

Editorial:  
A half-baked post-Brexit  
immigration strategy  
*Page 2*

Special Focus:  
UK immigration  
in numbers 2017  
*Page 4*

Latest News:  
Doubling of Exceptional  
Talent visas  
*Page 6*

Focus:  
The Permitted  
Paid Engagement  
*Page 10*

**SMITH  
STONE  
WALTERS**

UK Immigration Practice

# INSIGHT

UK IMMIGRATION NEWS & VIEWS  
FROM SMITH STONE WALTERS  
WINTER 2017

Is the government  
prepared to deliver  
its immigration  
proposals?



# A HALF-BAKED POST-BREXIT IMMIGRATION STRATEGY

*Having reached the halfway stage between the UK's Brexit referendum and the date of the country's departure from the EU, how prepared is the government for delivering on its immigration proposals?*

Some more light was shed on this subject when the right honourable Brandon Lewis MP was recently called in front of the Home Affairs Committee.

This was the Minister's first Committee appearance since he was appointed Minister of State for Immigration in June 2017 and much of his examination centred on the Brexit-built challenge of granting immigration status to three million EU citizens and their families living in the UK.

Despite negotiations surrounding EU citizens' rights still being outstanding at the time of Mr Lewis's appearance, he went to great lengths to confirm

that the process of designing a new registration system for EU nationals was already underway.

He told the Committee that the proposed new system will adopt a light-touch approach with caseworkers placing an emphasis on granting 'settled status'.

Not only did he want the process to be as simple and quick as renewing a UK driving licence but he also indicated the system should be in place and ready to accept applications by the second half of 2018 i.e. ahead of the UK's withdrawal from the EU.

Mr Lewis's optimistic portrayal of delivering a simple and swift registration process was comforting to hear. But will his vision become a reality? The complexity surrounding Brexit is unprecedented and this very much includes the areas of citizens' rights and immigration.

Eighteen months on from the referendum result, there are three

areas that we would have liked Mr Lewis to elaborate on:

## APPLICATION PROCESS

Although Mr Lewis may have outlined how EU nationals will be able to apply for 'settled status', the registration criteria they will need to fulfil is unclear.

Simple and quick is not how you would describe the current system in place for those EU nationals applying for permanent residence.

Mr Lewis spoke of Home office staff adopting a 'light touch' approach to the new system of registration but how will this be measured and what are the consequences for any individual citizens who see their applications denied?

A significant number of EU nationals have lived in the UK lawfully without the need to register up until now. The level of anxiety created from now being asked to retrospectively meet 'settled status' application criteria should not be underestimated.



IMMIGRATION



APPLICATION



RECRUITMENT



BORDER CONTROL

*"The registration criteria they will need to fulfil is unclear."*

## RECRUITMENT DRIVE

It is no exaggeration to suggest this is the biggest task the Home Office has ever undertaken.

Around two million EU nationals meet the five-year 'settled status' eligibility criterion. A further one million nationals have been resident in the UK for less than five years so will therefore be required to apply for 'temporary status'. Add to the mix the fact that the Home Office headcount shrunk by 9% between 2010 and 2016 and you easily begin to question whether they will be able to cope with a surge of new applications.

Mr Lewis told the Home Affairs Committee that 1200 new staff should be in place by early next year. But will that prove to be enough?

Mr Lewis needs to be pressed further to clarify where these new staff will be allocated and whether existing staff resources will be reassigned from other departments to manage the citizens' rights scheme.

As the UK heads towards exit from the EU, the government needs to demonstrate it will have the necessary staff numbers in place to manage all its responsibilities including maintaining border control and managing a post-Brexit immigration and work permit system.

## BORDER CONTROL

Will there be a change in the border enforcement regime for EU nationals post-Brexit?

Despite the Home Office processing 35 million border crossings a year from within the EU, Mr Lewis was unable to confirm whether EU nationals will see a change at passport control on their arrival into the UK.

Mr Lewis is keen to develop the use of e-gates to give people a much quicker experience. He expressed his aim for passengers to receive a 'very good, fast experience of coming through our excellent Border Force'. However, this technology is unlikely to be in place any time soon.

If a major reform of border control upon arrival is adopted, such as a separate EU channel, it will require sufficient planning time, extra funding and resources.

Perhaps the next time Mr Lewis is invited in front of the Home Affairs Committee he will be able to provide greater clarity before it is too late.

## SMITH STONE WALTERS

*In this final edition of Insight for 2017, we are pleased to provide analysis on the latest UK migration figures and review the Permitted Paid Employment visitor category as an entry route into the UK.*

*Smith Stone Walters wishes all its clients a very Happy Christmas. We look forward to providing UK immigration news and support throughout 2018.*



# UK IMMIGRATION IN NUMBERS 2017

*We present the headlines from the latest UK migration figures published by the Office for National Statistics.*

All figures shown here are long-term\* estimates for the year ending (YE) September 2017 and are compared to the same period in 2016 unless otherwise stated. These statistics cover the year since the EU referendum in late June 2016.

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

## NET MIGRATION



A net total of 230,000 people are estimated to have immigrated to the UK in 2017, which is a drop of 106,000 from the previous year. Over three-quarters of the decrease in net migration can be accounted for by EU citizens. Immigration was estimated to be 572,000, the lowest estimate recorded since YE March 2014, whilst emigration was understood to be 342,000.

# 106,000 ↓

## STUDY



23,000 fewer people came to the UK for study purposes (141,000). Study remains the second most popular reason to come to the UK. Most were non-EU citizens (95,000 – down 18,000); however, the comparable number of long-term (one year or more) study-related visas issued rose by 5% to 143,735.

# 23,000 ↓

## EMIGRATION

Around 342,000 people emigrated from the UK. This is 26,000 more than during the previous year. The overall rise in EU emigration to 123,000 in YE June 2017 was the highest level since YE December 2008.

# 26,000

## NON-EU IMMIGRATION



Immigration to the UK of non-EU citizens was estimated to be 173,000, 23,000 lower than the previous year. 43% of non-EU migrants came to the UK to study.

# 173,000

## WORK



261,000 people immigrated to the UK for work purposes, making it the most popular reason for immigration in 2017. There was a significant decrease of 51,000 people immigrating to the UK for work compared to YE June 2016.

# 261,000

## SETTLEMENT



60,106 people were granted permission to stay permanently in the UK during the YE September 2017. This is low relative to the peak in the year ending September 2010 (241,586).

# 60,106

## EMPLOYERS



The number of sponsored visa applications for skilled work was 54,697 in the YE September 2017 (main applicants, CoS used), 3% lower than year ending September 2016 (56,551). The Information and Communication sector accounted for 40% of all skilled work-sponsored visa applications.

# 3% ↓

## FAMILY



The third most common reason for migrating to the UK is to accompany or join others. Of all long-term immigrants in 2017, 80,000 arrived in the UK for this reason.

# 80,000

## EU MIGRATION



A total of 107,000 EU nationals migrated to the UK, with EU15, EU8 and EU2 immigration estimated to be 55,000, 8,000 and 41,000 respectively. EU8 nationals made for the lowest immigration estimate since their countries joined the EU in 2004.

# 107,000

# DOUBLING OF EXCEPTIONAL TALENT VISAS



*The government has announced an increase in the number of visas available per year to leading figures and individuals in technology, science, art and creative industries from 1,000 to 2,000.*

The visas have been made available through the Tier 1 (Exceptional Talent) route to talented overseas nationals who gain endorsement from one of the following UK bodies:

- Tech City UK
- Arts Council England
- The British Academy
- The Royal Society
- The Royal Academy of Engineering

The current allocation of 1,000 visas – which are split between the 5 endorsing organisations – will remain and the additional 1,000 places will be made available across all of the endorsing bodies dependent on need. The government has expressed a desire to ensure that all regions of the UK benefit from this change including a wider take up outside of London.

## REGIONAL IMMIGRATION POLICIES ANYONE?

UK immigration policy is currently decided at the national level. However, with discussions surrounding the post-Brexit immigration landscape intensifying, proposals for a regionalised visa system have increased.

One report from The Migration Observatory called ‘Location, Location, Location: Should different parts of the UK have different immigration policies?’ outlines the main arguments in favour of and against regionalised immigration.

The call for a subnational visa system has been the subject of political debate for the past few years and various proposals have been put forward. The discussions have, however, intensified since the EU referendum.

One huge challenge for implementing such a scheme would be to decide who determines the criteria to be set for each region’s visa policy. Would regional immigration policy be determined in Westminster, devolved to local government or set by a combination of the two?

Perhaps the fact this type of scheme is even being deliberated shows how much post-Brexit change in immigration policy is possible.



# BANK ACCOUNT IMMIGRATION CHECKS



From the New Year, extended measures will require bank and building societies to carry out regular immigration checks on all existing customers holding current accounts.

Under the new arrangement, quarterly immigration checks will be undertaken on all existing current account holders.

Therefore, current account holders who may have opened their bank accounts during a period of legal residence but who, for whatever reason later lose their right to remain in the UK, could potentially be caught by these new measures.

## MAKE COMPLIANCE YOUR NEW YEAR RESOLUTION



*Does your company hold a sponsor licence under the Points-based System?*

*Are you registered to employ someone from outside the European Economic Area (EEA) and Switzerland to work in the UK?*

According to the latest figures published by the Home Office, 29,068 organisations are currently licensed to sponsor migrants under Tiers 2 & 5 of the Points-based system.

For each of these UK businesses granted with a Tier 2 or Tier 5 licence, significant trust has been placed in them by the Home Office. With this trust comes a responsibility to act in accordance with the Immigration Rules and the Tier 2 and Tier 5 schemes.

The Home Office will only issue licences to those companies they believe are in a position to discharge their responsibilities. Failure to do so could result in companies being denied a licence or having their existing sponsor licences revoked. As immigration rules and sponsor

duties are frequently updated, all sponsors should familiarise themselves with the most up-to-date Home Office guidance on a regular basis. Remember: The longer you hold a sponsor licence, the greater the number of compliance obligations you will be required to adhere to.

*“A failure to do so could result in companies being denied a licence”*

Make 2018 the year your company achieves 100% immigration compliance.





## KNIGHTSBRIDGE CAROLS

Wednesday 6 December saw SSW staff and clients attend the annual London Carol Concert in aid of our chosen charity, Rainbow Trust Children's Charity.

The carol concert took place at St Paul's Church in Knightsbridge where the church was filled with the sound of heart-warming traditional carols and contemporary songs. The church was packed to the brim and attendees were treated to special guest readers and uplifting musical performances.

The much enjoyed concert helped to raise vital funds for families who have a child with a life threatening or terminal illness. Well done to Rainbow Trust Children's Charity! SSW looks forward to continuing to support the charity during 2018.

## HAPPY 9TH ANNIVERSARY SSW NYC!

*On 16 November this year our New York office turned nine years old!*

Since 2008, we have been located in Manhattan. Moving people to the UK is our business and this is exactly what our fantastic team in NYC have been doing. The team excels in providing clients with a friendly, comprehensive and up-to-date UK immigration service.

During the past nine years the SSW NYC team has supported over 8,800 individuals to successfully acquire a UK visa to move across the pond to the United Kingdom.



## WHAT OUR CLIENTS SAY ABOUT US



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

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

*“Very satisfied with the service. Richard (SSW UK) and his team were exceptional and solved all my queries promptly.”*  
*I.A., global financial firm*

*“It was a pleasure working with Summer (SSW UK). She is very helpful and patient. I always felt in good hands. I am very happy with the way SSW handled my application process, I didn't have to worry about anything!”*  
*J.S., global financial firm*

*“Paula (SSW UK) is patient and helpful. She is knowledgeable of immigration-related issue and is a very helpful advisor.”*  
*Z.S., global financial firm*

*“I can't tell you how impressed I am with the team and how easy the process was. Thank you so much!”*  
*T.B., global investment bank*

*“Services offered to me in obtaining Tier 2 UK visa was excellent. Consultants are very professional and helpful.”*  
*S.A., global financial firm*

*“Jack (SSW NYC) and the rest of the SSW team were extremely helpful throughout the whole process. Not a single complaint, and I'd highly recommend them to anyone else in my spot.”*

*J.W., global investment bank*

*“Cami (SSW UK) was wonderful to work with. She answered any questions we had quickly and her knowledge of the EEA family visa process was fantastic.”*

*K.M., international investment bank*

*“I will definitely recommend you to others as a very professional team! Despite a very tight deadline, you managed to complete the submission. Because of your team, I am staying in London to enjoy my dream job!”*  
*D.P., legal services*

*“This was the first time I have worked with immigration consultancy and thanks to Rachana (SSWIND), it has been a wonderful experience.”*  
*V.B., international investment bank*

“  
**EXCEPTIONAL**  
**ATTENTIVE**  
**FANTASTIC**  
”



# FOCUS

10

*In this edition of Focus, we discuss the Permitted Paid Engagement (PPE) visitor category as an entry route into the UK.*

## *What is the PPE visitor category?*

As one of the visitor routes, this particular category permits individuals to visit the UK and utilise specific skills or expertise during a pre-arranged paid engagement.

Despite receiving payment during their engagement, PPE visitors do not require a Certificate of Sponsorship under the UK's Points-based system employment scheme.

## *Why is there a PPE visitor category?*

From April 2015, UK Visas and Immigration introduced a simplified system for those wishing to visit the UK on a short trip. Previously, there were 15 different types of visit visa categories available to short-term visitors.

The change has seen the number reduced to four types, making it simpler for travellers to understand which category to apply for. The requirements for entering the UK are the same, but rules and guidance have been simplified to help applicants.

The four visitor categories are now:

- Standard Visitor
- Permitted Paid Engagement
- Visitor to hold their marriage or civil partnership in the UK
- Visitor transiting the UK

## *What activities are permissible under the PPE category?*

Under the PPE category individuals can be invited by a UK-based organisation or client to:

- be a student examiner or assessor;
- take part in selection panels as a highly qualified academic if invited by an education, arts or research organisation;
- give lectures at a higher education institution, as long as it's not a part-time or full-time role;
- examine UK-based pilots so they meet the standards of the country they come from if invited by an approved UK training organisation regulated by the UK Civil Aviation Authority;
- provide advocacy in a particular area of law;
- take part in arts, entertainment or sporting activities including broadcasting; or
- take part in fashion modelling assignments.

## *What restrictions are there?*

Under the PPE category individuals are not permitted to:

- do specific paid work unrelated to their main job or area of expertise at home or sell merchandise, other than what's allowed by their visa;
- extend this visa or switch to another visa;
- live in the UK for extended periods;
- receive public funds such as benefits, tax credits or housing assistance that are paid by the state;
- study for more than 30 days - studying cannot be the main reason for the visit;
- marry or register a civil partnership, or give notice of marriage or civil partnership; or
- bring family members ('dependants') with them on their application - they must apply separately.

## *How long can a visitor stay under the PPE category?*

A PPE visitor can stay in the UK for up to one month. There is no option to extend this period from within the UK.

## *Who can you apply?*

The process of obtaining permission to enter the UK as a PPE Visitor is the same as that for other visitor visa routes and depends on whether the applicant is classed as a 'visa national' or 'non-visa national'.



Travellers can apply under the Permitted Paid Engagement category if they are over the age of 18 and:

- are invited by a UK-based organisation or client;
- want to come to the UK to do specific paid work without having to be sponsored under the Points-based visa system; and
- are from a country that is not in the European Economic Area (EEA) or Switzerland.

## *How much does it cost?*

Those applying for a PPE Visitor visa will be charged £87.

## *How to apply?*

Those applying for a PPE Visitor visa should submit the following documents in support of their visa application if applying in advance of travelling to the UK, or to the Immigration Office at their UK port of entry if applying for 'leave to enter':

- current passport or other valid travel identification;
- One passport-sized colour photograph (only required if applying for a visa in advance);

- an invitation letter from the UK organisation or client;
- proof that the paid engagement relates to their expertise, qualifications and main job in their home country, for example a letter from their employer;
- proof that they can support themselves during their trip; and
- details of where they intend to stay and their travel plan.

It is essential that this type of application is prepared thoroughly. If the UK authorities do not consider the proposed activity or engagement falls within this visitor category, the visa application is likely to be refused.

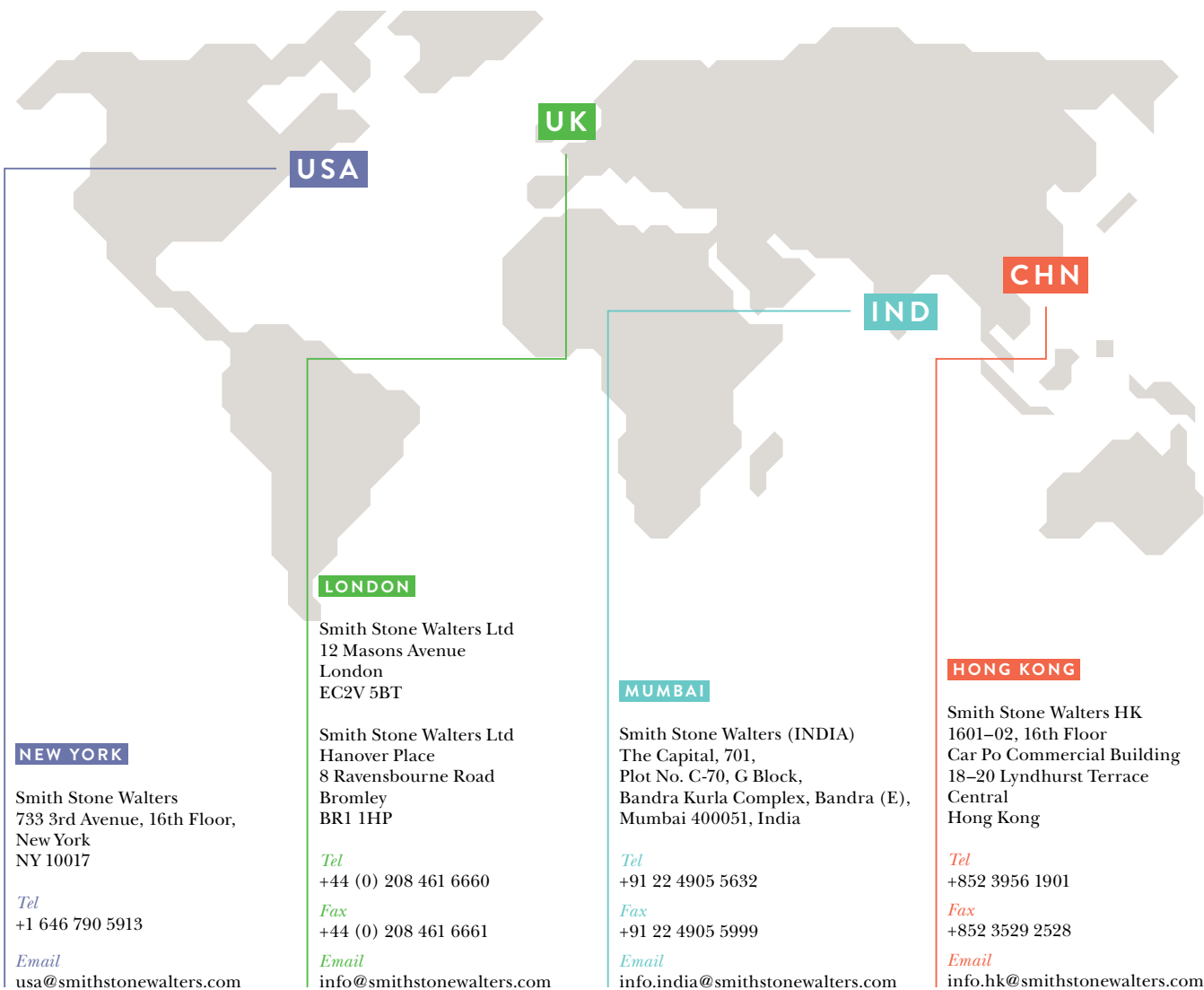
For further support and guidance Contact Smith Stone Walters for friendly and up-to-date immigration advice on your options. We specialise in UK immigration and will support you professionally throughout the entire process.

Smith Stone Walters – Your UK Immigration Adviser

*Moving people to the UK is our business. It is what we do best.*  
[www.smithstonewalters.com](http://www.smithstonewalters.com)



## CONTACT US



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

This publication is not meant to be used as a substitute for proper professional advice based on the facts of a particular transaction as it is not intended to be a complete coverage of the subject. Smith Stone Walters Limited accepts no liability for any action taken based on the contents of this publication

Design by Parallel | [www.studioparallel.co.uk](http://www.studioparallel.co.uk)

**SMITH  
STONE  
WALTERS**

UK Immigration Practice