

# UK Business Immigration Update

## Changes to the Immigration Rules

### Announced September 2019

On 9 September, the UK government announced changes to the Immigration Rules. This update details only the changes of most direct relevance to employers and sponsors – there are many other rule changes and the full Statement of Changes can be accessed [here](#).

In addition to these changes, there has been another important and very recent government proposal relating to Tier 4 international students for the 2020/2021 intake – that is, that they will be able to stay in the UK for two years beyond completing their course. It is understood that such students will be issued a two year post-study work visa without needing a job offer or an employer to sponsor them and without any restriction on the type of work they can do. Since 2012, most students graduating from a UK university have had just four months from the end of their studies to change visa category (i.e. into Tier 2, which carries minimum salary thresholds and other costs and administrative burdens, and arguably makes them unattractive recruits) or leave the UK. That is not a practice adopted by most of the countries with whom the UK competes for the best international students, and so this is a move to be welcomed from that perspective. We await full details of the scheme.

The September Statement of Changes to the Immigration Rules include the following (different rules will come into force on different dates):

From 6 October 2019 and relating to Tier 2 of the Points Based System:

- Very welcome news for employers – in May 2019, the Migration Advisory Committee (MAC) published its review of the UK shortage occupation list (known as SOL). It recommended new occupations be added and/or widened, including web designers, engineers, health/medical, biological scientists, psychologists, veterinarians, architects and IT specialists (to see the full list, [click here](#) to page 84). This means that fewer roles will now be subject to very strict rules on passing the Resident Labour Market Test (RLMT) – in turn, this is likely to speed up candidate onboarding times.
- Previous very strict rules in relation to licensed sponsors with digital technology qualifying status offering jobs in digital technology SOC codes will be relaxed.
- Schools will be pleased that advertising roles on the gov.uk “Teaching Vacancies” platform will now meet the requirements of an acceptable RLMT advertising method.
- Some SOC salary rates have been modified and will apply to Certificates of Sponsorship (CoS) assigned from 6 October 2019.
- Ph.D. level occupations will be exempt from the annual monthly restricted CoS limit (currently set at 20,700).

From 1 October 2019:

- Employees sponsored in Ph.D. level SOC codes with UK absences for research purposes and relating to their visa sponsorship, will no longer have these absences counted within the indefinite leave to remain (settlement) absence rules. By way of reminder, migrants granted leave since 11 January 2018 must not exceed 180 days’ absence in any rolling 12-month period.

- The rules on migrant salaries in the run-up to those applying for indefinite leave to remain where there has been a temporary reduction in earnings will be extended to cover a wider group – the rules will extend to those absent from work due to sickness, statutory parental leave, assisting in a national or international humanitarian or environmental crisis and engaging in legal strike action – this is in addition to those on maternity, paternity, shared parental and adoption leave.
- English language tests and Life in the UK certificates – applicants will be able to rely on their unique reference number, no longer requiring their paper test certificate.
- Many technical changes have been made to the EU Settlement Scheme rules (known as EUSS) – particularly for the family members of UK nationals returning from a European Economic Area (EEA) Member State or Switzerland. Most of the changes appear to provide clarity. There have also been some big changes to the “suitability” EUSS rules covering circumstances where applications may or must be refused.
- Administrative reviews (a mechanism to challenge decisions) must now be submitted online unless the original application was made on a valid paper form.
- Changes will also be made to the deadlines for applying for administrative review under the EUSS rules, and a discretionary rule to allow late applications will be removed – this change is not likely to be welcomed, particularly for applicants granted pre-settled status when they believe they qualify for settled status.

To summarise, most of these changes are positive and likely to be welcomed by employers and recruiters. They are likely to decrease recruitment timescales and mark the government’s commitment to attract the “brightest and best global talent” to participate in the country’s economic development in a post-Brexit environment. In particular, the return of the post-study work visa for international students is likely to mean an increased talent pool to recruit from and the hiring of international students themselves will become easier, speedier and less expensive.

## Contacts

If you have any questions in relation to these forthcoming changes, or any wider questions regarding UK immigration or employment law, please contact one of the authors below.

### Supinder S. Sian

Partner, London  
T +44 20 7655 1741  
E [supinder.sian@squirepb.com](mailto:supinder.sian@squirepb.com)

### Rebecca Bridges

Senior Associate, London  
T +44 20 7655 1367  
E [rebecca.bridges@squirepb.com](mailto:rebecca.bridges@squirepb.com)