



@DoughtyStreet

The post-Brexit Points-Based Immigration

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Today's presentation

Chair: Agata Patyna

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1. Introduction
2. Phil Haywood
3. Krishnendu Mukherjee
4. Questions/discussion

The post-Brexit Points-Based Immigration



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General approach behind the new Points Based System

‘In February 2020, we published our Policy Statement on the UK’s Points-Based Immigration System. This set out how we would fulfil our commitment to the British public to take back control of our borders by ending free movement and introducing a single, global immigration system. The Points-Based System will cater for the most highly skilled workers, skilled workers, students and a range of other specialist work routes including routes for global leaders in their field and innovators.’

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

‘As part of a phased programme to 2025, we will introduce a universal ‘permission to travel’ requirement which will require everyone wishing to travel to the UK (except British and Irish citizens) to seek permission in advance of travel to facilitate the passage of legitimate travellers whilst keeping threats away from the UK border. We will introduce Electronic Travel Authorisations (ETAs) for visitors and passengers transiting through the UK who do not currently need a visa for short stays or who do not already have an immigration status prior to travelling. Our ETA system will require applicants to undertake a light-touch application process, which will allow security checks to be conducted and more informed decisions taken on information obtained at an earlier stage, as to whether individuals should be allowed to travel to the UK. This will act as their permission to travel.’ [§143]

General approach behind the new Points Based System

- Phased implementation (the current paper giving little by way of substantive detail).
- Simplified and streamlined PBS and rules, in line with Law Commission's recommendations
- Online service to demonstrate right to work (and planned for right to rent)
- All applicants will receive written confirmation of immigration status
- Fees payable for all applications
- Immigration Skill surcharge levy (£1000 per worker), and health surcharge, payable for EU and non EU workers

Skilled workers

- All employers will now have to hold sponsor licences
- Suspension on cap on CoS
- Removal of RLMT
- PBS route: switching to be allowed between categories
- English at B1 for skilled workers
- Skill level at RQF3 (A-level or equivalent): lower than current RQF6
- General salary threshold of £25600
- Points system: scoring via 'tradeable points'

EU citizens

- EU citizens not covered by settlement scheme or withdrawal agreement will need to apply for leave in same way as non-EU citizens, except where making 'short-term' visits
- EU citizens arriving before 31 December 2020 (and relevant family members) eligible for EU settlement scheme
- After 2021, EU nationals will need to have national passport rather than ID card to enter UK
- All EU citizens coming to UK for > 6 months will be able to prove 'rights and entitlements' by online service
- No general requirement to enrol biometrics (will be able to upload photographs etc by smartphone app)
- Normal deportation framework applies to offending by EU nationals after end of transition period

Common Travel area; Irish citizens

- No changes to rights of Irish citizens
- British and Irish citizens will demonstrate permission to be in UK by possession of passport
- No routine Immigration controls on journeys within CTA
- No Immigration controls at Ireland- Northern Ireland border

Visitors

- Continuation of general provisions on visits
- General rules on no switching remain
- Short term study permitted, and work related activities currently permitted will continue to be allowed
- ‘The Government has already said that its intention is for citizens of the EU and Switzerland to not require visas to visit the UK.’

Retention of other categories

- **Youth mobility** (nationals of Australia, Canada, Japan, Monaco, New Zealand, Hong Kong, Republic of Korea and Taiwan) (capped)
- **Sports people**
- **Creative route** for artists, entertainers and musicians (sponsor must follow code of practice) and be satisfied has 'unique attributes' and internationally recognised
- **Charity workers** (unpaid work)
- **Ministers of religion**
- **Government authorised exchanges**
- **International agreements** (private servants in diplomatic households; employees of governments and international organisations)
- **UK ancestry**
- No mention of investors (or sole representatives)

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Coming to Work in the UK

At the heart of the new Immigration regime is the fact that freedom of movement will be replaced by the new Points-Based System for EU and non-EU citizens which will be simplified and streamlined.

- Highly skilled workers
- Skilled workers
- No general provision for lower-skilled workers

Highly skilled workers

- This route would be capped and carefully monitored during the implementation phase.
- Allow a smaller number of highly skilled worker to come to the UK without a job offer.
- Details of what constitutes *highly-skilled* in the worker category has not yet been published.
- Global Talent route

Skilled workers

There no overall cap on the number of people who can apply for the Skilled Worker route instead they will need to meet a specific set of requirements for which they will score points. However, there are some mandatory criteria which they will need to meet.

- The applicant must have an offer of a job from a licensed sponsor.
- The job must at a minimum skill level of RQF3 level or equivalent (A level), although the applicant does not need to have a formal qualification, it is the skill level of the job which is important.
- The applicant must speak English to an acceptable standard.

What is the new Points-Based System?

Under the PBS each applicant must meet the threshold of 70 points. Meeting the mandatory criteria will earn the applicant 50 points. The other 20 points must be met through “tradeable” points through a combination of their salary, a job in a shortage occupation or a relevant PhD.

- General salary threshold of £25600 (or the going rate) for the job.
- Minimum salary threshold of £20,480 which must always be met even for new entrants or workers in certain health and education jobs.
- However, for instance someone who does not meet the minimum salary threshold *for their occupations* (but at least 70% for new entrants) could make up the points by working in a shortage occupation or having a relevant PhD. There are a number of case-studies in the July 2020 document.

Special Categories

- Health and Care Visa for doctors, nurses and other health professionals. You need a job offer. You will have fast-track entry. Right to bring in families. Exempt from Immigration Health Surcharge.
- Global Talent route for recognised global leader. Applicants must be endorsed by a recognised UK body, such as the Royal Society for science and medicine.
- Start-up and Innovator. Includes both setting up an innovative business for the first time and those with industry experience and at least £50,000 funding.

Lower-skilled

- No general provision for lower-skilled workers.
- Investment in technology and automation
- Continuation of family reunion and asylum
- Seasonal workers pilot project for agriculture will be reviewed and may continue under points-based system.
- Overseas Domestic Workers.
- British Nationals (Overseas)

Coming to Study in the UK

- Requirement to incentivise after the Covid19 Pandemic. Uncapped. Dependents.
- Will have a new Points-Based System which will build on the current Tier 4 route. Requirements retained, but will be based on 70 non-tradeable points for acceptance of study, ability to support and English language.
- Clearer pathways to stay in the UK after graduation and into work if they have a suitable job.
- Graduate route will be launched in summer 2021 to provide international students the opportunity to stay in the UK or look for work after they graduate. Undergraduate and Master's degree students will be able to stay for two years under that route. PhD will be able to stay for three years. Unsponsored and will be able to work, or look for work at any skill level during this period.

Thank you

- <https://www.gov.uk/government/publications/the-uks-points-based-immigration-system-policy-statement/the-uks-points-based-immigration-system-policy-statement>
- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899755/UK Points-Based System Further Details Web Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/899755/UK_Points-Based_System_Further_Details_Web_Accessible.pdf)



Questions?



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