

# Developments to UK Immigration Law in 2024

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2024 has been a busy year for immigration due to the number of significant changes that have taken place. As the year comes to an end, we have prepared a summary of the most notable changes that have happened this year that sponsoring employers should be aware of.

## **January**

### **Changes to the UK Business Visitor rules**

An employee of a non-UK based company may now enter the UK as a visitor to undertake certain activities (advising and consulting, trouble-shooting, providing training; and sharing skills and knowledge) *directly with clients* instead of being limited to working on a specific internal project with UK employees of the same group provided that:

- the employee's visit is in an intra-corporate setting and any client facing activity is incidental to their employment abroad; and
- their activities are required for the delivery of a project or service by the UK branch of their overseas employer and are not part of a project or service that is being delivered directly to the UK client by the employee's overseas employer.

It remains the case that any activities conducted as a visitor in the UK must not amount to the visitor undertaking employment, or doing work which amounts to them filling a role or providing short-term cover for a role within a UK based organisation and where the visitor is already paid and employed outside of the UK they must remain so.

Changes were also made to the Permitted Paid Engagement route (PPE) which allows certain 'experts' to visit the UK to undertake specific paid engagements for up to one month. The PPE route was combined with the Standard Visitor route which means that all visitors are allowed to undertake permitted paid engagements without having to specifically apply for a PPE visa. Those undertaking a permitted paid engagement will be required to conduct their activities within 30 days of their arrival (though it is likely they will be issued a 6 month visit visa). This allows performers, academics, musicians etc who would have relied on the PPE route to have more flexibility to travel to the UK.

## **February**

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## **Immigration Health Surcharge**

The Immigration Health Surcharge (IHS) fee increased by around 66%. Previously the IHS was charged at a rate of £624 per year for adults and £470 per year for children. The cost was increased to £1,035 and £776 respectively. Practically speaking, a family of four on a five-year Skilled Worker visa will now have to pay £18,110 for their IHS, compared to £10,940 had they submitted prior to 6 February. This demonstrates the sharp spike in the costs that sponsors/applicants will face when making their visa applications.

## **Maximum civil penalty for employers tripled**

Employers were warned of the increase to civil penalties for employing an illegal worker. Employers can expect an increase in civil penalties to a maximum value of £45,000 per illegal worker for a first breach of the illegal working rules, which is up from £15,000, and a maximum £60,000 per illegal worker for repeat breaches, which is up from £20,000.

## **March**

### **Changes to the Skilled Worker visa rules – effective from 4 April**

There were a whole host of changes to the Skilled Worker visa rules, however the most notable for employers include:

#### **Changes to salary thresholds**

- The general salary threshold was raised from £26,200 (based on the 25th percentile UK earnings in eligible occupations) to £38,700 (based on median UK earnings in eligible occupations). Going rates were also raised from the 25th percentile to the median.
- Workers sponsored for Health and Care visas, or in occupations where going rates are set using national pay scales, were exempted from the new median salary requirements. Instead, a general threshold based on the 25th percentile continues to apply and was updated from £26,200 to £29,000.
- Sponsored workers who are already in the UK and are extending their visas, changing employer, or switching their applications between sponsored routes within the UK after 4th April 2024 are not subject to the new general salary threshold of £38,700 per year. Instead, they are subject to a transitional arrangement or specific salary discounts, such as the new entrant rate.

### **The new Immigration Salary List**

The Shortage Occupation List was removed and replaced by a new Immigration Salary List. It contains just 23 occupations (far fewer than before) and no longer includes any engineering, data/tech roles nor any leisure and hospitality roles. The new Immigration Salary List is now so limited that it is unlikely to be of use to most businesses outside the construction and healthcare sectors.

### **Changes to supplementary employment**

Previously, Skilled Workers could carry out supplementary work for up to 20 hours per week of if it fell within the same occupation code as the job they were sponsored to do – work in other codes was

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restricted to jobs on the Shortage Occupation List. Skilled Workers undertaking supplementary employment are not permitted to carry out employment in any role that is in an eligible occupation code under the Skilled Worker route. The changes are applicable for Certificates of Sponsorship that were assigned after the rules changed on 4 April.

### **Changes to the Global Business Mobility route – effective from 4 April 2024**

- For Senior or Specialist Workers in the Global Business Mobility routes, the general salary threshold was increased from £45,800 to £48,500, or the 'going rate' salary for the job type, if this is higher.
- The minimum 'going rate' for each job type also increased.
- For Graduate Trainees in the Global Business Mobility routes, the general salary threshold was increased from £24,220 to £25,410, and going rates remain based on 70% of the 25th percentile.
- For the Scale-up route, the general salary threshold was updated from £34,600 to £36,300, and going rates were also updated.

### **April**

#### **Removal of requirement for sponsors to renew sponsor licence**

Where a sponsor's licence expires on or after 6 April 2024, they are no longer required to apply to renew it and as an interim measure all licences were automatically extended for 10 years.

### **June**

#### **eVisa transition**

All Biometric Residence Permit (BRP) holders with an expiry date of 31 December 2024 were invited to apply for UKVI online accounts. This allowed them to convert their BRP to a digital eVisa.

### **July**

#### **Statement made by Home Secretary, Yvette Cooper, regarding family income requirements**

In March 2024, the Statement of Changes outlined how the income requirement for family applications was set to increase from £29,000 to £34,500 later in 2024, and £38,700 in early 2025. However, the Home Secretary, Yvette Cooper, announced that the planned increases would be put on hold pending a review by the Migration Advisory Committee (MAC) on their impact.

### **September**

#### **Implementation of the UK Electronic Travel Authorisation (ETA) scheme**

Very much like the USA's ESTA programme, the scheme applies to passengers visiting or transiting through the UK, who do not currently need a visa for short stays and do not have a valid UK immigration status prior to travelling. ETAs cost £10 and last for two years or until your passport expires, whichever happens first. Applicants will typically receive a decision within 3 working days from the date of submission.

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I was announced that The ETA scheme would be rolled out in phases.

Those applying for an ETA will need to provide biometric data and provide answers to a short series of suitability questions. If an ETA application is refused, there is no right to administrative review or right of appeal. Instead, an applicant must apply for a visit visa with their application being assessed against the rules at the time of application. Those travelling to the UK with an ETA are limited to carrying out business activities. If a visitor to the UK is found to be carrying out activities outside of those that are permitted, this would be regarded as illegal working. Civil penalties for illegal working have increased significantly this year, with fines extending up to £60,000 per illegal worker for repeat offenders.

### **Changes to the EU Settlement Scheme (EUSS) – effective 8 October**

The changes to the EUSS include:

- Automatic conversion of pre settled status under the EUSS to settled status (indefinite leave to enter or remain under Appendix EU) where the person qualifies for this and without the need for them to make a further valid application.
- Changes to enable a child applying to the EUSS who was resident in the UK before the end of the transition period, and has turned 21 years of age since then, to rely on the fact that they were under 21 at the end of the transition period and do not therefore have to meet any requirement in relation to dependency on their parent(s).
- Changes to enable an EEA or Swiss citizen applying to the EUSS as a family member who has retained the right of residence, following the death or divorce of the relevant EEA or Swiss citizen who was resident in the UK before the end of the transition period, to meet simpler criteria.
- Changes to require a joining family member to apply to the EUSS within three months of their first (not latest) arrival in the UK since the end of the transition period (or later where there are reasonable grounds for their delay).
- Changes to enable limited leave to enter or remain granted under the EUSS (also referred to as pre-settled status) to be curtailed (subject to a right of appeal) for helping a person after the end of the transition period to obtain, or to attempt to obtain, EUSS leave or an EUSS family permit fraudulently.

### **November**

On 27 November the ETA scheme opened to all nationals travelling to the UK who do not currently need a visa, except Europeans, and is a travel requirement from **8 January 2025**. It is expected that the scheme will be opened to European nationals from March 2025, and will be a requirement for travel **from 2 April 2025**.

### **December**

This month, the Home Office announced an extension to the 31 December deadline for BRP holders to register for an eVisa. The Home Office have now confirmed that individuals who have BRP's expiry on 31 December 2024 can continue to use the expired cards for travel until at least 31 March 2025, providing the individual's leave to remain is still valid.

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