

Throgmorton: Immigration Rules - Update

The new UK points-based Immigration system

For some years a number of Industry and Professional bodies have lobbied for the UK to introduce a points-based immigration system, many citing the Australian model as the ideal. The new scheme has just been published and will be effective from January 2021.

In our opinion, the scheme is easy to understand and apply, and will make the assessment of applicant suitability more straightforward for our clients. However this is just the first part of the scheme, there will be more to come to reintroduce a highly skilled migrant route, which will be a much more restricted programme than the last scheme, for those without job offers to enter the UK. They also plan to introduce a new graduate immigration channel for those international students who have completed a degree with a UK university from summer 2021, this will reintroduce a time limited work permit (two years).

There are plans afoot for scientists and NHS-specific roles.

The new Scheme in summary

From 1 January 2021, anyone coming to the UK to work will need to demonstrate that:

- They have a job offer from a Home Office approved sponsor - they have advised the current processing time for new sponsors as 8 weeks at present. We encourage clients to make their applications to become sponsors sooner rather than later, as the process has been taking 12-14 weeks typically;
- The job offer is at the required skill level – RQF 3 or above (A Level and equivalent);
- They speak English – Note that the scheme it is not yet clear how language testing will be delivered;
- If they earn more than the required minimum salary threshold, they are eligible to make an application;
- If they earn less than the required minimum salary threshold, but no less than £20,480, they may still be eligible if they can demonstrate that they have a job offer in a specific shortage occupation or a PhD relevant to the job;
- Anyone coming to work in the UK will need to be paid the higher of the specific salary threshold for their occupation – the ‘going rate’ – and the general salary threshold. However, some applicants will be able to trade characteristics, such as their qualifications, against a lower salary. The general minimum salary threshold will be £25,600; and
- A total of 70 points is needed to be able to apply for a work permit.

Achieving the 70 points will be relatively straightforward for most of our clients, an approved sponsor job offer accounts for 20 points, that job being at or above the appropriate skill level also accounts for 20 points, as does a salary above £25,600. Speaking English at the required level makes up the final 10 points to reach 70. If the role is also on the shortage occupations lists or the applicant holds a PhD in a subject that is necessary to the role, then this will provide more points.

EU citizens

We encourage all of our clients to support their EU employees to obtain their settled status certificates sooner rather than later, but the absolute deadline for EU citizens to come to the UK, under the existing right to free movement, is 31 December 2020.

EU citizens or partners of EU citizens must make their settled status application by 30 June 2021, to avoid the need for Work Permit sponsorship.

Citizens from Republic of Ireland and from Switzerland do NOT need to gain settled status as ongoing agreements for freedom of movement have already been agreed between our Governments.

The New Visa Process

New immigration routes, such as the skilled worker route, will open from **Autumn 2020** for applications from those who wish to work in the UK from **1 January 2021**.

Applicants will apply and pay for their visa online. Anyone who comes to the UK as a visitor will not be able to apply for a visa to work once in the country.

Journey Stage	Migrant Actions
Planning to come	EU citizens and non-visa nationals will not require a visa to enter the country when visiting. All migrants looking to enter the UK to work will need to apply for permission in advance.
Getting permission	Most EU citizens will complete their application online. Non-EU citizens will continue to go to Visa Application Centres (VACs) to enrol their biometrics.
Crossing the UK border	Citizens of Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA, who possess biometric passports, will continue to be able to use e-gates to pass through the UK border either as a visitor or with prior permission. EU citizens will continue to use e-gates, but this policy will be kept under review. Others will need to see a Border Force officer.

Living in the UK

EU citizens can use the online checking service to demonstrate their immigration status and their right to work in the UK. As a transition measure, employers, landlords and public service providers will continue to accept the passports and national identity cards of EU citizens as evidence of permission up until 30 June 2021. Non-EU citizens will continue to use their physical documentation.

Leaving the UK

Leaving the UK after leave has expired, or not leaving at all when required to, will impact a migrant's immigration status and affect future interactions with UK immigration.

We are happy to assist our clients to ensure that they remain compliant and allow sufficient time to make applications for their employees and potential employees.

Full details of the scheme can be found at <https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

If you need further information please do not hesitate to get in touch with your usual Throgmorton contact or **Lauri Cox** at lauri.cox@throgmorton.co.uk.