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WALTERS**

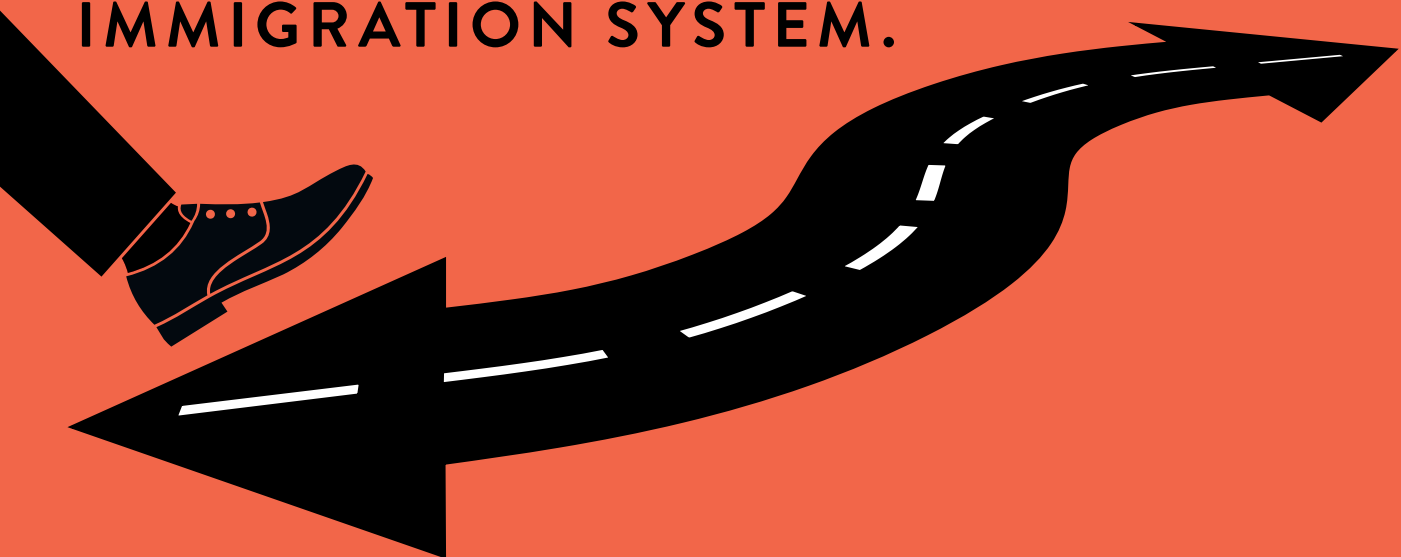
UK Immigration Practice

INSIGHT

UK IMMIGRATION NEWS & VIEWS
FROM SMITH STONE WALTERS
AUTUMN 2017

Modernising
the immigration
system...
a complex task

THE FIRST STEP ON THE ROAD TO A NEW UK IMMIGRATION SYSTEM.



One year after the referendum, the government has finally taken the first major step towards forming a new UK immigration system.

The Migration Advisory Committee (MAC) has been commissioned to advise on the impact of the UK's exit from the European Union (EU) and to suggest how the UK's immigration system should be modernised to accommodate the country's new situation.

But will the new rules be both intelligible and comprehensive? Don't hold your breath!

The odds are stacked against the government when it comes to getting this 100% right. Its track record regarding UK immigration policy is not great and the pressure to balance the pros and cons for UK businesses is mounting by the day.

Like so many legal issues surrounding the UK's exit from the EU, modernising our immigration policy will be a hugely complex and controversial task. Many UK sectors are heavily dependent on EU labour and are already voicing concerns over the future of low and middle-skilled migration to the UK.

Nevertheless, once the system has been agreed upon, every UK business will have to fall in line with the new immigration and right to work legislation, which will most likely mean becoming less reliant on EU workers.

The MAC is currently calling for evidence from UK businesses and other relevant parties in relation to their views on EU immigration in order to inform its investigation. Whilst this enables the arguments of a wide range of interested parties to be heard by the government, it is unlikely that the new system will succeed in satisfying the needs of every sector. Once the rich pool of EU candidates is no longer freely available to UK employers, the overriding emphasis will be placed on businesses to recruit locally.

LOWERING MIGRATION

Given the government's ongoing insistence on applying an annual numerical target for net migration, it was probably pleased to note recent migration data from the Office for National Statistics showing that around 122,000 EU citizens had left the UK in the year ending March 2017.

This voluntary exodus of EU nationals appears to be fuelled by economic and legislative uncertainty and has rejuvenated the government's ambition to lower migration below 100,000. Should this trend continue, many UK industries fear that the additional impact of tighter immigration controls will further reduce their ability to recruit workers.

In March of this year, Andrea Wareham, Director of People at Pret a Manger, told a Parliamentary Committee that 65 per cent of Pret a Manger's workforce (around 10,000 in total) were EU nationals and, interestingly, only around one in 50 people who apply to work at the company are British.

This heavy reliance on low and middle skilled EU workers is mirrored across other sectors such as construction, hospitality and healthcare, where it is feared that the current UK workforce alone will be unable to meet their growing labour demand. To compound this issue further, the ability to engage self-employed EU workers is also likely to be controlled.

SELF-EMPLOYED WORKERS

It is estimated that almost 300,000 EU nationals work in a self-employed capacity in the UK. Once the gate has been closed on the rest of Europe, the government is unlikely to leave the back

door open for skilled tradespersons from the EU to work in the UK without restriction as they do now.

Currently, the government does not offer a specific scheme that would permit a self-employed, South American electrician to enter and work in the UK. Whilst the existing Tier 1 Entrepreneur routes provide opportunity for self-employed migrants to work and set up business in the UK, they are aimed at high-value entrepreneurs.

If, as expected, new immigration controls on self-employed EU citizens are introduced, hiring a Polish plumber will become just as difficult as hiring his equivalent counterpart from Paraguay.

SEASONAL WORKERS

Another area guaranteed to be under the spotlight will be rural businesses and their high dependence on seasonal agricultural workers from the EU.

The Seasonal Agricultural Workers Scheme (SAWS) was originally introduced in 1945 to encourage young European students to work in the UK during peak agricultural seasons. Prior to being scrapped in 2013 by the then Home Secretary, Theresa May, 20,000 EU workers entered the UK each year via this scheme.

A recent survey by the Country Land and Business Association (CLA) said Brexit had already caused problems for rural employers, with 44% of CLA members saying they have experienced a reduction in the availability of migrant labour over the past year and almost all respondents citing difficulty in recruiting locally.

Many within the industry were very vocal in their opposition to the government's

decision to terminate SAWS and are likely to use the MAC's Call for Evidence to highlight the importance of reintroducing a scheme, thereby allowing rural businesses to plan for the future.

Given this reliance on EU workers, many agricultural businesses will want to make the most of the expected transition period ahead of any new policy introductions. Home Secretary, Amber Rudd, has acknowledged that a 'cliff edge' scenario when the UK leaves the EU would be damaging to employers, so the introduction of a post-Brexit transition period of two or three years is highly likely.

Not only would this give UK businesses some breathing space, it would also give the government some much needed time to decide how best to tailor the migration of EU labour to the differing needs of UK industry. No mean feat...

**SMITH
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WALTERS**

This edition of Insight reveals the latest UK immigration figures and discusses the government's recent moves towards the formation of post-Brexit immigration policy. We also look at the MAC's Call for Evidence regarding the UK's EEA workforce and introduce our new Brexit webpage!

For regular industry news updates sign up to our UK Immigration News Service.

www.smithstonewalters.com/signup

THE ONGOING FALL IN UK MIGRATION NUMBERS

*The ongoing exodus of EU citizens continues to drive down net migration in the wake of the Brexit vote. In this Special Focus, we summarise the latest official long-term international migration statistics for the UK in the year ending March 2017**



246,000

NET MIGRATION to the UK in the year-ending March 2017 has been estimated at 246,000, a **decrease of 25%** from the previous year, of which 127,000 were EU citizens and 179,000 were non-EEA nationals.

588,000

people **IMMIGRATED** to the UK. This is a **substantial drop from 638,000** in the previous year.

342,000

people **EMIGRATED** from the UK. This represents a **sharp increase of 10%** on the previous year and is the highest recorded estimate since 2012.

37%



122,000 EU citizens chose to emigrate from the UK (an increase of 33,000 on last year).

50%



of the fall in net migration can be directly attributed to a drop of 51,000 for EU citizens, for whom net migration has decreased to the lowest since December 2013.

39,000



FEWER

87,000 migrants arrived in the UK looking for work. A drop of 39,000 on last year.

2ND



Estimates show that immigration for study (139,000) was the second most common reason for migration to the UK. However, this represents a significant decrease of 27,000 on the previous year.

10%



275,000 people immigrated for work-related reasons in year ending March 2017, down from 303,000 for the previous year. The majority (188,000) had a job to go to.



1/3



More than one-third of non-EU study visas were granted to Chinese students (up by 12,000 or 17% compared with a year earlier).

1%



In the year ending June 2017, the number of sponsored skilled work (Tier 2) visas, including dependants, was 1% lower than the previous year at 93,000



EU8



Almost all of the change in EU net migration is accounted for by EU8 citizens including Polish and Czech nationals (down 32,000).

*The report also includes data from the Home Office and the Department for Work and Pensions (DWP) for the year ending June 2017.

DID YOU KNOW? RIGHT TO WORK LEGISLATION HAS CHANGED



The Home Office department, UK Visas & Immigration, has published updated guidance for employers to follow when conducting Right to Work checks on new employees.

Whilst this guidance replaces the previous guidance dated 12 July 2016, the previous guidance still applies to those employed between 12 July 2016 and 8 August 2017.

The most significant changes to this guidance relate to:

- applicant registration cards which are now issued as biometric documents
- those who claim to have a right to work as a non-European Economic Area (EEA) family member of an EEA national
- voluntary work and being a volunteer
- illegal working measures introduced by the Immigration Act 2016, such as closure notices and compliance orders, immigration checks in the licensing regimes for taxis and private hire vehicles and alcohol and late night refreshment
- the employment of international students

Contact your SSW adviser or go to www.gov.uk/government/publications/right-to-work-checks-employers-guide for more information.



THE LATEST ON BREXIT...



The government may soon announce plans which would continue visa-free travel to the UK for EEA nationals after the UK leaves the European Union.

With the UK's exit from the European Union approaching at an uncomfortable speed, the government is setting the wheels in motion towards forming a post-Brexit UK immigration policy as soon as possible.

EEA nationals currently in the UK

A proposal for those European Economic Area (EEA) nationals already in the UK has been put forward, outlining measures designed to support those EEA nationals who have made the UK their home.

Immigration system for EEA nationals

The government has been looking to create a new UK immigration system which controls EEA migration into the UK for work purposes whilst also supporting the UK economy.

For this, it has commissioned the Migration Advisory Committee (MAC) to investigate current and future trends in EEA migration and UK employers are being called upon to submit their views, experience and supporting evidence in relation to their EEA employee population.

At this moment in time, it seems likely that any EEA national looking to come to the UK to work after Brexit will need to apply for a UK work visa, but as yet there has been no indication as to what kind of system this will be.

Visiting EEA nationals

The government may soon announce plans which would continue visa-free travel to the UK for EEA nationals after the UK leaves the European Union. This will only apply to those visiting the UK, however, as any EU national seeking to work, study or settle in the UK is likely to require a UK visa in the future.

To keep up to date with the latest UK immigration news and views, sign up to our complimentary UK Immigration News Service at smithstonewalters.com/signup/

THE MAC CALLS FOR EVIDENCE ON EEA MIGRATION

The government has commissioned the Migration Advisory Committee (MAC), an independent advisory body, to investigate how the UK's post-Brexit immigration policy should be designed in order to best support the UK's economy.

The MAC has been tasked with setting out current UK migration trends for both EU and non-EU migrants, including location, sector and skill

levels. The government has also requested that the independent advisory body forecasts likely UK immigration trends for the future.

The MAC's findings will be considered alongside the government's own research efforts when plans for a long-term post-Brexit immigration strategy are drawn up.

As part of its investigations, the MAC has issued a Call for Evidence, asking UK businesses, recruiters and other relevant parties to share their views regarding EEA immigration.

All responses should be evidence-based, providing supporting data and/or examples wherever possible. It is important to note, however, that the MAC will publish your response on its website and that any supporting evidence may also be made public.

All evidence should be submitted to the MAC by 27 October 2017. Alternatively send your response to us as soon as possible and we will ensure that it is submitted to the MAC on your behalf.



RAINBOW TRUST'S CHARITY GOLF DAY



SSW joined Rainbow Trust Children's Charity once again at its annual summer Golf Day.

The fundraiser is a key event in the charity's fundraising calendar and this year was no exception, with the day raising more than £20,000 for families across the UK in need of Rainbow Trust's support!

Directors David Hugkulstone and James Walters represented Smith Stone Walters, captaining their team of four. Our golfers enjoyed impeccable course and weather conditions, coming fourth overall, followed by an evening of hospitality and entertainment.

Rainbow Trust Children's Charity provides practical and emotional support to the families of children with a life-threatening or terminal illness. The funds raised from this year's Golf Day will enable Rainbow Trust support workers to continue making a difference to people's lives.

Read more about rainbowtrust.org.uk

WELCOME TO OUR ALL-NEW BREXIT IMMIGRATION WEBPAGE!

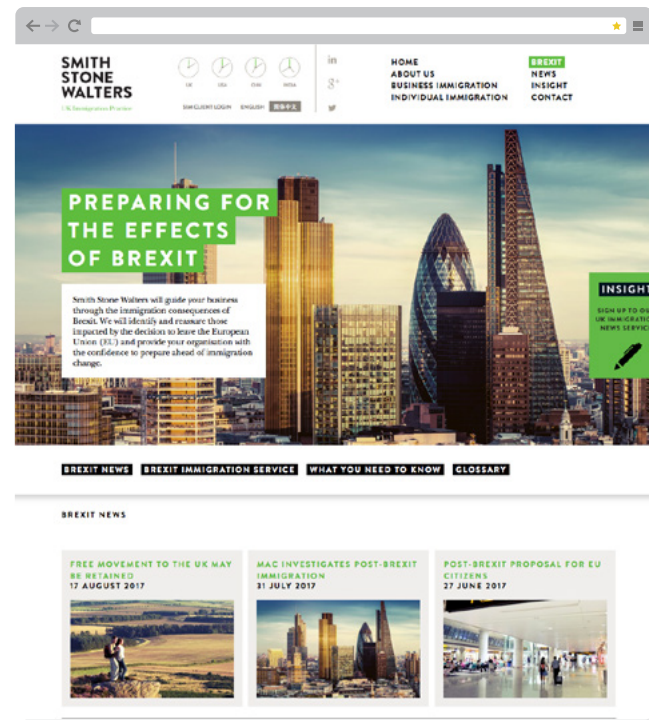


SSW aims to keep you in the know, so a Brexit webpage was a must!

With the UK immigration landscape set to change dramatically in the near future, our new Brexit webpage will keep you up to date with the latest Brexit news, as well as outlining what you should be doing now to prepare your organisation ahead of major immigration change.

We also present details of our Brexit Immigration Service, a bespoke offering tailored to your needs as an employer of EEA nationals.

Make sure you visit us at www.smithstonewalters.com/brexit to read more!



BREXIT TASTES BETTER WITH BREAKFAST!

SSW experts were delighted to speak at the Breakfast Brexit Briefing on UK immigration Policy, recently hosted by London & Partners.

Aimed at Chinese investors in the UK, the briefing was the first in a series of events to be held by London & Partners over the coming months and addressed the concerns of UK-based Chinese businesses regarding the impact of Brexit on UK immigration policy.

The topic drew a large and attentive crowd which made for an engaging and informative morning. London & Partners Market Analyst, Nicholas Cooke, enlightened attendees regarding current and future business sentiment in the UK's capital, followed by SSW speakers Alastair Mason and Rob Liu who took centre stage for a discussion on Brexit and UK immigration policy.

We thank London & Partners for hosting an excellent event and look forward to our next joint endeavour!

WHAT OUR CLIENTS SAY ABOUT US



When it comes to client satisfaction, our goal remains the same – delivering our clients with the WOW factor.

This summer has been no exception, with caseworkers achieving high praise for top results.

“My case was handled swiftly and professionally, and it was a pleasure to interact with Kiran!”

A.I., global business consultancy

“Dealing with Alastair (SSW UK) was a pleasure. Prompt, efficient and quick. Definitely will recommend to others. Great job!”

S.D., international law firm

“Summer has been very helpful and kind throughout the whole visa process. She was particularly careful and cautious in handling my application and it was a pleasure working with her.”

C.Y., global investment firm

“Fantastic service, as always. My past two visa experiences have been with SSW, and the team have always made the process painless and quick.”

R.B., global investment firm

“Tess (SSW HK) was a real pleasure to work with. She was attentive, understood my requirements. Thank you so much!!”

C.D. international investment bank

“I would like to thank Prestina (SSW India) for her support and assistance. I had multiple questions and concerns about my family's visas and every time these were handled with patience and maturity. ‘Thank you’ is not enough!”

C.S., global financial firm

“I could not be more satisfied with my experience at SSW - special thanks to Kiran Rasoda, Puja Patel (SSW UK), Yvonne Foley and Joyce Ki (SSW US).”

B.G., commodity trading firm

“
ATTENTIVE
EFFICIENT
FANTASTIC
”

This edition of Focus discusses the Registered Traveller service. Since its inception in April 2015, the service has offered overseas nationals a fast and convenient manner of passing through UK border control.

How to qualify for membership

Registered Traveller service

The service is aimed at business travellers and regular visitors to the UK. Last year the service was expanded to include even more countries than before and membership is now open to travellers from the following countries:

Asia

Brunei, Hong Kong (must be a Special Administrative Region passport), Japan, Malaysia, Singapore, South Korea, Taiwan (nationals must have a personal ID number on their photo page).

Australasia

Australia, New Zealand

Middle East

Israel

North America

Canada, Mexico, USA

South and Central America

Argentina, Belize, Brazil, Chile, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Uruguay

What are the benefits of this service?

Once successfully registered, Registered Travellers will:

- be able to use the ePassport gates (only with a biometric passport);
- be able to use the UK/EU channels at passport control or the Registered Traveller lanes;
- not need to fill out a landing card or undergo a credibility interview upon arrival; and
- not need to provide fingerprints on each arrival (if a visa holder).

Who is eligible to apply?

To be eligible to apply for this scheme, applicants must:

- be 18 or older;
- hold an eligible passport; and
- either:
 - have a visa (exclusions are Tier 5 Sporting & Creative Concessions, EEA family permits, discretionary leave and leave outside the rules)
 - OR
 - be a 'visitor' and have visited the UK at least 4 times in the last 24 months.

Where is the Registered Traveller service available?

The Registered Traveller service can be used at most UK ports including:

Gatwick, Heathrow, Birmingham, Manchester, East Midlands, Edinburgh, Glasgow, London City, Luton, Stansted, Paris, Brussels and Lille (Rail Terminals).

How much does it cost to join the service?

It costs £70 to apply for a 12-month membership, which includes a non-refundable £20 administration fee. The renewal fee for a subsequent year is currently £50.

How to apply

An online application form should be completed via the gov.uk website. It takes five to ten minutes and requires passport details and a credit or debit card to pay the membership fee. The application is assessed within five to ten working days.

Once an application has been provisionally accepted, instructions on how to complete membership will be emailed to the applicant, who will be asked to print out the email and bring it with them on their next visit to one of the participating ports. Membership lasts for 12 months from this date.

Membership will not be complete until the applicant makes their next visit to the UK.



In order to finish the registration process, applicants should go to the 'Other passports' lane at UK airport security, or 'Fast Track' if they have a Fast Track ticket.

- At Heathrow, use the 'Other passports' or 'Fast Track' lane.
- At Birmingham, Manchester, Gatwick, Bristol, Cardiff
- International, East Midlands, Edinburgh, Glasgow, London City, Luton, or Stansted, use the 'Other passports' lane.

Applicants will be asked to show their passport and evidence of leave to the Immigration Officer at the airport. Officers will process arrivals in the normal way and provide individuals with the appropriate leave to enter. Officers will then finalise enrolment and hand issue membership cards.

Full membership is confirmed by a follow up email, normally received within 10 working days. Members are then permitted to use the ePassport gates (if they have a biometric passport) and the UK/EU queues.

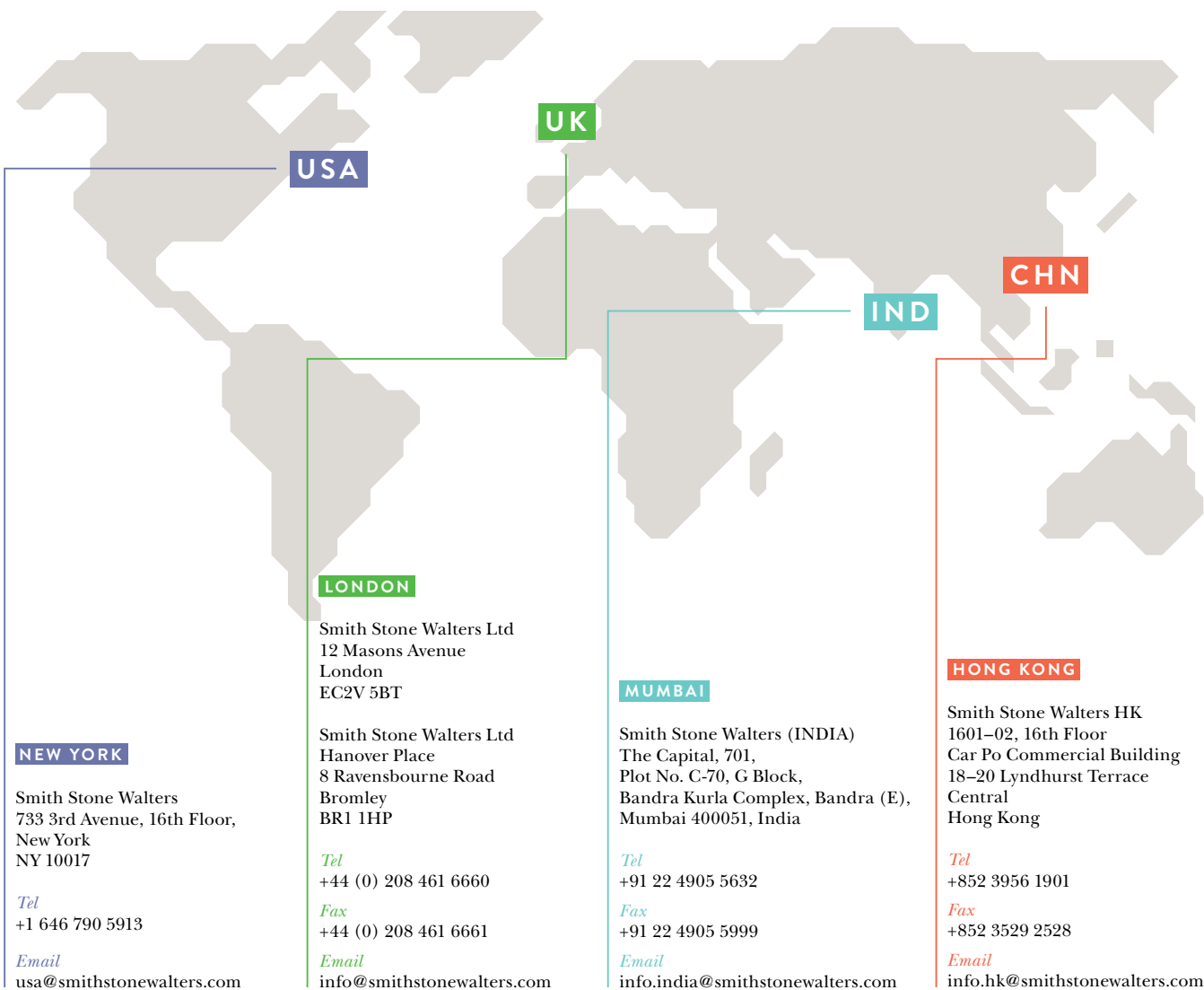
Do members still need to carry evidence of leave or Biometric Residence Permit (BRP) when using the Registered Traveller service?

Yes, members still need to carry evidence of leave or BRP as well as their passport. These documents may be required for presentation to an Immigration Officer upon arrival to the UK.

Smith Stone Walters – Your Immigration Adviser

Contact Smith Stone Walters for friendly and up-to-date immigration advice on your options – we specialise in UK immigration and can help identify your best plan of action for living and working in the United Kingdom.

CONTACT US



www.smithstonewalters.com

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