Working in the UK (TIER 2)

As of 20 June 2017

Immigration Service, Office for Global Engagement
Tier 2 (General) – Overview

• For skilled workers with a job offer
• Replaced work permits from November 2008
• Employer must issue virtual ‘certificate of sponsorship’ (CoS) to enable a worker to get a visa
• Visa normally issued for up to three or five years, tied to individual job, may not be able to start contract until visa granted
• As employer is ‘sponsoring’ migrant, they must monitor and report on attendance and employee records
Tier 2 (recent changes)

From 6 April 2017:

- Exemption from RLMT for post-study work visas is further restricted to Tier 1 (GE), Tier 1 (post-study work) and Tier 4 leave holders only

- Immigration Skills Charge must be paid for a CoS to be valid BUT this does not apply if you switch from Tier 4 to Tier 2

- Tier 4 students who study or work in Guernsey, Jersey or the Isle of Man after studies will not break continuity of leave for the purpose of in the UK and being exempt from the RLMT

- A criminal record certificate is now required for certain occupation (mainly health, social work and education)

- Increasing salary threshold for Indefinite Leave to Remain on or after 6 April 2022 to £37,900
Tier 2 (General)- for Tier 4 students

Applicable if **applying in the UK** -1 (switching from TIER 4 to TIER 2 in the UK)

- Must have current Tier 4 visa
- Must apply for the Tier 2 visa **before Tier 4 visa expires** (i.e., overlapping period)
- Must have successfully completed and passed (i.e., **conferred**) a UK recognised Bachelor, Master, PGCE, PGDE or PhD degree (PhD students may apply after completing 12 months of the course)
- Students currently on Master’s degree, having previously completed a Bachelor’s degree without gap, can apply for Tier 2 using the Bachelor’s degree award.
- Above study was done whilst here in the UK with immigration permission which allowed study (i.e., cannot use qualification gained via supplementary study)
- Studied at a recognised UK institution or listed body, or a Tier 4 sponsor licence holder (**Warwick is a recognised UK institution & Tier 4 sponsor**)
Tier 2 (General) – for Tier 4 students

Applicable if applying in the UK -2 (switching from TIER 4 to TIER 2 in the UK)

• Must be graduate level job with licensed Tier 2 sponsor
• Minimum salary of £20,800 or more (or higher - sector average according to SOC Code of Practice) – make sure you check www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators

• No Resident Labour Market Test (RLMT), quota or cap
• Required maintenance over 90 consecutive days: £945.00
• If fully sponsored in the previous 12 months for the Tier 4 visa, financial sponsor’s unconditional consent required
Eligibility- Tier 2 (General)

Generally applicable if applying from **overseas**

- Before issuing COS, employer must ensure the job satisfies the Resident Labour Market Test (RLMT): graduate level, advertised for four weeks, no suitable UK/EEA worker, pay at going rate
- Attribute points available for COS, qualifications and prospective earnings
- Mandatory English language and maintenance requirements
- Jobs in shortage professions or jobs with a salary of £155,300+ do not need to meet RLMT

For a list of Shortage occupations, refer to this website:
Tier 2 (General) – for Tier 4 students

Key Documents (Documents Requirement)

- Proof of Award of degree:
  a. Original degree certificate, or,
  b. Documents from University confirming award of degree or completion of 12 months of PhD
- Certificate of sponsorship (COS) from employer (to check employer details and Code of Practice details)
- English language requirement is met if awarded a UK degree during current/previous grant of leave under Tier 4. Otherwise will need to show recent approved English language test or any previous degree
- Evidence of funds - bank statement/bank letter or certified on CoS (can include dependants)
- If previously sponsored will require a letter of unconditional consent from sponsor

There are additional documents (check policy guidance)
Tier 2 (General) – When can I apply?

- You must apply within 3 months from the date your Certificate of Sponsorship was assigned.
- You must also apply no more than 3 months before the ‘start date’ of your contract as detailed in your Certificate of Sponsorship.
- If you are applying from inside the UK, you should apply before your current leave expires. If you do not, you will be classed as an overstayer, which could affect any future applications you make.

- £587 (entry clearance) and £677 (leave to remain) for leave up to 3 years
- £1,174 (for entry clearance) and £1,354 (leave to remain) for 5 years

Tier 2 shortage occupations:
- £446 (entry clearance) and £437 (leave to remain) for leave up to 3 years
- £892 (for entry clearance) and £892 (leave to remain) for 5 years
Looking for a Job under Tier 2

- Ensure you make clear on the application form that you currently hold a Tier 4 visa and valid until when.
- If you have previously studied a Bachelor’s degree in the UK using a Tier 4 visa which has been awarded, make sure the employer is aware.
- Consider the nature of employment and period of sponsorship. Only your 1st Tier 2 application is eligible for certain ‘concession’ (no RLMT); subsequent applications may need to meet much higher level of salary (as an experienced worker).
- Remember you need to meet higher salary threshold if your COS is for 5 years.
Next Steps

• Think about what you want to do and start preparing
• Start gathering documents if possible
• Make sure you are aware of the timing for making an application
• Ensure you refer to the relevant Policy Guidance published by the UKVI when making any application
• May wish to seek advice from your employer or seek independent specialist advice
Resources

- UKVI
  www.gov.uk/government/organisations/uk-visas-and-immigration
- Policy Guidance
  www.ind.homeoffice.gov.uk/workingintheuk/
- UKCISA
  www.ukcisa.org.uk/International-Students/The-next-stage/Working-after-your-studies
- Office for Global Engagement
  www2.warwick.ac.uk/study/international/immigrate/othervisas