



## IMMIGRATION NEWSLETTER - SUMMER 2017

What is on the horizon for business immigration in the UK this year? In the past few months, we've had the trigger of Article 50 and a General Election, which had caused progress in this area to be halted. However, in the last week, there have been further developments as the Government starts its Brexit negotiations. This newsletter has therefore been prepared to highlight to businesses the current rights of their EEA workers and to comment on what the future might hold.

### 1. EEA nationals in the UK

The Brexit negotiations have begun and the Prime Minister has pledged that all those who arrive in Britain before she triggered Article 50 on 29 March 2017 will be entitled to stay and be "treated the same as if they were UK citizens for healthcare, benefits and pensions". There is currently some confusion as to whether those who arrived in Britain after this time, before we officially leave the EU in 2019, will have the same rights.

Mrs May has published a 15 page policy paper, to put EEA citizens first, so that reassurance can be provided to those EEA nationals living in the UK and to those UK nationals living in other EU countries. It is clear that EEA citizens do not need to do anything now. There will be no change to the rights and status of EU citizens living in the UK, nor UK nationals living in the EU, until March 2019. From March 2019, the policy paper suggests that all 3 million EEA citizens will have to apply for inclusion on a "settled status" online register. The aim is that the online application process will be streamlined and as user-friendly as possible with fees set at a reasonable level.

The policy factsheet interestingly confirms that:

*"Permanent residence status is linked to the UK's membership of the EU and so will no longer be valid after*

*we leave. Therefore EU citizens do not need to apply for documentation confirming their permanent residence status. We will be asking EU citizens to make an application to the Home Office for a residence document demonstrating their new settled status".*

Therefore, if you employ EEA nationals who have permanent residence, this will not be sufficient to continue to employ them post March 2019. Those EEA nationals will need to apply for settled status through the online system. It is worth noting that this is only a proposal at this stage and has not been agreed by the EU. We will provide an update if and when this pledge has been agreed and advice on the implications on businesses' right to work checks.

Please follow this [link](#) to the Government policy documents.

### 2. The Conservative pledge

The Conservative Government is proceeding with a minority government with a little help from the DUP. Of relevance to this newsletter, the Conservative manifesto pledged to double the Immigration Skills Charge levy for companies by the end of this Parliament. This would



mean an increase from £1,000 to £2,000 per year for each migrant employed from outside the EEA. It is alleged that this revenue will be used to invest in higher skills training for workers in the UK. As this is only a manifesto pledge, it remains to be seen whether this proposal will come to fruition but it indicates the current trend to place further burdens on companies in the Conservatives' bid to reduce net migration.

### 3. Home Office visits

The employer's sponsorship guidance document has been updated to emphasise the fact that unannounced and unplanned Home Office visits are being conducted. We have recently had experience of the Home Office attending a client unannounced whilst their application for a sponsorship licence was being considered.

We urge businesses to ensure they are compliant with their sponsorship responsibilities as Home Office visits could be just around the corner. If the company fails such an inspection, it risks having its sponsorship licence downgraded or revoked.

For a reminder of the documentation that should be available for the Home Office to inspect upon a visit please refer to Appendix D by following this [link](#).

### Find out more

Please contact us to discuss your requirements or to find out more.



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