
STATUTORY INSTRUMENTS

2017 No. 499

The Immigration Skills Charge Regulations 2017

Interpretation

2. In these Regulations—

“certificate of sponsorship” means an authorisation, allocated by the Secretary of State to a sponsor, in respect of an application, or potential application, for entry clearance or leave to remain;

“the charge” means the charge which a sponsor must pay under regulation 3, and any reference to the amount of that charge is a reference to that charge in pounds sterling;

“immigration rules” means rules made under section 3(2) of the Immigration Act 1971⁽¹⁾;

“leave to enter” and “leave to remain” mean leave to enter the United Kingdom and leave to remain in the United Kingdom respectively, given in accordance with the provisions of the Immigration Act 1971 or the immigration rules;

“skilled worker” means an individual who seeks entry clearance or leave to remain in order to undertake employment in a role which—

- (a) is skilled to level 4 or above of the Regulated Qualifications Framework, as applied by the immigration rules⁽²⁾;
- (b) is remunerated appropriately, in accordance with the immigration rules⁽³⁾; and
- (c) either—
 - (i) has been the subject of a resident labour market test, as defined in the immigration rules, undertaken by the sponsor, unless an exemption from the obligation to undertake that test applies; or
 - (ii) is further to an intra-company transfer;

“small or charitable sponsor” means a sponsor that is—

- (a) a company subject to the small companies regime under section 381 of the Companies Act 2006⁽⁴⁾;
- (b) a charity within the meaning of section 1 of the Charities Act 2011⁽⁵⁾, or section 1 of the Charities Act (Northern Ireland) 2008⁽⁶⁾, or a body entered in the Scottish Charity Register⁽⁷⁾; or
- (c) a person who employs no more than 50 employees;

“sponsor” means a person licensed by the Secretary of State to assign certificates of sponsorship to an individual who is a skilled worker.

(1) 1971 c. 77.

(2) See Appendix J of the immigration rules as in force from 6th April 2017.

(3) See Appendix J of the immigration rules as in force from 6th April 2017.

(4) 2006 c. 46; section 381 was amended by regulation 6(1) of S.I. 2008/393 in respect of financial years beginning on or after 6th April 2008; section 381 applies to unregistered companies, as defined in regulation 2 of S.I. 2009/2436, with modifications by virtue of regulations 3 to 5, 7 and 9 and paragraph 10(1) of Schedule 1 to those Regulations.

(5) 2011 c. 25.

(6) 2008 c. 12 (N.I.).

(7) See section 3 of the Charities and Trustee Investment (Scotland) Act 2005 (2005 asp 10).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
