

Is the UK open for business? A discussion with the Home Office

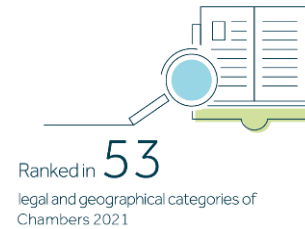
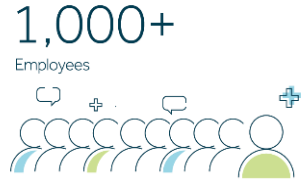
11/05/2022

About us

Charles Russell Speechlys is an international law firm headquartered in London with over 600 lawyers in 11 offices in the UK, Europe, the Middle East and Asia. We offer 12 broad legal disciplines to businesses and individuals worldwide:

Our core services:

- | | |
|--------------------------------------|--|
| Banking & Finance | Family |
| Commercial | Financial Services, Regulation & Funds |
| Construction, Engineering & Projects | Intellectual Property |
| Corporate | Litigation & Dispute Resolution |
| Corporate Tax | Personal Tax & Succession Planning |
| Employment, Pensions & Immigration | Real Estate |



Tier 1
in 21 work type/geographical categories
(LEGAL 500 UK 2021)

“Charles Russell Speechlys provides a very good service with extensive up-to-date and relevant industry knowledge and advice. Their overall level of service is excellent.”

Legal 500 UK 2021, Business Immigration

“The team is an effective group of practitioners with varied and complementary strengths with the significant advantage of being able to call on colleagues in other areas of specialisation including commercial and family law when addressing often complex issues in family and business migration contexts.”

Legal 500 UK 2021, Business Immigration



Home Office

The UK's Points-Based Immigration System

May 2022





Questions

Please keep microphones muted throughout

Please ask all questions through Sli.do using the information below:

- Using the link: <https://app.sli.do/event/dkVdcU16ByJXZb12Rq6pRp>
- Going to www.sli.do and entering code: **#883 291**
- Scanning the QR code below:





Home Office

Skilled Worker visa





Skilled Worker visa

The points-based system includes a route for skilled workers, both EU and non-EU citizens, who meet the following requirements:



Job offer

From a Home Office approved sponsor



Skill level

RQF3 (A-level and equivalent) and above



English requirement

Speak English at the intermediate level at B1

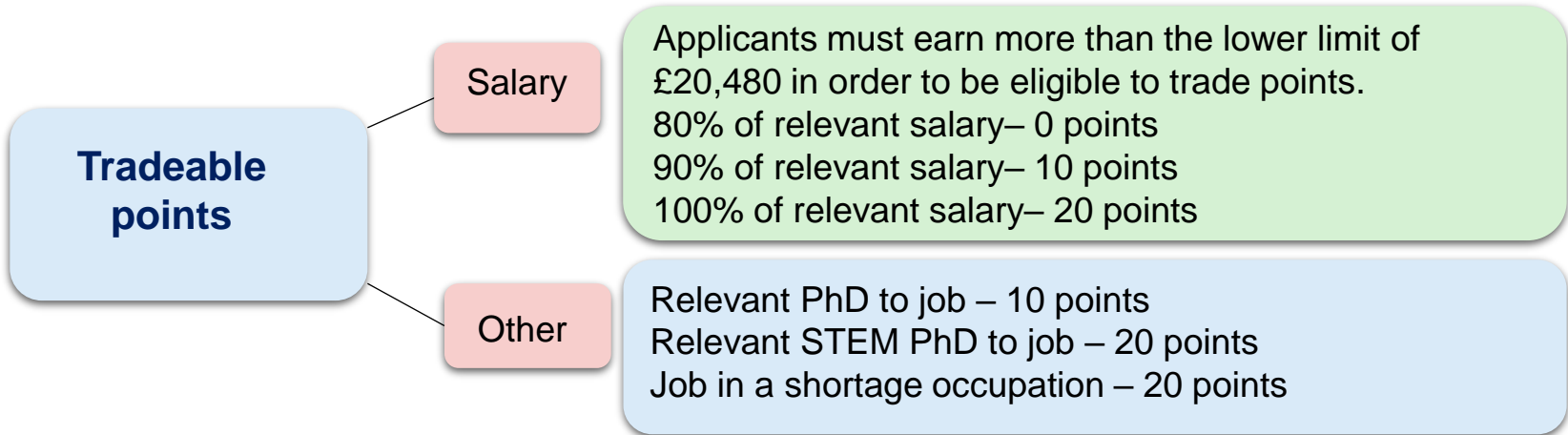
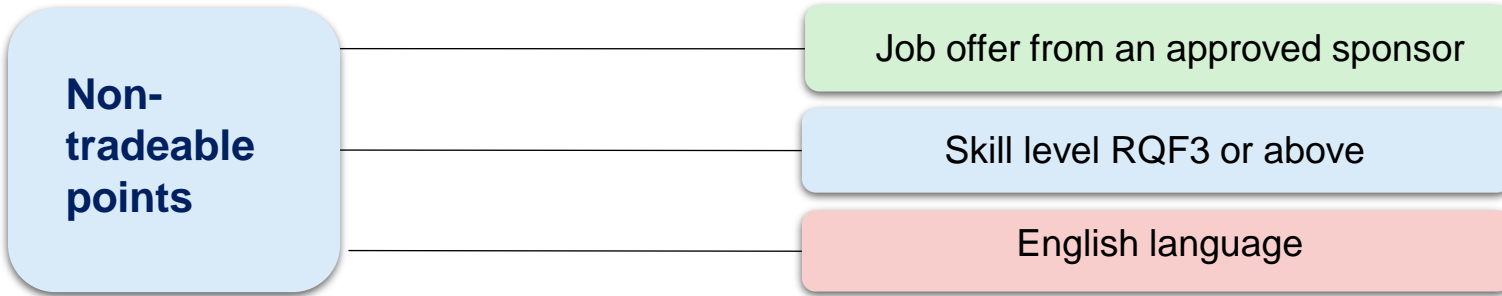




Skilled Worker visa

Every applicant must score at least **70 points** to be eligible for the skilled worker route. **50 of these points** must come from meeting the **mandatory** criteria below.

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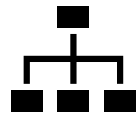


Employing a Worker: Sponsorship

Employers need to apply to be a sponsor if they want to recruit workers from outside the resident labour market.



A streamlined, faster process with no Resident Labour Market Test, suspending the current cap on Tier 2 visas and no monthly panel to apply for Certificates of Sponsorship.



Employers do not need to be a sponsor to employ someone from the resident labour market with an existing right to work in the UK. This includes EU citizens with settled or pre-settled status



Workers can apply to switch from one immigration route to another without having to leave the UK. There will be no relaxation of the qualifying criteria for the route being switched into.



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Reforms in 2022 and beyond

Improvement For Customers

- Delivering a faster end-to-end customer journey
- We are reviewing our service standards and will deliver improvements by spring 2022
- Performing research to understand and address barriers to obtaining a license for SMEs

IT transformation

- Streamlined end-to-end journey
- New online management system to allow sponsors to update details
- Enabling online checks between departments
- Reduce opportunity for abuse

Changes to Existing Systems

- Extending the system to students and their sponsors
- Further improve compliance through better data sharing
- Global Business Mobility route launched in April 2022 under the existing sponsorship system. Improvements will be made to this in line with the wider sponsorship transformation project
- It will be easier for overseas businesses to assign and manage workers coming to the UK under the Global Business Mobility Route

Engagement Strategy

- Qualitative customer feedback is included in policy and design analysis
- Customer feedback is included in our design work
- Changes to the system will be communicated
- Key stakeholders: Businesses, SMEs, Education sector, Advisory Groups

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Becoming a licensed sponsor

1. Check your organisation is eligible

- Check the people you want to hire are eligible to come to the UK under the new **points-based immigration system**
- Ensure you are able to provide the **necessary supporting documents** for your sponsor licence application, e.g. details of your organisation and intended jobs you wish to fill
- To get a licence, you cannot have unspent criminal convictions for immigration offences or certain other crimes, such as fraud or money laundering

2. Ensure your organisation can manage its licence

- You need to appoint people within your organisation to manage the sponsorship process when you apply
- They will be responsible for ensuring your organisation remains compliant within the requirements of the licence
- You will need to **keep record of your staff that you sponsor** for reporting to UKVI (UK Visas and Immigration)

3. Apply - allow 8 weeks

1. **Apply online and pay the fee**
 2. The fee is dependent on the type of licence(s) you are applying for and the type and size of your organisation. It will either be £536 or £1,476
 3. Send your supporting documents to UKVI
 4. Confirm how many staff you plan to recruit through the sponsorship system for the current financial year
 5. Each staff member sponsored costs £21 or £199, in addition to the usual visa application fees
- ✓ If successful, your licence will be valid for 4 years

4. Sponsor a worker - 15 days*

1. Once you have selected a candidate, they must make a **visa application** to work in the UK
 2. You must first endorse your prospective employee's visa through your sponsor licence account by requesting then issuing an electronic 'certificate of sponsorship'
 3. Pay the Immigration Skills Charge. This is £1,000 for the first year of work in the UK plus £500 for each additional 6 months, or £364 and £182 respectively for small businesses or charities
 4. The employee must then submit a visa application under the same category as your licence
- ✓ If the prospective employee's visa application is granted, they may travel to the UK and start working

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Home Office

Graduate route





Graduate route

The Graduate route gives an individual permission to stay in the UK after successfully completing an eligible course in the UK. An applicant must be in the UK when they apply.

Stay in the UK

2 years for bachelors or masters degree students, 3 years for PhD students

Un-sponsored

Applicants do not need a job offer to apply for the route, and there are no minimum salary requirements

Switch visa

Can switch into the Skilled Worker route at any point during their visa if the individual has an offer of employment from an approved sponsor

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Home Office

Plan for Growth





Global Business Mobility

Global Business Mobility reforms the routes through which overseas businesses can temporarily send employees to the UK for a specific business purpose that could not be done by a resident worker.

The routes **bring together, reform, and expand** a number of previous routes



It includes a **sponsored route for businesses** to send workers to establish a branch or subsidiary that is more coherent and secure than the existing routes



It **enables secondments** in relation to high value import and export deals and to oversee substantial investment



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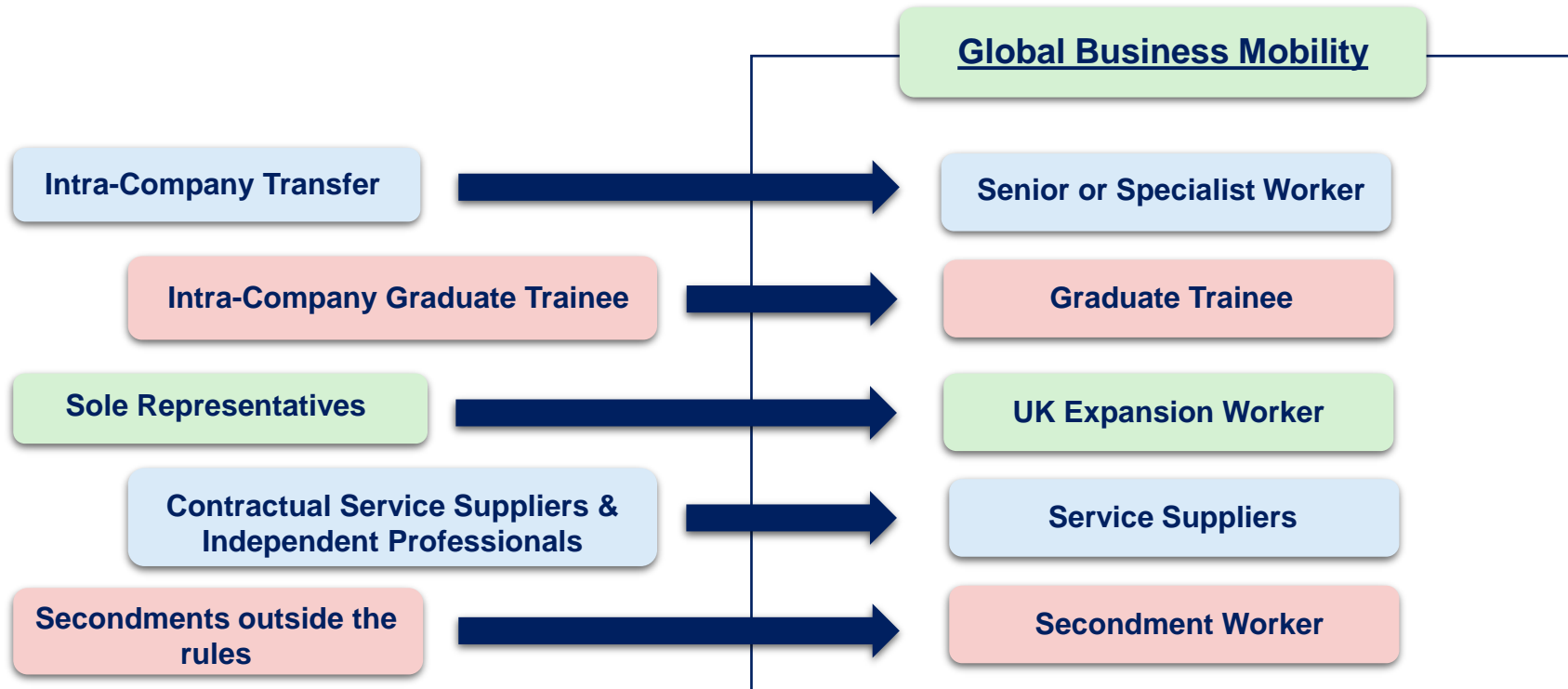
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Global Business Mobility

Our goal with GBM is to bring all these routes together under a single banner, remove inconsistency, and improve the utility of the routes.



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Global Business Mobility: Requirements



Jobs must be at a skill level of **RQF level 6** (graduate equivalent) or above

No English language requirement

Workers have permission in GBM for a **maximum of 5 years in 6**



UK businesses receiving workers **will need a sponsor licence**

Worker must be **an existing employee** with a minimum length of employment outside the UK

Assignments will be temporary but flexible and workers will be able to **switch to permanent routes**

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High Potential Individual

High Potential Individual (HPI) route will launch in May 2022. HPI will be for **individuals who are at the early stage of their careers** and who have demonstrated that they have high potential to benefit the UK workforce who meet the following requirements:

Academic Qualification

- Bachelor's, Master's, or PhD from an institution including in the list of top 50 global universities for the year of graduation
- Qualification awarded no more than 5 years before date of application

English Language Requirement

- Speak, read, and write English at the intermediate level B1

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Scale-up visa

A new points-based route to attract the brightest and best to the UK, with a particular emphasis placed on the very high skilled, launching Spring 2022.

A job offer at **RQF 6+** from an eligible business



A minimum salary of **£33,000** or the going rate for the occupation, whichever is higher



Meet the English language proficiency requirement



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Home Office

Visiting the UK





Visiting the UK



Anyone can apply to visit the UK. They must either **apply for a visa before arrival or seek leave to enter at the UK border.**



Visa nationals can apply at any Visa Application Centre outside the UK. Non-visa nationals can apply at the UK border.



EU and EEA citizens do not need a visa for visit/tourism to the UK for less than 6 months.



In most cases, visitors can come to the UK for **up to six months**. A visitor may enter the UK multiple times, but they may not live in the UK by means of repeat visits. They may not work or access public funds.





Standard Visitor visa

Tourism

- Spend time with friends and family
- Take a holiday.
- Do a recreational course of up to 30 days - for example a dance course.
- Volunteer for up to 30 days with a registered charity.
- Take part in a school exchange programme.

Business

- Attending meetings.
- Conferences.
- Trade fairs.
- Negotiating contracts.
- Provide training.
- Share knowledge on internal projects.

Academic

Study

- Study for up to 6 months at an accredited institution, this includes English language courses.
- Conduct a short piece of research that's relevant to your course overseas.
- An 'elective' - an optional additional placement, if you're studying medicine, veterinary medicine and science, or dentistry.

- Take part in formal exchange arrangements with UK counterparts.
- Carry out your own research during a sabbatical.

If you're a senior doctor or dentist you can also:

- Take part in research.
- Teach (as long as it is not a permanent teaching post).
- Undertake clinical practice (as long as it's not a permanent position).





Home Office

Right to Work





Right to Work Checks

From 1 July 2021, the process for completing Right to Work checks on EU, EEA, and Swiss citizens changed. Employers are no longer able to accept EU passports or ID cards as valid proof of right-to-work, except for Irish citizens.

An **online Right to Work check** is required for individuals who only hold digital proof of their immigration status in the UK. This includes most EU, EEA, and Swiss citizens with status under the EU Settlement Scheme but also includes those with status under the points-based immigration system, and by non-EEA citizens holding a current BRP/C.

To check the person's Right to Work details, you will need to:

- access the service '[View a job applicant's right to work details](#)' via GOV.UK,
- enter the 'share code' provided to you by the individual, and
- enter their date of birth

Updated guidance on how to conduct a Right to Work check from 1 July 2021 and lists of acceptable documents can be found on [GOV.UK](#).





Right to Work Checks

How to check Right to Work

- Check that the photograph is of the individual presenting themselves for work.
- Check they have the right to work and are not subject to a condition.
- You must retain evidence of the online right to work check.

[View a job applicant's right to work details - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

GOV.UK View a job applicant's right to work


BETA This is a new service - your feedback will help us to improve it.

Right to work

Erika Mustermann

They have permission to work in the UK from 28 March 2021. They can work in the UK until 28 April 2023.

Details
They can work in any job.



Rotate ↻

If you employ this person
To avoid a [penalty](#), you must:

- check this looks like the person you meet face to face
- keep a secure copy of this online check (either electronically or in hard copy), for the duration of the employment and for 2 years after
- do this check again when their permission to be in the UK expires on 28 April 2023

Read the [employers' code of practice](#) to find out more about right to work checks.

Details of check

Company name	Date of check	Reference number
Acme Ltd	8 January 2018	WE-JRKMJG-12

[Print page](#) [Download PDF](#)

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BRC/BRP: changes from 6 April 2022



Since 6 April 2022, BRC, BRP and FWP holders are required to evidence their right to work using the Home Office online service only.



Employers cannot accept physical cards for the purposes of a right to work check even if it shows a later expiry date.



BRCs, BRPs and FWPs have been removed from the lists of acceptable documents used to conduct a manual right to work check.



Retrospective checks will not be required on biometric card holders who, before 6 April 2022, used their physical card to demonstrate their right to work.



Employers will maintain a **statutory excuse against a civil penalty** if the initial checks were undertaken in line with the guidance that applied at the time the check was made.

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>





Home Office

Support materials





Available GOV.UK resources

Guidance for EU citizens

Selected guides have been translated into the 24 EU languages. A guide for 'Business Travelers has just been published.

EU citizens introductory Guide

UK Government

The UK's points-based immigration system:
An introduction for EU citizens

Apply now at GOV.UK

The cover features a blue silhouette of the London skyline with the London Eye. In the foreground, there are illustrations of diverse people, including a woman with a suitcase, a man with a suitcase, a person in a wheelchair, and a family with a child in a wheelchair.

EU students Guide

UK Government

The UK's points-based immigration system:
An introduction for EU students

Apply now at GOV.UK

The cover features a blue silhouette of the London skyline. In the foreground, there are illustrations of three students in graduation gowns and caps, one of whom is in a wheelchair.

EU workers Guide

UK Government

The UK's points-based immigration system:
An introduction for EU workers

Apply now at GOV.UK

The cover features a blue silhouette of the London skyline. In the foreground, there are illustrations of diverse workers, including a woman with a suitcase, a man with a suitcase, a person in a wheelchair, and a person in a hard hat.

EU visitors Guide

UK Government

The UK's points-based immigration system:
Information for EU visitors

The cover features a blue silhouette of the London skyline with the London Eye.

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Resources and guidance for employers

UK Government

The UK's points-based immigration system An introduction for employers

The UK's points-based immigration system: an introduction for employers 2

The UK's points-based immigration system: an introduction for employers

Under the points-based immigration system, with the exception of Irish citizens, anyone coming to the UK for work must meet a specific set of requirements for which they will score points. Visas are then awarded to those who gain enough points.

This system provides flexible arrangements for UK employers to recruit skilled workers from around the world through a number of different immigration routes.

You will need a sponsor licence to hire most eligible employees from outside the UK. Before applying to be a sponsor you should check that the jobs you want to hire people for will meet the requirements for sponsoring work visas.

This guide provides an overview of the points-based immigration system and sets out the steps employers should take to adapt their business.



HM Government

Employers guide to becoming a licensed sponsor of skilled migrant workers

- 1. Check your organisation is eligible**
 - Check the people you want to hire are eligible to come to the UK under the new points-based immigration system
 - Ensure you are able to provide the necessary supporting documents for your sponsor licence application, e.g. details of your organisation and intended jobs you wish to fill
 - To get a licence, you cannot have unspent criminal convictions for immigration offences or certain other crimes, such as fraud or money laundering
- 2. Ensure your organisation can manage its licence**
 - You need to appoint people within your organisation to manage the sponsorship process when you apply
 - They will be responsible for ensuring your organisation remains compliant within the requirements of the licence
 - You will need to keep record of your staff that you sponsor for reporting to UKVI (UK Visas and Immigration)
- 3. Apply - allow 8 weeks**
 - Apply online and pay the fee
 - The fee is dependent on the type of licence(s) you are applying for and the type and size of your organisation, it will either be £36 or £1,476
 - Send your supporting documents to UKVI
 - Confirm how many staff you plan to recruit through the sponsorship system for the current financial year
 - Each staff member sponsored costs £2 or £16, in addition to the usual visa application fees

✓ If successful, your licence will be valid for 4 years
- 4. Sponsor a worker**
 - Once you have selected a candidate, they must make a visa application to work in the UK
 - You must first endorse your prospective employer's visa through your sponsor licence account by requesting them issuing an electronic certificate of sponsorship
 - Pay the Immigration Skills Charge. This is £1000 for the first year of work in the UK plus £500 for each additional 6 months, or £354 and £182 respectively for small businesses or charities
 - The employer must then submit a visa application under the same category as your licence

✓ If the prospective employer's visa application is granted, they may travel to the UK and start working

HM Government

UK right to work checks

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These and more available in our employer toolkit at [GOV.UK](https://www.gov.uk)

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Home Office

Questions?

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