

Overview of the Points Based Immigration System

Introduction

The Home Office has introduced a complete overhaul of the immigration system to enable the UK to more effectively control migration. The previous immigration system was complex for both employers and migrants with more than 80 different ways of entering the UK for work or study and each route having different rules. The new system has only five routes, known as tiers, to enter the UK. The tiers that will apply for staffing at the College are as follows:

- Tier 1 - highly skilled workers, replacing the Highly Skilled Migrant Programme and the International Graduate Schemes
- Tier 2 - skilled workers with a job offer, replacing the work permit system
- Tier 4 – students who are able to work for up to 20 hours per week
- Tier 5 - youth mobility and temporary workers (inc sponsored researchers)

Tier 2 was launched on 27 November 2008 and required major changes to the way in which the College employs migrants. The new immigration requirements have created the need for a change in approach from all staff involved in recruitment and employment of staff. All departments will need to understand their individual responsibility for compliance and that non-compliance could lead to penalties including the loss of the College's right to sponsor and employ overseas staff.

The Points Based System

The College has been granted Level A Sponsorship Licence for Tier 2. The Licence allows the College to apply for individual "Certificates of Sponsorship" for prospective employees from overseas. Instead of being issued with a Work Permit document from the Home Office, the certificate is a virtual document with a unique identification number.

The new Points Based System places an onus on the College to ensure that a migrant is suitable for a position. This will mean that we have to ensure compliance with the Resident Labour Market Test ([click here for further information](#)), verification of qualifications and confirmation of why a European Economic Area (EEA) national could not undertake the post. It is also the responsibility of the College to ensure that migrants will meet the requirements for entry clearance or leave to remain. When HR is satisfied that compliance has been met, an application for the Certificate of Sponsorship will be made electronically.

When a Certificate of Sponsorship has been issued, the migrant will then have to apply for entry clearance in to the UK (previously the visa entry system). They will need a minimum of 70 points. [Please see here for further details on point allocation.](#)

In the future all migrants will have to obtain biometric identity cards. Note that the issuing of a Certificate of Sponsorship will not automatically mean that an application for entry clearance will succeed. The UK Border Agency will still make the final decision about who is allowed to enter the UK.

Responsibilities for Compliance

The College must comply with certain duties for all migrants including employees, students and academic visitors. The responsibility to ensure compliance will be significant and includes the following:

- Non-attendance, non-compliance or disappearance of migrants must be reported
- Identity documentation must be checked and verified on an annual basis.
- Correspondence addresses, telephone and mobile telephone numbers must be checked and verified on an annual basis.

Non-compliance could result in the College's licence being down-graded and an action plan being put in place; the licence being cancelled; civil penalties being incurred or even criminal prosecution.

Recruiting managers are therefore asked to assist the HR Department with the collation of information for the Certificate of Sponsorship and to report any non-attendance, non-compliance or disappearance of migrant employees within 10 working days.

Please [see here](#) for more information about roles and responsibilities in compliance

Attendance Monitoring

This is one of the major concerns regarding the new arrangements and will require a cultural shift within the College. If a member of staff (Tier 2) does not attend for work a report must be provided to the BIA within ten working days and must include any reason given by the migrant for the non-attendance (for example a missed flight). The focus is unauthorised absence, therefore it is imperative that HR are kept informed of sickness absence and agreed leave as well as unexpected unauthorised absence.

The HR Department are currently revising the absence monitoring processes in liaison with the Deans and Faculty Managers. The College has decided that any new processes introduced as a result of these requirements will apply to all staff and not solely to Tier 2 employees. Documentation and further information will be disseminated to departments as soon as possible.

Sponsored Researchers and Academic Visitors

These categories of staff are covered by specific regulations under the new points based arrangements. Please [see here](#) for further details.

Please ensure that you liaise with HR before engaging any staff on these terms.

Further information

The HR department will be launching an Immigration information section to their webpages over the coming weeks. All information and documentation will be available to download or appropriate links provided.