

New sponsored employment rules for Skilled Workers in Britain

The new salary requirements for Skilled Workers are relevant both for new applicants and workers already sponsored in the UK. Small businesses are the worst off

LONDON, UNITED KINGDOM, April 10, 2024 /EINPresswire.com/ -- One of the most common immigration routes to the UK is the Skilled Worker visa. This route leads to settlement, or permission to stay in the UK permanently, after 5 years of residence. Skilled worker is allowed to come to the UK with their partner and children as dependants. Dependants have an (almost) unrestricted right to work and study in the UK, although as University students they have to pay the foreign students fees if enrolled before [indefinite leave to remain](#) is granted.

There are five [basic requirements for the Skilled Worker visa](#):

1. There has to be a genuine job offer from a UK-based sponsor
2. The proposed job has to meet the required level of skill
3. The proposed job has to be paid at least at the minimum pay threshold and at least at the prescribed going rate for the job – whichever is higher
4. The visa applicant has to have good knowledge of English – at least B1 in speaking, listening, reading and writing

This April, the Immigration Rules related to Skilled Worker visa changed and the changes affect both the new applicants for this type of visa and those applying for extension of their existing permission to stay or indefinite leave to remain.

The changes concern the required level of pay, both in respect of the general minimum threshold and the going rates for prescribed jobs.

The general minimum threshold has been raised to £38,700. There are a few exceptions, mainly related to the shortage jobs, now listed in the Immigration Salary List, and the jobs which required a PhD qualification, especially in a STEM subject.

Under the new rules, the Standard Occupational Classification 2010 code has been replaced with SOC 2020. This means that some jobs now fall under a new classification code and all jobs have a higher going rate than under the previous SOC 2010 classification. So, for example, the going rate for Production Managers in manufacturing has raised from £35,000 per year to £51,500,

with an hourly rate going up from £17.90 to £26.41. The going rate for Marketing and sales directors has increased from £50,000 per year to £83,000, with the hourly rate increase from £25.60 to £42.56.

Workers currently sponsored in the UK under SOC 2010 code can continue their work without changes. However, at the time of the visa extension or an application for ILR they will have to meet the requirements set out in the transitional arrangements. These transitional arrangements will apply for 6 years, until 4 April 2030, and will only be applicable to Skilled Workers who remain in this immigration route continuously since before the changes.

Thus, a Sales Director employed before the April changes with the salary of £50,000 per year will have to be paid £55,600 for the extension application and application for ILR, if made before April 2030. If, for whatever reason, an application for ILR is not made before this date, the required salary for an ILR application after this date will be £83,000 per year.

For employers, or sponsors of Skilled Workers from overseas, the most profound changes are related to hiring additional personnel. The salary requirements are clearly aimed at reducing net migration and the minimum level of pay may be challenging for small and medium sized businesses and charitable organisations.

Although provisions for new entrants, or recent graduates from UK universities, allow some flexibility, these provisions apply for a maximum period of four years. After this, the Skilled Worker has to be paid at the applicable level in order to extend their stay or qualify for ILR.

[Immigration lawyers](#) expect that the amendments in combination with transitional arrangements and largely convoluted changes will create a particular challenge for unrepresented applicants and anticipate a higher than previous refusal rate due to notorious complexity of the rules and lack of clarity surrounding the changes. How British business environment will respond to the measures still remains to be seen.

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