



Quick guide: UK immigration from 2021

There are some basic principles around the end of free movement and introduction of the new Skilled Worker Visa.

A note on citizens of the Republic of Ireland

Though Ireland is part of the EEA, changes to freedom of movement and the UK immigration system will not affect Irish nationals who will be able to continue to live, work, study etc in the UK as they can currently. Their rights are covered by the pre-existing Common Travel Area arrangement.

Important: though Irish nationals do not need to apply to the EU Settlement Scheme ("EUSS"), their non-EEA/Swiss family members will need to apply.

EEA/Swiss nationals

Most EEA/Swiss nationals, and their non-EEA/Swiss family members, who are resident in the UK before 31 December 2020 can apply to the EUSS. The following can apply (for example if they need physical evidence of their status) but do not need to:

- Irish nationals; and
- anyone who has indefinite leave to enter or indefinite leave to remain in the UK and/or moved to the UK before we joined the EU in 1973

The deadline is 30 June 2021 and eligible people must apply, even if they have a Permanent Residence card, to secure their status and retain access to benefits and public services like the NHS from 1 July 2021.

Non-EEA/Swiss 'close family' members can join their EEA/Swiss family member after 31 December 2020, as long as the relationship existed before that date.

Though EEA/Swiss nationals will be able to enter the UK using their passport or national ID card until 30 June 2021, this will not give them the right to work in UK. They will have Visitor status only, and will need to leave after 6 months.

EEA/Swiss nationals who arrive in the UK from 1 January 2021 are not eligible to apply to the EUSS, nor will their family members be. To be able to work in the UK, they will need a visa. For the University's purposes, this is likely to be a Skilled Worker Visa ("SWV").

Skilled Worker Visa

SWV replaced Tier 2 (General) as the immigration route for skilled workers coming to the UK to start work from 1 January 2021.

Existing Tier 2 visa holders will not need to do anything until their current permission is due to expire, at which point they may apply to extend their permission under the SWV route.

SWV is a points-based system; an applicant/job will be eligible if they achieve 70 points from a number of criteria:

- 50 points are mandatory and are gained from a job offer at an appropriate skill level from an approved sponsor, and proof of knowledge of English
- 20 points can be gained for a salary of the higher of £25,600 and the 'going rate' for a job
- If salary is not sufficient to gain 20 points, these can be made up through salary concessions – 'tradeable' options are being a new entrant to the labour market and, for certain jobs, having a relevant PhD or the job being in a shortage occupation.

Importantly for us:

- All research roles at grade 7 and above are eligible for Skilled Worker Visa sponsorship without needing to take advantage of any salary concessions.
- The 'going rate' for teaching roles is considerably higher so salary concessions may be required.
- There are many more sponsorable roles under SWV than under Tier 2. These include many Professional Services positions, such as managers and IT workers.
- The absolute minimum salary for Skilled Worker Visa sponsorship is £20,480. This cannot be pro-rated or reduced by a salary concession.

More information, and situational examples, are available at <http://hr.leeds.ac.uk/immigration2021> and a brief overview of other visa routes can be found at <http://hr.leeds.ac.uk/overseasemployees>. If you have any queries, please contact your local HR hub in the first instance.

Staff Immigration

January 2021

Definitions

- **Close family member:** husband/wife/civil partner, unmarried partner (having lived together for 2 years by 31 December 2020), parent/grandparent, child/grandchild under the age of 21 or dependent child over the age of 21 (ie who can't meet their basic needs without a parent's financial support or care, eg if they're in full-time education, disabled or ill).
- **Common Travel Area arrangements:** a long-standing arrangement between the UK, the Crown Dependencies (Bailiwick of Jersey, Bailiwick of Guernsey and the Isle of Man) and Ireland that pre-dates both British and Irish membership of the EU and is not dependent on it. Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction.
- **EEA:** The European Economic Area, which comprises Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.