

The £35,000 salary requirement to settle in the UK

Summary

From 6 April 2016, some skilled non-EEA workers with Tier 2 visas will only be eligible to stay in the UK permanently if they are earning at least £35,000. A related e-petition has been uploaded to Parliament's e-petition website calling for the £35k threshold to be scrapped. Parliament will be debating this petition on Monday 7 March 2016.

E-Petition and Parliamentary Debate

A Westminster Hall debate is being held in response to an e-petition uploaded to Parliament's petitions website which attracted over the required 100,000 signatures to be considered for debate in the House. The debate will take place on Monday 7 March 2016 and may be viewed on parliamentlive.tv

The petition entitled '[Scrap the £35k threshold for non-EU citizens settling in the UK](#)' says that the threshold, 'unfairly discriminates against charity workers, nurses, students and others.'

The Government have [posted a response](#) to this petition which says:

The £35,000 threshold was announced in 2012 following public consultation. It applies only to workers in graduate occupations. Exemptions exist for workers at PhD-level or in a recognised shortage.

The House of Commons [Petitions Committee](#) have been running an open discussion on the [UK Parliament Facebook page](#) to enable the public to share their views in advance of the debate.

A campaign [Stop 35k](#) has also been set up in opposition to the salary threshold.

Who will be affected by the salary requirement?

The £35,000 'settlement pay threshold' [will apply to non-EEA national skilled workers](#) who came to the UK since April 2011 with a [Tier 2 \(General\)](#) or [Tier 2 \(Sportsperson\)](#) visa, if they apply for Indefinite (i.e. permanent) Leave to Remain (also known as 'permanent settlement').

Tier 2 visas are usually valid for a maximum of six years. They give the possibility of applying for Indefinite Leave to Remain after five years' residence in the UK.

The salary requirement will be applied at the point when the skilled worker applies for Indefinite Leave to Remain. Affected workers will need to demonstrate that they are either being paid £35,000 per year, or the appropriate rate for their job (according to the relevant occupational code of practice), whichever is higher.

Workers who cannot satisfy the salary requirement will not be able to stay in the UK for longer than six years. They won't be able to apply for another Tier 2 visa until they have completed a 12 month 'cooling off' period outside the UK.

A [Home Office Impact Assessment](#) conducted in 2012 estimated that around 16% of Tier 2 migrants would no longer qualify for permanent settlement due to the salary threshold.

It recognised that certain occupations, notably nurses and IT and software professionals, were significantly more affected than others.

Exemptions for certain workers

The settlement salary requirement will not apply to:

- People who have or had a Tier 2 (General) visa to do certain specified PhD level jobs in science or research as listed in [Appendix J of the Immigration Rules](#).
- People who have been employed in a job which has featured on the [shortage occupation list](#) (see [Appendix K of the Immigration Rules](#)) during the time they were sponsored to do that job in the last 6 years.
- People who have a Tier 2 (Minister of Religion) or (Intra-Company Transfer) visa.
- People who were granted leave as a qualifying work permit holder or Tier 2 migrant before 6 April 2011.

Threshold Level

The current minimum earnings threshold level selected of £35,000 reflects the median pay for UK workers in Tier 2 level jobs. This threshold level will increase between 2016 and 2020 to the following levels:

- £35,000 if applying for settlement on or after 6 April 2016
- £35,500 on or after 6 April 2018
- £35,800 on or after 6 April 2019
- £36,200 on or after 6 April 2020

The impact on nurses working in the UK

The Coalition Government did not specifically exempt nurses from the settlement pay threshold when it was first announced.

In summer 2015 the [Royal College of Nursing \(RCN\) warned](#) that the salary requirement could result in up to 3,365 nurses currently working in the UK having to leave the country. It said that it is highly unlikely that a migrant nurse's salary would reach £35,000 within six years in the UK. Research by the [Migration Advisory Committee \(MAC\)](#) found that non-EEA national nurses are often recruited at the lowest point of the relevant pay band, and are paid less than the average salary for comparable UK workers. However, in their [Partial review of the shortage occupation lists](#) published in February 2015, the MAC advised against adding nurses to the Shortage Occupation List.

In October 2015 the Government [temporarily added nurses to the shortage occupation list](#) pending a [consultation and review](#) by the Migration Advisory Committee on whether there is evidence of a shortage of nurses or specific nursing job titles. The MAC was asked to report back to the Government by 15 February 2016. Inclusion on the shortage occupation list means that non-EEA national nurses currently working in the UK will not have to satisfy the settlement pay threshold in order to be eligible for permanent settlement. Since 2010 the majority of internationally recruited nurses have been recruited from within the EEA. European nationals are not affected by the salary requirement.

Why was the salary requirement introduced?

The salary threshold is [intended to ensure that](#) 'only the brightest and best workers who strengthen the UK economy' will be able to settle permanently in the UK.

The Coalition Government introduced the salary requirement, and various other measures, because it wanted to establish more selective criteria for non-EEA nationals' eligibility for permanent settlement in the UK. It wanted to break the link between coming to the UK with a temporary visa and staying permanently, as part of wider efforts to reduce net migration levels. The Conservative Government continues to pursue similar immigration policy objectives.

£35,000 reflects the median pay for UK workers in Tier 2 level jobs.

What consultation took place?

The salary requirement wasn't voted on in Parliament. It was introduced in April 2012 by a [change in the Immigration Rules](#). Before making the necessary changes, the then Government:

- Conducted a [public consultation](#) on changes to employment settlement rights, in 2011
- Commissioned [research by the independent Migration Advisory Committee](#) into the economic impact of restricting settlement rights, published in November 2011
- Confirmed its intentions in a [Written Ministerial Statement](#) on 29 February 2012
- Published an [impact assessment, statement of intent, analysis of consultation responses and policy equality statement](#) to accompany the rules changes, in March 2012

Further Information

UK Visas and Immigration, [Guidance on application for UK visa as a Tier 2 worker](#)

Migration Advisory Committee, [Review of Tier 2 migration](#)

House of Commons Library, [Policies affecting migrant NHS workers](#), 7337

House of Commons Library, [Immigration and Asylum: changes made by the Coalition Government 2010-2015](#), 5829

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