



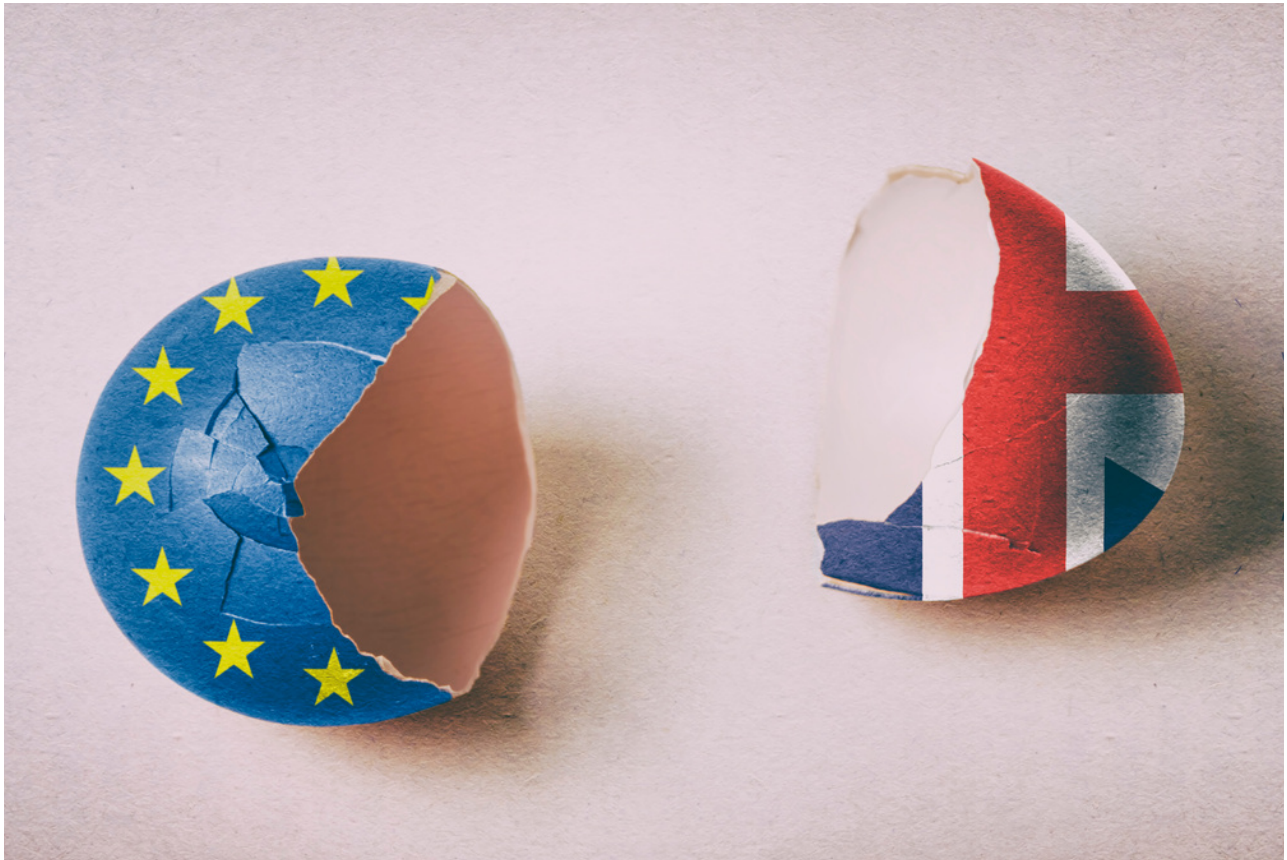
Clover HR

CLOVER HR EMPLOYER GUIDE

An Employer's guide to BREXIT

CLOVER HR GUIDE:

Employer Guide to Brexit



We've all been a bit distracted recently, due to the Coronavirus pandemic, from the fact the UK is currently in the transition period of leaving the EU, which is due to end on 31st December 2020

Key Facts:

- The freedom of movement between the UK and EU will end on the 1st January 2021.
- From the 1st January 2021 company's will need to have a sponsor licence to hire people from outside the UK.
- The UK will introduce an immigration system that will treat all applicants equally, regardless of where they come from.
- Current employees (EU citizens) will need to apply to the EU Settlement Scheme in order to continue living and working in the UK past the 30th June 2021.

01

WHAT DO EMPLOYERS NEED TO DO FOR EMPLOYEES WHO ARE EU CITIZENS?

It is an individual's own responsibility to apply to the EU Settlement Scheme (EUSS) to remain living and working in the UK after 30th June 2021. Successful applicants of the EUSS will get one of the following grades;

SETTLED STATUS

This will be given to those who have lived continuously in the UK for five years and enable the holder to remain in the UK indefinitely.

PRE-SETTLED STATUS

This will be given to those who do not yet have five years' continuous residence. Individuals with pre-settled status can apply for settled status once they have accrued five years' continuous residence in the UK.

Employers have a duty not to discriminate against EU, EEA or Swiss citizens, and cannot require an employee to evidence their status under the EUSS until after 30th June 2021.

The EUSS is already open and individuals can apply online using the link below. It is free to apply to the scheme, and the deadline for applying is 30th June 2021.

Please note individuals applying must have started living in the UK by 31st December 2020.

<https://www.gov.uk/settled-status-eu-citizens-families>

Employers can support employees who are EU nationals to apply for a settled or pre-settled status under the EUSS by 30th June 2021. Employers should start having conversations, if they haven't already, with EU employees about what their intentions are so action can be taken accordingly. Under the EU settlement scheme, once an employee has got a settled status, they can apply to become a British citizen if eligible.



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RECRUITING EU CITIZENS AFTER BREXIT?

In order to recruit and employ someone from outside of the UK after 1st January 2021, an employer will need a sponsor licence, with a new points-based immigration system being introduced.

Steps to apply for sponsorship;

STEP 1: SETTLED STATUS

To be eligible for a sponsorship licence an employer cannot have;

- Unspent criminal convictions for immigration offences or other types of crimes, for example, fraud.
- Any history of failing to carry out sponsorship duties.

STEP 2: SETTLED STATUS

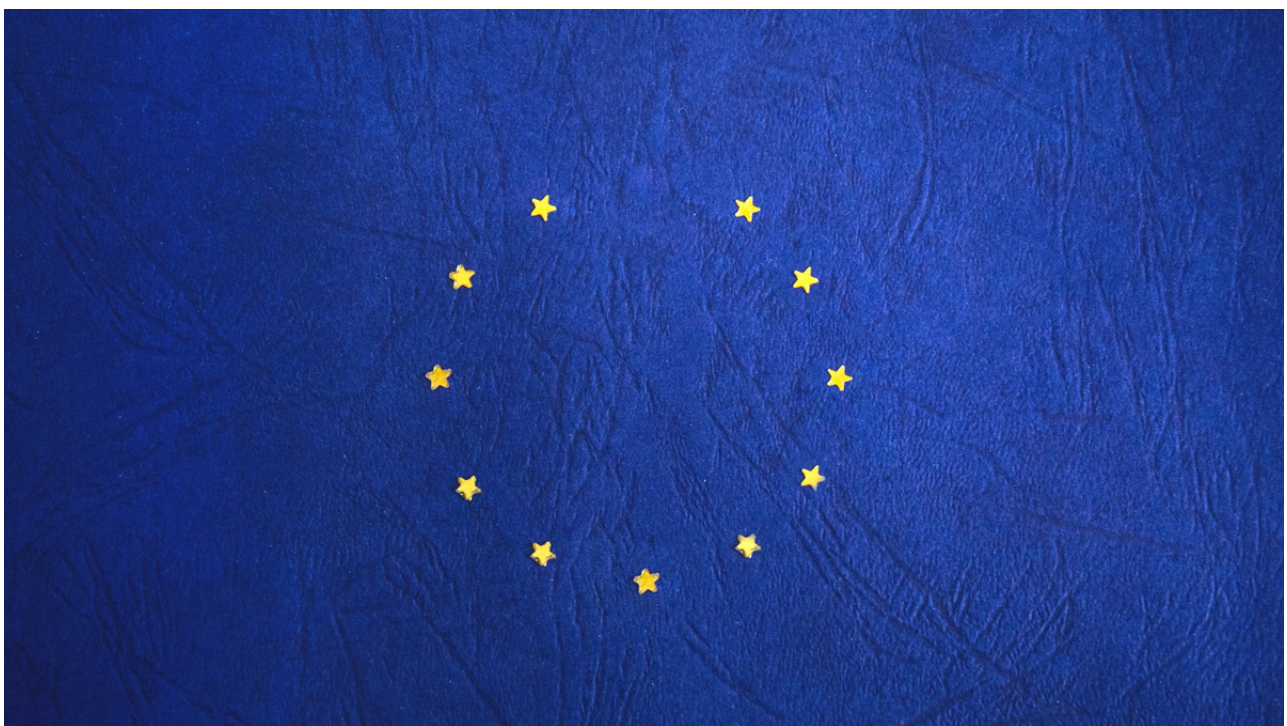
Generally speaking, there are two types of licence an employer would be looking at obtaining, dependant on the type of workers required to fill job roles;

- Tier 2 – this is for skilled workers with long-term job offers or who you are looking to employ permanently, and can be split into the following categories;
 - General– here the role needs to comply with the job suitability criteria. Up to date information on job suitability can be found here: <https://www.gov.uk/uk-visa-sponsorship-employers/job-suitability>
 - Intra-Company Transfer – this is for employees who need to be transferred to the UK from multinational companies.
 - Minister of Religion – this is for individuals who are coming to work in the UK for a religious organisation (for up to 3 years)
 - Sports Person – this is for coaches and elite sportspeople who will be based in the UK.

Businesses wishing to recruit people from outside the UK, under the Skilled Worker route (detailed above) will need to demonstrate the following;

- The individual has a job offer from a Home Office licensed sponsor employer;
- The individual speaks the required level of English;
- The job offer is at the required skill level or above (equivalent to A level);
- The individual will be paid the 'going-rate' for the role or at least £25,600, whichever is higher.
- Tier 5 - skilled temporary workers who you are looking to employ on a temporary basis, and can be split into the following categories
 - Creative and Sporting – this is for individuals who are coming to the UK to work as a sportsperson (for up to a year) entertainer or artist, (for up to 2 years).
 - Charity Worker – this is for individuals taking on unpaid work (for up to a year).
 - Religious Worker – this is for individuals conducting pastoral and non-pastoral work (for up to 2 years).
 - Government Authorised Exchange - this is for work experience (up to a year), research projects and/or training (for up to 2 years).
 - International Agreement – this is where an individual is coming to the UK do a job covered by international law.

Employers can apply for a licence covering either tier or both.



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SPONSORSHIP MANAGEMENT ROLES

When applying for a licence, individuals within the business will need to be appointed to manage the sponsorship process. The roles are:

AUTHORISING OFFICER

This should be a senior and competent person, who will be responsible for the actions of employees and representatives who use the Sponsor Management System (SMS).

KEY CONTACT

This will be the main point of contact with UK Visas and Immigration (UKVI)

LEVEL 1 USER

(Using the SMS) This individual will be responsible for the day-to-day management of the Company's licence.



05

APPLY ONLINE

You can apply for sponsorship online, which should take around 20-30 minutes to complete. As part of the application process, supporting documents will need to be evidenced to prove it is a genuine business.

A list of the up to date supporting documents can be found using the link below;

<https://www.gov.uk/government/publications/supporting-documents-for-sponsor-applications-appendix-a>

Most applications (8 out of 10) are dealt with in less than 8 weeks.

UKVI (UK Visa and Immigration) will review your application and supporting documents. As part of the application process, you may get a visit to the business, so that UKVI can assess if you are trustworthy and capable of carrying out duties under sponsorship.

Sponsor licences are valid for 4 years, however, an employer can lose their licence if they do not meet the sponsor responsibilities.

RIGHT TO WORK CHECKS

If you are employing someone new, you need to carry out your usual right to work checks. (Note: EU passports and national ID cards can be accepted as proof of right to work in the UK until 30 June 2021), it is highly recommended that from 1 January 2021 you ask every new recruit, including EU nationals about their UK immigration.

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