



Immigration – the latest developments

14 July 2022



Introductions

Presenters



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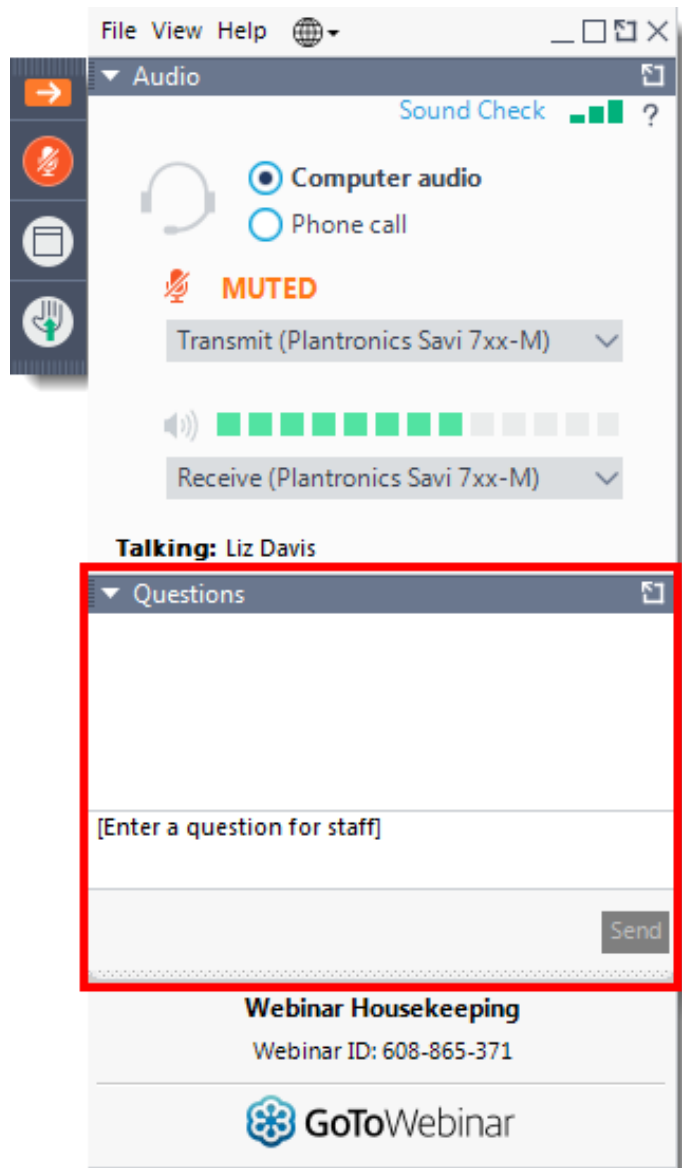




A group of diverse people are seated in a meeting or classroom setting. In the center, a man with a beard and glasses, wearing a grey cardigan, has his right hand raised. To his left, a woman with long dark hair is looking towards the front. To his right, a woman with long blonde hair is also looking forward. In the background, other people are visible, some looking towards the front. The scene is set in a bright room with large windows and indoor plants. A white vertical line is on the left side of the text.

How to ask questions

GoToWebinar Housekeeping: Time for Questions



Your Participation

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



Agenda

- Reminder – changes post Brexit
- Establishing a statutory excuse
- Changes to key employer guidance
- Identity Service Providers
- Coronavirus
- Visas for working in the UK
- Q&A



Reminder: Changes post Brexit

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- Free movement of people ended
- EU and non-EU nationals must be treated equally when entering the UK to work
- EU Settlement Scheme
- A new points-based immigration system
- Employers must be a sponsor when recruiting from outside the UK
- Emergency right to work checks introduced during the pandemic



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Establishing a statutory excuse

- Changes made to the rules on who can provide physical documents to an employer for establishing a statutory excuse
- Those with a Biometric Residence Card (BRC), Biometric Residence Permit (BRP) or Frontier Worker Permit (FWP)
 - Can no longer provide physical documents to evidence their right to work
 - They must use the Home Office online service instead
- Those who do not hold a BRC, BRP or FWP and have physical documents to evidence their right to work:
 - Cannot evidence their right to work via the online checking service until they have been moved to the new system
 - This will be once their status has been renewed

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Key changes to employer guidance

- An Employer's guide to right to work checks 6 April 2022
 - Applies to right to work checks conducted on or after 6/4/22
 - Advises employers on how and when to conduct a right to work check in order to prevent liability for a penalty
- Changes include:
 - Changes in the way those with a Biometric Residence Card (BRC), Biometric Residence Permit (BRP) or Frontier Worker Permit (FWP) can prove their right to work
 - The list of acceptable documents (known as List A and B) amended
 - Information added relating to sponsored work and student categories
 - Guidance on the use of Identity Service Providers (IDSP) and identity Document Validation Technology (IDVT)
 - Extension to the Coronavirus emergency measures

Key changes to employer guidance

- Code of Practice for Employers: Avoiding unlawful discrimination
 - Applies to all employers to ensure a fair recruitment process is carried out
 - Updated to include working with Identity Service Providers
- Code of Practice on preventing illegal working: civil penalty scheme for employers
 - Amended in April and specifies the factors to be considered by the Home Office in determining the amount of civil penalty for employing an illegal worker
- Compliance with all guidance documents and the Code of Practice will provide a statutory excuse against liability for a civil penalty if you are found to have illegally employed someone.

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Identity Service Providers

- From 6 April 2022 employers can use 3rd parties to conduct right to work checks for UK and Irish nationals
- These are known as Identity Service Providers = IDSP and use Identity Document Validation Technology (IDVT)
- Employers must ensure that the IDSP satisfies a medium level of confidence, according to the Government's "Good Practice Guide" when it comes to proving someone's identity
- Employers must also establish and evidence that the provider carries out checks and verifies a person's identity according to Home Office requirements
- Failure to do so, can lead to an employer being fined of up to £20,000 per employee.

Identity Service Providers

- IDVT is technology that allows a 3rd party provider to verify a person's for the purpose of work, right to rent and criminal record checks
- This new method means that the Share Code which is given to employers has had to change
- Previously, employers would receive a share code that was numerical, when processing online right to work checks.
- Due to an IDSP providing three types of checks, those relating to a right to work for employment purposes, the share code now begins with 'W' followed by the code
- If a wrong code, or code without the W is given, the person must obtain the correct code for a statutory excuse to be obtained.



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Coronavirus

- Emergency measures introduced March 2020 to ensure right to work checks could still be carried out during the pandemic
- Meant employers could:
 - Carry out checks via video call
 - Receive scanned/photo of documents via email or mobile app instead of seeing originals
- Measures intended to be short term, but continued to be extended
- Government confirmed in February 2022 these emergency measures would end [30 September 2022](#).

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Visas for working in the UK

- Changes to existing visas and new visas added
- ***New*** Global business mobility visa
 - Introduced 11 April 2022
 - Provides 5 routes to working in the UK
 - Include new routes and amends existing routes
- ***New*** High Potential Individual Visa
- ***New*** Scale up visa
- ***New*** Homes for Ukraine

Visas: Global business mobility visa

1. Senior or specialist worker

- Replaces the Intra Company Transfer Visa
- Enables a person to come to the UK to do an eligible job at their employer's branch
- Requires the individual to have 12 months prior overseas employment (unless they are a higher earner)

2. Graduate trainee

- Replaces the Intra Company Transfer Graduate Trainee
- Only available for those on graduate training courses with UK based work placements for a managerial or specialist role.

3. Secondment worker

- ***New*** for those who wish to become seconded to their UK employer as part of a high value contract or investment.

Visas: Global business mobility visa

4. UK expansion worker

- Replaces the overseas business route
- For businesses wishing to expand to the UK and set up a branch
- Provides leave of up to 1 year (can be extended to 2)
- Aimed at senior managers or specialist employees with 12 months service

5. Service supplier

- ***New*** providing those who are self employed or employed by overseas service providers to work in the UK
- Placement of up to 6 months

Visas: High potential individual visa

- ***New*** visa introduced 30 May 2022
- Available to overseas university graduates from the top 50 institutions – as defined by the Home Office
- Provides leave for up to 2 years (or 3 years for those with a PhD)
- Cannot lead to settlement on expiry
- Individual must have a bachelor's degree or above gained within the last 5 years
- English language is a requirement
- Can work in any role

Visas: Scale up visa

- ***New*** From 22 August 2022 and available to talented individuals recruited by a UK scale up business in order to continue growing
- Visa is initially for 2 years but a sponsor is only required for the first 6 months
- It will require skill level RQF level 6 and a minimum salary of £33,000 or the going rate (whichever is the highest)
- The person will be eligible to apply for settlement on expiry.
- The company sponsoring must show 3 years annual average revenue or employment growth of 20% and have at least 10 employees at the start of the 3 year period.

Visas: Homes for Ukraine

- ***New*** Emergency visa introduced in response to the War in Ukraine
- Runs alongside existing visa “The Ukraine Family Scheme” which was already in place for those Ukrainians with family connections in the UK
- This new visa enables is for those without family in the UK and provides a visa to allow the person to live and work in the UK for up to 3 years
- Individuals, charities and other organisations can become sponsors
- Register interest in becoming a sponsor directly via the Government website

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The HR resource for busy professionals



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Find out more: hrsolutions-uk.com/services/business-hr-solutions/

TRAINING COURSES

HR, Management & Development (Online)

Managing Poor Performers at Work 27 July, Wednesday | 9.30am

Equality & Inclusion 6 September, Tuesday | 9:30am

Holding Difficult Conversations 13 September, Tuesday | 2pm

****New dates being scheduled****

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TRAINING COURSES

Health & Safety Training Courses

Level 2 Mental Health First Aid 19 July, Tuesday | 9.30am – 4.00pm

Level 2 Fire Safety/Fire Marshall 30 August, Tuesday | 9.30am – 4.00pm

Mental Health Ambassador Dates currently being scheduled

Level 2 Emergency First Aid at Work 13 September, Tuesday | 9.30am – 4pm

Level 2 Food Safety 20 September, Tuesday | 9.30am – 4.00pm

Book Now!

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UPCOMING WEBINARS

Trans Equality at Work

11 August, Thursday | 10am – 11am

H&S at Work: Directors Responsibilities in H&S

18 August | 10am – 11am

H&S at Work: Fires Safety & Law

25 August, Thursday | 12pm – 1pm

Safeguarding in the Workplace

29 September, Thursday | 12pm – 1pm

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HR Knowledge Base | Events

<https://hrsolutions.microsoftcrmportals.com/events>

www.hrsolutions-uk.com/upcoming-webinars

FEATURED SEMINAR

Your People Strategy in a Day

27 September | Kettering Park Hotel

Do you know what the biggest challenges and risks are facing your business?

Do you know how you can get your people to reach their full potential to maximise their contribution to the business?

Did you know that a strategic people plan can transform your organisation?

Join us in this one-day, practical workshop as we take each of these critical questions and work with you to create your own strategically focussed people plan specific to your business.

You will be given your own workbook to complete throughout the day and participate in group discussions and you will leave the workshop having created your own strategic people plan.

Secure your place today!

<https://www.eventbrite.co.uk/e/your-people-strategy-in-a-day-how-to-transform-your-organisation-tickets-376394284437>

FEATURED SEMINAR

7 Key Successes Seminar

13 September | Kettering Park Hotel

Join us as we team up with internationally renowned Chartered Accountants, Nordens for this live seminar.

Following on from the SME Business Survey which we ran back in December 2021, this seminar will offer the opportunity for business owners to take an in-depth look at the findings, and what the next steps are for your business.

This is a practical session that will look at how to maximise profit and potential, alongside analysing the sales process, mindset, cashflow and much more.

As part of the session, you will have your own work book to make notes about your business, as well as create action plans for you to take away.

Secure your place today!

<https://www.eventbrite.co.uk/e/7-key-successes-seminar-tickets-344169469147>



Further questions?

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FEEDBACK

MATTERS

TO US

After the webinar, we shall be sending a short survey to capture your feedback, it would be appreciated if you could complete this survey so that we can constantly improve.



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