



# Welcome

## Personal Immigration Matters: considerations for employers

# Your hosts

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# WHAT WE WILL COVER TODAY

- EU SETTLEMENT STATUS
- SKILLED WORKER VISA ROUTE
- BRITISH CITIZENS AND NON BRITISH SPOUSES
- CITIZENSHIP AND NATURALISATION
- THINGS TO LOOK OUT FOR AS AN EMPLOYER

# EU SETTLEMENT STATUS

- EU, EEA or Swiss citizens can apply to the EU Settlement Scheme to continue living in the UK after 30 June 2021.
- Must have started living in the UK by 31 December 2020.
- Two types of settlement status: settled and pre settled status:

Settled status	Pre-Settled status
Lived in the UK for a continuous 5 year period.	Not lived in the UK for a continuous 5 year period.
Entitled to remain in the UK indefinitely.	Must have started living in the UK by 31 December 2020.
May be able to apply for British citizenship if eligible.	Can remain in UK for further 5 years from date of pre-settled status.
	Once lived in the UK for a continuous 5 year period can apply to switch to settled status.

- Deadline for applying is 30 June 2021.

# EU SETTLEMENT STATUS - DEPENDANTS

- Dependants can apply to join the EU, EEA or Swiss family member if their family member started living in the UK by 31 December 2020.
- Spouse, civil partner or unmarried partner can apply - the relationship must have started by 31 December 2020 and must still exist.
- Children, grandchildren or great grandchildren can apply if under 21 or as a dependant child over the age of 21.
- Can also apply as a dependant parent, grandparent or great-grandparent, or relative but must be able to prove your relationship.
- A dependant may be eligible if they lived outside the UK in an EU or EEA country with their family member who is a British citizen – must have lived with them in an EU or EEA county before 1 January 2021.
- May also be eligible if the individual used to have a family member who was living in the UK by 31 December 2020 → “retained rights of residence”.

# SKILLED WORKER VISA ROUTE

- Allows an individual to come to or stay in the UK to do an eligible job with an approved employer.
- The employer must have a sponsor licence – separate application.
- Eligibility:
  - Work for an employer that has been approved by home office.
  - Have a certificate of sponsorship from the employer with information about the role offered.
  - Must be a job on the list of eligible occupations.
  - Salary must meet the minimum salary threshold depending on the type of work– usually at least £25,600 per year unless the going rate for job is higher than this (there are different salary rules for some healthcare or education jobs).
  - The applicant must be able to speak, read, write and understand English – they will usually need to prove knowledge of English when they apply.
- Visa can last up to 5 years but can be provided the eligibility requirements are met.
- The applicant will need to pay healthcare surcharge – usually £624 per year.
- Must show that they are able to support themselves in the UK – usually need to have at least £1,270 available.

# SKILLED WORKER VISA ROUTE – DEPENDANTS

- Partners and children can apply to join the skilled worker in the UK as their dependant.

Dependant	Eligibility Requirements
Husband, wife, civil partner or unmarried partner.	Civil partnership or marriage that is recognised in the UK or Living together in a relationship for at least 2 years.
Child under 18 – including if they were born in the UK during the stay.  Child over 18 if they are currently in the UK as a dependant.	If the child is 16 or over they must:  Live with the worker (unless in full time education at boarding school, college or university).  Must not be married, in a civil partnership or have any children.  Be financially supported by the worker.

# SKILLED WORKER VISA ROUTE – DEPENDANTS

- The worker will need to provide evidence of their relationship.
- Partners and children must have a certain amount of money available to support themselves whilst in the UK - £285 for partner, £315 for one child, £200 for each additional child.
- Both parents of a dependant child applicant must be either applying at the same time as the applicant or have permission to be in the UK (other than as a visitor) unless one of the following applies:
  - the parent with permission is the sole surviving parent
  - the parent with permission has sole responsibility for the child's upbringing
  - there are serious and compelling reasons to grant the child entry clearance or permission to stay with the parent with permission.
- Children born in the UK do not automatically become a British citizen – must apply for the child's dependant visa if the worker wishes to travel in and out of the UK with the child.



# BRITISH CITIZENS AND NON-BRITISH SPOUSES

- A non-British spouse will need a Family Visa to live with a family member in the UK for more than 6 months.
- Their partner must be either a British or Irish citizen, settled in the UK e.g., indefinite leave to remain or be from the EU, Switzerland, Norway, Iceland or Liechtenstein and have Pre-Settled status.
- Must be over 18 to apply as a partner.
- Must intend to live together permanently in the UK.
- Eligibility requirements:
  - In a civil partnership or marriage that's recognised in the UK.
  - Been living together in a relationship for at least 2 years.
  - A fiancé, fiancée or proposed civil partner and will marry or enter into a civil partnership within 6 months of arriving. They will not be able to work during the engagement and must prove that any previous marriages or civil partnerships have ended.
  - Must have good knowledge of English and be able to financially support themselves and any dependants.
- Can stay for 2 years and 9 months (6 months if applying as a fiancé/fiancée or proposed civil partner). After this, they will need to apply to extend visa.

# CITIZENSHIP AND NATURALISATION

- Can apply for citizenship if lived in the UK for 5 years and have had one of the following for 12 months:
  - indefinite leave to remain in the UK.
  - 'settled status' (also known as 'indefinite leave to remain under the EU Settlement Scheme').
  - indefinite leave to enter the UK (permission to move to the UK permanently from abroad).
- An applicant must:
  - be over 18
  - prove they were in the UK exactly 5 years before the day the Home Office receives the application
  - prove their knowledge of English, Welsh or Scottish Gaelic
  - have passed the life in the UK test
  - intend to continue living in the UK
  - be of good character

# CITIZENSHIP AND NATURALISATION

- Can apply for British Citizenship by 'naturalisation' if:
  - are 18 or over
  - are married to, or in a civil partnership with, someone who is a British citizen
  - have lived in the UK for at least 3 years before the date of your application
- Can also apply as soon as they have one of the following:
  - indefinite leave to remain (ILR) in the UK
  - 'settled status' (also known as 'indefinite leave to remain under the EU Settlement Scheme')
  - indefinite leave to enter the UK (permission to move to the UK permanently from abroad)
  - a permanent residence document to prove you have permanent residence status

# THINGS TO LOOK OUT FOR...

- ❑ Be careful not to give employees immigration advice.
- ❑ Consider what support you can provide the employee e.g. providing them with all documents they request from you.
- ❑ Signpost where they can get advice from.
- ❑ Consider the emotional impact this may have on the employee.
- ❑ Before offering a job, ask if the candidate would like to bring anyone with them to the UK – application is easier if they arrive at the same time.
- ❑ Your obligations to the Home Office.
- ❑ Look out for change in circumstances e.g. employees must report if they get a criminal conviction, separate from their partner or if any children stop living permanently with them.

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