

Coming to work

Skilled Worker

36. As set out in the Policy Statement published on 19 February, anyone coming to the UK for work, including EU citizens, 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.
37. The applicant must meet the following mandatory criteria in addition to passing the relevant UK criminality checks:
 - The applicant must have an offer of a job from a licensed sponsor;
 - The job must be at or above the minimum skill level: RQF3 level or equivalent (A-level or equivalent qualification). Workers will not need to hold a formal qualification. It is the skill level of the job they will be doing which is important.
 - The applicant must speak English to an acceptable standard.

Tradeable points

38. Meeting the mandatory criteria above will earn the applicant 50 points; they must obtain a further 20 “tradeable” points through a combination of points for their salary, a job in a shortage occupation or a relevant PhD.
39. If the applicant is paid the higher of the general salary threshold of £25,600 or the “going rate” for their particular job, they will get an extra 20 points.
40. There is scope to earn the required extra tradeable points if the applicant is paid less than the general threshold or the going rate, provided they are paid at least £20,480. That being the case, the applicant may earn points if they have a job offer in a specific shortage occupation (as recommended by the MAC) or a PhD qualification relevant to the job.
41. There are also different minimum salary rules for workers in certain health or education jobs, and for “new entrants” at the start of their career. The salary requirement for new entrants will be 30% lower than the rate for experienced workers in any occupation. However, the minimum of £20,480 must always be met.
42. We will retain the ability to widen the number of attributes that will score tradeable points to enable us to meet the needs of the economy. However, the mandatory requirements will not be tradeable.

43. In the table below we show how someone who has at least 80% or 90% of the relevant salary for their occupation (whether that is the £25,600 threshold or the going rate), and therefore scores 0 or 10 points for salary, could make up the points elsewhere by scoring points for another attribute, for instance, working in a shortage occupation or having a relevant PhD.

Table 1: Tradeable points

Non-tradeable points (mandatory) – 50 required				
Offer of a job by an approved sponsor				20
Job at an appropriate skill level				20
English language skills at level B1 (intermediate)				10
Tradeable points (may only score from one entry from each of the two sections below) – 20 required				
Salary⁴			Other	
General salary threshold	Going rate			
Salary of at least £20,480	At least 80% of the going rate for the profession (70% if a new entrant).	0	Education qualification: PhD in a subject relevant to the job	10
Salary of at least £23,040	At least 90% of the going rate for the profession.	10	Education qualification: PhD in a STEM subject relevant to the job	20
Salary of at least £25,600	At least the going rate for the profession.	20	Job in a shortage occupation (as designated by the MAC)	20
Salary of at least £20,480	Listed health/education job <u>and</u> meets the relevant national pay scale	20	Applicant is a new entrant to the labour market (as designated by the MAC)	20

The following case studies further illustrate how tradeable points can be applied.

⁴ Employers and applicants must use whichever salary is higher out of the general salary threshold or going rate.

Case study: General salary threshold is applied

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 the mandatory criteria under the Points-Based System, scoring 50 points.

The going rate for lab technicians is £18,200 and Freya's salary is more than this. However, she does not score 20 points for her salary as it is below the general threshold of £25,600. As Freya's salary offer is £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.

The table below has been personalised to show how Freya has accumulated the requisite 70 points.

	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 - £23,039.99	0	20
	Education qualification: PhD in a STEM subject relevant to the job	20	
Total			70

Case study: 'Going rate' salary threshold for the profession is applied

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 the mandatory criteria under the Points-Based System, scoring 50 points.

Richard's salary is higher than the £25,600 general salary threshold; however, it is below the £33,400 going rate for mechanical engineers, so he does not score 20 points for his salary. 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.

The table below is personalised to show how Richard has accumulated the requisite 70 points.

	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 at least 80% of the going rate	0	20
	Job in a shortage occupation (as designated by the MAC)	20	
Total			70

Case study: National pay scale is applied

Louis wants to come to the UK to work and has been offered a job as a qualified primary school teacher in Wales for a salary of £24,906. He meets all the mandatory criteria under the Points-Based System, scoring 50 points.

Louis must now score a further 20 points to be eligible for the Skilled Worker route. His salary is below the general threshold of £25,600 but, as primary school teachers are a listed education job and Louis' salary meets the national pay scale in Wales (and is above £20,480), he still scores 20 points for his salary, meeting the total requirement of 70 points.

The table below has been personalised to show how Louis has accumulated the requisite 70 points.

	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	Listed health/education job <u>and</u> meets the relevant national pay scale	20	20
Total			70

Case study: New entrant discount is applied

Evie is 26 years old and is in the UK, having studied a veterinary science degree at a UK university and begun her career here under the Graduate route. She wants to carry on working in the UK and has been offered a job as a veterinarian with a starting salary of £22,900. She meets all the mandatory criteria under the Points-Based System, scoring 50 points.

Evie must now score a further 20 points to be eligible to switch into the Skilled Worker route. She does not score any points for her salary, but it is above the minimum of £20,480. As Evie is switching from the Graduate route, she scores 20 points as a new entrant to the labour market. Her salary is below the usual minimum 80% of the £32,500 going rate for her chosen profession, but it is higher than the 70% of the going rate required for new entrants.

The table below has been personalised to show how Evie has accumulated the requisite 70 points.

	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 at least £20,480 and at least 70% of the going rate for the profession	0	20
	Applicant is a new entrant to the labour market	20	
Total			70

Skilled Worker

Who can apply?

- Individuals of all nationalities (except British and Irish) who have a confirmed job offer, and whose employment will be sponsored by a UK employer who is Home Office licensed, to work in specified occupations (at RQF3 or equivalent and above).

Table 2: Skilled Worker conditions and requirements

Requirements	Conditions and restrictions		
English language	Yes	Capped	No
Application fee	Yes	Switching – routes (in country)	Yes
Immigration Skills Charge	Yes	Route to settlement	Yes
Immigration Health Surcharge (subject to specific exemptions)	Yes	Dependants	Yes
Biometrics	Yes	Access to funds	No
Maintenance*	Yes	Supplementary work	Yes
<p>* Applicants are exempt from the requirement if they have a fully 'A-rated' sponsor who can provide the maintenance cost if they need it. Sponsors must confirm this on the Certificate of Sponsorship. An A-rating is awarded when employers are first granted a sponsor licence on the basis that they have systems in place to be able to meet their sponsor duties. Employers will not be granted a licence if they are not able to achieve an A-rating.</p>			
Additional			
Sponsorship - confirmed job offer with a licensed sponsor			
Salary thresholds – a salary at or above the general threshold £25,600 or the going rate, whichever is higher. May be reduced through tradeable points or being a new entrant to the labour market.			
Skills threshold (RQF 3 and equivalent and above)			

Further information

The Going Rate

45. These rates are based on the 25th percentile of earnings in the UK data drawn from the Annual Survey of Hours and Earnings (ASHE) which is updated annually by the Office for National Statistics, normally at the end of October. The current rates for each profession can be found in Annex E. These rates (and any discounts to them from scoring tradeable points elsewhere) do not absolve sponsors of their obligations under

the National Minimum Wage Regulations, even if the stated going rate is lower. Skilled workers are entitled to the same minimum rates as other UK workers.

46. It is worth noting that the salary thresholds for some occupations may change between now and the new route being launched. The Rules and guidance will be based on the latest available appropriate data at the time they are published.

Public sector occupations

47. On the advice of the MAC, national pay scales will be used to determine the going rate for 24 health / education public service occupations. The list can be found in table 28 (Annex E). The £25,600 general salary threshold will not be applied for this group; however, the minimum salary floor will be £20,480. This group will not have access to tradeable points as they will not need other points to offset the £25,600 threshold. We do not consider it appropriate for sponsors to be offering salaries at less than the national pay scales for these occupations.
48. There is one temporary exception to the minimum salary floor for nurses and midwives who can be paid a lower salary for up to the first eight months in the UK, before they achieve their full UK registration as a nurse or midwife. After eight months, the nurse or midwife would need to be paid according to the national pay scales for a newly registered nurse or midwife.

Pro-rating salaries for part time workers

49. The going rate ensures fair pay compared with resident workers and aims to prevent migrant workers being used as a source of cheap labour. As under the existing system, going rates for individual occupations can be pro-rated depending on the applicant's working pattern, as long as the total applicable general salary threshold (£25,600, £23,040 or £20,480) is met. The general threshold is a measure of the economic contribution an applicant will make to the UK. It applies regardless of the number of hours worked and will not be pro-rated.

Eligibility for PhD points

50. Applicants will only be able to score points for having a PhD relevant to the job. Sponsors will need to decide and be able to justify whether an applicant's PhD is relevant to the job they are sponsoring them for and to advise whether it is a STEM PhD. We will withhold points if the sponsor's explanation is clearly not credible. Points can only be awarded for academic PhDs.
51. In addition, applicants will only be able to score points for having a PhD when working in certain occupations. A list of occupations which will, and will not, be able to claim PhD points will be kept under review. For the initial launch of the route, the list will cover:

- All occupations in the top skill level of the Standard Occupational Classification (SOC) code system.⁵
- A small number of additional STEM jobs, such as lab technicians, which do not appear in the top skill level, but which involve research or technical knowledge and where we believe a relevant PhD would be an advantage.

52. The relevant occupations are listed in Annex B.

Points requirements in further applications by individuals

53. Those who enter the Skilled Worker route will need to make a new application if they (a) change employer; (b) change jobs (to another SOC code); or (c) need to extend their stay. Existing Tier 2 (General) migrants who need to do any of the above will also need to make such an application under the Skilled Worker route once the Tier 2 (General) route closes. The points table will apply to these further applications.
54. If the migrant has changed their employer and/or their job, there will be a reassessment of whether their new post meets the required skill and salary level. PAYE records for all skilled workers will be regularly checked to confirm they are being paid the correct salary.
55. Applicants who scored points for English language at the required level in an earlier application will score those points automatically in a subsequent application. They will not need to submit their qualification certificates again, but if their job has changed, we will assess whether their qualification is relevant to their new job.

New entrants

56. New entrants to the UK labour market are currently entitled to come to the UK on a lower salary than their more experienced counterparts are required to earn. They currently benefit from this reduced salary threshold for three years. Migrants will be defined as new entrants under the Points-Based System if they meet one of the following requirements:
- a) They are switching from the Student or Graduate route to the Skilled Worker route;
 - b) They are under the age of 26 on the date of their application; or
 - c) They are working towards recognised professional qualifications or moving directly into postdoctoral positions.
57. Requirement c) is an addition to the existing new entrant requirements list and will be introduced for the Points-Based System on the recommendation of the MAC. While

⁵ According to the official guidance published by the Office for National Statistics, the top skill level comprises “what are termed ‘professional’ occupations and high-level managerial positions in corporate enterprises or national/local government. Occupations at this level normally require a degree or equivalent period of relevant work experience”.

postdoctoral positions are easily identified, we will use the following tests to identify those “working towards recognised professional qualifications”:

- The salary reduction for professional qualifications should only be available where the job offer is in a regulated profession or protected job title.
- “Working towards professional qualifications” should mean working towards full registration or chartered status with the relevant professional body.
- This definition will also include those who have switched from the Graduate route into the Skilled Worker route.

58. We will impose a floor on the reduced salary threshold for new entrants. The discount to the going rate for new entrants will be 30%, but the floor will mean that no migrant can come if they earn less than £20,480. We will apply a 20% reduction to the general threshold, rather than a 30% reduction, as we do not consider skilled workers should be sponsored at a salary of less than £20,480. Applying a 30% reduction to the general threshold would mean, in many cases, the applicant would be paid less than the National Living Wage.

Highly skilled workers

59. Beyond January 2021 and in line with the recommendations from the MAC, we will create a broader unsponsored route within the Points-Based System to run alongside the employer-led system. This will allow a smaller number of the most highly skilled workers to come to the UK without a job offer. This route will not open on 1 January 2021 and we are exploring proposals for this additional route with stakeholders over the coming year. Our starting point is that this route would be capped and would be carefully monitored during the implementation phase. Further details will be shared in due course.

Skilled Work: Health and Care Visa

60. The Government welcomes the vital contributions which doctors, nurses and other health professionals from overseas make to the National Health Service (NHS) and wider Health and Care Sector. The Health and Care Visa is part of the Skilled Worker route. It 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 incentivised to come to the UK.

61. There will be fast-track entry, with reduced application fees and dedicated support regarding the application process, for eligible individuals to come to the UK with their families. Those who are eligible to apply for the Health and Care Visa, and their dependents, will also be exempt from having to pay the Immigration Health Surcharge. Frontline workers in the health and social care sector who are not eligible for the new Health and Care Visa will pay the Immigration Health Surcharge, but will benefit from a reimbursement scheme. Further detail will follow in due course.

Who can apply?

62. Individuals of all nationalities who have a confirmed job offer, in one of the defined health professions, for a skilled role within the NHS, the social care sector or for NHS commissioned service providers.
63. The full list of professions, defined by Standard Occupational Classification codes, which would currently qualify for the Health and Care Visa can be found in Annex D. This list reflects the current skills threshold. The list of professions will be updated in line with the launch of the new Skilled Worker route and the expanded skills threshold later this year.
64. Although eligible applicants will benefit from reduced fees and an exemption from the Immigration Health Surcharge, both of which will extend to immediate family members, the main applicant must also meet requirements of the Skilled Worker route, including the relevant skill and salary thresholds.