



U.K. - TIER 2 MONTHLY QUOTA REACHED

The quota for non-EU national skilled workers in the United Kingdom has been reached for the first time since the classification was implemented in 2011. The quota applies to those employer applications filed for employees under the Tier 2 work authorization category and on the basis of a restricted Certificate of Sponsorship (COS).

What is Tier 2?

The Tier 2 category is the primary work authorization classification available to employers to sponsor skilled workers for professional level positions in the U.K. Under the Tier 2 quota system, the U.K. allocates 20,700 restricted Certificates of Sponsorship per year. This figure is allotted on a monthly basis, with 2,250 Certificates being available in April, and 1,650 Certificates being available for each of the other months. If the monthly quota is not met, the balance rolls over.

Under the U.K.'s foreigner work authorization system, applicants are awarded points on the basis of various criteria, including educational qualifications and salary. The higher the level of education and salary, the more points an applicant will be awarded. Accordingly, individuals employed in shortage occupations or in jobs requiring a Ph.D. are likely to be allocated a certificate under the Tier 2 quota, while lower-salary positions stand a greater chance of rejection.

What Is the Practical Impact of Reaching the June Quota?

For the month of June, applicants required a total of at least 50 points for allocation of a restricted certificate of sponsorship. U.K. Visas and Immigration has confirmed that 2,049 certificates will be available for July 2015, based on spillover allocations. Because the July quota effectively includes 440 more certificates than were available in June, unless there was a high number of rejections in June which will be resubmitted in July, it remains possible that the July quota will not be reached.

To improve the chances for allocation of a July quota certificate in the event that next month's quota is reached, employers may wish to establish the greatest number of points possible for each application, potentially through increasing the salary offer.

Are there Exemptions from the Quota?

The quota does not apply to those employees who are assigned an unrestricted Certificate of Sponsorship—for example, Intra-Company Transferees or foreign workers who are extending their current stay in the U.K.

When Can New Applications Be Submitted?

Employers with applications rejected in June will need to resubmit their applications in July. Employers should contact their Foster immigration attorney now to initiate resubmission of a previous Tier 2 application.

As always, Foster will continue to follow updates regarding the Tier 2 quota and will provide key updates via our firm's website at www.fosterglobal.com.