

**European Economic Area**

Successive UK governments have attempted to restrict immigration but, at least until after Brexit, people from the European Economic Area (EEA) do not need permission to come here and work. (The EEA is comprised of the European Union States plus Iceland, Liechtenstein, Norway and Switzerland.) This includes people from the A8 countries (accession 8) that joined the EU in 2004 – Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia and the countries that joined in 2007, Bulgaria and Romania (A2 countries). Croatia joined the EU in July 2013.

**The Rest of the World**

People from outside the European Economic Area must comply with a Points-Based System (PBS). Employers must register as sponsors and apply for permission to employ skilled people from outside the EEA and demonstrate that they cannot fill the post from the domestic labour force. Entrepreneurs and very highly skilled people can also apply through the PBS.

**Tier 1 (highly skilled migrants)** includes professionals such as doctors, scientists, self-employed workers, entrepreneurs and investors ‘who can contribute to growth and productivity’. To be eligible for Tier 1 one does not need to have a job offer, but must accumulate points by demonstrating that you are highly qualified, have been able to command high earnings previously, have experience of the UK, age, English language skills and ability to support yourself financially.

Entrepreneurs need to be able to demonstrate that they can make a substantial investment in the UK. In August 2011 a new ‘exceptional talent’ category was added to Tier 1 for talented people who are recognised as ‘world-leading or potentially world-leading’ in science or the arts.

**Tier 2 (skilled people with job offers)**

This tier includes people who ‘fill gaps in the United Kingdom workforce’ and can include elite sports people, ministers of religion and employees transferring within multinational companies. Employers must register as sponsors, adhere to the ‘resident labour test’ and demonstrate, by advertising locally for four weeks, that no suitably qualified ‘settled’ worker can do the job.

This does not apply if the job is on the ‘shortage occupation list’ (see below). There are also a couple of other exceptions such as certain categories of graduates. Points are gained for qualifications; future expected earnings; English language skills; and the money you have for maintenance. Tier 2 is subject to an annual limit of 20,700. Graduates who used to be able to apply under Tier 1 for a post-study work visa (PSW) have to apply under Tier 2.

**Tier 3 (low-skilled workers)** This would include people such as contract workers in catering and construction, ‘to fill temporary labour shortages’, but this Tier has been suspended indefinitely, to ensure that low-skilled job vacancies are filled solely by people from the EEA. People will no longer be able to gain citizenship by this route if it is reopened.

## EMBRACE NI Immigration Policies

February 2019

**Tier 4 (students)** Colleges and universities have to sponsor for non-European students and must report students who withdraw or interrupt their studies. Students have to meet strict criteria and cannot transfer between academic institutions. Only people studying in publicly funded universities or colleges have the right to work part time and visas are time-limited.

**Tier 5: (youth mobility and temporary workers)** Sports people, professional musicians, cultural exchanges, charity workers, religious workers and working holidays for young people are included in Tier 5. Permit-Free Workers include some temporary staff, such as diplomats and representatives of foreign firms.

For additional information on the PBS read the online guide: [www.gov.uk/uk-visa-sponsorship-employers](http://www.gov.uk/uk-visa-sponsorship-employers)

### Situation after Brexit

The Government has published a draft immigration bill to become law following Brexit. EU nationals would no longer have the automatic right to come to the UK for work, and a new worldwide system would cover highly-skilled and skilled workers and those with intermediate skills. Other jobs should be filled by UK residents, although short-term agricultural work may be an exception. See ***The UK's future skills based immigration system*** [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/766465/The-UKs-future-skills-based-immigration-system-print-ready.pdf)

### Difficulties faced include:

- The bureaucracy in obtaining work permits/ visas
- The cost of visas and other documentation e.g. application for indefinite leave to remain costs £2,389, as at October 2018.
- People have delayed access to out-of-work welfare benefits. Most workers from outside Europe are barred until they have permanent residence or citizenship after at least five years. EEA nationals are also restricted in how long they must work before being eligible for such benefits and the period that they can receive them is restricted.
- It is difficult for some people to travel freely across the border.
- Gaining the permanent right to settle here can take at least 5 years and some categories of workers may never gain that right.
- To sponsor a non-European partner or spouse to join you in the UK you need to have a gross income of £18,600 or substantial savings.
- Most people from outside Europe lose the right to stay here if they lose their job or status as a spouse or partner of someone who has the right to remain. (This can cause problems for victims of domestic violence.)
- Everyone is entitled to emergency medical treatment but people in some immigration categories do not receive free ongoing healthcare.
- To live here permanently, people from outside Europe must pass an English test and a Living in the UK test.