



MORTON
FRASER
MACROBERTS
LLP

Does the Skilled Worker visa solve your recruitment issues?

Stuart McWilliams and Alan Delaney

Partners

3 November 2023

What is a licence?

- Sponsor Licence is special status which allows you to support visa applications from non UK/Irish nationals
- Benefit is a wider pool of talent to recruit from
- Not for every business and comes with responsibilities and costs

Who can be sponsored?

- Roles must be skilled to A Level/Scottish Higher level to qualify for the visa.
- Home Office publish a list of sponsorable jobs based on ONS job categories
- Always check a job qualifies – not the person who fills the role

Examples of qualifying jobs

Qualifies for the visa	Does not qualify for the visa
Managerial Roles	Factory Workers
Food Technologist/Engineering roles	Production Line Staff
Production Technicians	Weighers
Chefs	Kitchen and catering assistants
Catering and Bar Managers	Bar supervisors
Sales/Marketing	Packaging staff
Finance	
Quality Assurance	

Can you afford to use the Skilled Worker route? Salaries

- You must pay the higher salary of:
 - £26,200 per year; or
 - The going rate for the occupation
- Only consider a maximum number of hours when calculating annual salary
- Only includes guaranteed payments

Example of salaries

- Chef
 - Going rate is £17,100 (based on 37.5 hour week)
 - That is below general threshold of £26,200
 - Have to pay an annual salary of £26,200
- Production Manager
 - Going rate is £35,700 (based on 37.5 hour week)
 - Have to pay this rather than £26,200

Other costs of sponsorship

- Initial licence cost
 - £536 for Small Company
 - £1,476 for everyone else
- Cost to use the licence
 - £239 Certificate of Sponsorship fee
 - Immigration Skills Charge (£364 per year for small companies, £1,000 per year for other companies)

Visa costs

- Do you want to cover individual visa costs?
 - Visa application: £827 for up to 3 years
 - Immigration Health Surcharge: £624 per year but increasing to £1,035 per year from 16 January 2024
- If covering individual's costs, it can add nearly £4,000 to the total cost!

Safeguards

- Can you protect yourself against costs?
 - Clawback agreements
 - Policies on dependents
- Policies on who you will be sponsor/what level of role/length of service/performance level
- Employment contract terms

Other considerations

- Do you have the infrastructure to meet Home Office compliance rules:
 - Record keeping
 - Reporting
- Usually needs a senior member of staff to oversee process, understand obligations and monitor on ongoing basis

Is it going to get easier?

- No proposals to change the process at present
- Number of work visas expected to double in future – possible further cost increases
- Possible expansion of other visa categories?

Summary

- Before applying for a licence:
 1. Assess your skills gap against the Home Office list of approved jobs
 2. Consider short and long term costs. Do you need protections against wasted costs
 3. Consider how you meet the compliance obligations
 4. Are there alternatives you haven't explored yet

Contact Us

Stuart McWilliams

Partner

Stuart.McWilliams@mfmac.com

01412741147

Alan Delaney

Partner

Alan.Delaney@mfmac.com

01312471263

MfMac

Contact Us



EDINBURGH

Quartermile Two

2 Lister Square, Simpson Loan
Edinburgh, EH3 9GL

0131 247 1000



GLASGOW

Capella Building

60 York Street
Glasgow, G2 8JX

0141 303 1100

MMæ

© Morton Fraser MacRoberts LLP 2023

MFMA^{ac}