

# Skilled Worker visa - Introducing the UK's new immigration system

January 2021 saw the long advertised overhaul of the UK's points-based immigration system, with the old Tier 2 (General) visa replaced by the Skilled Worker visa.

The changes mean UK employers will be required to obtain a sponsor license to recruit non-UK talent even if they are EU/EEA/Swiss citizens. In this article, we highlight some of the major changes and provide some top tips for employers who are unsure how to react to the changes.

## Introduction

Following Brexit and the end of EU Free Movement rights, the UK has introduced a new points-based immigration system. New immigration routes have opened for applications to live, work and study in the UK. The most relevant route for employers will be the Skilled Worker visa. The previous system has been overhauled and a number of the changes will, in theory, make the process of recruiting candidates from outside of the UK a lot easier for employers seeking skilled labour.

## What has changed?

- The new Skilled Worker route brings EEA and Swiss nationals who arrived in the UK after 1 January 2021 under the same umbrella as non-EEA nationals who already require a visa to live and work in the UK.
- The annual cap on visa applications has been removed. Previously only 20,700 certificates of sponsorship were available each year, so this is a significant change in itself.
- Previously migrants needed to be educated to degree or masters level to be capable of sponsorship. The new system operates at A-Level, so lower skilled roles will now be capable of sponsorship.
- Employers will have to pay a lower minimum salary of £25,600 (or the "going rate" for the particular job, whichever is higher). Depending on the particular circumstances, it is possible to pay lower salaries. For example, where the role is recognized to be in [shortage](#).
- While the old Tier 2 General system was originally designed to be points based, it did not operate that way in practice and employers will recall the government's plans to implement an "Australian-Style" points based system. A minimum of 70 points will be required to successfully apply for a Skilled Worker visa and outside of mandatory requirements such as English language proficiency and minimum skill level, applicants will be able to trade certain characteristics in order to meet the requirement (holding a PHD in a relevant subject, job is a recognised shortage occupation etc.)
- Existing sponsors will breathe a collective sigh of relief now the obligation to carry out the Resident Labour Market Test (RLMT) has been abolished. Previously, employers were obliged to advertise roles for a minimum 28 days and could not sponsor a non-EEA national if a settled candidate met the essential requirements of the advertised role. Employers should find recruitment exercises streamlined with the removal of RLMT red tape.

### Our recommendations

On paper, the majority of the changes will be welcome for existing sponsors who will have their licenses updated automatically. However, businesses who did not previously feel the need to become a registered sponsor, perhaps because they traditionally relied on EEA nationals, should now reconsider if those decisions remain viable. Equally, it is also clear that certain roles will simply not be capable of sponsorship, despite decreases in skill level and minimum salary requirements. Employers looking to recruit “low-skilled” workers should audit their existing workforce to understand exposure and tailor future recruitment strategies to suit their needs – remember that employers can still employ EEA-nationals who have been granted status under the EU Settlement Scheme.

We regularly assist businesses in obtaining Sponsor Licences and can provide advice on the complexities of managing a Sponsor Licence once it has been secured. The majority of employers will not be familiar with the Home Office’s very particular ways of working, with emphasis on compliance. If you would like further information on the process of obtaining a Sponsor Licence, or have a specific concern, please contact a member of our Immigration [team](#).

### Key contacts



**Jonathan Simpson**  
Associate  
+44 28 90 727 542  
jsimpson@algoodbody.com



**Rob Tubman**  
Solicitor  
+44 28 90 727 441  
rtubman@algoodbody.com

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