

Winckworth
Sherwood



Our Corporate Immigration Practice

About us

We have extensive experience in advising businesses on all areas of UK immigration and nationality law. Immigration is an area of law which is constantly evolving with changes being made to the law regularly. We stay on top of those changes to deliver the most up to date advice and support to our corporate clients.

We can also provide your staff who are transferring to the UK with supporting services that will ensure their move is as comfortable and smooth sailing as possible.

If you have any immigration queries you would like to discuss we offer a free 30 minutes call with a specialist. For further information or to set this up please get in touch with:

Kezia Daley
Immigration specialist
T +44 (0) 20 7593 0259
kdaley@wslaw.co.uk



How we can help

We routinely advise our corporate employer clients across the full range of UK immigration law, including:



SPONSORSHIP LICENCE APPLICATIONS

Companies who wish to bring or move staff to work in the UK must have a sponsorship licence to do so. We assist clients with all aspects of preparing and submitting a sponsorship licence application to acquire an A rating.

ADVERTISING REQUIREMENTS AND SUPPORT

You may need to advertise the position you are offering if it's not on the Home Office shortage occupation list. This is known as carrying out the 'resident labour market test'. A requirement is that a Sponsor must consider whether the position could be filled by a settled British or EEA national. We can advise clients on how to ensure this requirement is properly met.

SPONSORSHIP MANAGEMENT SYSTEM ASSISTANCE/LEVEL 1 USER SERVICE

Once you obtain a licence to sponsor you must use the sponsor management system (SMS) to meet your requirements as an employer sponsoring tier 2 and 5 visa holders. We are often appointed as level 1 users on the Home Office sponsor management system. This allows us to help clients manage their SMS, manage or renew your organisation's licence or services, create and assign certificates of sponsorship to prospective employees and ensure compliance with the reporting obligations imposed on employers.

HOME OFFICE COMPLIANCE

Compliance is very important. As a licensed sponsor, the Home Office expect you to play a role in ensuring that the sponsorship system is not abused. This means that you must fulfil certain duties. Some of these duties apply to all sponsors, whilst others are specific to those licensed under certain tiers or categories. We work closely with our clients to help ensure that they are fully compliant and our solution based focus looks to safeguard the interest of our corporate clients as well as their employees.

PREVENTION OF ILLEGAL WORKING

Employers are legally required to prevent illegal working and must carry out right to work checks for all employees. Failing to carry out such checks can result in the employer receiving criminal and/or civil penalties including imprisonment and/or fines up to £20,000 per illegal worker. We can advise our clients to ensure compliance and prevent any such outcome.

RESTRICTED AND UNRESTRICTED CERTIFICATES OF SPONSORSHIP

There are two types of certificates of sponsorship an employer can allocate to a potential employee. These are restricted and unrestricted. It is important that employers understand the difference as the Home Office only issue restricted certificates of sponsorship on a monthly cycle and the number issued are limited. All restricted certificates are subject to other considerations before they are issued. We can advise our clients which certificate is relevant to specific hires.

TUPE AND COMPANY RESTRUCTURING

A change of ownership, a merger, a takeover or a de-merger often result in redundancies or employment being transferred under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements or similar protection. Such changes can affect the status of your sponsor licence and specific actions must be taken to manage sponsored staff either prior or after any form of restructuring. Managing staff through this process is a delicate and often lengthy task. We work closely with our Employment department to advise clients where restructures can bring about a change of employer and/or sponsor to ensure their staff are protected.

We regularly advise employees in relation to:



TIER 2 (ICT) AND (GENERAL) MIGRANT VISAS

We advise clients on all aspects of Tier 2 visa applications and work closely with them, and their dependant family members, to help prepare the applications from start to finish.

LEAVE TO REMAIN/INDEFINITE LEAVE TO REMAIN

Where clients are able to apply for an extension of leave or indefinite leave to remain we can advise and assist with the application process from start to finish. There is a minimum salary requirement for settlement and a minimum residence requirement, therefore it is important to get advice as soon as possible.

BRITISH CITIZENSHIP

We are able to assist clients with applications for naturalisation or registration as British citizens.

KEY CONTACT



KEZIA DALEY

Senior Associate

Immigration specialist

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Kezia has been advising businesses and individuals on all aspects of UK immigration and nationality law for over 14 years having qualified as a solicitor in 2005.

Kezia has an established reputation for delivering high level client service combined with clear strategic advice relating to all areas of immigration. Whether you are an investor or an entrepreneur starting a business within the UK, an international corporation transferring staff to the UK or a family relocating to the UK, Kezia can advise and assist on the full range of immigration matters, from straight forward queries matter to highly complex issues.

Kezia acts for a variety of corporate clients assisting them with end-to-end sponsorship licence applications and visa advice, including providing comprehensive support with UK immigration compliance issues.

Clients value Kezia's ability to provide bespoke solutions to their problems. She is innovative, technically strong and experienced and guides her clients through every stage of the immigration process.

Kezia also acts for those seeking:

- entry clearance to invest in the UK under Tier 1;
- to work for a company within the UK under Tier 2 (general,) and (ICT);
- students under Tier 4;
- European nationals seeking permanent residence or settled status;
- those seeking leave to remain under Appendix FM which includes partners, children and victims of domestic violence, as well as those seeking leave under the immigration rules and the relevant appendixes; and
- naturalisation/registration as a British national

To ensure her clients receive comprehensive service she works closely with the firm's private client, tax, real estate, corporate, employment and family teams who can advise on all issues relating to moving to, living and working in the UK.