



# Brexit Impacts on the UK Oil and Gas Industry

## Offshore Workers, Frontier Workers and the New UK Immigration System

With the end of free movement between the United Kingdom and the European Union, and the introduction of new UK immigration rules, what immigration options are available for workers and employers in the oil and gas sector?

It is important to note that:

- UK immigration controls only apply within the UK and within UK territorial waters (the 12-mile zone) where a work visa is therefore required;
- UK immigration controls do not apply to work beyond UK territorial waters on the UK Continental Shelf (UKCS - the 200-mile zone) or in international waters;
- It is necessary to obtain the appropriate UK visa to enable an offshore worker to first access the UK in order to then travel offshore to the UKCS for work.

### Options for Offshore Workers (work to take place beyond UK territorial waters)

**Visitor Visa:** Visitors may travel to the UK (including time spent working offshore) for up to 180 days in any rolling 12-month period.

A visitor visa may or may not be required, depending on the nationality of the worker (nationals of certain countries may enter the UK as visitors without obtaining a visa).

Visitor visa applicants must submit at least the following documents in support of their application and non-visa nationals should carry the same

documents with them each time they enter the UK to satisfy UK border officials that they are genuine visitors:

- Payslips for six months prior to application;
- Bank statements for six months prior to application showing salary payments;
- Letter from employer confirming their employment details and confirmation of their purpose of travel to the UK (i.e. offshore work outside UK territorial waters).

**Offshore Worker visa:** For frequent or longer offshore work trips totalling more than 180 days in a rolling 12-month period, the Offshore Worker visa is preferable.

Issued for up to twelve months at a time, this visa allows multiple re-entries and residence in the UK during this period, and does not require permission to work under the points-based system. However, it does not allow work in the UK or in UK territorial waters.

**Offshore Worker visa extensions:** Although the worker can apply for extensions while in the UK, UK Visas and Immigration (UKVI) do not offer Priority Service for these applications, which could take up to six months to be processed. The applicant is not permitted to travel outside the UK while an application is in process. This may be an issue for offshore workers who travel frequently.

Alternatively, a new Offshore Worker visa application can be submitted from their home country or country of residence. Note that if the foreign worker were to carry out any work onshore they would require a work visa rather than an Offshore Worker visa.

## Alternative Options for Work Visas in the UK

From 1 January 2021, EEA nationals arriving in the UK to work require visa sponsorship. Existing UK sponsor licences now also cover EEA nationals.

For work in the UK or in UK territorial waters, a work visa is required. The following options are available:

### Skilled Worker route

No advertising or cap; minimum salary threshold of £26,500 per annum; skill level at RQF Level 3 (A Level or equivalent) or above; no maximum limit on stay; proof of English language skill at the required standard.

### Intra-company Transfer (ICT) route

No advertising or cap; minimum salary threshold of £41,500 per annum; skill level at RQF Level 6 (degree graduate) or above; no proof of English language skill requirement.

There is a maximum limit of five years in any rolling six-year period (high earners can work nine years in any ten).

Foreign workers must have been employed for at least twelve months by the organisation overseas before applying for sponsorship by the UK business. High earners (£73,900 or above per year) are exempt from this requirement.

Applicants must be able to show a direct link by common ownership or control with the overseas entity or entities from which they will bring the foreign worker to the UK.

Where the link is through a joint venture, UKVI must be satisfied that the worker will be working as part of the joint venture agreement.

### Sponsoring Workers on a Contract Basis

Employers can sponsor migrants on a contract basis (being supplied as labour to a third party). Sponsors must have full responsibility for all the duties, functions and outcomes of the job the worker will be doing.



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In this case, the worker must be contracted to provide a service or project within a certain period of time (i.e. the project must have a specific end date).

The employer cannot sponsor a worker if they do not have full responsibility for all the duties and outcomes of the job (i.e. where the job amounts to the hiring out of the worker to the third party to undertake an ongoing routine service).

**Self-employed workers** must have a genuine contract for employment or services between the employer and the worker.

## Frontier Worker Permit - EU, EEA or Swiss Citizens Only

Frontier worker visa option is available for employed or self-employed individuals who are required to work in the UK but who live outside the UK (eligible applicants must have been present in the UK before 31 December 2020).

From 1 July 2021, individuals will need to hold a valid Frontier Worker Permit, as well as a valid passport or national ID card, to enter the UK as a Frontier Worker.

## EU Settlement Scheme - Overseas Applications Possible

For applications made from abroad, the applicant must have prior residence in the UK. Applicants must use the [EU Exit: ID Document Check app](#) to verify whether they are entitled to apply from outside the UK. The deadline for these applications is 30 June 2021.

This applies to EU, EEA or Swiss citizens. A current valid passport or national identity card with a biometric chip is required.

## Schedule Your Brexit Consultation

With the complex, fast-changing nature of Brexit, and the impact on our clients, Newland Chase has formed a dedicated Brexit Team to address our clients' concerns and support them throughout this turbulent time.

[Contact us to schedule a consultation](#) to learn how having Newland Chase as your trusted business advisor can help your business succeed post-Brexit.

Finally, keep up-to-date with the latest Brexit travel and immigration updates at [our online Brexit resource](#).

*This publication is not intended as a substitute for legal advice. Readers are reminded that immigration laws are subject to change. We are not responsible for any loss arising from reliance on this publication. Please contact Newland Chase should you require any additional clarification or case specific advice.*

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