

The UK's Brexit White Paper – Our interpretation of key quotes on immigration

The UK Government published their latest Brexit White Paper on 12 July 2018, setting out their negotiating mandate for the UK's trading relationship with Europe. The White Paper contains a high level description of how immigration will be managed when free movement ends as of 1 January 2021.

We do not have much detail yet, but it reads as though the current immigration system for non-EU migration will be applied to Europeans. We have provided key quotes from the White Paper and our observations, along with some of the questions that will need to be answered.

In some respects, the gaps are as important as the content. It does not tell us:



Whether it will be possible to recruit EU workers for jobs below degree level (a real concern for many industries).



Anything about how employers will be able to hire new European employees.



If sponsorship or the full range of government immigration fees will apply.

We should learn more about those plans in the Autumn and will ensure our clients are fully briefed. This briefing sets out what is being proposed and what it might mean for business.

These policies will only apply to people entering from 1 January 2021 onwards



“The UK and the EU have already reached a proposed agreement on citizens’ rights which provides Europeans living in the UK, and UK nationals living in the EU before the end of the transition period, with certainty about their rights going forward. Fragomen’s guide on this agreement is here.”



“Individuals will continue to be able to move, live and work on the same basis as now up until 31 December 2020.”

Free movement will end from 2021 and we will have a new immigration system



“In future it will be for the UK Government and Parliament to determine the domestic immigration rules that will apply. Free movement of people will end as the UK leaves the EU.”

- This is arguably not strictly accurate – the UK will leave the EU on 29 March 2019 but free movement will continue throughout transition, until 2021.



“The UK will design a system that works for all parts of the UK.”

- We assume this means a single immigration system for all parts of the UK, given the Government’s arguments against regional migration policy.



“The Migration Advisory Committee (MAC) report, due in September 2018, will provide important evidence on patterns of EU migration and the role of migration in the wider economy to inform this.”

- You can see Fragomen’s evidence to the Migration Advisory Committee on our [Brexit Microsite](#)

Future mobility arrangements with Europe, in a free trade agreement (FTA)



“Any future mobility arrangements will be consistent with the ending of free movement, respecting the UK’s control of its borders and the Government’s objective to control and reduce net migration.”

- It is interesting that the Government has not referred to migration targets about reducing net migration to the tens of thousands.



“Given the depth of the relationship and close ties between the peoples of the UK and the EU, the UK will make a sovereign choice in a defined number of areas to seek reciprocal mobility arrangements with the EU, building on current WTO GATS commitments.”

- The World Trade Organisation’s General Agreement on Trade and Services commits the UK to allow the entry of business visitors, intra-company transferees and contractual service suppliers. The Government wants to go further in a European FTA.



“The UK has already proposed that this should be achieved in an appropriate framework for mobility, in line with arrangements that the UK might want to offer to other close trading partners in the future, where they support new and deep trade deals.”

- The White Paper is concerned with a UK and EU FTA, but they are signalling the same commitments could be offered to other countries too.

Ireland maintains its special status



“These proposals are without prejudice to the Common Travel Area (CTA) arrangements between the UK and Ireland, and the Crown Dependencies. The CTA means that Irish citizens will continue to enjoy a special status in the UK, provided for by domestic legislation, distinct from the status of other EU nationals.”

Business visits – extend existing rules to Europeans?



“The UK would seek reciprocal arrangements that would allow UK nationals to visit the EU without a visa for short-term business reasons and equivalent arrangements for EU citizens coming to the UK.”



“This would permit only paid work in limited and clearly defined circumstances, in line with the current business visa policy.”

- Very limited circumstances, for instance a lawyer undertaking advocacy at court or a student examiner.

Intra-company transfers - extend existing rules to Europeans?



“The UK also wants to agree reciprocal provisions on intra-corporate transfers that allow UK and EU-based companies to train staff, move them between offices and plants and to deploy expertise where it is needed, based on existing arrangements with non-EU countries.”

- Will this mean continuing the requirements for an ICT to be sponsored, have 12 months company experience, be paid at least £41,500 and for substantial government fees to be paid?“



The UK will also discuss how to facilitate temporary mobility of scientists and researchers, self-employed professionals, employees providing services, as well as investors.”

- These will be important conversations and we hope they will involve meaningful consultation with business.

Students will still be able to come, but on what terms?



“The UK and the EU should continue to give young people and students the chance to benefit from each other’s world leading universities, including cultural exchanges such as Erasmus+.”

- Will they need to be sponsored before they can come over and will they be able to stay after graduating?

There would be a youth mobility scheme



“The UK proposes a UK-EU youth mobility scheme to ensure that young people can continue to enjoy the social, cultural and educational benefits of living in each other’s countries.”



“The UK already operates a number of youth mobility schemes with other global partners, for example with Australia and Canada, on which this could be modelled.”

- Will they also be limited to staying for two years and be prevented from switching to a work visa from within the UK?
- This is welcome, but how will it work?

No queues at the border?



“The UK already has existing arrangements with low-risk, non-EU countries that enable smooth access at the border, such as the Registered Traveller Scheme in place with a number of countries like the US and Japan.”



“The UK wants to agree reciprocal arrangements with the EU that ensure smooth passage for UK nationals when they travel to the EU, for example on business or on holiday.”

- This makes practical sense all round – no government wants queues to hamper the economic and other benefits of tourism.

Streamlined processes



“At the border, as now, tourists and business visitors should not routinely have to face questions about the purpose of their visit.”



“The UK also wants to minimise administrative burdens for those seeking permission to travel, enter or reside in each other’s territories, including short, simple and user-friendly application processes.”

- The UK has a good story to tell here – our visa services are largely fast and effective for business.

British people in Europe



“The UK will also seek to secure onward movement opportunities for UK nationals in the EU who are covered by the citizens’ rights agreement.”



“Some of these UK nationals have chosen to make their lives in the EU, and this should be respected in the opportunities available to them if they decide to change their Member State of residence.”

- For instance, if you are living in Germany, the UK wants it to be easy for you to move to France.