EMPLOYING A FOREIGN WORKER

21 October 2021

Are you looking to employ a foreign worker?

YES

Is the foreign worker an EU or EEA national?

YES

Has the foreign worker got EU Settled or Pre-Settled Status?

YES

You can employ the foreign worker (subject to conducting the correct right to work checks)

NO

NO

NO

NO

NO

NO

You can't employ the foreign worker for the job on a Skilled Worker visa

Stage 1: 50 points required from the three tests

Stage 2: 20 points required from the list

Is the foreign worker an EU or EEA national?

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NO

Do you have a sponsor licence?

20 points

YES

Is the job at the required skilled level (RQF 3 or above) and on the eligible occupations list for a Skilled Worker visa?

20 points

YES

Does the foreign worker speak the required standard of English?

10 points

YES

Does the job score 20 points from the following list:

Salary £23,040 - £25,599

10

Salary £25,600 or above if the going rate is higher

20

On shortage occupations list

20

PhD in relevant subject

10

PhD in STEM subject

20

Applicant is a new entrant

20

Note: The minimum salary for a job must be £20,480

YES

You can employ the foreign worker for the job but they will need to obtain a Skilled Worker visa

NO

The foreign worker is applying for a Skilled Worker visa for the job

You will need to pay the immigration skills charge (if applicable)

Once the foreign worker has applied online and provided the necessary information, they will usually get a decision on their visa within:

• 3 weeks, if based outside the UK
• 8 weeks, if based inside the UK

Once the foreign worker has received a Skilled Worker visa, they can start the job (subject to you providing the necessary contractual documentation)

You must continue to monitor the worker to ensure they are complying with the conditions of the visa

A foreign worker can apply for a visa up to three months before the day they are due to start work in the UK and Build UK has published guidance summarising the process

You will need to provide the foreign worker with a certificate of sponsorship which includes the date they are due to start work

You need to obtain a sponsor licence before being able to employ the foreign worker and Build UK has published guidance summarising the process

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Settled workers, which includes Irish citizens, can work in the UK without restrictions

EU Settled Status

Points-Based Immigration System

Skilled Worker Visa

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