



There is a major shake-up of the immigration system taking place in 2008. Some of the changes will effect recruitment processes and the documents that employers are required to keep about employees. There are also stiff penalties being introduced for non-compliance with the new rules so employers cannot afford to ignore the changes.

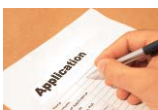


## Do you need a licence?

One of the main changes is the introduction of a new points-based system to ensure that only workers with skills to benefit the UK economy come to the UK. Any employer wishing to employ a migrant from outside the EEA will no longer be able to simply apply for a work permit. They will need to be licensed first.

Any employer wishing to extend a work permit will

also need a licence once the changes to the work permit scheme take effect in the third quarter of 2008. Employers are therefore advised to consider their future recruitment plans and to check when current work permits need to be renewed so that they can take advice and apply for a licence at an early stage.



## Applications

Although the points-based work permit system does not come into effect until the third quarter of 2008, applications for a licence should not be left to the last minute because delays are likely. Applications for a licence can be made now and employers should consider collating the information necessary to make a licence application now.

It is anticipated that once an application is submitted, there will be a delay before a licence will be issued because the Border and Immigration

Agency (BIA) intend to investigate the employer and rate the employer before licensing it as a sponsor. Once licensed as a sponsor, the licence will be valid for four years and will enable an employer to have access to a web-based sponsor management system and apply for certificates of sponsorship. This will not be a paper document like a work permit but will consist of a unique reference number which the sponsor will issue to the migrant. It will be the migrant's responsibility to apply for entry clearance or leave to remain.



## Penalties

Another change that employers need to be aware of is the fact the penalties for employing a worker who does not have permission to work in the UK are being stepped up. With effect from 29 February 2008, employers who negligently hire illegal workers could face a maximum fine of £10,000 for each illegal worker. If an employer is found to have knowingly hired illegal workers they could incur an unlimited fine and prison sentence. Any such fines will also affect an employer's licence and their ability to sponsor migrant workers in the future.

Employers will be excused from paying the penalty if they can show that they have undertaken certain

specified document checks at the point of recruitment and repeated the checks at least once every 12 months for those employees with limited leave to enter or remain in the UK.

Employers will be required to take reasonable steps to check the validity of documents provided by the employee (e.g. their passport) by checking, for example, that the photograph resembles the employee and the date of birth contained in the document is consistent with the appearance of the employee. Copies of the documents will need to be kept securely by employers for not less than 2 years after the employment has come to an end.



## What employers need to do

- Review the documentation you have about each employee.
- Put systems in place to ensure documents are checked, and copies taken, during the recruitment process and repeat checks at least every 12 months for employees with limited leave to enter or remain in the UK.
- Check whether any work permits need to be renewed.
- Consider your recruitment plans in the coming years; when applying for a licence, you will need to indicate the number of migrants needed and in what category.
- If you have group companies, consider whether you should apply for a licence as a group.
- If you need to apply for a licence, take advice and get the documentation together.

The immigration team at Burges Salmon is able to advise employers on the documents needed and the steps to take in order to apply for a licence. If you would like further advice, please contact one of the members of our immigration team who are:



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