



News – November 19, 2021

NEW IMMIGRATION RULES FOR SENDING WORKERS TO THE UK AFTER BREXIT



Employers from the European Union, who intend to send employees to the United Kingdom, must consider the provisions of the new UK immigration legislation that came into force after Brexit.

1) Employees sent to the UK under the **Standard Visitor regime do not need to hold any entry visa, provided that:**

- a) the stay does not exceed 6 months;
- b) the employee will carry out only the activities allowed by the new UK immigration legislation, including:
 - training activities (participation in seminars, meetings, conferences, training courses);
 - negotiating and entering into contracts;
 - carrying out inspections and surveys;
 - providing consultancy services to companies which are part of the same group for a specific project;
 - audit activities at subsidiaries of the same group;
 - installing, dismantling and repairing machinery sold to UK customers.

2) A visa is instead required for employees sent to the UK to carry out working activities different from those permitted by the Standard Visitor regime.

There are two types of visas: the **Skilled Worker** visa, suitable for skilled workers and the **ICT-Intra Company Transfer** visa, suitable for transfers between companies of the same group.

2.1) The **Skilled Worker** visa is issued in the presence of the following requirements:

- a job offer received from a sponsor-licensed UK employer to fill a role that requires the possession of skills attested by a high school diploma or proven experience in the same role;
- an intermediate level (B1 or higher) of knowledge of English, certified by CEFRL (Common European Framework of Reference for Languages);
- an annual salary of more than £25,600 or more than the going rate, i.e. the average annual salary provided for the individual types of employment listed in the tables published on the website of the British immigration authority.

The Skilled Worker visa allows the employee to obtain the permanent residence in the UK after 5 years of stay.

2.2) The **ICT-Intra Company Transfer** visa for the transfer of the employee between companies of the same group is issued in the presence of the following very strict requirements:

- performing and covering a role that requires skills attested by a bachelor's degree or proven experience in the same role;
- have been employed for at least 12 months by the non-UK group company ordering the transfer to the UK. This requirement is not necessary for high earners, i.e., employees with an annual salary of more than £73,900;
- earn a minimum annual salary of £41,500;
- the stay must not exceed 5 years cumulatively within a 6-year period;
- for high earners the stay must not exceed 9 years over a period of 10 years.

The ICT visa does not allow the employee to obtain the permanent residence in the UK.