

PREPARING FOR THE YEAR AHEAD WHAT'S IN-STORE FOR IMMIGRATION IN 2019?

ROLL OUT OF THE EU 'SETTLEMENT SCHEME'

The Home Office has announced that the [Settlement Scheme](#), under which EU citizens living in the UK can apply to stay after Brexit, will be open for public testing from 21 January 2019.

NEW IMMIGRATION SYSTEM FOLLOWING THE UK'S EXIT FROM THE EU ON 29 MARCH 2019

The Government's recent White Paper¹ sets out what the new immigration system will be following Brexit and the end of free movement, and it includes the following:

- There will be one system for all nationalities, which means there will no longer be separate systems for EU nationals and non-EU nationals
- Everyone will be required to obtain permission if they want to come to the UK and to work or study here
- Skilled migrants will be prioritised
- There will be a transitional and temporary short-term workers route.

The new system will not come into play immediately after the UK leaves the EU. Instead, it will be phased between now and the end of the 'Implementation Period' which is scheduled to run until 31 December 2020, during which current EU free movement rules will continue to apply. After 31 December 2020, EU citizens and their family members must apply under the EU Settlement Scheme. Such migrants will have until June 2021 to do so, provided the Implementation Period ends (as expected) on 31 December 2020.

Key changes

- Roll out of the EU 'Settlement Scheme'
- A new single immigration system built around skills will be implemented
- The Immigration Health Surcharge will double
- Right to work checks moving online

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf

What can business do now to prepare?

- Complete an internal audit identifying the key workers that the business relies on and the skill level of these roles
- Assess future business needs and identify any roles that they may need to rely on migrant workers to fill
- Decide strategy (both long and short term) for how the business will deal with post Brexit scenarios
- Put processes and policies in place to manage the potential impact of Brexit on both the day to day and future needs of the business.

IMMIGRATION HEALTH SURCHARGE SET TO DOUBLE ON 08 JANUARY 2019

The Immigration Health Surcharge will increase from £200 to £400 per year on 8 January 2019. Tier 4 students and those on the Tier 5 Youth Mobility Scheme will also see the current charge of £150 increase to £300. The aim of the surcharge is to help fund the NHS.

RIGHT TO WORK CHECKS MOVING ONLINE

Many will have already seen the Home Office email, but if you haven't, the new Right to Work Checking Service allows employers to use the online service to demonstrate that they conducted the necessary right to work checks on migrants and avoid a penalty if they are found to be employing an illegal worker. Currently, this service can only be used to check the right to work of biometric residence permit holders or those who have been granted status under the EU settlement scheme. Those who cannot use the service can continue prove their right to work by showing their identity documents such as a passport.

This publication does not necessarily deal with every important topic or cover every aspect of the topics with which it deals. It is not designed to provide legal or other advice.

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