Post-Brexit Recruitment
The new system: Sponsor Licences

Brexit is the biggest change to immigration law in a generation.

Now that the UK has left the EU and the transition period has ended, the new Skilled Worker visa is the main route of entry for skilled workers who have a job from an approved sponsor.

This applies to EU and non-EU nationals alike (aside from EU nationals who have obtained settled/pre-settled status, or Irish nationals who are exempt).

In order to access the scheme, employers will need to register with UK Visas and Immigration to become licensed sponsors.

Without a licence, your business may not be able to recruit non-UK nationals.

How to apply for a licence

Getting a sponsor licence as soon as possible, and getting the application right first time, is business critical.

The application process involves completing an online form and submitting detailed supporting documents that meet the prescriptive requirements under the Immigration Rules. This can prove tricky, given the detailed and complicated requirements under the rules. However, it is more than simply a form filling exercise – becoming a sponsor involves accepting a high degree of responsibility for immigration compliance.

When applying for a licence, employers need to be able to demonstrate they can meet their compliance obligations and understand what is expected of them going forwards.

The guidance is clear that if a business applies for a licence and gets the application wrong, they will not only lose their application fee, but will also be prevented from reapplying for a licence for at least six months, possibly longer. This will have significant implications on your recruitment strategy and business planning.

The Government is encouraging all employers who do not currently hold a sponsor licence who will (or may) want to employ non-UK nationals to apply for their sponsor licenses as soon as possible:

“If you’re not already a licensed sponsor and you think you’ll want to sponsor migrants through the Skilled Worker route, you should apply now.” (UKVI).
Training

Now that the UK has left the EU, more and more businesses will need to get to grips with the UK’s immigration system than ever before, if they want to be able to recruit and employ non-UK nationals. With the end of free movement, all businesses will need to adapt to a new compliance regime.

We have the knowledge and experience to help your business confidently and successfully navigate these changes.

We have a proven track record in providing training to HR, recruitment and operational teams on all aspects of the UK’s immigration system. We also train senior managers and Board level directors on the specific compliance obligations associated with holding licensed sponsor status.

We help provide your people with the skills and knowledge they need to understand the immigration system and reduce the likelihood of costly and damaging compliance failures.

We provide our clients with courses that are tailored to meet their specific needs and budgets, but common themes in recent training include:

- The legal obligations and requirements for establishing right to work during the recruitment/onboarding process;
- Detailed training on the work permit system, including employee sponsorship and sponsor duties;
- The implications of Brexit on your people;
- The EU Settlement Scheme;
- The new Skilled Worker visa route;
- Understanding the rules relating to business travellers;
- Balancing immigration and employment law compliance.

Our approach is to make training as interactive and engaging as possible using practical and fun techniques including case studies, quizzes and games.

Training can be delivered in person at your offices, or ours, or remotely via Webinar – whichever works best for you.

Our trainers are fully qualified employment lawyers who also specialize in business immigration. They have many years of experience of dealing with these in practice for a wide range of clients, from SMEs to Plcs.
How we can support you

Our Business Immigration team has a wealth of experience supporting clients with sponsor licence applications and providing employers with the tools and knowledge they need to meet their compliance obligations. For a fixed fee, we can advise you on:

• Suitability requirements and standards to ensure your business meets the compliance standards imposed by UK Visas and Immigration.
• Your compliance obligations as a sponsor, for example, in relation to recordkeeping and reporting.
• The structure of your sponsor licence, key personnel and positions of responsibility.
• Completing the online application form.
• Preparing appropriate supporting documents regarding your licence application.
• A detailed covering letter that accompanies your submission to meet any route specific requirements.

Keeping operations going

Recently we successfully advised a digital consulting company on their sponsor licence to help them recruit non-EU technical support advisers. Post 2021, this will ensure they are able to use the new immigration system to access non-UK talent and maintain full productivity in their operations.

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“Laura delivered a bespoke session for our HR team which covered right to work and the implications of our exit from the EU from a staff perspective.

Despite the limitations of a virtual session, Laura made the event interesting and interactive, and brought the law to life with case studies that resonated with everyone from our HR Assistant to our HR Director.

I wouldn’t think twice to ask Laura to run similar sessions in the future.”

Sarah Acton, Senior HR Business Partner, Public Sector

“I was asked by my Director to arrange some training on Tier 2 Sponsorship and had met Laura at a HR breakfast seminar I had attended at Brabners. The thing that stuck in my mind about Laura was that at the seminar she had made her presentation really engaging, interesting, and even managed to get people laughing so I knew she would be the best person to deliver the training we needed.

I contacted her and she was really accommodating and took the time to find out what we wanted to get from the session and who the audience would be. She delivered a really fantastic session and everyone was really engaged throughout. It is a bit nerve racking the first time you organise training which your Director is also going to attend as you hope it will be as they expected. I needn’t have worried as he also passed on positive feedback about Laura after the session and complimented her training delivery skills which was great. She explained all aspects of the course in everyday language which helped the information embed and took the time to answer all our questions.

Immigration law can be quite a dry subject but Laura is very passionate and incredibly knowledgeable about the subject and I would have no hesitation in recommending her.”

Pip Amey, People Advisor, N Brown Group