

White Paper published setting out post-Brexit immigration system

Article By:

Litigation at KL Gates

The UK Government has finally published its long awaited White Paper setting out its proposals for the UK's future immigration system. As anticipated, it adopts the majority of the Migration Advisory Committees (MAC) recommendations and seeks to bring EU workers within the existing Points Based System, subjecting them to the same requirements as non-EU workers.

The main proposals are:

- An end to free movement after the Implementation Period on 31 December 2020 and application of the UK Immigration Rules to EU and non-EU workers alike;
- Removal of the cap on the number of skilled workers coming to the UK - currently the cap on sponsored work visas under Tier 2 (General) is 20,700 per annum;
- Lowering the skills threshold to include workers with intermediate skills ranging from degree level qualifications to A-Level qualifications;
- Abolishing the Resident Labour Market Test - a 28 day advertising requirement currently required for Tier 2 (General) applications;
- Reforming the current sponsorship system making it more straightforward and affordable for sponsoring employers, small and large, to hire eligible labour from the EU.

The above is essentially creating a single immigration route for skilled workers.

Salary thresholds TBC

A recommendation of the MAC which came under scrutiny was the suggestion that a minimum salary of £30,000 be retained in this new system. This imposes a relatively high salary threshold which does not take any consideration into account of the skill level of the worker. This recommendation is not adopted in the White Paper and the UK Government said it wants to consult with businesses and employers before crystallising salary requirements.

Low skilled workers

Recognising the challenges faced by employers in sectors such as construction and social care, the paper proposes that workers considered to be lower skilled, who do not meet the skills and salary

criteria, will in future be limited to a twelve month working visa which will immediately be followed by a twelve month “cooling off period”. This aims to prevent long-term working and will impose restrictions on “nationalities, duration and possibly numbers”. The visa will not entitle migrants to bring their family members, access public funds, switch visa category or lead to settlement in the UK. The paper goes on to state that this is only a transitional arrangement, possibly lasting until its review in 2025, although this is not confirmed.

Students

Students will still remain an accessible talent pool to employers following the reforms. Students will retain the ability to switch from within the UK into a skilled working category following their studies, and will be given an additional six months’ post study leave to find permanent skilled work and work temporarily during that period under the proposals.

Students studying at bachelors level or above will be able to switch into the skilled workers route up to three months before the end of their course in the UK, and from outside the UK for two years after their graduation.

Action Points

Given that we have finally received some long awaited clarity from the UK Government on the future of our immigration system and the new requirement for UK employers to require a sponsor licence to employ EU and non-EU migrant workers going forward, businesses who are not a current sponsor should consider obtaining a licence sooner rather than later.

At the time of writing only 29,013 UK employers hold a licence to sponsor migrants in the UK. That number is set to increase dramatically as the scope of sponsored workers broadens and employers should plan to put licences in place now so that they don’t incur delays in filling gaps in their workforce once the restrictions are implemented, due to the inevitable influx of applications from employers across the country and the likely processing delays which will arise as a result.

Copyright 2025 K & L Gates

National Law Review, Volume VIII, Number 354

Source URL: <https://natlawreview.com/article/white-paper-published-setting-out-post-brex-it-immigration-system>