As you will be aware, the UK immigration landscape will be undergoing rapid change with the onset of Brexit. We expect a number of announcements in the next 12 months as the government moves towards the implementation of a new immigration system on 01 January 2021. To this purpose, please find below a summary of the Migration Advisory Committee’s findings as published yesterday (28 January 2020)

Migration advisory committee report on salary thresholds and points based immigration system

On 28 January 2020, the Migration Advisory Committee (MAC) released their recommendations on a future UK immigration system, including its views on introducing a £30,000 minimum salary threshold and the introduction of an Australian style Points Based System.

The MAC recommendations include:

- that the existing Tier 2 (General) framework should be maintained for those with a job offer
- that the current Tier 1 (Exceptional Talent) category should be modified for those who wish to come to the UK without a specific job offer, which would in effect become a Points Based System for highly skilled migrants
Other specific recommendations below:

**Those coming to the UK with an offer of employment**

- Tier 2 (General) framework expanded to include medium-skilled roles and the annual cap and Resident Labour Market Test should be abolished (as set out in prior recommendations);
- Maintain the use of the 25% percentile approach for role specific salaries;
- Reduce the minimum salary threshold from £30,000 to £25,600 per annum for experienced hires;
- Reduce the minimum salary threshold from £20,800 to £17,900 per annum for new entrants, as well as extending the qualifying criteria and period from 3 to 5 years; and
- No regional variations in salary.

**Those coming to the UK without an offer of employment**

- Annual cap on those admitted under an ‘Expressions of Interest’ basis, creating a pool of migrants interested in coming to the UK;
- A monthly draw allowing those with the highest number of points to be invited to submit an application; and
- Points based on characteristics against a minimum number of points, including Qualifications, Age, priority areas (STEM/creative skills etc.) and those who have studied in the UK.

Please note that on the 27 January 2020, the UK Government announced that it would be introducing a new Global Talent visa to replace this current Tier 1 (Exceptional Talent) category. Due to open on 20 February 2020, this new category will include:

- A fast track scheme managed by the UK Research and Innovation which will endorse talented researchers and scientists based on their credentials;
- No limit on the number of successful applicants; and
- An accelerated route to settlement without a limit on the number of days spent outside of the UK.

**What this means for employers**

It is currently unclear how the Government will seek to approach the MAC’s suggestions given this announcement. The MAC is an independent body, and the Government is under no obligation to implement its recommendations. However, in the past, the views of the MAC have been very influential in determining how the immigration system will develop.

In the short term, employers should consider how their current workforce planning may be impacted by these recommendations, undertake cost analysis and identify areas of the business that may be impacted, especially as the government has stated it intends for the new immigration system to apply to EU nationals as well as non EU nationals. These plans can then be revisited and updated to reflect the approach adopted by the Government once announced.

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