

# CLIFFORD CHANCE



## WHAT YOU NEED TO KNOW ABOUT THE NEW POST-BREXIT IMMIGRATION SYSTEM

The Government's recent White Paper titled 'The UK's future skills-based immigration system' indicates what the future will look like following the end of free movement in the UK. Here are the key changes for businesses to look out for:

### New single immigration system

The new system will not come into force immediately after the UK leaves the EU. Instead, it will be phased in and will be fully in place by January 1, 2021.

### Coming to the UK to work

Whilst the finer details have not been finalised, the plans include the following:

- Everyone (apart from British and Irish nationals) will be required to obtain immigration permission if they want to come to the UK to work or study.
- There will be one system that will apply to all nationalities (rather than one system for EU nationals and another for non-EU nationals).
- Skilled migrants will be prioritised, and the cap on skilled migrants will be removed.
- The Resident Labour Market Test will no longer be required.
- The monthly Restricted Certificate of Sponsorship panel meeting will be scrapped.
- An EU-Youth Mobility Scheme route will be created. It will be similar to the current Youth Mobility Scheme which allows 18-30 year olds to come to the UK for two years, during which they can work and/or study.
- The current routes for Innovators, Exceptional Talent, Investors and temporary workers will be adapted from the current system.

### Business visitors

Visitors from current EU countries will not need a visa if they are visiting the UK for a short holiday or business trip, for example. That said, under the new plans it will be necessary to obtain prior Electronic Travel Authorisation before travelling, which will be similar to the ESTA requirement in the United States.

### Brexit and the EU Settlement Scheme

The White Paper makes clear that the EU Settlement Scheme, which enables EU citizens and their families to remain in the UK after it leaves the EU, will remain the basis of stay for EU Citizens during any implementation period. Unless there is a 'no deal' Brexit, the Implementation Period is intended to run until December 31, 2020, during which current EU free movement rules will continue to apply. After December 31, 2020, EU citizens and their family members must apply under the EU Settlement Scheme and will have until June 2021 to do so, provided the Implementation Period ends (as expected) on December 31, 2020.

Whilst we wait for more information in these uncertain times, please contact us if you have any questions.

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### Key changes

- A new single system built around skills will be introduced.
- Skilled migrants will be prioritised.
- The Resident Labour Market Test will no longer be required.
- Removal of the skilled worker 'cap', which in turn means the monthly 'panel' meeting will be scrapped.
- A new EU-Youth Mobility Scheme has been proposed.

### What is not changing

- The rights of Irish citizens to live and work in the UK will continue to function as now. They will not need to apply under the current or future system.
- Visitors from current EU member states and countries will still not require a visa.

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