

# BEYOND BREXIT IMMIGRATION

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# WHAT ARE WE GOING TO COVER?

- Entry to the UK: visa and non-visa nationals
- Visitor visas
- Right to work/ illegal working
- The EU settlement scheme
- Tier 2: basic principles

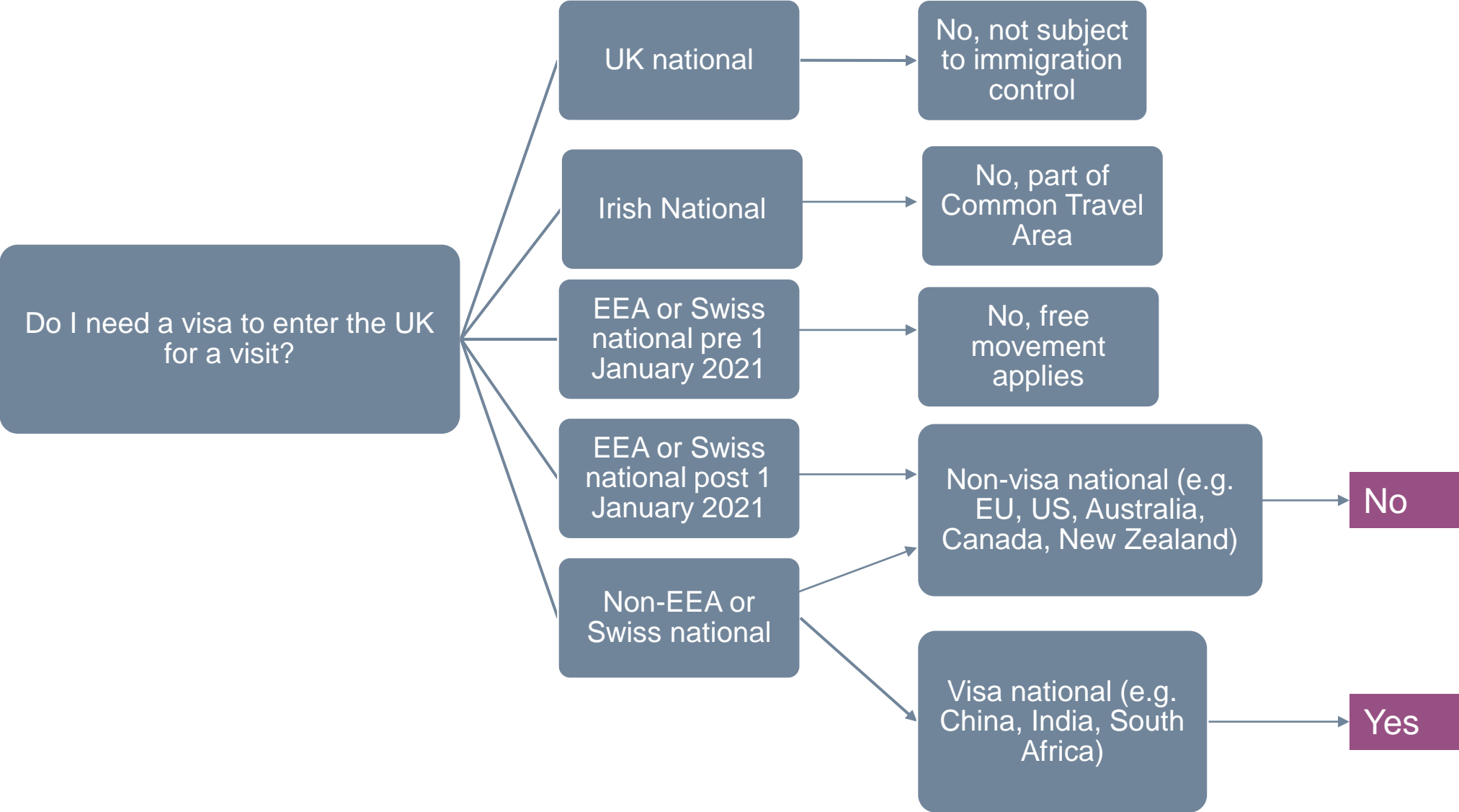


# ENTRY CLEARANCE TO THE UK: VISA AND NON- VISA NATIONALS

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# VISA AND NON VISA NATIONALS - VISITS



# VISITOR VISAS

## Duration

- Usually up to 6 months

## Fee

- Fee is £95 for standard visitor visa

## Processing

- Typically 3 weeks application processing time (earliest you can apply is 3 months before travel)

## Long term

- Long-term standard visitor visa (higher fee)

# VISITOR VISAS – PERMITTED VS NON-PERMITTED



## Permitted activities

- Limited business activities (e.g. attend presentations/ deliver training)
- Study for up to 30 days
- Pass in transit
- Convert civil partnership to marriage



## Non-permitted activities

- Paid or unpaid work
- Live in the UK through frequent visits
- Get public funds
- Marry or register a civil partnership

# EMPLOYER'S OBLIGATION TO PREVENT ILLEGAL WORKING

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# SANCTIONS FOR EMPLOYING ILLEGAL WORKERS

## Civil penalties

- Civil penalty of up to £20,000 per illegal worker if employers do not have a “statutory excuse”

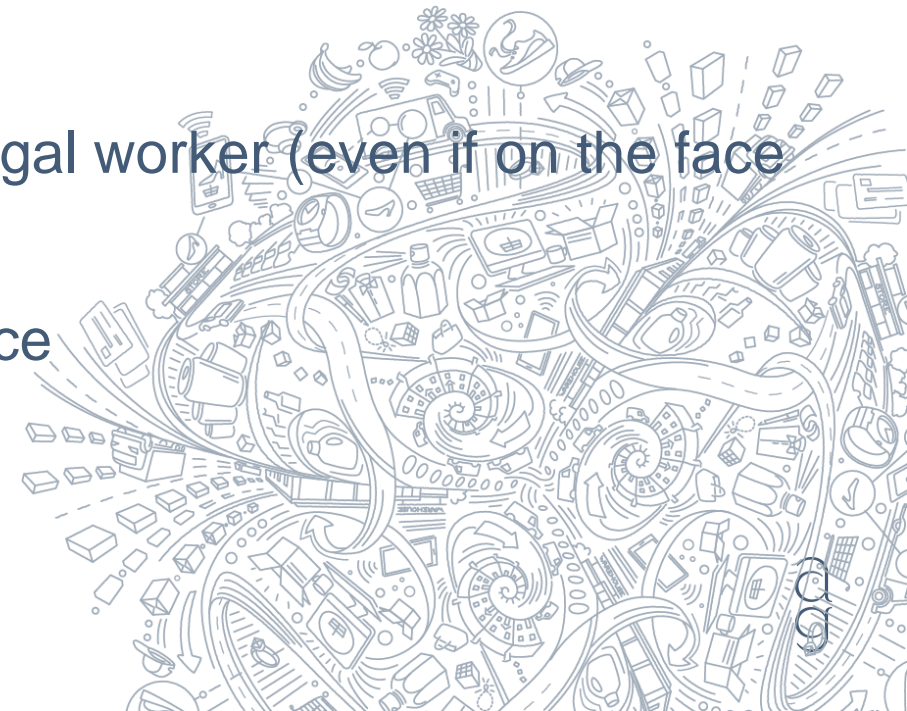
## Criminal offence

- Offence to employ an individual an employer (including officers and senior managers) know or have reasonable cause to believe are working illegally
- Potential for unlimited fine
- Potential for imprisonment for up to 5 years



# THE STATUTORY EXCUSE

- **Why:** Right to work checks establish a statutory excuse. If check not compliant with Home Office requirements statutory excuse not established.
- **When:** Employers must check an employee's immigration status before employment starts and then before expiry of any time limited visa.
- **How:**
  - Employer's guide to right to work checks
  - Statutory excuse not established if know worker is an illegal worker (even if on the face of it right to work check conducted correctly)
  - Check can be undertaken manually or using online service

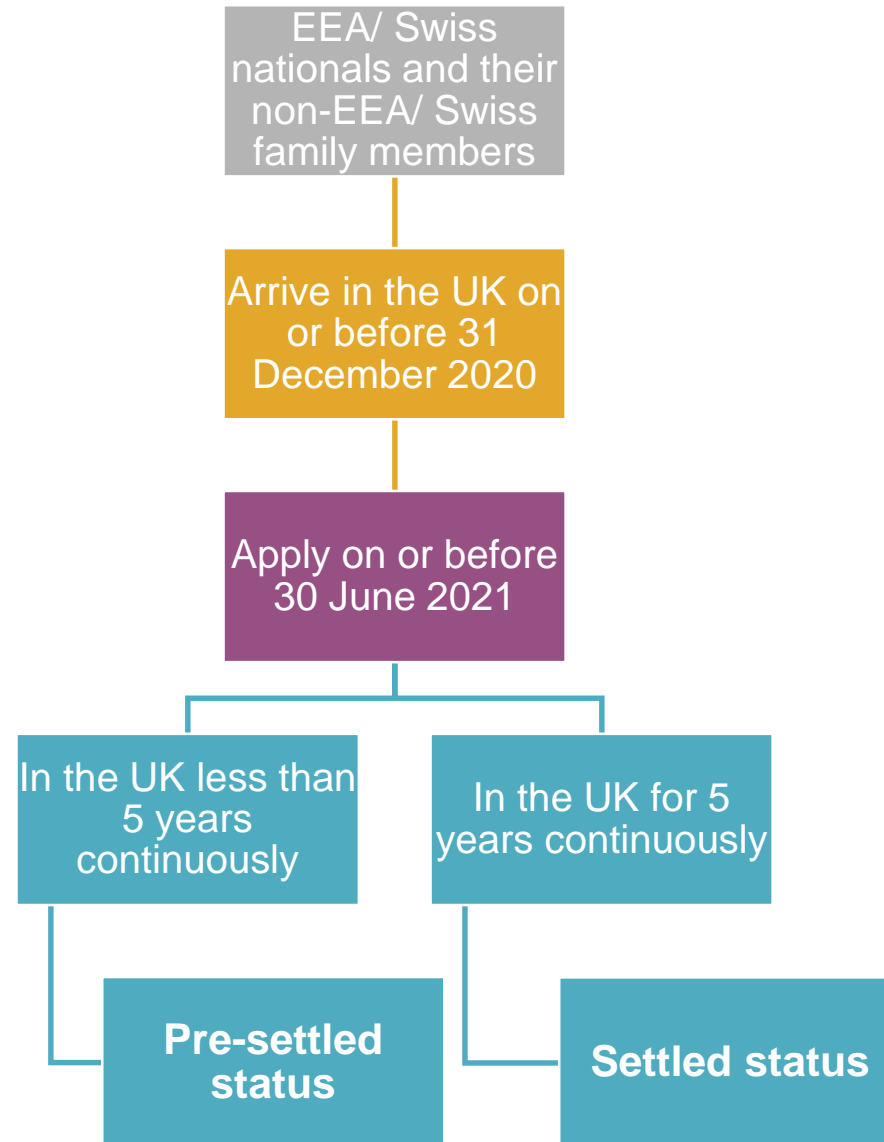


# EU SETTLEMENT SCHEME: TRANSITION PERIOD

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# EU SETTLEMENT SCHEME - OVERVIEW



# SETTLEMENT SCHEME – APPLICATION PROCESS

- 
- Apply using App or online

- 
- Applications can be made from inside or outside the UK

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- No fee

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- Provide ID documents

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- Provide proof of continuous residence – automated checks available if provide NI number

# RIGHT TO WORK CHECKS AND BREXIT

## Transition period

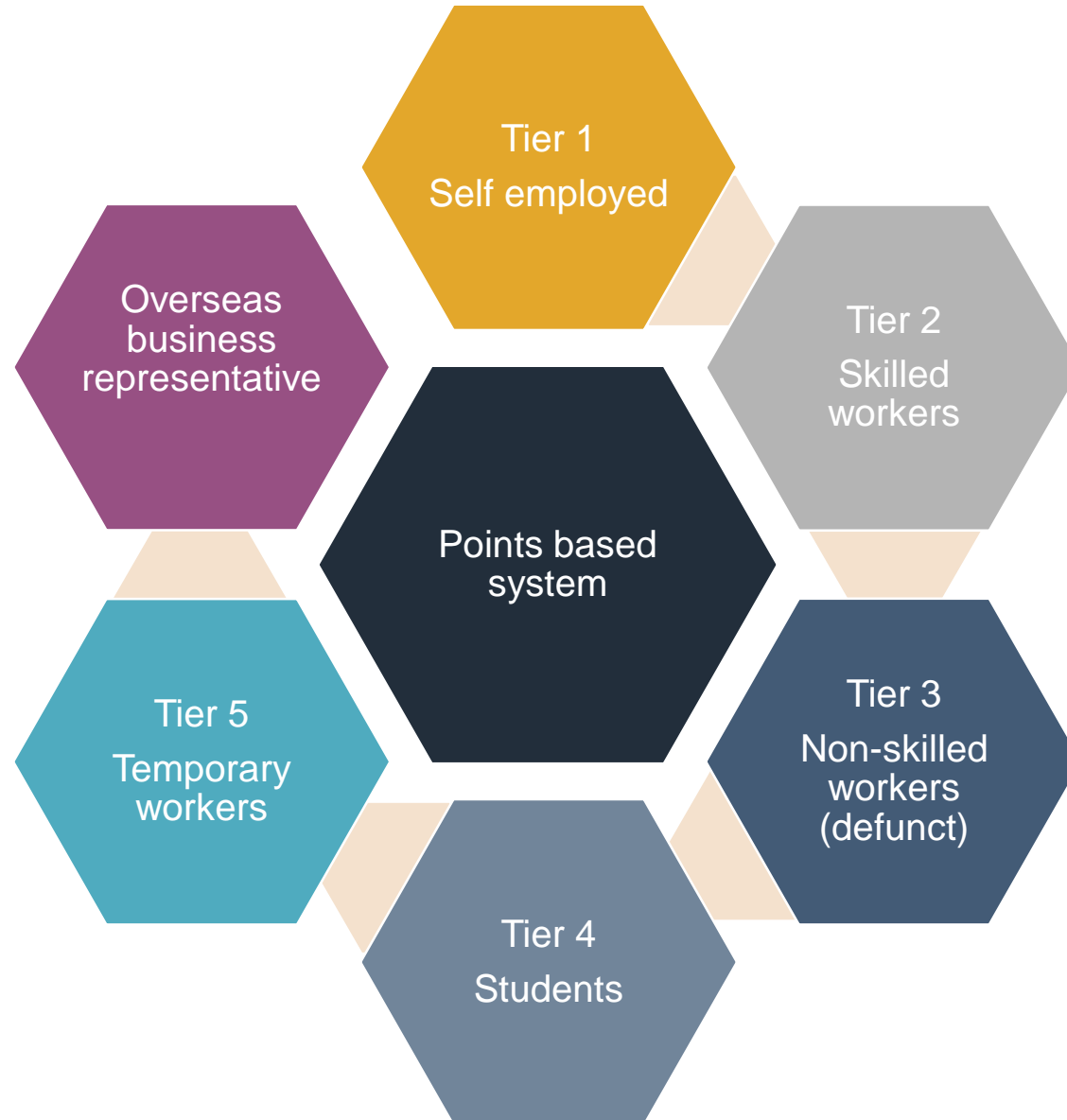
- During the Transition Period, no changes to the existing RTW check process and no distinction between EEA/ UK national employees.
- EEA passports and national ID cards will be valid documents.
- EEA nationals may share their settled/ pre-settled status – but this is not compulsory.
- Retrospective RTW checks on EEA nationals will not be required.

# OVERVIEW OF CURRENT PBS SYSTEM

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# POINTS BASED SYSTEM AND OTHER USEFUL VISAS



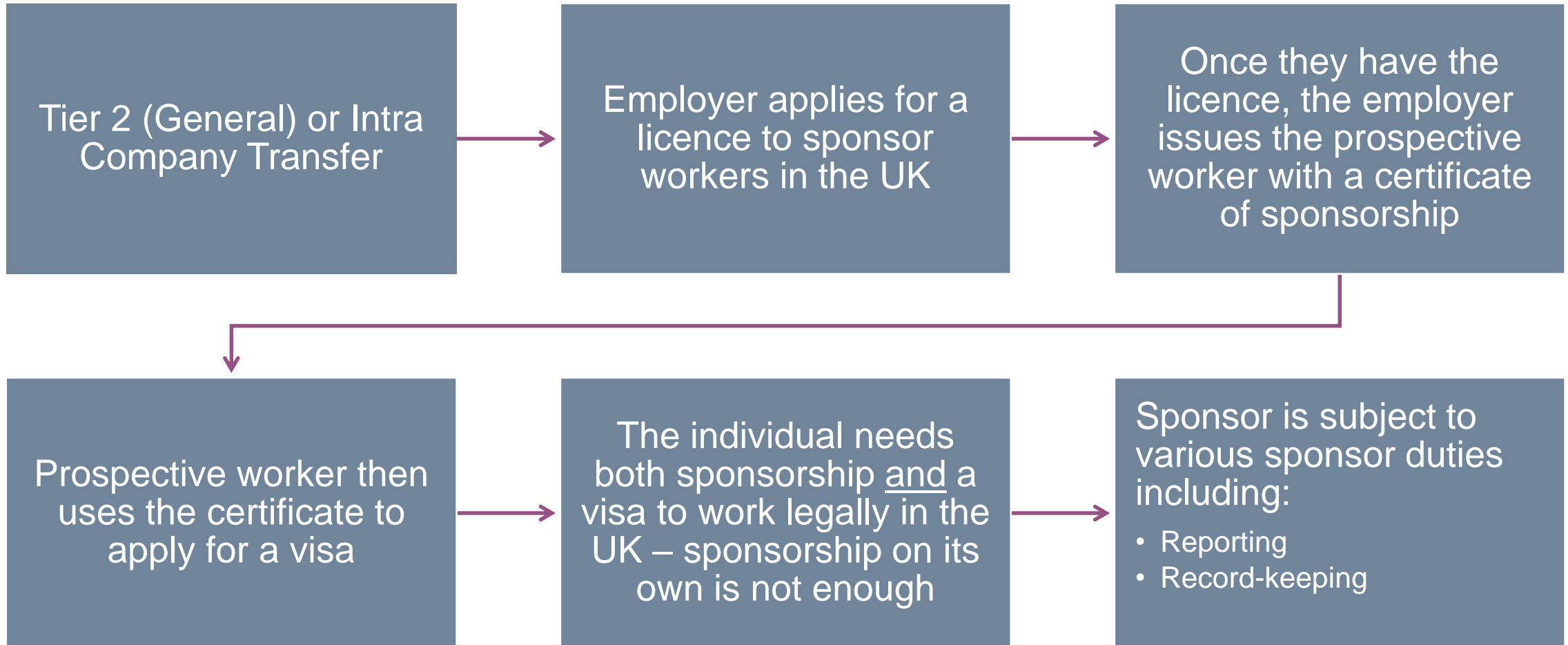
# TIER 2

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# TIER 2: SPONSORSHIP PROCESS



# TIER 2 (GENERAL)

## Sponsor

- Sponsorship tied to an employer and a role
- Resident labour market test applies

## Skill level

- Role must be at degree level or above

## Salary

- Minimum salary depends on role but usually cannot be below £30,000

## Duration

- Unless high earner max stay 6 years and then 12 month cooling off period applies

## Settlement

- Can lead to long-term residence in the UK

## Immigration skills charge

- £1,000 a year for employers

## Eligibility

- English language requirement
- Financial maintenance

## Dependents

- Dependants can apply for leave at the same time

# TIER 2 (GENERAL): UNRESTRICTED AND RESTRICTED CERTIFICATES OF SPONSORSHIP (CoS)

## Restricted

- Includes new applications made from outside of the UK
- Subject to monthly cap (annual cap is 20,700)
- Apply in monthly application cycle

## Unrestricted

- High earners – those with a guaranteed income of more than £159,600
- Extensions of leave with same employer (even if different role)
- If sponsored individual changes employer
- Sponsor has upfront allocation of unrestricted certificates – renewal each year

# TIER 2 (INTRA COMPANY TRANSFER)

## Existing employee

- Employee must be an existing employee of an overseas business
- Must have been employed by the overseas business for at least 12 months (unless salary £73,900+)

## Salary

- Minimum salary depends on role but cannot be lower than £41,500

## Temporary category

- This category does not lead to settlement

## Cooling-off period

- Subject to 12-month cooling off period (unless high earner)

# KEY CONTACTS:



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