

THE EXPIRY OF THE UK OFFSHORE WIND WORKERS VISA CONCESSION – WHAT YOU NEED TO DO NOW

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The UK Home Office announced on 31 October 2022 that the offshore wind workers visa concession (the “Concession”) would be extended until 30 April 2023. They advised, however, that this was the final extension (being given at the very last minute) for the Concession and that it will not be renewed beyond this date, so employers with impacted employees should use this time to prepare for the transition.

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WHAT IS THE CONCESSION?

The Concession was originally introduced in 2017 and allows foreign nationals to enter the UK and join a vessel engaged in the construction or maintenance of a wind farm within UK territorial waters without visa permission or employer sponsorship. The Concession has provided both time and cost saving benefits to employers operating in the wind farm sector who have not had to organise visas for certain workers.

WHAT IS REQUIRED TO BENEFIT FROM IT?

Under the Concession, some foreign nationals still require a “visitor in transit” visa to enter the UK if they are deemed a “visa national” by the Home Office and they do not hold a seaman’s book that is compliant with the relevant International Labour Organisation convention. The full list of visa nationals can be found [here](#). Notably, no countries in the European Union (“EU”) or European Economic Area (“EEA”) are on the list.

All workers entering the UK under the Concession route need a valid passport and a letter from their employer confirming that they are employed in the construction or maintenance of a wind farm project within territorial waters. It is worth noting that the guidance states that the workers must be essential to such construction and maintenance.

WHAT HAPPENS WHEN THE CONCESSION ENDS?

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When the Concession ends on 30 April 2023, all foreign nationals coming to work on wind farms in UK territorial waters will require immigration permission before they start work. Indeed, permission will be required for EU, EEA and Swiss nationals, unless they have successfully applied for settled or pre-settled status under the EU Settlement Scheme or qualify for a Frontier Worker Permit.

WHAT SHOULD I BE DOING NOW?

The primary route for employers continuing to employ foreign nationals in such roles is likely to be a sponsored work visa. Employers will need to obtain a Home Office sponsor license and secure skilled worker visas for all of their foreign workers. It is important to note that the skilled worker visas have eligibility criteria including skills thresholds, salary requirements and English language requirements. The skilled worker visa eligibility criteria may be logistically challenging for employers to navigate. For example, foreign workers would need to apply for their skilled worker

visa from outside the UK and may need to complete an English language test in order to qualify. Employers should bear this requirement in mind when planning their worker rotations on offshore wind construction vessels and wind farms in the coming months.

The Home Office has indicated that those already in the UK on the date that the Concession comes to an end will need to have an alternative visa in place and there will be no exemption for workers that entered prior to the expiry of the Concession. Employers should accordingly start to plan ahead as the sponsored work visa rules are complex and the visa application process can be time-consuming, particularly where employers need to apply for a sponsor licence.

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Please contact partners Devan Khagram and Anna Robinson and their team should you wish to learn more about sponsor licences and skilled worker visa applications.

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