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**SMITH  
STONE  
WALTERS**

Immigration Practice

# INSIGHT

IMMIGRATION NEWS & VIEWS  
FROM SMITH STONE WALTERS  
WINTER 2023



*The UK's immigration  
system is going digital*

THE UK'S IMMIGRATION  
SYSTEM IS GOING

DIGITAL

*The UK government is currently in the process of transitioning to a fully digital immigration system. This means they are phasing out the use of physical documents and replacing them with online records of immigration status, known as eVisas.*

In today's digital age, customers expect a quick, straightforward and user-friendly experience when interacting with businesses or services, and the immigration system is no exception. With the UK government imposing some of the highest immigration fees in the world, applicants are right to demand a service level to match.

Much of the visa application process is already completed online, and the Home Office has introduced a range of digital tools and processes for applicants and employers, such as mobile apps for identity verification and online systems for carrying out right to work checks.

However, throughout 2024 the government will be taking steps to digitalise the immigration system even further, to help achieve the goal of having a 'seamless, fully digital, end-to-end journey for customers interacting with the immigration system by 2025'.

The 'New Plan for Immigration: Legal Migration and Border Control' policy paper sets out the government's vision for the UK's border and legal migration system of the future and the steps that will be taken to achieve this. The document states that the new immigration system will put the customer at its heart, ensuring it is easier to navigate and 'digital by default'.

Critics have warned that a fully digital immigration system poses certain risks that have not been properly investigated by the Home Office and leaves migrants vulnerable to a 'hostile environment'.

With some of these changes already in place and more still to come, it is important that migrants in the UK are aware of what they need to do to ensure they can continue to prove their immigration status. In this Insight Editorial, we discuss the benefits and drawbacks of a fully digital immigration system and the changes you can expect to see over the next 12 months.

#### WHAT IS AN E-VISA?

An eVisa is an online record of your immigration status and the conditions of your permission to enter or stay in the UK.

Millions of migrants in the UK already hold an eVisa, for example through the EU Settlement Scheme (EUSS), the British National (Overseas) visa scheme or the Graduate visa scheme. The introduction of digital status for these routes means applicants can apply without attending a Visa Application Centre (VAC), speeding up the process.

There are many benefits to holding an eVisa instead of a physical document. For example, digital visas cannot be lost, stolen or tampered with, they make it quicker and easier for travellers to prove their status at the UK border, and they negate the need for applicants to wait for or collect a physical document after their application has been decided.

In the future you'll be able to use an eVisa to travel to the UK. You will not need to carry a physical document, except for your current passport, which must be registered

to your UKVI account. Until then you will need to continue to carry your physical document if you have one.

#### PROVING YOUR STATUS WITH AN E-VISA

With no physical document to show, many people issued with an eVisa have concerns about how they will be able to prove their immigration status to others, such as their employer or landlord.

*In the future you'll be able to use an eVisa to travel to the UK. You will not need to carry a physical document, except for your current passport, which must be registered to your UKVI account.'*

With an eVisa, you must use your UK Visas and Immigration (UKVI) account to access and prove your immigration status online. Migrants who are applying for a visa for the first time, or applying to extend their leave to remain, will soon need to create a UKVI account as part of the visa application process. For migrants already in the UK, who do not have a UKVI account, they may need to register for one.

If you have an eVisa, it is important to keep your personal details up to date in your online UKVI account, such as your contact details and your current passport details.

You can see your eVisa, check what rights you have in the UK and prove your status to others using the online ‘view and prove’ service. You can use this service to get a ‘share code’ which your employer or landlord can use to verify your status when carrying out a right to work or a right to rent check.

**WHAT WILL AN END-TO-END DIGITAL SYSTEM LOOK LIKE?**

The New Plan for Immigration sets out the key steps that make up a typical migrant journey to the UK, and how digital tools and processes will be incorporated into each stage.

**STAGE 1: PLANNING TO COME TO THE UK**

Clearer guidance and content is being rolled out on gov.uk, including new customer support tools, to help customers find out what visas they are eligible for and resolve any queries effectively, without needing to wait to speak to an agent.

**STAGE 2: APPLYING TO COME TO THE UK**

Applications for all new routes now take place online, increasingly replacing physical and paper-based products with accessible, easy to use online and digital services. This includes enabling many people to use a smartphone to provide facial biometrics to establish or verify their identity and enabling reuse of fingerprint biometrics that have previously been captured. This, along with the introduction of eVisas, has reduced the need for people to go to a Visa Application Centre (VAC) to give biometrics or collect a physical visa.

Applications can now be successfully completed from the customer’s own home. Over the next year, this ‘digital by default’ application process will be rolled out to more customers.

**STAGE 3: TRAVELLING TO THE UK**

To further strengthen the UK border, the government has begun the rollout of its new Permission to Travel scheme, the Electronic Travel Authorisation (ETA) scheme. In future, everyone wishing to travel to the UK will need permission in advance of travel. This will be demonstrated by:

- Passport – for British and Irish citizens.
- eVisa – for visa nationals and anyone resident or coming to work and study.
- Electronic Travel Authorisation (ETA) - for non-visa national visitors.

**STAGE 4: CROSSING THE BORDER**

By 2025, the UK border will look very different. Crossing the border will soon involve greater automation, including rolling out the ETA and increased provision and functionality of eGates. Such changes will deliver improvements to security, passenger experience and queue times.

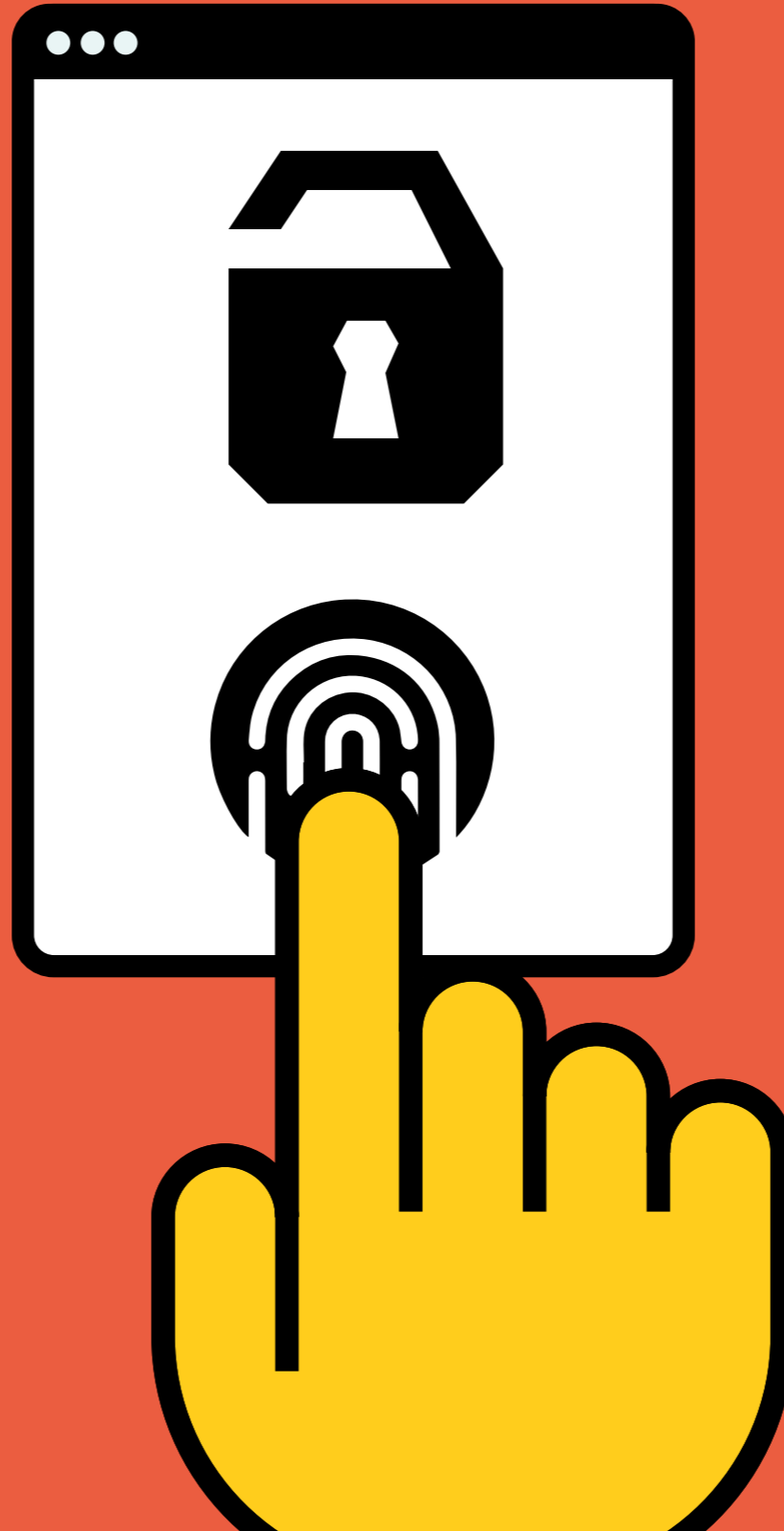
**STAGE 5: LIVING IN THE UK**

Through its digital transformation plan, the Home Office hopes to make it simpler and more straightforward for migrants in the UK to comply with our rules and access their entitlements.

This includes the introduction of eVisas allowing individuals to view and share their up-to-date immigration status information online at any time, the simplification of right to work and rent checks for employers and landlords, and increased information sharing with other government departments.

**WHAT WILL HAPPEN TO PHYSICAL DOCUMENTS?**

The physical documents being replaced are Biometric Residence Permits (BRPs), Biometric Residence Cards (BRCs), passport endorsements (such as indefinite



leave to enter wet ink stamps), and vignette stickers in passports (such as entry clearance or visa vignettes).

If you currently have permission to stay in the UK and have either a BRP, a BRC or other physical documents to prove your immigration status, you do not have to take any action now. However, the Home Office will soon stop issuing such documents and from 1 January 2025, only digital immigration statuses will be granted. Throughout 2024, the Home Office will be providing updates on when customers need to register for a UKVI account, and what actions must be taken.

**DIGITAL ‘HOSTILE ENVIRONMENT’**

Migrants’ rights groups have expressed concerns over the plans to fully digitalise the immigration system, pointing to lessons learned from the Windrush scandal, where long-term UK residents were denied access to healthcare, the right to work and even detained or removed illegally due to being unable to prove their status.

Critics have warned that the government immigration policy could create a ‘hostile environment’ for anybody unable to demonstrate their immigration status on demand. Concerns have also been raised about security issues, people being able to see other people’s statuses erroneously, and system glitches or failures.

With millions of people already using a digital-only status, most notably under the EUSS, stories have emerged in recent years about people who are unable to access their account and therefore have no way of proving their status without a physical document to show. Technical glitches in the Home Office systems have also been reported by status holders and legal representatives, including error messages, immigration statuses being unavailable or displayed incorrectly online, and even

several cases where the profiles of two different people were getting mixed up by the system.

If the Home Office is to deliver on its promise of having a ‘world-leading border and legal migration system’, it must address these valid concerns before rolling out digital statuses to everyone and ensure that the new system is efficient, secure, and works in the best interests of its paying customers.

**WHAT TO EXPECT FOR 2024**

Overall, the introduction of a fully digital end-to-end immigration system should be a positive change for all service users, if the Home Office can iron out any problems beforehand. Theoretically, in future there will be no need for applicants to attend in-person VAC appointments in most cases, speeding up the processing times and avoiding extra costs such as travelling to appointments and replacing physical documents that get lost or stolen.

Migrants in the UK and their employers should be prepared for the upcoming changes next year and ensure they take the relevant actions in a timely manner to avoid falling foul of the Immigration Rules.

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

# NEW YEAR NEW IMMIGRATION PROVIDER?

## REGULATED & QUALIFIED



### Have you checked their credentials?

Immigration advice cannot be given out by just anyone. In the UK, immigration law is tightly regulated, and it is illegal for any individual or business to give advice or services in this area if they are not appropriately qualified and regulated to do so.

Always check that your chosen immigration practice is registered with the Office of the Immigration Services Commissioner (OISC) or The Law Society. This is a legal requirement, and helps to ensure UK immigration practices are fit, competent and act in the best interest of their clients

## CASE MANAGEMENT TECHNOLOGY



### How secure is your assignee data?

A specialist immigration provider should be able to offer clients a safe and user-friendly case management system to make it simpler and more efficient to run immigration programmes of any scale. Their technology offering should include the ability to view real time updates on visa applications under process, report on historic files and view all compliance documentation in one central location.

At Smith Stone Walters, 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. Superior IT efficiencies offer our caseworkers even more time to focus on the human side of immigration, engaging with clients and delivering an unrivalled personalised service.

## GLOBAL REACH



### To Timbuktu (and back again)

Moving people across borders often involves working across different continents and conflicting timezones. Finding an immigration provider with a business presence in different regions across the globe will ensure your assignees are supported.

To service those more remote overseas assignments, a good provider will be able to show that they have a trusted network of local partners to offer worldwide immigration support and guidance.

## PERSONALISED SERVICE



### A tailored approach

Global mobility is rarely one-size-fits-all, therefore an immigration programme that works for one client won't always be suitable for the next. A good provider will get to know your individual business needs as part of the onboarding process and be able to offer bespoke solutions with a service tailored to your exact requirements.

Having direct access to a consistent and single point of contact from the start can also help save time and avoid the frustration of having your cases 'passed around' various teams or contacts within a larger firm.

*Whether you are a small independent business or a multi-national corporate firm, partnering with a reputable immigration provider can help your business save time and avoid mistakes when running global mobility programmes on any scale.*

## CLIENT SATISFACTION



### WOW! What a service!

Applying for a visa is the first step in a potentially life changing experience. It can be a very stressful time for both the assignee and the employer, and a good immigration provider should aim to make the process as smooth and straightforward as possible.

Excellent customer service is therefore an essential factor when looking for a provider. Asking to see client satisfaction rates and testimonials can give you a good idea of the level of customer service you can expect to receive from your new provider.

## CLEAR COMMUNICATION



### Keeping you in the know

Are you aware of the latest immigration rule changes? A good immigration provider will keep clients informed and up to date with the latest news and developments in immigration law. As their client, all important changes should be communicated to you in a timely manner.

Digital channels such as the provider's website, email newsletter and social media channels are all great places to look to get an idea of the communications your potential new provider can offer.

## KNOWLEDGE & EXPERTISE



### Multi-service vs specialist providers

Immigration law is complex and constantly changing. Qualified immigration professionals undergo rigorous examinations and take regular training to ensure their knowledge is up to date and legally sound.

Choosing a specialist immigration practice over a multi-service law firm can give you peace of mind that your nominated provider will understand the complexities of each visa process and be able to specifically manage your bespoke immigration requirements.

## VALUE FOR MONEY



### Is the service you receive from your current immigration provider value for money?

Ultimately, the answer to this question should be self-evident once you have considered the other elements in this article. If your current provider delivers superior service, reliable levels of communication and consistently positive feedback from your assignees' engagement then why change? Perhaps the only action you should take in the short term is to benchmark your supplier's costs against alternative providers.

However, if you never speak to the same lawyer from one week to the next, find yourself chasing updates on case submissions and feel uneasy about your current immigration provider managing a visa application on behalf of your VIP employee, then it might just be time to explore the market and secure a new immigration provider for 2024.

If you are looking to partner with an immigration provider for the first time or want to switch to a new provider, it is important to choose one that has the knowledge, tools and capabilities to deliver the standard of service you expect.

In this Special Focus, we set out some of the key qualities you should look for in a good business immigration provider.

To find out more about partnering with Smith Stone Walters, please call us on 0208 461 6660 or email [info@smithstonewalters.com](mailto:info@smithstonewalters.com)



# IHS TO RISE BY 65% IN JANUARY 2024



*The UK government has laid before Parliament an Immigration (Health Charge) (Amendment) Order 2023 which sets out details of the upcoming increase to the Immigration Health Surcharge (IHS). The increase is set to come into effect on 16 January 2024 at the earliest and must now be approved by both Houses of Parliament.*

Once the amendment has been implemented, the IHS will rise from £624 per year to £1,035. The fee for under-18s, students and Youth Mobility Scheme applicants will rise from £470 per year to £776 per year.

The planned IHS increase follows a recent hike in visa and immigration fees for various categories which came into effect on 4 October 2023.

### WHAT IS THE IHS?

The Immigration Health Surcharge (IHS) is a fee which most migrants coming to the UK must pay in order to access free healthcare on the NHS for the duration of their stay.

Since its introduction in 2015, the IHS has faced widespread criticism, often described as an 'additional tax' on migrant workers who are already paying some of the highest immigration fees in the world, and already help to fund the NHS just as domestic workers do through their employment taxes.

### CASE STUDIES

The new IHS fees will represent a significant increase to the overall cost of securing a UK visa.

The fee must be paid up front for each year of your stay, at the same time as the application fee when you apply for your visa. It must also be paid for each accompanying dependant. The cost will therefore vary depending on the length of your visa and those relocating with a family will be hit the hardest.

The case studies shown opposite highlight some cost comparisons between the current IHS fee and the new fee set to come into effect in January.

### IMPACT OF THE RISE

Coupled with the higher visa application fees announced in October, the UK's immigration system may be even less affordable for some applicants come January, particularly for those relocating with family members.

In most cases, employers will not be impacted by the higher IHS fees, as it is usually down to the visa applicant to pay the surcharge for themselves and any accompanying dependants. However, some sponsors do opt to cover this cost for their sponsored workers and therefore should be aware of how the increase will impact your budget.

Employers that do currently offer financial support to sponsored workers towards their visa fees may wish to reconsider company policies in light of the new higher fees.

*Those intending to file an application for a UK visa are advised to submit the application at their earliest convenience, or before 16 January 2024 if they wish to avoid the higher health surcharge.*

#### THREE-YEAR SKILLED WORKER SINGLE APPLICANT:



#### Current IHS Fee (2023)

£624 per adult per year

**TOTAL £1,872**

#### New IHS Fee (from January 2024)

£1,035 per adult per year

**TOTAL £3,105**

#### FIVE-YEAR SKILLED WORKER WITH THREE DEPENDANTS:



#### Current IHS Fee (2023)

£624 per adult per year

£470 per child per year

**TOTAL £10,940**

#### New IHS Fee (from January 2024)

£1,035 per adult per year

£776 per child per year

**TOTAL £18,110**

# REPORTS OF FOREIGN WORKER EXPLOITATION ON THE RISE



*A new report by the charity Work Rights Centre has revealed that thousands of migrant workers in the UK are at risk of exploitation as the Home Office prioritises immigration control over workers' rights.*

The number of businesses licensed to sponsor migrant workers has more than doubled over the past three years, and according to government figures, 321,000 work visas were granted in the year ending June 2023, 45% higher than in the previous year.

Despite the increase in migrant workers coming to the UK, the Work Rights Centre argues that the Home Office is not doing enough to regulate sponsors, leaving 'unscrupulous' employers open to operate with impunity, in the belief that the Home Office is unlikely to ever investigate.

The report found that migrants are being forced by their sponsors to accept exploitative work conditions due to the short time frame, high cost, and administrative difficulty involved in changing jobs.

If a migrant worker stops working for their sponsor, the Home Office allows them a period of just 60 days to change sponsors and obtain a new visa, or their visa will be cancelled and they must leave the UK. For this reason, many are reluctant to report exploitation for fear that doing so will lead to their visas being cancelled.

Drawing on over 40 case studies, interviews with caseworkers, and policy analysis, the report warns that migrant labour exploitation is at risk of turning into a national crisis, unless changes are urgently made to the immigration and labour enforcement system.

Dr Dora-Olivia Vicol, Chief Executive of the Work Rights Centre, said: **"From the perspective of migrant workers, sponsorship is akin to bonded labour. It hands employers the power to**

**exploit migrants, knowing that it will be very hard for them to leave. We have seen many tragic cases where people come to accept exploitation. The work sponsorship system needs urgent reform to prevent even more migrant workers being exploited."**

The authors of the report recommend reforming the system to end migrant worker dependency on a sponsor, introducing a single enforcement body that migrant workers can safely report abuse and exploitation to, and appointing a migrant commissioner to develop a welfare strategy for migrant workers.

## HIGH RISK SECTORS

The report echoes the concerns of other workers' rights and anti-slavery organisations, who have warned that workers in lower-paid roles are particularly at risk.



The adult social care sector has been identified as one high-risk industry, and reported cases of care worker exploitation have risen dramatically since the UK government made care workers and home carers eligible for sponsorship in February 2022, leading to a spike in international recruitment in the sector.

Anti-slavery charity Unseen said that there was a 606% increase in care work-related modern slavery cases reported to their helpline last year, and tackling widespread exploitation of migrant care workers is now the 'number one priority' for the Gangmasters and Labour Abuse Authority (GLAA), a government body that investigates labour exploitation in England and Wales.

Research undertaken by Unseen has revealed various methods of abuse used

by some employers in the care sector to keep individuals in modern slavery situations. The most common method was financial control, including withholding wages, non-compliance with National Minimum Wage, large deductions from salaries, debt bondage and excessive fees for breaking contract. Some employers also withheld victims' passports and threatened to revoke certificates of sponsorship or have them deported.

A Home Office spokesperson said: **"We strongly condemn offering Health and Care Worker visa holders employment under false pretences. The government does not tolerate illegal activity in the labour market and any accusations of illegal employment practices will be thoroughly looked into. Those found operating unlawfully may face**

**prosecution and/or removal from the sponsorship register."**

With reports of migrant worker exploitation on the rise, going forward the Home Office is likely to place an increased emphasis on compliance for sponsors, particularly in higher risk sectors. Employers are reminded that the Home Office may conduct compliance checks at any time, and sponsors should be prepared.

*If you have questions about compliance, our team would be happy to help. To speak to a qualified immigration advisor, please contact us today.*

# HIGHER CIVIL PENALTIES FROM JANUARY 2024

*Throughout 2023, the Home Office has increased its focus on immigration compliance as the government continues to crackdown on irregular migration and illegal working in the UK.*

Immigration enforcement activities such as illegal working raids and sponsor compliance visits have been ramped up, and from January 2024, higher fines will apply for “unscrupulous” employers and landlords who employ or let property to illegal migrants.

In the biggest shake-up of civil penalties since 2014, fines are to be more than tripled for those found to have offered work or accommodation to anyone without a legal right to be in the UK.

The civil penalty for employers will be increased to £45,000 per illegal worker for a first breach instead of the current £15,000, whilst repeat breaches could be liable for a penalty of up to £60,000 instead of the current £20,000.

For landlords, the fines will increase from £80 per lodger and £1,000 per occupier for a first breach to up to £5,000 per lodger and £10,000 per occupier. Repeat breaches will be up to £10,000 per lodger and £20,000 per occupier, up from £500 and £3,000 respectively.

With the increased penalties set to come into force in a matter of weeks, employers and landlords should take this opportunity to ensure they are up to date with the legal requirements and that the correct checks have been carried out on all current employees and tenants.



## RIGHT TO WORK CHECKS

All UK employers must conduct a right to work check on every individual they intend to hire, in order to prevent illegal working. These checks must be carried out before the individual starts work, and should be done for every job, whether it's full-time, part-time, permanent or temporary.

There are different ways employers can carry out a compliant right to work check. The type of check you conduct will depend on a number of factors, including the individual's nationality and the type of permission they hold. You can:

- Check the applicant's original documents.
- Check the applicant's right to work online, if they have given you their 'share code'.
- Check the applicant's right to work using an Identity Service Provider (IDSP) that offers Identity Document Validation Technology (IDVT).

## RIGHT TO RENT CHECKS

Landlords must conduct a right to rent check to determine whether a tenant or lodger can legally rent any residential property in England. You must check all tenants aged 18 or over, even if they are not named on the tenancy agreement, if the tenancy agreement is not in writing or if there is no tenancy agreement.

You do not need to check tenants that are in certain types of accommodation such as social housing, student accommodation, hostels or refuges, mobile homes and care homes, among others.

There are three different types of right to rent check. You can:

- Check the tenant's original documents.
- Check the tenant's right to rent online, if they have a 'share code'.
- Check the tenant's right to rent using an Identity Service Provider (IDSP) that offers Identity Document Validation Technology (IDVT).

*Should you require more information or training for your staff on immigration compliance, please call SSW on 0208 461 6660 or email [info@smithstonewalters.com](mailto:info@smithstonewalters.com).*

# EU CONFIRMS NEW TIMELINE FOR EES & ETIAS



*The European Council has announced a new timetable for the implementation of the Entry/Exit system (EES) and the European Travel Information and Authorisation System (ETIAS).*

Both IT systems are designed to increase security and protect the EU's borders, reduce illegal immigration, and

improve the systematic identification of overstayers. The implementation process for the EES and ETIAS has been subject to delays, with the launch dates for both systems being continuously postponed. Once in place, the EES and ETIAS systems will apply to third-country nationals, including British citizens.

The new delivery roadmap foresees that the EES will be ready to enter into operation in Autumn 2024 and the ETIAS will be ready to enter into operation in Spring 2025.

## THE ENTRY / EXIT SYSTEM (EES)

The Entry/Exit System (EES) will electronically register the time and place of entry and exit of third-country nationals, and calculate the duration of their authorised stay.

It will replace the obligation to stamp the passports of third-country nationals which is applicable to all Member States.

## THE EUROPEAN TRAVEL INFORMATION AND AUTHORISATION SYSTEM (ETIAS)

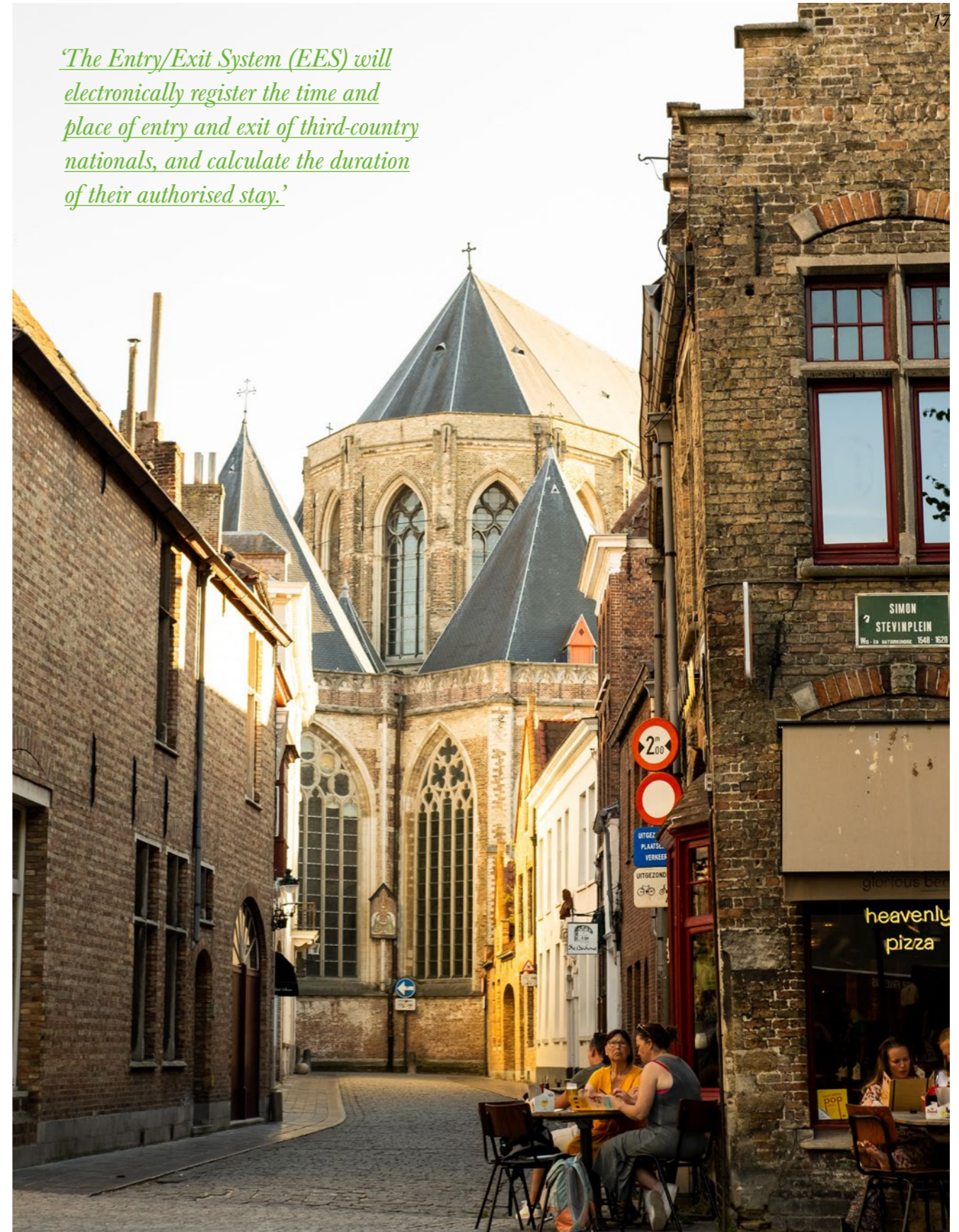
The European Travel Information and Authorisation System (ETIAS) is a pre-travel authorisation system for visa exempt travellers. Its key function is to verify if a third country national meets entry requirements before travelling to the Schengen area.

The information is submitted via an online application ahead of travel. This enables pre-travel assessment checks, security checks and public health risk checks to be carried out before the individual arrives at the border.

The ETIAS will be similar to existing systems in place in the US, Canada and Australia, among others.

*To find out more about EU immigration requirements, please speak to the SSW Global Immigration team.*

*'The Entry/Exit System (EES) will electronically register the time and place of entry and exit of third-country nationals, and calculate the duration of their authorised stay.'*





# GERMANY BEGINS ROLLING OUT NEW SKILLED WORKER LAW

*Following parliamentary approval, Germany has begun the implementation of its new skilled worker law. The new rules are intended to help Germany attract more skilled workers from outside the EU to tackle labour shortages, and to make it easier for qualified professionals to obtain an EU Blue Card.*



The initial part of the new law took effect on 18 November 2023. From that date, changes to the rules for EU Blue Cards were introduced, among some other measures intended to expand access to Germany for skilled workers.

## CHANGES TO THE EU BLUE CARD

To implement the requirements of Directive (EU) 2021/1883, which reforms the EU Blue Card scheme across the EU, the German government has introduced the following changes.

### LOWER SALARY THRESHOLDS:

The salary thresholds to qualify for an EU Blue Card will be significantly lowered, for regular occupations and for bottleneck professions (a profession with a shortage of skilled workers).

*'The possibility of obtaining an EU Blue Card will be opened to a wider group of people.'*

In future, a minimum salary of 45.3% of the annual contribution assessment ceiling for pension insurance (in 2023: €39,682.80) will apply to bottleneck professions and new entrants to the labour market; for all other occupations, the figure will be 50% (in 2023: around €43,800).

### NEW ENTRANTS TO THE LABOUR MARKET:

The possibility of obtaining an EU Blue Card will be opened to a wider group of people. For example, foreign nationals who have graduated from university within the last three years can obtain an EU Blue Card if their job in Germany earns them a minimum salary of 45.3% of the annual assessment ceiling (in 2023: €39,682.80). This applies to both bottleneck professions and regular occupations.

### IT SPECIALISTS:

IT specialists will be able to obtain an EU Blue Card if they do not have a university degree but can prove that they have at least three years of comparable professional experience. In this case, the lower salary threshold for bottleneck professions will apply (45.3% of the annual assessment ceiling; in 2023: €39,682.80).

### EXTENSION OF THE LIST OF BOTTLENECK PROFESSIONS:

The list of bottleneck professions for the EU Blue Card will be significantly expanded. In addition to the existing bottleneck professions (mathematics, IT, science, engineering, and human medicine), skilled workers in the following occupations will be able to obtain an EU Blue Card if they meet the other requirements:

- Manufacturing, mining, construction, or distribution managers
- Information and communications technology service managers
- Professional services managers, such as childcare or health services managers
- Veterinarians
- Dentists
- Pharmacists
- Nursing or midwifery professionals
- School and out-of-school teachers and educators.

### SHORT-TERM AND LONG-TERM MOBILITY:

Holders of an EU Blue Card issued by another EU Member State will be entitled to short-term and long-term mobility in Germany.

The new rules will allow Blue Card holders to enter Germany for short stays to conduct business activities without requiring a visa or work permit. Those

who have resided in another EU country with a Blue Card for at least 12 months will be eligible for long-term residence in Germany without a visa, but must apply for a German EU Blue Card upon arrival.

### FACILITATED FAMILY REUNIFICATION:

EU Blue Card holders who have already lived in another EU Member State with their family will be entitled to privileged family reunification.

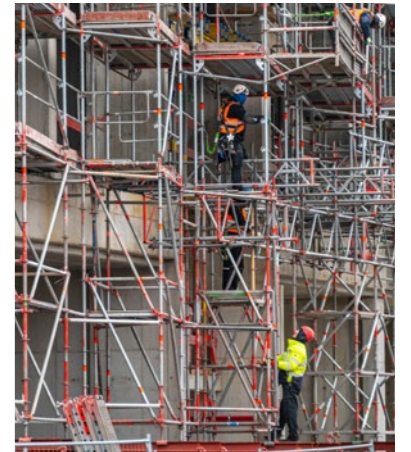
If these family members require a visa, they will be entitled to enter and reside in Germany as a family member of an EU Blue Card holder with the residence permit issued in the previous Member State without having to undergo a visa procedure beforehand. When a residence permit is issued in Germany, the requirements of sufficient living space and the requirement to secure one's livelihood will no longer apply.

### FURTHER CHANGES

As well as the new and improved Blue Card scheme outlined above, the German government has also introduced further changes as follows:

- From 18 November 2023, applicants with a vocational qualification or a university degree are no longer restricted to jobs related to that qualification when looking for employment in Germany. (There are exceptions for regulated professions).
- From 18 November 2023, the process for employing professional drivers from third countries will be simplified. It will no longer be checked whether the applicant has the required EU or EEA driving licence and the initial qualification or accelerated initial qualification. In addition, the priority check will be abolished and language skills will no longer be a requirement.

- From 1 November 2023, streamlined document issuance procedures have been introduced. Individuals can now confirm the receipt of the PIN letter for their online ID card via text message. This allows identity cards, passports and electronic residence permits to be picked up at document dispensing machines, where available. An in-person appointment for the collection of the documents at a government office is then no longer necessary. With the PIN of their online ID card, individuals can safely access over 200 online services from government authorities and companies from anywhere.



# THE FASTEST ROUTE TO PERMANENT RESIDENCY IN CANADA

*Many skilled foreign workers looking to relocate abroad consider Canada as a top destination among other English-speaking countries such as the UK, the USA and Australia. Thanks to its comparatively open and well-regulated immigration system, Canada has built a reputation over the last few decades as a forerunner in the race for global talent.*

Foreign-born workers play a vital role in Canada's economy, and immigration accounts for almost 100% of the country's labour force growth. By 2032, immigration is projected to account for 100% of Canada's population growth.

Partly due to an ageing population, Canada is currently facing critical labour market shortages and the government is placing an increased focus on attracting newcomers from overseas to help fill gaps in its workforce.

According to the 2024 – 2026 Immigration Levels Plan which sets out the government's immigration targets,

Canada plans to welcome 485,000 permanent residents for 2024 and aims to reach 500,000 in 2025.

If you are a skilled worker with the necessary work experience and / or qualifications, you may be able to move to Canada and obtain permanent residency under the Express Entry system.

## EXPRESS ENTRY PATHWAYS

Express Entry is an online system used by the Canadian government to manage immigration applications from skilled workers. It is the fastest and most popular pathway to permanent residence for immigrants seeking a new life in Canada.



There are 3 immigration programs managed through Express Entry:

- **Canadian Experience Class**  
For skilled workers who have Canadian work experience gained in the 3 years before you apply.
- **Federal Skilled Worker Program**  
For skilled workers with foreign work experience and who meet the criteria for education and other factors.
- **Federal Skilled Trades Program**  
For skilled workers who are qualified in a skilled trade and have a valid job offer or a certificate of qualification.

Candidates must submit an Express Entry profile and supporting documents, such as language test results, to show they are eligible for Express Entry. If you are eligible, you will be accepted into the Express Entry pool and given a Comprehensive Ranking System (CRS) score.

The government will then send rounds of invitations to apply for permanent residence to the candidates with the highest scores in the pool. If you are invited to apply, you'll have 60 days to submit your application.

## EXPERT SUPPORT WITH CANADIAN IMMIGRATION

If you want to work in Canada and require advice with the immigration process, Smith Stone Walters can help. Our global immigration team can assess your eligibility for the various streams available and provide support with your application.

*To learn more, please call our Global Immigration team on 0208 461 6660 or email [info@smithstonewalters.com](mailto:info@smithstonewalters.com).*

# SSW TAKES CLIMATE ACTION IN 2023

*Throughout 2023, a key focus for Smith Stone Walters has been on reducing our carbon footprint and taking steps to make our business better for the planet.*

With this in mind, we are pleased to share some of our key achievements this year which demonstrate our commitment to taking climate action.

## PLANET MARK BUSINESS CERTIFIED

We are delighted to share that Smith Stone Walters has become a Planet Mark Business Certified organisation, after measuring our carbon footprint from 1 April 2022 to 31 March 2023.

Planet Mark is an internationally recognised sustainability certification and net zero provider for organisations and the built environment. It helps businesses to measure their carbon footprint, become more strategic about their environmental responsibilities, and supports progress in the transition to a net zero world.

Achieving the Planet Mark certification highlights Smith Stone Walters' steadfast

commitment to making a positive impact on the planet and society through the reduction of carbon emissions year on year. In order to continue our certification, we have committed to reducing our carbon emissions by at least 2.5% each year.

## 50,000 TREES PLANTED WITH ECOLOGI

Our tree planting partnership with Ecologi is now well established and over the last two years we have been planting five trees for every visa instruction we receive.

Thanks to our clients' initiations, earlier this year we hit the exciting milestone of 50,000 trees planted. Our funding has also helped to offset 110 tonnes of CO2e.

To date, Smith Stone Walters has funded the planting of trees across nine different projects including a contribution of over 12,000 trees towards mangrove restoration efforts in Madagascar supporting planting locations on parcels of coastal land to the North West of the island.

This project aligns with UN Sustainable Development Goals and provides fair-wage employment to impoverished villagers as agents of global forest restoration. Local people are hired to grow, plant, and guard to maturity the

trees planted through community funding—on a massive scale. This approach therefore delivers multiple positive socioeconomic and environment impacts.

We would like to thank our clients for helping us to reach this exciting milestone, and we look forward to expanding the SSW forest through your continued support.



50,000 trees planted

*If you have any questions or want to know more about SSW's climate credentials, please contact us today.*

# SSW AT CARE SHOW BIRMINGHAM



*In October, Smith Stone Walters was pleased to attend and exhibit at Care Show Birmingham 2023.*

This award-winning two-day conference is the UK's leading social care event of the year, bringing together individuals, teams and organisations sharing a common vision to improve the quality of care in the UK.

Our immigration advisors spoke to many care home managers who were keen to learn more about recruiting international care workers, becoming a licensed sponsor and other aspects of immigration compliance.

SSW Senior Associate Alastair Mason was also invited as an expert speaker to lead a seminar session for delegates, which explored the key steps required for businesses sponsoring care workers from overseas under the UK's Health and Care Worker route.

Over the last two years, Smith Stone Walters has worked with many organisations in the adult social care sector to help them manage their overseas recruitment practices, and we were delighted to attend this event to continue offering our support to employers in this sector.

*If you missed the event but would like to request a copy of our presentation slides, please email [info@smithstonewalters.com](mailto:info@smithstonewalters.com)*

# 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:*



*“The service was exceptional with timely responses to any queries I had throughout the process. Thank you Phill for being a great help!”*  
*EB, Financial services company*

*“Thank so much for your great work and professionalism. I am very grateful that you managed to get my visa approved so quickly. Much appreciated.”*  
*CS, Transport company*

*“Sok Wei was absolutely fantastic to deal with. She was very attentive to my needs and she did everything she could to make the process as fast and smooth as possible.”*  
*RL, Manufacturing company*

*“I have worked with Kaming for my ILR application. I am grateful for Kaming’s help in making my permanent residency a reality. I would highly recommend Smith Stone Walters’ services to anyone looking for professional, prompt, reliable, and personalised assistance.”*  
*FG, Private client*

*“Thank you to the entire team. Emilia was very easy to talk to and always answered all my questions. Really professional team. Thanks again.”*  
*LO, Software company*

*“Just thank you for your diligent work, the whole process was a breeze.”*  
*RP, Manufacturing company*



## FOCUS

## DEFINING YOUR ORGANISATION’S GLOBAL MOBILITY POLICIES

*In today’s modern world of work, greater location flexibility and the increased prevalence of multi-national businesses means that employees are more internationally mobile than ever before.*

pet transportation, finding schools and accommodation, registering with doctors and all manner of other post-arrival support. Many will also expect you, as the employer, to cover key costs relating to their relocation. Defining clear company policies in advance can help your business facilitate a smoother international recruitment process and effectively manage employee expectations.

There are a wide range of factors that HR and Global Mobility teams should consider when creating an organisation-wide global mobility policy, many of which relate to fees. However, there are other important factors besides cost that should be taken into account when planning the international movement of your assignees, such as deciding which visa route to apply under, confirming your assignees can meet the eligibility requirements and ensuring your business remains compliant with the Immigration Rules.

There are numerous reasons why a business may need to move its employees across borders – from business visits and short-term assignments or training at an overseas office, right through to long-term assignments spanning several years and even one-way, permanent relocations.

In this Focus, we set out the key immigration factors that employers should consider, specifically in relation to UK inbound moves.

### WHICH IMMIGRATION FEES WILL YOU COVER?

When it comes to UK inbound moves, there are various Home Office fees that must be paid before the worker can begin their assignment. You should carefully consider which of these fees will be covered by the business, and whether this will be a blanket policy for all assignees, or just for selected VIP candidates.

There are multiple factors to consider when designing and running an effective global mobility programme, each with their own in-depth legal complexities. From an employer’s perspective, key compliance areas such as tax, payroll and immigration must be carefully considered and incorporated into any company-wide relocation policies.

### WHAT IS A GLOBAL MOBILITY POLICY?

A global mobility (or employee relocation) policy is your organisation’s internal set of guidelines which govern the international movement of your assignees. Creating a global mobility policy enables your business to have a clear plan in place when bringing in workers from overseas, and ensures the equal treatment of all your assignees.

Some fees, such as sponsorship fees and the Immigration Skills Charge (ISC) must be covered by the employer and cannot be passed onto the sponsored worker. However, other costs such as the visa application fee, Immigration Health Surcharge (IHS) and appointment related fees are usually paid by the visa applicant.

Your employees may also turn to you for advice and support in a range of areas relating to their relocation, particularly for longer term moves and where families are involved. You should therefore be prepared to offer guidance or signposting to other support services to help employees manage tasks such as visa applications, shipping,

Your policy is your chance to decide the level of support your business will offer each assignee as part of their relocation package. Rather than making these important decisions on a case-by-case basis, having clear company-wide policies in place will allow you to follow a standardised procedure for all overseas assignees, ensuring a fair and transparent onboarding process.



Many employers will opt to cover these costs on behalf of their assignees, but it is not required. Your global mobility policy should clearly indicate which (if any) of these fees will be covered by the business and which fees must be met by the assignee.

If you opt to cover all immigration related fees on behalf of your assignees, you may wish to impose certain limits to avoid having to pay back any unexpected expenses. For example, some Visa Application Centres (VACs) overseas offer optional 'premium lounge' packages with enhanced privacy and comfort for applicants, but using such services does not mean the application is more likely to be successful.

Applicants attending the VFS Global VAC in Abu Dhabi, for instance, can opt for the 'Platinum Lounge' service which costs AED 1,260 (£275) and includes a chauffeur-driven pick-up and drop-off service, use of the centre's luxury lounge with drinks and snacks, and a free Oyster Card to top up and use on the London public transport system.

Although this premium level of service undoubtedly offers a more pleasant experience for the applicant, you may wish to specify that such unnecessary extras must be funded by the applicant or specifically requested and approved in advance.

**WILL YOU PAY FOR DEPENDANTS?**

Under the Skilled Worker and Senior or Specialist Worker routes, applicants can bring dependant family members to the UK with them, if they are eligible. For those assignees coming to the UK with multiple dependant family members, the costs can quickly stack up. The visa application fee must be paid for each accompanying dependant at the same rate as the main applicant, and dependants will also need to pay the IHS.

Your organisation may therefore wish to define the circumstances (if any) in which you will cover the costs for dependants.

For example, some employers specify that dependants' fees will only be covered where they are relocating at the same time as the main applicant, and not after the main applicant has already relocated.

When defining policy in this area, you should also be aware of what does and does not qualify as a dependant under the Immigration Rules. In most cases, a dependant applicant is a partner or child (aged under 18) of the main applicant. Other family members, such as parents, grandparents, siblings or adult children will not usually be eligible to accompany a main applicant as their dependant, and must apply for a visa in their own right if they wish to join their relative in the UK.

**WILL YOU SUPPORT SETTLEMENT APPLICATIONS?**

Skilled Worker visa holders who have lived in the UK continuously for five years may be eligible to apply for Indefinite Leave to Remain (ILR). 12 months after securing ILR, they may be able to make an application for British citizenship.

Although the fees are not cheap, employers and employees can both benefit in the long term from making the transition from Skilled Worker visa to settled status.

Firstly, the worker will no longer require sponsorship to work in the UK and can therefore undertake any role at any skill or salary level without restrictions. Secondly, other fees such as the IHS and the ISC no longer apply once the worker has been granted ILR.

It should be noted that time spent in the UK on any of the Global Business Mobility (GBM) routes, including the Senior or Specialist Worker route, does not count towards settlement. However, individuals in the UK on this visa can apply to switch

in-country to a Skilled Worker visa if they meet the requirements.

If an overseas assignee qualifies for both a Skilled Worker and a Senior or Specialist Worker visa, you should consider the relative merits of each route before deciding which visa your employee will apply for.

*'Firstly, the worker will no longer require sponsorship to work in the UK and can therefore undertake any role at any skill or salary level without restrictions.'*

If the overseas assignee is likely to be employed by your company in the UK long-term, it may work in your favour to choose the Skilled Worker route over any of the GBM alternatives, as you may only need to sponsor the worker for a maximum of five years.

**WILL YOU PAY FOR PRIORITY SERVICES?**

Under standard processing times, applicants can expect to wait several weeks to receive a decision on their visa application. However, if the application is urgent, the Home Office offers optional Priority and Super Priority services for an additional cost. Those using the Priority service will usually receive a decision within five working days, and those using the Super Priority service will usually receive a decision by the end of the next working day.

When developing your organisation's Global Mobility policy, you should carefully weigh up the extra cost of utilising premium services against the potential

time savings to determine if it is worthwhile using them as standard practice for all applications, or just for a select few that require an expedited process.

Where budget allows, Smith Stone Walters recommends most employers use priority services as standard, to avoid longer wait times and allow extra time for resubmission if any issues with the application occur first time.

**OTHER CONSIDERATIONS**

Besides the cost factors outlined above, there are other areas you will need to consider including how you will monitor your sponsored workers during their assignments, how you will handle visa renewals or requests to switch category, and any staff training required.

Having a formal plan in place can help your business manage the costs and risks associated with cross-border moves, and can help you deliver a positive and stress-free experience for your assignees.

However, as you might expect, every cross-border move is different and will present its own risks and complexities for the employer and applicant. Although a global mobility policy is a great tool for HR teams to formalise how they will support cross-border workers, each case should be treated as unique and at times some flexibility and adaptations may be required to keep both the business and your employees satisfied.

*For more information on running an effective employee relocation programme, please speak to Smith Stone Walters.*



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