

FACTSHEET: THE SKILLED WORKER ROUTE

**SMITH
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Immigration Practice

ABOUT THIS GUIDE

On 1 December 2020, the new Skilled Worker visa opens for applications. This new visa category replaces the Tier 2 (General) visa as the main immigration route for skilled workers under the UK's new Points-Based Immigration System.

When Freedom of Movement from the EU ends at 11pm on 31 December 2020, both EU and non-EU citizens will be subject to the same immigration rules. This means that all foreign nationals coming to work in the UK from January must apply for permission in advance.

In order to apply for a visa under the Skilled Worker route, migrants need to hold a job offer from an approved sponsor at the required skill and salary levels for this route.

This guide aims to provide a brief overview of the new Skilled Worker route and sets out the key changes employers should be aware of when hiring migrant workers under the new rules.

A SINGLE IMMIGRATION SYSTEM

The new rules place EU and non-EU citizens on an equal footing when it comes to applying for a UK work permit.

This means that employers can no longer rely on free movement of workers from the EU.

The new rules do not apply to Irish citizens, or EU citizens who have secured settled or pre-settled status under the EU Settlement Scheme (EUSS). EU citizens living in the UK by 31 December 2020 have until 30 June 2021 to apply under the EUSS.

SKILLED WORKER VS. TIER 2: WHAT'S THE DIFFERENCE?



The new Skilled Worker route aims to provide a streamlined, simplified sponsorship process with quicker end-to-end visa processing times. Key changes include:

- **No cap** – The cap that previously applied to Tier 2 (General) visas has been suspended, meaning there is now no limit on the number of skilled workers who can come to the UK.
- **No RLMT** – Employers are no longer required to undertake a Resident Labour Market Test (RLMT) under the new rules.
- **Lower thresholds** – The minimum skill threshold has been lowered from RQF6 to RQF3, whilst the absolute minimum salary has been lowered to £20,480.
- **No cooling-off period** – Intra-Company Transferees can switch to the Skilled Worker Route faster.

POINTS-BASED SYSTEM

As part of the new points-based system, applicants to the Skilled Worker route must score 70 points to be granted entry. All applicants must meet the following mandatory criteria:

- They hold a confirmed job offer from an approved sponsor (**20 points**).
- The job must be at an appropriate skill level (**20 points**).
- The applicant must speak English to an acceptable standard (**10 points**).

To make up the required 70 points, applicants can earn a further 20 “tradeable” points based on their salary, having a job offer in a shortage occupation or a relevant PhD.

SKILLS AND SALARY THRESHOLDS



The lowering of the skills and salary thresholds means that businesses are now able to recruit overseas staff in a wider range of roles which were previously excluded from the scope of sponsorship.

- **Skill threshold:** Individuals applying to the Skilled Worker route will need to hold a job offer at a skill level of RQF3 or above, which is defined as A-level or equivalent. Formal qualifications will not be required, as it is the skill level of the job they will be doing which is important.
- **Salary threshold:** When sponsoring a worker on the Skilled Worker or the Intra-Company Transfer routes, you must pay them at least the minimum salary specified for that route, or the going rate (or, in some cases, a proportion of the going rate) for the occupation, whichever is higher.

Lower minimum salary rules apply for workers in certain health or education roles, shortage occupation roles, PhD holders and for “new entrants” at the start of their career. For example, new entrants are permitted to enter the UK on a salary 30% lower than the rate for experienced workers in any occupation, as long as the salary is at least £20,480.

SPONSORING SKILLED WORKERS

UK employers or ‘sponsors’ form an integral part of the UK’s Points-Based System. From 1 January 2021, businesses recruiting workers from outside the UK’s resident labour market under the Skilled Worker route will need to hold a sponsor licence.

If your business is not already a licenced sponsor and you think you will want to recruit EU or non-EU migrants under the Skilled Worker route, you should apply for a sponsor licence now. Organisations with an existing Tier 2 sponsor licence will automatically be granted a new Skilled Worker licence with an expiry date in line with their current licence and an appropriate allocation of Certificates of Sponsorship.

DEFINED AND UNDEFINED CERTIFICATES OF SPONSORSHIP

Under the new rules, there are two types of Certificates of Sponsorship (CoS):

- Defined CoS – For Skilled Workers applying for entry clearance from outside the UK
- Undefined CoS – For Skilled Workers applying for permission from within the UK

Sponsors must submit requests for defined CoS to the Home Office on a case-by-case basis. For in-country applications, sponsors will need to continue to request CoS allocations from the Home Office.

If you have any questions about the Skilled Worker route, please contact us.

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