

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

2022 No. 000

IMMIGRATION

The Immigration Skills Charge (Amendment) Regulations 2022

Made - - - - 2022
Coming into force - - 1st January 2023

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 this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Immigration Skills Charge (Amendment) Regulations 2022 and come into force on 1st January 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment to the Immigration Skills Charge Regulations 2017

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

(2) In regulation 4 (exemptions from the charge), after paragraph (f) insert—

“(g) who is intended to be a Scale-up Worker, within the meaning given by paragraph 6 of the immigration rules(4);

(h) who is intended to be:

(i) a Senior or Specialist Worker, within the meaning given by paragraph 6 of the immigration rules; and

(ii) the subject of an intra-corporate transfer for a period of no more than 36 months as an intra-corporate transferee, as defined by Article 140(5)(d) to (g) of the Trade and Cooperation Agreement between the European Union and the European Atomic

(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, amended by S.I. 2020/1208.

(4) “Immigration rules” is defined in regulation 2 of the Immigration Skills Charge Regulations 2017.

Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.”.

Minister of State
Home Office

We consent

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 (c. 22) and amend the Immigration Skills Charge Regulations 2017 (S.I. 2017/499) (“the 2017 Regulations”).

The 2017 Regulations 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 of these Regulations amends the 2017 Regulations by adding exemptions to the requirement to pay the charge in respect of sponsored workers on the Scale-up route and also specific EU national intra-corporate transferees on the Global Business Mobility - Senior or Specialist Worker route who are covered by a commitment in the EU-UK Trade and Cooperation Agreement. The Scale-up route facilitates individuals who have the skills needed to enable a scale-up business to continue growing to come to or stay in the UK. The Global Business Mobility – Senior or Specialist Worker route facilitates overseas workers who are senior managers or specialist employees to come to or stay in the UK to undertake temporary work assignments with a UK business that is linked to their employer overseas.

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.