

Brexit and Beyond: The UK's Points Based Immigration System

Brexit took effect on 30 January 2020 resulting in free movement rights ending for UK nationals travelling to the European Union and vice versa from 1 January 2021.

What does this mean?

- European nationals and their families currently living in the UK today and before 31 December 2020 are required to register their status under the UK government's [EU Settlement Scheme](#) to stay in the UK and have until 30 June 2021 to do so. **There are no practical changes to immigration between the UK and the EU until 1 January 2021.** UK citizens in Ireland and Irish citizens in the UK remain unaffected.
- A new immigration system where EU and non-EU nationals will be treated equally. For EU skilled workers this will result in requiring sponsorship from a UK employer, slower recruitment, minimum salary requirements and increased costs for government fees with no visa route for low skilled workers, other than seasonal work agriculture. If members anticipate recruitment from outside of the UK in skilled roles from next year they will need a sponsor licence. Shakespeare Martineau's immigration team can support with this process.
- UK nationals will need work permission in EU countries subject to their own specific immigration requirements, except in Ireland.

The UK Immigration System

From a five tier system first launched in 2008, the new points based system opens new routes to live, work and study in the UK from 1 January 2021.

For the workforce there will be three main points based routes and no route for low skilled workers, although there are opportunities for young people under a temporary route from participating countries with an opportunity to experience life in the UK, enabling them to work and travel for up to two years known as the Youth Mobility Scheme.

The three main employment routes are:

- Skilled Workers with a job offer;
- Intra Company Transfers for assignees overseers transferring to a UK branch; and
- Highly Skilled Workers without a job offer.

Skilled Workers with a job offer

Members will need a sponsor licence to offer jobs and sponsor non-UK national via this route.

To be eligible, a candidate will need to be offered a job at the required skill level (equivalent to 'A' level), be able to speak English and be paid a minimum salary.

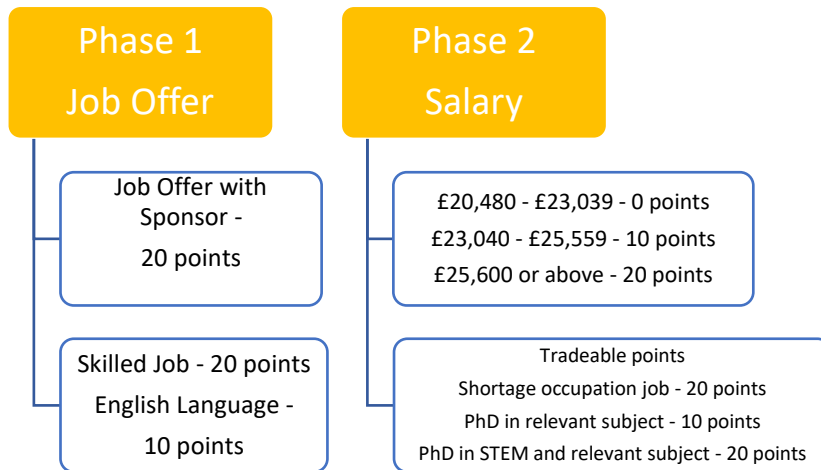
A total of seventy points must be scored as demonstrated in the diagram below, with a mandatory fifty points to be scored in phase one and the minimum remaining twenty points in phase two:-

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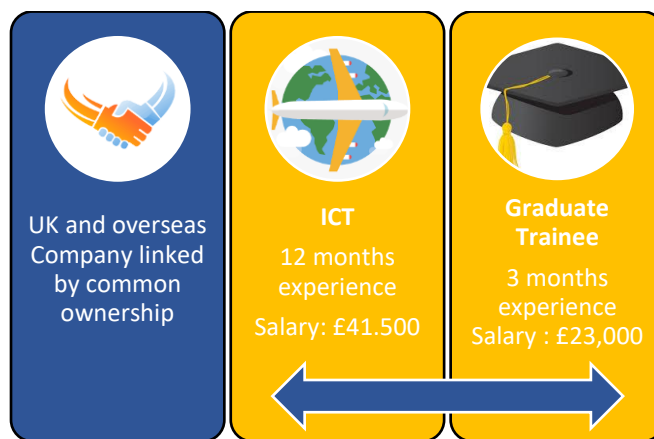




Despite the salary levels shown in the diagram above, each job has a minimum salary level in the market where employers must pay at least that amount to a worker or the minimum salary for points, whichever is higher. The going rate for a job will be lower for younger workers under the age of 26 and new entrants to the labour market.

Intra-Company Transfers

This route will continue to allow multi-national companies to move workers between their subsidiary branches and accommodate temporary moves to the UK by key business personnel. To be eligible a candidate will need to be in a role skilled to Degree level and will be subject to a different minimum salary threshold from the Skilled Worker route but will not be subject to English language requirements. Instead the worker being transferred must be employed by the overseas business for a minimum period of twelve months prior to the transfer in the case of intra-company transfers or three months in the case of intra-company graduate trainees.



Highly Skilled Workers without a job offer

This route is intended to be capped for a smaller number of the most highly skilled workers in the STEM and creative subjects to come to the UK without a job offer within the points based system to run alongside the employer-led system. The government are consulting with stakeholders on this proposal and details will be shared in due course.

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