



Immigration Rules published for the UK's new points-based immigration system

A Statement of Changes to the Immigration Rules has been laid before Parliament. This is the key document which outlines the UK's new post-Brexit immigration system, which will apply to all EEA and Swiss nationals (except Irish nationals) as well as other foreign nationals.

What are the key changes employers need to be aware of?

The Statement of Changes HC 813 runs to 514 pages and is accompanied by an Explanatory Memorandum. The vast majority of the new rules will apply to any application submitted after 9am on 1 December 2020. There are some minor changes to other categories which come into force at 11pm on 31 December 2020. The Skilled Worker route will replace Tier 2 (General) from 1 December 2020 and will be the main route for employers to employ foreign nationals under the new system. It's for those coming to the UK to work in a skilled job with an approved sponsor. The main features of this route are:

- workers will need to have at least 70 points to be eligible to apply:
 - a job offer from an approved sponsor (the applicant must have a valid Certificate of Sponsorship) = 20 points.
 - the job being at an appropriate skill level of RQF Level 3 or above (A-level or equivalent) = 20 points.
 - the worker having English language skills at level B1 = 10 points.
- the other 20 points will generally come from the job being on a base salary of £25,600 or above (or the appropriate "going rate" for the type of job, if higher),
- however, workers will be able to trade points on specific characteristics against their salary:
 - they can gain 20 points for the job being in a listed shortage occupation (as designated by the Migration Advisory Committee) - must earn at least the higher of £20,480 or 80% of the appropriate going rate.
 - they can gain 20 points for having a PhD in a STEM subject in a listed occupation which is relevant to the role - must earn at least the higher of £20,480 or 80% of the appropriate going rate.
 - they can gain 10 points for otherwise having a PhD in a listed occupation and which is relevant to the role - must earn at least the higher of £23,040 or 90% of the appropriate going rate (this level of salary will be the other 10 points).
- £20,480 will be the absolute minimum salary.
- "new entrants" to the labour market must earn at least the higher of £20,480 or 70% of the appropriate going rate.

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- the annual cap on the number of workers able to enter the UK under the Skilled Worker route will be suspended.
- the resident labour market test will be abolished.

Importantly, no changes are to be made to the shortage occupation list when the Skilled Worker route launches. This is because the government says that it wishes to assess how the UK labour market develops and recovers after the coronavirus pandemic.

The switching provisions have also been liberalised, enabling in-country switching from most immigration categories other than visitor, certain listed short-term categories or those with leave outside the Immigration Rules.

Routes that have been simplified but don't contain changes to immigration policy include:

- Tier 2 Sportsperson and Minister of Religion
- UK Ancestry
- Tier 5 Temporary Worker routes
- Start-up and Innovator routes.

Workers, including EEA and Swiss workers coming to the UK from 1 January 2021, will need at least 70 points to be eligible to apply for a Skilled Worker visa under the new immigration system. Although both the minimum salary and skills thresholds have been reduced, it won't cover those in unskilled jobs. They can apply from 1 December 2020.

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