

All Change on Entry into the UK

This is somewhat of a landmark year for policy on entry into the UK as it sees the implementation of some of the major components of the Government's 2005 year strategy for addressing asylum and immigration.

This strategy is a root and branch review of all aspects of entry into the country from tourism visits and students coming into the country to attend courses, through to seasonal workers and permanent residents. It covers the visa application process, the requirements for entry into the country, the border checks performed on visitors, the obligations on visitors once inside the country and the requirements on employers and academic institutions that benefit from overseas migrants and visitors.

The main aims of the strategy are to;

- ensure that only those who benefit Britain can come here to work or study
- reduce abuse and illegal immigration
- facilitate the removal of illegal immigrants

Two of the main components of this strategy are coming into force this year that will, for different reasons, impact upon the tourism sector. These are

- biometric visas
- points based immigration.

The new biometric visa system has now been rolled out across the 108 countries around the world whose residents require a visa to visit the UK. The countries include the major emerging markets of China, India, Russia and Nigeria and, in total, account for over £2bn (around 13%) of the UK's total inbound tourism earnings.

All visitors to the UK from these visa national countries (including children) must now visit a visa processing centre in person to have their biometric data taken (fingerprints and a facial scan). While UKvisas has introduced a network of 106 Visa Application Centres (VACs) in 49 countries to facilitate this process, in many markets this still requires a considerable journey (eg. there are only three VACs in Russia) and there remains the cultural consideration of requiring legitimate visitors to have their whole family's fingerprints taken simply to go on holiday to the UK.

The impact that this move will have on visitor numbers to the UK from visa national countries when combined with the £65 per person charge (up from £35 three years ago) has yet to be determined. However, it is not difficult to see that it will certainly not encourage tourism growth from these markets.

The second main component being introduced this year is the points based immigration scheme which will affect tourism businesses that want to employ overseas workers from outside the EU. The points-based scheme replaces more than 80 work and study entry schemes with five tiers under which people can work and study in the UK. These tiers are;

Tier 1 highly skilled (highly qualified or wealthy individuals - these people do not require a job offer to become resident in the UK)

Tier 2 skilled workers with a job offer (well qualified individuals - these workers require a job offer from a company in order to enter the UK)

Tier 3 low skilled workers (these workers will not be allowed into the country from outside the EU unless the Government decides there is a shortage of workers in a specific sector)

Tier 4 students

Tier 5 youth mobility and temporary workers

Points for each of the Tiers are awarded according to a range of attributes including qualifications, experience, age, the value of the position and the level of need in any given sector. There will also be a requirement for all workers coming into the country to have English language skills to help them integrate into British society.

The different tiers are being introduced in a staged process with Tier 1 having opened for applications in February and Tier 2 and Tier 5 applications due to open in Autumn 2008 (Tier 3 is closed as there is currently no proven need for non-skilled workers from outside the EU). In the meantime, companies that would like to sponsor Tier 2 workers from outside (eg, ethnic chefs) must now register with the Home Office to enable them to do so when Tier 2 starts.

With the new Points Based System comes new measures to tackle illegal migrants working in the UK. These measures include:

- Fines of up to £10,000 on employers for every illegal worker engaged
- A new criminal offence for employers who knowingly employ illegal migrant workers with a maximum prison sentence of two years
- The introduction of an ongoing responsibility for employers to check the status of migrant workers with a time-limited immigration status to ensure that they are still eligible to work in the UK.

It should be noted that these new measures do not significantly alter employers' responsibilities – you are already required to check your prospective employees' right to work in the United Kingdom. What it does do is increase the penalties for not fulfilling this requirement and reduce the ability of employers to avoid prosecution.

Just how the new points based scheme will affect tourism businesses is not known. At the moment most employment needs in the sector have been filled through large-scale immigration from the accession states (most notably, Poland) and the only concerns that have arisen have been in relation to ethnic chefs for Asian restaurants. However, with the strengthening of the Polish economy and many workers now looking to return home, the new scheme could make it more difficult for tourism and hospitality companies to find the skilled staff they require to provide high quality customer service in future.