

Tier 5: Temporary workers and Youth Mobility Scheme Temporary Migrants

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Overview of Tier 5 Temporary workers

This route is for certain types of temporary worker whose entry helps to satisfy cultural, charitable, religious or international objectives including volunteering and job shadowing (r245ZM). There are five sub-categories:

- **Creative and sporting** - for people coming to the United Kingdom to work or perform as sports people, entertainers or creative artists for up to 12 months (subject to further extension)
- **Charity workers** – for people coming to the United Kingdom to do voluntary work and not paid work for a charity
- **Religious workers** – for people coming to the United Kingdom to work as religious workers. Duties may include preaching, pastoral and non pastoral work
- **Government authorised exchange** – for people coming to the United Kingdom through approved schemes that aim to share knowledge, experience and best practice
- **International agreement** – for people coming to the United Kingdom under contract to provide a service that is covered by international law: for example the General Agreement on Trade in Services

Each of these routes is partially explained in the Guidance. Indeed it is rather difficult to understand the route by simply reading the requirements in the Rules, so it is probably best to read the Guidance first. As usual, there are two sets of Guidance: one for Home Office staff deciding applications ([Version 18.0](#) effective from 5 January 2017), one for applicants when putting together their application ([Policy Guidance](#) for applications from 29 August 2017).

As usual for much of the PBS, a person applying for entry clearance or leave needs a Sponsor. They will be issued with a Certificate of Sponsorship (CoS) that provides certain specified information – it must match with the information held by the Certificate of Sponsorship Checking Service (CoSCS). They then use the CoS to obtain their visa; there are certain requirements for the CoS to be (and stay) valid, such as being used within 3 months of its issue and no more than 3 months before the employment commences.

Non-visa nationals entering the UK for periods of no more than 3 months may travel and enter without having entry clearance, so long as they can satisfy the immigration officer at the port of entry that they can meet the requirements of the Rules.

The general rationale of CoSs granted under the temporary worker route is that the individual will not be basing themselves in business here or posing any threat to the resident labour force (eg [Guidance](#) for applications, para 102ff). As always applicants are susceptible to having their application assessed for its genuineness, where there is reasonable suspicion as to their ability to fulfil the role in question. For this reason, the role must be a *supernumerary* one in most of the sub-categories – ie one that is beyond the usual requirements of the employer and which they would not otherwise be recruiting to fill. This

ensures that the Tier 5 migrant is not filling a genuine vacancy that should have been made available to a settled worker.

There are intricate provisions addressing the precise period of entry clearance/leave to be granted. The [Guidance](#) addressing *Periods of Grant* explains that creative workers may extend their leave for up to 24 months if they remain with the same Sponsor. A non-visa national may apply at the port of entry where seeking to enter for three months or less, so long as they have a CoS. Those wishing to take advantage of this possibility should ensure they carry relevant evidence to establish they meet the Rules and contact details for their Sponsor.

There is no English language requirement (thus the Rules contain no cross-reference to Appendix B and there are no English speaking requirements in Appendix A).

There are few ways by which a person present under Tier 5 can extend their stay in the UK in another category of the Rules because, when one looks at the switching controls found in the “leave to remain” component of the various routes under the Points Based System, we find that Tier 5 is rarely listed. An exception is that an applicant may switch out of Tier 5 (Temporary Worker) Migrant where they are sponsored in the Government Authorised Exchange sub-category in an exchange scheme for sponsored researchers (r245BD(c)(iii)).

It is also difficult to switch into Tier 5; visitors conducting permitted activities in the creative and sporting sub-routes, and from Tier 4 for those in Government authorised exchange programmes from UK recognised bodies/higher education institutions, are the only modern candidates. So generally this is an entry clearance only route.

Tier 5 is not in general a settlement route (though there is a dispensation for those present in the route under the sub-category for private servants in a diplomatic household under the Rules in place before 6 April 2012).

Creative sector

Those in the creative sector may obtain a single CoS for a series of engagements with no more than 14 days between them if they have a single promoter; if they have multiple promoters during a single trip then each must be a sponsor in their own right, and the applicant must ensure that there are no gaps exceeding 14 days between periods of engagement. Otherwise they must leave the country and seek further entry clearance. A Group CoS may be obtained so as to include a creative person’s entourage.

Creatives enjoy a dispensation as to the place from where they may apply for entry clearance: they may apply to an entry clearance post where they are residing at the time of the application, provided that the relevant post is one which has been designated as appropriate for this route, and the applicant lives there lawfully and works in a role consistent with their planned activities in the UK (r28A).

Sportspeople

Those in the sportspeople category must be internationally established at the highest level and set to make a significant contribution to their sport’s development at that level in the UK. The Guidance makes it clear that it is not for those who have previously entered the UK under permit free concessions for entertainers and sportspeople, as they have specific provision made for them under sub-categories of the visitor route. The route is not for those wishing to play for professional clubs.

A professional footballer in the creative and sporting sub-category may switch into Tier 2 General within the sportsperson migrant category (r245HD(e)).

Charity workers

This route is for those wanting to undertake unpaid voluntary fieldwork (ie activities which would not normally be offered at a waged/salaried rate which does not include work ancillary to the charitable purpose, such as routine administrative work, retail/sales work, fund-raising and maintaining the office: Guidance para 117) contributing directly to the Sponsor's charitable purpose in the UK. Accordingly the CoS requirements demand an assurance that no remuneration will be received, as statutorily defined.

Religious workers

Religious workers will be performing religious duties, via work within or directed by the Sponsor's organisation, which may include preaching, pastoral work and non-pastoral duties: these duties must be outlined. If the organisation is a religious order, the applicant must be a member.

Government authorised exchange

This route is for those coming to the UK through approved schemes aiming to share knowledge, experience and best practice via work placements, whilst experiencing the wider social and cultural setting of the UK. It must not be used to fill job vacancies or import unskilled labour.

The central idea is that individual employers and organisations cannot act as Sponsors, with the exception of schemes for sponsored researchers approved by the Department for Innovation, Universities and Skills, and Government Departments and their Executive Agencies. So applicants must identify and apply to the appointed overarching body, which in turn must have the support of a UK government department. These bodies oversee numerous schemes, and range from the Bar Council to BAE Systems, and are listed in [Appendix N](#).

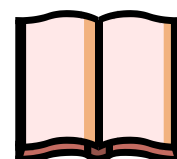
There are four schemes within this sub-category:

Work Experience Programme - volunteering, job-shadowing, internships and approved work experience programmes

Research Programme - only those working on specific scientific, academic, medical or government research projects at UK higher education institutions or other research institution operating under the authority and/or financial sponsorship of a relevant government department;

Training Programme - only those receiving formal, practical training in the fields of science and/or medicine, those receiving training by HM armed forces or UK emergency services, or those who obtained a UK degree at Bachelors or Masters level during their last grant of leave who are sponsored for required postgraduate training/work experience in that degree's field who are not filling a permanent vacancy in the sense that the Sponsor would be aiming to employ them in that role at the training's end.

Examples



You can see an example of the various processes for the College of Optometrists here, which gives some idea of the importance of ensuring that the steps are taken in the right order: an applicant from the right kind of educational institution may switch from Tier 4 once they have obtained a degree of the right quality, obtaining a pre-registration place may be necessary before the CoS is issued, and then the CoS can be used to support an application for leave to remain, before the placement is taken up.

Jane, who is present in the UK under Tier 4, wants to take up an internship that she has been offered with a law firm once she completes her studies.

Potentially this may be feasible under Tier 5 as the Law Society is one of the overarching bodies within the Government Authorised Exchange programme in Appendix N of the Rules. Of course, if the internship is short, she may be able to complete it under the terms of her Tier 4 leave. Otherwise she may be able to switch into Tier 5, as that is feasible for a Tier 4 student entering a Government Authorised Exchange who obtained a degree during their last period of stay. The law firm does not need to be a Sponsor with the power to issue a CoS – it is the Law Society as the overarching body which does this, and thus the Law Society will need to assess the vacancy in question, ensuring that there is a detailed training plan and that the role is supernumerary – ie it is not filling a genuine vacancy that should be made available to a settled worker.

Overseas Government Language Programme - schemes that are fully or partially funded by overseas governments or government sponsored organisations, for those undertaking development placements to build and / or enhance foreign language skills and foster good cultural relations in the UK.

International agreement

There are various sub-routes here.

- Private servants in diplomatic households
- Employees of overseas governments and national organisations (the Sponsor must guarantee the migrant will not try to change to a different sub-category within the international agreements after entering the UK)
- Via an international agreement, ie the General Agreement on Trade in Services, or equivalents such as the EU-Andean multiparty trade agreement, the EU-Chile trade agreement and the EU-CARIFORUM agreement

There are precise requirements as specified in Appendix A to be provided in each case. There is a specimen employment contract for overseas domestic workers set out in the [Guidance](#).

Those entering under international agreements will either be

- **Contractual service suppliers**- who have been an employee of the company for at least 12 months with a degree level qualification (unless providing services as identified below when we address the precise CoS requirements), employed by a company based in a country with a relevant trade agreement under which they are supplying services, which has no commercial presence in the European Union with a contract to supply appropriate services under that agreement, or

- **Independent self-employed professionals** – their business must be established on the territory of the country which is signatory to the relevant trade agreement under which they are supplying services, they must be a national of that country with a degree level (university or technical) qualification and they must hold any specific professional qualifications that are required, and hold 6 years' professional experience.

They may not spend more than 6 months in any 12-month period in the UK with leave under this route (r245ZO(h)).

Recurring concepts within the temporary worker route

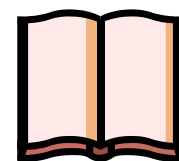
Entry clearance not required for some short stays

Entry clearance is required (r245ZN(a)) unless the migrant meets the requirements of the route (r245ZN(b)) and

- has consecutive engagements which are in total 3 months or less or
- has a single engagement of no more than 3 months
- is not a visa national, or
- is within the creative and sporting sub-category

Consecutive engagements

There is no need for entry clearance where the migrant has consecutive engagements which are in total 3 months or less. These are defined as engagements within the creative and sporting sub-category where each has its own CoS reference number and there are no gaps of more than 14 days between the periods of engagement – those periods are those given in each CoS for the start and end dates of the employment (r245ZM(b)).



Example

Raymondo is a renowned magician. He is booked to perform in the UK for short seasons with three different promoters over a 4 month period.

As Raymondo has different promoters, each needs to be a Sponsor issuing their own CoS. These are potentially consecutive engagements, so long as there is no more than 14 days between the employment start and end dates in each CoS.

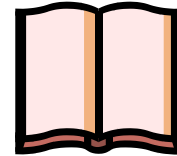
Entering the UK

A person with entry clearance can enter the UK up to 14 days before their start date under the CoS: this being the pre-arrival grace period customarily given as part of the conditions of leave.

Change of employment

Migrants present as temporary workers may change their employment, within the currency of their leave. They will need to obtain a new CoS with a licensed Sponsor. A change of employment will not permit them to extend their stay beyond the maximum the category allows, and nor can they switch out of their sub-category under Tier 5 ([Guidance](#) paras 162-166).

There are specific provisions regarding private servants in a diplomatic household whose entry clearance was granted under the Rules from 6 April 2012. They may not change their employment in general – however they may change their employer so as to move to another household, as part of the general policy to avoid abuse of those working in this category r245ZP(f)(iii)(5).



Example

Maryam is present working as a private servant in a diplomatic household. She entered the UK with entry clearance 6 months ago. She has been abused by her employers and is looking for options; she is supporting her family back in her country of origin and does not want to travel back yet.

So long as she can find a new employer in a diplomatic household then she can switch her work to them, filing an appropriate change of employment request. If she cannot, she will have to consider leaving the country unless she has another immigration route open to her. She may be a victim of trafficking in which case she could request a referral to the National Referral Mechanism.

Registering change of circumstances

Migrants may amend their records regarding their personal or dependents' details, criminal convictions, contact or representative details, via the *Change of circumstances* form.

Private servants in a diplomatic household

There are specific provisions addressing their situation (r245ZO(f)-(g)). If sponsored in the international agreement sub-category as a private servant in a diplomatic household where the employer is a diplomat or an employee of an international organisation recognised by Her Majesty's Government, who enjoys certain privileges or immunity under UK or international law, they must

- Be at least 18 years of age at the application date *and*
- Provide evidence that their terms and conditions of employment are consistent with the National Minimum Wage provisions under Appendix 7 (which provides a statement of the terms and conditions of employment of which 2 copies must be provided, completed and signed by the employer and the overseas domestic worker) and that that wage will truly be paid throughout their stay *and*
- Confirm they are not related to the employer or employer's spouse by blood or marriage

- Confirm that the post does not comprise work as set out in para 57 of the National Minimum Wage Regulations 2015: ie that they are not a member of the employer's family living in the family home sharing in the family's tasks and activities – this is required for leave to remain applications too (r245ZQ(o))

They are under a specific regime for changing employer which we address above under *Change of employment*.

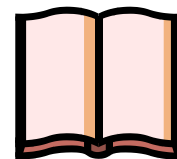
These are the only individuals within the temporary worker migration route who can access settlement, if they were present in the route under the sub-category for private servants in a diplomatic household under the Rules in place before 6 April 2012, and they have only short breaks in their employment due to changing employer. They may then count that time towards a settlement application (r245AAA(b)). They must stay within this route during their time in the UK, not fall foul of the general refusal reasons, pass the life in the UK and English language requirements of Appendix KOLL, not be an overstayer incompatibly with r39E, and must provide a letter from their employer detailing absences and periods of annual leave; non-work absences must be explained in a letter from the applicant (r245ZS).

Restrictions on Contractual Service Suppliers and Independent Professionals in the International Agreement sub-category

Where the CoS is for one of these roles, then the grant of leave must not lead to them receiving leave for a cumulative period exceeding 6 months in any 12 month period during the period of leave granted (r245ZN(h))

Visitors switching into the route the sports or creative sub-category

This class of visitors may switch into the route where they were visiting and conducting permitted activities in the sports or creative sectors and entered the UK after they have been allocated the relevant CoS. Para 16 of Appendix 3 to Appendix V of the Rules allows artists, entertainers and musicians who are visiting the UK visitors to give performances as an individual or as part of a group, take part in competitions or auditions, make personal appearances and take part in promotional activities, or take part in one or more cultural events or festivals on the list of permit free festivals in Appendix 5. They may also take a paid engagement if they have been invited by a creative (arts or entertainment) or sports organisation, agent or broadcaster based in the UK (Appendix 4 to Appendix V).



Example

Rudolph, a violinist, is present in the UK as a visitor with a view to taking part in the Aldeburgh Festival. He has found out about the Tier 5 temporary worker route and is wondering if he can remain for longer, given that he is famous as a virtuoso with unparalleled command of the Paganini caprices.

In theory Rudolph might seem to be able to switch into the temporary worker route, as he is taking part in permitted activities in the creative sector: the Aldeburgh Festival appears as one of the permit free festivals (see V16(d) read with Appendix 5 to Appendix V). However, when we look at the Part 6A Rules, we see that he would have had to have had the CoS allocated to him before he travelled; so a spur-of-the-moment switch like this is not available to him.

Students joining the government authorised exchange sub-category

Certain students can join this sub-category. These are those who previously held leave in Tier 4 General and were last sponsored by a UK recognised body or a body in receipt of public funding as a higher education institution, or an overseas higher education institution, to undertake a short-term study abroad programme in the United Kingdom. They may do so where the CoS shows that they are sponsored in the government authorised exchange sub-category, lawfully obtained a UK recognised degree-level plus qualification (only a degree, not an equivalent) during their last grant of leave, and are being sponsored to undertake a period of postgraduate professional training or work experience which is required to obtain a professional qualification or professional registration in the same professional field as that qualification (r245ZQ(b)(vi)).

Genuineness testing

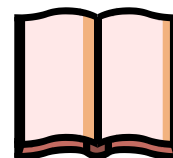
There is a genuine test as is routinely found in PBS routes. For those seeking entry clearance, it focuses on whether (r245ZO(i))

- They are genuinely able to undertake (and intend to undertake) the role in the CoS
- They will not be taking employment in the UK other than as permitted under the route: ie as specified in the CoS and the various provisos addressed below
- If in the private servant in a diplomatic household sub-category, the National Minimum Wage will be paid

An applicant may be requested to provide further information or attend an interview, providing such further information within 28 days of the request being sent, on pain of refusal if the material is not provided, or if the interview is not attended absent a reasonable explanation (r245ZO(j)). No points are awarded under Appendix A if genuineness is not established (r245ZO(k)). Again as is routine under the PBS, the decision maker does not have to carry out this assessment where the application falls for refusal for other reasons, but reserves the right to do so in any reconsideration (r245ZO(l)).

There are a similar set of provisions for those seeking leave to remain (r245ZQ(k)-(n)).

The guidance explains that the decision will be made on the balance of probabilities taking into account the interviewee's knowledge of the role, relevant experience relative to skills required, knowledge of the Sponsor, explanation of how they were recruited, and any other relevant information.



Example

You can see the considerations in play in Singh (IJR) [2015] UKUT 538 (IAC). There the applicant for entry clearance was applying to work as a priest at a Southall Gurdwara, and their application was refused because they were considered to know very little about the role they were taking on. The UT upheld the Home Office decision on the basis that it was not unreasonable to

think that an applicant would have some knowledge of their planned working conditions.

Multiple periods of employment in UK

A multiple entry CoS may be issued for those needing to enter the UK regularly. This is not required simply for normal overseas travel for personal or business purposes (see generally Guidance 169-173).

Leave lapses where a person leaves the Common Travel Area (ie the UK, the islands and Ireland) having entered the UK without entry clearance or having been granted leave for less than six months. Accordingly they would have to re-apply for entry clearance with a new CoS to return. Those with entry clearance or leave more than six months do not lose their leave and so can travel more freely.

Key criteria for the route

The migrant must:

- Not fall foul of the general refusal reasons (r245ZO(a), r245ZQ(a))
- Have 30 points under Appendix A (A105-112) (r245ZO(b), r245ZQ(c))
- Have 10 points under Appendix C (C8-9) (r245ZO(c), r245ZQ(d))
- If under 18, have the usual consents from their parent/legal guardian to the application and to their travel, reception and care arrangements (r245ZO(d)-(e), r245ZQ(f)-(g))
- If sponsored in the international agreement sub-category as a private servant in a diplomatic household, they must meet the relevant requirements discussed above (r245ZN(f-g))
- Contractual Service Suppliers and Independent Professionals in the International Agreement sub-category must not spend more than 6 months of any 12 month period with leave for this purpose (r245ZN(h), r245ZQ(j))
- Satisfy the decision maker that they genuinely intend to undertake the job in question and not work other than is permitted (r245ZN(i))

For those seeking leave to remain, there is permission to switch into temporary worker from these routes (r245ZQ(b)):

- Temporary worker (ie extending leave in the same category)
- Visitors in the sports or creative sub-category where conducting the relevant permitted activities we have addressed above
- From Tier 4 General where they have an appropriate Sponsor and are applying for the government authorised exchange sub-category with a UK recognised degree or higher degree obtained during their last leave for the purpose of a period of postgraduate professional training or work experience which is required to obtain a

professional qualification or professional registration in the same professional field as that qualification

- The Guidance (page 21) also states that people on some rather old immigration routes (Overseas Government Employees, Qualifying Work Permit Holders and Students from the pre-Tier 4 regime) may switch into the route

To extend leave as a temporary worker within the route, the CoS must be issued for the same sub-category as previously. For those who entered the route after from 6 April 2012 within the private servant in a diplomatic household sub-category, they must remain with the same employer and confirm they have worked under the appropriate terms and conditions (set out above) (r245ZQ(e)).

A student (including Tier 4 migrants, a student resitting their course, writing up their thesis, student nurses and student union sabbatical officers, and postgraduate doctors/dentists) switching into the route having previously been sponsored by a government or international scholarship agency now or within the last 12 months must confirm that the Sponsor agrees to them remaining in the UK r245ZQ(h)).

They may not be overstaying inconsistently with the provisions of r39E (r245ZQ(i)).

The Appendix A requirements

As usual a CoS must be valid in order to found the award of points (A108), and to be so its reference number must link to a valid reference with the Certificate of Sponsorship Checking Service (CoSCS) (A109). Further requirements for validity are (A109A):

- The CoS was **assigned no more than 3 months before the immigration application**, unless the applicant is applying for leave to enter having previously been granted leave to enter on the basis of the same CoS number
- The application is **made within 3 months of the employment start date** given in the CoS
- The CAS reference number has **not been cancelled** by the Home Office or the Sponsor
- The Sponsor must be an **A-rated Sponsor unless this is an extension application** within the Tier 5 Migrant route
- Where the CoS records more than one individual engagement, there **is no more than 14 days between each successive engagement**
- The CoS must not be issued on the basis of the provisions under Mode 4 of the General Agreement on Trade in Services relating to intra-corporate transfers (A112)

Each CoS may only be used once (A110).

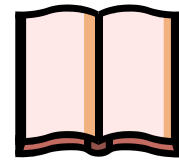
There are then a series of criteria to be satisfied for a CoS depending on the sub-category the applicant is applying under:

- **Creative and Sporting (A111(a))**

- The CoSCS must record the issue of a unique endorsement number showing endorsement in line with published criteria by a sporting Governing Body listed in [Appendix M](#)
 - The original endorsement letter must be supplied from that Governing Body confirming the player/coach is internationally established at the highest level and will make a significant contribution to the sport's development at the highest level in the UK, and that the post could not be filled by a settled worker
- **Creative worker (A111(b))**
- Where there is a relevant creative sector Codes of Practice existing in Appendix J, the Sponsor has complied with I (the Guidance lists these as those operating in dance, theatre and film/television (para 102)); or
 - The job appeared on the Appendix K shortage occupation list when the CoS was assigned; or
 - The Sponsor has otherwise taken account of the resident labour market needs in that field, and the work could not be carried out a settled worker (the Guidance para 102 suggests recruitment activity, written support from an industry-representative body, or sector labour market information, as suitable evidence)
- **Charity workers (A111(c))**
- Where the work sponsored is for voluntary fieldwork contributing directly to the Sponsor's charitable purpose and
 - The applicant must not be paid or otherwise remunerated, including receipt of benefits in kind, save for reasonable expenses permitted under the National Minimum Wage Act section 44
 - The applicant must not be filling an a permanent position, including on a temporary basis
- **Religious workers (A111(d))**
- The applicant must be sponsored to perform religious duties, via work within or directed by the Sponsor's organisation, which may include preaching, pastoral work and non-pastoral duties: these duties must be outlined
 - The applicant must be a member of a sponsoring religious order
 - The applicant must receive pay and conditions at least equal to those given to settled workers in the same role
 - The remuneration must comply with National Minimum Wage regulations or be exempt from them

- Details of how the resident labour market test has been complied with, or why the role is exempt from the test (A92A requires that the CoSCS confirms that a role is supernumerary ie over and above normal staffing requirements, or involves living within and being a member of a religious order, or is for a Sponsor holding a national register of all settled workers who might fill the role)
- **Government Authorised Exchange (A111(e))**
- The CoSCS entry must show that the work, volunteering or job shadowing being sponsored meets the requirements of the individual exchange scheme, set out in [Appendix N](#) and does not fill a vacancy in the workforce
 - The role is skilled to RQF level 3 under the Appendix J codes of practice
 - All relevant regulatory UK and EU legislation is complied with, ie the National Minimum Wage Act and Working Time Directive
- **International Agreements - Contractual Service Supplier or Independent Professional (A111(f))**
- The CoSCS entry must show that the work is pursuant to a contract to supply services to the sponsor in the United Kingdom by an overseas undertaking established on the territory of a party to the General Agreement on Trade in Services or a similar trade agreement which has been concluded between the EU and another party/ies and which is in force, and which has no commercial presence in the European Union; and
 - The service which that undertaking is contracted to supply to the sponsor in the United Kingdom falls within the scope of the sectors specified in the relevant commitments in respect of Contractual Service Suppliers or Independent Professionals as set out in the GATT or other agreement; and
 - The sponsor has, through an open tendering procedure or other procedure which guarantees the bona fide character of the contract, awarded a services contract for a period not exceeding 12 months to the applicant's employer; and
 - The sponsor will be the final consumer of the services provided under that contract; and
 - The applicant is a national of the country in which the overseas undertaking is established
 - An applicant who is under the Independent Professional sub-category must provide a university degree or technical qualification demonstrating knowledge of an equivalent level (the original must be provided showing their course title/award, its duration and completion date plus their name), proof of relevant professional qualifications required by the law, regulations or requirements in force in the UK, and have 6 years' professional experience in the sector concerned: unless they are in the International Agreement sub-category and

retain the same Sponsor and are applying for the purpose of the same contract to provide services as was the case when previously granted entry clearance or leave



Example

Your client want to enter the UK with a view to taking up a job offer with the company which has issued him with a CoS to work as a Contractual Service Provider.

One of the things to check is that the contract was offered to his employer under an open tendering or other suitable procedure. Failure to carry out steps like this may mean that the CoS is deemed inadequate when a Home Office decision maker reviews it.

➤ **Contractual Service Suppliers (A111(f)(vi))**

- The applicant must have been employed by the service supplier for at least one year before the application
 - The applicant must possess a university degree or technical qualification demonstrating knowledge of an equivalent level (the original must be provided; the Guidance sets out that the certificate must clearly show their course title/award, its duration and completion date plus their name)
 - Possessing any relevant professional qualifications for the role in question
 - 3 years' experience in the sector concerned
 - However, those requirements are waived where the individual is working in one of these areas and has 3 years' professional experience and provides the original certificate of the relevant qualifications
 - Advertising and translation services
 - Management consulting services
 - Technical testing and analysis services
 - Fashion model and entertainment (but not audio-visual) services
 - Chef de cuisine services, an advanced technical qualification and 6 years' professional experience
- If within the International Agreement sub-category other than as a Contractual Service Supplier or independent Professional, the entry must confirm they are being

sponsored as an employee of an overseas government, or of an international organisation established by international treaty signed by the UK or European Union, or as a private servant in a diplomatic household under the provisions of the Vienna Convention on Diplomatic Relations 1961 or in the household of an international organisation recognised by HM Government, enjoying certain privileges or immunity under UK or international law

Specified documents for Contractual Service Suppliers

These individuals have to provide a particular set of documents (A111-SD(a)):

- Pay slips by employer showing the employer's name *or*
- Payslips plus a letter from the employer on headed notepaper signed by a senior official confirming their authenticity *or*
- Personal bank/building society statements for the full specified period clearly showing Applicant's name, account number, the date of the statement (the most recent must be dated no earlier than 31 days before the application date), the financial institution's name and logo, and transactions by the service supplier covering the full specified period
 - these statements must be printed on paper bearing the bank/building society's letterhead or bearing the official stamp on every page, or accompanied by a supporting letter from the issuing bank/building society confirming their authenticity: they must not be from an ATM
- *Or* a building society pass book, clearly showing the Applicant's name, account number, institution's name and logo, and transactions by the service supplier covering the full specified period

Period and conditions of entry clearance and leave

R245ZP addresses the length of leave granted, and its conditions. The essential conditions are

- No recourse to public funds: R245ZP(f)(i)
- Police registration if r326 requires this: R245ZP(f)(ii)
- Study is permitted, subject to meeting the ATAS requirements in Part 15 of the Rules for those who are aged 18 or will reach that age during this period of leave: R245ZP(f)(v)
- Only employment as specified in the CoS (r245ZP(f)(iii)) save for
 - **Supplementary employment** save for those in the international agreement sub-category working as a private servant in a diplomatic household, or as a Contractual Service Supplier or Independent Professional (for no more than 20 hours a week - para 157 Guidance; there is no need to advise the Home Office of supplementary employment (para 160); no additional work save for work meeting these criteria is permissible (para 160))

- For those in the **Government Authorised Exchange** subcategory, **work, volunteering or job shadowing** authorised by the Sponsor
- In the **creative and sporting sub-category**, performing as a **sportsperson for their national team** while that team is in the UK, playing in British University and College Sport (BUCS) competitions and Temporary Engagement as a Sports Broadcaster
- In the International Agreement subcategory as a **private servant in a diplomatic household**, employment as a domestic worker **in a household other than that specified**

ENTRY CLEARANCE AND LEAVE TO ENTER FOR TEMPORARY WORKERS	
Type of applicant	Leave granted
A person arriving without entry clearance who has consecutive engagements (r245ZP(a))	The shorter of (a) a period starting 14 days before the first engagement and ending 14 days after the last one finishes (b) 3 months
A person arriving without entry clearance who a single period of engagement (r245ZP(b))	The shorter of (a) a period up to 14 days before the engagement starts and ending 14 days after it finishes (b) 3 months
For those arriving with entry clearance, with CoSs in the Creative and Sporting, Government Authorised Exchange for a Work Experience Programme, or the Charity Workers sub-categories (r245ZP(c))	The shorter of (a) a period starting 14 days before the engagement starts and ending 14 days after it finishes, or if there are consecutive engagements, before and after the first and last engagements (b) 12 months
For those arriving with entry clearance, with CoSs in the religious workers, Government Authorised Exchange subcategory for a Research Programme, Training Programme or Overseas Government Language Programme, or other than as a Contractual Service Supplier, or Independent Professional, in the international agreement subcategory (r245ZP(d))	The shorter of (a) a period starting 14 days before the engagement starts and ending 14 days after it finishes (b) 2 years
For those arriving with entry clearance, with CoSs in the Contractual Service Supplier, or Independent Professional in the International Agreement subcategory (r245ZP(e))	The shorter of (a) a period starting 14 days before the engagement starts and ending 14 days after it finishes (b) 6 months

	The Guidance explains that they may only apply for a maximum of 6 months in any 12 month period
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The arrangements for extensions of leave are found in r245ZR.

LEAVE TO REMAIN FOR TEMPORARY WORKERS	
Note that leave will be refused if the calculation given results in a figure of zero or less	
Type of applicant	Leave granted
Visitor conducting permitted activities in the sports or creative sector r245ZR(c)	The shorter of (a) The period of engagement plus 14 days, or if there are consecutive engagements, from the first day of the first engagement until 14 days after the last day of the last one (b) 12 months
In the international agreement subcategory as an overseas government employee, employee of an international organisation or a private servant in a diplomatic household where in the case of the latter he entered the UK with a valid entry clearance in that capacity under the Rules in place before 6 April 2012: r245ZR(d)	The shorter of (a) the period of engagement plus 14 days (b) 24 months UNLESS the applicant has spent more than 4 years with leave as a temporary worker in which case leave granted will be the shorter of (c) the period of engagement plus 14 days (d) a period of 6 years less the period already spent as a temporary worker
In the international agreement subcategory as a private servant in a diplomatic household to work in a domestic capacity in the household of a named individual where the applicant entered the UK with a valid entry clearance in that capacity under the Rules in place from 6 April 2012: r245ZR(e)	The shorter of (a) the period of engagement plus 14 days (b) 24 months UNLESS the applicant has spent more than 3 years with leave as a temporary worker in which case leave granted will be the shorter of (c) the period of engagement plus 14 days (d) a period of 5 years less the period already spent as a temporary worker
In the creative and sporting subcategory as a creative worker extending leave with the same Sponsor as last time: r245ZR(f)-(g)	The shorter of (a) the period of engagement plus 14 days (b) 12 months

	<p>UNLESS the applicant has spent more than 1 year with leave as a temporary worker in which case leave granted will be the shorter of</p> <ul style="list-style-type: none"> (c) the period of engagement plus 14 days (d) a period of 2 years less the period already spent as a temporary worker
<p>If being sponsored in the Government Authorised exchange sub-category for a Work Experience Programme where the initial grant of leave was granted under the Rules in place from 6 April 2012, or the Creative and Sporting or the Charity Workers subcategory: r245ZR(b)(ii)(1)</p>	<p>The shorter of</p> <ul style="list-style-type: none"> (a) the period of engagement plus 14 days or (b) the difference between the period spent in the UK already and 12 months
<p>If being sponsored in the Government Authorised Exchange sub-category where the initial grant of leave was made under the Rules in place before 6 April 2012 or for a Research Programme, Training Programme or Overseas Government Language Programme, the Religious Workers subcategory, or the International Agreement subcategory other than as a Contractual Service Supplier, or Independent Professional: r245ZR(b)(ii)(2)</p>	<p>The shorter of</p> <ul style="list-style-type: none"> (a) the period of engagement plus 14 days or (b) the difference between the period spent in the UK already and 2 years
<p>If being sponsored in the International Agreement subcategory and is a Contractual Service Supplier or Independent Professional: r245ZR(b)(ii)(3)</p>	<p>The shorter of</p> <ul style="list-style-type: none"> (a) the period of engagement plus 14 days or (b) the difference between the period spent in the UK already and 6 months

Overview of Tier 5 Youth Mobility Scheme Temporary Migrants

This route is for sponsored young people from participating countries and territories who wish to live and work temporarily in the UK – to experience life here, as the Guidance puts it. It is probably the simplest of all routes within the PBS to understand, as the Rules are less intricate and the criteria rather easier to understand and fulfil than elsewhere in the system.

Applicants must be from either an Appendix G country, or be a British Overseas Citizen, British Overseas Territories Citizen or British National (Overseas). There are a certain number of places reserved for each of the Appendix G countries set out therein, so it is always necessary to be alive to how many places remain available at the relevant time. Some countries are subject to the *Invitation to apply arrangements* addressed below.

Government statistics recorded that 50% of the Youth Mobility visas issued in 2016 were to Australians, followed by 18% for New Zealanders and 15% for Canadians.

Applicants must also be below the age of 31 at the date of application, and over the age of 18 by the time they will be travelling. They may not have any dependent children, either living with them or financially dependent on them.

Entry clearance is given for 2 years; there is no possibility of extending leave within the route, which unsurprisingly does not lead to settlement. As always there is [Guidance](#) under the scheme which explains how the Rules operate.

Recurring concepts within the youth mobility scheme

Invitation to apply arrangements

These arrangements (G3-4) permit the Home Office to manage applications from countries specified in Appendix G – presently Japan and Taiwan. Applicants must submit an expression of interest under the published process.

The Home Office keep a record of all such expressions of interest and randomly select those who are to be invited. They may place a time limit on the period within which expressions of interest are submitted and determine the number of invitations to be issued in any calendar month, provided that the invitations issued are no less than the annual allocation of that country.

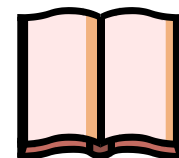
Deemed Sponsorship status

Nationals from countries with this status may simply make an application without further ado. Whereas citizens of other countries eligible for the route but which are not deemed Sponsors must obtain a CoS to support their application.

Annual allocations

Each territory receives an annual allocation of places on the scheme. Applications will be accepted for consideration only up to the point that this is filled. If the annual allocation is reached a notice will be released to notify customers of this. The notice will be published on the relevant UK Embassy, High Commission or Diplomatic Post website.

There is no annual allocation for applications from British Overseas Citizens, British Overseas Territories Citizens and British Nationals (Overseas).



Example

James is present under the Youth Mobility route. He wishes to switch to Tier 2 General.

Part 6A of the Rules addresses all the PBS categories and Youth Mobility is not named as a candidate to switch into Tier 2 General: indeed, it is not named anywhere else in Part 6A, showing that one cannot switch out of the route. It would be necessary to return abroad and apply for entry clearance.

Key criteria for the route

It is an entry clearance only route; ie a visa is always required before travelling, otherwise entry will be refused (r245ZJ). Applicants enjoy a dispensation as to from where they may apply for entry clearance, in that they may apply to an entry clearance post (designated as appropriate for this route) where they are living lawfully at the time of the application (r28A).

An applicant can apply for a visa up to six months before travelling.

Only some nationalities qualify (r245ZK(b)):

- An Appendix G country (to be established by presenting the relevant passport)
 - Those with deemed Sponsorship status (Australia - 35,500 places, New Zealand - 13,000 places, Canada - 5,500 places, Japan - 1,000 places, Monaco - 1,000 places, and Taiwan - 1,000 places)
 - Those without deemed Sponsorship status (South Korea and Hong Kong - 1,000 places each)
- A British Overseas Citizen, British Overseas Territories Citizen or British National (Overseas), as defined by the British Nationality Act 1981

Applicants may establish their entitlement to use the route (r245ZK(c)):

- From countries with deemed Sponsorship status, simply by possession of the relevant passport, in which case they may apply at any entry clearance post in the world: however they must be resident there for at least 6 months under the general requirements of the rules
- For countries without deemed Sponsorship status, they must hold a CoS issued by that country's authorities and apply from within its territory

For example, in 2017 the Hong Kong Labour Department accepted applications for the route from 20 February to 3 March.

The CoS will be valid only if issued within 3 months of the entry clearance application and where it has not been cancelled by the time it is relied upon (r245ZK(ca)).

The other requirements are

- Scoring a minimum of 40 points under paragraphs 101 to 104 of Appendix A (r245ZK(d))
- Scoring a minimum of 10 points under paragraphs 6 to 7 of Appendix C (r245ZK(e))
- Having no children under the age of 18 who are either living with him or for whom he is financially responsible (r245ZK(f))
- Not previously have spent time in the UK as a Working Holidaymaker or a Tier 5 (Youth Mobility Scheme) Temporary Migrant (r245ZK(g))
- Where the applicant is a national of a country whose annual allocation of places available under this route is subject to invitation to apply arrangements operated

under Appendix G, they must have been issued with an invitation to apply, and have made their application within the period of time specified on the invitation (r245ZK(h))

The Appendix A requirements

These are exceptionally slight (A101-A104). Essentially the applicant must simply provide a valid passport showing that they are the citizen of a country or rightful holder of a passport issued by a territory listed in Appendix G or are a British Overseas Citizen, British Territories Overseas Citizen or British National (Overseas).

Additionally they must be aged 18 or over on the date their entry clearance becomes valid for use, and under the age of 31 on the date the application was made.

If they satisfy these two requirements, they receive 40 points.

Period and conditions of entry clearance and leave

Entry clearance will be granted for 2 years subject to these conditions (r245ZL):

- No recourse to public funds
- Registration with the police if required by r326
- No employment as a professional sportsperson (including as a sports coach), or as a Doctor or Dentist in Training, unless the applicant has obtained a degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System, and provides evidence of this degree
- No study subject to the conditions in Part 15 of the Rules: ie they must obtain an ATAS clearance certificate if wishing to study for a postgraduate qualification in a sensitive subjects area, knowledge of which could be used in programmes to develop weapons of mass destruction
- No self employment, except where:
 - The migrant has no premises which he owns, other than his home, from which he carries out his business
 - The total value of any equipment used in the business does not exceed £5,000, and
 - The migrant has no employees