

#IMMIGRATIONINSCOTLAND

Welcome

Immigration in Scotland:
How do the current rules help
fill Scottish labour shortages?

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Your hosts

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Pavan Sumal
Associate

Pavan.Sumal@shoosmiths.co.uk

+44 (0) 3700 868 176



Samantha Mackie
Associate

Samantha.Mackie@shoosmiths.co.uk

+44 (0) 3700 868 061




Immigration in Scotland

Pavan Sumal, Specialist Immigration Solicitor

Samantha Mackie, Specialist Immigration and Employment Solicitor

What we will cover

- ✓ Overview
 - ✓ Government Authorised Exchange
 - ✓ Graduate Route
 - ✓ High Potential Individual
 - ✓ Skilled Worker: Tradeable Points
 - ✓ Seasonal Agricultural Workers
 - ✓ Frontier Workers
 - ✓ Ukrainian Schemes
 - ✓ Myth Busting
 - ✓ Case Studies
 - ✓ Questions?
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Visa Routes to Consider



Government Authorised Exchange

- Temporary, sponsored route for supernumerary roles
- Four types of programmes: work experience, training, research & fellowship and taking part in an overseas government language programme
- Sponsors must be organisations running temporary exchange schemes, higher education institutions or government departments/agencies
- Skill level
- Financial requirement

Graduate Route

- Un-sponsored route
- Open to recent UK graduates
- No skill level or salary requirement (other than NMW)
- No financial requirement or English language requirement
- Cannot be extended – would need to switch immigration category to remain in UK long term

High Potential Individual Visa

- Un-sponsored route
- Open to recent overseas graduates from 'top global universities'
- No skill level or salary requirement (other than NMW)
- There is a financial requirement and English language requirement
- Cannot be extended – would need to switch immigration category to remain in UK long term

Skilled Worker – Tradeable Points Options

- Option A: salary to be the higher of the going rate for the SoC code or £25,600 and £10.10 per hour
- Option B: Educational qualification: PhD in a subject relevant to the job and the salary equals or exceeds all of: £23,040 per year, £10.10 per hour and 90% of the going rate for the occupation code
- Option C: Educational qualification: PhD in a STEM subject relevant to the job and the applicant's salary equals or exceeds all of the following: £20,480 per year, £10.10 per hour and 80% of the going rate for the occupation code
- Option D: Job in a shortage occupation and the applicant's salary equals or exceeds all of the following:- £20.480 per year, £10.10 per hour and 80% of the going rate for the occupation
- Option E: New Entrant Rate; individual meets the definition of 'new entrant' and salary equals or exceeds all of the following:- £20.480 per year, £10.10 per hour and 70% of the going rate for the occupation code.
- Option F: Job is in a listed health or education occupation and the applicant's salary equals or exceeds both: £20, 480 per year and the going rate for the occupation code.

Seasonal Workers Visa

- Scheme extended to end of 2024 but number of available visas reducing each year
- 2022 quotas: 38,000 to work in the UK edible and ornamental horticulture sectors and 2000 for the poultry sector
- Additional 800 visas for specified pork butchery
- Scheme operators hold the sponsor licence, employers cannot apply for a licence on this route
- SWV holders can come to the UK for a maximum of six months in a 12 month period
- Minimum rate of pay is £10.10 per hour
- No English language requirement
- Financial requirement – sponsor can certify maintenance

Frontier Worker

- Useful for short term or temporary vacancies
- Open to EU citizens who were working in the UK and living in the EU by 31 December 2020
- Must be carrying out 'genuine and effective work'
- FWP are issued for five years, two years if retained FWP and can be renewed

Ukrainian Visas

- Sponsored by individuals not businesses
- Full right to work – no skill level
- No visa fees
- Three year visas

Myth Busting



Myth 1

A skilled worker visa will always be granted if the applicant can make up the required points

Even if an applicant meets the points requirements relating to sponsorship, salary, skill level, English language requirement and finances, they can always still be refused on suitability grounds.

Myth 2

The roles listed in the Shortage Occupation List apply nationally across the UK

The Shortage Occupation list is region specific and so certain roles may appear on the list for one nation and not others.

Myth 3

The seasonal worker visa is a route that is both permanently available for employers to use for as many workers as they require.

It is by definition seasonal and there are limits on the numbers of these visas that can be issued.

Myth 4

I have not worked in the UK for more than twelve months. This means that I am not eligible for a Frontier Worker Permit.

Individuals who have been unable to work in the UK for more than 12 months could qualify for a retained Frontier Worker Permit which gives all the same rights as a full FWP. The only difference is that it is only valid for two years, as opposed to the full five.

Case Studies

Case Study 1

Ben is 22 years of age and is a Canadian national studying full-time at the university of Toronto. He has set his sights further afield and wishes to obtain some work experience. After he has completed his studies, he foresees his future in the UK. To kick start his career and build relationships, he wishes to apply for a summer internship that your company has recently advertised. He has come to you for advice. What should you do next?

- Youth Mobility visa GAE Scheme during summer holidays
- HPI visa upon graduation
- Skilled Worker for long term employment

Case Study 2

Sophie is a 25 year old Australian national who graduated from Cornell University in 2020. After graduating, she came to the UK on a Youth Mobility visa. During this time she has been working for a marketing firm as a Marketing Executive. She has just been promoted to Business Development Manager. Her employer wants to sponsor her beyond the expiry of her current visa but are concerned that they will not be able to do so as the going rate to sponsor a BDM is £35,400 and they have only budgeted for a starting salary of £29,000 for this role.

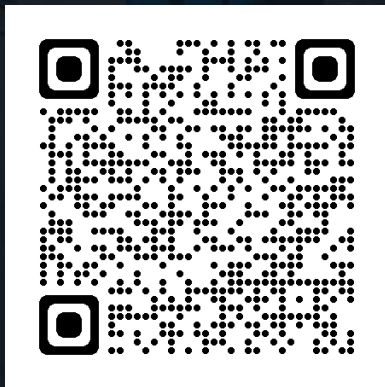
- Could qualify for an HPI visa if Cornell was on the list in 2020 in which case salary requirement is irrelevant
- Could rely on Tradeable Points option E as a new entrant to bring the minimum salary required down to £24,780



Questions?



Pavan Sumal
Associate
Pavan.sumal@shoosmiths.co.uk



Samantha Mackie
Associate
Samantha.mackie@shoosmtihs.co.uk

