



DEBATE PACK

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General debate on changes to Tier 5 Religious Worker Visas

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Summary

There will be a debate on changes to Tier 5 Religious Worker visas sponsored by the Backbench Business Committee on 4 July 2019. The debate will take place in Westminster Hall.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

The Tier 5 (temporary religious worker) visa caters for non-EU citizens who come to the UK to do religious work for up to 2 years. An applicant for this visa must have a certificate of sponsorship from a licensed sponsor to work in the UK.

The Tier 2 (minister of religion) visa caters for non-EU citizens who come to the UK who have been offered a job 'within a faith community' as, for example, a minister of religion or a missionary. An applicant for this visa must have a certificate of sponsorship from a licensed sponsor to work in the UK. The holder of a Tier 2 (minister of religion) visa can stay in the UK for up to 3 years and 1 month.

The Home Office have made changes to the Tier 5 (temporary religious worker) category in a Statement of changes to the immigration rules laid before Parliament on 11th December 2018 ([HC 1779](#)) including:

- Introducing a 12-month cooling off period
- Prohibiting holders of Tier 5 (temporary religious worker) visas from working as a Minister of Religion

Previously, the immigration rules for the Tier 5 (temporary religious worker) visa allowed Ministers of Religion to perform this role. Changes to the immigration rules which came into effect from 10 January 2019 have closed this 'loophole' and forced Ministers of Religion to apply for the relevant Tier 2 category. The Home Office explained the changes were necessary to require Ministers of Religion to evidence their English language skills, as this is a requirement of the Tier 2 (Minister of Religion) visa but not the Tier 5 (temporary religious worker) visa holders.

In a Written Statement ([HCWS 1159](#)) on 6th December 2018 the Immigration Minister Caroline Nokes announced changes to the rules regarding Tier 5 Religious Worker visas. The statement said:

Our immigration system makes specific provision for both Ministers of Religion and those coming as religious workers. This distinction between the two roles reflects the importance we place on our faith leaders speaking English to a high standard, whilst at the same time still permitting other members of religious communities to contribute to the UK in non-pastoral roles.

Whilst it is not the intention of the Tier 5 Religious Workers route, our current rules could permit religious workers to perform roles, that include preaching and leading a congregation, without first being required to demonstrate that they speak English to an acceptable standard. To address this, we are prohibiting Tier 5 Religious Workers filling roles as Ministers of Religion and direct them instead to do so through the correct Tier 2 Minister of

Religion sub-category. This will require Ministers of Religion to demonstrate a strong command of English and ensure they can interact with the community around them.¹

The [Explanatory Memorandum](#) to the Statement of Changes explains:

The Immigration Rules currently permit Tier 5 Religious Workers to fill roles which ‘may include preaching, pastoral work, and non-pastoral work’. This allows a migrant to come to the UK and fill a role as a Minister of Religion without demonstrating an ability to speak English.

This change will prevent migrants from using the Tier 5 Religious Worker route to fill positions as Ministers of Religion, and instead direct them towards the appropriate (existing) category of Tier 2.

The Immigration Rules set out a pre-existing definition of a Minister of Religion. The new requirement for Tier 5 Religious Workers will prohibit employers from assigning a certificate of sponsorship, when the role is that of a Minister of Religion. This will ensure that the needs of religious establishments are still catered for within Tier 2, whilst drawing a clear distinction between the two routes and ensuring that no loophole exists within Tier 5.

The ‘cooling off’ period will ensure Tier 5 Religious workers and Charity workers spend a minimum of 12 months outside the UK before returning in either category. This will prevent migrants from applying for consecutive visas, thereby using the routes to live in the UK for extended periods, so as to reflect the temporary purpose of the routes better.²

The impact of the changes on faith communities were raised by the SNP in a debate on Immigration in the Chamber on 28 June 2019.

During the debate, Gavin Newlands MP (SNP) said:

Recently, the UK Government also imposed changes for tier 5 entry visas, including, notably, the removal of ministers of religion from the eligibility criteria. That decision has generated much concern from faith leaders throughout my constituency and in religious communities across the United Kingdom. If we take the example of Catholic communities, that change will have a significant impact on priests coming into the UK because most Catholic dioceses regularly use the tier 5 religious worker visa route for them to come here on supply placements while parish priests are away for short periods. The supply placements are imperative as they enable people to continue attending mass and receiving sacraments, while keeping parish activities running smoothly—activities that are of benefit to the entire community, not just to Catholics.

Under the new Home Office guidance, priests on supply placements will now be required to use the tier 2 minister of religion visa route, which will double the costs incurred by parishes and make supply cover effectively unaffordable in some of the poorer communities. Unfortunately, the tier 2 route also imposes strict language requirements, and even those priests who have completed seminary in English may now be required to sit an additional English language test before embarking on their

¹ HCWS1159 6 December 2019

² GOV.UK, Explanatory Memorandum to the Statement of Changes in immigration Rules presented to Parliament on 11th December 2018 (HC 1779), [page 4](#)

placements. Religious leaders in my constituency are extremely worried, not only about the financial and practical implications, but about the human costs of those hostile policy changes.³

1.1 What are the differences between a Minister of Religion visa & Religious Worker visa?

The table below summarises some of the main features of the Minister of Religion visa (Tier 2) and the Religious Worker visa (Tier 5):

	Minister of Religion visa (Tier 2)	Religious Worker visa (Tier 5)
Cost (apply outside UK) *	£610	£244
How long does the visa last?	Maximum of 3 years & 1 month	Maximum of 24 months
Can you extend the visa?	Yes, if eligible	No, and subject to 12 months cooling off before re-applying
Knowledge of English required?	Yes	No
Certificate of sponsorship required?	Yes	Yes
Personal savings of £945 required?	Yes (but this requirement is waived if a fully approved sponsor certifies the applicants' maintenance)	Yes (but this requirement is waived if a fully approved sponsor certifies the applicants' maintenance)
Need to provide travel history over last 5 years?	Yes	No

*The costs are lower for citizens of Turkey or Macedonia

³ [HC Debate 26 June 2019 c713](#)

2. Media

2.1 Articles and blogs

Premier

[Christian ministers not getting visas raised in House of Commons](#)

30 June 2019

Keep the Faith

[New Changes to the Religious Worker Visa Threatens Future of Churches and Ministries](#)

01 June 2019

The National

[Scots archdiocese slams Home Office over African priest visa ruling](#)

11 May 2019

Times

[Catholic churches at risk as foreign priests are denied visas](#)

20 April 2019

Bates Wells

[Recent changes in immigration law: how will it affect your faith based organisation?](#)

22 February 2019

3. Parliamentary Business

3.1 Early day motion

[TIER 5 VISAS FOR MINISTERS OF RELIGION](#)

That this House notes with concern the decision of the Home Office to remove Ministers of Religion from the eligibility criteria for tier 5 entry visas to the UK; further notes the widespread disappointment about this decision felt by Churches and other faith communities which have previously been able to invite religious ministers from overseas, and particularly developing countries, to provide supply cover for religious services over the coming months; believes this will have a negative effect on the ability of priests and ministers in the UK to take a break over the summer, on faith communities who may experience reduced worship schedules, and on the supply ministers who have used the opportunity to gain experience in the UK and earn some additional income before returning to their home country; and calls on the Home Secretary to meet with representatives of faith communities to listen to their concerns and urgently review his Department's policy decision.

02 May 2019 | Early day motions | Open | House of Commons | 2362 (session 2017-19)

Primary sponsor: Grady, Patrick

[CHANGES TO VISA REQUIREMENTS FOR RELIGIOUS WORKERS](#)

That this House is concerned that changes to the immigration rules regarding religious workers, announced in December 2018, are having a negative impact on the ability of churches and other religious organisations to carry out their work and worship; notes in particular that these changes introduce additional costs, a lengthy cooling-off period and language tests even for religious workers who have extensive experience of working in the UK, making it difficult for parishes and other religious bodies to secure the return of individuals with whom they have a long standing relationship; and calls on the Home Office to suspend implementation of these changes and to consult with religious organisations about how a fairer system can be introduced that better supports their work.

02 May 2019 | Early day motions | Open | House of Commons | 2358 (session 2017-19)

Primary sponsor: McDonald, Stuart C.

3.2 Ministerial Statements

[Statement of Changes in Immigration Rules](#)

Made by: Caroline Nokes (The Minister of State for Immigration)

06 December 2018

3.3 Debates

[Immigration](#)

HC Deb 26 Jun 2019 cc708-9, 713

Member: Gavin Newlands (Paisley and Renfrewshire North) (SNP)

[Ahmadiyya Muslim Community](#)

HC Deb, 24 May 2018, c1075

3.4 Parliamentary Questions

[Visas: Ministers of Religion](#)

To ask the Secretary of State for the Home Department, what discussions his Department has had with (a) representatives of the Scottish Government, (b) Scottish local authorities (c) the Convention of Scottish Local Authorities (d) other Scottish local authority organisations, (e) Scottish Clergy and (f) other religious organisations in advance of the implementation of changes to the Immigration Rules in relation to Tier (i) 2 and (ii) 5 religious workers visas.

27 Jun 2019 | Written questions | Answered | House of Commons | 266843

Asked by: Black, Mhairi | **Answered by:** Caroline Nokes |
Department: Home Office

[Entry Clearances: Ministers of Religion](#)

To ask the Secretary of State for the Home Department, what steps his Department is taking to engage with the views of religious groups on the new Tier 2 Minister of Religion visa route.

11 Jun 2019 | Written questions | Answered | House of Commons | 260037

Asked by: Black, Mhairi | **Answered by:** Caroline Nokes |
Department: Home Office

[Visas: Ministers of Religion](#)

To ask the Secretary of State for the Home Department, how many applications for Tier 5 temporary religious worker visas were (a) made and (b) granted in the last five years.

15 May 2019 | Written questions | Answered | House of Commons | 251348

Asked by: Pennycook, Matthew | **Answered by:** Caroline Nokes |
Department: Home Office

[Visas: Ministers of Religion](#)

To ask the Secretary of State for the Home Department, if he will publish a response to Early Day Motion (a) 2358 on Changes to visa requirements for religious workers and (b) 2362 on Tier 5 visas for ministers of religion.

13 May 2019 | Written questions | Answered | House of Commons | 251347

Asked by: Grady, Patrick | **Answered by:** Caroline Nokes |
Department: Home Office

[Business of the House](#)

Earlier this week, I received a letter from Father Liam McMahon, who is the parish priest at St Michael's on Gallowgate in Parkhead. Like many other ministers and those in the clergy, he is concerned about the changes to tier 5 religious worker visas. May we have a debate in Government time about early-day motion 2362, in the name of my hon. Friend the Member for Glasgow North (Patrick Grady), to ensure that the Home Office reverses these retrograde plans that will disproportionately impact parishes right across the United Kingdom?

09 May 2019 | Business questions | House of Commons | 659 c686

Asked by: David Linden | **Answered by:** Andrea Leadsom | The Leader of the House of Commons

[Places of Worship: Security Funding](#)

...will the Secretary of State urgently review his decision to prevent ministers of religion from applying for tier 5 religious worker visas, which is already putting huge pressure on Christian churches and other faith communities ensuring that they have an adequate supply of cover for ministers over the summer?

07 May 2019 | Proceeding contributions | House of Commons | 659 c477

Asked by: Patrick Grady | **Answered by:** Sajid Javid | **Department:** Home Office

Visas: Religious Persons

To ask the Secretary of State for the Home Department, what recent discussions his Department has had with faith leaders regarding the Tier 5 religious worker visa.

02 May 2019 | Written questions | Answered | House of Commons | 248722

Asked by: Cowan, Ronnie | **Answered by:** Caroline Nokes |
Department: Home Office

Visas: Clergy

To ask the Secretary of State for the Home Department, if he will make an assessment of the potential merits on introducing a specific category of visa for recognised religious clergy.

01 May 2019 | Written questions | Answered | House of Commons | 247671

Asked by: Offord, Dr Matthew | **Answered by:** Caroline Nokes |
Department: Home Office

Engagements

A number of faith leaders and individuals across East Renfrewshire, particularly from the Catholic community, have raised concerns about recent changes to the immigration rules for preachers coming to the UK on short-term supply placements. The new tier 2 visa is double the cost, making it unaffordable for many parishes. Given the huge benefits that congregations and wider communities derive from these placements, can the Prime Minister look again to make sure that we are not putting up unnecessary barriers to continuing these long-standing and very positive opportunities?

01 May 2019 | Oral answers to questions | House of Commons | 659 c200

Asked by: Paul Masterton | **Answered by:** The Prime Minister |
Department: Prime Minister

Visas: Clergy and Religious Orders

To ask the Secretary of State for the Home Department, what recent assessment his Department has made of the effectiveness of (a) current and (b) future visa requirements and processes for Catholic clergy and members of religious orders.

11 Feb 2019 | Written questions | Answered | House of Commons | 217629

Asked by: Hughes, Eddie | **Answered by:** Caroline Nokes |
Department: Home Office

Visas: Ministers of Religion

To ask the Secretary of State for the Home Department, how many Minister of Religion visas have been granted (a) within and (b) outside of the three week timescale target time in each of the last 12 months.

06 Feb 2019 | Written questions | Answered | House of Commons |
214615

Asked by: Hughes, Eddie | **Answered by:** Caroline Nokes |
Department: Home Office

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