

Brexit and the UK's New Immigration System

The UK government has released a [detailed statement](#) on what to expect from the new points-based immigration system, due to take effect from 1 January 2021.

1 January 2021 marks the end of free EU movement rights. This means both EU and non-EU nationals will be covered by the same immigration rules and requirements when entering the UK. These changes are some of the most significant amendments to UK immigration law in decades, and will transform how foreign nationals migrate to the UK. Economic migration in the UK is changing - and as a result, businesses may need to adjust their operational requirements, recruitment policies, and how best to support their current and prospective employees.

EU Nationals – What Next?

EU nationals are able to live, work, visit, and study in the UK until 31 December 2020. They will continue to enjoy free movement rights during the current transition period, and will not require immigration permissions until 1 January 2021. Some key points to bear in mind:

- ✓ Free movement rights will officially end at 23:00 on 31 December 2020.
- ✓ EU nationals living in the UK before 31 December 2020, who intend to remain in the UK, must apply for pre-settled or settled status under the EU Settlement Scheme.
- ✓ The deadline to apply under the scheme is 30 June 2021.
- ✓ EU nationals travelling to the UK after 31 December 2020 will need to obtain a visa in advance for all activities except short-term visitor visits (i.e. for business or tourism).
- ✓ EU nationals will need to present a valid passport with at least six months' validity when entering the UK, and will not be able to rely on their national ID cards.

Further details on Brexit, the EU Settlement Scheme, and a Guide for Businesses can be accessed on our webpage <https://newlandchase.com/brexit/>

Working in the UK under the New Immigration System

The UK's new immigration system will substitute the infamous tier classifications with a number of specific and updated migration routes.

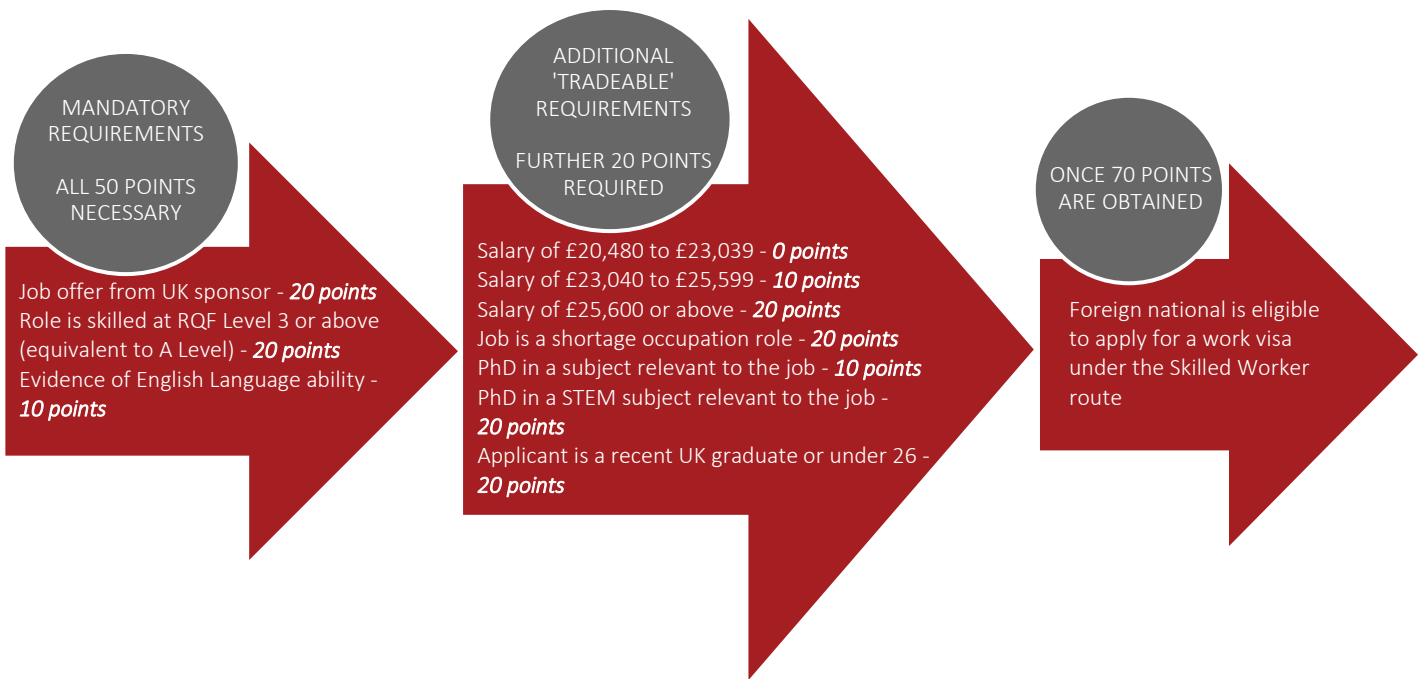
For those with a UK job offer, applying for an employment visa should be less time-consuming and more straightforward. This rationale is expected to coincide with the much-awaited simplification of the UK's Immigration Rules.

Skilled Workers

In a nutshell, the Skilled Worker route replaces the Tier 2 (General) category. It removes the Resident Labour Market Test and suspends the monthly cap limit on the number of eligible applicants. The English Language requirement will continue to be applicable. In order to qualify under this route, the applicant must obtain a total of 70 points.

A mandatory 50 points will come from having a job offer at a certain skill level from a licenced sponsor, with the applicant being able to evidence their English Language ability.

An additional 20 points can be scored through a 'mix and match' process, largely dependent on the salary rate offered, whether the position is considered a shortage occupation, and if there are any necessary academic requirements.



Highly Skilled Workers

This route will **not** open in January 2021 as recommendations are being made by the Migration Advisory Committee. Once open, this route expects to permit the entry of a capped number of highly skilled workers without an explicit job offer.

Intra-Company Transfer Route

The Intra-Company Transfer route will remain the same as the current Tier 2 (ICT) category. In order to be eligible, the applicant must have been employed for at least 12 months (or three months if a graduate intra-company trainee) at the overseas sending company before being transferred to the UK business on a temporary basis.

The UK role must be at a certain skill level (RQF 6), and meet the minimum salary threshold of £41,500 per annum (or £23,000 per annum for a graduate intra-company trainee). There is no requirement for the applicant to evidence their English Language ability. The question is whether this route will continue to hold any appeal to UK businesses, as the eligibility requirements are at a higher threshold than those of the Skilled Worker route. Also, and quite fundamentally, the Intra-Company Transfer route will not lead to settlement. The key differences under this new route are that:

- ✓ ICT migrants will be allowed to switch into the Skilled Worker route from the UK (if eligible) – which was previously prohibited. This includes those already holding an ICT under the rules in place before 1 January 2021.
- ✓ ICT migrants can only hold an ICT visa for a maximum period of five years in any six-year period (unless a high earner, which permits nine years).

Time will tell if this route will be made redundant, the thresholds lowered, or more attractive concessions put in place.

Graduates

The much-deliberated topic of how the UK intends to retain global student talent has been revealed through the new Graduate Route. Whilst expected to launch in the summer of 2021, this route will allow international students to extend their stay in the UK following the completion of their studies. Employment can be sought at any skill level, and graduates can switch into a sponsored work route.

- ✓ Un-sponsored route
- ✓ Can work at any skill level
- ✓ No maintenance requirement
- ✓ No additional English Language requirement
- ✓ Can switch into work routes if eligible
- ✓ Undergraduate and master's degree students: maximum visa duration of two years
- ✓ PhD students: maximum visa duration of three years

This route will definitely take the pressure off international students who have felt a sense of urgency in seeking sponsorship immediately following their graduation.

Graduates who have established an academic life in the UK can then seek internships, apprenticeships, and relevant employment to further their careers without a ticking immigration clock on their shoulders.

Our Advice

The UK government is expected to publish further guidance and details on the new immigration later this year once legislation is passed through Parliament.

In the meantime:

- ✓ Be sure to watch the [UK Home Office On-Demand webinar](#).
- ✓ Employers concerned about Brexit and the future UK immigration rules are encouraged to check our [Brexit online resource](#).
- ✓ Employers not currently approved by the Home Office to be a sponsor should consider doing so now if they think they will want to sponsor skilled migrants, including from the EU, from early 2021. For assistance with sponsor licence applications, [please contact us](#).
- ✓ Current UK sponsors should be sure to maintain their existing sponsor licence and compliance obligations, to minimise disruption under any new system.
- ✓ Employers concerned about the future work mobility of UK nationals in the EU can also rely on Newland Chase's global immigration services and expertise.

For general advice and information on immigration and business travel to the UK, please [contact us](#).

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