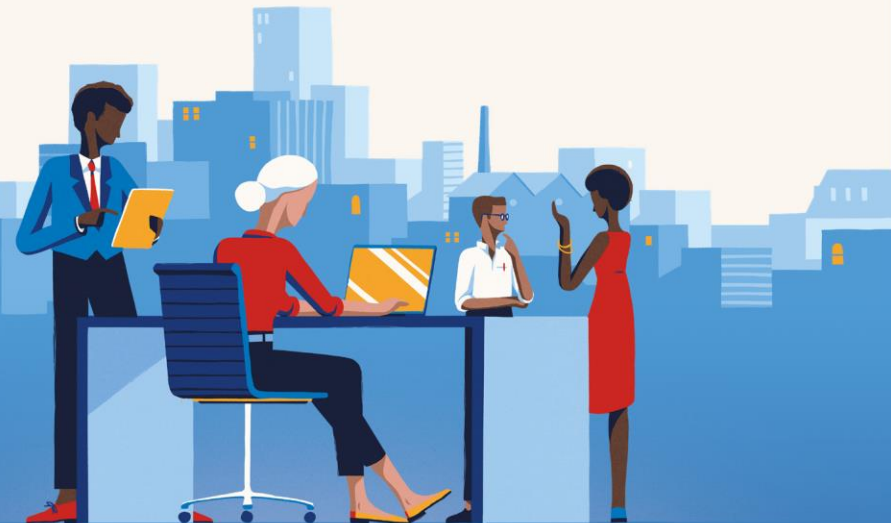




Home Office

# The UK's Points-Based Immigration System and the EU Settlement Scheme

November 2020

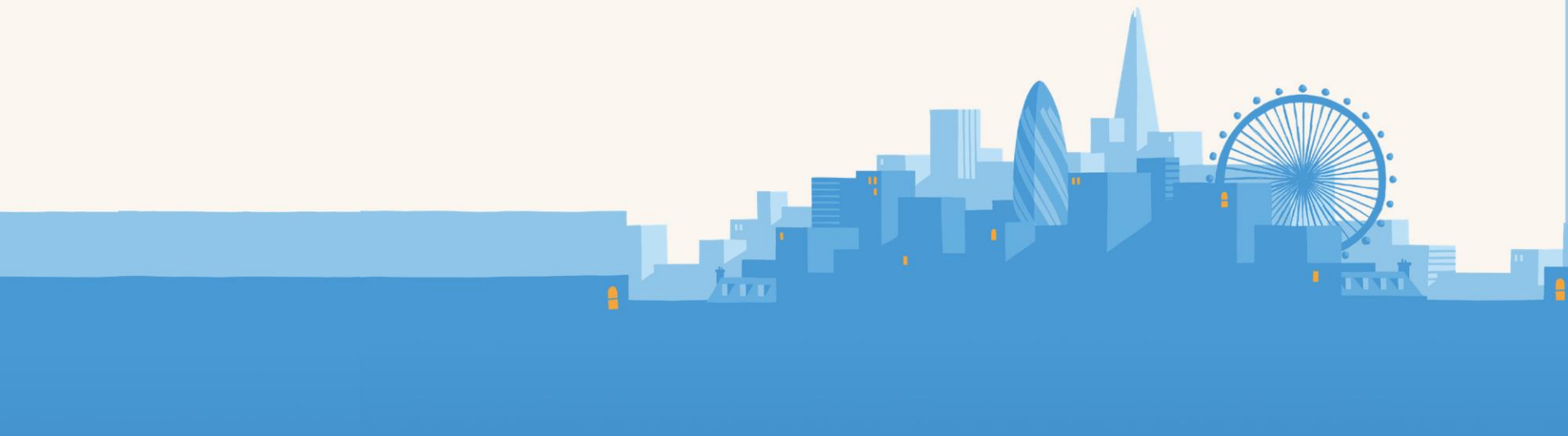




Home Office

# The EU Settlement Scheme

**Key information and resources**



# Recap : EU Settlement Scheme



EU citizens living in the UK by 31 December 2020 are eligible to apply to the EU Settlement Scheme and have until 30 June 2021 to make an application.



During that period employers, landlords and public service providers will continue to accept the passports and national identity cards of EU citizens as evidence of permission.



\*as of 30/09/20

# The EU Settlement Scheme



## What is the EUSS?

- The EUSS allows EU, EEA and Swiss citizens and their family members **resident in the UK to get the status they will need at the end of the transition period**.
- Status under the scheme will **protect in UK law, the current rights they have under EU law**.
- It is a simple, user-friendly process through which we are **looking for reasons to grant status**.



## Who needs to apply?

- **EU, EEA and Swiss citizens** and their **non-EU family members**.
- Those **currently resident** in the UK and **want to stay post-Brexit**.
- Individuals with a 'UK **permanent residence** document'
- **Irish citizens do not need to apply** but they can if they want to.

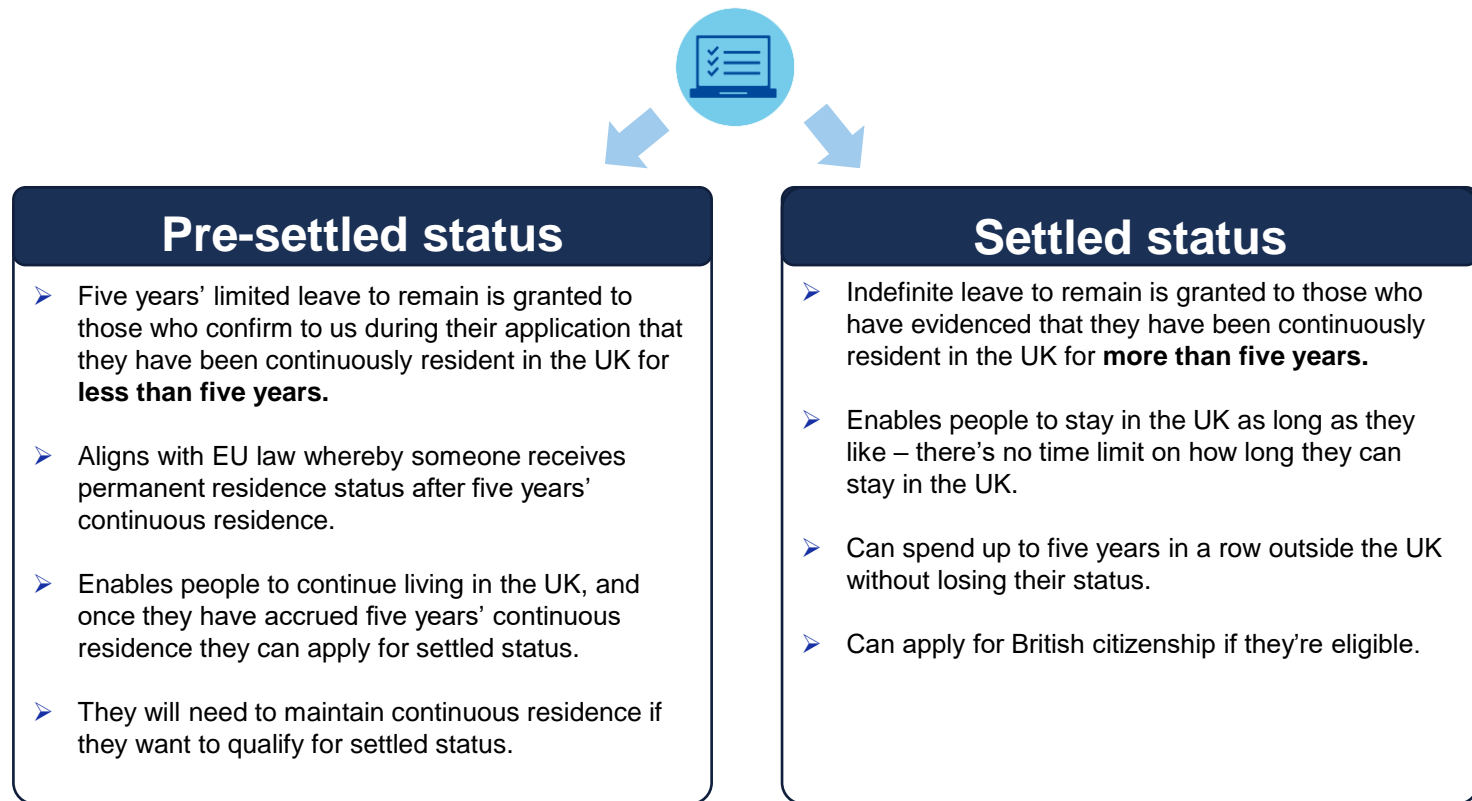


## How and by when?

- The Scheme is a **free online application** process.
- Following a **three-step process**, eligible citizens will be granted either pre-settled or settled status.
- **EU, EEA and Swiss** citizens will have until **30 June 2021 to apply**.

**Our starting position is we are looking for reasons to grant people status**

# Settled and pre-settled status



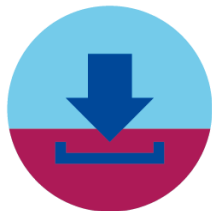
*Those with pre-settled and settled status will be able to live, work, use the NHS, enrol in education, and access public funds (if they are eligible) after the end of the transition period*

# Further Resources



## Support

- Settlement Resolution Centre helpline for organisations supporting applicants
- EUSS events and briefings



## Shareable assets

- Stakeholder toolkits with:
  - Posters
  - Social media assets
  - Videos
  - Presentations



## Bespoke guidance

- Translated guidance in 26 languages
- Employer, local authority and community group toolkits



## GOV.UK

- Visit the website [gov.uk/eu-settled-status](https://www.gov.uk/eu-settled-status) to:
  - Get email alerts
  - Get more details on the EU Settlement Scheme
  - Find out about next steps and citizenship



Home Office

# The UK's Points-Based Immigration System

## Overview of key routes and resources



# 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 out provisions for visitors.
- On 22 October the Home Secretary **laid changes to the Immigration Rules** that will underpin the new Points-Based System that will replace freedom of movement. They also introduced the new Hong Kong British National (Overseas) route for a BN(O) citizen who wants to live and work in the UK and will extend the Afghan interpreter ex-gratia scheme.



# Policy statement re-cap



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



Home Office

# The UK's Points-Based Immigration System

## The skilled worker route and sponsorship



# 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**

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

**Relevant salary**  
-Either the general salary threshold or going rate, whichever is higher

**Speak English**

**Criminality threshold**

## What's new for the skilled worker route?

No cap on numbers

No Resident Labour Market Test

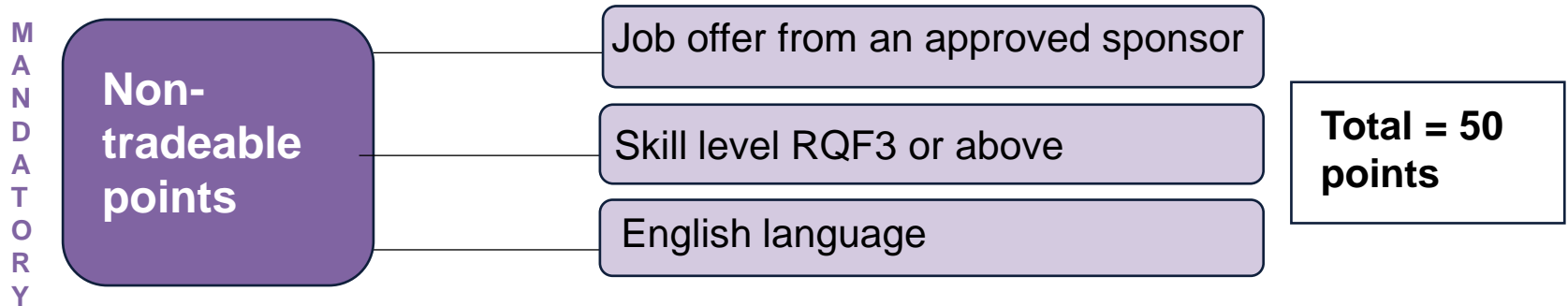
Expanded skills threshold – now RQF3 (equivalent to A-level) and above

Tradeable points – points for certain characteristics will be tradeable against salary

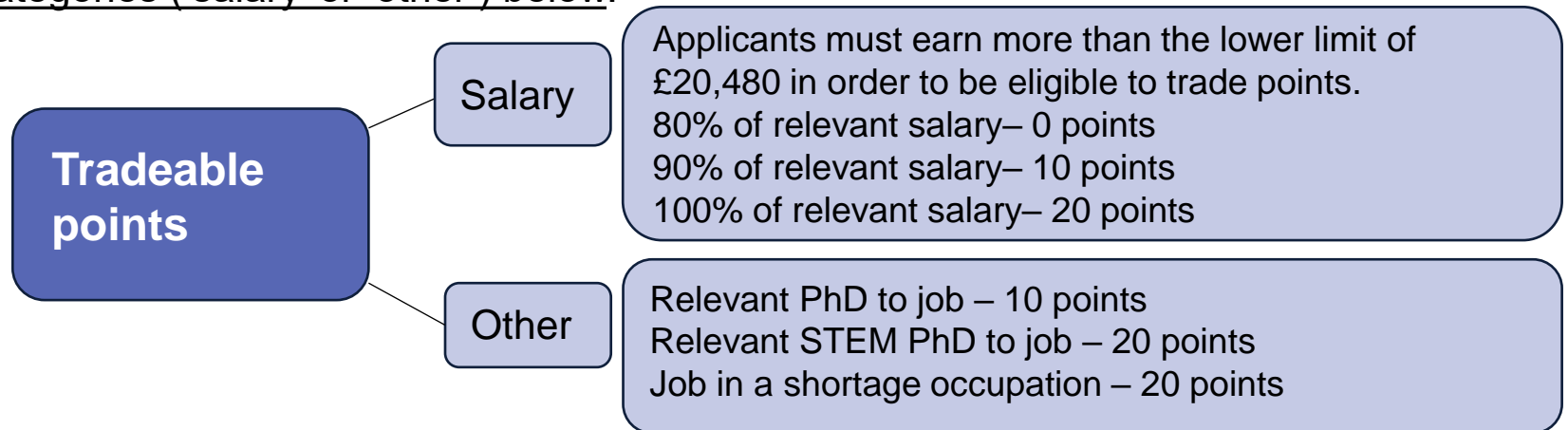
The 12-month “cooling off period” and six-year maximum length of stay in the route are being removed

# 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.



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



# Skilled worker route – case study

Freya wants to come to the UK to undertake skilled work and has been offered a job as a lab technician for a salary of £21,000. She meets all of the mandatory characteristics under the Points-Based System, scoring 50 points. Lab technicians need to meet the general salary threshold of £25,600 as this is a higher than the going rate for the profession. As Freya's salary offer of £21,000, she does not score any points for her salary. It is still above the minimum of £20,480, so she can still score 20 tradeable points elsewhere to be eligible for a visa. In this instance Freya does get the 20 extra points by having a relevant STEM PhD in biochemistry.

	Characteristic	Points	Total
Mandatory	Offer of a job by an approved sponsor	20	50
	Job at an appropriate skill level	20	
	English language skills at level B1 (intermediate)	10	
Tradeable	Salary of £20,480 - £23,030.99	0	20
	Education Qualification: PHD in a STEM subject relevant to the job	20	
Total		70	

# Skilled worker route – case study

Richard wants to come to the UK to work and has been offered a job as a Mechanical engineer for a salary of £26,750. He meets all of the mandatory characteristics under the Points-Based System, scoring 50 points.

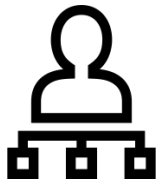
As the going rate for mechanical engineers is £33,400 and higher than the general salary threshold, he must be paid according to the going rate for that occupation. This is because applicants must be paid according to whichever of the two is higher. Richard's salary is just above 80% of the going rate for his occupation, therefore while he scores no points from his salary, he is eligible to score 20 tradeable points elsewhere to be eligible for a visa. In this instance Richard scores the 20 extra points by having a job offer in a shortage occupation.

	Characteristic	Points	Total
Mandatory	Offer of a job by an approved sponsor	20	50
	Job at an appropriate skill level	20	
	English language skills at level B1 (intermediate)	10	
Tradeable	Salary at least 80% of the going rate	0	20
	Job in a shortage occupation (as designated by the MAC)	20	
Total		70	

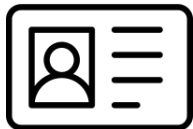
# Employing a worker- sponsorship



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.**



# Employers guide to becoming a licensed sponsor of skilled migrant workers

## 1. Check your organisation is eligible

- Check the people you want to hire are eligible to come to the UK under the new **points-based immigration system**
- Ensure you are able to provide the **necessary supporting documents** for your sponsor licence application, e.g. details of your organisation and intended jobs you wish to fill
- To get a licence, you cannot have unspent criminal convictions for immigration offences or certain other crimes, such as fraud or money laundering

## 2. Ensure your organisation can manage its licence

- You need to appoint people within your organisation to manage the sponsorship process when you apply
- They will be responsible for ensuring your organisation remains compliant within the requirements of the licence
- You will need to **keep record of your staff that you sponsor** for reporting to UKVI (UK Visas and Immigration)

## 3. Apply – allow 8 weeks

1. **Apply online and pay the fee**
  2. The fee is dependent on the type of licence(s) you are applying for and the type and size of your organisation. It will either be £536 or £1,476
  3. Send your supporting documents to UKVI
  4. Confirm how many staff you plan to recruit through the sponsorship system for the current financial year
  5. Each staff member sponsored costs £21 or £199, in addition to the usual visa application fees
- ✓ If successful, your licence will be valid for 4 years

## 4. Sponsor a worker – 15 days\*

1. Once you have selected a candidate, they must make a **visa application** to work in the UK
  2. You must first endorse your prospective employee's visa through your sponsor licence account by requesting then issuing an electronic 'certificate of sponsorship'
  3. Pay the Immigration Skills Charge. This is £1,000 for the first year of work in the UK plus £500 for each additional 6 months, or £364 and £182 respectively for small businesses or charities
  4. The employee must then submit a visa application under the same category as your licence
- ✓ If the prospective employee's visa application is granted, they may travel to the UK and start working

\*If sponsoring a migrant worker from outside the EU in 2020 you must normally advertise to the UK labour market for 28 days. If recruiting from 2021, you may immediately advertise globally and non-UK nationals (including those from the EU) will need a visa and your sponsorship to work at your organisation.





Home Office

# The UK's Points-Based Immigration System

## Students, visitors and other routes



# Highly skilled workers- overview

**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 main changes to the Global Talent route announced on 22 October are:

- The criteria for consideration of senior appointments are being revised, so that the route caters for emerging leaders as well as those at a more advanced stage of their career.
- The definition of the types of academic and research roles that qualify is being expanded.
- A points assessment is being introduced in line with the introduction of the points-based system.

**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.

# 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 4.26 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

# Students

**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.

The Student and Child Student routes were simplified and revised, with changes taking effect from October this year. On 22 October further changes were made to put maintenance levels in line with the current home student maintenance loans. We have also removed the restriction on working as a postgraduate doctor or dentist in training.

**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.

# Visitors

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. **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.**

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 have simplified the visitor rules to:

- Permit study of up to six months under the standard visit route. All non-recreational study must be undertaken at an accredited institution, except recreational courses undertaken for leisure that last no longer than 30 days.
- Remove the requirement for volunteering to be incidental to the main reason for the visit.

# 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.

# Further Developments - Settlement

- We will revise the salary requirements for those applying for settlement having completed 5 years under the Skilled worker route and/or Tier 2 (General).
- The current salary requirement is £36,200. This will be replaced by a requirement to meet the general salary threshold for the skilled worker route (currently £25,600) and the going rate for the role they are working in.
- No discounts will apply to the going rates.
- Those filling roles either on the shortage occupation list or have been on the shortage occupation list for part of their qualifying leave will be required to meet the lower salary threshold for the skilled worker route (currently £20,480) or the going rate for the role whichever is higher.
- Those filling roles in specified occupations that are subject to published national salary scales will be required to meet the salary associated with that national scale or the lower salary threshold (currently £20,480) whichever is higher.

# Further Developments - Other

- There will be no limit on the number of years a person can stay under the skilled worker route.
- There will be no 'Cooling off' periods in the skilled worker route.
- We will suspend the minimum hours requirements for those filling roles on the shortage occupation list.
- We will remove the current restrictions around working as a doctor or a dentist in training.
- We will remove the requirement for skilled work visas to have leave commence up to two weeks before a job start date. Leave start dates will be aligned to date of expected travel. Applicant's can continue to apply for their visa up to three months before their job start date.



# Next Steps

- With the Immigration Rules now laid and the passage of the Immigration Bill through Parliament complete, this will provide the legal basis for ending freedom of movement with the EU. The Bill received Royal Assent on 11<sup>th</sup> November.
- Immigration routes will open for applications later this year for those wishing to come to the UK from 1 January 2021. The first routes, the student and child student routes, opened on 5 October.
- EU citizens and their family members who are resident in the UK before the end of the transition period continue to be eligible for the EU Settlement Scheme. The deadline for applications is 30 June 2021.

# Available GOV.UK resources/assets

## Guides

### EU citizens guide



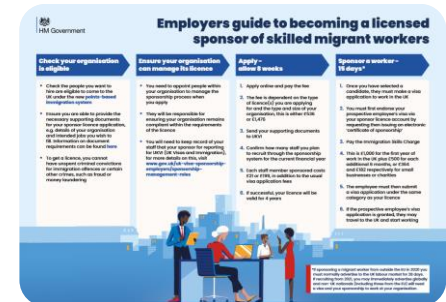
### EU students guide



### Employers Guide



### Sponsor Guide



## Social assets

### EU citizens



### EU students



### Sponsoring a worker



### Hiring outside of the UK



# Available GOV.UK resources/assets

## UKVI toolkits

Global Talent visa



Skilled worker visa



Graduate Immigration Route



## 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>

**Recruiting people from outside the UK from 1 January 2021**

<https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk-from-1-january-2021>