

12 October 2023



Immigration developments – and how they impact employment



Introductions



Meet the Presenters and Technical Support

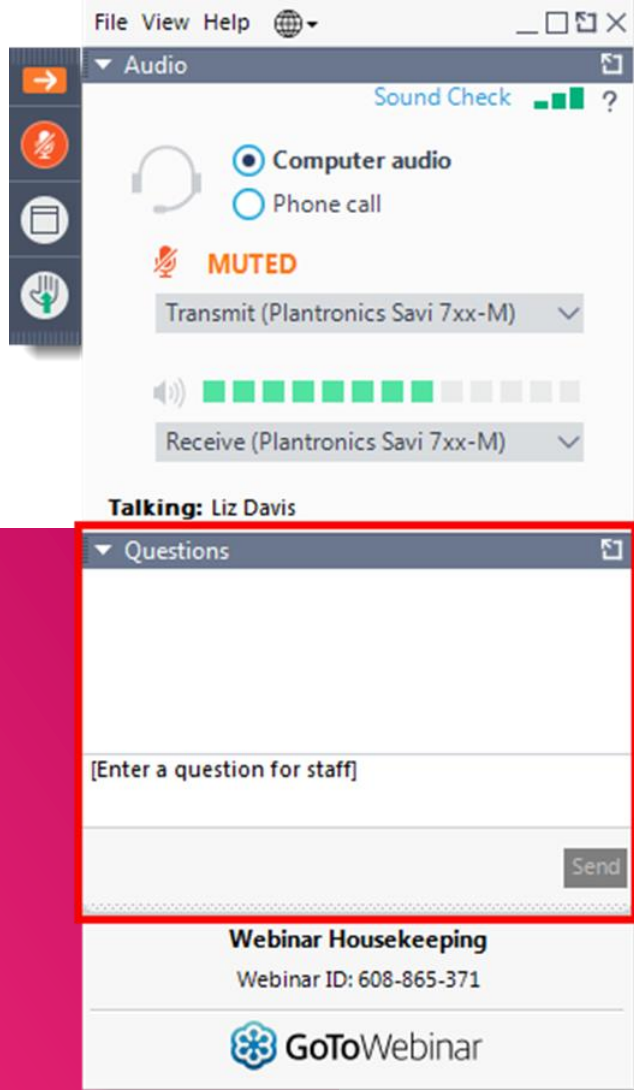
	<p>Sue Watson Head of Client Services</p> 	
<p>Victoria Templeton ↑ HR Knowledge Manager</p>		<p>Rebecca Johnson ↑ Marketing Manager</p>





How to ask questions





GoTo Webinar Housekeeping

Time for Questions

Your Participation

Please continue to submit your text questions and comments using the Questions panel



Agenda

- **Recruiting non-UK nationals**
- Immigration developments
- Practical advice for employers
- Q&A
- New webinar schedule!



Recruiting non UK nationals



- EU nationals had to apply to the EU Settlement Scheme by 30 June 2021 to gain pre settled / settled status after Brexit
- Points based immigration system introduced 1 January 2021 requiring visas for **all** nationals entering the UK to live and work
- Employers required to become Sponsors of EU and Non-EU nationals
- Skilled worker visa, Intra company visa and many other routes to enter UK for work purposes
- UK nationals travelling within the EU (except for Ireland) may require a visa in order work:
 - Each EU country has its own time limit for visits where no visa is required
 - Passports must now be valid for at least 6 months

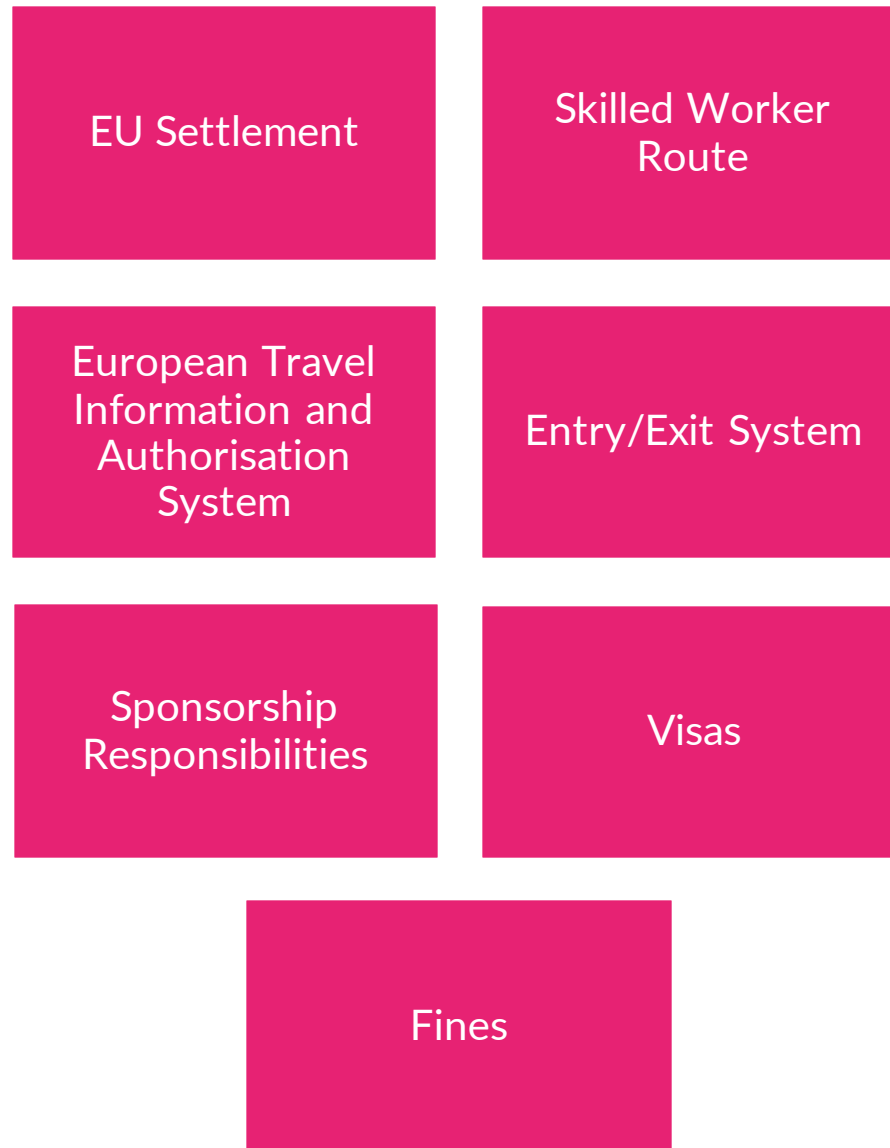


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Immigration Developments



Immigration Developments: EU Settlement



- Employees and workers who gained pre settled status have had their status extended automatically by 2 years from September 2023
- The Home Office have notified all individuals affected
- A person's digital status is automatically updated

Immigration Developments: Skilled Worker Route



- The Skilled Worker Visa is probably the most common type of visa for entering the UK
- The visa requires the job role to have a suitable rate of pay, skill level and be an occupation defined in the Shortage Occupation List
- The Shortage Occupation List was amended on 7 August to include:
 - Bricklayers and masons
 - Roofers, roof tilers and slaters
 - Carpenters and joiners
 - Construction and building trades not classified elsewhere
 - Plasterers
 - Agriculture and fishing trades not classified elsewhere
 - Fishing and other elementary agriculture occupations not classified elsewhere

Immigration Developments: ETAS



- ETAS = European Travel Information and Authorisation System
- This new system is expected to be in use from early 2024
- UK nationals travelling to the Schengen area must apply for authorisation to enter the country before travel.
- Small fee and a short application process via a website, mobile device or using a 3rd party provider
- The check will be mandatory along with usual travel documentation
- Will be in force for three years, or until the expiry of a person's travel document.

Immigration Developments: ETS

- Austria
- Belgium
- Czech Republic
- Croatia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Italy
- Latvia



- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland.

Immigration Developments: EES



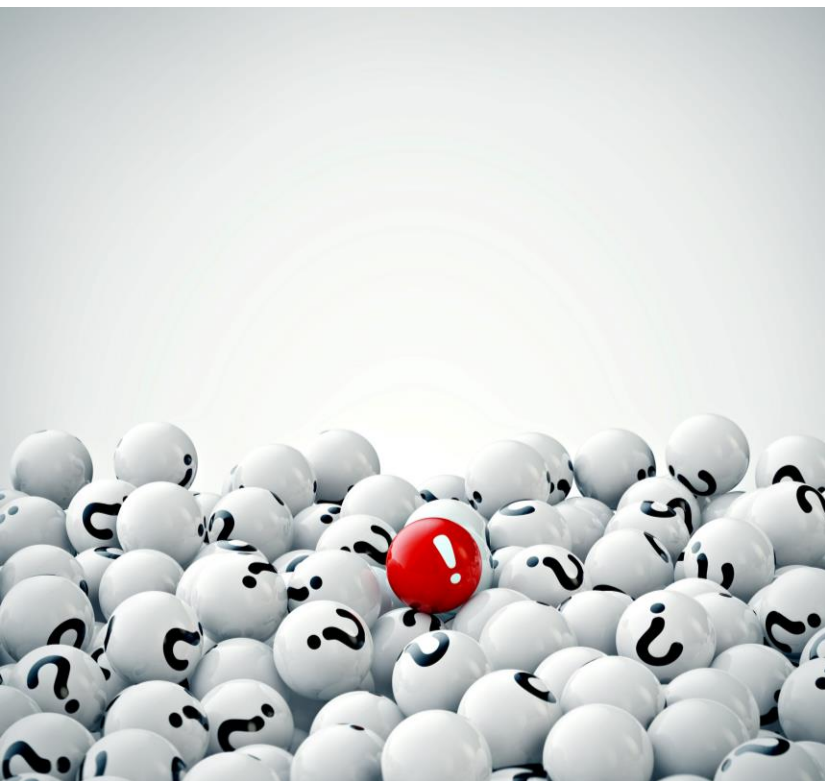
- EES = Entry / Exit System
- New system for registering non EU nationals
- Records data relating to short and long term stays
 - Short stay = up to 90 days in a rolling 180 day period
 - Long stay = longer than 90 days in a rolling 180 day period
 - Useful tool available: [European Commission Calculator](#)
 - The EES will calculate this moving forward
- Expected introduction date – early 2024

Immigration Developments: Sponsorship Responsibilities



- New: Workers and Temporary Workers: Guidance for sponsors part 3: sponsor duties and compliance
- The existing obligation relating to the reporting a change to a worker's circumstances has been amended
- Report changes to a sponsored workers' normal work location
- Conducted within 10 working days of the relevant change/event

Immigration Developments: Sponsorship Responsibilities



- Section C1.19 states to report a change when:
- *“The worker is, or will be, working a different site, branch or office of your organisation, or a different client’s site not previously declared*
- *The worker is, or will be, working remotely from home on a **permanent or full-time basis** (with little or no requirement to physically attend a workplace)*
- *The worker has moved, or will be moving to a hybrid working pattern”*
- Questions remain regarding ad hoc hybrid working and whether to report As well as temporary and part time changes. We would advise, that **if in doubt = report!**

Immigration Developments: Visas



- Reforms proposed to the Student Visa
 - Remove the ability for family members accompanying the student to enter the UK to live and work
 - Exception will be made for those who come to the UK to study a post graduate research programme
- Increase in visa fees effective 4 October 2023:
- Examples:
 - In-country skilled worker visa for 3 years or less from £719 to £827
 - Overseas skilled worker visa for 3 years or more £625 to £719
 - Full list available in the [Government Visa Fees Transparency Data](#)

Immigration Developments: Fines



- Early 2024, fines to be paid when employing someone without the right to work in the UK will be increased
- First increase since 2014
- A 1st breach = will increase from £15,000 to £45,000 per worker
- Repeated offences = will incur a fine of up to £60,000 per worker
- Remember! It can also be a criminal offence when an employer knows or has reasonable cause to believe they are employing an illegal worker
- A Prison sentence of 5 years or an unlimited fine can be given



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Practical Advice for Employers

Seek legal advice from an Immigration Lawyer

Knowledge Base subscribers
– check out our articles, guides and checklists that provide general guidance on recruiting from outside the UK

If your business sponsor's workers carry out an audit of work locations – do you need to report a change in work location?

Do a right to work online check for those employed with pre settled status – you need to update your records and diaries to know the new expiry date

Start communicating with your employees regarding forthcoming changes to immigration rules when travelling to a country in the Schengen area

Review your current recruitment practices to ensure your processes prevent illegal working and discrimination

Budget for the increase in visa costs

Ensure you adhere to the 'Employer's Guide to right to work checks'
(the current version is dated 28 February 2023)

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Thank you

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