

COMMON MISTAKES WHEN HIRING MIGRANT WORKERS IN THE UK

Immigration



When hiring or sponsoring migrant workers there are many mistakes that businesses can make.

In most cases, employers do not know the financial and commercial consequences of failing to comply with the UK's right to work legislation. Although employing migrant workers may seem daunting, the process is manageable if businesses access the correct information to assist them.

Common mistakes when hiring migrant workers in the UK



Right to Work for EEA nationals

Following Brexit, EEA nationals no longer have the right to work in the UK, even if for a short period of time. Many UK businesses are unaware of this and therefore, may unknowingly employ EEA nationals illegally.

When businesses have a linked entity in a different country, they might wrongly assume that they can, therefore, employ EEA nationals working for their linked entity in their UK business.

Even when working for a linked entity, migrant workers are not permitted to migrate and work in the UK without applying for a worker visa and so for a licence, even if they are able to enter the UK via the passport E-gates at the UK border.



What type of sponsor licence do you need?

A sponsor business must:

- Ensure that sponsored workers have the required skills, experience, and qualifications required for their role. This includes keeping copies of the relevant certificates or documents to prove this.
- Notify UKVI if a sponsored worker is in breach of the conditions of their visa. This includes if the worker stops going to work or resigns.
- Make sure that a sponsored worker's details are up-to-date on the licence and keep a record of attendance.
- Ensure the Key Personnel on the business licence and the supporting HR staff receive regular training on the sponsorship duties.

- Monitor the allocation of Certificates of Sponsorship on the business licence to avoid there being an insufficient allocation when the business intends to sponsor a worker.
- Regularly review the business licence online to ensure all details are correct and up-to-date.
- Diarise visa expiry dates for sponsored workers and liaise with them to ensure they are submitting any required extension applications before their visas expire.



Consequences

If a sponsor does not comply with their duties and responsibilities, there are a number of consequences depending on the severity of the noncompliance. These vary from reducing the allocation of Certificates of Sponsorship, suspending a licence with an action plan to have the licence re-instated, and complete revocation of a licence, which will result in sponsored workers having to leave the UK if they cannot switch to a different type of visa.



Legal Support

We can support your business with all aspects of setting up and maintaining a sponsor licence. Our UK immigration team provides a comprehensive approach, preparing the entire licence application, taking into account the commercial considerations for your business.



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