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**SMITH  
STONE  
WALTERS**

Immigration Practice

# INSIGHT

IMMIGRATION NEWS & VIEWS  
FROM SMITH STONE WALTERS  
AUTUMN 2023

The rising cost of  
*UK immigration*



# THE RISING COST OF UK IMMIGRATION

*The UK's immigration system is widely recognised as being one of the most expensive in the world. The total upfront cost that a visa applicant is expected to pay can easily extend into thousands of pounds for those applying to stay for a few years or with multiple dependants. Employers too are charged various fees when recruiting overseas talent via the Home Office sponsorship routes, and face steep fines for non-compliance.*

*It has therefore come as a shock to many that these already high costs are set to increase even further this year when the government introduces significantly higher fees as part of its plan to fund pay increases for public sector workers.*



Following news of the fee hikes, the government also announced that it would significantly increase civil penalties for “unscrupulous” employers and landlords who employ or let property to illegal migrants, in a bid to crack down on illegal working.

Both of these moves appear to be an attempt by the government to dampen demand for international recruitment and to encourage employers to invest in domestic workers instead. We already know the government is actively trying to reduce net migration to the UK, which hit a record high of 606,000 last year. By design, increasing costs is a policy which will always freeze some people out of the system. It is therefore a no-brainer for the government to hit employers with higher fees if they wish to bring in migrant workers.

However, on the other side of the coin the UK is still suffering from skills shortages in key sectors that many employers say can only be solved by immigration. In an attempt to tackle these shortages, the government has recently added several roles to the Shortage Occupation List (SOL), to make it easier and cheaper for employers to fill gaps in their business with overseas workers.

Adding these roles to the list shows that the government accepts the need to bring people in from overseas and that investing more in the domestic labour market alone will not be enough to tackle these skills gaps in the short term.

The Home Office appears to have conflicting priorities and lacks the joined-up policies it needs to run an efficient immigration system which supports employers in accessing the talent they need from overseas whilst preventing abuse of the rules.

So what will the immediate impact of these policies be on businesses and migrant workers, and is overseas recruitment still a viable solution to addressing skills gaps?

### NET MIGRATION TO THE UK

Net migration is the difference calculated between the numbers of people entering and leaving the UK. Last year, this figure was estimated to stand at 606,000 – the highest level on record. The Conservative government has since received criticism from many of its supporters for failing to fulfil the party’s pledge to reduce net migration promised in its 2019 manifesto.

Government data shows that much of the increase has been driven by migration from non-EU countries. This is partly due to changes introduced with the UK’s post-Brexit immigration system which have made it easier than before for non-EU nationals to qualify for a work visa. In the year ending June 2023, Indian nationals were the top nationality to be granted visas in the ‘Worker’ category, representing almost a third (31%) of the total grants, and were by far the top nationality for both Skilled Worker and Health and Care Worker visas.

However, certain industries that have previously relied on free movement to recruit workers from the EU have consistently struggled with labour shortages since Brexit, and have called on the government to relax the immigration rules. For some sectors, such as construction, the Home Office has conceded and has introduced immigration provisions to grant employers greater access to overseas talent. However, this increased flexibility comes at a cost.

### IMMIGRATION FEE INCREASES

The higher immigration and nationality fees are set to come into effect on 4 October 2023.

The changes will include a 15% increase in the cost of most work and visit visas, and an increase of at least 20% in the cost of priority visas, study visas and Certificates of Sponsorship.

The planned increase to the Immigration Health Surcharge (IHS) will be introduced at a later date, yet to be confirmed. The IHS is set to increase by 66% to £1,035 a year.

The fee increases have prompted many businesses to reassess their policies on covering visa fees for their sponsored workers. Increasingly, employers are seeking to protect their investment in their sponsored workers by implementing ‘clawback agreements’ in contracts to recoup some of these costs from the worker if employment terminates early.

As well as facing higher fees to bring workers in, employers must take extra care to ensure their recruits have the necessary permissions in place to allow them to work in the UK. Failure to comply could result in severe consequences for businesses.

### HIGHER FINES FOR EMPLOYERS AND LANDLORDS

In the biggest shake-up of civil penalties since 2014, the government has announced that fines will be more than tripled for employers or landlords found to have offered work or accommodation to anyone without a legal right to be in the UK.

Employers could face fines of up to £45,000 per illegal worker or up to £60,000 for repeat breaches, whilst landlords face a maximum penalty of £20,000 for repeat breaches. The increased penalties will come into force

at the start of 2024. Sponsors also face losing their licence and being left unable to sponsor migrant workers if they are found to have breached these rules.

This increased focus on compliance means employers cannot afford to get it wrong when it comes to conducting the correct right to work checks on their workers. Investing in up to date training for HR is therefore strongly recommended.

### SHORTAGE OCCUPATION LIST (SOL)

In contrast to the rising costs which are likely to deter some businesses from exploring international recruitment, the Home Office has recently accepted recommendations from the Migration Advisory Committee (MAC) to relax the immigration rules in certain sectors by adding more roles to the SOL. The SOL is a list of occupations that have been identified as being in shortage and where immigration is a sensible solution to addressing that shortage.

In February 2022, the Home Office added care workers and home carers to the SOL, making them eligible for sponsorship under the Health and Care Worker route. Most recently, several roles in the construction industry have been added to the SOL, including plasterers, bricklayers, roofers and carpenters.

Those working in a shortage occupation can be paid 80% of the job’s usual ‘going rate’ and still qualify for a visa. However, in many cases the 20% saving from paying a lower salary is counterbalanced by the various immigration fees employers must pay the Home Office in order to sponsor a migrant worker in the first place.

Applicants working in a shortage role benefit from a lower visa application fee compared to the regular Skilled

Worker fee. However, unless an exemption applies, the applicant must still pay the IHS for themselves and any accompanying dependants.

Whilst the Government is trying to be more responsive to combating skill shortages in certain sectors, how many Bulgarian bricklayers or Cuban care workers can they be confident of attracting to the UK when a five year work visa levies an upfront Immigration Health Surcharge of over £18,000 on a family of four?

### RISKS TO MIGRANT WORKERS

Migrants rights groups have warned that high immigration fees and ‘hostile environment’ policies preventing migrants from accessing benefits in the UK leave some workers vulnerable to debt and exploitation.

Introducing higher fees during a cost of living crisis may pose a welfare risk to sponsored workers who could find themselves struggling financially once in the UK, especially those working on a reduced salary due to shortage occupation “discounts”. Fee clawback agreements also mean workers are ‘tied’ to their sponsor for a set amount of time if they cannot afford to pay back the fees required to terminate employment early.

Campaigners argue it is unfair for employers to pass their recruitment costs onto workers when recruiting from overseas can save them huge sums. Although clawback agreements are permitted, there are set rules on which costs can and cannot be included, therefore employers are advised to seek legal advice before proceeding.

### ADVICE FOR SPONSORS

These recent changes may prove off-putting for employers who are considering sponsorship for the first time. But despite

the fees and administrative burden, for many businesses overseas recruitment remains a viable and cost-effective solution to addressing skills gaps.

Many sectors such as healthcare and adult social care continue to rely heavily on overseas workers, and the Home Office recognises the important contribution this type of immigration brings to the UK. As businesses in other sectors continue to lobby the government for further changes, we expect to see more amendments to the Immigration Rules to help alleviate staffing woes in the future.

In the meantime, employers planning a recruitment drive are strongly advised to get the ball rolling now and submit any pending visa applications at the earliest convenience to take advantage of the current lower fees.



*For tailored support and advice on UK business immigration, please contact Smith Stone Walters.*

# KEY TIMINGS FOR SKILLED WORKER APPLICATIONS



*There is a lot to think about when applying for a Skilled Worker visa, from ensuring you meet the eligibility requirements and have all the required documents, to booking all the necessary appointments including biometrics, TB testing and English language tests, if applicable.*

*But did you know one of the most important factors to consider is when you submit your application? With Skilled Worker applications, timing is everything. Failure to prepare could result in delays and disruption to your travel plans or work start date, or even necessitate a fresh application if certain deadlines are not met.*

*In this Special Focus, we set out 10 key timings that sponsors and Skilled Workers should know about the application and sponsorship processes.*



**10 DAYS**

If your business is not already an approved sponsor, submitting a sponsor licence application to the Home Office is the first step you will need to take before you can issue Certificates of Sponsorship (CoS) to the Skilled Workers you wish to hire.

The standard processing time for a sponsor licence application is 8 weeks. However, you may be able to pay an additional fee to get a decision within *10 working days*. This priority service is limited to a small number of applications every working day.

**3 MONTHS**

Once a sponsor has assigned a Certificate of Sponsorship (CoS) to a Skilled Worker, the applicant must use it within *3 months* to apply for entry clearance (if they are outside the UK) or permission to stay (if they are applying to extend or switch to this visa from inside the UK).

If the CoS was issued more than *3 months* before the date of application, the Home Office may reject their application and the sponsor will need to issue a fresh CoS before the worker can make a new visa application.

**24 HOURS**

Under standard processing times, the Home Office aims to provide a decision within 3 weeks for Skilled Worker applications submitted from outside the UK, or within 8 weeks for in-country applications.

If your application is urgent, you may be able to get a decision in as little as *24 hours* (or by the end of the next working day) by utilising the Super Priority service. You will need to pay another fee in addition to your visa application fee to use this service. Please note that the Super Priority service is only available at selected visa application centres.

**18 WEEKS**

Before a foreign national can apply for a Skilled Worker visa, they must be issued with a valid CoS from their employer. For in-country Skilled Worker applications, the sponsor must have an 'undefined CoS' available on their licence which can be immediately assigned to the worker.

If the sponsor does not have a certificate available, they can apply for a new allocation. However, this can cause significant delays as it can take up to *18 weeks* for the Home Office to process requests. Priority processing is available which reduces the processing time to 5 working days, but availability is limited.

**8 WEEKS**

The Home Office aims to process all Skilled Worker applications submitted from inside the UK within *8 weeks* of the submission date. Whilst your application is pending, you are not permitted to travel outside of the UK, Ireland, the Channel Islands or the Isle of Man. Your application will be withdrawn if you leave the Common Travel Area (CTA) before you have received a decision.

If you think you will need to travel overseas, you should delay submitting your application until you return to the UK, or you may be able to get a faster decision by paying for the Home Office priority services.

**2 WEEKS**

If you need to take a Secure English Language Test (SELT) as part of your Skilled Worker visa application, you should allow extra time to attend the appointment and get your results. Tests must be booked at an approved test centre, and the availability of appointments can add delays to the processing time.

You should be able to take a test within 28 days of booking, but it may not always be at the location nearest to you. If there is not an approved test location in your country, you will have to travel to another country to take the test. Once you have taken the test, it can take up to *2 weeks* to receive the results.

**90 DAYS**

If a Skilled Worker is applying for entry clearance from outside the UK, they will be given a sticker (vignette) in their passport which is usually valid for *90 days*. The worker must travel to the UK within this period, otherwise a new application for an entry visa will be required.

Where the worker has been issued with a 90-day vignette to enter the UK, they must collect their biometric residence permit (BRP) within 10 days of their arrival in the UK, or before their vignette expires, whichever is later.

**5 YEARS**

A Skilled Worker visa can be granted for a maximum period of *5 years* at a time. You can apply to extend your visa as many times as you like, as long as you still meet the eligibility requirements. After 5 years, you may be able to apply for indefinite leave to remain (ILR), also known as settlement.

Before deciding how long to issue a Skilled Worker CoS for, sponsors should consider the anticipated assignment length against the applicable fees. The upfront costs will be significantly higher if you choose to sponsor a worker for the full 5 years. However, if you choose to sponsor the worker for a shorter period initially you may need to extend the visa and pay the various fees again, which will work out marginally more expensive.

**28 DAYS**

A worker can start working in their sponsored employment as soon as they have permission to enter or stay in the UK, even if this is before the start date recorded on their CoS.

However, unless there is an 'acceptable reason' for a delayed start date, the worker must start work within *28 days* of the start date on their CoS or the date their permission was granted, whichever is later.

**4 YEARS**

Once a Skilled Worker sponsor licence has been granted, it is valid for *4 years*, unless it is revoked by the Home Office or you surrender it before then. If you wish to continue sponsoring workers you must apply to renew your licence before it expires.

If you decline to renew your licence, either deliberately or in error, once it has expired the Home Office will shorten the permission of any workers you were sponsoring, normally to 60 calendar days.



# KEY DATES FOR ETA SCHEME ROLLOUT

*This autumn, the UK is set to launch the first stage of its phased roll-out of the new Electronic Travel Authorisation (ETA) scheme.*

*The ETA is a digital 'permission to travel' scheme, which is being introduced to help strengthen the security of the UK border and to improve travel.*

Broadly, the ETA is for visitors who do not need a visa for short stays to the UK, or who do not already have a UK immigration status prior to travelling.

Ahead of the scheme opening to Qatari nationals from 25 October, the Home Office has published official guidance on how to apply, how much it costs and key dates for the phased roll-out.

## WHO NEEDS AN ETA?

An ETA will soon be a requirement for people who do not need a visa to come to the UK. It will give you permission to travel to the UK, and it will be electronically linked to your passport.



### You will need an ETA if you want to:

- Visit the UK for up to 6 months for tourism, visiting family and friends, business or short-term study.
- Come to the UK for up to 3 months on the Creative Worker visa concession.
- Transit through the UK.

### You will not need an ETA if you have either:

- A British or Irish passport.
- Permission to live, work or study in the UK.
- A visa to enter the UK.

## THE APPLICATION PROCESS

You can apply for an ETA using the UK ETA app or online on the GOV.UK website. You should apply before booking any travel to the UK. Each traveller must get their own ETA, including children and babies, but you can apply on behalf of others.

You will also need to pay a fee when you apply. It will cost £10 per applicant.

The application process will be quick and light-touch. Most applicants will receive a response within 3 working days, with many receiving a result sooner. It may take longer if the Home Office needs to make further checks.

## AT THE BORDER

Once granted, an ETA will be valid for multiple journeys over 2 years, or until the passport you applied with expires, whichever is sooner.

Whilst an ETA grants you permission to travel to the UK, it does not guarantee entry and you will still need to go through passport control at the border.

As your ETA is digitally linked to your passport, you will not need to show a paper copy. Make sure you show the same passport you used to apply for your ETA, and that your passport is valid for the whole of your stay.



## KEY DATES

If you're from Qatar, you will need an ETA if you are travelling to the UK on or after 15 November 2023. You'll be able to apply from 25 October.

If you're from Bahrain, Jordan, Kuwait, Oman, Saudi Arabia or the United Arab Emirates, you'll need an ETA if you're travelling to the UK on or after 22 February 2024. You'll be able to apply from 1 February 2024.

Citizens of other countries do not need to apply for an ETA now, but the scheme will expand to more nationalities later.



*For more information on visiting the UK, please speak to Smith Stone Walters.*

# CARE WORKERS MAKE UP HALF OF HEALTH & CARE VISA GRANTS



*The Home Office has published its latest official migration statistics for the year ending June 2023.*

There were almost 3.3 million visas granted across all categories during this period, 58% higher than in the year ending June 2022. The increase was primarily driven by more grants of visit visas following removal of the COVID-19 travel restrictions.

However, the figures also show significant increases in the number of work visas granted compared to the previous year, with a sharp rise in the number of care workers and home carers coming to the UK under the Health and Care Worker route.

Continued recovery from the pandemic alongside changes to the Immigration Rules for care workers has resulted in Health and Care Worker visa grants increasing by over two and a half times compared with the previous year.

## **OVER 120K VISAS GRANTED**

In the year ending June 2023, there were 121,290 Health and Care Worker

visas granted to main applicants. That represents an increase of 157% compared to the previous year.

The increase is in part due to the expansion in late 2021 for 'Care Workers and Home Carers' and 'Senior Care Workers'. In the year ending June 2023, 'Care Workers and Home Carers' comprised around 50% of visas granted under the 'Health and Care' visa category.

Indian nationals were the top nationality to be granted visas under the Health and Care Worker route, with over 33,000 grants.

## **IMMIGRATION CHANGES FOR CARE WORKERS**

These figures show a clear demand for overseas recruitment in the adult social care sector, which is one of many sectors to have suffered from labour shortages post-Brexit.

Recent changes to the UK's Immigration Rules have made it quicker and easier than ever for employers in the adult social care sector to recruit qualified healthcare professionals from overseas.

To help ease pressures in the sector, the government has added care workers and home carers to the UK's Shortage

Occupation List (SOL), meaning they now qualify for sponsorship under the Health and Care Worker route.

Many employers in the sector have been taking advantage of this newly accessible talent pool by becoming Home Office licensed sponsors. Obtaining a Home Office sponsor licence enables UK businesses to recruit skilled workers from anywhere in the world.

At the end of June 2023, there were around 69,500 organisations and institutions registered as licensed sponsors for work and study. During this period, sponsor licence grants were also 70% higher than the year before as more and more businesses identified the need to recruit from overseas to fill staffing gaps.

*To learn more about sponsoring care workers under the Health and Care Worker visa, please contact SSW.*



# UK TARGETS INTERNATIONAL STUDENTS IN BID TO CUT NET MIGRATION

To keep up to date with the latest UK immigration news, please sign up to our weekly newsletter at [www.smithstonewalters.com/signup](http://www.smithstonewalters.com/signup).

*Universities in the UK are becoming increasingly reliant on international students to help cover rising costs.*

Each year, the UK welcomes thousands of students from overseas who make a significant contribution to the UK's higher education sector and the wider economy. It is estimated that international students boosted the UK economy by £42bn in 2021/2, rising by a third in three years as more students chose the UK as a study destination.

However, recent changes to the UK's immigration rules have introduced tighter restrictions on international students coming to the UK via the Student route. The changes are part of a wider government attempt to reduce overall net migration figures which reached a record high last year.

Leaders in the higher education sector have hit out at the controversial changes, warning the government that stricter rules for students coupled with rising fees mean the UK risks losing out to rival English-speaking countries such as the US, Canada and Australia when it comes to the recruitment of international students.

## CHANGES TO THE STUDENT ROUTE

In a Statement of Changes in Immigration Rules published this summer, the Home Office set out two important changes to the Student route which aim to reduce the number of dependants coming to the UK with Student visa holders, and prevent abuse of the route by those not using it for its intended purpose.

From January 2024, international students will no longer be able to bring dependant

family members to the UK, unless they are on postgraduate courses currently designed as research programmes.

The government has also removed the ability for international students to switch out of the Student route into work routes before their studies have been completed. This change seeks to dispel the Home Office's concern that too many people were using the Student route as a "backdoor route to work in the UK".

## THE VALUE OF INTERNATIONAL STUDENTS

In the year ending June 2023, there were just under 500,000 grants to main applicants on sponsored study visas. Almost one-quarter (154,000) of all sponsored study related visas granted were to dependants of students.

Although these numbers are higher than in previous years, experts in the higher education sector argue that the UK cannot afford to close the door on international students, fearing billions of pounds could be lost as a result of the changes.

Foreign nationals studying degree courses in the UK pay significantly higher fees compared to domestic students, for whom fees are capped at £9,250 a year in England. Many international students also choose to remain in the UK after completing their studies and continue contributing to the economy by working in post-study immigration routes.

With the tighter rules on dependants due to come into force in January, some institutions are offering an early winter intake that will enable international students to avoid the impact. Individuals wishing to study in the UK who think they will be affected by the new rule should therefore consider their options to obtain a visa before the end of the year.



# WANT TO STUDY IN CANADA?

*For many years, Canada has remained a top destination of choice for international students looking to study abroad. In 2022 Canada hosted over 800,000 international students, an increase of almost a third in one year.*

It's easy to see why so many foreign students are choosing to study in Canada instead of other popular destinations such as the UK, the US and Australia.

Firstly, tuition fees in Canada are among the lowest in English speaking countries, and students can choose from a range of world-class colleges and Universities offering a quality education at a more affordable price. Canadian degrees are also recognisable worldwide, leading to more international opportunities following graduation.

Perhaps most importantly, coming to Canada as an international student is often seen as a practical first step towards permanent residency. The Canadian immigration system offers a range of post-study work routes which can lead to settlement, making it a popular choice for those looking to relocate from their home country permanently.

## APPLYING FOR A STUDY PERMIT

For international students wishing to study in Canada, competition is fierce. In order to apply for a study permit, you must have successfully obtained a letter of acceptance from a Canadian designated learning institution (DLI).

With more international students applying for places on the hottest courses, the admissions process is now more competitive than ever, and the top Universities can afford to be selective.

For this reason, it is critical to get your application right the first time.

## SSW 'STUDY IN CANADA' ADMISSIONS AND IMMIGRATION SERVICE

Due to increased demand for student immigration support in Canada, Smith Stone Walters is delighted to announce the launch of our new 'Study in Canada' admissions and immigration service. This bespoke service is designed specifically for international students looking for support in securing a place on a course at a Canadian institution and subsequently in applying for a Canadian study permit.

*'With more international students applying for places on the hottest courses, the admissions process is now more competitive than ever.'*

Our two-stage service provides you with one-to-one support from one of our Canadian immigration experts during every step of the process, from selecting the right school and preparing your course application, right through to submitting your immigration application for yourself and any accompanying dependants.

After a free 15-minute introductory call to meet your consultant and discuss your requirements, if you wish to proceed we will help you through the following two stages of your application.

### STAGE 1: SCHOOL APPLICATION ASSISTANCE

During Stage 1, your SSW consultant will work with you to find a suitable DLI and course of study in Canada that aligns with your interests and long-term career goals. When recommending academic programs, we will consider various factors including the location, cost and length of study as well as ensuring you can meet the eligibility requirements.

Once you have chosen a program, we get to work on preparing your application ready to be submitted to the school. We will help you to identify the documentation you need, prepare your personal statement, and provide guidance on preparing for the admissions interview.

When Stage 1 is complete and you have secured an offer to study in Canada, we can then move onto Stage 2 – the immigration application.



### STAGE 2: IMMIGRATION APPLICATION ASSISTANCE

Congratulations! You've secured a letter of acceptance from your chosen Canadian DLI. With this important document in hand, now it's time to apply for your study permit.

During Stage 2, your consultant will work with you to prepare and submit your study permit application to the Canadian immigration authorities. If you intend to bring your spouse or dependant family members with you to Canada, we can help with their applications too.

If your application is successful, we will continue to support you as you prepare to relocate to Canada and begin your study program. We will provide you with a checklist of everything you need to enter Canada and offer post-arrival support if required.



## OUR EXPERTISE

The College of Immigration and Citizenship Consultants licenses and regulates the practice of Regulated Canadian Immigration Consultants (RCICs) and Regulated International Student Immigration Advisors (RISIAs) in the public interest. At SSW, our Canadian immigration consultants are regulated and licensed by the College, giving you peace of mind when coming to us for advice on your immigration journey.

# GERMANY REFORMS SKILLED IMMIGRATION ACT

*In a bid to attract more skilled workers into the country, the German government has approved a new law which reforms the Skilled Immigration Act. The Act facilitates entry and residence for qualified skilled workers from third countries.*

Like many countries in Europe, Germany is currently facing a shortage of skilled workers in key sectors. As a result, unfilled job vacancies are on the rise and the government is looking at ways to make it easier for workers from outside the EU to enter Germany.

The new Skilled Immigration Act aims to attract more skilled workers from overseas to combat shortages by introducing some major changes.

The new law has several parts, with the provisions set to be phased in from November 2023. Below is a brief overview of some of the upcoming changes.

## NEW AND IMPROVED EU BLUE CARD SCHEME

As part of the new Act, Germany's EU Blue Card programme is being restructured and widened from November this year, to make it easier for highly skilled professionals to qualify. The improvements include:

- Lower minimum salary thresholds.
- Widening the eligibility criteria to make it easier for IT specialists and new entrants to the labour market to qualify.

- Expanding the list of 'bottleneck professions' (occupations where there is a shortage of skilled workers).
- Holders of an EU Blue Card issued by another EU Member State will be entitled to short-term and long-term mobility in Germany.
- Facilitated family reunification for EU Blue Card holders.

## RELAXING THE RULES ON QUALIFICATIONS

The restriction that individuals may only work on the basis of the skills acquired with the professional qualification will be removed. In other words, if applicants have a vocational qualification or a university degree, they are not restricted to jobs related to that qualification when looking for employment. There are exceptions for regulated professions.

## EMPLOYMENT OF PROFESSIONAL DRIVERS

The process for employing professional drivers from third countries is being simplified. As a result, it will no longer be checked whether the applicant has the required EU or EEA driving licence, the

priority check will be abolished and language skills will no longer be a requirement.

## EMPLOYMENT OF STUDENTS AND TRAINEES

The new rules will make it easier for students and trainees to seek work in Germany.

*If applicants have a vocational qualification or a university degree, they are not restricted to jobs related to that qualification when looking for employment.'*

Third-country nationals studying in Germany on a student visa will be permitted to work for 140 full days or 280 half days per year, up from 120 full days or 240 half days. Alternatively, the new rule will allow student employees to work up to 20 hours per week with no restrictions on salary or the type of employment.



## SHORT-TERM QUOTA EMPLOYMENT

The changes to the law will introduce a new possibility for short-term employment of third-country nationals, regardless of their qualifications. As soon as the Federal Employment Agency (BA) sets a demand-oriented quota – which can also be differentiated for certain economic sectors or occupational groups – interested employers can apply for a work permit or approval for a residence title for foreign workers.

## NEW 'OPPORTUNITY CARD' FOR JOBSEEKERS

From June 2024, an opportunity card is to be introduced to enable jobseekers to stay

in Germany to look for employment. Applicants will qualify for the card if they have received full recognition of their foreign qualifications and are therefore considered "skilled workers". All other applicants must provide evidence of a foreign university degree, a vocational qualification of at least two years' duration, or a vocational qualification issued by a German Chamber of Commerce Abroad. In addition, a basic knowledge of German or English language is required.

If these requirements are met, points are awarded for criteria such as recognition of qualifications in Germany, language skills, professional experience, age, links to Germany, and the potential

of accompanying partners or spouses. Applicants must score a minimum of six points to receive an opportunity card.

Opportunity cards are issued for a maximum of one year, but may be extended for a further two years if certain criteria are met.

*If you have any questions about German immigration, our new SSW team based in Frankfurt would be delighted to help. Contact us today to learn more.*

# WORK REMOTELY FROM OVERSEAS WITH A DIGITAL NOMAD VISA



*In July, the government of the Czech Republic approved a fast-track digital nomad visa procedure, focused on highly qualified IT professionals from eight countries or regions.*

The scheme allows eligible nationals of Australia, Canada, Japan, New Zealand, South Korea, Taiwan, United Kingdom or United States to work from the territory of the Czech Republic online using telecommunication means for up to one year.

Czech Republic is just one of multiple countries across the globe that offer a Digital Nomad visa programme, after Estonia made history back in 2020 by becoming the world's first country to offer such a scheme.

Since then, many countries have opened up their own digital nomad schemes as the popularity of remote working shows no sign of slowing down.

## WHAT IS A DIGITAL NOMAD VISA?

A digital nomad visa is a temporary permit that allows visitors to stay in a country while they work remotely.

They are generally aimed at IT and telecommunications professionals who are able to carry out their jobs entirely remotely by relying on technology.

Digital nomad visas are not the same as tourist visas, which are generally granted for shorter periods and do not normally allow the visa holder to work in the destination country.

The eligibility requirements are different depending on which country you are applying for, but you must usually be able to show that you have sufficient funds to support yourself during your stay and you have secured accommodation, as well as providing proof of your income and confirmation that you can work remotely.

## WHICH COUNTRIES OFFER THIS TYPE OF VISA?

If you are a digital nomad looking for your next destination, there are now more than 50 countries to choose from that offer this sort of visa.

European countries currently welcoming digital nomads include Spain, Portugal, France, Italy, Germany, Greece, Malta, Norway and Ireland among others.

Countries in North and Central America with schemes in place include Costa Rica, Mexico, Panama, Belize and El Salvador,

whilst Middle East and Asian destinations include Bali, Thailand, Japan and Dubai.

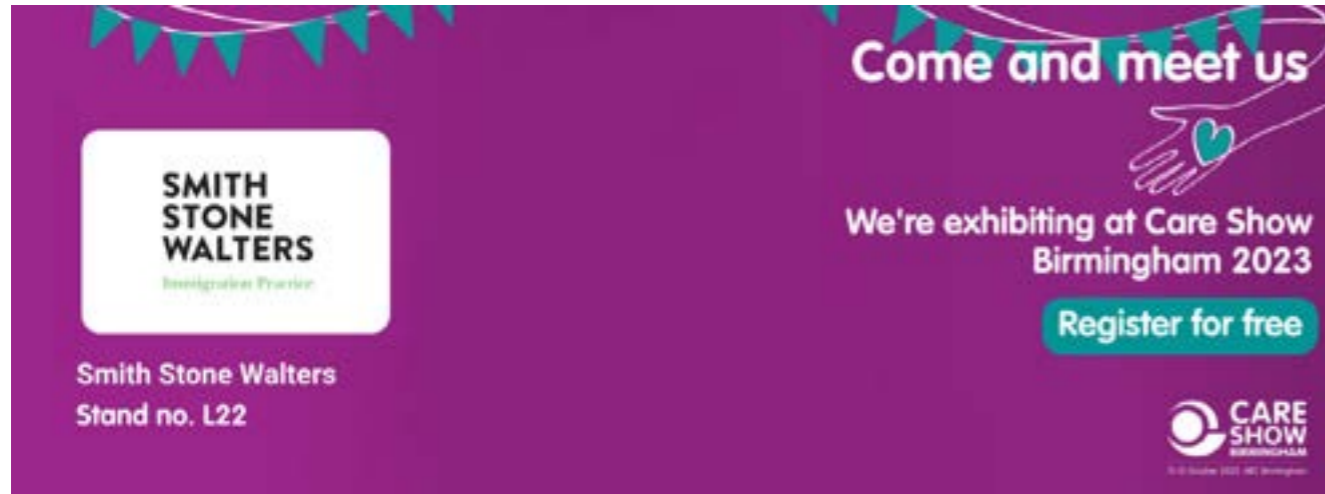
## COMPLIANCE CONSIDERATIONS

Whilst digital nomad visa schemes are growing in popularity and many employers are now granting their workers greater flexibility on when and where they choose to work, there are some compliance issues that should be considered.

It is not just the individual participating in remote working that must take heed of their status and ensure the appropriate visa is in place. Employers must also be aware of their remote workforce as they too can face legal repercussions if an employee does not have the permission to work in the jurisdiction from which they are working.

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*Smith Stone Walters can provide advice on the rules surrounding remote working from overseas. To find out more, please contact a member of the Global Immigration team.*



# VISIT SSW AT CARE SHOW BIRMINGHAM

*Smith Stone Walters is delighted to announce that we will be exhibiting at Care Show Birmingham 2023, taking place at the NEC on 11 – 12 October.*

Care Show Birmingham is the UK's leading multi-award-winning social care event of the year. Bringing together individuals, teams and organisations who share a common vision to improve the quality of care in the UK, this event offers a 360-degree view of social care with CPD accredited educational sessions that are led by experts who will be sharing their practices.

Visit us on Stand L22, where our immigration experts will be on hand to answer your questions on international recruitment, sponsorship, compliance and anything else you want to know about UK immigration.

SSW Senior Associate Alastair Mason will also be presenting a talk in the Care Managers Theatre on 11 October at 1:25pm. Alastair's session will explore the key steps required for businesses sponsoring care workers from overseas under the UK's Health and Care Worker route.

We will explain the Home Office sponsorship process from an employer's perspective and outline both the costs and administrative impact on a UK business

in becoming a registered sponsor and bringing workers to the UK.

The event is free to attend for healthcare, allied healthcare, NHS, social care or public sector workers.

*To register your place, please visit [www.careshow.co.uk](http://www.careshow.co.uk).*

*We look forward to meeting you there!*

# WORK SMARTER NOT HARDER WITH SIM

*Managing a successful global mobility programme involves juggling a great deal of administrative tasks and requires effective time management. For busy HR teams, keeping track of multiple visa applications and ensuring key actions are completed on time can be a cumbersome task.*

*At Smith Stone Walters, we want to make the immigration process as simple and stress-free as possible, and to ultimately make our clients' lives easier. That's why we use Smarter Immigration Manager (SIM) to manage all our client casework.*



## WHAT IS SIM?

SIM is SSW's one-stop shop for immigration management. Our unique case management system 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.

The SIM platform is unique to SSW, and has been carefully developed around our internal best practice and after consultation with our clients. Our ground-breaking, innovative technology is specifically designed to meet our client's immigration needs and allows us to operate a completely paperless file management system.

## NEW AND IMPROVED PLATFORM

At SSW, our technology has revolutionised the way we work and we are proud of the high level of customer service we can offer as a result of our bespoke platform. However, we are constantly looking to improve and make updates to our system, to ensure it can continue to meet the needs of our clients, partners and caseworkers alike.

With this in mind, we are pleased to share that we have recently made a number of updates to the SIM platform, to deliver a new and improved user experience with greater functionalities. These new features have been designed to make it even easier to manage multiple immigration applications at a time, whilst ensuring compliance.

To learn more about the updates and how SIM can help your business manage an effective global mobility programme, please contact us for a demo.

# 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:*



*“Amazing work by Sok Wei and I am really impressed by her professionalism, prompt responses and knowledge on the matter. Thanks again.”*  
*HM, Professional services company*

*“SSW team is highly professional. Everything was done on time and with thorough explanation. I am very satisfied with results.”*  
*OA, Software company*

*“Magda was able to deal with my rather convoluted travel plan under a tight timeline suavely and with a lot of patience. I am very indebted to her help!”*  
*YR, Private client*

*“Very seamless, extremely helpful and clear communication.”*  
*AN, Hospitality company*

*“Thank you so much for your help! You made what would have been a stressful process really simple.”*  
*KO, Ecommerce company*

*“I can't recommend Smith Stone Walters highly enough for how they handled my visa application. Ania was professional, warm and very proactive throughout the application with regular updates at every step. They made the process feel stress free. More power to you guys!”*  
*KJ, Food & beverage company*

*“Betty was really accommodating with my multiple changes and requests, and was patient and diligent throughout. It was a pleasure.”*  
*SF, Private client*

## FOCUS

## DO YOU NEED TO RENEW YOUR SPONSOR LICENCE?

*A sponsor licence is becoming an increasingly essential tool for UK businesses seeking to attract and retain a highly skilled international workforce.*

In this Focus, we set out the process for applying to renew your sponsor licence and the key areas you should be aware of before you apply.

### WHEN TO APPLY FOR A RENEWAL

Once granted, a sponsor licence is valid for four years. You can apply for a renewal from 90 days before the expiry date of your licence. Your licence start and end date, and the date you can make an application to renew it, can be viewed using the 'licence summary' function in your online sponsorship management system (SMS) account.

The Home Office will write to you 120 calendar days before the expiry of your licence to confirm its expiry date and tell you that you will soon need to apply for a renewal. Further reminders will be sent 90 days, 60 days, 30 days and 14 days before it is due to expire.

Smith Stone Walters recommends renewing your licence as early as possible, or at the very latest one month before it expires. Submitting your application in good time will give you the opportunity to apply again if your application is rejected.

However, it is advisable to begin preparing well in advance of the 90-day window, so your application is ready to submit on the earliest renewal date. This means that

if there are any issues or delays with the process, you will have more time to rectify these problems before the licence expires.

### THE IMPORTANCE OF TIMELY RENEWALS

Applying to renew your sponsor licence in a timely manner is critical to avoid disruption to your business and any sponsored workers you currently employ. A sponsor licence will automatically expire at the end of its four-year validity period, unless successfully renewed.

Without a valid sponsor licence, you will not be able to sponsor any new workers, nor can you continue to sponsor any existing migrant workers.

If, for whatever reason, you fail to renew your licence in time, and you still wish to sponsor workers, you will have to apply for a new licence. Until that application is approved, you will be removed from the register of sponsors and your existing sponsored workers' permission will be cancelled.

There is no limit to the amount of times you can renew your sponsor licence, as long as you continue to be eligible and meet the sponsor requirements. However, you cannot be licensed for more than four years on either the UK Expansion Worker route or the Scale-up route.



## THE RENEWAL PROCESS

You must apply to renew your licence using your online SMS account. Before you apply, you should review the Home Office sponsor guidance to ensure your knowledge is up to date and you are aware of any changes that may impact your business.

The licence renewal function in your SMS account can only be accessed by a Level 1 User. However, if this Level 1 User is not also the Authorising Officer (AO), they should notify the AO before submitting the application. When the Level 1 User sends the application, they will be confirming that they have the consent of your AO.

At the end of the process, the Level 1 User will be asked to make an online payment to cover the licence renewal fee and print off a summary sheet for your information. You do not need to send any documents at this stage.

If your renewal application is accepted, your licence expiry date will be temporarily extended whilst the Home Office is conducting checks and considering your application.

## CHECKS THE HOME OFFICE WILL MAKE

Before deciding whether to grant your renewal, the Home Office will conduct a number of compliance checks to confirm you still meet the requirements to be a licensed sponsor and that you have not breached any of your sponsor duties. As part of these checks, you may be asked to send some documents or further information, which must be provided within five working days of the request.

If the results of any of these compliance checks give the Home Office cause for concern, they may decide to renew your licence with a downgraded rating, or revoke it.

## HOW MUCH IT COSTS

The fee for renewing your licence is the same as it would be if you were applying for a licence for the first time. There are two fees, a 'small fee' and a 'large fee'. The amount you will be charged depends on the size and nature of your organisation. Small or charitable sponsors are eligible for the smaller fee of £536, whilst medium or large sponsors are charged the higher fee of £1,476.

It is important to double check you are paying the correct fee when you apply. If you pay the small licence fee when you should have paid the large fee, your application will be rejected. If you pay the large fee when you should have paid the small fee, your application will be accepted, and the difference will be refunded.

## HOW LONG IT TAKES

You will usually get a decision on your sponsor licence renewal application within 8 weeks.

During this time, you should expect the Home Office to be extremely thorough in the compliance checks they are undertaking. If they need to request further information or conduct a compliance visit, it may take longer to get a decision.

You can track the progress of your application using your SMS account.

## CHOOSING NOT TO RENEW YOUR LICENCE

Even if you have no plans to sponsor any new workers, you will still need to renew your licence if you currently have any sponsored workers in your organisation and you want to continue sponsoring them. However, if you no longer sponsor workers and have no intention to sponsor any in the future, you can choose not to renew your licence.

The renewal function in your SMS account includes an option to 'decline' to renew your licence. If you choose to decline and work through this process to its end, you will not be able to change your mind afterwards and your licence will expire on its due date. Nothing can be done to change or reverse this.

If you decline to renew your licence, either deliberately or in error, when it expires any workers you are currently sponsoring will have their permission shortened, usually to 60 calendar days.

Before choosing not to renew, you should carefully consider your business's future

recruitment plans and whether you think you will need to recruit from overseas in the future.

## TOP TIPS FOR THE RENEWAL PROCESS

To give your business the best chance of success with its sponsor licence renewal, you should begin the process in plenty of time. This will enable you to carry out a thorough audit of your licence and identify any potential tripping points or areas of non-compliance that can be addressed prior to submission.

As soon as you receive the first notification from the Home Office 120 days before expiry, we recommend logging into the SMS to review your licence information. You should check key details are up to date and that the information is still representative of your organisation.

For example, does your business still qualify as a 'small sponsor' or have you experienced growth in employee headcount, annual turnover or assets which mean the Home Office would now categorise your company as a 'medium or large sponsor'? Are your key personnel still the same, or have there been any changes to their contact details which need to be reported? Are your employment records up to date, and have you told the Home Office about any significant changes to your sponsored workers' circumstances?

The run-up to your sponsor licence renewal is an ideal time to take stock and ensure your business is fully prepared for a potential compliance visit.

## CHANGES THAT MAY IMPACT YOUR LICENCE

It is important to keep your licence up to date at all times during its four-year validity period. Not only will this save you time and effort when it comes to renewals, it is also an essential part of your sponsor duties.

Sponsors are required to report any significant changes in relation to the business or your sponsored workers within set timeframes. Level 1 users are also required to log into the SMS at least once a month to ensure records are kept up to date and to check for any messages or updates from the Home Office.

Common business transactions such as mergers, acquisitions and takeovers can have a significant impact on your licence and must be reported to the Home Office in a timely manner. Depending on the nature of the transaction, the business may be required to reapply for a new licence under the new company ownership.

## DON'T DROP THE BALL

Despite the importance of maintaining sponsorship duties, you may be surprised to learn that a number of companies still manage to overlook the need to renew their licence on time.

Making sure your organisation has effective processes in place to oversee your sponsorship duties should continue to be a priority. The consequences of not doing so can be immeasurable.



*For more information and support with sponsor compliance, please call 0208 461 6660 or email [info@smithstonewalters.com](mailto:info@smithstonewalters.com).*

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