

Immigration Law Services

Post Brexit Immigration

The UK has left the European Union and the transition period ended on 31 December 2020. This marked the end of free movement of EU nationals to live, work and study in the UK without prior permission. As a consequence in order to treat both EU and non-EU nationals equally for immigration purposes, a new UK immigration system has been implemented which applies to all non-UK nationals entering the UK from 1 January 2021.

These changes fundamentally impact the way in which organisations recruit foreign nationals. Employers must understand the changes and prioritise those which will impact their workforce and new hires now to avoid future delays. The changes are significant and employers must be familiar with the legislation and guidance to ensure compliance. Failure to do so can result in sanctions or penalties which can severely impact an organisations reputation as well as the ability to hire foreign nationals.

Overview of Services

We can assist with navigating these changes by providing practical tips and advice around key focus areas. For example, we can help with the following:

- Sponsor Licence & Visa Applications
- Right to work & prevention of illegal working
- Immigration audit and Compliance advice

We have set out over the following pages how we can assist in these areas to give an overview of some, but not all, of the work we do in this sector. We would be delighted to discuss additional services required to see how we may be able to help.

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Sponsorship License and Visa Applications

The issue - Sponsor Licence

- Prior to 1 January 2021, EU nationals did not require sponsorship to live and work in the UK.
Before hiring skilled migrant workers including those from the EU, businesses will now need to
- apply for and be granted a UKVI approved sponsor licence.
Once a successful application has been made, businesses must ensure they have Certificates of
- Sponsorship (CoS) to assign.
Following the assignment of a CoS, the migrant will need to make an application for a work visa
- and be granted the appropriate visa before they undertake work in the UK.

How we can help

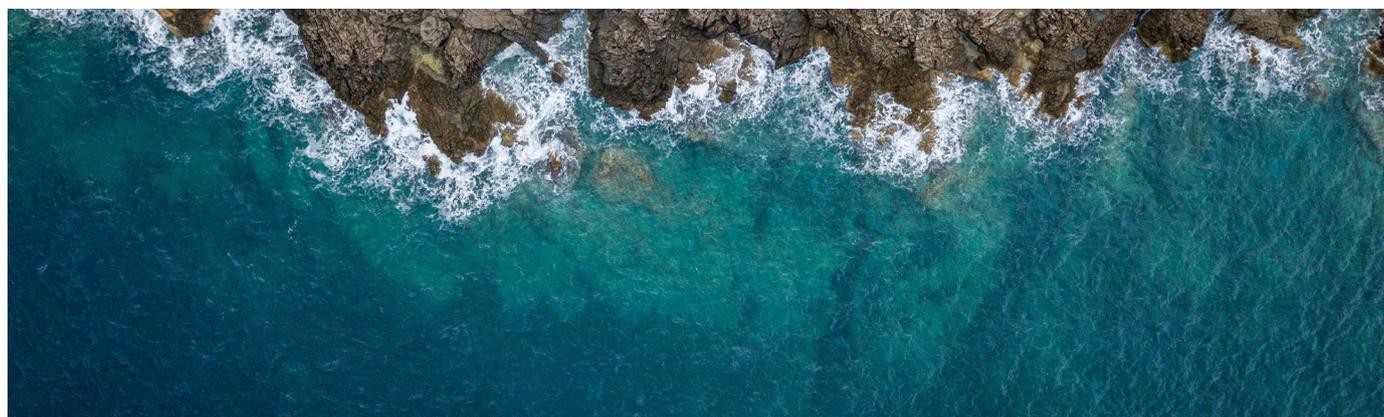
- We can assist by assessing eligibility, preparation and submission steps for a Sponsor Licence.
Once the licence is granted we can support with set up of the licence, CoS and your obligations as a licence holder.

The issue - Visa applications

- Once a migrant worker has a CoS issued by their employer, they will then need to undergo a separate visa application process in order to obtain the correct visa to live and work in the UK.

How we can help

- We can assess an individual's circumstances and assist in identifying the relevant eligible visa categories.
- We can advise on the contents of the visa application & the visa application process.
- We can assist with submitting the application and dealing with any queries or concerns raised by UKVI.



Right to Work & Prevention of Illegal Working

The issue

- The Right to Work check regime is complex and employers must be familiar with the guidance to ensure compliance.
- Non-compliant right to work checks will result in criminal sanctions or penalties if it is found that an employee is an illegal worker.
- An employer found to breach the prevention of illegal working laws could be liable to a civil penalty of up to £20,000 per illegal worker.
- It will also have detrimental consequences for the employer's sponsor licence.

How we can help

- We can provide guidance and advice in relation to a sponsor's duties.
- We can work with you to ensure immigration processes and procedures are sufficiently robust and licence holders are aware of the compliance duties.

Immigration Audit and Preparation

The issue

- If the UKVI have the power to carry out unannounced compliance visits.
- The UKVI will assess if the sponsor is carrying out its duties and whether workers are lawfully employed.
- Breaches can lead to fines and potentially the revocation of a sponsor licence; creating an immediate and direct impact on current and future sponsored workers.

How we can help

- We can provide a full immigration and Brexit audit to stress test your readiness for the changes.
- We can provide bespoke training on all aspects of the immigration system so that you are fully equipped to meet these new demands.