

Editorial:  
Home Office  
compliance visits  
*Page 2*

Special focus:  
UK immigration  
in numbers  
*Page 4*

Latest news:  
Prepare for new  
Immigration Rules!  
*Page 6*

Focus:  
Biometric  
residence permits  
*Page 10*

**SMITH  
STONE  
WALTERS**

UK Immigration Practice

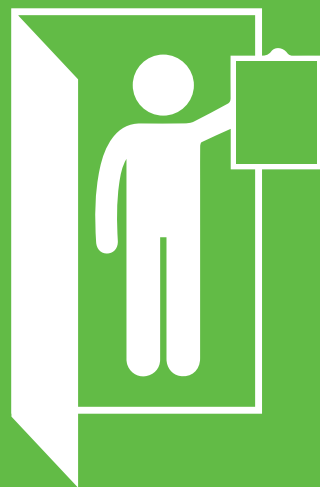
# INSIGHT

UK IMMIGRATION NEWS & VIEWS  
FROM SMITH STONE WALTERS  
SPRING 2017

Will you receive  
a 'surprise'  
Home Office  
compliance visit  
this month?



# ARE



# YOU

*An interesting question cropped up in our London offices this week – why do Home Office compliance officers seem more active at this time of year?*

# READY?

It may just be coincidence, but at this time of year we witness a marked increase in compliance activity. After dusting off their briefcases and donning their uniforms, Home Office compliance officers appear to be making an increased number of unannounced visits to the premises of Tier 2 sponsor licence holders.

These visits are increasingly designed to deny the sponsor with the opportunity to prepare ahead of a meeting. To gain an instant advantage, officers will turn up at a premises without warning and with one specific goal: to establish whether your organisation is complying with all the duties and responsibilities of a sponsor. So, are you ready?

Visiting officers will want to see how your human resources systems work in practice to ensure your company is capable of complying with all the duties which you agreed to maintain when you signed up for a sponsor licence. To list but a few, these include monitoring immigration status and preventing illegal employment, maintaining migrant contact details, monitoring and reporting migrant activity and complying with UK law.

Since its inception in 2008, the Tier 2 sponsor scheme has evolved and now incorporates a broad range of duties and requirements for sponsor holders. Many of these obligations have become so exacting that even the most vigilant employers can be caught out.

*For example, did you know?*

Sponsors are expected to disclose if they assign a Certificate of Sponsorship (CoS) to a family member of anyone else within their organisation. This may come as a surprise to many large and small businesses alike.

## THE STRESS TEST

We routinely advise clients to carry out an internal 'mock' audit to reaffirm that their relevant Human Resources and record-keeping systems remain compliant.

*So, ask yourself this: when was the last time I reviewed my company's profile on the Sponsor Management System? Is that information up-to-date?*

It is also worth checking whether all HR records are readily accessible in the event of a Home Office visit. It is easy to create a bad impression with a compliance officer if certain documents cannot be presented upon request or if they receive the impression that you hold only a vague understanding of your own internal compliance systems. It is important for those staff who play a role in managing sponsor compliance to confidently demonstrate their familiarity with internal HR procedures.

During a Home Office visit it is not unusual for the compliance officer to choose to interview sponsored staff within your organisation i.e. Tier 2 workers. Not only does this provide the officer with a welcome break from reviewing your HR and personnel records but it also allows them a valuable opportunity to verify specific employment details directly with the individual migrant worker, such as their current salary, duties and responsibilities.

This should not be a problem as long as you always maintain and report such changes via the Sponsor Management System (SMS). It is not uncommon, however, for many HR Managers to be left red-faced upon hearing a migrant worker disclose a recent job title or

salary change to the compliance officer that has yet to be updated on the SMS.

## NO NEED TO PANIC

If a sponsor is found to be non-compliant during an audit there can be repercussions, including the possible suspension or revocation of the sponsor's licence and a curtailment of the immigration permission for all sponsored migrant workers. In the event that you are audited, however, it is important not to panic.

The level of checks undertaken by the visiting officer will not only depend on the level of immigration risk your organisation is perceived to pose but also on your willingness to assist the officer during their visit. Compliance officers are human and will warm to you if they are made to feel welcome. First impressions do count and being polite and accommodating to their requests can make a difference, even if their visit is the last thing you need at this time of year.

## SMITH STONE WALTERS

*This edition of Insight is a must-read for Tier 2 sponsors, looking in detail how to prepare for a surprise Home Office audit, the upcoming changes to the UK Immigration Rules and biometric residence permits.*

*For regular updates on all UK immigration matters, make sure you subscribe to our free UK Immigration News Service!*

[www.smithstonewalters.com/signup](http://www.smithstonewalters.com/signup)

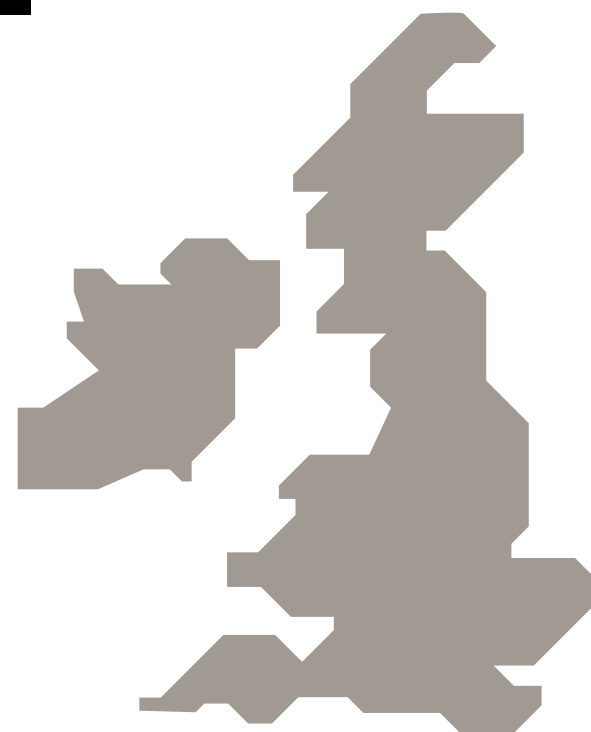
# UK IMMIGRATION IN NUMBERS

*Immigration to the UK is down and emigration is up!*

*We explore the most recent data from the Office for National Statistics, looking at long-term\* migration estimates to and from the UK over the course of the year ending September 2016.*

All data presented here is related to the year ending September 2016 (unless specified otherwise) and is compared with data from the year ending September 2015.

\*Long-term migration is considered as any stay in the UK which is longer than 12 months.



## NET IMMIGRATION



Net migration to the UK came to 273,000 for the year ending September 2016. This net total is 49,000 fewer than during the previous year and is the lowest recorded figure since 2014.

# 273,000

## EU IMMIGRATION



A total of 268,000 EU nationals immigrated to the UK – an overall decrease of 2% on the previous year. Around 67% of all EU nationals came to the UK for work-related reasons and 42% (113,000) had a definite job to go to.

# 2%

## NON-EU IMMIGRATION



7% fewer (257,000) individuals are estimated to have immigrated to the UK from outside the EU over the year in question, with around 26% of those driven by work-related reasons.

# 7%

## WORK



294,000 people immigrated to the UK for work reasons in the year ending September 2016, the most popular motivation amongst those immigrating to the UK. Of these, 65% had a definite job to go to and 104,000 arrived looking for work. 64% of those arriving for work purpose were EU nationals, 24% were non-EU nationals and 12% were British nationals.

# 294,000

## SETTLEMENT



The number of non-EU nationals granted permission to permanently reside in the UK fell by 35% over the past year to 59,009. This decrease is mostly linked to the falls in work, family and asylum-related visa grants during 2016 but is also reflective of the changes made to the family rules in 2012.

# 35%

## EMPLOYERS



There are currently 29,691 UK organisations registered as sponsors of Tier 2 & 5 migrant employees. This is almost 7% fewer than this time last year.

# 29,691

## FAMILY



1% more (38,119) family visas were granted to non-EU nationals wanting to either join or accompany their partner or relation in the UK.

# 1%

## STUDY



Study is the second most popular reason for migrants coming to the UK, with the year ending September 2016 seeing 134,000 people coming to the UK for study reasons. This is a decrease of 41,000, however, which is significantly lower than the previous year's total and is the lowest recorded estimate since 2002. This drop can be largely accounted for by a 31,000 decrease in the number of non-EU nationals coming to the UK to study.

# 134,000



# PREPARE FOR NEW IMMIGRATION RULES THIS APRIL!

*Brexit aside, 2017 is set to be a big year for UK immigration policy.*

The next set of changes to the UK Immigration Rules are scheduled to arrive early this April and UK employers and visa nationals alike will need to sit up and take note!

We expect the following additions and amendments to be made to the Immigration Rules this April:

## *The Immigration Skills Charge*

- UK organisations hiring overseas nationals in the UK will be subject to a new charge of £1,000 per migrant hire per valid visa year.

**DID YOU  
KNOW?**



**£1,000**

The Immigration Skills Charge will be levied on UK employers from April 2017 and will cost £1,000 per Tier 2 migrant hire per visa year.



## *Increased salary threshold for Tier 2 (General)*

- The minimum salary threshold for applicants of this visa category is expected to rise to £30,000 as of April this year. This will only apply to experienced entrants of the category, whilst the minimum threshold for new entrants will remain at £20,800.

## *The Immigration Health Surcharge for Tier 2 (ICT)*

- Applicants of the Tier 2 Intra-company Transfer (ICT) visa category will become subject to the Immigration Health Surcharge (IHS). This charge will set applicants back by £200 per valid visa year at the time of application, with any dependant(s) being charged the same amount.

## *Closure of Tier 2 (ICT) Short Term visa route*

- This visa category allows employers to transfer professionals from abroad to the UK for up to 12 months into a role which cannot be filled by a UK recruit. This popular visa category will close this April, however, leaving employers with only the stricter visa routes of Tier 2 General and Tier 2 ICT Long Term available for these kinds of transfers.

**£4,899**

The current cost of moving a family of four to the UK for three years under Tier 2 General is £4,899 but this is expected to increase subject to April's changes.



**£200**

The Immigration Health Surcharge costing £200 per visa year will soon also apply to Tier 2 ICT applicants and their dependants.



# CALLS FOR A TECH-ONLY VISA SYSTEM

## BUT WILL THE GOVERNMENT LISTEN?

*A recent report highlighting the current plight of tech start-ups and SME's in the face of the UK Immigration Rules has suggested that a new tech-focussed visa system could tackle increasing skill gaps in this sector.*

The report comes from Coadec, an organisation which provides relations and policy support to the UK government. It is the result of surveying 150 tech start-ups for their views on how UK policy can further support the development of the growing IT sector.

With over one third of tech start-ups relying heavily on foreign skills for their first ten hires, an overwhelming response from those surveyed spoke of the difficulties caused by current immigration policy.

Coadec argues that major changes should be made to the current immigration system in order to support the industry's high growth rate and suggest the following:

- Allow the highly-skilled into the UK on a minimum six-month visa – the criteria of which could include a completed course of studies from particular top institutions or a standardised high-level exam in specific programming languages

- Allow organisations (such as venture capitalists or large tech firms) to endorse the potential employer - thereby reducing costs and fast-tracking the sponsor licence and hiring process

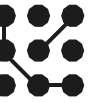
Coadec's suggestions are meant to enhance the current skilled immigration system, not to replace it. They are aimed at making the hiring of foreign workers both easier and more successful for tech start-ups by honing in on specific skill sets and

*“Almost one half of all skilled visas issued in the last year were granted to IT professionals”*

reducing the costs and length of the hiring process for the employer.

Almost one half of all skilled visas issued in the last year were granted to IT professionals and come 2020, Coadec estimates that the UK's booming tech sector will have produced almost 800,000 positions that we will simply be unable to fill without the help of foreign talent.

The government is yet to publish its response to the report so watch this space!



## WORK VISAS IN THE UK –AN SSW WEBINAR



Presented by SSW Account Manager, Rob Liu, the webinar discussed all things UK immigration for overseas nationals looking to come to the UK to study, along with taking an extended look at the options available to current Tier 4 visa holders already in the UK such as Tier 2 and Tier 5.

Hosted this February in partnership with Mandarin Consulting, the live-stream webinar also gave attendees the valuable opportunity to interact with Rob and ask get answers to questions applicable to their particular situations.

We want to thank Rob and Mandarin Consulting for their help in making this latest visa webinar a success!

*“The webinar discussed all things UK immigration for overseas nationals”*



## THE BREXIT IMMIGRATION SERVICE



*SSW has introduced a new service to aid clients in preparing their organisations for the effects of Brexit.*

The Brexit Immigration Service is designed for UK organisations of all shapes and sizes who employ foreign EEA nationals and want to ensure to the best of their ability the security of this workforce in the face of Brexit. The content and structure of the service is tailored to the needs and wishes of each client and is intended to provide peace of mind.

*For more information contact us on 0208 461 6660 or [info@smithstonewalters.com](mailto:info@smithstonewalters.com)*

## EMPLOYEE VOLUNTEERING



Every year, staff members at Smith Stone Walters are encouraged to devote a full working day to support our chosen charity, the *Rainbow Trust Children's Charity*.

SSW volunteers recently supported Epsom Book Fair, helping within a team to sort over 50,000 books in preparation for the three-day event.

It was a long but fun day, full of interesting surprises with books old and new covering numerous topics coming non-stop through the sorting doors!

SSW volunteers enjoyed being part of the Rainbow Trust volunteering team and meeting so many lovely people. Epsom Book Fair is the largest of its kind in England and Wales and well-known amongst book lovers and

dealers alike. *This year's event raised the impressive total of £35,700!* These proceeds are donated to a number of charities, one of which is the Rainbow Trust, making our volunteers' efforts all the more worthwhile!



## GLOBAL HR CONFERENCE 2017

No global mobility event would be complete these days without taking a good look at Brexit, and SSW Director James Walters did exactly that at this year's Global HR Conference in London. James spoke on the potential effects of Brexit on the EEA workforce and how this could change the current system for non-EEA nationals.

Under the bright lights of a new format and venue, the event was well-attended by HR professionals from across a range of industries. Alongside a discussion on the possible changes to the UK's current immigration system, James took the opportunity to outline a number of steps which both sponsors and EEA employees can take in order to prepare themselves ahead of Brexit.



## WHAT OUR CLIENTS SAY ABOUT US

*The SSW team aims to provide its clients with a service worth shouting about.*

Thanks go to the SSW team members who helped to make this quarter no exception!

*'Anthony Hall's (SSW UK) professionalism and level of service has been absolutely exceptional, guiding us every step of the way through our permanent residency application, providing extremely precise and always very accurate information, with impeccable timings. I really wanted to thank Anthony for his patience too. I'm looking forward to working with him and his team towards our British Citizenship.'*

*M.C., private client*

*'Very thorough and diligent. Committed and friendly staff.'*

*N.R., international financial services*

*I would like to express my sincere gratitude to Alastair Mason (SSW UK) for his dedicated, competent, timely and professional services that he consistently provided to me and my family over the past several years in relation to our UK visa application and renewal. Keep up the good work!!!'*

*T.V., International Charity*

*'Nick Jeffree and Rob Liu (SSW UK) were both great to work with. I was well informed throughout the entire process and the team were very responsive to enquiries.'*

*D.D., international law firm*

*'The SSW team was very helpful and professional and was always ready to go the extra mile.'*

*J.M., international telecommunications firm*

*Jack (SSW USA) was great. The whole "moving" process is not exactly fun and by FAR the easiest and most straight forward part has been getting the Visas!'*

*B.S., investment banking firm*

“  
EFFICIENT  
PROFESSIONAL  
DILIGENT  
RESPONSIVE  
5 STARS!  
”





*This edition of Focus turns its attention to biometric residence permits (or BRPs), what they are, how to acquire one and how it should be maintained.*

If a migrant's UK immigration application is successful, the Home Office will require the submission of their biometric information in order to create their biometric residence permit. This immigration document was first introduced in 2008 and only applied to certain immigration categories. Now, however, biometric cards are issued to all migrants who are granted leave to enter the UK for any period longer than six months.

## *What is a biometric residence permit?*

A biometric residence permit is a credit card-sized permit which holds a migrant's biometric information including name, date and place of birth, facial image and fingerprints. It is proof of the holder's right to stay, work or study in the UK for a specific period of time and it has replaced less secure evidence such as immigration stamps and stickers in passports or other travel documents.

## *When will I receive my biometric residence permit?*

If you are granted leave to enter the UK for more than six months you will initially be issued with a vignette in your passport which is valid for 30 days. The vignette is only proof of your permission to enter the UK and you will be required to collect your biometric residence permit once you have arrived in the UK.

## *How can I apply for a biometric residence permit from inside the UK?*

If you make an application in the UK by post, the Home Office will ask you to submit your biometric information at a Post Office branch. If you want to make your application in person you can do this by using the premium service at one of the Home Office's seven premium service centres or by using their super premium service.

## *How do I collect my biometric residence permit?*

Your visa decision letter will tell you the date from which your biometric residence permit is expected to be available along with the Post Office you must collect it from. You are expected to collect your own BRP. If you are part

of a family group that has travelled together to the UK, however, all biometric residence permits belonging to the family group can be collected by an adult member (aged over 18) of the group.

## *How do I use my biometric residence permit?*

There is no requirement for individuals to carry their BRP whilst in the UK. It is essential, however, that it is carried when travelling abroad as it is proof of your permission to stay in the UK.

You may have to show the permit to an immigration officer at the border when you leave the UK and you will certainly need to show it along with your valid national passport on your return journey. Whilst the permit proves that you are allowed to return to the United Kingdom, it cannot be used instead of a passport.

## *Why does my National Insurance Number appear on my biometric residence permit?*

If you have been granted leave to enter the UK as a Tier 2 General, Sports person or Minister of Religion Migrant your National Insurance Number will appear on the reverse of your biometric residence permit. If this is the case then there is no need for you or your employer to make a separate application to the Department for Work and Pensions to obtain your National Insurance Number.

## *How do I know if I need to register with the police?*

If you are required to register with the police this will be confirmed on the 30 day vignette which allows you to travel to the UK. If you are required to register you must do so within seven days of your arrival in the UK.

## *What should I do if my biometric residence permit is lost or stolen?*

You must report the loss or theft to the Home Office as soon as possible and apply for another permit within three months of reporting the loss or theft. If your permit is lost or stolen whilst you are outside the UK, you must apply for a replacement BRP visa in order to re-enter the UK and then apply for a new biometric residence permit within one month of returning to the UK.



## *How do I change my personal details on my biometric residence permit?*

You must tell the Home Office as soon as possible if:

- you change your name (for example, because of marriage);
- you change your gender (legally or permanently);
- you change your nationality; or
- your facial appearance changes significantly.

## *What must I do if I change my circumstances?*

You must tell the Home Office as soon as possible if:

- your circumstances change and consequently you no longer qualify to stay under the Immigration Rules that were in place when permission for you to stay in the UK was granted; or
- you are a student and you change your course and/or education provider (sponsor).

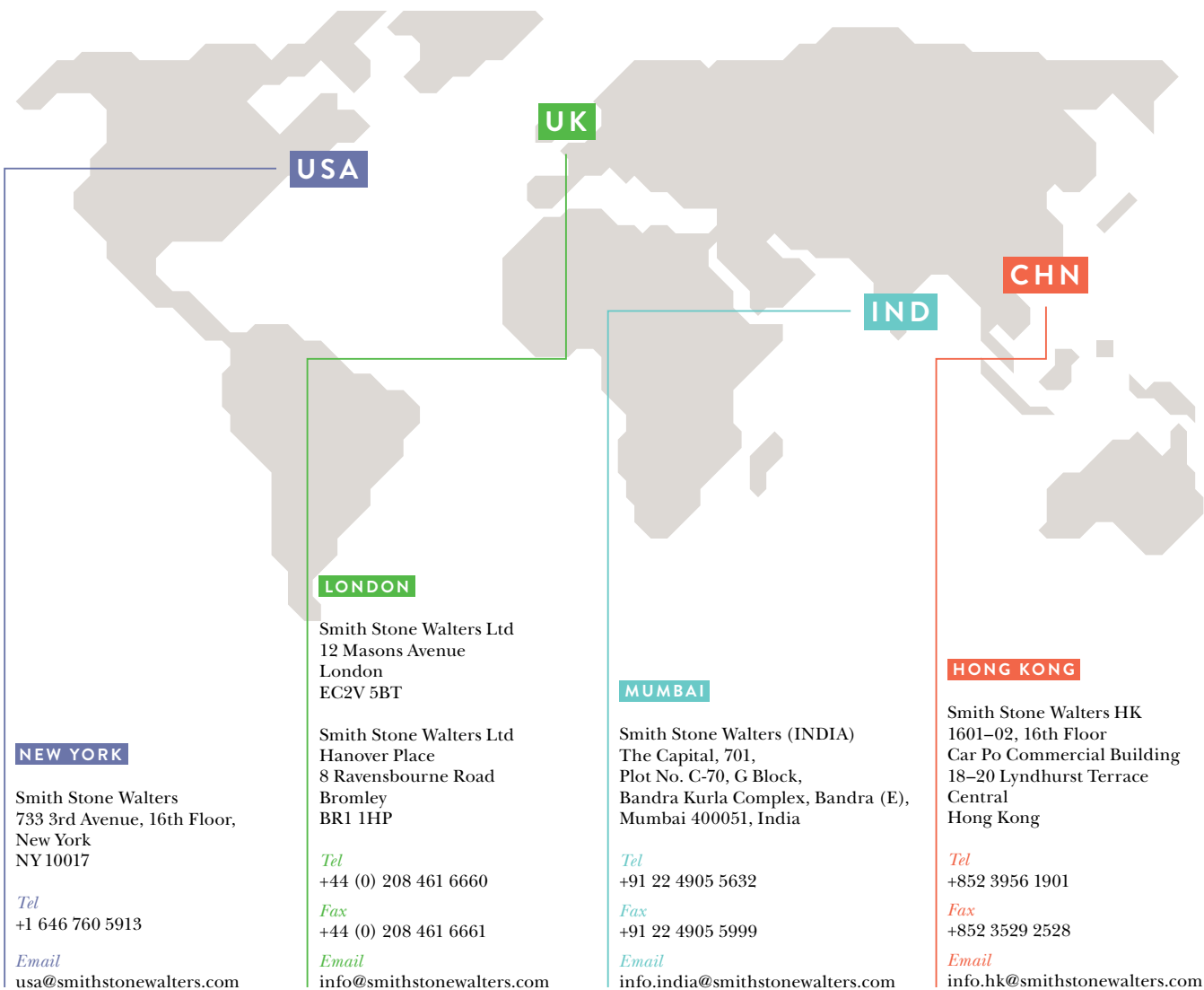
## *What should I do if my biometric residence permit is nearing expiry?*

You will need to make a further application before your leave expires if you wish to remain in the UK. When submitting an application to extend your stay you must enclose your biometric residence permit. If the existing permit will be superseded as a result of the decision on the application, it will not be returned to you. We therefore recommend that you make and retain a copy of the front and back of your existing permit before submitting your application.

Contact Smith Stone Walters for up-to-date and friendly advice regarding your biometric residence permit and other UK immigration issues.

[www.smithstonewalters.com](http://www.smithstonewalters.com)

## CONTACT US



[www.smithstonewalters.com](http://www.smithstonewalters.com)

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