



DMH Stallard

Business Immigration Update

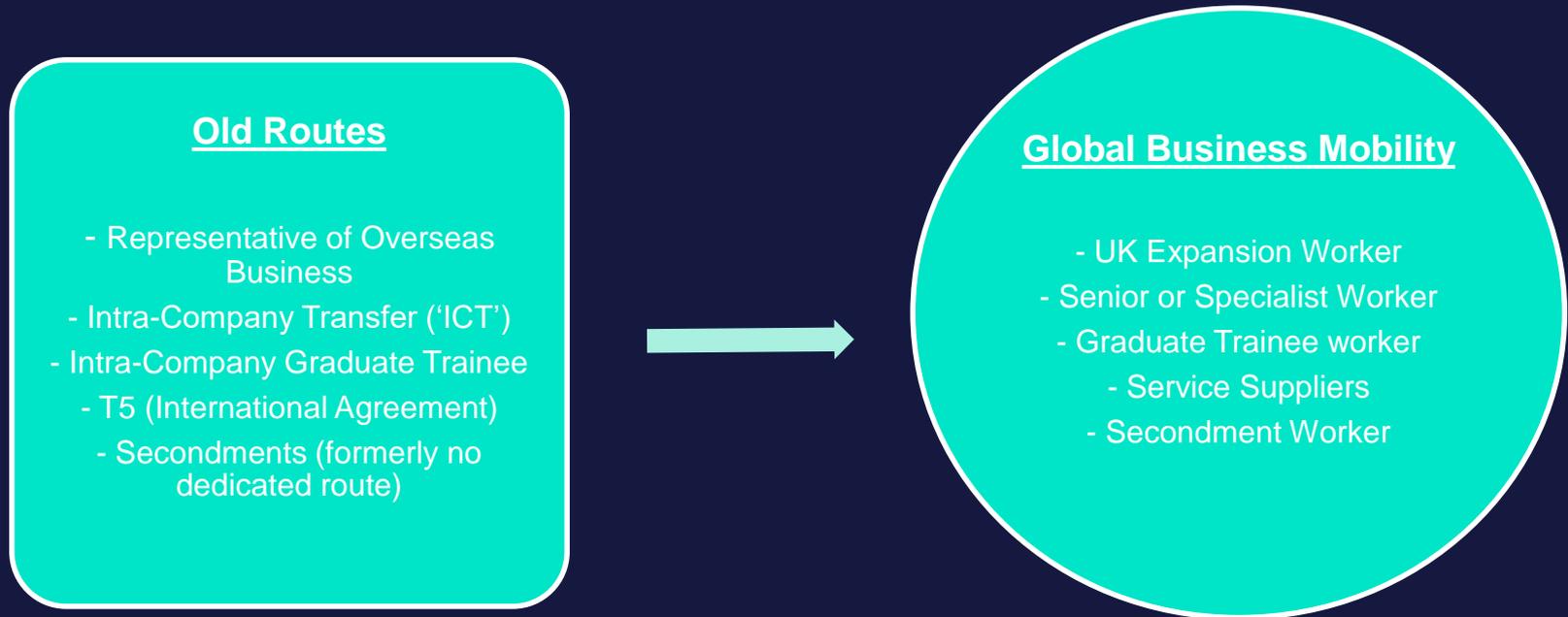
A quiet revolution:
How April 2022's new visa routes and sponsorship
requirements will change the way employers recruit

Global Business Mobility

Adam Williams



Overview: then and now



UK Expansion Worker

- Replaces former (non-PBS) route of Rep of an Overseas Business
- Businesses with HQ overseas looking to establish presence in UK
- Sponsor licence required – ‘provisional’ if proposed Authorising Officer is outside the UK
- Enables transfer of up to five workers to UK (including any AO coming from abroad)

Example



- *Australian HQ producer of beef has operations in Singapore and China, but wants to expand into the UK*
- *Identifies premises for its operations in the UK and makes arrangements with UK based customers. It then applies for a provisional licence to sponsor the move of its existing 'Head of Sales: Far East' to the UK to manage the entity pre-trading and for one – two years of operations*
- *Once in the UK, the Head of Sales will be able to obtain a full A-rated sponsor licence and sponsor up to four colleagues to come to the UK under this route to join them*
- *The UK business subsequently adds the Skilled Worker route to its licence, and sponsors the switch of three of the colleagues to stay permanently in the UK*

Senior Specialist Worker

- Replacement for Tier 2 (Intra-Company Transfer) visa for highly skilled / paid workers
- Likely to be the most popular GBM route in short to medium term
- Existing employee of commonly owned / controlled entity outside the UK
- Graduate skilled role; minimum £42,400 salary (or 'going rate' if higher)
- Stay up to five years (or nine years if highly paid)



Example

- *An IT services provider has offices in London and Prague. It wishes to send its Head of Software Development, for two years, to the UK to train and manage the team of developers there*
- *The business obtains a Senior or Specialist Worker route licence, and sponsors the manager for a period of two years*
- *Towards the end of the two years they identify that they would like the manager to stay for another year. They sponsor him in a switch to a Skilled Worker route visa, just in case he ends up wanting to stay indefinitely*



Graduate Trainee Worker

- Replacement for Intra-Company Transfer (Graduate Trainee) route
- Not that well known or utilised historically
- Graduate skilled role; minimum £23,100 salary (or 70% of 'going rate' if higher)
- Stay up to one year
- Trainees can move between roles without needing a new visa
- No limit on number of trainees that can be sponsored each year



Example

- *Multinational online retailer has a structured graduate training programme enabling placements around the world for newly recruited graduates*
- *The UK branch obtains a Graduate Trainee route licence, and then successful applicants with three months service abroad can be sponsored to do work placements in senior or specialist positions in UK for up to one year*
- *One trainee in 2022 performs particularly well, and so the UK branch sponsors their switch to a five-year Skilled Worker visa, after which they can settle in the UK*



Service Suppliers

- Replaces the T5 (International Agreement) route of the PBS
- Requirements are essentially the same, but greater evidence of qualifying international contract required
- Worker with 12 months service with non-UK business can be sent to the UK if delivering contract covered by one of UK's trade agreements
- No minimum salary; Graduate skilled role (RQF6), or demonstrate appropriate equivalent technical qualifications and skills required



Example

- *Dutch architectural firm has a contract to design a new campus for a UK insurance broker. They do not have a UK presence*
- *The UK insurance broker adds the Service Supplier route to its existing Skilled Worker sponsor licence, for free*
- *Contract is covered by the EU-UK Trade and Cooperation Agreement, and the chief designer is a Dutch national, so the insurance broker can sponsor her to come and do client-side work on delivery of the project*



Secondment Worker

- Entirely new route of the points-based system
- For UK and non-UK businesses that have a contract worth at least £50m
- Workers with 12 months' service outside of the UK can come to the UK for one – two years
- No minimum salary requirement, Graduate skilled role



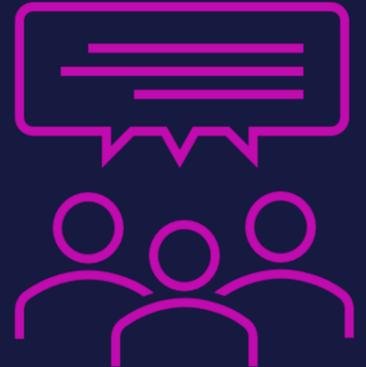
Example

- *French energy company has a contract with a UK engineering company to build a nuclear power plant for a UK client*
- *The French company needs to send eight of its long-standing workers to the UK, for one year, to collaborate on the project*
- *The contract value is £200m and is, therefore, eligible for the Secondment Worker route*
- *The UK engineering company subsequently agrees it will employ three of the workers itself and sponsors them in a change of employment / switch to Skilled Worker visas*



Which GMB route(s) do you think is most useful / beneficial to you?

Poll



Other routes

Bermeet Chhokar



Start-Up and Innovator

- These routes have carried over from the old Immigration Rules
- Start-Up and Innovators will typically be those with entrepreneurial flair; they have been endorsed and granted entry into the UK to start a new business. Their skills can prove highly invaluable
- These routes are open to switching into a Skilled Worker visa that will require sponsorship. As a start-up you are also permitted to work for another employer without the need for sponsorship, which is not so commonly known
- This is where right to work checks are critical as this, usually young graduate, talent pool will not require sponsorship



Scale-Up – from August 2022

- **Could your business be eligible for the Scale-Up route?**
- It is estimated that approximately 34,000 UK companies may be eligible if they can show
 - Three years of annual average revenue, or
 - Employment growth of 20%, and
 - At the start of the three year period, the business must have had at least 10 employees
- No sponsorship required, just a job offer
- Scale-Up vs. Skilled Worker
 - No sponsorship required
 - Higher salary of £33,000 compared to £26,500
 - Fast track decision



Seasonal Workers & Frontier Workers

- You can apply for a Seasonal Worker visa to come to the UK to work in horticulture for up to six months - for example, picking fruit and vegetables or flowers
- You can no longer apply to do poultry work, 'pork butchery' or to drive a heavy goods vehicle to transport food

Frontier Workers

- *Bella, a French national, travels to the UK every year in the summer to work in a hotel in the Peak District. She stays during the busy summer months and then returns back to France. She is usually here for six months at a time. She does not require sponsorship if she has applied for a Frontier Worker visa. With this visa she can change her employment without any limits as long as the work is 'genuine and effective'*

Student route

- The student route, previously known as Tier 4, remains the same

A typical scenario

- *Oliver, a final year computer science student, applies for your advertised post as a junior web developer to help with updating and maintaining your website. He has the right background and has been learning web development as part of his course. He is enthusiastic and has lots of strong ideas*
- *You do not need to sponsor him; he is already sponsored by his university. He can work for you on a part time basis for up to 20 hours a week during term time and on a full time basis during the holidays*
- *Once he graduates he will be in a position to apply for a Graduate visa or be sponsored as a Skilled Worker*

Graduate Route or Skilled Worker

- *Once Oliver receives confirmation that he has successfully completed the course there is no requirement to wait for his graduation ceremony; he can apply to switch to a Graduate visa. This visa is for a period of two years and with this visa he can continue to work as a web developer and can move into full time employment. You do not need to sponsor him. This application attracts the Immigration Health surcharge and an application fee of £715. A much cheaper alternative to sponsorship*
- In this scenario, if Oliver remains employed by you for a period of two years, and both parties are happy and content for the employment to continue, you will at this juncture find yourself in a position where you will need to sponsor him as a Skilled Worker. This will mean having a sponsor licence

Why not sponsor him at the outset?

- Costs involved with a sponsor licence and sponsorship are high in comparison to the graduate route
- Sponsorship doesn't tie you in anymore – no more resident labour market test for switching

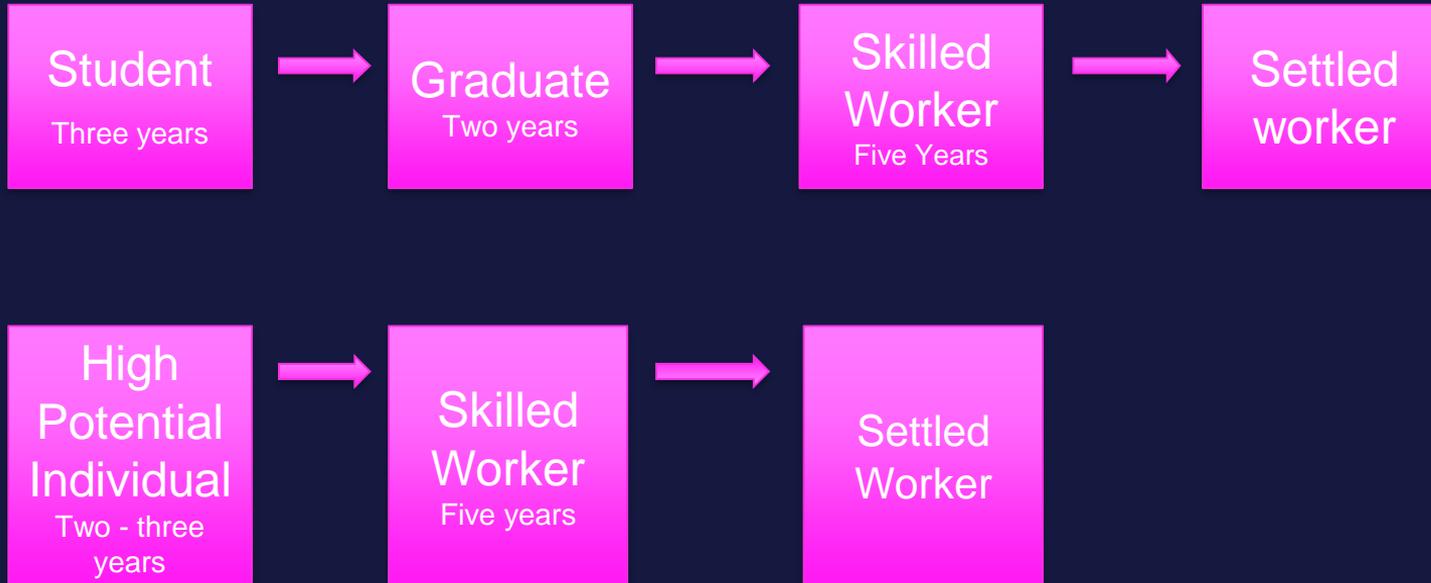
High Potential Individual

- Launching at the end of this month, a further route that does not require sponsorship

Potential Scenario

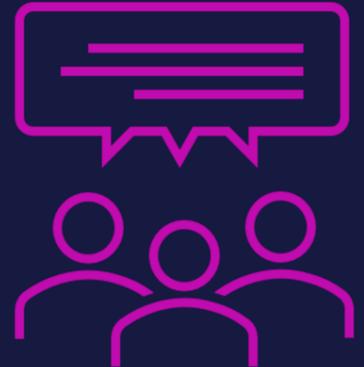
- *Beth an overseas graduate (graduated in the last five years) has studied at a university which appears on the Home Office Global Universities list. She is eligible to come to the UK without sponsorship and without a job offer. She can take up any type of employment for a period of two years and then she will need to switch into another category*
- International milk-rounds may be a strong consideration?
- Differs from the graduate route as this route caters for overseas graduates and over a longer period of five years

Student to Settled Worker



Which of the following will be your immediate focus for recruitment?

Poll



Key Contacts



Adam Williams

Partner & Head

Business Immigration

01483 467413

Adam.Williams@dmhstallard.com



Bermeet Chhokar

Senior Associate

Personal Immigration

01483 467466

Bermeet.chhokar@dmhstallard.com