

The impact of Brexit on your workforce

An update for your business

There are now only 6 weeks left until the end of the Brexit transition period on 31 December 2020. The UK's new immigration system will come into force on 1 January 2021.

There is estimated to be at least 3.7 million EU workers currently living and working in the UK. Many of these workers are employed in the hospitality industry. On 31 December 2020, free movement will cease and EU nationals arriving in the UK after this date will be subject to the UK's new points-based immigration system, which will not differentiate between EU and non-EU migrants.

In this update, Angela Barnes, Business Immigration Specialist at Napthens LLP, shares her answers to some of the most commonly asked questions.

What's the position for EU workers currently working in the UK?

EU nationals and their family members who are here now or enter the UK before 31 December 2020 will be eligible to apply for either 'Settled' or 'Pre-settled' status under the EU Settlement Scheme ("EUSS"), which opened to all applicants on 30 March 2019. The EUSS will protect an individual's right to reside in the UK beyond 31 December 2020. The UK Government is therefore encouraging EU nationals and their family members to apply now. The scheme closes on 30 June 2021.

What about EU workers arriving after 31 December 2020?

EU workers arriving in the UK after 31 December 2020 will be subject to the new immigration system. Anyone coming to the UK from the EU or elsewhere for work must meet a specific set of requirements, for which they will score points. The requirements are that the individual must have a job offer from an approved sponsor and prove they can speak English at the required level. The role they will be employed to do must also be at a certain skill and salary level.

Will our business need a Sponsor Licence to employ EU nationals?

Yes. To be able to employ EU nationals after 31 December 2020, employers will need to obtain a Sponsor Licence, to sponsor migrant workers. To apply for a Sponsor Licence, the applicant will need to meet certain criteria set by the Home Office, submit an online application and provide the correct supporting documents. The application process typically takes up to 8 weeks, although it is anticipated that the process could take longer as we approach the end of the transition period.



What are the next steps?

Businesses should be actively supporting and reassuring their EU workforce about the EUSS. This could include, for example, running virtual support sessions for staff, assisting with applications where appropriate and, if necessary, giving EU workers dedicated time within the working day and/or loaning equipment, so that they can easily submit their EUSS applications. However, employers should be careful not to push or force EU nationals to apply for the scheme, as there is no legal requirement for employees to apply at present and, in doing so, employers may discriminate against these employees.

The next step is for businesses to consider applying for a Sponsor Licence, if they have not already done so, in preparation for the new system. Analyse the composition of the workforce, in order to assess the likely impact of Brexit. If a Sponsor Licence is required, I would encourage businesses to act quickly, especially as it is anticipated there will be a surge of new applicants in the coming months and this will impact upon processing times.

For more information on Brexit and its impact on business, visit the [Napthens Brexit hub](#)



ANGELA BARNES

**Senior Associate Solicitor,
Employment**

angela.barnes@napthens.co.uk

