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**SMITH  
STONE  
WALTERS**

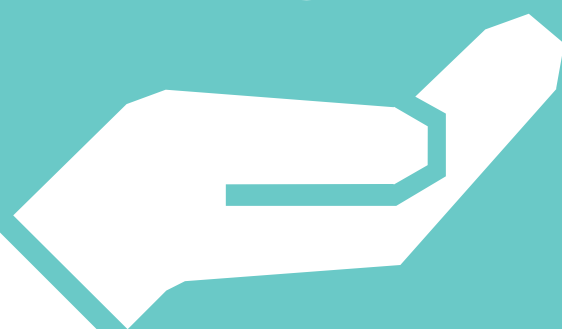
Immigration Practice

# INSIGHT

UK IMMIGRATION NEWS & VIEWS  
FROM SMITH STONE WALTERS  
WINTER 2019

Conduct  
document  
checks  
*correctly*





## UKVAS REPORT CARD: COULD DO BETTER

*It has been just over 12 months since Sopra Steria, the official partner of UK Visa & Immigration, took over responsibility for the network of UK Visa & Citizenship Application Services (UKVCAS) service points.*

Introduced in November 2018, the process for those customers filing a UK visa application promised to be 'streamlined, digitised and accessible'. In reality, the last 12 months has seen the customer journey beset with problems.

What's been the biggest headache? The scarcity of appointments. This single issue has left many customers with no option but to travel far and wide just to be able to lodge their application in order to remain in the UK lawfully.

### 57 CENTRES BUT ONLY SIX OFFER 'FREE' APPOINTMENTS

Sopra Steria offers 57 'service points' up and down the UK for customers to choose from. Whilst this might sound impressive, swathes of the UK are not adequately covered. Devon and Cornwall, for example, is served by just one 'local' centre in Exeter.

Simply posting your immigration application to the Home Office is no longer an option. Each migrant must provide biometric data and therefore

each applicant must travel to one of the 57 centres to fulfil this mandatory requirement.

Of the 57 centres available for customers to attend, six are categorized as core service points. These are based in Manchester, Birmingham, Cardiff, Glasgow, Croydon and Belfast and offer a limited number of appointments (between 10am and 4pm) free of charge.

Obviously, the free appointments are most sought after and consequently booked up soon after

release. The vast majority of centres (50) are enhanced service points. Customer attendance at any enhanced service point incurs a charge just for booking an appointment and walking through the door.

The cost of attending an enhanced centre starts at £60 per person during normal office hours (oddly defined as between 10am and 4pm) and increases to £125 per person outside of normal office hours. A significant price to pay, especially for families.

To put this into perspective, a migrant family residing in Plymouth must choose between travelling to their nearest core centre (Cardiff - 88 miles away) to attend a free appointment or paying extra to attend the Exeter centre 37 miles away along the Devon Expressway.

Sopra Steria boasts that their enhanced service points offer 'increased customer choice' in where to apply, but in many cases it is a choice of taking what is available or nothing at all.

### 'NOT' OPEN ALL HOURS

Aside from the limited number of core service points for customers to attend, the number of appointments offered by Sopra Steria is woefully inadequate.

Of the 57 service points open to customers, 25 centres are open for 20 hours or less per week.

In Stockport, customers can only book a UKVCAS appointment on a Thursday between 10am and 11am. Since it is an enhanced centre, those fortunate enough to secure an appointment within this one hour window will be charged £60 for the privilege of attending the Stockport office.

In total, 22 enhanced centres are open four days (or less) per week to customers with Eastbourne, Liverpool, London (Barbican), London (Shoe Lane) and Stevenage centres only opening two days per week.

Not surprisingly, many customers have experienced difficulty this year in securing a conveniently timed appointment at their preferred service point. Where bookings are available, the vast majority attract a supplementary booking fee of between £60 and £260 for the privilege.

In its defence, Sopra Steria would no doubt point out that extended opening hours are offered to customers at their six core centres. This is true. Croydon and Birmingham centres are open over 60 hours per week to their customers. However, unless customers book an appointment between 10am and 4pm, they too will incur a supplementary charge of at least £100. This translates to an extra £400 for a family of four, simply for securing an appointment at 9am in Croydon rather than 10am.

### CREAKING SERVICE... CAPTIVE AUDIENCE

Most customers would therefore agree the UKVCAS service 'could do better'.

12 months after its launch, the service is still creaking and the sense of frustration felt by customers can, at times, reach boiling point. Recently, UK universities called the service offered by Sopra Steria to international students 'woeful'.

Sopra Steria's website proclaims they are 'trusted by leading private and public organisations to deliver successful transformation programmes that address their most complex and critical business challenges'.

So could change be just around the corner? We don't think so. Despite these glaring faults, the UKVCAS system retains a 'teacher's pet' status with the Home Office.

### COSTLY AND CUMBERSOME

Whilst it might be onerous for its customers, the service makes a handsome profit for UKVCAS and covertly plays into the government's underlying efforts to reduce migration.

By shamefully trapping its customers into booking appointments that attract a supplementary fee, the financial benefit outweighs any inclination UKVCAS may have to improve the customer experience.

The continuation of this costly and cumbersome visa filing process not only adds impediment to those migrants considering the option of remaining in the UK, but it also acts as a direct deterrent to applying in the first place.

Customers should not expect to see any major changes in the UKVCAS service over the coming year. Whilst the money rolls in, 'free' appointments will continue to be at a premium. This cash cow clearly takes precedence over UKVCAS customer service.

## SMITH STONE WALTERS

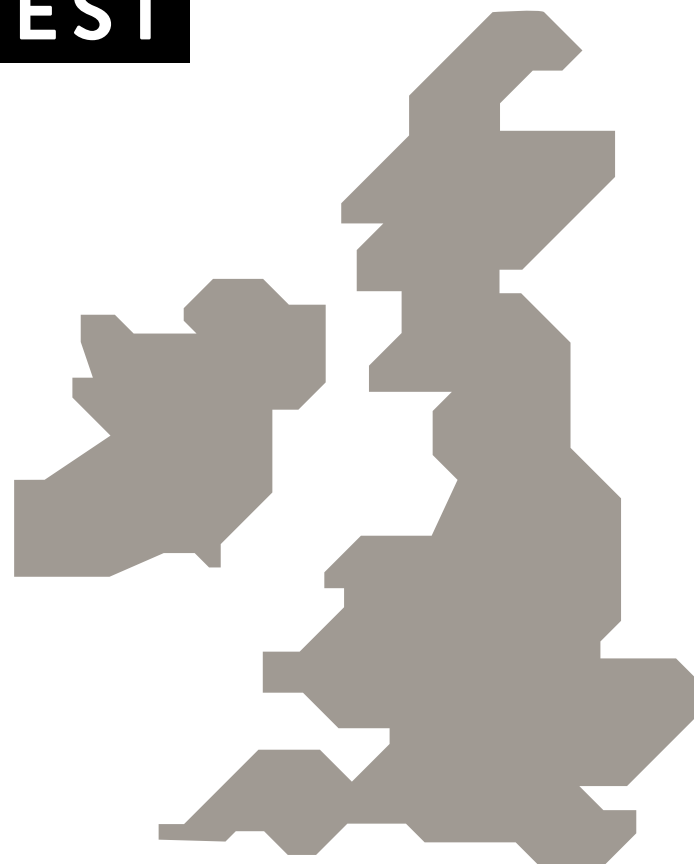
*In this final edition of Insight for 2019, we cover the amendments made to the Tier 2 shortage occupation list and deliver a special focus on the latest EU Settlement Statistics.*

*Smith Stone Walters wishes all its clients peace and joy this holiday season. As a team, we look forward to providing continued immigration news and support to you all throughout 2020.*

# EU SETTLEMENT SCHEME – LATEST STATISTICS

*The EU Settlement Scheme (EUSS) enables EU, EEA and Swiss citizens, and their family members, to obtain a UK immigration status which will enable them to remain lawfully resident in the UK after it leaves the EU.*

The EU Settlement Scheme launched fully on 30 March 2019. Since June 2019, the Home office has released monthly statistics on the number of applicants. The data within this Special Focus is based on October 2019 statistics.



## ESTIMATED POPULATION



In 2018, there were an estimated 3.35 million people with EU, EEA, or Swiss nationality living in the UK. This excludes Irish nationals, who can apply under the EU Settlement Scheme but usually do not have to.

3.35M

## APPLICATIONS



At the latest count 2,450,500 people had applied under the EU Settlement Scheme.

2,450,500

## APPLICATION SOURCE



England was the source of the greatest number of applications received (2,244,500; 92%), with an additional 120,400 from Scotland (5%), 39,000 from Wales (2%) and 38,800 from Northern Ireland (2%).

92%  
ENGLAND

## SETTLED STATUS



Circa 1,155,180 applicants received settled status on completion of their EUSS application.

60%  
TO DATE

## PRE-SETTLED STATUS



Circa 770,120 applicants received pre-settled status on completion of their EUSS application.

40%  
TO DATE

## BEFORE 2021



An estimated 1 million EU/EEA citizens still need to apply to the scheme before June 2021.

1 MILLION

## NON-EEA FAMILY



The Scheme has also received approximately 115,500 applications from eligible non-EEA family members of EEA and Swiss citizens.

115,500

## COMPLETED



At the latest count 1,925,300 applications made to the EU Settlement Scheme had been concluded.

1,925,300

## EU TRACKER

Smith Stone Walters' EU Tracker has a 100% success rate. Our secure software platform provides businesses with a real-time overview of the current progress made by each European staff member towards settled status. Contact us for a demonstration.

100%





# CHECK YOUR EMPLOYEES CORRECTLY



*You can be penalised if you employ someone who does not have the right to work and you did not do the correct checks, or you did not do them properly.*

In the first quarter of this year, 530 illegal working civil penalties were issued to companies up and down the United Kingdom. If you wish to avoid being liable for a civil penalty and prosecution then it is essential you carry out specified document checks on people before employing them, to ensure they are allowed to work in the UK.

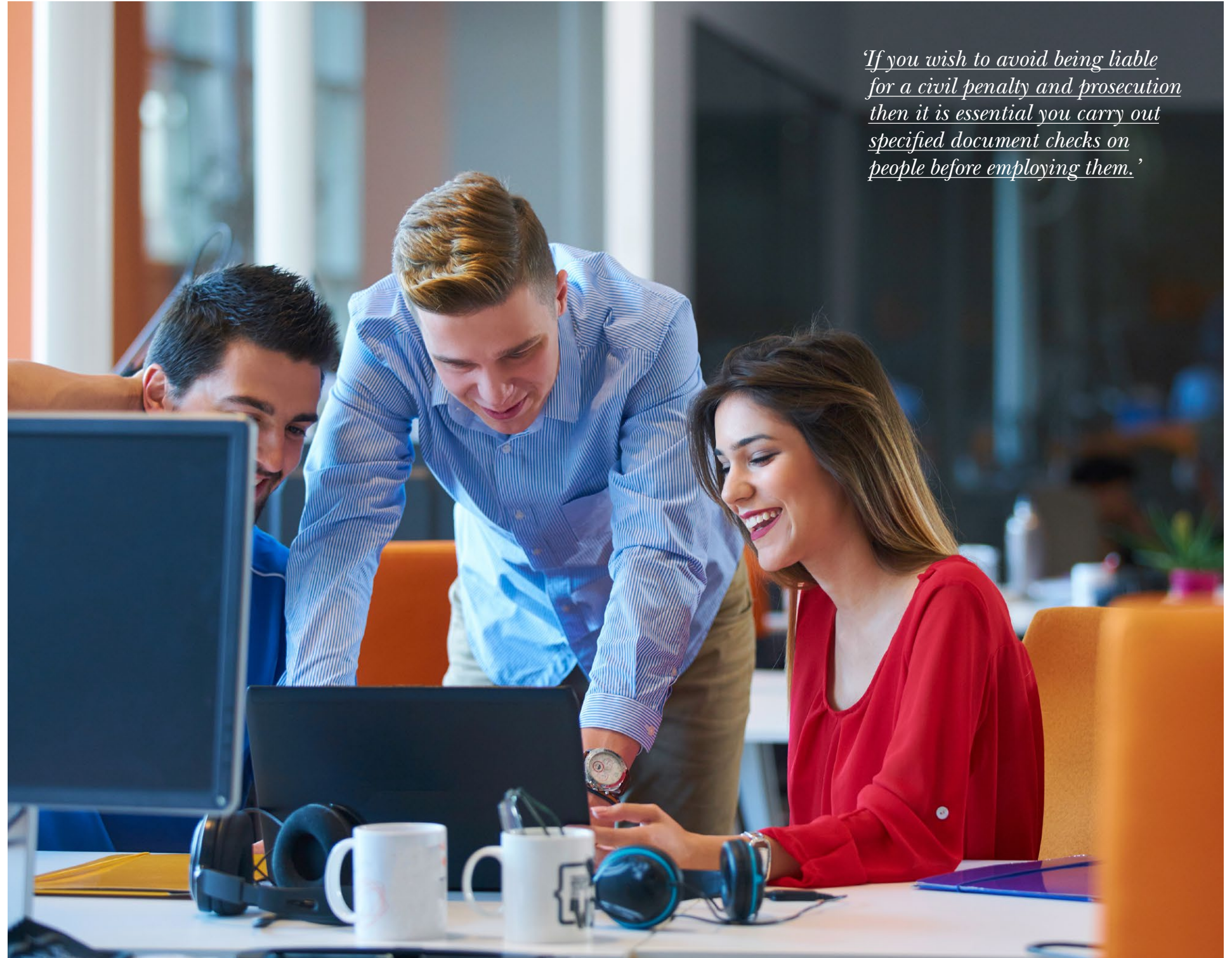
#### Seven things to remember:

- 1. Always check a document or a combination of documents specified in the Code of practice on preventing illegal working which show that your potential employee is permitted to do the type of work you are offering.
- 2. A National Insurance number on its own is not sufficient evidence for the right to work.
- 3. Undertake the right to work check before the employment commences

- 4. Create a robust internal procedure to ensure you will always conduct a follow-up check on people who have time-limited permission to be in the UK.
- 5. You must keep clear document copies for the duration of the individual's employment and for a further two years after they leave your employment.
- 6. Conducting these checks in the prescribed manner will provide a statutory excuse against a civil penalty.
- 7. The onus is on the person you wish to employ to provide you with the correct documentary evidence that they are allowed to do the job in question.

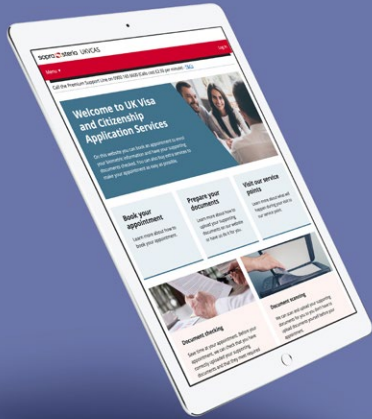
*Talk to Smith Stone Walters about supporting your organisation in complying with its duties as an employer of an expatriate workforce. We are here to help.*

*'If you wish to avoid being liable for a civil penalty and prosecution then it is essential you carry out specified document checks on people before employing them.'*

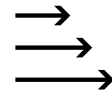




*'You apply online via the UK Visa and Citizenship Application Services (UKVCAS).'*



## QUICK STEP TO SETTLEMENT



*Receive a faster decision on your settlement application. If you're applying for settlement ('indefinite leave to remain') in the UK, you may now be able to secure a faster decision.*

When filing an application for settlement, you apply online via the UK Visa and Citizenship Application Services (UKVCAS). This service offering has now been extended to offer certain application types the opportunity to pay for a faster decision.

If you're eligible you can select the 'super priority service' when you apply. It costs £800 in addition to the application fee, but means you will receive a decision by the end of the next working day.

UKVCAS is now also offering applicants the opportunity to purchase their 'priority service'.

This service costs £500 in addition to the application fee and means a decision on your application will be made within five working days.

Considering the 'standard' application processing time can result in waiting up to six months for a decision, it is little wonder that these fee-based optional services are proving increasingly popular.

## HOLDING SETTLED STATUS? PROVE IT!

If you have recently applied to the EU Settlement Scheme, you will have noticed that your new status is not presented to you in the form of a card, endorsement or stamp.

Instead, you will find your new status (either settled or pre-settled) stored online in a digital format. So how do you evidence your newly established UK settled status?

### Access to the government portal

Panic not. A link to a new government portal is provided to each successful EU national on completion of their EU Settlement Scheme application.

The portal allows each registered individual to view their settled or pre-settled status, check what rights they hold in the UK and even to share a code with others (i.e. employers) as a way of proving their residency.

### To access the portal securely you will need:

- Details of the identity document used when applying to the EU Settlement Scheme
- Your date of birth
- Access to the mobile number or email address used in the original EU Settlement Scheme application

Despite the introduction of this new checking service, the Home Office has confirmed EU, EEA and Swiss citizens may still continue to use their passport or national identity cards to prove they can work/reside in the UK until 31 December 2020.

*'If you have recently applied to the EU Settlement Scheme, you will have noticed that your new status is not presented to you in the form of a card, endorsement or stamp.'*

### SMITH STONE WALTERS

*Smith Stone Walters has been supporting clients in filing settled status applications since the scheme's introduction earlier this year. Check out our informative how-to video dedicated to advising EU nationals on the application process.*





# THE ONLY WAY IS UP!



Rainbow Trust Children's Charity is Smith Stone Walters' chosen charity partner. Our partnership has now reached its sixth year. The charity does fantastic work in helping families facing the unimaginable reality that their child might die. The total we have raised since 2013 is now in excess of £30,000.

As part of our corporate social responsibility programme, we participate in events throughout the year. In November, Office Manager

Kerry Backshell undertook The Grate48 challenge at the 737ft high Leadenhall Building.

Kerry raced up over 1,200 steps across the building's 48 floors, not once but an amazing eight times, to complete a vertical mile.

Not only was Kerry the fastest woman to complete the vertical mile on the day, she also raised over £400 for Rainbow Trust. An incredible effort. Congratulations Kerry!



## TIER 2 – SCHENGEN MATCH UP!



*Smith Stone Walters' combined Tier 2 & Schengen service*

You've just secured UK work authorisation for an overseas national to undertake Tier 2 employment in the UK, only for their business manager to tell you this new employee requires a Schengen visa to attend an urgent meeting in Europe. Sound familiar?

Fortunately, Smith Stone Walters has the solution. By partnering with

us, we can ensure both Tier 2 and Schengen applications are prepared for your employees simultaneously and secure a fast-tracked decision for each application at the earliest opportunity.

This twinned service is bespoke and provides your business with the fastest, highest-quality deliverable possible. A perfect solution for those UK based international staff whose roles require regular travel across Europe.

*Be one step ahead. Call us today for further details regarding our combined Tier 2 & Schengen service.*

# WHAT OUR CLIENTS SAY ABOUT US!

*Our clients demand great service and we deliver. But don't take our word for it... read just some of the hundreds of comments that satisfied customers have made about our services over the past 12 months.*

*'Excellent! Exceptional! Extremely happy with all the services! Highly recommend!'*  
JL, High-tech enterprise

*'Shubo delivered a very warm and high-standard service. Thank you!'*  
XZ, International bank

*'Jack was fantastic! Very prompt and knowledgeable. Excellent and seamless experience.'*  
EC, Investment bank

*'SSW have been a pleasure to work with, 10/10.'*  
NL, IT security

*'It was a flawless experience. I am delighted with the expertise and guidance provided to me.'*  
GG, Investment bank

*'Thank you very much Phill for your excellent service and guidance.'*  
SG, Telecommunications company

*'Jennifer was absolutely amazing in every way.'*  
MC, Computer software company

*'Catherine was absolutely brilliant and supportive throughout the process.'*  
SM, Network devices

*'A pleasure to work with Smith Stone Walters as usual.'*  
JA, Information services



“  
EXCEPTIONAL  
EXCELLENT  
PROMPT  
SUPPORTIVE  
HIGH-STANDARD  
AMAZING  
”

*In the latest edition of Focus, we look at the amendments made to the Tier 2 shortage occupation list which reduce immigration restrictions on skilled chefs. Labelled in the press as the ‘Vindaloo Visa’, it is hoped these measures will stem the number of Indian restaurants going out of business in the UK.*

## What is the background to this rule change?

In recent years, the hospitality and catering industry has been viewed by the Home Office as a high risk sector for immigration.

Prior to the rule change introduced on 6 October 2019, UK restaurants providing a take-away service were denied the opportunity to employ non-European Economic Area chefs via the Tier 2 visa scheme.

A number of UK based catering establishments have therefore found it increasingly difficult to recruit chefs with the necessary culinary skills and have subsequently been forced to close down.

Even fine-dining restaurants have been caught out by the ‘take-away’ ruling. A high end restaurant may have gained entry into the hallowed pages of the Michelin Guide and offer the very best in food, service, and atmosphere. However, by offering customers the opportunity to collect a take-away, they were denied the opportunity to recruit skilled chefs via the Tier 2 scheme.

## Why has this change now been introduced?

As mentioned above, concern has been raised in relation to the number of restaurants forced out of business due to their inability to recruit skilled

labour. The sector has also seen a shift in the demand for a wider variety of take-away food to be available, especially for delivery via such service providers as Uber Eats. This in turn has led to an increase in the number of restaurants offering a take-away service.

## So chefs are back on the Tier 2 menu?

Correct. Restaurants providing a take-away service are no longer prohibited from employing skilled chefs via the Tier 2 scheme. The ‘chef’ roles recognised by the Home Office as being sufficiently skilled for consideration under the Tier 2 scheme are:

- Executive chef – limited to one per establishment
- Head chef – limited to one per establishment
- Sous chef – limited to one for every four kitchen staff per establishment
- Specialist chef – limited to one per speciality per establishment

## Does the vacant position need to be advertised?

No. These roles are included on the shortage occupation list and therefore benefit from a number of exemptions to the requirements, including the need to advertise the vacant position.

A restaurant seeking to hire staff into one of the aforementioned roles will not need to undertake a resident labour

market test. However, the sponsor must ensure the following criteria are met:

- The chef is offered a minimum salary of £29,570 after deductions such as accommodation, meals etc; and
- The chef holds five or more years of relevant experience in a role of at least equivalent status to the one they are entering.

## Do fast food outlets qualify?

Unfortunately not. The rules specifically state the job offered must not be in either a fast food or standard fare outlet.

## What type of restaurant is deemed a standard fare outlet?

There is no definitive ruling but, generally, a standard fare outlet is one where the menu is designed centrally for outlets in a chain/franchise, rather than by a chef or chefs in the individual restaurant.

Standard fare outlets also include those where dishes and/or cooking sauces are bought in ready-made, rather than prepared from fresh/raw ingredients on site.

The Home Office will assess each establishment on a case-by-case basis. Restaurants will therefore need to be careful they are not categorised as ‘standard fare’ by the authorities, as this could lead to their Tier 2 sponsorship of a chef being overturned.

## How long can a specialist chef be employed under the Tier 2 scheme?

The maximum period of leave granted under Tier 2 (General) is six years. However, after five years’ employment it is possible to apply for Indefinite Leave to Remain (‘ILR’).

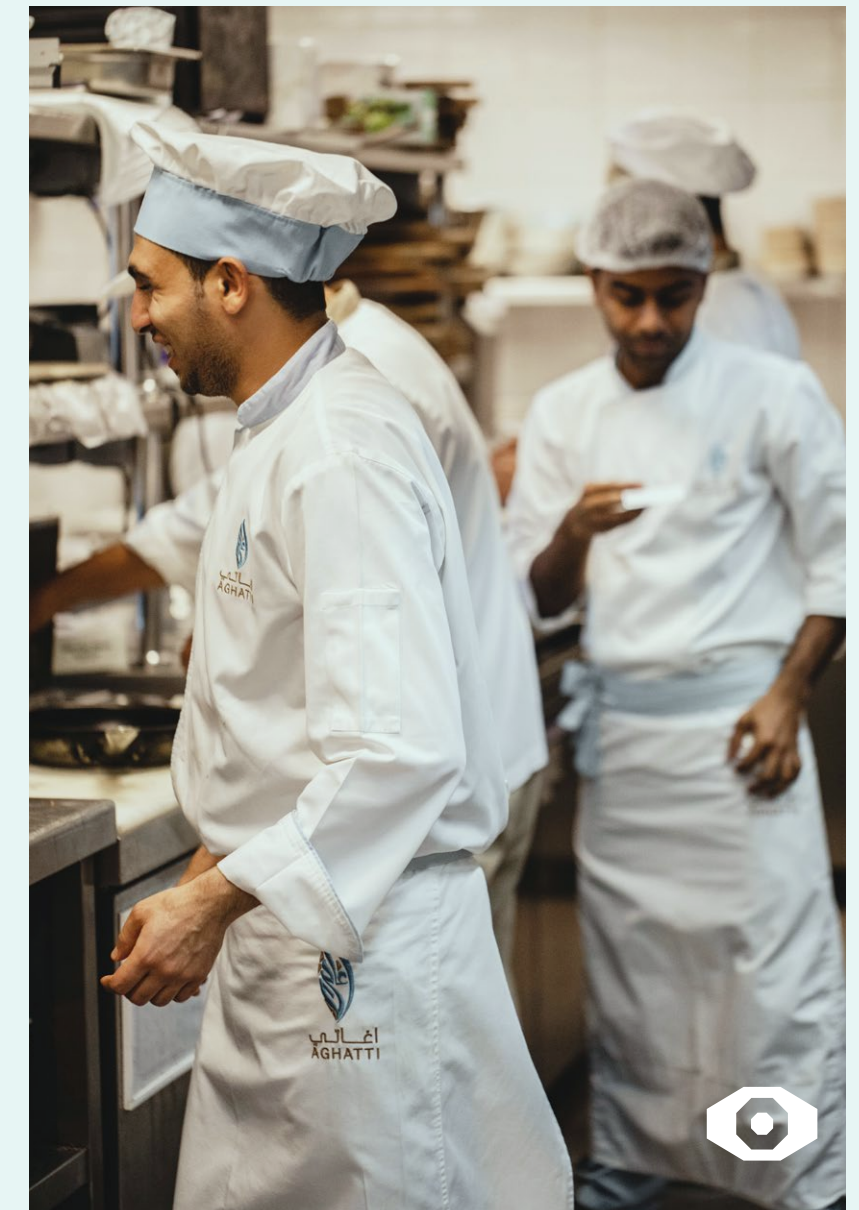
It is also worth noting that, since these roles are listed on the shortage occupation list, the minimum salary requirement set for an ILR application does not apply. Applicants and their families are also afforded lower visa application fees when applying for ILR.

## What should we expect in the future?

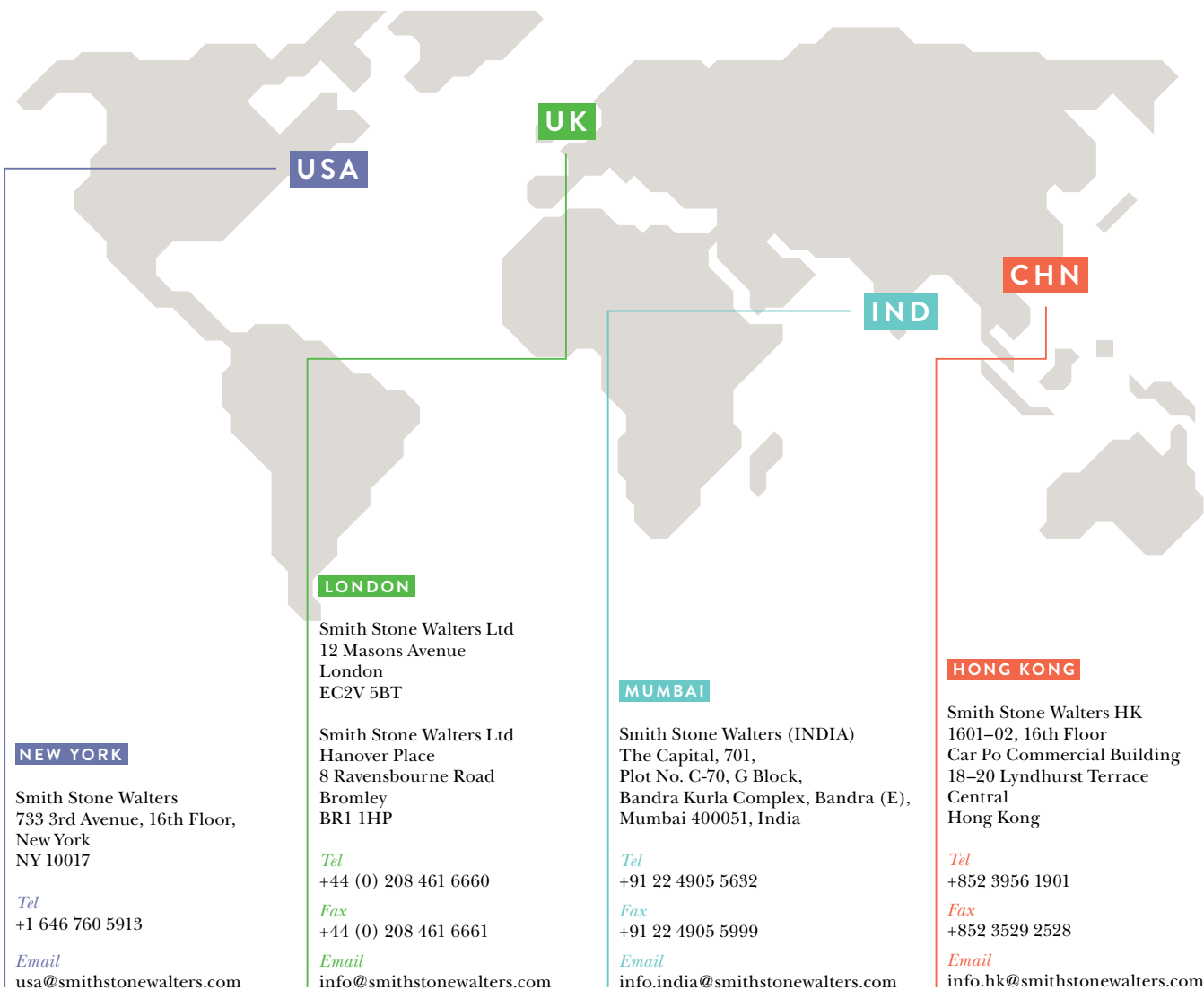
Substantial change. The government plans to introduce an entirely new immigration system from early 2021 including the current worker scheme.

Hopefully, the changes will include scope for employers to continue to recruit skilled and specialist workers from overseas.

*‘The UK has one of the best food scenes in the world and these changes will make it even better,’ said Priti Patel, Home Secretary.’*



## CONTACT US



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

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