



Leaders in Global Mobility

9 May 2019

FRAGOMEN

Workforce Immigration Issues

- ▶ Brexit
- ▶ European Developments
- ▶ Business Immigration in the Trump Era
- ▶ Future Global Immigration Issues
- ▶ Developments in Immigration technology

Brexit

The Politics



Key Dates

29 MARCH 2019

The EU Settlement Scheme opened all applicants

1 June or 31 October 2019

Current proposed dates for the UK to leave the EU

1 JANUARY 2021

Transition period ends. New arrivals to the UK for work purposes are likely to need a visa and permission to live in the UK

30 MARCH 2019 TO 31 DECEMBER 2020

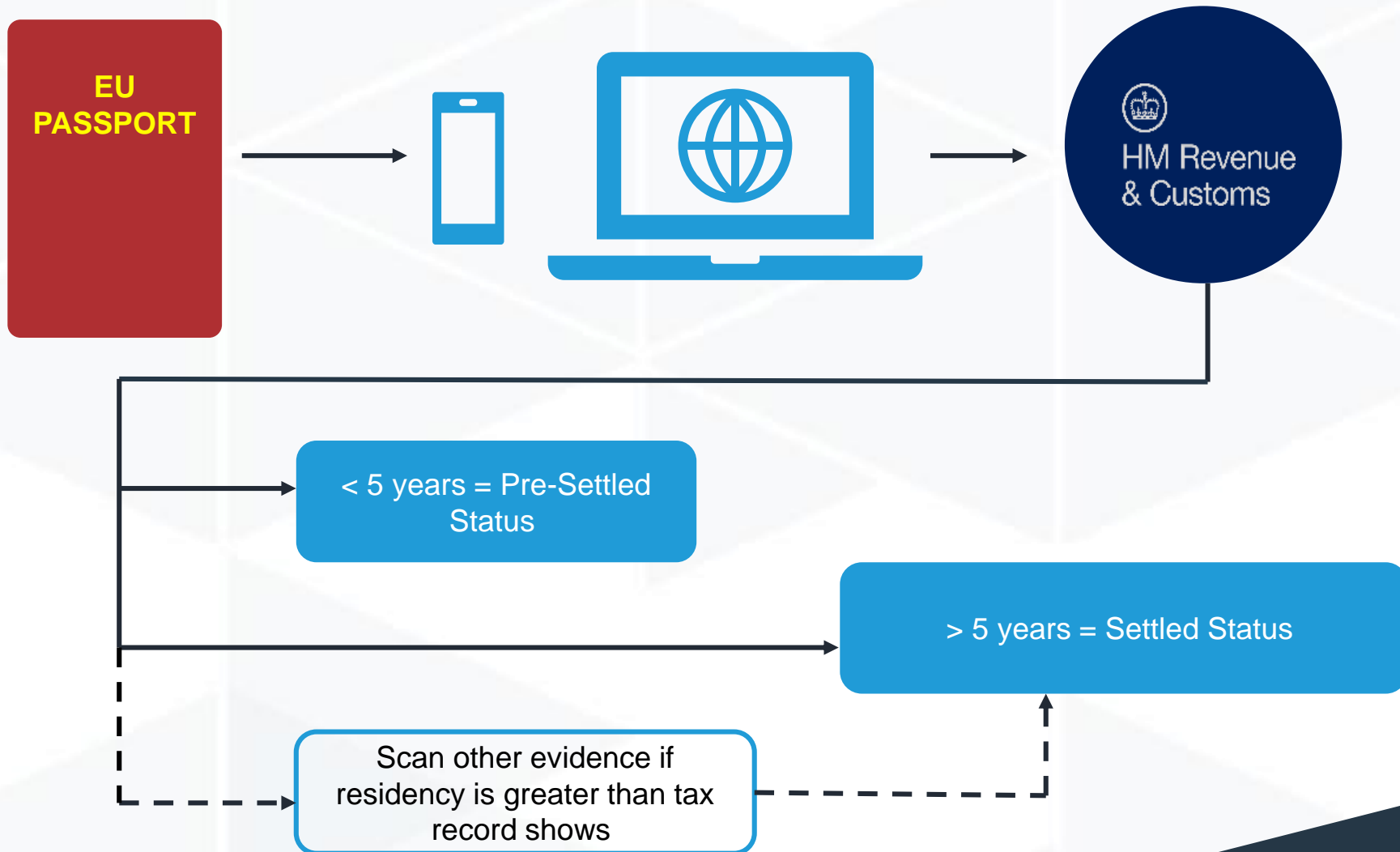
EU nationals can apply for pre-settled or settled status. In a no deal, new arrivals to the UK during this period for over three months may need to register their presence (apply for European Temporary Leave to Remain).

30 JUNE 2021

Deadline for pre-settled and settled status applications (If the Withdrawal Agreement is not signed this will be brought forward to 31 December 2020).

The EU Settlement Scheme

How does it work?



What to do now?



British citizens in Europe



Review risk areas (ST business travellers)



Communicate with employees, business leaders



Contingency planning for a no-deal



Engage in consultations on implications of new Immigration System – including the likely increase in costs

Future of the UK's Immigration Landscape

- ▶ UK Government have published a White Paper setting out plans for a new immigration system post Brexit. “The UK’s future skills-based immigration system” – 19 Dec 2018
- ▶ Single Immigration System for all nationalities
- ▶ Not all nationalities will be treated the same. The UK Government will differentiate according to perceived risk or trade deals
- ▶ Limited visa options for lower skilled workers (even with the new Short Term Temporary visa category)
- ▶ Possible minimum salary requirement of £30,000 for visas for highly skilled
- ▶ No RLMT
- ▶ No Cap on Migration or Restricted COS process
- ▶ Emphasis on digital systems
- ▶ Joined up Government (eg Home office and HMRC sharing data)

European Developments

European Developments

The Politics



Posted Worker Notifications

Posting of Workers:

Temporary employment of staff in an EU Member State other than the country of habitual employment

Posted Workers Directive 96/71/EC



Aims at ensuring fair competition in terms of labour and salary conditions



Respect for the labour rights of posted workers

Enforcement Directive 2014/67/EU



Aims at better implementation and monitoring of the application of Directive 96/71/EC



Strengthens the mechanisms of control, enforcement and cooperation

Intra-Corporate EU Transferee Directive

Move types

MAIN EU ICT PERMIT

- ▶ This is the **main EU ICT work and residence permit** issued by one particular Member State, to which the assignee is primarily moving.
- ▶ This application takes place when the assignee does not have an EU ICT permit in any other Member State and qualifies for the permit.

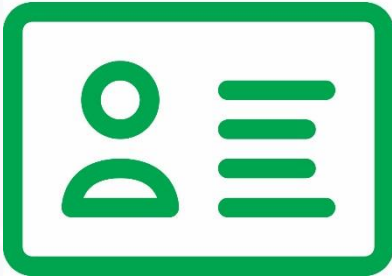
SHORT-TERM MOBILITY

- ▶ This allows holders of an EU ICT permit issued by one Member State to go **for work purposes** to another Member State for **less than 90 days in a period of 180 days**.
- ▶ The sub-assignment can only take place **within the validity** of the main EU ICT permit.

LONG-TERM MOBILITY

- ▶ This allows holders of an EU ICT permit issued by one Member State to go **for work purposes** to another Member State for **more than 90 days in a period of 180 days**.
- ▶ The sub-assignment can only take place **within the validity** of the main EU ICT permit.

Intra-Corporate EU Transferee Directive



(+) POSITIVE

- Finally a European work permit (that allows work in more than one EU Member State)
- Opportunity for immigration planning considering:
 - Procedural advantages in some countries: recognised employers, short processing times
 - Various admission criteria : salary threshold, recognition of professional experience, seniority requirement
 - Mobility needs of the assignee



(-) NEGATIVE

- Some Member States haven't implemented the Directive yet or have done it incorrectly/inconsistently.
- Need to clarify some provisions: social security for pan-European roles and Posted Worker notification requirements
- If elimination of similar national schemes: problematic for those assignees who do not qualify for EU ICT (seniority, salary requirement, etc.)

**BUSINESS
IMMIGRATION IN
THE TRUMP ERA**



*U.S. Immigration
and Customs
Enforcement*

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Business Immigration in the Trump Era



Travel Ban, January 2017



“Buy American and hire American” Executive Order, April 2017



Increase in H1B requests for further evidence (RFEs) and denials



H4 spousal and employment proposals



Looking ahead

Developments in the rest of the world

Common Changes



Eligibility

Use of nationality-based rules:

- ▶ Many African and Middle Eastern countries, many EU countries

Labor market test changes:

- ▶ Many EU countries



Process

Simplification of immigration systems:

- ▶ China, Brazil, Colombia, Australia

Online lodgment:

- ▶ Many APAC countries

Diplomatic strain causing delays:

- ▶ Venezuela, Costa Rica, U.S., Russia



Compliance

Stricter post-entry registration requirements:

- ▶ Some LAR countries

Increased and stricter audits:

- ▶ Some African countries

Stricter record-keeping requirements for employers:

- ▶ EU countries

Stricter documentation maintenance rules for posted workers:

- ▶ EU countries

Significant Immigration Events

Brazil

Overhauled its immigration system & reclassified visa categories

- ▶ Streamlined mobility rules

Australia

Replaced the Subclass 457 Visa Program with a more restrictive program (Temporary Skills Shortage Visa)

- ▶ More complex processes, restricted eligibility

China

Implemented a new nationwide work authorization application policy

- ▶ Increased processing times

Colombia

Implemented new law that reorganized visa categories

- ▶ Increased monitoring required by companies

Future Global Immigration Issues

Future Global Immigration Issues



Future of work and fitness of purpose



Increased focus on regulation and compliance



Hindrances to Speedy Landings



New immigration technology



Questions?



**Thank
you!**

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