

## **Migration Reform – Points-Based System**

### **The Minister of State for Borders and Immigration (Mr Phil Woolas)**

The Government is continuing to deliver the biggest shake-up of the immigration system for over 45 years, delivering a stronger border that maximises the use of new technology, a selective Australian-style points system to control migration and a clear expectation that newcomers need to earn the right to stay.

Last year we made key changes to our border protection, including checking fingerprints before we issue a visa, screening all travellers against watch-lists and introducing a single border force with police-like powers for frontline staff. We also introduced Tiers 1, 2 and 5 of the Points Based System for skilled and temporary workers and new rules for business and special visitors.

I am today laying the immigration rules that will implement Tier 4 of the Points-Based System (PBS) for international students.

The PBS is part of a robust system of controls that is designed to prevent illegal migration and to welcome only those migrants that the country needs. This Government is committed to encouraging people from overseas to study in the United Kingdom. We recognise the contribution that international students make to the UK economy and the benefits that encouraging overseas students brings in terms of diffusing British values and fostering a positive view of the UK overseas. At the same time it is also vital that we prevent abuse of our student migration rules by those whose real intention is to work here without proper authorisation.

The new rules set stricter limits on courses involving work placements to ensure these are not used as a route for disguised employment and limit the amount of time those coming to the UK to study as adults can spend on low level courses.

In addition, the new rules will require those who come here to study to have a licensed sponsor before they can be admitted. In doing so, we will be ensuring that those who benefit from migration take responsibility for the migrants that they bring to the UK, and take more responsibility for their recruitment decisions.

These rules also make specific provision for child students coming to the UK under Tier 4, and clearly set out the care arrangements that must be in place to safeguard these children before they will be able to come to the UK for their education.

Full details of the changes appear in the Explanatory Memorandum that I am laying with them today. Policy guidance for those seeking admission under Tier 4 is also being made available today on the United Kingdom Border Agency's website at <http://www.ukba.homeoffice.gov.uk/studyingintheuk/>.

Other key changes made by this Statement of Changes are:

### ***Points Based System***

The new rules also make changes to Tier 1 of the Points Based System for highly skilled workers. Applicants under the Tier 1 (Post-Study Work) route will no longer receive points for post graduate certificates and diplomas other than UK Postgraduate

Certificates of Education and those applying for their first period of leave under Tier 1 (General) will no longer receive points for Bachelors degrees or for previous earnings of less than £20,000.

The amendments to Tier 1 (General) were announced by the Home Secretary on 22 February. At a time of rising unemployment it makes sense to control inflow and be more selective about the migrants who come to the UK. This more selective Tier 1 policy will give the most highly skilled migrants (the migrants who make the greatest economic contribution to the UK) access to the labour market whilst ensuring that other skilled migrants can only enter under Tier 2, which is designed to ensure that migrants are only admitted for skilled work where there is nobody available within the resident labour force to fill the post.

The amendment to Tier 1 (Post Study) will also contribute towards this aim whilst ensuring that the UK remains an attractive destination for skilled migrants studying for a Bachelor's degree. The removal of the post graduate certificates and diploma route from Tier 1 (Post Study Work) also responds to evidence of a high level of abuse of these provisions. However, we will continue to award points for UK Postgraduate Certificates of Education as there is no evidence of abuse of the qualification and students must meet robust requirements including mandatory previous qualifications in order to gain this qualification.

We are also amending the Tier 2 and 5 rules introduced in November to enable overseas qualified nurses and midwives to switch from the government authorised exchange subcategory of Tier 5 (Temporary Worker) into Tier 2 (General) on completion of their registration with the Nursing and Midwifery Council and to allow footballers who come to the UK in the creative and sporting sub-category of Tier 5 (Temporary Worker) to switch into Tier 2 (Sportsperson) category of the Points Based System (PBS). The new rules will also allow, subject to certain conditions, private servants in diplomatic households who have been working in the UK in the international agreement subcategory of Tier 5 for a continuous period of 5 years to be eligible to apply for settlement.

### ***Business visitors***

The new rules introduce further clarification of the activities in which business visitors are permitted to engage.

### ***Knowledge of Life***

The new rules amend the existing **Knowledge of Life** provisions, deleting the provision under which applications for indefinite leave in categories that require the knowledge of language and life in the United Kingdom but do not meet this requirement are automatically considered for an extension of stay.

### ***Armed forces***

The new rules make provision for unmarried and same-sex **partners of armed forces members** who are exempt from immigration control to be granted limited leave and make provision for spouses, civil partners, unmarried and same-sex partners of members of HM Forces to be granted indefinite leave where their serving spouse/civil

partner/unmarried or same-sex partner has completed at least 5 years continuous service.

The new rules also amend the existing definition of public funds.