



GMS Flash Alert

Immigration Edition

2018-163 | December 14, 2018

United Kingdom – Statement of Changes for Tiers, 2, 4, and 5, and Seasonal Workers

On 11 December 2018, the U.K. government published a number of changes to the Immigration Rules¹. The “Statement of Changes” introduces: (i) small changes to the Tier 2, Tier 4, and Tier 5 categories, (ii) an expansion of the Tier 1 (Exceptional Talent) category, and (iii) a pilot introduction of a new “seasonal workers” scheme. Most of the changes are expected to take effect from 1 August 2019; however the main impact on Tier 5 will be coming into force as soon as 1 January 2019.

WHY THIS MATTERS

Introduction of a scheme for seasonal workers is a direct response to expected shortages of low-skilled labour as a result of Brexit. The other changes are minor adjustments to existing policy except for the Tier 1 (Exceptional Talent) category being expanded to those in the field of architecture.

Highlights of Proposals

- Tier 1 (Exceptional Talent)
 - This will now include individuals in the field of architecture – such applications will be assessed by the Royal Institute for British Architects operating within the endorsement remit of Arts Council England.
 - The initial entry visa for all applicants will include an additional four-month period in line with other visa categories in Tier 1 that can lead to settlement in the United Kingdom. This provides applicants with extra time to meet any qualifying periods.

- Tier 2
 - Various provisions are “tidied up” including removal of any references to “Universal Jobmatch,” which was replaced by “Find a Job” service in May 2018.
 - The rules on permitted periods of unpaid leave are updated to reflect current unpaid leave rights, for example to include parental leave and strike action.
- Tier 4
 - The Statement of Changes sees an updated definition of types of higher education institutions including those with a “track record of compliance.”
 - Rules on Tier 4 students supported by student loans are simplified.
- Tier 5
 - The annual youth mobility scheme quota will be updated.
 - Introduction of a “cooling off” period of 12 months for charity and religious workers.
 - Introduction of the new seasonal worker scheme, which will start off as a pilot to enable non-EEA migrant workers to come to the U.K. to undertake seasonal work in the horticultural field.
- Domestic abuse provisions
 - The eligibility for indefinite leave to remain, as a victim of domestic abuse, will be clarified to include partners of people with refugee status who have not yet been granted indefinite leave to remain.

KPMG NOTE

This Statement of Changes was preceded by uncertainty relating to the Tier 1 (Investor) category which was reported to have been suspended by the government on 6 December 2018.²

However by the time of the actual changes, the Home Office had said that his policy was not in fact being implemented.³

Instead, the concurrent changes to the rules provide clarity on technical issues; they also give people insight into the seasonal workers scheme, which would be the first time we have seen this open to non-EU nationals since 2008 (when the previous scheme became restricted to nationals of Romania and Bulgaria after they joined the EU). The pilot should provide the U.K. government with essential data and information that could be used if the government decides to roll this out widely.

While there is nothing major in the other changes, considered individually, together the clarifications and rationalizations should improve predictability of the system.

FOOTNOTES:

1 For the full statement of changes, click [here](#).

2 See “Investor visa scheme halted in money laundering crackdown,” published in the BBC online (6 December 2018) at this [link](#). *Please note this link will take you to a non-governmental, non-KPMG, 3rd party website. Provision of this link does not represent an endorsement of this site by KPMG.*

3 This information, according to “Home Office confirms chaotic U-turn on suspension of Tier 1 (Investor) visas,” on the Free Movement.org website at this [link](#). *Please note this link will take you to a non-governmental, non-KPMG, 3rd party website. Provision of this link does not represent an endorsement of this site by KPMG.*

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Contact us

For additional information or assistance, please contact your local GMS or People Services professional* or one of the following professionals with the KPMG International member firm in the United Kingdom.

The KPMG Legal Services – Immigration Team has a wealth of experience in transactional, advisory, and compliance assurance services. We will be able to advise your business in relation to practical considerations in light of the above changes, as well as what this means for your long-term recruitment and compliance strategies.



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