Boyes Turner

Immigration Update

The long-term challenges of employing international workers in the hospitality industry

15 February 2023

Chris Harber

Head of Immigration

An introduction to Boyes Turner

Based in the Thames Valley, Boyes Turner is ranked by leading legal directory guides Chambers & Partners and The Legal 500 as one of the UK's leading law firms.

What sets us apart

- We provide the full range of commercial legal services to many of the world's largest multinationals and leading UK and European businesses including Panasonic, Guardian News and Media Ltd and Auto Trader plc.
- We are one of the largest firms in the Thames Valley with over 80 lawyers including 25 partners providing strength in depth across the complete range of commercial legal services.
- Leading sector specialists in the technology and innovation, leisure and hospitality, retail and development and house building sectors. Our specialist teams are regularly ranked as amongst the best in the UK.
- We are a nationally and internationally recognised practice in the technology and innovation sector. Based in the heart of the UK's 'Silicon corridor', surrounded by globally innovative universities and within 30 minutes of central London, we have the expertise, resource and agility to meet the needs of our clients in this fast-moving, global sector.
- We recognise that one size doesn't fit all. We work successfully with our clients, developing long term relationships and continually tailoring our services to meet our clients' needs in rapidly changing markets and sectors.

Agenda

- General Immigration Update
- Changes to the immigration system post-Brexit
- What roles can you sponsor in the hospitality industry?
- The visa fees structure
- UKHospitality internship initiative

General Immigration Update

General Immigration Update

Key topics for 2023

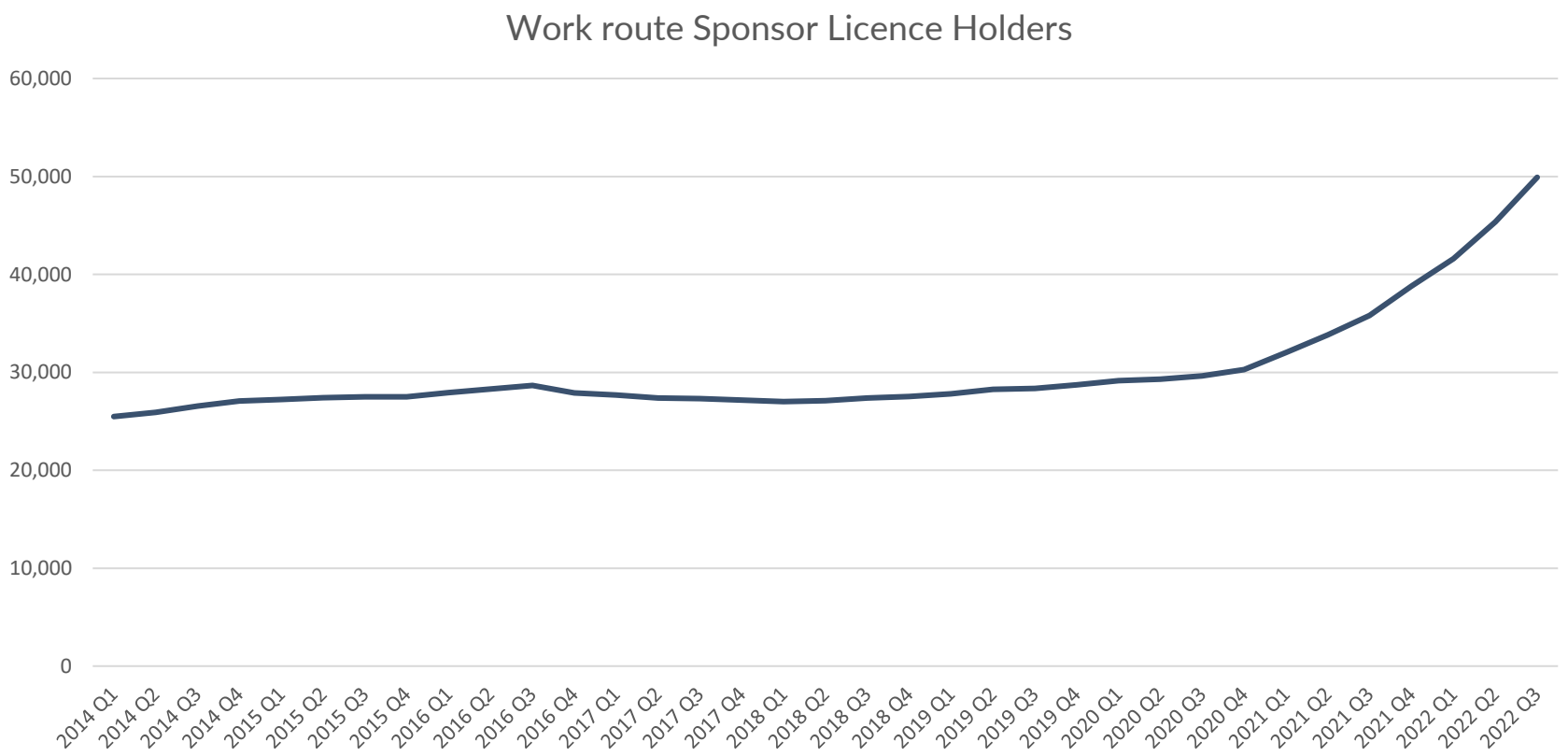
- The Sponsorship system
- International travel
- The wild card!

General Immigration Update

The Sponsorship system

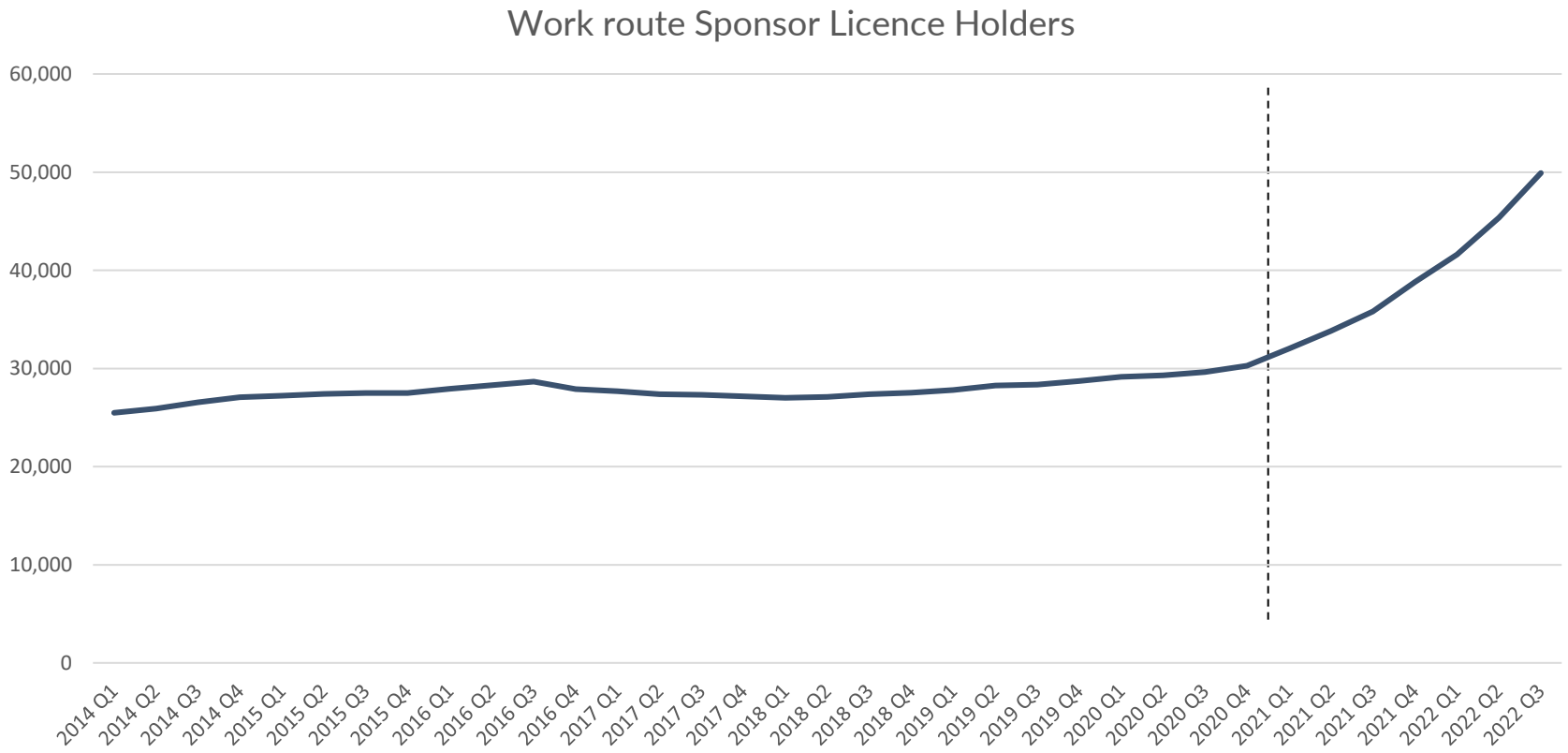
- High demand for Sponsor Licences

The Sponsorship system



Source: UK Visa & Immigration transparency data Q3 2022

The Sponsorship system



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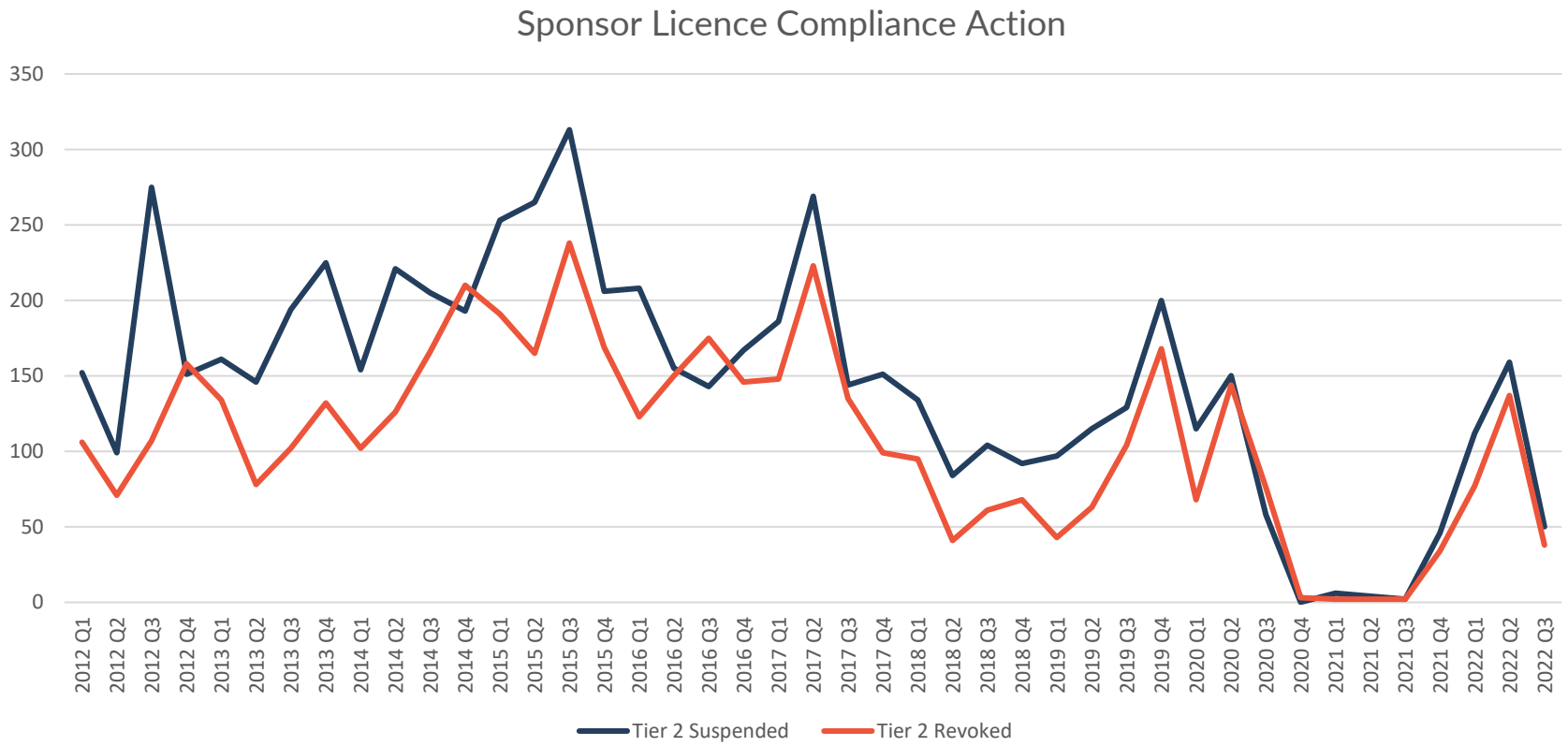
General Immigration Update

The Sponsorship system

- High demand for Sponsor Licences
- Sponsor compliance visits

The Sponsorship system



Source: UK Visa & Immigration transparency data Q3 2022

General Immigration Update

The Sponsorship system

- High demand for Sponsor Licences
- Sponsor compliance visits
- Reform of the Sponsor Management System
- Changes to salary thresholds
- Exemption from the Immigration Skills Charge

General Immigration Update

International travel

- Covid-19 testing for arrivals from China
- Electronic Travel Authorisation (ETA) – UK
- Electronic Travel Authorisation (ETA) – EU

General Immigration Update

The wild card!

- Further concessions on costs?
- Divergence of rhetoric and policy
- Youth Mobility Scheme expanded to the EU?
- Operational shocks

Changes to the Immigration System post-Brexit

The immigration system post-Brexit

Highlights

- The same rules for every country
- No more freedom of movement for EU nationals
- No more Resident Labour Market Test (RLMT)
- Offer sponsorship in more roles
- Increased digitisation of the immigration system

The immigration system post-Brexit

The Skilled Worker Category

	Tier 2 (General)	Skilled Worker
Annual Cap	20,700	No cap
English Language Requirement	Yes	Yes
Resident Labour Market Test	Yes	No
Skills threshold	RQF Level 6	RQF Level 3
Salary threshold	£30,000 or the going rate, whichever is higher	£25,600 or the going rate, whichever is higher*
Route to settlement	Yes, after 5 years lawful residency	Yes, after 5 years lawful residency
Cooling off period	Yes	No

The immigration system post-Brexit

The Skilled Worker Category

Non-tradeable points (mandatory) – 50 points required	
Offer of a job by an approved sponsor (CoS)	20
Job at an appropriate skill level	20
English language skills at CEFR level B1	10

*Tradeable points – 20 points required				
Salary – whichever is higher			Other	
General salary threshold	**Going rate**		PhD in job specific subject	10
At least £20,480	At least 80% of GR	0	PHD in STEM subject relevant to the job	20
At least £23,040	At least 90% or GR	10	Shortage occupation	20
At least £25,600	At least the GR	20	New entrant	20

The immigration system post-Brexit

The Global Business Mobility (GBM) Category

	Current rules	New rules
Prior employment	12 months overseas	12 months overseas / £73,900
Annual Cap	No cap	No cap
English Language Requirement	No	No
Resident Labour Market Test	No	No
Skills threshold	RQF Level 6	RQF Level 6
Salary threshold	£41,500 or the going rate, whichever is higher	£42,400 or the going rate, whichever is higher
Route to settlement	No	Not directly
Cooling off period	12 months after end of assignment	Must not hold a GBM visa for more than 5 years in any 6 year period

The immigration system post-Brexit

Key visa categories that don't require sponsorship

- Graduate
- UK Ancestry
- Hong Kong BN (O)
- Youth Mobility Scheme

What roles can you sponsor in the hospitality industry?

What roles can you sponsor?

Yes

- Chefs – all positions in the kitchen above Commis Chef
- Manager / Assistant Manager positions across the business
- Massage Therapists
- Greenkeepers
- Marketing / accounting / HR & talent roles

No

- Cooks
- Receptionists
- Waiting / Bar staff
- Beauty therapists
- Housekeepers
- Sommeliers?

The visa fee structure

The visa fee structure

Out of country

- Certificate of Sponsorship: £199
- Immigration Skills Charge: £1,000 a year (£364 a year for small businesses)
- Immigration Health Surcharge: £624 a year
- Visa Application Fee: £625 per applicant for visas for less than 3 years, £1,235 per applicant for visas for 3-5 years
- Priority Service (optional): £250

The visa fee structure

In country

- Certificate of Sponsorship: £199
- Immigration Skills Charge: £1,000 a year (£364 a year for small businesses)
- Immigration Health Surcharge: £624 a year
- Visa Application Fee: £719 per applicant for visas for less than 3 years, £1,423 per applicant for visas for 3-5 years
- Priority Service (optional): £500

The visa fee structure

Key Points

- As the sponsor, you must cover the cost of the Certificate of Sponsorship and the Immigration Skills Charge.
- You can manage the Immigration Health Surcharge, Visa Application Fee, priority fee and any legal fees however you want to:
  - Split the costs with the applicant
  - Recover the costs through salary
  - Applicant pays for their family
  - Claw back clauses in the employment contract
- Immigration Skills Charge is part refunded if applicant leaves during their visa

The visa fee structure

Example scenario

- Sponsoring a chef, applying outside the UK with their spouse
- 5 year visa, using the priority service
- Government fees come to £14,409
- As the sponsor you are responsible for £5,199, and you agree to claw back the other costs from the applicant over the course of the 5 years
- The applicant is liable for £9,210, which equates to £153.5 a month salary deduction

UKHospitality internship initiative

Boyes Turner

Please contact us for further information.

Telephone: **+44 (0)118 959 7711**

Email: **enquiries@boyesturner.com**

Web: **boyesturner.com**
boyesturnerclaims.com

Twitter: **@boyesturner**

LinkedIn: **linkedin.com/company/boyes-turner**

Boyes Turner LLP
Abbots House, Abbey Street
Reading RG1 3BD

+44 (0)118 959 7711
enquiries@boyesturner.com

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