

Preparing for the new post-Brexit immigration policy

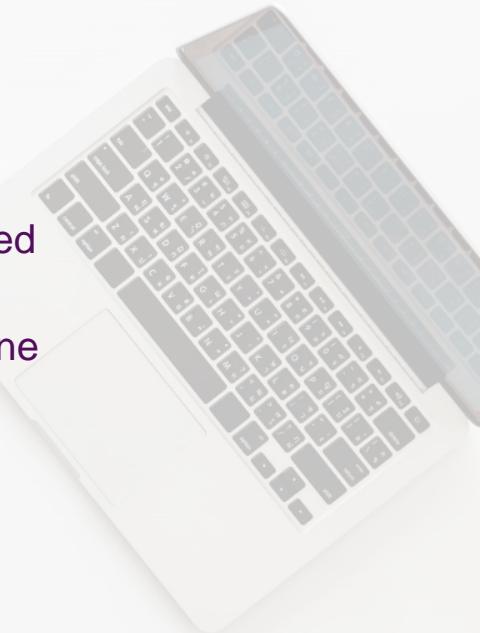
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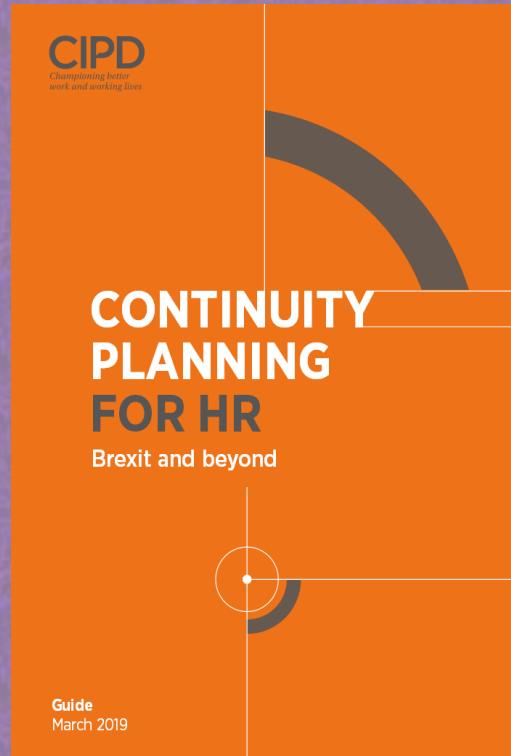
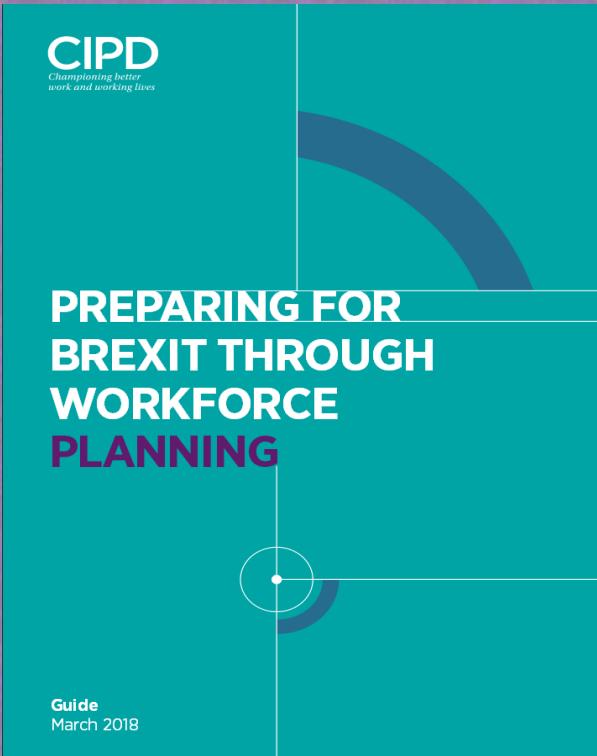
CIPD impact on policy debate



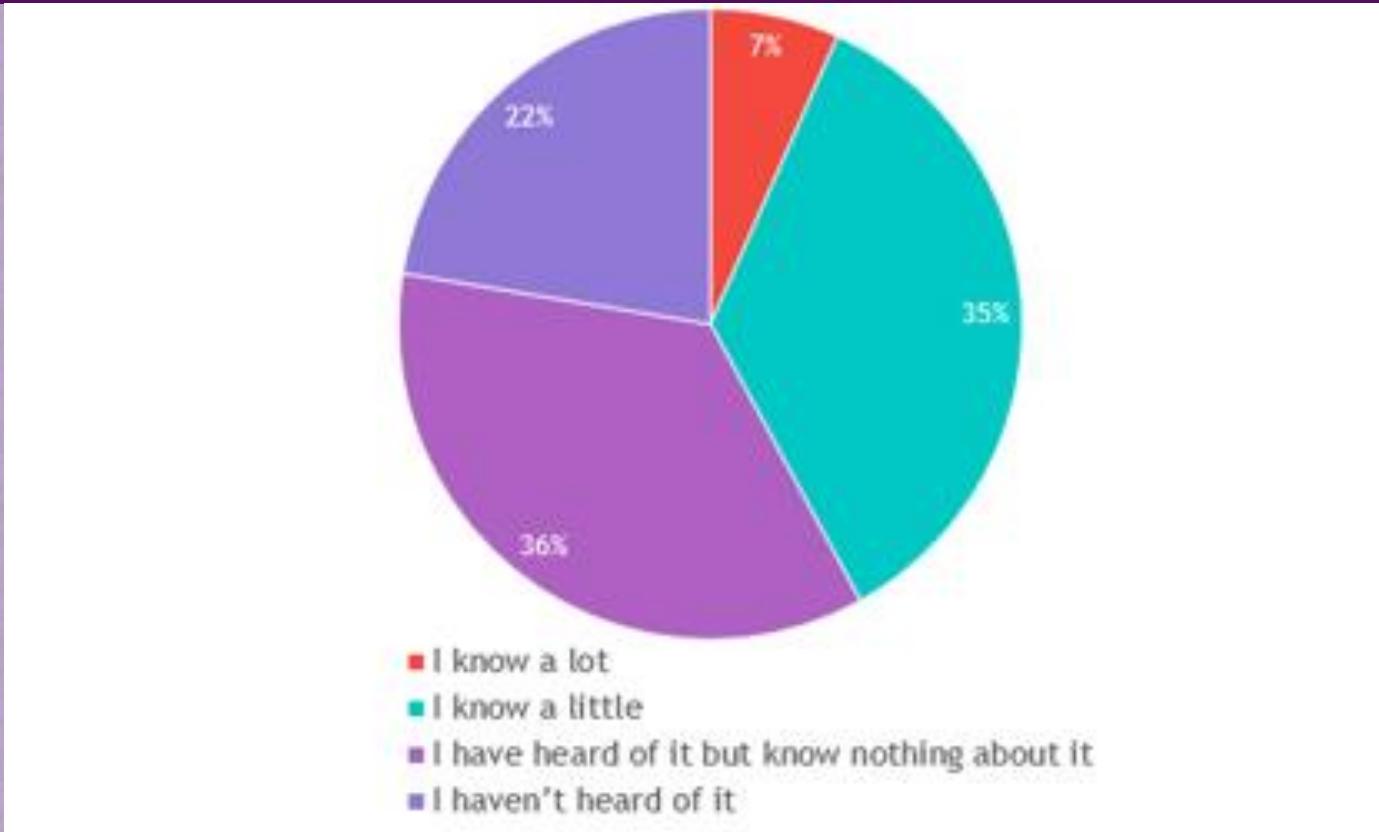
- Launch of policy report “Facing the Future” secured front page coverage in *The Observer*
- The most quoted organisation (out of 450+ organisations) in the Migration Advisory Committee’s report on a new EU immigration system; whose recommendations the Government largely adopted in the White Paper
- Meetings with key politicians and officials e.g. The Rt Hon Caroline Noakes MP, The Rt Hon Yvette Cooper MP, etc.
- “Thanks for all your help on the migration side, it’s been really useful – even though we can’t let you always know where/when, trust me it has been useful!” (Outgoing senior official at the Department for Business).



CIPD's Brexit-related content



Low awareness levels of migration restriction proposals





Brexit & Immigration

FRAGOMEN

SETTING THE SCENE



Lots of uncertainty and very little time

Possible outcomes:



Revised Deal
agreed



Brexit delayed
(again)

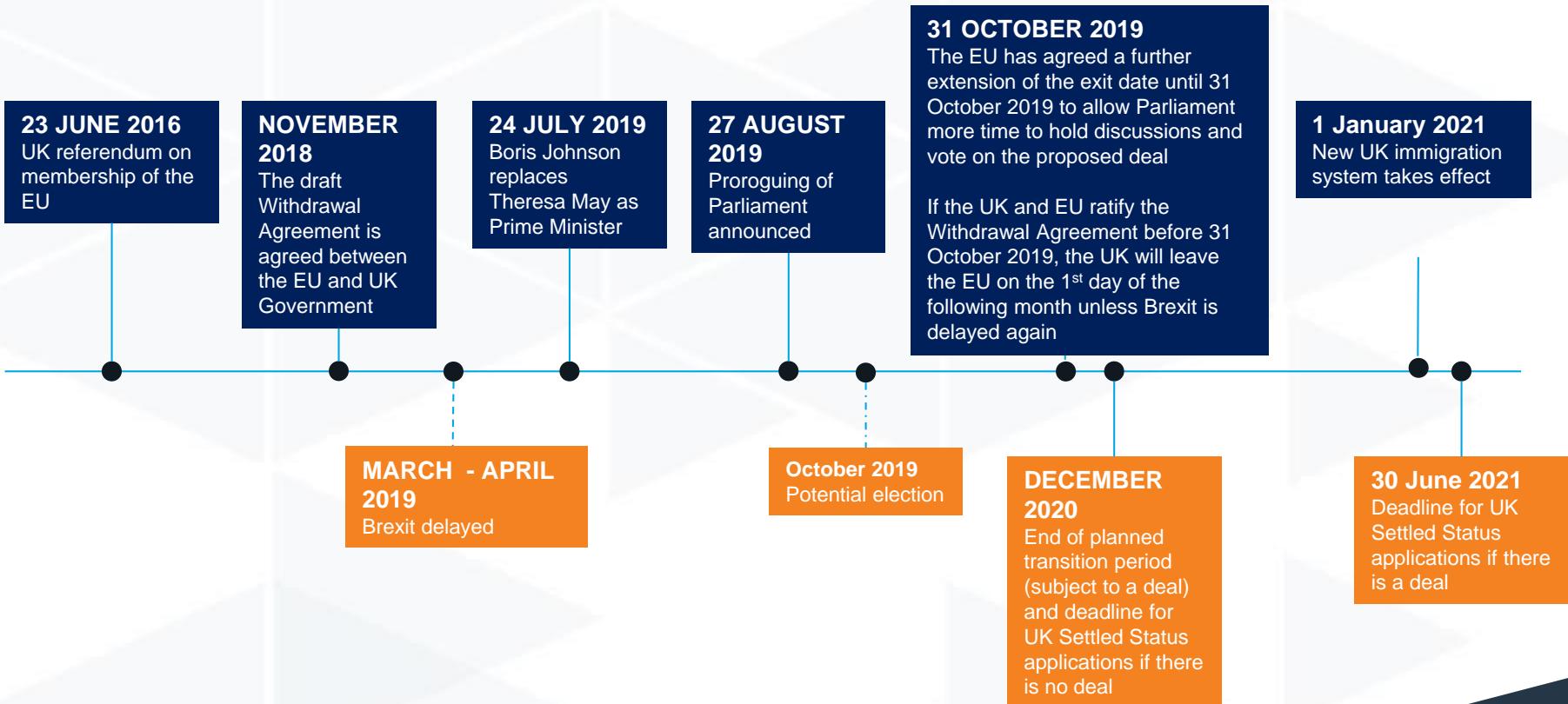


No Deal



Second
referendum with
potential No Brexit

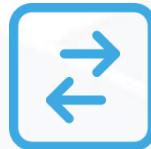
KEY DATES



IF A DEAL IS AGREED



The UK will leave the EU on the date the deal is agreed



A Brexit transition period will run until 31 December 2020, during which time EEA / Swiss nationals retain free movement rights in UK



Irish aside, EEA / Swiss nationals in UK before end of transition period will need to make an application under the EU Settlement Scheme by 30 June 2021 - online and straightforward



5 years residence will lead to settled status with a bridging pre-settled status for new arrivals



Applicants who do not want to be without their passport will be able to submit biometrics using an app



Similar policy will apply to UK nationals in Europe, with processes varying between Member States

IF THERE IS A NO DEAL BREXIT



UK

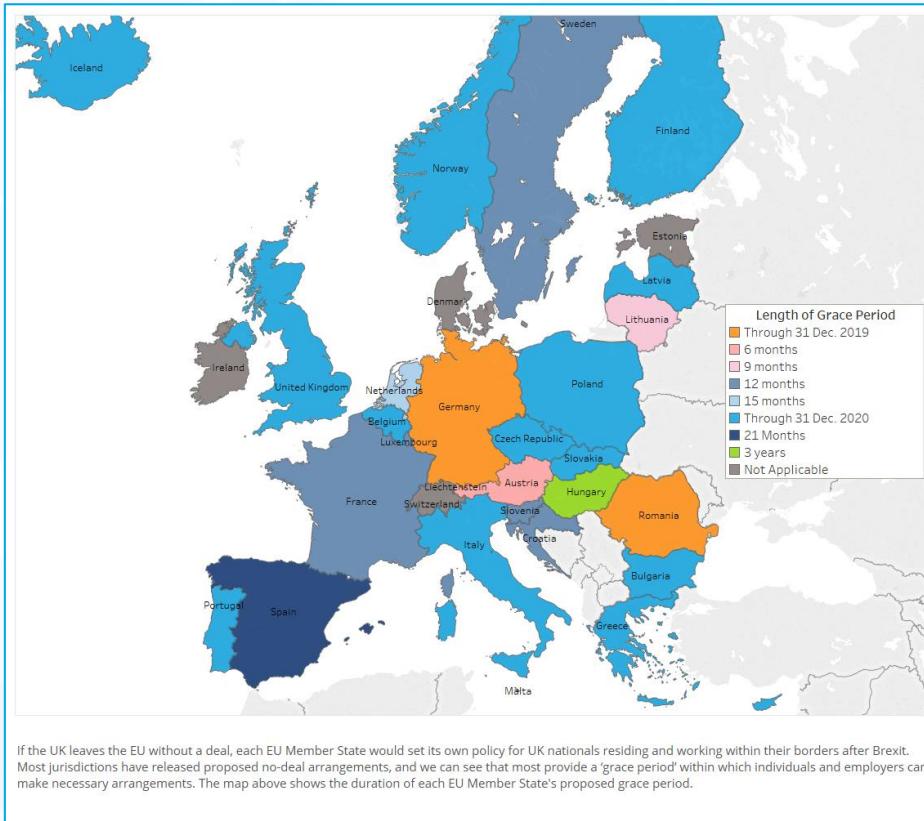
- EU nationals already residing in the UK **would not be required to leave** the UK even if there is “No Deal” and those here before Brexit will be able to apply under the settlement scheme
- We do not expect **free movement** to end immediately on Brexit, although it will soon after
- Europeans should be able to enter and make an application to stay for three years, if they wish to remain beyond 31 December 2020
- If they wish to stay beyond 31 December 2020, they must hold European Temporary Leave to Remain (36 month permission)
- When European Temporary Leave expires, the individual will need to qualify and apply under the new immigration regime or leave the UK

EU

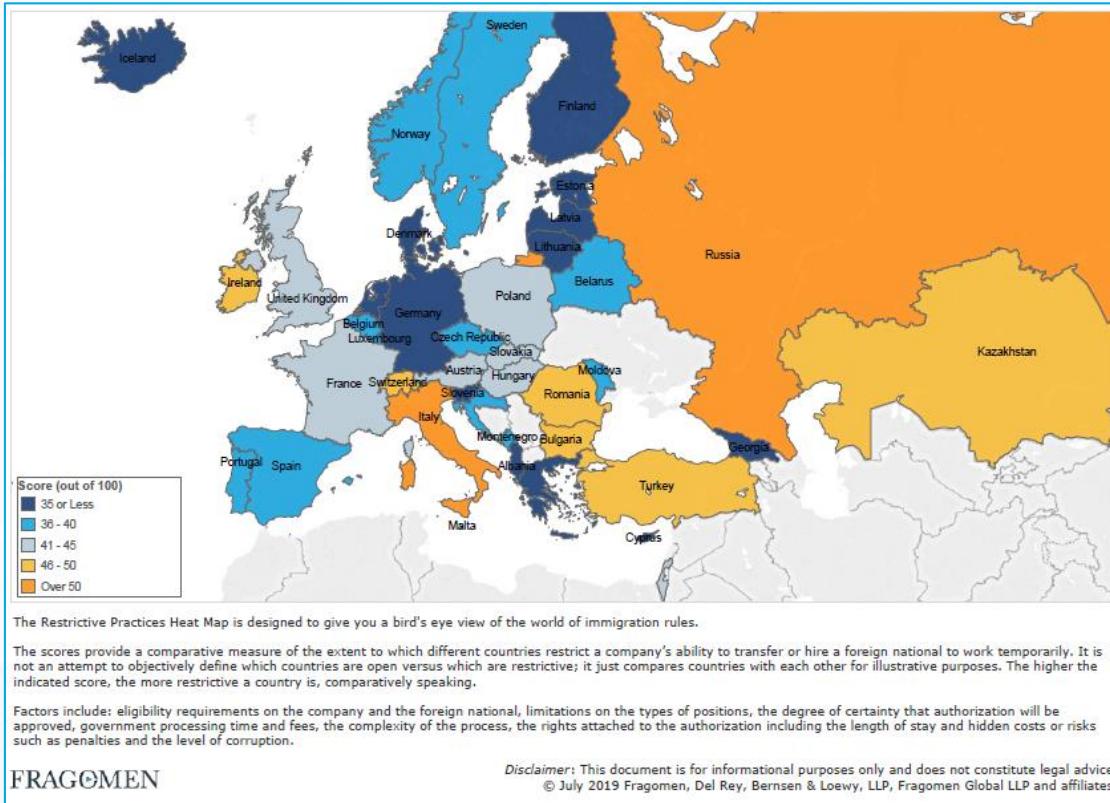
- UK nationals already in Europe will need to confirm their status, but relatively little policy has been released
- The EU adopted a regulation on 9 April confirming that UK nationals will be able to enter the Schengen area for tourism and business trips without a visa after Brexit for stays up to 90 days in a 180-day period, in either a deal or no-deal scenario
- UK nationals **working in the Schengen area after Brexit will require a work permit**. Securing a work permit for Europe tends to take between 1-6 months at present.



YOU WILL NEED TO MOVE QUICKLY IN EUROPE



AND ACCOUNT FOR TIME AND COMPLEXITY



FRAGOMEN

BUSINESS TRAVEL WILL ADD COMPLEXITY



Meetings



Training



Productive work



BUSINESS TRAVELLERS IN A NO DEAL



EEA/Swiss national business travellers to the UK will be able to enter the UK until 31 December 2020



EEA/Swiss nationals travellers to the UK from 1 January 2021 must restrict activities to what is permitted under the business visitor rules in the UK



UK national travellers to the EEA/Switzerland must restrict activities to what is permitted under the business visitor rules in their destination country

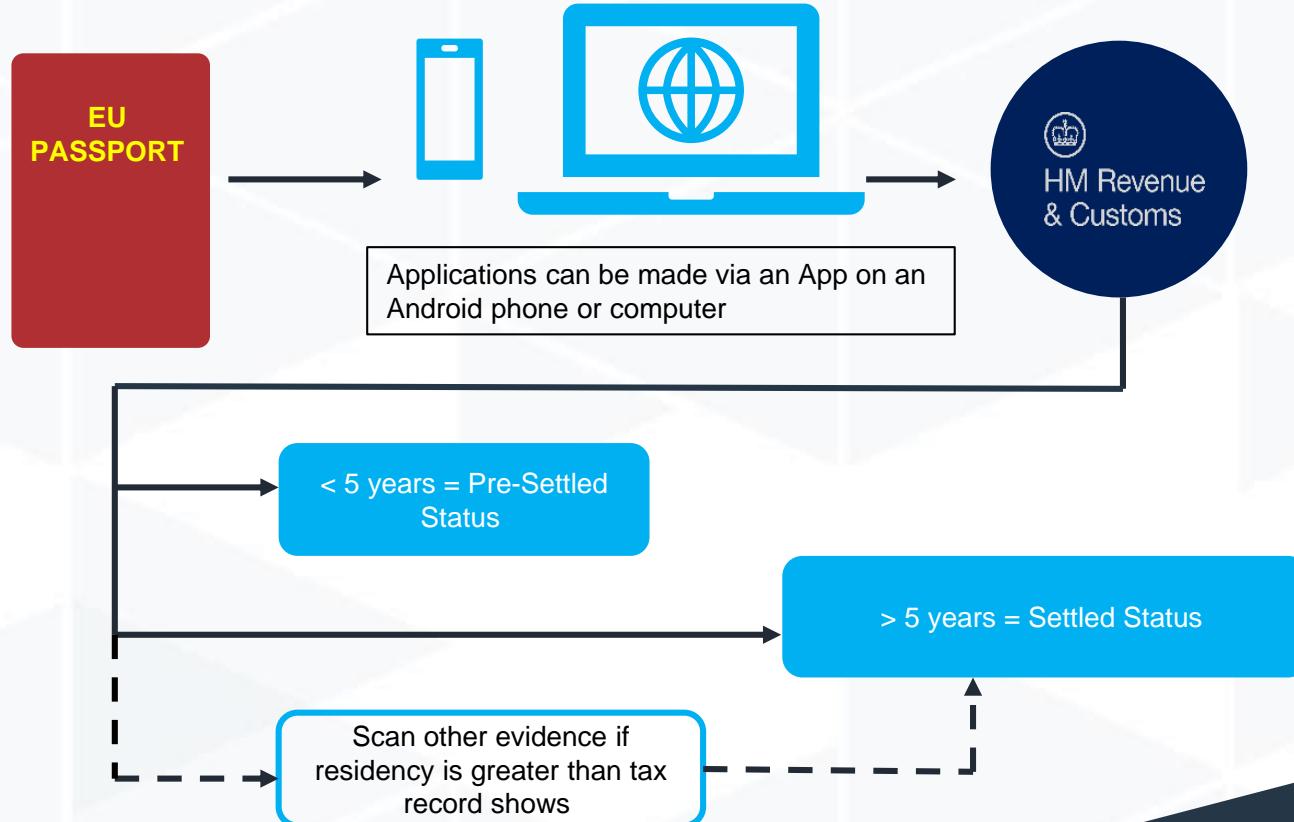


Message to the business:

- Identify UK national travellers to the EEA/Switzerland from 01 November 2019
- Consider if travel can be brought forward
- Consider whether their activities are that of a business visitor in a destination country

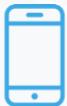
THE SETTLEMENT SCHEME PROCESS IS REASONABLY EASY

Applications open until 30 June 2021 (31 December 2020 in a no-deal).



DOCUMENTS FOR UK APPLICATIONS?

EU NATIONALS



Mobile phone with access to emails



Original valid biometric passport



National Insurance number



Individuals may also need to provide proof of residence (e.g. P60s, bank statements, utility bills)

Non-EU national family members



Mobile phone with access to emails



Valid passport details



Original Biometric Residence Permit



National Insurance number



Evidence of relationship to EU sponsor who is residing in the UK (e.g. birth certificate, marriage certificate, evidence of cohabitation)



Individuals may also need to provide proof of residence (e.g. P60s, bank statements, utility bills)

NON-EU NATIONAL FAMILY MEMBERS OF EU NATIONALS

Deal

- ▶ Will qualify provided:
 - ▶ Relationship to qualifying EU National existed by 31 December 2020 regardless to whether individual was in the UK by that point
 - ▶ Meet the criminality threshold
- ▶ Can apply at any time
- ▶ If the relationship to the qualifying EU national did not exist by 31 December 2020, individual can apply under the Immigration Rules
- ▶ Exception is children born after 31 December 2020

No Deal

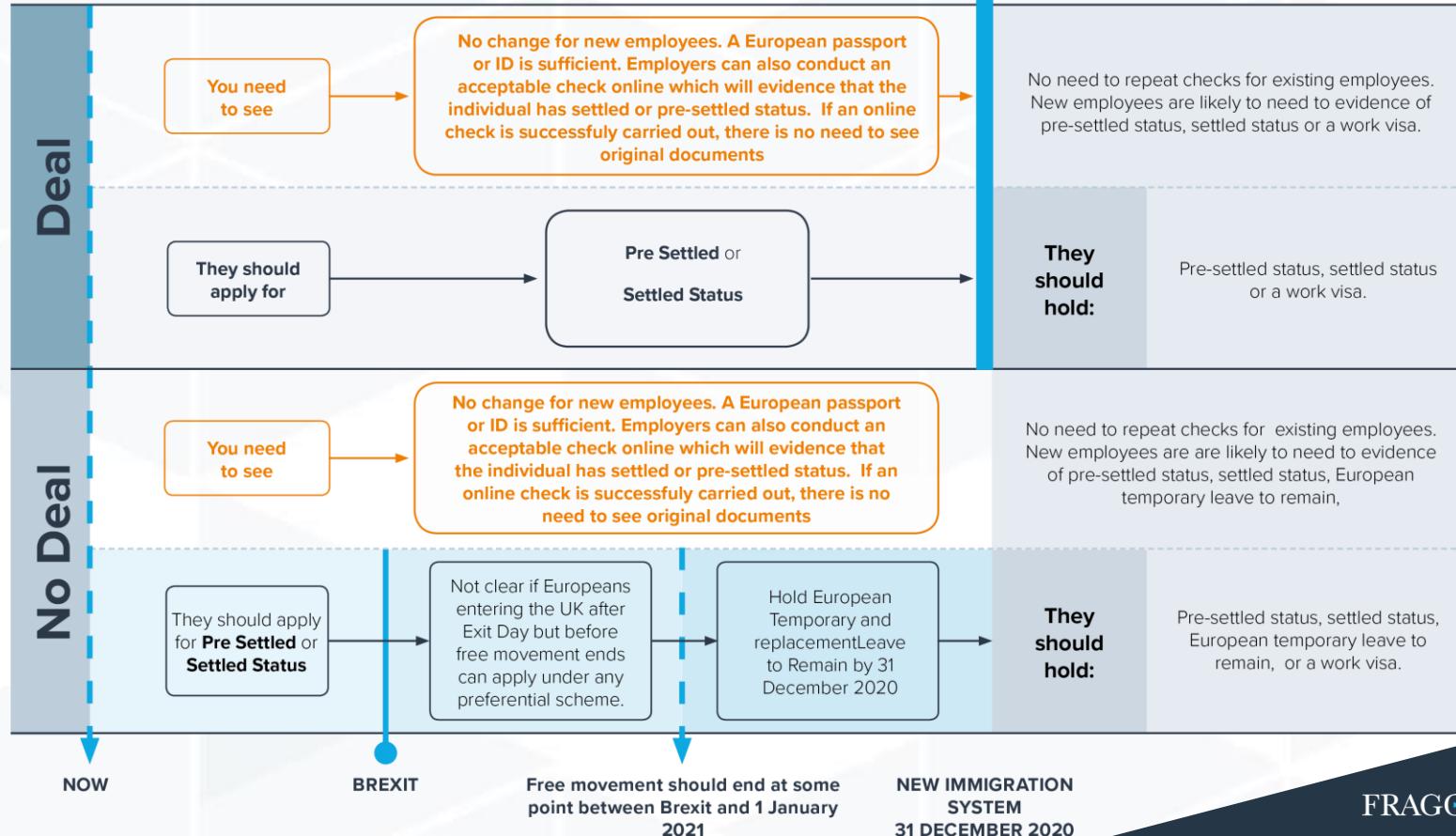
- ▶ Will qualify provided the individual fits into one of the below scenarios:
 - ▶ In the UK by 31 October 2019;
 - ▶ Can apply until 29 March 2022 if:
 - ▶ Not residing in the UK by 31 October 2019
 - ▶ Relationship to qualifying EU national existed by 31 October 2019
 - ▶ EU national holds settled status
 - ▶ Can apply until 31 December 2020:
 - ▶ Not residing in the UK by 31 October 2019
 - ▶ Relationship to qualifying EU national formed 31 October 2019 – 31 December 2020
 - ▶ EU national holds settled status

AN EXTRA LEVEL TO RIGHT TO WORK

This guidance is partly based on government announcements rather than law. It should be treated as indicative and cannot be relied on without cross referencing the law, once released.



**FREE MOVEMENT ENDS
IF THERE IS A DEAL**



THE IMMIGRATION WHITE PAPER



Single immigration system for all nationalities



Not all nationalities will be treated the same. The UK Government will differentiate according to perceived risk or trade deals



Limited visa options for lower skilled workers



Possible minimum salary requirement of £30,000 for visas for highly skilled



No mandatory labour check



No cap on migration



Emphasis on digital systems



Joined up Government (e.g. Home office and HMRC sharing data)

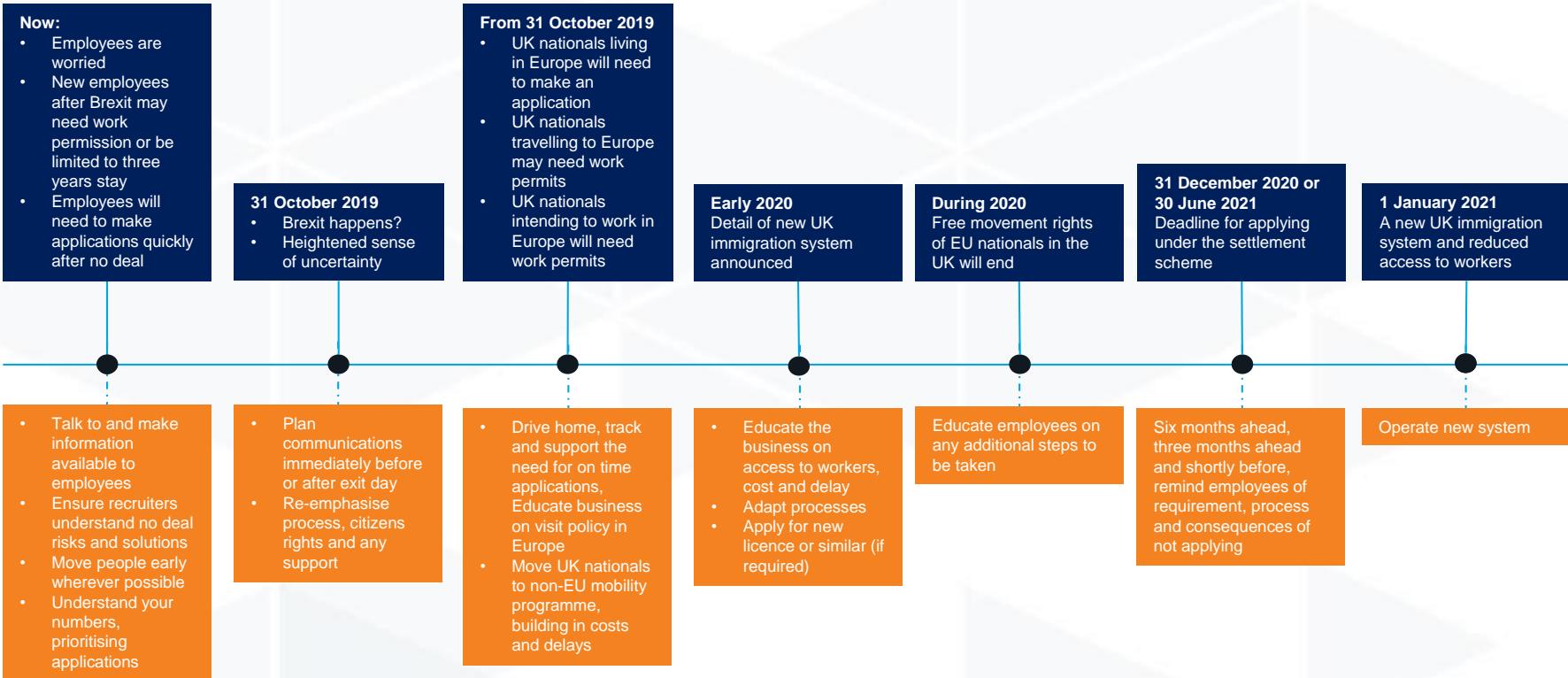
Jobs at degree level (RQF6) and higher national certificate level (RQF4) where salary could be an issue		Jobs at A-Level level (RQF level 3) where salary is likely to be an issue		Lower skilled jobs – would not qualify, other than for one or two years
RQF level 6	Programmers and software development professionals <ul style="list-style-type: none"> • Database developer • Programmer • Software engineer Experienced worker: £32,600 pa	Manufacturing	Quality assurance technicians <ul style="list-style-type: none"> • Quality assurance technician • Quality control technician • Quality officer Salary - £23,000 pa	Credit controllers <ul style="list-style-type: none"> • Credit control clerk • Credit controller • Debt management associate • Loans administrator
	Finance and investment analysts and advisers <ul style="list-style-type: none"> • Financial adviser • Financial analyst • Financial consultant Experienced worker: £28,500 pa		Tele-communications engineers <ul style="list-style-type: none"> • Installation engineer (telecommunications) • Network officer (telecommunications) • Telecommunications engineer Salary - £27,200 pa	Chemical and related process operatives <ul style="list-style-type: none"> • Gas producer operator • Process technician (chemical mfr) • Process worker (cement mfr) • Process worker (nuclear fuel production)
	Sales accounts and business development managers <ul style="list-style-type: none"> • Business development manager • Product development manager • Sales manager Experienced worker: £34,800 pa	IT and Technology	IT user support technicians <ul style="list-style-type: none"> • Help desk operator • IT support technician • Systems support officer Salary - £24,100 pa	Plasterers <ul style="list-style-type: none"> • Fibrous plasterer • Plasterer • Plastering contractor
	Health care practice managers <ul style="list-style-type: none"> • Clinic manager • GP practice manager Experienced worker: £27,200 pa		IT engineers <ul style="list-style-type: none"> • Computer service engineer • Hardware engineer (computer) • Maintenance engineer (computer servicing) Salary - £23,600 pa	Bar staff <ul style="list-style-type: none"> • Bar supervisor • Barmaid • Barperson • Bartender
	Financial and accounting technicians <ul style="list-style-type: none"> • Accounting technician • Business associate (banking) • Financial controller Experienced worker: £31,100 pa	Engineering	Electricians and electrical fitters <ul style="list-style-type: none"> • Electrical contractor • Electrical engineer • Electrical fitter Salary - £26,200 pa	Care workers and home carers <ul style="list-style-type: none"> • Care assistant • Care worker • Carer • Home carer • Support worker (nursing home)
	Office managers <ul style="list-style-type: none"> • Business support manager • Office manager • Practice manager Experienced worker: £25,000 pa		Aircraft maintenance and related trades <ul style="list-style-type: none"> • Aeronautical engineer • Aircraft electrician • Aircraft engineer Salary - £29,800 pa	Air-conditioning and refrigeration engineers <ul style="list-style-type: none"> • Air conditioning engineer • Air conditioning fitter • Refrigeration engineer

The salaries included in this table are taken from UKVI codes of practice. These are set at the 25th percentile in salary distributions

FITTING IT TOGETHER

	EEA now	Non-EEA now	EEA and Non-EEA 2021
High skilled, new hire	<p>Free movement applies, so:</p> <ul style="list-style-type: none"> • No lead time for immigration; • No need for a visa; • No restrictions on length of stay; • National minimum wage requirements but otherwise no control on salary; and • No government fees 	<ul style="list-style-type: none"> • Tier 2 General visa • Must apply for visa before entering • Normally a three to four month lead time • Normally qualify for permanent residence • Normally £30,000 minimum salary • Substantial government fees • RQF Level 6 skill level 	<ul style="list-style-type: none"> • Tier 2 General visa • Likely a three to four week lead time • If individual is a 'low-risk national', they can apply from within the UK. All other nationals must apply for visa before entering • Normally qualify for permanent residence • Normally £30,000 minimum salary (but this could change) • Substantial government fees • RQF Level 3 skill level (A Level)
High skilled, assignee		<ul style="list-style-type: none"> • Tier 2 ICT visa • Normally a one month lead time • Must apply for visa before entering • Normally maximum five years stay • Normally £41,500 minimum salary • Substantial government fees 	<ul style="list-style-type: none"> • No expected change from current system
Other skilled workers		No visa categories for workers below degree level but they may qualify for permission as a partner or under Youth Mobility or UK Ancestry	Will have access to Tier 2 General if role above RQF Level 3
Unskilled workers			Would need to enter holding the low skilled, temporary worker visa, Youth Mobility or other self-sponsored visa

SO WHAT DOES THIS MEAN IN PRACTICE?

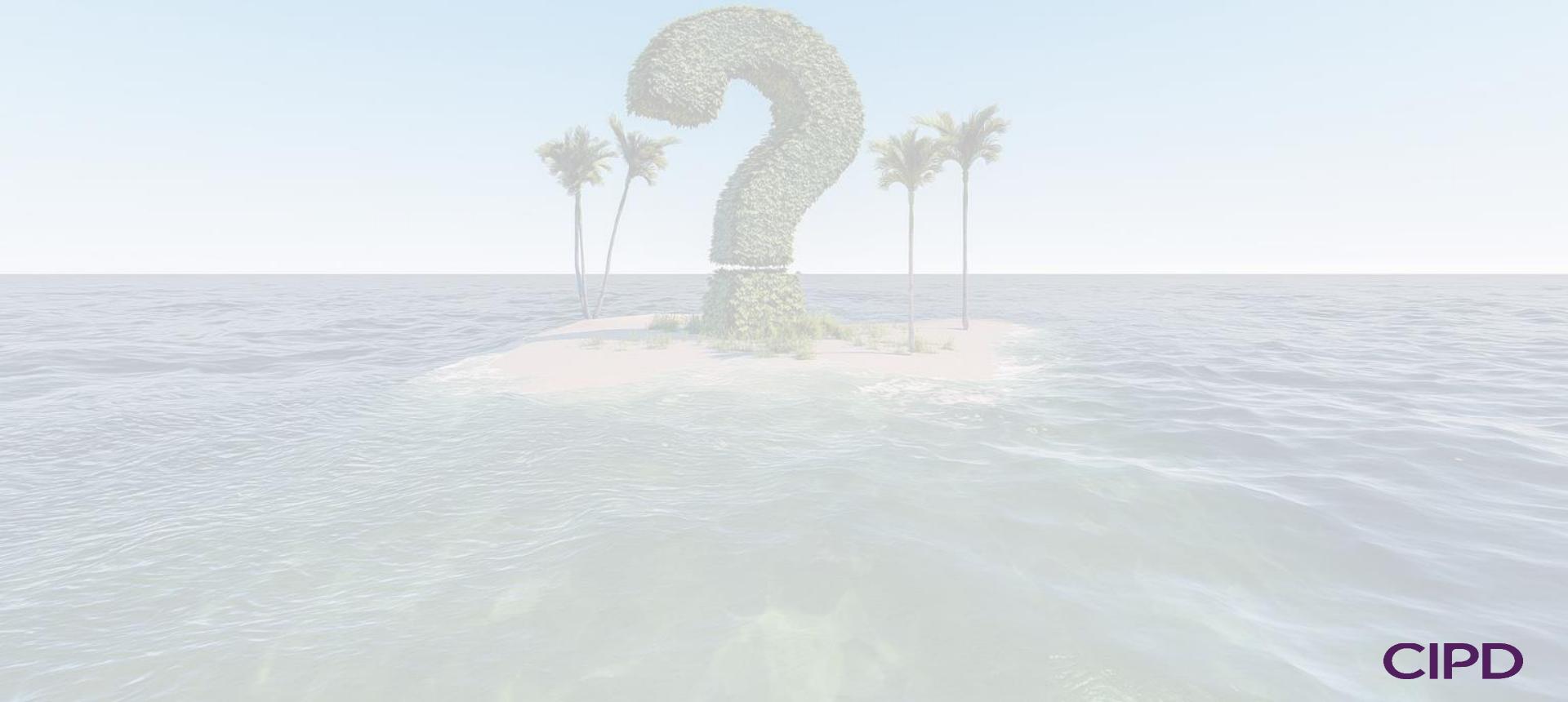


Next steps



- CIPD to launch new report on Friday, 20 September
 - 2-year temporary mobility scheme for people of all ages with no job offer requirement
 - £30k minimum salary threshold
 - Lower threshold for shortage occupations across all sectors, not just public sector
 - Prevents misuse e.g. undercutting
- CIPD to run workshops on Brexit in November
- Deadline for submissions to Immigration White Paper in December 2019
- Government publishes concrete plans for post-Brexit immigration system in spring 2020

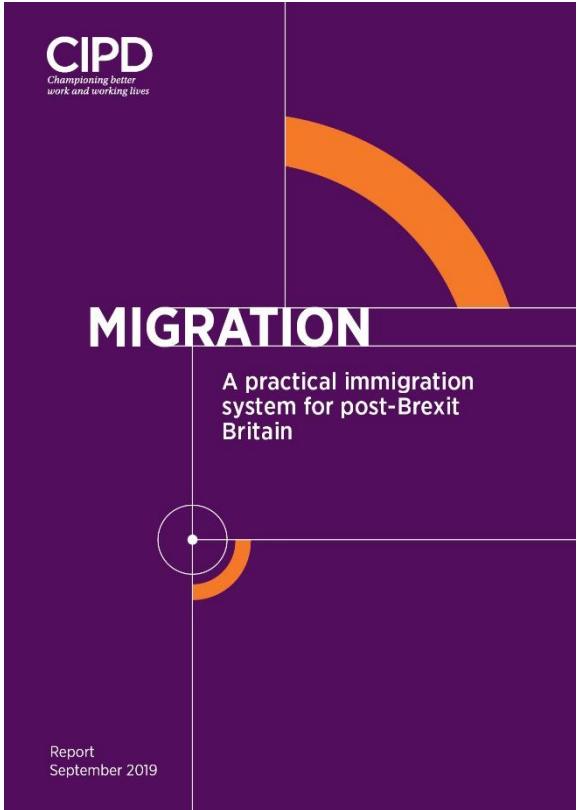
Questions



For the latest developments:

<https://www.cipd.co.uk/news-views/brexit-hub>

Tools and Resources

This image is an advertisement for a CIPD Brexit workshop. It features a red header with the CIPD logo and the text 'NEW one-day workshop' followed by the title 'Brexit: Impact on Employment Law, Workforce Planning and Immigration'. Below the title is a detailed description of the workshop's purpose: 'Get essential information on the Government's new post-Brexit immigration changes, assess their impact on your own organisation, and plan ahead for workforce changes. You'll also be able to ask questions and get legal advice from our experts on specific issues faced by your organisation and how to tackle them.' The main body of the ad shows a blurred image of the British flag and the European Union flag flying in front of the Rock of Gibraltar. At the bottom, there is a call-to-action button with the text 'Find out more at cipd.co.uk/brexit-workshop'.

London

- 21 November 2019
- 16 January 2020
- 12 February 2020
- 26 March 2020
- 29 April 2020

Regional dates TBC

Thank you

Gerwyn Davies

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