



IMMIGRATION

“Immigration: A New Era for Work Permits”

- (c) By Lester Kan and Rekha Husbands (lkan@lesterdominic.com / rhusbands@lesterdominic.com) -



The UK Government's proposals for a Points Based System have finally come into play, with the first tier of the Points Based System being rolled out in February 2008.

The new Points Based System signifies the biggest shakeup to the Immigration framework in 40 years.

There will be five tiers under the Points Based System.

Applicants will need to score a certain number of points under each tier, and the Government believe that the Points Based System will create greater efficiency and transparency.

Replacement for the current Work Permit scheme

The Government has recently announced that Tier 2 (General) will be introduced in the autumn of 2008 to replace the Work Permit scheme.

The objective behind Tier 2 (General) is to provide a route for UK employers to recruit overseas nationals for jobs which

cannot easily be filled by British or EEA nationals.

The position will still need to be advertised, unless the job is on the shortage occupation list or is an Intra Company Transfer, and the required skill level will remain at NVQ level 3.

The operation of Tier 2 (General) however will be remarkably different, with a number of significant changes being introduced.

Migrants will be expected to earn points for prospective earnings and qualifications.

There is wide concern that this will cause difficulties where academic qualifications are not needed for certain jobs.

If points cannot be earned through qualifications, migrants will have to rely on potential earnings i.e. how much the job will pay.

This could affect smaller businesses who cannot afford to pay migrant workers salary levels that the Government has set for UK employers.

Under Tier 2 (General), if work permit holders wish to change jobs, there will now be a requirement for employers to advertise the position.

In addition to the maintenance and accommodation requirements, migrant workers will also be required to satisfy an English language requirement under the new scheme.

If migrants cannot pass the required level of English, UK businesses may find themselves struggling to fill jobs that they so urgently need.

Sponsor Licence

By autumn 2008, no employer will be able to make an application to employ a foreign worker unless they hold a Sponsor Licence and become registered with the UK Border

Agency (UKBA).

Whilst the new scheme will not be in force until autumn 2008, it has been open to UK employers to apply for a licence since 29th February 2008.

Although UKBA has been actively encouraging businesses to apply for a licence, only around 30 businesses to date have registered, perhaps due to the uncertainty of what the future for the new scheme holds.

If your business relies on foreign workers, you must act now.

You cannot afford to bury your head in the sand or you risk losing access to a pipeline of foreign talent.

We recommend that you take advantage of this opportunity to apply for a licence, as it is inevitable that this scheme will come into force in the near future.

Employers will be waking up to the fact that they will have to apply for a licence in

order to employ foreign workers under the new scheme.

More licence applications will be made to UKBA, creating a backlog of applications and leading to delays for businesses in securing a licence.

We cannot be sure whether Tier 2 (General) will be as successful as the Government intended it to be and there are a number of questions that remain unanswered.

However, it is clear that employers should take this opportunity to apply for a licence now in order to be placed in a better position once the new scheme is rolled out.

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