

Introduction of tier 2 the Points Based System for UK immigration:

This year the UK Border Agency began the roll out of the new Points Based System (PBS) - a new immigration system for people from outside the European Economic Area (EEA) and Switzerland who want to come to the UK to work or study. The PBS replaces the 80 existing methods for migrants to enter the UK with a new five tier system for immigration.

From the end of November 2008 a new arrangement for skilled migrants recruited from outside the European Economic Area will commence. This new arrangement, known as tier 2 of the PBS, will replace the current work permit scheme.

Employer sponsorship under the Points Based System

Under the new tier 2 work permit scheme all employers wishing to recruit skilled migrants, or renew a period of employment for a current work permit holder, must apply to the UK Border Agency to register as a sponsor and obtain a sponsor licence. Failure to hold a sponsorship licence will mean that you cannot continue to recruit or employ migrants from the non-EEA labour force.

Once your organisation is licensed you will be able to issue Certificates of Sponsorship to migrants you wish to recruit. The migrant will then use this certificate to apply for permission to enter or remain in the UK under the Points Based System.

Increased employer responsibility

The introduction of tier 2 of the Points Based System will see increased emphasis placed on employer responsibility, ensuring that employers take full responsibility for their migrant workers' compliance under the new system. One of the most significant impacts on employers will be the enforcement of severe penalties for those found to have employed foreign workers without following the correct procedures. Penalties for non-compliance range from fines through to restrictions placed on the offending employer's entitlement to employ foreign nationals.

Sponsorship licence registration

The process of becoming a sponsor will require employers to complete a registration process, after which they will be granted permission to recruit from the foreign labour pool.

When applying for a sponsor licence your organisation must agree to comply with a number of duties. You must also be prepared to host a compliance visit from the UK Border Agency, should one be deemed necessary. If a compliance visit is required the UK Border Agency will contact you to arrange an on-site assessment of your recruitment procedures, processes and record keeping in relation to migrant workers.

If you want to be able to issue a certificate of sponsorship when the system opens to applications at the end of November 2008, you should apply for a sponsorship licence as soon as possible, and certainly no later than 1 October 2008. It is very important to note that timely submission of sponsor licence applications will help to ensure that your business needs can be met within the required timeframes.

What happens to existing non-EEA workers?

As tier 2 of the Points Based System is introduced at the end of November 2008, most existing routes to work in the UK will close. Any migrants you currently employ will be able to remain in the UK until their leave to remain expires, at which time they will then need to apply to stay in the UK in accordance with the new Points Based System.

Visalagic's tier 2 work permit services for employers

- Full assistance with employer sponsorship licence registration
- Full immigration compliance audit of existing staff employed either on a work permit or via other visa categories
- Ensuring accurate information has been supplied to the Home Office in previous applications
- Full assessment of your organisation's processes and procedures relating to the employment of foreign nationals

Visalogic's immigration compliance audit service

If your organisation employs foreign workers you must comply with the latest immigration rules and regulations or face the possibility of a large fine or even a prison sentence. To ensure that your organisation remains compliant at all times, Visalogic can conduct a tier 2 pre-registration audit on your staff and your immigration practices and procedures. From this we can identify and help remedy any matters of non-compliance prior to your tier 2 employer registration application being submitted.

Furthermore, with secure access to our Complylogic online tracking tool you will be able better manage the immigration status of your foreign national workforce and help maintain a compliant workforce.

Next steps

Employer registration under tier 2 is compulsory for all employers wishing to remain eligible to recruit foreign labour. It is therefore imperative that you act quickly and initiate your registration as soon as is practicable. For detailed information about the Points Based System or to learn exactly what the latest immigration changes will mean for your organisation, please contact Shazmeen Ali on 020 7610 8210 or visit www.visalogic.net.