

Research Briefing

27 September 2022

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The UK's new points-based immigration system



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Summary

A points-based immigration system allows economic migrants to qualify for work visas based on their personal characteristics and qualifications without necessarily requiring a job offer. The Labour Government introduced in 2008 what it described as a points-based system for non-EU immigration.

Following the 2016 European Union referendum, successive Conservative governments developed plans for unified visa rules to cover both EU and non-EU immigration. The changes that emerged at the end of 2020 came to be known as the new points-based immigration system.

The new system is similar to the 'old' points-based system, including an emphasis on employer sponsorship and the retention of most existing visa categories (with some modifications). But freedom of movement from the European Union ended at the same time as the new system was introduced, making EU citizens subject to the visa regime for the first time in decades. This was a significant change in immigration policy.

Changes to visas for skilled workers

A lot of the debate surrounding the new points-based immigration system has focused on the Skilled Worker visa for foreign nationals with a job offer. This replaced the old Tier 2 (General) work permit.

Eligibility for a Skilled Worker visa still requires a job offer and English language ability, but there is now some flexibility on the minimum salary, which can be as low as £20,480. Other significant changes included the reduction of skill thresholds from graduate to medium-skilled jobs; abolishing the requirement to advertise jobs in the UK first; and ending an annual quota. But it remains an employer-led scheme similar to that in place before Brexit, rather than representing radical change.

Since the new system was implemented, there have been significant changes to work visas. These include two new routes for highly skilled workers: the High Potential Individual and Scale-up visas. The incoming Truss Government has signalled that it intends to make further changes.

A full list of UK work visa routes is in the Annex at the end of this briefing.

No visas for 'lower-skilled' workers

Under the new points-based immigration system, workers cannot be recruited from overseas to fill jobs considered lower-skilled, except for social care and seasonal horticulture. The lack of a generally available route for lower-skilled workers has been controversial among some stakeholders.

How many visas are being issued?

The number of work visas issued in the 12-month period ending in June 2022 was around double what it had been in a typical year prior to the pandemic (331,000 compared with around 168,000 on average between 2014 and 2019). The increase was mainly due to a rise in visas issued to non-EU nationals but also in part due to new EU arrivals now requiring a visa. In total, just under 1.2 million visas allowing residence in the UK were issued in the year ending June 2022, the highest number on record.

Has immigration risen or fallen?

Visa data alone gives an incomplete picture of overall migration patterns. This is because EU citizens previously entered the UK without visas (and those with settled or pre-settled status continue to do so) and we don't have precise data on the numbers that used to arrive under the old system. The Office for National Statistics is currently revising its methodology for collecting migration data and is not routinely publishing official estimates in the meantime. This means we don't yet know what the impact of the new system has been on overall net migration.

1 Background and timeline

1.1 What is a points-based immigration system?

In immigration policy generally, a points-based system allows economic migrants to qualify for work visas based on their personal characteristics and qualifications. Points are based on desirable attributes, which might include English language ability, higher education, work experience and youth.

There is typically a lot of flexibility in how the points threshold is met. Somebody who lacks one attribute should still be able to reach the qualification threshold by scoring highly for the remaining criteria.

Example: Tradeable points

Country A operates a basic points-based system. Prospective migrants who score 20 points qualify for a work visa. The system awards:

- 10 points for speaking fluent English
- 10 points for having a PhD
- 10 points for being under the age of 30

Here, the points threshold can be met by someone who:

- Speaks fluent English and has a PhD, but is over 30
- Speaks fluent English and is under 30, but has no PhD
- Has a PhD and is under 30, but speaks no English

Points-based visas often require no sponsor. This can be contrasted with an 'employer-led system' which requires a job offer and a sponsoring employer.¹

¹ Madeleine Sumption, [The Australian points-based system: what is it and what would its impact be in the UK?](#), Migration Observatory at the University of Oxford, 22 July 2019

The UK's points-based system

The Labour Government introduced in 2008 what it described as a points-based system.² Eligibility for most of the major work and study visa routes available to non-EU citizens was calculated using a points assessment.³

Not all the post-2008 routes allowed for flexibility. In many cases, the necessary points could only be scored by fulfilling all the criteria. For example, someone applying for a “temporary worker – creative and sporting” visa was required to score 40 points. These could only be scored by having a job offer (30) and sufficient maintenance funds (10).⁴ This arguably resulted in a system which was points-based in name only.⁵ The system also relied heavily on sponsorship or endorsement, particularly following changes implemented by the Coalition Government.

EU citizens, meanwhile, could work in the UK under free movement laws without the need for visas.

Following the 2016 EU referendum, successive Conservative Governments developed plans for a unified set of work and study visa rules to cover both EU and non-EU immigration. The changes that emerged at the end of 2020 came to be known as the new points-based immigration system.

There is substantial continuity with the ‘old’ points-based system, including an emphasis on sponsorship and limited flexibility. But with the end of free movement on 31 December 2020, workers and students from the European Union (bar Ireland) became subject to the visa regime for the first time in decades. This represented a significant change in immigration policy.

1.2

Developing the UK's new points-based system, 2016-2020

The May Government's review

In July 2017, Home Secretary Amber Rudd commissioned the independent Migration Advisory Committee (MAC) to report on immigration from the EU and on “the role of migration in the wider economy and society”.⁶ The Chair of the MAC, Professor Alan Manning, said “the intention is to provide an

² March 2009 for student visas. See Commons Library briefing CBP-7662, [The UK's points-based system for immigration](#), July 2018

³ UK Border Agency, [Tier 2 \(general\) – How many points you need to apply](#), [online via National Archives], 12 December 2009

⁴ UK Border Agency, [Temporary workers – creative and sporting – How many points you must score to apply](#), [online via National Archives], 12 December 2009

⁵ Commons Library briefing CBP-7762, [The UK's points-based system for immigration](#), p10

⁶ Home Office, [Commissioning letter to the Migration Advisory Committee](#), 27 July 2017

evidence base for the design of a new migration system after the end of the [Brexit] implementation period in 2021".⁷

The final report was published in September 2018. Recommendations included:

- It should be easier for higher-skilled workers to migrate to the UK than lower-skilled workers
- It should be no easier for EU citizens to migrate to the UK than non-EU citizens (unless agreed as part of a wider post-Brexit settlement)
- Abolishing the annual quota for the Tier 2 (General) work permit
- Allowing employers to hire foreign workers for roles requiring skills equivalent to A-level education, rather than university education
- Considering abolition of the resident labour market test, which required jobs to be advertised in the UK first⁸

These all became features of the new points-based immigration system. The MAC also recommended keeping the minimum salary required to qualify for a Tier 2 (General) visa at £30,000.

December 2018 white paper

In December 2018, the May Government published a white paper, [The future skills-based immigration system](#). The Home Secretary, Sajid Javid, described the document as containing three principles:

1. EU free movement would end
2. No special treatment for EU citizens
3. Instead, priority would be given to people with desirable skills⁹

The white paper accepted many of the MAC recommendations, including the lifting of the work visa quota and lowering the skill level needed for sponsored roles. It also proposed abolishing the resident labour market test, building on the MAC recommendation to consider this step.

The Government did not, however, agree to maintaining the minimum salary threshold for a standard work permit at £30,000. Instead, it suggested that there should be flexibility to allow migration at lower salary levels in some cases, and promised to engage with industry.¹⁰ Sajid Javid later

⁷ Migration Advisory Committee, [EEA migration in the UK: final report](#), September 2018, Chair's Foreword

⁸ As above, p127

⁹ [HC Deb 19 December 2018 cc805-6](#)

¹⁰ Home Office, [The UK's future skills-based immigration system](#), Cm 9722, 19 December 2018, paragraph 6.24

commissioned the MAC to produce another report on the issue of salary thresholds (see section 1.4 below).¹¹

The white paper also agreed that there should be no permanent visa routes for lower-skilled workers, but recognised this would cause challenges for businesses reliant on EU free movement, such as construction and social care. It therefore proposed a transitional route for lower-skilled workers, who could stay in the UK for a maximum of 12 months. This proposal was not ultimately adopted.

2019 manifesto commitments

Boris Johnson replaced Theresa May as Prime Minister on 24 July 2019. Priti Patel became Home Secretary.

The Johnson Government signalled that it would build on the ideas in the 2018 white paper. It also announced changes to specific routes within the existing points-based system: a liberalisation of the Tier 1 (Exceptional Talent) route, now to be known as Global Talent, and a post-study work visa for foreign graduates of UK higher education institutions.¹² These changes had been suggested in the 2018 white paper.

During the Conservative leadership campaign, Boris Johnson had expressed his preferred immigration policy as an “Australia-style points-based system”.¹³ In September 2019, the new Government commissioned a report from the MAC on the subject, to be combined with the committee’s ongoing review of salary thresholds.¹⁴ It asked the MAC to consider:

- How additional flexibility could be added to the operation of salary thresholds through the awarding of ‘points’ to prospective migrants for the attributes that they possess, such as their educational qualifications, language proficiency, work experience, willingness to work in particular areas and occupation; and the degree to which points in one area should be ‘tradeable’ to make up for a lack of points in another.
- Which migrant characteristics should be prioritised within the immigration system in order to produce the most beneficial outcomes for the UK.
- What best practice can be learnt from international comparators, including the Australian immigration system, to strengthen the UK labour market.

The Conservative Party’s general election manifesto pledged to introduce “a firmer and fairer Australian-style points-based immigration system, so that

¹¹ Home Office, [Migration Advisory Committee welcomes salary threshold commission](#), 24 June 2019

¹² Commons Library briefing CBP-8711 [The UK’s future immigration system](#), pp9-11

¹³ [“Boris Johnson and Jeremy Hunt unveil new pledges in leadership race”](#), BBC News [online], 27 June 2019 (accessed on 9 September 2022)

¹⁴ Home Office, [Commissioning letter to the MAC on a points-based system for migration](#), 4 September 2019

we can decide who comes to this country on the basis of the skills they have and the contribution they can make”.¹⁵

General principles mentioned in the manifesto included:

- Ending EU free movement and equal treatment for EU and non-EU citizens
- Fewer lower-skilled workers
- Priority for English-speaking, law-abiding people with good education and qualifications
- Most people coming to the UK would need a “clear job offer”
- Overall numbers would fall

The manifesto also highlighted plans for several “bespoke visa schemes” for graduates, entrepreneurs, NHS workers and science and technology leaders. Three of these – the Graduate, Start-up and Global Talent routes – had already been announced before the election period. The Health and Care visa was announced during the campaign.¹⁶

January 2020 Migration Advisory Committee report

The MAC’s report [A Points-Based System and Salary Thresholds for Immigration](#) was published in January 2020.

Although the MAC was commissioned to consider the Australian points-based system, it also looked at comparable examples in Canada, New Zealand and Austria. Annex C to its report gives a detailed overview of those systems.

The committee noted that the UK had operated “tradeable points-based systems” for work migration routes before, with questionable success. The limited evidence available suggested that too many people who secured visas for having desirable attributes had then taken up lower-skilled work:

We review the past UK experience with tradeable PBS both for work migration routes that required (Tier 2 (General)) and did not require a job offer (Highly Skilled Migrant Programme and Tier 1 (General)). Over time these routes evolved to their present form, in which either they are a tradeable PBS in name only, or there are no points at all. These changes were made because the PBS routes were seen as ineffective, or overly complex. Very limited data has prevented us from analysing in detail the effectiveness of these routes, but what limited evidence is available suggests more people using these routes ended up working in lower-skilled occupations than expected given their

¹⁵ Conservative Party, [Conservative and Unionist Party Manifesto 2019](#), November 2019, p20

¹⁶ [“General election: Boris Johnson to target two of the most contentious issues of the campaign”](#), Sky News [online], 8 November 2019 (accessed on 8 September 2022)

characteristics. The use of characteristics that were hard to verify and the absence of an overall cap were problems.¹⁷

The January 2020 report concluded that the main route for skilled workers with job offers, Tier 2 (General), should not involve tradeable points. It should remain an employer-sponsored route, albeit with a lower salary threshold of £25,600. The MAC's view, based on stakeholder engagement and analysis of responses to its call for evidence, was that Tier 2 was working well at selecting qualified migrant workers, and that "the use of a relatively small number of clear criteria is an advantage".¹⁸

The MAC suggested that tradeable points could instead play a role in the main route for skilled workers without a job offer, Tier 1 (Exceptional Talent), which it felt did not work well.¹⁹

February 2020 policy statement

The Government published a policy statement, [The UK's Points-Based Immigration System](#), on 19 February 2020.²⁰ It promised to introduce the new system from 1 January 2021 and broadly followed the MAC's recommendations, including to lower the general salary threshold from £30,000 to £25,600 and reduce the skills threshold from graduate to A-level.

It now became apparent that the UK would use tradeable points in some work visa categories only. This was similar to the original design of the old points-based system as launched in 2008.

Two routes would have a tradeable points element:

- A new version of the Tier 2 (General) visa, for skilled workers with a job offer. People who scored points for the job being in a shortage role, or for having a PhD, could get a visa even if the salary were below £25,600.
- A new visa for highly skilled workers without a job offer, in addition to the Tier 1 (Exceptional Talent) route. Characteristics for which points could be awarded might include academic qualifications, age and relevant work experience.

Otherwise, the architecture and principles of the new points-based system would remain broadly similar to the existing system for non-EU nationals:

- Sponsorship or endorsement (by Home Office-approved employers, umbrella bodies or education providers) would be required for most categories.

¹⁷ Migration Advisory Committee, [A Points-Based System and Salary Thresholds for Immigration](#). 28 January 2020, p6

¹⁸ As above, paragraph 3.6

¹⁹ This visa route has since been replaced by the 'Global Talent' visa.

²⁰ Home Office, [The UK's Points-Based Immigration System: Policy Statement](#), CP 220, February 2020

- Some existing visa categories would be incorporated into the new system and were unlikely to change significantly (eg the Youth Mobility Scheme).
- There would be no change to the Immigration Skills Charge (levied on employers) or Immigration Health Surcharge (paid by migrants).

Notably, the February 2020 statement rejected the idea of a temporary route for work below the skills threshold as a transitional measure to offset the ending of EU free movement.

The Immigration and Social Security Co-ordination (EU Withdrawal) Bill was published on 5 March.²¹ The purpose of the Bill was to repeal EU free movement of persons and other related EU-derived rights in UK law, and make EU, EEA and Swiss citizens subject to UK immigration controls.²²

July 2020: More details emerge

In July 2020, the Government published a [UK points-based immigration system: further details statement](#).²³ This was considerably more detailed than the February 2020 policy paper, laying out draft requirements for a range of work and study routes. In most cases, these were similar or identical to the existing rules.

The main exception was the replacement for Tier 2 (General) as the main sponsored work visa, to be known as “Skilled Worker”. The statement outlined in detail the different ways in which an applicant could earn enough points to secure the visa. It also included a complete list of occupations which would be eligible for Skilled Worker sponsorship (Annex E to the statement).

The statement did not include the proposed unsponsored route for highly skilled workers. It said:

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.

Two new routes relevant to this commitment opened in 2022 (see section 4.2 below).

Significantly, the document also promised to make it easier to “switch” from one immigration route to another from within the UK, rather than having to leave the country and apply for a new visa from abroad.

²¹ Home Office press release, [Landmark Immigration Bill to end free movement introduced to Parliament](#), 5 March 2020

²² Commons Library briefing CBP-8706, [Immigration and Social Security Co-ordination \(EU Withdrawal\) Bill 2019-21](#)

²³ Home Office, [The UK's Points-Based Immigration System: Further Details](#), CP 258, July 2020

1.3

Launch of the new system

The new system was implemented as a series of changes to the existing Immigration Rules, rather than a wholesale replacement. These took effect near the end of 2020, to coincide with the end of the post-Brexit transition period.²⁴

What are the Immigration Rules?

The [Immigration Rules](#) specify the various immigration categories allowing entry to and residence in the UK, and their associated eligibility criteria and conditions. They have a similar status to secondary legislation, and their parliamentary approval process is similar to [the negative procedure](#).

Statements of changes to the Immigration Rules are laid before Parliament in accordance with section 3(2) of the Immigration Act 1971. If, within 40 days of the statement being laid, either House passes a resolution signalling disapproval of the changes, a fresh set of changes must be made.

A project to simplify the drafting of the Rules has been proceeding alongside the policy changes described in this briefing.²⁵

The revised rules for student migration were published on 10 September 2020 and took effect on 5 October.²⁶ There were few substantive changes to the old rules.²⁷

The revised rules for work migration were published on 22 October 2020 and largely took effect on 1 December 2020.²⁸ The accompanying [explanatory memorandum](#) summarised the changes as follows:

The **Skilled Worker** route is a new points-based route for those who wish to come to the UK for the purpose of working in a skilled job they have been offered. The key characteristics of the new route are that an applicant must be sponsored to do a specific job, which meets skill and salary requirements, by an employer that has been licensed by the Home Office.

On the **Intra-Company Transfer route** changes are being made to the cooling off requirement, the provision for high earners, and the ability of people to move onto the route when already in the UK.

²⁴ Home Office press release, [Points-based immigration system opens](#), 1 December 2020

²⁵ Home Office, [Simplifying the Immigration Rules: a response](#), 25 March 2020

²⁶ Home Office, [Statement of changes to the Immigration Rules](#), HC 707, 10 September 2020

²⁷ Nath Gbikpi, [Statement of changes to the Immigration Rules: HC 707 – “new Points-Based Immigration System” rules for students](#), Free Movement, 11 September 2020

²⁸ Home Office, [Statement of changes to the Immigration Rules](#), HC 813, 22 October 2020

We are also making changes to the **Global Talent rules** on the criteria for senior appointments and to the definitions of qualifying academic and research roles.

A number of other work routes [...] have been revised and simplified but there are no substantial policy changes. These routes are:

- **T2 Minister of Religion**, which allows the recruitment of persons who have a key leading role within their religious establishment or organisation in the UK.
- **T2 Sports person**, which is for an elite sports person or qualified coach who is sponsored on a long-term contract to make a significant contribution to the development of sport at the highest level in the UK.
- **UK Ancestry**, which is for Commonwealth citizens with a grandparent born in the UK who intend to come to the UK to work.
- **Tier 5 (Temporary Worker) routes**: Seasonal Worker, Youth Mobility Scheme, Religious Worker, Charity Worker, Creative and Sporting Worker, International Agreement Worker and Government Authorised Exchange Worker.
- **Start-up and Innovator**: these routes were reformed recently to attract to the UK those with innovative business ideas.²⁹

The [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#) received Royal Assent on 11 November 2020.³⁰ It ended the free movement of EU citizens from 31 December 2020.

The Government described this as “paving the way” for the new points-based immigration system.³¹ While the Act did not change any of the specific visa rules, it made EU citizens arriving in the UK after the end of the transition period subject to the same immigration requirements as non-EU nationals. They now needed a visa to work or study in the UK.

1.4

Changes since December 2020

Since the new rules were implemented, there have been further significant changes to work visas. These include two new routes for highly skilled workers:

- [Scale-up](#), a semi-sponsored visa for migrants offered a graduate-level job at a fast-growing company (see section 4.1 below)

²⁹ Home Office, [Explanatory memorandum to the Statement of Changes in Immigration Rules presented to Parliament on 22 October 2020 \(HC 813\)](#), paragraph 2.2

³⁰ [HL Deb 11 November 2020](#)

³¹ Home Office press release, [Historic Immigration Bill returns to Parliament](#), 18 May 2020

- [High Potential Individual](#), a temporary visa for graduates of certain foreign universities, with no need for a job offer (see section 4.2 below)

Other recent changes include:

- Abolition of the Investor route³²
- Opening the Graduate route on 1 July 2021³³
- Reform of the Intra-company Transfer and Intra-Company Graduate Trainee routes, becoming the “Global Business Mobility - Senior or Specialist Worker” and “Global Business Mobility - Graduate Trainee” routes respectively
- Reform of the Representative of an Overseas Business route, becoming the “Global Business Mobility - UK Expansion Worker”
- A new “Global Business Mobility - Service Supplier” route, carved out of the existing International Agreement route
- A new “Global Business Mobility - Secondment Worker” route, for overseas workers seconded to the UK as part of a high value contract or investment by their employer.³⁴

Changes to come?

Liz Truss replaced Boris Johnson as Prime Minister on 6 September 2022. Suella Braverman become Home Secretary.

The Truss administration has signalled that it intends to make changes to the work visa system. The Growth Plan published on 23 September 2022 said the new Government “will set out a plan in the coming weeks to ensure the immigration system supports growth whilst maintaining control”.³⁵ Media reports suggest that possible changes could include expanding the shortage occupation list (see section 2.3 below); more temporary visas for seasonal horticultural workers (see section 3.1 below); and reducing English language requirements.³⁶

Labour Party policy, as expressed in Keir Starmer’s party conference speech on 27 September 2022, is to “control immigration using a points-based system”.³⁷

³² Home Office press release, [Tier 1 Investor Visa route closes over security concerns](#), 17 February 2022

³³ Home Office press release, [Graduate route to open to international students on 1 July 2021](#), 4 March 2021

³⁴ Home Office, [Statement of changes to the Immigration Rules](#), HC 1118, 15 March 2022

³⁵ HM Treasury, [The Growth Plan 2022](#), CP 743, 23 September 2022, paragraph 3.27

³⁶ [“Liz Truss’s plan for more migrants to boost growth”](#), The Sunday Times [online], 25 September 2022

³⁷ Labour Party, [Keir Starmer Conference Speech](#), 27 September 2022 (accessed on 27 September 2022)

2

Sponsored skilled workers

A lot of the debate surrounding the new points-based immigration system has focused on sponsored skilled workers – the equivalent of the Tier 2 (General) visa in the old system. The replacement in the new system is called [Skilled Worker](#). Both versions allow employers in a variety of industries to sponsor foreign nationals for, in effect, a work permit that leads to settlement in the UK after five years.

The Home Office has introduced some tradeable points into the rules for the Skilled Worker route. This means that, unlike the old system, there is a degree of flexibility in how to qualify for this visa. Other significant changes included reducing the minimum salary and skill thresholds, abolishing the requirement to advertise jobs in the UK first (the resident labour market test) and indefinitely suspending the cap on the number of visas available.

The table below shows how the old visa for sponsored skilled workers compares to the new one.

Tier 2 (General) and Skilled Worker work permits compared		
	Tier 2 (General)	Skilled Worker
Skill threshold	Undergraduate degree	A-level or equivalent
Default salary threshold	£30,000 or 'going rate'	£25,600 or 'going rate'
Maximum stay (if not settling)	Six years	None
Settlement salary threshold	£35,800	Usually £25,600 or 'going rate'
Quota	20,700 a year	None
Resident labour market test	Yes	No
Employer needs sponsor licence	Yes	Yes
Immigration Skills Charge	Yes	Yes
Required for EU workers	No	Yes

Source: Taken from Peter William Walsh, [Policy Primer: The UK's 2021 points-based system](#), Migration Observatory at the University of Oxford, 17 May 2021, table 4, with Dr Walsh's kind permission. Reflects 2020 rules for Tier 2 (General) and 2021 rules for Skilled Worker.

Madeleine Sumption, Director of the Migration Observatory, has summarised the overall effect of these changes, combined with the end of EU free movement, as a "liberalization" for non-EU migrants but a reduction of options for EU migrants.

Writing in the Oxford Review of Economic Policy, she said:

Under this system, all work migrants must have a job offer that meets skill and salary requirements. These requirements are lower than they were for non-EU citizens under the pre-2021 immigration rules. In particular, the skills requirements were reduced to allow applicants in middle-skilled jobs (eg skilled trades and technicians), not just graduate jobs, and the salary threshold fell from £30,000 to £25,600. As a result, the new system represents a liberalization for non-EU citizens.

For EU citizens, on the other hand, the new system greatly reduces options for legal labour migration, effectively shutting out a large range of employers in low-wage industries from hiring EU citizens.³⁸

There are other ways to come to the UK as a sponsored worker aside from the Skilled Worker route. These other sponsored routes do not command as much general interest because they are mostly sector-specific and/or non-settlement routes. They are discussed in section 4 below, along with unsponsored visas.

This briefing does not cover the process for businesses to become a licensed sponsor. There is an [overview](#) and [detailed guidance](#) on GOV.UK.

2.1

Salary and skill thresholds

As with the Tier 2 (General) route, there are skill and salary thresholds for Skilled Worker visas.

Skill threshold

The skill threshold for eligible jobs has been set at [RQF level 3](#) (A/AS-level). The previous threshold was RQF level 6 (honours degree/level 6 NVQ). The reduction was in line with plans previously set out in the May Government's December 2018 white paper, and recommendations made by the MAC.³⁹

Applying a minimum skill level of RQF level 3 effectively returns the minimum skill level to the threshold which applied when the old points-based system was first launched in the late 2000s. The graduate level requirement was introduced in 2011.

³⁸ Madeleine Sumption, "[Shortages, high-demand occupations, and the post-Brexit UK immigration system](#)", Oxford Review of Economic Policy, Vol 38 No 1, Spring 2022, p98 [online via Oxford Academic]

³⁹ But the MAC did not originally recommend a reduction in the minimum salary threshold.

What is skilled work?

Determining whether a job is “skilled” enough for Skilled Worker sponsorship largely depends on what qualifications are typically required to do the job. Critics argue that this approach penalises occupations which may require specialist skills but prioritise ‘on the job’ training or previous relevant work experience over qualifications.

Employers cannot decide for themselves whether a given role is sufficiently skilled for sponsorship. Jobs that meet the minimum skill level requirement are identified in a section of the Immigration Rules called [Appendix Skilled Occupations](#). If a role is not listed as a skilled occupation, it is not eligible for sponsorship.

The table below, adapted from the 2018 white paper, gives examples of occupations which fall within RQF skill levels 3-5 (and are now eligible for work visa sponsorship).⁴⁰

Qualification	Job examples
Level 3 (eg A-Levels, advanced apprenticeships, Level 3 NVQs)	Laboratory technicians Senior care workers Electrical and electronics technicians Managers and directors in storage and warehousing Travel agency managers and proprietors Construction and building trades not elsewhere classified
Level 4 (eg Certificates of Higher Education, Higher apprenticeships, Level 4 NVQs) and Level 5 (eg Diplomas of Higher Education, foundation degrees, Higher National Diplomas)	Managers and proprietors in agriculture and horticulture Conference and exhibition managers and organisers Public service associate professionals Civil servants Marketing associate professionals Estimators, valuers and assessors Ship and hovercraft officers Medical and dental technicians Architectural and town planning technicians

⁴⁰ The table reflects the RQF framework for England and Northern Ireland. Scotland and Wales operate separate qualification frameworks.

Salary thresholds

To be eligible for a Skilled Worker visa, the person must be paid a minimum annual and hourly salary.

The headline figure is £25,600 per year and £10.10 an hour, but higher 'going rate' salaries are required for many roles. The going rate is set at the 25th income percentile, which is above what the lowest-paid quarter of workers in that job make. It is often higher than £25,600 per year, and the person must be paid whichever is higher of the general minimum or the going rate.

Lower salary thresholds apply if the person scores tradeable points for certain attributes (see next section).

The previous threshold under Tier 2 (General) was £30,000 per year.

Example

Company B wishes to hire a Japanese journalist at a salary of £26,000 a year for a 40-hour week. Journalists are listed as eligible for sponsorship in Appendix Skilled Occupations to the Immigration Rules. The occupation code is 2471.

The proposed annual salary is above the **general minimum** of £25,600.

Dividing the annual salary by 52 weeks and again by 40 hours gives an hourly rate of £12.50 an hour. This is above the **hourly minimum** of £10.10 an hour.

The **going rate minimum** for occupation code 2471 is listed as £26,500 per year and £13.07 an hour. The proposed salary falls short of this threshold. Skilled Worker sponsorship cannot proceed unless the applicant can score points towards a reduced salary threshold.

The salary thresholds are there to prevent undercutting of the resident workforce. Other goals of the salary thresholds are to help ensure that migrants make a net positive contribution to the public finances, and to support the Government's ambition for a high-wage, high-productivity, high-skill economy.

For certain [specified occupations](#) in healthcare and education, the minimum salary is instead based on national pay scales, with an overall minimum of £20,480 per year. People being sponsored for these jobs cannot score points towards a lower salary threshold.⁴¹ The list of relevant occupations includes doctors, nurses, dentists and teachers.⁴²

The MAC has some concerns about this approach. Its January 2020 report highlighted "a risk that it is used to hold down public sector pay and that

⁴¹ Home Office, [Skilled Worker caseworker guidance](#), version 5.0, 15 February 2022, p25

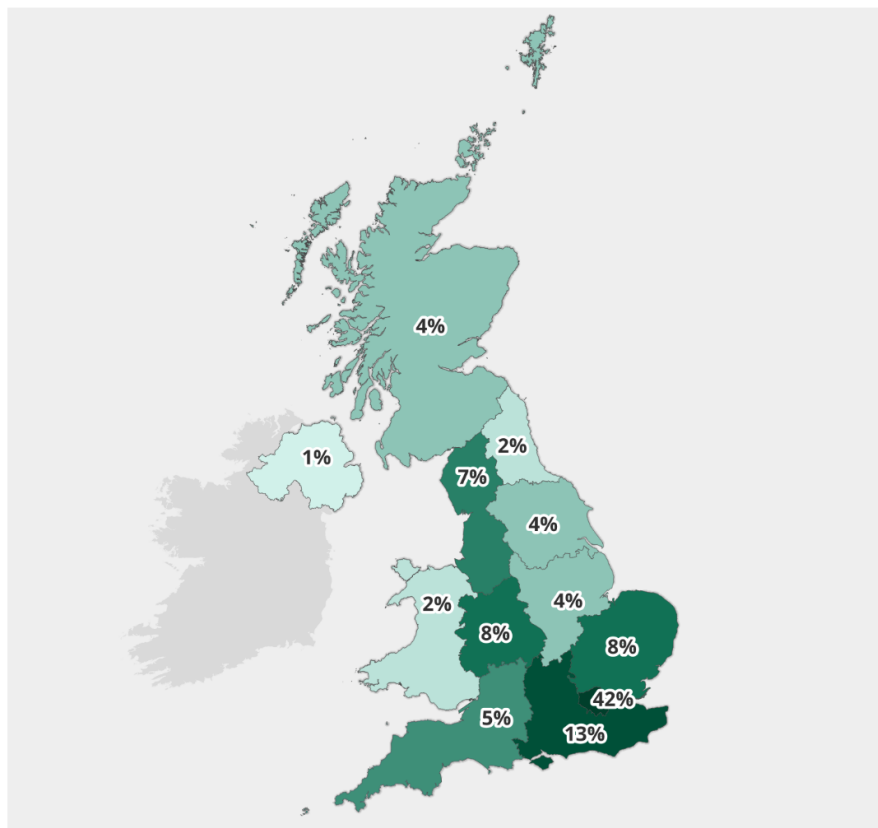
⁴² Home Office, [Immigration Rules Appendix Skilled Occupations](#), table 2

migrants are often employed at the bottom of pay scales leading to lower pay for migrant workers in these sectors, a pattern not seen in the private sector”.⁴³

Controversially for some stakeholders, there are no regional variations in the minimum salary thresholds. The MAC has noted that Skilled Worker applications are concentrated in London (42%), which may be because wages tend to be higher in the capital, and the salary threshold is “relatively cheaper”.⁴⁴

The map below is adapted from the MAC’s 2021 annual report and shows Skilled Worker sponsorship offers by region of workplace.

Applications for certificates of sponsorship by Government office region, 2021



Source: MAC 2021 Annual Report. Data from Home Office Management Information, Certificate of Sponsorship (CoS) data 01 Jan 2021 to 30 Sept 2021.

Note: Used CoS. CoS is assigned to a migrant by their sponsoring employer and the migrant can then use certificate number to make a visa application. This refers to a region of workplace which might differ to the region the migrant lives in.

⁴³ Migration Advisory Committee, [A Points-Based System and Salary Thresholds for Immigration](#), 28 January 2020, p8

⁴⁴ Migration Advisory Committee, [annual report 2021](#), 15 December 2021, p14

The committee said that it would look more closely at the regional use of the immigration system in future.⁴⁵

2.2 Points test

The Skilled Worker visa is the only significant part of the new points-based immigration system that features tradeable points. This is a way of allowing people to qualify for a visa in different ways, rather than all the criteria being mandatory.

Applicants need a total of 70 points to be eligible. Of these, 50 are mandatory and 20 are tradeable.

The core requirements that all applicants must satisfy are:

- A job offer from an approved sponsor [20 points]
- The job must be on the list of skilled occupations [20 points]
- English language ability at level B1 (intermediate) [10 points]

There is some flexibility over how the applicant can make up the remaining 20 points. The applicant can either:

- Meet the standard salary threshold, **or**
- Meet a lower salary threshold, **and**
 - have a PhD, or
 - be filling a role on the [shortage occupation list](#), or
 - be a new entrant to the labour market, which includes anyone under the age of 26.⁴⁶

The table below outlines the possible options for scoring the 20 tradeable points in more detail. It excludes many health and education occupations, which can only be sponsored at the national pay scales.⁴⁷

⁴⁵ Migration Advisory Committee, [Annual report 2021](#), 15 December 2021, p14

⁴⁶ Home Office, [Skilled Worker caseworker guidance](#), version 5.0, 15 February 2022, p37

⁴⁷ Home Office, [Immigration Rules Appendix Skilled Worker](#) (accessed on 8 September 2022), paragraph SW 4.2, option F.

Tradeable points options for the Skilled Worker visa

Options	Points
Being paid the standard salary threshold (100% of the occupation-specific “going rate” or £25,600 a year, whichever is higher).	20
Doing a job on the shortage occupation list (applicant can be paid 80% of the going rate or £20,480, whichever is higher).	20
Having a PhD level qualification relevant to the job (applicant can be paid 90% of the going rate or £23,040, whichever is higher).	20
Having a PhD level qualification in a STEM subject relevant to the job (applicant can be paid 80% of the going rate or £20,480, whichever is higher).	20
Having a postdoctoral position in science or higher education (applicant can be paid 70% of the going rate or £20,480, whichever is higher).	20
Being a “new entrant”: under 26, switching from student visas, a recent graduate or in professional training (applicant can be paid 70% of the going rate or £20,480, whichever is higher).	20

Source: Library analysis of [Appendix Skilled Worker](#) to the Immigration Rules. An hourly minimum wage of £10.10 applies in all cases. STEM refers to science, technology, engineering and mathematics.

Peter William Walsh of the Migration Observatory has commented that this amounts to “a relatively conventional employer-led system” similar to that in place before Brexit. The Skilled Worker points test is “largely presentational”:

Its main function is to specify cases in which employer-sponsored workers can receive a salary below the usual thresholds. [...] Therefore, eligibility for the Skilled Worker visa is perhaps more easily understood without counting points, but instead by looking at the conditions under which applicants can qualify. This reveals that the route is based on employer sponsorship in which most applicants will have to earn at least £25,600, but some can get in on salaries that are lower.⁴⁸

2.3 Shortage occupation list

There are lower salary thresholds for jobs on the [shortage occupation list](#). As shown in the table above, people can be sponsored for a Skilled Worker visa in a shortage occupation if paid £20,480 a year and 80% of the going rate (but still no less than £10.10 an hour).

⁴⁸ Peter William Walsh, [Policy Primer: The UK's 2021 points-based system](#), Migration Observatory at the University of Oxford, 17 May 2021

The Home Office decides which occupations to include on the shortage list after taking advice from the MAC. The criteria used by the MAC are:

where employers find it problematic to secure adequate numbers of workers with the required skills to fill their vacancies **and** where we judge that migration is a sensible response to that shortage.⁴⁹

The list can vary in England, Scotland, Wales and Northern Ireland, although at time of writing it is largely consistent across the UK.

Under the old Tier 2 (General) system, a job being on the shortage occupation did not reduce the salary threshold for that job. Instead, shortage roles were exempt from the resident labour market test and given priority if the annual 20,700 quota was reached, among other benefits.⁵⁰

As the resident labour market test and the quota have been abolished, the salary threshold reduction is now the main benefit of a job being on the shortage occupation list. For the health and education jobs that can only be sponsored at national pay scales, that salary reduction is not possible, so their inclusion on the list (in Table 2) has limited impact.⁵¹

The MAC had advised that there should not be lower salary thresholds for roles on the shortage occupation list. It argued that a shortage is “generally an indication that wages are below market-clearing levels”, so allowing lower salaries for these roles “could have the effect of perpetuating shortage.”⁵²

The Government did not follow this recommendation. It also disagreed with the MAC’s most recent (September 2020) report on adding more roles to the shortage occupation list. Ministers considered “we should not make widescale changes to the SOL relating to medium-skilled occupations, which have only recently become eligible for Skilled Worker visas”.⁵³

In September 2022, the Minister for Safe and Legal Migration, Kevin Foster, commissioned the MAC to review the shortage occupation list again. The commissioning letter suggested that the (outgoing) Government was now open to the inclusion of medium-skilled occupations. The Minister also asked the MAC to consider whether the minimum salary for a shortage job should be 100% of the going rate (rather than 80%) or £20,480 a year, whichever is higher.⁵⁴ This would mean a higher salary threshold for most jobs on the list.

⁴⁹ Migration Advisory Committee, [Review of the Shortage Occupation List: 2020](#), 29 September 2020, p21

⁵⁰ Migration Advisory Committee, [Full review of the Shortage Occupation List](#), 29 May 2019, p7

⁵¹ Migration Advisory Committee, [Review of the Shortage Occupation List: 2020](#), 29 September 2020, p54

⁵² Migration Advisory Committee, [A Points-Based System and Salary Thresholds for Immigration](#), 28 January 2020, p8

⁵³ Migration Advisory Committee, [Letter to the Migration Advisory Committee on changes to the shortage occupation list](#), 10 March 2021

⁵⁴ Migration Advisory Committee, [MAC commissioned to review shortage occupation list](#), 1 September 2022

2.4

The Health and Care visa

People being hired for certain roles in healthcare and social care can get a Skilled Worker visa on more favourable terms. This scheme is known as the Health and Care visa.

The key benefits are:

- Reduced visa fees. A Skilled Worker visa issued for three years or less usually costs £625. The Health and Care version costs £247.⁵⁵
- No Immigration Health Surcharge. This typically adds £624 a year to the cost of a UK work visa. Health and Care visa holders are exempt.
- Fast-track processing. The Home Office aims to process Health and Care visa applications in three weeks, compared to standard processing times of between eight and 20 weeks.
- A dedicated email support service for Health and Care visa sponsors.⁵⁶

Applicants must meet all the criteria for Skilled Worker, including applicable salary thresholds. In addition, they must:

- Be sponsored for certain specified roles, including doctors, nurses, midwives, social workers and care workers.
- Be sponsored by an organisation such as an NHS trust or care provider, as stipulated in Home Office guidance.⁵⁷

The Health and Care visa opened for applications on 4 August 2020. The Government said it was “designed to make it easier and quicker for the best global health professionals to work in the NHS, for NHS commissioned service providers, and in eligible occupations in the social care sector”.⁵⁸

Social care workers were not originally covered by the Health and Care visa. But following a MAC recommendation, the Government decided that care staff would be eligible for Skilled Worker sponsorship, on Health and Care terms.⁵⁹ They were also placed on the shortage occupation list. This took effect on 15 February 2022 and will be in place for a minimum of 12 months, after which the policy will be reviewed.⁶⁰ See section 3.1 below for more details.

⁵⁵ UK Visas and Immigration, [Home Office immigration and nationality fees: 6 April 2022](#), 30 May 2022

⁵⁶ UK Visas and Immigration, [Health and Care visa guidance](#), 15 February 2022

⁵⁷ As above

⁵⁸ Home Office / Department of Health & Social Care press release, [Government launches Health and Care Visa to ensure UK health and care services have access to the best global talent](#), 14 July 2020

⁵⁹ Home Office / Department of Health & Social Care press release, [Biggest visa boost for social care as Health and Care Visa scheme expanded](#), 24 December 2021

⁶⁰ Home Office, [Statement of changes to the Immigration Rules](#), HC 1019, 24 January 2022

3

Lower-skilled and lower-paid roles

Under the new points-based immigration system, workers cannot be recruited from overseas to fill jobs considered lower-skilled, except for social care and horticulture.

The May Government's 2018 immigration white paper had suggested a transitional visa route for lower-skilled workers filling jobs below RQF Level 3 (A-level equivalent).⁶¹ But the Johnson Government confirmed in February 2020 that it did not intend to retain a general route for lower-skilled work.⁶²

The old points-based system did not cater for lower-skilled workers either. But EU free movement law enabled European Economic Area nationals (and accompanying family members) to work in the UK at any skill or salary level. This came to an end in December 2020.

As described in the previous section, the new points-based immigration system applies lower minimum skill and salary levels for sponsored work visas, but this is not enough to bring certain occupations within scope. This is a concern for many sectors which have previously been highly reliant on EU workers to do work falling within the low-skilled/low-paid bracket.

Under the old system, employing EU workers did not involve the same cost and administrative burdens as sponsoring workers for visas. Some employers regard the costs and bureaucracy associated with the new system as prohibitive, particularly for lower-paid roles and smaller businesses.

The fact that long-term work visas are not generally available to this cohort under the points-based immigration system does not mean lower-skilled migration is impossible. Migrants may be able to secure immigration permission that allows work without skills restrictions, such as the Youth Mobility Scheme, refugee status or as a dependant. There are also two major sector-specific visa schemes under the points-based immigration system, discussed below.

The outgoing Johnson Government said that it was unlikely to agree any further sectoral exceptions "bar truly exceptional circumstances", and was "not minded to review the RQF3 threshold" in general.⁶³

⁶¹ For reaction to this proposal see for example, FSB, [A world of Talent](#), 24 February 2020; Migration Watch, [MW458 Assessment of the White Paper on Immigration after Brexit](#), 22 May 2019

⁶² Home Office, [The UK's Points-Based Immigration System: Policy Statement](#), CP 220, February 2020, p8

⁶³ Migration Advisory Committee, [MAC commissioned to review shortage occupation list](#), 1 September 2022

3.1

Sector-specific visa schemes

Seasonal Worker

The Seasonal Worker visa allows migrants to work in the UK for short periods in certain roles, primarily in horticulture. There is an annual quota for the number of visas issued, currently 40,000.

Visa holders can stay in the UK for up to six months at a time. They cannot change employer, take up a second job, access public funds or bring family members with them.

Employers cannot sponsor workers directly. They must recruit via a limited number of “scheme operators”, which are effectively recruitment agencies that manage the sponsorship process and associated duties. Seasonal Workers must be paid at least £10.10 an hour, above minimum wage.⁶⁴

What can Seasonal Workers do?

The role must be in the horticulture sector, and specifically those growing:

- Vegetables
- Soft fruit
- Vines and vines, including hops
- Mushrooms
- Bulbs and cut flowers
- Pot plants
- Hardy ornamental nursery stock, including Christmas trees
- Tree and forest nurseries⁶⁵

The Home Office has said that visas will also be available in the poultry sector, although at time of writing formal visa applications had not opened for this cohort.⁶⁶

⁶⁴ For more detail about the Seasonal Worker rules, see Home Office, [Immigration Rules Appendix Temporary Work - Seasonal Worker](#) and Pip Hague, [Briefing: the Seasonal Worker visa](#), Free Movement, 6 April 2022

⁶⁵ Home Office, [Immigration Rules Appendix Temporary Work - Seasonal Worker](#) (accessed on 8 September 2022)

⁶⁶ Department for Environment, Food & Rural Affairs, [Seasonal worker visa route RFI notice](#), 27 June 2022

The Seasonal Worker scheme began as a pilot programme in March 2019.⁶⁷ There was an initial limit of 2,500 visas available per year in total, limited to certain nationalities. The quota was expanded to 10,000 in 2020, then 30,000 in 2021, and is now 40,000 (without any limit on nationality).

Of those, 38,000 places are available for seasonal work in edible and ornamental horticulture, as shown in the box above. A further 2,000 will be available for seasonal work in the poultry sector in the run-up to Christmas 2022.⁶⁸

The quota increases have been broadly welcomed by representatives of the agricultural sector, although there are concerns that the number of visas available is significantly less than are needed. The National Farmers' Union says that British farms need to recruit 70,000 seasonal workers.⁶⁹

The Department for Environment, Food and Rural Affairs estimates that 50,000 workers are employed seasonally on UK farms. In setting the quota significantly below that number, the Government wants the sector to make up the difference by recruiting UK residents and replacing workers with machines where possible.⁷⁰ During the pilot phase it said the scheme "is not designed to meet the full labour needs of the horticultural sector".⁷¹

The Government has also said that the number of places available under the scheme will begin to taper down from 2023, and has not committed to keep it in operation beyond 2024.⁷²

Care workers

As noted in section 2.4, social care workers are an exception to the general rule that lower-skilled workers (defined based on the qualifications required) cannot get visas under the new points-based immigration system.

Unlike the Seasonal Worker visa, there is not a bespoke scheme for care workers. They can be sponsored for the Health and Care visa within the Skilled Worker route and are also listed as a shortage occupation (see section 2.3). Being on the Skilled Worker route means the visa leads to settlement after five years in the UK, subject to meeting other conditions. Being on the

⁶⁷ Department for Environment, Food & Rural Affairs and Home Office, [Seasonal workers pilot review](#), 24 December 2021. A predecessor scheme operated between 1945 and 2014: see Commons Library briefing CDP 2022/0094, [Recruitment Support for Agricultural Workers](#)

⁶⁸ PQ 15229 [[on Migrant Workers](#)], 9 June 2022

⁶⁹ NFU press release, [Millions of pounds of fruit and veg wasted due to workforce shortages](#), 15 August 2022

⁷⁰ Department for Environment, Food & Rural Affairs, [Seasonal worker visa route RFI notice](#), 27 June 2022

⁷¹ Department for Environment, Food & Rural Affairs and Home Office press release, [10,000 workers to boost British farming sector](#), 19 February 2020

⁷² Department for Environment, Food & Rural Affairs and Home Office press release, [Industry given certainty around seasonal workers but told to focus on domestic workforce](#), 24 December 2021

shortage occupation list means that the minimum salary threshold for sponsorship is £20,480 per annum and £10.10 per hour.⁷³

Which care workers can be sponsored?

“Care workers and home carers” can be sponsored. This category covers:

- Care assistants
- Care workers
- Home care assistants
- Home carers
- Support workers in nursing homes

See [Appendix Shortage Occupation List](#), Table 3.

Senior care workers and social workers are also eligible for sponsorship and on the shortage occupation list.

The Government noted in a letter to the MAC: “the expansion of the Health and Care visa and addition of care workers to the [shortage occupation list] is a significant step for the Government, as they would be the only occupation outside the RQF level 3 eligible to use the [points-based immigration system]”.⁷⁴

The unusual position of care workers in this respect is reflected in the Immigration Rules. “Care workers and home carers” has not been added to the list of skilled occupations. It is instead subject to an exception allowing sponsorship despite the skill level.⁷⁵

⁷³ For more information, see Gemma Hyslop, [Frontline carers are eligible for work permits from today: six things to bear in mind](#), Free Movement, 15 February 2022

⁷⁴ Migration Advisory Committee, [Letter to the MAC about care workers and home carers](#), 7 January 2022

⁷⁵ Home Office, [Immigration Rules Appendix Shortage Occupation List](#) (accessed on 8 September 2022), table 3

3.2

No general route for lower-skilled or lower-paid work

Commenting on the absence of provision for lower-skilled and lower-paid jobs, the Government's February 2020 policy statement said:

[...] it is important that employers move away from a reliance on the UK's immigration system as an alternative to investment in staff retention, productivity, and wider investment in technology and automation.⁷⁶

Broadly speaking, stakeholders have acknowledged the potential of automated processes, while also highlighting the limitations, such as the timescale for developing new technology, the associated costs, and its unsuitability for certain roles.

The Recruitment and Employment Confederation warned, for example:

Our report Ready, Willing, and Able found that the UK is not currently able to replace EU workers with UK nationals and robots in lower-skilled roles. Shortages of labour in these roles will lead to companies reducing output, closing, or moving overseas, damaging the UK economy. Skills and staff shortages are already one of the biggest challenges facing the UK economy, predating Brexit.⁷⁷

How can vacancies be filled instead?

The Home Office has emphasised that there are still some migrant workers eligible to work in lower-skilled roles by virtue of having an immigration status that permits them to work for any employer. The February 2020 statement specifically identified:

- EU nationals who moved to the UK before the end of the transition period and have 'pre-settled' or 'settled' status through the EU Settlement Scheme.
- The existing pool of resident non-EU nationals who are working in lower-skilled occupations (including dependants of skilled migrants).
- The continued supply of workers aged 18-30 through the [Youth Mobility Scheme](#). This currently has around 60,000 spaces per year (only open to certain nationalities, not all of which take up their full allocation).⁷⁸

Some commentators have expressed doubts as to whether many people in these groups will be able or willing to meet the demand for lower-skilled/paid

⁷⁶ Home Office, [The UK's Points-Based Immigration System: Policy Statement](#), CP 220, February 2020, p8

⁷⁷ REC, [Government needs to reconsider approach to immigration](#), 19 February 2020

⁷⁸ Home Office, [Immigration Rules Appendix Youth Mobility Scheme: eligible nationals](#) (accessed on 8 September 2022)

work, or if it is appropriate or desirable to look to these groups of people to fill vacancies.⁷⁹

Existing EU migrants

Nearly 5.4 million people had received a grant of EU pre-settled or settled status as of 30 June 2022.⁸⁰

In the past, EU nationals have often progressed from lower-skilled to higher-skilled work as they gain English language and other skills and experience after entry to the UK.

Migrants' dependent family members

The February 2020 statement drew attention to a MAC estimate that there are “170,000 recently arrived non-EU citizens in lower-skilled occupations”. It added that this included the dependent family members of skilled migrants, who would continue to have the right to work in the UK.⁸¹

In 2019, dependants accompanied main visa holders at a rate of around one dependant for every six main visa holders. Excluding people on student visas, dependants accompanied main visa holders at a rate of one dependant to three visa holders. For work visas, the ratio was closer to one dependent for every two visa holders.⁸²

This meant that in 2019, around 82,000 dependants came to the UK accompanying 467,000 visa-holders. Some of these dependants are children but others will be of working age.

Youth Mobility migrants

The Youth Mobility Scheme is currently open to nationals of Australia, Canada, Hong Kong, Iceland, India, Japan, Monaco, New Zealand, South Korea, Taiwan and San Marino.⁸³ It allows a maximum of two years' stay in the UK and visa holders cannot bring dependent family members.

The hospitality sector has questioned the appropriateness of the visa for the sector's needs.⁸⁴ The maximum two-year stay offers limited scope for staff

⁷⁹ [“Immigration: firms will need to train more British workers, says Priti Patel”](#), Guardian [online], 19 February 2020 (accessed on 9 September 2022)

⁸⁰ Home Office, [EU Settlement Scheme quarterly statistics, June 2022](#), 14 July 2022

⁸¹ Home Office, [The UK's Points-Based Immigration System: Policy Statement](#), CP 220, February 2020, p8

⁸² These calculations are based on total visas issued minus 'Other - temporary (mainly tourist visas)' and 'Student visitor/ Short-term study'. Source: Home Office, [Immigration statistics, year ending December 2019](#), 27 February 2020, table Vis_D02

⁸³ And people with certain categories of British nationality (non-British citizens). The rules for Indian nationals are stricter than for other nationalities.

⁸⁴ [“Menu of post-Brexit visas unpalatable to hospitality employers”](#), UK Hospitality [online], 13 March 2019 (accessed on 9 September 2022)

progression and means employers face high turnover and repeated recruitment costs.

Economically inactive UK residents

When launching the February 2020 policy statement, the then Home Secretary suggested that some vacancies could be filled by [economically inactive UK residents](#) (ie people who are not working and not actively seeking work).⁸⁵ The number of economically inactive people has increased since then, leading to renewed political focus on the issue.

The Office for National Statistics estimates that there are 9 million economically inactive people of working age in the UK (based on data for May-June 2022).⁸⁶ This means that 21.7% of the 16-64 population is economically inactive.⁸⁷

Economic inactivity had been declining over the long term, reaching a record low of 20.4% just before the pandemic. Since then, the rate has returned to 2017 levels, with over 600,000 more people estimated to be economically inactive than pre-pandemic.⁸⁸

Respondents give various reasons for their economic inactivity:

- 30% cite illness (mostly long-term illness)
- 27% are students
- 19% are looking after family or the home
- 13% are retired
- 11% cite other reasons (eg they don't need to work)
- Around 0.2% (18,000 people) are described as “discouraged workers” (ie they would like a job but have given up looking)
- According to the ONS data, 20% of economically inactive people overall (1.7 million) say they want a job.⁸⁹

Other migrant groups

Other cohorts with the right to work in the UK include refugees, Irish citizens and people arriving under special visa schemes for Ukraine and Hong Kong.

⁸⁵ [“‘Clueless’: Priti Patel claims 8.5m people could fill workforce gaps created by new immigration plan”](#), Independent [online], 19 February 2020 (accessed on 9 September 2022)

⁸⁶ ONS, [Table INAC01 SA, Economic inactivity by reason \(seasonally adjusted\)](#), 13 September 2022

⁸⁷ ONS, [LFS: Economic inactivity rate: UK: All: Aged 16-64: %: SA](#), 13 September 2022

⁸⁸ ONS, [Table INAC01 SA, Economic inactivity by reason \(seasonally adjusted\)](#), 13 September 2022

⁸⁹ As above

Effect of the new system on the labour market so far

The Migration Observatory has looked at how the end of free movement and the omission of visas for lower-skilled workers affected low-wage employment. Its analysis, published in August 2022, concluded:

there is some evidence that the end of free movement has contributed to shortages in the UK labour market, although it is by no means the only driver of recruiting difficulties and some other countries have experienced similar problems without a major change in immigration policy.⁹⁰

Findings and observations from the research included:

- The number of EU citizens employed in the UK in June 2021 was still 6% below the level of two years earlier
- Some sectors, such as hospitality and agriculture, had recorded large declines in employment of EU citizens, whereas others had seen rises
- Those sectors previously most reliant on EU citizens were experiencing the greatest labour shortages (defined by number of vacancies)
- But there are competing explanations for these shortages, such as the general rise in economic inactivity and poor working conditions in individual sectors
- Employers affected have mostly been unable to switch to hiring non-EU workers, because of the skills threshold and costs involved
- There has been substitution from EU to non-EU labour in sectors that can use the new points-based system, such as horticulture and healthcare
- So far, there has not been evidence of widespread wage increases in low-wage industries that previously relied on EU workers, although further data in 2022 and 2023 will provide a better picture

The report suggested that if policy-makers want to use the immigration system to mitigate shortages, they could expand work visa eligibility to more lower-skilled jobs, cut administrative burdens for existing routes, and/or add more roles to the shortage occupation list.⁹¹

⁹⁰ Madeleine Sumption, Chris Forde, Gabriella Alberti and Peter William Walsh, [How is the End of Free Movement Affecting the Low-wage Labour Force in the UK?](#), Migration Observatory at the University of Oxford, 15 August 2022

⁹¹ As above

4 Other visa categories

Most UK work visas issued are for the Skilled Worker route, but other types of work visa are available. None currently feature tradeable points, except for the subcategory of “service suppliers”.⁹² In all other categories, the points are fixed: the applicant either meets the eligibility criteria or they do not.

The table below shows all UK visa routes where points are used to determine eligibility. It excludes routes in which points do not feature at all, such as Youth Mobility and Seasonal Worker. This distinction is somewhat arbitrary: if the points are not tradeable, there is no conceptual difference between a points-based visa and a non-points-based visa. A consolidated table of all work and student visa routes is in the Annex.

Visa routes available under the new points-based immigration system			
Route	Tradeable points?	Sponsor required?	Settlement possible?
Skilled Worker	Yes	Yes	Yes
Global Business Mobility	No*	Yes	No
International Sportsperson	No	Yes	Yes
Minister of Religion	No	Yes	Yes
Scale-up	No	Yes	Yes
Global Talent	No	No**	Yes
Innovator	No	No**	Yes
Start-up	No	No**	No
High Potential Individual	No	No	No
Graduate	No	No	No
Student	No	Yes	No
Child Student	No	Yes	No

* Apart from the Service Supplier subcategory, which is very rarely used

** Third-party endorsement required in all cases except for winners of [prestigious prizes](#)

Source: Library analysis of UK Immigration Rules.

⁹² Home Office, [Immigration Rules Appendix Global Business Mobility routes](#) (accessed on 9 September 2022), paragraph SSU 4.1

4.1

Sponsored routes

Some visa routes under the new points-based immigration system require a sponsoring employer. These are equivalent to Tier 2 under the old points-based system. In addition to the Skilled Worker route outlined in section 2, they are:

The [International Sportsperson](#) visa

This provides a route for elite sports players and coaches to come to the UK. The person must have both a sponsoring employer (eg a Premier League football club) and an endorsement from the sport's governing body (eg the FA) to certify that they play/coach at the highest level internationally. This visa category launched in October 2021 and is broadly similar to its predecessor, the Tier 2 (Sports person) visa.⁹³

The [Minister of Religion](#) visa

This provides a route for people with a leading role in a faith community or religious order in the UK, including to do pastoral work or missionary work. The person must be sponsored by a “bona fide religious organisation”.⁹⁴ This visa category launched in December 2020 and is broadly similar to its predecessor, the Tier 2 (Minister of Religion) visa.⁹⁵

The [Scale-up visa](#)

This provides a route for highly skilled workers joining fast-growing businesses. The person must have a sponsoring employer that meets certain size and growth thresholds but is no longer tied to their employer after the first six months, and can apply to extend their stay if they earn £33,000 a year in PAYE income. This visa category launched in August 2022.⁹⁶

The [Global Business Mobility](#) visa

This allows employees of overseas companies to transfer to the UK to work for a sister company, subsidiary or client. There are five sub-categories: intra-corporate transfers, graduate trainees, setting up a new subsidiary, supplying services in line with a trade deal and secondments on high value contracts. This visa category launched in April 2022, incorporating some or all of four predecessor routes.⁹⁷ The secondment element is new.

⁹³ Home Office, [Statement of changes to the Immigration Rules](#), HC 617, 10 September 2021. Tier 2 (Sports person) was formally replaced in December 2020 but the rules were substantively revised in October 2021, including to remove a restriction on visa extensions.

⁹⁴ Home Office, [Workers and Temporary Workers: guidance for sponsors: sponsor a Minister of Religion or religious worker](#), version 04/22, 11 April 2022

⁹⁵ Home Office, [Statement of changes to the Immigration Rules](#), HC 813, 22 October 2020

⁹⁶ Home Office, [Statement of changes to the Immigration Rules](#), HC 1118, 15 March 2022

⁹⁷ As above.

4.2

Un-sponsored routes

Other visa routes do not require a sponsor. These are equivalent to Tier 1 under the old points-based system.

Some un-sponsored routes require an endorsement from a UK-based organisation, while others require no third-party input at all. They are:

The [Global Talent](#) visa

This provides a route for people recognised as leading or emerging talents in certain fields (academia, digital technology, arts and culture) to come to the UK without a job offer. The person must instead have the support of an endorsing body, unless they have won a Nobel or similarly [prestigious prize](#). This visa category launched in February 2020 and is broadly similar to its predecessor, the Tier 1 (Exceptional Talent) visa, but a cap on the number of visas available has been removed.

The [Innovator](#) visa

This provides a route for entrepreneurs to set up a business in the UK. The person must have the backing of an approved endorsing body, such as a business incubator, and usually £50,000 in capital. The business venture must be “innovative, viable and scalable”, including a plan for growth into international markets. This visa category launched in March 2019 and is quite similar to its predecessor, the Tier 1 (Entrepreneur) visa, although several important features are different.⁹⁸

The [Start-up visa](#)

This is a junior version of the Innovator route. It does not provide a pathway to settlement in the UK, and the rules are accordingly more lenient: there is no minimum investment or international expansion requirement. This visa category launched in March 2019 and is quite similar to its predecessor, the Tier 1 (Graduate Entrepreneur) visa, but with the addition of an endorsement requirement.⁹⁹

The [Graduate visa](#)

This provides a route for foreign graduates of UK higher education courses to stay on after successful completion of their studies. There is no requirement for a sponsor or endorser but the visa only lasts for two years (or three with a PhD/doctorate). This visa category launched in July 2021 and is broadly similar to a defunct predecessor, the Tier 1 (Post-study work) visa, abolished in 2012.¹⁰⁰

⁹⁸ Home Office, [Statement of changes to the Immigration Rules](#), HC 1919, 7 March 2019

⁹⁹ As above

¹⁰⁰ Home Office press release, [Graduate route for best and brightest launches](#), 1 July 2021

The [High Potential Individual visa](#)

This provides a route for graduates of certain overseas universities to work in the UK with no need for a sponsor or endorser. The person must have graduated in the past five years from an institution on the [Global Universities List](#) for that year. The route is designed to limit the number of universities that can be on the list at any one time (eg there are 37 for graduation year 2021/22). The standard or nature of the degree is not relevant, but the visa only lasts for two years (or three with a PhD/doctorate). This visa category launched in May 2022.¹⁰¹

The promise of a new unsponsored route

The High Potential Individual route arguably meets previous commitments to create a new unsponsored route for a limited number of highly skilled workers. It is open to graduates of certain foreign universities, who can stay in the UK for two years (three years for people with PhDs).¹⁰² A job offer is not required. The number of visas issued on this route is expected to be relatively small: the Minister for Safe and Legal Migration described it as “a highly selective route with graduates of a limited number of universities eligible”.¹⁰³ It opened on 30 May 2022.

The route in its final form is significantly different to that originally envisaged. The February 2020 policy statement, for example, suggested that there would be tradeable points awarded for certain attributes. And the July 2021 UK Innovation Strategy said the High Potential Individual visa “will also allow eligible individuals to extend their visa and settle in the UK”.¹⁰⁴ Neither are now the case.

A semi-sponsored route

The other new route that allows highly skilled workers to work in the UK without tying them to a particular employer is the Scale-up route (mentioned in section 4.1 above). This is open to migrants offered a graduate-level job at a fast-growing company and opened on 22 August 2022.

Scale-up is semi-sponsored: the visa holder is tied to their sponsoring employer only for the first six months and is then free to take up other work. But to qualify for extension and settlement requires PAYE earnings, discouraging self-employment. These features are designed to address problems perceived to have arisen with past unsponsored schemes for highly skilled migrants.¹⁰⁵

¹⁰¹ Home Office, [Statement of changes to the Immigration Rules](#), HC 1118, 15 March 2022

¹⁰² Home Office, [Immigration Rules Appendix High Potential Individual](#) (accessed on 9 September 2022)

¹⁰³ [HC Deb 15 March 2022 HCWS680](#)

¹⁰⁴ Department for Business, Energy & Industrial Strategy, [UK Innovation Strategy: leading the future by creating it](#), 22 July 2021, p60

¹⁰⁵ Lewis Silkin, [“What employers should know about the new Scale-up visa”](#) [online], 19 August 2022 (accessed on 9 September 2022)

The original recommendation

The MAC had recommended a different approach to unsponsored work. It suggested reforming what is now the Global Talent route, opening it to applicants other than those “at the very top of their field”. Eligibility could have been determined using a tradeable points system, weighted towards (for example) applicants with STEM qualifications or in creative fields. There could then have been an “expression of interest” stage to identify prospective eligible applicants, with a limited number of visas distributed among those both eligible and interested.¹⁰⁶

Taken together, the High Potential, Scale-up and Global Talent routes do provide opportunities for highly skilled workers to work in the UK without being tied to one employer. But only in extremely rare cases, limited to Global Talent applicants who qualify through winning a Nobel or other prestigious prize, can a highly skilled migrant enter, work and settle in the UK with no third-party assistance at all.

4.3 Student routes

Student visa routes (Tier 4 of the old system) are notionally points-based. Applicants must score 70 points, but there is no flexibility in how the points are scored: they are a numeric presentation of mandatory requirements.¹⁰⁷ For the main [Student visa](#), those requirements are:

Eligibility rules for Student visas		
Points type	Requirements to be met	Number of points
Study	<ul style="list-style-type: none"> • Sponsorship certificate • Course is full-time unless post-graduate • Leads to approved qualification • Course is sufficiently advanced • Study takes place on-site 	50
Financial	<ul style="list-style-type: none"> • Funds to cover fees and living costs 	10
English language	<ul style="list-style-type: none"> • English ability, usually at Level B2 	10

Source: [Appendix Student](#), paragraphs ST 6.1 to ST 13.4. There is also a Child Student visa, with no English language requirement and instead the financial requirement scores 20 points.

¹⁰⁶ Migration Advisory Committee, [A Points-Based System and Salary Thresholds for Immigration](#), 28 January 2020, p3

¹⁰⁷ Home Office, [Immigration Rules Appendix Student](#), paragraph 6 (accessed on 9 September 2022).

4.4 Non-points-based routes

A lot of work visa categories do not assess eligibility by using numeric points. These are mostly temporary work routes that do not allow long-term residence or settlement in the UK, including those that previously made up Tier 5 of the old points-based system.

These visa routes accounted for about 45% of all work visas in the first half of 2022 (excluding dependants). Of those, close to half went to those on the Seasonal Worker route, discussed in more detail in section 3.1 above.¹⁰⁸

In the absence of tradeable points, there is no real difference between the points-based routes described in the table above, and the non-points-based routes shown below. A consolidated table is available in the Annex.

For completeness, the table below includes the third of the three student visa routes available. Unlike the other two, it is not notionally points-based.

Non-points-based work and study visas available		
Route	Sponsor required?	Settlement possible?
Temporary Work – Charity Worker	Yes	No
Temporary Work – Creative Worker	Yes	No
Temporary Work – Government Authorised Exchange	Yes	No
Temporary Work – International Agreement Worker	Yes	No
Temporary Work – Religious Worker	Yes	No
Temporary Work – Seasonal Worker	Yes	No
Representative of an Overseas Business	Yes*	Yes
Overseas Domestic Worker	Yes*	No
UK Ancestry	No	Yes
Youth Mobility Scheme	No	No
Frontier Worker	No	No
Short-term Student (English language)	No	No

*No formal sponsorship as such, but must be employed overseas

Source: Commons Library analysis of UK [Immigration Rules](#)

¹⁰⁸ Home Office, [Immigration statistics, year ending June 2022](#), 25 August 2022, table Vis_D02

5 Reactions and commentary

5.1 Initial policy announcement

The Library briefing on [Post-Brexit immigration system proposals: responses from stakeholders](#), 3 March 2020, collated stakeholders' responses to the February 2020 policy paper.

Stakeholders broadly welcomed aspects of the proposals, notably:

- The abolition of the resident labour market test.
- The lowering of the skills and salary thresholds.
- The suspension of the cap on the number of work visas available.

However, many stakeholders caveated their responses by highlighting concerns about:

- The absence of a transitional visa category to assist employers in adapting to the end of EU free movement law.
- The particular effect on sectors with many low-paid or lower-skilled jobs, with seasonal fluctuations in demand, or with a large proportion of EU workers (eg social care, hospitality, tourism, construction).
- The continued use of national salary thresholds without scope for regional variations.
- The costs and administrative burdens associated with sponsoring work visas, and the impact on smaller employers.
- The ambitious timetable for implementation.

5.2 Experience of the system so far

Business groups have continued to press for more relaxed eligibility rules, particularly for lower-skilled workers, since the new rules came into effect. (See section 3.3 above for a discussion of the overall impact on the lower-skilled labour market.)

For example, a report by the Recruitment & Employment Confederation said there was a need for such workers in “critical” sectors:

the UK urgently requires an immigration route for workers at skill levels 1 and 2. Critical sectors such as construction, logistics, retail and hospitality are experiencing a severe shortage of staff at these levels and this demand cannot be met by the domestic supply of labour.¹⁰⁹

Similarly, the British Chambers of Commerce has called for more jobs at more skill levels to be added to the Shortage Occupation List (ie enabling overseas recruitment at £20,480 or 80% of the occupation-specific going rate).¹¹⁰ The Chartered Institute of Personnel and Development says the Government should introduce a temporary job mobility scheme for young EU nationals, building on the existing [Youth Mobility Scheme](#).¹¹¹

There have also been calls for sector-specific visa schemes. In a survey of hospitality businesses in London's West End, for instance, the most popular perceived solution to recruitment difficulties was a "hospitality-specific visa for workers not covered by the points-based system".¹¹² Such a scheme had been in place between 2003 and 2005.¹¹³

Those sectors with established schemes already in place for lower-skilled workers have asked for them to be liberalised. Despite frontline care workers being made eligible for Skilled Worker visas in from February 2022, the Health and Social Care Committee received "numerous submissions" arguing that the minimum salary threshold of £20,480 is too high.¹¹⁴ Similarly, the National Farmers' Union (NFU) wants more visas to be available under the Seasonal Worker scheme, and for it to be extended for at least five years.¹¹⁵

The Home Office has carried out an "early insight evaluation" of the Skilled Worker visa involving a small-scale survey of 50 employers and 50 sponsored workers.¹¹⁶ It found that the introduction of tradeable points had a limited impact, with only one of the 50 workers saying it had the biggest impact in their decision to apply to the UK.¹¹⁷ However, around 20% said that the lower skill levels had an impact on their decision to apply.

Some employers also reported that the reduced skills threshold had influenced their decision to sponsor migrant workers, alongside other changes, such as the removal of the resident labour market test and cap on

¹⁰⁹ REC, [Overcoming shortages - How to create a sustainable labour market](#), July 2022

¹¹⁰ British Chambers of Commerce, ["Rapid reform needed to tackle crippling staff shortages – Quarterly Recruitment Outlook"](#), 14 July 2022

¹¹¹ CIPD press release, [New CIPD research on labour and skills shortages reinforces urgent case for a temporary immigration 'safety valve' and long-term reform of skills policy](#), 20 October 2021

¹¹² Heart of London Business Alliance, [West End recovery and staff shortages](#), 19 July 2022

¹¹³ [HC Deb 23 June 2005 cc 47-49WS](#)

¹¹⁴ Health and Social Care Committee, [Workforce: recruitment, training and retention in health and social care](#), 25 July 2022, HC 115 2022-23, paragraph 222

¹¹⁵ NFU press release, [Millions of pounds of fruit and veg wasted due to workforce shortages](#), 15 August 2022

¹¹⁶ Home Office, [Skilled Worker visa: early insights evaluation](#), 15 July 2022

¹¹⁷ 27 of the 50 said that the Skilled Worker visa influenced their decision to apply at all, of which 4% said tradeable points were the most important factor in that decision.

numbers. Tradeable points were among the least likely factors to be cited as relevant.

Most employers said they had paid either the full application fee on behalf of the sponsored worker (in 50% of cases) or a proportion of it (another 12%). Although the survey is very small and not representative of all users of the Skilled Worker system, it does suggest that employers are prepared to bear even those immigration costs notionally levied on the migrant.

Cost of sponsoring Skilled Worker visas

The Free Movement website presents a [sample case study](#) of the costs to a small business of sponsoring a single skilled worker for a five-year visa, assuming the business bears all costs:

- Sponsor licence: £536
- Certificate of sponsorship: £199
- Immigration Skills Charge: £1,820
- Immigration Health Surcharge: £3,120
- Application fee: £1,235
- Total = £6,910

The costings did not include potential additional fees and charges incurred, for example for documentation demonstrating English language competence or for expedited visa processing.

The Independent Chief Inspector of Borders and Immigration has commented on the relatively limited changes to the student visa system as follows:

Whilst application volumes are noteworthy, it is too early, and there is insufficient data or other evidence to fully assess the impact of the new points-based system on the HE [higher education] sector. It is clear, however, that the immigration system supports the mobility necessary to the sector.¹¹⁸

¹¹⁸ Home Office, [Skilled Worker visa: early insights evaluation](#), 15 July 2022, paragraph 4.3

6 Has the new system increased or decreased immigration?

We don't yet know what the impact of the new immigration system has been on migration flows. One reason is that the disruption of the pandemic means we haven't had long enough to observe the system without travel restrictions and general migration hesitancy. The other is that we don't have a continuous source of data on migration before and after the new system was introduced.

6.1 The UK's official migration estimates

In a typical year, there are over a hundred million passenger arrivals in the UK and there is no simple way of separating them into people who are visiting temporarily and people who are migrating. While many people require a visa to visit and migrate to the UK, this is not required of UK nationals or people with indefinite leave to remain and nor was it required of EU nationals who came to the UK while it was still a member of the EU.¹¹⁹

Since 1964, the UK's official estimates of international migration have been primarily based on the [International Passenger Survey \(IPS\)](#), which is a survey of people arriving and departing at UK airports and ports. While the accuracy of the IPS has varied over time, it did produce a consistent overall impression of the scale of migration until it was suspended due to the Covid-19 pandemic in 2020.¹²⁰

The Office for National Statistics (ONS) has been intending for many years to develop a new method of estimating migration based on administrative data. In 2019, it started work in earnest on a [migration statistics transformation programme](#). This was still in its relative infancy when the Covid-19 pandemic began and the IPS was suspended. The survey was not fully operational again until late in 2021 so during this period there was no data being collected, which (however imperfect) could be compared with previous years.

The suspension of the IPS inspired the ONS to speed up its work on the transformation programme. The new estimation method, which is primarily based on analysis of data from the Department of Work and Pensions, is described in section 2.3 of the Library's [briefing paper on migration statistics](#).

¹¹⁹ At least, since 1992 when the right of free movement was established.

¹²⁰ See Commons Library Insights "[Migration statistics: Where do they come from?](#)", 24 August 2018 and "[Migration statistics: What is changing and why?](#)", 2 June 2020 for more on this topic.

The new method can only produce estimates of long-term migration with a time lag of at least 12 months.

The only estimates which have been published so far since the new immigration system came into force are for the year ending June 2021.¹²¹ They indicate that net migration in that year (the balance of immigration and emigration) was:

- neutral for British nationals
- negative for EU nationals (12,000 more people emigrating than immigrating)
- positive for non-EU nationals (251,000 more people immigrating than emigrating)

These figures are provisional and cannot be directly compared with estimates from previous years.

6.2

Other ways of assessing the impact of the new system

Visa volumes

In the 12-month period ending in June 2022, just under [1.2 million](#) visas allowing residence in the UK were issued.¹²²

The largest group within this was for study (492,000 visas), followed by work (331,000). The number of visas issued in both these categories was substantially higher than in previous years.

There was also a much higher than usual number of visas issued for residence on humanitarian grounds, with 134,000 visas issued under the Ukraine schemes. A further 76,000 visas were issued under the Hong Kong British National Overseas scheme, bringing the total number issued since the start of the scheme in January 2021 to 111,000.

Work visas

The number of work visas issued in the year ending in June 2022 was around double what it had been in a typical year prior to the pandemic (331,000 compared with around 168,000 on average between 2014 and 2019).¹²³

Although EU nationals migrating to the UK now require a visa, their addition to the statistics only partly explained the overall rise in work visas issued in

¹²¹ ONS, [Long-term international immigration, emigration and net migration flows, provisional](#), 26 May 2022

¹²² This refers to entry clearance visas issued in all categories except 'visitors'. Home Office, [Immigration statistics quarterly June 2022](#), table Vis_D02

¹²³ Home Office, [Immigration statistics quarterly June 2022](#), table Vis_D02

the year to June 2022. Most of the increase came from a near-doubling of the number of work visas issued to non-EU nationals. This is likely to be a direct result of the new immigration system, which liberalised the labour immigration system for nationalities already requiring a visa, while creating new barriers to migration from the EU.

Looking at individual origin countries, India had the biggest increase in UK work visas issued to its nationals: 111,000 issued in the year to June 2022 compared with around 60,000 per year under the old system.¹²⁴ There was also a substantial increase in visas issued to nationals of the Philippines (22,000 compared with around 12,000 under the old system) and Nigeria (17,000 compared with around 2,000 per year previously). The number of people migrating to the UK for work from Australia, the USA, China, New Zealand, and Canada was lower than in previous typical years, which might be partly the result of pandemic-related travel restrictions.

Work visas issued by country of nationality							
Year ending June							
Country	2015	2016	2017	2018	2019	2022	Change 2019 to 2022
Largest increase							
India	59,591	59,689	59,719	60,325	63,418	110,816	+47,398
Nigeria	1,766	1,502	1,567	2,559	4,138	17,548	+13,410
Ukraine	1,093	941	824	835	2,606	15,230	+12,624
Zimbabwe	534	639	786	815	1,216	8,577	+7,361
Philippines	9,693	11,318	12,504	13,345	15,518	21,898	+6,380
Largest decrease							
Australia	17,943	17,648	15,757	14,215	14,561	7,894	-6,667
United States	14,985	14,402	13,640	14,025	14,121	11,171	-2,950
China	5,584	4,779	5,360	5,469	6,604	3,789	-2,815
New Zealand	6,671	6,291	5,370	5,290	5,231	3,104	-2,127
Canada	6,766	6,633	5,874	5,727	6,045	4,873	-1,172
All countries	168,504	166,590	163,567	167,121	184,992	331,233	+146,241

Source: Home Office, [Immigration statistics quarterly: April to June 2022, table Vis_D02](#)

We don't have precise data on the number of EU nationals who used to migrate to the UK for work under free movement. The ONS used to produce quarterly estimates of long-term EU migration by reason – based on responses to the IPS – which give us some indication, although these continue to be subject to a great deal of uncertainty.¹²⁵

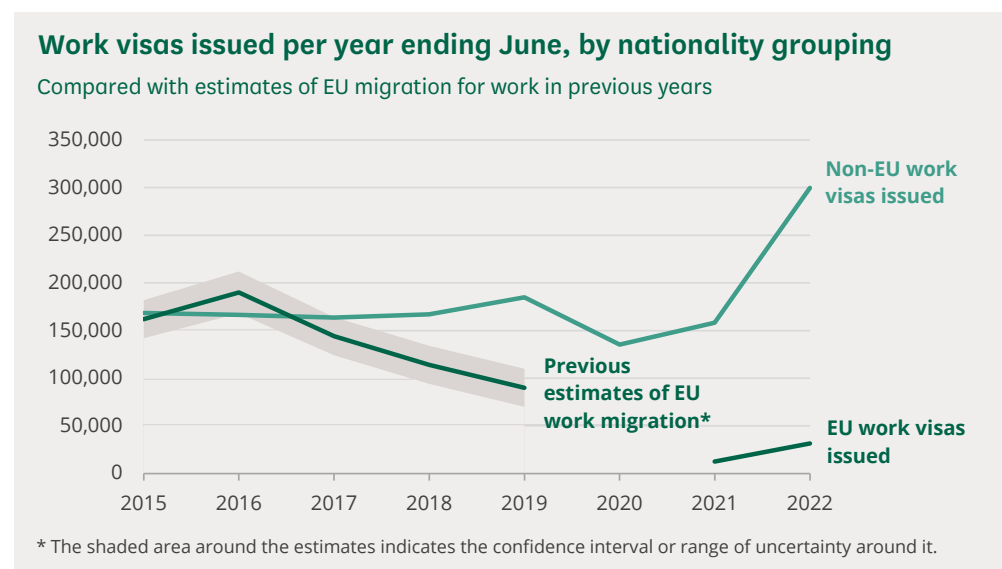
¹²⁴ The figure for the 'old system' is the average of the years ending June from 2014 to 2019. The years 2019-20 and 2020-21 were not typical given that international travel was severely disrupted by the pandemic.

¹²⁵ ONS, [Provisional long-term international migration estimates](#) (discontinued after August 2020), table 3

How do visas numbers compare with work migration estimates?

The chart below shows work visas issued to non-EU nationals and, since 2021, to EU nationals, alongside previous estimates of the scale of EU migration to the UK for work.

Around 140,000 EU nationals on average migrated to the UK for work in each year between 2014 and 2019, according to ONS estimates. Of these, around 91,000 typically stated that they were migrating with a “definite job” secured, whereas the rest were planning to find work upon arrival. In the year to June 2022, just under 31,000 work visas were issued to EU nationals.



Source: Home Office, [Immigration statistics quarterly April to June 2022](#), table Vis_D02; ONS, [Provisional long term international migration, August 2020](#), table 3

Study visas

In the year ending June 2022 there were 492,000 study visas issued, which was substantially higher than in previous years (for comparison, there were 369,000 issued in the year ending June 2019).¹²⁶

EU nationals made up 22,000 (4%) of those issued study visas, with French, German and Spanish students making up over half of these. We don't have equivalent figures for EU students under the former immigration system, although there are some proxies and estimates which may be used to make a rough comparison. For example, the Higher Education Statistics Agency (HESA) publishes data on the place of domicile (permanent home) of first year students. These show that on average around 63,000 students domiciled in EU countries started their first year at a UK university in each academic year between 2014-15 and 2018-19.¹²⁷ This could suggest the number of students coming from the EU was lower in 2021-22 than usual, although more data is

¹²⁶ This refers to entry clearance visas issued in all categories except 'visitors'. Home Office, [Immigration statistics quarterly June 2022](#), table Vis_D02

¹²⁷ HESA, [Chart 6 - First year non-UK domiciled students by domicile](#), February 2022

needed to be sure of this. It should be noted that nationality will not be the same as place of domicile in all cases.

The ONS also used to produce estimates of the number of EU nationals migrating to the UK per year to study using its International Passenger Survey. According to these, around 41,000 EU nationals migrated long-term for study on average per year between 2015 and 2019 (years ending June).¹²⁸ The survey may have underestimated student migration because it defined a long-term migrant as one intending to stay in the UK for the next 12 months, which is longer than a university year.

While EU nationals joining the visa system explains some of the rise in student visas issued in the year ending June 2022, most was due to a large increase in the number of students coming from India, Nigeria, and to a lesser extent Pakistan and Bangladesh.

The number of Indian nationals issued a student visa rose from 51,000 in 2019 to 118,000 in 2022, while the number issued to Nigerians rose from 8,000 in 2019 to 66,000 in 2022 (years ending June). The number of student visas issued to Chinese nationals fell by around 28,000 over the same period, although this was likely evidence of ongoing pandemic-related travel restrictions in China.

Student visas issued by country of nationality							
Year ending June							
Country	2015	2016	2017	2018	2019	2022	Change 2019 to 2022
India	16,248	15,446	16,975	21,153	27,918	118,025	+90,107
Nigeria	12,209	9,605	7,147	6,947	8,033	65,942	+57,909
Pakistan	4,209	3,447	4,431	4,982	5,345	23,502	+18,157
Bangladesh	1,688	1,385	1,551	1,722	1,915	15,032	+13,117
Sri Lanka	815	721	674	807	798	5,612	+4,814
France	.	.	.	.	.	4,388	+4,388
Nepal	315	307	327	338	415	4,732	+4,317
Germany	.	.	.	.	.	4,243	+4,243
Spain	.	.	.	.	.	3,772	+3,772
Italy	.	.	.	.	.	2,509	+2,509
All countries	280,859	287,319	317,051	335,258	369,152	491,924	+122,772

Source: Home Office, [Immigration statistics quarterly: April to June 2022, table Vis_D02](#)

¹²⁸ ONS, [Provisional long-term international migration estimates](#) (discontinued after August 2020), table 3

National insurance number registrations

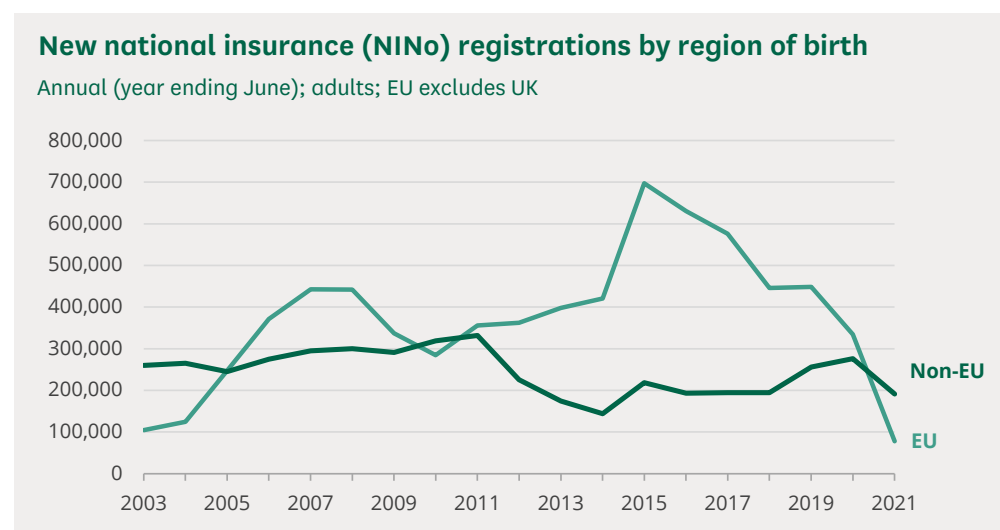
A supplementary source of data is adult registrations for a national insurance number (NINo) by people born abroad.¹²⁹ A NINo is needed to work and access the benefits system but it is not a requirement for people moving to the UK.

Nonetheless, it can be used as a rough proxy for adults arriving to the UK with the intention of working and/or accessing the benefits system. As the chart below shows, the number of NINo registrations by EU-born adults rose and fell in the past in line with the two most recent periods of EU enlargement (2004 and 2014, when the UK extended free movement to the countries in the 2007 enlargement).

There are a few caveats when using these figures as a proxy for migration flows, the most important being that not everyone who migrates long-term to the UK registers for a NINo and some people migrate to and from the UK several times while retaining the same NINo. It should also be noted that being born abroad does not necessarily imply that someone is a foreign national.

The latest NINo registration statistics are for the year ending June 2021, so they do not capture a full year under the new immigration system. Registrations of adults born in EU countries (other than the UK) fell from around 448,000 to 334,000 in the year to June 2020, likely because of the pandemic. In the year to June 2021, the number fell very sharply to 78,000.¹³⁰ Non-EU registrations stayed relatively constant through the same period.

The data for the calendar year 2021 is due to be released later in 2022.



Source: Department for Work and Pensions, [National Insurance numbers allocated to adult overseas nationals to June 2021](#)

¹²⁹ DWP, [National Insurance numbers allocated to adult overseas nationals to June 2021](#), 26 August 2021

¹³⁰ As above, table 1

The Labour Force Survey

The UK Labour Force Survey (LFS) is a rolling annual survey which captures information about the UK population and labour market. It is used to estimate the overall size of the UK population and the size of the population born in a different country and by nationality.

The ONS publishes twice-yearly estimates of the population by country of birth and nationality, with the latest at the time of writing being for the year ending June 2021. At that time, there were estimated to be around 9.61 million usual UK residents who were born abroad, compared with around 9.48 million in 2019.¹³¹ The pandemic disrupted the way in which the LFS data is collected and estimates for that period are subject to more uncertainty than usual.¹³²

The latest quarterly LFS data at the time of writing provides a more recent snapshot of the population in April to June 2022. Although the quarterly data is not perfectly comparable with the annual estimates – because there is seasonal variation in the population – it suggests a fairly substantial rise in the foreign-born population in recent years.

As of June 2022, the LFS estimates suggested there were around 10.1 million non-UK-born residents in the UK, around 450,000 more than in 2019. Most of this increase was attributable to an increase in the non-EU foreign-born population, with the size of the EU-born population having stayed more or less the same.

The latest quarterly estimates suggest that just over two thirds of the foreign-born population aged 16 or over are employed or self-employed, 3% are unemployed, around 25% are economically inactive but not intending to work (retirees, students in higher education, etc), around 3% are economically inactive but would like to work and around 4% are economically inactive under other circumstances.¹³³

¹³¹ ONS, [Population of the UK by country of birth and nationality: year ending June 2021 and year ending December 2019](#), table 1.1. Country of birth is used here rather than nationality since it cannot change, although with the acknowledgement that the number of foreign-born people is quite a bit higher than the number of foreign nationals.

¹³² Some of the issues experienced by the ONS in carrying out and weighting the survey data during the pandemic are discussed in its [Labour Force Survey weighting methodology \(May 2021\)](#). Commentary on the original data quality issues with the LFS during the pandemic comes from the Migration Observatory ("[Where did all the migrants go? Migration data during the pandemic](#)", February 2021) and a critical analysis of the reweighting method is provided by Michael O'Connor ("[Weighting in vain](#)", November 2021).

¹³³ LFS April-June 2022, accessed via UK Data Service, September 2022

Annex: UK work and student visa routes as of 1 September 2022

Route	Points	Tradeable points?	Settlement possible?
Sponsored routes – long-term residents			
Skilled Worker	70	Yes	Yes
Global Business Mobility	40/60	No*	No
International Sportsperson	70/80	No	Yes
Minister of Religion	70	No	Yes
Scale-up	70	No	Yes
Representative of an Overseas Business	n/a	No	Yes
Sponsored routes – temporary/guest workers			
Charity Worker	n/a	No	No
Creative Worker	n/a	No	No
Government Authorised Exchange	n/a	No	No
International Agreement Worker	n/a	No	No
Religious Worker	n/a	No	No
Seasonal Worker	n/a	No	No
Overseas Domestic Worker	n/a	No	No
Unsponsored routes (some require third-party endorsement)			
Global Talent	70	No	Yes
Innovator	70	No	Yes
Start-up	70	No	No
High Potential Individual	70	No	No
Graduate	70	No	No
UK Ancestry	n/a	No	Yes
Youth Mobility	n/a	No	No
Frontier Worker	n/a	No	No
Student routes			
Student	70	No	No
Child Student	70	No	No
Short-term Student (English language)	n/a	No	No


*Apart from the Service Supplier subcategory, which is very rarely used.

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