

## **Baptist Churches and the Points-based Immigration System**

The way that visas are granted to migrant workers changed significantly in November 2008. Following a policy adopted from Australia, migrant workers, including ministers from many parts of the world overseas, now need to amass sufficient 'points' to qualify for a visa giving them permission to work in the United Kingdom. The policy also embraces overseas students and those coming as temporary workers. These new regulations attempt to prevent illegal working, people trafficking and the propagation of violent extremism.

Typically, a minister coming from any country that this is not in the European Economic Area (EEA) or who is not a UK citizen, will be required to comply with the new regulations. The 70 points needed for a visa are gained in three categories: 50 points from being sponsored; 10 points from the 'resident labour market test' and another 10 from demonstrating ability in speaking the English language to a competent level (IELTS Certificate, Level 6)

### **Resident Labour Market Test**

It must be demonstrated by the calling church that they are unable to recruit a person suitable for their pastoral needs from within the existing resident labour market. I believe that using the National Settlement System will be able to provide this evidence. For instance, if minister with both Punjabi culture and language is required for a church in an area with a large Punjabi population, the absence of any such minister on the settlement list demonstrates that the church could not recruit from the existing labour market. Churches recruiting and calling ministers from overseas areas other than the EEA must first use our settlement system if they wish to enable their 'recruit' to pass the resident labour market test. It will of little help to call the minister first without reference to the settlement system as we shall not be able to confirm that it proved impossible to recruit from the existing labour force.

### **Sponsorship**

The bulk of the points come from being sponsored, and the Ministry Executive has agreed that the body which are required to become a sponsor should be the local church that calls a migrant minister. Registration as a sponsor is relatively straightforward, we believe, and the best guide is the Border and Immigration Agency Website at <http://www.ukba.homeoffice.gov.uk/employers/points/>

This process requires some time to correctly complete an application form on-line and follow this up with the supporting documentation. A fee of £300 for a single tier is payable (most churches will only need registration for one tier) and the appointment of key personnel to fill four roles, all of which may be filled by the same person, is also required. Once registration is confirmed, the church may seek a licence for its migrant worker (minister) which costs £170 and this must be in the possession of the migrant worker as they apply for a visa. This 'certificate of sponsorship' is no guarantee that a visa will be granted, however. The minister will need to obtain a biometric identity card and will be subject to immigration regulations. Any dependents coming with the minister will also need visas, and for all there needs to be proof of sufficient independent financial means not to be a burden on the state.

The duties of the sponsoring body include a duty to inform the Border and Immigration Agency if the person sponsored or their dependents are absent for a significant period, and proper records must be kept up to date. There are severe sanctions for wilful non-compliance with these requirements, including an unlimited fine and up to two years imprisonment, because it will imply people trafficking or illegal working. The sponsors of migrant workers must take their duties very seriously.

Registration as a sponsor will need to be renewed every four years, and I presume a further £300 per registration will be required at that point, although the documentation is unclear at this point.

### **Who is subject to these regulations?**

The new points-based system covers all new migrants and all those whose current visa status needs renewing, as well as those switching visa status (for instance from student to migrant worker). Initial permission to stay will be granted for up to three years, after which further leave to remain can be sought, up to a maximum period allowed (which may change from time to time.) So, if your church has an existing migrant worker minister or other religious worker, or is seeking for one, then these regulations definitely apply to you.

Support in this process can be sought from Regional Associations via the Regional Ministers, or direct from the Ministry Department. Further guidance is available in the document Sponsorship Guidance available at

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/employersandsponsors/pbsguidance/sponsorapplicationsguidance.pdf?view=Binary>

### **Don't Panic!**

The Baptist Union will help you with the problems associated with these new regulations, although we cannot pay your fees! Advice and support will be available for those churches needing to implement these new regulations, and together we shall find they will not hinder our mission or our religious freedoms.

The place to begin is with the Government website indicated above. This will give you the information you require. The flow chart below will also assist you in determining whether you need to comply with immigration regulations, and at which stages in the process of calling a minister from overseas.



