

Mobility: Immigration alert

November 2022



United Kingdom

Changes to multiple visitor and worker categories

Executive summary

The UK Home Office published updated immigration rules which go into effect on 9 November 2022. The new rules follow the [Statement of Changes](#) published last month, and impact foreign visitors and workers, and individuals seeking to reside in the UK under the Ukraine Extension Scheme.

Overview

Effective 9 November 2022:

- ▶ Standard visitors and visitors entering the UK under permitted paid engagements provisions are no longer allowed to switch to the [Creative Worker](#) route from inside the UK.
- ▶ The [Seasonal Worker](#) route is expanded to include roles in the poultry production sector every year from October 18 to December 31. The closing date for applications is November 15 every year.
- ▶ Ukrainian nationals with immigration permission in the UK for any period between 18 March 2022 and 16 May 2023 may now apply under the [Ukraine Extension Scheme](#) until 16 November 2023. Successful applicants may obtain permission to stay in the UK for 36 months.
- ▶ The police registration scheme is abolished for nationals of all jurisdictions who were previously subject to this requirement.
- ▶ The [Majority English Speaking country list](#) is updated to include the British Overseas Territories. Citizens of these territories will automatically meet the English language requirement if required for UK Immigration applications.
- ▶ Nationals of Colombia, Guyana and Peru are no longer required to obtain a visa before coming to the UK. These travelers can be examined and granted entry on arrival.

- ▶ Sponsored workers' salaries can decrease temporarily if their working hours are reduced due to health reasons or a phased return to work. Workers must still be paid at or above the hourly rate that applies to their most recent work visa.
- ▶ The guidance on eVisas has changed to reflect the new name for digital status. Not all applicants who receive eVisas will have used the [ID Check App](#).

Skilled Worker Visa

The following changes/clarifications were introduced on 9 November 2022 in connection with Scale-Up Visas:

- ▶ Guaranteed payments other than workers' basic salaries can be included in the salary package, provided they are treated exactly the same as basic gross pay for tax, pension and national insurance purposes. This allows for the inclusion of guaranteed allowances such as London weighting.
- ▶ These visas can only be granted for a maximum period of five years at a time.

Global Business Mobility Routes

Under the new rules, only A-rated sponsors may certify the financial requirement under these routes as of 9 November 2022. In addition, the following amendments were enacted in connection with the [Service Supplier](#) route:

- ▶ Citizens and permanent residents of Australia and New Zealand now qualify under the Service Supplier route and may provide services in line with the trade agreements concluded between the UK and these countries. Qualifying Australian citizens and permanent residents may remain in the UK for up to 12 months under this route, whereas

qualifying citizens and permanent residents of New Zealand may remain for up to six months.

- ▶ Applicants who provide certain services are exempt from the standard requirements and must instead provide specific qualifications depending on their role in the UK (e.g., individuals who provide management consulting and related services must provide a university degree; an equivalent level technical qualification will not be accepted).
- ▶ Under the Service Supplier route, a service can only be covered by a trade commitment when the relevant agreement is in force or provisionally applied. The trade agreements with Australia and New Zealand are not yet in force, and are not anticipated to come into force until late 2022 or early 2023.

Impact on employers

These changes will positively impact businesses, especially the inclusion of new allowances in the salary package for the Skilled Worker route. The changes do not include the long-awaited expansion of the Innovator Visa route which would allow qualifying candidates to invest in innovative businesses in the UK (as announced in February 2022 following the closure of the Tier 1 Investor Visa).

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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