

Skilled Worker visa update 21/03/24

Q&A

This Q&A document has been produced following the University's briefing session on the changes to the Skilled Worker visa route for Certificates of Sponsorship assigned on or after 4 April 2024. The questions below were raised during the session and in the 'chat' function within Microsoft Teams.

The University is currently considering its response to the changes to the Skilled Worker visa (announced on 14 March 2024) as they have an impact in particular on individuals who would be appointed at Grade 5. There are a number of factors to consider to ensure consistency across the University and therefore further announcements will be made in due course about any changes to current procedures.

Question	Response
Is there any information about switching from a High Potential Individual visa?	The new rules will apply to HPI visa holders as they do to holders of any other visa type who want to switch into Skilled Worker (SWV). Minimum salary will be £38,700 upwards unless eligible for tradeable points.
Do you expect the salary thresholds to rise, perhaps annually?	Hard to say. They were increased towards the end of last year, but not for a long time before that. Depends on whether we have a new government etc.
What happens with existing staff if the thresholds rise by a greater amount than the University increments?	If people are already on SWV and their salary dips below the increased minimum threshold, we can continue to sponsor them as they were eligible at the time they applied for their visa. They will need to earn the relevant minimum salary if/when they come to extend.
Admin type roles are on the list of sponsorable SOC codes but are unlikely to be sponsorable because of their salary, so can we reject a person because we won't be able to sponsor them?	If you're appointing below g5 pt3 (pt 36 on the scale), the job won't be sponsorable. If appointing at g5 pt3 or a bit above, you may be able to sponsor them if they're eligible for tradeable points. Difficult to say at the point of advertising. Can say that, depending on the person's circumstances, the role may or may not be eligible for SWV sponsorship and they may need an alternative way of proving their right to work in the UK. You can't discount them because they don't current have the right to work in the UK.
Are you saying we can't appoint to Research Assistant roles at the bottom of grade 5 if someone is just about to get their PhD?	<p>Not at the bottom of grade 5, it would need to be at grade 5 point 3 (point 36 on the salary spine) and they would need to qualify for New Entrant tradeable points. If they're switching from a Student visa, they will qualify as long as the work dates on their CoS are for 4 years or less.</p> <p>We need to rely on their status at the time we assign the Certificate of Sponsorship so, even if they're awarded before their work start date and therefore are on a grade 7 salary when they start, we still need to use the Research Assistant job title and salary details on their CoS.</p>

Question	Response
<p>Doesn't that create disparity between the salary we need to offer someone who needs an SWV and someone who doesn't?</p>	<p>If you're under-appointing a Research Assistant/Associate role, you would appoint above g5 pt3 regardless of nationality/visa requirement, so there would be no disparity there.</p> <p>For pure Research Assistant and other grade 5 roles, please see the statement at the start of the Q&A session.</p>
<p>If a Grade 5 staff member was appointed late last year at bottom of the scale, the going rate for their circumstance will still be higher than their current salary level even with the reduced "price". Is there be a mechanism to either increase their salary at the point of extension (or would we just consider the salary with the upcoming increment) or will it be factored into the University's August pay award/cost of living increase?</p>	<p>Please see the statement at the start of the Q&A session.</p>
<p>Where we have already offered a salary where tradeable points are now required for somebody starting Aug 2024 onwards (so can't apply for CoS pre 4th April), what are our next steps to ensure that the person will be eligible for skilled worker visa where we have been advised that is the route (GTV not available)?</p>	<p>Please see the statement at the start of the Q&A session. For specific cases, please contact us to discuss.</p>
<p>If Grade 7 teaching associates are to be sponsored, do they have to be on spine point 44 £39,347 or more?</p>	<p>It depends on their circumstances.</p> <p>If they already have an SWV, there's no need to do anything until they need to extend it. At that point, they'll be eligible for the lower minimum salaries for existing SWV holders. If they don't already have an SWV, then they'll need to meet the 'new SWV' minimum salaries. Please see our website for the specific amounts.</p>
<p>How much would an assistant staff member need as minimum salary as a new entrant?</p>	<p>It'd depend on the SOC code and whether they're already an SWV holder.</p>
<p>Are administrator jobs now sponsorable according to the new SOC codes?</p>	<p>Technically yes, but you would need to make sure the role meets the relevant minimum salary requirement.</p>
<p>Currently we offer with the salary that is based on experience etc. and then explore visa route (GTV or Skilled Worker) once we have sent out the offer. To be able to ensure our offer meets the salary requirements where it needs to be Skilled Worker route, would we need to explore with compliance the visa route, before making an offer (worrying about timeframes and how we do this in practice)?</p>	<p>There are so many variables now around whether the person already has an SWV and whether they qualify for tradeable points that it's impossible for us to say what salary would be the minimum amount for SWV eligibility. That said, it's not practical to check every single job with us before you advertise.</p> <p>All we can suggest is that you don't offer a salary below £23,200 which is the absolute minimum for people who are already in the UK on an SWV. At that amount, they'd also need to be eligible for tradeable points as a New Entrant – unlikely if they already have an SWV – or for having a STEM PhD which is relevant to the role, which is unlikely for that grade.</p>

Question	Response
<p>When costing in for grants it would be useful to have guidance on the minimum grades and spine points we should use if we plan to recruit for that grant and plan to cost in additional visa costs, nhs surcharge etc.</p>	<p>Please see our salary webpages (the 'Academic and Research roles' page has been updated, the rest will be done before 4 April 2024).</p> <p>ROO will provide guidance in due course.</p>
<p>Is someone eligible for a SWV if they work 0.5fte each for two universities, but meet the salary threshold with the two posts.</p>	<p>Unlikely, unless their salary is in Grade 12. As they have a 0.5fte employment contract with two different sponsors, they would need two different CoS and each would need to meet the relevant minimum salary requirement on its own merit.</p>
<p>Can we also have some guidance on what PIs should put in grant applications specifically to make it possible or easier to make people eligible for GTV.</p>	<p>We'll look into providing this. In the meantime, the main criteria of the Endorsed Funders path, which is where an eligible grant is required are:</p> <ul style="list-style-type: none"> • Grant must be from an Endorsed Funder, worth at least £30,000 in total and last for at least 2 years. • Individual must have at least a year left on their employment contract/visitor agreement when they apply for endorsement
<p>Is there an update to the salary threshold for the SWV's holders who want to bring their spouses to the UK?</p>	<p>If they're coming to the UK as a dependant of the SWV holder, then the rules on meeting the financial requirement remain the same. Either:</p> <ol style="list-style-type: none"> a. You certify maintenance for them for the first month of their visa; or b. They'll need to hold funds in their bank account and provide evidence of this in their visa application. <p>Please see our SWV CoS application form for more details.</p>
<p>If someone has a PhD wouldn't they be better going for a GTV not SWV?</p>	<p>Possibly. If their role isn't grant-funded, they'd need to apply via the Peer Review route (path 4) which requires a panel of experts to judge their case. There is certainty with SWV – they're either eligible or they're not – but Global Talent (GTV) can be a risk, particularly if they're newly awarded. It's up to the individual to decide whether they want to take the risk.</p>
<p>Students who are Research Assistants also studying for a PhD typically have an SWV for 3 years:</p> <ol style="list-style-type: none"> (a) can they only extend their SWV for one year after their PhD? (b) as they've been working for 3 years already, would they still be classed as 'new to their career' for New Entrant tradeable points purposes? 	<p>They will only be able to extend for 1 year while being eligible for New Entrant tradeable points. Beyond that, they will need to meet the minimum salary requirement for existing SWV holders (currently £31,574 for SOC code 2119 @ 37hpw).</p> <p>If working and studying and the role is funded by a grant, please check with us when their SWV is coming up to expiry whether they'll be eligible for Global Talent (email a copy of the grant agreement to compliance@admin.cam.ac.uk). PhD not required (study is classed as 'equivalent research experience') and there are no minimum salary requirements.</p>
<p>If someone's been in the UK on a Tier 4/ Student visa and then a Graduate visa, is the Student visa included in the 'maximum 4 year' residence for New Entrant tradeable points?</p>	<p>No, only Graduate and SWV need to be combined. So, for example, undergraduate & Masters students who switch into Graduate will be given a 2 year visa. So they can then be a New Entrant on SWV for a further 2 years. PhD students are granted a 3 year Graduate visa, so can only spend 1 year on SWV as a New Entrant.</p> <p>They can continue to be sponsored after the 4 years, but their salary would need to meet the minimum required for existing SWV holders at the point they extend.</p>

Question	Response
How do tradeable points for having a STEM PhD which is relevant to the job affect the minimum salary required?	<p>Salary must equal or exceed both 80% of the general threshold and 80% of the contractual going rate for the SOC code.</p> <p>For example, 2119 for a new SWV applicant:</p> <ul style="list-style-type: none"> • General threshold = £38,700 (80% = £30,960) • Contractual going rate = £40,651 (80% = £32,521) • Tradeable points for STEM PhD minimum salary = £32,521 (g5 pt5 – pt 38 on the scale)
Is there a list of what counts as STEM? Some subjects may be STEM but it's not obvious.	No definitive list, but the Government is likely to be very literal in its interpretation, so likely to be limited to science, technology, engineering, and maths.
Can we use a generic explanation for why a PhD is relevant to the role?	<p>We may need 2 explanations:</p> <ol style="list-style-type: none"> 1. Why is the PhD relevant to the job they're doing; and 2. (if applicable) why is it in a STEM subject. <p>For both, you can use a generic statement as long as it's relevant.</p>

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