



Myerson Brexit Team

New UK Immigration System
After Brexit

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The expiry of the transition period agreed between the UK and the EU on 31 December 2020 brought to an end to the right of freedom of movement, which had seen UK citizens and EU citizens move between the UK and the continent to live and work for decades.

On 1 January 2021, a new points-based immigration system was implemented in the UK, whereby EU citizens arriving in the UK will require permission in advance to live, work and study. The system looks to equalise the treatment of immigrants arriving from EU and non-EU countries.

It is important to highlight that individuals who were residing in the UK before 1 January 2021 may be eligible to apply for settled status under the EU Settlement Scheme, rather than having to meet the stringent requirements of the new immigration system.

The new system

The new immigration system, in place from 1 January 2021, includes many different routes to obtaining a visa. This includes perhaps more niche visas for those setting up innovative businesses in the UK or those working in the healthcare industry. However, we have covered three of the main routes to a visa below:

1) Skilled workers

A skilled worker, of any nationality, who is offered employment from an approved sponsor will be able to apply for a visa as long as they meet the following requirements:

- The job being offered is at a required skill level of RQF3 or above (equivalent to A level);
- The candidate can speak English; and
- The candidate is set to receive a salary of £25,600 or the relevant salary threshold for a specific sector, whichever is higher.

Additional trading points will be available to bolster the position of a skilled worker who is set to earn less than £25,600 but no less than £20,480, for example, if the job is in an area suffering from shortages or if the individual holds a relevant PhD.

2) Highly skilled scientists, researchers and mathematicians

These highly skilled workers will not need to hold a job offer in order to apply for a UK visa.

This fast track entry scheme (also known as the global talent route) will replace the current tier 1 (exceptional talent) route and be managed by UKRI to recruit the very best talent globally. The Government has stated that this route to obtaining immigration status will be carefully monitored and numbers will be capped during an initial implementation phase for the new system.

3) International university students and graduates

An individual wishing to study at university in the UK will be eligible to apply for a visa if they meet the following criteria:

- They have secured a place at a university;
- They speak, read, write and understand English; and
- They are financially able to support themselves and pay the required course fees.

International students who have graduated by summer 2021 will be able to seek employment or be employed in the UK (without a sponsor) at any skill level for two years or, three years if they have completed a PhD.

There will be no limit on the number of international students who can come to the UK to study and the new route will build on the current system in place.

Other routes

Individuals who wish to visit the UK will not require a visa to enter the UK for up to 6 months.

All EU, EEA and Swiss citizens living in the UK before 31 December 2020 can apply under the EU Settlement Scheme to continue living in the UK after 30 June 2021 (see our separate guidance note on settled status).

How to Apply

Individuals will be required to obtain a visa before entering the UK.

The application process is online and applications must be accompanied by the required fee. Biometric information will need to be provided and differs depending on whether an individual is an EU, EEA and Swiss citizen or a Non-EU citizen.

What does this mean for employers?

As of 1 January 2021, if an employer seeks to employ what will be known as 'migrant workers', they will need to obtain a sponsorship licence and pay the accompanying fees.

However, not every employer of migrant workers will need to apply straight away. Existing sponsors with appropriate licences (namely, general and intra-company transfer licences) will still be able to operate in relation to EU workers, up to their current end date.

It is also worth noting that short-term business visits to the UK may be permissible on a standard visitor visa, without having to meeting the more cumbersome criteria of the visa categories highlighted above. However, this would only apply to short-term business visits (normally up to six months), there will still be a fee payable and there would be very limited business activities that could be carried out without triggering the requirement for a work visa (such as attending a meeting).

Available support

Read more information on further routes:
[Click here](#)

Read additional guidance on the new immigration system:
[Click here](#)



You're in safe hands!

If you would like further information about how we can help you, or if you have any questions, please don't hesitate to contact a member of our Employment Team today.

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