

THE POINTS BASED SYSTEM



Priti Patel

Immigration is once again in the headlines. There is increasing pressure on the Government to control migration into the UK.

The Government is under pressure to limit the number of Non-EEA nationals entering the UK especially in this economic climate. As a member of the European Union, UK cannot regulate the number or selection of nationals from the EEA area entering the UK. It is understood that the large influx of eastern European workers in the UK, will be able fill many of the employment posts in various sectors, including the hotel and catering industries. However there are certain posts which cannot be filled by eastern European nationals and an employer will have no choice but recruit from overseas if no resident worker is available.

The New Points based system which has gradually been introduced is a way of controlling immigration to the UK. The Rt. Hon. Jacqui Smith M.P., Secretary of State for the Home Department said in February 2008

“The introduction of our Australian-style points system will ensure that only those with skills the country needs can be able come to the UK.”

The Purpose of the Points based system

The System is supposed to make migration to UK easier to understand and use, but only time will tell if this system has achieved its purpose. There were 80 routes available previously for entry to the United Kingdom be it for study purposes, to work or to train. The new points based system covers most of these routes. There are five tiers with different conditions, entitlements and entry-clearance checks. The first of the new system, Tier 1, was introduced on 29th February 2008 Tier 2 was introduced in November 2008 and Tier 4 March 2009.

Points are awarded according to objective and transparent criteria for all tiers. Those applying will need sufficient points in order to gain entry to the United Kingdom.

More responsibilities for employers under TIER 2

The category relevant to employers who recruit staff from overseas is Tier 2. The Government is of the view that as employers and educational institutions benefit from overseas migrants they ought to take on the responsibilities associated with migration.

Licensed Sponsorship and Compliance

Under the new system employers are required to firstly register as a licensed sponsor before they sponsor a migrant from overseas. The employer can register on line to become a sponsor by completing an application form. The Border Immigration Agency will carry out checks before deciding to grant the license. The BIA will then issue an A rate or B rate license to the employer. The Sponsors must comply with certain duties. They must also keep proper records of the migrants they have sponsored, including contact details and soon details on the migrant's ID cards.

Now that Tier 2 is live the message to all employers is to ensure that you have proper procedures in place in your business including your record keeping, recruitment process employment and tax obligations. Ensure that you carry out the necessary checks when employing non EEA nationals. These verification checks are a must in order to avoid heavy fines. Any records for non compliance may affect your license. A restaurant in North London was recently fined £30,000 for employing illegal workers.

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