

# Legal 500

## Country Comparative Guides 2024

### United Kingdom

### Corporate Immigration

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This country-specific Q&A provides an overview of corporate immigration laws and regulations applicable in United Kingdom.

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# United Kingdom: Corporate Immigration

## 1. What are the relevant government entities relating to immigration in your jurisdiction?

UK Visas and Immigration ("UKVI") are the appointed UK government entity for immigration matters in the UK, processing millions of visa applications a year for people wishing to visit, study, join family, or work in the UK. UKVI is part of the Home Office.

## 2. What are the options available for sponsor-based employment in your jurisdiction and timelines involved in securing a work permit?

The main sponsor-based employment categories in the UK are the Skilled Worker and Senior or Specialist Worker (Global Business Mobility) visas.

The Skilled Worker visa is for migrant workers with a job offer in the UK. The applicant must meet the minimum points requirements to confirm the role is suitably skilled, meets a minimum salary and the applicant is able to speak, write, read and understand English at "B1" level. An initial visa can be issued for up to 5 years and can be extended. After 5 years in the UK, the applicant may be eligible to apply for "settlement" (permanent residence) in the UK.

Skilled Worker visa applicants will need to satisfy the language requirement by taking an approved English test or obtaining a certification of their degree qualification (if taught in English and awarded outside the UK), unless they are exempt, for example, if they are from a majority English-speaking country. A tuberculosis ("TB") test may also be required depending on the country of application.

Applications can be made up to 3 months before the individual is due to start work in the UK and a decision can be expected within 3 weeks, if the applicant is outside the UK, or 8 weeks, if they are inside the UK. In some cases it is possible to pay for a priority service, which would usually reduce the processing time to 5 working days, or a super priority service, which would usually result in an outcome by the end of the next working day.

The Senior or Specialist Worker (Global Business Mobility) visa is typically for employees who currently work for an overseas "linked entity" of the UK company. Similar to the Skilled Worker visa, it requires meeting a

minimum points criterion based on salary (at least £48,500) and skill level, which are generally higher than for a Skilled Worker visa. However, there is no English language requirement. A Senior or Specialist Worker (Global Business Mobility) visa does not lead to Settlement in the UK. The visa can only be held for maximum of 5 years in any 6-year period, or 9 years in any 10-year period for higher earners (salary of £73,900 or above).

## 3. What are the primary options available for unsponsored work and investment in your jurisdiction?

The UK offers a myriad of unsponsored work and investment immigration routes, depending on the circumstances of the applicant.

Unsponsored work routes include:

- Youth Mobility Scheme: 2-year visa for those aged 18-35 from certain countries such as Australia, Canada, New Zealand, South Korea etc.
- British National (Overseas): 5-year visa for applicants and their family members from Hong Kong with British (overseas) nationality.
- Ancestry: 5-year visa for Commonwealth citizens with a UK-born grandparent.
- Global Talent: 5-year visa for leaders/potential leaders in academia, arts/culture, digital technology (requires a recognised endorsing body or for the applicant to have won an eligible award).
- Innovator Founder: 3-year visa for those wishing to set up and run an innovative business in the UK (requires a recognised endorsing body).
- Graduate: 2-year visa for those who currently hold a Student visa and have successfully completed a course in the UK.
- High Potential Individual: 2-year visa for those who have been awarded a qualification by an eligible university in the last 5 years.

## 4. What are the requirements for becoming a

## **sponsor of employment-based migrants and what are the role and reporting duties of sponsors?**

A UK company must hold a Sponsor Licence to sponsor migrant workers and must adhere to compliance obligations to maintain an "A-rating".

To register as a sponsor, you require a UK entity registered on Companies House with a "genuine" trading and operating presence in the UK, and demonstrate business reasons for needing the licence, including a need to recruit migrant workers.

A licence holder must adhere to various reporting duties and compliance obligations, including:

- Ensuring migrant workers have the necessary skills, qualifications, or professional accreditations to do their job, and ensuring only suitable roles are sponsored;
- Ensuring the company has HR systems in place to monitor and track migrant workers and report any changes in circumstance;
- Keeping copies of relevant documents for each sponsored worker, including evidence that right to work checks have been conducted;
- Reporting any changes to the sponsoring company's business, for example, if the company stops trading, or is involved in a merger or take-over.

## **5. Are applications filed electronically, or paper base? Is a physical visa/work permit document issued or is an electronic approval issued?**

UK immigration applications are filed electronically and supporting documents are uploaded online to a secure portal. Successful applicants will be issued with a 90-day Entry Clearance visa to travel to the UK, where they will then collect their Biometric Residence Permit ("BRP") card.

The UK is phasing out BRP cards from December 2024 and replacing this with a digital status. Applicants are already receiving invitations and instructions from UKVI to digitalise their status.

## **6. Is an in-person attendance/interview required as part of the visa/work permit application process? Is an individual required to enrol their**

## **biometrics (digital photo, fingerprint scan) as part of the visa/work permit process?**

Applicants must normally attend an in-person appointment at a visa application centre to submit their biometrics.

However, eligible applicants can apply for a digital immigration status using the 'UK Immigration: ID Check' app to confirm their biometrics on their phone, avoiding the need for attendance at a visa application centre. Individuals will be advised during the course of their application if they are eligible to use the app.

## **7. What persons qualify as dependants? Can dependants work based on their dependant visa status? Are there any restrictions?**

UKVI class dependants in work routes as:

- A dependant partner (husband, wife, civil partner, or unmarried partner);
- Children under 18; or
- Children over 18 if they are already in the UK and hold an existing visa as a dependant.

Partners must be in a marriage or civil partnership that is recognised in the UK. Unmarried partners must have been living together in a relationship for at least 2 years prior to making the application.

Children over 16 must live with their parents (unless in full-time education at boarding school or University) and must not be deemed to be leading an independent life.

Dependants are permitted to work or study on an unrestricted basis (including self-employment and voluntary work). However, employment as a professional sportsperson is not allowed.

## **8. What is the general time frame and processes for obtaining permanent residence and citizenship for sponsored and unsponsored business-related immigration?**

Applicants would generally need to spend 5 years continuous residence in the UK to qualify for settlement (permanent residence). Certain other immigration categories such as the Global Talent or Innovator visa allow accelerated routes to settlement after 3 years residence.

Once an applicant holds settlement, they may be eligible

to apply for naturalisation as a British citizen. Typically, applicants would need to wait 12 months from the date of grant of settlement before they are eligible. However, applicants married to a British citizen are able to apply immediately after settlement is granted.

Applicants in all visa categories applying for settlement are generally expected to take the Life in the UK test and meet the English language requirement. Children under 18, applicants aged 65 and over and those with a medical condition may be exempt.

It may take up to 6 months to receive a decision for citizenship, at which point an invitation letter to attend a citizenship ceremony is issued. Applicants should attend a citizenship ceremony within 3 months from the date of the letter, at which point they are presented with a Certificate of Naturalisation and can then apply for a British passport.

### 9. What productive type activities can a business visitor undertake and for how long?

The General Business Activities listed in the UK Immigration Rules include:

1. Attending meetings, conferences, seminars, interviews;
2. Giving a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser;
3. Negotiating and signing deals and contracts;
4. Attending trade fairs, for promotional work only, provided the visitor is not directly selling;
5. Carrying out site visits and inspections;
6. Gathering information for their employment overseas;
7. Being briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.
8. Undertaking activities relating to their employment overseas remotely from within the UK, providing this is not the primary purpose of their visit.

The maximum permitted period of a visit to the UK is 6 months in any one visit. A visitor should not intend to live in the UK through frequent or successive visits, remain in the UK for extended periods or make the UK their main home.

Business visitors must not intend to work in the UK, which includes taking employment, establishing or

running a business as a self-employed person, doing a work placement or internship, filling a role or providing short-term cover for a role within a UK based organisation.

### 10. Can remote work be carried out from your country?

Providing you have the inherent right to work in the UK, you are permitted to work remotely from your UK home / place of residence.

A visitor to the UK is permitted to carry out activities relating to their employment overseas remotely whilst they are in the UK (for instance, responding to work emails or answering phone calls), however, this cannot be their main purpose of coming to the UK. No productive work should be carried out for an UK entity.

If a visitor intends to spend a large proportion of their time in the UK and will be doing some remote working, which includes working from home, UKVI will expect the visitor to be genuinely employed overseas and not seeking to work and live in the UK for extended periods through frequent or successive visits.

### 11. Are there any productive work / revenue generating activities that can be carried out as a visitor and without the need for a work permit? If so, what activities and for how long?

Typically, visitors to the UK cannot work unless this is explicitly allowed under the UK Immigration Rules.

Such exceptions include permitted paid engagements carried out by:

- An academic who is highly qualified within their field of expertise, coming to examine students and/or participate in or chair selection panels.
- An expert coming to give lectures in their subject area.
- An overseas designated pilot examiner coming to assess UK-based pilots.
- A qualified lawyer coming to provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within the UK.
- A professional artist, entertainer, or musician.
- A professional sports person.
- A speaker coming to the UK to give a one-off or short series of talks and speeches.

It is worth noting that any activity listed above must be evidenced by a formal invitation from an appropriate UK institution or organisation; arranged before the applicant travels to the UK; declared as part of the visa application; and relate to the applicant's area of expertise and occupation overseas.

For any other productive work activities, a work visa will be required.

## **12. Is there a remote work or nomad visa category in your jurisdiction? If not, how likely is it that this will be implemented in future?**

No. If the primary purpose of travelling to the UK is to work, UKVI would expect the individual to hold a work permit (i.e., a Skilled Worker visa).

## **13. How easy is it to switch visa categories/jobs/employer from within country? And/or if made redundant, can the individual regularise their stay in another capacity and what is the timeframe allowable?**

The current UK Immigration Rules provide a good degree of flexibility to switch visa categories, jobs, and employers within the UK.

Should a sponsored worker leave their employment, the sponsor is obliged to report this to UKVI within 10 working days of the last day of employment via their sponsor management system. UKVI would curtail the leave of the visa holder to 60 days, or the end validity of the visa, whichever is shorter. During this period, the individual would need to make another immigration application to remain in the UK (for instance to work for another sponsor or switch immigration categories) or leave the UK.

## **14. What common issues or concerns may arise for employers under business immigration in your jurisdiction?**

Generally, the immigration process for employing sponsored migrant workers in the UK is reliable, with relatively short lead times for obtaining immigration permission.

However, on some occasions overall end to end processing times can take slightly longer. This can be down to a myriad of factors, including availability of appointments, processing delays at UKVI resulting from

seasonal high volumes of applications or lack of availability for the requisite English language tests.

Employers with sponsor licences should be mindful of the importance of continuing to uphold their sponsor compliance obligations. UKVI can carry out compliance visits before and after licences are issued. Licences can be downgraded, suspended, or withdrawn if the requirements are not met, resulting in withdrawal of the licence, and inability to continue to sponsor migrant workers.

Robust HR systems must be in place to ensure compliance obligations are maintained to protect the licence, such as clear and robust Right to Work processes for all new hires, not just sponsored workers. This is particularly crucial following the UK's departure from the EU, as the licence is now required to sponsor both EU and non-EU citizens alike.

## **15. Is there a fast track process / certification that business can obtain to expedite visa / permit processing?**

Yes. Priority processing options are available for the majority of immigration applications; however, this may be dependent on availability in the country of application.

In general, if applying from overseas, some countries may offer 'priority' processing of around 5 working days (standard process is normally 15 working days) and is available in a large number of overseas locations. Some limited locations also offer 'super priority' processing, which aims to process most applications by the end of the next working day.

If applying overseas for a partner/ family visa of a British/ Settled person, priority options will reduce the processing time to around 30 working days from the 3-4 months standard.

If applying from within the UK, there are 'priority' options that aim to process applications within 5 working days and the 'super priority' option aiming for the decision by the end of the next working day. Family/partner visas submitted within the UK can be processed using the 'super priority' service.

It is worth noting that priority processing of immigration applications can sometimes be temporarily suspended by UKVI without notice.



## 16. What are the recent trends, both political and social that have impacted your jurisdiction with regard to immigration policy and law?

### Reducing Migration

The July 4 general election saw a change in Government, with Labour returned to power for the first time in 14 years.

Changes to the immigration system are anticipated, but in the interim there were a number of significant changes to the UK's immigration system introduced by the previous Conservative administration that continue to have an impact.

In December 2023, the Conservative government announced a "five-point plan" to reduce net migration and prevent abuse of the system.

The package of measures included targeting the high numbers of dependants coming to the UK with the Conservatives tightening the Health and Care Worker visa, preventing overseas care workers from bringing their dependents to the UK.

From 4 April 2024, the Conservatives increased the earning threshold for overseas workers by nearly 50% from its current position of £26,200 to £38,700 per annum.

They also increased the minimum income required for British citizens and those settled in the UK who want their family members to join them.

The Conservatives also ended the 20% going-rate salary discount for shortage occupations and replaced the Shortage Occupation List with a new Immigration Salary List, which now retains a general threshold discount. The Migration Advisory Committee continues to review the new list against the increased salary thresholds in order to reduce the number of occupations on the list.

## 17. Are there any new and / or anticipated changes impacting immigration law and / or policy in your jurisdiction?

### A New Government

The Labour party, like their Conservative predecessors, are committed to reducing net migration to the UK and in the King's Speech on July 17 it was announced that a new bill would be brought forward to modernise the asylum and immigration system.

This reaffirms promises in Labour's election manifesto to reform the current points-based system to ensure it is "fair and properly managed". The manifesto did not go as far as stating that immigration will be capped, but its inclusion of the phrase "appropriate restrictions" certainly does not rule out a cap.

Ahead of the election Labour also pledged to develop a strengthened Migration Advisory Committee (MAC) to engage with businesses when considering the impact of revised migration policy. The MAC will establish a framework for collaboration with skills bodies across the UK, the Industrial Strategy Council and the Department for Work and Pensions. Labour has indicated that it would ask the MAC to review the impact of raising the Skilled Worker salary threshold to £38,700 – a policy introduced by the Conservatives in April.

Labour made a further pre-election commitment to address "excessive recruitment from overseas" within specific sectors. This suggests it will attempt to streamline visa routes to focus on the sectors most in need – agriculture, hospitality, construction, health and social care, for example.

This aligns with Labour's stated aim to look more holistically at skilled migration, linking skills policy more broadly with how employers recruit overseas talent. Analysis of sectoral reliance on migrants from outside the UK will be matched with plans to upskill the domestic workforce in that field.

### Digitisation

UK immigration continues with its investment into digitisation. An increasing number of UK immigration applicants are now issued with digital immigration status: no physical documents are issued. Access is granted to an online portal allowing the applicant to generate 'share codes' to demonstrate right to work to employers, right to rent to landlords and access to other services in the UK. The digital status also allows travel through the 'e-gates' at the UK border.

The advantages of the digital status are clear; biometrics can be submitted using a mobile app as opposed to attending a physical appointment speeding up processing times, digital statuses cannot be physical lost/stolen, and are accessible remotely. With more employees now working remotely/in a hybrid pattern, digitisation of the immigration process is a welcome change to support a more fluid workforce.

The digital status process scope has broadened to include non-EU nationals applying for a Skilled Worker

visa from within the UK who already hold a valid BRP and are aged 18 and over. Applicants from the rest of the world are still required to attend in-person biometrics appointments and are issued with a physical BRP card as the immigration document for their time in the UK.

UKVI are phasing out BRP cards by December 2024, after which digital status will be the norm for all UK visa holders. There has been no indication to date that the new Labour administration intend to deviate from this plan.

### Visitors

UKVI have introduced an Electronic Travel Authorisation (ETA) system for a select nationality of visitors coming to the UK. Currently, 'non-visa nationals' (e.g. EU or US national) can travel to the UK for visit purposes without prior authorisation. A 'visa national' (e.g. Indian national) would require a physical visa application. It is expected the system will be fully rolled out in late 2024 to all eligible nationalities travelling to the UK. Again, there has been no indication that the Labour Government intend to deviate from this plan.

## 18. How do you see technology developing and evolving to support immigration process in the future?

There is already an existing commitment from UKVI towards digitisation. An increasing number of UK immigration applicants are now issued with digital immigration status: no physical documents are issued. Access is granted to an online portal allowing the applicant to generate 'share codes' to demonstrate right to work to employers, right to rent to landlords and access to other services in the UK. The digital status also allows travel through the 'e-gates' at the UK border.

The advantages of the digital status are clear; biometrics can be submitted using a mobile app as opposed to attending a physical appointment speeding up processing times. Furthermore, digital statuses cannot be physical lost/stolen, and are accessible remotely.

Initially, the digital status process was only available to applicants from the EU, EEA and Switzerland. However the scope has now broadened to include non-EU nationals applying for a Skilled Worker visa from within the UK who already hold a valid BRP and are aged 18 and over. Applicants from the rest of the world are still required to attend in-person biometrics appointments and are issued with a physical BRP card as the immigration document for their time in the UK.

UKVI are phasing out BRP cards by the end of 2024, after which it is expected digital status will be the norm for all UK visa holders.

The new Electronic Travel Authorisation (ETA) scheme launched in October 2023 is now available for nationals of the following countries: Bahrain, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates. The system, which is similar to the US 'ESTA' system, allows certain non-visa nationals to come to the UK for up to 6 months for tourism, visiting family and friends, business or short-term study. An ETA costs 10.00GBP per applicant and is expected to eventually apply to all visitors who do not need a visa for short stays and who do not have any other UK immigration status prior to travelling to the UK.

## 19. What are the Right to Work requirements in your jurisdiction?

In order to prevent illegal working, all UK employers are obliged to carry out a 'Right to Work' ("RTW") check on new hires before they start work, to ensure they have the correct permission to work in the UK.

By correctly conducting a RTW check as set out in the Home Office Employer's Guide to Right to Work Checks, an employer will be able to establish a statutory excuse against liability for a civil penalty should an employee be working illegally or in breach of their conditions.

RTW checks must be carried out using the correct process dependent on the status or documentation held by the individual. For an increasingly small number, this is done manually on original documents, for others this is an online check, should the individual hold digital status or a BRP card, and for British and Irish nationals this can now be done using IDVT (Identity Document Validation Technology) via the services of an Identity Service Provider ("IDSP").

Employers are expected to check the validity of the documents and that the person presenting them is the prospective employee in question. Employers must also retain a clear copy of the RTW check in a format that cannot be altered.

Some RTW checks will provide a 'continuous statutory excuse', meaning no future checks are required. This would be the case for an employee holding British nationality or someone holding Settlement/Indefinite Leave to Remain status. Other RTW checks may present a 'time-limited statutory excuse'. Where there is a time-limited statutory excuse, a follow up check should be carried out to establish a continuing Right to Work.

Organisations are actively looking to approved IDSP providers to process checks, therefore reducing the potential for physical in-person checks of British and Irish nationals with valid passports.

Deloitte is an accredited and approved Home Office IDSP provider.

## **20. What are the types of civil and criminal penalties employers may face for non-compliance with immigration rules i.e. employing an individual who does not have the Right to Work?**

Under the Immigration, Asylum and Nationality Act 2006, employers have a duty to prevent illegal working.

Where a right to work check reveals that an employee is not eligible to work in the UK, or an employer is otherwise made aware of this fact, and continues to employ the individual, the employer may become liable for a civil penalty of up to £60,000 per illegal worker and potentially criminal prosecution. Prosecution can result in a jail sentence of up to 5 years and an unlimited fine.

Penalties can also result in the loss of a sponsor licence, or the ability to act in a key role on future sponsor applications.

## **21. Are there labour market testing requirements in your jurisdiction and if so, what do they involve?**

There are also labour market testing requirements for Skilled Worker applicants.

The changes were introduced in the UK Immigration Rules from 1 January 2021, following the UK's departure from the European Union.

## **22. Are there quota requirements, restrictions or a cap on the numbers of foreign nationals hired per company in your jurisdiction?**

Historically, there has been a government cap on how many visas could be issued each year for skilled migrant workers. However, this has now been removed under the new Skilled Worker route as part of the changes effective from 1 December 2020. It should be noted that this suspension will be kept under review by the Home Office and could potentially be reintroduced later.

## **23. Are there any exit procedures in your jurisdiction, if an individual is departing permanently?**

If an individual is leaving sponsored employment, the sponsor is obliged to make a report to UKVI confirming the individual's departure within 10 working days of the last day of employment.

Should the individual hold a BRP card, this should be cut into pieces and returned to the UKVI.

Individuals holding Police Registration Certificates should also return their certificate to the nearest police station or issuing office.

## **24. Are there any requirements for medical certificates or vaccinations for your jurisdiction?**

Individuals coming to the UK who have resided in certain listed countries for at least 6 months will require a TB test if coming to the UK for more than 6 months. The list of countries where an applicant will need a TB test to enter the UK is laid out in 'Appendix Tuberculosis' of the immigration rules. The 'clear' certificate needs to be submitted with the UK visa application. Children under 11 and pregnant women may be exempt.

There are currently no requirements to hold vaccinations (including COVID-19 vaccinations) for immigration applications or travelling to the UK.

## **25. Are there any language requirements for your jurisdiction?**

Sufficient evidence of meeting a specific English language requirement is mandatory for a number of UK visas for study, work, family and settlement/citizenship applications.

Applicants from non-majority English speaking countries can normally meet this requirement through one of two ways. The first option is to take a UKVI approved English language test. Most UK work and study visas will require a comprehensive English test covering reading, writing, speaking and listening proficiency. If the applicant holds an academic qualification taught outside of the UK that was taught entirely in English, they have a second option to verify this degree through a body called UK ENIC (a degree-level academic qualification obtained in the UK does not require separate certification by UK ENIC). UK ENIC will confirm whether the degree is equivalent to a UK degree and whether it was taught at the appropriate level.



of English required for the specific UK visa type.

Exemptions from providing the above two options can apply in certain instances, such as where the requirement was already shown to have been met in a previous successful application or if the applicant is a national of a majority English speaking country such as the US, Australia, Canada, New Zealand etc.

## 26. What are the government costs associated with a typical employment based visa?

The Skilled Worker visa is the UK's main work visa route. A typical Skilled Worker visa typically includes the following government fees:

- Certificate of Sponsorship fee of £239. This is an online work permit issued by the sponsor. This document can then be used in support of a Skilled Worker application.
- Immigration Skills Charge of £1000 per year for a medium to large sponsor, or £364 per year for a small or charitable sponsor. This charge is essentially a tax imposed on businesses for employing workers outside of the local labour market.
- Visa application fee of at least £551 for a job on the Immigration Salary List or £719 for all other eligible roles (from £284 for Health and Care visa applications), where the Certificate of Sponsorship is issued for up to 3 years. The fee increases to £1,084 and £1,420 respectively, for Certificate of Sponsorship issued over 3 years. Note these fees are in relation to applications made from outside of the UK. Where the application is made from inside the UK, the fee will vary.
- Immigration Health Surcharge of £1,035 per year per duration of the visa. This is an additional tax imposed on foreign workers to enable them to use the National Health Service (NHS) in the UK. Note this fee is reduced to £776 per year if the applicant is under the age of 18 when they apply.

Optional service add-ons for applications submitted outside the UK include expedited processing under the Priority or Super Priority services and then additional perks during the biometric appointments such as a courier service, SMS service or 'keep my passport' service which will allow the applicant to hold onto their passport during the processing timeframe.

It should be noted that some fees such as the

Immigration Skills Charge must always be paid by the sponsor. Other fees such as the application fee can be paid by the sponsored migrant directly, however it is common for the UK employer to cover all the fees as part of the onboarding process.

## 27. Is a local contract of employment required in order to obtain a work based visa or work permit? Are there salary or other thresholds to be met?

Whilst many individuals on UK work visas will have local contracts, some may be in the UK on temporary assignments with overseas contracts. There is no requirement to hold a local UK contract. Salary can likewise be paid from the UK or overseas. Any employment, tax or payroll implications stemming from where the contract and payroll is located would have to be considered separately.

For a Skilled Worker visa, applicants would usually need to be paid at least £38,700 per year or meet the 'going rate' of the occupation code assigned to the job role, whichever is higher. For example, if an annual salary is £40,000 per annum, but the 'going rate' for the role is £48,000, the salary requirements would not be met.

There are different salary rules for those working in some healthcare or education jobs.

In some cases, it is also possible to apply for a Skilled Worker visa in an eligible job with a salary less than £38,700 or the going rate, however the pay must still be at least £15.88 per hour.

Applicants can be paid between 70% and 90% of the usual going rate, if the salary is at least £30,960 per year and the role is one of the following:

- The applicant is under 26, studying or a recent graduate, or in professional training
- The applicant has a science, technology, engineering, or maths (STEM) PhD level qualification relevant to the job (a relevant PhD qualification in any other subject requires the salary to be at least £34,830)
- The applicant has a postdoctoral position in science or higher education.

If applying for a Senior or Specialist Worker visa the salary thresholds are at least £48,500 per annum, £25,410 per annum for a Graduate Trainee Visa.

All Skilled Worker and Senior or Specialist Worker roles would need to be for a job that is on the list of eligible

occupations, as set out in 'Appendix Skilled Occupations' of the Immigration Rules.

## 28. What are the maximum periods of stay for individuals on an employment based visa / work permit?

Under the current UK immigration rules there is no maximum period of stay for a Skilled Worker visa holder and their family members in the UK. After 5 years of continuous residence as a Skilled Worker, it may be possible to apply for Settlement (permanent residence) in the UK. If not, an applicant can benefit from unlimited extensions to their visa.

For those holding a Senior or Specialist Worker visa, the maximum total stay is 5 years in any 6-year period if the salary is less than £73,900, and 9 years in any 10-year period for salaries of £73,900 or more.

## 29. Does your jurisdiction allow dual nationality?

Dual citizenship is allowed in the UK, meaning an individual can apply for foreign citizenship and still retain their British citizenship. It is important to note that many

countries do not allow dual citizenship and therefore it is best practice to double check the specific country's laws on dual nationality.

## 30. What are the most positive aspects of your immigration system compared to the rest of the world?

The UK system is Rules based, which means it is robust but flexible, allowing for adjustment and adaption to change more readily. The system is primarily focused on skilled migration and attracting top talent, with the aim to select individuals who will support and contribute the most to the UK's economy. Because employees are not required to be on a UK contract or UK payroll, the system also supports an agile global workforce for international corporations.

The framework is underpinned by fairness and transparency, allowing potential applicants to self-assess against the requirements and determine upfront whether they should qualify for the visa prior to applying. The application process is an intuitive online system, which is easily accessible helping to facilitate an efficient and consistent decision-making process.

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