



Home Office

**UK Border
Agency**

TEMPORARY WORKERS AND YOUTH MOBILITY UNDER THE POINTS BASED SYSTEM - (TIER 5) STATEMENT OF INTENT

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FOREWORD BY LIAM BYRNE MP MINISTER OF STATE FOR BORDERS AND IMMIGRATION



2008 sees the biggest changes to the immigration system for 45 years, to protect our borders and prevent illegal immigration.

As part of this reform we are introducing a points system so that those we need from abroad can work in Britain. By adjusting the points we will keep out migrants who the UK does not need and favour those we do. Crucially, when we set the points pass mark, we will be informed by independent expertise – from the Migration Advisory Committee on the needs of the economy; and from the Migration Impacts Forum on the capacity of society to absorb change.

In February 2008 we began the roll-out of the points system with the Highly Skilled tier 1, introducing new licences for businesses who want to employ migrants and big on-the-spot fines for those not obeying the rules and found hiring illegal workers.

Today we are publishing this Statement of Intent to provide detail on how we envisage Tier 5: Temporary Workers and the Youth Mobility Scheme will operate when it starts later this year.

In common with other parts of the Points Based System, on introduction, Tier 5: Temporary Workers will introduce some basic requirements, including:

- Migrants will need a sponsor, licensed by the UK Border Agency, who will confirm to the best of their knowledge that the migrant will comply with the terms of their stay whilst in the UK and will leave once their leave has expired; and

- Migrants will be required to earn points by holding a valid certificate of sponsorship issued by a licensed sponsor and demonstrating they have sufficient funds to maintain themselves when they come to the UK.

The basic requirements under the Tier 5: Youth Mobility Scheme are that:

- the new scheme will only be open to low risk countries with which the UK has good returns arrangements and which offer similar opportunities for our young people to spend time there;
- young overseas nationals entering under the new scheme will need to be sponsored by their national governments; and
- numbers will be controlled by setting maximum numbers permitted to enter under the YMS in line with the numbers of young UK nationals benefiting from such opportunities overseas.

A handwritten signature in black ink that reads "Liam Byrne". The signature is written in a cursive style and is underlined with a single horizontal stroke.

INTRODUCTION

1. In 2006, following an extensive public consultation, we published¹ proposals to modernise and strengthen the immigration system by bringing in an Australian-style points system comprising 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 the UK labour force
Tier 3	Low skilled workers to fill specific labour shortages
Tier 4	Students
Tier 5	Temporary workers and youth mobility: people coming to the UK to satisfy primarily non-economic objectives

2. This Statement of Intent is one of a series to be published before each points system tier is implemented. It explains how the temporary worker and youth mobility elements of Tier 5 will work and reflects our current thinking, which could change before the tier begins to be implemented in the autumn of 2008, or at any point afterwards. The provisions for Temporary Workers and the Youth Mobility Scheme will be implemented along with those for Skilled Workers. Regulatory and Equality Impact Assessments on these tiers are also being published at this point. When the changes to the Immigration Rules are laid before Parliament to bring these tiers into operation later in the year comprehensive guidance will also be available.

1 A Points-Based System: Making Migration Work for Britain (March 2006).

PRINCIPLES OF TIER 5: TEMPORARY WORKERS

3. Tier 5 of the Points Based System comprises the temporary workers and Youth Mobility Scheme categories which will allow people to travel to the UK to satisfy primarily non-economic objectives.
4. Allowing for certain types of temporary worker helps to satisfy cultural, charitable, religious or international objectives. Those coming to the UK under this tier will, for the short time that they are in the UK, contribute to the economy by working, paying taxes and spending on goods and services.
5. The points based system will dramatically simplify the immigration system. We will be removing, and in some respects subsuming, a number of existing immigration routes when the Tier 5: Temporary Worker tier is introduced:
 - Some Work Permits in the creative and sporting sector
 - Exchange teachers and language assistants
 - General Agreement on Trades in Services (GATS)
 - International Association for the Exchange of Students of Technical Experience (IAESTE)
 - International Fire Fighter Fellowship Programme
 - EU Leonardo da Vinci Programme
 - Rudolf Steiner
 - Medical Training Initiative
 - Training and Work Experience Scheme (TWES)
 - China Graduate Work Experience Programme
 - Vander Elst
 - Non-pastoral religious workers
 - Visiting religious workers
 - Voluntary workers
 - Overseas Domestic Workers (in Diplomatic Households)
 - Overseas Government Employees
6. Tier 5: Temporary Workers will comprise the following sub-categories:
 - Creative and Sporting**

For those who currently come to the UK under the work permit system to work or perform as sportspeople, entertainers or creative artists for up to 12 months.
 - Charity workers**

For migrants coming to work temporarily in the UK as voluntary workers for a charity. This should be purely for voluntary activity, not for the purpose of paid employment. The migrant should be intending to carry out fieldwork directly related to the purpose of the organisation.
 - Religious**

For migrants coming to work temporarily in the UK either as a religious worker in a non-pastoral role, where the duties include performing religious rites but not preaching to a congregation, or as a visiting religious worker.
 - Government Authorised Exchange**

For migrants coming through approved schemes aimed at sharing knowledge, experience and best practice. This is not about filling job vacancies or providing a route for unskilled labour.
 - International agreement**

For migrants who are coming to the UK under contract to provide a service that is covered under international law, including GATS, similar bilateral agreements, employees of overseas governments and international organisations, and the provision for private servants in diplomatic households.

7. This Statement of Intent will focus on the provisions for temporary workers and each subcategory is discussed in more detail later in the document.
8. All temporary worker migrants will need to obtain an entry clearance in the category - with the exception of non visa nationals in the Creative and Sporting category who are coming to the UK for less than 3 months - and will need to show they have enough points to qualify. Points will be earned against two sets of objective criteria with an overall pass-mark of 40 points. Points will be earned for:
 - i. Sponsorship – the migrant will demonstrate this by having a valid certificate of sponsorship issued by their licensed sponsor (30 points); and
 - ii. Maintenance – it is important that migrants are able to support themselves. We want to guarantee that migrants have sufficient funds to support themselves from the point at which they enter the UK until they begin earning. Alternatively, under Tier 5: Temporary Workers, A-rated sponsors will be able to certify that their migrants will not claim public funds (10 points).

Dependants will be allowed to come to the UK to accompany the migrant, or join them in all sub-categories for the period of leave granted to the principal migrant. Dependants will be allowed to work while they are in the UK.

MEETING THE MAINTENANCE REQUIREMENT

11. It is important to ensure that migrants are able to demonstrate that they have sufficient funds to support themselves and any dependants from the point at which they enter the UK until they begin receiving an income.
12. For each of the sub-categories, the maintenance test is based on the latest cost of living figures provided in the annual British Council publication “*Studying and Living in the United Kingdom*” and will be set at £800. However, where the migrant has an A-rated sponsor it will be possible for the sponsor to certify that their migrants will not claim benefits in order for them to meet the funds test.
13. Transitional arrangements will be put in place to handle the transition between old and new systems. Annex B contains further information on the transitional arrangements that will apply to migrants who are currently in the UK or who are in the process of applying to come to the UK in one of the routes that will be removed on implementation of Tier 5: Temporary Workers.

Points under Tier 5: Temporary Workers – pass mark 40	
Certificate of sponsorship	30
Maintenance	10

SUPPLEMENTARY EMPLOYMENT

9. Migrants will be allowed to undertake work supplementary to that for which their certificate of sponsorship has been issued. However, this must be no longer than 20 hours a week, must be outside of normal working hours and in the same sector and at the same level as the work for which their certificate of sponsorship has been issued.

DEPENDANTS

10. In keeping with its temporary nature, switching from Tier 5 into other tiers is not permitted.

HOW THE TEMPORARY WORKER SUB-CATEGORIES WILL WORK

14. There are five sub-categories of temporary worker:

CREATIVE AND SPORTING

15. This category replaces the current work permit system for individuals in the creative and sporting sector who are entering the UK for up to 12 months. It does not cover individuals who currently enter the UK under the permit-free concessions for entertainers, including permit-free festivals, and sportspeople. These concessions will be brought within the Immigration Rules under the revised visitor categories. Details on how this new visitor category will work will be published as part of the Government's response to the consultation on visitor routes to the UK.

16. Individuals entering the UK under the creative and sporting subcategory must obtain entry clearance prior to travelling to the UK. The exception to this will be non-visa nationals seeking entry to the UK for a period of less than three months. These individuals will require a certificate of sponsorship, but will not be required to obtain entry clearance. Separate arrangements, consistent with the principles of sponsorship, will enable appropriate checks to be made at the port of entry. These arrangements will be further outlined in guidance.

17. Creative artists and sportspeople may apply for entry clearance from a country that is not their normal place of residence if they are in that country for a similar or comparable purpose to the activity that they propose to undertake in the UK.

18. Migrants entering the UK under the creative and sporting subcategory will be granted a maximum twelve months stay and their dependants will be permitted to work if accompanying or joining them in the UK. Non-visa nationals entering the UK for a period of less than three months who are not required to obtain prior entry clearance will not be able to extend their stay to the maximum period of twelve months whilst in the UK.

19. In order to gain a licence as a sponsor of sportspeople, the prospective sponsor must be a sporting body, sports club, events organiser or other organiser operating, or intending to operate, in the sporting sector.

20. In order to gain a licence as a sponsor of creative workers and their entourage, the prospective sponsor must be operating, or intending to operate, in the creative industries, such as a national body, event organiser, venue, agent or other similar organisation. The prospective sponsor must commit to following the Code of Best Practice produced by the sector that will be agreed by the UK Border Agency for taking account of the needs of the resident labour market in that field. The Code of Best Practice will operate in three specific areas: dance, theatre, and film and television.

21. Where a Certificate of Sponsorship is issued in either the creative or sporting sector, the sponsor is vouching that the migrant:

- Is seeking entry to the UK to work or perform in the relevant sector;
- Is not intending to establish themselves in business in the UK;
- Poses no threat to the resident labour force; and
- Will comply with the conditions of their permission to stay and leave the UK when it expires.

Further detail on situations where an applicant makes multiple visits in a year involving more than one sponsor, will be addressed in guidance.

22. For the 2012 Olympiad, the Government has separately made specific commitments. The on-entry and departure system for members of the Olympic family will therefore be subject to separate policy and operational arrangements, including an appropriate, secure, accreditation process.

CHARITY WORKERS

23. Voluntary workers, as defined by the National Minimum Wage Act 1998 (NWMA), entering the UK under this subcategory will be granted a maximum twelve months stay and their dependants will be permitted to work if accompanying or joining them in the UK.

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24. In order to gain a licence as a sponsor of voluntary workers the employer must (unless based in Northern Ireland) be a registered, excepted or exempt UK charity according to the relevant legislation in force in its part of the UK. In Northern Ireland the organisation must have obtained charitable status for tax purposes from HM Revenue & Customs (HMRC).
25. In issuing a Certificate of Sponsorship, the sponsor is vouching that the migrant:
- Is intending to undertake voluntary fieldwork directly related to the purpose of the charity sponsoring them;
 - Will not be paid or otherwise remunerated for their work (with the exception of reasonable expenses outlined in s.44 of the NMWA);
 - Will not take up a permanent position; and
 - Will comply with the conditions of their permission to stay and leave the UK when it expires.
30. Migrants under this sub-category will need to be sponsored by a religious institution licensed, by the UKBA, to issue Certificates of Sponsorship under this category.
31. In order to gain a licence as a sponsor of religious workers the prospective sponsor will be required to apply to the UK Border Agency for a licence as a sponsor under this tier. Religious institutions wishing to recruit religious workers will need to:
- Provide evidence that they are a bona fide religious institution.
 - Be a registered, excepted or exempt UK charity according to the relevant UK charity according to the relevant legislation in force in its part of the UK. In Northern Ireland the organisation must have obtained charitable status for tax purposes from HM Revenue and Customs
 - Provide background information about the organisation including details of the parent organisation, and which faith it belongs to.
 - Where there is a set hierarchy within the faith, above the sponsoring body, provide a letter of support from the head of that organisation (or their nominated representative) to confirm that the sponsor is part of that organisation. Where there is no such hierarchy, UKBA will undertake a wider range of checks on a risk assessed basis.

RELIGIOUS WORKERS

26. This sub-category is for those coming to work temporarily in the UK, for a recognised religion, and will be undertaking religious work as recognised by the religion, but not involving preaching or pastoral work.
27. Migrants entering the UK under the religious workers sub-category will be granted a maximum twenty four months stay and their dependants will be permitted to work if accompanying or joining them in the UK.
28. This sub-category replaces the existing arrangements for Religious Orders, visiting religious workers and religious workers in non-pastoral roles.
29. All migrants seeking to enter under this category will need to hold a valid Certificate of Sponsorship and hold evidence showing that they have enough points to qualify. This documentation will be used as the basis for their application for entry clearance to come to the UK in this category.
32. Where a Certificate of Sponsorship is issued under this sub-category, the sponsor is:
- Vouching that the migrant:
 - Is qualified to do the job in question; and
 - Does not intend to take employment for the sponsor except as a visiting religious worker or a religious worker in a non-pastoral role.
 - Giving an undertaking that it will accept the responsibilities of sponsorship in respect of the migrant;
 - Providing an undertaking to support or accommodate the migrant and that the migrant will not claim benefits;

- Confirming that the migrant is filling a genuine vacancy that cannot be filled with a suitably qualified member of the resident labour force; and
- Confirming that the migrant will comply with the conditions of their permission to stay and leave the UK when it expires.
- The employment must conform with all relevant UK and European legislation, such as the National Minimum Wage Act and EC working hours directives; and
- The exchange scheme must be sufficiently robust against abuse.

GOVERNMENT AUTHORISED EXCHANGE

33. Migrants entering the UK under the exchange subcategory will be granted a maximum twenty four months stay and their dependants will be permitted to work if accompanying or joining them in the UK.

34. In order to protect against potential abuse of this subcategory and to prevent a plethora of small individual schemes, individual employers and organisations will not be allowed to act as sponsors themselves. This applies even if the employer or organisation is a sponsor under the other tiers or sub-categories of this tier.

35. Instead, there will be an overarching body that runs and administers the exchange scheme. This overarching body will be the sponsor and will need to apply for a licence. The scheme and the overarching body must have the support of a UK Government department. The overarching body will issue a Certificate of Sponsorship to migrants who meet the criteria of the scheme.

36. When deciding which exchange schemes they will support, Government departments will be expected to select schemes which meet the following criteria:

- Exchange schemes must not detrimentally affect the resident labour market. Any migrants coming to the UK to take part in work experience schemes must not fill genuine vacancies and must be engaged in a capacity additional to the normal staffing requirements of the employer;
- Any work that the migrant undertakes must be skilled. Skilled work is currently defined as being equivalent to NVQ3 or above;

37. In order to demonstrate support of the scheme, the Accounting Officer of the government department must write a letter to the UK Border Agency Chief Executive giving details of the overarching body that is running it and attesting that:

- The exchange scheme satisfies all criteria to which Government departments must adhere when selecting schemes to support;
- The exchange scheme contributes towards the delivery of one or more of the relevant Government Department’s Public Service Agreement (PSA) obligations as defined within the specific Delivery Agreement for the relevant PSA²;
- The government department is satisfied that the overarching body is capable of meeting its sponsor obligations; and
- If significant numbers of migrants under the exchange scheme break the immigration rules, the supporting government department will be liable for any enforcement costs and accepts that the scheme may be terminated.

A copy of this letter will also be sent to the overarching body administering the scheme.

38. In issuing a Certificate of Sponsorship to the migrant, the overarching body will be vouching that the migrant:

- Is seeking entry to work or train temporarily in the UK through an approved exchange scheme;
- Is not intending to establish themselves in business in the UK; and

2 Each delivery agreement can be located at the following website: www.hm-treasury.gov.uk/pbr_csr/psa/pbr_csr07_psaindex.cfm

- Meets the requirements of the individual exchange scheme.

INTERNATIONAL AGREEMENT

39. Migrants entering the UK under the international agreement subcategory will be granted a maximum twenty four months stay and their dependants will be permitted to work if accompanying or joining them in the UK.
40. In order to gain a licence as a sponsor of private servants in diplomatic households or households of officials working for international organisations, the sponsor must be a diplomatic mission or an international organisation recognised by the UK. In issuing a Certificate of Sponsorship, the sponsor will be vouching that the migrant:
- Is aged 18 or over;
 - Will be employed as a private servant in either the household of a member of staff of a diplomatic or consular mission who enjoys diplomatic privileges and immunity within the meaning of the Vienna Convention on Diplomatic Relations, or the household of an official employed by an international organisation who enjoys certain privileges and immunities under UK or international law;
 - Intends to work full time in domestic employment;
 - Will not take up any other form of employment for the sponsor other than as a private servant in the specified household; and
 - Will leave the UK once their leave has expired.
41. To gain a licence as a sponsor of employees of overseas governments and international organisations, the prospective sponsor must be either a diplomatic mission or international organisation recognised by the UK government. In issuing a Certificate of Sponsorship the sponsor will be vouching that the migrant:
- Will be under a contract of employment with the overseas government or international organisation;
- Will not take up any other form of employment for the sponsor other than that for which the certificate of sponsorship was issued; and
 - Will not, upon entry to the UK, change to a different category of worker within the International Agreements subcategory such that the migrant would be able to avoid immigration controls.
42. Diplomatic missions and international organisations will need to submit a signed letter from the Head of the Mission or organisation, or his or her delegated representative, confirming that he or she is seeking a place on the Sponsor Register. Once licensed, a mission or international organisation will be able to apply for certificates of sponsorship that can be allocated to a prospective worker.
43. To gain a licence as a sponsor of migrants under GATS or other international agreements, the prospective sponsor must demonstrate that the job or employment involved is covered by the terms of the agreement concerned. In order to become a sponsor, the employer will need to apply to the UK Border Agency for a licence under Tier 5, supplying the specified evidence. Once licensed, the sponsor will be able to apply for certificates of sponsorship that can be allocated to migrants coming here to work. In issuing a Certificate of Sponsorship, the sponsor is vouching that the migrant:
- Works for an employer or organisation or is a national of a country that is a member of the World Trade Organisation or has a bilateral agreement with the UK or the EU or is a member of the EU;
 - Will be engaged in work in accordance with the terms and conditions of the relevant international agreement; and
 - Where relevant, works for the employer who was awarded the contract or will be providing services to the UK client.

PRINCIPLES OF TIER 5: YOUTH MOBILITY SCHEME

44. The Youth Mobility Scheme will operate on the principle of balances. Sponsored young people from participating countries will be allowed to come and experience life in the UK for up to 24 months, while young UK nationals enjoy similar opportunities in participating countries. Such young people will be free to do whatever work they like during their stay in the UK (except for setting up in business and professional sport, or work as a doctor in training).
45. The points based system will dramatically simplify the immigration system. Six existing youth mobility type provisions will be abolished when the points Youth Mobility Scheme is introduced:
- Working Holidaymaker Scheme
 - Au Pair rules for the entry of non-EEA nationals
 - BUNAC Scheme concession
 - Gap Year entrants concession
 - Japan: Youth Exchange Scheme concession
 - Research assistants to Members of Parliament concession
46. Countries will be eligible for the Tier 5 Youth Mobility Scheme where they meet the qualifying criteria. These relate to:
- level of immigration risk,
 - returns arrangements, and
 - reciprocal opportunities for UK nationals.
47. Each year, we will publish a list of the countries that qualify for the Scheme, together with the number of places on the Scheme that we have allocated to each country. These allocations will be based on the individual country's level of immigration risk and the numbers of UK nationals entering that country under its reciprocal youth mobility arrangements.
48. To protect its use as a temporary entry provision, switching from Tier 5 Youth Mobility into other PBS categories or into visitor status will not be permitted.

HOW THE YOUTH MOBILITY SCHEME WILL WORK

DETERMINING A COUNTRY'S ELIGIBILITY FOR THE SCHEME

49. To be eligible to join the Scheme a country will need to:

- a. have effective arrangements operating with the UK for the return of its nationals. The UK Government will need to be satisfied that there is an effective means of enforced return for the particular country's nationals, and that the government of the country will cooperate in that process by:
 - i. accepting EU letters for the purposes of returns, and/or
 - ii. re-documenting its nationals swiftly, at a level commensurate with demand, and
 - iii. receiving its nationals in a timely and appropriate manner.
- b. constitute a low risk in terms of abuse of the UK immigration controls by its nationals. This means that a country must:
 - i. **not** be subject to a mandatory United Kingdom visa regime; and
 - ii. have a risk value under the YMS risk formula³ that is no higher than the maximum permitted YMS risk level set by the UK Government.
- c. provide, by the date it joins the Scheme, reciprocal youth mobility arrangements for UK nationals that allow:
 - i. a minimum stay of 12 months;
 - ii. a minimum period of 12 months work;

- iii. participants to choose their employment (with some minor restrictions⁴), without them or their prospective employers having to obtain official approval for the jobs concerned; and
- iv. an annual minimum entry of 1000 UK nationals under those arrangements (if a country chooses to limit the total annual number of UK nationals permitted under its reciprocal arrangements).

The reciprocal scheme offered by a country that wishes to participate in Tier 5 (Youth Mobility) must also offer one or both of the following:

- v. participation by UK nationals aged from 18 to at least 30 years with no requirement that such nationals must be graduates or undergraduates; AND/OR
 - vi. participation by UK nationals who are required to have undergraduate or graduate status, including those aged 18 to 30 years.
50. In addition, where for reasons of public policy the UK Government does not wish to admit a country to the YMS, that country will be deemed to be ineligible for the Scheme, and advised accordingly.

ADDING AND REMOVING YMS COUNTRIES AND TEMPORARY SUSPENSIONS

51. A country that applies and qualifies to join the YMS will be accepted onto the Scheme at the beginning of the next calendar year of operation of the scheme. Countries will be listed in the Immigration Rules as YMS participants.
52. Any country that has previously been assessed and did not meet the criteria for admission to

3 The YMS risk formula will not be published, but assesses the level of abuse of the UK's immigration controls by each country's nationals. It will be applied consistently to all applicant and participating countries. The risk value ratings will be updated annually.

4 Countries may impose minor restrictions to bar certain types of work for their own reasons (as in the same way the UK prohibits setting up in business, professional sport and work as a doctor in training), but participants in the reciprocal schemes should otherwise be able to do any work of choice.

the Scheme may seek reassessment at any time and, if it then meets the criteria, may also join the Scheme at the beginning of the next year of its operation.

53. A participating country will be removed from the Scheme:
- a. **if it no longer meets the eligibility criteria** for inclusion in the scheme in relation to returns, risk and reciprocal provision. In practice, this means:
 - i. If a country withdraws co-operation on removals, or drops reciprocal provision for UK nationals. It will be removed from the Scheme immediately;
 - ii. if a mandatory UK visa regime is imposed on a country it will no longer be eligible for the Scheme and will be removed from it at the end of the calendar year;
 - iii. if a country's average YMS risk value over a period of three years rises above the maximum risk value for inclusion in YMS, it will be removed at the end of that period.

Where the country's risk value goes above the maximum, UKBA will advise the country's officials and agree an action plan with the aim of bringing the country's risk value back into the limits for the scheme. Only if this is not achieved, after a further two years, then the country will be removed from the scheme. However, where a country presents an unacceptable risk, it will be automatically removed from the Scheme; or
 - b. **if it no longer wishes to be included in the Scheme** (A participating country that wishes to be removed from the Scheme will need to give three months' written notice of this fact to the UK Government); or
 - c. **for reasons of UK public policy.**
54. Once removed from the Scheme, no YMS entry clearances will be issued to the country's

nationals. Except in the case of a country barred from the Scheme for reasons of public policy, any country that seeks readmission to the Scheme will be reinstated provided that the eligibility criteria are met. Any national of a participating country, who, at the date when that country is removed from the YMS, already holds a valid YMS entry clearance will be permitted to enter the UK on that entry clearance.

55. The UK Government may also temporarily suspend issuing entry clearances under the Scheme at specific entry clearance posts for **operational reasons**. In these circumstances, any national of a participating country who already possesses a valid YMS entry clearance will be permitted to enter the United Kingdom on that entry clearance.

YMS SPONSORSHIP

56. All participating YMS countries will sponsor their nationals on the YMS, and the national governments of those countries will be automatically licensed by the UKBA as sponsors to issue Certificates of Sponsorship.
57. Some lowest risk countries will be eligible for Deemed Sponsorship (DS) status. Nationals of such countries will be deemed to be sponsored simply because they possess a valid passport for the country. A participating country will be eligible for DS status where:
- a. the UK has experience of operating successful reciprocal YM provisions with it, and
 - b. the country has a risk value (under the YMS risk formula) low enough to qualify for DS status. (The maximum risk value permitted for DS status will be lower than the maximum risk value to join the Scheme).
58. Participating countries without DS status will need to provide their nationals applying for YMS entry clearances with certificates of sponsorship (CoSs). CoSs will be valid for a period of up to 3 months, and a country will need to issue its total annual allocation of CoSs no later than nine months after the beginning of each YMS year of operation. This will enable all entry clearance applications supported by those CoSs to be processed in that

year. Participating countries should ensure as far as possible that they only issue CoSs to applicants who are likely to meet the requirements for entry clearance under the Scheme. The governments of such countries may decide to delegate the operation of the CoS issuing process to a separate authorised body and may also, if they wish, make their own additional requirements that need to be met before they will issue a CoS.

LOSS OF DEEMED SPONSORSHIP STATUS

59. If a YMS participating country has an average risk value over a period of 5 years which is more than the maximum risk value for DS status, but not more than the maximum risk value for inclusion in the Scheme, it will lose its DS status, and will need to perform the sponsorship functions described in paragraph 58 above. (Its annual allocation of YMS entry clearances will also drop to 1,000.)

YMS ALLOCATIONS

60. The minimum allocation of places on the Scheme for each participant country will be 1000. This will be the allocation for all countries above the maximum risk value for Deemed Sponsorship (DS) status. It will also apply initially to new countries joining the Scheme if the UK has no previous experience of operating reciprocal youth mobility provisions with them.
61. DS status countries will usually receive an annual allocation of YMS entry clearances equal to the number of UK nationals who went to their country in the previous year under their reciprocal schemes⁵. The governments of participating countries will be required to provide statistics that demonstrate this figure.

ANNUAL INFORMATION

62. Each year, the governments of participating countries will be required to provide UKBA with information on:

- any changes to the terms of their own reciprocal scheme(s);
- data on numbers of UK applicants: visa grants, visa refusals, and actual recorded entries under their YM provisions in the previous year.

UKBA will also provide information in relation to the YMS to participating governments.

SCHEME MANAGEMENT

63. All participating countries will be given regular opportunities to discuss any changes to the terms of the YMS, or sponsorship arrangements and YMS allocations with UKBA.

QUALIFYING CRITERIA FOR MIGRANTS

64. All YMS migrants will need to obtain an entry clearance in the category and will need to show they have enough points to qualify. Points will be earned against three objective criteria with an overall pass-mark of 50 points. Points will be earned for:

- **Certificate of Sponsorship or Deemed Sponsorship** - all migrants will need to be a national of a participating country and they will also need to be sponsored by their national government. They will demonstrate this by:
 - having a valid national passport (all applicants); and
 - if their country is not a DS country, having a valid certificate of sponsorship for the Scheme issued by their government. (30 points)

(British Overseas Citizens (BOC), British Overseas Territories Citizens (BOTC) and British Nationals (Overseas) (BN(O))⁶ may also qualify for entry under the YMS.)

5 If a DS status country caps UK entries under its reciprocal provisions for a forthcoming year at a lower level than the figure for such entries in the previous year, its YMS allocation for the forthcoming year will match that cap.

6 BOCs, BOTCs and BN(O)s granted entry clearance under the YMS will not need to be sponsored for the Scheme, and will not be included in any allocation of places on the Scheme.

- **Age** – migrants will need to be aged between 18 and 30 years of age inclusive at the date that their entry clearances become valid for use; (10 points)
- **Maintenance** - it is important that migrants are able to support themselves. We want to guarantee that migrants have sufficient funds to support themselves from the point at which they enter the UK until they begin earning. (10 points)

Additionally migrants under YMS:

- a. must have no dependent children;
- b. must not have previously spent time in the United Kingdom on a working holidaymaker entry clearance or a Youth Mobility Scheme entry clearance.⁷

Points under T5 YMS – Pass-mark 50	
Certificate of Sponsorship or Deemed Sponsorship status for nationals of YMS countries; or BOC; BOTC or BN(O) status	30
Age	10
Maintenance	10

MAINTENANCE

65. Applicants will need to be able to support themselves from the point at which they enter the UK until they begin earning. Applicants will need to demonstrate sufficient funds for the first two months following arrival in the UK (£1600).

DEPENDANTS

66. No dependent children will be permitted under the scheme. There is nothing to prevent those who are married or have partners from participating in the YMS, whether their spouses or partners accompany them or not. However,

spouses and partners of YMS participants cannot enter as dependants. They may accompany YMS participants, or join them in the UK, provided that they qualify and obtain an entry clearance in their own right either under the Scheme (or in another category).

67. Applicants meeting all these requirements will normally be granted a YMS entry clearance, although those with a poor immigration history or with convictions for criminal offences or who have used fake or false documentation in their application may be refused under general grounds for refusal.

ENTITLEMENTS

68. A YMS entry clearance will allow the holder to:
 - enter the UK for a period of up to 24 months; and
 - take lawful work of any type (except for business and professional sport, or work as a doctor in training) for as much of their stay as they wish.
69. The YMS is a temporary migration route which does not lead to settlement. Participants will be expected to leave the UK at or before the expiry of their 24 month stay, and no switching into any other PBS category will be permitted from within the UK. YMS participants will not be able to extend their leave in the Scheme when it expires. Only one period of leave in the category is allowed.

REVIEW

70. The YMS will be kept under review and any changes that may be made will be carried out with the appropriate involvement of participating countries.

⁷ Previous entry under the Au Pair Rules in respect of third country nationals, or under the concessions for the BUNAC Scheme, for the Japan Youth Exchange Scheme, for Gap Year Entrants for work in UK schools or for Research Assistants to MPs will not be a bar to participation in the YMS.

COMMENTS ON THIS DOCUMENT

71. This is not a consultation document. It is aimed at ensuring that those affected by the changes set out in this statement of intent are able to prepare for them in good time. We consulted fully leading up to the publication of the Command Paper 'A Points Based System: Making Migration work for Britain' in March 2006. But if you have any comments on this document, especially on the practical application of any elements of these proposals, you may send them to: tier5soi@homeoffice.gsi.gov.uk.

Or by post to:

Tier 5 Statement of Intent
c/o 11 Floor
Apollo House
36 Wellesley Road
Croydon CR9 3RR

ANNEX A: THE PROVISIONS FOR TEMPORARY WORKERS AT A GLANCE

Sub-category	Entry to UK	English	Maintenance	Switching	Dependants	Leave
Creative & Sporting	Certificate of sponsorship	✘	✓	✘	✓	12 months
Voluntary	Certificate of sponsorship	✘	✓	✘	✓	12 months
Religious	Certificate of sponsorship	✘	✓	✘	✓	24 months
Exchange	Certificate of sponsorship	✘	✓	✘	✓	24 months
International agreement	Certificate of sponsorship	✘	✓	✘	✓	24 months

ANNEX B: TRANSITIONAL ARRANGEMENTS FOR TEMPORARY WORKERS

Transitional arrangements will be put in place in order to minimise the impact on migrants currently in the UK in categories that will be removed when the Tier 5: Temporary Workers category is introduced. Migrants with leave in any category which is being removed will be able to stay in the UK until their leave expires, as is usual when there is a change to immigration arrangements⁸. From the date of the abolition of the existing provisions no further entry clearances, grants of leave to enter at the ports, or extensions of stay, will be granted under those provisions.

The temporary nature of Tier 5 means that there is no route to settlement in any of the sub-categories detailed in this Statement of Intent. However, some of the existing routes which will be removed when the tier is introduced do currently lead to settlement⁹. We will therefore allow people in the UK with valid leave in these categories to apply for an extension before the categories are removed and Tier 5: Temporary Workers is implemented.

Successful applicants under these transitional arrangements will be granted a period of leave to take them up to the threshold for being eligible to apply for settlement. They will then have to satisfy the settlement requirements in place at that time.

⁸ Subject to continuing to meet the requirements of their leave. Leave can be curtailed in accordance with paragraph 323 of the Immigration Rules.

⁹ The routes and concessions that may currently lead to settlement are for entertainers and sportspeople who have had a series of short-term Work Permits, Rudolf Steiner, Private servants in diplomatic households, and Overseas Government employees.

ANNEX C: THE YOUTH MOBILITY SCHEME AT A GLANCE

Entry to the UK				Extension of stay	Switching	Dependants	Leave permitted
Specific criteria	English	Maintenance	General Grounds				
<ul style="list-style-type: none"> National of a participating country Age - 18-30 No dependants 	n/a	✓	✓	Not permitted	Not permitted	Not permitted	24 months

ANNEX D: TRANSITIONAL ARRANGEMENTS FOR THE YOUTH MOBILITY SCHEME

The YMS is an entirely new Scheme. Prior to the launch of the YMS all the UK's existing immigration youth mobility provisions:

- the Working Holidaymaker Rules,
- the Au Pair Rules for non-EEA nationals,
- the BUNAC Scheme,
- the Japan Youth Exchange Scheme,
- Gap Year Entrants working in UK schools concession and
- MPs' Research assistants concession

will be abolished and from the date of their abolition no further entry clearances, grants of leave to enter at ports, or extensions of stay, will be granted under those provisions.

Those migrants who have already been granted entry clearances under the schemes which are abolished, and also those who have already been granted leave to enter at UK ports for periods of **over six months** for the purpose of entry under one of the schemes, will be able to enter and re-enter the UK and complete their period of leave. However, anyone granted six months or less leave to enter at port under one of those provisions, and who subsequently leaves the UK before that leave has expired, will not be able to re-enter the UK to complete their leave, as their leave will have lapsed in the normal way on their departure.

