



The Legal 500 Country Comparative Guides

United Kingdom

CORPORATE IMMIGRATION

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This country-specific Q&A provides an overview of corporate immigration laws and regulations applicable in United Kingdom.

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UNITED KINGDOM CORPORATE IMMIGRATION



1. What are the relevant government entities relating to immigration in your jurisdiction?

UK Visas and Immigration (“UKVI”) are the appointed UK government entity for immigration matters in the UK, processing around 3 million visa applications a year for people wishing to visit, study, join family, or work in the UK.

2. What are the options available for sponsor-based employment in your jurisdiction and timelines involved in securing a work permit?

The main sponsor-based employment categories in the UK are the Skilled Worker or Senior or Specialist Worker (Global Business Mobility) visas.

The Skilled Worker visa is for migrant workers with a job offer in the UK. The applicant must meet the minimum points requirements to confirm the role is suitably skilled, meets a minimum salary and the applicant is able to speak English at “B1” level. An initial visa can be issued for up to 5 years and can be extended. After 5 years in the UK, the applicant may be eligible to apply for “settlement” (permanent residence) in the UK.

Applicants will need to satisfy the language requirement by taking an approved English test or obtaining a certification of their degree qualification (if awarded outside the UK), unless they are exempt, for example, if they are from a majority English speaking country. A tuberculosis (“TB”) test may also be required depending on country of application.

The Senior or Specialist Worker (Global Business Mobility) visa is typically for employees who currently work for an overseas “linked entity” of the UK company. Similar to the Skilled Worker visa, it requires meeting a minimum points criterion based on salary and skill level, which are generally higher than for a Skilled Worker visa. However, there is no English language requirement. A

Senior or Specialist Worker (Global Business Mobility) visa does not lead to Settlement in the UK. The visa can only be held for maximum of 5 years in any 6-year period, or 9 years in any 10-year period for high earners (salary of £73,900 or above).

3. What are the primary options available for unsponsored work and investment in your jurisdiction?

The UK offers a myriad of unsponsored work and investment immigration routes, depending on the circumstances of the applicant.

Unsponsored work routes include:

- **Youth Mobility Scheme:** 2-year visa for those aged 18-30 from certain countries such as Australia, Canada and New Zealand;
- **British National (Overseas):** 5-year visa for applicants and their family members from Hong Kong with British (overseas) nationality;
- **Ancestry:** 5-year visa for Commonwealth citizens with a UK born grandparent;
- **Global Talent:** for leaders/potential leaders in academia, arts/culture, digital technology (requires a recognised endorsing body);
- **Start Up/Innovator Visa:** for those wishing to set up and run an innovative business in the UK (requires a recognised endorsing body).

4. What are the requirements for becoming a sponsor of employment-based migrants and what are the role and reporting duties of sponsors?

A UK company must hold a Sponsor Licence to sponsor migrant workers and must adhere to compliance obligations to maintain an “A-rating”. A Licence is valid for 4 years and is renewable.

To register as a sponsor, you require a UK entity

registered on Companies House with a “genuine” trading and operating presence in the UK, and demonstrate business reasons for needing the licence, including a need to recruit migrant workers.

A licence holder must adhere to various reporting duties and compliance obligations, including:

- Ensuring migrant workers have the necessary skills, qualifications, or professional accreditations to do their job, and ensuring only suitable roles are sponsored;
- Ensuring the company has HR systems in place to monitor and track migrant workers and report any changes in circumstance;
- Reporting any changes to the sponsoring company’s business, for example, if the company stops trading, or is involved in a merger or take-over.

5. Are applications filed electronically, or paper base? Is a physical visa/work permit document issued or is an electronic approval issued?

UK immigration applications are filed electronically and supporting documents are uploaded online. Successful applicants will be issued a 90-day Entry Clearance visa to travel to the UK, where they will then collect their Biometrics Residence Permit (“BRP”) card.

The UK is phasing out BRP cards from December 2024 to a digital status. Some applicants already receive a digital status, such as those who applied under the EU Settlement Scheme or eligible applicants who have applied using the ‘UK Immigration: ID Check’ app.

6. Is an in-person attendance/interview required as part of the visa/work permit application process? Is an individual required to enrol their biometrics (digital photo, fingerprint scan) as part of the visa/work permit process?

Applicants must normally attend an in-person appointment at a visa application centre to submit their biometrics.

However, eligible applicants can apply for digital status using the ‘UK Immigration: ID Check’ app to confirm their biometrics on their phone, avoiding the need for attendance at a visa application centre.

7. What persons qualify as dependants? Can dependants work based on their dependant visa status? Are there any restrictions?

UKVI class dependants as:

- A dependant partner (husband, wife, civil partner, or unmarried partner);
- Children under 18; or
- Children over 18 if they are already in the UK as a dependant.

Partners must be in a marriage or civil partnership that is recognised in the UK. Unmarried partners must have been living together in a relationship for at least 2 years.

Children over 16 must live with their parents (unless in full-time education at boarding school or University) and must not be deemed to be leading an independent life.

Dependants are permitted to work or study on an unrestricted basis (including self-employment and voluntary work). However, employment as a professional sportsperson (including as a sports coach) is not allowed.

8. What is the general time frame and processes for obtaining permanent residence and citizenship for sponsored and unsponsored business-related immigration?

Applicants would need to spend 5 years continuous residence in the UK to qualify for settlement (permanent residence). Certain other immigration categories such as the Global Talent or Innovator visa allow accelerated routes to settlement after 3 years.

Applicants in all visa categories applying for settlement are generally expected to take the Life in the UK test and meet the English language requirement. Children under 18, applicants aged 65 and over and those with a medical condition may be exempt.

Once an applicant holds settlement, they may be eligible to apply for naturalisation as a British citizen. Typically, applicants would need to wait 1 year from the date of settlement before they are eligible. However, applicants married to a British citizen can apply immediately after settlement is granted.

It may take up to 6 months to receive a decision for citizenship, at which point an invitation letter to attend a citizenship ceremony is issued. Applicants should attend a citizenship ceremony within 3 months, at which they

are presented with a certificate of British citizenship and can then apply for a British passport.

9. What productive type activities can a business visitor undertake and for how long?

The General Business Activities listed in the UK Immigration Rules include:

1. Attending meetings, conferences, seminars, interviews;
2. Give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser;
3. Negotiate and sign deals and contracts;
4. Attend trade fairs, for promotional work only, provided the visitor is not directly selling;
5. Carry out site visits and inspections;
6. Gather information for their employment overseas;
7. Be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

The maximum permitted period of a visit to the UK is 6 months in any 12-month period. A visitor should not intend to live in the UK through frequent or successive visits, remain in the UK for extended periods or make the UK their main home.

Business visitors must not intend to work in the UK, which includes taking employment, establishing or running a business as a self-employed person, doing a work placement or internship, filling a role or providing short-term cover for a role within a UK based organisation.

10. Can remote work be carried out from your country?

Providing you have the inherent right to work in the UK, you are permitted to work remotely from your UK home / place of residence.

A visitor to the UK is permitted to carry out activities relating to their employment overseas remotely whilst they are in the UK (for instance, responding to work emails or answering phone calls), however, this cannot be their main purpose of coming to the UK. No productive work should be carried out for an UK entity.

If a visitor intends to spend a large proportion of their time in the UK and will be doing some remote working,

which includes working from home, UKVI will expect the visitor to be genuinely employed overseas and not seeking to work and live in the UK for extended periods through frequent or successive visits.

11. Are there any productive work / revenue generating activities that can be carried out as a visitor and without the need for a work permit? If so, what activities and for how long?

Typically, visitors to the UK cannot work unless this is explicitly allowed under the UK Immigration Rules.

The exception to this is if an individual has been invited to the UK as an expert in their profession by a UK-based organisation or client and will be visiting the UK for a paid engagement. The event or engagement must relate directly to the individual's full-time profession. Under these circumstances an individual can visit the UK for up to 1 month. Examples of permitted professions include a qualified lawyer, a professional artist or musician or a professional sports person.

For any other productive work activities, a work visa will be required.

12. Is there a remote work or nomad visa category in your jurisdiction? If not, how likely is it that this will be implemented in future?

No. If the primary purpose of travelling to the UK is to work, UKVI would expect the individual to hold a work permit (i.e. a Skilled Worker visa).

13. How easy is it to switch visa categories/jobs/employer from within country? And/or if made redundant, can the individual regularise their stay in another capacity and what is the timeframe allowable?

The current UK Immigration Rules provide a good degree of flexibility to switch visa categories, jobs, and employers within the UK.

Should a sponsored worker leave their employment, the sponsor is obliged to report this to UKVI within 10 working days of the last day of employment. The UKVI would curtail the leave of the visa holder to 60 days, or the end validity of the visa, whichever is shorter. During

this period, the individual would need to make another immigration application to remain in the UK (for instance to work for another sponsor or switch immigration categories) or leave the UK.

14. What common issues or concerns may arise for employers under business immigration in your jurisdiction?

Generally, the immigration process for employing sponsored migrant workers in the UK is reliable, with relatively short lead times for obtaining immigration permission.

However, on some occasions overall end to end processing times can take slightly longer than published. This can be down to a myriad of factors, including availability of appointments, processing delays at UKVI resulting from seasonal high volumes of applications or lack of availability for the requisite English language tests.

Employers with sponsor licences should be mindful of the importance of continuing to uphold their sponsor compliance obligations. UKVI can carry out compliance visits before and after licences are issued. Licence can be downgraded, suspended, or withdrawn if the requirements are not met, resulting in withdrawal of the licence, and inability to continue to sponsor migrant workers.

Robust HR systems must be in place to ensure compliance obligations are maintained to protect the licence, such as clear and robust Right to Work processes for all new hires, not just sponsored workers. This is particularly crucial following the UK's departure from the EU, as the licence is now required to sponsor both EU and non-EU citizens alike.

15. Is there a fast track process / certification that business can obtain to expedite visa / permit processing?

Yes. Priority processing options are available for the majority of immigration applications; however, this may be dependent on availability in the country of application.

In general, if applying from overseas, some countries may offer 'priority' processing of around 5 working days (standard process is normally 15 working days) and is available in a large number of overseas locations. Some limited locations also offer 'super priority' processing, which aims to process most applications by the end of the next working day.

If applying overseas for a partner/ family visa of a British/ Settled person, priority options will reduce the processing time to around 30 working days from the 3-4 months under standard.

If applying from within the UK, there are 'priority' options that aim to process applications within 5 working days and the 'super priority' option aiming for the decision by the end of the next working day. Family/partner visas submitted within the UK can be processed using the 'super priority' service.

It is worth noting that priority processing of immigration applications can sometimes be temporarily suspended by UKVI without notice.

16. What are the recent trends, both political and social (including COVID-19 pandemic), that have impacted your jurisdiction with regard to immigration policy and law? How will this shape the immigration landscape moving forward?

Most recently there has been a change to the guidance for those who hold Student visa and wish to apply to switch to a Skilled Worker visa. Previously, Student visa holders were able to apply for a Skilled worker visa 3 months prior to completing their studies. However, a change in the rules means that Student visa holders must have a start date on their Certificate of Sponsorship after the end date of their course.

The UKVI also intend to raise the visa application fees by 20% in April 2024, this will have a significant impact on business who intend to offer sponsorship.

17. Are there any anticipated changes in the immigration laws of your jurisdiction?

Given the post-Brexit overhaul and the introduction of the new immigration system, it is unlikely there will be any substantial structural changes to the UK immigration rules in the near future.

However, the UK immigration rules are always subject to change. For instance, it remains to be seen if additional changes are introduced over the coming months in response to any potential pressures in the UK labour market. The current points-based system does not have any provision for 'lower skilled roles' currently in demand in the UK (for instance, certain roles in hospitality, retail, agriculture, transportation or warehousing).

18. How do you see technology developing and evolving to support immigration process in the future?

There is already an existing trend in UK immigration towards digitisation. This is anticipated to continue. An increasing number of UK immigration applicants are now issued with digital immigration status: no physical documents are issued. Access is granted to an online portal allowing the applicant to generate 'share codes' to demonstrate right to work to employers, right to rent to landlords and access to other services in the UK. The digital status also allows travel through the 'e-gates' at the UK border.

The advantages of the digital status are clear; biometrics can be submitted using a mobile app as opposed to attending a physical appointment speeding up processing times, digital statuses cannot be physical lost/stolen, and are accessible remotely.

Initially, the digital status process was only available to applicants from the EU, EEA and Switzerland. However the scope has now broadened to include non-EU nationals applying for a Skilled Worker visa from within the UK who already hold a valid BRP and are aged 18 and over. Applicants from the rest of the world are still required to attend in-person biometrics appointments and are issued with a physical BRP card as the immigration document for their time in the UK.

UKVI are currently planning on phasing out BRP cards by December 2024, after which it is expected digital status will be the norm for all UK visa holders.

The Electronic Travel Authorisation (ETA) visa will be implemented from 15 November 2023 for those who are Qatar nationals and from February 2024 for nationals of Kuwait, Oman, and the United Arab Emirates. The system is similar to the US 'ESTA' system, will cost 10.00GBP per applicant.

19. What are the Right to Work requirements in your jurisdiction?

In order to prevent illegal working, all UK employers are obliged to carry out a 'Right to Work' ("RTW") check on new hires before they start work, to ensure they have the correct permission to work in the UK.

By correctly conducting a RTW check as set out in the Home Office Employers Guide to Right to Work Checks, an employer will be able to establish a statutory excuse against liability for a civil penalty should an employee be working illegally or in breach of their conditions.

RTW checks must be carried out using the correct process dependant on the status or documentation held by the individual. For an increasingly small number, this is manually on original documents, for others this is an online check, should the individual hold digital status or a BRP card, and for British and Irish nationals this can now be done using Government approved technology.

Employers are expected to check the validity of the documents and that the person presenting them is the prospective employee in question. This can currently be done in person or via a video call. The temporary adjusted checks concession enabling employers to carry out all right to work checks over video call will come to an end from 30 September 2022.

The employer must retain a clear copy of the RTW check in a format that cannot be altered.

Some RTW checks will provide a 'continuous statutory excuse', meaning no future checks are required. This would be the case for an employee holding British nationality or someone holding settlement. Other RTW checks may present a 'time-limited statutory excuse', for instance a Skilled Worker visa valid for 3 years. Where there is a time-limited statutory excuse, a follow up check must be carried out.

As discussed above, organisations are actively looking to approved IDSP providers to process checks, therefore reducing the potential for physical in-person checks of British and Irish nationals with valid passports.

Deloitte is an accredited and approved Home Office IDSP provider.

20. What are the types of civil and criminal penalties employers may face for non-compliance with immigration rules i.e. employing an individual who does not have the Right to Work?

Under the Immigration, Asylum and Nationality Act 2006, employers have a duty to prevent illegal working.

Where a right to work check reveals that an employee is not eligible to work in the UK, or an employer is otherwise made aware of this fact, and continues to employ the individual, the employer may become liable for a civil penalty of up to £20,000 per breach and potentially criminal prosecution.

Penalties can also result in the loss of a sponsor licence, or the ability to act in a key role on future sponsor applications.

It is important to note that the UKVI intend to increase the penalty for illegal workers to £45,000. This change is due to be introduced in 2024.

21. Are there any quota and / or labour market testing requirements in your jurisdiction and if so, what do they involve?

There is no longer a cap on the number of Skilled Worker visa holders who can come to the UK. There are also no labour market testing requirements for Skilled Worker applicants.

The changes were introduced in the UK Immigration Rules from 1 January 2021, following the UK's departure from the European Union.

22. Are there quota requirements, restrictions or a cap on the numbers of foreign nationals hired per company in your jurisdiction?

Historically, there has been a government cap on how many visas could be issued each year for skilled migrant workers. However, this has now been suspended under the new Skilled Worker route as part of the changes brought on by the new points-based immigration system which was effective from 1 December 2020. It should be noted that this suspension will be kept under review by the Home Office and could potentially be reintroduced later.

23. Are there any exit procedures in your jurisdiction, if an individual is departing permanently?

If an individual is leaving sponsored employment, the sponsor is obliged to make a report to UKVI confirming the individual's departure within 10 working days of the last day of employment.

Should the individual hold a BRP card, this should be cut into pieces and returned to the UKVI.

Individuals holding Police Registration Certificates should also return their certificate to the nearest police station or issuing office.

24. Are there any requirements for medical certificates or vaccinations for your jurisdiction?

Individuals coming to the UK who have resided in certain listed countries for at least 6 months will require a TB test if coming to the UK for more than 6 months. The list of countries where you need a TB test to enter the UK is laid out in 'Appendix T' of the immigration rules. The 'clear' certificate needs to be submitted with the UK visa application. Children under 11 and pregnant woman may be exempt.

There are currently no requirements to hold vaccinations (including COVID-19 vaccinations) for immigration applications or travelling to the UK.

25. Are there any language requirements for your jurisdiction?

Sufficient evidence of meeting a specific English language requirement is mandatory for a number of UK visas for study, work, family and settlement/citizenship applications.

Applicants from non-majority English speaking countries can normally meet this requirement through one of two ways. The first option is to take a UK Visas and Immigration approved English language test. Most UK work and study visas will require a comprehensive English test covering reading, writing, speaking and listening proficiency. If the applicant holds an academic qualification taught outside of the UK that was taught entirely in English, they have a second option to verify this degree through a body called UK ENIC. UK ENIC will confirm whether the degree is equivalent to a UK degree and whether it was taught at the appropriate level of English required for the specific UK visa type.

Exemptions from providing the above two options can apply in certain instances, such as where the requirement was already shown to have been met in a previous successful application or if the applicant is a national of a majority English speaking country such as the US, Australia or Canada.

26. What are the government costs associated with a typical employment based visa?

The Skilled Worker visa is the UK's main work visa route. A typical Skilled Worker visa typically includes the following government fees:

- Certificate of Sponsorship fee of £199. This is an online work permit issued by the sponsor. This document can then be used in support of a Skilled Worker application.
- Immigration Skills Charge of £1000 per year

for a medium to large sponsor, or £364 per year for a small or charitable sponsor. This charge is essentially a tax imposed on businesses for employing workers outside of the local labour market.

- Visa application fee of at least £479 for a shortage occupation role or £625 for all other eligible roles, where the Certificate of Sponsorship is issued for up to 3 years. The fee increases to £943 and £1,235 respectively, for Certificate of Sponsorship issued over 3 years. Note these fees are in relation to applications made from outside of the UK. Where the application is made from inside the UK, the fee will vary.
- Immigration Health Surcharge of £624 per year per duration of the visa. This is an additional tax imposed on foreign workers to enable them to use the National Health Service (NHS) in the UK. Note this fee is reduced to £470 per year if the applicant is under the age of 18 when they apply.
- Optional service add-ons include expedited processing under the priority or super priority services and then additional perks during the biometric appointments such as a courier service, SMS service or 'keep my passport' service which will allow the applicant to hold onto their passport during the processing timeframe.

It should be noted that some fees such as the Immigration Skills Charge must always be paid by the sponsor. Other fees such as the application fee can be paid by the sponsored migrant directly, however it is common for the UK employer to cover all of the fees as part of the onboarding process.

Note that a fee increase is due to be implemented by April 2024.

27. Is a local contract of employment required in order to obtain a work based visa or work permit? Are there salary or other thresholds to be met?

Whilst many individuals on UK work visas will have local contracts, some may be in the UK on temporary assignment with overseas contracts. There is no requirement to hold a local UK contract. Salary can likewise be paid from the UK or overseas. Any employment, tax or payroll implications stemming from where the contract and payroll is located would have to be considered separately.

For a Skilled Worker visa, applicants would usually need to be paid £25,600 per year (or £10.10 per hour) or meet the 'going rate' of the occupation code assigned to the job role, whichever is higher. For example, if an annual salary is £27,000 per annum, but the 'going rate' for the role is £30,000, the salary requirements would not be met.

There are different salary rules for those working in some healthcare or education jobs where the going rate is based on national pay scales.

In some cases, it is also possible to apply for a Skilled Worker visa in an eligible job with a salary less than £25,000 or the going rate, however the pay must still be at least £10.10 per hour.

Applicants can be paid between 70% and 90% of the usual going rate, if the salary is at least £20,480 per year the role is one of the following:

- A job in a shortage occupation
- The applicant is under 26, studying or a recent graduate, or in professional training
- The applicant has a science, technology, engineering, or maths (STEM) PhD level qualification relevant to the job (a relevant PhD qualification in any other subject requires the salary to be at least £23,040)
- The applicant has a postdoctoral position in science or higher education

If applying for a Senior or Specialist Worker visa the salary thresholds are at least £42,400 per annum, £23,100 per annum for a Graduate Trainee Visa. The minimum salary of the relevant occupation code would also need to be met, whichever is higher.

All Skilled Worker and Senior or Specialist Worker roles would need to be for a job that is on the list of eligible occupation, as set out in 'Appendix Skilled Occupations' of the Immigration Rules.

28. What are the maximum periods of stay for individuals on an employment based visa / work permit?

Under the current UK immigration rules there is no maximum period of stay for a Skilled Worker visa holder and their family members in the UK. After 5 years of continuous residence as a Skilled Worker, it may be possible to apply for settlement (permanent residence) in the UK. If not, an applicant can benefit from unlimited extensions to their visa.

For those holding a Senior or Specialist Worker visa, the

maximum total stay is 5 years in any 6-year period if the salary is less than £73,900, and 9 years in any 10-year period for salaries of £73,900 or more.

29. Does your jurisdiction allow dual nationality?

Dual citizenship is allowed in the UK, meaning an individual can apply for foreign citizenship and still retain their British citizenship. It is important to note that many countries do not allow dual citizenship and therefore it is best practice to double check the specific country's laws on dual nationality.

30. What are the most positive aspects of your immigration system compared to the rest of the world?

The UK system is Rules (not legislative) based, which means it is robust but flexible, allowing for adjustment and adaption to change more readily. The system is primarily focused on skilled migration and attracting top talent into shortage occupations, with the aim to select individuals who will support and contribute the most to the UK's economy. In absence of requiring employees to be on a UK contract or UK payroll, the system also supports an agile global workforce for international corporations.

The framework is underpinned by fairness and transparency, allowing potential applicants to self-assess against the requirements and determine upfront whether they should qualify for the visa prior to applying. The application process is an intuitive online system, which is easily accessible helping to facilitate an efficient and consistent decision-making process.

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