

Immigration post-COVID and post-Brexit

The impact of the coronavirus pandemic on immigration related matters has been extensive.

Chetal Patel and Lara Blanco Olarte consider how the global pandemic has affected immigration for charities and how the third sector can prepare for the post-Brexit economy.



Chetal Patel Partner

T: 020 7551 7751
c.patel@bateswells.co.uk

I help clients with their UK business-related immigration matters and provide pragmatic solutions to often complex situations. My particular interests lie in sponsor-related matters and the government's 'hostile environment' policies.



Lara Blanco Olarte
Senior Paralegal

T: 020 7551 7818
lb.olarte@bateswells.co.uk

I am a senior paralegal working on a wide range of immigration matters, I support the Corporate Immigration team at Bates Wells, with sponsor licence applications, and compliance and applications under Tiers 2 and 5.

CHARITY AND SOCIAL ENTERPRISE
UPDATE | SUMMER 2020

The coronavirus pandemic has highlighted the essential work of charities during times of crisis, but also how charities are particularly vulnerable to the impact of a crisis on their operations, including the international mobility of workers. Charities that operate internationally have faced huge disruption to operations as they are unable to repatriate employees or send workers overseas to provide critical support in the field.

Further challenges have been sharp drops in income and immense strain on charity services, particularly in areas such as social work and residential care. These charities have the highest concentration of EU workers in the sector and are likely to face increased labour demand shortages in the coming years. The post-Brexit world poses huge challenges for these and other charities – how can you prepare?

From 1 January 2021, under the new Points Based Immigration System, the sponsored work visa category will be expanded to cover roles skilled to RQF level 3 (A-level) and above, as opposed to the current minimum of RQF level 6 (graduate level). However, the Home Office has confirmed there will be no specific route for 'low skilled' workers, despite this crisis highlighting just how vital 'low skilled' key workers are.

How can the sector prepare?

Assess future recruitment needs

Consider the roles your organisation is likely to face shortages in once free movement ends and whether you are likely to require people from outside of the UK labour market to fill these roles. Are these skilled to RQF level 3?

Apply for a sponsor licence

If you can show that you can offer a genuine role at a minimum of RQF level 3, consider applying for a sponsor licence now. This will ensure your organisation has the flexibility to sponsor non-UK nationals in time for the new immigration system.

Review HR systems

Applying for a sponsor licence isn't just a tick-box exercise. Organisations need to have the correct systems in place to comply with sponsor duties; this includes checking right to work documents and monitoring immigration status, reporting absences and changes to roles. If you begin preparing now you will have enough time to review and implement the correct systems before applying for a sponsor licence.

If you already have a sponsor licence, consider the impact of coronavirus on sponsored workers

Will there be long-term changes to your working practices with employees working remotely more regularly? If so, consider how you will continue to meet your sponsor duties. Will your sponsored workers' future indefinite leave to remain applications be affected by their absences during the pandemic? It's important to retain evidence of excess absences.

Identify recruitment options for 'low skilled' roles

Are there alternative immigration options available to individuals? Are you able to recruit any necessary EU workers in advance of the new system?

We may see delays in introducing the new immigration system in light of the coronavirus pandemic, but, regardless, charities should begin preparing in good time. These tips are the key to ensuring charities can continue recruiting and operating as seamlessly as possible in the new climate.

FIND OUT MORE

Read Chetal's commentary on the new Points Based Immigration System at <https://bateswells.co.uk/2020/02/government-reveals-new-points-based-immigration-system-leading-immigration-lawyer-comments-on-changes/>