

## Migration into the UK – the new points-based system

### Background

In March 2006, the Home Office issued to Parliament their paper 'A Points-Based System: Making Migration Work for Britain'.

The paper outlined a new system for migrants entering the UK to work, organised into tiers depending on the type of work, and outlining the new role of the 'sponsor' in the UK (often the employer), and their responsibilities.

In the Summer of 2006, the Home Office set up the 'Arts and Entertainment Taskforce' to work through the practical issues of the new system for the arts and entertainment sectors.

Film issues have been directly represented on that task force through UK Film Council, the Producers Alliance for Cinema and Television (PACT) and the Department for Culture, Media and Sport (DCMS). Equity and the Musicians Union have also had representation at the task force, representing their wider arts and entertainment interests.

A smaller working group was set up by UK Film Council, extending representation to include the Broadcast, Entertainment, Cinematograph and Theatre Union (BECTU), the Production Guild of Great Britain, UK Screen Association, Skillset, and an immigration advisor.

### The system

The new system has five tiers:

Tier 1: Highly skilled individuals to contribute to growth and productivity.

Tier 2: Skilled workers with a job offer to fill gaps in UK labour force.

Tier 3: Limited numbers of low skilled workers needed to fill specific temporary labour shortages.

Tier 4: Students.

Tier 5: Youth mobility and temporary workers: people allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives.

Under the new system, people entering the UK to work in film, will enter under either Tier 2 or Tier 5

### Tier 2

This tier is for skilled workers with a job offer in the UK. It is a route to settlement. An applicant will need a minimum of five years' residence before qualifying for settlement.

There will be a points system under this tier, with points being awarded for areas such as educational qualifications; prospective earnings and the type of job.

There will be a resident labour market test for jobs in non-shortage occupations, the detail of which is still to be confirmed.

It is anticipated that some film companies may bring in workers under Tier 2. These are likely to be companies that are offering long term contracts such as Visual Effects companies.

Under Tier 2, UK sponsor companies will issue a 'certificate of sponsorship' to the worker, who will be granted leave to remain if they have the required points.

### Tier 5

This tier is for short-term workers in the UK and is not a route to settlement. Workers will be allowed to work in the UK for up to 12 months (to be confirmed, possibly 24 months), if they have a 'sponsor' in the UK and, for film and TV, if they fulfil the requirements of the resident labour market code of practice . There are two codes of practice for film and TV, one for performers and one for non-actors (still to be finalised with the Home Office).

The codes have been drawn up by the film working group, with full industry consultation. They attempt to keep as close to the current system as possible.

Under Tier 5, the UK sponsor will issue a 'certificate of sponsorship' to the worker, who will be granted leave to remain. The sponsor will need evidence that the relevant code of practice has been followed should the Border & Immigration Agency (BIA) require it.

### Sponsors

In order to sponsor migrants, employers will need to register with the Home Office, satisfy the requirements for the relevant tier and accept various responsibilities in relation to helping with immigration control. They will then receive a license as a registered sponsor.

As well as taking on greater responsibility for checking the credentials of migrants whom they wish to bring to the UK, sponsors will be required to cooperate with the Home Office's monitoring. Sponsors will be required to inform them if a sponsored migrant fails to turn up for their first day of work. Similarly they will be expected to report any prolonged absence from work, if their contract is being terminated or if the migrant is leaving their employment. Sponsors will also need to notify the Home Office if their circumstances alter, for example if they are subject to a merger or takeover.

A 'Sponsorship under the points-based system' (PBS) statement of intent has been published and is available at:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/managingourborders/pbsdocs/>

Employers bringing in skilled workers under Tier 2 of the scheme, which takes effect Autumn 2008, can now start applying for their licence. Further information is available at:

<http://www.bia.homeoffice.gov.uk/employers/points/applying/>

### Costs

Details of the new fee structure can be found at:

<http://www.bia.homeoffice.gov.uk/sitecontent/newsarticles/newfees>

### Timescale

The regulations started coming into force in February 2008 when any highly skilled foreign nationals currently working in Britain who want to extend their stay will need to apply under the new system. In April, the new system will begin to be rolled out overseas when anyone from India who wants to work in the UK as a highly skilled migrant will need to apply under PBS. By the summer the new highly skilled system will operate worldwide.

Tiers 2 and 5 are due to be introduced in Autumn 2008.

### Visitors

Alongside the points-based system, a route for visitors to enter the UK is also being proposed, including business and special visitors to the UK.

A visitor consultation paper has been published and is available at:

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/visitorsconsultationpaper/>

Deadline for responses is 10<sup>th</sup> March 2008