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flash Alert

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United Kingdom – PBS Calculator Removal and Changes to the Tier 2 (General) Rules Surrounding Sponsorship
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The U.K. government has recently announced that it is making changes to the U.K. Immigration Rules, which will come into effect on 6 April 2016. Of significance is the removal of the Points Based Calculator tool on the U.K. Home Office's website, which currently allows migrants to confirm that their degree satisfies the academic and English language requirements for their visa category. Confirmation will now have to be sought from UK NARIC (National Recognition Information Centre), the national agency responsible for providing opinions on vocational, academic and professional skills and qualifications from around the world.

Changes have also been made to the monthly allocation process of Restricted Certificates of Sponsorship for Tier 2 (General) migrants coming to the United Kingdom for the first time. The allocation is no longer evenly distributed across the year, but is instead frontloaded and reduces as the year progresses.

This *Flash Alert* briefly explains these announcements and how they may affect your business.

Why This Matters

Points Based Calculator removal

Using UK NARIC to obtain confirmation that the migrant satisfies the academic and English language requirements for their visa category will result in additional time having to be spent on the preparation of visa applications and an increase in cost at short notice to businesses.

Changes to the Tier 2 (General) rules surrounding sponsorship

The fact that the availability of Restricted Certificates of Sponsorship will reduce throughout the year may mean that businesses will find it harder to obtain these Certificates as the year progresses. This is adding uncertainty to the visa application process and may mean not all Tier 2 (General) migrants required in the U.K. will be able to relocate when needed.

Background – Points Based Calculator removal

The benefit of the Points Based Calculator to applicants and employers was one of time and cost savings, as the applicant could satisfy academic and language requirements by providing a print-out of the Calculator confirming the number of points scored.

Applicants must now use UK NARIC to obtain official confirmation that their academic qualification is suitable for their visa application. The government are using this service to simplify the way in which educational certificates will be considered to satisfy the U.K. Immigration Rules.

This new requirement is likely to add 10 to 15 working days (though fast-track services at additional costs are available) to the visa application process. The costs can vary from approx. £60 to approx. £400 depending on whether the applicant requires a Statement of Comparability for educational qualifications and/or an English Language Assessment and translation services, and the speed with which the documentation needs to be obtained.

Qualifications obtained in the UK are not subject to this requirement. UK NARIC offers unique services for organisations.¹

KPMG Note

Businesses will need to decide whether they will bear the additional cost of this new requirement, or whether they will require their employees to pay for the service themselves. If businesses require certain employees to relocate to the U.K. and decide to absorb the cost, it is a further increase in fees they need to consider in relation to international moves. The additional time required to obtain the documentation will impact businesses who rely on their ability to move their skilled and experienced workforce to the U.K. quickly for the benefit of their operations and clients.

Background – Changes to the Tier 2 (General) rules surrounding sponsorship

Until now, the annual allocation of 20,700 Restricted Certificates of Sponsorship was evenly distributed across the year, with 1,725 Certificates available each month (6 March to 5 March the following year).

The new redistribution will mean that more Certificates are available at the start of the year, namely 2,200 for March/April, and the availability will then gradually reduce throughout the year to 1,000 for February/March the following year.

Those Tier 2 (General) migrants earning £155,300 or more and seeking entry clearance to the U.K., and migrants extending their leave or changing sponsor in the U.K. are not required to obtain Restricted Certificates of Sponsorship.

KPMG Note

Businesses may need to start considering moving their employees to the UK in line with the new allocation numbers to ensure the highest probability of obtaining a Restricted Certificate of Sponsorship. They may need to consider alternative visa options and be prepared to deal with unavailability of Certificates even if urgently required by the business.

Conclusion

The U.K. government continues to increase the costs of bringing migrants to the U.K. While a unified system for the recognition of qualifications is welcomed, for businesses it may feel like another hurdle to overcome, with delays impacting the movement of their workforce and extra costs to be considered.

The change to the Tier 2 (General) Certificate allocation process has less of an immediate effect but may cause businesses to reconsider their longer-term U.K. employment and global assignment strategies.

KPMG LLP's Legal Service Immigration team consists of experts in U.K. immigration and sponsor compliance. We would be happy to assist your business with any U.K. immigration-related matters that may arise.

Footnote:

- 1 More information is available under <https://www.naric.org.uk/naric/Organisations/>.

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For additional information or assistance, please contact your usual KPMG GMS or People Services professional or one of the following professionals with the KPMG International member firm in the United Kingdom:*

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