

109 High Street
Edgware
Middlesex HA8 7DB
Tel: 020 8381 3932
Fax: 020 8381 3935
www.fernandesvaz.com
Email: fernandesvaz@aol.com

VISABYTES

Your quarterly immigration newsletter by Fernandes Vaz

November 2008

Contents :

- **Deadline for Sponsorship Registration**
- **Illegal Working & Civil Penalties**
- **Other Changes - Deadline 27/11/2008**
- **Shortage Occupation List**
- **The Points Based System**

Deadline for Sponsorship Registration:

The deadline for making work permit applications under the old system is 26/11/2008. After this date all employers will require Sponsor Licences to bring new staff, to extend the permit of current staff or transfer work permits from other employers.

We are pleased to inform you that Fernandes Vaz have been assessed by UK Border Agency as having a thorough understanding of the processes. We provide a list of questions and answers to help you understand the process.

Question and Answers :

1. What is a Sponsor Licence?

All those who wish to bring Work Permit staff after the 27th November 2008 will need to obtain a licence to do so. This process establishes that the employer is genuine, has sufficient human resources systems to be able to effectively operate the licence and that the employer will agree to accept a number of responsibilities and reporting duties.

2. What kind of system should I have?

The system you have will depend upon the size of your organisation. However you will be required to identify staff who are allowed to work in the UK legally and have a system of regularly reviewing this information.

3. What if I do not obtain a licence but have staff?

This will not affect you providing you do not need to engage new Work Permit staff or extend the permission of current staff.

4. How is the application for registration made?

It is an on-line application and following the making of the application you must then submit your documents and your fee within 10 working days. UKBA will then arrange to visit the organisation to check your compliance with the conditions.

5. How long will the process take?

Currently around 12 weeks and possibly more. As preferred suppliers we hope to be able to reduce your waiting time.

6. What is the process for a review if the application is unsuccessful?

There is no formal right of appeal. However you can apply for the matter to be reconsidered.

7. After I am licensed how will I get staff?

After successfully obtaining a Sponsor Licence, you will be able to use the Sponsor Management System to obtain Certificates of Sponsorship (Work Permits). You will still need to comply with a number of conditions in order to obtain the certificate and these will be set out much more clearly than is currently the case.

8. What if I am in breach of any of the conditions of Sponsor Licence?

You will lose your licence either by it being withdrawn or suspended.

9. How long will the licence last?

The licence will last for three years and will need to be renewed.

10. Does this mean that I can bring in as many staff as I want?

You will be awarded a number of Certificates of Sponsorship which you can use. If you use them up and require new staff you will need to apply for additional Certificates of Sponsorship.

11. What if staff who were granted certificates of sponsorship do not come to the UK?

You will need to notify the Sponsor Licensing Unit if they do not take up their job. If they do not apply for entry clearance within 3 months their certificates will no longer be valid.

12. Does obtaining a certificate of Sponsorship guarantee entry of staff?

No. They will need to apply for entry clearance abroad. Checks will be made at that stage. The applicant will also have to score a certain number of points to qualify.



Maria Fernandes

Disclaimer - This newsletter provides basic information only. It is not intended to provide legal advice. To take your name out of the mailing list, please fax a written request to 020 8381 3935 or call 020 8381 3932.

Call Fernandes Vaz on 020 8381 3932

Illegal Working & Civil Penalties:

There has been a substantial and sudden increase in Civil Penalties following a raid on premises. Employers can be fined upto £10,000 per employee.

Employers are strongly advised:

- To check passports and ID cards
- Satisfy themselves (and seek advice if necessary) that the person has a right to work
- That you are not discriminating against ethnic minority applicants by only asking "foreign looking" people for documents
- To copy documents
- To file documents in a secure area
- To review the documents on a regular basis to check for changes in status.

If these steps are carried out it will provide employers with a defence (a statutory excuse) against any action proposed or taken.

Other Changes – Deadline 27/11/2008 :

- Increase in age from 18 to 21 - The minimum age for applying on the basis of marriage will be increased to from 18 to 21.

The Points Based System:

Once Certificates of Sponsorship are issued applicants will need to apply for entry clearance and will need to score points in order to qualify. Here is a table outlining the points:

Section	Sponsorship	Academic qualifications (or equivalent vocational or professional qualifications)	Prospective Earnings (£)		
A Attributes (50 points needed)	Job in shortage occupation	50 None, or below an appropriate sub degree level qualification	0	Under 17,000	0
	Offer of job that passes resident labour market test	30 Appropriate sub degree level qualification	5	17,000 - 19,999.99	5
	Switching from a post study category	30 Bachelors or Masters	10	20,000 - 21,999.99	10
	Intra company transfer	30 PhD	15	22,000 - 23,999.99	15
				24,000 or more	20
B	English language skills (the exception to this is where the applicant is applying for Entry Clearance as a Tier 2 (Intra Company Transfer)			10	
C	Maintenance (funds)			10	

- End of Retired Person of Independent Means – There will be no category for retired person of independent means.
- End of Working Holiday Makers – There will be a new Tier 5 which will allow for temporary workers. The Scheme does not currently extend to any of the Indian subcontinent countries.

Shortage Occupation List :

The following are listed as Shortage Occupations. This means that there is no requirement for advertising position under the new PBS System. These positions will receive 50 points automatically.

Some of the Positions on the Shortage List:

- Chefs, Cooks who are skilled
- Skilled Senior Care Workers earning a minimum of £8.80 per hour after deductions
- Social Worker, Registered Nurses employed or engaged at band 7 or 8 or are skilled as Operating Theatre Nurses, Anaesthesia Nurse, Critical Care Nurses, Clinical Psychologist, Pharmacist Registered Radiographers.

Call Fernandes Vaz on 020 8381 3932