



December 2018

## Post-Brexit Immigration: What will it look like?

**The Government has released the long-awaited White Paper on its post-Brexit immigration policy. The White Paper sets out the proposed immigration regime that would apply from 1 January 2021.**

The starting point is that EU free movement rules will end and the same rules which apply to non-EU nationals will apply to EU nationals from January 2021. This will fundamentally mean businesses being required to employ EU nationals under the sponsored Tier 2 visa route for skilled work. However, there will be some significant changes to the rules and requirements for sponsorship, given their wider scope. Some of the key highlights for employers from the proposals are:

- the annual limit on the number of sponsored skilled work visas (Tier 2 General visas) will be removed
- employers would no longer be required to carry out a resident labour market test in order to obtain a sponsored skilled work visa (Tier 2 General visa)
- employers would require a sponsor licence to employ both EU and non-EU nationals on sponsored skilled work visas but the Government is considering a 'tiered' system of sponsorship to ease the burden on employers who only require a licence for a small number of vacancies
- the skill level required for sponsored skilled work visas (Tier 2 General visas) will be lowered - currently these are for degree level or managerial roles only (although there would be no lowering of the current skill level required for intra company transfers from linked offices outside the UK)
- the Government will consult with businesses about reducing the current minimum salary threshold of £30,000 for sponsored skilled work visas (Tier 2 General visas)
- the current two-year Tier 5 (Youth Mobility) visa route is to be expanded to allow for a new UK-EU Youth Mobility Scheme
- visitors from EU27 countries would not require a visit visa in advance of travel, including business travel, and would be able to use e-gates for quick entry
- international students would be granted a six-month period to stay and work in the UK on completion of a master's or bachelor's degree in the UK

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- there will be no dedicated route for unskilled labour but for a transitional period after Brexit, there will be a 12-month visa route for nationals of any skill level from specified low risk countries (with no option to extend, switch into other routes or bring dependants)
- the EU Settlement Scheme will still apply to existing EU employees, who must apply by the deadline of either 31 December 2020 (in a 'no-deal' scenario) or by 30 June 2021 (under the Withdrawal Agreement) - for more on these arrangements see our recent [update](#).

While the changes will be welcomed by many employers, the lack of any dedicated route for unskilled labour will present challenges for employers in sectors such as hospitality, agriculture and manufacturing.

Should you have any queries regarding the impact of Brexit on your workforce, please speak to one of our Employment and Business Immigration specialists.

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