

## **TIER 2 (GENERAL) TO THE SKILLED WORKER VISA – SUMMARY OF CHANGES.**

Tier 2 (General) was replaced by the Skilled Worker category on 1 December 2020. Significant changes have been made which are expected to make it easier for employers to sponsor both EU and non-EU nationals in the UK and reduce the amount of time it will take to obtain a UK work visa. But what are the key differences?

<b>Tier 2 (General) requirements</b>	<b>New Skilled Worker requirements</b>
Where the employer is a limited company, the applicant must not own more than 10% of its shares unless their salary is £159,600 or more.	This 10% ownership cap has been removed.
An annual Tier 2 limit of 20,700 applied to new Tier 2 (General) hires from overseas whose role did not fall within the shortage occupation list or who were not being paid at least £159,600.	This annual cap has been suspended.
A Resident Labour Market Test needed to be carried out by an employer unless one of the limited exceptions applied (i.e. a student switching into a work visa form inside the UK, a role on the shortage occupation list or a role which attracted a salary of £159,600 or more).	Whilst the Resident Labour Market has been abolished, the Home Office will need to be satisfied that the role: <ul style="list-style-type: none"> <li>• genuinely exists;</li> <li>• is not a sham; and</li> <li>• has not been created for the sole purpose of the applicant being able to gain a UK visa.</li> </ul>
The role on offer must be highly skilled at RQF level 6 (graduate level or above) unless it is on the shortage occupation list.	The skill level has been reduced to RQF level 3 and the Skilled Occupation list has been adjusted to allow for this.

Tier 2 (General) requirements	New Skilled Worker requirements
The minimum salary threshold for "experienced workers" is £30,000 or the minimum for the Occupation Code the role fell within, whichever is higher.	This has been reduced to £25,600 or the going rate accepted for the relevant occupation, whichever is higher.  There are also alternative salary thresholds for roles which are considered to be PhD level in a relevant subject, a shortage occupation or within the Health or Education sector.
The minimum salary threshold for "New Entrants" is £20,800 or the minimum for the Occupation Code the role fell within, whichever is higher.	This has been reduced to £20,480 or 70% of the going rate accepted for the relevant occupation, whichever is higher.
Guaranteed gross basic pay and guaranteed allowances (including guaranteed bonus payments) as long as they would be similarly paid to a local worker, could be taken into account when calculating the total salary figure.	Guaranteed allowances or bonuses can no longer be taken into consideration when calculating the gross salary figure.
Tier 2 (General) visa holders were only permitted to remain in the UK for a maximum of six years.	This six year limit has been removed.
Applicant's who had previously been in the UK on a Tier 2 visa or who had reached the six year limit would have to remain outside the UK for 12 months (the "cooling-off" period) before applying for a new Tier 2 visa unless their salary was £159,600 or more.	This cooling-off period has been abolished.
Applicants who were already in the UK could only switch into the Tier 2 (General) category from a very limited number of other categories.	Applicants who are already in the UK can apply for a Skilled Worker visa from inside the UK as long as they are not: <ul style="list-style-type: none"> <li>• a Visitor;</li> <li>• a Short-term student;</li> <li>• a Parent of a Child Student;</li> <li>• a Seasonal Worker;</li> <li>• a Domestic Worker in a Private Household; or</li> <li>• on a visa granted outside the Immigration Rules.</li> </ul>

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