

Draft Regulations laid before Parliament under section 74(2)(ja) of the Immigration Act 2014, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No.

IMMIGRATION

The Immigration Skills Charge (Amendment) Regulations 2020

Made - - - - 2020
Coming into force - - 1st December 2020

The Secretary of State makes these Regulations with the consent of the Treasury in exercise of the powers conferred by sections 70A and 74(8) of the Immigration Act 2014(1).

In accordance with section 74(2)(ja)(2) of that Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Immigration Skills Charge (Amendment) Regulations 2020 and come into force on 1st December 2020.

Amendment to the Immigration Skills Charge Regulations 2017

2.—(1) The Immigration Skills Charge Regulations 2017(3) are amended as follows.

(2) In regulation 2 (interpretation) for the definition of “skilled worker” substitute—

““skilled worker” means an individual who, in order to undertake employment, seeks entry clearance or leave to remain via an immigration route that—

- (a) requires the individual’s role to be skilled appropriately in accordance with the immigration rules;
- (b) requires the individual’s remuneration to meet or exceed a minimum threshold in accordance with the immigration rules;
- (c) requires the individual to be sponsored in accordance with the immigration rules; and
- (d) permits workers applying under that route to obtain a visa for a time period greater than 2 years;”.

(1) 2014 c. 22. Consent of the Treasury is required by section 70A(5). Section 70A was inserted by section 85(2) of the Immigration Act 2016 (c. 19).
(2) Sub-paragraph (ja) was inserted by section 85(3) of the Immigration Act 2016.
(3) S.I. 2017/499.

- (3) In regulation 4(a) (exemptions from the charge), after sub-paragraph (vii) insert—
- “(viii) 2444 (clergy);
 - (ix) 3441 (sports players);
 - (x) 3442 (sports coaches, instructors and officials);”.

Date

Name
Minister of State
Home Office

We consent

Date

Name
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 70A of the Immigration Act 2014 and amend the Immigration Skills Charge Regulations 2017. The Immigration Skills Charge Regulations 2017 provide that a sponsor, subject to certain exemptions, must pay a charge each time it assigns a certificate of sponsorship to a skilled worker. Regulation 2 amends the definition of skilled worker. Regulation 3 adds exemptions to the requirement to pay the charge.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.