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**SMITH
STONE
WALTERS**
Immigration Practice

INSIGHT

IMMIGRATION NEWS & VIEWS
FROM SMITH STONE WALTERS
SPRING 2024

How to avoid a
right to work check
challenge this year



In the last edition of Insight, we explored the UK government's plans to implement a fully digital immigration system, phasing out the use of physical documents and replacing them with eVisas by the end of 2024.

A digitised immigration system offers many benefits to visa holders, including greater security, a quicker and easier process for proving their status, and in many cases negating the need to travel to in-person appointments at visa application centres.

However, the transition to digital statuses taking place throughout 2024 could present a significant administrative challenge for some employers when it comes to complying with the Home Office guidance on right to work checks.

With several months still remaining before the cut-off date of 31 December 2024, employers are strongly encouraged to take action now to avoid facing an unduly onerous task at the end of the year.

CIVIL PENALTIES FOR ILLEGAL WORKING

As part of a wider government crackdown on illegal working, the Home Office has recently introduced significantly higher fines for businesses found to be employing foreign nationals who do not have the right to work in the UK.

HOW TO AVOID A RIGHT TO WORK CHECK CHALLENGE THIS YEAR

From 13 February 2024, civil penalties for employers have more than tripled from the previous rates. Employers now face being fined up to £45,000 per illegal worker for a first breach, or up to £60,000 per illegal worker for repeat breaches.

Businesses also risk losing the ability to sponsor migrant workers in the future if they are found to be employing illegal workers, or where the correct checks were not undertaken.


With higher fines in force and the Home Office placing an increased emphasis on sponsor compliance and preventing illegal working, it is now more important than ever for employers to ensure they satisfy the requirements for checking and recording their employees' right to work.

CONDUCTING A RIGHT TO WORK CHECK

To establish a statutory excuse against a civil penalty if an employee is found to be working illegally, employers must conduct one of the following checks before the worker commences their employment:

- A manual document-based right to work check (all citizens);
- A right to work check using Identity Document Validation Technology (IDVT) via the services of an Identity Service Provider (IDSP) (British and Irish citizens only); or
- A Home Office online right to work check (non-British and non-Irish citizens).





'It is important for employees to be aware of the need to keep their personal details up to date in their UKVI account, and to notify the Home Office about any changes.'

Employees who have been issued with a digital immigration status (eVisa) can only evidence their right to work using the Home Office online service.

Online right to work checks are done by obtaining the employee's 9-character long 'share code', which they must generate using their UKVI account. When entered alongside the individual's date of birth, this share code will enable you to access the required information on the Home Office online service.

BRPS EXPIRING ON 31 DECEMBER 2024

Many Biometric Residence Permits (BRPs) currently in circulation are marked with an expiry date of 31 December 2024, even if the holder has permission to stay in the UK for longer than this, or where they are settled and have no expiry date for their permission. This is not an error and the holder's rights and entitlements are unaffected.

Originally, this was due to an EU restriction from when the UK was still part of the EU. The UK was required to upgrade the encryption technology for BRPs by 31 December 2024, and were prohibited from issuing BRPs beyond this date.

Following the UK's departure from the EU, the Home Office decided to push forward with its plans to digitalise immigration statuses and will no longer be issuing BRPs beyond 31 December 2024, hence the short-dating of these physical documents.

This switchover process could impact right to work checking procedures and some employers may find themselves facing a high volume of repeat checks all due on the same date: 31 December 2024.

EMPLOYER RESPONSIBILITIES

When it comes to checking the right to work for employees with time-limited permission, the onus is on the employer to monitor key dates and conduct the appropriate follow-up checks. Since 6 April 2022, biometric card holders are required to evidence their right to work using the Home Office online service only, and employers can no longer accept physical cards for the purpose of a right to work check.

However, any checks that were carried out before 6 April 2022 using physical cards would have recorded the expiry date of the BRP as 31 December 2024, unless their immigration permission was due to expire before this date.

A follow-up right to work check will not be required for individuals who are settled in the UK. However, for individuals with time-limited immigration permission, a follow-up check must be carried out before the expiry date of the document they used to prove their right to work, rather than when their permission expires.

Therefore, if you have previously conducted a right to work check on an employee and you have recorded the expiry date of the BRP and not the date the employee's leave actually expires, your internal records will need to be amended.

EMPLOYEE RESPONSIBILITIES

Individuals will need to register for a UKVI account to see their eVisa and to access the Home Office view and prove service. Employees can use their UKVI account to generate a share code to prove their status to third parties, such as their employer or landlord.

It is important for employees to be aware of the need to keep their personal details up to date in their UKVI account, and to notify the Home Office about any changes.

Individuals must update their UKVI account if they have a new passport or when there are any changes to their personal details such as their name, address, email address or mobile phone number.

In the future, individuals will be able to travel to the UK with an eVisa and will not need to carry a physical document, except for their current passport, which must be registered to their UKVI account. To avoid potential disruptions at the border, travellers should ensure their UKVI account is set up with their current passport details registered to it at all times.

DON'T LEAVE IT TOO LATE!

Employers with a large migrant workforce are likely to feel the greatest impact from this transition and may be faced with a significant task this year to ensure all repeat checks are conducted in a timely manner and in accordance with the guidelines for employers.

However, all employers should be aware of the upcoming move towards digital immigration statuses and how this may

affect your internal processes for carrying out right to work checks on your staff.

We anticipate a large number of employers attempting to access Home Office systems towards the end of 2024 which could impact service availability.

If you think your organisation will have a large number of repeat right to work checks due on 31 December 2024, we strongly recommend taking advance action to minimise the administrative burden on your HR department and ensure a smooth transition.

You should begin by identifying those workers whose repeat right to work check is due in December and ensure they are aware of the Home Office's move towards eVisas and the need to conduct a follow up check. Throughout 2024, the Home Office will provide updates on when individuals need to register for a UKVI account, and what they need to do.

Where possible, you may wish to consider carrying out early right to work checks on affected individuals and offering support to your employees on setting up a UKVI account ahead of their next repeat check.

Smith Stone Walters can support your business in maintaining compliance with the Immigration Rules, including conducting right to work checks and upholding your sponsor duties. For more information, please contact us today.

SPRING 2024 IMMIGRATION RULE CHANGES

In December 2023, the UK government unveiled a five-point plan to deliver the biggest ever cut in net migration and curb abuse of the immigration system. The changes are predicted to reduce net migration by around 300,000 per year.

Many of the new measures are set to come into force in April 2024, whilst some are already in effect since February or March. In this Special Focus, we set out six of the key changes to be aware of this spring.

BAN ON CARE WORKER DEPENDANTS



The Home Office has previously expressed concerns about the high number of dependant family members coming to the UK with main applicants under the Health and Care Worker route. In the year ending September 2023, 101,000 Health and Care visas were issued to care workers and senior care workers, with an estimated 120,000 visas granted to associated dependants.

From 11 March 2024, care workers and senior carers will no longer be permitted to bring dependant family members with them to the UK under the Health and Care Worker route. Those already in the route before the changes come into effect will be able to remain with their dependants.

INCREASED SALARY THRESHOLDS FOR SKILLED WORKERS



From 4 April 2024, the minimum general salary threshold for Skilled Workers will increase by 48% from £26,200 to £38,700. The government hopes this will deter employers from being over-reliant on overseas labour, whilst encouraging businesses to invest in their workforce and look for British talent first.

Those already in the Skilled Worker route before the changes will be exempt from the higher salary threshold, as will those on the Health and Care Worker route and workers on national pay scale occupations.

HIGHER INCOME THRESHOLD FOR FAMILY VISAS



The minimum income requirement for partners applying under Appendix FM is being increased, to bring it in line with the new minimum general salary threshold for Skilled Workers. The earnings threshold will be increased incrementally, in stages, with the first rise coming into effect from 11 April 2024.

From this date, the minimum income requirement for this category will rise to £29,000. No dates have been announced for the further incremental increases, but the government has indicated that the final increase will be introduced by early 2025.

SPONSOR LICENCE CHANGES



From 6 April 2024, the Home Office will remove the requirement for sponsors to renew their sponsor licence. This means that if your sponsor licence is due to expire on or after this date, you will no longer need to apply to renew your licence or pay a renewal fee.

To prepare for the change, the Home Office has extended the expiry date on all licences due to expire on or after 6 April 2024 by 10 years. You do not need to take any action.

NEW IMMIGRATION SALARY LIST



To crackdown on ‘cut-price labour’ from overseas, the government is removing the 20% ‘going rate’ discount for shortage occupations from early April. The Shortage Occupation List (SOL) will also be replaced with a new Immigration Salary List (ISL).

The Migration Advisory Committee (MAC) will also be asked to review the new list against the increased salary thresholds and advise on which of the current SOL occupations should remain on the ISL.

RELAXED RULES FOR BUSINESS VISITORS



In other positive news, recent changes to the Standard Visitor visa rules mean it is now easier for foreign visitors to carry out certain business activities whilst in the UK on short stays.

Changes include expansions to the list of permitted activities for some business visitors, updates to the rules to allow visitors to work remotely from the UK, and allowing all visitors to undertake permitted paid engagements without the need for a special visa.

ETA SCHEME ROLLOUT CONTINUES

The UK's Electronic Travel Authorisation (ETA) scheme has now opened for Gulf Cooperation Council (GCC) and Jordanian nationals who are travelling to the UK from 22 February 2024.



This latest stage of the ETA's implementation timeline follows the successful launch of the scheme for Qatari nationals, who have been able to benefit since October 2023.

Nationals of Qatar, Saudi Arabia, the United Arab Emirates, Oman, Kuwait, Bahrain and Jordan can now make unlimited visits to the UK over a 2-year period, or until the holder's passport expires – whichever is sooner, for just £10. Previously, Gulf nationals paid £30 through the Electronic Visa Waiver scheme and Jordanians paid £115 for a single-use visitor visa.

FURTHER PROGRESS IN 2024

The ETA is being rolled out in phases and will continue to expand to all eligible nationalities throughout 2024. Once fully implemented, the scheme will apply to visitors to the UK who do not need a visa for stays of less than six months, or who do not have a valid UK immigration status prior to travelling.

BACKGROUND TO THE SCHEME

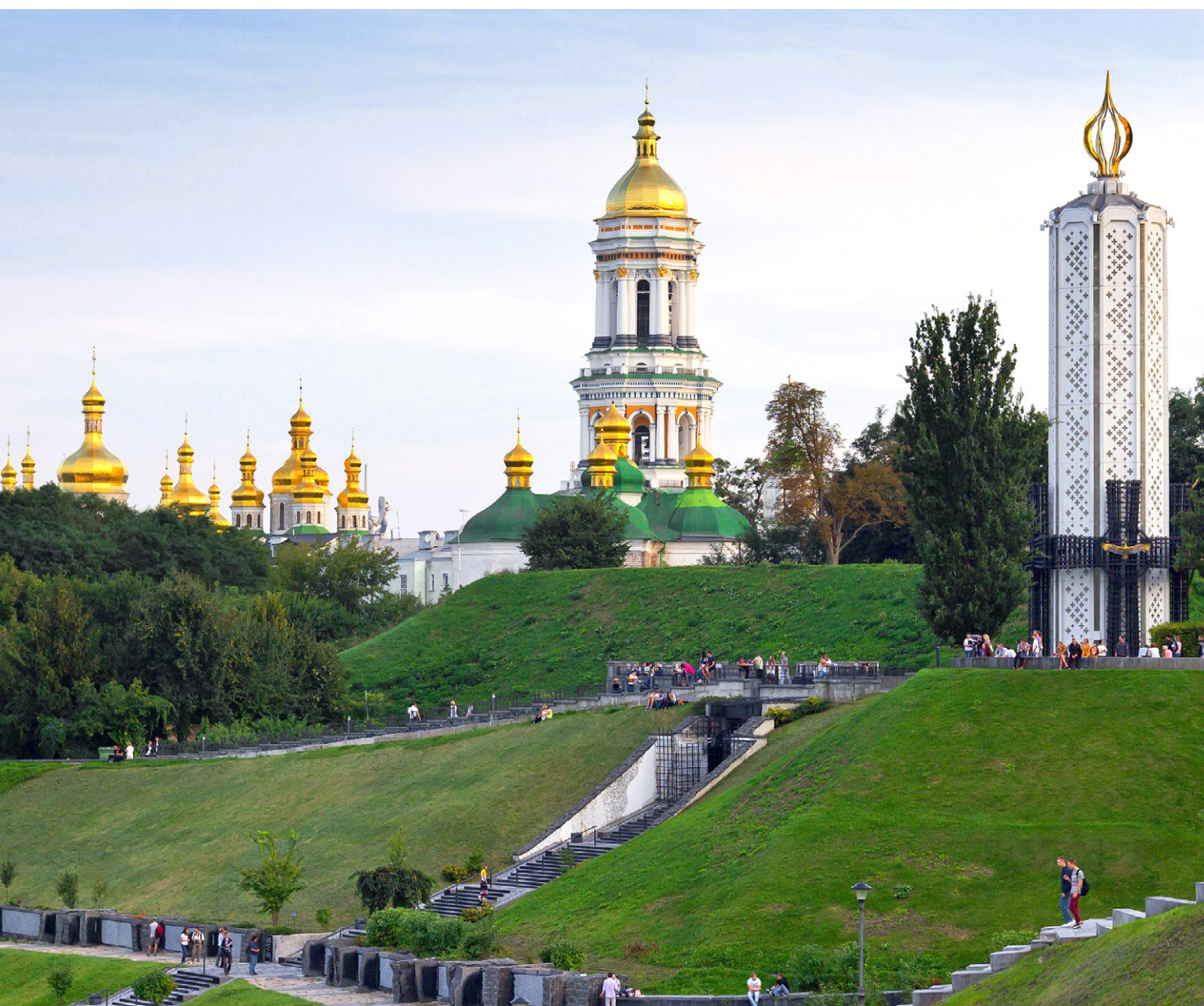
The ETA is a digital permission to travel, which enables the government to perform robust security checks on every visitor before they travel to the UK. The scheme will allow advance passenger information to be submitted to the Home Office, who in response will confirm whether the traveller has permission to travel to the UK.

The scheme is part of the UK government's plans to strengthen and digitise the UK border and immigration system. The ETA is in line with the approach many other countries have taken to border security and will help prevent the arrival of those who present a threat to the UK.

For more information on the application process, please contact SSW.

18-MONTH EXTENSIONS FOR UKRAINIANS IN THE UK

Ukrainians who sought sanctuary in the UK in the aftermath of Russia's invasion will be allowed to stay for longer, after the government announced a new visa extension scheme.



From early 2025, all those in the UK under one of the Ukraine visa schemes will be able to apply to stay here for an additional 18 months and continue to have the same rights to access work, benefits, healthcare, and education throughout their stay.

This means Ukrainians who came here on the first visas after fleeing their homes at the start of the war two years ago will be able to stay in the UK until September 2026.

The government is also making changes to other routes for Ukrainians which were introduced in response to the Russian invasion. When the conflict began in 2022, the UK established three visa schemes for Ukrainians: the Ukraine Family Scheme, the Homes for Ukraine Scheme and the Ukraine Extension Scheme.

CLOSURE OF THE UKRAINE FAMILY SCHEME

The Ukraine Family Scheme (UFS) is now closed to new applications. This scheme allowed eligible Ukrainian nationals to join family members in the UK.

The decision to close this route has been taken due to the length of time since the invasion of Ukraine and the government's belief that the alternative Homes for Ukraine Scheme is more sustainable.

People who already have permission to enter or stay under the UFS will continue to hold that permission despite the closure of the route to new applicants.

CHANGES TO THE HOMES FOR UKRAINE SCHEME

The Homes for Ukraine (HFU) Sponsorship Scheme allows Ukrainian nationals and their immediate family members to come to the UK if they are being sponsored by a UK household.

Almost two years into the conflict, the government is changing the period of permission granted to new HFU applicants, including eligible minors, from 36 months to 18 months.

This will still provide assurance of a period of sanctuary in the UK and is more closely aligned with the period granted in the EU under the EU Temporary Protection Directive, which is one year at a time.

CHANGES TO THE UKRAINE EXTENSION SCHEME

The Ukraine Extension Scheme is open to some Ukrainian nationals and their family members who have, or previously had, permission to be in the UK. Under the current rules, the Ukraine Extension Scheme will close to new applications for permission to stay on 16 May 2024.

If you have been given permission to be in the UK under one of the Ukraine Schemes, you may be able to apply for a further 18 months permission to stay in the UK under the new 'Ukraine Permission Extension Scheme'.

HOW TO APPLY FOR AN EXTENSION

Applications will be open online from early 2025, with those who have come to the UK holding, or having held, permission to remain under the Homes for Ukraine, the Ukraine Family Scheme or the Ukraine Extension Scheme eligible.

Those who were granted leave outside the rules because they required sanctuary in the UK from Ukraine will also be eligible. Individuals will be able to make their applications within the last 3 months of an existing visa.

'This means Ukrainians who came here on the first visas after fleeing their homes at the start of the war two years ago will be able to stay in the UK until September 2026.'



Smith Stone Walters will continue to monitor the situation and provide updates when further information is available.

SPONSORING OVERSEAS CARE WORKERS IN 2024

Since the Health and Care Worker visa was expanded to make care workers and home carers eligible for sponsorship in February 2022, this route has been the main work sponsorship category utilised by employers in the adult social care sector.

Although the route has been a welcome relief for many care providers who would otherwise struggle to fill vacancies from the domestic labour market, the government has expressed concerns about the rapid rise in the number of overseas care workers coming to the UK with their families, and the resulting impact on net migration figures.

In the year ending September 2023, 83,072 visas were granted for care workers and a further 18,244 visas for senior care workers, comprising 30% of all work visas granted. In addition, there were 250,297 visas granted for work-related dependants, 69% of which were for Health and Care Worker dependants.

TIGHTER RULES FOR OVERSEAS CARE WORKERS

As announced by the Home Secretary in December, changes have now been introduced to tighten the Health and Care Worker route for sponsored care workers and senior care workers (occupation codes 6145 and 6146), in response to high levels of non-compliance and worker exploitation and abuse, as well as unsustainable levels of demand.

The changes have:

- Removed the provision for dependants to accompany or join workers sponsored in these occupation codes (other than providing for children born in the UK to regularise their stay).
- Narrowed the eligibility for workers to be sponsored in these occupation codes in England from all jobs to only jobs where the sponsor is registered with the Care Quality Commission (CQC) and is currently carrying out a regulated activity (this does not affect the eligibility of jobs in Scotland, Wales and Northern Ireland).

Transitional arrangements are in place for workers who have applied on the route and are sponsored in these occupations before these changes come into force. These arrangements allow them to apply to extend their permission with the same sponsor, and settle, without the CQC regulation requirement applying to them.

They also allow such individuals to be accompanied or joined by dependants, including in cases where they change jobs to another sponsor who meets the CQC regulation requirement.

OTHER SPONSORSHIP CHANGES

The Home Office is introducing a number of changes to the visa and sponsorship processes this year, including fee and salary increases and reviewing the list of shortage occupations.

However, some of these changes will not impact care providers sponsoring workers under the Health and Care Worker route.



Firstly, those coming to the UK under the Health and Care Worker route will be exempt from the salary threshold increase being applied to skilled workers in the spring, so that the country can continue to bring in the healthcare workers that our care sector and NHS need.

Secondly, care workers will not be impacted by the significant rise in the Immigration Health Surcharge (IHS) that came into force in February, as this fee does not apply under the Health and Care Worker route.

However, sponsors will benefit from a welcome change recently announced by the Home Office which removes the requirement for sponsors to renew their sponsor licence from 6 April 2024. This means sponsors will no longer need to submit a complex renewal application and pay a renewal fee every four years, saving valuable time and money for busy care sector employers.

INCREASED EMPHASIS ON COMPLIANCE

With the Home Office clearly concerned about increasing levels of illegal working, abuse and exploitation being reported in the care sector, employers should be prepared for greater scrutiny of their compliance procedures this year.

The care sector is deemed to be a ‘high risk’ sector and may therefore be more likely to be targeted in routine Home Office compliance checks. Employers are reminded that the Home Office may conduct checks on licensed sponsors at any time, and it is important to 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.

GERMANY APPROVES NEW CITIZENSHIP LAW



The German parliament has passed a new citizenship law that significantly relaxes naturalisation pathways. The revised legislation aims to modernise Germany's nationality law, to make it more attractive to live in Germany and to bring the country in line with other EU member states such as France.

The changes will speed up the naturalisation process, allowing foreign nationals to acquire German citizenship earlier and more easily. It will also transform German dual citizenship law by no longer requiring foreign nationals to give up their former citizenship when applying for naturalisation.

The draft law must still be passed by the Bundestag and then announced before it can come into force. It is expected to be adopted in the first half of 2024. The core elements of the reforms are as follows.

CHANGES REGARDING DURATION OF STAY

The recently accepted changes will significantly reduce the residency requirement for obtaining German citizenship. Most applicants will be eligible for citizenship after five years in Germany, a notable reduction from the current eight-year minimum stay requirement. People who demonstrate a particularly high level of integration into German society will be able to become naturalised German citizens after as little as three years.

CHANGES TO DUAL CITIZENSHIP

A groundbreaking change that the revised law brings is the acceptance of multiple citizenships. In future, everyone applying to become a naturalised German citizen will be able to retain their former citizenship without restrictions.

This change is particularly significant for non-EU nationals, as it will allow them to acquire German citizenship without severing ties to their countries of origin. Before this legal change, dual citizenship was permitted for those coming to Germany from other EU member states and in some different situations. However, this pending change will make dual citizenship much more accessible.

It also offers greater flexibility and opportunities for German nationals seeking citizenship in other countries without severing their German connections.

'A groundbreaking change that the revised law brings is the acceptance of multiple citizenships. In future, everyone applying to become a naturalised German citizen will be able to retain their former citizenship without restrictions.'

RELIEF FOR GUEST WORKERS

The term "Gastarbeiter generation" refers to the guest worker generation in Germany. These individuals primarily migrated from other countries in the 1950s and 1960s to address post-war labour shortages. In recognition of this generation's significant contribution to Germany's economy and cultural diversity, the new legislation will make naturalisation for guest workers easier.

Instead of having to demonstrate written German language skills, guest workers will simply need to show that they can easily communicate in daily life using conversational German language skills. In addition, members of the guest worker generation will no longer be required to take a citizenship test.



SSW's Frankfurt based team can advise on all aspects of obtaining German citizenship by descent, residency, dual citizenship and more. To speak to an advisor, please contact us today.

5 POPULAR DESTINATIONS FOR BRITS TO TAKE A WORKING HOLIDAY



With only a few months remaining until most UK universities break up for the summer holidays, many British students are considering their next steps and making travel plans for the summer.

The concept of a working holiday has grown in popularity in recent years, granting young people the flexibility to experience life in another country, whilst working to help fund their trip. Whether you are fresh out of university and looking for a break before embarking on a new career, or you are simply looking for a more affordable way to travel long-term, a working holiday is a great way to see more of the world and earn money at the same time.



WHAT IS A WORKING HOLIDAY VISA?

Many countries across the globe now offer working holiday visas, a short-term immigration permission that allows young people from certain countries to live and work in another country for a specified period, typically ranging from a few months to a year (or maybe two).

These schemes are often bilateral agreements between countries and are designed to promote cultural exchange and provide young people with the opportunity to experience a different culture, gain work experience, and travel while financially supporting themselves.

British nationals are eligible for working holiday programs in a number of non-EU countries, and in return the UK government offers young people from these countries the opportunity to live and work in the UK under our own working holiday offering - the Youth Mobility Scheme.

If you are considering taking the plunge and moving abroad to work but can't quite decide where to go, here are five of the most popular destinations for British working holidaymakers and what you need to apply.

AUSTRALIA

Australia is the most popular destination for young Brits looking for a working holiday abroad. With no language barrier and an abundance of job opportunities, it's easy to see why tens of thousands of UK passport holders apply to Australia's program each year.

Thanks to a new free trade agreement, UK citizens can now apply for an Australian working holiday visa between the ages of 18 and 35.

An Australian working holiday visa is initially granted for a period of 12 months. If you meet certain requirements, you may be able to apply for a second and subsequently a third working holiday visa, each valid for an additional 12-month period.

All working holidaymakers may work for the full duration of their 12-month stay in Australia, but generally cannot remain with any one employer for longer than six months.

CANADA

Canada's working holiday offering is one of three categories which make up the International Experience Canada (IEC) program, designed to give youths the opportunity to travel and work in Canada for up to 2 years.

The working holiday category is for you if you want to work for more than one employer or in more than one location in Canada, and you don't already have a job offer. The type of work permit you get for Working Holiday is an open work permit. This lets you work for almost any employer in Canada (some exceptions apply).

British citizens can apply to the scheme between the ages of 18 and 35. However, the process is competitive as the Canadian

government sets a limit on the number of IEC work permits that can be issued to UK citizens each year. Interested applicants must submit a profile to enter one or more 'pools' of eligible candidates. Once in the pool, it's a case of waiting to be selected, as you'll need to receive an invitation to apply (ITA) in order to continue the process.

HONG KONG

Hong Kong has agreements with many nations, including the UK, for its working holiday visa scheme. There is an annual quota for nationals of each partner economy under the scheme and qualified applications will be approved on a first-come-first-served basis.

UK passport holders aged between 18 and 30, who are ordinarily resident in the UK and whose primary intention is to holiday in Hong Kong, are welcome to apply.

Under the scheme, participants may stay in Hong Kong for a maximum period of one year. Successful applicants will be issued a working holiday visa by the Immigration Department of the HKSAR. During their stay, they can engage in short-term employment, or even enrol in short-term courses.

JAPAN

Japan introduced its working holiday visa scheme for British citizens in 2001. The scheme grants a limited number of visas each year to eligible British citizens aged 18 to 30. Successful applicants will be allowed to stay in Japan for up to one year.

The applicant's primary purpose of stay must be to holiday in Japan, and any employment undertaken during their stay must be incidental to their holiday, in order to supplement their travel funds.

The program is not designed for people whose main intention is to work in Japan.

Furthermore, working holiday participants are strictly prohibited from working at places that are deemed to affect Japanese public morals, such as bars, cabarets, nightclubs and so on.

NEW ZEALAND

The UK has strong cultural ties with New Zealand and in 2022, both countries signed an agreement to expand their reciprocal visa schemes to present young Brits and New Zealanders with more opportunities to live and work in each other's countries.

UK citizens aged 18 to 35 can now apply for a working holiday visa to stay in New Zealand for a maximum of three years. You can choose to apply for a 12, 23 or 36-month visa. If you come to New Zealand on a 12-month or 23-month UK Working Holiday work visa, you can apply for the balance of the maximum 36-month period.

Whilst in New Zealand on a working holiday visa you can work in almost any job, but you cannot accept a permanent job offer.

British nationals are eligible for working holiday programs in a number of non-EU countries, and in return the UK government offers young people from these countries the opportunity to live and work in the UK.'

For more information on working holiday visas, please contact the SSW global immigration team.

CANADA IMPOSES TWO-YEAR CAP ON FOREIGN STUDENTS



Canada has become a favoured choice among international students due to the comparatively straightforward process of obtaining work permits upon completing their studies.

However, the influx of international students has resulted in a severe shortage of apartments, causing a rise in rental prices, and placing added strain on healthcare and other essential services.

On 22 January 2024, Immigration, Refugees and Citizenship Canada (IRCC) announced that the government will set an intake cap on international student permit applications to stabilise new growth for a period of two years.

For 2024, the cap is expected to result in approximately 360,000 approved study permits, a decrease of 35% from 2023. Each province and territory will be allotted a portion of the total, determined by population and current student intake, which will result in more significant decreases in provinces where the international student population has seen the most growth.

Immigration Minister Marc Miller said that the new measures are “not against individual international students” but are meant to ensure future students receive a “quality of education that they signed up for”.

WHO IS AFFECTED BY THE CAP?

The cap will only apply to students on a diploma or undergraduate programme.

Students pursuing master’s and doctoral degrees, and elementary and secondary education are not included in the cap.

Current study permit holders and study permit renewals will not be impacted.

TEMPORARY MEASURES

These temporary measures will be in place for two years, and the number of new study permit applications that will be accepted in 2025 will be re-assessed at the end of this year.

During this period, the Government of Canada will continue to work with provinces and territories, designated learning institutions and national education stakeholders on developing a sustainable path forward for international students, including finalising a recognised institution framework, determining long-term sustainable levels of international students and ensuring post-secondary institutions are able to provide adequate levels of student housing.

If you want to work or study in Canada and require advice with the immigration process, please contact the Smith Stone Walters global immigration team.



6 REASONS TO MANAGE YOUR IMMIGRATION CASES USING SIM

At Smith Stone Walters, we understand that technology cannot replace what we do, but it is invaluable in enhancing the level of service we can offer our clients, 24 hours a day around the globe.

Smarter Immigration Manager (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.

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. We have rolled out a number of key updates recently to help improve the user experience and functionality of SIM.

The SIM platform offers many benefits for employers and employees alike. Below, we set out our top 3 benefits of using SIM from both HR and the assignee's perspectives.

To find out more about the benefits of using SIM to manage your global mobility programmes, please contact SSW.

TOP 3 BENEFITS FOR HR

DATA SECURITY

SIM's numerous security features make sure your information is held securely and can only be accessed by authorised persons. Our technology enables us to use secure links instead of email attachments, whilst holding all data in one place with clear audit trails of who sends what.

COMPREHENSIVE RECORDS

When managing a large global mobility programme, it can be easy for HR to lose track of the specific details for each individual employee. SIM offers access to more than 40 variables against each case, including visa expiry dates, the processing options used, family members supported and many more.

24/7 ACCESS

Accessible 24/7 from any web browser by any number of users, SIM allows our clients to instruct on new cases at any time. You can also view real time updates on any ongoing or historic cases, report on historic files and view all compliance documentation on demand.

TOP 3 BENEFITS FOR ASSIGNEES

SAFER SHARING

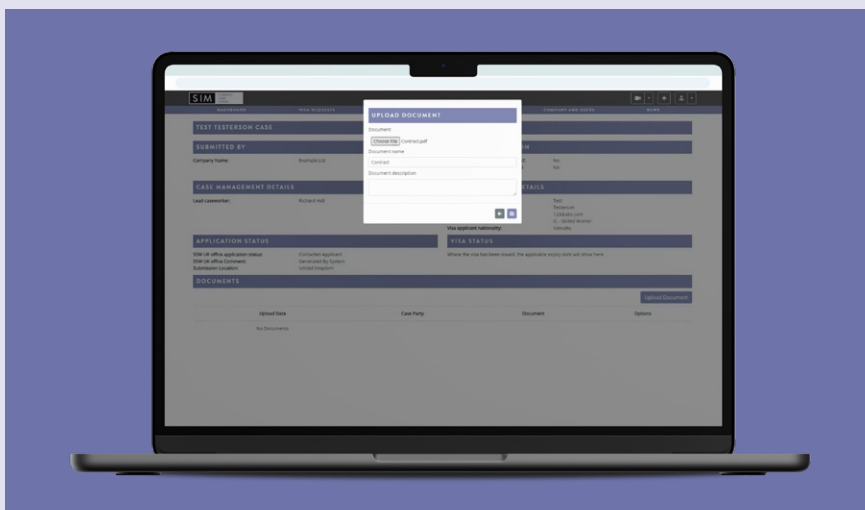
The visa application process requires individuals to share a range of personal information and documentation, and many applicants worry about this data getting into the wrong hands. SIM offers visa applicants a secure means to share personal information and documents, with the peace of mind that it is protected and secure.

ACCESS ANYWHERE

No matter where in the world your assignees are located, with SIM they will have 24/7 access to key documents from anywhere globally. This provides assignees with the confidence that their data is readily accessible whenever they require it.

ONE-STOP SHOP

SIM provides applicants with a single, user-friendly portal to view and manage all their immigration activities. Individuals can use SIM to track their entire immigration journey, from initial visa application through to settlement and citizenship applications, in one central location.



MEET OUR LATEST WOW AWARD WINNER!

Each quarter, SSW team members are invited to nominate their colleagues to receive a 'WOW' Award, our company prize to recognise the hard work and outstanding contributions our staff have made to their teams and the business.

We are delighted to introduce our latest award winner for Q1 2024:

Julia Quinalha De Souza!



WHAT OUR CLIENTS SAY ABOUT JULIA:

"The support from Julia is very much appreciated. She responded very swiftly to questions, and her communication was also effective. Very happy with the help from Julia."

"Thanks to Julia for all the support. Her communication throughout the process was very easy and prompt. Would definitely recommend SSW to friends and family."

"Really appreciate all the support that was provided throughout the application process which made it a very smooth process and stress free for me."

WHAT OUR SSW COLLEAGUES SAY ABOUT JULIA:

"Since joining the London office permanently, Julia has always offered her help to me in any way I have needed. She is very hard working and goes above and beyond for her team."

"Julia has been a fabulous addition to the team, always very proactive and cheerful, she's amazing to work with."

"Julia is a key member of our team. She gives her all, ready to step up and help in any capacity, takes on all challenges and is just an overall team player."

If you have worked with Julia or any other SSW team members recently and would like to share your feedback, we'd love to hear from you. You can call us on 0208 461 6660 or email 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:

"I'm very pleased and happy to get SSW managing my case, both mine and my dependant applications have been processed in a very professional way resulting in quick and flawless Home Office acceptance. Many thanks to Sok Wei for her detailed approach and brilliant communication throughout our journey."

SN, Manufacturing company

"The usual stress, complexity and understandably time-consuming immigration process was something that I did not endure (at all) from start to finish! Everything was professionally handled by SSW. Immigration made easy!"

EC, Aerospace company

"Very happy with the service provided by Jen. She was always very quick to respond to my queries and provided detailed explanations of the process to ensure the application went smoothly. Thanks for getting it turned around so quickly!"

JB, Insurance company

"Anthony was phenomenal - would definitely recommend SSW. Have been with SSW for 5 + years and now just filed for my ILR, and I continue to be impressed with service."

CM, Private client

"I wanted to express my gratitude for the outstanding service I received from your team. Throughout the visa application process, your team members were not only kind and informative but also exceptionally clear in their communication. I look forward to recommending your company to others in need of similar assistance."

IG, Electronics company

"I am writing to express my utmost satisfaction and gratitude for the outstanding visa service I recently received from Ragini. My experience with your company has been nothing short of excellent. From the initial consultation to the final approval of my visa, every step of the process was handled with professionalism, efficiency, and a genuine commitment to customer satisfaction."

SP, Manufacturing company

“
WOW
”

“
PROFESSIONAL
OUTSTANDING
MADE EASY
PHENOMENAL
EFFICIENCY
”

FOCUS

TIPS FOR BUSINESS VISIT VISA SUCCESS

A number of key changes to the UK's Standard Visitor visa rules came into effect on 31 January 2024. The changes will make it easier for foreign visitors to carry out certain business related activities in the UK, and allow them to work remotely from the UK, providing this is not the primary purpose of the visit.

The relaxed rules will provide greater scope for multi-national businesses to send their employees to the UK on short business trips, without the need to apply for a work visa.

However, the Standard Visitor visa is one of the most common categories in which the Home Office issues visa refusals, therefore it is important to get your application right the first time to avoid having to invest extra time and money to apply for a second time.

In this Focus, we take a look at two recent client success stories where Smith Stone Walters caseworkers have secured approval for business visitors under the Standard Visitor route.

WHAT IS A STANDARD VISITOR VISA?

Most foreign nationals wishing to undertake business trips to the UK will apply for a Standard Visitor visa. It costs £115 for up to 6 months. You can visit the UK as a Standard Visitor for tourism, business, short-term study and other permitted activities.

As a visitor, you can carry out certain business related tasks such as attending interviews, meetings or conferences, negotiating deals and contracts, carrying out site visits or inspections and delivering training on internal projects with UK employees of the company you work for overseas.

However, you cannot work for a UK company or as a self-employed person unless you're coming to the UK for a permitted paid engagement. You'll need to apply for a work visa if you want to do any other paid or unpaid work that's not included in the list of permitted business activities.

RECEIVING A DECISION FROM THE HOME OFFICE

Under the Standard Visitor route, you will usually get a decision on your application within 3 weeks once you’ve applied online, proved your identity and provided your documents.

Once Home Office caseworkers have assessed your application and made a decision, you will be notified of the outcome via email or letter. If your application is refused, the decision letter will explain the reasons for the refusal and what you need to do next.

Having a visa application refused by the Home Office can be a stressful and frustrating experience for the applicant and their employer, especially considering the amount of time and funds invested in submitting the application and attending appointments at the visa application centre.

Smith Stone Walters is often approached by clients who have received a refusal after submitting their application without assistance. Although it is not mandatory to use the services of an immigration provider to submit your visit visa application on your behalf, it can be useful if you are at all unsure about the process or what documentary evidence is required for your specific circumstances.

COMMON REASONS FOR REFUSAL

It is not uncommon for first time applicants to have their visit visa application refused by the Home Office, especially if you are applying independently.

Refusals can be issued for a number of reasons, but in this category it often comes down to whether the applicant meets the eligibility and suitability criteria for the route, and is able to provide sufficient documentary evidence to support their application.

The Home Office’s main concern with the Standard Visitor route is the potential for visitors to abuse the route and use it as a means to enter and live in the UK for long periods and not return to their home country at the end of their visit.

For this reason, applicants must be able to provide sufficient evidence in support of their visa application which demonstrates that they are genuinely seeking entry to the UK as a visitor and that they intend to leave the UK at the end of their visit.

Common reasons for refusal under this category include:

- Applicant’s lack of ‘strong ties’ to their home country
- Applicant’s lack of funds
- Insufficient evidence to demonstrate the purpose of the visit
- Criminal record
- Submission of false information, or failing to provide required information
- Previous UK visa refusals.

FINAL ADVICE

Now that the rules for business visitors have been relaxed, we anticipate more businesses using the Standard Visitor route to facilitate short-term business trips for their overseas assignees.

However, this route does require some advance preparation to ensure you can satisfy the Home Office that the applicant is using the route as intended and will return to their home country at the end of their visit.

As with many other visa categories, ensuring you can meet all the eligibility requirements and presenting the correct supporting documents is key to a successful application. Caseworkers will often refuse an application if they are not satisfied with the applicant’s circumstances such as their immigration history and any adverse information, and will not always seek further clarification or request an interview if there are any doubts or concerns.

Given that Entry Clearance Officers will consider an application based solely on the documentary evidence provided, it is very important to present all information clearly from the outset to avoid the stress and disappointment of a refusal.

CASE STUDY 1

Smith Stone Walters recently assisted a client who had applied for a Standard Visitor visa without assistance and his application was subsequently refused. The client approached SSW with his decision letter outlining the reasons for the refusal and instructed us to assist him in filing another application.

After reviewing the decision letter, SSW caseworkers determined that the application was refused as the Entry Clearance Officer (ECO) was not satisfied with the applicant’s financial and personal circumstances based on the evidence he provided.

Although he had a full time job on a permanent basis as a high earner,

as well as a wife and child overseas, the ECO was not convinced that the client demonstrated strong ties, family circumstances, funds and income and therefore refused his business visitor application.

A key factor in this case which led to the initial refusal was the client’s personal funds. The client had recently relocated from his home country to the country of application for his job transfer. Due to the move, he had a lot of payments leaving his account in the weeks prior to the application, which is often viewed as a red flag by the Home Office.

However, when submitting the second application on behalf of the client, the

SSW Entry Clearance team was able to gather sufficient evidence to show the Home Office that the applicant has a regular income and his employers were covering all costs for the business travel to the UK, which was essential to the business.

SSW initially assisted the client with his new visit visa application for 6 months, followed by a long term 2-year multiple entry visa, both of which were approved. The success in this case was largely down to presenting solid evidence to the Home Office that the applicant’s intentions using the business visitor route were genuine.

CASE STUDY 2

In another recent case, SSW was approached by a corporate client wishing to invite some of their overseas employees to the UK branch of the organisation for a business visit.

The activities the applicants intended to undertake with the company whilst in the UK all fell within the guidelines of the Standard Visitor route. Although all was acceptable from the business side, the applicants themselves had no personal funds to show the Home Office and were unable to sufficiently demonstrate strong ties to their home country.

SSW advised the client that these factors could be potential tripping

points in the application, and a strong business case would need to be submitted in order to gain approval.

Armed with all the information provided by the client, the SSW Entry Clearance team were able to prepare a very strong case for submission to the Home Office and address any possible concerns from the outset. We highlighted to the Home Office that the applicants have been in employment with the same company for several years, had a regular income and in their case had other overseas business, which added weight to the applications, together with the fact that the sponsors were covering all costs for the trip.

As a result, the visas were approved first time and the employees were able to travel to the UK and spend valuable time at the company’s UK branch.

For more information on business visit visas, please speak to Smith Stone Walters.

CONTACT US

USA

NEW YORK

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

Tel
+1 646 760 5913

Email
usa@smithstonewalters.com

UK

LONDON

Smith Stone Walters Ltd
12 Masons Avenue
London
EC2V 5BT

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

Tel
+44 (0) 208 461 6660

Fax
+44 (0) 208 461 6661

Email
info@smithstonewalters.com

DE

FRANKFURT

Smith Stone Walters GmbH
Taunusstraße 52
65830 Kriftel
Frankfurt

Tel
+49 (0)69 943 291 09

Email
info@smithstonewalters.com

IND

MUMBAI

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

Tel
+91 22 4905 5632

Email
info.india@smithstonewalters.com

CHN

HONG KONG

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

Tel
+852 3956 1901

Fax
+852 3529 2528

Email
info.hk@smithstonewalters.com

www.smithstonewalters.com

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