

SKILLS CRITERIA (JOB)

To qualify for a Business and Commercial work permit the job must meet the following criteria:

EITHER – the job must require the following **qualifications**:

(a) a UK equivalent degree level qualification; or

(b) a Higher National Diploma (HND) level qualification which is relevant to the post on offer; or

(c) a HND level qualification, which is not relevant to the post on offer plus one year of relevant full time work experience at National/Scottish Vocational Qualification (N/SVQ) level 3 or above;

OR the job must require the following **skills**:

(d) 3 years full time experience of using specialist skills acquired through doing the type of job for which the permit is sought. This should be at N/SVQ level 3 or above.

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Job description

Caseworkers should check the 'Details of Employment' section on the application. The duties described should, as a minimum, be at NVQ level 3 standard and need 3 years experience at this level. NVQ level 3 involves competence which involves the application of knowledge and skills in a broad range of varied work activities performed in a wide variety of contexts, most of

which are complex and non-routine. There is considerable responsibility and autonomy, and control or guidance of others is often required. The duties should also be typical of those for that particular occupation – see occupation sheet.

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Qualifications

Caseworkers should check the ‘Details of Employment’ section on the application. Any specific qualifications required for the post should be indicated in this section. Any qualifications required will provide a good indication of the level of the post on offer, and enable the caseworker to assess the job against the work permit criteria as set out in the guidance notes.

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Advertisements

The main duties, responsibilities, qualifications, experience and any registration requirements listed in the application should also be reflected in the advertisements. The details should represent skills required at a level equivalent to NVQ 3 or higher. The relevant occupation sheet will provide details of skills required for the post.

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Salary

Salary can sometimes provide a valuable indicator as to the level of the post on offer. Some sectors have a structured pay scale correlating with job grade, (for example, the NHS) which can be used by the caseworker when assessing whether the job requires sufficient skill, qualification and/or experience to meet the work permit criteria. The occupation sheet and [Connexions Website](#) will give a guide, alternatively relevant Internet sites and governing bodies may be able to offer a guide.

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Occupation sheets & Connexions Website

The main duties, responsibilities, qualifications and experience listed in the application and job advertisement should be similar to those listed on the relevant occupation sheet or on the [Connexions Website](#). If there are significant differences between the employer’s job description and the list of typical duties in the occupation sheet/book, caseworkers should check with relevant governing body or on relevant websites

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Colleagues & Policy

If a caseworker is still unsure as to whether the job meets the skills criteria, they should consult with experienced team colleagues, their line manager and/or team leader. If no decision is reached within the team, the caseworker should e-mail the Policy Team (Workpermits, policy).

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What to do if?

The job description is not detailed enough to make a decision –

Caseworkers should go back to the employer/rep and request a more detailed job description. Caseworkers may also ask the employer to demonstrate the need for particular qualifications and/or particular length of experience in the job. Requests should be made by telephone and email, whenever possible. If a letter is required L600 should be sent. The case should be BF'd for no more than 2 weeks or until the information is received, whichever is sooner. If no response is forthcoming, the application should be refused and paragraph P80A included in the refusal letter. Caseworkers should note that all refusal reasons should be included in a refusal letter and all letters should be tailored to the individual application.

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The job does not require the skills, qualifications and/or experience

which would meet the work permit criteria – If the post does not meet the skills criteria, the application should be refused and P80A should be included in the refusal letter. Caseworkers should note that all refusal reasons should be included in the refusal letter and all letters should be tailored to the individual application.

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The job description does not match the skills, qualifications and/or experience normally required for such a post

- Where the job description does not match the normal requirements for the post, caseworkers should consider whether the post has been purposefully tailored to match the skills, qualifications and/or experience of the overseas national. (For example, the employer states that the post requires the person to have a degree in economics for the post of trainee accountant, which may not be strictly necessary for the post and overseas national has this particular degree) If this is the case, the job should be refused as on the grounds that no genuine vacancy exists that would otherwise be filled by a resident worker. P80Q should be used in the refusal letter.

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The job description on the application form differs from that on the advertisements – see Advertising.

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The evidence provided meets the requirements of the work permit criteria – Continue the case working process.

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