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# To the point

The business guide to navigating the new points-based immigration system

November 2020  
People and Skills

**Deloitte.**



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# Foreword CBI

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The end of Freedom of Movement between the UK and the EU on 31st December 2020 is a historic moment. For nearly half a century, Freedom of Movement has allowed UK employers and workers near-frictionless access to EU labour markets, supporting growth and opportunities. The Points-Based immigration system that replaces Freedom of Movement must similarly support the UK economy. Businesses back the government's ambition to combine the economic benefits immigration can bring with increased public confidence in the system.

For many businesses, the immediate priority is recovering from the fallout of the COVID-19 pandemic. While its full impact on the UK labour market is uncertain, it sadly seems inevitable that we will see a significant rise in unemployment requiring years of business and government collaboration to overcome. This includes ensuring that the new immigration system supports growth and opportunity for all. More people looking for jobs reduces the need for immigration where employers previously hired workers from overseas only because there were no locally available candidates. The need for immigration can also be reduced by improving the UK's record on reskilling. **An extra £130bn investment** in adult education will be needed over the next decade to prevent new skills shortages and long-term unemployment. Even then, immigration will play an important part in the UK's economic recovery, reducing the impact of local skill and labour shortages and supporting the adoption of new ideas, technologies and working practices that will make the UK a great place to create jobs. That is why the points-based system must be responsive to the needs of the economy, dovetail effectively with domestic skills development, and be simple and affordable for businesses of all sizes to access and navigate.

Some progress has already been made in expanding and simplifying the old visa system. Businesses welcome the removal of the Resident Labour Market Test which should streamline part of the visa process, as well as the lowering of the salary and skills thresholds which broaden the scope of the system. These were changes that the CBI argued for.

However, we must acknowledge that while the new system will be a simplification for those few employers who use the current non-EU visa system, the vast majority of employers have never used the visa system and are woefully unprepared for the changes that are coming. A recent CBI survey found that only 5% understood the new system and were prepared for it.

No system involving visas can ever be as fluid as free movement, and businesses do not expect it to be. But the processes involved in becoming a sponsor and securing visas are lengthy, complex, and will be unfamiliar to thousands of businesses, particularly SMEs. For many firms, preparing for the new system is a daunting challenge given the short amount of time left before the system goes live and against a backdrop of cash-flow pressures and uncertain demand resulting from COVID-19.

The CBI recognises its responsibility to help its members to understand what the new points-based system means for their organisation and to help them consider the steps they need to take to prepare. It is fantastic to be working with Deloitte again on this following the huge success of our partnership to help employers understand their role in delivering the EU Settlement Scheme.

Importantly, this is only the first phase of the UK's Points-Based immigration system. Working to a strict deadline to end Free Movement, the government has delivered as much reform as time allowed. Much more is needed in phase two though, to deliver a system that is useable to small and large businesses alike and flexible enough to evolve with the UK's economic recovery.



**Matthew Percival**

Director, People and Skills, CBI



# Foreword Deloitte

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The journey since the EU referendum result of 23 June 2016 has been a fascinating one, and heralds a monumental change to the immigration landscape in the UK and EU.

The developments we have witnessed over the last 4 years have been some of the most challenging we will see in our careers, and highlight the uncertainty that this has created for UK employers.

Our goal when working with businesses preparing for the changes at the end of the transition period has been to help them understand what this means for their business in a practical, tangible way.

Following the success of our joint Brexit guide, *EU Staff and Brexit* in 2019, we are delighted to be working with the CBI again to produce this new guide to the post-Brexit UK immigration system.

As we start to navigate the new immigration rules, policies and procedures, it is important to recognise that even for experienced sponsors, there are changes coming in to play with the new system that all will need to understand and implement. Importantly, we must understand what the end of Freedom of Movement means for business from a cost, administrative and resource perspective. Undoubtedly, as the world and the UK looks to recover from COVID-19, these changes will be on the agenda of every business.

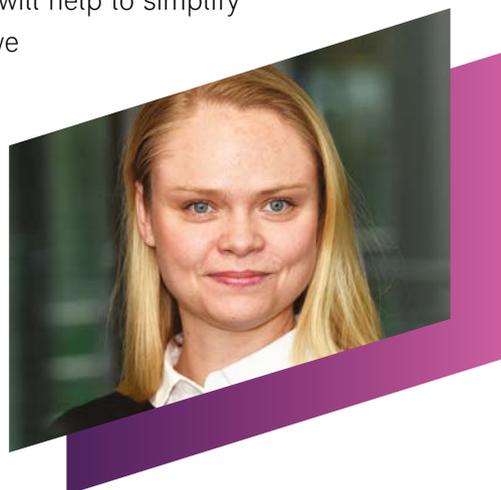
The new system also brings significant opportunity. Many of the positive changes will benefit all employers supporting and sponsoring migrant workers in to the UK - for example the ability to bring migrants in to a wider range of roles due to the lowering of skills levels and salary requirements; and the ability to hire to meet demand without a cap on numbers. Agile, growing businesses and established international networks will want to take advantage of these changes.

Whether you are an existing sponsor or are completely new to the concept, we hope that the information and insight contained within this guide will help to simplify and enhance your experience with the new system as we move into 2021 and beyond.



**Jurga McCluskey**

Partner, Head of Immigration  
(UK & Europe) Deloitte



A woman and a man in business attire are seated at a table, looking thoughtful. The woman is on the left, resting her chin on her hands. The man is on the right, looking towards the camera. The background is a blurred office setting. The entire image has a pinkish-purple tint.

*This guide will help you to understand whether the points-based immigration system is a viable route for your business to hire a new worker.*

# Introduction

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The UK's new points-based immigration system takes effect on 1st January 2021, marking the end of Freedom of Movement between the UK and the EU. From that point, the UK will have full control of its immigration strategy and will be able to adjust the eligibility criteria more easily for entering the country to work, live, or study. As set out in the [February 2020 policy statement](#), it is the government's aim to introduce a firm and fair system that will contribute to creating a high wage, high-skill, high productivity economy. The same rules will apply to all migrant workers under the new system, irrespective of their country of origin, although there will be special rules in place for Irish nationals and British Nationals Overseas.

The new system will be familiar to those that already use the Tier 2 visa system as the core Skilled Worker route uses the same structure and processes, albeit with lowered skills and salary thresholds which expand the range of jobs that are eligible. Applicants will also need to accumulate enough 'points' from a range of criteria, some of which can be traded against other criteria, to secure a visa through the new system.

Any business that wants to hire workers from abroad from 2021 will have to engage with the points-based system, irrespective of the type of visa that they are looking to apply for. For many UK employers, this will mean having to quickly become familiar with an entirely new visa system. Doing so will not be a straightforward task, as navigating sponsor licence and visa processes to hire foreign workers is vastly more complex and time-consuming than hiring under Freedom of Movement.

This guide sets out the key information that businesses need to know to understand what the new system means for them. It will help you to understand whether the points-based immigration system is a viable route for you to hire a new worker, learn about the process of becoming a licensed sponsor and how to maintain your licence, and lays out the step-by-step process for securing a visa for a migrant worker.

Whilst it is important to look ahead to the new system, employers should also remember that the EU Settlement Scheme (EUSS) is open to applications for their EU staff who wish to remain in the UK after Brexit. For EU nationals who arrive by 31st December 2020, the scheme is open until 30th June 2021 to enable them to secure their status under the scheme. The CBI and Deloitte previously partnered on a guide to the EUSS which you can download [here](#).



# Key features of the new immigration system

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The points-based immigration system (PBS) is designed to give the UK government more control over who enters the country. The principle of employer sponsorship is the foundation of the worker routes. Linking vacancies and eligibility for visas for working migrants creates a link between an employer and the individual. As well as providing government with the opportunity to check that migrants meet eligibility criteria before they arrive, businesses also play a key role by updating government when the circumstances of their migrant workers change.

The structure and processes of the PBS will be familiar to users of the Tier 2 work visa system. Since 2008, Tier 2 visas have allowed employers to sponsor nationals from outside the EEA and Switzerland for skilled positions that cannot be filled by the UK workforce. According to [Home Office data](#) for the year ending March 2020, nearly 6 in 10 (59%) of all non-EU work migrants come to the UK for skilled work under Tier 2 visas.

Whilst the system's structure and most core processes generally remain the same, the government has made several changes under the new PBS.

## What has changed?

The government has stated its intention that the new immigration system will be more digitalised and easier to navigate for both employers and applicants. Their intention is to support businesses to hire the best talent for the role and minimise the number of steps in the end-to-end immigration process. With that in mind, several changes to the system have been announced:

- **The introduction of tradeable points**

The government has set out a series of criteria and allocated points to them. Some of these criteria are required but others are tradeable. Applicants in the Skilled Worker route will need to amass 70 points to be eligible. More detail on the breakdown of the points framework can be found on **Page 37**.

- **Lowering of the salary threshold**

The minimum salary threshold for Skilled Workers under the PBS will be reduced from £30,000 to £25,600 or £20,480 if the job role is on the Shortage Occupation List. Further detail can be found on **Page 39**.



- **Lowering of the skills threshold**  
The minimum skills level for Skilled Workers under the PBS will be reduced from degree level roles (RQF level 6) to A-Level skilled level roles (RQF Level 3). Further detail can be found on **Page 38**.
- **Removal of the cap on Skilled Worker visas**  
In previous years, the Home Office has set a limit on the number of Tier 2 visas for skilled migrant workers that are granted each year. The CBI has long called for this to be removed and government has announced that there will be no cap for the Skilled Worker route under the PBS.
- **Removal of the Resident Labour Market Test**  
The Resident Labour Market Test was a step in the Tier 2 visa route where an employer was required to show the Home Office that it had tried to fill a job role from within the UK and EEA labour market for 28 days before they would be eligible to look elsewhere for candidates. Government has agreed to remove this test as part of the move to the PBS.
- **Making it easier to switch between visas**  
Government will make it easier for visa holders to switch to other visa types from within the UK. Currently individuals may need to leave the UK as part of the switching process which can be challenging, time-consuming and costly. Further detail can be found on **Page 41**.
- **Changes to the cooling off period**  
Under the previous Tier 2 visa system, Skilled Workers were prevented from applying for Tier 2 visas if they had held a Tier 2 visa in the 12 months before their new application was made. This was often challenging for businesses as it could complicate and delay work placements. Under the PBS, the government will simplify these rules, which is an important change welcomed by both Deloitte and the CBI. More detail can be found on **Page 46**.
- **Introduction of a Graduate Route from Summer 2021**  
The Home Office will reintroduce the post-study work visa for international graduates. Both the CBI and Deloitte were keen to see implementation of this new route as it allows graduates to remain in the UK for two years after their course end date, or three years if they studied for a PhD.

## What has the government committed to changing in the future?

The system that comes into effect on 1st January 2021 is by no means a finished product and government has committed to upgrading and adding to the system over time. Many of these additions will be vital to ensure that the system fully delivers for the UK economy and is easy to navigate for employers and applicants. So far, the government has indicated that businesses can expect to see the following after the initial introduction of the PBS:

- **Improvements to the Sponsor Management System (SMS)**

The Sponsor Management System is the portal through which employers manage their sponsor licence and ensure compliance with the monitoring and reporting requirements for their migrant workers. The system is challenging for even the most experienced users to effectively navigate and is something that the CBI has previously called to be modernised. The government accepts that improvements to the system need to be made easier to engage with and has agreed that simplifying the Immigration Rules is a priority. This is likely to be an ongoing process after the system comes into full effect on 1st January 2021.

- **The introduction of an unsponsored route**

To be a fully-fledged points-based system it is important that government introduces a route to run alongside the employer-led Skilled Worker route that allows individuals to come to the UK without a job offer. The government has committed to working with stakeholders during 2020/2021 to develop this route although there is no indication, so far, of when it will be open.

- **Changes to the tradeable points framework**

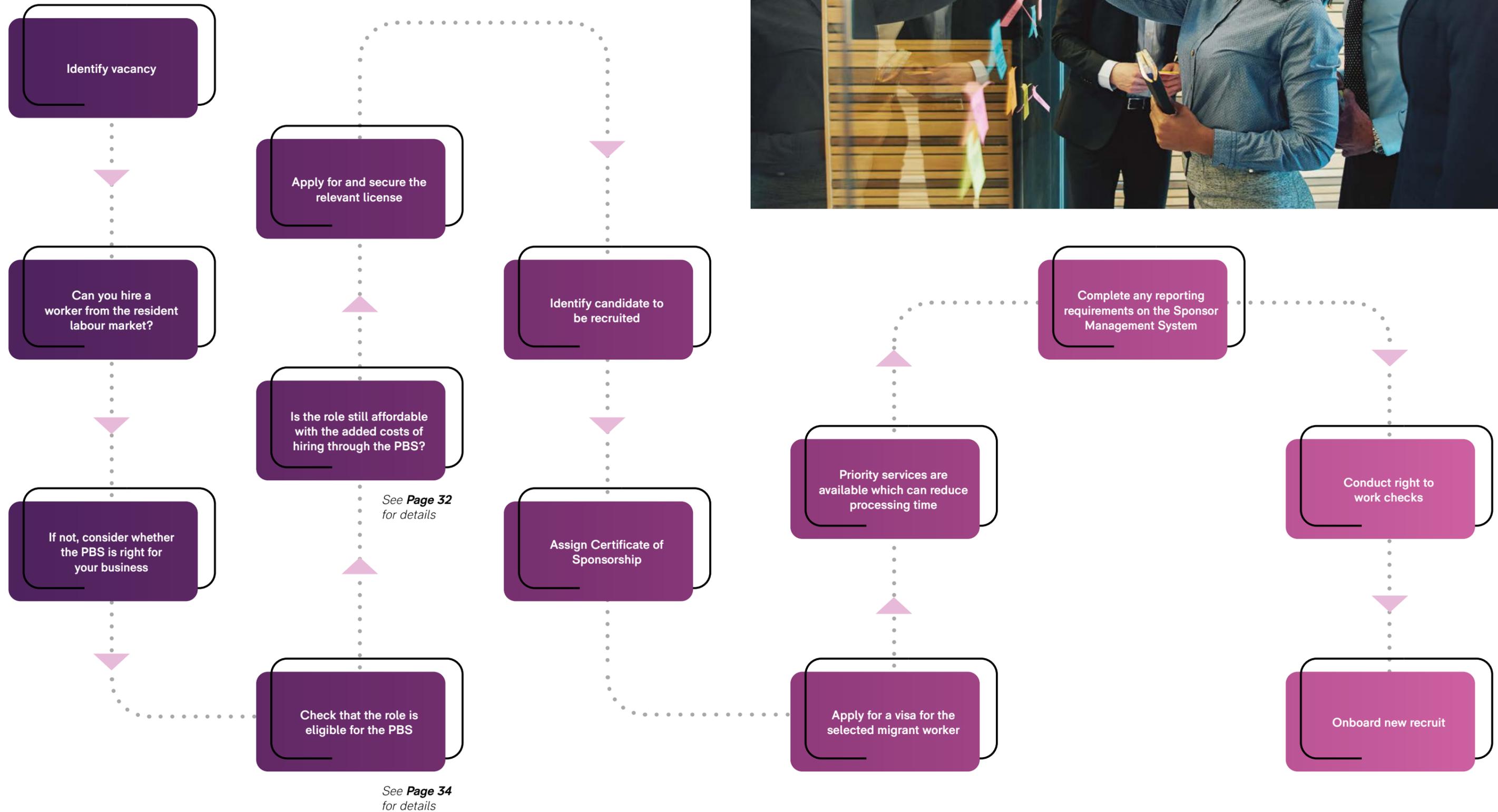
The government has stated that it may introduce extra criteria to the UK's points framework. This could add extra flexibility to the system and make it easier for firms to employ migrant workers. There is no timeline for this yet.

- **An expanded Youth Mobility Scheme**

The Youth Mobility Scheme is a temporary immigration route which allows young people from certain countries to experience life in the UK by enabling them to work and travel for up to two years. The government has said that it is open to further agreements with other countries in the future, however this is not time-bound and would be the subject of negotiations.



## What is the process for sponsoring migrant workers under the new PBS?



# Acquiring a sponsor licence

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One of the core principles of the new points-based immigration system will be employer sponsorship. This is an employer-administered system, which gives the employer the autonomy to sponsor migrant workers as required by issuing the individual with a work permit, known as a Certificate of Sponsorship (CoS). The government recognises that linking visas to sponsoring employers or bodies maintains a relationship between the individual and organisation, which helps ensure that all entrants meet the eligibility criteria. Sponsorship requirements will apply to the Skilled Worker route, the intra-company (ICT) route, the Health and Care Visa, the student route, and some other specialised worker routes.

Given the autonomy that employers have under the licence system, sponsoring employers must undergo a series of checks when applying for a licence to ensure the legitimacy of their operation, pay a range of fees, and prove that the roles they are looking to recruit for comply with the relevant skills and salary thresholds. This marks a significant change from Freedom of Movement and businesses must ensure that they understand the requirements and obligations of becoming a licensed sponsor under the points-based system. Essentially, as a licence holder the responsibility sits wholly with the employer to ensure that any migrant workers that they bring into the business are eligible under the system and that they remain compliant throughout the duration of their employment in the UK.

As most migrant workers will enter the UK under the Skilled Worker route, most employers will need to go through the process of becoming a licensed sponsor. Only once this licence has been approved will the employer be able to recruit migrant workers.

## This section of the guide will help you to:

- ✓ Decide which licence is right for your business
- ✓ Understand the different steps of the sponsor licensing process and how long it takes
- ✓ Identify the key pieces of information that you will need to provide

## Assessing the workforce

Before applying for a sponsor licence, employers should assess the needs of their business, with a focus on the nationality of their workforce and the end of Freedom of Movement. If a business has been largely reliant on skilled labour from within the EU in the recent past, a licence may well be required given that such workers will require sponsorship from 1st January 2021. It is also important to consider whether future hiring needs might differ from previous hiring patterns. For example, if a large-scale project or contract is on the horizon, which may require resourcing with labour from outside of the UK. Once the current and future nature of the workforce has been assessed, an employer can decide if they are likely to need a sponsor licence in the future.

If a business comes to the conclusion that a sponsor licence will be required, then it is advisable to consider making the application sooner rather than later in order to ensure that the licence is obtained in good time. Indeed, the Home Office is actively encouraging employers to apply now where they can do so and have introduced an expedited service for an additional fee.

## Existing sponsors

Many employers in the UK will already hold a sponsor licence and the Home Office has confirmed that these will roll over and continue to be valid under the new system. However, existing sponsors may still wish to undertake an assessment of future needs given the end of Freedom of Movement, particularly if they have traditionally had a pattern of hiring from the EU. Considerations should include:

- Whether the current sponsor licence or licences held by the business are sufficient e.g. if only one licence is held, do additional licences need to be obtained to cover additional branches or other parts of the corporate group?
- Whether additional licence types are required such as Tier 5, Skilled Worker, or ICT, if not already held?

Many employers who have held a sponsor licence since the system was first launched in 2008 will also be due to renew their licence this autumn, given that licences are issued for 4 years at a time. Again, the Home Office is actively encouraging sponsors to renew their licence in a timely way and has opened the 2020 renewal window slightly earlier for sponsors than in previous years.

## What are the different types of sponsor licence?

### Skilled Worker

<b>Skilled Worker</b>	Designed for the sponsorship of new, permanent hires to the business. See <b>Page 34</b> for more information on this route
<b>Intra-Company Transfer</b>	Designed for multinational companies that need to transfer employees to the UK for short-term or temporary assignments. See <b>Page 44</b> for more information on this route
<b>Minister of Religion</b>	Designed for the sponsoring of individuals coming to work for a religious organisation in the UK.
<b>Health and Care Visa</b>	Designed for the sponsorship of Doctors, Nurses, Health Professionals, and Adult Social Care Professionals.
<b>Sportsperson</b>	Designed for the sponsorship of elite sportspeople or qualified coaches who are recognised by a sport's governing body.

### Temporary Worker

<b>Creative &amp; Sporting</b>	Designed for sponsorship in the creative and sports industries for a short-term or temporary basis
<b>Charity Worker</b>	Designed for the sponsorship of individuals wishing to come to the UK to do unpaid, voluntary work for a charitable organisation.
<b>Government Authorised Exchange</b>	Designed for the sponsorship of those coming to the UK for short-term work experience, internships, training, Overseas Language Programmes, research or a fellowship through an authorised government exchange scheme.
<b>International Agreement</b>	Sponsorship of those contracted for the completion of work covered by international law whilst in the UK.
<b>Religious Worker</b>	Designed for the sponsorship of those coming to the UK to do religious work for a temporary period.
<b>Seasonal Worker</b>	Designed for individuals coming to the UK as seasonal workers in the edible horticulture sector.



## What are the requirements to apply for a sponsorship licence?

Before an employer can apply for a sponsorship licence it must:

Evidence that the company or organisation is genuine and operating lawfully in the UK.

Be able to offer genuine employment that meets the Skilled Worker skill and salary level, as prescribed by the codes of practice for skilled work under Appendix Skilled Occupations of the Immigration Rules.

Prove that the company or organisation has adequate human resource systems in place to meet the sponsorship duties and obligations.

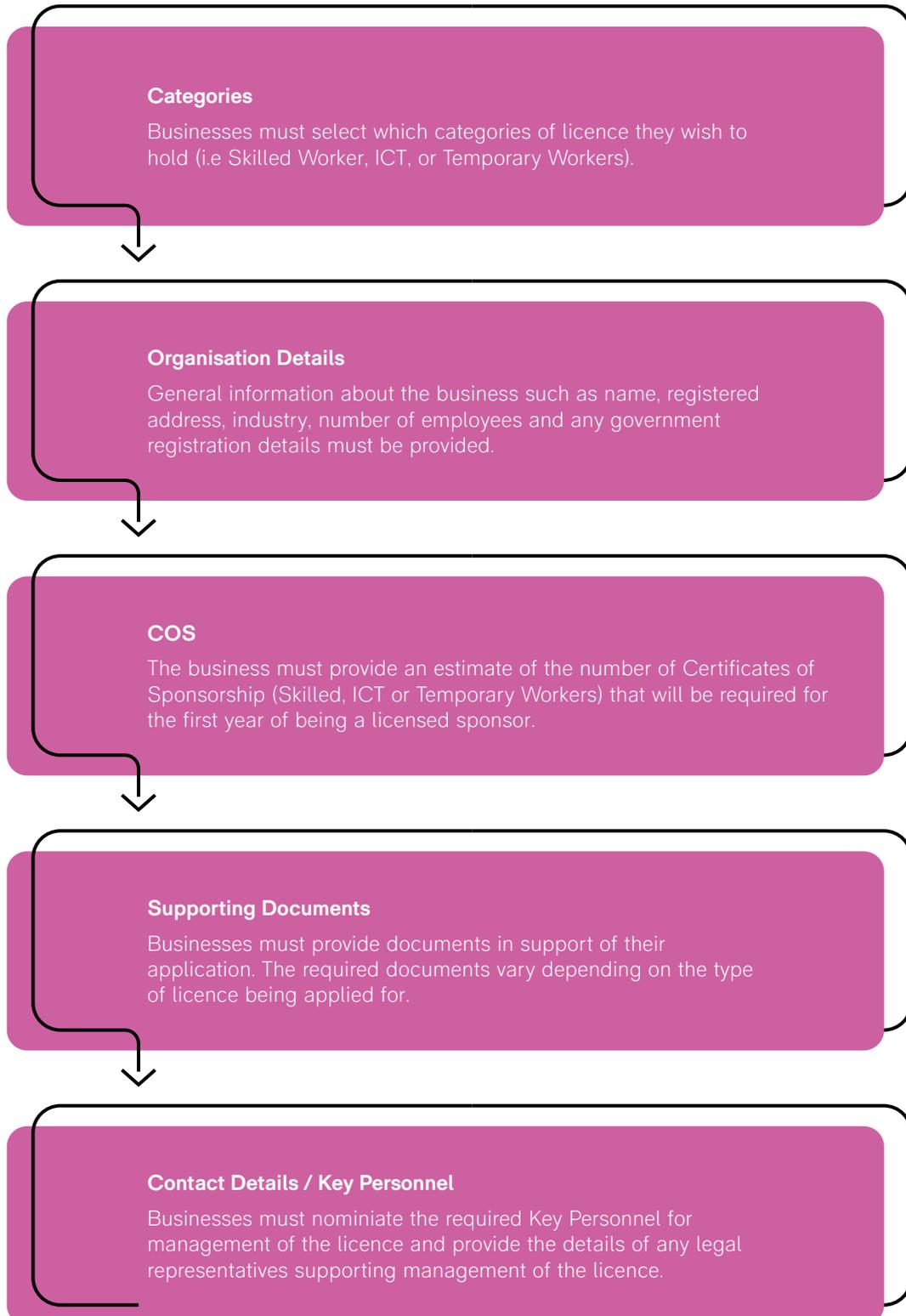
Appoint key personnel on the sponsorship licence to administer the system and discharge all compliance obligations. These individuals must also meet certain criteria and not present any threat to UK immigration control.



## How does a business apply for a sponsor licence?

The sponsor licence application is completed using an online application form followed by the submission of supporting documents to the Home Office. Click [here](#) to access the online form.

The online application form is broken down into five sections:





Upon completion of the online application form, payment will be made online followed by the issuance of a Submission Sheet which will be produced by the online system. This Submission Sheet must be submitted with the supporting documentation to the Home Office.

The required documentation is dependent on the structure of the business. So, businesses may wish to seek advice to ensure the application is successfully processed.

## How much does a licence cost?

Type of License	Small Business or Charitable Organisation	Medium or Large Sponsors
Tier 2	£536	£1,476
Tier 5	£536	£536
Tier 2 and Tier 5	£536	£1,476
Expedition fee	£500	£500

## What happens after the application is submitted?

Submission of the online sponsor licence application along with the required documents may result in a pre-licensing audit. This is most likely in sectors where there is a perceived higher risk of illegal workers because of temporary roles (e.g. hospitality, retail).

The pre-licensing audit will involve verification of details and documents submitted in the application and to also ensure the business's HR systems can maintain the responsibilities associated with being a licensed sponsor.

Upon successful processing of the application by the Home Office, the business will be granted with a Sponsor License number and will be added to the Register of Sponsors. The nominated Level 1 User will also be granted access to the online Sponsor Management System and will have the ability to issue Certificates of Sponsorship for any potential employees that are migrant workers.

## How long are sponsor licences valid for and how are they renewed?

A sponsorship licence is issued for 4 years. Around the end of this period, employers will have the opportunity to renew their licence for another 4 years and so on.

Sponsors are required to comply with some requirements before renewing a licence:

- Sponsor licences need to be renewed every 4 years
- Sponsors can renew their licences starting 3 months before their expiry date
- The sponsor can view their licence expiry and earliest renewal dates in their sponsorship management system (SMS) account
- Sponsors must apply to renew their licence by applying using their SMS account and paying the appropriate fee online



## What documentation does a business need to provide?

The Home Office provides detailed guidance of the types of documents that can be submitted in support of a sponsor licence application, which vary depending on the type of business and how long it has been in business. Full details can be found [here](#).

Typically, for a business that has been established for more than 18 months, the following documentation tends to be the most straight-forward to gather. At least 4 documents must be provided in total.

Lease or rental agreement for office premises. All signatures should appear in this document.

Business bank statements over a three-month period or a letter from the bank.

VAT and/or NI and PAYE registration documents. It may be possible to have documents certified if documents are online or enclosed as attachments in emails.

Latest audited annual accounts. It is usually acceptable to just provide the link to the accounts on the Companies House site where available.

Employers liability insurance certificate (cover at least £5 million).



### **Additional requirements for Skilled Worker licence**

To assess whether an organisation has a genuine need for a Skilled Worker licence, UK Visas and Immigration (UKVI) will either expect to see evidence of future plans that involve the need to recruit individuals with specialist skills that are not always available locally, or evidence that there is a genuine vacancy.

### **Additional requirements for Intra-company licence**

To make a successful application for an ICT sponsor licence, the UK entity must demonstrate to UKVI that it is connected to the overseas entity by 'common ownership or control'. This essentially means that one entity has control over another or that sister entities sit under a common parent. Joint venture companies may also meet this requirement. There are also specific ways accountancy firms, law firms and unincorporated associations may demonstrate common ownership or control.

## **Who can manage the sponsor licence?**

A company will have to appoint people within their organisation to manage the sponsorship process when applying for licence.

A company should appoint the following people:

- **Authorising Officer:** a senior and competent person responsible for the actions of staff and representatives who use the Sponsor Management System (SMS) on behalf of the company
- **Key Contact:** the company's main point of contact with UK Visas and Immigration
- **Level 1 user:** responsible for all day-to-day management of your licence using the SMS.

To be suitable for the roles above, the Home Office will undertake certain checks on the candidates.

#### Home office personnel checks

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##### **Sponsorship may be revoked if anyone involved in the management of the sponsor licence has:**

- An unspent criminal conviction
  - Been fined by UKVI in the past 12 months
  - Been reported to UKVI
  - Broken the law
  - Been a 'key person' at a sponsor that had its licence revoked in the last 12 months
  - Failed to pay VAT or another excise duty
- 

##### **The staff managing the licence must also:**

- Be based in the UK most of the time
  - Not be a contractor or consultant contracted for a specific project
  - Not be subject to a bankruptcy restriction order or undertaking, or a debt relief restriction order or undertaking
  - Not have a history of non-compliance with sponsor requirements
- 

It is possible for a representative, such as an immigration services provider, to act as Key Contact or Level 1 user on the company's behalf.

It is recommended that the business has at least two Level 1 users on the system.

If the nominated Authorising Officer, Key Contact, or a Level 1 User leaves the business, the business will have 10 working days to nominate a replacement and must report this change on the Sponsor Management System.



# Maintaining a sponsor licence

Securing a licence within the points-based system is only the start of the journey for employers. Sponsor licences are initially granted for a 4-year period, after which they can be renewed. Whilst the licence is active, employers must comply with a wide range of record keeping requirements and legal checks to ensure the validity of their activity and monitor how they manage their sponsored employees. Employers will regularly be scrutinised, so it is important that they understand what is expected of them and how best to approach these obligations from an operational point of view.

The existing system can be complex to navigate. Even employers that are familiar with the rules can face difficulties because of mistakes or unintentional breaches of the compliance obligations and procedures. Much of the system is also based on paper copy records, which can be unwieldy for businesses that are more used to working digitally. It is vital that businesses closely monitor and review their compliance processes to avoid unintentionally breaching compliance and to ensure they are prepared for inspections. Failure to do so could result in significant fines and potentially the loss of the sponsor licence.

## This section of the guide will help you to:

- ✓ Understand your obligations as a licensed sponsor
- ✓ Understand how to use the Sponsor Management System (SMS)
- ✓ Learn about the enforcement mechanisms within the PBS and the penalties for non-compliance

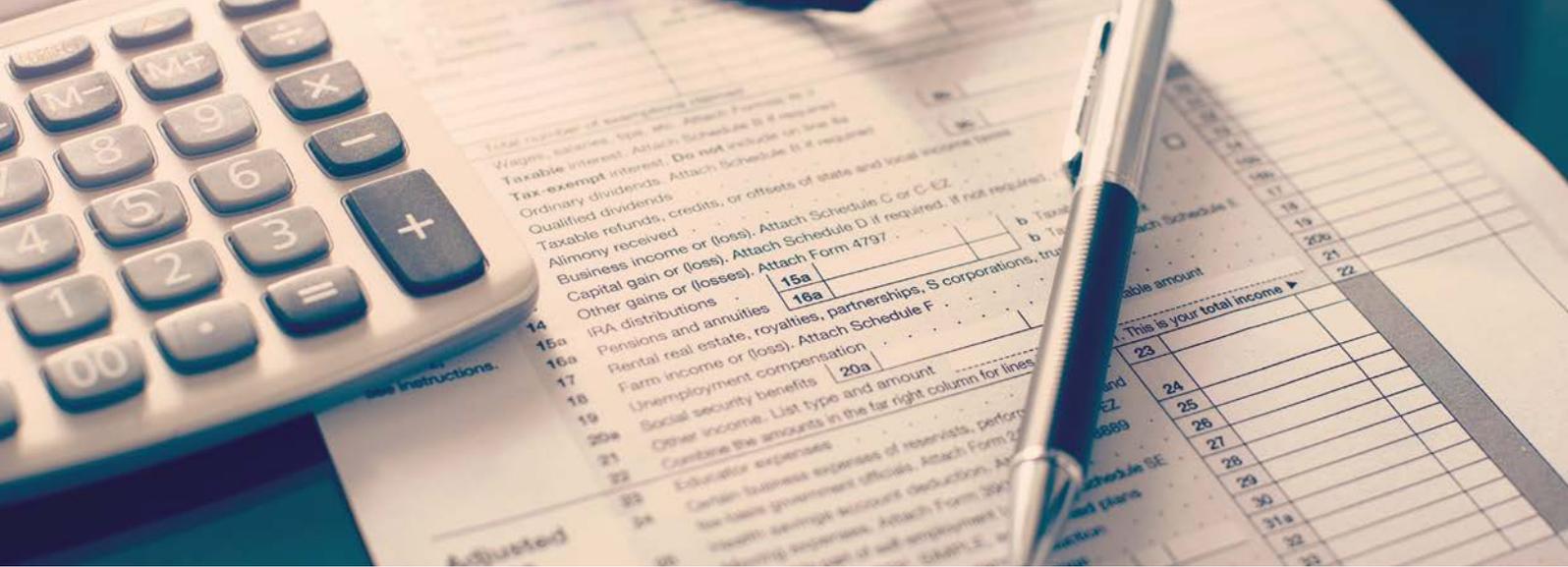
## What are a sponsor's compliance obligations?

As the sponsor license system is an employer-administered system, allowing companies to issue Certificates of Sponsorship to potential migrant workers, the responsibility for maintaining the licence sits with the employer.

A business must be able to demonstrate that they comply with the duties and responsibilities of a sponsor licence holder. These cover key areas such as:

- Record keeping
- Reporting and monitoring
- Right to work checks

Failure to comply with the duties and responsibilities listed may result in the suspension or revocation of the sponsor licence. If a business's licence is suspended or revoked, the business should seek the support of an immigration services provider.



## What records do businesses need to keep?

The Home Office may request to undertake an audit ahead of issuing a licence and may also request an audit at any time after a licence has been issued. As a part of this audit, the Home Office will request to inspect HR systems and records to confirm the licensed sponsor or potential licensed sponsor has sufficient systems in place to maintain the required records.

A licensed sponsor is required to maintain certain documents and information throughout the validity of the licence. This is to ensure that the business has carried out the correct assessment of eligibility prior to assigning a Certificate of Sponsorship to a potential migrant worker. Full guidance on the sponsorship documents that businesses must keep can be found [here](#).

All documents relating to a migrant worker sponsored by the business must be kept throughout the period that the migrant worker is sponsored and until:

- One year has passed from the date on which they end the sponsorship of the migrant worker, or
- The date on which a compliance officer has reviewed and approved them if this is less than one year after they ended the sponsorship of the migrant worker.

### Example of Records

Employee's Passport

Employee's immigration document (visa vignette or BRP card)

Offer of Employment or Employment Contract

Job Description

Full history of migrant contact information since first day of employment

## What reporting and monitoring obligations do businesses have?

Licensed sponsors have a responsibility to ensure that they communicate notable changes to the migrant worker's circumstances, or business' circumstances to the Home Office. It is vital that reports are made within the prescribed timeline as defined by the Home Office. You can see full guidance on business' monitoring and reporting obligations [here](#).

### Example of reportable changes to the business - Must be reported within 20 working days

Organisational changes including mergers, acquisitions, or demergers

Structural changes including the addition of UK branches or sites

Transfer of Migrants due to TUPE or similar processes

### Example of reportable changes to a migrant worker's status - Must be reported within 10 working days

Changes to the work start date or failure to attend first day of work per the Certificate of Sponsorship

Significant changes to salary or any changes to job description

Cancellation of Sponsorship due to termination, resignation, or unpaid, long-term absence

## How should businesses conduct right to work checks?

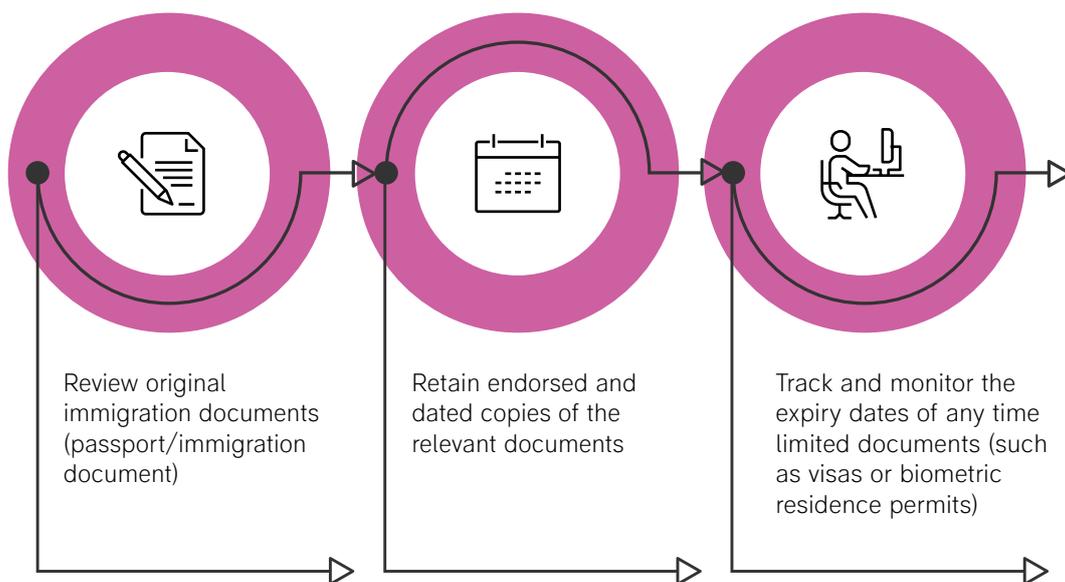
All employers in the UK must complete a right to work check for all employees at the point of hiring under the obligations contained in section 15 of the Immigration, Asylum and Nationality Act 2006. Employers must ensure all employees provide confirmation of their right to residence in the UK lawfully and without limitations to undertake the work in question prior to employment to prevent illegal working.

Right to work checks should ideally be completed before employment commences, however, these are required to be completed no later than the employee's first day of employment in the UK, and before the employee commences work.



Employers should verify original documents and then sign and endorse a copy of the relevant documents to confirm the date the check was made. This should then be placed in the respective employee's HR/personnel file. Full guidance on how to complete a right to work check and the documents that an employer can accept can be found [here](#).

For certain employees, such as those holding a Biometric Residence Permit or pre-settled or settled status under the EU Settlement Scheme, it is possible for employers to complete an online right to work check using the Home Office's online tool which can be accessed by clicking [here](#).



The way employers are required to check an EU national job applicant's right to work will also remain unchanged until 30th June 2021. Until this date, EU, EEA and Swiss citizens can prove their right to work as they do now, using a passport or national identity card or the online right to work checking service which can be accessed by clicking [here](#). Employers can be assured that they will have a full statutory defence against any illegal employment providing right to work checks are conducted in accordance with the Home Office guidance.

The Home Office has stipulated that employers have a duty not to discriminate against EU, EEA, or Swiss citizens. Employers cannot require applicants to show their status under the EU Settlement Scheme until after 30 June 2021.

## What are the sanctions for non-compliance?

The following are the possible penalties that UK businesses and key personnel may face for non-compliance under the sponsor licence:

Civil penalties of up to £20,000 for each illegal worker.

Revocation of Sponsor Licence after which an application for a new licence can only be made 12 months after the revocation date.

Prosecution for possessing an ID document (or a copy of it) that is false or improperly obtained (you could face up to 2 years imprisonment and/or receive unlimited fine).

Disqualification as a company director.

If the Home Office need to take action to enforce payment of a civil penalty, this could adversely affect the business or key personnel's ability to obtain credit.

The above list is not exhaustive and businesses that are found to be employing illegal workers with no permission to work in the UK will be listed on the Home Office's website with full details of the penalties they received. Businesses should therefore consider seeking legal advice to ensure that they are compliant with Home Office and UKVI regulations or they may face harsh penalties.



*"It is vital that businesses closely monitor and review their compliance processes to avoid unintentionally breaching compliance and to ensure they are prepared for inspections. Failure to do so could result in significant fines and potentially the loss of the sponsor licence."*

# Visa costs

There are additional costs associated with securing visas for migrant workers that businesses should consider when evaluating whether using the PBS is the right route for filling their vacancy. As well as thinking about the direct costs of sponsoring the individual worker, businesses may also be faced with additional costs if the worker has dependents.

## This section of the guide will help you to:

- ✓ Understand what you would need to pay and when
- ✓ Assess the different costs and how to approach them
- ✓ Calculate the additional costs for dependents

## How much does it cost to hire through the PBS?

Typical Fees		3 years (in £)
Certificate of Sponsorship	Employer only	199
Immigration Skills Charge	Employer only	3,000
Immigration Health Surcharge	Per person	1,872
Overseas government application fees (15-20 working days processing)	Per person	610

### Certificate of Sponsorship

A CoS is a work permit that is issued directly by employers, from their license to non-UK national migrant workers. This is an electronic document which is created and issued via the UK Visas & Immigration (UKVI) portal, referred to as the 'Sponsor Management System' (SMS). This document contains information about the job the migrant worker will do in the UK, as well as their personal details.

The Certificate of Sponsorship (CoS) process will continue with the PBS. This document will continue to be essential for a Skilled Worker visa application.

The price of a CoS is currently £199, which is payable by the licensed sponsor when the CoS is assigned from the SMS system.

## Immigration Skills Charge

The Immigration Skills Charge (ISC) came into effect in April 2017.

This charge is applied to any individual who will be sponsored in the UK and will be issued a Certificate of Sponsorship.

The charge is paid by licensed sponsors at the time of CoS issuance via the online Sponsor Management System.

The ISC amount due is dependent on the size of the business and length of sponsorship. It is payable by the licensed sponsor at the time of CoS issuance.

Duration of Sponsorship	Small Companies or Charitable Organizations	Medium and Large Companies
First 12 months	£364	£1,000
6 month increments following the first year of sponsorship	£182	£500

## Immigration Health Surcharge

The Immigration Health Surcharge (IHS), also known as the NHS Surcharge, came into effect in April 2015.

Payment of this fee grants long-term migrant workers access to the UK's National Health Service.

The fee must be paid by most applicants and their dependents looking to enter the UK for longer than 6 months. This must also be paid by those applying for extensions to remain in the UK, regardless of their duration of stay. Some businesses choose to cover the cost of the IHS fully or partially for their migrant workers as part of their resettlement offer.

The fee is paid at the time of submission of the online Visa Application Form.

Student or Youth Mobility Scheme:	£470 per year
All other visa and immigration applications:	£624 per year

### Overseas government application fees

Government has produced a tool that can help employers to visualise what costs they will need to pay. Click [here](#) to access it.

# In Depth: The Skilled Worker Route

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As detailed earlier in this guide, a core principle of the UK's new points-based immigration system is employer sponsorship. This means that for foreign nationals to take up employment in the UK, including EU, EEA, and Swiss nationals from 1st January 2021, it will be necessary for them to have a UK employer who wishes to sponsor them. The Skilled Worker route will therefore be the most important part of the new PBS for employers to understand as they are likely to bring most of their migrant workers into the UK through this route.

The Skilled Worker route has been designed to help UK employers fill a UK vacancy where they have been unable to source a local worker. However, to also ensure that wages and skill development in the local labour market are not undermined, the role (and indeed the migrant worker themselves), must meet certain criteria.

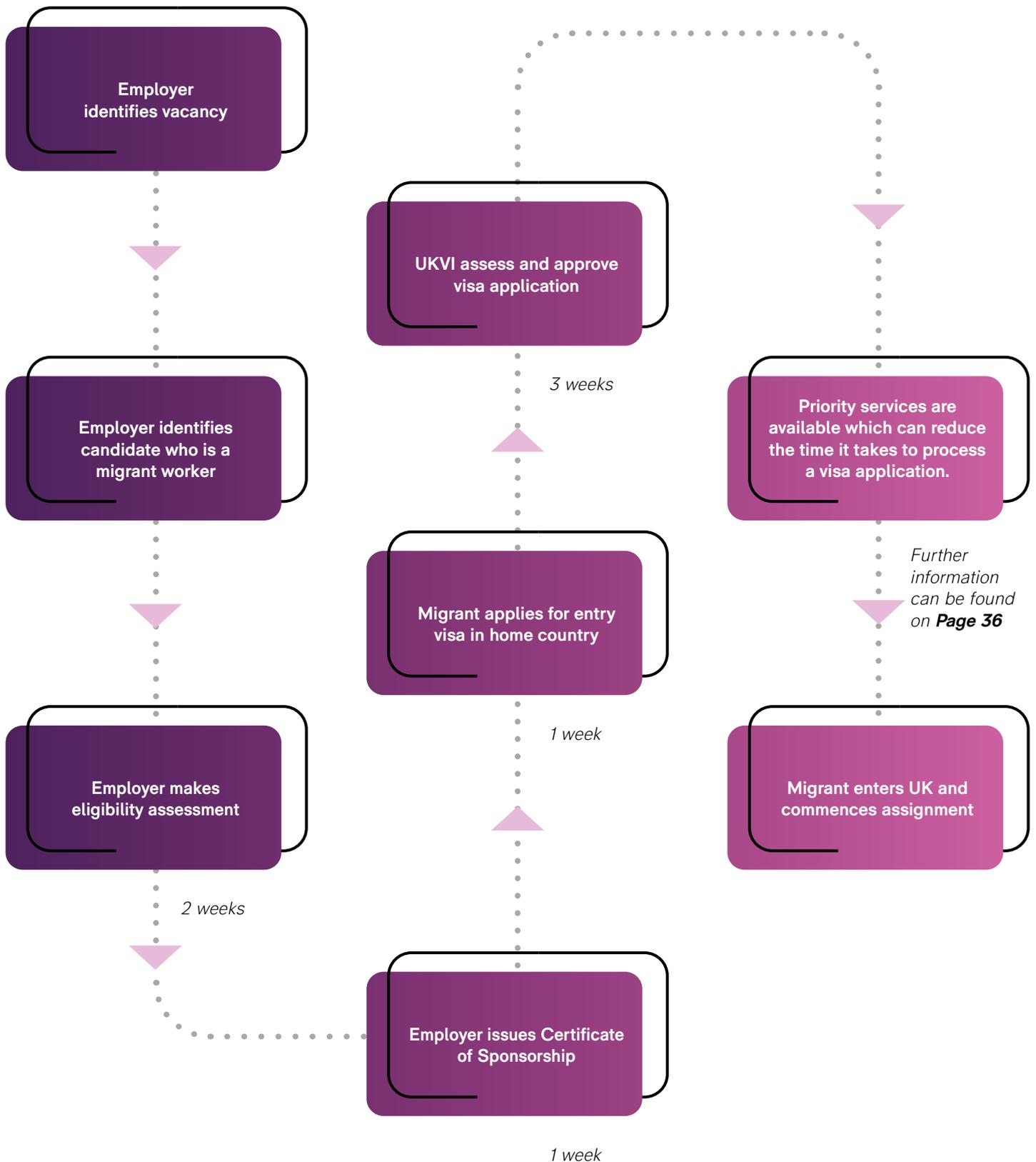
The route is based on the architecture of the Tier 2 non-EU visa system so will be familiar to existing users/sponsors. However, as part of the move from the old system to the new PBS, the government has lowered both the salary and skills level thresholds, bringing more roles in scope of the route. It is important that all employers understand the key changes to the system and the end-to-end process that is involved in sponsoring a migrant worker through this route.

## This section of the guide will help you to:

- ✓ Identify whether your vacancy could be filled via the Skilled Worker route
- ✓ Provide you with key information about eligibility for the Skilled Worker route
- ✓ Set out the process and timings for bringing in a worker through this route



## What is the application process for the Skilled Worker route?





To hire a migrant worker, it will be necessary for a UK employer to have a sponsor licence. Information about this process can be found on **Page 16**.

Where a migrant worker has been identified for a UK role, it will be necessary for the UK employer/sponsor to assess whether the role and the candidate meet the requirements for sponsorship as set out on **Page 41**.

If all the eligibility criteria are met, the UK employer can then proceed to issue a CoS (the electronic work permit) from their sponsor licence to the migrant worker. The migrant worker then uses the unique reference number on the CoS to make their work visa application at the nearest UK Visa Application Centre (VAC) in their home country. The application will be considered and, if successful, approved.

There is a slight difference in the way that entry visas will be issued to EU and non-EU migrants. For non-EU migrants the process will continue as it is now, and they will be issued with a vignette (a sticker) in their passport which is their entry visa. EU migrants will not be issued with a vignette, but instead will receive electronic approval of their application. This means that EU migrants will not receive a physical entry visa in their passport.

Paid priority services are available in some countries which can significantly reduce the amount of time it takes for a visa application to be processed. Click [here](#) for more information on the process of accessing the priority services and click [here](#) for information about the associated costs.

Once the visa has been approved, the migrant worker can then travel to the UK within the 30-day validity of the entry visa to take up employment.

## What is the maximum length of stay in the UK on a Skilled Worker visa?

Skilled Worker visas are issued for a maximum of 5 years, but there is no restriction on the length of stay in this category. Nor does a 'cooling off' period apply.

After 5 years in the UK, Skilled Workers can apply for indefinite leave to remain in the UK (ILR). See **Page 60** for further information.

## Which roles are eligible for the Skilled Worker route?

The eligibility requirements that need to be met to secure a Skilled Worker visa are set out below, along with an indication of the points that will be awarded for each element. To meet the eligibility criteria and to have their visa application successfully approved, a migrant worker must show that they score at least 70 points. It is possible to 'trade' certain points – for example, a lower salary can be offset by a high-level qualification, as you will see below.

Characteristics	Tradeable	Points
<b>Offer of job by approved sponsor</b>	<b>No</b>	<b>20</b>
<b>Job at appropriate skill level</b>	<b>No</b>	<b>20</b>
<b>Speaks English at required level</b>	<b>No</b>	<b>10</b>
Salary of £20,480 (minimum) - £23,039	Yes	0
Salary of £23,040 - £25,599	Yes	10
Salary of £25,600 or above	Yes	20
Job in a shortage occupation (as designed by the MAC)	Yes	20
Education qualification, PhD in subject relevant to the job	Yes	10
Education qualification, PhD in a STEM subject relevant to the job	Yes	20

### Job offer from a UK employer (20 points, not tradable)

The prerequisite of point scoring is that the migrant must be able to show that they have a job offer from a UK employer. Practically, this will be evidenced by the fact that the employer has issued the migrant worker with a Certificate of Sponsorship.



### **Skill Level (20 points, not tradeable)**

Skill level has historically been used within the immigration system to limit the types of role for which a migrant worker can be hired. The aim is to ensure a layer of protection for local workers. The government encourages UK businesses to consider local workers for UK vacancies first and only to consider migrant workers where no suitable local candidate can be identified.

As the skill threshold has been lowered with the move to the PBS more roles are now eligible which effectively means that migrant workers can now be considered for a wider variety of roles than under the previous system.

Under the new system, the skill level of the role must be A level equivalent (RQF 3). This means that the skills and duties related to the role are at this level, not that the candidate who fills the vacancy necessarily needs to hold A levels.

The Home Office regularly publishes and maintains a list of occupations categorised by which skill level they fall under – this list is known as the Standard Occupational Codes. Current RQF level 3 occupations can be found in Appendix J of the Immigration Rules which can be accessed [here](#).

As an employer, when assessing skill level for a role you will need to:

- Understand the general occupation type
- Compile a list of duties and responsibilities for the role
- Understand the salary or salary range for the role
- Review the standard occupational codes
- Assess whether the role falls into a code which is at least level 3

Providing the role meets an occupational code which is at least level 3 or above, points can be scored under this criterion and a Certificate of Sponsorship assigned.

### English language (20 points, not tradeable)

A migrant worker that comes to the UK to fill a vacancy under the Skilled Worker route must be able to show that they can speak English to an acceptable standard. This is determined in one of three ways:

- The migrant worker is a national from English speaking country (this will not apply to EU nationals unless they hold dual nationality):
  - o Antigua and Barbuda
  - o Australia
  - o the Bahamas
  - o Barbados
  - o Belize
  - o Canada
  - o Dominica
  - o Grenada
  - o Guyana
  - o Jamaica
  - o Malta
  - o New Zealand
  - o St Kitts and Nevis
  - o St Lucia
  - o St Vincent and the Grenadines
  - o Trinidad and Tobago
  - o USA
- The migrant worker has passed an approved English language test with at least CEFR level B1 in reading, writing, speaking, and listening. Click [here](#) for guidance on English language tests.
- The migrant worker has an academic qualification that was taught in English and is recognised by the [UK National Recognition Information Centre](#) as being equivalent to a UK bachelor's degree, master's degree or PhD.
- The migrant worker has gained GCSE, A Level or Scottish Highers in English while at school in the UK.

Employers may wish to support applicants with the booking and payment of any required English Language tests or document procurement, depending on the level of support which is offered to sponsored workers at the time of employment.

### Salary level (10 or 20 points depending on salary amount, tradeable)

Generally, all migrant workers coming to work in the UK under the Skilled Worker route will need to be paid at least £25,600 gross per annum. The salary for the UK role must meet whichever is the higher of the £25,600 minimum or the 'going rate' for the role. The 'going rate' is set out in the Standard Occupational Codes. There are certain exceptions to the rules about minimum salary where the candidate for the role is a 'new entrant'. In this circumstance, the salary requirement becomes that it must meet or exceed both £20,480 per year and 70% of the going rate for the occupation code.

The graphic below demonstrates the interplay between 'going rates' and salary thresholds for two different roles. In all cases, the higher of the two levels must be paid to meet the salary threshold requirements of the PBS.

### Minimum eligible salary for the Skilled Worker route



For illustrative purposes only. To see full salary eligibility requirements, see [Page 39](#)

Where the salary for a role is lower than the requirements, it may be possible for the candidate to trade characteristics, such as their qualifications, to make up the 70 points required. For example, if the role is on the Shortage Occupation List, or if the individual holds a PhD level qualification.

### Shortage occupations (10 points, tradeable)

The Shortage Occupation List sets out jobs for which labour is in short supply in the UK. Given the difficulty in filling these roles with local labour, additional points can be scored where a migrant worker is coming to the UK to work in a shortage occupation. As described above, this can offset a lack of points awarded to a migrant where the role does not meet the £25,600 or 'going rate' salary thresholds. The Migration Advisory Committee (MAC) keep the list under regular review based on market data and consultation with stakeholders. You can find the list of the Shortage Occupation codes in Appendix Skilled Occupations of Immigration Rules [here](#).



### **Educational qualifications (10 or 20 points, tradeable)**

Additional points can be scored where a candidate holds a PhD qualification. This can be helpful where the salary for a role is lower than the required minimum, for example.

**10 points** can be scored where the candidate holds a PhD qualification that is relevant to the role.

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**20 points** can be scored where a candidate holds a PhD qualification in a STEM subject relevant to the role.

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### **Switching Immigration Routes**

Under the new PBS, switching between immigration routes will be possible without leaving the UK. This will allow those who are in the UK on specific temporary routes to switch on to another visa type. For example, a worker on an Intra-Company Transfer visa will be able to switch into the Skilled Worker route without having to leave the country and re-enter with an entry visa, and vice versa.

Migrant workers will still be required to meet the requirements for the route they are switching into. They will also have to pay the same fees, relevant charges and complete the same application process.

Visitors, short-term visa holders and seasonal workers will not have the option to switch into a work-based immigration status.

## Summary of Eligibility and Application Requirements

Eligibility Requirements		Application Requirements	
<b>Skilled Role (at least RQF Level 3)</b>	Refer to Appendix Skilled Worker of the Immigration Rules	<b>Certificate of Sponsorship</b> More information available on <b>Page 32</b>	CoS to be issued by UK Sponsor. Payment of the Immigration Skills Charge to be paid at the time of COS issuance.
<b>Minimum Salary of £25,600</b>	Salary is inclusive of base salary plus any guaranteed bonuses.	<b>Visa Application</b> More information available on <b>Page 33</b>	Entry Visa application is required for all individuals applying from outside of the UK  Leave to Remain application is required for all individuals applying from inside the UK
<b>Additional Minimum salary of £20,480-£23,040</b>	Minimum salary is reduced where the applicant can demonstrate that they have a job offer in a specific shortage occupation or a PhD relevant job.	<b>Immigration Health Surcharge</b> More information available on <b>Page 32</b>	IHS fees to be paid at the time of submission of the online visa application form.
<b>English Language Requirement</b>	Individuals must evidence that they have sufficient knowledge of the English Language. More information available on <b>Page 39</b>	<b>Tuberculosis Testing</b> More information available <a href="#">here</a>	Applicants intending to remain in the UK for 6 months or more, from specific countries, will be subject to completing a medical test for Tuberculosis.
<b>Maximum Stay in the UK</b>	5 years in the UK. Route does lead to Permanent Residence or Settlement in the UK		

## How much does the Skilled Worker route cost?

Typical Fees		3 years (in £)
Certificate of Sponsorship	Employer only	199
Immigration Skills Charge	Employer only	3,000
Immigration Health Surcharge	Per person	1,872
Overseas government application fees (15-20 working days processing)	Per person	610



*"The Intra-company Transfer route allows a company to temporarily move employees from their global entities overseas into the UK. This can be very useful for multi-national businesses as it allows them to deploy expertise where it is most needed across their organisation."*

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# Intra-Company Transfer Route

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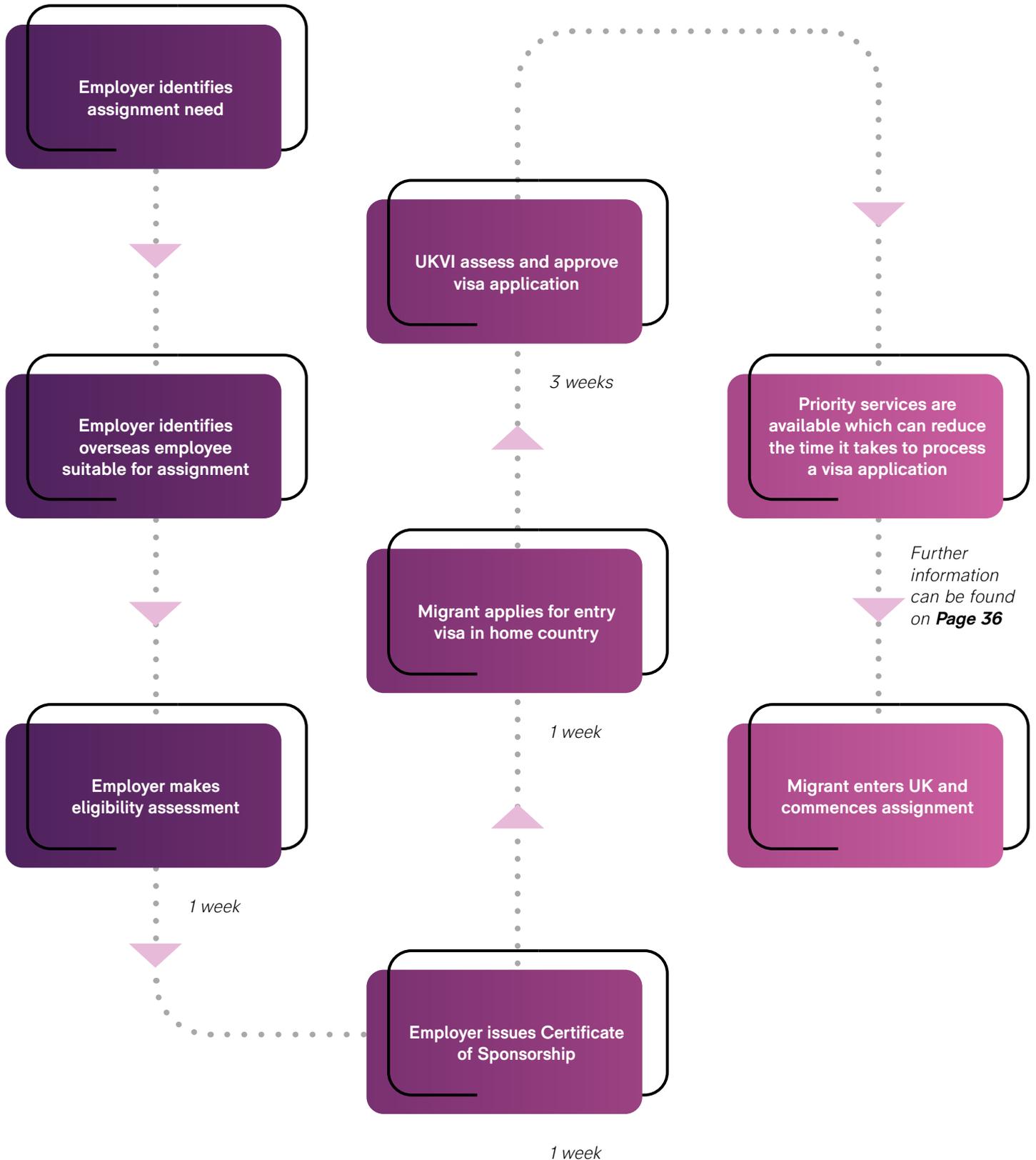
The Intra-company Transfer (ICT) route allows a company to temporarily move employees from their global entities overseas into the UK. This can be very useful for multi-national businesses as it allows them to deploy expertise where it is most needed across their organisation. The ICT route can also be used to enable graduate trainees to rotate through different branches or areas of a global business. There are slightly different eligibility criteria for ICTs compared to the Skilled Worker route and it may be a more straightforward visa route for businesses to navigate in some cases.

## This section will:

- ✓ Help you to assess whether ICTs are right for your business
- ✓ Set out the eligibility criteria for ICTs



## What is the application process for the ICT route?



## Which roles are eligible for an ICT visa?

The eligibility requirements that need to be met to secure an ICT visa are set out below, along with an indication of the points that will be awarded for each element. In order to qualify for an ICT visa, a migrant worker must achieve at least 60 points.

### **Sponsorship (20 points)**

An ICT migrant worker must have valid sponsorship for the role in the UK, evidenced by issuance of a valid Certificate of Sponsorship in this category.

### **Skill level (20 points)**

Under the new PBS, the skill level of the role must be equivalent to a bachelor's degree (RQF 6). This means that the skills and duties that are related to the role are at this level, not that the candidate who fills the vacancy must hold a bachelor's degree.

### **Salary level (20 points)**

A minimum salary requirement of £41,500 gross per annum or the going rate as per the SOC code, whichever is higher, will need to be met. Unlike the salary under the Skilled Worker route, it will be possible for certain guaranteed annual allowances to be included within the salary package to meet this minimum.

### **Employment period overseas**

The employee will be required to hold at least 12 months tenure within a non-UK entity of the business, unless they will be paid a salary of £73,900 per annum or above whilst on assignment in the UK and therefore deemed a higher earner.

## What is the maximum stay in the UK on an ICT visa?

ICT migrants can hold ICT leave for up to five years in any six-year period in the UK. Therefore, allowing the issuance of multiple ICT visas over the span of 6 years. This will result in the avoidance of the cooling off period and allow flexibility for short-term assignments.

For example, an Intra-Company Transfer Migrant Worker can obtain an ICT visa for a period of 6 months, depart the UK, and obtain another ICT visa without the requirement of completing a 12 month cooling off period.

ICT migrants considered 'higher earners' – those earning at least £73,900 gross per annum – will be able to remain in the UK for a total of nine years in any ten year period.

The ICT route does not lead to indefinite leave to remain (ILR) in the UK.



## Switching in country

ICT migrant workers will have the opportunity to switch immigration status to the Skilled Worker route whilst in the UK. There will be no requirement to complete a 12-month 'cooling off' period. This will allow employers to retain talent and potentially save costs.

## Summary of Eligibility and Application Requirements

Eligibility Requirements		Application Requirements	
<b>Highly Skilled Role (RQF Level 6)</b>	Refer to <a href="#">Appendix Skilled Occupation of the Immigration Rules</a>	<b>Certificate of Sponsorship</b> More information available on <a href="#">Page 32</a>	CoS to be issued by UK Sponsor. Payment of the Immigration Skills Charge to be paid at the time of COS issuance.
<b>Minimum Salary of £41,500 or £73,900</b>	Salary is inclusive of base salary plus any guaranteed allowances or bonuses.	<b>Visa Application</b> More information available on <a href="#">Page 32</a>	Entry Visa application is required for all individuals applying from outside of the United Kingdom.
<b>12 Months Tenure (or 3 months for Graduate Trainee)</b>	Tenure requirement is waived if the applicant is considered a higher earner.	<b>Immigration Health Surcharge</b> More information available on <a href="#">Page 32</a>	IHS fees to be paid at the time of submission of the online visa application form.
<b>Maximum Stay in the UK</b>	12 months for Graduate Trainee. 5 years for standard ICT migrant. 9 years for higher earner. Route does not lead to Permanent Residence or Settlement in the UK	<b>Tuberculosis Testing</b>	Applicants intending to remain in the UK for 6 months or more, from specific countries, will be subject to completing a medical test for <a href="#">Tuberculosis</a> .

## How much does the ICT route cost?

Typical Fees		3 years (in £)
Certificate of Sponsorship	Employee Only	199
Immigration Skills Charge	Employee Only	3,000
Immigration Health Surcharge	Per Person	1,872
Overseas Government Application Fee (Entry Visa)	Per Person	610
Optional Priority Service (Entry Visa)	Per Person	220

## Graduate Trainees

### What are the eligibility requirements?

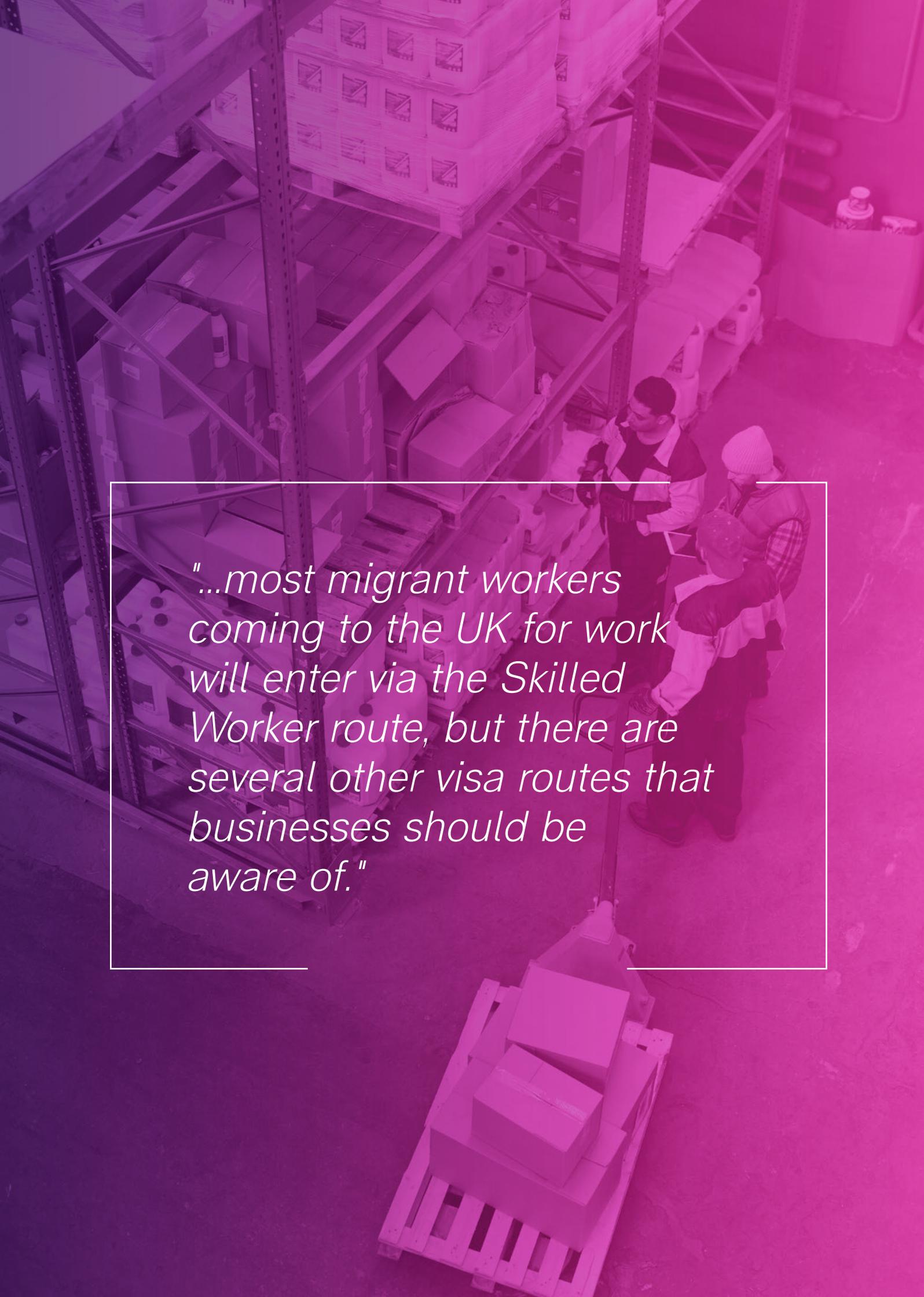
The eligibility requirements for the Graduate Trainee route match those of the standard ICT route, with the exception that the employee will be required to hold at least 3 months tenure with a non-UK entity of the business.

### What is the maximum period of stay in the UK as a Graduate Trainee?

Graduate Trainees will be able to remain in the UK for a total of 12 months.

### How much does the ICT-Graduate Trainees route cost?

Typical Fees		12 months in £ GBP
Certificate of Sponsorship	Employee Only	199
Immigration Skills Charge	Employee Only	1,000
Immigration Health Surcharge	Per Person	624
Overseas Government Application Fee (Entry Visa)	Per Person	482
Optional Priority Service (Entry Visa)	Per Person	220



*"...most migrant workers coming to the UK for work will enter via the Skilled Worker route, but there are several other visa routes that businesses should be aware of."*

# Other Routes

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Whilst it is expected that most migrant workers coming to the UK for work will enter via the Skilled Worker route, there are several other routes within the PBS that businesses should be aware of. Many of them have different eligibility criteria and therefore may be quicker or easier to access depending on the migrant worker's background or skills. These routes are generally used for temporary workers in the UK who may not necessarily require sponsorship.

## Graduate Route

The Home Office will be launching a new Graduate route in the Summer of 2021. This route will allow international students the opportunity to remain in the UK to work or seek employment after they have graduated. The route will also be points-based. The Home Office will award the full number of required points for the successful completion of a degree from a UK Higher Education Provider.

This visa route does not require sponsorship, however, should employers wish to offer permanent employment to an individual on the Graduate route, the Skilled Worker route should be considered due to the time limitations on the Graduate route. Migrants on this route will only be permitted to work for 2 years before their visa expires.

### **What are the eligibility requirements?**

The Graduate route will be available to individuals who have had valid leave as a Tier 4 (General) Student or as a Student who was sponsored by a UK Higher Education Provider.

Applicants must have completed all study associated with their degree in the UK. The completed degree should be recognised at Undergraduate level (RQF Level 6 or above). Click [here](#) for more information about the different qualification levels.

## What is the maximum period of stay in the UK on the Graduate route?

Students who have obtained an Undergraduate or Master's degree will be able to stay for two years. PhD student will be granted a stay of three years.

This grant of leave is non-extendable, therefore those wishing to stay in the UK beyond their issued grant of leave will have the ability to switch into employment-based immigration routes, should they meet the requirements associated.

The Graduate route does not lead to indefinite leave to remain (ILR) in the UK.

## How much does the Graduate route cost?

Typical Fees		2 years (in £)
Immigration Health Surcharge	Per Person	1,248
In-Country Government Application Fee	Per Person	To be Determined
Optional Priority Service	Per Person	220



## Youth Mobility Scheme

The Youth Mobility Scheme (YMS) allows young people from specific countries to live, work, and study in the UK for a period of up to two years. The Scheme works on a reciprocal basis which allows British Citizens to benefit from similar schemes in the participating countries.

YMS agreements are reached bilaterally and so they only exist with certain countries. However, there is potential for this list to expand if the Home Office completes additional YMS agreements in the future. Click [here](#) to see the latest list and information on the number of available annual allocations per country.

### What are the eligibility requirements?

In order to qualify for the Youth Mobility Scheme, the individual must be a citizen of a [participating country](#) and between the ages of 18 and 30 years old at the time of application. The individual must have personal savings of £2,530, which is to be evidenced by way of a bank statement at the time of application.

### What is the maximum period of stay in the UK on a Youth Mobility visa?

YMS migrants can stay in the UK for a period of up to 2 years.

The YMS route does not lead to indefinite leave to remain (ILR) in the UK.

### Additional Information

YMS Migrants can work or study whilst in the UK. They are not permitted to be employed as professional sportspeople, doctors, or dentists in training. Any YMS migrants in employment must be receiving at least the National Minimum Wage unless they are on a scheme with specific exemptions associated.

There are no provisions in place to allow dependents to accompany or join YMS migrants in the UK.

### How much does a Youth Mobility visa cost?

Typical Fees		2 years (in £)
Immigration Health Surcharge	Per Person	940
Entry Visa Application Fee	Per Person	244
Optional Priority Service	Per Person	220

## Creative Route

The Creative route is designed for artists, entertainers, musicians, and those working in the creative industry to enter and work in the UK for short-term contracts.

The route does not replace the option for those in the creative industry to enter the country as visitors. However, it does give them the ability to remain in the UK for a longer period and means they can engage in more activities than under the Visitor rules.

### What are the eligibility requirements?

Applicants for this route must be sponsored by a licenced sponsor. They must have a confirmed job offer for a role recognised as “Creative” as per Appendix Skilled Occupation of the Immigration Rules, which can be accessed [here](#).

The licensed sponsor will be required to issue a Certificate of Sponsorship reflecting the details of the proposed job offer.

### What is the maximum period of stay in the UK under the Creative route?

The Creative route allows migrants to remain in the UK for up to 12 months.

Migrant workers will have the ability to switch employers, as well as switch immigration categories, whilst in the UK.

The Creative route does not lead to indefinite leave to remain (ILR) in the UK.

### Entry Visa Requirements

Creative workers who are considered non-visa nationals who have been issued a valid Certificate of Sponsorship, are able to enter the UK on this route without having to apply for an Entry Clearance visa for stays up to three months.

Non-visa nationals intending to stay in the UK beyond three months and all other visa nationals will be required to apply for an Entry Clearance visa.

### How much does a Creative route visa cost?

Typical Fees		12 months
Certificate of Sponsorship	Main Applicant Only	199
Immigration Health Surcharge	Per Person	624
Entry Visa Application Fee	Per Person	244
Optional Priority Service	Per Person	220



## Sporting Route

The Sporting route is designed for both temporary and long-term opportunities for professional sportspeople participating in sporting activities in the UK.

The route is governed by the Sports Governing Bodies (SGBs) who will issue endorsements for applicants of this route. This is to ensure that local sportspeople have equal opportunities to participate in professional sporting activities.

### What are the eligibility requirements?

Applicants must be internationally recognised, with a confirmed job offer, and an endorsement from an SGB. They will also need to be sponsored by a licensed sponsor.

Applicants who intend to remain in the UK for over 24 months will be required to fulfil an English Language requirement, aligned with the Skilled Worker route. Click [here](#) for more information on approved English language tests.

### What is the maximum period of stay in the UK under the Sporting route?

The Sporting route offers both short and long-term options to remain in the UK.

The short-term option allows migrants to remain up to 12 months, whilst the long-term option allows migrants to remain for over 12 months.

This route leads to indefinite leave to remain (ILR) after 5 years continuous residence in the United Kingdom.

### How much does a Sporting visa cost?

Typical Fees		12 months
Certificate of Sponsorship	Main Applicant Only	199
Immigration Health Surcharge	Per Person	624
Entry Visa Application Fee	Per Person	244
Optional Priority Service	Per Person	220

## UK Ancestry

The UK Ancestry route gives Commonwealth citizens with UK-born grandparents the opportunity to live, work, and study in the UK.

There are no restrictions on the type or level of work that an Ancestry migrant may undertake whilst in the UK. There is also no requirement for employer sponsorship for this visa as it solely relies on the applicant's personal circumstances.

### What are the eligibility requirements?

To qualify for this visa, an individual must be a Commonwealth citizen and be able to evidence that at least one of their grandparents was born in the UK.

The applicant must also be able to evidence they have enough money to support themselves and any accompanying dependents. They must also show that they are able and intend to work or study whilst in the UK.

### What is the maximum period of stay in the UK under the UK Ancestry route?

UK Ancestry migrants are granted 5-year entry visas. This route leads to indefinite leave to remain (ILR) after 5 years continuous residence in the United Kingdom.

### How much does a UK Ancestry visa cost?

Typical Fees		12 months
Immigration Health Surcharge	Per Person	624
Entry Visa Application Fee	Per Person	516
Optional Priority Service	Per Person	220





## Global Talent Visa

The Home Office launched the Global Talent Visa in February 2020. This route is intended to attract both EU and non-EU Nationals who are leaders or up and coming talent in the fields of academics and research, arts and culture, and digital technology.

There is no requirement for sponsorship by a licensed sponsor as this route allows the migrant worker to work without any restriction or as a self-employed individual.

There is no cap on the number of individuals who may use this route.

### **What are the eligibility requirements?**

This route requires applicants to obtain an endorsement from one of the following recognised UK bodies:

- The Royal Society, for science and medicine.
- The Royal Academy of Engineering, for engineering.
- The British Academy, for humanities.
- UK Research and Innovation, for science and research.
- Tech Nation, for digital technology.
- Arts Council England, for arts and culture.

Those who have obtained endorsements under the existing Tier 1 Exceptional Talent visa route are able to use the same endorsement to apply under the Global Talent Visa route.

### **Fast-Track Scheme: Science, Technology, Engineering and Mathematics**

There is a fast-track option available to leading scientists and researchers who are in receipt of a fellowship, are working in a senior academic role, and part of a publicly funded research team.

## What is the maximum period of stay in the UK under the Global Talent route?

Global Talent visas are issued for periods of between 1 and 5 years. This visa is extendable, and individuals are granted extensions between 1 and 5 years. This route leads to indefinite leave to remain (ILR) after 5 years continuous residence in the United Kingdom.

## How much does a Global Talent visa cost?

Typical Fees		12 months
Immigration Health Surcharge	Per Person	624
Overseas Government Application Fee (Entry Visa)	Per Person	152
Optional Priority Service	Per Person	220



## Seasonal Workers

This route is for workers in edible horticulture undertaking seasonal work in the UK with a licenced sponsor. A person on the Seasonal Worker route is not eligible to bring their dependants to the UK.

### What are the eligibility requirements?

The Seasonal Worker must hold a valid Certificate of Sponsorship (CoS).

The Certificate of Sponsorship must state that the role is in the edible horticulture sector, which means those growing:

- Protected Vegetables
- Field Vegetables
- Soft Fruit species
- Top Fruit (Orchard Fruit)
- Vine and Bines
- Mushrooms

In addition, the CoS must confirm that the role conforms with relevant legislation, such as National Minimum Wage, Agricultural Wages Order and Working Time Regulations.

### What is the maximum period of stay in the UK under the Seasonal Worker route?

A Seasonal Worker may only stay in the UK for 6 months in any 12-month period, and the route does not lead to ILR.

### How much does a Seasonal Workers visa cost?

Typical Fees		12 months
Certificate of Sponsorship	Per Person	199
Visa Application Fee	Per Person	244
Optional Priority Service	Per Person	220



## Business Travel

The immigration rules and regulations surrounding business travel will not change significantly with the roll out of the new immigration system. However, with the end of EU Free Movement, EU nationals will now be subject to the same restrictions associated with the business visitor rules.

Visitor visas are required for certain nationalities visiting the UK for business purposes. A list of visa-nationals can be found [here](#).

Business travelers are able to enter the UK for a period of up to 6 months per trip. They cannot be employed or paid from the UK unless they are conducting a paid-permitted activity. Whilst non-visa nationals do not require an entry visa, visa-nationals will be required to obtain an entry visa for a fee of £95. The fee for a longer-term visa is dependent on the length required.

All individuals, regardless of nationality, entering the UK as business travellers must limit their business activities to those permitted by the Immigration Rules:

Permissible Business Activities	Intra-Corporate Activities
<ul style="list-style-type: none"><li>• Attending meetings, conferences, seminars, and interviews</li><li>• Presenting a one-off, or a short series of talks and speeches, provided these are not organized as commercial events and will not make a profit for the organizer</li><li>• Negotiating and signing deals and contracts</li><li>• Attending trade fairs for promotional work only, provided the visitor is not directly selling anything</li><li>• Conducting site visits and inspections</li><li>• Gathering information for employment overseas</li><li>• Receiving briefings on the requirements of a U.K. based customer, provided any work for the customer is done outside of the U.K.</li></ul>	<p>Individuals who are employed by an overseas company may:</p> <ul style="list-style-type: none"><li>• Advise and consult</li><li>• Trouble-shoot</li><li>• Provide training</li><li>• Share skills and knowledge on internal matters with UK employees of the same corporate group. Work cannot be carried out directly with or for clients.</li></ul>

Employers may wish to explore the paid permitted work activities and permitted intra-corporate activities, should there be a requirement for short term, employee visits to the UK.

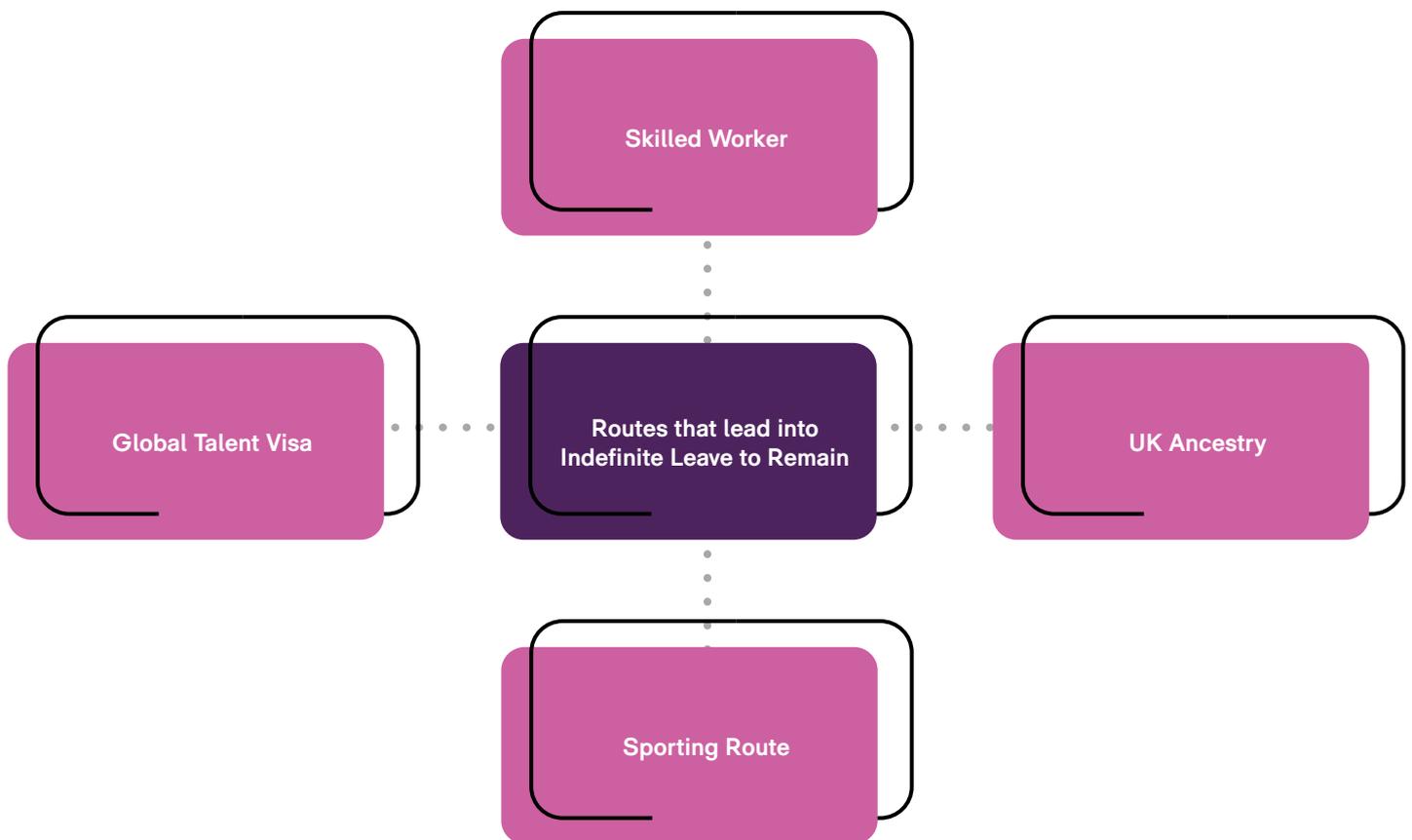
If there is any doubt as to whether an individual can enter the UK as a business visitor, consult your immigration service provider for a comprehensive assessment to ensure there is no risk of non-compliance.

## Indefinite Leave to Remain

Indefinite Leave to Remain 'ILR' or permanent residency is an immigration status which allows migrants to remain in the UK without any time limit. This status is also referred to as 'Settlement'.

ILR status holders can work in the UK in any business, profession, employment, or self-employment.

ILR is generally obtained once a migrant has completed at least 5 years of continuous residence in the United Kingdom under a specific immigration route.



Whilst this is not an employer sponsored application, migrant workers applying under a working route will be required to submit employment verification letters from both their current employer and any previous employers who have sponsored them during the qualifying period for ILR. This letter will need to confirm details of the applicant's employment, such as employment dates, salary, the SOC code (see **Page 38**) used for the issuance of the latest Certificate of Sponsorship and also confirmation that the applicant will work for the business for the foreseeable future.



# Commonly used terms

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**Biometric Residence Permit (BRP):** A Biometric Residence Permit is a card issued by the UK immigration authorities, which confirms a migrant's personal details (name, nationality, date of birth) and their immigration status.

**Certificate of Sponsorship (CoS):** An electronic record of the work permit issued to the migrant worker, with a unique number that they then use for their work visa application.

**Cooling-off Period:** This is a period after the expiry of a visa when an individual must remain outside of the UK before they can reapply for another visa in the same category to re-enter the UK.

**EEA:** European Economic Area

**EU:** European Union

**Freedom of Movement:** The rights of an EU/EEA/Swiss citizen to travel into another EU member state to exercise certain rights.

**Going Rate:** The going rate for an occupation for the purposes of the PBS is calculated as the 25th percentile salary for that occupation. The Office for National Statistics use data from the Annual Survey of Hours and Earnings for this calculation.

**HO:** Home Office

**ICT:** Intra-Company Transfer



**Indefinite Leave to Remain (ILR):** Acquiring ILR allows migrant workers to stay in the UK permanently without any restrictions on their ability to work or study. Also known as settlement or permanent residence.

**Migrant:** An individual that moves from one country to another, usually for work, family or other permanent or semi-permanent reasons.

**Points Based System (PBS):** The PBS is the system designed by government to replace Freedom of Movement into the UK. The system relies on a framework of points which migrants must accumulate to be eligible for visas.

**Settlement:** Acquiring settled status or applying for settlement allows migrant workers to stay in the UK permanently without any restrictions on their ability to work or study. This is also known as Indefinite Leave to Remain.

**Skilled Worker:** A category under the new Points Based System which facilitates the hire of migrant workers into UK roles.

**Sponsor Licence:** A licence that UK employers will be required to hold to sponsor migrant workers and allow them to come to the UK for work.

**Sponsor Management System (SMS):** The SMS is an online portal through which all licensed sponsors must manage their licence and their sponsored migrants and comply with various immigration obligations under the terms of the licence.

**UKVI:** UK Visas and Immigration

**Visa:** Anyone entering the UK, from any country in the world, for the purposes of work or study (other than some short-term business visitors and short-term students), will need to obtain an entry visa, which is essentially approval to enter issued by the UK immigration authorities.



# Employer resources

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Collection of government [guidance](#) for the PBS

Home Office [guidance](#) on the PBS for employers

Government [factsheet](#) on becoming a licensed sponsor

Government [guidance](#) on the PBS for EU citizens

CBI [guide](#) to the EU Settlement Scheme

Government EU Settlement Scheme [guidance](#)



# About the CBI

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Founded by Royal Charter in 1965, the CBI is a non-profit business organisation that speaks on behalf of 190,000 UK businesses of all sizes and from across all sectors, employing nearly 7 million people between them. That's about one third of the private workforce. This number is made up of both direct members and our trade association members. We do this because we are a confederation and both classes of membership are equally important to us.

The CBI's mission is to promote the conditions in which businesses of all sizes and sectors in the UK can compete and prosper for the benefit of all. With offices around the UK (including in Scotland, Wales and Northern Ireland) and representation in Brussels, Washington, Beijing and Delhi, the CBI communicates the British business voice around the world.

## **Our mandate comes from our members who have a direct say in what we do and how we do it**

The CBI receives its formal mandate from 9 Regional Councils, 3 National Councils from Scotland, Wales and Northern Ireland plus 16 sector based Standing Committees. These bodies are made up of members in that region, nation or sector who serve a term of office. The chair of each Standing Committee and Regional and National Council sit on the CBI's Chairs' Committee which is ultimately responsible for setting and steering CBI policy positions.

Each quarter this formal engagement process across the CBI Council reaches over 1,000 senior business leaders across 700 of our members who have a direct say in what the CBI do and how they do it, from refreshing their workplan to discussing the key business issues of the day and re-calibrating its influence. Over 80% of the businesses represented on the CBI Council are outside of the FTSE350 as the CBI represents a wide range of sizes and sectors from the UK business community. This formal governance process is supported by a wide range of working groups, roundtables, member meeting and events that makes the CBI unparalleled at listening to and representing British business.

## CBI Council in numbers

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1000+

Committee and Council representatives



28+

Regional and National Council and sector based  
Standing Committees



50%

Representatives of the CBI Council at C-Suite level



80%

Of the CBI Council from non-FTSE 350 businesses

Produced by Elliot Mason and the **People and Skills** team  
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