

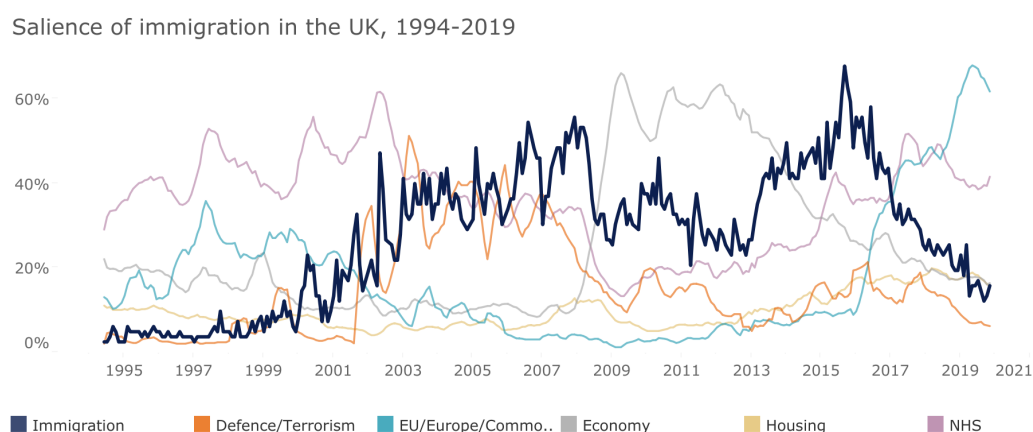
# Implications of the post-Brexit immigration system for temporary migration routes

## Briefing note

### Introduction

Debates about the control of immigration dominated the Brexit referendum in 2016, with the salience of the issue reflecting a decade of public concern over levels of inward migration. The right to freedom of movement between European Union (EU) states was central to this, with concern over immigration increasing markedly, albeit with variation, around the time of EU expansion in 2004 (see Figure 1). For Vote Leave, “taking back control” of immigration was a central plank of their campaign,<sup>1</sup> and this pledge resonated strongly with Leave voters.<sup>2</sup>

**FIGURE 1: SALIENCE OF IMMIGRATION IN THE UK, 1994-2019**



Note and source: Ipsos MORI data. Until January 2015, 'immigration' included responses of 'race relations'. After this point, 'immigration' became its own category. Data for 'immigration' are actual percentages. The other categories report six-month rolling averages.



Source: Binder and Richards (2020)<sup>3</sup>

The UK's departure from the EU in January 2021 has given the present government the opportunity to implement their 2019 manifesto promise to introduce an “Australian-style points-based-system” to manage immigration.<sup>4</sup> While the details of this system are



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still not fully clear, the intention is to prioritise higher-skilled migration, reduce lower-skilled immigration and give the UK government greater control over migratory flows.

One obvious question is what this system means for sectors that rely on lower-skilled (or more accurately, lower-wage) migrant labour to fill vacancies. While demand for workers in lower-paid sectors, such as hospitality, retail and leisure, has been muted by the Covid-19 pandemic, we would anticipate this increasing as the economy reopens fully. One possibility is that, rather than being excluded from working in the UK entirely, lower-paid workers will be permitted to enter the labour market via temporary migration routes, which limit their time in the UK and are often tied to a specific sector.

Our aim here is to better understand how migration policy might develop in the coming years, particularly regarding the need to meet demand for lower-paid labour and the potential role of temporary migration schemes in doing so. In this note, we review the relevant policy literature, including government analysis, industry bodies’ views, and the work of think tanks and NGOs. We consider the changes to the immigration system that are being implemented and the potential implications of these changes in the absence of freedom of movement between the EU and the UK.

Given that the new immigration system is just a few months old, its mechanics and potential consequences are still unclear. The risks of labour shortages in low-paying sectors do suggest, however, that there is likely to be pressure for adjustments to the system, including the expansion of temporary migration routes. In turn, such a move could pose risks to migrants themselves, in terms of increased potential for exploitation, and challenges for the communities that receive them.

## Changes in migration patterns, 2004–present

After the EU expansion in 2004 – which brought a further 10 countries into the bloc – overall net migration in the UK grew considerably (see Figure 2). While annual net migration averaged around 125,000 in the decade prior to 2004, it only dropped below 200,000 once in the following 15 years (in 2012), and peaked at 329,000 in 2015.<sup>5</sup> Given that net migration from non-EU countries declined from 2004 to 2012<sup>6</sup> (see Figure 3), this trend was driven by EU migration.

The ONS has since clarified that these figures, based on the International Passenger Survey (IPS), underestimated EU migration, and over-estimated non-EU migration,<sup>7</sup> and that the IPS has been “stretched beyond its original purpose”.<sup>8</sup> Nevertheless, the high-level trends in migration numbers remain valid. More recently, in addition to the existing difficulties in accurately measuring migration stocks and flows, the pandemic has delayed or disrupted some of the usual ONS methods for measuring population and migration.<sup>9</sup>

In turn, the decline in net migration between 2015 and 2018 was driven by falling numbers of EU migrants. Portes argues that this trend can be partly explained by the economic and legal uncertainty for this group of migrants introduced by the Brexit referendum.<sup>10</sup> Analysis of LinkedIn data by Busse and Barslund reinforces this interpretation, pointing to evidence of the reduced attractiveness of the UK to high-skilled graduates from the EU in the wake of Brexit.<sup>11</sup>

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**125,000**

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in 2015

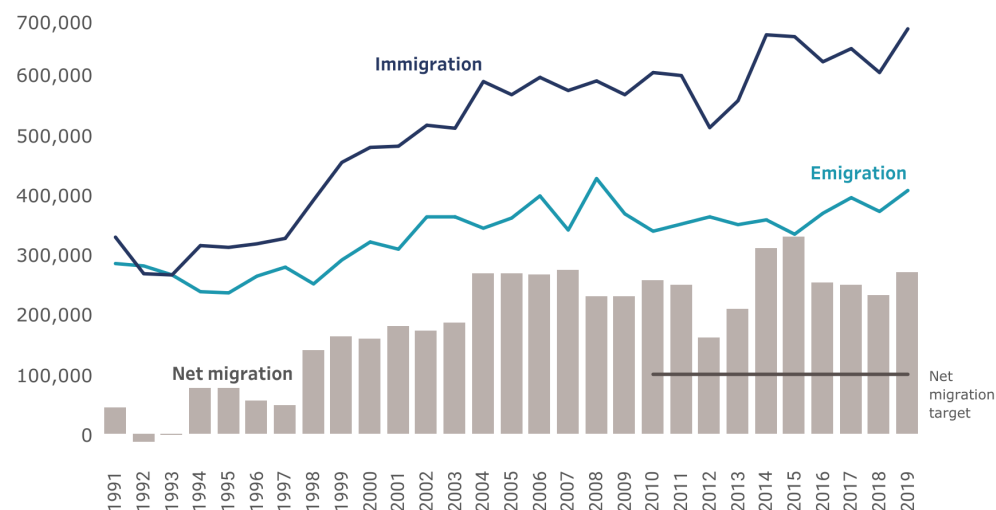
It was estimated to be

**313,000**

From March 2019-20

**FIGURE 2: LONG-TERM IMMIGRATION, EMIGRATION, AND NET MIGRATION, UK, 1991-2019**

Long-term immigration, emigration, and net migration, UK, 1991 to 2019  
All citizenships, including British



Source: For 1991 to 2009: ONS, Table 2.00: Long-Term International Migration time series. For 2010 to 2019: Provisional Long-Term International Migration estimates, Table 1.  
Note: Revisions to overall net migration from 2001 to 2019 but not immigration and emigration means that net migration does not equal immigration minus emigration for those years.



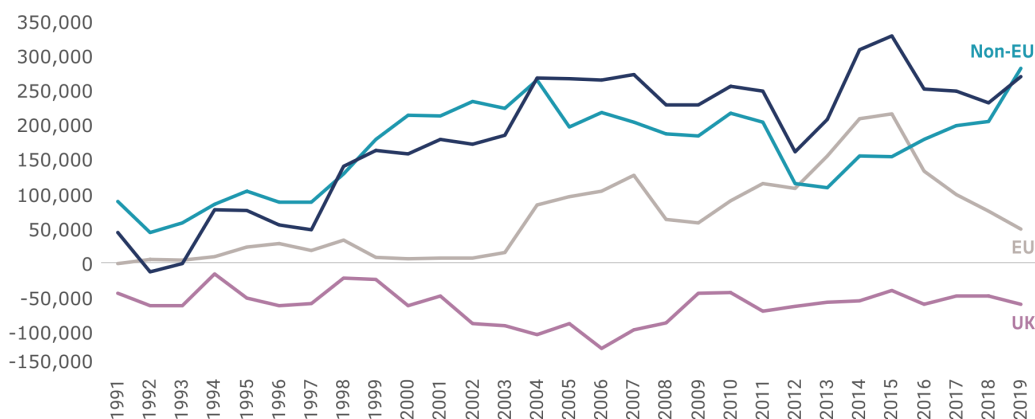
Source: Sumption and Vargas-Silva (2020)<sup>12</sup>

**FIGURE 3: NET MIGRATION TO THE UK BY CITIZENSHIP, 1991-2019**

Net migration to the UK by citizenship, 1991 to 2019

Select citizenships:

- ☒ All, non-EU, EU, UK
- ☐ EU-15, EU-8, EU-2



Source: For 1991 to 2009: ONS, Table 2.00: Long-Term International Migration time series. For 2010 to 2019: ONS, Provisional Long-Term International Migration estimates, Table 1.  
Note: Total net migration figures for 2001 to 2011 have been revised upwards by ONS; country breakdowns have not been revised; figures for 2000 to 2003 are for years beginning in March.



Source: Sumption and Vargas-Silva (2020)<sup>13</sup>

We are yet to see immigration flows return to their pre-Brexit peak; net migration was estimated to be 313,000 in the year to March 2020,<sup>14</sup> and has been further suppressed

by the Covid-19 pandemic in the last year. While official figures are not yet available for net migration, Portes estimates it to have been negative (in the region of -50,000) in the second quarter of 2020.<sup>15</sup>

## Features of the new immigration system

These changes in migration flows occurred before the new points-based-system – which explicitly aims to reduce overall immigration<sup>16</sup> – came into force in January 2021. The system awards points based on skill level and earnings; the general income threshold is set at £25,600 per annum, or above the 25th percentile for the relevant occupation.<sup>17</sup> A sponsoring employer is required for a migrant worker to secure a visa, and there is no general low-skilled or temporary worker route.<sup>18</sup> Under this system, migrants from within and outside of the EU are subject to a common set of rules.

While these changes are designed to reduce lower-skilled migration from the EU, they lower the barriers to immigration to the UK for non-EU citizens. The salary cap for skilled workers has been reduced (from £30,000) and the resident labour market test<sup>19</sup> has been removed.<sup>20</sup>

It has been suggested that further changes to the system may be phased in over time<sup>21</sup> – such as creating a non-sponsored route for the most highly-skilled and phasing out the use of “insecure identity documents”<sup>22</sup> – but there is still uncertainty around this.



With the ending of free movement and the introduction of skills and salary thresholds, there are no general routes in the new system for migration into low-skilled work”

### Lower-paid migrant workers under the new system

As the Migration Observatory points out, free movement has provided the principal channel through which migrant workers have taken up low-skilled jobs in the UK.<sup>23</sup> With the ending of free movement and the introduction of skills and salary thresholds, there are no general routes in the new system for migration into low-skilled work.

However, there are exceptions for some sectors and groups of workers. In agriculture, the Seasonal Workers Pilot was extended in 2020, and the scheme now includes up to 30,000 visas for 2021.<sup>24</sup> This programme reintroduces a work permit scheme for agriculture, which existed until 2013 in the form of the Seasonal Agricultural Workers Scheme (SAWS). SAWS permitted temporary entry to the UK for up to 6 months to work on farms, and did not provide a route to permanent residence.<sup>25</sup> Similarly, between 2003 and 2013 the Sectors-Based Scheme (SBS) provided a temporary migration route for low-paid work in other sectors, including hospitality.<sup>26</sup>

Under the new system, there are also dedicated routes for workers in creative industries – who can gain a visa for short-term contracts or engagements up to 12 months – and international sportspeople,<sup>27</sup> and lower visa requirements for some health and social care and education workers.<sup>28</sup> The Youth Mobility Scheme also continues to offer short-term visas for young people from selected countries,<sup>29</sup> though this was designed primarily as a cultural exchange programme, rather than to meet demand for labour.<sup>30</sup>

There are currently no schemes for lower-skilled workers in other sectors, nor have any such schemes been announced. However, a 2020 government policy paper states that the new immigration system will “deliver on ‘Mode 4’ commitments for temporary service suppliers, in line with existing and future trade agreements”. A footnote



The government have created a short-term visa scheme for

300

fuel drivers

4,700

food haulage drivers

5,500

poultry workers



While this particular scheme may have resulted from a specific and urgent set of circumstances, it might mark a greater willingness on the part of the UK government to [consider] temporary migration schemes”

elaborates: these are commitments that “the UK takes in free trade agreements [and] typically cover business visitors, intra-company transfers and contractual service suppliers”.<sup>31</sup> These commitments allow third country service providers to “post” workers to the UK for three-month postings in any twelve-month period.<sup>32</sup> Dias-Abey and Novitz suggest that this might provide a future avenue for low-skilled migration, although this would be a significant change from how this route is generally regarded.<sup>33</sup>

There is also a Shortage Occupation List<sup>34</sup> that will be annually reviewed. Inclusion on the list lowers the points requirements for the relevant occupation or sector. The review is carried out by the Migration Advisory Committee with input from industry bodies.<sup>35</sup>

Most recently, as various supply chain pressures have become more apparent in the UK, there have been increasing calls for further temporary schemes to relieve short-term labour market pressures. In September 2021, the government announced a short-term visa scheme for 5000 HGV drivers and 5,500 poultry workers.<sup>36</sup> The scheme was originally announced as lasting a maximum of three months, to 24 December 2021, but was subsequently clarified (or amended) in early October to comprise: 300 fuel drivers in theory able to arrive “immediately” – subject to immigration checks, and endorsement from BEIS – and stay to work until the end of March 2022; 4,700 food haulage drivers available from late October and leaving by 28 February 2022; and 5,500 poultry workers available from late October and able to stay up to 31 December 2021.<sup>37</sup> The concession for the 300 fuel drivers allows entry outside the normal Immigration Rules for people who have an EU licence to drive HGV fuel tankers and are not “visa nationals” – ie nationals of countries that require entry clearance prior to travel to the UK as a visitor, or for any other purpose for less than six months.<sup>38</sup>

While this particular scheme may have resulted from a specific and urgent set of circumstances, it might mark a greater willingness on the part of the UK government to look to temporary migration schemes to complement the new skilled worker-based immigration system and address labour shortages and supply chain pressures. To some extent, this will in turn depend on whether the pressures currently being experienced are a short-term phenomenon relating mainly to the pandemic, or the result of longer-term changes to the UK economy consequent on the ending of free movement and more broadly, the type of Brexit negotiated by the government. It is too early to tell.

### Provisions for EU citizens already living in the UK

The European Settlement Scheme (EUSS) is in place to grant EU citizens who live (or have recently lived) in the UK settled or pre-settled status, dependent on how long they have lived in the UK.<sup>39</sup> Government statistics suggest take-up has been strong, but also highlight pre-existing data gaps and inaccuracies.<sup>40</sup> The figures show higher migration volumes from the EU to the UK than were previously estimated, with Bulgarian and Romanian applications suggesting their UK-based populations are more than double previous government estimates.<sup>41</sup>

It is therefore not known how many EU nationals needed to make an application to the EUSS before the June 2021 deadline, and thus how many could be left with irregular status if they failed to apply in time. A recent report by the UK in a Changing Europe suggests that this number could be in the tens or even hundreds of thousands,<sup>42</sup> and that “[t]he challenge for the government is that even though huge numbers of people have



successfully applied, it does not have enough of a grip on the numbers eligible to know the scale of the non-regularisation problem it faces”.<sup>43</sup>

## The potential impacts of the new system

The government’s own assessment <sup>44</sup> of the new immigration regime suggests the following impacts:

- **Migration flows:** A reduction of around 70 per cent in long-term European Economic Area (EEA) worker inflows is forecast, corresponding to a reduction of between 20,00 and 40,000 workers per year in the first five years of the policy. A corresponding increase of between 30 and 70 per cent in non-EEA worker inflows (depending on the assumptions used) is also predicted.
- **Overall labour market impacts:** These are expected to be small given the relatively small proportion of EEA workers in the UK workforce.
- **Sector-specific impacts:** Lower-wage sectors will be disproportionately affected by the skills and salary thresholds imposed by the new immigration system. It is estimated that more than 80 per cent of long-term worker EEA inflows to building services (eg plumbing and electricals), land transport, warehousing, food and drink manufacturing, agriculture, hospitality, retail and wholesale sectors will be affected. Care work, catering assistants and large goods vehicles drivers are highlighted as occupations particularly likely to face adjustment difficulties given their reliance on long-term EEA workers.
- **Impacts by working arrangement:** Under the new system, there is no dedicated route available for self-employed workers. This is likely to affect the construction and building services sectors in particular, given that 40 per cent of self-employed EEA workers are found in these sectors. It is unclear whether these sectors will adjust by hiring individuals as employees. Part-time workers will also be disadvantaged under the new system, as the salary thresholds are not prorated.
- **Regional impacts:** The East Midlands, Northern Ireland and Yorkshire and the Humber are likely to be the regions worst affected by the new system of skills and salary thresholds, with more than 80 per cent of projected long-term EEA worker inflows predicted to be affected. Despite receiving the largest volume of EEA worker inflows, London is the least affected area due to its higher wages.
- **Impacts on employers:** Some administrative costs for employers hiring EEA workers will increase under the new system, while the costs of employing non-EEA citizens will fall. Small businesses may find it more difficult to comply with the sponsorship requirements of the new system. How employers will adjust to the new system is unclear, but it is expected that this could include altering the composition of their workforce, increasing automation, freezing recruitment, changing production levels, or increasing wages to allow workers to qualify for the income threshold.
- **Social impacts:** Minimal social impacts are expected by government as a result of these changes. Considering temporary migration specifically, the short duration



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3/4

of construction employers expect the points-based system to have a negative impact

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97%

of hospitality owners expect staff shortages with the new system

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62,000

new migrants per year are needed to maintain and grow the hospitality sector

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70,000+

seasonal workers will be needed for picking and processing in 2021

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95%

of Food and Drink Federation members employ EU nationals

of migrants' stays means they are anticipated to have a negligible impact on communities, though the government does acknowledge work by the Migration Advisory Committee suggesting that "a cycle of temporary migrants may not be good for communities".<sup>45</sup>

Industry bodies and NGOs highlight other potential impacts of the new system, expressing concerns about the potential for labour shortages and growing skills gaps; the impact on small businesses; the potential exploitation of migrants; the take-up and suitability of the EUSS and the dampening effect the new system could have on the post-Covid economic recovery.

### Labour shortages and the growing skills gap

In construction, the Construction Industry Training Board (CITB) found that almost three quarters of employers expected the points-based-system to have a negative impact on the sector given its reliance on non-salaried roles.<sup>46</sup> There are also concerns that the skills gap in the construction workforce is likely to be exacerbated by the new system, preventing it from "functioning normally".<sup>47</sup> It is suggested that the government apprenticeship scheme will not solve this gap and the issue of labour shortage in construction will come to the fore in the second half of 2021.<sup>48</sup>

There are similar concerns in other sectors. UK Hospitality predict "disastrous" consequences for the hospitality sector if no temporary visa scheme is introduced for their workforce,<sup>49</sup> and 97 per cent of hospitality owners expect staff shortages due to the new system.<sup>50</sup> Other research suggests that the sector will require 62,000 new migrants per year to maintain current activities and grow.<sup>51</sup> The British Beer and Pub Association (BBPA) have also called on the Migration Advisory Committee to introduce a hospitality-based temporary worker scheme to prevent labour shortages.<sup>52</sup>

The social care sector faces particular difficulties. There were acute labour shortages pre-pandemic – Health Business UK found 120,000 vacancies in adult social care in 2019.<sup>53</sup> They argue that social care workers at all levels<sup>54</sup> should be included in shortage occupation lists and that visa charges need to be removed if these shortages are to be overcome.

In agriculture and food processing, the seasonality of work means the lack of flexibility under the new system is problematic. The National Farmers Union supports an expansion of a Seasonal Agricultural Worker Scheme, arguing that more than 70,000 seasonal workers will be needed in 2021 for picking and processing.<sup>55</sup> The British Poultry Council, meanwhile, believe that the "current immigration plan is likely to have a crippling impact on food businesses".<sup>56</sup> 95 per cent of Food and Drink Federation members employ EU nationals, prompting concern that labour shortages will occur in food processing.<sup>57</sup>

Logistics UK believe that the timescales are unrealistic for their industry to adapt meaningfully, exacerbating pre-existing labour shortages.<sup>58, 59</sup> The UK Warehousing Association supports this view, arguing that logistics companies rely on access to "low-skilled, low-cost labour" and that the government solution of automation will not fill the gap in the short to medium-term.<sup>60</sup>

The thinktank Demos anticipate that economic necessity and labour shortages will require more short-term visas for lower-skilled workers, with programmes like the Seasonal Agricultural Workers Scheme required to ensure other sectors don't suffer.<sup>61</sup>

### **Impact on small businesses**

There are particular concerns about the ability of small businesses to recruit from overseas. For example, in construction, small and medium-sized enterprises (SMEs) comprise up to 99 per cent of the industry and generally do not advertise internationally. They will therefore be unable to recruit under the new system.<sup>62</sup> A lack of knowledge will also hinder this process – just one in ten construction employers say they understand the new immigration system.<sup>63</sup>

Similarly, 85 per cent of pubs are SMEs. These businesses want the new system to be as simple as possible, with low logistical costs.<sup>64</sup> The BPPA believe the current sponsorship system does not fit these criteria and therefore support a widening of the Youth Mobility Scheme to address recruitment challenges.<sup>65</sup>

### **The pandemic and post-Covid recovery**

In the context of coronavirus recovery, the Institute for Public Policy Research (IPPR) argue that the points-based-system will create difficulties for sectors and regions that rely on EU labour – for example, the London construction workforce, which is comprised of around 30 per cent EU workers.<sup>66</sup> They also note that increased logistical costs for small businesses will discourage recruitment from abroad at a time when net migration will be considerably reduced anyway as a result of the pandemic.

In evidence provided to the Migration Advisory Committee for the Shortage Occupation List, the Chartered Institute of Building (CIOB) highlighted the impact of Covid-19 on recruitment and training rates in construction.<sup>67</sup> The CIOB suggests that the list needs to be more flexible to ensure the sector can access foreign workers in short time frames when necessary.<sup>68</sup> The Federation of Master Builders argue the government's post-pandemic building ambitions are "simply unrealistic" without expanding the potential workforce.<sup>69</sup>

In hospitality, a door staff shortage threatens post-Covid reopening as six out of ten door supervisor positions are at risk of not being filled.<sup>70</sup> Members of the Night Time Industries Association report that significant numbers of European staff have returned home during the pandemic, with a lack of clarity as to whether they will be able to return.<sup>71</sup>

The Health Foundation highlight that Covid-19 has increased demand in the social care sector while funding is still limited. With 8 per cent of the workforce in 2019 coming from the EU, they are concerned that additional fees involved in recruitment under the points-based-system will place additional stress on "cash-strapped" providers.<sup>72</sup> Care Home Professional also draw attention to this issue, arguing that the "double whammy of Covid-19 and Brexit related workforce shortages" will damage the care sector. This effect is already being felt as some rural areas have experienced more than a 70 per cent decline in job applicants.<sup>73</sup>



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1/3  
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deadline for EUSS

1/4  
of careworkers hadn't  
applied at the end of  
2020

### Problems with the European Settlement Scheme

A lack of access to and understanding of the new system is another potential issue. The CITB found that only 38 per cent of construction employers had discussed the EUSS with their employees.<sup>74</sup> The Joint Council for the Welfare of Immigrants (JCWI) has also raised concerns about the EUSS and its take-up in the care sector. Their research found that one in three care workers did not know there was a deadline for the EUSS, and one in four hadn't applied at the end of 2020.<sup>75</sup> Furthermore, many were given pre-settled status if they were unable to prove more than five years' residence, despite having lived in the UK for over five years.

### Exploitation

The JCWI are concerned about the suitability and implementation of the EUSS. In the context of the care sector, they point out that vulnerable workers are likely to fall through cracks of the scheme, leading to increased levels of irregular migration.

The problem of labour exploitation may be particularly pronounced in temporary migration programmes. A recent report by Focus on Labour Exploitation (FLEX)<sup>76</sup> on the UK Seasonal Workers Pilot found the programme increased the risk of exploitation faced by workers, with 62 per cent of workers reporting incurring debts to travel to the UK, placing them in a vulnerable position. They were then excessively dependent on employers and couldn't challenge substandard accommodation and poor working conditions – 66 per cent reported receiving threats of loss of work.

### Integration and cohesion

The Migration Observatory highlight both challenges and opportunities for integration under the new system.<sup>77</sup> Lower migration may ease pressure and tension in some local areas, while the language skills requirements in the new system may help to facilitate integration. At the same time, they note that the inflexibility of the new system may increase incentives for irregular migration, separating migrants from institutions that promote integration. Work by Civitas agrees, arguing that enforcement under the new system will be extremely difficult, resulting in higher levels of irregular migration.<sup>78</sup> Demos note that the changing profile of migrants brought about by regulatory changes – short-term visa workers are more likely to be young, single, male and transient – may have an impact on community cohesion.<sup>79</sup>

### Concluding thoughts and outstanding questions

It is, of course, too early to say with any certainty what the implications of the UK's new points-based immigration system are for temporary migration routes. It is less than a year since freedom of movement was ended for the UK. Moreover, the global pandemic has disrupted, not just UK economic and social life generally, but labour demand in key economic sectors that employ significant numbers of overseas workers (including construction, hospitality and retail) in particular. As the economy as a whole, and these sectors in particular, recover, labour shortages may become more apparent.

The response to these potential labour shortages is still unknown. On the one hand, employers could work within the confines of the new system. Portes identifies several possible consequences of a situation of excess labour demand; "higher employment



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for UK-origin workers, higher wages (which in turn would likely mean higher prices), higher productivity, or lower output/fewer businesses”, with the last of these the most likely in the author’s view.<sup>80</sup> The alternative is that employers do not accept the situation of restricted access to lower wage workers, and demands for the introduction of temporary migration routes grow.

As the economy recovers, we also should not assume that it will bounce back to its pre-pandemic structure. This will have further implications for employment patterns and demand for overseas workers. Changes are possible in the location of jobs, the prevalence of remote working, and the sectoral composition of the economy. The new immigration system will hence be applied to a UK economy that is itself undergoing adjustment and change.

What we do know though is that the new system has the potential to present real challenges for low-paying sectors of the economy. Labour and skills shortages appear highly possible in sectors that rely on migrant workers and typically do not meet the new salary and skills thresholds, including agriculture, hospitality, retail, transport, and social care. In turn, these pressures will amplify calls for government to introduce new sector-based temporary migration routes. Such an approach should not be undertaken lightly – the risks of labour exploitation through such schemes have already been documented, and the constant churn of short-term workers may also have implications for communities.

This suggests several questions for policymakers over the coming period:

- 1. Will the Shortage Occupation List system be flexible and responsive enough to prevent labour shortages?**
- 2. Is it likely that short-term temporary visa routes will be developed for other sectors?**
- 3. What will the impact be if the government relies on routes such as the Youth Mobility Scheme to overcome potential labour shortages?**
- 4. To what extent will the economic recovery from Covid-19 be damaged or slowed in sectors facing labour shortages?**
- 5. What are the potential consequences for communities of an increase in the use of temporary migration routes, both existing routes and possibly additional routes?**



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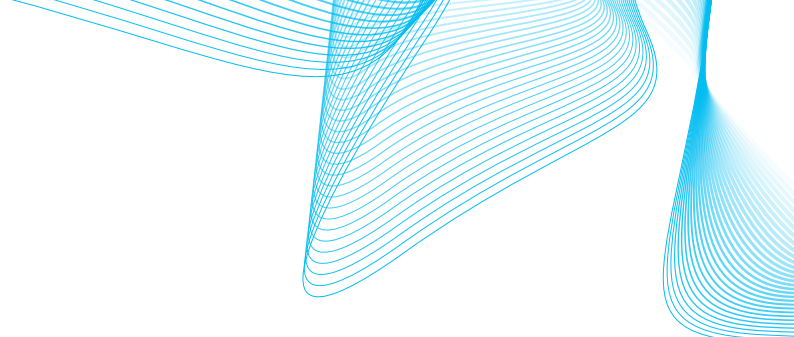
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