

The long-delayed immigration white paper was published on 19 December 2018. The key proposals for the new immigration system to be phased in from 2021 include:

- A skilled workers route open to all nationalities (i.e. no preferential immigration rules for new European Economic Area (EEA) arrivals following the Brexit implementation period).
- Those coming to the UK under the skilled workers route will need an employer to sponsor them (indicating a process similar to Tier 2 of the Points Based System, the current main UK work visa route).
- Lowering of the skills threshold under the skilled workers route to include medium-skilled workers qualified to RQF level 3 or above (A level or equivalent).
- Acknowledgement of the Migration Advisory Committee's (MAC's) recommended salary threshold of £30,000 for skilled workers, but with an intention to engage extensively with businesses and employers before confirming the threshold (including lower thresholds for graduates and roles on the Shortage Occupation List).
- No cap on numbers on the skilled workers route, meaning an end to the current annual limit of 20,700 Tier 2 (General) visas (this limit was exceeded in 2017 and the first half of 2018 causing widespread visa shortages and delays).
- The abolition of the resident labour market test as a condition of sponsoring a skilled worker.
- A transitional route for temporary short-term workers of all skill levels, including seasonal low-skilled workers. This route will not require workers to be sponsored by a UK employer, but will be subject to tightly defined conditions (including a limit of 12 months' work in the UK followed by a further 12-month cooling-off period) and only open to workers from specified low-risk countries.
- An extension to the post-study period for all international students.

These proposals largely reflect the recommendations made by the MAC in September 2018, so there are no great surprises. The abolition of both the resident labour market test and the annual cap on visas will be welcomed by employers. However, as we [commented](#) at the time, these new rules are likely to have a significant negative impact on UK employers:

- Employers reliant on lower-paid EEA workers may be unable to fill vacancies under the new system if they cannot find the workers they need from the UK resident workforce.

Short-term visas for workers of all skill levels may not be the answer, given the route will be in place for a transitional period only and assumes that employers do not require continuity from lower paid workers and/or that sufficient workers will be inclined to come to the UK under such conditions. Sectors such as retail, manufacturing, hospitality, construction and health/social care are likely to be most severely affected. However, as many even "skilled" roles command salaries of less than £30,000, all sectors may be affected, particularly if increased competition for workers exacerbates existing skills shortages and leads to wage inflation.

- Requiring employers to sponsor all those coming to the UK under the skilled workers route through Tier 2 of the Points Based System (even with the promise of making it more user-friendly), will impose on them substantial additional costs (both in terms of visa fees and immigration advice) and material compliance and administrative burdens. These do not currently apply when hiring EEA workers.

Importantly, the white paper states: "We will need further evidence and advice, and we want to work with businesses and other employers to shape both the final rules and processes". The government has said it intends to launch a 12-month programme of engagement with sectors across the UK, including discussions with private, public and voluntary sector employers, as well as industry representatives.

What Can Concerned Employers Do Now?

Our Business Immigration team will be supporting clients and contacts to understand the white paper proposals and engage in the consultation process:

- Let us help you prepare your response to the consultation – this may be your one and only opportunity to speak up!
- [Register your interest](#) with us, so that we can send you further guidance on the proposals, how to engage in the consultation process and invitations to relevant events.
- Sign up for our webinar in the early part of January – details to follow.

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