



Webinar for University and College Union

Upcoming Immigration Law Changes

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This information is correct as of today's date, 25 March 2024. All the information contained in it is subject to change, occasionally without notice, in line with Home Office announcements.

Impending changes

- Upcoming changes as they relate to sponsored work routes (Skilled Workers/Global Business Mobility Workers), family visa routes and the EU Settlement Scheme are to be implemented on 4 April 2024 (sponsored workers) and 11 April 2024 (family routes).
- These changes are part of the current government's stated aim to reduce net migration by way of its "five-point net migration plan" as announced in December 2023.
- It is important to note that the Home Office has stated that the changes/upscaling of financial thresholds are not going to be applied retrospectively and there are transitional provisions in place for both Skilled Workers and those on Family Visa routes.
- The current SOC Code classifications will be updated to SOC Codes 2020 (currently the list being used is from 2010). There are far fewer eligible occupations under SOC Codes 2020 and the existing codes may be different.

Sponsored workers

Sponsored Skilled Worker changes from 4 April 2024

- General salary threshold is being raised from £26,200pa to £38,700pa.
- The SOC Code going rates are being raised from the 25th percentile of UK earnings in eligible occupations to the median/50th percentile.
- The UKVI used the 2023 Annual Survey of Hours and Earnings (ASHE) data.

There are transitional arrangements for those currently sponsored as Skilled Workers under the rules in place before 4 April. In particular, for those who are extending their sponsorship or changing employer/sponsor or applying for Indefinite Leave to Remain, the following rules will apply:

- **General salary threshold for ILR.** The general salary threshold will increase from £26,200 to £29,000.
- **The lower general salary threshold for new entrants** will be £23,200, up from £20,960.
- **Going rates for those currently sponsored.** Existing Skilled Workers will need to meet the updated (higher) going rates but only at the same 25th percentile, not the median.
- Important to note that current sponsored Skilled Workers will not need to meet the new £38,700 threshold even when changing sponsor or applying for ILR, until 4 April 2030.

There are various changes to salary requirements on other work routes – the most applicable one for UCU is:

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- Global Business Mobility - £45,800 to £48,500

Also of note:

Other Skilled Worker salary discounts are being retained but the salary thresholds will be increased to the latest UK earnings data being relied on by the UKVI. This applies to:

- holders of relevant PhD qualifications
- new entrants to the labour market

There will be no salary discount for roles on the Immigration Salary List (which is replacing the Shortage Occupation List (SOL)).

- Academics are not currently on the SOL but could appear in the future.

Supplemental work:

- Skilled Workers are already permitted to undertake up to 20 hours per week of supplementary employment – that is, employment in addition to the main job they are sponsored to undertake – if the supplemental work is in the same occupation and at the same level as their main job or is in a shortage occupation.
- The new Skilled Worker provisions expand the range of supplementary employment that Skilled Workers can undertake, to include any eligible role under Appendix Skilled Occupations (rather than the role needing to be in a shortage occupation or the same occupation as the main role).
- However, the new rules are not entirely clear, but our advice is that this is applicable to Skilled Workers where a CoS is assigned after 4 April.

Family Visas

Partner Route (fiancé/e, civil partners, unmarried partners, spouses) changes from 11 April 2024:

- The Minimum Income Requirement (MIR) threshold is to be increased in 3 stages:
 - Initial increase on 11 April to £29,000pa (from £18,600pa)
 - Then, in Autumn 2024, the MIR increases to £34,500pa
 - In early 2025, MIR threshold will be £38,700pa
 - Can still be met by savings – that threshold will also increase (from £62,500 to £88,500)
- Generously, the Home Office have now removed the separate lower MIR requirement for non-British children!
- For those who have applied for or been issued with a visa as a fiancé/e, civil or unmarried partner, or spouse before 11 April there are transitional arrangements in place.

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- The MIR met for the initial visa application will be the MIR that needs to be met through to settlement/Indefinite Leave to Remain – i.e. £18,600pa salary or £62,500 in savings.

Other

There are other changes also being implemented that may be of relevance:

Changes to the EU Settlement Scheme

- The latest Immigration Rule Changes amend the relationship requirements under Appendix Victim of Domestic Abuse to include all partners with pre-settled status under the EUSS.

Long Residence

- Anyone applying under the 10-year rule should take note of a policy change: it will now be necessary to have had the current permission for one year (or have been exempt from immigration control within the 12 months immediately before their application) to qualify for ILR/Settlement on this route.

Definition of Parent

- Same-sex parents are now recognised (as already happens in practice) but stepparents no longer meet the definition unless they are also a legal parent.

Migrating to e-visa status/creating an account with UKVI if you don't already have one:

- As of 31 December 2024, the UKVI intend to have migrated all visa holders - including those with ILR or Settled Status under the EUSS - into digital status. If you currently have a BRP or BRC or other physical status document, including a sticker on your passport, you must create an e-visa account before 31/12/2024.
- We strongly advise you to do so ASAP and certainly as soon as you are notified to do so by the UKVI.
- See <https://www.gov.uk/guidance/online-immigration-status-evisa>
- Do not leave it until late December!
- Failure to have created an account and be migrated to e-visa status prior to 31 December 2024 will have very serious ramifications on both your ability to be able to prove a Right to Work in the UK and ability to travel - especially if you are intending to travel out of the UK for the winter holidays and are returning after 31 December.
- If you cannot demonstrate digital status to the airline or similar when returning to the UK you may be refused boarding.

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Please note that this information is provided for general informational purposes only. It is not to be relied on as legal advice.

Get in touch



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