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**SMITH
STONE
WALTERS**

Immigration Practice

INSIGHT

IMMIGRATION NEWS & VIEWS
FROM SMITH STONE WALTERS
AUTUMN 2024

UK – EU travel
is going digital!



The rules of travel to Europe are changing, and in 2025 an estimated 1.4 billion people from over 60 visa-exempt countries, including the UK, will need a travel authorisation to enter most European countries.

Since Brexit, UK citizens can no longer enjoy the same travel privileges that were previously granted under freedom of movement when the UK was still part of the European Union (EU). This means that British nationals are now subject to all entry requirements for third-country nationals, and must abide by the same conditions as other non-EU citizens when it comes to seeking permission to enter, travel within or work in Europe.

In the same vein, with the UK now free to determine its own visa and entry requirements independent of the EU, we are beginning to see more reciprocal schemes being rolled out, such as the UK's new Electronic Travel Authorisation (ETA) scheme.

Although the UK and the EU have parted ways, there is one thing that both parties still have in common. That is, they are both putting digital at the heart of their immigration and border control systems, harnessing the power of technology to improve the customer experience and strengthen the security of their borders.

Whilst these changes seek to make life easier for travellers, it will soon become more expensive for UK citizens to travel to the EU and vice-versa, and individuals must be careful not to overstay their permission when travelling abroad.

UK



EU

TRAVEL IS GOING DIGITAL!

ADVANCEMENTS IN TECHNOLOGY

Both the EU and the UK have embraced technological advancements in recent years when designing and transforming their respective border control and immigration systems. In most cases, paper-based visa and permit applications have been replaced by online forms or apps, and even some biometric data can now be captured using a smartphone.

Although the EU and the UK now operate entirely separate systems to control and monitor the entry and stay of foreign nationals, both parties have similar objectives in mind when rolling out these new technologies. Both the UK and the EU want to improve security at their borders and have greater knowledge on who is entering and leaving, whilst improving customer experience and delivering a more seamless journey through the border.

‘Whilst these changes seek to make life easier for travellers, it will soon become more expensive for UK citizens to travel to the EU and vice-versa, and individuals must be careful not to overstay their permission when travelling abroad.’





DIGITAL TRAVEL SYSTEMS

Travelling to Europe will soon become more expensive for UK citizens, as the EU has finally revealed its timeline for the implementation of its long-awaited **European Travel Information and Authorisation System (ETIAS)**.

Currently, visitors from the UK can visit the EU's Schengen area for up to 90 days in every 180-day period, without a visa. This is also the case for citizens of more than 60 non-EU countries, including the US, Japan and Australia.

Under the ETIAS, this will change. Visitors from eligible non-EU countries will need to apply online for a visa waiver to travel to the EU for the same duration of up to 90 days. Longer stays will require a visa. The ETIAS will cost €7 (£6) and is linked to the applicant's passport. The visa waiver will last for three years (or until the linked passport expires, whichever is soonest) and will allow an unlimited number of

visits. The ETIAS launch date has been consistently pushed back, but the EU has now confirmed the scheme is likely to come into force by May 2025.

Another EU border scheme, called the **Entry/Exit System (ESS)**, is launching on 10 November 2024 after a series of delays. The ESS will electronically register the time and place of entry and exit of third-country nationals, and calculate the duration of their authorised stay. It will replace the obligation to stamp the passports of third-country nationals which is applicable to all Member States.

The UK is also reciprocating the EU's visa waiver scheme, in the form of its new **Electronic Travel Authorisation (ETA) scheme**. Once fully implemented, the ETA scheme will broadly apply to all visitors who do not require a visa for short stays and who do not have any other UK immigration status prior to travelling to the UK. This includes European nationals.

An 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.

An ETA will cost £10, permits multiple journeys and is valid for two years or until the holder's passport expires – whichever is sooner.

The ETA scheme is being introduced in phases, and currently applies to nationals of Qatar, Bahrain, Kuwait, Oman, United Arab Emirates, Saudi Arabia and Jordan. Citizens of other countries do not need to apply for an ETA now, but the scheme will expand to more nationalities later.

DIGITAL VISA SYSTEMS

As well as digitalising border control and entry / exit systems, the EU and the UK are also exploring ways to transform their respective visa systems to create an entirely online process for applicants.

The UK government is currently in the process of digitalising its immigration system and phasing out the use of physical immigration documents such as Biometric Residence Permits (BRPs). By 2025, almost all physical immigration products and services will be replaced with a digital record of a person's immigration status called an **eVisa**.

eVisa holders can access their eVisa through an online UK Visas & Immigration (UKVI) account, and use the Home Office online services to prove their status to others, such as an employer or landlord. Millions of people in the UK already have an eVisa, including EU citizens who acquired settled status under the EU Settlement Scheme (EUSS).

The move to eVisas will impact migrants already living and working in the UK, and from autumn 2024, almost all new UK visa applicants will be issued an eVisa. The government hopes the switch to digital statuses will offer many benefits over physical documents, including greater security, shorter waiting times for applicants and quicker, easier information sharing with third parties.

Meanwhile in the EU, the European Council has given the green light to a new online **Schengen visa** process, which it hopes will make the visa application procedure more efficient and improve the security of the Schengen area.

The new digital system will allow applicants to apply for a Schengen visa via an EU-wide online platform. The new

platform is intended to render in-person appearance at the Consulate, Embassy or Visa Application Centre redundant. In-person appearance will only be necessary for first-time applicants, people whose biometric data are no longer valid and people with a new travel document.

Under the system, the current Schengen visa sticker will be replaced with a cryptographically signed barcode. The date of implementation for the online Schengen visa process will be decided when technical work on the visa platform and the digital visa has been concluded.

IMPACT ON INTERNATIONAL TRAVEL

This raft of changes is set to have a significant impact on international travel. Millions of UK citizens seeking entry into the EU will need to be aware of the new fees to obtain an ETIAS visa waiver, and ensure they do not breach the 90-in-180 day rule and risk become an overstayer, as the ESS system will electronically monitor duration of stays.

Likewise, EU nationals will soon require an ETA to travel to the UK, and those residing long-term in the UK with a visa will soon require a UKVI account to access their eVisa.

Whether these new digital systems will ultimately help or hinder international travellers in the long-term remains to be seen.

A CHANGING GLOBAL IMMIGRATION LANDSCAPE

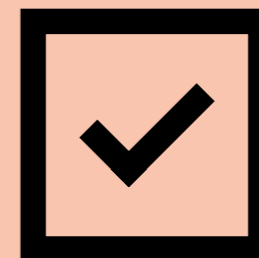
With so many changes already in place or soon to arrive, it can be difficult for travellers and businesses to keep up with the constantly evolving global immigration landscape.

Whether you are an employee who travels frequently to the EU for business or an employer managing multiple visa applications and international assignments for your workforce, knowing the specific rules for each of your destination countries is crucial to avoid delays to your travel plans and ensure you remain compliant with international law.

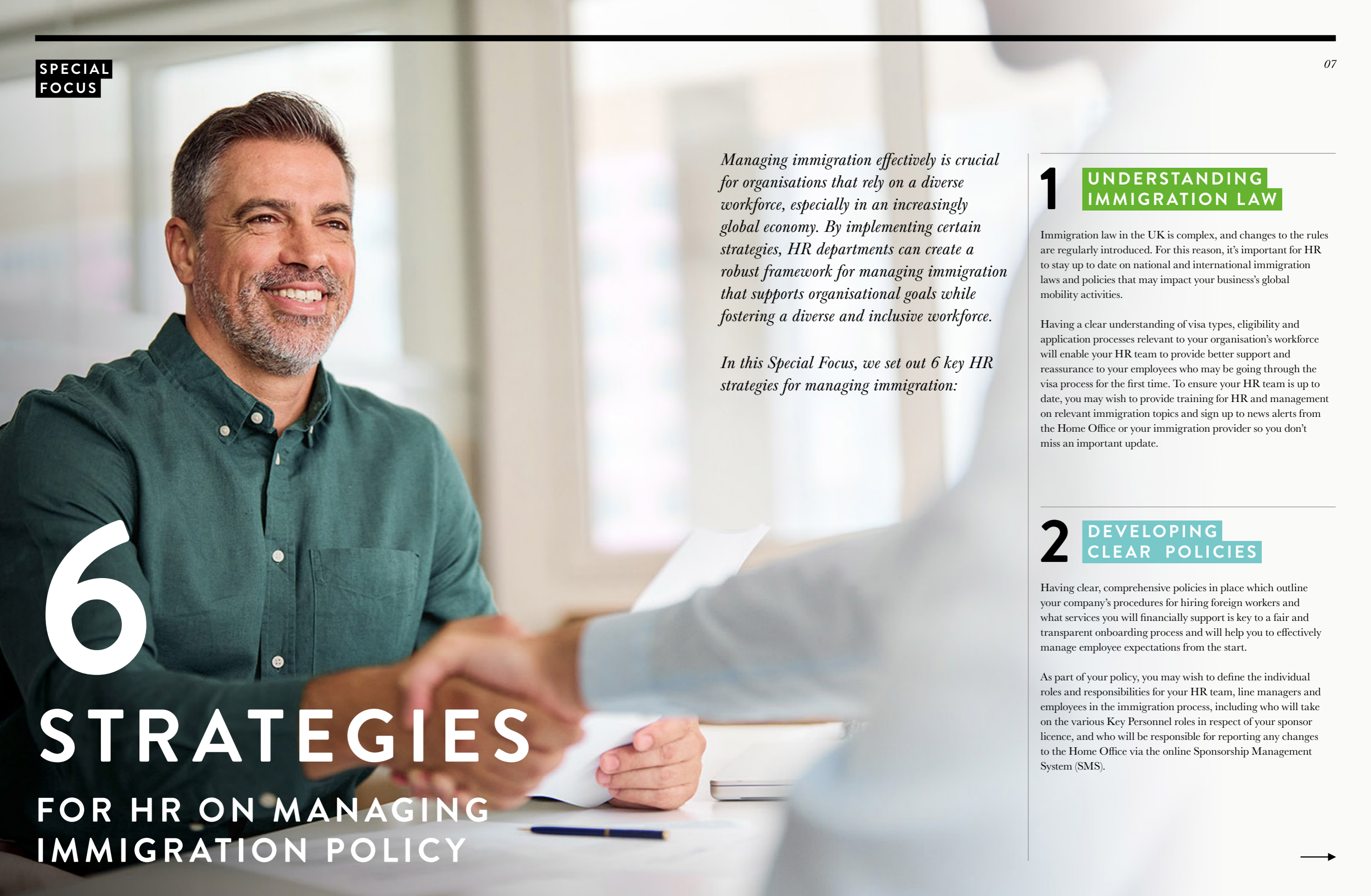
Smith Stone Walters regularly works with multinational companies and smaller employers to help them navigate the complexities of global immigration law in over 100 countries worldwide. Our expertise covers all 27 EU Member States, as well as key business destinations further afield in the Americas, Asia Pacific, India and the Middle East.

We have spent years refining our global immigration capabilities, and our team of multi-lingual, multi-cultural specialists can offer tailored advice and support to businesses and individuals through every step of the immigration process.

If you think your business would benefit from support in this area, we'd love to hear from you.



To speak to an immigration advisor, please email info@smithstonewalters.com and a member of our team will be in touch.



6 STRATEGIES FOR HR ON MANAGING IMMIGRATION POLICY

Managing immigration effectively is crucial for organisations that rely on a diverse workforce, especially in an increasingly global economy. By implementing certain strategies, HR departments can create a robust framework for managing immigration that supports organisational goals while fostering a diverse and inclusive workforce.

In this Special Focus, we set out 6 key HR strategies for managing immigration:

1 UNDERSTANDING IMMIGRATION LAW

Immigration law in the UK is complex, and changes to the rules are regularly introduced. For this reason, it's important for HR to stay up to date on national and international immigration laws and policies that may impact your business's global mobility activities.

Having a clear understanding of visa types, eligibility and application processes relevant to your organisation's workforce will enable your HR team to provide better support and reassurance to your employees who may be going through the visa process for the first time. To ensure your HR team is up to date, you may wish to provide training for HR and management on relevant immigration topics and sign up to news alerts from the Home Office or your immigration provider so you don't miss an important update.

2 DEVELOPING CLEAR POLICIES

Having clear, comprehensive policies in place which outline your company's procedures for hiring foreign workers and what services you will financially support is key to a fair and transparent onboarding process and will help you to effectively manage employee expectations from the start.

As part of your policy, you may wish to define the individual roles and responsibilities for your HR team, line managers and employees in the immigration process, including who will take on the various Key Personnel roles in respect of your sponsor licence, and who will be responsible for reporting any changes to the Home Office via the online Sponsorship Management System (SMS).



3 RECRUITMENT AND SPONSORSHIP PLANNING

Planning ahead for your company's future recruitment and sponsorship needs will ensure a smoother process when it comes to sourcing and onboarding international talent, and could save your business time and money.

By looking at the longer-term picture, HR can anticipate specific times of year and roles in which overseas recruitment may be required. Knowing this in advance will help you plan and implement global recruitment strategies to attract diverse talent pools and target candidates from various countries. You can also use this opportunity to decide which roles will be eligible for sponsorship and ensure sufficient budget has been allocated for visa processes. You may wish to engage the services of an immigration provider to help you with this. An immigration lawyer will be able to advise your business on the best pathways for international recruitment and help you mitigate potential risks associated with sponsorship.

4 PROVIDING SUPPORT FOR EMPLOYEES

Relocating to a new country for work is a significant life change, and your employees may turn to you for advice and support throughout the process. To help deliver the best employee experience, you should ensure your sponsored workers feel supported during every step of the immigration journey, from visa application stage through to arrival in the UK and settling in thereafter.

You can achieve this by designing a streamlined onboarding process specific to international hires, to help your new employees understand their rights, responsibilities, and compliance with immigration laws. You can also ease post-arrival concerns by creating an internal support network for overseas workers, giving them the opportunity to ask questions, share experiences and seek advice and resources on topics such as legal assistance, counselling services, local culture and communities.

5 ONGOING LEGAL COMPLIANCE

Employer compliance is integral to the UK's visa sponsorship system. The Home Office makes it clear that the ability to sponsor workers from overseas is a privilege and not a right, and therefore the onus to remain compliant is on the employer. There are several steps you can take to ensure ongoing compliance such as running regular audits on your hiring practices and immigration documentation and establishing a system for maintaining accurate records of your employees' visa statuses, expiration dates and renewals.

Technology can also play a key part in maintaining ongoing compliance. You may wish to utilise specialised HR software for tracking employees' visa statuses and deadlines systematically, or consider platforms that offer an all-in-one solution to managing immigration cases end-to-end, such as Smith Stone Walters' bespoke platform Smarter Immigration Manager (SIM).

6 BE FLEXIBLE AND ADAPTABLE

Although HR can make every effort to plan ahead, the UK immigration landscape can change at short notice and employers should be quick to adjust. You should ensure contingency plans are in place to pre-empt changes in immigration law that could impact your overseas hiring, and be prepared to adapt your recruitment strategies in response to changing requirements.

To stay ahead of the curve, you should consider collaborating with external immigration providers for insights and expertise, and maintain communication with government agencies concerning immigration changes that may impact your workforce. The Home Office and other government agencies often seek feedback and insights from employers engaging with the sponsorship system to ensure it continues to meet the needs of businesses. Engaging in advocacy efforts for fair immigration practices can help ensure your voice is heard and your industry is represented in future policy decisions.

'To help deliver the best employee experience, you should ensure your sponsored workers feel supported during every step of the immigration journey, from visa application stage through to arrival in the UK and settling in thereafter.'



For more information or for bespoke support with managing your organisation's immigration policies, please speak to Smith Stone Walters.

MAC TO REVIEW IT AND ENGINEERING SECTORS

Home Secretary Yvette Cooper has written to the Chair of the Migration Advisory Committee (MAC), to commission a review of the IT and engineering sectors in relation to international recruitment.

The aim of the review is to understand why employers within these sectors are overly reliant on international recruitment to fill skills gaps within their businesses.

BACKGROUND

The newly elected Labour government has already confirmed it is committed to bringing down the current high levels of migration and addressing ongoing skills shortages in the UK.

The Home Secretary has indicated that this review will be the first of such investigations by the MAC as the government seeks to further understand the reliance on international workers in key sectors.

The IT and engineering sectors have been identified as a starting point because they feature in the top 10 of sectors which have been reliant on international recruitment and the government would like to understand the reasons behind this.

FOCUS OF THE REVIEW

As part of its review, the MAC has been asked to consider:

- The types of roles that are in shortage.
- The different drivers behind these shortages including training, pay and conditions.
- How employers within these sectors have sought to respond and adapt to these shortages, beyond seeking to recruit from overseas.
- The impact, if any, that being on the shortage occupation list has had on these sectors/occupations
- What policy levers within the UK immigration system could be used more effectively to incentivise employers to focus on domestic recruitment (including whether the Immigration Salary List should remain in its current form).

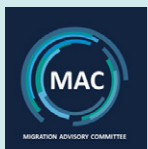
'The Home Secretary has indicated that this review will be the first of such investigations by the MAC as the government seeks to further understand the reliance on international workers in key sectors.'

NEXT STEPS

The MAC has been asked to present its findings within 9 months. When the report has been published, the government will consider which recommendations to take forward.

Depending on the outcome of the review, it is possible that employers in the IT and engineering sectors may find it more challenging to recruit overseas workers next year.

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



LABOUR PAUSES FAMILY VISA SALARY HIKE



The Home Secretary Yvette Cooper has confirmed that the government will freeze the minimum income requirement for Family visas at the current level of £29,000 until the Migration Advisory Committee (MAC) have reviewed the financial requirements in the family immigration rules.

In a written parliamentary statement, the Home Secretary said: **“The family immigration rules, including the minimum income requirement, need to balance a respect for family life with ensuring that the economic wellbeing of the UK is maintained. To help ensure that we reach the right balance and have a solid evidence base for any change, I will commission the MAC to review the financial requirements in the family immigration rules. The minimum income requirement is currently set at £29,000, and there will be no further changes until the MAC review is complete.”**

The previous Conservative government raised the minimum income requirement for Family visas from £18,600 to £29,000 in April this year, in a bid to bring down high levels of net migration.

Under the original plans the threshold was set to further increase incrementally, to eventually reach £38,700 by 2025 - matching the new salary threshold for a Skilled Worker visa.

CURRENT MINIMUM INCOME REQUIREMENTS FOR FAMILY VISAS

If you are applying for a UK Family visa as a partner or spouse, you will usually need to satisfy the financial requirement, unless an exemption applies.

Currently, you and your partner will need to prove that your combined income is at least £29,000 a year, unless:

- Your partner is in receipt of certain disability or carer's benefits, or
- You first applied as a partner before 11 April 2024 and you are extending that visa – this includes if you first applied as a fiancé, fiancée or proposed civil partner.

You may be able to use your savings instead of income to show you meet the requirement.

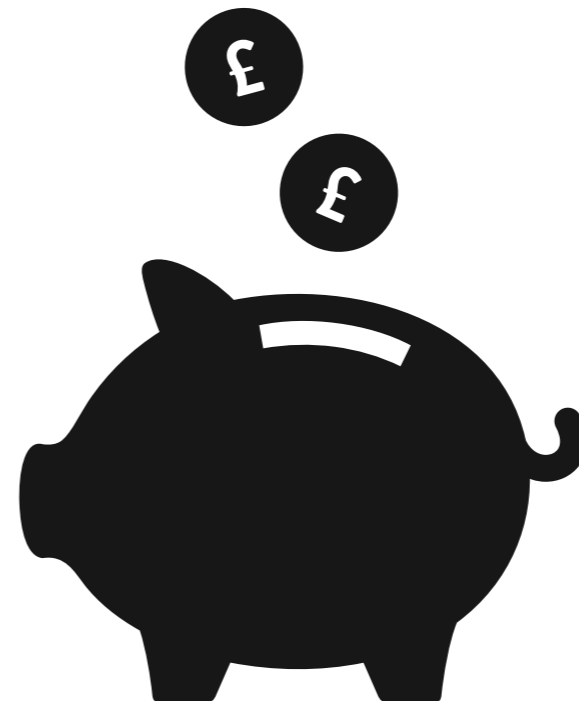
EXTENSION APPLICATIONS

If you first applied as a partner before 11 April 2024 and you are applying to extend that visa to stay with the same partner, you and your partner will need to prove that your combined income is at least £18,600 a year. You may need to prove you have extra money for any dependant children.

IF YOU CANNOT MEET THE FINANCIAL REQUIREMENTS

If you cannot meet these financial requirements you may still be able to apply for a Family visa or extend your stay if either:

- You have a child in the UK who is a British or Irish citizen or has lived in the UK for 7 years and it would be unreasonable for them to leave the UK.
- It would breach your human rights to stop you coming to the UK or make you leave.



For more information on applying for a UK Family visa, please contact the Private Client Team at Smith Stone Walters.

HOW LONG DOES IT TAKE TO APPLY FOR A UK VISA?

Once you have submitted an application for a UK visa, your application and supporting documents will be reviewed by Home Office caseworkers, who will assess your eligibility and suitability for the route you are applying under.

The Home Office will then make a decision on whether or not to grant you a visa and notify you of the outcome in writing. The time it takes to receive a decision is known as your visa's 'processing time'.

HOME OFFICE CUSTOMER SERVICE STANDARDS

Average UK visa processing times can vary considerably, depending on the time of year and the volume of applications. However, the Home Office has agreed customer service standards in place for visa processing times and aims to provide a decision on most applications within these set timeframes.

Your visa's processing time starts once you have submitted your application online and verified your identity either by attending an appointment at a Visa Application Centre (VAC) or by using the 'UK Immigration: ID Check' app, and ends when you get an email or letter from the Home Office notifying you of the outcome.



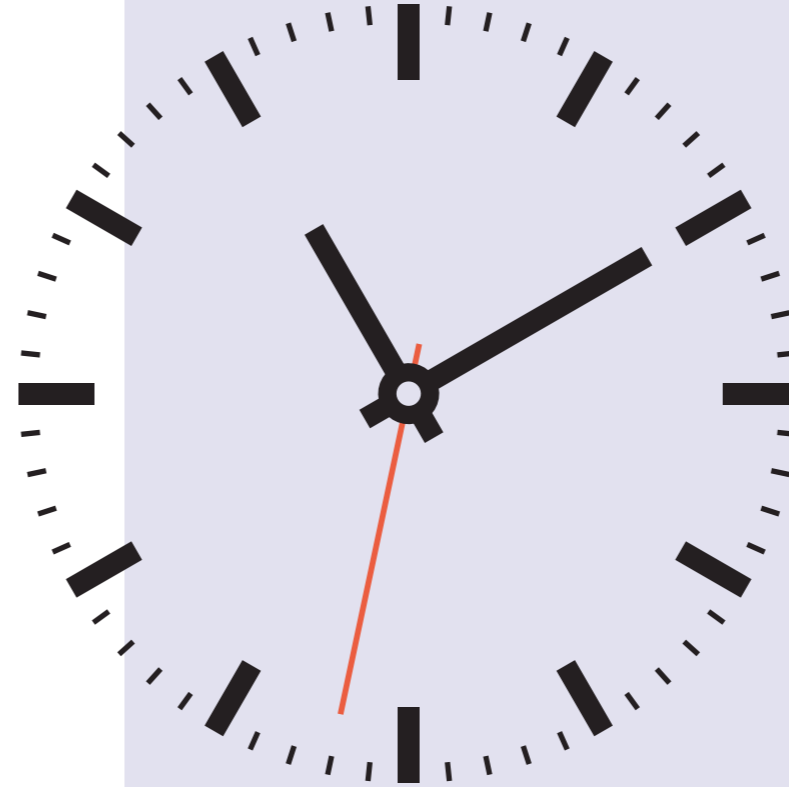
CURRENT UK VISA PROCESSING TIMES

Under standard processing times, visa applications made **outside the UK** are usually processed within the following timeframes:

VISA CATEGORY	STANDARD PROCESSING TIME
Visit visas	3 weeks
Study visas	3 weeks
Work visas	3 weeks
Family visas	24 weeks

Under standard processing times, visa applications made **inside the UK** are usually processed within the following timeframes:

VISA CATEGORY	STANDARD PROCESSING TIME
Visit visas	8 weeks
Study visas	8 weeks
Work visas	8 weeks (or 3 weeks for Health & Care Worker and Start-up routes)
Family visas	8 weeks (or up to 12 months for Parent and some Partner or Spouse applications)



Priority and Super Priority services cost £500 and £1,000 respectively. This fee is paid in addition to the visa application fee.'

EXPEDITING YOUR VISA APPLICATION

If you need to obtain your visa within a shorter timeframe, you may be able to pay for a faster decision using the Home Office's Priority or Super Priority services, where these are available.

With Priority service, you will usually receive a decision within five working days, or 30 working days for Family visa applications from outside the UK. With Super Priority service, you will usually receive a decision by the end of the next working day.

Priority and Super Priority services cost £500 and £1,000 respectively. This fee is paid in addition to the visa application fee.

HOW TO AVOID DELAYS

Even when using Priority services, processing times are never guaranteed and paying for a faster decision does not mean your visa will be granted.

If your case is urgent, Smith Stone Walters advises applicants to submit the visa application as early as possible, and to utilise the Priority and Super Priority services where available.

Most importantly, avoiding visa delays largely comes down to the quality and accuracy of your application. Missing or incorrect information is a leading cause of visa processing delays and refusals and is often avoidable. Getting your application right the first time will give you the best chance of securing visa approval as quickly as possible.



If you require support with your UK visa application, Smith Stone Walters can help. Please contact us to find out more.

MORE OPPORTUNITIES FOR SEASONAL WORKERS IN NEW ZEALAND



Like many countries worldwide, New Zealand relies heavily on temporary workers from overseas to alleviate labour shortages in certain sectors during key seasonal peaks.

To help ensure employers have access to an adequate supply of overseas labour, the government has recently announced a new interim visa subcategory for some seasonal workers, as well as rolling out improvements to its Recognised Seasonal Employers (RSE) scheme.

NEW TEMPORARY VISA OPTION FOR SOME SEASONAL WORKERS

Immigration New Zealand (INZ) has announced a new subcategory of the Specific Purpose Work Visa to provide some short-term relief to employers in industries with upcoming seasonal peaks.

This is an interim, time-limited, streamlined pathway and is more in line with the length of seasonal work.

To be eligible, the seasonal work must be directly impacted by changes in weather, such as harvesting, ski instructing, or tree planting. The role must also start on or before 31 May 2025, and be for no longer than nine months. Horticulture, viticulture, and fishing crew work covered by other visas is excluded.

To utilise this pathway, employers must hold employer accreditation and pay at least NZD 29.66 per hour for a minimum of 30 hours per week. The employer must also advertise the role beforehand, and provide evidence of this to the migrant to include in their application.

Applications from migrants must be received on or before 31 March 2025.

IMPROVEMENTS FOR RECOGNIZED SEASONAL EMPLOYERS SCHEME

INZ has also announced an increase in the Recognised Seasonal Employer (RSE) cap and initial improvements to the RSE scheme.

The RSE scheme is intended to maximise benefits for Pacific workers and countries while also giving the horticulture and viticulture industries access to a reliable, productive and experienced labour force for 'peak season' labour demand.

The improvements being made include more flexibility for RSE workers to move between employers and regions, as well as changes to the requirements around pay and weekly working hours. The RSE cap for the 2024 to 2025 season is increasing to a total of 20,750. This is an increase of 1250 from the 2023 to 2024 season cap which was 19,500.

These changes combined will help employers fill seasonal roles in New Zealand whilst ensuring greater flexibility for migrant workers.

'To be eligible, the seasonal work must be directly impacted by changes in weather, such as harvesting, ski instructing, or tree planting.'



For more information on Temporary Work visas in New Zealand, please speak to Smith Stone Walters.

WANT TO WORK REMOTELY IN THAILAND?

The growing demand for flexibility and a “work from anywhere” culture means more employers are permitting their workforce to work for extended periods overseas, giving employees the freedom to travel whilst carrying out their role remotely.

The rise of the so-called “workcation” has led to many countries launching dedicated visa categories to allow travellers to reside legally in a foreign country whilst still being employed in their home country. This type of ‘digital nomad’ visa allows countries to benefit from the economic boost brought by tourism without the legal complexities of a traditional work permit.

THE DESTINATION THAILAND VISA

In July 2024, Thailand launched a new category of visa aimed at remote workers, digital nomads, and freelancers working for non-Thai companies. The “Destination Thailand Visa (DTV)” allows eligible foreign nationals to reside in Thailand while working remotely for an employer abroad (or as a freelancer).

The DTV also accommodates participants in Muay Thai courses, sports training, medical treatment, seminars and music festivals. Spouses and dependant children of main applicants are also eligible for the visa.

This multiple-entry visa is valid for five years, allowing holders to stay for up to 180 days per entry. Each stay can be extended once by another 180 days, and holders must exit the country between stays.

To be eligible to apply for a DTV, applicants must have proof of funds or a guarantee of at least THB 500,000 for the duration of the stay.

It is important to note that DTV holders cannot work for Thai companies and are not entitled to a work permit.

If you have questions about the rules for remote working overseas, please speak to the Global Immigration team at Smith Stone Walters.

TRANSFER EMPLOYEES TO EUROPE WITH AN ICT CARD

Across most European member states there is a common work permit option known as an Intra Corporate Transfer (ICT) visa, which allows individuals to be transferred within company branches from one country to another.

The idea behind this work permit is to offer a more flexible option for multinational companies that want to transfer a highly skilled employees to one of the company's subsidiaries located in the EU.



'To put it simply, this is a work permit option for non-EU nationals who work for a company established outside the EU and are being transferred to an EU branch within the same company.'

WHO CAN APPLY?

To put it simply, this is a work permit option for non-EU nationals who work for a company established outside the EU and are being transferred to an EU branch within the same company.

As an example, an individual working in company headquarters in Morocco needs to work on a project in their French branch for 2 years, in such cases they would be eligible for an ICT permit providing they meet all other conditions.

The ICT Card is always issued in the EU Member State in which the longest total residence for intra-corporate transfer is planned. For this reason, the specific eligibility requirements will depend on which Member State you are applying for.

As a general rule, individuals applying for an ICT Card must be an existing employee who is a manager, specialist, or trainee, and show that they have the required qualifications and experience for the job they will be doing in the EU. Applicants must also be paid a specific minimum salary which varies depending on the Member State.

To utilise this route, the employee must be being transferred within same company to an establishment in the receiving country.

The ICT Card is valid for the duration of transfer, but only to a maximum of 3 years. It may be possible to extend an ICT Card, but in many cases a 'cooling-off period' may apply, meaning the individual must leave the country for a set amount of time – usually at least 3 months – before they are eligible to apply for another ICT Card.

If your assignees do not meet the requirements for an ICT Card or if you are relocating your employees for longer term employment in an EU country, you may wish to explore alternative work permit options such as the EU Blue Card.

If you are transferring employees to the EU for temporary or long-term work assignment, the Global Immigration team at Smith Stone Walters can advise you on the best visa options and assess the eligibility of your individual assignees.

To find out more, please email info@smithstonewalters.com.

DOUBLE 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 – or winners, in this case, as the WOW Award for Summer 2024 had two equally deserving winners, reflecting the exceptional contributions of our team.

THE TWO WINNERS ARE:
Corina Bulgarea and Sok Wei Low!

Both Corina and Sok Wei have consistently gone above and beyond for their clients and colleagues, and we are pleased to give them the recognition they deserve with this award.



WHAT OUR CLIENTS SAY:

“Corina was VERY helpful, she answered all questions within minutes or hours, I could ask as many times as I need information, I wish I would always be supported by such a nice and helpful person.”

“Corina did a great job with fast processing and guidance with all required documents, leading us step by step with the application.”

“Very impressed by Sok Wei’s work ethic and prompt help with this application. She was always available to assist and made the process easy and pain free.”

“Sok Wei was fantastic to work with and the entire process was very easy and efficient. Many thanks again!”

WHAT OUR SSW COLLEAGUES SAY:

“Corina from day one of joining SSW has been such a wonderful colleague to work alongside. She definitely brings the essence of WOW service to each and every case and sets such a wonderful example in keeping her team motivated.”

“Sok Wei always does everything perfectly – I can never find anything wrong. She always offers to help with anything, whether that be on team or across the whole of SSW. Pretty much, the model employee and a true SSW asset.”

If you have worked with Corina, Sok Wei 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:

“Ekaterina has been wonderful to work with. She’s gone above and beyond to assure my VISA was arranged in time so I could travel with my partner to the UK. She made the application a million times easier and eased a lot of our worries. 10/10 recommend.”
SE, Electronics company

“Sarah’s professionalism shines through with her friendly, supportive, and knowledgeable demeanour”
AK, Fashion company

“I am very thankful to Deena for her assistance during my immigration process. Her expertise and guidance was handy in navigating the complexities of the process. I appreciate her professionalism and dedication. I am truly grateful to Smith Stone Walters for their high quality services their thoroughness and expertise in immigration laws.”
MM, Charitable organisation

“The service level I received from Smith Stone Walters is incomparable to others. Everything went smoothly, without delays, and we managed to submit my application in just two days. Phill was very helpful and super responsive throughout the process. It was a pleasure working with you.”
BT, Marketing company

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

“Emily was amazing and very professional too. I want to thank all the team that worked with me, I will never forget how easy they made my journey and how smooth the process was with them, thanks everyone!”
AA, Private client



FOCUS

WHAT HAPPENS IF YOUR UK VISA SPONSOR LOSES THEIR SPONSOR LICENCE?

Securing a visa to work or study in the UK is an exciting time for an individual and their family. However, the immigration process can be expensive, and many applicants pay thousands of pounds in visa fees to relocate to the UK.

APPROVED ✓

ELIGIBLE ✓

Investing so much money into a relocation can cause anxiety for visa holders whose permission to come to or stay in the UK is reliant on their employer or university. One question Smith Stone Walters is regularly asked by applicants is what happens if my visa sponsor loses their sponsor licence? This is a common concern among sponsored workers and students, whose visas are 'tied' to their job or course.

Although it is a relatively rare occurrence, the Home Office can and will revoke a sponsor licence from an employer or educator if they are found to have seriously

breached the Immigration Rules or failed to comply with their duties as a licensed sponsor. If this happens, the consequences for visa holders can be severe.

In this Focus, we look at the type of action the Home Office may take against a non-compliant sponsor, and the impact this will have on sponsored employees' and sponsored students' immigration permission.

GRANTED ✓



UK visa sponsor requirements

To be eligible to apply for a Skilled Worker visa to work in the UK, you must have a confirmed job offer from an approved employer, known as a 'sponsor'. UK businesses that have been approved by the Home Office to sponsor migrant workers are issued with a 'sponsor licence' which enables them to issue Certificates of Sponsorship (CoS) to migrant workers they wish to employ.

A similar requirement applies to international students applying for a visa to study in the UK. Under the Student route, the visa applicant must have been offered a place on an eligible course by a licensed student sponsor. The sponsor will issue the student with a Confirmation of Acceptance for Studies (CaS) which the applicant must use to apply for their Student visa.

Once a sponsor licence has been granted to an employer or educator, the organisation must uphold an ongoing set of responsibilities known as 'sponsor duties'. Failure to comply with these requirements could result in the organisation losing their sponsor licence and therefore losing their right to sponsor migrants.

Under both the Skilled Worker and the Student route, the visa holder's immigration permission is tied to their sponsor. Although it is your sponsor's responsibility to ensure they are compliant, as a visa holder your ability to stay in the UK could be affected if your sponsor loses their licence.

SUSPENDED ✗



How can a sponsor lose their licence?

If a sponsor is found to have breached the Immigration Rules or failed to uphold their sponsor duties, the Home Office may take action against them. This adverse action may include downgrading, suspending or revoking the sponsor licence.

When a licence is downgraded or suspended, the sponsor is generally not allowed to sponsor any new migrants whilst an investigation takes place, but existing sponsored migrants are usually unaffected during this time. Depending on the outcome of the investigation, a suspended licence will either be reinstated or revoked.

The action of revoking a sponsor licence is generally reserved for the most serious compliance breaches and means that the licence will be cancelled entirely. In this case, the employer or education provider must stop sponsoring any existing workers or students. According to Home Office data, 210 Skilled Worker sponsors had their licence revoked in the first quarter of 2024, up from 139 in the same period last year. In comparison, three Student sponsor licences were revoked in the first quarter of this year, up from just one in the same period last year.

When looking at these figures, it is important to note that the number of licensed Student sponsors is much lower than the number of Skilled Worker sponsors. There are currently over 90,000 Skilled Worker sponsors in the UK, compared to just over 1,000 Student sponsors.

'When a licence is downgraded or suspended, the sponsor is generally not allowed to sponsor any new migrants whilst an investigation takes place, but existing sponsored migrants are usually unaffected during this time.'

REINSTATED ✓

Sponsored employees

If your Skilled Worker sponsor has their licence suspended, you will be allowed to continue working if you are already in the UK. Visa applications for entry clearance or renewal will usually be put on hold until the suspension ends.

If you are already in the UK on a Skilled Worker visa and your sponsor loses their licence, your CoS will be cancelled and your visa will be limited to 60 days (or however long you have left on the visa if it's less than 60 days). You will have to leave your job and leave the UK unless you make a new visa application within that time. If you are involved in the reasons why your sponsor lost their licence, your visa will be withdrawn and you'll have to leave the UK immediately.

If you are in the process of applying for a Skilled Worker visa from outside the UK and your sponsor loses their licence, your visa application will be refused. If you have already been granted a visa but haven't travelled to the UK, your visa will be cancelled and you won't be allowed to enter if you travel to the UK.

You may also be affected if your sponsor's business is taken over or they don't renew their licence.

Sponsored students

If the Home Office has serious concerns about a student sponsor, the institution may be removed from the register of licensed student sponsors whilst an investigation takes place. During this time, the sponsor will not be permitted to issue any new CAS, but can continue to sponsor its existing Student visa holders.

If your Student sponsor ultimately loses their licence, your current Student visa will be limited to 60 days (or however long you have left on the visa if it's less than 60 days), and you will need to leave the UK if you do not find a new sponsor within that time.

Your Student visa won't be affected if your sponsor is taken over by another organisation and the new organisation already has a sponsor licence or applies for one within 28 days.

Smith Stone Walters can provide expert support and guidance on sponsor compliance for employers and education providers. For more information, please email info@smithstonewalters.com.

'The ability to recruit workers and students from anywhere in the world is seen as a privilege, and one that can be taken away from those organisations who are not seen to be taking their sponsorship obligations seriously.'

REVOKED ✘

The importance of compliance

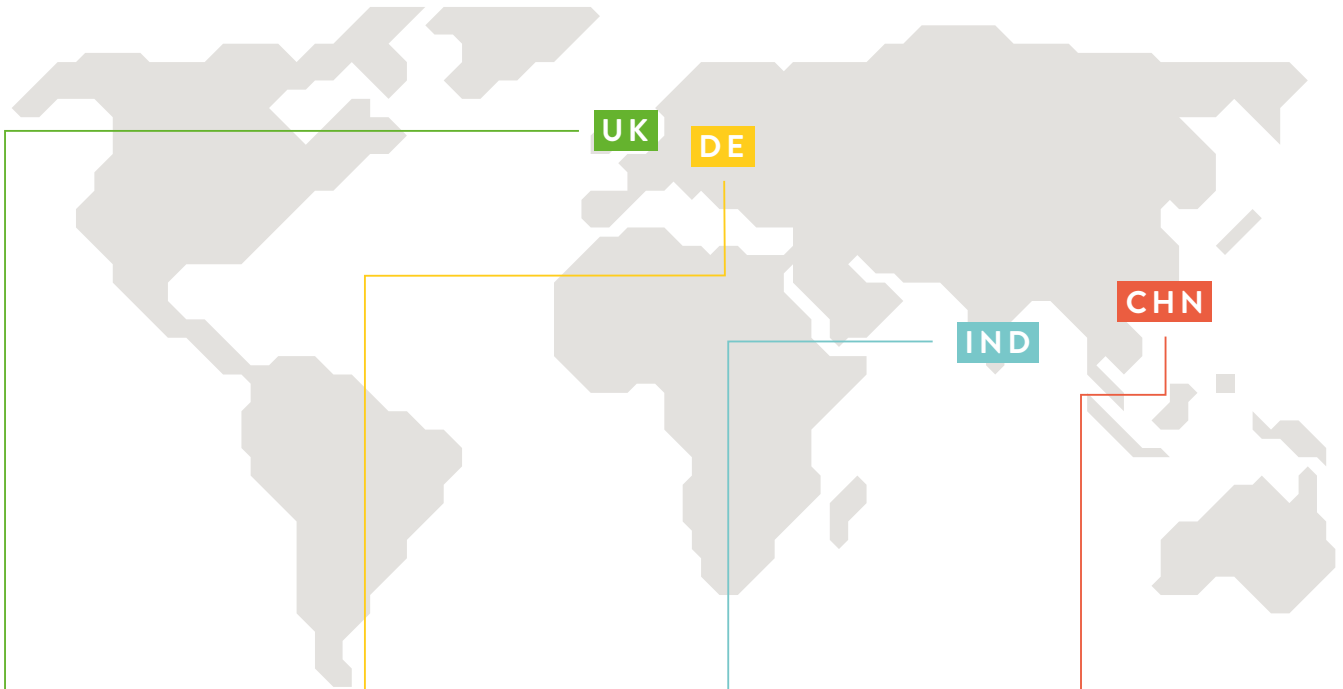
Compliance is an integral part of the UK's sponsorship system, and sponsor licence holders are expected to play their part in preventing abuse of the immigration rules. The ability to recruit workers and students from anywhere in the world is seen as a privilege, and one that can be taken away from those organisations who are not seen to be taking their sponsorship obligations seriously.

Non-compliance can have severe consequences not only for an organisation, but also for visa holders and their families as we have explained above. Having a visa cancelled and being forced to leave the UK can be an extremely distressing experience, particularly those who have paid a significant amount of money in immigration fees.

Such extreme circumstances can easily be avoided if employers and educators ensure they are regularly reviewing their compliance practices and remaining up to date with the latest changes in immigration law.



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