

GMS Flash Alert

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United Kingdom - Government Says Criminal Record Certificates Needed for Select Jobs

The U.K. government recently announced that migrants applying to come to the U.K. for employment in certain job categories in the sponsored worker visa category (Tier 2) will face an additional documentary requirement.¹ These job categories are set out in the Standard Occupational Classification (SOC) Codes stipulated by the U.K. government.

All migrants over the age of 18 who fall within the affected Codes and their adult dependants will have to produce criminal record certificates for all countries in which they have resided for 12 months or more, consecutively or cumulatively, in the previous 10 years.

The changes are due to come into effect on 6 April 2017. SOC Codes mostly affected are within the health and medical categories.

WHY THIS MATTERS

Currently only Tier 1 (Investor) and (Entrepreneur) migrants are required to provide a criminal record certificate from all countries in which they have resided for 12 months or more continuously, within the past 10 years. When this change is implemented in April 2017, some Tier 2 migrants will become subject to more stringent criminal record checks than these high net worth categories. Global mobility program managers, immigration counsel, and foreign workers/international assignees should take note that this additional documentary requirement could significantly increase the costs and timelines of affected Tier 2 visa applications.

Criminal Record Certificates

At present the U.K. government has not issued guidance on the specifications of the certificate for Tier 2 migrants.

However, these specifications may be based on the current guidance and information available for Tier 1 migrants, which are:

- The certificate for each country (excluding the U.K.) must be in original form; and
- If the original is not in English, a certified translation must be provided which was undertaken by a professional translation bureau; and
- Certificates must be issued within six months of the date of submission of the visa application or the validity of the document, whichever is the shorter; and
- If a certificate is not obtainable – i.e., the authority is unable to provide such a document – the migrant must instead provide a letter detailing attempts to obtain a certificate and confirm why this has not been possible.

Currently, failure to provide any certificates or an acceptable explanation will result in the migrant's application being refused.

Affected SOC Codes

- 1181 - Health services and public health managers and directors
- 1184 - Social services managers and directors
- 2211- Medical practitioners
- 2212 - Psychologists
- 2213 - Pharmacists
- 2214 - Ophthalmic opticians
- 2215 - Dental practitioners
- 2217- Medical radiographers
- 2218 - Podiatrists
- 2219 - Health professionals not elsewhere classified.
- 2221 - Physiotherapists
- 2222 - Occupational therapists
- 2223 - Speech and language therapists
- 2229 - Therapy professionals not elsewhere classified
- 2231 - Nurses
- 2232 - Midwives
- 2312 - Further education teaching professionals
- 2314 - Secondary education teaching professionals
- 2315 - Primary and nursery education teaching professionals
- 2316 - Special needs education teaching professionals
- 2317 - Senior professionals of educational establishments
- 2318 - Education advisers and school inspectors
- 2319 - Teaching and other educational professionals not elsewhere classified
- 2442 - Social workers
- 2443 - Probation officers
- 2449 - Welfare professionals not elsewhere classified

Next Steps for Tier 2 Sponsors

From January 2017, migrants should be informed of this requirement at the initial stages of their entry clearance applications. This will allow migrants to begin the process of obtaining criminal record certificates at the earliest opportunity as it may impact processing times.

KPMG NOTE

While these changes appear to mainly target health and teaching SOC Codes, they will present a significant adjustment to timelines, and potentially the costs, related to these vital positions. Employers relying on these codes should start to factor this new requirement into their recruitment and assignment processes.

FOOTNOTE:

1 As announced on the Message Board in the electronic Sponsorship Management System (generic log-in page: <https://www.points.homeoffice.gov.uk/gui-sms-jsf/SMS-001-Landing.faces>). We anticipate the Home Office will put an announcement out in due course.

* * * *

Watch the latest GMS video “The Importance of Certificates of Coverage When Sending Employees Overseas”!

Why should employees being sent on assignment overseas obtain Certificates of Coverage prior to starting work in the host country? What purpose do they serve? How long are they valid for? Are they required for all kinds of assignments (e.g., commuter assignments, short-term, long-term, frequent business traveler)?

In this video, featuring Bob Rothery and Stacy Finch with the KPMG LLP (U.S.) Global Mobility Services practice, we delve further into the nuts and bolts of social security totalization agreements and learn about certificates of coverage, the “detached worker rule,” the application of home versus host country social security rules, in general, to different kinds of assignments, and respective employee and employer obligations and responsibilities.

We invite you to watch this new video, “[The Importance of Certificates of Coverage When Sending Employees Overseas](#),” from KPMG’s GMS practice (app. 8-1/2 minutes).

Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in the United Kingdom.

The KPMG Legal Services – Immigration Team has a wealth of experience in transactional, advisory, and compliance assurance services. We will be able to advise your business in relation to practical considerations in light of the above changes, as well as what this means for your long-term recruitment and compliance strategies.

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