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The UK's Points-Based Immigration System

Overview

- The policy statement on the UK's Points-Based System published on 19 February 2020 set out the overall parameters for the new system.

- On 13 July 2020 the Home Office published an additional statement which provides **further details** to applicants, employers and educational institutions on the draft requirements and conditions underpinning the key immigration routes.

- The routes described cover **the main economic migration routes for those wishing to apply to work or study or set up a business in the UK**. It also set outs our provisions for visitors.

- It is intended to give **time to prepare** ahead of some these new routes opening later this year in advance of ending free movement for EU citizens on 31 December. Unless otherwise stated, these **routes will be open by January 2021.**

- We will confirm the final details for the Points-Based System later this year, providing further guidance for applicants and updating the Immigration Rules.

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Ending free movement

EU and non-EU treated equally

Implementing a points-based system

Delivering for the whole of the UK

Ongoing engagement and communications

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Skilled worker route

The points-based system will include a route for skilled workers, both EU and non-EU citizens, who meet the following requirements:

Job offer from HO approved sponsor

Speak English

Criminality threshold

Skill level RQF3 (A-level and equivalent) and above

Relevant salary – either the general threshold or going rate, whichever is higher.
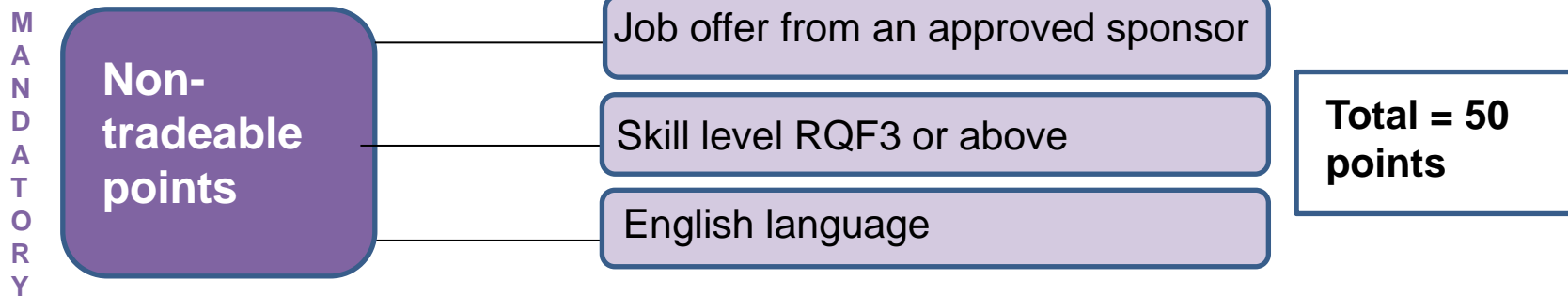
What's new for the skilled worker route?

- No cap on numbers
- No Resident Labour Market Test
- Expanded skills threshold – now RQF3 (equivalent to A-level) and above
- Tradeable points – points for certain characteristics will be tradeable against salary
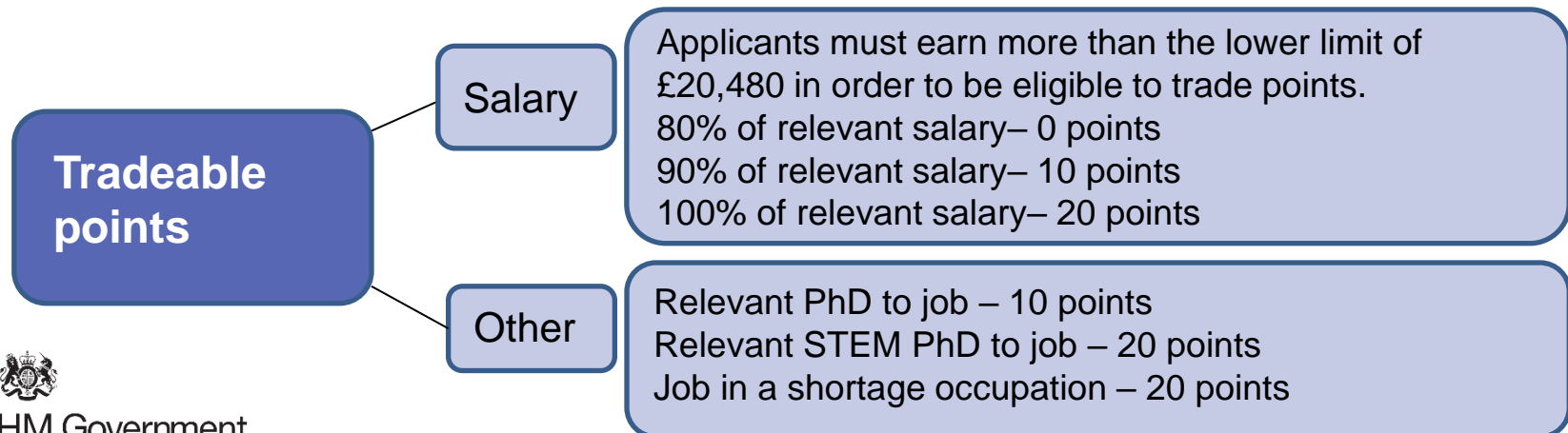
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Skilled worker route

From 1 January 2021 anyone coming to the UK for work, EU and non-EU citizens alike, will need to demonstrate they meet a specific set of requirements for which they will score points. There is no overall cap on the number who can apply for this skilled worker route.

Every applicant must score at least **70 points** to be eligible for the skilled worker route. **50 of these points** must come from meeting the **mandatory** criteria below.

MANDATORY

Non-tradeable points

Job offer from an approved sponsor

Skill level RQF3 or above

English language

Total = 50 points

The remaining 20 points can be made up by trading points in <u>one entry from each of the two categories ('salary' or 'other') below</u>.

Tradeable points

Salary

Applicants must earn more than the lower limit of £20,480 in order to be eligible to trade points.
80% of relevant salary– 0 points
90% of relevant salary– 10 points
100% of relevant salary– 20 points

Other

Relevant PhD to job – 10 points
Relevant STEM PhD to job – 20 points
Job in a shortage occupation – 20 points

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Gina wants to come to the UK to work and has been offered a job as a veterinarian for a salary of £26,750. She meets all the mandatory criteria under the Points-Based System, scoring 50 points.

Gina's salary is higher than the £25,600 general salary threshold; however, it is below the £32,500 going rate for veterinarians, so she does not score 20 points for her salary. Gina's salary is just above 80% of the going rate for her occupation, therefore while she scores no points from her salary, she is eligible to score 20 tradeable points elsewhere to be eligible for a visa.

In this instance Gina scores the 20 extra points by having a job offer in a shortage occupation.

	Characteristic	Points
Mandatory	Offer of a job by an approved sponsor	20
Mandatory	Job at an appropriate skill level	20
Mandatory	English language skills at level B1 (intermediate)	10
Total		50
	Characteristic	Points
Tradeable	Job in a shortage occupation (as designated by the MAC)	20
Total		20

Grand total: 70 points

Tommy wants to come to the UK to work and has been offered a job as a general manager for a salary of £26,300. He meets all the mandatory criteria under the Points-Based System, scoring 50 points.

Tommy's salary is higher than the £25,600 general salary threshold; and it is above the £22,700 going rate for general managers, so he scores 20 points for his salary.

General managers are not listed as a shortage occupation, so Tommy does not score any points for his occupation.

	Characteristic	Points
Mandatory	Offer of a job by an approved sponsor	20
Mandatory	Job at an appropriate skill level	20
Mandatory	English language skills at level B1 (intermediate)	10
Total		50
	Characteristic	Points
Tradeable	Salary at least the going rate for the profession	20
Tradeable	Job in a shortage occupation (as designated by the MAC)	0
Total		20

Grand total: 70 points

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Health and Care Visa

Overview
The Health and Care Visa will ensure individuals working in eligible health occupations with a job offer from the NHS, social care sector or employers and organisations which provide services to the NHS, who have good working English, are able to come to the UK.

Key aspects
Open to all nationalities who have a confirmed job offer in one of the defined healthcare professions within the NHS, the social care sector or for NHS commissioned service providers.

The main applicant must meet the requirements of the skilled worker route, including the relevant skill and salary threshold.

Fast-track entry, with reduced application fees and dedicated support regarding the application process.

Eligible individuals will be able to bring their families.

Exemption from the Immigration Health Surcharge for both applicants and their families.
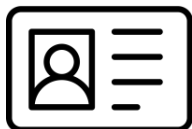
Employing a worker - sponsorship

From January 2021

A **streamlined, faster** process with **no Resident Labour Market Test, suspending the current cap on Tier 2 visas** and **no monthly panel to apply for Certificates of Sponsorship.** This will mean time savings for employers of initially up to 8 weeks.

Employers need to apply to be a sponsor if they want to recruit workers from outside the resident labour market.

Employers do not need to be a sponsor to employ someone from the resident labour market with an existing right to work in the UK. This includes EU citizens with settled or pre-settled status.

We will allow most migrants to apply to switch from one immigration route to another without having to leave the UK. However, there will be no relaxation of the qualifying criteria for the route being switched into.

There will be longer term reforms to the design and user interface of the sponsorship process in 2022, which we will test with stakeholders.

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Highly skilled workers

For January 2021

We will extend the current **Global Talent route** to EU citizens on the same basis as non-EU.

Under the Global Talent route, the most highly skilled workers who can achieve the required level of points, will be able to enter the UK without a job offer if they are endorsed by a Home Office recognised endorsing body.

The Global Talent route has recently been expanded to be more accessible to those with backgrounds in STEM. A cross-departmental **Office for Talent** will be set up.

Longer term

We will create a new **broader unsponsored route.** This would allow a small number of the most highly skilled workers to come to the UK without a job offer. We will explore this with stakeholders in the coming year.

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Those who don't meet skills and salary thresholds

The UK Points-Based Immigration System **will not include a route for those who do not meet skills and salary thresholds**

Shift away from a reliance on labour from Europe

Greater flexibility for employers with changes to salary and skills thresholds

Over 3.9 million EU nationals have already applied to stay in the UK
An estimated 170,000 non-EU citizens in lower-skilled occupations

Seasonal workers pilot will provide employers in the agricultural sector with further flexibility

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Students

For January 2021

No limit on the number of international students who can come to the UK to study.
The Government has an ambition to increase the number of international students in higher education to 600,000 by 2030.

Students will be covered by the Points-Based System. If they can demonstrate that they have an offer from an approved education institution, speak English and are able to support themselves during their studies, then they will have the requisite number of points.

Longer term

A new Graduate route will be launched in summer 2021 to provide international students the opportunity to stay in the UK to work or look for work after they graduate. Undergraduate and masters degree students will be able to stay for two years under the route, whilst PhD students will be able to stay for three years.

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Visitors

For January 2021

Anyone can apply to visit the UK. They must **either apply for a visa before arrival or seek leave to enter at the UK border**. Visa nationals can apply anywhere outside the UK. Non-visa nationals can apply at the UK border.

In most cases, visitors can come to the UK for up to six months. A visitor may enter the UK multiple times, but they may not live in the UK by means of repeat visitors. They may not work or access public funds.

We will permit study of up to six months under the **standard visit route**. All non-recreational study must be undertaken at an accredited institution. Recreational courses undertaken for leisure, that last no longer than 30 days and which do not lead to any formal qualifications, will not need to be undertaken at an accredited institution.

The UK Government has already said that its intention is for citizens of the EU and Switzerland to not require visas to visit the UK.

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Other immigration routes

For January 2021

For a number of the main economic routes the main change that will be implemented for January 2021 is bringing EU citizens into the current non-EU routes. Examples of these include:

- Start-up and Innovator
- Intra-Company Transfers
- Youth Mobility Scheme
- Sporting
- Creative
- Charity
- Ministers of Religion and Religious Workers
- Government Authorised Exchange
- International Agreement
- UK Ancestry

Simplification

Underpinning these routes and the Points-Based System as a whole will be simplified rules and guidance. We will make the best use of technology and implement the recommendations of the Law Commission to streamline and simplify the immigration system.

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Next steps

- **The Immigration Bill** continues its passage through Parliament and will provide the legal basis for ending freedom of movement with the EU. This was voted through the House of Commons unamended following its Third Reading.

- We will confirm the final details for the Points-Based System **later this year**, providing further guidance for applicants and updating the Immigration Rules. This will also illustrate how we are simplifying these Rules. We intend to share draft Immigration Rules with stakeholders shortly in order to ensure clarity and understanding.

- Immigration routes will open for applications later this year for those wishing to come to the UK from **1 January 2021**. With the first route, the student route, opening on 5th October.

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Useful Links

New immigration system: what you need to know:
https://www.gov.uk/guidance/new-immigration-system-what-you-need-to-know

UK points-based immigration system: employers and EU citizens
https://www.gov.uk/government/collections/uk-points-based-immigration-system-employers-and-eu-citizens

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