

TIER 5 – GAP ASSISTANTS

We enclose a briefing paper, commissioned from BrowneJacobson, on Tier 5 of the Points Based Immigration system, under which schools may recruit Gap Assistants. UK Borders Agency is firming up details almost on a daily basis. If you are intending to admit overseas pupils or Gap assistants, please check the UKBA website regularly.

Meanwhile, an executive summary:

- A Gap assistant could come under the **Youth Mobility Scheme (YMS)**
- Or as a **Voluntary Charity Worker** if the school is a charity
- A YMS visa lasts 2 years, which cannot be divided
- If only one year is taken, the second year is forfeit
- A YMS visa entrant must be 18
- A YMS visa entrant should be paid(at least) the minimum wage
- A Voluntary Charity Worker may be supplied accommodation and meals, and proven expenses in country, but may not be paid
- **Really - A Voluntary Charity Worker may not be paid**
- Therefore you could have them provided they are self-funding
- Breaching their visa regulations or your sponsor's licence (e.g. by making payments to a Voluntary Charity Worker) may cause a school to lose its sponsor licence
- Make clear to possible applicants the difference between YMS and VCW entry and let them choose which route suits them
- You might then have 2 categories of Gap assistant – one paid but losing a year of YMS, the other unpaid but retaining the YMS visa for later use
- A British passport holder from overseas needs a visa but has right of entry outside both these schemes

And you might. . . .

- Consider employing a British indigenous 18 year old Gap Assistant
- Consider employing a new British graduate