

# Movement of People – What Should You Know?

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This guidance provides advice and information on the following topics related to the movement of people into the UK.

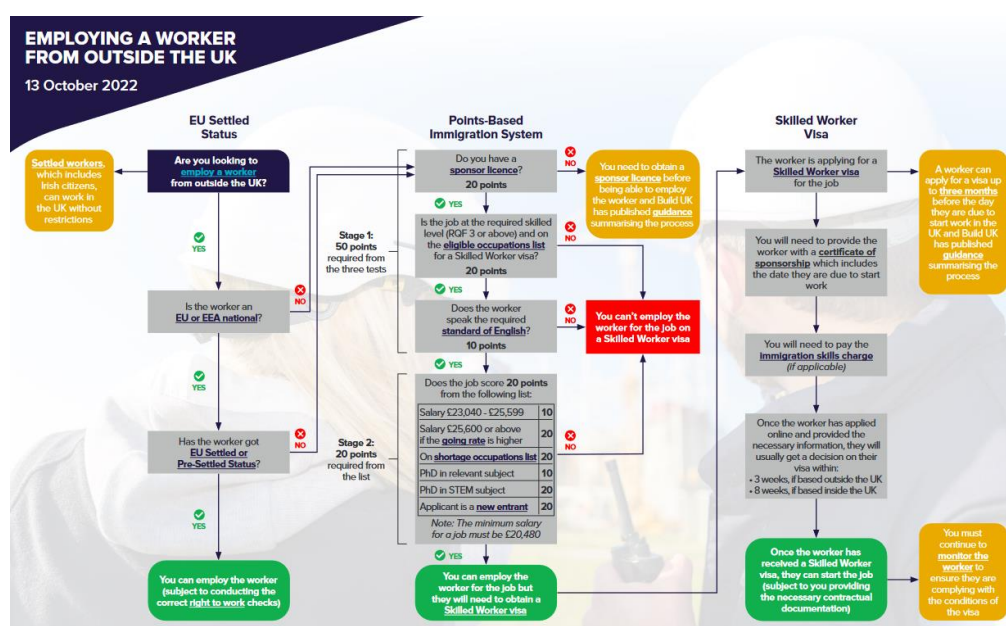
- Points-Based Immigration System (PBIS)
- Ireland, Northern Ireland and Great Britain: The Common Travel Area (CTA)
- Skilled Worker Route
- Becoming a Licensed Sponsor
- Shortage Occupations List (SOL)
- EU, EEA and Swiss Migrants
- UK workers in the EU
- Mutual Recognition of Professional Qualifications
- Construction Industry Scheme (CIS) and Sub-Contractors
- Useful Resources

## POINTS-BASED IMMIGRATION SYSTEM (PBIS)

Since 1 January 2021, the UK has operated a points-based immigration system (PBIS) which treats EU and non-EU citizens equally. Anyone coming to the UK to work, excluding Irish citizens, will need to apply for permission in advance.

The PBIS means that anyone from outside the UK coming to work in the UK must meet a specific set of requirements for which they will score points. Visas are then awarded to those who gain enough points. For employers, they must hold a sponsor licence in order to hire most eligible workers from overseas.

Build UK has produced a flowchart which provides an overview of employing a worker from outside the UK [click to access]:



This flowchart is regularly reviewed  
[Click here for the latest version](#)

## **IRELAND, NORTHERN IRELAND AND GREAT BRITAIN: THE COMMON TRAVEL AREA (CTA)**

In the case of Ireland specifically, the Common Travel Area (CTA) continues to permit the free-flowing movement of people. British and Irish citizens can move freely and reside in either jurisdiction, enjoying associated reciprocal rights and privileges, including the right to work and access to social welfare benefits and health services.

The CTA existed before either the UK or Ireland became members of the EU, which means that reciprocal rights for Irish and UK citizens operate separately from those rights afforded by EU membership. Both the UK and Irish governments have committed to taking all necessary measures to ensure that the long-standing CTA rights and privileges are protected, including entering into a Memorandum of Understanding (MoU) on 8 May 2019, reaffirming this joint commitment.

The UK's withdrawal from the EU has not affected the rights of Irish citizens and UK citizens within the CTA. The right to live, work and access public services in the CTA is protected. CTA rights do not extend to a citizen's family. This means that if a spouse or partner, or other relative, is not an Irish or UK citizen, they may have to apply for residence in the UK or Ireland.

The [Withdrawal of the United Kingdom from the European Union \(Consequential Provisions\) Act 2019](#) places many of the CTA rights in legislation for the first time. The Act empowers the relevant ministers to legislate in the areas of providing equal access to healthcare and social welfare.

The withdrawal agreement between the UK and the European Union recognises the CTA in its Protocol, which deals with Ireland and Northern Ireland. Article 2 provides for the continued operation of the CTA.

### **ACTIONS**

- Review the rules regarding the CTA

### **SKILLED WORKER ROUTE**

Following the introduction of the PBIS, workers joining the workforce from outside the UK will require a visa, sponsored by an employer, in order to work in the UK. For the vast majority of new migrant workers joining the UK construction and built environment sector, this will mean applying for a Skilled Worker visa to work in an eligible occupation. Applying for a Skilled Worker visa can be a complex process and Build UK has [summarised the key steps](#) to help individuals understand what is involved. Individuals should ensure they set aside sufficient time to review all the information before submitting an application.

### **ACTIONS**

- Determine whether you intend to employ workers from overseas
- If so, understand the process of getting a Skilled Worker Visa

## **BECOMING A LICENSED SPONSOR**

Businesses wishing to employ workers who require a visa must have a sponsor licence in order to be able to provide each worker with a unique certificate of sponsorship to allow the worker to apply for the visa. There are two types of sponsor licence and a business must have the correct one for the types of workers it is looking to employ. Once a business has a sponsor licence, it can employ as many eligible workers from outside the UK as it requires.

There are ten steps to this process:

1. Check the business is eligible for a sponsor licence
2. Identify what type of sponsor licence is required
3. Ensure the business has the appropriate systems in place to monitor any sponsored employees
4. Appoint people within the business to manage the application process for a licence and the Sponsor Management System upon receipt of the licence
5. Collate the supporting documentation needed as part of the application
6. Ensure the necessary funds are available to pay the sponsor licence fee
7. Complete and submit the application to UK Visas and Immigration (UKVI)
8. Receive a decision on the application
9. Begin employing eligible workers
10. Comply with the conditions of the sponsor licence.

Getting a sponsor licence can be a complex process and Build UK has [summarised the key steps](#) to help businesses in the construction industry understand what is involved. Businesses should ensure they set aside sufficient time to review all the information before submitting an application. Most applications are dealt with in less than eight weeks, although UKVI may need to visit a business to make sure it is trustworthy and capable of carrying out its duties. If a quicker decision is required, a business may be able to pay £500 to get a decision within 10 working days and this will be confirmed after the application has been received.

## **ACTIONS**

- Determine whether you need to employ workers from overseas
- If so, review all the information about getting a sponsor licence before gathering the necessary information and applying.

## **SHORTAGE OCCUPATIONS LIST (SOL)**

Certain occupations across all industries have been placed on the [Shortage Occupations List \(SOL\)](#) which lists the job roles where a worker can be paid 80% of the usual going rate whilst still qualifying for a Skilled Worker visa. This provides additional points to support a visa application for someone to come and work in the UK from overseas.

The Government is advised by the Migration Advisory Committee (MAC) on what occupations should be included in the SOL. The MAC provides independent, evidence-based advice on migration issues to the Government. Employers are encouraged to work through their relevant trade association or professional institution and the Construction Leadership Council to advise which construction

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occupations they believe to be in shortage which are not currently available through the Skilled Worker route or on the SOL.

## ACTIONS

- Check whether any roles you are recruiting for as part of the SOL

## EU, EEA AND SWISS MIGRANTS

EU, EEA and Swiss citizens who lived in the UK before 31 December 2020 can continue to work in the UK in the same way that they do now if they applied for [settled status](#) by 30 June 2021. If they failed to apply by that deadline, they can still apply for this status but must also either meet one of the criteria for a later deadline to apply or have 'reasonable grounds' for not applying by 30 June 2021.

However, EU, EEA and Swiss citizens now arriving for work will need to apply in advance for a visa and be sponsored by a licenced sponsor and will not be eligible for settled status.

If an employee has pre-settled or settled status from the EU Settlement Scheme, they will need to get a [share code](#) online to prove their right to work to their employer.

## ACTIONS

- Check whether your existing EU, EEA and Swiss employers have either settled or pre-settled status and a right to work in the UK

## UK WORKERS IN THE EU

If you employ UK workers based in [EU and EEA](#) countries, there may be some [additional checks](#) to ensure that they can continue to work in that country.

- They may be required to meet new local requirements in the country where they reside
- Their UK qualifications may no longer be mutually recognised
- If the end date on the [UK-issued A1/E101](#) certificate goes beyond the day the UK left the EU, you will need to contact the [relevant EU / EEA or Swiss authority](#) to confirm whether or not your employee needs to start paying social security contributions in that country from that date. Employees may be required to make social security contributions in more than one country at a time
- Individuals can find out what actions they need to take if they wish to continue [working in the EU](#) if they are a UK citizen

## ACTIONS

- Check whether there are any national requirements in EU countries where workers are based
- Check whether their UK qualifications will be recognised
- Check whether any social security contributions are required in the relevant country

## MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

Following the UK's exit from the EU, Directive 2005/36/EC (whose purpose is to facilitate a fair, transparent and consistent regime for the mutual recognition of professional qualifications across EU member states) no longer applies.

UK professionals seeking to work in EU or EEA nations are now considered to be 'third country' nationals and will be subject to the requirements of individual EU or EEA nations.

EU/EEA nationals seeking to work in the UK in professions covered by UK law will be subject to the [Professional Qualifications Act 2022](#). Aside from architects, those in the UK built environment/construction professions are not regulated in law and there is no legislative requirement to be registered with a regulatory body in order to carry out certain activities. As such there is no restriction to the profession and access to professional titles cannot be considered to be a barrier to practice.

However, to attain professional qualifications, and to use some titles including Chartered or professional titles or designatory letters in a field linked to your profession you may need to be qualified or registered with a specific body, some of which may hold a Royal Charter. These bodies will consider your qualifications and practical experience against their requirements before awarding the relevant professional title, designation or qualification. A list of protected titles can be found [here](#).

The Regulated Professions Register is a digital tool being developed by the UK Government which will enable professionals to check whether a profession is regulated in the UK or part of the UK, and to access information related to that profession (e.g. who the relevant regulator or chartered body is, and qualification requirements, if any, for entering a profession). This will help people to navigate the UK regulatory landscape and facilitate easy communication between professionals and regulators.

Those wishing to work in the UK, whether from within or outside the EU, should be encouraged to seek guidance from the appropriate UK professional body and consider the merits of following, at a minimum, the continuing professional development guidelines set for their particular profession. Professional bodies will be very supportive in providing guidance on appropriate UK safety standards and will rightly encourage those coming to the UK to register and work towards an appropriate grade of professional membership.

### ACTION

- Seek guidance from the appropriate professional body – see [here](#) [CIC] for a comprehensive list of professional bodies

## CONSTRUCTION INDUSTRY SCHEME (CIS) AND SUB-CONTRACTORS

People arriving into the UK are still able to work under the CIS scheme and there are no additional forms to complete. Having the right to work in the UK [as explained in the previous sections of this guidance] is the foremost test.

The HMRC website contains information about registering for CIS and includes a section on how to apply if you're [based abroad](#).

### ACTIONS

- Check to see whether CIS applies to you
- If it does, then register on the HMRC website accordingly.

### USEFUL RESOURCES:

- Employer Partnering Pack - [here](#)
- Employing a Worker from Outside the UK Flowchart - [here](#) [PDF download]
- Sponsor Licence – How to Apply – [here](#) [PDF download]
- Guide to becoming a Licenced Sponsor – [here](#) [PDF download]
- Skilled Worker Visa – How to Apply – [here](#) [PDF download]
- UK Points-based system - [here](#)
- Shortage Occupation List – [here](#)
- Recognition of professional qualifications in EU Directive 2005/36/EC - [here](#)
- CIS and sub-contractors – [here](#)

Information correct as at 14 March 2023. This publication is for general information only and does not seek to give legal advice or to be an exhaustive statement of the law. Specific advice should always be sought for individual cases.

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