

## Skilled Worker

The Skilled Worker category replaced the Tier 2 (General) category on 1 December 2020. Employers with a sponsor licence may use the Skilled Worker category to recruit individuals to work in the UK in a specific job. The Skilled Worker category is for all non-EU and EU nationals, apart from Irish nationals who do not require immigration permission in the UK.

### WHAT DOES IT MEAN TO BE A SPONSOR

In order to sponsor an applicant under the Skilled Worker route, a company must be listed as an A-rated sponsor on the Home Office's register of licensed sponsors. This licence allows holders to issue Certificates of Sponsorship (CoS) to existing or prospective employees ahead of their Skilled Worker visa application. Licence holders are required to keep stringent records and report on their sponsored populations in line with Home Office guidance.

### QUALIFYING FOR SKILLED WORKER

In order to qualify under the Skilled Worker category, an individual must score 50 points under the mandatory criteria and 20 points under the tradeable criteria.

#### Mandatory points

All applicants must qualify for 50 mandatory points in the following way:

##### a) Sponsorship (20 points)

The individual must have an employer sponsor who holds a Skilled Worker sponsor licence.

##### b) Appropriate Skill Level (20 points)

The job must be at or above the minimum skill level which is RQF Level 3 (A-Level or equivalent), assessed with reference to the [SOC codes](#).

##### c) English Language (10 points)

Skilled Workers must demonstrate an ability to speak English at B1 level (AS-Level or equivalent). The ways an applicant can show they meet the English language requirement are:

- ▶ Being a national of a majority English-speaking country;
- ▶ Having an academic degree taught in English;
- ▶ Passing a secure English language test;
- ▶ Having shown they meet the required level in a previous successful immigration application;
- ▶ Having a GCSE, A-Level, or similar taught in English at a UK school while the applicant was under 18.

## Tradeable points

An applicant may be awarded the remaining 20 tradeable points for salary in a number of different ways. Most applicants will score 20 points for a salary that reaches £25,600 and the going rate for the role (assessed by reference to the SOC codes). However, if the proposed salary does not meet the threshold, points can be scored in a variety of other ways as shown below.

Tradeable requirements	Points
The applicant's salary equals or exceeds both: <ul style="list-style-type: none"><li>▶ £25,600 per year; and</li><li>▶ the going rate for the occupation code.</li></ul>	20
Educational qualification: PhD in a subject relevant to the job and the applicant's salary equals or exceeds both: <ul style="list-style-type: none"><li>▶ £23,040 per year; and</li><li>▶ 90% of the going rate for the occupation code.</li></ul>	20
Educational qualification: PhD in a STEM subject relevant to the job and the applicant's salary equals or exceeds both: <ul style="list-style-type: none"><li>▶ £20,480 per year; and</li><li>▶ 80% of the going rate for the occupation code.</li></ul>	20
Job in a shortage occupation and the applicant's salary equals or exceeds both: <ul style="list-style-type: none"><li>▶ £20,480 per year; and</li><li>▶ 80% of the going rate for the occupation code.</li></ul>	20
Applicant is a new entrant to the labour market and their salary equals or exceeds both: <ul style="list-style-type: none"><li>▶ £20,480 per year; and</li><li>▶ 70% of the going rate for the occupation code.</li></ul>	20
Job in a listed health or education occupation and the applicant's salary equals or exceeds both: <ul style="list-style-type: none"><li>▶ £20,480 per year; and</li><li>▶ the going rate for the occupation code.</li><li>▶ Applicants for roles in health or education occupations may only be awarded tradeable points from this option.</li></ul>	20

## THE IMMIGRATION SKILLS CHARGE

Sponsors must pay the Immigration Skills Charge (ISC) of £1,000 per year per sponsored employee (\*a lesser charge of £364 applies to small and charitable sponsors). Applications for PhD roles are exempt from the charge. From 1 January 2021 sponsors will need to pay the ISC when sponsoring workers, whether or not they are from within Europe.

## THE IMMIGRATION HEALTH SURCHARGE

Skilled Workers who will be entering the UK for six months or more, or extending their leave in country, must pay the Health Surcharge. The charge is £624 per year, per person, and entitles the employee to the same NHS services as a British citizen. The fee is also payable for dependants.

# Frequently asked questions

## When does the Skilled Worker category open?

Applications can be filed under the Skilled Worker route from 1 December 2020.

## What is the process for applying?

A company wishing to sponsor a worker will issue a Certificate of Sponsorship (CoS) on their sponsor licence. The worker will then quote the CoS number on their visa application form which they submit from their country of residence, and provide proof of their knowledge of English language and other documents. Once the visa application is approved the worker may begin work for the sponsor in the UK.

## What happens to those in Tier 2 (General)?

Those in the Tier 2 (General) category will continue with their existing visas and will apply for extensions or settlement under the new Skilled Worker route. Time spent in Tier 2 (General) will count towards the 5 years residence requirement for settlement in Skilled Worker.

## Can my employee settle in the UK?

Skilled Worker visa holders may be eligible to apply for settlement after 5 years if they meet the following criteria.:

- ▶ They are paid £25,600 or the going rate for the role, whichever is higher, and are still required for their role for the foreseeable future.
- ▶ They have a clean criminal record.
- ▶ They have not been absent from the UK for more than 180 days during any 12-month period in the 5-year period (this also applies to dependants).

## Can Skilled Workers bring family members?

A Skilled Worker can be joined by their spouse, civil partner, unmarried partner and dependent children. Family members will receive the same period of leave as the main Skilled Worker applicant.

## Who is a new entrant?

New entrants include those who are aged under 26 on the date of their visa application, or who last had a visa in the UK as a student for undergraduate or higher during the last 2 years. The lower salary requirement for new entrant can be relied on for a maximum of 4 years.

## Is the Skilled Worker category subject to an annual quota?

No. The annual quota (of 20,700 which applied to Tier 2 General) is suspended.

## Is a Resident Labour Market Test required for a Skilled Worker visa?

No. The Resident Labour Market Test has been abolished. This will make it easier for existing sponsored workers to change employer within the UK.

## How long can a Skilled Worker remain in the UK?

There is no time limit. The 6-year residence time limit that was applicable to the Tier 2 (General) category has been abolished.

## Is cooling off applicable to the Skilled Worker category?

No. The cooling-off period (where migrants had to wait 12 months before applying for another Tier 2 visa) has been abolished.

### **Is there still an English language requirement?**

Applicants must demonstrate an ability to speak English at B1 level (AS-Level or equivalent). Please see the 'Mandatory points' section above, for the ways an applicant can meet this requirement.

### **What is 'switching' and who can switch?**

Current PBS dependant and Tier 2 ICT visa holders will be able to switch from within the UK into the new Skilled Worker category.

### **Can I sponsor an EEA national under the Skilled Worker route?**

From 1 January 2021 employers wishing to hire EEA or Swiss nationals will need to sponsor them under the new work routes, unless the worker already has an immigration status allowing them to work or was residing in the UK by 31 December 2020.

### **QUESTIONS?**

Please contact your Fragomen account lead for more information or email us at [londoninfo@fragomen.com](mailto:londoninfo@fragomen.com)