



EMPLOYMENT | Empty Chairs At Empty Tables

Lockdown in the UK is easing at last. We can meet up with friends, family and work colleagues who we have only seen virtually over the last few months. Perhaps go for a meal.....but will our favourite restaurants be able to re-open?

The UK hospitality industry has been hit hard by the Covid-19 crisis. Since March 2020, these businesses have been forced to close during the various periods of lockdown, often leading them to letting staff go unless they could retain them under the furlough scheme. According to the Office for National Statistics, 335,000 jobs were lost in the catering industry in the year to March 2021 alone. A number of these positions had previously been filled by overseas nationals, many of whom have left the UK. It has now been [reported](#) that a number of restaurant owners are now having issues recruiting staff.

However, help is potentially at hand due to the changes made to the UK immigration system on 1 December 2020.

Since 1 January 2021, all non-British / non-Irish nationals have required immigration permission if they wish to work in the UK. A restaurant or hotel can apply for a sponsor licence to enable it to sponsor suitably qualified migrants under the Skilled Worker route. Following the December changes, employers can now sponsor individuals to undertake roles at RQF Level 3 or above, which is equivalent to A levels / school leaver level whereas, previously, the minimum skill level was graduate level (RQF Level 6). A significant proportion of the roles that the hotel and catering sector is looking to fill are at RQF Level 3 so these changes should have been good news.

However, in January 2020, the Migrant Advisory Committee advised the UK Government that not all roles at RQF Level 3 should be capable of sponsorship. Unfortunately, this included the roles of waiters and waitresses. Accordingly, the UK Government decided, although they are normally deemed to be RQF Level 3, to reclassify these roles at a lower skill level and therefore not capable of sponsorship under the new system. Other roles that cannot be sponsored include hotel and catering assistants and

bar staff.

On a more positive note, there are a number of positions in the hospitality industry which can now be sponsored under the Skilled Worker route, including hotel and accommodation managers, catering and bar managers and restaurant and catering establishment managers. In addition, all chefs can now be sponsored under the Skilled Worker category, whereas previously this was only possible for highly skilled chefs. Another welcome change is that, under the previous immigration system, restaurants that were deemed to offer a takeaway / delivery service could not sponsor chefs. This became a particular issue when some high end establishments started offering a delivery service using one of the growing number of delivery companies. Under the new system, this is no longer a concern.

However, it is worth noting that, in order to qualify for sponsorship, individuals must normally be paid a minimum salary of at least £25,600 per annum, unless they meet the "new entrant" requirements, which is significantly above the wages normally paid to staff undertaking RQF Level 3 jobs in the hospitality sector.

In addition, the fees associated with sponsoring an individual under the Skilled Worker category are quite significant. If the company employing the individual is classed as a large company, the total fees payable for a five year visa for the individual alone can be as much as £10,000. If the individual has a partner and two children who are accompanying them to the UK, the fees can exceed £25,000.

Consequently, although the UK immigration system does potentially offer assistance to companies in the hospitality industry who are struggling to recruit, it does come at a price.

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