

Brexit: The New Immigration Rules

The new immigration system from 1 January 2021



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Provide you with an overview of the changes and the:

- Impact on future recruitment exercises
- Impact on current EEA staff and their continued employment

The session will also provide:

- An overview of the UK Settlement Scheme
- Details on completing Right to Work checks.



- On 31 December 2020 freedom of movement between the UK and the EU ends and a new Points Based Immigration System will apply to EEA and Swiss nationals.
- EEA nationals residing in the UK by 31 December, plus qualifying family members, will be able to apply for right to remain in the UK under the EU Settlement Scheme.

The EU Settlement Scheme



The scheme allows EEA and Swiss nationals to continue living in the UK with the same access to work, study, benefits and public services.

- **Settled status**

Open to those who have lived in the UK for a continuous 5 year period settled status provides indefinite leave to remain. This enables individuals to continue living in the UK permanently.

- **Pre-settled status**

Open to those who were residing in the UK prior to 1 January 2021. Once individuals have pre-settled status, they can apply for settled status as soon as they have met the 5 year continuous residence period.

Applying for Settled Status



- It is a free online application and the Home Office's aim is to make the process simple and straightforward. The deadline to apply is 30 June 2021 but to be eligible under the scheme applicants must be resident in the UK prior to 1 January 2021. It is advisable to apply as soon as possible.
- Individuals can apply for the EU Settlement Scheme through the UK government website which explains the application process in full: <https://www.gov.uk/settled-status-eu-citizens-families>.

Applying for the EU Settlement Scheme



1. It is a simple process for applicants:

An individual can either:

- scan their documents and upload using the 'EU Exit: ID Document Check' app
- send their documents in the post
- visit a number of locations to have their document scanned. This option incurs a fee

2. Proof of residency in the UK

If an individual has a National Insurance number they can use this to initiate an automated residency check. If successful, no further documents are needed as proof of residency. If they do not have a National Insurance number other documentation will be required.

Existing Employees



- The College is not required to undertake further checks on Right to Work if an EU national was employed before 31 December 2020 (the College will have checks already).
- Employees may be encouraged to apply for Settled or Pre-settled status but the College cannot ask for 'proof' of submission or obtaining the status.
- If an employee does not apply by 30 June 2021 they may be working illegally but this is an individual's liability
- In the event that the College is made aware that an application had not been made/an individual did not have the right to work in the UK it would need to take steps to consider future employment.

What is changing?



- From 1 January 2021 is a **new points-based immigration system** is being introduced for those not in the UK by 31 December 2020.
- EEA nationals who do not already have the right to work in the UK will need to be 'sponsored'.
- The new system treats EEA (and Swiss nationals) and non-EU citizens equally. Anyone coming to the UK to work, ***excluding Irish citizens***, needs to apply for permission in advance.

Skilled Worker Process

Action/requirement	Current Process for non-EU appointments	Changes from 1 January 2021
Minimum qualification level	<ul style="list-style-type: none"> Qualification – Degree 	<ul style="list-style-type: none"> Qualification – Equivalent to A level
Standard Occupational List (used to classify occupations' appropriate skill level)		New roles added to include technicians, chefs, plumbers and electricians
Minimum salary	Entry level – £20,800 Experienced worker - £30,000	£25,600 or going rate for the job – whichever is higher. New entrant level 30% less but minimum salary must be at least £20,480
Obtaining the required points for sponsorship		Applicants can 'trade' characteristics such as their qualifications for some roles (e.g. relevant PhD), against a lower salary to get the required number of points for sponsorship. Subject to relevance of PhD, only allowable in some roles. Salary must still be above £20,480 but applicant may be able to trade if they have: <ul style="list-style-type: none"> a job offer in a specific shortage occupation a PhD relevant to the job a PhD in a STEM subject relevant to the job
Advertising requirement	Minimum 28 days in prescribed media to allow for non-EU nationals to be sponsored	No longer required (but advertising will still need to comply with good practice guidelines and College policy)

Skilled Worker Process

Action/requirement	Current Process for non-EU appointments	Changes from 1 January 2021
Costs for College	For EU nationals no costs	<ul style="list-style-type: none"> • Certificate of Sponsorship - £195 per application plus resourcing implications • Immigration Skills Charge (ISC) for non-PhD level roles - £1,000 for first year plus £500 for every subsequent 6 months
Costs for individual	For EU nationals no cost	<ul style="list-style-type: none"> • Visa costs – approx. £600 • Immigration Health Surcharge - £624 per annum per household member
Number of non-UK staff	An annual quota of 20,700 applies to Tier 2 (General) applicants from overseas unless the role is on the shortage occupation list or pays over £159,600.	<ul style="list-style-type: none"> • The annual quota is suspended.
General changes		
Action/requirement	Current Process for non-EU appointments	Changes from 1 January 2021
Visa changes	<ul style="list-style-type: none"> • Student visa – known as Tier 4 • Tier 2 (general) Certificate of Sponsorship – most commonly used by College • EU nationals living and working in another country have no restrictions 	<ul style="list-style-type: none"> • Tier 4 Student visa – renamed Student Visa • Tier 2 – renamed Skilled Worker Visa • New Graduate Visa – two years post study once completed for first degree/masters and three years post study for PhD to be introduced Summer 2021 • EU nationals not in UK by 31 December subject to points based immigration system

Changes for Individuals

Non-EEA nationals	EU/EEA/Swiss nationals resident in the UK <u>by 31 December 2020</u>	EU/EEA/Swiss nationals arriving in the UK <u>for the very first time</u> on or after 1 January 2021
No change	<p>Must apply for <u>pre-settled or settled status</u> by 30 June 2021.</p> <p>Will not be required to apply for a UK work visa</p> <p>Can continue to work as now</p>	<p>Will be required to gain a visa <u>in advance of travel to the UK</u></p> <p>Will need to be sponsored to work i.e. through a skilled worker visa</p>

Roles and Sponsorship

- The full list of jobs that qualify for sponsorship via the skilled worker route are published on the **Standard Occupational Codes (SOC)** list.
- Academic roles (at PhD level) and research positions such as Research Fellows can be sponsored.
- Roles such as technicians, which are not currently available for sponsorship by the College will now qualify. In addition electricians, plumbers, librarians gardeners and chefs have now been added to the list.
- Some roles cannot be sponsored irrespective of salary and qualification level as added to UKVI list. Such roles include receptionists and general administrative assistants.

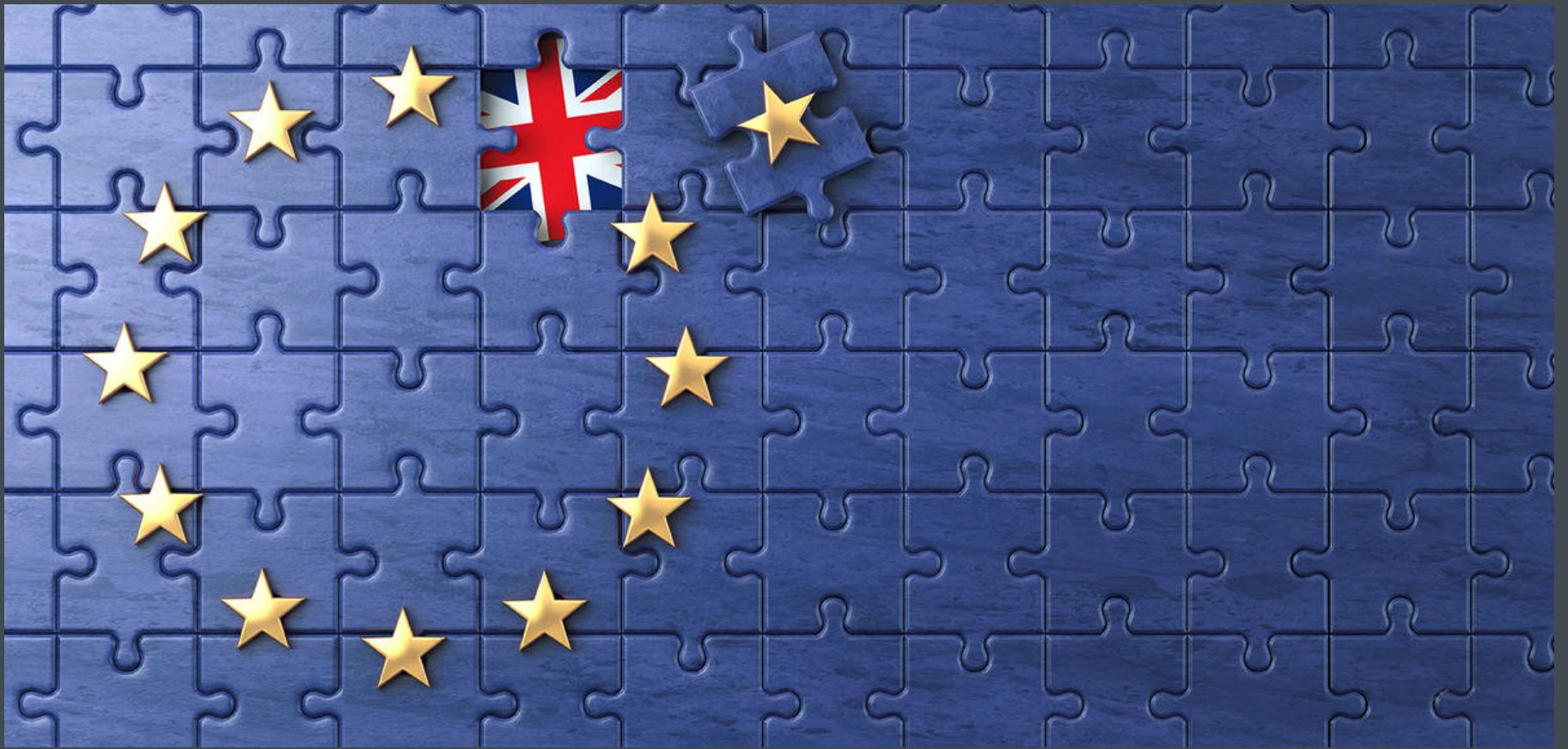
Summary of College Costs

The government has introduced a new **Immigration Skills Charge** payable by the employer.

- The fee is payable for each skilled migrant worker it employs through the Skilled Worker route.
- The fee applies to all non-PhD level roles.
- From 1 January 2021, the fee is payable when sponsoring both EU and non-EU migrant workers.
- The fee is £1,000 per worker for the first 12 months, with an additional £500 charge for each subsequent six-month period.
- The College will need to pay for a **Certificate of Sponsorship** for each sponsored migrant worker of £195.

Summary of Employee Costs

- EEA nationals sponsored by the College are now required to pay an **Immigration Health Surcharge from 1 January 2021** if they are coming to the UK for longer than 6 months. The charge provides free access to the National Health Service. Standard Visitor visa holders are excluded.
- From January 2021, the standard rate is increasing from £400 to **£624** per annum.
- Employees will be required to pay for a **visa**.
- **Visa costs - the cost for up to 3 years** is £610 from outside the UK and £704 to extend the visa or switch in the UK. Dependents pay the same fees. 3 years plus is £1,220 from outside the UK and £1,408 to extend or switch in the UK.
- The College has an **Immigration Loan Scheme** which provides a loan for up to £10,000 to support applicants with immigration costs.



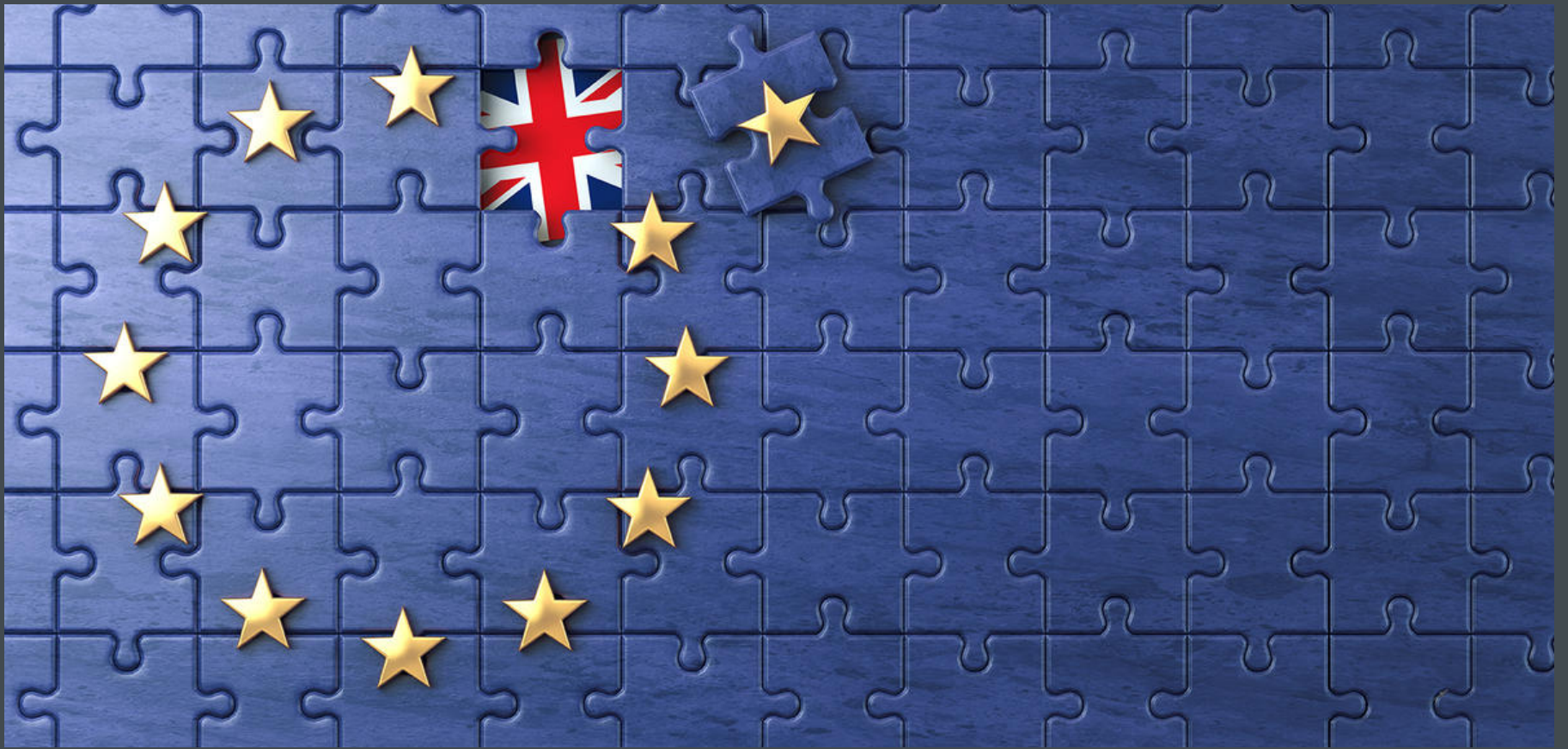
Student Workers



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- Students can continue to be engaged for casual work if their Student Visa allows such work.
- The Student Visa replaces the Tier 4 visa.
- Students can still only work a maximum of 20 hours per week and the process for engagement remains unaltered.
- Upon successful completion of a degree or above, students can apply for a Graduate Visa to stay and work in the UK for a maximum period of 2 years (3 years for PhD students).
- UK students no longer need to be added to the student worker spreadsheet.



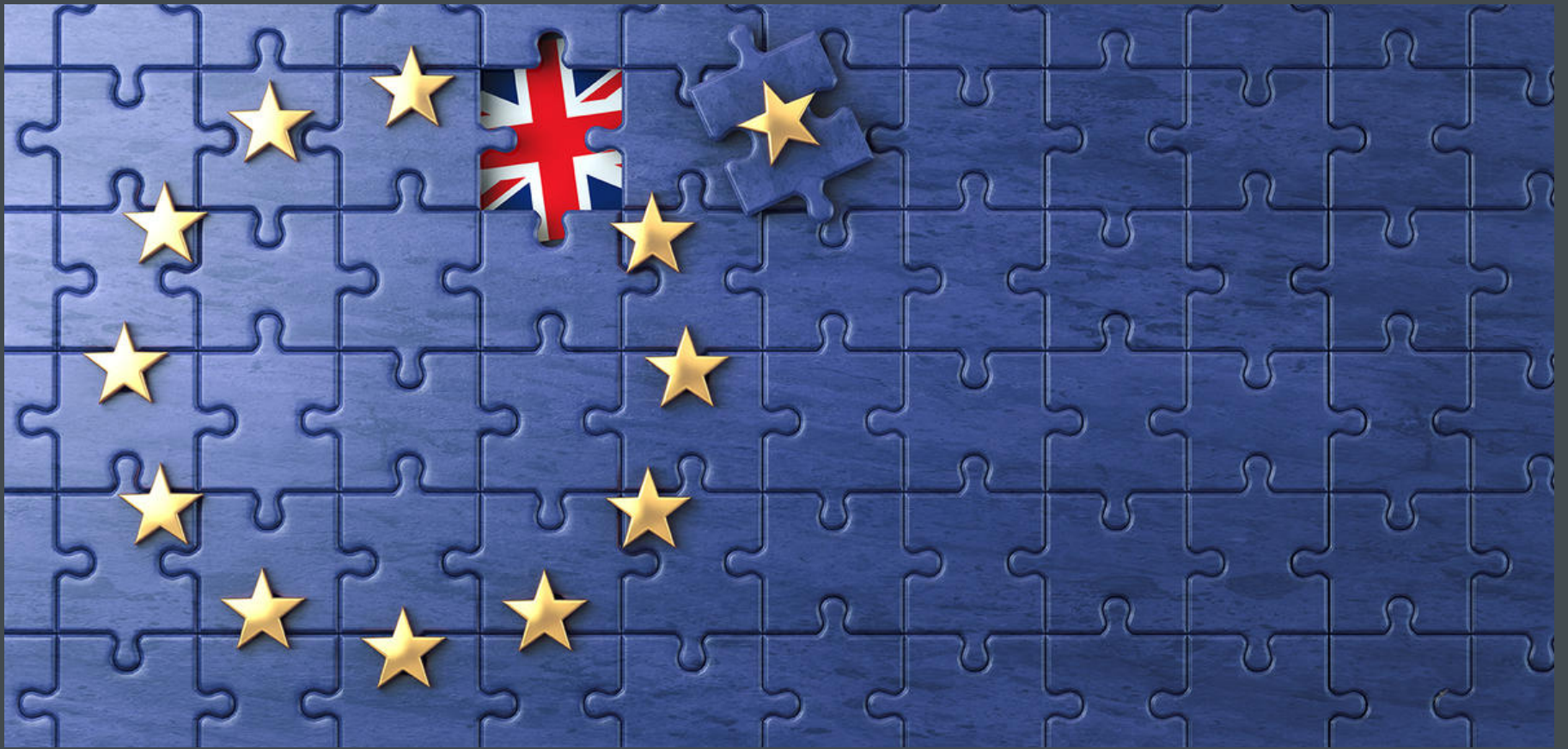
Frontier Workers



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- Frontier Workers (or cross-border workers) are EEA nationals (or Swiss nationals) who remain resident outside the UK while working for a UK employer. There is a requirement for these individuals to return to their home country at least once in a six month period.
- On 10 December, the government will launch a Frontier Worker Permit Scheme.
- Frontier Workers before 31 December 2020 will need to apply for a permit by 30 June 2021 to continue working in the UK after this date.
- Applications will be free and no time limit to apply.
- In the event that there may be others working outside of the UK please provide details to your Head of Department who can raise this with Finance/HR and further information can be sought where applicable.



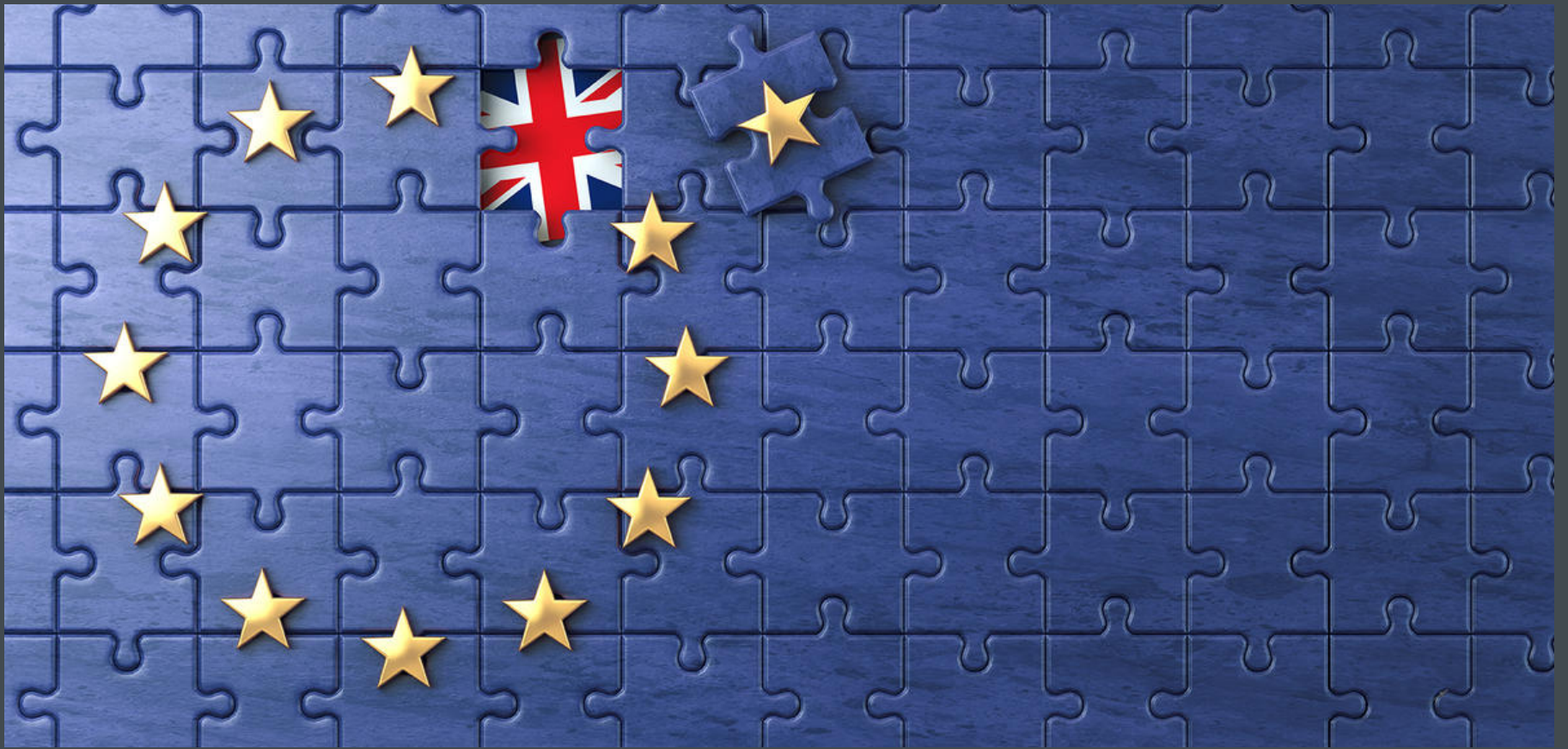
Hourly Paid Staff



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- Visiting Lecturers/Tutors/Hourly Paid Teaching Staff – we will be unable to sponsor this group due to salary levels.
- Unless individuals have their own right to work in the UK they cannot be engaged for work.
- Casual Staff – we cannot sponsor and therefore unless individuals have their own right to work we cannot engage them for work.



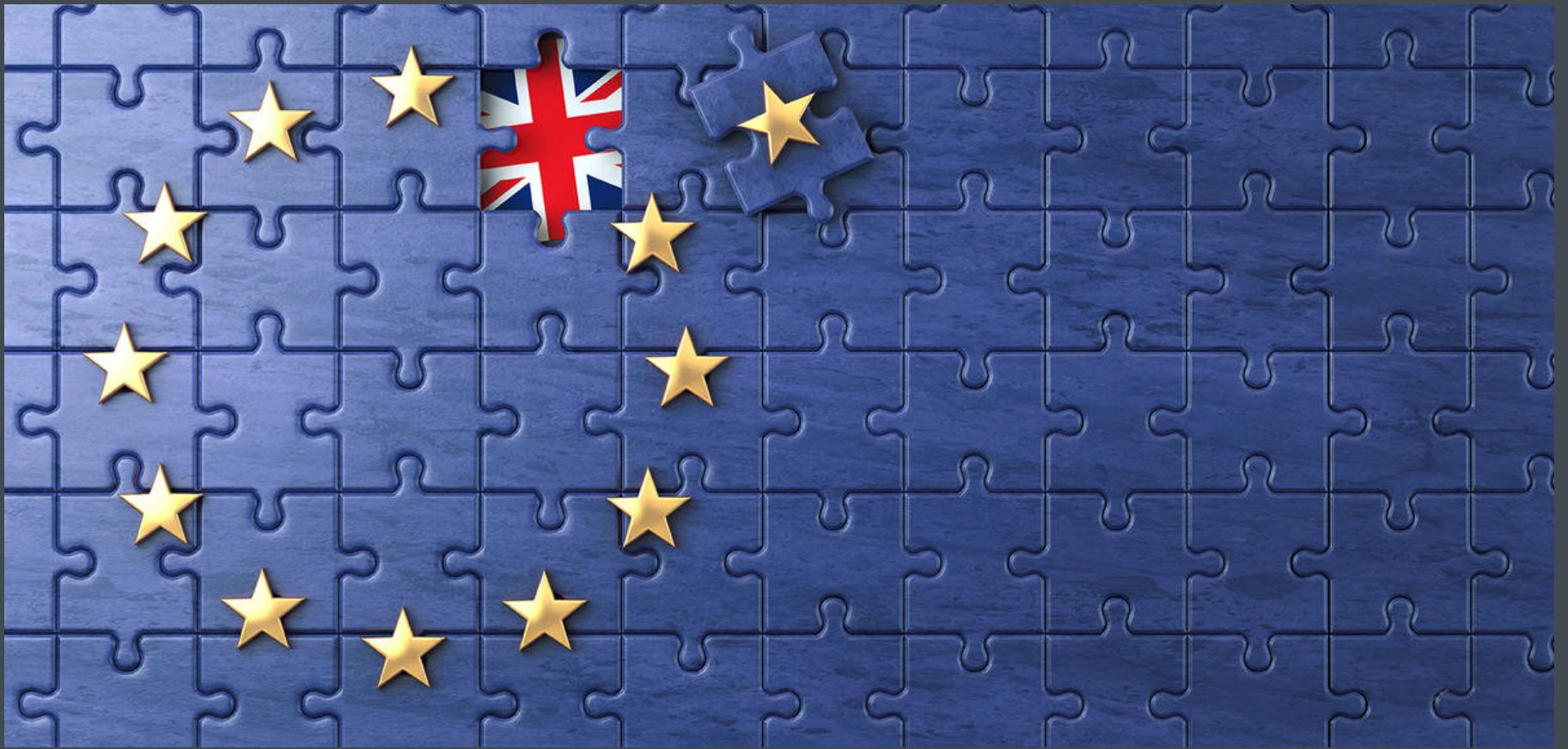
Academic Visitors



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- The Academic Visitor sub-category of the Standard Visitor route allows applicants to come to the UK to carry out academic activities.
- Applicants can apply to come to the UK for a period of up to 12 months. There is no option to extend this visa from within the UK.
- Academic Visitors can engage in the following activities: carry out private research for their own purposes if they are on sabbatical leave from their home institution, share knowledge and experience, and if they are an eminent professor they can take part in research, teaching or clinical practice, provided this does not amount to **paid or unpaid work**.



Right to Work Checks



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Checking Right to Work from 1 January 2021



- There will be no additional checks on existing employees and workers who were in the UK by 31 December 2020.
- For new employees the College will need to sponsor employees or rely on information provided by them stating they were in the UK by 31 December 2020.
- For new starters who confirm they were in the UK by 31 December **and this is their basis for right to work** the College will, accept an individual's passport or ID card. Checks and copies should be made in the same manner as now.
- For new starters who confirm that they have **their own permission to work in the UK** i.e. they have indefinite leave to remain, they are working as a dependent as someone with permission to work in the UK checks will be made as now, with applicants providing their passport or ID card and other documents i.e. student card if applicable.

Checking Right to Work from 1 January 2021



- For those being sponsored HR will continue to apply for a Certificate of Sponsorship as currently for non-EU nationals.
- From 1 July 2021 the College will be required to check Settled and Pre-Settled status for new employees. Applicants will need to provide a share code which will be checked against a government database and a copy of this will need to be provided with the other checks.
- The Moodle course will be updated shortly and further details on changes as and when these are identified by the government will be provided.



- Further information can be found on the College's EU Hub page (including FAQs)
- Immigration Loan scheme – under Pay and Benefits
- Government website: <https://www.gov.uk/guidance/new-immigration-system-what-you-need-to-know>
- For further information please contact Rachel Tribe (Head of HR Operations) at Rachel.Tribe@rhul.ac.uk and Anam Akhtar (Recruitment & Retention Manager) at Anam.Akhtar@rhul.ac.uk



- We have to consider all candidates equally regardless of their immigration status.
- Please do encourage existing EEA nationals to apply for the settlement scheme.
- Please look at the information which is available.
- If you require advice on the recruitment or management of your staff please speak to a member of the Human Resources Department.

Any Questions?



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