



Mobility: immigration alert

December 2019

United Kingdom

Further to our General Election update, other immigration developments

Executive summary

Key takeaways from the Queen's speech

The government has set out some further details around the 2021 immigration system in the Queen's speech.

The Speech and the 151 page [background government paper](#) reaffirms the government's commitment to:

- ▶ A new visa to ensure qualified doctors, nurses and health professionals have fast-track entry to the United Kingdom.
- ▶ A modern, fair, points-based immigration system will welcome skilled workers from across the world to contribute to the United Kingdom's economy, communities and public services.
- ▶ Bring an end to free movement in UK law, to ensure that the Government can deliver a new Australian-style points-based immigration system from 2021.
- ▶ Make EU citizens arriving from 2021 subject to the same UK immigration controls as non-EU citizens, to enable the Government to deliver a single global immigration system based on people's skills.
- ▶ Protect the long-standing immigration status of Irish citizens when free movement ends.
- ▶ Developing and reinforcing UK immigration controls and ending free movement will give the Government greater control to reduce the overall number of migrants coming to the UK, with fewer lower skilled migrants. The new single system will allocate points

on a range of criteria in three broad categories and it will be focused on skills and talents, not nationality:

- ▶ Migrants who have received world-leading awards or otherwise demonstrated exceptional talent and sponsored entrepreneurs setting up a new business or investors. [Analogous to existing Tier 1]
- ▶ Skilled workers who meet the criteria of the points-based system and have a job offer. [Analogous to existing Tier 2]
- ▶ Sector-specific workers who enter on schemes for low-skilled work, youth mobility or short-term visits. These provide no route to permanent settlement and will be revised on an ongoing basis based on expert advice from the MAC. [Analogous to existing Tier 3 (not currently open) and Tier 5]
- ▶ The fast-track scheme for top scientists and researchers will:
 - ▶ Abolish the cap on numbers under the Tier 1 Exceptional Talent Visas;
 - ▶ Expand the pool of UK research institutes and universities able to endorse candidates; and
 - ▶ Create criteria that confer automatic endorsement, subject to immigration checks.

- ▶ In addition, the government will:
 - ▶ Create visa schemes for new migrants who will fill shortages in our public services, including a fast-track NHS scheme.
 - ▶ Increase the annual quota for the Seasonal Agricultural Workers Scheme from 2,500 to 10,000.
 - ▶ Require new arrivals to contribute to the funding of the NHS and will increase the health surcharge, for those staying in the UK for more than six months, to ensure it covers the full cost of use. It is understood the increase is likely to take the charge to £625 per person per year for skilled migrants.

High Court rules child fees for British citizenship are unlawful

In a landmark judgment the high court [ruled](#) that the Home Office's £1,012 child citizenship fee is unlawful. Although largely case-fact specific, the court found a "mass of evidence" showing that the fee prevents many children from registering British citizenship, leaving them feeling "alienated, excluded, 'second-best', insecure and not fully assimilated into the culture and social fabric of the UK". The Home Office is now required to reconsider the fee and ensure that children's best interests are taken fully into account in doing so. The court has made clear that where a child has a right to British citizenship it will generally be in the child's best interests to be registered as British, and whether the fee is compliant with the Government's duties to protect the best interests of a child under section 55 of the Borders, Citizenship and Immigration Act 2009 will require careful consideration.

What happens next

- ▶ Ongoing: continued announcements likely
- ▶ January 2020: The MAC is due to report back to the Government on its consultation covering salary thresholds and how the UK could adopt an Australian style points-based system
- ▶ 31 January 2020: The UK is expected to leave the EU
- ▶ March 2020: A greater level of detail expected on the new system, to take effect from 2021
- ▶ April 2020: Possible interim changes to Tier 2 to take effect
- ▶ 31 December 2020: Assuming the current Withdrawal Agreement is ratified, the end of the transition period. Although an extension of the transition period is possible, Boris Johnson's Government has indicated this will not be necessary
- ▶ 1 January 2021: The expected implementation date for the UK's Future Skills Based Immigration System

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