



# Immigration Offering

## Employment, Pensions and Benefits

## Morgan Cole's Immigration Offering

Morgan Cole's Immigration team has extensive experience in advising on the rights and responsibilities under the points based system for immigration. The team is ranked as a top tier specialist team in this field by the legal directory, Chambers and Partners.

Our clients fall into four groups:

- Businesses
- Sports clubs
- Educational institutions
- Individual employees and students

### Businesses

We assist all businesses, including those in the private and voluntary sectors, on all matters involving the employment of overseas workers. In particular, we advise on:

- Sponsor licence applications, enabling the employment of overseas workers
- Extending, varying and surrendering the licence as a result of business reorganisations
- Recruiting overseas workers and terminating their employment, and minimising risks of discrimination
- Acquiring overseas workers under TUPE transfers
- Extending or varying the leave of overseas workers already in the UK
- Ensuring employees have the legal right to work in the UK and that proper checks are carried out
- Compliance audits in preparation for UK Border Agency inspections
- Challenging civil penalties issued by the UK Border Agency
- Advising on employment contracts and policies to assist business with their sponsorship
- Alternative routes to working in the UK, including Tier 1 Entrepreneurs and Investors, ancestry, family and EEA-related applications
- Business Visitor visas for associates and business contacts from overseas

We assist key employees and senior management with applications for entry clearance or further leave to remain, including applications by their dependants.

We provide a practical and focused training programme on the employment of overseas workers. The session, which takes employers through the requirements using a step-by-step approach, is designed to fit around the needs and priorities of your business. The training explains what measures the employer is expected to have in place and the checks it must carry out before recruiting and dismissing overseas workers, with a view to avoiding civil penalties, adverse publicity and claims of discrimination.

With enforcement now featuring as a priority, we run compliance audits in preparation for a UK Border Agency inspection (which can be unannounced) separately or in conjunction with the above training programme.

The audit considers what systems your business has in place to determine whether or not it complies with the employer's obligations. Where necessary, our compliance report will identify any practical measures the business can implement to ensure that it complies with the relevant requirements and avoids a civil penalty.

## Sports clubs

We have extensive experience in advising over half of the English premier ship Rugby clubs, a selection of the English championship clubs, and the majority of the Welsh Regions on the immigration issues involving their overseas players, coaches and support staff. Our specialist knowledge and understanding of the sector, combined with our friendly and proactive approach, allow clubs to make strategic decisions with confidence.

We have particular experience in assisting with the following areas:

- Recruiting professional sportspeople, coaches and support staff direct from overseas
- Visa extensions as a result of contract extensions
- Temporary and permanent transfers of players between clubs in the UK
- Liaising with the sports governing body
- Immigration issues arising from relegations and promotions
- Players on EEA family member permits, Ancestry and spouse visas
- Indefinite leave to remain and British Citizenship
- Schengen visas
- Players visiting the UK for unpaid trials, negotiating contracts and short periods of training
- Partners and dependants accompanying the players

## Educational Institutions

Morgan Cole advises higher, further and secondary education providers in relation to student and staff immigration issues, and has particular expertise in the following areas:

- Sponsor licence applications specifically for education providers and the institution's sponsorship duties
- Advising on the conditions and entitlements to study in the UK
- Compliance audits in preparation for UK Border Agency inspections

## Individuals

We advise individuals on all options available to them under the various categories of the points based system.

- Tier 1** We advise innovators, entrepreneurs and generally those who are in a position to invest in the economy. This category also includes those who have recently completed a degree at a UK university and who are interested in working for a further period before returning to their home country.
- Tier 2** We guide those who already have an offer of employment from a registered sponsor or who anticipate such an offer and we give guidance with the leave to remain or entry clearance process, once the Certificate of Sponsorship has been issued. In addition to those with appeal rights within the rights in the UK, we provide representation at appeal to the AIT.
- Tier 4** We act for students and children of independent schools in relation to further leave to remain applications and, in particular, provide guidance on the proper documentation required to establish maintenance, which is the most common area of difficulty and the most likely reason for refusal of an application for further leave.
- Tier 5** This tier allows us to consider the unusual employment arrangements, such as youth mobility and those undertaking voluntary work, which can provide a pathway to working in the UK or in some cases to extending leave in the UK.

For further information please contact **Duncan Bain** (Thames Valley) at [duncan.bain@morgan-cole.com](mailto:duncan.bain@morgan-cole.com) or 01865 262 683 or **Glyn Lloyd** (Wales) at [glyn.lloyd@morgan-cole.com](mailto:glyn.lloyd@morgan-cole.com) or 02920 385 460.