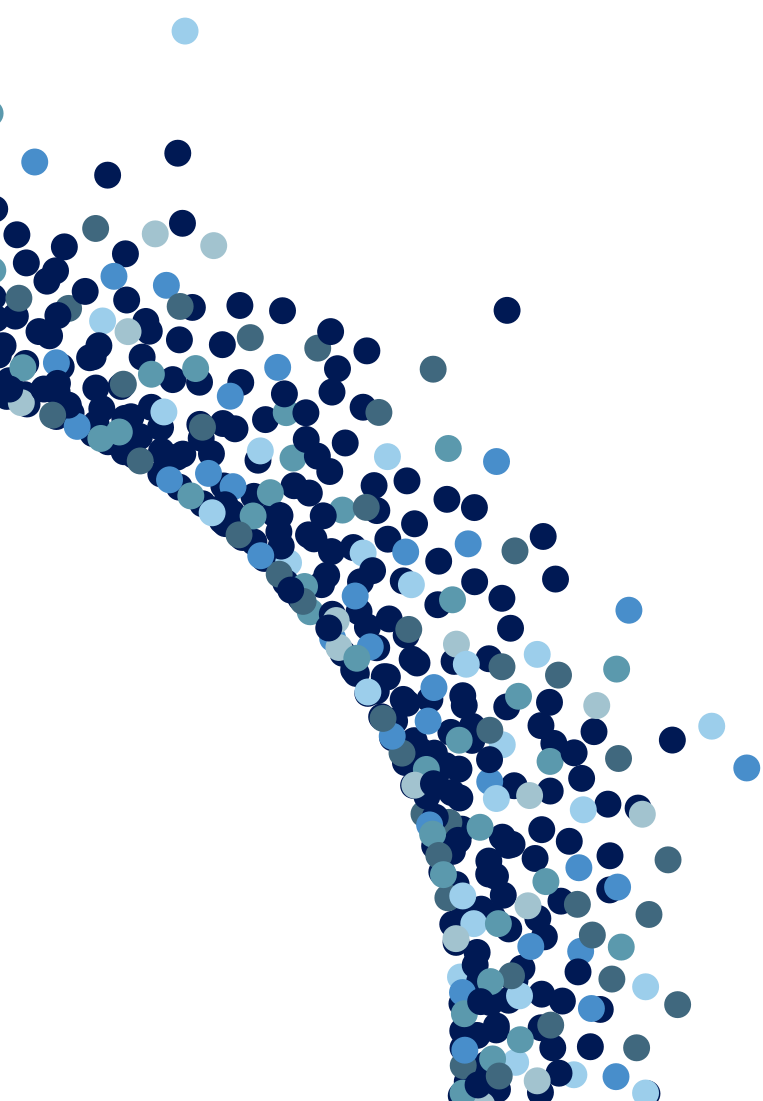




COMMENTARY

Integration in the UK and the Post-Brexit immigration system



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One of the major outcomes of Brexit has been the implementation of a new immigration system. From the beginning of January this year, free movement came to an end and EU citizens coming to live or work in the UK will need to apply for a visa.

The public debate about the new immigration system has focused on its economic impacts, including questions such as how employers will adjust to the new system and what the impacts will be on different parts of the workforce, from [hospitality](#) to [social care](#). There has also been widespread discussion about the process through which EU citizens already living in the UK must secure their residence rights—the [EU settlement scheme \(EUSS\)](#).

How the new system might affect the well-being and integration of both migrants and wider communities in the UK has received less attention. This commentary outlines a few of the ways in which the landscape facing policymakers and practitioners working on migrant integration might change as a result of the new immigration system.

Overall, the introduction of the new immigration system brings both challenges and opportunities for [integration processes](#), defined as a “two-way process of mutual accommodation” between migrants and the rest of the population. On the one hand, some factors that have created challenges for local communities in the past may diminish under the new immigration system. In particular, the new system is expected—all else equal—to reduce migration to the UK and thus the pace of change in many local areas. The new immigration system also selects for certain criteria that have traditionally been associated with integration, such as language skills. At the same time, the post-Brexit immigration system creates new vulnerabilities for certain groups of migrants. This is because newly arriving EU migrants will have fewer rights than they had under free movement; some will hold visas that make them dependent on their employers; and the absence of legal migration routes can create incentives for irregular migration, as seen in other countries (de Hass, 2011; Cummings et al, 2015; Holzer, 2011).

For more discussion of what is meant by integration and the UK’s evidence base on integration, see the Migration Observatory report, [Integration in the UK: Understanding the Data](#).

What has changed for migrants living in and moving to the UK?

As of 1 January 2021, EU citizens who wish to move to the UK will be subject to the same rules as citizens from the rest of the world, with the exception of Irish citizens who can continue to move to the UK without restrictions under separate arrangements.

EU citizens already living in the UK must apply to the EU Settlement Scheme if they want to continue to live in the UK. The operation of this scheme has been [described in detail elsewhere](#).

Migrants newly arriving in the UK from January 2021 need to have permission, such as a work, family or study visa. They face broadly the same rules regardless of their country of origin. In practice, this means that the rules have become [considerably more restrictive for EU citizens](#) who previously had free movement rights. However, the rules have become somewhat less restrictive for non-EU citizens, at least those moving for work. Until the end of 2020, non-EU citizens coming to work in the UK on an ordinary work visa would usually need a salary of at least £30,000 in a graduate job; the new rules allow a wider range of middle-skilled occupations to qualify, with the minimum salary required set at £25,600 as standard and lower still in some cases.

Family migration rules remain the same for non-EU citizens, requiring a minimum income of £18,600 and payment of fees including the NHS surcharge at £624 per person, per year. These requirements will now be applied to EU citizens too, although there are different, [less restrictive rules](#) for people moving to join EU citizens who hold pre-settled or settled status under the EU Settlement Scheme.

As is the case with non-EU students, EU students arriving in the UK from January 2021 and whose course begins after July 2021 need to be sponsored by a licensed educational institution and must also pay international tuition fees, visa fees and the healthcare surcharge (at a discounted rate of £470 a year). Previously, EU students were subject to the same rules and fee structures as UK students. The rules on working after study have been relaxed for all international students in the UK, with a 2-year period of post-study work during which there are no restrictions on salary or occupation, and employer sponsorship is not required. The post-study work period rises to three years upon completion of a PhD.

Migrants on work visas who wish to apply for permanent status in the UK are no longer subject to a higher salary requirement than the one that applies at admission.

There are also new visa routes which affect certain sub-groups of migrants. After its closure in 2013, the Seasonal Agricultural Workers Scheme (SAWS) has been partially reinstated – in 2020 as an initial pilot in and in 2021 as an extended pilot (DEFRA and Home Office, 2021). This scheme allows agricultural workers to come to the UK for up to six months. Eligible workers need to be sponsored by a government selected ‘operator’ and there is no route to settlement.

The new British National (Overseas) (BNO) visa route allows some people from Hong Kong to move to the UK with close family members. After five years in the UK, they will qualify for settlement. This programme is described in more detail [elsewhere](#).

It remains to be seen what other visa routes or policies may be introduced in response to or anticipation of challenging economic, demographic and political dynamics, especially in light of the COVID-19 pandemic and the roll out of the new immigration system itself.

Impacts on migrants’ rights and status

Immigration policy gives different groups in the UK different rights and entitlements. People living in the UK on temporary work, family or study visas generally have restrictions on what they can do here. Most of these restrictions are dropped once they receive permanent status, which is usually referred to as indefinite leave to remain (ILR) for non-EU citizens and settled status for EU citizens.

For example, temporary visa holders and seasonal workers generally have ‘[no recourse to public funds](#)’ (NRPF), which means that they cannot access a prescribed list of ‘public funds’ as defined by the Home Office and including the most common welfare benefits, including Universal Credit. At the end of 2019, available data suggest that there were approximately [1.4m non-EU citizens with valid visas that typically come with an NRPF condition](#); this compares to a total [non-EU born population](#) of roughly 5.9m the same year. People on skilled worker visas must be working for the employer that sponsored them, and must reapply to the Home Office if they want to switch employer. Student visa holders have restrictions on the number of hours they can work.

One impact of the post-Brexit immigration system is thus a shift in the type of immigration statuses that migrants living in the UK hold, and the accompanying restrictions. Many migrants will hold secure permanent statuses, including settled status for EU citizens. With the exception of the right to vote, stand for election or do certain public sector jobs with nationality restrictions (e.g. in the civil service), their rights are broadly similar to those of citizens. Others will hold temporary statuses, some of which are relatively restrictive in the rights they offer (e.g. student visas) while others give more extensive rights (e.g. EU pre-settled status). Many people with pre-settled status may have full access to benefits but others do not; this depends on their circumstances, including what activities they are undertaking in the UK, as well as the final outcome of the [legal case Fratila and Tanase v Secretary of State for Work and Pensions](#).

While under free movement EU citizens expected to be able to live and work in the UK indefinitely, under the new system newly arriving migrants will need to qualify and apply for permanent settlement rights. For people on family visas, this takes five years. However, a [growing number](#) of non-EU citizens are now on ten-year routes to settlement because they do not meet all the criteria for the standard, five-year route. In addition to a longer wait for a secure immigration status, these people also face higher costs due to the need to renew their visas more times. Under the post-Brexit immigration system, some EU citizens on family visas will also find themselves in this position.

There will also be migrants with no legal status. This will include EU citizens who have not applied to EUSS by the time the deadline arrives at the end of June 2021, and [whose numbers are not known](#). Those who miss the deadline will be able to apply late, although the government has said they will require 'reasonable grounds' (such as having a debilitating health problem or being a child whose parent or guardian did not apply on their behalf). It is clear from previous research that achieving 100% coverage in government programmes is unlikely (Finn and Goodship, 2014; Daigneault et al., 2012), and EUSS is likely to be no exception.

Starting from early 2024, there may also be EU citizens who fail to convert their pre-settled status into settled status, for example because they forget to apply. By the end of 2020, just over 1.9m EU citizens and their family members had been granted pre-settled status; at the time of writing, there is [no published information](#) on how many of these people have converted to settled status.

Finally, some migrants moving to the UK from January 2021 may join the illegally resident population. Under free movement, the vast majority of EU citizens moving to work in the UK were considered lawfully resident, while under the new rules, many jobs will no longer be eligible for work visas. Pressure for irregular migration into these jobs may increase due to the more restrictive immigration system towards workers in low-wage jobs, as seen in the EU-Mediterranean context (de Hass, 2011; Cummings et al., 2015) and in the United States (Holzer, 2011). The size of this group is [unlikely to be known](#) as it is inherently difficult to measure.

What do these changes in status mean in practice?

First, EU citizens moving to the UK under the 2021 immigration rules will have more restrictions on access to certain kinds of support than they did under free movement. Because more migrants will be subject to visas (i.e. EU citizens and not just non-EU citizens), over the long run it is expected that a larger population of migrants will have no recourse to public funds. Adult education is not classified as a 'public fund' although NRPF conditions can have the effect of limiting access to English for Speakers of Other Languages (ESOL), because job centres and the benefits system are a key gateway through which ESOL can be accessed.

Second, there are now additional ways for EU citizens to contribute to the irregular migrant population, as noted above. People without legal status face a range of vulnerabilities, because of the restrictions on their daily life and economic activities. For example, past research has shown that irregular migrants are at greater risk of exploitation and have limited bargaining power in relationships with employers (McKay et al, 2009; Bloch, 2013). Under the new immigration system, most newly arriving EU citizens will now be subject to measures implemented under the 'hostile environment', such as having to prove their right to rent and work.

Third, EU citizens coming on work visas will have fewer rights than those coming under free movement. While many people on work visas are in high-paying, skilled jobs where risks of exploitation are [generally lower](#), the post-Brexit immigration system expands the range of eligible jobs into middle-skilled jobs (such as chefs, butchers and other skilled trades) that command lower salaries. It also expands the number of work visas for low-wage jobs in seasonal agriculture, to [compensate for the impacts of ending free movement](#). Programmes that link workers to specific jobs have raised a range of challenges in the past in the UK and other countries, as described in a [Migration Observatory report on low-wage work](#). For example, while it may be possible to switch between jobs, this requires permission and workers must be able to find another employer who is willing to sponsor them. Some migrants may also arrive in the

UK with debt, because of the costs of visa fees and particularly the NHS surcharge. These things raise the risk that workers whose visa ties them to a specific job will feel less able to assert their rights at work.

Fourth, there are some [concerns about discrimination](#) on the basis of immigration status arising from the fact that, due to the digital-only nature of settled status, some members of the population (EU citizens with status under the EUSS) but not others (UK citizens and most non-EU citizens) will have no physical proof of immigration status to show to employers or landlords. Predicting the size of any such effect is very difficult as there has been relatively little research on the impacts of immigration status on discrimination. However, [there is some evidence](#) that not having physical proof of immigration status made it harder for non-EU citizens to secure housing.

Changes in the scale of EU and non-EU migration

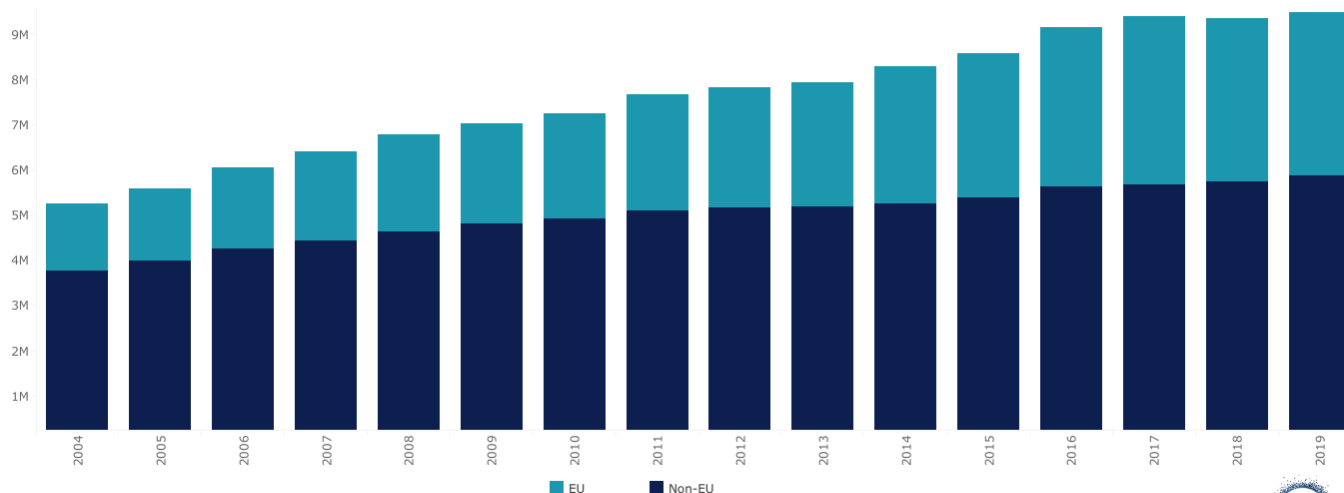
The post-Brexit system is expected to change the nature of migration, including both how many people migrate and with what motivations and individual characteristics. Migration patterns are very difficult to project, and even without policy changes they can vary substantially over time, for reasons such as changing economic conditions at either origin or destination.

Nonetheless, it is reasonable to assume that the post-Brexit immigration system will slow the growth in the migrant population over the long term, by reducing EU immigration relative to what the UK would have experienced under continued free movement. At the same time, the system facing non-EU citizens has become slightly more liberal for non-EU citizens, which—all else equal—should lead to an increase in non-EU migration.

The government has [said that overall immigration will decrease](#) as a result of the new policies, and this is plausible given the extent of the restrictions on EU citizens. On average between 2004 and 2019, EU migrants made up around half of the estimated increase in the total migrant population living in the UK (Figure 1). [Home Office modelling](#), which does not taken into account the effects of COVID-19, estimated that the new work visa system could reduce long-term EU immigration by 80,000 to 90,000 per year (Home Office, 2020). Meanwhile, annual inflows of long-term non-EU migrants were predicted to increase by around 30,000. While [modelling of this kind has limitations](#), the Home Office predicted that the total number of migrants who would arrive to work long-term in the UK would decrease by roughly 350,000 over a 10-year period.

Figure 1

Foreign-born population in the UK by place of birth, 2004-2019



Source: ONS Population by Country of Birth and Nationality, Table 1.1.



The new immigration system has been introduced at a time of social and economic turmoil resulting from the COVID-19

pandemic. This [disruption has also affected migration](#) and appears to have led to a reduction in the migrant population in the UK, although the data on this are very uncertain and it is not clear how long this decline might last. As a result, some of the impacts of the post-Brexit immigration system may not become clear for some time. For example, high unemployment in the UK in the short to medium term may mean that employers do not increase their recruitment of non-EU migrants in middle-skilled jobs—which have newly become eligible for work visas—as they might otherwise have been expected to do.

More targeted changes to UK immigration policy may also affect the mix of migrants coming to the UK, although there is significant uncertainty surrounding the effects of these policy changes. For example, the Hong Kong British National (Overseas) (BNO) visa is estimated to open a route to settlement in the UK for as many as 5.4 million Hong Kong residents. However, a [government impact assessment](#) assumes that far fewer will actually make use of it – between 257,000 and 322,000 applications within the first five years of the policy. For a more in depth discussion about the BNO visa, see the Migration Observatory Q&A, [The new Hong Kong British National \(Overseas\) visa](#).

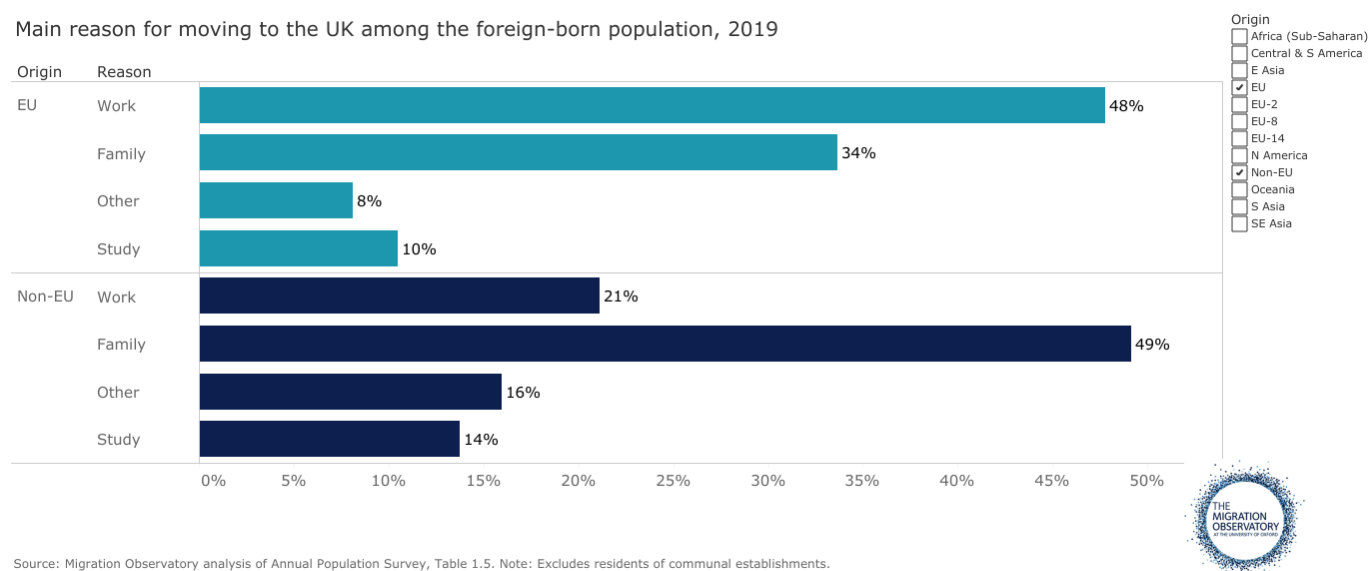
Changes in the nature and local distribution of migration

It is likely that new migration policies will also affect the composition of migration to the UK. Again, these changes are difficult to predict with any precision, but based on the policy the expectation is that reductions in EU immigration should be concentrated in lower-wage jobs, leading to a higher earnings profile, on average, among newly arrived workers.

Over the past 15 years, work has been the main reason for migration for EU citizens (Figure 2), although this could fall as a result of new visa restrictions. EU citizens coming on work visas will also in most cases be required to have a skilled job lined up in advance; this should in theory mean that they are more likely to have jobs that match their qualifications. [Overqualification has been a significant feature](#) of EU migrants’ outcomes in the labour market over the past decade.

Figure 2

Main reason for moving to the UK among the foreign-born population, 2019

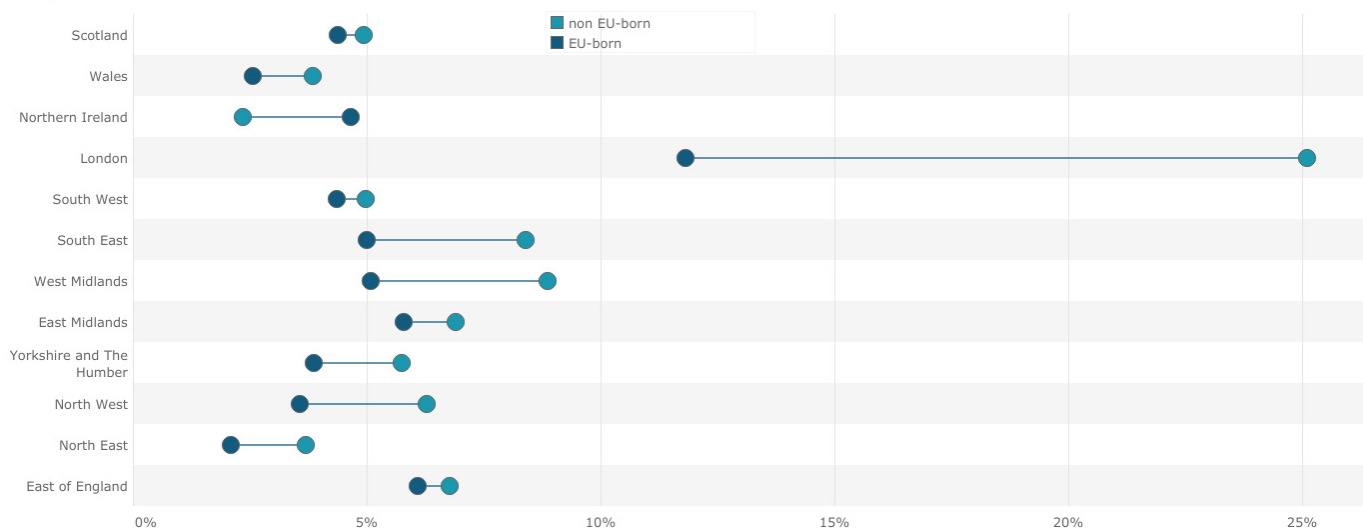


Different parts of the UK may also be affected differently by the changes, both in the medium and long term. While non-EU migrants outnumber EU migrants in most regions of the UK, EU migration has made up a substantial share of the total in some parts of the UK in recent years. For example, EU and non-EU migrants are roughly similar in number in the East of England, Scotland, and the Southwest. In absolute terms, however, EU-born migrants make up by far the largest share of the population in London ([12% in 2019](#), compared to 5% across the UK as a whole), which

means that sharp changes to EU migration would also be expected to have the largest absolute impact in the capital. Some of these impacts would be expected to manifest in the short to medium term (e.g. lower numbers of workers entering industries reliant on EU citizens), while others would be longer-term effects (e.g. slower growth in the total population). Even in areas with relatively small migrant populations, certain industries and businesses may be heavily reliant on EU workers. The new immigration system could thus have larger effects in these communities.

Figure 3

EU born and non-EU born immigrants as a share of the total population
By region, 2019



Source: Migration Observatory analysis of Annual Population Survey, 2019



The end of free movement is expected to reduce short-term migration to the UK and therefore mean less churn in local communities, which has been a considerable concern for integration practitioners in the past. A fast pace of change at the local level can erode community cohesion, stress public services and planning and lead to more negative public attitudes towards migrants among certain residents (Mort and Morris, 2020). Migrants’ integration outcomes also typically improve over time in such areas as the labour market, English language skills and education (see the Migration Observatory report, [Integration in the UK: Understanding the Data](#), for a more detailed overview).

All of these factors are unpredictable, however, and this uncertainty is exacerbated by the Covid-19 pandemic. This means that from a practical perspective, local authorities, service providers and others interested in understanding the characteristics of the migrant population will need to plan for a range of plausible scenarios.

Future developments in the post-Brexit immigration system

The post-Brexit immigration system was implemented in a relatively short period of time, and the government has said it will take a [‘phased approach’](#) to its implementation, with further proposals introduced at a later date. (This may include, for example, an unsponsored work visa for high-skilled migrants.) This means that there is still some uncertainty about the shape of the policies under which migrants will enter in coming years.

The Immigration Minister [has also said that](#) the government is open to negotiating membership of the Youth Mobility Scheme (YMS) with EU countries, although it is not clear whether and when this might happen. This scheme provides a 2-year, non-renewable visa for people from certain countries to live and work in the UK, with no requirement for employer sponsorship and no minimum salary. If the government does negotiate such agreements with EU countries—and depending on how large they are—this could potentially become a meaningful source of temporary migration to the UK. This in turn would have implications for integration, which is a process that typically takes place over a number

of years. Likewise, the government doubled the quota of the Seasonal Agricultural Workers Scheme (SAWS) pilot to 30,000 between 2020 and 2021. SAWS allows migrants to work low-skilled agricultural jobs for up to six months at a time. The implications of short-term migration are discussed in the Migration Observatory's report on [low-wage work after Brexit](#).

Reduced data on migration due to Covid-19 – but light around the corner

In the short run, one challenge facing practitioners working on integration is that Covid-19 has significantly disrupted the reliability of already limited data on migration and integration. (See the Migration Observatory's commentary on [migration data during the pandemic](#) and report [Integration in the UK: Understanding the Data](#)) This means that there is currently no data on immigration or emigration for 2020, no useful data to be drawn from National Insurance Number (NINo) allocations to overseas nationals, and less reliable data on resident migrant populations. All of these data sources are used to produce local-area estimates of migration populations and patterns, which local authorities and service providers use to understand target groups for integration policies. These data sources can be explored in detail in the [Migration Observatory's Local Data Guide](#).

This disruption to data collection may make it harder to understand how the dynamics of migrant integration in the UK are changing as a result of the post-Brexit immigration system or other factors such as the impacts of the pandemic on the UK labour market. The Office for National Statistics (ONS) is currently [developing new approaches to measuring migration](#), although regular figures are not expected until later in the year at the earliest. When these figures do arrive, however, there is some prospect that it will also be possible to develop more reliable local-area data, because they will be based on administrative records that enable scrutiny of smaller populations.

The results of the 2021 Census (2022 in Scotland) will also provide detailed data on migrant populations in local areas, and are expected to be available within 1–2 years of the Census dates.

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References

- Bloch, A. (2013). The labour market experiences and strategies of young undocumented migrants. *Work, Employment and Society*, 27(2), 272–287.
- Cummings, C. & Pacitto, J., Lauro, D. & Foresti, M. (2015). Why people move: understanding the drivers and trends of migration to Europe. ODI Working Paper 430. [Available online](#).
- Daigneault, Pierre-Marc, Steve Jacob and Maximilien Tereraho. 2012. Understanding and Improving the Take-up of Public Programs: Lessons Learned from the Canadian and International Experience in Human Services. *International Journal of Business and Social Science*, Vol. 3 No. 1; January 2012
- Finn, Dan and Jo Goodship. 2014. Take-up of benefits and poverty: an evidence and policy review. Centre for Social and Economic Inclusion.
- de Haas, H. (2011). Mediterranean migration futures: Patterns, drivers and scenarios. *Global Environmental Change* 21(1), S59–S56. [Available online](#).
- Holzer, H. (2011). Immigration Policy and Less-Skilled Workers in the United States: Reflections on Future Directions for Reform. Migration Policy Institute. [Available online](#).
- McKay, S, Markova, E, Paraskevopoulou, A, Wright, T (2009) The Relationship Between Migration Status and Employment Outcomes. Undocumented Workers Transitions Report. London: London Metropolitan University.
- Mort, L. and Morris, M. (2020) Communities Up Close: Neighbourhood Change and Migration in Yorkshire and Humber. IPPR/Migration Yorkshire.



The Migration Observatory

Based at the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The Observatory's analysis involves experts from a wide range of disciplines and departments at the University of Oxford.



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