



## Fact Sheet: employment of migrant workers

80% of organisations in the UK are finding it difficult to recruit into areas where specialist skills are required, and even during the recession, they will continue to recruit from countries outside the EU.

From 1 November 2008, tighter rules on migration are in place which could result in fines of £10,000 per migrant worker – if your business is non-compliant.

### The Facts

- Every non-EU foreign migrant will need prior clearance before entry according to the new Points Based System.
- With the exception of migrants in a few specified occupations (surgeons etc) each of them will be required to achieve a certain number of points based on:
  - qualifications
  - salary
  - a certificate from a sponsoring organisation (i.e. your business).
- Migrants can only get a certificate from a Sponsoring organisation such as a company. These organisations must apply beforehand to the Home Office for a Licence to become a Sponsor which will entitle them to issue a set number of certificates each year.
- A licence will be granted if your organisation has the appropriate HR processes and systems in place to alert the Borders and Immigration Agency of the following:
  - incorrect or out of date documentation
  - failure to take up the job offered
  - absence without leave for 10 days or termination of employment
  - a change of job.
- As a Sponsor, you have a responsibility to demonstrate your efforts to recruit resident or “settled” workers to the post filled by a migrant worker.
- The Borders and Immigration Agency will make pre-announced or unannounced visits to assess your organisation's compliance. This will be ranked as follows:
  - A: Compliant
  - B: Partially compliant
  - C: Non-compliant
- Two parallel levels of offence have been developed:
  - Civil offences for negligent illegal employment of migrants, leading to a £10,000 fine for each one, and
  - A criminal offence for knowingly employing an illegal worker, leading to a custodial sentence or unlimited fine.

