



CHANGES TO THE IMMIGRATION RULES:

WHAT YOU NEED TO KNOW AHEAD OF JANUARY 2021

The Brexit transition period is coming to an end on 31 December 2020. From this point onwards, most UK businesses looking to employ non-UK residents are likely to need to do so via the new "Skilled Worker" visa route.

Although the new Skilled Worker rules make it easier to employ non-UK residents as new hires, employers must hold a sponsor licence to be able to do so.

EU, EEA and Swiss workers who are in the UK before 31 December 2020 will not need to use the new Skilled Worker route, as they can continue to work in the UK by obtaining pre-settled or settled status under the EU Settlement Scheme.

However, most employers looking to bring in new staff from outside the UK after 31 December 2020 will need to do so via the Skilled Worker route and must hold a valid sponsor licence from the Home Office.

NEW "SKILLED WORKER" ROUTE REPLACING THE TIER 2 (GENERAL) ROUTE.

If you do not hold a sponsor licence and think you'll want to employ any workers from outside the UK from January 2021, you should apply for a licence now.

ADVANTAGES AND KEY INFORMATION ABOUT THE NEW SYSTEM:



The minimum salary threshold has been reduced from £30,000 to £25,600.



Workers with a lower salary can trade other attributes (such as a PhD in a relevant field).



Skills threshold reduced from RQF 6 (graduate level) to RQF 3 (A level and equivalent) – this means that more sectors will have the ability to employ workers in roles that weren't previously deemed sufficiently skilled for sponsorship.



No annual cap on the number of work visas.



The resident labour market test will be eliminated. This means that it is no longer necessary to advertise a position in the UK before offering the role to a non-UK national.

The Intra-Company Transfer route will not change significantly and all roles must be at the same skill level as before. However, while it used to be the case that an ICT visa would not lead to settlement, international assignees will now be able to switch to the Skilled Worker route, which can lead to settlement.

WHAT SHOULD AN EMPLOYER DO IF THEY WANT TO EMPLOY WORKERS FROM OUTSIDE THE UK?

1. Continue to support your existing EU, EEA and Swiss workers in applying under the EU Settlement Scheme (although note that employers cannot require them to prove their settled status). The deadline for these applications is 30 June 2021, but applicants must demonstrate their presence in the UK on or before 31 December 2020.
2. Ensure that any EU, EEA or Swiss workers relocate to the UK before 31 December 2020 as far as possible (this will allow them to apply under the Settlement Scheme by 30 June 2021).
3. Review your roles to determine which are likely to qualify under the new "Skilled Worker" route.
4. Apply for a sponsor licence as soon as possible if you don't already have one. The demand for sponsor licences is likely to rise, along with processing times, as we approach and pass the 31 December 2020 deadline.
5. Continue to perform right to work checks as normal. However, an employer can't require EU, EEA and Swiss citizens to show their status under the Settlement Scheme until after 30 June 2021.

FOR MORE INFORMATION PLEASE CONTACT



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