will not apply the new requirements to migrants who apply for entry clearance or leave to remain in either Overseas Domestic Worker category on or before 5 April 2012. Those who apply on or before this date will have their application decided under the rules in force on 5 April 2012.

Those admitted under the Immigration Rules in force before 6 April 2012, will continue to be eligible to apply for further leave and settlement under the rules in force on 5 April 2012. We shall not be applying a pay threshold to ODW settlement applications.

# APPENDIX A

## Tier 2 at a glance

The table below summarises Tier 2 as it is under the Immigration Rules currently in force and how the Government intends it will be following the Rules changes in April 2012. The Rules changes in April will affect those who entered Tier 2 under the Rules in force from 6 April 2011 and who will be eligible to apply for settlement from April 2016 onwards. Please note that the Immigration Rules are subject to change and applicants must meet the requirements in place at the time they make their application to settle. This table, therefore, should not be considered as a statement that the settlement requirements will not change again in future.

Category	Maximum length of leave (pre- 6th April 2012)	Maximum length of leave (after 6th April 2012)	Settlement (pre- 6th April 2012)	Settlement (after 6th April 2012)	Dependants (pre-6th April 2012)	Dependants (post 6th April 2012)
<b>General</b>	3+2 years. May apply for unlimited periods of further temporary leave.	3+3 years.  Temporary leave limited to 6 years in total.  A 12 month 'cooling - off' period applies if migrant leaves the UK and wishes to re-enter as a Tier 2 migrant.	Yes – can apply for settlement after 5 years.	Yes – can apply for settlement after 5 years.  Those who entered Tier 2 under the Rules in force from 6 April 2011 will need to meet a minimum pay threshold of £35,000*, or the going rate for their occupation, whichever is higher. PhD and shortage occupations exempt from the £35,000 pay threshold.	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).

\* Minimum pay threshold will be subject to review, but will be held at £35,000 for applications submitted prior to April 2018.

Category	Maximum length of leave (pre- 6 April 2012)	Maximum length of leave (after 6 April 2012)	Settlement (pre- 6 April 2012)	Settlement (after 6 April 2012)	Dependants (pre-6 April 2012)	Dependants (post 6 April 2012)
<b>Intra Company Transfer</b>	<p>Long-term staff - 3+2 years (no further extensions).</p> <p>Short-term staff and graduate trainees 1 year only (no further extensions).</p> <p>Skills transfers 6 months only (no further extensions).</p> <p>‘Cooling off’ period of 12 months after expiry of leave (except where switching from short-term to long-term ICT).</p>	No change.	<p>No, unless entered the UK before April 2010. After that time, settlement is unavailable.</p> <p>Where settlement is available, the criteria remain unchanged.</p>	No – unless entered the UK before April 2010 – see across (no change).	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).
<b>Sportsperson</b>	3+2 years. May apply for unlimited periods of further temporary leave.	<p>3+3 years.</p> <p>Temporary leave limited to 6 years in total.</p> <p>A 12 month ‘cooling - off’ period applies if migrant leaves the UK and wishes to re-enter as a Tier 2 migrant.</p>	Yes – can apply for settlement after 5 years.	<p>Yes – can apply for settlement after 5 years.</p> <p>Those who entered Tier 2 under the Rules in force from 6 April 2011 will need to meet a minimum pay threshold of £35,000*, or the going rate for their profession (if applicable), whichever is higher.</p>	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).

\* Minimum pay threshold will be subject to review, but will be held at £35,000 for applications submitted prior to April 2018.

Category	Maximum length of leave (pre- 6 April 2012)	Maximum length of leave (after 6 April 2012)	Settlement (pre- 6 April 2012)	Settlement (after 6 April 2012)	Dependants (pre-6t April 2012)	Dependants (post 6 April 2012)
<b>Minister of Religion</b>	3+2 years. May apply for unlimited periods of further temporary leave.	3+3 years.  Temporary leave limited to 6 years in total.  A 12 month 'cooling-off' period applies if migrant leaves the UK and wishes to re-enter as a Tier 2 migrant.	Yes - can apply for settlement after 5 years.	Yes (no change).	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).

# APPENDIX B

## Tier 5 at a glance

The table below summarises Tier 5 as it is now, and how it will be for those who apply for leave under Tier 5 from 6 April 2012 onwards.

Category	Maximum length of leave (pre- 6 April 2012)	Maximum length of leave (after 6 April 2012)	Settlement (pre- 6 April 2012)	Settlement (after 6 April 2012)	Dependants (pre-6 April 2012)	Dependants (post 6 April 2012)
<b>Youth Mobility</b>	24 months.	24 months (no change).	No.	No (no change).	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).
<b>Creative and Sporting*</b>  *[No change to leave or settlement requirements but a change will be made to allow guest sports broadcasting by Tier 5 sportspersons].	12 months (plus for creative sector, migrants can be granted an additional 12 months maximum if the original sponsor requires the migrant to stay beyond the original period granted: total period of stay can be up to 24 months).	12 months (plus for creative sector, migrants can be granted an additional 12 months maximum if the original sponsor requires the migrant to stay beyond the original period granted: total period of stay can be up to 24 months) (no change).	No.  NB – footballers who have switched into Tier 2 (Sports-person) can apply for settlement under that category.	No.  NB footballers who have switched into Tier 2 (Sports-person) from April 2011 will need to meet the new settlement income threshold of £35,000 p.a.	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).
<b>Charity Workers</b>	12 months.	12 months (no change).	No.	No (no change).	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).
<b>Religious Workers</b>	24 months.	24 months (no change).	No.	No (no change).	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).

Category	Maximum length of leave (pre- 6 April 2012)	Maximum length of leave (after 6 April 2012)	Settlement (pre- 6 April 2012)	Settlement (after 6 April 2012)	Dependants (pre-6 April 2012)	Dependants (post 6 April 2012)
<b>Government Authorised Exchange</b>	24 months.	12 months and no extensions: internships, work experience/ exchange and youth exchanges.  24 months and no extensions: all other GAE schemes (research, fellowships and training in fields of science and medicine) (no change).	No.	No (no change).	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).
<b>International Agreement</b>	24 months (plus after the initial grant period, overseas government employees and private servants in diplomatic households can apply for further leave of 12 months at a time, until they have spent up to a maximum of 6 years in the UK).	No immediate change but a limit of 6 months for Contractual Service Suppliers and, where applicable, Independent Professionals under the General Agreement on Trade Services (GATS) and Free Trade Agreements (FTAs) will be introduced in the Autumn.  24 months: (extendable up to a maximum of 6 years) for overseas government employees, employees of international organisations.  24 months: (extendable up to a maximum of 5 years) private servants in diplomatic households.	No - except private servants in diplomatic households who are eligible to apply for settlement after 5 years.	No.	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).

# APPENDIX C

## TIER 5 Government Authorised Exchange Schemes

From 6 April 2012, the maximum grant of leave for applicants seeking entry for a Work Experience programme under Tier 5: GAE will be 12 months. Applicants seeking entry for GAE Research and Training programmes will continue to be permitted a maximum of 24 months. The following provisional table provides a list of all the current GAE schemes and the maximum period of leave that will be available from 6 April. All schemes will also be notified individually.

Work Experience Programmes - 12 Months	Research & Training Programmes – 24 months
American Institute of Foreign Studies	BNSC Satellite KHTT Programme
AIESEC Internships	Chatham House Overseas Visiting Fellowships
Bar Council	Chevening Programme
BOND Business Internships	Commonwealth Scholarships and Fellowships Plan
British Council – Speak European	Finance Ministries and Central Banks Scheme
Broadening Horizons	Medical Training Initiative
BUNAC Blue Card Internships	Medical Training Initiative - Dentistry
Cabinet Office Interchange Programme	National Physical Laboratory Guest worker and secondment scheme
City Fellowship Scheme	Overseas Fellows Post (NHS –Highland)
Commonwealth Exchange Programme	Sponsored Researchers
Competition Commission/US Federal Trade Commission Scheme	Sponsored Scientific Researcher Initiative
Defence Academy	UK-India Education and Research Initiative
Encouraging Dynamic Global Entrepreneurs (EDGE)	US – UK Education Commission (aka The US/UK Fulbright Commission)
Erasmus	
EU/China Managers Exchange and Training Programme (METP)	
European Voluntary Service (Youth in Action Programme)	
Food Standards Australia New Zealand (Food Standards Agency)	
Foreign & Commonwealth Office	
Foreign Language Assistants Programme	
Fulbright UK/US Teacher Exchange Programme	
Glasgow Caledonian University International Exchange Programme	
Grundtvig	
Tier 5 Interns Scheme	

Work Experience Programmes - 12 Months	Research & Training Programmes – 24 months
Highways Agency Scheme	
HMC Projects in Central and Eastern Europe – Teachers' Work Exchange Scheme	
HMRC Exchange Scheme	
IAESTE	
International Cross Posting Programme for Kazakhstan	
International Exchange Programme (UK) Ltd	
International Fire & Rescue Training Scheme	
International Horticulture Scheme	
International Internship Scheme	
International Science & Innovation Unit	
Jiangsu Centre for Chinese Studies in Essex	
Law Society Tier 5 Scheme for migrant lawyers	
Lord Chancellor's Training Scheme for Young Chinese Lawyers	
Mandarin Teachers Programme	
Mandarin Teaching Programme (Scotland)	
Mountbatten Programme	
National Assembly for Wales Intern Programme	
National Policing Improvement Agency Training and Development Exchange Scheme	
NPL Guest Worker and Secondment Scheme	
The Ofgem International Staff Exchange Scheme	
REX Programme	
UK – China Graduate Work Experience Programme	
UK-India Graduate Work Experience Programme	
Welsh Language Teaching Programme in Patagonia	



# APPENDIX D

## New Visitor Route for Permitted Paid Engagements

### Overview of the new route:

- One month leave to enter: invited to undertake pre-arranged fee-paid engagements permitted within this period
- No formal sponsorship required
- Engagement to be evidenced by invitation, and to show that it relates to the individual's expertise and/or qualifications, and main occupation overseas
- Visa nationals are required to apply for entry clearance (single entry visa issued)
- No switching into other categories or extensions of leave permitted when in country
- Must be a genuine visitor and intend to leave after one month

Category	Permitted Paid Engagements (PPE)
<b>Visiting examiners or assessors</b>	Academics, who are highly qualified in their field of expertise, invited by a UK higher education institution or other research or arts organisation, to examine students or participate in and/or chair a selection panel as part of that institution or organisation's quality assurance processes.
<b>Visiting lecturers</b>	Professionals invited by a UK higher education institution or other research or arts organisation to give one or a short series of paid lectures in their field of expertise as a visiting lecturer.
<b>Designated overseas Air-pilot examiners</b>	Overseas designated pilot examiners invited by an approved UK based training organisation that is regulated by the UK Civil Aviation Authority, to assess UK pilots to ensure they meet overseas countries' national aviation regulatory requirements.
<b>Qualified lawyers providing advocacy, arbitration or alternative form of dispute resolution</b>	To provide advocacy in a particular area of law as a qualified lawyer for the purposes of a court or tribunal hearing, arbitration or other form of alternative dispute resolution for legal proceedings within the UK.
<b>Professionals in the arts, entertainment and sporting sectors</b>	<p>To undertake an activity as a professional artist, entertainer or sports-person by invitation of a UK based arts or sports organisation or broadcaster. Activities include:</p> <ul style="list-style-type: none"> <li>• Artists, sculptors, photographers and writers exhibiting and selling their works; writers doing book-signings, participating in and/or chairing literary prize panels.</li> <li>• Entertainers and performing artists giving one-off or a short series of performances.</li> <li>• Sportspersons carrying out broadcasting activities in their field of sport.</li> </ul>

# APPENDIX E

## Overseas Domestic Worker routes at a glance

The table below summarises the ODW rules as they are now, and as they will be for those who apply for leave as an ODW from 6 April 2012 onwards.

Category	Maximum length of leave (pre- 6 April 2012)	Maximum length of leave (after 6 April 2012)	Settlement (pre- 6 April 2012)	Settlement (after 6 April 2012)	Dependants (pre-6 April 2012)	Dependants (post 6 April 2012)
<b>Domestic Worker (diplomatic household)</b>	24 months (plus after the initial grant period, can apply for further leave of 12 months at a time, until they have spent up to a maximum of 6 years in the UK).	24 months: (extendable up to a maximum of 5 years).	Yes, after 5 years.	No.	Yes. Can join main applicant and can work.	Yes. Can join main applicant and can work (no change).
<b>Domestic Worker (private household)</b>	6 or 12 months initially. Can be extended.	6 months and no extensions, and only where accompanying a visitor.	Yes, after 5 years.	No.	Yes. Can join main applicant and can work.	No.

# APPENDIX F

## The Points Based System from April 2012

Tier 1		
Category	Purpose	Key changes in April 2012
Investors	For high net worth individuals making a substantial financial investment to the UK. Applicants must have at least £1m and invest in UK Government bonds, share capital or loan capital in active and trading UK companies.	No changes.
Entrepreneurs	For migrants who wish to establish, join or take over one or more businesses in the UK. Applicants must have at least £200k, or £50k from a specified source, to invest in their business. To extend their stay they must be engaged in business and have created at least 2 full-time sustainable jobs for resident workers.	Changes for post-study workers and graduate entrepreneurs switching into this route.
Exceptional Talent	For exceptional people in the fields of science, engineering, arts and humanities. Applicants must be internationally recognised as world leaders in their field and endorsed by a Designated Competent Body. A limit of 1,000 places applies to this route.	No changes.
Graduate Entrepreneurs	For graduates who have been identified by their UK Higher Education Institution as having entrepreneurial skills, who have or want to develop a viable business proposition. A limit of 1,000 places will apply to this route.	This is a new route. Time spent in this route will not lead to settlement.

Tier 2		
Category	Purpose	Key changes in April 2012
General	For UK employers to recruit skilled workers from outside the EEA to fill a particular vacancy that cannot be filled by a British or EEA worker. Migrants must have an offer of a skilled job paying at least £20k and a CEFR B1 English language certificate. An annual limit applies to this route.	<p>For settlement: applications from April 2016 must meet a pay threshold of £35,000 p.a.*, or the going rate for their occupation (if applicable), whichever is higher.</p> <p>Temporary leave will be limited to 6 years.</p> <p>We will introduce a minimum period of 12 months before a Tier 2 migrant can return to the UK under that Tier, or switch back into that Tier.</p>
Intra-Company Transfer	For multinational employers to transfer their existing employees from outside the EEA to their UK branch for training purposes or to fill a particular vacancy that cannot be filled by a British or EEA worker. Applicants transferring for up to a year must be earning at least £24k; those transferring for longer must be earning at least £40k.	No changes.
Ministers of Religion	For ministers of religion undertaking preaching and pastoral work, missionaries or members of religious orders, taking up employment or a post/role within their faith community in the UK.	<p>Temporary leave will be limited to 6 years.</p> <p>We will introduce a minimum period of 12 months before a Tier 2 migrant can return to the UK under that Tier, or switch back into that Tier.</p>
Sportspeople	For elite sportspeople and coaches whose employment will make a significant contribution to the development of their sport at the highest level.	<p>For settlement: applications from April 2016 must meet a pay threshold of £35,000 p.a.*, or the going rate for their occupation (if applicable), whichever is higher.</p> <p>Temporary leave will be limited to 6 years.</p> <p>We will introduce a minimum period of 12 months before a Tier 2 migrant can return to the UK under that Tier, or switch back into that Tier.</p>

\* Minimum pay threshold will be subject to review, but will be held at £35,000 for applications submitted prior to April 2018.

Tier 4		
Category	Purpose	Key changes in April 2012
Students	For adult students coming to the UK for post-16 education and child students coming to be educated at an independent fee-paying school, or coming for post-16 education.	Work Placements will be restricted to one third of the course, unless the course is at degree level and the sponsor is a Higher Education Institution or the student is on a study abroad programme, where the maximum will remain one half of the course. We will limit the time students can spend at degree level to 5 years, with certain exemptions around longer courses. From April, graduates may switch into Tier 2 in place of the Tier 1 Post-Study Work route which will close from April. They will not be subject to the Tier 2 limit or the resident labour market test, if they apply from within the UK before their student leave expires. Those who switch into Tier 2 after 6 April 2012 will be subject to the settlement pay threshold we are introducing.

Tier 5		
Category	Purpose	Key changes in April 2012
Temporary workers	For people coming to work in the UK temporarily, primarily for non-economic purposes: creative and sporting; government authorised exchange; charity workers; religious workers; international agreements.	Only Government Authorised Exchange schemes and International Agreement sub-categories affected: changes are being made to the length of leave which is available dependent on route and changes are being made which affect the ability of dependants to join or accompany the main applicant (dependent on route).
Youth mobility	For reciprocal cultural exchange opportunities with participating countries.	No changes.

# APPENDIX G

## Consultation proposals and intended Government response

CLEARLY DEFINE TEMPORARY AND PERMANENT MIGRATION ROUTES	
Proposal	Response
Categorise all visas as either 'temporary' or 'permanent'. Permanent visas will be those which allow migrants to apply for settlement (Indefinite Leave to Remain) in the UK.	We will make this change. We will make it clearer when migrants apply for visas on-line that all visas are temporary in nature and that settlement is not an automatic right.
ALLOWING ONLY THE BRIGHTEST AND BEST WORKERS TO STAY PERMANENTLY	
Proposal	Response
Consider capping the maximum period of Tier 1 temporary leave at 5 years and restricting the number of exceptional talent migrants granted settlement.	We will not make this change.
Define Tier 2 as temporary and thereby end the assumption that settlement will be available for those who enter on this route.	The Tier 2 route will continue to allow migrants to apply for settlement after 5 years, but we will restrict this by introducing a minimum pay threshold for Tier 2 General and Sportsperson migrants applying for settlement. Temporary leave will be capped at 6 years; those who leave the UK, or who switch routes, will be subject to a 12 months 'cooling off period'.
Consider whether certain categories of Tier 2 migrant (e.g. Ministers of Religion (MoR), Elite Sportspeople, those earning over £150,000) should retain an automatic route to settlement.	We will continue to allow Ministers of Religion to apply for settlement without having to meet a minimum pay threshold. We will exempt migrants in shortage occupations and certain PhD occupations from the minimum pay threshold.
Create a new category into which, after three years in the UK, the most exceptional Tier 2 migrants can switch and go on to apply for settlement.	We will not make this change. Settlement will continue to be available to Tier 2 migrants after 5 years (subject to meeting a minimum pay threshold for settlement, where applicable).
Apply robust selection criteria to those Tier 2 migrants who wish to switch and possibly a limit on the total number of migrants allowed to switch.	We will not introduce any limit on the number of Tier 2 migrants who may apply for settlement. As mentioned above, Tier 2 General and Sportsperson migrants will need to meet a minimum pay threshold for settlement.
Allow those Tier 2 migrants who do not switch into a settlement route to stay for a maximum of 5 years with the expectation that they and any dependants will leave at the end of their leave.	We will cap Tier 2 leave at 6 years, after which time Tier 2 migrants who do not qualify to settle must either leave the UK or, where permitted, switch into another category of leave.
Apply these changes to those entering the Points Based System from April 2011.	We will apply the changes to migrants who entered Tier 2 under the Immigration Rules in force from 6 April 2011.
ENGLISH LANGUAGE REQUIREMENT FOR DEPENDANTS OF TIER 2 MIGRANTS APPLYING FOR A ROUTE TO SETTLEMENT	
Proposal	Response
Introduce an A1 English language requirement for adult dependants of Tier 2 migrants applying to switch into a route to settlement.	We are not making this change.

## TIER 5 TEMPORARY WORKERS

Proposal	Response
Consider restricting the maximum period of leave to 12 months.	<p>We are making alternative changes. We will restrict certain types of Government Authorised Exchange schemes to 12 months (internships, work experience/ exchanges and youth exchanges). Other schemes will remain at 24 months.</p> <p>In the Autumn, we will restrict certain categories of the International Agreement route to 6 months in line with our commitments under the General Agreement on Trade in Services and Free Trade Agreements.</p>
Consider removing the ability of Tier 5 (Temporary workers) to sponsor dependants and/or remove the right of their dependants to work.	We are not making this change.
Raise the minimum skill level in the government authorised exchange sub-category to graduate level.	We are not making this change.

## OVERSEAS DOMESTIC WORKERS

Proposal	Response
<p>Abolish the route for ODWs in private households or consider restricting leave to a 6 month period as a visitor only, or 12 months where accompanying a Tier 1 or Tier 2 migrant.</p> <p>If the private household route remains: strengthen the pre-entry requirements to minimise the possibility of abusive or exploitative relationships being imported into the UK; continue to provide access to protection for victims of trafficking.</p>	<p>We are making alternative changes. We will retain the route, but restrict it to those accompanying visitors for up to 6 months.</p> <p>We will strengthen pre-entry requirements.</p>
If the private household route remains: remove the right to change employer and sponsor dependants and/or dependants' right to work in the UK.	We will make these changes.
Stop granting settlement to domestic workers in private and diplomatic households.	We will make this change.
Restrict diplomatic households' domestic servants' temporary leave to 12 months and remove their ability to sponsor dependants, or alternatively remove the right for dependants to work in the UK.	We are making alternative changes. We will allow the ODW to accompany a diplomat for up to 5 years (no switching employer). Dependants may accompany the ODW and may work.



Home Office