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Tier 1 Exceptional Talent Route launched

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Tier 1 Exceptional Talent Route launched



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BY THE TIME YOU READ THIS ARTICLE, the new Tier 1 Exceptional Talent Route will have been available since 9 August 2011. This article looks at the recently published information from the UK Border Agency (UKBA) concerning this route, that has been created to encourage the best and brightest people in the fields of science, humanities, engineering and the arts to the UK.

The UKBA announced the designated competent bodies (DCBs) for the Tier 1 Exceptional Talent route in July 2011. The DCBs will vouch to the UKBA that the migrant is exceptionally talented.

The designated competent bodies are:

- the Arts Council;
- the Royal Society;
- the Royal Academy of Engineering;
- the British Academy.

From 9 August-30 November 2011 there will be 500 places available under the Tier 1 (Exceptional Talent) route. A further 500 places will be available from 1 December 2011-5 April 2012.

Each DCB has been allocated places within the limit. At the time of writing, places were due to be awarded as follows from the 9 August 2011:

- the Royal Society – 300 places;
- the Arts Council – 300 places;
- the British Academy – 200 places;
- the Royal Academy of Engineering – 200 places.

These places will be available to the requisite body up to 30 November 2011. From 1 December 2011 to 5 April 2012 available places will be:

- the Royal Society – 150 places;
- the Arts Council – 150 places;
- the British Academy – 100 places;

- the Royal Academy of Engineering – 100 places.

As the route is rolled out and time progresses, if a particular body has less demand for places, it will be open for the DCB to transfer additional places to those with more demand.

Migrants under the Tier 1 (Exceptional Talent) category do not need to be sponsored by an employer but will need the appropriate DCB for their particular field to endorse them. By endorsing the migrant, the DCB is confirming that they considered the applicant to be internationally recognised as a world leader in their field or one who shows exceptional promise and is likely to become an internationally recognised world leader in their field.

Initial permission to stay in the UK in this category will be for three years and four months. Towards the end of this time the migrant may apply to extend their stay in the UK for a further two years.

The usual conditions apply to migrants granted permission to enter or remain in the UK under the Tier 1 (Exceptional Talent) route of:

- no recourse to public funds;
- registration with the police if required by paragraph 326 of the Immigration Rules; and
- no employment as a doctor or dentist in training or as a professional sports person (including as a sports coach).

All Tier 1 (Exceptional Talent) applicants must obtain entry clearance to enter the UK in this capacity prior to travelling to the UK and it will not be possible for migrants already in the UK to switch into this route.

THE APPLICATION PROCESS

Step 1: the applicant requests a Tier 1 (Exceptional Talent) unique reference number from the UKBA. The request must stipulate which DCB will endorse them. Requests should be sent by email to: Tier1ExTalentEol@UKBA.gsi.gov.uk.

'As the route is rolled out and time progresses, if a particular body has less demand for places, it will be open for the DCB to transfer additional places.'

‘Each DCB will use its judgement of the evidence and advise the UKBA as to whether the applicant possesses “exceptional talent”. It may consult with other bodies within the UK or internationally as part of this process.’

Step 2: the UKBA provides the applicant with the unique reference number specifically for the DCB.

Step 3: within ten working days of receiving the unique reference number the applicant submits their entry clearance application to the UKBA, including their unique reference number and supporting documents.

Step 4: the UKBA sends relevant documentation to the applicant’s chosen DCB, who will advise the UKBA whether, in the DCB’s opinion, the applicant meets the endorsement criteria.

Step 5: the UKBA will consider the application, taking on board whether the DCB endorses the applicant and whether the applicant meets all of the other requirements under the Immigration Rules. The UKBA will then make their decision and notify the applicant of the same.

No more than three unique reference numbers can be requested by an applicant during the period 9 August 2011-5 April 2012.

Any places which are not used will be reallocated to the relevant DCB.

When all places are used within a limit period no more unique reference numbers will be issued until the next release date.

If a request for a unique reference number is made after the limit of places has been reached for a particular DCB, the applicant’s request will be held on a waiting list, as it will if the limit of places has been reached for all DCBs but there are still some applications to be decided.

If the limit is reached for all DCBs and there are no outstanding applications awaiting a decision, the applicant will be advised

that the limit is full. The applicant will be required to make a fresh application for a unique reference number when the next limit period opens.

POINTS AVAILABLE

To obtain entry clearance as a Tier 1 (Exceptional Talent) Migrant an applicant must score 75 points for attributes as detailed in Appendix A of the Immigration Rules.

To obtain an extension for leave to remain in the UK as a Tier 1 (Exceptional Talent) Migrant, an applicant must score 75 points for attributes as detailed in Appendix A of the Immigration Rules and 10 points for English language as detailed in Appendix B of the Immigration Rules.

THE ENDORSEMENT CRITERIA

Each DCB has criteria that the applicant must meet in order to be endorsed. Full details can be found on the UKBA’s website at: <http://www.ukba.homeoffice.gov.uk/workingintheuk/tier1/exceptional-talent>. Brief details are provided in this article.

THE ARTS COUNCIL

An arts applicant must demonstrate they are internationally recognised in their field to the satisfaction and understanding of the UK competent body – the Arts Council.

Eligibility

An applicant must be established as a world-class artist and/or internationally recognised expert in their field within the arts, including: dance, music, theatre, visual arts and literature, museums, galleries, film or television, animation, post-production and special visual effects industry.

The applicant must demonstrate that they are professionally engaged in

producing work of outstanding quality, which has been published (other than exclusively in newspapers or magazines), performed, presented, distributed or exhibited internationally.

Applicants must provide evidence of exceptional talent in their field and two letters of endorsement in their application.

To demonstrate exceptional talent within the fields of arts, museums, galleries, film and television an applicant must:

- Provide no more than ten documents of their work of exceptional quality and which has had international recognition. This can include weblinks and support two or more of the following:
 - Examples of significant media recognition, articles or reviews from national publications or broadcasting companies in at least one country other than the applicant’s country of residence (event listings/advertisements are not acceptable).
 - International awards for excellence eg The Booker Prize, Grammy Award; and/or domestic awards in another country eg Tony Award (the Arts Council will judge if a particular award provides appropriate evidence of international recognition).
 - Proof of appearances, performances or exhibitions in contexts that are recognised internationally in the applicant’s field and/or extensive international distribution and audiences of their work.

For the film, television, animation, post-production and visual effects industry applicants must meet a different criteria as follows:

- a) provide full details of the production nominated/award, including category and year of nomination/award;
- b) provide evidence of the applicant’s involvement if the nomination/award was as part of a group;.

- c) details of the credit received by the applicant for the nomination/award.

When the applicant has received a nomination for an Academy Award, BAFTA, Golden Globe or Emmy Award they must make their Tier 1 Exceptional Talent application within five years of receiving the nomination.

If the applicant won the Academy Award, BAFTA, Golden Globe or Emmy Award there is no time frame applicable to meeting the DCB's criteria.

Two letters of endorsement

The letters must be from established arts/cultural organisations, institutions or companies with a national or international reputation. At least one should be from a UK body and both should be on headed notepaper and signed. They must:

- a) be written on headed paper by an authorised member of the organisation such as the chief executive, artistic director or chair;
- b) include details of the writer's credentials (eg CV/resume) and how they know the applicant (personal relationship or reputation);
- c) detail the applicant's achievements in their specialist field and how, in the opinion of the writer, they exhibit exceptional talent;
- d) describe how the applicant would benefit from living in the UK and the contribution that the applicant could make to the cultural life of the nation;
- e) include full contact details of the writer, including personal e-mail address and direct telephone number so that personal contact can be made if required.

Assessment process

The Arts Council's Art Form and other sector specialists will review the documentation and letters of endorsement and make an assessment in line with the criteria.

Film, television, animation, post-production and special visual effects applications will be referred to PACT (the UK trade association for independent feature

EXCEPTIONAL TALENT (world leader): mandatory	EXCEPTIONAL PROMISE (potential world leader): mandatory
Be an active researcher in a relevant field, typically within a university, research institute or within industry.	Be an active researcher in a relevant field, typically within a university, research institute or within industry.
Have a PhD or equivalent research experience.	Have a PhD or equivalent research experience.
Provide a letter of personal recommendation from an eminent person resident in the UK familiar with their work and contribution to their chosen field, and who is qualified to assess the applicant's claim to be a world leader in their field.	Provide a letter of personal recommendation from an eminent person resident in the UK familiar with their work and contribution to their chosen field, and who is qualified to assess the applicant's claim that they have potential to be a world leader in their field.
Meet one or more of the qualifying criteria below.	Be at an early stage in their career. Have been awarded, hold, or have held in the past five years, a prestigious UK-based research fellowship, or an international fellowship judged by the competent bodies to be of equivalent standing.

QUALIFYING CRITERIA
<ul style="list-style-type: none"> ■ Be a member of the national academy or a foreign member of academies of other countries (in particular any of the UK national academies); ■ Have been awarded a prestigious internationally recognised prize; ■ Provide a written recommendation from a reputable UK organisation concerned with research in the applicant's field (letter must be written by an authorised senior member of the organisation, such as a chief executive, vice-chancellor or similar, on official paper).

film, television, digital, children's and animation media companies) for review and recommendation.

In accordance with the Memorandum of Understanding between the Arts Council and PACT, PACT will review all relevant information/documentation and supporting letters of endorsement, and shall verify all declarations of fact made by the applicant. PACT will then assess if the applicant meets the criteria.

NATURAL AND MEDICAL SCIENCES, ENGINEERING, SOCIAL SCIENCES AND HUMANITIES

Applicants wishing to enter the UK in the fields of natural sciences, medical sciences,

engineering, social sciences and humanities will be assessed by:

- The British Academy (social sciences and humanities);
- The Royal Academy of Engineering (engineering);
- The Royal Society (natural and medical sciences).

Each DCB will use its judgement of the evidence and advise the UKBA as to whether the applicant possesses 'exceptional talent'. It may consult with other bodies within the UK or internationally as part of this process.

Full details of the remit of each academy will be provided on the national academies' Tier 1 (Exceptional Talent) visa application form that, at the time of writing, is yet to be published.

Eligibility

Applicants will be eligible to apply for the exceptional talent route if they meet all the mandatory criteria and at least one of the qualifying criteria.

Applicants to the exceptional promise route will only be eligible to apply if they meet all the mandatory criteria for this route.

The route for exceptional talent – both world leader and exceptional promise (potential world leader) – is open to active researchers in academic, industry or government research institutions.

Application process

In addition to the standard VAFg application form (entry clearance), the applicant must:

- a) Complete the national academies' Tier 1 (Exceptional Talent) visa application form.
- b) Provide a short curriculum vitae outlining their career and publication history (no more than three A4 sides in length, in pdf format).
- c) Provide a mandatory letter of recommendation from an eminent person resident in the UK who is familiar with their work and contribution to their field, and who is qualified to assess the applicant's claim to be a world leader or a potential world leader in their field. (The letter should include details of how the eminent person knows the applicant; the applicant's achievements in the specialist field, how the applicant exhibits exceptional talent; how the applicant would benefit from living in the UK; the contribution the applicant would make to UK research excellence and to wider society).
- d) Provide evidence of at least one of the qualifying criteria listed opposite.
- e) Applications must be printed and will not be accepted if handwritten.

EXCEPTIONAL TALENT (world leader)	EXCEPTIONAL PROMISE (potential world leader)
<ul style="list-style-type: none"> ■ Whether the applicant is the winner of a prestigious prize or award; ■ Whether the applicant has secured significant funding for their work in the past ten years; ■ Whether the applicant is regarded as a world leader in their field. 	<ul style="list-style-type: none"> ■ Whether the applicant has provided sufficient evidence to demonstrate they have potential to be a future world leader in their field; ■ The level of additional funding secured during or following tenure of a relevant fellowship; ■ Whether the applicant can provide evidence of a relevant prize or award for early career researchers; ■ The significance of the applicant's contribution to their field.

Assessment criteria

When assessing applicants, the national academies will take into consideration the following:

- The applicant's track record/career history (including international standing, significance of publications, prizes and research funding awarded, patents, and impact of past innovation activity, in a company, academia or as an individual).
- The strength of supporting statements in the letter of personal recommendation, and evidence in relation to qualifying criteria, including a written recommendation from a reputable UK organisation concerned with research in the applicant's field (if relevant).
- The expected benefits the applicant's presence in the UK in terms of contribution to UK research excellence and to wider society, including potential economic benefits from exploitation of intellectual capital.

In addition, the competent bodies will also consider the information in the box above.

Extension applications

An exceptionally talented migrant can apply to extend if they can show they are economically active in their expert field as previously endorsed by a DCB,

in employment or self-employment or both and the DCB has not withdrawn its endorsement from them. If the DCB has withdrawn its endorsement of the applicant no points will be given to the applicant's extension application.

The applicant must provide evidence that they speak English to the required standard namely:

- 1) they are a national of a majority English speaking country; or
- 2) they pass an English language test detailed in the UKBA's Policy Guidance; or
- 3) they hold a degree, taught in English, and is equivalent to a UK Bachelor's degree or above.

The English language requirement is mandatory. An applicant who fails to meet the criteria will be refused leave to remain in the UK even if they meet the criteria for attributes.

SETTLEMENT

Applicants applying for indefinite leave to remain as Tier 1 (Exceptional Talent) migrants must reside in the UK for a continuous period of five years in this category to be eligible.

Requirements

- a) The applicant must not have one or more unspent convictions within

the meaning of the Rehabilitation of Offenders Act 1974.

- b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- c) The applicant must have spent a continuous period of five years lawfully in the UK as a Tier 1 (Exceptional Talent) migrant.
- d) The applicant must have a minimum of 75 points (by way of endorsement from the DCB which has not been

withdrawn. For example, the applicant remains operating in their expert field.)

- e) The applicant must have sufficient knowledge of the English language and of life in the United Kingdom, with reference to paragraph 33BA of the Immigration Rules.
- f) The applicant must be economically active in their expert field as previously endorsed by a DCB, in employment or self-employment or both.

Full requirements applying for indefinite leave to remain on the basis of their

SOURCES OF INFORMATION

www.ukba.homeoffice.gov.co.uk – 'Immigration Rules and Policy Guidance', published 20 July 2011

Tier 1 Exceptional Talent status can be found in Paragraph 245BF of the Immigration Rules (www.ukba.homeoffice.gov.co.uk).

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