



Brexit and Immigration

By **Vanessa Ganguin** - 30 September 2020

Brexit and Immigration - How do the rights of overseas workers change at the end of 2020?



Type of worker	Transitional Period	Full Brexit	Action Required?
	31 January 2020 – 31 December 2020	1 January 2021 onwards	
Non-UK Nationals	Can work in UK due to continued free movement of workers. Can apply for optional settled status or pre settled status but this becomes mandatory by 30 June 2021 and action is required during this period to preserve rights.	Can work in UK if they have: <ul style="list-style-type: none"> • Settled status (requires application before 30 June 2021) and was resident in UK before 11pm on 31 December 2020 (requires five years' residence in the UK); • Pre-settled status (requires application before 30 June 2021) and was a resident in UK before 11pm on 31 December 2020; or • Any other visa (where employer must have a sponsor licence – see new immigration system below). 	Yes
Irish Nationals	Can work in UK due to continued free movement of workers (see above) and agreements between Ireland and UK which pre-dates EU.	Can work in UK due to agreements between Ireland and UK which pre-dates EU.	No
Non-EU Nationals	Need visa to work in UK (and employer must have a sponsor licence).	Need visa to work in UK (and employer must have a sponsor licence) – see new immigration system below. Pre-existing sponsor licences awarded under the pre-January 2021 system will be automatically converted to Tier 2 (ICT) and Skilled Worker sponsor licences under the new system.	No

From 1 January 2021 a new immigration system will apply to both EU and Non-EU Nationals in the same way.

The current immigration rules are relaxed for both groups as follows:

- The skills threshold for Tier 2 will be reduced from level 6 (equivalent to degree level) to include 'medium skilled' occupations known as Regulated Qualifications Framework (RQF) level 3 (broadly equivalent to A-level).
- Employers will no longer be required to first advertise their vacancies to settled workers before being able to recruit from outside the UK (i.e. abolishing the resident labour market test).
- The minimum salary threshold will be reduced to £25,600 (and may be below this in certain circumstances).
- The 20,700 per annum numerical cap on the number of Tier 2 (General) applications will be suspended.

This is an overview summary only of the usual business immigration routes and should not be solely relied upon to determine the rights of specific persons to work in the UK. The above assumes no other right to work in the UK. There will continue to be some other limited categories that do not require sponsorship by the employer. Specific legal advice should be taken. Please contact [Vanessa Ganguin](mailto:vanessa.ganguin@gqlittler.com) at vanessa.ganguin@gqlittler.com.