

Forthcoming Changes to the Government Employee Visa System November 2020

1. Changes

On 31st December 2020, freedom of movement to the UK for EU/EEA and Swiss Nationals will end.

From 1st January 2021, all new arrivals to the UK who are EU/EEA/Swiss nationals will require a visa to legally work in the UK. Non-UK/EU/EEA and Swiss nationals will continue to require a visa as they did under the previous system. Irish nationals will not require a visa to live and work in the UK.

Tier 4 for students – will be renamed the **Student Route Visa (SRV)**

Tier 2 for staff – will be renamed the **Skilled Worker Visa (SWV)**

This briefing paper will concentrate on the changes and implications of the new **Skilled Worker Visa** and the introduction of the new **Global Talent Visa**, which replaces the Tier 1 (Exceptional Talent) visa route.

2. New UK Points Immigration System

Summary of Changes

The key changes from 1st January 2021 are:

1. Tier 2 visa will be renamed the Skilled Worker Visa (SWV)
2. All EU/EEA/Swiss nationals will require an appropriate work visa in order to work legally in the UK
3. Irish nationals will not require a visa of any kind to work or visit the UK
4. A wider scope of roles can potentially be sponsored – e.g. Veterinary Nurses and Laboratory Technicians.
5. For non-PhD level roles a Skills Surcharge of £364 *per year of the visa* would be payable by the department.
6. There will now be no cap on the number of skilled workers that can come to the UK.
7. We will no longer have to complete a resident labour market test (RLMT) which required a 28-day advertising period
8. Any job role offering a salary below £20,480* cannot be sponsored (*as at January 2021)

The detail of how the new points system works for Skilled Workers is covered in the Appendix.

3. Global Talent Visa (GTV)

This is a re-branding of the Tier 1 Exceptional Talent Visa, which will provide a more expansive visa offer for senior academics, research and innovation talent.

It will create an additional route to endorsement, supplemental to those which already exist, based on the concept of “directly incurred costs” within research grant funding (see route 3 below).

This route will benefit the College by providing an easier route for Readers/Professors and senior academics, and candidates with specific fellowships, to gain a visa.

Route		Summary
1	If offered a job as a Professor or Reader	The individual can obtain a GTV via “fast track endorsement”. This will require a letter from HR to confirm the appointment.
2	If the applicant has been awarded an <i>Individual Fellowship from the Royal Society</i> recognised list	Individual can obtain a GTV via “fast track endorsement”. They must submit a copy of their award letter as part of the endorsement application.
3	Has the individual’s name or job title been listed as a “directly incurred cost” on an eligible grant or award at the University	Individual can obtain a GTV via “fast track endorsement”. The application requires a letter from HR confirming appointment <i>and</i> they must submit a copy of the grant award letter(s) that support their work.
4	If none of the above are relevant, the individual may be able to secure an endorsement via a <i>peer review</i> of their work via the Royal Society, British Academy or Royal Academy of Engineering. Further guidance on this route can be found here	

The costs for the Global Talent Visa route are as follows:

- Visa cost (for any length of 1-5 years): £608
- NHS Surcharge: £624 per year of visa validity

5. What are the Key Implications for the RVC?

- The rebranding of Tier 2 as the Skilled Worker Visa (SWV) will see the removal of the resident labour market test which existed under the Tier 2 route. This will mean the College will not have to advertise in two places for at least 28 days, thereby reducing the length of recruitment process, and reducing the administrative burden on HR and departments.
- The new Global Talent Visa will mean some senior academics and those with secured and recognised fellowships can follow this easier route to a better visa, rather than the more onerous and costly skilled migrant worker route.

- c. Visas will now be required for all EU/EEA/Swiss nationals commencing at the College from 1st January, which will mean a much higher volume of visa applications the College will need to undertake.
- d. A wider scope of roles can potentially be sponsored via the SWV route – e.g. Veterinary Nurses and Laboratory Technicians.
- e. The costs to the College will increase significantly:
 - New staff who are EU/EEA/Swiss nationals will now require a visa to work at the College
 - The NHS surcharge has increased from £400 to £624 per year
 - Skills Charge for non-PhD level roles will be £364 per year

Example Cost = for 5 year Visa

£1,220	Application Cost (if applying from abroad, £1,408 if applying from within the UK)
£3,120	NHS surcharge
£1,820	non-PhD level role Skills Charge
£6,160	Total

The College will need to review its current reimbursement policy to agree what costs the RVC/and the candidate will pay.

- f. Lower level roles will not be able to be filled with new entrants to UK after 1st January 2021 from EU/EEA/Swiss as before as visas will not apply to such levels. E.g. Cleaners/Porters.
- g. Increased Resource: the application and maintenance of Visa requirements to meet government requirements will increase with the additional numbers of visas now required to cover EU/EEA/Swiss nationals.
- h. HR will draw up a matrix of SOC codes and salaries to use as a ready reckoner so we can more easily calculate the minimum salary rates for assessing points.
- i. HR/HoDs and Finance will need to identify possible new/replacement roles which may require a visa for the rest of the academic year so we can budget accordingly. This will involve modelling on historic visa data, and analysis of the number of College EU/EEA/Swiss national new starters in previous years for possible forecasting of visas for this new category for the future.
- j. Those roles/new starters who are EU/EEA/Swiss who are due to commence around the New Year should be prompted, where possible, to enter the UK before 31 December 2020. Doing so will negate the need for them to obtain a visa to work in the UK, which would be beneficial to them and the RVC.
- k. Existing employees who are EU/EEA/Swiss nationals who have not yet gained settled status under the EU settlement scheme should be encouraged to gain this ASAP.
- l. Communications – training for HR/Line Managers/HoDs will be given for the new system, as well as reminders to staff regarding the settled status.

Appendix 1:

Qualifying for a Skilled Worker Visa

To be eligible for a SWV a total of 70 points must be accumulated. 50 of these points are **mandatory** and are awarded for: -

1. Having a job offer from a Home Office licensed sponsor – mandatory 20 points

The RVC continues to be a Home Office licensed sponsor so we can create and assign certificates of sponsorship which will allow individuals to obtain a visa

2. Being able to speak English at the required level – mandatory 10 points

The key ways this can be demonstrated by being a national of a majority English speaking country, having an academic degree taught in English, passing a secure English Language test, or having shown they met the standard in a previous successful immigration application.

3. The job offer being at the required skill level (RQF 3) – mandatory 20 points

There is a wider range of jobs for which a visa can be obtained but they must be at RQF level 3 or equivalent (A level or equivalent qualification) as defined but the Office for National Statistics (ONS) Standard Occupation Codes (SOC) list.

4. Must meet the applicable minimum salary threshold – up to 20 points

The minimum salary threshold will be the higher of the general salary threshold which is £25,600 or the “going rate” as defined in the Home Office rules. *London Weighting and any other guaranteed payments can be included in this calculation* (we are awaiting confirmation of this from our adviser on this)

Tradeable Points

Applicants will be able to trade characteristics, such as qualifications, against a lower salary to get the required number of points but roles paying below £20,480 cannot be sponsored. The tradeable characteristics are: -

5. The job is a shortage occupation – tradeable 20 points

This is a changing list of occupations as defined by the Migration Advisory Committee

6. Educational qualifications – PhD in a subject relevant to the job – tradeable 10 points

7. Educational qualifications – PhD in a STEM (Science, Technology, Engineering and Mathematics) subject relevant to the job – tradeable 20 points

There is guidance on how and whether a subject is relevant to the job and it is for the employer to decide, and be able to justify, that this was fairly applied.