

11th November 2020

INTRODUCTION

On 19 February 2020, the Home Secretary issued the [UK's Points-Based Immigration System Policy Statement](#) with [further information](#) released on 13 July and a [statement of changes](#) was published on 22 October 2020. This Brief provides an overview of the new system.

This sets out the government's plans from 1 January 2021 to:

- End free movement,
- Assert full control over who comes to this country
- Reduce overall levels of migration

through:

- A firm and fair points-based system to attract the high-skilled workers we need
- That treats EU and non-EU citizens equally
- With top priority to those with the highest skills and the greatest talents and with
- No route for general low-skilled or temporary worker

to deliver:

- A high wage, high-skill, high productivity economy
- That works in the interests of the whole of the UK and
- Protects individuals from exploitation by criminal traffickers and unscrupulous employers.

There are limited immigration routes for lower skilled workers.

UK WORK IMMIGRATION ROUTES

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

High Skilled visas – provides a route for high skilled individuals, scientists, entrepreneurs, investors, recognised and emerging leaders and. These include the [Innovator visa](#); [Start-up visa](#); [Entrepreneur visa](#); [Global Talent visa](#); [Exceptional Talent visa](#); [Graduate Entrepreneur visa](#); [Investor visa](#).

Skilled Worker visas - for skilled workers who meet the requirements of the new Points Based System including the new [Health and Care visa](#).

Graduate visa – for students who have completed a degree in the UK from summer 2021 will be able to work, or look for work, in the UK at any skill level for up to 2 years.

Student visa – for students on eligible full-time courses will be able to work restricted hours during term time and full-time hours in the holidays.

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Dependent family members who come to live in the UK with a skilled worker under the new immigration system will be eligible to take up employment.

T5 (Temporary Worker) - for workers to work in temporary roles with an organisation in the UK. Currently this is used for the Seasonal Workers' Pilot in edible horticulture.

T5 (Youth Mobility Scheme) - allows young people, aged between 18 and 30, to travel to the UK to work as a cultural exchange to promote the UK overseas and to encourage trade and tourism.

Other – there are a number of other visas available including T2 Minister of Religion and T2 Sportsman.

THE POINTS-BASED SYSTEM

All applicants, both EU and non-EU citizens, will need to demonstrate that they have sufficient points to be eligible to make an application. A total of 70 points is needed to be able to apply to work in the UK.

Characteristics	Tradeable	Points
Offer of job by approved sponsor	No	20
Job at appropriate skill level	No	20
Speaks English at required level	No	10
Salary of £20,480 to £23,039	Yes	0
Salary of £23,040 to £25,599	Yes	10
Salary of £25,600 or above	Yes	20
Job in a shortage occupation, as designated by the Migration Advisory Committee*	Yes	20
Education qualification: PhD in a subject relevant to the job	Yes	10
Education qualification: PhD in a STEM subject relevant to the job	Yes	20

Applicants will need to demonstrate that:

- they have a job offer from a Home Office approved sponsor
- the job offer is at the required skill level – RQF 3 or above (A Level and equivalent)
- they speak English

The new immigration system awards points for medium and high skilled jobs, which are defined by the relevant RQF level. RQF is the Regulated Qualification Framework for England and Northern Ireland. Scotland and Wales have equivalent qualification frameworks in place. These make up the national qualification frameworks. A full list of the different qualifications levels is available [here](#) and [Appendix J](#) provides information on the current jobs at RQF 3 and above.

Skill Level	Qualification/Experience	RQF Level
Highly Skilled	Degree level and above e.g. Engineers, Directors etc.	RQF 6 and above
Skilled	Requiring a degree/HND & experience e.g. Production/ Operations /HR Managers	RQF 5 - 6
Semi-skilled	Requiring experience & training e.g. Skilled trades	RQF 3 - 4
Lower skilled	Requiring some training/experience e.g. Process operative, skilled field worker	RQF 2
Unskilled	Requiring minimal training/experience, e.g. Elementary roles, picking, packing etc.	Entry Level /RQF 1

The job must pay more than the required minimum salary threshold of £25,600. Applicants will still be eligible if the job pays £20,480 and is a shortage occupation or they have a PhD relevant to the job.

The Shortage Occupation List, known as the SOL, is a list of occupations that are in shortage. The Migration Advisory Committee (MAC) is responsible for recommending to the Government the occupations to be included on the list. MAC has made [recommendations](#) to the Government on the occupations at RQF3 and above that it considers to be

in shortage and should be placed on the SOL. It has also recommended that there is a UK-Wide SOL and separate SOLs for Northern Ireland, Scotland and Wales. The MAC has recommended it completes a short review of the SOL annually and a full review every 3 years.

The Government is postponing making a decision on the MAC recommendations as it does not consider changes should be made at this time, before assessing how the UK labour market develops post COVID-19 and in response to the introduction of the new Points-Based Immigration System. The Government published a [letter](#) to the MAC explaining its reasons. This means that there will be no jobs at RQF3 to 5 on the SOL in January 2021.

Occupations on the SOL have a corresponding Standard Occupational Classification (SOC) code. The [ONS Occupational Coding Tool](#) should be used to identify the relevant SOC code for a job. Employers do not need to assess the qualifications required for a job but instead match the job to the relevant SOC code. Eligible occupations and going rates for the Skilled Worker route at RQF3 and above are set out in [Annex E](#) of the “UK’s Points-Based Immigration System Further Details”. Salary rates are by skill level, only use base salary (not any allowances, benefits or pension contributions) with new entrants being 30% lower than experienced workers.

The table below gives some examples of occupations and their relevant SOC code and skill levels:

SOC Code	Related Job Titles	Salary	Skill Level
5433	Fishmongers and Poultry dressers	£18,900	RQF3 (MAC Recommendation)
5431	Butcher, Butcher’s assistant, Butchery manager, Master butcher, Slaughterman	£22,000	RQF 3 (MAC Recommendation)
8111	Factory worker (food products mfr)	No salary rate provided - not eligible for Tier 2 (Gen) sponsorship	Lower skilled
9111	Agricultural worker, Farm labourer, Farm worker, Herdsman, Shepherd	No salary rate provided - not eligible for Tier 2 (Gen) sponsorship	Lower skilled
9119	Horticultural worker, Labourer (landscape gardening), Mushroom picker, Nursery worker	No salary rate provided - not eligible for Tier 2 (Gen) sponsorship	Lower-skilled
9134	Factory worker (packing) Packaging operator, Packer	No salary rate provided - not eligible for Tier 2 (Gen) sponsorship	Lower skilled

Example:

Skilled Worker in a shortage occupation earning £20,480	
Job offer	20
RQF 3 or above	20
English language	10
Salary	0
Shortage occupation	20
Total	70



Lower salary traded for occupation being in shortage

The government has released a new [employers guide](#) to the points based system and launched an [employer information campaign](#) including short videos on sponsoring a skilled worker and hiring people from outside the UK.

BECOMING A SPONSOR

Employers will need to be approved as a sponsor to recruit workers from outside the resident labour market from 1 January 2021. The standard processing time for an application is usually 8 weeks.

The new skilled worker points-based immigration route will open from autumn 2020 for applications from those who wish to work in the UK from 1 January 2021. Most EU citizens will complete their application online. Non-EU citizens will continue to go to a Visa Application Centre to enrol their biometrics.

Labour providers cannot sponsor a migrant and then supply them to another organisation, regardless of any genuine contractual arrangement between the parties involved. Recruitment companies found to be supplying labour to another organisation will have their sponsor licence revoked.

There are two potential services that a labour provider can offer:

- ‘Recruitment Service’ – The client must hold the Sponsor Licence, be responsible for agreeing and paying the migrant’s salary and have genuine responsibility for deciding all the duties, functions and outcomes, or outputs of the job the migrant is doing. Labour providers are contracted to source the workers and manage the process.
- ‘Contractor Service’ – Labour providers hold the Sponsor Licence, are responsible for agreeing and paying the migrant’s salary, provide a full contracting rather than just a labour only service.

Government has developed guidance on becoming a sponsor: [Tier 2 and Tier 5 Guidance for Sponsors](#) and [Tier 2 and 5 of the Points Based System Guidance for Sponsor](#).

COSTS

The Border, Immigration and Citizenship System currently costs the Government £2.8 billion a year to run – including asylum and enforcement costs – and they raise [£2.3 billion](#) a year in visa and passport fees. Income generation through fees and charges will continue to underpin the future system, contributing significantly towards funding. The estimated cost for the Government to process a visa is around £423.

The following [sponsorship fees](#) are current as of November 2020 and are subject to change.

Type of licence	Fee for small or charitable sponsors	Fee for medium or large sponsors
Tier 2	£536	£1,476
Tier 5	£536	£536
Tier 2 and Tier 5	£536	£1,476
Add a Tier 2 to an existing Tier 5	No fee	£940
Add a Tier 5 to an existing Tier 2	No fee	No fee
Tier 2 Certificate of Sponsorship	£199	£199
Tier 5 Certificate of Sponsorship	£21	£21
Tier 2 Immigration Skills Charge	£364 per year	£1000 per year

Sponsors are required to pay the [Immigration Skills Charge](#) when issuing a Tier 2 visa. This is payable at the time when the certificate of sponsorship is issued and in full. Full and part refunds are available. A small business is usually defined as a business with an annual turnover of £10.2 million or less, with 50 or fewer employees. Contact businesshelpdesk@homeoffice.gov.uk if unsure of your category.

A sponsor must assign an electronic certificate of sponsorship record to each foreign worker they employ. Each certificate has its own number which a worker can use to apply for a visa. [Annex A](#) of the “UK’s Points- Based Immigration System Further Details” provides details of the visa costs. The [visa application fee tool](#) can be used to check the cost of any visa from any country. Here are some examples:

Visas	Applying from overseas	Applying in-country
Skilled Worker	Up to 3 years: £610	Up to 3 years: £704
	Over 3 years: £1,220	Over 3 years: £1,408
	Shortage occupation up to 3 years: £464	Shortage occupation up to 3 years: £464
Healthcare visa	Up to 3 years: £232	Up to 3 years: £232
	Over 3 years: £464	Over 3 years: £464
Global Talent	£608	£608
Start Up	£363	£493
Innovator	£1,021	£1,277
Student	£348	£475
Youth Mobility	£244	£244
Family	£1,523	£1,033
UK Ancestry	£516	£1,033

Applicants (with some [exceptions](#)) need to make an [Immigration Health Surcharge](#) (IHS) on-line payment as part of their immigration application and payable for each year of the visa. For those on a Skilled Worker visa, this is £624 per annum.

Applicants are also faced with a range of additional charges, which vary by country. An example from Ukraine:

Charge	Cost
Earlier Appointment	80 -100 EUR
Mail passport after visa is issued back to the applicant	8 EUR(Kiev) / 20 EUR (Other Regions)
Support to upload documents	28 EUR
Walk in appointments	80 EUR
Prime Time appointment	113 EUR
Form filling assistance	45 EUR
Online Payment assistance	5 EUR

ROUTES FOR MIGRANTS TO WORK IN LOWER SKILLED ROLES

The new immigration system will not include an immigration route specifically for low-skilled workers. Recruitment of lower skilled workers is expected to come from these categories:

- **UK nationals and residents** with the legal right to work in the UK
- **[EU citizens with Settled or Pre-settled Status](#)** – this is seen by Government as a key source of lower skilled workers. There are over 3.3 million EU citizens that have applied and been awarded settled or pre-settled status. EU nationals resident in the UK by 31 December 2020 can apply to the EU Settlement Scheme until June 2021
- **Dependent Family Members** – Dependents of migrants coming to the UK under the new Points Based System ([Family members of skilled workers](#)) and [Start Up \(Appendix W\)](#) visas can take up employment. Spouses of British citizens, who are not eligible for an immigration visa in their own capacity, can apply for [Indefinite Leave to Remain](#) and if granted can take up employment in the UK
- **Refugee and asylum seekers** are not usually allowed to work while their asylum claim is being considered, but they can apply for permission to work if they have not received an initial decision within 12 months ([Refugees Permission to Work](#)). Those that have been granted refugee status can take up employment if they haven't already done so, and after 5 years residence apply for [Indefinite Leave to Remain](#).
- **T5 ([Temporary Worker Seasonal Workers](#))** – The two-year pilot for seasonal roles in edible horticulture saw 2,500 places in 2019 and 10,000 in 2020. The scheme is currently being reviewed by Defra who will make a recommendation to the Home Office on the future of the scheme. It is not known what will be agreed for 2021
- **T5 ([Youth Mobility Scheme](#)) visa** – currently for around 20,000 young people who want to live and work in the UK for up to 2 years. They need to be aged 18 to 30, have £1,890 in savings, have certain types of British Nationality or are from certain countries, meet the other eligibility requirements.
- **Graduate Immigration Visa** will be available for international students with a valid Tier 4 visa at the time of application that have completed a degree at undergraduate level or above at a Higher Education Provider with a track record of compliance. From summer 2021, eligible graduates will be able to apply for a visa to remain in the UK for two years after their studies to look for or start work at any skill level.
- **Student Visa** – students with a valid Tier 4 visa on an eligible full time course sponsored by a higher education provider with a track record of compliance; or sponsored by an overseas higher education institution to undertake short term study abroad programme in the UK will be able to work restricted hours during term time (20 hours for degree level and above / 10 hours for below degree level) and full time hours in the holiday period.
- **[UK Ancestry route](#)** allows Commonwealth citizens with a UK-born grandparent to come and live and work in the UK. The migrant will be able to come to the UK for five years and do any kind of work (including self-employment), at any skill level. Holders can apply to settle permanently in the UK after five years' continuous residence.

