

HR & Tax Alert



Quality In Everything We Do

United Kingdom – Recent Changes

December 2007

There have been several announcements made recently by various UK Government bodies covering many aspects of Immigration from Biometrics data through to further updates on the proposed Points Based System.

Outlined below are further details on the announcements made. Please do not hesitate to contact your usual Ernst & Young Immigration contact for further information or with any questions you may have in relation to this alert.

Biometric data for entry clearance (visa) applications

In March 2007, the Government announced that Biometric data collection would be enforced by the end of 2007 with all countries following the practice by April 2008.

In practice, this means that in addition to the standard documents required in support of a UK visa application, from 4 December applicants must make an appointment to physically visit the relevant British Post or Visa Facilitation Centre overseas, where fingerscans and digital photographs will be taken.

The fingerscans will be completed electronically using a scanner and will take no more than 5 minutes to complete. There is no additional charge for this service.

Once completed, applicants should proceed to lodge their visa (entry clearance) applications as per the usual procedure with the relevant British post overseas.

From 4 December, if an individual living in the countries listed below does not have fingerscans and a digital photograph taken, the UK visa application will be refused.

Currently, the following countries already carry out biometric data collection:

Albania, Angola, Argentina, Armenia, Australia, Belgium, Bolivia, Botswana, Bulgaria, Burma, Cameroon, Canada, Chile, Democratic Republic of Congo, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, The Gambia, Georgia, Greece, Guyana, Hungary, India, Iran, Iceland, Japan, Kenya, Latvia, Lebanon, Lithuania, Malta, Mauritius, Mexico, Moldova, Morocco, The Netherlands, Norway, Pakistan, Peru, Poland, Portugal, Romania, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Syria, Tanzania, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Uruguay, USA, Venezuela, Vietnam and Zambia.

These measures have been introduced to provide applicants with robust security against identity theft and will combat abuse of the UK's immigration system.

Border Controls boosted by new technology and unified structure

The Government has announced that Immigration, Customs and Visa checks (UKVisas) will be amalgamated into a new UK Border Agency, as well as announcing a £1.2 billion programme to strengthen the UK's borders with new screening technology.

The aim is that by integrating the work of the Border & Immigration Agency (BIA) with that of Customs and UKVisas, the new UK Border Agency will have the power and resources to control the borders thoroughly before individuals enter the UK and will enable them to help tackle the threats faced from both crime and

terrorism. The new screening technology will work alongside the roll-out of fingerprint visas (biometrics) and individuals will be screened against immigration, customs and police watch lists.

Employer Sponsorship under the proposed Points Based System

The Points Based Scheme (PBS), which is due to replace the current Work Permit and other schemes, is still being designed and due to be phased in throughout 2008. One of the first stages will be the Employer Sponsorship Register launch.

Under the PBS, the BIA will require that employers obtain a licence to issue "Certificates of Sponsorship", should they wish to employ overseas nationals. The BIA plans to launch the Register by April 2008, with employers given the opportunity to register for licences in early 2008.

The recently issued "Sponsorship under the Points Based System - Statement of Intent" (available via your Ernst & Young Immigration contact or on the BIA website) sets out the intention of the BIA. However they have advised that it may be subject to amendment once the rules are formally introduced.

Employers to face new fines for illegal working

The Home Office has published details of their new regime of offences for employers who employ illegal migrant workers, and this will come into force at the same time as the Sponsorship register detailed above.

Under the new system, employers who negligently hire illegal workers could face a maximum fine of £10,000.00 for each illegal worker. However, if employers are found to have knowingly employed illegal workers, the fine will be unlimited and can even carry a prison sentence.

Going forwards, it is the employer's responsibility to ensure that any migrant workers employed by them have the right to work in the UK. The aim of the new fines is

to make it more difficult for individuals who overstay their visa to remain in employment in the UK in breach of the Immigration laws.

The Government has also advised that they will take speedy and proportionate action against any employers who fail to comply with these new responsibilities.

Blue Card for skilled immigrants

The European Commission has unveiled a Blue Card scheme for skilled immigrants, similar to the US Green Card at the European Parliament in Strasbourg on 23 October 2007. The EU Blue Card, if implemented, would allow holders of the Blue Card, together with their families to live, work and travel in the EU. However, approval from all 27 EU member states would be required and is still being sought.

Early indications are that the UK may not be opting into this scheme. However more information and updates will follow as and when they are announced.

The aim of the Blue Card is to target qualified migrants to meet a short fall of around 20 million skilled and non-skilled workers in the EU, over the next 20 years. The EU has advised that there is currently a particular shortage of expertise in the engineering and computer technology industries as well as in medical professions. It is hoped that the Blue Card scheme will be attractive to overseas nationals and their families.

The proposal is that applicants wishing to obtain a Blue Card will need a job offer for at least a one year contract. The employer will have to certify that the post cannot be filled within the EU. In addition, the contract will have to offer the applicant a salary at least three times the level of the national minimum wage.

In terms of qualifications to qualify for a Blue Card, a migrant worker would need to hold a recognised diploma and have three years' worth of professional experience.

For further information please contact your local Ernst & Young Human Capital professional, or in United Kingdom:

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