

Editorial:
New Visa rules hit
international graduate jobs
Page 02

Special Focus:
Evisa rollout:
FAQs
Page 06

Latest News:
UK applications fall
by a quarter
Page 08

Focus:
Preparing for a pre-
sponsor licence audit
Page 24

**SMITH
STONE
WALTERS**

Immigration Practice

INSIGHT

IMMIGRATION NEWS & VIEWS
FROM SMITH STONE WALTERS
SUMMER 2024



New Visa rules
hit international
graduate jobs

NEW VISA RULES HIT INTERNATIONAL GRADUATE JOBS

New visa rules that came into effect this spring have sparked chaos for international graduates looking to secure employment in the UK after completing their studies.

The government has spent the last few months rolling out a raft of changes to the Immigration Rules which it hopes will cut the number of people coming to the UK and crack down on abuse of the visa system.

International students are one group that has been particularly affected by the changes, and many are now facing barriers when trying to find work in the UK after graduating. Higher salary thresholds introduced under the Skilled Worker route mean employers must now pay significantly more when sponsoring migrant workers, even in entry level roles.

Major firms including Deloitte, KPMG and HSBC have recently withdrawn job offers from foreign graduates in light of the new visa rules, as the roles no longer meet the requirements for sponsorship.

If employers as large as these city firms are unable to offer the salaries now required to hire a foreign graduate, where does this leave smaller employers and companies based outside of London?

In this Insight Editorial, we take a look at the recent immigration changes and their impact on international graduates and their employers.

CHANGES TO THE STUDENT VISA

The government has targeted international students in its plan to cut net migration, preventing most main applicants on a Student visa from bringing dependant family members with them to the UK. The rules have also been changed to prevent students from switching to a Skilled Worker visa until after they have completed their course.

Early data shows the number of international students applying to study in the UK has already dropped compared to 2023 levels, but the true impact will be observed later this year when most universities welcome a new cohort of students in the autumn.

Experts in the higher education sector have warned that the harsher visa rules mean the UK risks dampening its appeal as a top study destination and could lose out to other English-speaking nations such as Australia, Canada and the United States.

'The UK risks dampening its appeal as a top study destination.'

Although a decline in foreign study visas will help the Home Office achieve its short-term goal of cutting net migration, it could cause the UK economic harm in the long run. International students pay higher fees compared to domestic students, contributing billions to the economy each year. Many also enter the labour market in skilled roles after graduating, helping to fill skills shortages and further contributing to the economy by paying taxes.

MAC REVIEW OF THE GRADUATE ROUTE

In March, the Home Office commissioned the Migration Advisory Committee (MAC) to carry out a rapid review of the Graduate route, to ensure it is working in the best interests of the UK and to ensure steps are being taken to prevent abuse.

It was widely rumoured that the government was seeking to severely restrict or even shut down the Graduate route to further its agenda on reducing net migration. However, the MAC review published in May found that the route is broadly achieving its objectives and did not identify any evidence of widespread abuse or deliberate non-compliance from international graduates.

The MAC recommended that the route should be retained in its current form and warned the government against implementing additional restrictions or closing the route entirely. In response to the report, the government has confirmed that the Graduate visa will remain in place, but measures will be introduced to regulate the recruitment of international students and crack down on rogue recruitment agents.

A Graduate visa allows the holder to work in most jobs, with no minimum skill or salary threshold for two years after completing their studies at an eligible UK institution, or three years for PhD students.

However, a Graduate visa cannot be extended when it expires, so graduates must apply to switch to another visa category such as a Skilled Worker visa if they wish to remain in the UK long term.



NEW SKILLED WORKER SALARY THRESHOLDS

In April, the Home Office increased the salary threshold for Skilled Worker visas by 48% to £38,700 from the previous £26,200. This means that most new applicants under this route must be paid at least £38,700 or the 'going rate' for their occupation, whichever is highest.

A lower salary requirement still applies if the applicant is a 'new entrant' to the labour market, for example a recent graduate or aged under 26. New entrants can be paid 70% of their job's usual going rate, but must still be paid at least £30,960 per year, a significant increase from the previous minimum threshold of £23,200.

There are different salary rules for some healthcare or education jobs that are based on national pay scales. Eligible roles must pay a salary of at least £23,200, or more if the job's going rate is higher.

SALARY
THRESHOLD
48% ↑

MINIMUM SKILLED
WORKER SALARY
£38,700

CURRENT AVERAGE
GRADUATE SALARY [LONDON]
£29,000

IMPACT ON GRADUATES

For some graduates, the visa changes have had a devastating effect. International students often spend tens of thousands of pounds in fees to gain a UK degree, and many now find themselves frozen out of the job market.

Some foreign nationals who believed they had secured a job on a graduate scheme with a reputable employer to sponsor their Skilled Worker visa have since had these offers withdrawn and are left with a choice to either return to their home country or find another sponsor willing to pay them a higher salary.

Others now face an anxious search for a suitable role if they wish to switch to a Skilled Worker visa to remain in the UK long term.

IMPACT ON EMPLOYERS

The government's decision to increase the Skilled Worker salary thresholds will have far-reaching implications for employers.

The new £38,700 threshold is a significant rise and for many roles, this salary far exceeds the average annual wage for British workers and could prove simply unaffordable for many businesses.

Most graduate schemes and entry level roles offer a salary that's below even the 'discounted' new entrant threshold of £30,960. The new salary rules are the main reason cited by the firms that have withdrawn job offers from foreign graduates.

A HSBC spokesperson said: "Due to changes in the rules covering those seeking sponsored visas to work in the UK we are unable to take forward a small number of offers to candidates as part of our graduate scheme this year. Whilst this is disappointing for both the candidates involved and for HSBC we are required to follow the regulations of every market we operate in. We are currently in discussions with those impacted."

It is anticipated that that greatest impact will be felt by smaller businesses and those based outside of London, who cannot find the talent they need from the domestic workforce but cannot afford to recruit from overseas. Employers recruiting graduates may also struggle to access talent, as data from Totaljobs shows the average graduate salary in London is £29,000.

In the future, if the number of international students and workers coming to the UK continues to decline, employers could feel the impact of exacerbated skills shortages, particularly in lower paid or entry level roles.

Due to changes in the rules covering those seeking sponsored visas to work in the UK we are unable to take forward a small number of offers to candidates as part of our graduate scheme this year. Whilst this is disappointing for both the candidates involved and for HSBC we are required to follow the regulations of every market we operate in. We are currently in discussions with those impacted.'

HSBC spokesperson



NEXT STEPS

The new rules mean employers may need to adjust their recruitment strategies to account for the higher spend on salaries for overseas workers. Larger employers with linked overseas entities may look to base some of their workers outside of the UK, where immigration requirements are more favourable.

International students and graduates who want to work in the UK may need to explore alternative visa options such as the Graduate visa, Youth Mobility Scheme visa or Family visas, if they are eligible. However, many of the alternative visa solutions are temporary and once these migrants leave the UK the employer will need to recruit again to refill the position.

The impact of these changes mean that over time, the UK could become less attractive as a career destination for overseas talent, and businesses will need to offer higher salaries to attract qualified workers.

In its review of the Graduate route, the MAC advised the government that in future it should not introduce new routes or make significant policy changes without a clear plan on how it will assess the effectiveness of its policies and understand the wider impacts.

Furthermore, with the general election set to take place this summer we may soon be looking at a change in government. Should a new party gain power in July, what will their stance be on immigration? Watch this space.

EVISA ROLLOUT: FAQS

A major change is coming this year in UK immigration, as the government seeks to modernise and digitalise the border and immigration system and roll out the eVisa to all customers by 2025.

In this Special Focus, we set out some of the most frequently asked questions to help you prepare for this significant change.

WHAT IS CHANGING AND WHEN?

The UK's immigration system is going 'digital by default' by 2025. Throughout 2024, the government is replacing physical immigration documents, such as Biometric Residence Permits (BRPs), Biometric Residence Cards (BRCs) and legacy paper documents with a digital proof of immigration status called an eVisa.

The rollout is taking place in phases from April 2024, and the Home Office has already begun contacting some customers to let them know what action they need to take. Most BRP holders will be contacted in summer 2024, and later this year the service is expected to open to everyone with no need for an invitation. From autumn 2024 onwards, most new visa applicants will be issued with an eVisa instead of a physical immigration document.

WHAT ARE THE BENEFITS OF AN EVISA?

Holding a digital record of your immigration status has many benefits over a physical document. For example, an eVisa cannot be lost, stolen or damaged, and it gives customers the ability to prove their status instantly and securely. It will also prevent unnecessary delays at the border when travelling abroad, as an eVisa is linked to the individual's passport.

However, most BRP holders will need to take action to convert their permission to an eVisa, and employers may need to take steps to ensure their employees are compliant under the digital system.

HOW WILL EVISAS BE USED IN THE FUTURE?

With an eVisa, you will be able to use your online UKVI account to view your immigration status and rights, and to prove it to others on demand using the Home Office online systems. You will not need to prove your status to access public services such as healthcare or benefits, but the eVisa system will facilitate increased information sharing between government departments to ensure eligibility.

The Home Office is also working to automate routine immigration checks on travellers at the border, to provide a more convenient customer journey, and enhanced border security. In the meantime, customers should continue to carry their in-date physical immigration documents with them when they travel internationally.

WHO NEEDS TO TAKE ACTION?

If you already have a valid eVisa, no action is required. However, you should ensure that your UKVI account is kept up to date with your latest contact information and any passport which you intend to travel with.

Customers who currently use physical documents to evidence their immigration status will need to create a UKVI account to access their eVisa. Creating a UKVI account will be free, straightforward, and the move to an eVisa will not impact your underlying immigration status. Detailed guidance and video explainers on setting up a UKVI account are available on the GOV.UK website.

HOW WILL THIS IMPACT EMPLOYERS?

There are no immediate changes for employers, but you should continue to carry out compliant right to work checks as required. Throughout 2024, as digital proof of immigration status becomes more prevalent, UK employers will find that an increasing number of employees will use a share code to prove their rights instead of physical documents. You may also come across individuals who are unsure of how to prove their rights to you.

Employers should encourage affected employees to set up their UKVI account as soon as this becomes possible and may wish to offer support and guidance on how to prove their immigration status via the new digital system.

IS THERE ANYTHING ELSE I SHOULD KNOW?

The eVisa rollout process is a significant undertaking, with millions of customers who will need to transfer to a digital status. Visa holders are therefore advised to be patient and wait for the Home Office to contact them, or for the system to open to everyone without a prior invitation. Keep checking your emails and ensure any contact details held by the Home Office are up to date. You may also wish to register for updates on the GOV.UK eVisa guidance page.

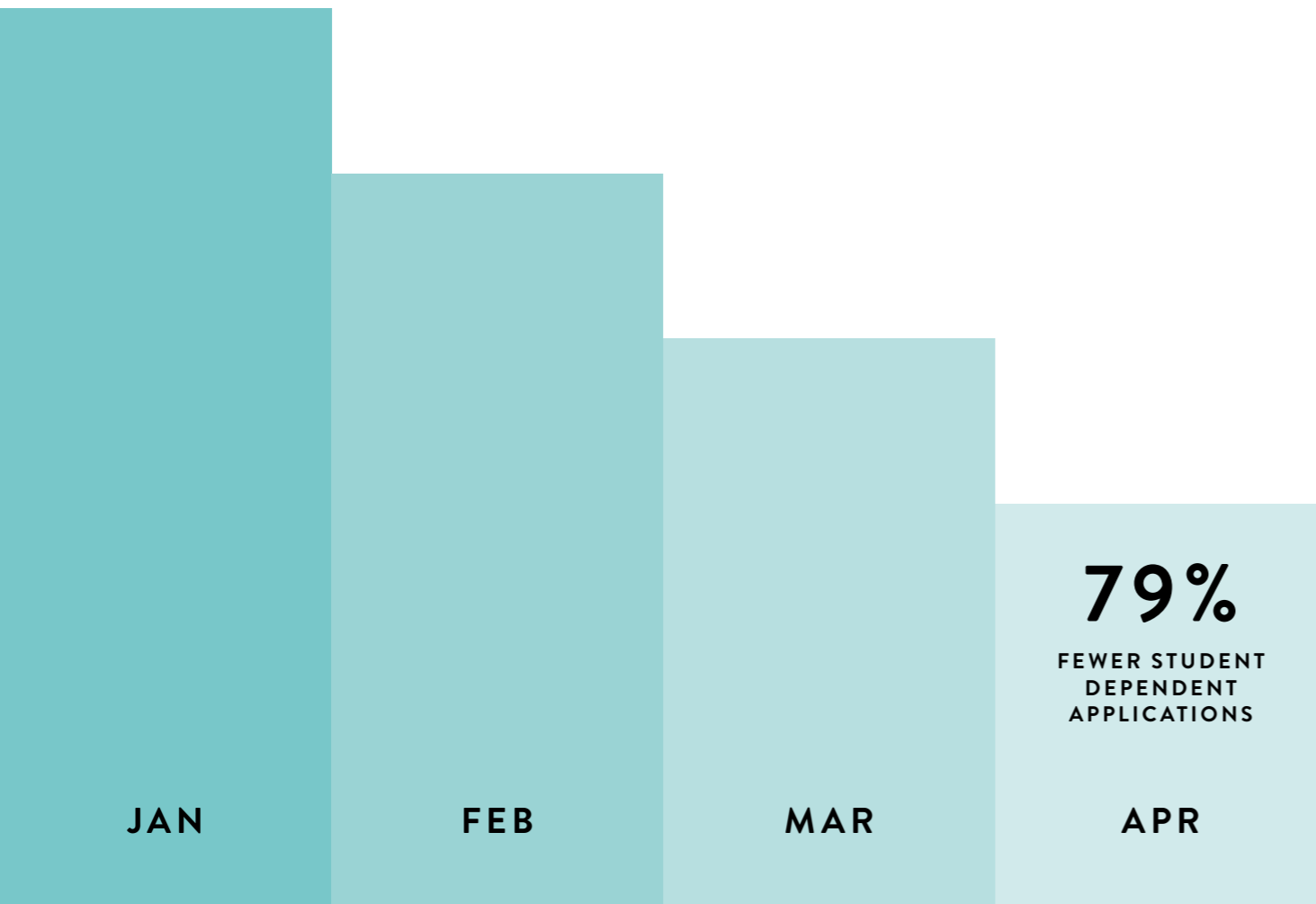
If you are at all unsure, we recommend seeking professional and up to date advice from a qualified immigration advisor.



Smith Stone Walters is here to support employers and visa holders through the eVisa transition process. For the most up to date information on the eVisa rollout process, please visit www.gov.uk/evisa

UK VISA APPLICATIONS FALL BY A QUARTER

UK visa applications across key routes have fallen by a quarter in the first 4 months of 2024, showing the early impacts of the Home Secretary's package of measures to reduce net migration.



To recap, the government is taking drastic steps to reduce net migration to the UK, which soared to a record high of 745,000 in 2022. To cut numbers, a package of significant changes have been introduced to the Immigration Rules affecting a number of routes including work, study and family visas. Taken together, the measures mean approximately 300,000 people who arrived in the UK last year would no longer be able to.

The changes include increased salary requirements for Skilled Workers and those sponsoring a spouse or partner to come to the UK, replacing the Shortage Occupation List with a new Immigration Salary List, and tightening the rules on bringing dependants under certain routes.

To monitor the impact of these policy changes, the Home Office will publish statistics on entry clearance visa applications which will be updated on a monthly basis until the end of 2024.

The latest figures show a significant drop in applications under key routes, as follows.

STUDENT VISAS

Measures to tighten student visas, which came into force in January, have prevented most international students starting courses this year from bringing family members. This change has resulted in 79% fewer student dependent applications in the first 4 months of 2024.

Students can also no longer switch from a student visa to a work visa before completing their course, preventing people from using the route as a 'backdoor' to work in the UK. There were more than 30,000 fewer student visa applications made between January to April 2024 compared to the same period in 2023.

Measures to tighten student visas, which came into force in January, have prevented most international students starting courses this year from bringing family members.'

Before we can see the full effect of recent policy changes and any other impacts, it will be necessary to wait until the peak in student applications for the next academic year, which usually comes in August / September.

HEALTH AND CARE WORKER VISAS

The Home Office also views the high number of dependants on the Health and Care Worker route as a cause for concern, and part of the package includes banning care workers from bringing dependants with them under this route. Doctors, nurses and other allied health professionals remain able to bring dependants. This policy has been in place since March 2024.

Data shows that in the first full month the new restrictions were in place, there was a 58% fall in Health and Care Worker dependant application numbers, from 15,100 in April 2023 to 6,400 in April 2024.

The figures also indicate a significant drop in the number of main applicants under this route, with a 76% reduction in the first 4 months of this year compared with the equivalent period in 2023.

The sharp drop has sparked concerns among sector professionals and opposition politicians, including London Mayor Sadiq Khan, who said the lack of workers will place an "already-stretched" NHS and social care system under even more pressure.



SKILLED WORKER VISAS

In contrast to the above, the figures also show that the number of Skilled Worker visa applications has increased in the first 4 months of 2024 compared to the same period in 2023.

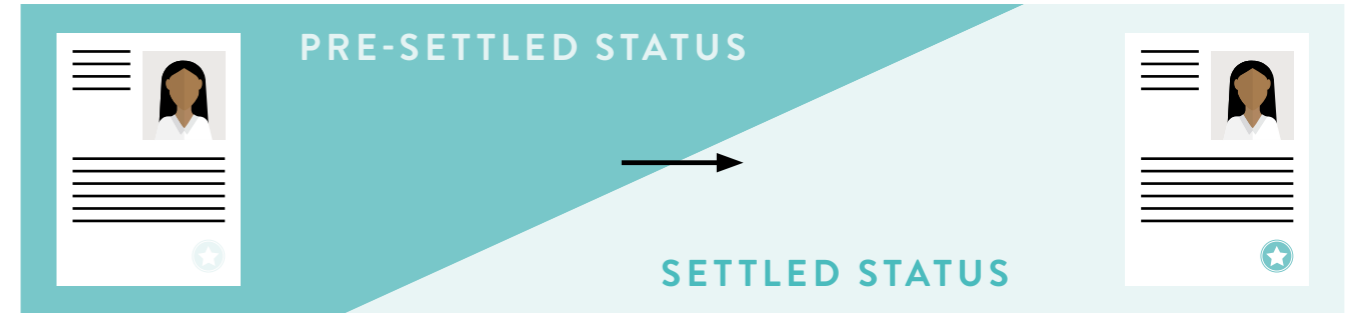
There were 29,200 applications for Skilled Worker main applicants between January and April this year, up 41% compared to the previous year.

In April 2024, the Home Office increased the salary threshold for Skilled Worker visas by 48% to £38,700. The impact of this change on the number of people applying under this route will be evident in future statistics.

To keep up to date with the latest UK immigration news and views, please sign up to our free news service at www.smithstonewalters.com/signup.

CHANGES TO THE EU SETTLEMENT SCHEME

The Home Office has announced changes to the EU Settlement Scheme (EUSS), to ensure that those granted pre-settled status under the EU Settlement Scheme can continue to prove their rights easily, and bring greater clarity for those who are required to check immigration status, such as employers and landlords.



The changes come after a court ruling found that the EUSS breaches the Withdrawal Agreement between the UK and the EU by requiring holders of pre-settled status to make a further application for settled status in order to become lawfully resident.

In response to that judgement, changes were introduced in September 2023 which meant holders of pre-settled status would automatically have their status extended by 2 years before it expires if they have not obtained settled status.

On 21 May 2024, the Home Office announced further changes to the EUSS to support its work on implementing the judgement.

It will also remove the pre-settled status expiry date from the digital profiles shown to third parties in the online checking services for Right to Work, Right to Rent and View and Prove.

WHAT IS CHANGING?

The Home Office will change the duration of pre-settled status extensions from 2 to 5 years. It will also remove the pre-settled status expiry date from the digital profiles shown to third parties in the online checking services for Right to Work, Right to Rent and View and Prove.

Alongside this change, employers, landlords and letting agents will not be required to conduct a further right to work or rent check where the individual remains in their employment or as part of that tenancy agreement.

LATE APPLICATIONS TO THE EUSS

It is now almost 3 years since the EUSS application deadline of 30 June 2021. This deadline does not apply if you already have pre-settled status and you're applying for settled status.

If you have not applied for settled or pre-settled status under the EUSS by the June 2021 deadline, you may still be able to make a late application in certain circumstances.

For example, if you are joining a family member who was living in the UK by

31 December 2020, your deadline will be based on when you arrive in the UK, as long as you were their family member by 31 December 2020 and the family relationship still exists when you apply.

You can also still apply if you are eligible and you can show 'reasonable grounds' for why you could not apply by the deadline or in the time since the deadline passed. You will need to provide evidence which explains the reasons why you could not apply.

If you need advice or support regarding the EU Settlement Scheme or your immigration status and right to work in the UK, Smith Stone Walters can help. To speak to a qualified immigration advisor, please email info@smithstonewalters.com.

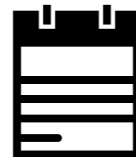
SEASONAL WORKER VISA EXTENDED UNTIL 2029

The UK government has announced that it will extend the Seasonal Worker visa route for five years until 2029, “to give businesses time to plan effectively, to invest in automation and move away from a reliance on migrant labour”

43,000 visas will be available to the horticulture sector in 2025, with another 2000 visas for poultry. Further detail of the number of visas available for 2026 to 2029 will be set out later this year. This represents a reduction of 2000 visas in addition to removing the extra 10,000 visas potentially available if sector demand had required.

The government will also work to improve the attractiveness of the sector for domestic workers, delivering regional recruitment strategies to support jobseekers into roles in food and farming, and building greater collaboration between government, industry and education providers.

The Migration Advisory Committee’s ongoing inquiry into the Seasonal Worker visa route is due to be published in summer 2024.



‘The Seasonal Worker visa is designed to allow overseas nationals to come to the UK to undertake temporary work in specific sectors.’

WHAT IS A SEASONAL WORKER VISA?

The Seasonal Worker visa is designed to allow overseas nationals to come to the UK to undertake temporary work in specific sectors.

You can apply for a Seasonal Worker visa to come to the UK and work in:

- The Horticulture sector for up to 6 months – for example, picking fruit and vegetables or flowers.
- The Poultry sector from 2 October to 31 December, in the same year.

In order to apply for a Seasonal Worker visa, applicants must have a job offer from an approved sponsor in the UK and meet the eligibility requirements for the route.

The sponsorship requirements under this route are strict, and currently only ‘approved scheme operators’ can sponsor Seasonal Workers. Individual employers and organisations are not eligible for a sponsor licence on this route, even if they are licensed as a sponsor on other routes.

For more information on the Seasonal Worker visa, please contact Smith Stone Walters.

GERMANY'S NEW OPPORTUNITY CARD (CHANCENKARTE)



From June 2024 the Opportunity Card (Chancenkarte) opens new ways for foreign nationals to find a job in Germany.

The Opportunity Card is initially issued as a job search permit for up to one year, giving the applicant the opportunity to seek employment in Germany. Applicants from non-EU countries are guaranteed a 12-month stay in Germany through the Opportunity Card to look for a job.

WHO IS ELIGIBLE?

You will be eligible for the Opportunity Card if you have a foreign professional or academic qualification that is fully recognised in Germany, or if you obtained your university degree or professional qualification in Germany.

Alternatively, you could also be eligible if you score a minimum of 6 points in the points system, in addition to meeting the following requirements:

- You have successfully completed vocational or academic training which is recognised by the country in which you obtained it. Your vocational qualification must have required at least two years of vocational training.
- You have either German language skills of at least level A1 or English language skills of at least level B2.

For both options, you must be able to prove that you can financially support yourself in Germany.

THE POINTS SYSTEM

The points system is only relevant to you if you are unable to demonstrate that you have a German qualification or that your foreign qualification has been fully recognised.

Under the system, points are awarded to applicants who meet various criteria relating to their:

- Education
- Language skills
- Age
- Ties to Germany
- Spouse

Applicants must reach a total of 6 points to secure the Opportunity Card.

BENEFITS OF AN OPPORTUNITY CARD

With the Opportunity Card, finding a job in Germany has never been easier.

This route permits easier and faster entry into Germany for eligible individuals, with no requirement to secure a permanent employment contract in advance. Once in Germany, Chancenkarte holders have a period of 12 months to look for a suitable job. During this time, you can work in part-time or casual jobs of up to 20 hours per week, as well as two-week trial jobs.

If your job search is successful, you have the option of changing to another residence title to take up full-time employment.

Employers can also benefit from a larger talent pool of qualified foreign professionals and simplified approval procedures for fast-track entry to employment.

For more information on Germany's Opportunity Card (Chancenkarte), please speak to the SSW Frankfurt team.

SCHENGEN VISA FEES RISE BY 12%



Vacations and business visits to the Schengen Area in Europe will now be more expensive for certain foreign nationals as the cost to obtain a Schengen visa has increased, effective 11 June 2024.

Slovenia's Ministry of Foreign and European Affairs confirmed that adults applying for Schengen visas will now pay €90, up from €80, while fees for children aged 6 to 12 will increase to €45, up from €40.

The 12% fee increase comes after the Schengen Visa Code mandated a revision of EU visa fees every three years in December 2023. The EU justifies the raise by citing inflation and the need to cover administrative costs related to the visa process, including background checks, data processing, and maintaining secure entry systems. The last increase in fees was from €60 to €80 in February 2020.

The fee hike has sparked backlash from Turkish nationals in particular, as Turkey is still awaiting a visa-free agreement with the EU.

€80 → €90

WHAT IS A SCHENGEN VISA?

A Schengen visa allows the holder to travel freely within the Schengen area for short stays of up to 90 days in any 180-day period. These visas are primarily used for tourism and business purposes, but they do not grant the right to work.

Travelling across the 29 Schengen countries on a single visa is the most convenient way for visa-required travellers to move from one destination to the next without the hassle of multiple applications.

LATEST SCHENGEN STATISTICS

The latest Schengen visa statistics show a significant recovery in the volume of applications, with Schengen states receiving over 10.3 million applications in 2023, up 37% from the previous year. However, numbers are still below the pre-pandemic high of 17 million applications recorded in 2019.

The top 5 countries filing Schengen visa applications in 2023 were:

- China - 1,117,365 applications.
- Turkey - 1,055,885 applications
- India - 966,687 applications
- Morocco - 591,401 applications.
- Russia - 520,387 applications

France has remained the favourite destination for Schengen visa applicants, with a quarter of all applications lodged in 2023 directed to France.

DIGITALISING THE SCHENGEN PROCESS

The EU is currently working to digitalise the Schengen visa process, with the European Council giving the green light to an online application system last year.

The goal of the new online system is twofold: to make the visa application procedure more efficient and to improve the security of the Schengen area.

Once adopted, the new rules will create a single EU visa application platform. With a few exceptions, applications for Schengen visas will be submitted through this central website, making in-person appearance at the Consulate redundant.

Planning for the digitalisation process is underway, but it is expected to take some time before the system is fully operational.

In the meantime, if you are planning a holiday or a business visit to the Schengen area this summer, please bear in mind the new higher fees when planning the budget for your trip.



'A Schengen visa allows the holder to travel freely within the Schengen area for short stays of up to 90 days in any 180-day period. These visas are primarily used for tourism and business purposes, but they do not grant the right to work.'

For expert support with Schengen visa applications, please contact the SSW Global Immigration team.

BECOME AN EU RESIDENT WITH MALTA'S RESIDENCY-BY- INVESTMENT PROGRAMME

EU

Malta is considered one of Europe's safest countries, and its close proximity to the Middle East region means it is steadily growing in popularity among foreign property investors seeking increased mobility from a stable and business-friendly European country.

The Malta Permanent Residence Programme (MPRP) aims to attract wealthy individuals to invest their funds into the country's property market, in exchange for a quick path to permanent residency.

BENEFITS OF THE SCHEME

In addition to being a fairly quick path to residency – just 6 to 8 months for approval – there are many other benefits to this highly sought-after program, including:

- Residence in an EU country with visa-free access across Europe's Schengen Area for 90 days out of a 180-day period.
- The right to reside indefinitely in Malta, with no minimum stay requirements in order to maintain your permanent residence status.
- Low capital outlay compared to other EU residence programmes, with investment required for the first 5 years only.
- Generous allowances for dependants. Main applicants can bring family members including spouse, children under 18, non-economically active adult children as well as parents and grandparents who are primarily dependant on the main applicant.
- A simplified application process with the residence permit issued within 60 days of approval.
- English is the official language and there is no language test.

HOW TO GET STARTED

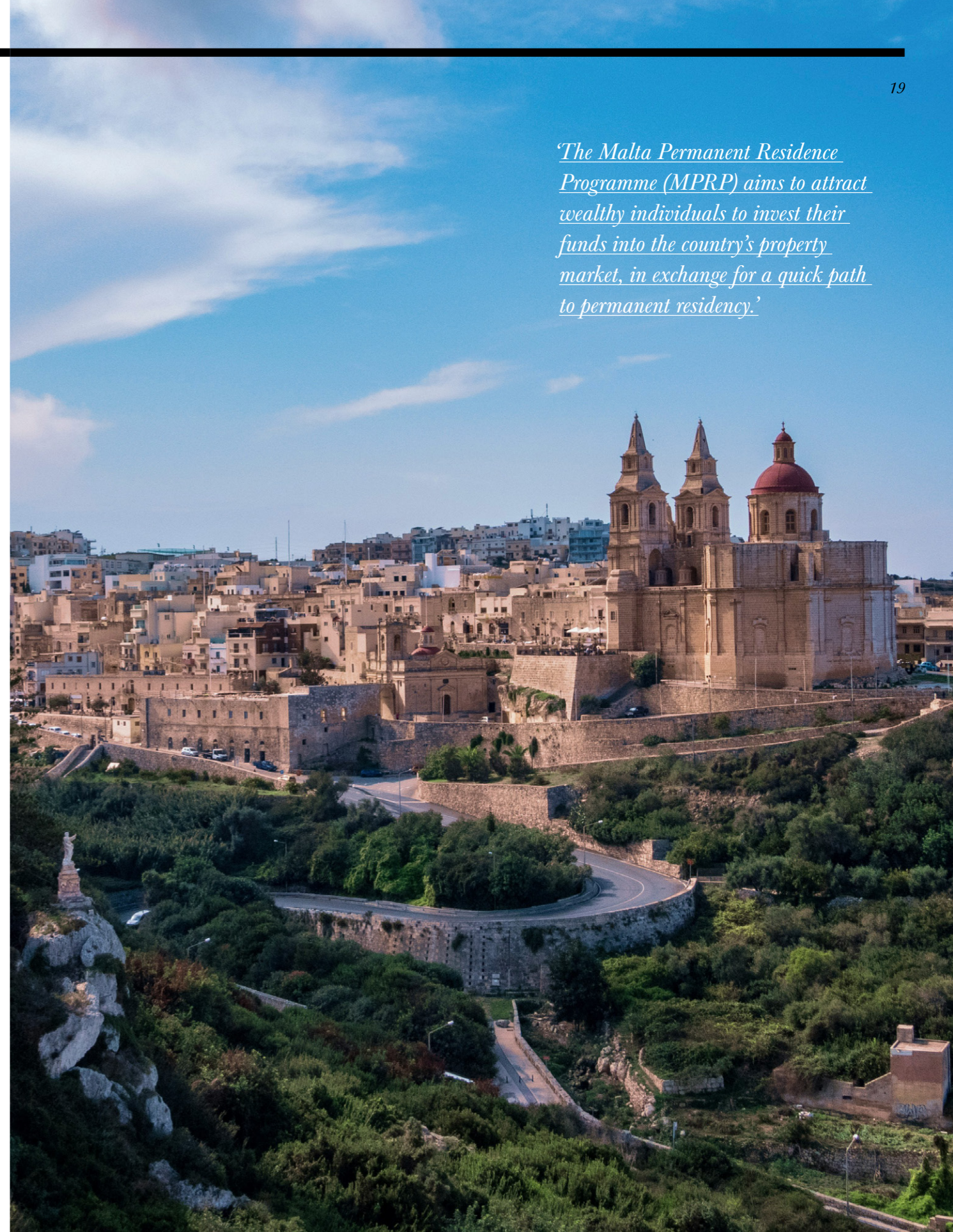
To be eligible to apply for the programme, you will need to meet the following requirements:

- You must be at least 18 years of age.
- Able to show proof of capital of no less than €500,000 (€150,000 of which should be in financial assets).
- A property purchase of €350,000 (€300,000 in South Malta or Gozo) or a property lease of €12,000 per annum (€10,000 in South Malta or Gozo).
- You must be a third-country national (i.e. not from an EU or EEA state).
- Evidence of a clean criminal record.

Once you receive approval, your permanent residency card is issued with a 5-year validity (and easily renewed every 5 years with a new photo).

To find out more about this scheme, please speak to the SSW Global Immigration team.

'The Malta Permanent Residence Programme (MPRP) aims to attract wealthy individuals to invest their funds into the country's property market, in exchange for a quick path to permanent residency.'



JOIN OUR FREE WEBINAR



Smith Stone Walters is delighted to invite you to join our latest free webinar in partnership with Simply London: “Relocating Staff to the UK: Top Tips for a Smooth Transition”.

The event will take place online via Microsoft Teams on Wednesday 3 July 2024 at 10:00 – 11:00 GMT.

Alastair Mason, Senior Associate at Smith Stone Walters will be joined by Ben Jones, Client Success Director at Simply London Relocation to discuss the dos and don'ts of running a successful employee relocation programme, including common pitfalls and how to avoid them.

This informative session is designed to equip businesses and HR professionals with essential strategies to ensure a seamless relocation experience for employees moving to the UK.

WHY ATTEND?

In today's global economy, moving employees across borders is becoming more of a necessity for businesses of all sizes. Whether you are bringing in a new hire from overseas or sending existing employees to the UK from a linked overseas entity, the relocation process can be complex and fraught with challenges.

From navigating the visa process to carrying out home searches and managing the move itself, there are many elements to think about and each case is unique.



In this essential webinar, you will learn:

- How to manage the visa process when relocating employees to the UK.
- Ensure compliance with the Immigration Rules.
- What to consider when your new employee first arrives in London.
- Key timescales to consider in your employee's relocation journey.
- How to use relocation as a hiring tool.
- How to budget for a successful relocation.

To register your free place, please scan the QR code or visit:

<https://bit.ly/SSWWebinar>



We look forward to welcoming you!

For more information on this event, please email Alastair.Mason@smithstonewalters.com.

SSW AT EURA 2024



In April, members of the team at Smith Stone Walters attended the 2024 EuRA International Relocation Congress in Vilamoura, Portugal.

The EuRA conference is an annual event bringing together professionals in the relocation industry worldwide to share knowledge and best practices, discuss the latest industry trends and network with likeminded colleagues.

This year's event was a great success and provided a valuable opportunity for our Global Immigration team to connect with overseas colleagues from the relocation and global mobility fields. We had some exciting conversations whilst at the event, and returned with renewed enthusiasm to further develop our global mobility services for our clients.

ABOUT EURA

The European Relocation Association (EuRA) was formed in 1998 with the aim of promoting the benefits of professionally managed relocation and mobility services to companies with globally mobile employees.

The relocation process is one of the most difficult times for an employee that involves intense changes on a professional, personal and cultural basis. The impact on both individuals and their families is profound, which is why professional support is invaluable in setting you up for a successful assignment.

Professional relocation suppliers not only save companies money, as they have a far greater ability to accurately negotiate expenses on behalf of their clients, they also provide a seamless transition for the employee from one role to the next, promoting effective and swift productivity for the company.

You can find out more about EuRA and other upcoming events on their website.

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 Q2 2024: Amrita Singh!

WHAT OUR CLIENTS SAY ABOUT AMRITA:

"It was a pleasure to work with Amrita. Would happily recommend her and SSW to my friends."

"Extremely satisfied in regards to Amrita's professional competencies and behaviour."

"Great service and support, with prompt answers to all my queries throughout this stressful process of visa application. Thanks!"

WHAT OUR SSW COLLEAGUES SAY ABOUT AMRITA:

"Amrita is an amazing colleague and team player. She has strong technical knowledge and is always willing to share this with the team to help grow everyone's expertise. She also has great customer service and it's not gone unnoticed with HR on the clients she assists."

"Amrita always takes the time to explain processes and the immigration rules behind them and has helped me personally get to grips with particular clients so I can proceed."

"Amrita works really hard all the time, her commitment with work is admirable. She is also willing to help you and explain if you have any questions. She definitely deserves the WOW Award!"



If you have worked with Amrita 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:

"A well-versed consultancy on immigration. Made the process easy."
NV, Healthcare company

"Phill is very detailed, prompt, careful and responsible. I feel so confident in every step of my application. I will recommend Phill and SSW to my friends when they need the services. Amazing job done by Phill and team!"
HT, Hospitality company

"The visa process was seamless and the team were incredibly responsive, making the entire experience efficient and stress-free."
AM, Tech company

"I wanted to take a moment to express my appreciation for the excellent visa application service provided by Ania. Her support was invaluable throughout the process, and I'm grateful for her exceptional assistance."
JH, Professional services firm

"SSW's application management portal was incredibly helpful and user-friendly, simplifying everything by eliminating back-and-forth emails and buried documents. The SSW team's expertise was truly impressive, as they always responded quickly and helpfully to my queries."
RC, Legal consultancy

"Thank you for making applying for the work visa so effortless. I appreciated how clear and quick communication about the process was."
VA, Research institute



FOCUS



PREPARING FOR A PRE-SPONSOR LICENCE AUDIT

If your organisation is applying for a sponsor licence for the first time, the Home Office may wish to visit your business premises to carry out a pre-licence audit. The purpose of this visit is to check that your business is legitimate, you are offering genuine employment to migrant workers, and you are able to meet the strict requirements placed on sponsors known as 'sponsor duties'.



Smith Stone Walters has observed a recent increase in these pre-licence visits being carried out on new sponsors, as the government continues to crackdown on abuse of the immigration system, illegal working and unscrupulous employers.

A compliance visit can be a daunting prospect, but there are steps you can take to prepare. Visits are usually pre-arranged by appointment but can be carried out without warning, so it's important to know what to expect. Understanding the key areas that the compliance officers are likely to focus on is a good place to start. That way, you can ensure you are prepared for some common questions that may arise in these areas.

During an audit, you can usually expect the Home Office to focus on four main areas:

Understanding the key areas that the compliance officers are likely to focus on is a good place to start. That way, you can ensure you are prepared for some common questions that may arise in these areas.'

In this Focus, we set out what you need to know about these four areas and some examples of the type of questions you may be asked.

The business

One of the first things the Home Office will seek to investigate is the company or entity that is applying to sponsor migrant workers. Compliance officers will want to confirm that you have an established business presence in the UK and that you have no unspent criminal convictions for immigration offences or certain other crimes, such as fraud or money laundering.

Be prepared to answer a wide range of questions around your company, including your trading details, the nature of your business, staff headcount and details of any overseas entities.

Most of this information will have already been provided as part of your online application, but you may be asked to confirm the details you submitted are correct. Knowingly providing false information or documentation as part of your licence application is grounds for refusal, so it's important to ensure your initial application is handled with care.

Depending on the type of licence you have applied for, there may be additional questions specific to that category. For example, if you are applying to sponsor Senior or Specialist Workers, you may be asked to provide details of the connection between your UK business and the overseas entities that the assignees will be coming from. Or if you are applying for a UK Expansion Worker licence, you will need to demonstrate that you have a 'UK footprint' and credible plans to expand into the UK.

- ☑ **THE BUSINESS**
- ☑ **HR PROCESSES AND REPORTING**
- ☑ **THE ROLE AND CANDIDATE**
- ☑ **WORKING PRACTICES**



HR processes and reporting

This is a key area you are likely to be questioned on during an audit, and shows the Home Office that you have the necessary HR systems and processes in place to effectively monitor and report on your sponsored workers.

Compliance Officers will assess your organisation's ability to comply with its record-keeping and reporting duties, for example by reviewing your HR systems that monitor visa expiry dates and workplace absences.

You may be asked questions around your company's processes for conducting right to work checks, your internal HR policies on sickness and absence, and which members of staff within your organisation will be responsible for managing the Sponsorship Management System (SMS) updates.

Before you submit an application for a sponsor licence, it's important to ensure your HR systems and processes are robust enough to meet the strict requirements on reporting duties.

The role and candidate

When you apply for a sponsor licence, it is not necessary for you to have already identified a specific candidate or candidates whom you wish to hire. However, you will need to show that you intend to offer 'genuine' employment that meets the requirements of your chosen route.

You will be asked which role or roles you intend to sponsor overseas workers in, and why this is needed for your business. You should also be prepared to give other details on the role such as its four-digit Standard Occupational Classification (SOC) code, salary and working hours.

If you have already identified a candidate you wish to sponsor, you may be asked to provide information on the applicant, such as a copy of their passport, their CV and any evidence of their qualifications, if required for the role. You may also be asked about the recruitment processes you undertook to identify the candidate.

Working practices

When assessing a company's suitability to hold a sponsor licence, the Home Office will check that your business is compliant with UK employment law and that your sponsored employees will be treated fairly.

During an audit, compliance officers may wish to review your company's policy documents on sickness and holiday entitlements and ask you about your internal processes for requesting annual leave and reporting sickness. Be prepared to answer questions on how you will pay your sponsored workers, will they receive payslips, sick pay and will you enrol them into a pension scheme.

You will also need to provide details on the regular working pattern you expect your migrant workers will have, including their usual working location and any hybrid working arrangements. Given the increased prevalence of remote and hybrid working, the Home Office recognises that at times, your sponsored employees may be working from home or another remote site.

Hybrid working is permitted, but keep in mind that if your sponsored workers will be working entirely remotely, with little or no requirement to attend your premises or a client site, you will need to explain why you need to sponsor the worker to come to the UK if they could work remotely from their home country.



'Always keep in mind that the Home Office views sponsorship as a privilege and not a right. This privilege will only be granted to bona fide businesses that are capable of maintaining their sponsorship duties and providing fair working conditions for their employees.'



Final advice

The four areas set out above should give you a flavour of the type of questions you may be asked during a pre-licence audit. However, this is not an exhaustive list and other questions may arise. If you are applying for a sponsor licence for the first time, you may wish to engage the services of a qualified immigration advisor to help you prepare.

Smith Stone Walters provides a comprehensive service to clients applying for a sponsor licence. Our qualified immigration advisors will be in attendance during the submission of your application, and we can provide compliance training on sponsor duties for your staff, including a mock audit if required.

Although you can use the services of an immigration advisor to assist with your sponsor licence application, it's important to note that the online form itself and the application fee must be submitted by the sponsor themselves. During an audit, the Home Office may ask you to confirm who submitted the application form and paid the fee.

Finally, always keep in mind that the Home Office views sponsorship as a privilege and not a right. This privilege will only be granted to bona fide businesses that are capable of maintaining their sponsorship duties and providing fair working conditions for their employees.

For more information, please contact 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

This publication is not meant to be used as a substitute for proper professional advice based on the facts of a particular transaction as it is not intended to be a complete coverage of the subject. Smith Stone Walters Limited accepts no liability for any action taken based on the contents of this publication



**SMITH
STONE
WALTERS**

Immigration Practice