

# THE GLOBAL REGULATORY DEVELOPMENTS JOURNAL

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# UK's Immigration White Paper: Big Changes Leading to Bigger Questions

James Perrott and Grace Shie\*

*In this article, the authors highlight the main changes that are likely to affect UK employers and their employees following the government's publication of its immigration white paper.*

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The government of the United Kingdom has published its immigration white paper, Restoring Control over the Immigration System,<sup>1</sup> proposing changes that have generated significant public and market reaction because of the impact to visa holders and their employers.

The stated aim of the white paper is “to restore confidence in the immigration system, so that [the UK government] can support and see benefits from migration whilst ensuring it is properly controlled and is not used as an alternative to fixing problems here in the UK.” The UK government wants to reverse the fourfold increase in net migration (which rose from 224,000 in June 2019 to 906,000 in June 2024) and “see net migration come down further and faster over time to sustainable levels.”

This article highlights the main changes that are likely to affect UK employers and their employees. Although many of the reforms do not have a fixed date for implementation, the UK government has said that some of the changes will be introduced “in the coming weeks.”

## Increase Qualifying Period for Settlement to Ten Years for Points Based System Migrants and Their Dependants

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### Current Requirement

Individuals who are in the United Kingdom under certain Points-Based System routes, such as the Skilled Worker immigration

category, qualify for indefinite leave to remain (ILR) (also known as settlement or permanent residence) after they have spent a continuous period of five years in the United Kingdom under that category. Their dependant family members, which normally include their partner and any minor children, would also qualify for ILR once they had spent five years in the United Kingdom with dependant immigration permission.

## **Proposed Change**

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The UK government is looking to extend the standard qualifying period for ILR for Points-Based System migrants and their dependants to ten years, which doubles the qualifying time period.

The UK government has stated that individuals may reduce the qualifying period for ILR based on their contributions to the UK economy or society. Although the white paper does not provide detail about such contributions, they may include meeting a certain salary threshold or working in a field considered particularly beneficial to the UK's international reputation.

## **Citizenship**

In addition, the UK government will introduce reforms to the requirements for British citizenship. These will be similar to the ones introduced for settlement and will involve increasing the standard qualifying period and allowing those who make greater contributions to the United Kingdom to qualify sooner.

## **Timing**

The UK government has not stated when these changes are likely to come into effect, although it has been said that further details will be published "by the end of the year." The government has confirmed that it will consult on these changes before they are implemented, so it appears that any new requirements will not come into force until 2026. Unfortunately, there is no mention in the white paper of these changes not applying to existing Points-Based Systems migrants and dependants, so any changes may well affect

those who already hold an immigration status under a Points-Based System category that leads to settlement.

## Who Will Not Be Impacted

It is important to note that these changes will apply only to Points-Based System migrants and their dependants, and not to those who are in the United Kingdom under other routes. Consequently, those in other categories that lead to settlement, such as the partner of a British citizen route or pre-settled status under the EU Settlement Scheme, will continue to qualify for settlement after five years.

## Raising the Skills Threshold for the Skilled Worker Category from RQF 3 to RQF 6, Which Will Also Increase the Minimum Salary Level

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### Current Requirement

Under the Skilled Worker visa category, the role that an employer wishes to sponsor a migrant to fill must require skills at Regulated Qualifications Framework (RQF) level 3 or above. This means that the job would normally require someone who holds at least UK A-level or equivalent qualifications.

### Proposed Change

The UK government intends to raise the minimum skill level for this category to RQF level 6, which means that the job would normally require someone who holds at least a UK Bachelor's degree or equivalent qualification. This will have the effect of returning the minimum skill level for the Skilled Worker category to what it was before the United Kingdom left the European Union in 2021.

Since the current minimum salary threshold for the Skilled Worker route of £38,700 is based on the median UK earnings in occupations eligible under the Skilled Worker route, this also means that the minimum salary threshold for the Skilled Worker category will increase.



## Who Will Not Be Impacted

This new threshold will only apply to first-time applicants under the Skilled Worker route. Those who are already in the United Kingdom under the Skilled Worker category will be “grandfathered,” as they will be able to renew their immigration permission, change employment, and take supplementary employment on the basis of the occupations that meet the current RQF level 3 criteria.

## Exceptions

The UK government will work with the Migration Advisory Committee to establish a Temporary Shortage List. This will include occupations below RQF level 6, which are seen as key to the UK government’s industrial strategy or to delivering critical infrastructure, and employers will be able to continue to sponsor migrants to fill vacancies for these positions under the Skilled Worker route.

## Other Significant Changes

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- *Closure of the Category Enabling Employers to Sponsor Individuals to Work in Adult Social Care in the United Kingdom.* This is to combat significant concerns over abuse and exploitation of individual workers in this sector.
- *Increasing the Immigration Skills Charge by 32 Percent to Account for Inflation Since the Charge Was Introduced in 2017.* This means the charge will rise—to around £1320 for large employers, and to around £480 for small employers—per year that a migrant is sponsored.
- *Reduce the Period of Immigration Permission Granted Under the Graduate Route from Two Years to 18 Months.* This is the route that enables graduates from UK institutions with a Bachelor’s degree or above to work or look for work, and the change is designed to encourage them to move into the Skilled Worker route as soon as possible.
- *Expand the High Potential Individual Route by Doubling the Number of Qualifying Institutions.* This is the route that enables those who have graduated with a Bachelor’s degree or above from one of 40 overseas institutions to work or

look for work in the United Kingdom. This change aims to increase the number of highly talented people arriving in the United Kingdom.

- *Streamline the Global Talent Route to Make It Simpler and Easier for Top Scientific and Design Talent to Obtain Immigration Permission Under This Category.* The idea is to increase the number of people coming to the United Kingdom under this route, which is designed to encourage leaders or potential leaders in academia or research, arts and culture, or digital technology fields to come to work in the United Kingdom.
- *Increase the English Language Requirements for Skilled Workers and Other Work Immigration Categories Where a Language Requirement Applies.* The level will increase from B1 to B2 of the Common European Framework for Reference for Languages (CEFR).
- *Introduction of the English Language Requirement for All Adult Dependants of Workers.* The level required will increase over the period that the dependant spends in the United Kingdom. For the initial application, this will be level A1 of the CEFR, level A2 for any extension, and level B2 for settlement.

## What Does This Really Mean for Employers Who Sponsor Migrants?

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### What's New Is Old

Although these announcements represent significant changes to the UK's economic migration system, there is a sense that we have seen this all before. The raising of the Skilled Worker threshold simply returns it to its pre-Brexit level, and the UK government will continue to maintain a list of occupations that, although they do not satisfy the Skilled Worker criteria, will still qualify for employer sponsorship due to recognised long-term labour shortages in these areas.

Furthermore, the increase in the Immigration Skills Charge continues the trend of raising the level of charges associated with the UK immigration system.

## **Reaction from the Market**

The increase of the standard qualifying period for settlement from five years to 10 for Points-Based System migrants and their dependants has caused a great deal of concern, as it appears likely that this change will apply to those already present in the United Kingdom under this category. It may also discourage highly skilled individuals and wealth generators from moving to the United Kingdom when other countries offer shorter standard qualifying periods for settlement and citizenship.

In addition, the increase in the minimum salary threshold that will accompany the rise in the minimum skills threshold will make it more difficult for companies based in geographic regions where salaries are below the national average to fill vacancies that require skills in short supply in the local labour market. This could lead to the benefits of skilled migration only being felt in areas where salaries are generally higher.

## **Intra-Company Transfers Not Affected**

It is important to note that the white paper does not mention an intention to make any changes to the senior or specialist worker route, so companies will still be able transfer their employees from their overseas offices to their UK entities under the same conditions that apply now.

## **Conclusion**

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The UK government has stated that these changes to the immigration system will be coupled with measures to strengthen UK training and workforce strategies. Employers will therefore be expected to boost domestic talent and skills if they want to sponsor migrants to work in the United Kingdom.

While the reforms set out in the white paper are certainly wide-ranging, it will be interesting to see whether they will achieve the UK government's aims of reducing net migration and addressing the perceived abuse of the system while also increasing the number of highly skilled migrants coming to the United Kingdom and developing the skills of the local labour force to enable UK employers to fill skilled vacancies. The ultimate test will be whether these

changes result in UK employers being able to access the skills they need to grow and develop their businesses to the benefit of the UK economy.

## Notes

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1. <https://assets.publishing.service.gov.uk/media/6821aec3f16c0654b19060ac/restoring-control-over-the-immigration-system-white-paper.pdf>.