

Points Based System – Religious Categories Survey

Response from the Scottish Council of Jewish Communities

1. **Name:** Leah Granat
2. **Organisation:** Scottish Council of Jewish Communities
The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen, and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges. SCoJeC is Scottish Charity SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.
3. **Role in organisation:** Public Affairs Officer
4. **Contact details:** 222 Fenwick Road
Glasgow
G46 6UE
scojec@scojec.org
0141 638 6411 / 07887 488 100

Please confirm if you are happy to remain our main contact for your organisation:
Yes

5. **One area we are looking at is how the policy may vary for those undertaking a leadership role, preaching, or other pastoral work. What, in your organisation, would be considered as:**
 - (a) **A leadership role? (This might include leading small groups in worship or prayers, leading a large congregation or community, being the official public representative of a congregation or community.)**
Leadership roles in the Scottish Jewish community might include any of the above, and may relate either to the religious life of the community, such as leading prayers, preaching, religious teaching, and pastoral work, or to secular activities with a Jewish ethos, such as youth, educational, social, administrative, or welfare activities.
 - (b) **Preaching?**
Preaching is delivered both to large sections of the community, for example in the synagogue during the main Sabbath and Festival services, and to smaller groups that

meet for prayer or religious study at other times. These latter may or may not be held on synagogue premises.

(c) Other pastoral work?

Pastoral work includes visiting members of the community at home, or in hospital and other care settings, to provide practical, emotional, and spiritual support for those in difficult situations. It also includes conducting funerals, weddings, etc.

(d) Non-pastoral work?

Non-pastoral work includes, amongst other things, engaging in interfaith activities, and advising umbrella organisations such as the Scottish Council of Jewish Communities, and specific educational, social, or welfare bodies, about the religious implications of policy from national and local government and organisations such as the police and NHS, in order to inform discussions with the relevant authorities, and responses to consultations.

In each case please indicate whether those carrying out these activities need to speak English to a certain standard, if so what and how do you ensure that they can?

People undertaking all of the above need to speak English to at least B2 level. This is determined at interview prior to appointment. There are no positions in the Jewish Community in Scotland that can be undertaken wholly without fluent English.

6. What are the first languages of worshippers in your community, and roughly what proportion of worshippers speak each language?

The overwhelming majority of the Scottish Jewish community speak English as their first language. Amongst those who do not there is a clear demographic division: in the older generation, as many as 50% came to Scotland around 1935–40 as refugees from the Nazis, so the most common first languages are German, Polish, Russian, and Yiddish, but having lived here for more than 50 years, they are very fluent in English; in younger generations there are only very small numbers with a different first language, of which the commonest are French, Hebrew, Arabic, and Polish.

It would be helpful for us to find out what impact the immigration arrangements are currently having, and we would be grateful if you or colleague(s) with relevant recent experience of the arrangements could let us have views on the following:

7. Migrants can come to the UK for up to six months as Business Visitors. Did you know that the Immigration Rules now allow a Business Visitor “to undertake some preaching and pastoral work as a religious worker, provided his base is abroad and he is not taking up an office, post or appointment”?

Yes.

If yes, have you used the Business Visitor category?

Not yet, but we are likely to do so in the future.

If either yes or no, would you use the Business Visitor category in future?

Very probably.

8. Have you registered as a sponsor under the Points-Based System?

Yes.

If so, how did you find the process?

Once we had managed to obtain relevant information to enable us to decide whether registration was appropriate, the procedure was very straightforward. Obtaining that information was, however, difficult, since the majority of UKBA advisers were unaware of the needs of faith communities, and persisted in asking questions and giving advice as if we were a company with a head office and subsidiary branches.

It was also not helpful that not all pages of the web-site were yet available, or that some gave contradictory information. Neither was it helpful that the Sponsor Licence Applications Department sent out an e-mail incorrectly stating that it had not received our cheque and supporting documents, that the telephone helpline was unavailable during several days because the department was overwhelmed with enquiries from the large number of organisations to whom this e-mail was sent, and that the Sponsor Licence Applications Department refused (explicitly) to circulate an e-mail correcting the error.

9. Have you brought in any migrants using the Points-Based System?

Not yet. We applied for sponsorship certificates for two temporary religious workers, but the applicants left it too late to apply to the British Consulate for visas, so they were unable to come to Scotland and the programme which they were to have run had to be cancelled.

If so, how did you find the process?

The online application using the sponsor management system was very straightforward. By contrast, finding information about the visa application process in the US was very difficult since the Consulate consistently did not answer the telephone, and "UK in the USA", to which their website directs enquiries, initially persisted in answering all questions with "I couldn't say". This is frankly unacceptable.

10. Do you have any other general comments about the Points-Based System?

UKBA website

Information about the points-based system is not readily accessible from the UKBA website. The layout of many pages makes it difficult to find information, as do the facts that pages do not seem to follow one another in logical order, and the search facility does not always produce the expected information for the chosen search terms.

Moreover, some of the information on the website is contradictory, to the extent that the extremely helpful official with whom we now have contact at the UKBA Glasgow office has had to enquire of colleagues in various departments before being able to say which is the correct information.

For example, the "Tier 5 (Temporary Worker) of the Points Based System – Policy Guidance" instructs that "*Applicants must provide an official letter from the sponsor with their application, which gives ... an explanation of how the role passes the resident labour market test.*"

<http://www.ukba.homeoffice.gov.uk/sitecontent/applicationforms/pbs/tier5temporaryworkerguidance.pdf>

However, this is contradicted by information for sponsors at <http://www.ukba.homeoffice.gov.uk/employers/points/sponsoringmigrants/sponsorshipduties/tierspecificduties/tier5religiousworker/> which states "*When you assign a certificate of sponsorship under this category [temporary religious worker], you guarantee that ...the migrant will not be displacing or denying an employment opportunity to a suitably qualified member of the resident labour force;*" (i.e. the sponsor's guarantee is sufficient, and it is not necessary to submit a Tier 5 (Temporary Religious Worker) post to the labour market test. (In the case, for example, of a non-EEA Rabbi entering the UK to officiate at the wedding of his congregant who was getting married in Scotland, it would evidently be ridiculous to apply the test.) After several hours consultation with colleagues, the official was able to inform us that the advice in the Policy Guidance was incorrect.

Publicity

Simple explanatory material about the system that could be distributed to small community groups would be very valuable. We have repeatedly received the complaint that "we've been running this event for x years without any special immigration requirements for our volunteers, so why, all of a sudden, are you telling us that they need to be sponsored?" Obviously we respond by explaining the new requirements, but it would be helpful to be able to refer doubters to Government-branded information to reinforce the message that we are not being officious, but are alerting them to the fact that people undertaking certain activities cannot now enter the country unless by means of the points-based system.

Terminology

All definitions should be capable of being clearly understood by everyone concerned, but in our experience some points-based system terminology is causing confusion to organisations and individuals alike. For example, since it is the "business" of a Rabbi to officiate at weddings, teach, lead prayers, preach, provide hospital chaplaincy services, etc, and of a youth leader to run summer camps, coach sports, run educational programmes, etc, many people believe that a Business Visitor visa will suffice and that the points-based system does not apply. It may be impossible to avoid creating some new technical terms, but these must not only be clearly defined, but should never be ordinary English expressions that have a clear – and different – meaning.

11. **Please refer to the English language table on the definitions page. Which of the following applies to non-EEA nationals that your organisation sponsors to come to the UK?**
- (a) **Those who come to the UK for six months or less who speak and write English to level B2 or higher? (If yes, please complete [Appendix A.](#))**
Yes.
- (b) **Those who come to the UK for six months or less who do not speak and write English to level B2? (If yes, please complete [Appendix B.](#))**
No.

- (c) Those who come to the UK for between six months and two years who speak and write English to level B2 or higher? (If yes, please complete [Appendix C.](#))
Yes.
- (d) Those who come to the UK for between six months and two years who do not speak and write English to level B2? (If yes, please complete [Appendix D.](#))
No.
- (e) Those who come to the UK for more than two years who speak and write English to level B2 or higher? (If yes, please complete [Appendix E.](#))
Yes
- (f) Those who come to the UK for more than two years who do not speak and write English to level B2? (If yes, please complete [Appendix F.](#))
No.

Please complete all relevant appendices. For example, if your organisation brings in some migrants for less than six months and some for a year, all of whom speak and write English to level B2, please complete appendices A and C.

Appendix A

Please answer the questions in this appendix if your organisation brings non-EEA nationals to the UK who come for six months or less and speak and write English to level B2 or higher on the Council of Europe scale.

- (a) Approximately how many of these individuals does your organisation sponsor to come to the UK each year?**

We have only sponsored two individuals to date, but would expect to sponsor 15-20 each year.

- (b) What roles do they undertake?**

We expect that the majority will carry out or supervise voluntary activities either as charity workers or temporary religious workers.

- (c) Please provide a brief description of their duties:**

These will vary, but are likely to include anything in Q5(a)-(d) – leading synagogue prayers, preaching, conducting marriages, religious teaching, and youth activities.

- (d) How much of their time is spent interacting with their religious community?**

We would expect that the vast majority of their time will be spent interacting with the Scottish Jewish community, sometimes in religious, and sometimes in secular, activities. This, however, will also vary, as some may be coming to the UK to lead a single event.

(e) In what way(s) do they interact with their religious community?

These will include leading synagogue services, teaching adults and children, and leading youth activities.

(f) How much of their time is spent interacting with the wider community?

We would expect that visitors will spend relatively little time interacting with the wider community in any official capacity.

(g) In what way(s) do they interact with the wider community?

We would expect that interaction with the wider community will be through activities of daily living, such as shopping, visiting tourist attractions, etc.

(h) How long are they needed for in the UK?

We expect that short-term workers will generally only be required for a few days at a time, but in some cases they may be required for up to six months.

(i) What countries do they come from?

We expect that most will come from Israel and the US.

(j) Prior to the introduction of PBS what route(s) did they use?:

- **Minister of Religion**
- **Missionary**
- **Member of Religious Order**
- **Religious worker in a non-pastoral role**
- **Visiting religious worker**

We are unable to answer this question since immigration applications were not administered centrally before the introduction of the points-based system, but we are aware of ministers, religious workers, and youth workers who have worked temporarily in the UK during the past 10 years.

(k) Since the introduction of PBS which route(s) do they use or plan to use in future?:

- **Tier 2 (Minister of Religion)**
- **Tier 5 (Religious Worker)**
- **Business Visitor**

The majority of short-term workers will either use Tier 5 (Religious Worker) or Business Visitor routes.

(l) Why do they use this route / these routes rather than one of the other new routes?

Because we have been advised that these are the most appropriate routes.

(m) Using the definitions you provided in question 5 of this survey, what percentage (%) of time is spent on each of the following?:

- **A leadership role**
- **Preaching**
- **Other pastoral work**
- **Non-pastoral work**

It is not possible to provide this information since it will vary according to the role of the person concerned. A youth worker will spend almost all of his or her time in a leadership role, whereas someone employed to assist with synagogue services during the High Holy Days will spend the majority of their time in leading prayer services, with some time possibly spent in preaching and/or teaching religious seminar groups.

(n) Please give some examples of how each of these activities are carried out:

Leadership role

eg. leading educational and/or social activities for young people.

Preaching

eg. giving a sermon during a synagogue service and teaching religious education seminars.

Other pastoral work

We would not expect short-term workers to be undertaking other pastoral work.

Non-pastoral work

eg. assisting with communal events and activities.

Appendix C

Please answer the questions in this appendix if your organisation brings non-EEA nationals to the UK who come for between six months and two years and speak and write English to level B2 or higher on the Council of Europe scale.

(a) Approximately how many of these individuals does your organisation sponsor to come to the UK each year?

We have not as yet sponsored any, but would expect to sponsor fewer than five each year.

(b) What roles do they undertake?

We would expect the majority of employees coming to the UK for this length of time to be assistant Rabbis.

(c) Please provide a brief description of their duties:

Leading prayer services, doing occasional preaching, teaching religious education seminars to adults and children, organising youth activities, attending communal events and assisting where required, and generally participating in the life of the community.

(d) How much of their time is spent interacting with their religious community?

We would expect the majority of their working time to be spent interacting with the religious community, though some time may be spent in interfaith activities, and other activities intended to promote good community relations.

(e) In what way(s) do they interact with their religious community?

As listed in (c) above.

(f) How much of their time is spent interacting with the wider community?

We would expect that up to 15% of their working time may be spent interacting with the wider community.

(g) In what way(s) do they interact with the wider community?

Involvement in interfaith and other inter-communal activities; activities of daily living such as shopping, visiting libraries, museums, art galleries, tourist attractions etc.

(h) How long are they needed for in the UK?

An assistant Rabbi would generally have a contract for one or two years.

(i) What countries do they come from?

The majority are likely to come from Israel or the US.

(j) Prior to the introduction of PBS what route(s) did they use?:

- **Minister of Religion**
- **Missionary**
- **Member of Religious Order**
- **Religious worker in a non-pastoral role**
- **Visiting religious worker**

We are unable to answer this question since immigration applications were not administered centrally before the introduction of the points-based system, but we are aware of ministers, religious workers, and youth workers who have worked temporarily in the UK during the past 10 years.

(k) Since the introduction of PBS which route(s) do they use or plan to use in future?:

- **Tier 2 (Minister of Religion)**
- **Tier 5 (Religious Worker)**
- **Business Visitor**

Tier 2 (Minister of Religion) or Tier 5 (Religious Worker) depending on the exact nature of the work for which they will be employed.

(l) Why do they use this route / these routes rather than one of the other new routes?

Because we have been advised that these are the most appropriate routes.

(m) Using the definitions you provided in question 5 of this survey, what percentage (%) of time is spent on each of the following?:

- **A leadership role**
- **Preaching**
- **Other pastoral work**
- **Non-pastoral work**

This will vary, but on average we would expect approximately 20% of their time to be spent in a leadership role, 20% in preaching (to include teaching religious seminar groups), 50% in other pastoral work, and 10% in non-pastoral work.

(n) Please give some examples of how each of these activities are carried out:

Leadership role

eg. leading educational and/or social activities for adults, young people, and children.

Preaching

eg. giving a sermon during a synagogue service, and teaching religious education seminars.

Other pastoral work

eg. visiting members of the community at home, in hospital, or other care settings; chaplaincy work with students, in a healthcare environment, or in prisons.

Non-pastoral work

eg. assisting with communal events and activities.

Appendix E

Please answer the questions in this appendix if your organisation brings non-EEA nationals to the UK who come for more than two years and speak and write English to level B2 or higher on the Council of Europe scale.

(a) Approximately how many of these individuals does your organisation sponsor to come to the UK each year?

We would not expect to sponsor as many as one such individual a year.

(b) What roles do they undertake?

We would expect the majority of people coming to the UK for this length of time to be Community Rabbis.

(c) Please provide a brief description of their duties:

Leading prayer services, preaching, teaching religious education seminars to adults, young people, and children, officiating at marriages, and burials, visiting housebound members of the community, providing chaplaincy services to hospitals, prisons, etc, attending communal events and assisting where required, and generally participating in the life of the community.

(d) How much of their time is spent interacting with their religious community?

We would expect approximately 80% of their working time to be spent interacting with the Scottish Jewish community.

(e) In what way(s) do they interact with their religious community?

As in (c) above.

(f) How much of their time is spent interacting with the wider community?

We would expect approximately 20% of their working time to be spent interacting with the wider community.

(g) In what way(s) do they interact with the wider community?

Involvement with interfaith activities, and other inter-communal activities intended to promote good community relations.

(h) How long are they needed for in the UK, and do they settle here permanently?

This will depend on the needs of the individual community. We would expect some to remain in the UK for five years or less, and others to settle here permanently.

(i) What countries do they come from?

Rabbis currently or recently working in Scotland have come from Israel, the US, Canada, South Africa, and New Zealand.

(j) Prior to the introduction of PBS what route(s) did they use?:

- **Minister of Religion**
- **Missionary**
- **Member of Religious Order**
- **Religious worker in a non-pastoral role**
- **Visiting religious worker**

We are unable to answer this question since immigration applications were not administered centrally before the introduction of the points-based system, but we presume Minister of Religion.

(k) Since the introduction of PBS which route(s) do they use or plan to use in future?:

- **Tier 2 (Minister of Religion)**
- **Tier 5 (Religious Worker)**
- **Business Visitor**

Tier 2 (Minister of Religion).

(l) Why do they use this route / these routes rather than one of the other new routes?

Because we have been advised that this is the most appropriate route.

(m) Using the definitions you provided in question 5 of this survey, what percentage (%) of time is spent on each of the following?:

- **A leadership role**
- **Preaching**
- **Other pastoral work**
- **Non-pastoral work**

This will vary but by the nature of the role, a Rabbi is always in a leadership role whatever activity is being carried out. We would expect that approximately 35% of a Rabbi's time will be occupied by preaching (to include teaching religious seminar groups), 45% on other pastoral work, and 20% on non-pastoral work.

(n) Please give some examples of how each of these activities are carried out:

Leadership role

eg. leading by example, whatever activity is being undertaken; leading educational activities for adults and young people.

Preaching

eg. giving a sermon during a synagogue service, teaching religious education seminars, and occasional participation in interfaith services on occasions of national or other significance.

Other pastoral work

eg. officiating at marriages, and burials, visiting housebound members of the community, providing chaplaincy services to hospitals, prisons, etc,

Non-pastoral work

eg. assisting with communal events and activities; participating in interfaith activities, advising on the impact on religious life of government or other policies.

Appendices B, D, and F are not relevant to workers whom we would expect to sponsor.

Definitions

EEA: The European Economic Area. EEA countries are Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Irish Republic, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. (Iceland, Liechtenstein and Norway are not members of the European Union (EU) but citizens of these countries have the same rights to enter, live in and work in the UK as EU citizens.)

Levels of English in the Council of Europe's Common European Framework for Language Learning:

A1	Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him / herself and others and can ask and answer questions about personal details such as where he / she lives, people he / she knows and things he / she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.
A2	Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his / her background, immediate environment and matters in areas of immediate need.
B1	Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise whilst travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes & ambitions and briefly give reasons and explanations for opinions and plans.
B2	Can understand the main ideas of complex text on both concrete and abstract topics, including technical discussions in his / her field of specialisation. Can interact with a degree of fluency and spontaneity that makes regular interaction with native speakers quite possible without strain for either party. Can produce clear, detailed text on a wide range of subjects and explain a viewpoint on a topical issue giving the advantages and disadvantages of various options.
C1	Can understand a wide range of demanding, longer texts, and recognise implicit meaning. Can express him / herself fluently and spontaneously without much obvious searching for expressions. Can use language flexibly and effectively for social, academic and professional purposes. Can produce clear, well-structured, detailed text on complex subjects, showing controlled use of organisational patterns, connectors and cohesive devices.
C2	Can understand with ease virtually everything heard or read. Can summarise information from different spoken and written sources, reconstructing arguments and accounts in a coherent presentation. Can express him / herself spontaneously, very fluently and precisely, differentiating finer shades of meaning even in more complex situations.