

# Skilled Worker Visa FAQ

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A Skilled Worker Visa allows an individual who is not a UK or Irish citizen to come and stay in the UK to do an eligible job with an approved employer. This visa has replaced the Tier 2 (General) work visa.

## **General Questions about the Skilled Worker Visa Route**

### **1. What are the requirements for a Skilled Worker Visa?**

There are four main requirements for a Skilled Worker visa whereby applicants will need to score 70 points to be eligible for this visa category:

- The applicant must have a job offer from a licensed sponsor and a Certificate of Sponsorship (CoS) assigned.
- The job must be at an appropriate skill level - at least RQF level 3 and must be in a suitable occupation code which can be found in [Appendix Skilled Occupations](#).
- The salary must be at a certain level. This must generally be a salary which meets (or exceeds) the general salary threshold of £25,600pa, and the 'going rate' for the occupation, whichever is higher. However, there are exceptions to this rule and a lower salary may be permitted dependent on different eligibility routes under tradable points.
- The applicant must satisfy an English language requirement.

The full details of the requirements can be found in [Appendix Skilled Worker to the Immigration Rules](#).

### **2. What are the other documents Applicants have to provide as a part of their Visa Application (this list is non-exhaustive)?**

- Certificate of sponsorship reference number (assigned and issued by the University).
- Evidence of their knowledge of English (please see the 'English Language' section below).
- A valid passport or other document that shows their identity and nationality.
- Job title and annual salary.
- Job's occupation code.
- Brunel University's sponsor licence number which will be on their assigned CoS.
- Evidence of personal savings to show they can support themselves in the UK, if their CoS does not confirm certified maintenance.
- Tuberculosis (TB) test results if from a [listed country](#).
- A valid [ATAS certificate](#) if the job involves researching a sensitive subject at PhD level or above.

### **3. How long can the Employee stay?**

The Home Office allows for the initial visa to be valid for up to 5 years before needing to extend it. However, in line with our University standard procedure, a CoS is assigned in line with the length of the employment contract (if it's a fixed-term contract) or for an initial 3 years with the intention of extension if employment continues with Brunel University London.

On a Skilled Worker visa, an employee can apply to extend their visa as many times as they wish as long as they continue to meet the eligibility requirements. This route can lead to Indefinite Leave to Remain after five years of continuous residency in the UK.

It is important to note that as 'Indefinite Leave to Remain' is completely separate to the Skilled Worker visa category and is deemed as a 'personal choice', it is the individual's responsibility to ensure they have prepared and obtained all required documentation as a part of their application. The University will also be unable to expense them for these costs - the employee is fully liable for this.

#### 4. How much does a Skilled Worker Visa Cost?

The employee will have to pay the visa application fee of between £610 to £1,408 depending on their particular circumstance and the Immigration Health Surcharge (IHS) which needs to be paid upfront for each year sponsored.

The same costs apply to any dependants applying with the main visa applicant. The University is not liable for paying these charges.

If, however, the employee is a national of one of the following countries, their application fee will be automatically reduced by £55:

Austria, Belgium, Croatia, Republic of Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Malta, Netherlands, North Macedonia, Norway, Poland, Portugal, Slovakia, Spain, Sweden or Turkey.

This reduction also applies to those whose job is on the shortage occupation list.

This only applies to the main applicant. Their partner and children will still need to pay the full application fee.

Brunel University pays for the CoS application and the Immigration Skills Charge (ISC), if applicable. \*Certain exemptions apply where ISC is not paid e.g. if the employee belongs to certain SOC codes such as 2119 and 2311 and switching from the Tier 4/Student route). The following [ISC calculator](#) will confirm whether ISC needs to be paid.

\*\*In addition to this, CoS' are free for employees from the previously mentioned countries (above).

Please see the table below for a full breakdown of the costs:

Application Type	Application Fee Per Candidate (Paid by Employee)	Immigration Healthcare Surcharge (IHS) (Paid by Employee)	Expedited Service (Optional - Paid by Employee)	CoS Fee (Paid by Employer)	Immigration Skills Charge (If applicable – Paid by Employer)
Applying from Outside of the UK	<ul style="list-style-type: none"> <li>Up to 3 years - £610 per person</li> <li>More than 3 years - £1,220 per person</li> </ul>	£624 per year, per person (paid upfront)	<ul style="list-style-type: none"> <li>Priority Service - £220</li> <li>Super Priority Service - £956</li> </ul>	**£199	*£1,000 per year (paid upfront)

Applying from inside the UK (switching, updating or extending)	<ul style="list-style-type: none"> <li>Up to 3 years – £704 per person</li> <li>More than 3 years – £1,408 per person</li> </ul>	£624 per year (paid upfront)	<ul style="list-style-type: none"> <li>Priority Service - £500</li> <li>Super Priority Service - £800</li> </ul>	**£199	*£1,000 per year (paid upfront)
Shortage occupation roles, both in-country and out of country applications	<ul style="list-style-type: none"> <li>Up to 3 years – £464 per person</li> <li>More than 3 years – £928 per person</li> </ul>	£624 per year (paid upfront)	<ul style="list-style-type: none"> <li>Priority Service - £220 outside the UK and £500 inside.</li> <li>Super Priority Service - £956 outside the UK and £800 (inside the UK).</li> </ul>	**£199	*£1,000 per year (paid upfront)

#### 5. Can an Employee claim back the Visa costs?

New employees joining the University who require the Skilled Worker Visa and for whom the University's Relocation Policy would apply, are able to claim for their own Visa and NHS costs, albeit that this reimbursement would be taxable in line with HMRC.

More information regarding support with immigration costs can be found [here](#), including the Relocation policy.

### English Language

#### 6. How does an Applicant prove their level of English?

An individual must prove they can read, write, speak and understand English to at least level B1 on the Common European Framework of Reference for Languages (CEFR) scale.

This can be done by:

- Passing a Secure English Language Test (SELT) from an approved provider.
- Having a GCSE, A level, Scottish National Qualification level 4 or 5, Scottish Higher or Advanced Higher in English, gained through study at a UK school that began when they were below the age of 18.

- Hold a degree level qualification that was taught in English. If, however they studied outside of the UK, they'll need to apply through [ECCTIS](#) (formerly UK NARIC) to confirm their qualification is equivalent to a UK bachelor's degree, master's degree or PhD.

**7. Who is exempt from proving proficiency in English?**

Nationals from the following countries are not required to prove their knowledge of English:

Antigua and Barbuda  
 Australia  
 the Bahamas  
 Barbados  
 Belize  
 Canada  
 Dominica  
 Grenada  
 Guyana  
 Jamaica  
 Malta  
 New Zealand  
 St Kitts and Nevis  
 St Lucia  
 St Vincent and the Grenadines  
 Trinidad and Tobago  
 USA

**8. What if studies were taught in a majority English speaking Country?**

If the employee is not a national of any of the above countries nor did they study in the UK, but studied in a majority English speaking country, they will not need their English proficiency level confirmed. However, they will still have to go through ECCTIS to have their university degree(s) compared to the standard of Bachelor, Master's or PhD in the UK and will receive a statement of comparability.

**9. Does an Employee need to carry out both a SELT test and obtain an ECCTIS certificate?**

No, it's either one or the other. If the degree was not taught in English, the SELT test is the option to choose.

**10. Is it compulsory to use a PhD certificate to obtain the Statement of Comparability?**

Any degree certification can be used to obtain the Statement of Comparability. It is only compulsory to use the PhD certificate if the employee is using their PhD to qualify for tradeable points for the Skilled Worker route.

**11. How long does it take to receive the ECCTIS certificate?**

If the PhD tradable points option is not being used, once ECCTIS have received all required documents and payment, they complete the assessment within 10 working days. Alternatively, they offer an expedited service in which they offer either a 24- or 48-hour fast track service.

If, however, the employee is using their PhD to qualify for tradeable points and demonstrate their English proficiency via this route, once ECCTIS have received all of the necessary documents and payment, they will complete the assessment within 30 working days.

**12. If IELTS is chosen as the provider for the SELT test, which test is the correct one to take?**

Technically, either IELTS for UKVI General Training or IELTS for UKVI Academic can be taken and accepted for work as long as a minimum of B1 CEFR level is achieved.

Nevertheless, the IELTS Academic route measures whether their level of English language proficiency is suitable for an academic environment as it reflects aspects of academic language. Therefore, as employees will be working in an academic background, the 'Academic' route test is probably better suited due to the area of work and environment.

**13. How long does it take to receive SELT results?**

The standard turnaround time is usually around 14 days. However, each approved provider has their own processing times, whereby some may offer expedited services. Therefore, it is recommended to check the specific providers website to obtain these details.

### Determining a Start Date

**14. What factors need to be considered when trying to determine a start date?**

As the employer, before a start date is confirmed, we ask the Manager and employee to allow up to 12 weeks, minimum, (from the point of being offered the job) for a realistic start date.

This is to allow enough time for the internal visa process to be completed by HR (including the CoS allocation and issuing) as well as allowing the individual to complete their side of the process.

There are other factors to take into consideration which ultimately impact on the start date. These include:

- Whether the application is made inside or outside of the UK.
- Whether standard service will be used or if an expedited service will be opted for.
- The country in which the employee is travelling from and whether or not they need to quarantine upon arrival to the UK.
- If an ATAS certificate is required. It can take up to 4 weeks to receive this and must be an attached document in the visa application.

It is crucial that a realistic start date is agreed and one that can be met, as it can potentially have an impact on sponsorship.

**15. How long does the visa processing take?**

The earliest an employee can submit their visa application **is up to 3 months before their start date in the UK**; The date is also included on their Certificate of Sponsorship (CoS).

Once the employee has applied online, proved their identity and provided their documents, the outcome is usually made within:

- 3 weeks, if they're outside the UK.
- 8 weeks, if they're inside the UK.

If the employee needs to attend a biometric appointment, the timings may take slightly longer however, they may be able to opt for an expedited service if this is offered by the visa application centre they'll be attending (each country and application centre have their own different services). If 'priority service' is opted for, they would receive an outcome on their application within 5 working days of the appointment. Alternatively, if 'super priority' is offered as a service, the employee will receive their outcome within 1-2 working days of the appointment.

Please note, if the 'UK Immigration: ID Check' app is used to prove identity (this can be used by EU/EEA nationals with a biometric passport or BNO passport holders), they will not require a biometrics appointment and would not be able to opt for an expedited service.

## **Switching**

### **16. Can an individual switch into the Skilled Worker category from another Visa Category?**

In the majority of cases, it is possible to switch into the Skilled Worker route without leaving the UK.

Those who cannot switch into the Skilled Worker route include those who have or were last granted permission as a:

- Visitor
- Short-term student
- Parent of a child student
- Seasonal worker
- Domestic worker in a private household
- Outside the Immigration Rules.

### **17. Does that mean an individual who is on a Tier 4/Student visa can switch into the Skilled Worker route within the UK?**

Yes.

Under the new immigration points-based system, applicants who are currently in the UK on a Tier 4/ Student visa are considered as a 'new entrant'.

A 'new entrant' means someone who is at the beginning of their career, who meets specific criteria. Please note, that it does not mean an individual who is making their first Skilled Worker application or entering the UK for the first time.

The applicant must have been sponsored to study one of the following courses:

- a UK bachelor's degree
- a UK master's degree
- a UK PhD or other doctoral qualification;
- a Postgraduate Certificate in Education
- a Professional Graduate Diploma of Education

The individual must have completed (or be applying no more than 3 months before they are expected to complete) the course. An exception applies to PhD and other doctoral qualifications, where the applicant must have completed at least 12 months' study in the UK towards the qualification.

It is important to note, that if a PhD student is planning on starting their employment under their new Skilled Worker visa after they have completed their PhD, Brunel University's policy regards a PhD student to have completed their degree only when it is awarded.

**18. Can a Tier 4/Student applicant commence employment whilst their Skilled Worker Visa is pending?**

Whilst the Skilled Worker visa application is pending, working permissions would fall back on their Tier 4/Student visa which only allows an employee to work 15 hours per week maximum, within term-time, as per Brunel's rules.

Although they can work restricted hours, the rules state they cannot fill a full-time permanent vacancy other than a recognised foundation programme and all other requirements are met or where they are filling a post as a Student Union Sabbatical Officer.

Therefore, the applicant would not be able to commence their full-time, permanent role until they have received their Skilled Worker visa.

If the applicant is undertaking a PhD award and has completed the degree, received the award certification or other relevant documentation such as an award letter from the sponsor University to evidence the completion of the PhD, and thus be deemed no longer 'in-term' time, they may be able to work full-time for the remainder of their visa but this would need to be reviewed and confirmed by HR first.

### Changes and Reporting Duties

**19. What happens if the original start date cannot be met?**

If the start date needs to change prior to the application being submitted, a sponsor note should be added by Brunel via the Sponsor Management System (SMS) to amend the date.

However, if the employee has been granted with entry clearance or permission to stay, the new start date can not be delayed by more than 28 days otherwise sponsorship will need to be stopped and reported on the SMS.

If the new start date is within 28 days, this still needs to be reported on the SMS within 10 working days of the event occurring.

**20. What happens if the Employee's job has changed?**

If any of the following situations have happened, a new CoS needs to be assigned and the employee needs to make a change of employment application, i.e. a new visa application:

- The employee is changing sponsor (employer).
- The employee is remaining with the same sponsor but their job is changing to a different occupation code.
- The employee leaves a job that's on the shortage occupation list for a job that is not on the list.

The employee cannot commence their new role until they have received the outcome of their new application and obtained their new visa. They can however, continue working in their current job whilst the application is pending.

If there are any minor changes to an employee's role e.g. change in job title and duties (but remaining in the same SOC code), change in work location, salary or working hours (as long as this still meets the eligibility requirements of the Skilled Worker visa) or if there is a period of unpaid leave (no more than 4 weeks as per the immigration rules), this must be reported on the SMS by Brunel within 10 working days of the event occurring.

### **21. When do the Reporting Duties begin?**

As a Sponsor, Brunel University London's sponsor duties start on the day the employee's Certificate of Sponsorship (CoS) is assigned to them. As per [UKVI guidelines](#), duties include:

- Reporting duties.
- Record-keeping duties.
- Complying with UK immigration laws and all parts of the 'Worker and Temporary Worker sponsorship guidance'.
- Complying with wider UK law.
- Not engaging in behaviour or actions that are not conducive to the public good.

### **22. What are the Employee's Duties as a Sponsored Worker?**

As per Brunel University's responsibilities, the employee is also required to comply with Immigration legislation and wider UK law. Examples include the following but this list is not exhaustive:

- If there is anything that changes or affects their immigration status, the employee must inform us immediately.
- If their visa application is refused, they need to inform us immediately as the University will need to notify UKVI as part of its reporting obligations.
- Having a National Insurance Number and ensuring salary is paid into a bank account held in their own name.
- Keeping us updated on any changes to their contact details.
- Agreeing any leave of absence with their line manager and recording it in the appropriate way (via CHIME).
- Keeping us updated and informing us of any time working away from the University campus or their normal/contracted base.

These (amongst all other of their obligations) also coincide with our obligations as the Sponsor, as stated above, in also complying with immigration, wider UK laws and our reporting and record keeping duties.

## **Application refusals or problems with BRP/Vignette**

### **23. What happens if the visa application is refused?**

The employee would ordinarily receive a letter or an email explaining why the application has been refused and whether they have the right to either an Administrative Review or an Immigration Decision Appeal.

The employee must notify the HR team immediately so that this can be reported on the SMS within the required timeframe.

### **24. There is an error on the vignette, how can this be rectified?**

If there is an error on the vignette, the employee should contact their visa application centre immediately to correct it before they come to the UK.

If the error is noticed after their arrival in the UK, they must [report it to UK Visas and Immigration \(UKVI\)](#) within 3 months of arriving or they'll need to make a new application.

**25. What happens if there is an error on the BRP card or if it is lost or stolen?**

The employee will need to read the [Government guidelines and report it here](#).