

Effective today, March 31, 2009: as stated previously, employers seeking to sponsor a skilled foreign national for employment under Tier 2 (General) will need to meet new requirements.

The position that is to be filled must be advertised through JobCentre Plus (UK's Government employment agency) along with an additional method of advertising listed in the United Kingdom Border Agency's (UKBA's) Code of Practice. These codes present the salary requirements, positions and recruitment methods that are acceptable for Tier 2 applications.

When the new resident labor market test requirement is not applicable:

There are many circumstances where this requirement does not apply.

If a vacancy was posted prior to today, for example, then the position for which is being applied is not affected.

Also, if the skilled national is an intra-company transferee, the national has already been working for a UK-sponsored entity for six months prior to application, thereby allowing the employee to be exempt from the requirement.

If the employee is a Post Study Worker, s/he is also an exception to the rule because the worker has already been working for six months prior to application under the Tier 1 Post Study category which qualifies him/her for immigration status.

Additionally, if a position appears on the Shortage Occupation List, the new resident labor market test requirement is not applicable as this list includes positions published by the UK government denoting the short supply of resident workers with needed skill sets.

Finally, when a university recruits an individual, then the potential employee is part of the annual graduate program. This is referred to as "milkround" recruitment and is accepted under the Code of Practice as long as the UK sponsor has made no less than three recruiting visits to three European Economic Area (EEA) universities. Please keep in mind this last exception only applies to 2009 graduates.

Tier 1 Reminder:

Also effective today, Tier 1 has closed access to all highly-skilled workers who do not hold a Master's Degree.

*Please contact your PLG Consultant if you have any questions, comments or concerns.*