

Editorial:
Solving the adult social
care staffing crisis
Page 02

Special Focus:
Skilled Worker
visa costs
Page 06

Latest News:
India Young Professionals
Scheme opens
Page 17

Focus:
Pathways to
settlement in the UK
Page 23

**SMITH
STONE
WALTERS**

Immigration Practice

INSIGHT

IMMIGRATION NEWS & VIEWS
FROM SMITH STONE WALTERS
SPRING 2023

Could *international
recruitment* solve care
sector staff shortages?



ADULT SOCIAL CARE STAFFING CRISIS

COULD INTERNATIONAL
RECRUITMENT
PROVIDE THE ANSWER?

In February 2022, the Home Office introduced changes to the UK Immigration Rules to add care workers and home carers to the Shortage Occupation List (SOL) and make these roles eligible for sponsorship under the Health and Care Worker visa route.

This opened new opportunities for employers in the care sector to source much needed workers from overseas amidst a chronic shortage of resident workers. Due to a variety of factors including Brexit and the pandemic, vacancies across the adult social care sector in England increased by 52% in 2021-22.

The visa measures were initially introduced for a period of 12 months, intended to act as temporary relief for a sector heavily impacted by these staffing pressures. Now one year on, no action has been taken yet to remove care workers from the SOL, and industry leaders and migration experts have called on the Home Office to make the measures permanent. Doing so would ensure the UK has access to a reliable stream of qualified care professionals at a time they are needed most.

However, international recruitment isn't for everyone and it shouldn't be seen as a quick fix. Sponsoring overseas workers is a serious commitment that comes with significant responsibilities for businesses. That said, hundreds of employers in the care sector are already engaging with the sponsorship system and have reported numerous benefits.

In this month's Insight Editorial, we explore the impact the Health and Care Worker route has had on employers within the care sector over the last year and outline the key considerations for care providers looking to begin their sponsorship journey in 2023.

WHAT IS THE HEALTH AND CARE WORKER VISA?

The Health and Care Worker visa allows qualified healthcare professionals to come to or stay in the UK to do an eligible job within the NHS, an NHS supplier or in adult social care. This visa forms part of the Skilled Worker route, and offers a fast-tracked, reduced-fee route to the UK for qualified doctors, nurses, health professionals and adult social care professionals.

The decision to add care workers and home carers to the SOL means that employers in the care sector can now use this route to recruit overseas nationals into a wider range of roles than before. Previously, only those classified as 'senior care workers' (generally those with managerial responsibilities) could be sponsored by UK care providers. Other roles such as care assistants and support workers in nursing homes were previously considered "unskilled" by the government and therefore ineligible for a work visa.

The Health and Care Worker visa has been designed to make it easier for employers to access the qualified workers they need, whilst incentivising such professionals to bring their skills to the UK. For this reason, the route offers many benefits to the employer and employee alike.

Employers have the flexibility to sponsor workers for any length of time up to five years on a single visa. After five years, the employee will be able to apply for settlement in the UK. Main applicants can also apply to bring their family members with them as their dependants if they are eligible.

Costs are also lower, with workers benefiting from a reduced visa application fee and exemption from paying the Immigration Health Surcharge. Due to care workers being listed on the SOL, employers can recruit care workers on a salary of just £20,480 per annum, lower than the general salary threshold of £25,600 under the Skilled Worker route.



REQUIREMENTS FOR EMPLOYERS

Care providers looking to recruit care workers from overseas using this route must hold a valid sponsor licence. Businesses of any size can apply for a licence, and a two-tier pricing system allows small or charitable sponsors to benefit from lower sponsorship fees compared to medium or large organisations.

Providing your business meets the eligibility requirements and has the necessary compliance measures in place, obtaining a sponsor licence is a relatively quick and easy process. Smith Stone Walters has partnered with several employers in the adult social care sector to help them obtain a sponsor licence and begin onboarding their first overseas care workers.

For those new to sponsorship, the costs and complexities associated with obtaining a licence and maintaining a migrant workforce can seem daunting. However, support is available to make the process easier, and for many employers the benefits far outweigh the initial time and financial investments required.

GOVERNMENT SUPPORT FOR INTERNATIONAL RECRUITMENT

The government has recognised that international recruitment has the potential to fill thousands of vacancies in the adult social care sector, and is committed to helping providers make better use of the sponsorship system to source the talent they need. However, it also acknowledges that the costs and administrative burden involved with sponsoring overseas workers may be off-putting for some care providers.

This February, the Department of Health and Social Care (DHSC) confirmed that it is making £15 million available over 2023 and 2024 to help support international recruitment within the adult

social care sector. The funding may offer providers support in various areas relating to international recruitment, including help with identifying overseas candidates, completing sponsorship licence and visa applications, onboarding and ongoing support for international employees.

This significant new funding offer shows a commitment from the government to increasing the number of overseas nationals arriving in the UK to work in our adult social care sector. With vacancies in the sector still running at a record high, there has never been a better time for care providers to prepare for international recruitment by applying for a sponsor licence.

BENEFITS OF AN INTERNATIONAL WORKFORCE

Hundreds of employers in the care sector are already reaping the benefits of sponsorship after successfully obtaining a licence, and the number is set to grow as more support is rolled out.

Employers using the route have been able to reduce their reliance on costly agency workers, having replaced these temporary workers with permanent employees. In a sector which typically has high staff turnover rates, sponsorship can also help boost retention as sponsored workers are ‘tied’ to the role listed on their certificate of sponsorship and must apply for a new visa if they wish to change jobs or employers.

Shortly after the measures were introduced in early 2022, Smith Stone Walters was engaged by one of the country’s largest adult social care providers to assist with their international recruitment drive. When asked how the route has benefited their business, a representative from the organisation said: “Becoming a licenced sponsor has enabled us to recruit candidates from a

much wider talent pool and has allowed us to ensure that our workforce remains diverse. We can continue to ensure that we are hiring the best quality candidates with a high level of experience and qualifications to carry out their role effectively. It also allows us to provide an inexhaustible resource which has opened the scope for us to grow our business and ultimately ensure we can offer our customers the best possible experience.”

WIDER CHANGES NEEDED

The visa measures for care workers have undoubtedly benefited employers in the sector and made the UK a more attractive destination for qualified professionals. However, experts argue that although this is a ‘step in the right direction’, more needs to be done to tackle staff shortages long-term.

The Migration Advisory Committee (MAC), an independent body which advises the Home Office on migration issues, has previously made several recommendations linked to the Health and Care Worker visa which they believe would overhaul recruitment in the sector. Their recommendations include the introduction of a minimum rate of pay for care workers that is above the National Living Wage, removal of certain fees such as the Immigration Skills Charge and settlement fees for Health and Care Workers, and making care workers permanently eligible for the route.

The MAC is regularly commissioned to review the roles listed on the SOL and may remove roles if they believe they are no longer in shortage or if there is not a sufficient demand from employers. Whilst the visa measures for care workers remain in place, employers are encouraged to use the opportunity to recruit from overseas or potentially lose it if the government believes the demand from employers isn’t there.



Smith Stone Walters is on hand to support care providers in managing immigration programmes on any scale. To discuss your specific requirements with a qualified immigration advisor, please call 0208 461 6660 or email info@smithstonewalters.com.

SKILLED WORKER VISA COSTS

Smith Stone Walters is often asked by employers how much it costs to sponsor a migrant worker under the Skilled Worker route. When it comes to calculating costs, there are many different factors to consider and therefore the amount payable by the applicant and the sponsor can vary greatly according to the individual circumstances of each case. In this Special Focus, we set out the various Home Office fees that employers will need to consider when applying to sponsor a worker under this route, alongside some case study examples.

SPONSOR LICENCE APPLICATION FEE



If your business does not already hold a valid sponsor licence, you will need to apply for one before you can begin sponsoring Skilled Workers. The Home Office application fee is £1,476 for medium or large sponsors, or £536 for small or charitable sponsors. Once granted, a sponsor licence is valid for four years.

VISA APPLICATION FEE



The application fee for a Skilled Worker visa varies depending on the length of time listed on the Certificate of Sponsorship, whether the application is being submitted from inside or outside the UK, and if the job is in a shortage occupation. The application fee can therefore vary from £479 to £1,423 depending on the individual's circumstances.

IMMIGRATION HEALTH SURCHARGE



The Immigration Health Surcharge (IHS) allows migrants to access healthcare on the NHS during their stay. The IHS is currently £624 per person per year, or £470 per year for under-18s.

DEPENDANTS



Under the Skilled Worker route, main applicants can apply to bring their partner and children to the UK with them as their 'dependants', if they are eligible. Dependants are also charged a visa application fee at the same rate as the main applicant and must pay the applicable IHS fee. For Skilled Workers applying with multiple dependants, the costs can therefore run into thousands of pounds.

MAINTENANCE FUNDS



Main applicants for a Skilled Worker visa must usually show that they have maintenance funds of at least £1,270 unless they have been in the UK with a valid visa for at least 12 months or their employer can cover this cost for them. Any accompanying dependants must also have a certain amount of money available. The amount required is £285 for a partner, £315 for one child and £200 for each additional child.

IMMIGRATION SKILLS CHARGE



Sponsors are required to pay the Immigration Skills Charge (ISC) for each Certificate of Sponsorship they assign, unless an exemption applies. Medium or large sponsors must pay £1,000 for the first 12 months of employment and £500 for each additional six-month period. Small or charitable sponsors are charged a lower rate of £364 for the first 12 months and £182 for each additional six-month period.

CERTIFICATE OF SPONSORSHIP



Sponsors are charged a fee of £199 for each Certificate of Sponsorship they assign to a Skilled Worker.

ADDITIONAL FEES



Additional charges may apply during the application process, depending on the applicant's circumstances. These include (but are not limited to) the following:

- Optional Priority or Super Priority service fees
- English language test fees
- TB test fees.

SKILLED WORKER VISA COSTS CONTINUED

CASE STUDY 01

The below example outlines the costs for a single Skilled Worker (no dependants) being sponsored for three years by a small sponsor in a shortage occupation.



Applicant fees	Visa Application Fee	£479
	Immigration Health Surcharge	£1,872
	Maintenance Funds	£1,270
Sponsor fees	Immigration Skills Charge	£1,092
	Certificate of Sponsorship	£199
		TOTAL = £4,912

CASE STUDY 02

The below example outlines the cost for a main applicant being sponsored by a medium or large sponsor for five years, with three accompanying dependants (a partner and two children).



Applicant fees	Visa Application Fee	£4,940
	Immigration Health Surcharge	£10,940
	Maintenance Funds	£2,070
Sponsor fees	Immigration Skills Charge	£5,000
	Certificate of Sponsorship	£199
		TOTAL = £23,149



For more information on up to date immigration fees, please speak to Smith Stone Walters.

PRIORITY SERVICE RETURNS FOR FAMILY VISA APPLICATIONS



On 20 February 2023, the Home Office re-introduced the Priority visa service for new entry clearance family settlement applications.

New applications submitted from outside the UK from this date using the Priority service will be processed within 30 working days. Furthermore, standard applications will be processed within 60 working days from 3 April 2023.

This is a milestone change for family visa processing times which have been severely impacted by delays since the war in Ukraine began last year. As a result of the increased demand for visa services, many routes were hit by temporary service suspensions and longer processing times whilst UKVI caseworkers were diverted from their normal duties to prioritise the Ukraine visa schemes.

For family visa applications, the service standard of 60 days was increased to 120 days and Priority visa services were suspended. The delays led to many families being separated in different countries for months at a time whilst their visa applications were being decided.

The reintroduction of Priority services and the gradual return to standard processing times will be a welcome change for applicants and demonstrates that the Home Office is slowly recovering from the service disruptions it experienced throughout 2022.

WHAT IS THE PRIORITY VISA SERVICE?

For an additional fee, the Priority service allows visa applicants to receive a faster decision on their application from the Home Office.

Applicants who require a visa quickly or who do not want to wait for their application to be decided under standard processing times are advised to use the Priority service where possible.

For the latest updates on UK visa processing times, please sign up to our free newsletter at www.smithstonewalters.com/signup.



More information on UK visa support for Ukrainian nationals can be found on the GOV.UK website.

UKRAINE VISA SCHEMES 1 YEAR ON



Friday 24 February 2023 marked the one-year anniversary of Russia's invasion of Ukraine. Since the start of the conflict, the UK has been one of Ukraine's closest allies, providing 2.3 billion pounds (\$2.8 billion) of aid in 2022 and vowing to match or exceed that amount this year.

Over the last year, the UK has also provided refuge for over 100,000 Ukrainian nationals forced to flee their homes. In response to the war, last year the UK government introduced three different visa schemes for Ukrainian citizens wishing to come to or remain in the UK:

- The Ukraine Family Scheme allows applicants to join family members in the UK.
- The Ukraine Sponsorship Scheme (Homes for Ukraine) allows Ukrainian nationals and their family members to come to the UK if they have a named sponsor.
- The Ukraine Extension Scheme allows Ukrainian nationals and their immediate family members to apply for permission to stay in the UK if one of the following is true:
 - they held permission to be in the UK on or between 18 March 2022 and 16 May 2023 – the permission does not need to cover the whole period
 - they previously held permission to be in the UK and that permission expired on or after 1 January 2022.

LATEST UKRAINE VISA SCHEME DATA

The Home Office publishes regular data on the number of applications and grants issued under the three schemes. As of 14 February 2023, there have been a total of 269,700 Ukraine Scheme visa applications received and 218,500 visas issued. The latest data relating to each individual scheme is as follows:

- A total of 86,700 applications have been received under the Ukraine Family Scheme, with 65,900 visas issued.
- A total of 183,000 applications have been received under the Ukraine Sponsorship Scheme with 152,600 visas issued.
- A total of 28,800 applications have been received to extend permission to stay in the UK under the Ukraine Family Scheme and Ukraine Extension Scheme. Of these, 23,600 were granted.

ADVICE FOR UKRAINE VISA SCHEME APPLICANTS

If you are outside the UK and hold a valid Ukrainian international passport or hold an expired Ukrainian international passport that contains an official passport extension stamp endorsed by the Ukrainian government (including embassies or consulates), you do not need to provide your biometric information at a Visa Application Centre (VAC) from overseas to apply to the Ukraine Scheme.

You will still need to complete an application online and upload a digital scan of your valid Ukrainian international passport, but you will not need to attend an in-person appointment at a visa application centre.

For applicants who do need to submit their biometrics and passports before travelling to the UK, the UK VAC in Kyiv re-opened on 30 January 2023.

The centre will be open for a limited number of appointments per day and may need to close at short notice for security reasons or because of unscheduled power cuts. Customers will be able to keep their passport in their possession after submitting their biometrics.

Please note that if your application is successful, you will need to travel to Warsaw, Poland, to collect your visa to enter the UK. You will not be able to collect your visa in Kyiv.

GET A SHARE CODE TO PROVE YOUR DIGITAL IMMIGRATION STATUS



In line with its ambitions to deliver a fully digital end-to-end process for individuals using the UK immigration system, the Home Office is gradually phasing out the use of physical documents such as Biometric Residence Permits (BRPs) and instead granting successful applicants with a digital immigration status.

You will have a digital immigration status if you:

- Applied to the EU Settlement Scheme
- Applied for a visa and used the UK Immigration: ID Check app.

There are certain circumstances where an overseas citizen may need to prove their immigration status in order to access certain services or to prove their right to work or right to rent. If you have a digital status, you can view and prove it to others using the Home Office's online service.

THE HOME OFFICE 'VIEW AND PROVE' SERVICE

The 'view and prove your immigration status' tool is an online service provided by the Home Office which allows certain individuals to access proof of their residency status and share it with others. It can be accessed at <https://www.gov.uk/view-prove-immigration-status>.

This tool can be used to:

- Get a 'share code' to prove your status to others, for example employers or landlords.
- Update personal details in your UK Visas and Immigration (UKVI) account, for example your passport number or email address.
- Check what rights you have in the UK, for example the right to work, rent or claim benefits.

To use the service, you'll need:

- Details of the identity document you use to sign in to your UKVI account (your passport, national identity card, or biometric residence card or permit).
- Your date of birth.
- Access to the mobile number or email address you use to sign in to your UKVI account - you'll be sent a code for logging in.

Once you have successfully logged into the service, you will be able to view your immigration status and generate a share code to prove your right to work to your employer, or your right to rent to your landlord or letting agent.

IF YOU DON'T HAVE A DIGITAL STATUS

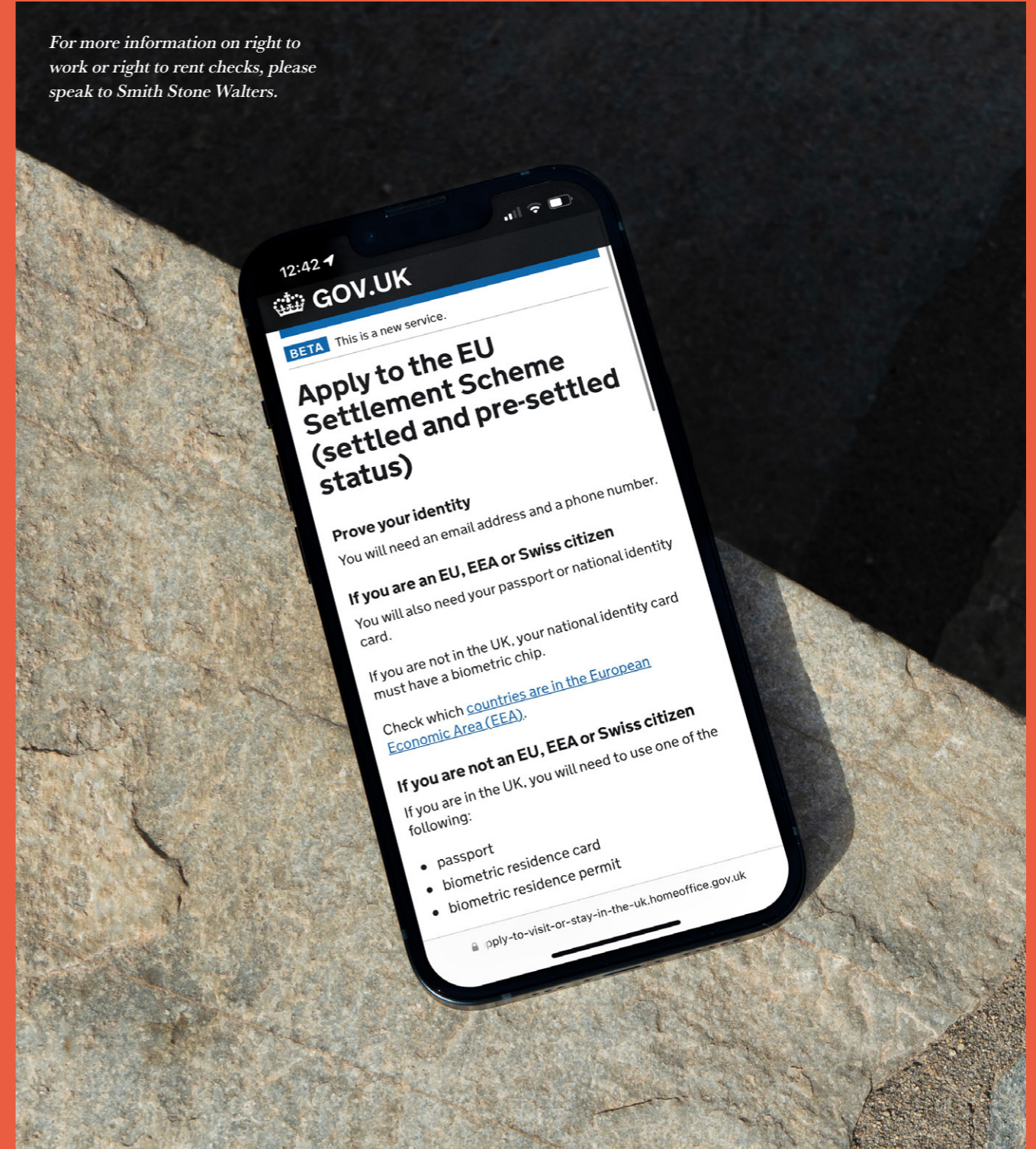
You can only use the 'view and prove' status if you have a UKVI account. You will not have a UKVI account if you went to a Visa Application Centre (VAC) or Service Support Centre (SSC) to prove your identity when applying for a visa.

However, recent changes to the rules on right to work and right to rent checks mean that employers and landlords can no longer accept physical BRP cards and must instead conduct an online check.

You can still get a share code online for this purpose using the following links:

- Prove your right to work to an employer:
<https://www.gov.uk/prove-right-to-work>
- Prove your right to rent in England:
<https://www.gov.uk/prove-right-to-rent>

For more information on right to work or right to rent checks, please speak to Smith Stone Walters.





INDIA YOUNG PROFESSIONALS SCHEME OPENS

Details of the next India Young Professionals Scheme ballot will be announced on the GOV.UK website nearer the time.

The UK government has launched a new immigration scheme which will offer Indian citizens aged between 18 and 30 the opportunity to live and work in the UK for up to 2 years.

The India Young Professionals Scheme is a reciprocal cultural exchange programme, which means a similar offer is in place to allow young British nationals the chance to experience life in India. The scheme has some similarities to the existing Youth Mobility Scheme, but it is a separate category with its own set of eligibility requirements.

Like the conditions that are in place for certain nationalities under the Youth Mobility Scheme, there are ‘invitation to apply’ arrangements under the new scheme, meaning hopeful applicants from India must be successfully selected in a ballot before they can apply for the visa.

The first ballot for the India Young Professionals Scheme opened on 28 February 2023 and closed on 2 March, inviting a total of 2,400 people to apply. Although the first ballot has now closed, a second ballot will be available later this year for those that meet the eligibility requirements to apply. If you did not enter or if you were unsuccessful in the February ballot, you can enter future ballots if you meet the requirements. The next ballot is likely to be held in late July.

ELIGIBILITY REQUIREMENTS

To be eligible for an India Young Professionals Scheme visa you must:

- Be an Indian national or citizen between 18 and 30 years old.
- Have a qualification at bachelor’s degree level or above (RQF level 6, 7 or 8).
- Have at least £2,530 in savings to support yourself in the UK.
- Not have any children under the age of 18 who live with you or who you’re financially responsible for.

HOW TO APPLY

You must be successfully selected in the India Young Professionals Scheme ballot before you can apply for your visa. If you’re

successful in the ballot, you’ll receive an invitation to apply online for the visa.

As part of the application process, you’ll need to prove your identity either by having your fingerprints and photograph taken at a Visa Application Centre, or by using the UK Immigration: ID Check app to scan your identity document.

It costs £259 to apply for an India Young Professionals visa, and applicants will also need to pay a £940 Immigration Health Surcharge (IHS).

Once you’ve applied online, proved your identity and provided your documents, you’ll usually get a decision within 3 weeks.

PATHWAYS TO PERMANENT RESIDENCY IN CANADA

For many years, Canada has remained one of the most popular destinations for international students looking to study abroad. Besides the country's high standard of living and the quality of education, part of Canada's appeal is down to the post-study work options and pathways to permanent residency available to international students.



The government of Canada recognises the important role that international students and foreign workers play in Canada's economy, and recently set out its aims to enable greater pathways to permanent residency. Below is an example of a typical pathway to settlement in Canada, beginning with a study permit.

CANADIAN STUDY PERMITS

Before an international student can begin a course of study in Canada, they must first apply for a study permit.

If you're a legal resident in certain countries, you may be able to get your study permit faster by applying online through the Student Direct Stream (SDS). The SDS is an expedited stream for those who are applying to study in Canada at a post-secondary designated learning institution (DLI). Legal residents from the following countries are eligible to apply under the SDS:

- Antigua and Barbuda
- Brazil
- China
- Colombia
- Costa Rica
- India
- Morocco
- Pakistan
- Peru
- Philippines
- Senegal
- Saint Vincent and the Grenadines
- Trinidad and Tobago
- Vietnam.

The SDS allows eligible applicants to get a decision within 20 days instead of the regular 10 – 16 weeks.

POST-GRADUATE WORK PERMIT

If you want to work in Canada after you graduate from your studies, you must apply for a work permit. The work experience you gain while working may help you qualify for permanent residence.

You may be eligible for a post-graduation work permit (PGWP) if you have graduated from a designated learning institution (DLI) in Canada. Depending on the duration of your studies, a PGWP can be issued for up to three years. With this, you can stay and work in the country.

If you're not eligible for a PGWP, you may still be able to work in Canada after you graduate under an alternative work permit category.

CANADIAN EXPERIENCE CLASS

The Canadian Experience Class (CEC) is for skilled workers who have Canadian work experience and want to become permanent residents. CEC is also one of the fastest routes to Canadian permanent residence, taking as little as three to four months to process.

In order to be eligible for CEC, a candidate must have at least 12 months of full time (or an equivalent amount of part time), skilled work experience in Canada. The Canadian work experience must have been acquired within the previous three years from the date of the application.

CEC is managed under the Express Entry system and uses the Comprehensive Ranking System (CRS) to rank interested candidates. Applicants who have competitive CRS scores will receive invitations to apply for Canadian permanent residence.

PERMANENT RESIDENCY

You can only apply for permanent residence through Express Entry if you've received an invitation to apply. Your Express Entry invitation to apply is valid for 60 days only. The application process involves completing an online application form, scanning and uploading your documents and paying the application fee. Once you have successfully obtained permanent resident status, you will have the right to:

- Get most social benefits that Canadian citizens receive, including health care coverage.
- Live, work or study anywhere in Canada.
- Apply for Canadian citizenship.
- Protection under Canadian law and the Canadian Charter of Rights and Freedoms.

If you're a legal resident in certain countries, you may be able to get your study permit faster by applying online through the Student Direct Stream (SDS).

Looking for more information on Canadian immigration? Call the Global Immigration team at SSW today!

JAPAN LAUNCHES NEW VISA PATHWAYS TO ATTRACT HIGH EARNERS



As the global race for top talent intensifies, the Japanese government has approved plans to introduce new, simplified pathways to residence for high-income earners and graduates of high-ranking foreign universities.

The new immigration pathways, expected to be available in April, are called the Japan System for Special Highly Skilled Professionals (J-Skip) and the Japan System for Future Creation Individual Visa (J-Find).

J-SKIP

J-Skip applies to researchers, engineers and high-level managers who will be able to skip the current points-based system if they meet certain income and work experience criteria.

Under current policy, an applicant can only be considered for highly skilled professional status when they achieve 70 points or more via the “preferential immigration treatment system”. The system awards points for academic background, research achievements and Japanese proficiency. Those who gain the status begin as Level 1 professionals and are granted a five-year stay. Holders can then move to Level 2 after three years of work, which allows them to stay in Japan indefinitely, with virtually no restrictions on work.

Under J-Skip, researchers or engineers will need a master’s degree or above and an annual income of ¥20 million, or at least 10 years of work experience and an annual income of ¥20 million or more. Managers must have five years of experience or more and an annual income of at least ¥40 million. They will be able to move to Level 2 after only one year of residence in Japan.

Their spouses can pursue full-time work, and employ two foreign domestic workers, instead of the one that is currently permitted.

J-FIND

The J-Find system is a job seeker visa that will grant graduates from top foreign universities an extended period of stay for job seeking purposes. They may be accompanied by their family members.

Currently, graduates can stay in Japan for 90 days under the “short-term stay” status to search for a job, but J-Find would extend that to two years.

Under the J-Find pathway, foreign graduates will be granted a “designated activities” visa that will enable them to stay in Japan and look for jobs during the two-year period. Applicants must have graduated from a university ranked in the top 100 in two world ranking lists within the last five years, and have at least ¥200,000 (\$1,480) available.

The eligible world ranking lists are designated by the Immigration Services of Japan. The rankings the ministry will be using are:

- QS Top Universities
- The Times Higher Education World University Rankings
- Shanghai Jiao Tong University’s Academic Ranking of World Universities.

For more information on working in Japan, please speak to the SSW Global Immigration team.



EES LAUNCH DATE DELAYED

The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) has announced that the planned date of entry into operation of the new Entry/Exit System (EES) of May 2023 is considered no longer achievable due to delays from the contractors.



The Agency is currently preparing a revised timeline that it will present for approval at the Justice and Home Affairs (JHA) Council in March 2023.

The EES is an automated IT system for registering travellers from third-countries, both short-stay visa holders and visa exempt travellers, each time they cross an EU external border.

The EES will replace the current system of manually stamping passports, which is time consuming and does not provide reliable data on border crossings. Instead, the EES will register the date and place of entry and exit and any refusals of entry, as well as capturing data about the individual such as their name, biometric data and the type of travel document they are using.

Once the EES is operational, authorities will put self-service devices at airports which can be used to scan passports, faces, and fingerprints. Similarly, land borders will get gates where people will be able to scan their documents and face and register their entry or exit into the EU.

The EES will also be connected to the new European Travel Information and Authorisation System (ETIAS) which will require non-EU visa exempt nationals to obtain a prior travel authorisation to enter the EU at a cost of €7. ETIAS is currently expected to open in November 2023.

For the latest immigration updates straight to your inbox, why not sign up to our newsletter?

'The EES will replace the current system of manually stamping passports, which is time consuming and does not provide reliable data on border crossings.'

MORE EU COUNTRIES SCRAP 'GOLDEN VISA' SCHEMES

Portugal has become the latest EU country to scrap its 'golden visa' scheme, following in the footsteps of Ireland which also terminated its Immigrant Investor Programme (IIP) with immediate effect in February.



It is anticipated that Spain will become the next member state to close its golden visa route, after a Bill was submitted to Congress which aims to terminate the possibility of obtaining a golden visa by buying a house or other real estate property in Spain.

So-called 'golden visa' programmes are used as a way of boosting investment in a country by offering residency to wealthy individuals in exchange for investing money, creating jobs or buying property in that country. However, such offers have come under increased scrutiny in recent months amid concerns

that the schemes essentially allow wealthy foreigners to 'buy' the right to residency, and pose a risk to security.

In 2022, the European Commission called on EU governments to stop selling citizenship to investors. Although golden visas offer the holder permanent residency rather than citizenship, the call came as part of a wider crack down on money laundering and corruption in the wake of the Ukraine war.

Shortly before the Russian invasion of Ukraine occurred in February 2022, the UK government took the decision

to terminate its Tier 1 (Investor) route amid fears that the scheme was open to corruption from Russian investors.

Portugal's recent decision to close its residence by investment programme has been taken as part of a wider package of measures to address the ongoing housing crisis in the country, as housing and rental prices have soared while Portuguese wages have remained the same, making it almost impossible for many citizens to afford a house.

Whilst Ireland did not give a specific reason for terminating its golden visa, the Department

for Justice stated that the IPP had initially been introduced at a time when the country was going through economic difficulties and that the programme had now "fulfilled its purpose" in bringing foreign investment into Ireland.

Please speak to the SSW Global Immigration team for more information on the available options for obtaining permanent residency in the EU.



THE SSW GLOBAL TEAM IS GROWING!

As well as being experts in UK immigration, did you know that Smith Stone Walters has a dedicated team to help businesses and individuals reach their global mobility goals worldwide?



The SSW Global Immigration team works closely with a carefully selected network of partners worldwide to provide a seamless end-to-end service for your global immigration moves. Whether you are an employer looking to send UK workers to Europe, or an individual planning an international relocation, our global team is on hand to help.

Since we began offering global immigration services five years ago, the SSW Global team has grown significantly and we are proud to say that we are now better equipped than ever to provide expert support in this area.

To find out more about our global immigration offering or to discuss a specific requirement, please contact us today.

Our global immigration services include:

- **Work permit preparation:** Our team are experienced in submitting work permit applications globally and can advise on the specific requirements for your destination country.
- **Visa and consular assistance:** We will help to ensure that the applicant has the best possible chance of obtaining the required document to enter the destination country at their first attempt.
- **Post-arrival support:** From advising on local registration requirements to submitting an application for a re-entry permit, further steps are often required upon an assignee's arrival in the destination country.
- **Global mobility programme management:** SSW can assist with developing a Global Mobility policy and visa programme that is tailored to your business.

We are dedicated to ensuring the successful delivery of your immigration and global mobility projects. By partnering with Smith Stone Walters, we will streamline your immigration applications and provide strategic solutions to ensure the rapid movement of your international assignees.

NEVER MISS A VISA EXPIRY!

Managing visa expiry dates is an intrinsic part of any immigration programme. In the UK it goes as far as being written into formal guidance with regards to being a compliant a sponsor: visa or 'leave' expiry dates must be recorded by employers, monitored regularly and reminders set to ensure the date is not missed.

For employers, the repercussions of failing to keep on top of visa expiry dates can be severe. Non-complaint sponsors can face fines of up to £20,000 per worker and risk losing their sponsor licence if this important admin task is not handled efficiently.

Managing visa expiry dates is a key functionality afforded by SSW's unique immigration case management system, Smarter Immigration Manager (SIM).

Our one-stop shop for immigration management provides our clients and partners with on-demand access to a secure online portal exclusively designed to make it simpler and more efficient to run immigration programmes of any scale. SIM assists employers in ensuring they have the necessary visa expiry information on file.

The data is held securely and can be accessed by the employer at any time. Before a 'case' can be completed on SIM, it must have an expiry date affixed to it, meaning our caseworkers will never miss this important deadline and can work with you to manage the renewal process in good time.

SSW runs expiry reports on behalf of clients at recommended intervals agreed by both parties. Equally ad hoc reports, filtered by all manner of variables can be run at any given moment. For example, filtering to specific business units or teams allows a business to identify the upcoming visa renewal costs for that particular group.



WHAT OUR CLIENTS SAY ABOUT US!



We always strive to deliver a WOW service to our clients. Our dedicated team have been working hard to provide successful solutions and swift results, getting our clients where they need to be. Here is just some of the feedback we have been proud to receive recently:

“Outstanding level of commitment, really good immigration practice. Much better than the usual large firms, where you are just another account. Smith Stone Walters do care about their clients.”
VM, Finance company

“The entire visa process was handed efficiently and diligently. The process was very organised and informed advice was given at each stage.”
OF, Professional services firm

“The services provided by SSW were top-notch. The contact persons were so friendly, highly professional, and super helpful. They made the immigration process as seamless as possible.”
SA, Accounting company

“It was great interacting with Kiran right from the beginning. Thank you so much for the service.”
NN, Software company

“Anupama made the process extremely easy and stress free for me. She also kept in touch with my sponsor regarding my case which made it a good overall experience for me.”
AN, Professional services firm

“The process has been very smooth and people involved very helpful and kind. This is much appreciated when you are working hard and someone tries to make things handy and easy. Also, I’m super impressed with the speed of the process which is fantastic for my case! Huge thanks!”
EB, Engineering company

“
WOW
”

“
EFFICIENT
PROFESSIONAL
METICULOUS
SEAMLESS
RESPONSIVE
”



PATHWAYS TO SETTLEMENT IN THE UK

Indefinite Leave to Remain (ILR), also known as settlement, is a permission granted to a foreign national to stay permanently in the UK. Those granted ILR have the right to live, work and study in the UK for as long as they like. They can also apply for benefits if they are eligible.

There are different ways to apply for ILR depending on your individual circumstances. In this Focus, we explore the most common pathways to settlement, how much it costs and how long it takes to get a decision.

The EU Settlement Scheme

The EU Settlement Scheme (EUSS) was designed to help EU, EEA and Swiss citizens to secure their residency status and retain their right to live and work in the UK after Brexit. Successful applicants to the scheme were granted either settled or pre-settled status, depending on how long they had been in the UK when they applied.

The deadline for most people to apply to the EUSS was 30 June 2021. However, eligible EU citizens who missed the deadline may still be able to apply if they can show the Home Office that they have ‘reasonable grounds’ for applying late.

If you work in the UK

Most foreign nationals looking for a way to relocate permanently to the UK will first apply for a work visa under a route which qualifies them to apply for settlement after a set period. Depending on which category of work visa you have, you may be eligible to apply for ILR after five years, or in some cases as early as two to three years.

The Skilled Worker route is the most common category of UK work visa. This visa can last for up to five years and requires the applicant to have a confirmed job offer from a UK sponsor. Skilled Workers can apply to renew their visa as many times as they like, as long as they still meet the requirements. However, after five years’ continuous residence many migrant workers will opt to apply for ILR as this will negate the need for sponsorship in order to work, and offers greater flexibility and security.

Other work routes, such as the Global Talent visa and the now closed Tier 1 routes have a shorter qualifying period for some applicants, which can often act as an incentive to apply for these high value categories.

Not every work visa leads to settlement and therefore you should carefully check the conditions of your chosen visa category before applying if living permanently in the UK is your goal. Temporary Worker visas and the Global Business Mobility visas are examples of categories which do not lead to settlement, and time spent on these visas will not count towards your qualifying period if you ‘switch’ to another visa category which does provide a pathway to ILR.

If you have family in the UK

You may be able to apply for ILR if you have a partner, parent, child or other relative who is settled in the UK, either as a British citizen or with ILR status.

How you apply depends on which visa you have and how your family member settled. You can either apply with your family visa, or as a dependant on your family member’s visa. There are other ways to apply if your partner has died or if your relationship ended because of domestic violence.

If you’ve lived in the UK for 10 years or more

If you have been in the UK legally for 10 continuous years, you may be eligible to apply for ILR based on ‘long residence’. You must hold current permission to stay (leave to remain) in any immigration category when you apply.

You must have been in the UK for 10 years without gaps – this is known as ‘continuous residence’. You can leave the UK during the continuous residence period for up to 180 days at a time, or 540 days in total.

If you’re a Commonwealth citizen

Commonwealth citizens in the UK may have several routes available to them, depending on their circumstances.

Some Commonwealth citizens have a ‘right of abode’ in the UK. This means you can live and work in the UK without immigration restrictions. You may have this right either because of your parents or because you were married to someone with right of abode. Those who qualify can apply for a certificate of entitlement which goes in your passport to evidence your rights.

You might also be entitled to apply for citizenship for free under the Windrush Scheme if you or one of your parents arrived in the UK before 1973. The Home Office runs a dedicated Windrush helpline on 0800 678 1925 to advise if you are eligible and to help you make a claim.

Alternatively, you may be eligible to apply for a UK Ancestry visa. This route is open to Commonwealth citizens with a grandparent born in the UK, the Channel Islands or the Isle of Man. You may be eligible to apply for ILR after spending five continuous years in the UK on an Ancestry visa.

Other ways to apply

If none of the above options are applicable to your circumstances, there are other ways to apply for ILR. Refugees or those with humanitarian protection can apply for ILR free of charge after five years in the UK. You may also be eligible to apply if you have served in the UK armed forces. Depending on how long you have served and your medical status, you may or may not have to pay a fee.

You may also be able to live permanently in the UK as a ‘returning resident’ if you were previously settled here. You must have had ILR in the UK when you last left and must not have received financial support from the Home Office to leave the UK.

Fees and processing times

Those applying for ILR in the UK must pay an application fee to the Home Office. Currently, it costs £2,404 for each person applying. Depending on your age and the category under which you are applying for ILR, you may need to pass the ‘Life in the UK’ test, which costs £50.

You will usually get a decision on your application for ILR within six months if you apply using the standard service. You may be able to pay to get a faster decision using the Home Office’s Priority or Super Priority services.

When you have successfully obtained ILR, you must not stay outside the UK for more than 2 years at a time or you could lose your status and must apply again before you can return to the UK.

British citizenship

Once you have been granted ILR, you may be looking to take the next step by applying for naturalisation as a British citizen. You can apply for citizenship if you’ve lived in the UK for five years and have had ILR for 12 months.

Holding British citizenship will enable you to get a British passport, vote in elections and leave the UK for as long as you like without losing your right to return.

For advice and support with making an application for ILR or British citizenship, please contact the Private Client team at Smith Stone Walters.



CONTACT US

USA

NEW YORK

Smith Stone Walters
733 3rd Avenue, 16th Floor,
New York
NY 10017

Tel
+1 646 760 5913

Email
usa@smithstonewalters.com

UK

LONDON

Smith Stone Walters Ltd
12 Masons Avenue
London
EC2V 5BT

Smith Stone Walters Ltd
Hanover Place
8 Ravensbourne Road
Bromley
BR1 1HP

Tel
+44 (0) 208 461 6660

Fax
+44 (0) 208 461 6661

Email
info@smithstonewalters.com

IND

MUMBAI

Smith Stone Walters (INDIA)
The Capital, 701,
Plot No. C-70, G Block,
Bandra Kurla Complex, Bandra (E),
Mumbai 400051, India

Tel
+91 22 4905 5632

Email
info.india@smithstonewalters.com

CHN

HONG KONG

Smith Stone Walters HK
1601-02, 16th Floor
Car Po Commercial Building
18-20 Lyndhurst Terrace
Central
Hong Kong

Tel
+852 3956 1901

Fax
+852 3529 2528

Email
info.hk@smithstonewalters.com

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



**SMITH
STONE
WALTERS**

Immigration Practice