

## Working in the UK after your studies

26 July 2010

If you are a European Economic Area (EEA) or Swiss national, or if you are in the UK as the family member of such a person, this Information Sheet does not apply to you. Please see instead the section of this website for EEA and Swiss Students at [www.ukcisa.org.uk/student/eea.php](http://www.ukcisa.org.uk/student/eea.php).

**The countries of the European Economic Area are:** Austria, Belgium, Bulgaria, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and the UK.

If you are coming to the end of your studies in the UK, you might be considering the possibility of staying on in the UK to work. This Information Sheet explains some of the schemes that are likely to be of particular relevance to students at the end of their studies.

The details of the schemes change frequently, and this Information Sheet does not provide a list of all schemes. For full details of all the options that could be available to you, see the UK Border Agency website at [www.ukba.homeoffice.gov.uk/workingintheuk](http://www.ukba.homeoffice.gov.uk/workingintheuk).

Within each category in this area of the website, you will also find links to the relevant Immigration Rules, guidance for applicants and UK Border Agency caseworkers and the appropriate application forms.

If you are thinking about making an application under any of these schemes, and you want advice about the application, make an appointment with either an International Student Adviser or a Careers Adviser if they can offer such help. Some law centres, and other advice centres, have immigration specialists who will provide some basic advice free of charge. The Immigration Advisory Service (see [Further information and contacts](#) below for details) and some private solicitors also specialise in immigration law, although they will charge you a fee for their advice, unless your financial resources are so low that you qualify for legal aid. Ask the International Student Adviser or Welfare Officer at your college or university for the names of immigration specialists in your local area.

Under many of the schemes, your spouse or civil partner, unmarried or same sex partner and children can apply to stay in the UK with you, or join you here.

### Remember

- Read through the information given in this Information Sheet carefully, to see whether the Immigration Rules allow you to apply for the scheme whilst you are in the UK. For some of the schemes, you might have to return to your home country to apply from there. This is because most of the schemes have strict rules about who is allowed to 'switch' from another immigration category (for example, 'student'), into the scheme whilst still in the UK.
- For many of the schemes, students must have successfully obtained their qualification before applying to 'switch' into the scheme.
- If you want to stay in the UK under one of these schemes, you must make your application before your current permission to be here as a student runs out.
- If you have been sponsored by a government or international scholarship agency for your studies, most of the schemes require that you obtain their written consent before you apply to stay on in the UK.

### Tier 1 (Post-Study Work)

**Note:** this scheme replaced the International Graduates Scheme (IGS) and the Fresh Talent: Working in Scotland Scheme (FT:WISS) on 30 June 2008. The IGS replaced the Science and Engineering Graduates Scheme (SEGS) on 1 May 2007.

This scheme allows students who have successfully completed their UK degree, Postgraduate Certificate in Education (PGCE), Professional Graduate Diploma in Education (PGDE) or, only if studying in Scotland, their Higher National Diploma (HND), to apply to stay in the UK for up to two years to take employment, or to be self-employed or set up in business.

In most cases, you will not be able to take employment as a doctor or dentist in training. However, you will be allowed to work as a doctor or dentist in training if you have a UK degree in medicine or dentistry.

You can apply for a maximum of 24 months under the scheme and you will not be able to apply again even if you later complete another qualification. However, you might be able to move on from the scheme to other work categories, including **Tier 2** employment or **Tier 1 (General)**. You can find full information and application forms for Tier 1 (Post-Study Work) on the UK Border Agency website at [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy).

**It is vital that you read the policy guidance carefully before you apply because you must meet all the requirements. You must also enclose the forms of evidence required in the guidance. Alternative documents will be rejected.**

### **Who qualifies to apply as a Tier 1 (Post-Study Work) Migrant?**

You will qualify to apply under Tier 1 (Post-Study Work) if you meet **all** the following requirements:

- You must not previously have been given immigration permission as a Tier 1 (Post-Study Work) Migrant.
- You must not previously have been given immigration permission under the International Graduates Scheme (IGS), Science and Engineering Graduates Scheme (SEGS) or the Fresh Talent: Working in Scotland Scheme (FT:WISS), unless you currently have immigration permission under one of these categories and you are applying to stay for an extra year.
- You must have a minimum of 75 points for **attributes** (see below).
- You must have 10 points for English language (you have this automatically if you have 75 points for attributes).
- You must have 10 points for meeting the **maintenance (funds) requirement** (see below).
- If you are applying in the UK, you must have, or have last been granted, immigration permission as one of the following:
  - a student or Tier 4 migrant
  - a student nurse
  - a student re-sitting an examination
  - a student writing up a thesis
  - a postgraduate doctor or dentist, if you apply on or after 6 April 2010
  - a participant in the International Graduates Scheme or the Science and Engineering Graduates Scheme
  - a participant in the Fresh Talent: Working in Scotland Scheme.
- In some cases, you must provide your financial **sponsor's consent** to your application (see below).

### **Attributes**

To qualify as a Tier 1 (Post-Study Work) Migrant, you have to show that you score a total of 75 points for attributes.

If you are applying to stay in the UK (not applying for entry clearance from outside the UK) and you have, or were last granted, immigration permission as a participant in the International Graduates Scheme (IGS), the Science and Engineering Graduates Scheme (SEGS) or the Fresh Talent: Working in Scotland Scheme (FT:WISS), you have 75 points. The type and level of UK qualification you used to apply for this immigration permission is irrelevant. This means that you automatically score 10 points for English language, but you must also check that you can meet the **maintenance (funds)** requirement, which is worth 10 points.

If you are applying from outside the UK, or if you do not have immigration permission under one of these work schemes (IGS, SEGS or FT:WISS), you must meet all of the following requirements in order to score 75 points:

### **Qualification** (20 points)

You must have been awarded one of the following:

- a UK recognised bachelor or postgraduate degree
- a UK Postgraduate Certificate in Education (PGCE) or Professional Graduate Diploma in Education (PGDE)
- a Higher National Diploma (HND) from a Scottish institution.

Recognised undergraduate and postgraduate degrees are awarded only by UK recognised bodies. You can check if your degree has been awarded by a UK recognised body at [www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/DecidingWhereToStudy/DG\\_10031740](http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/DecidingWhereToStudy/DG_10031740).

The following qualifications are **not** accepted for eligibility for Tier 1 (Post-Study Work):

- postgraduate certificates and postgraduate diplomas (except PGCEs and PGDEs)
- foundation degrees
- honorary degrees
- qualifications awarded in the UK by overseas awarding bodies
- qualifications undertaken in overseas campuses of UK institutions
- professional and vocational qualifications.

The UK Border Agency does not provide any examples of professional and vocational qualifications which are and which are not acceptable, but if your qualification is clearly a UK recognised degree, a PGCE, a PGDE or an HND from a Scottish institution, it should be accepted.

Check the policy guidance at [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/applying](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/applying) for full details of how you prove that you have an eligible qualification. If you have your certificate of award, you must include the original certificate with your application and a letter from the institution where you studied confirming a number of matters, including your name, the title of your qualification, the start and end dates of your period of study and/or research at that institution and the date of award. If you are applying on the basis of an HND, the letter must also confirm that your qualification is at HND level and was studied at a Scottish institution. If you do not yet have your certificate of award, you can still apply but the letter from your institution must contain additional information, including details of the body awarding the qualification and confirmation that the certificate of award will be issued.

If the letter from your college or university does not include all the information in the format required by the UK Border Agency, your application will be refused. Always check the letter before you submit it and, if there are any problems with it, take it back to your institution with a copy of the policy guidance and ask for a letter which does fully meet the requirements of that guidance.

### **Institution** (20 points)

You must have studied for your award at a UK institution that is one of the following:

- a UK recognised or listed body – you can check this at [www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/DecidingWhereToStudy/DG\\_10031740](http://www.direct.gov.uk/en/EducationAndLearning/UniversityAndHigherEducation/DecidingWhereToStudy/DG_10031740).
- the holder of a sponsor licence under Tier 4 of the Points Based System – you can see the list of licensed sponsors at [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/registerofsponsorededucation)
- a Scottish publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance, if you are claiming points for having been awarded an HND from a Scottish institution.

## Immigration permission during your study (20 points)

You must have carried out your periods of UK study and/or research with any kind of immigration permission which does not restrict study or research. This means that you probably cannot apply if you are exempt from immigration control or if you had immigration permission during your studies as a visitor, unless it was as one of the following:

- student visitor
- child visitor
- visitor permission at the start of your studies which was granted before 1 September 2007.

If you had any other kind of immigration permission during your studies, you should be eligible to apply under Tier 1 (Post-Study Work).

Note that if your last period of immigration permission during your studies is as a student or one of the other types of immigration permission listed above in **Who qualifies to apply as a Tier 1 (Post-Study Work) Migrant?** you can make your application in the UK. If you have any other type of immigration permission, you can apply for permission to be in the UK as a Tier 1 (Post-Study Work) Migrant. However, you will have to make your application from outside the UK, which means that you also have to meet the higher **maintenance (funds)** requirement (see below).

In order to prove that you studied in the UK with an eligible immigration status, you will need to submit your original passport or other travel document which contains that immigration permission. If you do not have it, you need to explain in section C of the application form why you no longer have it. The UK Border Agency will check information you provide in section D to see if you had immigration permission which allowed you to study.

## Time limit for applying (15 points)

You must make your application for Tier 1 (Post-Study Work) within 12 months of obtaining your relevant qualification. This means that you must apply no later than 12 months after your institution first notifies you in writing that you have been awarded the qualification. The letter from your institution which you have to submit as evidence that you have a relevant qualification must contain information about the date of award of your qualification.

If you have been working on the Foundation Programme as a postgraduate doctor or dentist, you can apply under Tier 1 (Post-Study Work) up to 12 months after completing the Foundation Programme. This will be more than 12 months after the end of your studies. This is a new provision which applies to you if you make your Tier 1 (Post-Study Work) application on or after 6 April 2010.

## Maintenance (funds)

You must meet the maintenance (funds) requirement in order to score the required 10 points. This is in addition to scoring 75 points for **attributes** and 10 points for English language (which are awarded automatically if you have 75 points for attributes).

If you are applying for entry clearance from outside the UK, you must be able to show that you have £2,800.

If you are applying to stay in the UK, the required level of funds is £800.

You must have had at least that amount available to you for a period of 90 consecutive days before your application. This means that the level of funds in your bank account must not have fallen below £2,800 or £800 at any time during the 90-day period before you apply for immigration permission as a Tier 1 (Post-Study Work) Migrant.

If you applied before 23 July 2010 and you met all the other requirements of Tier 1 (Post-Study Work) but you did not have this sum of money for a period of 90 days, you might be able to ask the UK Border Agency (UKBA) to reconsider its decision. This applies to you if the UKBA refused your application or if you lost an appeal, or if you are still waiting for a decision. The reason for this is that the Court of Appeal held in the case of **Pankina** that the UK Border Agency should not have required you to prove that you had this sum of money for any longer than one day. As a result of this case, the UK Border Agency changed the Immigration Rules on 23 July 2010.

For details of this special arrangement, see the UK Border Agency guidance on maintenance at

[www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/july/49-new-policy-guidance-pankina](http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/july/49-new-policy-guidance-pankina).

### **Evidence of maintenance (funds)**

For full details of the documents you must provide with your application, see the policy guidance on the UK Border Agency website at [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/applying](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/applying).

In summary, you need to have personal bank statements or a savings account pass book, or a letter from your bank or from a regulated financial institution which confirms the level of funds in your account. Documents must be originals, although internet bank statements can be acceptable, and they must provide all the details required in the guidance, for example, your name and account number. Evidence of your funds must be no more than one month old, but if you are supplying bank statements only the most recent statement must be no more than one month old. Check the policy guidance for full details of what is required if you want to rely on online bank statements. It is no longer necessary to provide a letter from your bank or building society but each online bank statement must have an official stamp.

The UK Border Agency has confirmed to UKCISA that you can use accounts you have in countries other than the UK. You can also use more than one account and joint accounts, as long as you are one of the account holders.

### **Sponsor's consent**

If you are currently sponsored by a government or international scholarship agency, or you were being sponsored by a government or international scholarship agency 12 months ago or less, you will need your sponsor's unconditional written consent to your Tier 1 (Post-Study Work) application. This applies to you if:

- your sponsorship covers or covered your fees and your living costs and
- your financial sponsor paid for the studies which led to the qualification for which you are claiming points for this Tier 1 (Post-Study Work) application.

### **Applying as an International Graduates Scheme or Fresh Talent participant**

If you have, or were last granted, immigration permission as a participant in the International Graduates Scheme (IGS), its predecessor the Science and Engineering Graduates Scheme (SEGS), or the Fresh Talent: Working in Scotland Scheme (FT:WISS), you can apply in the UK to stay as a Tier 1 (Post-Study Work) Migrant. You cannot make your application from outside the UK.

#### **Fresh Talent: Working in Scotland Scheme participants**

The Immigration Rules at paragraph 245Z(g) state that only certain nationals can apply to extend their stay if they have immigration permission as a Fresh Talent participant and were given permission to stay for under two years, namely: British (Nationals) Overseas; British overseas territories citizens; British protected persons; British subjects. However, the policy guidance implies that any Fresh Talent participant who has been granted permission for under two years can apply.

#### **Applying in the UK as an IGS, SEGS or FT:WISS participant**

If you currently have, or you were last granted, immigration permission in one of these three categories (IGS, SEGS or FT:WISS) and you want to apply to stay in the UK as a Tier 1 (Post-Study Work) Migrant, you automatically have 75 points for **attributes** and 10 points for English language, and you should check that you meet the **maintenance (funds)** requirement. You will be granted permission to stay for a maximum of two years combining your previous and your new immigration permissions. For example, if you were granted one year as an IGS participant, you will be granted one more year as a Tier 1 (Post-Study Work) Migrant. It does not matter if, when you were originally granted permission as an IGS, SEGS or FT:WISS participant, you did not meet all the requirements of this new scheme. You do not need to include evidence of your qualifications or place of study, just evidence of your finances in the required format.

#### **Former IGS, SEGS and FT:WISS participants**

If you have already spent time in the UK as an IGS, SEGS or FT:WISS participant and then have undertaken further studies in the UK after having changed your immigration status, you cannot apply

under Tier 1 (Post-Study Work).

## How to apply

### Applying in the UK

To apply as a Tier 1 (Post-Study Work) Migrant in the UK, make your application on form Tier 1 (Post-study work). You can download the application form and accompanying policy guidance from the UK Border Agency website at [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/applying/initial](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/applying/initial).

**Always use the latest version on the website and always check that it is for use on the date on which you apply.**

The immigration fee is £550 for a postal application or £800 if you apply in person at a public enquiry office. For more information about applying at a public enquiry office, see the UK Border Agency website at [www.ukba.homeoffice.gov.uk/contact/applyinginperson](http://www.ukba.homeoffice.gov.uk/contact/applyinginperson).

You should make your application before your current immigration permission under Tier 4, or as a student, student nurse, re-sit or writing up student, or as an International Graduates Scheme, Fresh Talent or Science and Engineering Graduates Scheme participant expires. If you do not, and your application is refused, you will not have a right of appeal against that refusal. You will also have been an overstayer from the date on which your immigration permission expired. If your application is refused, it is likely that you will have been an overstayer for more than 28 days. This means that when you go back to the country where you usually live (which you should normally do if your application is refused), you will not be able to come back to the UK for 12 months. This is because, in most cases, your entry clearance applications will automatically be refused for a period of 12 months if you have spent more than 28 days in the UK without immigration permission. This automatic entry clearance refusal policy will not apply to you if your Tier 1 (Post-Study Work) application is successful, but it is risky to apply when you are an overstayer. If you have not already overstayed for 28 days and you can make an application in the country where you usually live, it is much safer to do that.

If you are applying when you have only a very short period of time left on your immigration permission, it is best to pay the application fee with postal orders or a banker's draft. This means that you are less likely to have payment problems. If there is a payment problem, your application will be returned to you and you might not have time to send it back to the UK Border Agency before your immigration permission expires. You can find out more about postal orders at [www.postoffice.co.uk](http://www.postoffice.co.uk) – go to Finance and then Making payments.

If you do not complete all sections of the form which are described as mandatory or if your payment is not accepted, the UK Border Agency will reject your application and say it is invalid. This means that your fee, if it has been paid, will be refunded, but you will be treated as if you never made an immigration application. If you still have immigration permission, and you meet all the requirements of Tier 1 (Post-Study Work), you can apply again. If your immigration permission has run out whilst you were waiting for a decision, this means that you have been an overstayer since your immigration permission expired.

For example, if your student immigration permission runs out on 31 October, and you apply to stay under Tier 1 (Post-Study Work) on or before that date, you continue to have student immigration permission until you receive a decision if your application is valid. If your application is rejected as invalid and returned to you after 31 October, you are in the UK without any immigration permission, as an overstayer, from 31 October. If you stay in the UK for more than 28 days from 31 October, or if you decide to apply again after 31 October and it takes more than 28 days from 31 October for the UK Border Agency to make a decision (which will be the case if you send your application), you will face problems with future entry clearance applications if your application is refused.

If you stay in the UK for more than 28 days beyond the end of your immigration permission, any future entry clearance applications will be automatically refused for a period of one year following your return home, if you leave the UK voluntarily and at your own expense. If you are removed from the UK by the UK Border Agency, you face automatic entry clearance refusals for 10 years following your return. For more information about this, see the UK Border Agency's guidance for entry clearance officers at [www.ukvisas.gov.uk/en/ecg/refusals/refusalgeneralgrounds](http://www.ukvisas.gov.uk/en/ecg/refusals/refusalgeneralgrounds).

If you decide to risk making an application for Tier 1 (Post-Study Work) when you have already overstayed, or after a previous application has been rejected as invalid or refused and you are now an

overstayer, you will not have a right of appeal and you will face automatic refusals of entry clearance applications in the future, as described above, if this application is refused. If it is granted, you will not be subject to automatic entry clearance refusals in the future, even if you have overstayed on this occasion.

### **Applying outside the UK**

If your last period of study is not as a student, you must apply for Tier 1 (Post-Study Work) from outside the UK. This is also an option for you if you studied with student immigration status. You apply on forms VAF9 and Appendix 4 which you can download from the website of the UK Visa Services at [www.ukvisas.gov.uk/en/howtoapply/vafs](http://www.ukvisas.gov.uk/en/howtoapply/vafs). The immigration application fee is £315.

### **Dependants**

#### **Dependants already in the UK**

If your family members are already in the UK with you with immigration permission as your dependants, they can apply to stay in the UK with you as Tier 1 (Post-Study Work) dependants. This applies to your husband or wife (spouse), civil partner, children aged under 18 and, if you are currently in the UK with immigration permission under Tier 4, or as an International Graduates Scheme, Science and Engineering Graduates Scheme or Fresh Talent: Working in Scotland Scheme participant, your unmarried or same sex partner.

You and your spouse or civil partner, unmarried or same sex partner must both be aged 18 or older.

If you have children who have turned 18, they can apply as your dependants only if they already have immigration permission to be in the UK as your dependant, and they are applying to stay in the UK and not for entry clearance to enter the UK. If you have family members with you in the UK but they do not have immigration permission as your dependants, for example, your spouse, civil partner, opposite or same sex partner has immigration permission as a student or work permit holder, they cannot apply in the UK to stay with you as your dependants. They will have to go home and apply for entry clearance as your dependants. Children who are 18 or older cannot apply for entry clearance to come to the UK as your dependant.

#### **Dependants applying outside the UK**

If your family members are applying for entry clearance to come to the UK, they must be your spouse or civil partner aged 18 or older, child aged under 18, opposite or same sex partner aged 18 or older who has lived with you for at least two years in a relationship similar to marriage or civil partnership. For more information about family members, see the UKCISA Information Sheet, [Your family's immigration](#).

#### **Maintenance (funds) for dependants**

If you have been in the UK for 12 months or more, each of your family members who is applying to come to, or to stay in, the UK as your dependant must have £533 in funds.

If you are outside the UK or if you have been in the UK for under 12 months, this sum is £1,600 per person.

This money must have been held for a period of 90 consecutive days and their documents must not be more than one month old on the date of application.

See the UK Border Agency policy guidance for dependants for information about the exact documents required. You can download the policy guidance from UK Border Agency website at [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/dependantapplications](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/dependantapplications).

#### **Applying as a dependant**

For applications in the UK, each of your dependants must submit form PBS (Dependant). If they apply at the same time as you and your children are under 18 years old, the fee for your dependants' applications is £100 per person for a postal application or £125 per person for a same-day application at a public enquiry office. You should make sure that all applications are posted together in the same envelope so that it is clear that they should be processed at the same time.

If your dependants apply separately from you, or if a child who is 18 or older is applying at the same time as or separately from you, the immigration fee is £475 for each person for a postal application or £730 each for an in person application.

For entry clearance applications outside the UK, each of your dependants must submit form VAF10. The

immigration fee is £315 for each family member.

You can download the PBS (Dependant) form from the UK Border Agency website at [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/dependantapplications](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/poststudy/dependantapplications).

You can download the VAF10 form from the UK Visa Services website at [www.ukvisas.gov.uk/en/howtoapply/vafs](http://www.ukvisas.gov.uk/en/howtoapply/vafs).

## Tier 2

**Note: Tier 2 of the Points Based System replaced work permits from 27 November 2008.**

An employer who is on the UK Border Agency list of licensed sponsors can issue a certificate of sponsorship to a potential employee who would not otherwise be allowed to work in the UK. You can find the list of licensed sponsors at [www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/pbsregisterofsponsors](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/pbsregisterofsponsors).

If the job you have been offered is on a list of shortage occupations, you score 50 points for attributes. The list of shortage occupations is at [www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/shortageoccupationlist](http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/employingmigrants/shortageoccupationlist). You should check with your employer whether your job is on this list. If it is a shortage occupation, you must then prove that you have English language skills, and that you meet the maintenance requirements for Tier 2. Details of how to prove your English language skills and the maintenance requirements are in the Tier 2 policy guidance, which is at [www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/general). It is extremely important that you read this guidance before you make your immigration application. If you do not provide the documents specified in the guidance, it is very likely that your application will be refused. If you are not sure whether you meet all the requirements for Tier 2, talk to the employer who has offered you a job.

If your job is not on the list of shortage occupations, your employer must have advertised the job and must be able to show that no one from the European Economic Area can do the job. Check with your employer that they have done this. If they have carried out this 'resident labour market test', and they have offered you the job, you score 30 points for attributes. You need to score an extra 20 points, which can be made up of points for your academic, vocational or professional qualifications and/or your earnings in the job you have been offered. For example, a Bachelors or Masters degree is worth 10 points, and prospective earnings of between £20,000 and £23,999.99 are worth 10 points. For the full list of how to score points for your qualifications and earnings, see the policy guidance. You will also need to meet the English language and maintenance requirements.

If you are currently working for your employer with immigration permission under Tier 1 (Post-Study Work), or as participant in the International Graduates Scheme or the Fresh Talent: Working in Scotland Scheme, and you have been working for this employer for a continuous period of at least six months and want to stay in the same job under Tier 2, you automatically score 30 points for attributes. If during this period of six months you have been on maternity, paternity or adoption leave, you can use the 18-month period before your application to add up periods of work to six months. There is no requirement that your job is a shortage occupation, or that your employer has advertised it. You must still meet the English language requirement, but you do not have to meet the maintenance requirement.

You can switch into Tier 2 employment without leaving the UK only if you have, or were last granted, immigration permission to be in the UK as one of the following:

- Student or Tier 4 Migrant
- Partner (husband, wife, unmarried partner or same sex partner) of a Tier 4 migrant
- Student nurse
- Student re-sitting an examination
- Person writing up a thesis
- Postgraduate doctor or dentist
- Tier 1 (Post-Study Work) migrant
- Participant in the International Graduates Scheme, Science and Engineering Graduates Scheme or Fresh Talent: Working in Scotland Scheme

- Student Union Sabbatical Officer
- Tier 1 migrant or a Highly Skilled Migrant
- Work permit holder issued a work permit in the business and commercial or the sports and entertainment work permit categories
- Representative of an overseas business
- Overseas qualified nurse or midwife, or Tier 5 (Temporary Worker) under the Government Authorised Exchange sub-category for work as an overseas qualified nurse or midwife and you have completed your registration with the Nursing and Midwifery Council
- Tier 5 (Temporary Worker) as a professional footballer in the Creative and Sporting sub-category
- Innovator
- Jewish Agency employee
- Member of the operational ground staff of an overseas-owned airline
- Representative of an overseas newspaper, news agency or broadcasting organisation
- Minister of religion, missionary or member of a religious order.

There is no requirement that you must have completed your studies but, if you are in the UK under one of the student categories or as a postgraduate doctor or dentist, and you are sponsored by a government or international scholarship agency for your tuition fees and living costs, you must have your sponsor's unconditional written consent to your application. The same applies if your sponsorship ended 12 months or less before your application.

If you do not have immigration permission in one of the categories listed above, you will need to leave the UK and apply for entry clearance to come to the UK as a Tier 2 migrant.

You can find full information about applying to be in the UK as a sponsored skilled worker under Tier 2 at [www.ukba.homeoffice.gov.uk/workingintheuk/tier2/](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier2/).

## Tier 1 (General)

**Note: Tier 1 (General) has replaced the Highly Skilled Migrants Programme.**

Tier 1 (General) of the Points Based System is designed to allow individuals with particular levels of qualifications and earnings to come to or stay in the UK for work, without needing a job offer, or to take up self employment.

In most cases, you cannot take up employment as a doctor in training. However, you will be allowed to work as a doctor or dentist in training if:

- you have already been employed in that capacity, or
- you have a UK degree in medicine or dentistry.

You will be granted two years' immigration permission at first, and then you might be able to apply for another three years. It can lead to settlement after five years in the UK.

In order to qualify under Tier 1 (General), you must have a total of 80 points, which are awarded for: qualifications; previous earnings; age; UK study or earnings. You must also meet separate English language and maintenance (funds) requirements. You can find full details and application forms at: [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/general](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/general).

A transitional measure means that you can claim 80 points if you enrolled on an MBA or Executive MBA course at one of 50 specified institutions throughout the world before 30 June 2008 and you submit your initial application to enter or stay in the UK as a Tier 1 (General) Migrant within 12 months of completing your course. For full details of this provision, including the list of institutions (there are 10 in the UK) and the documentary evidence you will have to provide in order to qualify, see: [www.ukba.homeoffice.gov.uk/workingintheuk/tier1/general/eligibility/mbaprovisiontransitional](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/general/eligibility/mbaprovisiontransitional).

Until 1 October 2009, you were able to claim points for your previous earnings by ignoring your period of study and using earnings you made before your studies started. This exception has now been removed and you must meet this requirement in the same way as other applicants (apart from those who have

been on maternity, paternity or adoption leave) by using your earnings in the 15-month period before you make your application. This means that, in most cases, you will have to apply to stay in the UK under Tier 1 (Post-Study Work) or Tier 2 or work outside the UK before applying under Tier 1 (General). You will have sufficient points under Tier 1 (General) without evidence of previous earnings only if you qualify under the MBA transitional measure (see above).

From 19 July 2010, the UK Border Agency will grant only a fixed number of applications for entry clearance (a visa) under Tier 1 (General) every month. If you apply when the limit has already been reached, the UK Border Agency will deal with your application the next month. This does not apply to applications made in the UK.

You can apply to stay in the UK as a Tier 1 (General) Migrant if you have permission to be in the UK as one of the following:

- Student or Tier 4 Migrant
- Partner (husband, wife, unmarried partner or same sex partner) of a Tier 4 migrant
- Student nurse
- Student re-sitting exam
- Student writing up thesis
- Postgraduate doctor or dentist
- Highly skilled migrant
- Tier 1 migrant
- Work permit holder
- International Graduates Scheme (or Science and Engineering Graduates Scheme) participant
- Fresh Talent: Working in Scotland Scheme participant
- Innovator, Business person, Self-employed lawyer or Writer, composer or artist.

There is no requirement that you must have completed your studies but, if you are in the UK as a student or as a postgraduate doctor or dentist, and you are sponsored by a government or international scholarship agency for your tuition fees and living costs, you must have your sponsor's unconditional written consent to your application. The same applies if your sponsorship ended 12 months or less before your application.

## **Student Union Sabbatical Officers**

You can stay in the UK if you have been elected to a full-time salaried post as a sabbatical officer at an education establishment where you are registered as a student.

You do not have to make an immigration application as a sabbatical officer if:

- you have Tier 4 student immigration permission which you applied for on or after 31 March 2009 and
- you have not yet finished your studies and
- your immigration permission is long enough to cover the period of work as a sabbatical officer.

Your college or university must tell the UK Border Agency that you are now working full-time as a sabbatical officer.

You will have to make a Tier 4 immigration application before your current immigration permission expires if:

- you will need extra time to complete your studies because you are working as a sabbatical officer, or
- you are elected at the end of your studies and your immigration permission will not cover your period of work.

**You must make an immigration application as a Tier 4 (General) Student before you start your job as a sabbatical officer if:**

- you are in the UK with student immigration permission and
- you made your most recent immigration application before 31 March 2009.

This applies to you even if you are in the middle of your studies and you have enough immigration permission to cover this period of work. The reason is that student immigration permission granted under the Immigration Rules which were in force until 31 March 2009 does not allow full-time employment as a sabbatical officer.

You will have to meet the requirements for Tier 4 (General) Students, including the maintenance requirements. However, the UK Border Agency does not expect you to study during this period. The UK Border Agency should give you permission to be in the UK for 12 months which you can apply to extend up to a two year maximum if you are re-elected.

You must have written consent from your sponsor, if a government or international scholarship agency sponsored you and that sponsorship for your studies has come to an end.

The requirements you need to meet are in the UK Border Agency Tier 4 policy guidance, which is at [www.ukba.homeoffice.gov.uk/studyingintheuk](http://www.ukba.homeoffice.gov.uk/studyingintheuk).

## UK ancestry

You cannot switch into this immigration category from within the UK. You can return to your home country to apply to the British diplomatic post there for entry clearance on the basis of your UK ancestry if:

- you are a Commonwealth citizen and
- you are aged 17 or over and
- you can prove that you have a grandparent who was born in
  - the UK, or
  - the Channel Islands, or
  - the Isle of Man, or
  - the Republic of Ireland but only if your grandparent was born there before 31 March 1922.

You must intend to take or seek employment in the UK, and you will be granted up to five years' permission to be in the UK if you are eligible. The UK Border Agency provides further information about UK ancestry at [www.ukba.homeoffice.gov.uk/workingintheuk/uk-ancestry](http://www.ukba.homeoffice.gov.uk/workingintheuk/uk-ancestry). You can find detailed guidance at <http://tinyurl.com/y9twzu2>.

## Tier 5 (Youth Mobility Scheme)

**Note: On 27 November 2008, Tier 5 (Youth Mobility Scheme) replaced the provisions for Working Holidaymakers, au pairs (non-EEA nationals), BUNAC, the Japan Youth Exchange Scheme, Gap year entrants working in UK schools and MPs' research assistants. If you have already spent time in the UK as a Working Holidaymaker, you cannot apply under the Tier 5 (Youth Mobility Scheme).**

Under the Youth Mobility Scheme, you can work in the UK for up to two years. This scheme is available to nationals of Australia, Canada, Japan and New Zealand, and to British Overseas Citizens, British Overseas Territories Citizens and British Nationals (Overseas). From 6 April 2010, this scheme also applies to nationals of Monaco. You cannot switch into this immigration category from within the UK. Instead, you need to leave the UK and apply for entry clearance.

You must be aged between 18 and 30, and you must have £1,600 in your personal bank account on the date on which you apply for entry clearance.

You can find full details of this scheme and how to apply at [www.ukba.homeoffice.gov.uk/workingintheuk/tier5/youthmobilityscheme](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5/youthmobilityscheme).

## Tier 5 (Temporary Worker)

**Note: On 27 November 2008, Tier 5 (Temporary Worker) replaced a number of provisions with five sub-categories: creative and sporting; charity workers; religious workers; government authorised**

## exchange; international agreement.

In most cases, you cannot switch into this immigration category from within the UK. Instead, you need to leave the UK and apply for entry clearance. For each category of Tier 5 (Temporary Worker) you need a licensed sponsor. You can see the list of licensed sponsors and find details of the schemes and how to apply at [www.ukba.homeoffice.gov.uk/workingintheuk/tier5](http://www.ukba.homeoffice.gov.uk/workingintheuk/tier5).

## Turkish workers

Turkish Nationals have the option of setting up in self-employment in the UK under an Agreement between Turkey and the European Community. Applications to switch into this category can be made from within the UK if you are in the UK on some other basis (eg student).

In addition Turkish nationals who are working lawfully in the UK have a series of rights over a four-year period entitling them to a renewal of their permission to work.

The UK Border Agency provides information for Turkish nationals at [www.ukba.homeoffice.gov.uk/workingintheuk/turkish](http://www.ukba.homeoffice.gov.uk/workingintheuk/turkish).

## Further information and contacts

### UKCISA:

Telephone advice: 020 7107 9922  
Monday to Friday 1300-1600 hours (UK time)  
Note: we cannot see personal callers

Web: [www.ukcisa.org.uk](http://www.ukcisa.org.uk)

### Law centres and other advice centres

Note: make sure to check that advisers are specialists in immigration law before seeking advice from them.

You can find contact details for your local law centre at: [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

Some Citizens Advice Bureaux have immigration specialists. For details of your local bureau, see the relevant one for England and Wales at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk); for Scotland, see [www.cas.org.uk](http://www.cas.org.uk); for Northern Ireland, see [www.citizensadvice.co.uk](http://www.citizensadvice.co.uk).

The Community Legal Service has details of solicitors and advice agencies at [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

### Immigration Advisory Service

Third Floor  
County House  
190 Great Dover Street  
London  
SE1 4YB

Telephone the head office (020 7967 1200) or fax (020 7403 5875) for details of offices in Birmingham, Blackburn, Bradford, Cardiff, Derby, Glasgow, Leeds, Leicester, Liverpool, Manchester, Middlesbrough, Norwich, Oakington, Peterborough, London, Hounslow, Sylhet and Lahore.

Alternatively, [www.iasuk.org](http://www.iasuk.org) lists the opening hours of the telephone advice lines operated by individual IAS offices.

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