



Changes to the points-based system

We are announcing today a number of changes to the points-based system for migration:

We are:

- Exploring the possibility of creating a new employer led route to allow UK businesses to recruit the interns they need.
- Revising our “milk round” recruitment requirements to achieve a truer test of the resident labour market whilst better meeting business needs.
- Outlining our plans to further develop our IT system to make it even easier for customers and sponsors to navigate the system.
- Creating an escalation route for University Vice-Chancellors and Academic Registrars through the use of a dedicated mailbox for urgent incidents requiring immediate attention, with a guaranteed response within 72 hours.
- Modifying our guidance around maintenance to resolve some of the issues that Universities have alerted us to.
- Introducing new rules that deliver a more responsive and straightforward system for bringing researchers and academic visitors to the UK.
- Improving our website so it is easier for students to access information about studying in the UK.
- As the Points Based System continues to bed in we will, where appropriate and practicable, endeavour to contact customers to correct minor omissions or errors in their applications.

Further details of each of these changes are included below.

Exploring the possibility of creating a new employer led route for bringing the interns our businesses need to the UK.

What is the Agency doing?

We are exploring the creation of an employer led route for interns. This would sit alongside our existing tier 5 policies and accommodate graduate interns recruited by businesses.

Why are you doing this? What about GAE?

The Tier 5 Government Authorised Exchange arrangements have proved an effective and useful way for non-governmental bodies and charities to create internship type schemes. However, having worked closely with business it is clear that business need a slightly more flexible route.

Will it replace GAE?

No. GAE is a useful tool. Any new scheme would sit alongside and compliment it.

How will it work and when will it be introduced?

At this stage we are still exploring the possibility of creating a new route so it is too early to say. We do however recognise the importance of dealing with the issue quickly.

Where can I find out more?

More information will be made available on the UKBA website as it becomes available.

Revising our “milk round” recruitment requirements to achieve a truer test of the resident labour market whilst better meeting business needs.

What is the Agency doing?

We are revising our existing guidance for milkround recruitment to make graduate opportunities more widely available to residents. This will mean replacing the need to advertise in Jobcentre Plus with a requirement to advertise through two other mediums, one of which must be a graduate recruitment website. We will also insist that the milkround is undertaken in at least three UK universities.

We are also adapting our guidance to better fit the needs of business by extending the period between the milkround taking place and a certificate of sponsorship. Our revised guidance will set this at 4 years.

When will this come into force?

We are still to work out the finer details but we expect revised guidance to be completed soon. The provisions will come into force as soon as that guidance is issued.

How and when can I find out more?

More information will be made placed on the UKBA website in due course.

Outlining our plans to further develop our IT system to make it even easier for customers and sponsors to navigate the system.

What IT is currently available to Sponsors in support of PBS?

The Sponsorship Management System (SMS) is a secure online tool that allows licensed Sponsors to perform Points Based interactions with the UK Border Agency. It has been in use since 27 November 2008, and provides the ability to:

- Create Certificates of Sponsorship (CoS) for Tiers 2 & 5;
- Prepare and assign CoS;
- Report migrant activity;
- Notify the UK Border Agency of changes to Sponsors' key personnel.

All licensed Sponsors currently have access to the Sponsorship Management System. Sponsors under Tiers 2 and 5 have full access to create and manage Confirmations of Sponsorship (CoS) and to fulfil their sponsorship duties. Tier 4 Sponsors currently have access to maintain their Sponsor details and perform administrative tasks.

What further IT changes are being made in support of PBS?

In October 2009, we will be making some important IT changes as we open the Sponsorship Management System fully to Tier 4 Sponsors. Tier 4 Sponsors will then be able to:

- Create Confirmations of Acceptance for Studies (CAS);
- Prepare and assign CAS, either individually or in batches;
- Report migrant activity;
- Use the Bulk Data Transfer functionality to upload XML files of CAS data from their local student systems to the SMS, and vice versa;
- Notify the UK Border Agency of changes to Sponsors' key personnel.

An upgraded version of the Sponsorship Management System is also being planned for February 2010. The UK Border Agency is consulting with Sponsors to inform the design process for preferred enhancements. These enhancements have been gathered through a range of stakeholder meetings conducted earlier this year. The confirmed scope of the February IT changes will be made available later in the autumn following a detailed requirements elaboration phase. We will keep Sponsors informed of progress of these changes through our regular taskforces and working groups.

What is Bulk Data Transfer functionality?

In October the SMS will include a set of functions referred to collectively as Bulk Data Transfer (BDT). BDT allows the upload and download of large batches of information to and from the SMS. This is not automatic transfer of data from a Sponsor's student system to the SMS and back. A user must be

logged into the SMS to facilitate the upload of a bulk data file to the SMS or to export data from the SMS into a file.

Using BDT, a Sponsor can:

- Upload an XML file from their own internal system to pre-populate all of the fields required to create CAS;
- Export CAS data from the SMS into an XML file;
- Report student “no shows” on the SMS by uploading a data file that reports on multiple CAS in a single file.

BDT takes place over a secure internet connection and may require some changes to a Sponsor’s current IT system. Further information on BDT can be found at:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pointsbasedsystem/bulk-data-transfer/>

What are UKBA doing to test these IT changes?

We are following an industry standard and independently verified testing approach and plan. The IT changes being released in October are nearing completion of Stage 3 of a 6 Stage process. Testing is going well, and is on track as planned.

In addition, we have listened to our stakeholders and are:

- Seeking to gather examples of their data to use in testing to provide reassurance that the new IT system supports their data uploads and downloads;
- Providing a clear schema, enabling Sponsors to test their files against the required specification;
- Providing “dummy” examples of the download file so that the Sponsor can test against their own systems;
- Conducting a series of focused seminars for the IT suppliers of our Sponsors, so that these suppliers can be confident that their systems will link correctly to UKBA’s IT.
- Inviting sponsors to test alongside the UK Border Agency in one of the final stages of testing – User Acceptance Test- in late August and early September. 16 sponsors representative of the sector were nominated by the Joint Education Taskforce to take part.

In conjunction with all these steps, and clearer articulation of our approach through ongoing Tier 4 stakeholder meetings and events, including fortnightly IT Working Group sessions, we continue to listen and respond to queries and concerns raised by our stakeholders.

Creating an escalation route for University Vice-Chancellors and Academic Registrars through the use of a dedicated mailbox for urgent incidents requiring immediate attention, with a guaranteed response within 72 hours.

Who is the Mailbox for?

The mailbox should only be used by Vice-Chancellors and Academic Registrars, when all existing communication channels have been used and no resolution of the urgent/critical incident has been forthcoming. For details of the existing ways to address any queries please see:

www.ukba.homeoffice.gov.uk/employers/points/helpandsupport

What is a Critical/Urgent Incident

A critical/urgent incident in this context is defined as:

A specific incident related to a specific institution that is restricting an international student or students from enrolling at said institution, that has not been resolved through the established communication mechanisms

A critical/urgent incident is not:

Clarification on policy and guidelines

Clarification on the general process or operational aspects of PBS

The team will only accept urgent/critical incidents from Vice-Chancellors and Academic Registrars

What are your Service Standards?

The Vice-Chancellor and Academic Registrar mailbox has a guaranteed response timeline, ensuring that urgent/critical incidents receive a response within 72 hours

Where possible reference should be made to any previous dialogue held with UKBA on the urgent/critical incident, to enable the team to respond as quickly as possible

What is the Address of the Mailbox?

Vice-Chancellor and Academic Registrar Mailbox address:

PBSprioritystakeholderresponse@homeoffice.gsi.gov.uk

Modifying our guidance around maintenance to resolve some of the issues that Universities have alerted us to.

What changes are you making?

Today we are announcing changes to the maintenance rules to resolve some of the issues that Universities have alerted us to.

From 21 August we will allow all students to use a bank account in their parent's name to evidence that they meet the maintenance requirement. We plan to publish an update to the guidance on 21 August with further details.

We are changing the maintenance requirements under Tier 4 to allow all students of any age to use a bank account in their parent's name to evidence that they meet the maintenance requirement.

Previously we only allowed students applying under the child student route, up to the age of 18 to use their parent's bank account to evidence that they meet the maintenance requirement.

Why are you making this change?

Concerns have been raised by stakeholders about the impracticalities of transferring large amounts of money into the student's bank account, as many students are still being supported by their parents. Parents may be concerned that students may not manage the money properly and prefer to keep it in an account under their control.

Are you making any other changes to the Maintenance requirements?

This proposed change is part of a review we are currently conducting of the maintenance requirement across the whole of PBS, which is seeking to address stakeholder concerns about the maintenance requirement. The review is currently ongoing.

Introducing new rules that deliver a more responsive and straightforward system for bringing researchers and academic visitors to the UK.

What is changing?

The Resident Labour Market Test (RLMT) must normally be carried out within six months of a Certificate of Sponsorship being issued, to ensure a current test of the suitable resident workers who are available. For research fellow vacancies, we are increasing this time limit to twelve months.

As a transitional arrangement, no RLMT time limit will be applied for Certificates of Sponsorship issued for research fellows before 1 January 2010.

Why are these changes being made?

The recruitment process for research fellows is lengthy and typically takes around twelve months. Posts beginning this year may have been advertised slightly longer ago, but universities have advised that a twelve month time limit is realistic for future recruitment.

We have decided that a time limit should apply to future recruitment, as it does for other occupations, in order to ensure a robust and current test of the suitable resident workers who are available.

Do research fellow vacancies need to be advertised in Jobcentre Plus?

On 31 March 2009 we tightened the RLMT so that all vacancies must be advertised in Jobcentre Plus (or JobCentre Online for vacancies in Northern Ireland) before a migrant can be sponsored.

This requirement only applies to RLMTs that were carried out on or after 31 March 2009. If a RLMT was carried out for a research fellow before this date, the vacancy does not need to be re-advertised in Jobcentre Plus.

RLMTs for research fellows that take place on or after 31 March 2009 must include advertising in Jobcentre Plus.

Isn't Jobcentre Plus advertising inappropriate for research fellows?

Resident workers are increasingly looking for skilled jobs in Jobcentre Plus. We believe that to fully test the skills available, resident workers should be able to access skilled vacancies from a single source – their local job centre. This ensures that jobs that might otherwise be filled by migrant workers are more readily available to resident workers, and that Tier 2 meets its aim of only allowing those migrant workers that the UK needs to come here.

We have removed the requirement to advertise in Jobcentre Plus in limited exceptional circumstances where there is a clear justification to do so, for

example where there are stock market sensitivities associated with drawing attention to board level vacancies.

No evidence case has been provided to us to demonstrate that research fellow vacancies should be exempt from advertising in Jobcentre Plus.

Advertising jobs in Jobcentre Plus is straightforward and free of charge - employers can submit their advertisements online, by email, by fax or over the phone, in a process that can take as little as five minutes.

Improving our website page for students so it is easier for them to access information about studying in the UK.

What is changing?

In response to feedback, we have made the student page on the UK Visas website more accessible and with clear links to further information about being a student in the UK.

As the Points Based System continues to bed in we will, where appropriate and practicable, endeavour to contact customers to correct minor omissions or errors in their applications

What Changes are Being Made?

For a limited period, while the system is being embedded, caseworkers are being given the option to contact customers to correct minor omissions or errors in their applications where practicable and appropriate.

What Constitutes a Minor Omission or Error?

This will be assessed by the individual caseworker on a case by case basis. Examples could include pages being missing from documents or applicants failing to include one or two pieces of basic information in their application.

Is this a Permanent Change to Guidance?

No, this measure is currently intended to last while users are familiarising themselves with the system. We will review its status periodically.

Who does this instruction reply to and when does it take effect?

The instruction applies to any Tier 1, 2, 4 or 5 migrant application which is under consideration as of 10 August 2009, as well as any applications submitted on or after this date. This instruction applies to main applicants and their associated dependants regardless of whether the dependant applies separately at a later date.

How long will applicants be allowed to provide evidence or information requested?

We will allow up to 3 working days for the evidence or information to be received. If we have not received the evidence requested within this time, a decision will be made based on the evidence provided with the application form. We strongly advise you submit any requested documents via next day special delivery.

The current PBS guidance clearly states what evidence should have been provided originally in support of an application. We are not able to hold cases open for extended periods.

Will faxed, scanned or photocopied items be accepted as evidence?

In line with published PBS guidance we only accept original documentation.

Will all aspects of the application form be subject to this measure?

No, there are certain requirements which must be met for a PBS application to be considered valid. This includes provision of key mandatory documents such as the passport. Further details on what other documents and mandatory application details are required to make an application valid, are listed in the helptext of the relevant PBS Application form.

UKBA reject invalid applications, return these to the applicant as soon as possible and refund any relevant fee.

Is this Change Retrospective?

No the change is not retrospective. Any applications which were decided before 10 August 2009 were considered against the operational procedures in place at the time.