

Building on success- a whistle-stop tour through immigration options for new graduates

Lydia Watkinson
Paragon Law

“Helping entrepreneurs, organisations and individuals to make successful applications to work, live, study, in the UK”

SCOPE

Overview of the options most relevant to international graduates.

Help international students to start looking for opportunities early to maximise their prospects of success.

Help international students to research their options in more detail.

THE CURRENT IMMIGRATION RULES FOR NON-EU NATIONALS

- **Work experience during studies**
- **Tier 2 (General)**
- **Tier 1 (Entrepreneur)/Innovator visa**
- **Tier 1 (Graduate Entrepreneur)/Start Up visa**
- **Tier 1 (Exceptional Talent/Promise)**
- **Tier 4 Doctorate Extension Scheme**
- **Tier 5 (Youth Mobility)**
- **Tier 5 (Government Authorised Exchange)**

WORKING DURING STUDIES

- Permitted to work a maximum of 20 hours per week during term time if you are studying at degree level or above BUT no self employment.
- Full time during holidays (48 hours) per week.
- Full time work placement if the placement makes up 50% or less of your course. The work placement must also be assessed as part of the course.
- Student immigration permission that extends for up to 4 months beyond the end of your studies allows you to work without permission during this period.

TIER 2 (GENERAL)

- This is a visa linked to a specific job for a specific employer.
- Employer needs a sponsor licence. A licenced employer can give a certificate of sponsorship (CoS) to the applicant. They need this to apply for their visa.
- Role must be RQF level 6 or above.
- Salary must meet the minimum for the Tier OR for the job, **whichever is higher.**
- Maintenance

TIER 2 (GENERAL) MINIMUM SALARY

- There is a salary floor for Tier 2 (General)
- New Entrant floor- £20,800
- Experienced floor- £30,000
- The floor cannot be pro-rated if the employee works reduced hours. Absolute minimum.
- Must also consider the rate *for the post* in the standard occupation code. This can be pro-rated if the employee works reduced hours.

2122 Mechanical engineers

Example job tasks

- undertakes research and advises on energy use, materials handling, thermodynamic processes, fluid mechanics, vehicles and environmental controls;
- determines materials, equipment, piping, capacities, layout of plant or system and specification for manufacture;
- designs mechanical equipment, such as steam, internal combustion and other non-electrical motors for railway locomotives, road vehicles, aeroplanes and other machinery;
- ensures that equipment, operation and maintenance comply with design specifications and safety standards;
- organises and establishes control systems to monitor operational efficiency and performance of materials and systems.

RQF
6

Related job titles:

- Aeronautical engineer (professional)
- Aerospace engineer
- Automotive engineer (professional)
- Marine engineer (professional)
- Mechanical engineer (professional)

Salary rates:

New entrant: £27,500

Experienced worker: £33,000

[Source: Annual Survey of Hours and Earnings 2016]

- Games programmer
- Programmer • Software engineer

Salary rates:
New entrant: £24,000

[Source: Annual Survey of Hours and Earnings 2014 (no equivalent 2015 or 2016 data available)]

Experienced worker: £32,000

[Source: Annual Survey of Hours and Earnings 2016]

2137 Web design and development professionals	<p>Example job tasks</p> <ul style="list-style-type: none"> • liaises with internal/external client in order to define the requirements for the website; • presents design options to the client; • designs web pages including graphics, animation and functionality to maximise visual effectiveness and facilitate appropriate access; • develops the website and applications; • designs and develops web interfaces for relational database systems; • establishes methods to ensure appropriate website security and recovery; • writes and publishes content for the website; • tests website interaction and performance prior to going 'live', and monitors and maintains functionality of the website; • activates the 'live' website. <p>Related job titles:</p> <ul style="list-style-type: none"> • Internet developer • Multimedia developer • Web design consultant • Web designer <p>Salary rates: New entrant: £17,900</p> <p>[Source: Annual Survey of Hours and Earnings 2015 (no 2016 equivalent data available)]</p> <p>Experienced worker: £24,000</p> <p>[Source: Annual Survey of Hours and Earnings 2016]</p>	RQF 6
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2139 Information technology and telecommunications professionals not elsewhere classified	<p>Example job tasks</p> <ul style="list-style-type: none"> • undertakes the testing of software, systems or computer games for errors, identifies source of problems and proposes solutions; • develops, implements and documents test plans for IT software, systems and computer games; • develops quality standards and validation techniques; • makes recommendations concerning software/system quality; • examines IT system for potential threats to its security and integrity and 	RQF 6
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TIER 4/TIER 2 SWITCH

Those switching from Tier 4 into Tier 2 in country have the following benefits;

- Can be paid 'new entrant' salary
- Employer does not have to complete Resident Labour Market Test
- Employer can assign an unrestricted CoS.
- Employer is exempt from Immigration Skills Charge
- Only essential cost for a sponsor who is already licenced is £199 CoS assignment fee.
- You can apply up to 3 months before the expected end date of your course (From 6th July 2019)

TIER 2 (GENERAL) PROS AND CONS

Pros

- Can lead to Indefinite Leave to Remain (ILR) after 5 years provided meet requirements at that time including minimum salary for ILR
- Can bring dependant spouse/partner and children.
- Maximum time on Tier 2 (General) is 6 years.

Cons

- Tied to the job and employer. If want to move jobs, need new employer to sponsor
- Reliant on sponsor keeping their licence

TIER 1 (EXCEPTIONAL TALENT/PROMISE) VISA

- Applicable to a relatively small number of individuals, usually after completing a fellowship
- Applicants must be a 'recognised leader' or an 'emerging leader' in science, humanities, engineering, medicine, the arts or digital technology.
- 2 stage application process
- Stage 1- obtain endorsement from a Designated Competent Body
 - Submit an application to the Home Office who will send it on to a 'Designated Competent Body'
 - Does not extend current leave
 - The Designated Competent Body decide whether to endorse the application.
 - Slightly different process for digital technology
 - 2000 endorsements available per year
 - Arts Council- 250
 - The Royal Society- 250
 - The Royal Academy of Engineering- 150
 - The British Academy- 150
 - Tech Nation- 200
- Stage 2- apply for leave
- This will extend applicant's current leave. UKVI decide whether to grant leave to remain in the UK.

TIER 1 (EXCEPTIONAL PROMISE/TALENT) VISA

- Can apply for up to 5 years of leave to remain
- Cannot switch from Tier 4 in country.
- Can switch from Tier 2, Tier 1 Entrepreneur or Tier 5 (GAE) researcher
- During that time can work, study, or be self employed. However, if need to extend then may need to show that have earned income from your area of expertise/specialism.
- Leads to settlement after 5 years (exceptional promise) or 3 years (exceptional talent).

TIER 1 (ENTREPRENEUR) VISA/INNOVATOR VISA

- This is for those who wish to start a business
- Is a requirement to have capital available to invest.
- Tier 1 (Entrepreneur) will **close** to new applicants on 29th March 2019. It is replaced by the new Innovator visa
- £50,000 investments funds (waived if switching from 'Start-up Visa')
- Need endorsement from a government approved endorsing body
- Business must be 'innovative', 'viable' and 'scalable'
- English Language
- Maintenance

TIER 1 (ENTREPRENEUR) VISA

- A strong business plan is vital. Applicants are likely to be interviewed.
- Prior experience or business education will be considered
- Source of funding will be considered on the £200,000k route.
- Can apply as a 2 person 'team'.
- Initial grant of 3 years and 4 months of leave with the possibility to extend

INNOVATOR VISA- PROS AND CONS

Pros

- Can lead to settlement after 3 years No maximum time limit
- Can bring dependant spouse/partner and children.
- Can switch in country

Cons

- New criteria for settlement are challenging
- Can only work in the business
- Need access to significant capital
- Currently unclear who endorsing bodies will be.

TIER 1 (GRADUATE ENTREPRENEUR) VISA/START-UP VISA

- The Tier 1 (Graduate Entrepreneur) visa will remain open for new applicants until July 2019. It will then be replaced by the new Start-Up visa.

Tier 1 (Graduate Entrepreneur)	Start Up Visa
Graduates only	Open to anybody who has not run a business in the UK before
Need endorsement from HEI or DTI	Need endorsement from an 'endorsing body'
Need a viable business plan	Business must be innovative, viable and scalable
Initial grant of 1 year with possible extension to 2 years.	Initial grant of up to two years, if endorsed for that period.
Maintenance	Maintenance
English Language	English Language

TIER 1 (GRADUATE ENTREPRENEUR)/START UP VISA PROS AND CONS

Pros

- No need for minimum capital requirement
- Can do supplementary work while setting up business
- Can bring dependant spouse/partner and children.
- Can apply relying on business already set up.
- Can study (subject to certain exceptions)

Cons

- Does not lead to settlement. Need to switch into another route.

TIER 4 DOCTORATE EXTENSION VISA

- A scheme for applicants who are approaching the end of a PhD only.
- Applicants remain sponsored by their HEI and therefore require a CAS. HEI still has to keep in touch with the applicant and report on them.
- Must apply before the end of their course on CAS no more than 60 days before end of course.
- Must apply from inside the UK.
- Maintenance
- English Language

TIER 4 DOCTORATE EXTENSION PROS AND CONS

Pro

- High degree of freedom to work in any job, or start a business
- In country switch only
- Can bring dependant spouse/partner and children
- Still a Tier 4 migrant and therefore get the benefits of being a Tier 4-Tier 2 switcher.

Con

- Only 1 year
- Does not lead to settlement- need to switch into another category.

TIER 5 (YOUTH MOBILITY SCHEME)

- This scheme is available to citizens of Taiwan, Australia, New Zealand, Japan, Canada, Monaco, South Korea and Hong Kong.
- Who are between 18 – 31 at the time of their application.
- Those from South Korea and Hong Kong need government sponsorship.
- Must have £1890 in funds at the time of the application.
- Scheme is quota based commencing in January each year.
- Cannot switch into this category but will need to return home and obtain entry clearance.

TIER 5 YOUTH MOBILITY SCHEME PROS AND CONS

Pro

- Can work for any employer
- 24 month grant of leave
- No need for a UK sponsor

Cons

- Cannot switch in the UK- must apply for entry clearance
- Limited availability for most countries
- Some countries need national sponsorship- need to consider how this is obtained
- Does not lead to settlement

TIER 5 (TEMPORARY WORKER – GOVERNMENT AUTHORISED SCHEME)

- Allows for post graduation training, internship or work experience.
- Still require sponsorship but in this instance the sponsor is an ‘overarching body’ or an HEI.
- Schemes relating to research, fellowship and training in the fields of science and medicine will attract leave of 24 months. The sponsor is usually the HEI.
- Other schemes that relate to internships or work experience are subject to a maximum of 12 months leave. Sponsorship comes from the ‘Overarching Body’. Can switch into this visa from Tier 4 (General) in country.
- Maintenance
- Cannot switch out in-country to other categories EXCEPT Tier 1 (Exceptional Talent/Promise) if here as a researcher.

TIER 5 (GOVERNMENT AUTHORISED SCHEME)

Pro

- Gives a route to undertake a placement with an employer without them having to be the direct sponsor
- For post graduate researchers it can lead on to Tier 1 Exceptional Talent/Promise
- Necessary for certain post-registration employment e.g. optometry or pharmacy.

Cons

- Does not lead to settlement
- Cannot switch out inside the UK- have to return home and apply for entry clearance

THE FUTURE

- Brexit (sorry)
- Immigration White Paper
- Trade agreements

QUESTIONS ?

CONTACT

Sana Bukhsh

(PA to the Corporate Immigration Team)

Paragon Law

7b Broad Street, Nottingham, NG1 3AJ

T: 0115 964 4114

E: sanab@paragonlaw.co.uk

W: www.paragonlaw.co.uk