



Welcome

Brexit – One year on

Presented by Rachel Harvey & Sian Hoare

This session will start at 10:15

SH ∞ SMITHS

BREXIT – ONE YEAR ON

Your hosts

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What we will cover

- ✓ Our experiences and general trends post-Brexit
- ✓ Shortage occupation
- ✓ Skilled worker visas – update
- ✓ Future of ICT
- ✓ Non-sponsored routes

Post-Brexit recap

- Transition period ended on 31 December 2020
- New points based system replaced old visa scheme – Skilled Worker and Graduate routes
- Global Talent scheme and Student visa routes opened up to EU, EEA and Swiss citizens
- Physical BRP to be phased out – 31 December 2024

Post-Brexit recap

Right to work checks

- Updated Employer Right to Work guidance – refer to www.gov.uk/government/publications/right-to-work-checks-employers-guide for the most recent guidance on right to work checks.
- EU Settlement Scheme deadline was 30 June 2021 unless the applicant:
 - meets one of the criteria for a later deadline to apply; or
 - has ‘reasonable grounds’ for not applying by this date.
- After 30 June 2021, right to work checks required to be carried out on new EEA or Swiss national employees using share codes and dates of birth.
- Digital right to work checks have been extended until 5 April 2022 after positive feedback.
- Retrospective checks are not required on those who had a COVID-19 adjusted check or those EU, EEA/Swiss citizens if they were employed before 1 July 2021.

Our experiences

- Improvements
 - Quicker turnaround times
 - UKVI are more responsive to emails
 - More automation leading to streamlined processes – use of app rather than visa centre appointments for EU nationals
 - Easier to obtain a defined Certificate of Sponsorship
- Shortcomings
 - Slow processing of sponsorship licence applications – the Home Office are receiving 400 applications per week compared to approx. 100 per week pre-Brexit
 - Increased cost to clients

Shortage Occupations

A photograph of a modern glass skyscraper at dusk, with a classic stone building visible in the background. The text 'Shortage Occupations' is overlaid in white.

Shortage occupations

- Covid-19 + Brexit + other factors = the perfect storm for staff shortages in some sectors.
- As of March 2021, 25,000 EU citizens were working as lorry drivers in the UK. This number has fallen by 14,000 since mid-2020.
- Low-paid jobs are being heavily impacted as they do not meet the salary requirement for sponsorship under the Skilled Worker route.
- EU citizens cannot rely on the permitted Business Activities to undertake these roles as this would breach the Immigration Rules.
- The government has introduced temporary visas but there is currently no long-term solution in place to “plug the gap”.

Temporary haulage and poultry visas

- The government have temporarily relaxed the Immigration Rules for up to 5,000 HGV drivers, 5,500 poultry workers and 800 pork butchers.
- The temporary visas are valid until:
 - 31 December 2021 for poultry workers (scheme now closed);
 - 28 February 2022 for HGV food drivers (scheme now closed); and
 - 6 months from the date of issue for pork butchers.
- However, these temporary measures may be too short-term to attract workers from EU countries and the government must also consider what the long-term solution might be.
- There is currently a shortfall of 90,000 HGV drivers.

What could the long term solution be?

- The government insist that the UK workforce must become self-sufficient rather than relying on EU and foreign labour.
- However, this would likely require an overhaul of suffering sectors in order to:
 - improve working conditions and facilities;
 - invest in recruitment;
 - make roles more appealing to domestic workers i.e. improved benefits and additional training; and
 - introduce affordable or subsidised skills programmes
- Alternatively, a less onerous, unsponsored route might have to be introduced or extended to cover “lower-skilled” workers.
- Temporary and seasonal worker visa routes could be permanently extended.



Skilled Worker visa update

Skilled Worker visa

- Increase in clients using this route and obtaining sponsorship licences.
- The Skilled Worker route accounts for 61% of work-related visas and has seen the largest increase in visa numbers (up 45,866 / 57%)
- EU nationals also driving an increase in use.
- Lower skill and salary thresholds mean that more jobs than ever before fall under this route.

However, be aware:

- EU nationals are now also required to undertake English language tests if they do not possess a degree taught in English.
- The availability of these tests massively varies across Europe.
- The pandemic has caused test centre closures.
- TB tests are also required from specified countries and these have been delayed due to Covid-19.

Health and Care visa

- Under the Skilled Worker route.
- Designed to encourage healthcare professionals to work in the UK.
- Benefits include fast-tracked entry, reduced visa fees and exemption from the Immigration Health Surcharge.
- Requires applicants to have a criminal background check.
- Unclear how long this category will remain in place.



Intra-Company Transfer route

The Intra-Company Transfer (ICT) route

- Used for skilled employees of non-UK companies and allows them to work temporarily for a related entity in the UK.
- A reduction in applications has led to questions over the continuing value of this route.
- Now less advantageous when compared to the Skilled Worker route – lots of individuals are moving from ICT to Skilled Worker.
- ‘Call for Evidence’ consultation launched in relation to the route closed on 22 June 2021.

The Intra-Company Transfer route

- The Migration Advisory Committee noted that the limited advantages of ICT over the Skilled Worker (SW) route means we can expect to see further displacement into the SW route.
- MAC also noted the following advantages and disadvantages of ICT:

Advantages

- No English language requirement
- The salary threshold only needs to be met whilst the individual is working in the UK
- Some allowances can be included in the assessment of the salary threshold i.e. housing costs

Disadvantages

- The route does not lead to an entitlement to settle in the UK
- Skilled worker provides an easier immigration route as lower skill and salary threshold
- 12 months previous employment required with an overseas linked entity unless the applicant is to be paid over £73,900

Global Business Mobility route

- Sponsored route set to be introduced by Spring 2022
- Available to overseas businesses wishing to send employees to the UK or establish a UK presence
- Plans to consolidate and build upon the existing Intra-Company route framework
- Envisages 5 categories of worker all with different requirements:
 - **Senior or Specialist Workers** required to work at a UK office of an overseas business;
 - **Graduate Trainees** undertaking a UK placement as part of a structured training programme;
 - **Service Suppliers** travelling to the UK to deliver a service in line with a UK trade commitment;
 - **Secondment Workers** on secondment to a UK business; and
 - **UK Expansion Workers** who will be specialist or senior employees who are assigned as part of the UK expansion of the overseas business.
- No English language requirement



Non-sponsored routes

Graduate visa

- Implemented on 1 July 2021 to allow international students to stay in the UK for 2 years after graduation (or 3 years for those with a PhD).
- Part of the UK's aim to bring 600,000 international students into UK universities before 2030.
- Must have a valid Tier 4 (General) or Student Visa and apply before its expiry.
- Must have completed course at a UK Higher Education provider.
- No minimum salary or skill level requirements so provides an alternative to the Skilled Worker route.
- Not possible to extend and can only be used once. Time spent on this route will not count towards settlement.

New visa routes for 2022

The UK is set to launch new visa routes to revitalise the Innovator route and attract and retain high skilled talent. The full set of rules for these routes is to be published in due course.

High Potential Individual

- Aimed at “highly academic migrants” looking to contribute to the UK economy
- It will be open to applicants who have graduated from a “top global university” even if they do not possess a job offer within the United Kingdom

Scale-up

- This route will allow individuals to come to the UK if they hold a highly skilled job offer from a qualifying scale-up at the necessary salary level
- A ‘scale-up’ is a business with an annual average employment or revenue growth rate greater than 20% over a period of 3 years

Revitalised Innovator visa

- Greater flexibility
- Streamlined eligibility criteria

Global Talent Network

- Launching 2022
- For talented people to work in key science and technology sectors

Digitalisation of the UK border

- Electronic travel authorisations for visitors by 2025

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