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3HR Legal Weekly

Immigration

Proposed Changes to Immigration Law

With various discussions about Brexit still dominating all outlets of the media, it is perhaps a useful time for us to reflect once again on the proposed changes to Immigration Law and how they may affect your business. In summary, our advice is to **act now** if you wish to avoid increased costs and potentially changing eligibility requirements.

There are two key additional costs elements that are widely expected to come into effect from **April** this year, although it is possible that either or both could even be introduced before that. These are:

1. Removal of the exemption for Intra Company Transfer (“ICT”) migrants in respect of the Immigration Health Surcharge (“IHS”). This means that all ICT applications would in future have to pay the IHS fee, currently set at £200 per year per person – so for a family of four applying for 3 years that is a total additional cost of £2,400.

2. Introduction of the “Immigration Skills Charge”, which is intended to be a fee of £1,000 per year for each migrant worker. It is not envisaged that this would also apply to dependant family members, so for example a migrant worker applying for a 3-year visa would be subject to an additional fee of £3,000.

These fees are in addition to the existing visa fees (which may themselves be subject to increases, although in recent years such increases have been relatively modest). So, for a Tier 2 ICT migrant worker (with a family of 3 dependants) applying for a 3-year visa, the additional fees on top of the existing visa fees could be **£5,400**. Where possible therefore, we suggest that our clients and their head offices seriously consider making any new applications sooner rather than later.

It is worth noting that neither of the above have anything to do with the Brexit vote. The IHS was introduced in order to assist in funding the NHS, and the proposed Immigration Skills Charge is being introduced in order to attempt to encourage companies to consider using locally available employees rather than migrant workers.

We are still not in any position to know how the Immigration Law will look in two years’ time when the UK finally leaves Europe as a result of the Brexit vote. Whilst there is talk in the media of various different options that the UK government could take as regards future Immigration Law, we do not think it is helpful to spend too much time on speculation about matters over which currently it would not be possible to plan for. Of course, as and when further details emerge about the future shape of legal requirements in this area we will inform and advise you.

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Adverse Weather

Q: It is predicted that our area will see a lot of snow this month. Are there any special issues we should consider?

A: Legally, employees are not usually automatically entitled to be paid if they are unable to get to work due to adverse weather, however, we would advise being understanding towards employees. Acting in a reasonable manner will mean staff are more motivated in the long term. Consider how to be as flexible as possible –think in advance about whether your employees could work from home, or change their usual working hours to deal with the disruption.

A clear policy will minimise confusion for both employer and employee. It should detail what your organisation expects from employees in terms of getting to work and how the business will continue if staff cannot be physically present. Some employers choose to include a policy in the staff handbook to cover any unusual or unexpected absences which are not covered by sickness or leave for dependents. Having a clear policy will maintain good employee relations and should minimise complaints of unfairness.

Some employees may have children in a school which is closed due to the bad weather, and may be entitled to take unpaid leave for dependents. Whether they are entitled to or not is likely to depend on their individual circumstances.

It would be a good idea to have contingency plans in place -which of your staff could cover for each other at short notice in the event of absences? Can employees be set up to work from home or from their mobile devices? Are you able to manage this kind of home working for a short period of time?

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3HR can always assist with the writing of policies and advise on individual circumstances.

This newsletter is designed to provide general information only. It does not constitute legal or other professional advice and thus should not be relied on. Definitive advice can only be given with full knowledge of all relevant facts. If you would like to discuss any aspect further, please contact us.

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