

## In Conversation with Ben Sheldrick

As Expat-Academy members meet in person for the first time in 18 months, resident immigration specialist Ben Sheldrick looks back at the challenges of the last year and considers the future of immigration policy in a changed world.

What have been the biggest challenges for corporate immigration and global mobility specialists during the extraordinary year of 2020/21?



This year has certainly been a challenge, but I think we have all come through it remarkably well. The combined forces of COVID travel restrictions and the UK's departure from the EU free movement zone have required us all to be alert, resourceful and innovative. I talk to GM professionals a lot at Expat-Academy events, and I have been extremely impressed by how positive and optimistic everyone has been, despite the external pressures.

Immigration instructions have increased significantly in the last few months, which suggests that recruitment is up and that assignments are back on track, albeit within a significantly restricted regulatory framework. We have been working very hard with our clients to navigate the many changes and hurdles that the last year has delivered.

## What are the main immigration trends that are emerging from the pandemic?

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One trend that has accelerated as a result of the exceptional events of 2020/21 is that of remote working. The evolution of employment policy in respect of flexible working practices has moved at pace. Some governments have been agile in response by altering domestic immigration laws to reflect these developments. Estonia was the first EU country to announce an initiative in this area called the Digital Nomad Visa. This visa allows remote workers to live and work in Estonia for up to a year. Recipients are permitted to live in the country and legally work for their employer or their own company registered abroad. Remote workers have long faced ambiguity when they travel, often crossing the line between legitimate visitor activities and acts that require work authorisation and/or a residence permit. The Estonian scheme broke the mould in terms of the traditional approach of governments to international workers, which has until now required an economic link to the host country. Eligibility requirements include the ability to work independent of location and to perform duties remotely using telecommunications technology. The applicant must have an active employment contract with a company registered outside of Estonia, conduct business through his/ her own company registered abroad, or work as a freelancer for clients mostly outside of Estonia.

UAE has recently followed with an Emirates-wide remote working programme in a bid to attract the growing pool of digital nomads. The visa is being marketed as an opportunity for remote workers to take advantage of the country's low taxes – the UAE does not impose income tax on residents. The quality of life, standard of hospitality on offer and all-year Summer weather combine to make the country a desirable destination for flexible workers, particularly those without family commitments that might impede a move abroad. Other countries that are looking to innovate in response to this trend include Germany, Portugal and Mexico.

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## What do you see as the main horizon issues in immigration reform

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I think digitisation and simplification are at the top of the list, certainly here in the UK. Our government aims to implement a system of pre-travel authorisation in the form of Electronic Travel Authorisations (ETA), similar to the US ESTA system, that will facilitate entry and enable government to monitor numbers of arrivals and departures (this has been a controversial point for many years), whilst identifying risk "upstream". The government aims to have a fully digital border within five years. Primary legislation will be required to give effect to this major change. The European Union has a similar programme for digital borders known as the European Travel and Authorisation System (ETIAS).

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Digitisation means that, in the same way as countries such as the United States, Canada, Australia and New Zealand, before a person travels into the U or EU for a visit, they will need to apply for permission where aspects of any criminality must be provided through self-declaration. The aim is to give greater control of borders, improve capability to count people in and out and prevent criminals from entering.

Simplification of the process of applying for permission to enter and remain in country as a sponsored worker is also an aim of our government. This follows the generally successful rollout of the EU Settlement Scheme (EUSS). That scheme had nearly 6 million applications, despite an estimate of just over 3 million resident EU citizens in the UK at the time of the Brexit referendum.

## What are you looking forward to in 2021/22?

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Seeing people in real life again, maybe over a glass of wine.

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Recognised as a top-tier law firm by the principal legal directories, the firm specialises in all aspects of global mobility and investor migration.

Write to Ben at [ben.sheldrick@magrath.co.uk](mailto:ben.sheldrick@magrath.co.uk) for further information or give him a call at 020 7317 6723.