

# **Beyond Brexit Forum: Immigration**

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# Agenda

- Brexit Key Dates & EU Settlement Scheme
- New Immigration Rules
- Work visa categories
- Top tips

# Brexit Key Dates & EU Settlement Scheme

## Brexit – Key Dates

- Departure from EU: 31 January 2020
- Ended of transition period: 11pm on 31 December 2020
- Deadline for EU Settlement Scheme: **30 June 2021**
  - EU nationals arrived in the UK before 1 Jan 2021 are eligible for pre-settled or settled status
  - EU citizens arrive in the UK after 31 December 2020 do not have automatic right to remain or work in the UK
  - An EU citizen will have to leave the UK if no application has been made either under the EU Settlement Scheme or the new points-based immigration rules by 30 June 2021

# EU Settlement Scheme

## Late application?

- Reasonable grounds for the failure to meet the deadline
  - Children – where a parent, guardian or Local Authority has failed to apply
  - Physical or mental capacity and/or care or support needs
  - Serious medical condition or significant medical treatment
  - Victim of modern slavery
  - Abusive or controlling relationship or situation
  - Other compelling practical or compassionate reasons
  - Existing limited leave to enter or remain, or document or status under the EEA Regulations expires after 30 June 2021
- Frontier Worker Permit

# New UK Immigration Rules

- The new points-based immigration system came into force on 1 January 2021 which applies to all non-British/Irish nationals.
- Free movement for EU citizens ended on 31 December 2020. EU nationals wishing to travel to the UK need to be aware of the UK immigration system. Key considerations:
  - Purpose of your travel? Personal or business?
  - Activities to be carried out while in the UK?
  - A UK visa is required? If so, what are the requirements, costs and application process?

# Business Travel – UK

## General business activities:

- Attend meetings, conferences, seminars, interviews;
- give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser;
- negotiate and sign deals and contracts;
- attend trade fairs, for promotional work only, provided the visitor is not directly selling;
- carry out site visits and inspections;
- gather information for their employment overseas;
- be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

## Intra-corporate activities: an employee of an overseas based company may:

- advice and consult;
- Trouble-shoot;
- Provide training;
- Share skills and knowledge;

on a specific internal project with UK employees of the same corporate group, provided no work is carried out directly with clients.

Manufacture and supply of goods to the UK: an employee of a foreign manufacturer may install, dismantle, repair, service or advise on equipment, computer software or hardware, where such manufacturer has a contract of purchase or supply or lease with a UK company or organisation.

# Work visas

## Sponsored visas:

- Skilled Worker visa
- Intra-Company Transfer visa (ICT)
- Temporary worker visa (T5 Government Authorised Exchange, Creative or Sporting, Charity Worker, Religious Worker, Seasonal Worker (edible horticulture sector), International Agreement Workers)

## Un-sponsored visas:

- Youth Mobility visa (Australia, Canada, Monaco, New Zealand, San Marino, Hong Kong, Japan, South Korea and Taiwan)
- Graduate visa
- Global Talent visa
- EUSS, Frontier Worker Permit, BN(O) visa, spouse visa, PBS dependant,

## Top tips

- Utilise unsponsored visa categories, where possible
- Understand sponsor's duties and costs associated with sponsorship before embarking on the process of a sponsor licence application
- Apply for a sponsor licence now if you anticipate to hire non-British/Irish worker in the future
- If in doubt, speak to your legal advisor and sign up for legal updates



# Contact



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