

## Q&amp;A

# How will immigration changes affect me?

Enthusiasts and critics alike would agree that 2008 will see significant changes to the ways in which non-European Economic Area nationals are able to work and study in the UK. So what effect will these changes have on recruiters?

Illustration: Robin Chevalier

This year will see what the Home Office describes as 'the biggest shake up of the immigration system in its history'. The jury is still out on whether the government's plans to streamline the existing UK immigration regime through a new Points Based System (PBS) will be successful.

The 80-plus existing routes of entry into the UK will be reduced to five when the PBS replaces the existing immigration regime sometime in 2009. Migrants will be assessed against an objective list of criteria and will be required to achieve a minimum number of points under each respective tier. The PBS will be phased in during the next couple of years, starting with the implementation of a sponsorship register in early spring. The government's hope is that the PBS will make the UK a more attractive destination for migrants with the necessary skills to benefit UK plc, while at the same time deterring bogus migrants through a tougher monitoring regime.

The new five-tiered system is designed with simplicity in mind and hopes to cut through the existing red tape. The plan is to streamline the application process for the entry of skilled staff to work and study in the UK by empowering employers and educational institutions ('sponsors') with the authority to measure a migrant's suitability to work or study here.

To combat the abuses this more open style of immigration control might facilitate, the government will place strict duties and obligations on sponsors. The duties will include, for example, reporting to the government if an employee or student fails to turn up for work or study for more than 10 working days without

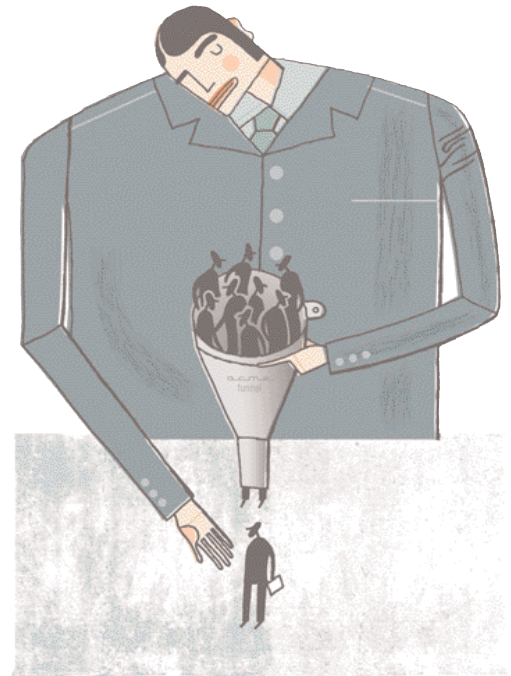
permission. New rules requiring employers to check an employee's identity and right to work will come into force in February. Failure to comply with these duties could lead to fines, and in the most severe cases, imprisonment.

Employers might also lose the powers granted to them under the PBS.

Before being able to issue an employee or student with permission to work or study (a so called 'certificate of sponsorship'), sponsors must first be entered onto the sponsorship register and receive a licence. Sponsors with a poor immigration compliance history will find it more difficult to receive a licence, and in some cases may be refused. Their history of compliance will also determine their register status — status 'A' sponsors will find issuing certificates much easier compared to status 'B' sponsors.

So what do these changes mean for the recruitment industry? As an employer, recruitment companies must ensure that they register as sponsors to continue to employ foreign workers. They must also be sure of the duties and responsibilities sponsorship entails to avoid custodial and/or financial penalties. To ensure that they are able to employ the brightest and best from an international pool of talent, recruitment companies must understand the significant changes due for implementation this year.

As suppliers of labour recruitment companies should also consider the impact of the PBS on their clients. Many larger companies will likely develop systems to deal with the planned changes, but smaller companies



may struggle under the weight of the PBS and seek guidance. Being aware of the forthcoming immigration changes presents recruitment companies an opportunity to provide a significant marketing service and to add value.

If government hype is to be believed, 2008 will be the beginning of a new way in which immigration to the UK is controlled and monitored. Following years of headlines about illegal and bogus workers in this country, the government will place a greater responsibility on employers and educational institutions to ensure 'destination Britain' is not seen to be a 'soft touch' in terms of immigration control.

Home Office rhetoric suggests that the Border and Immigration Agency, the government department charged with overseeing the UK immigration system, will continue its tough stance on controlling the flow of migration to this country, and in an increasingly global marketplace, sponsors must adapt to the new system or risk losing access to the overseas talent pool beyond the borders of Europe.

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