

A number of immigration-related changes have occurred recently with more coming into effect over the coming months. Changes coming into force on 6 April 2015 include:

- an NHS surcharge for non-EEA migrants applying for a visa or for further leave to remain for six months or more (with limited exceptions)
- an increase to the minimum salary requirements for roles qualifying for Tier 2 Sponsorship
- updates to the appropriate rates for individual occupations as set out in the codes of practice
- the Tier 2 'cooling off' period will no longer apply to migrants who have been granted less than 3 months Tier 2 leave in the UK.

In addition, the issuing of Biometric Residence Permits to overseas nationals has begun.

Changes with effect from 6 April 2015

- **Immigration Health Surcharge**

The Home Office's immigration health surcharge will apply to both in-country and out-of-country applications where payment is made on or after 6 April 2015. Under the new provisions, non-EEA nationals and their dependants applying for leave to enter or further leave to remain in the UK for over six months will be required to pay a £200 fee per year in order to cover the NHS costs of treating migrant workers. Students will be required to pay £150 per year and the total surcharge amount for the whole period of leave granted will be payable upfront. The surcharge will not apply to Tier 2 Intra Company Transfer migrants or nationals of Australia and New Zealand.

- **Changes to Tier 2**

The Tier 2 'cooling off' period will no longer apply to migrants granted less than 3 months' leave in the UK under Tier 2. This change will afford greater flexibility to businesses wishing to fill short term positions, or who need to transfer key staff to the UK for very short periods.

- **The minimum salary thresholds for roles qualifying for Tier 2 Sponsorship system will increase as follows:**

Category	Criteria	Current Threshold	New Threshold
Tier 2 General	Jobs which qualify for Tier 2 (General)	£20,500	£20,800
Tier 2 General	Jobs exempt from advertising in the JobCentre Plus (or Jobcentre online if the job is based in Northern Ireland)	£71,600	£72,500
Tier 2 General	Jobs which are exempt from the annual limit, 12 month cooling off period and RLMT	£153,500	£155,300
Tier 2 ICT	Jobs which qualify for short term staff, skills transfer or graduate trainee categories (maximum stay either six months or one year)	£24,500	£24,800
Tier 2 ICT	Jobs which qualify for long term staff category (maximum stay five years)	£41,000	£41,500
Tier 2 ICT	Jobs which qualify for transfers of up to nine years and are exempt from the 12 month cooling off period	£153,500	£155,300
Tier 2 (General) and Tier 2 (Sportsperson)	Earnings which qualify for settlement (those working at PhD level or shortage occupations are exempt)	£35,800 for settlement applications made on or after 6 th April 2019	£36,200 for settlement applications made on or after 6th April 2020

- The fees for Tier 2 Certificates of Sponsorship (CoS), leave to enter and leave to remain applications will also increase.
- Updates are being made to the appropriate rates for occupations as set out in the codes of practice.
- The annual limit for Tier 2 (General) migrants will be kept at 20,700 per year. The monthly allocation cap will be adjusted throughout the year to allow for higher CoS allocations in the busier periods.

Changes with effect from 24 April 2015

• Business Visitors

From 24 April 2015 visitor visa categories will be simplified to 4 categories: visitor (standard), visitor for marriage or civil partnerships, visitor for permitted paid engagements and transit visitors.

The current business visitor visa will be classed under the new visitor (standard) category and migrants will be permitted to carry out activities detailed Appendix 3 of the Immigration Rules. New permitted activities include allowing overseas trainers to deliver training to UK-based employees of a multinational company. Financial support can also be provided by UK businesses under the new rules.

Other Changes

Biometrics Residence Permits for Out of Country Applicants

- From 18 March 2015, the Home Office began the roll-out of Biometric Residence Permits (BRPs) to non-EEA nationals applying for leave to enter the UK for more than six months. Under the current rules, a visa is granted in the form of a vignette in the applicant's passport. Under the new rules, the migrant will receive a temporary visa vignette, which will be valid for 30 days starting from the intended date of travel on the application form and a letter of approval containing the details of the Post Office where the BRP can be collected on arrival in the UK. The BRP must be collected within 10 days of arriving in the UK, failing which the migrant may be subject to financial penalty or cancellation of leave.

The roll-out began on 18 March 2015 with applications made from Pakistan. There will then be three further phased implementations from mid-April (inc. China and India), the end of May (inc. Australia and USA) and the end of July for the rest of the world.

Employers are permitted to carry out a right to work check on the 30-day vignette if the migrant is unable to collect their BRP prior to commencing work. Employers must, however, request to see the original BRP before the migrant's 30 day vignette expires.

Shortage Occupation List

- The Home Office has announced that it is to implement recommendations made by the Migration Advisory Committee (MAC) in its report in February 2015, including adding additional graduate level roles within the digital technology sector.

Super Priority Service in New York

- The British Consulate in New York has launched a "super priority" visa service which allows Tier 2 applicants, applying in person in New York, to receive a decision on their application within 24 hours of submitting their documents. The fee for this service is \$936 and the service should be purchased before attending the biometrics appointment. Visitors, Tier 5 and Tier 4 applicants applying in person are also eligible to apply for this premium service.

English Language Testing

- As of 6 April 2015 the list of approved English language tests for UK visa applications will be amended so as to remove many of test providers currently featured. The majority of IELTS tests will still be accepted and applicants will no longer be required to provide the certificate with their application providing they have the unique reference number in certain circumstances.

Rights of Appeal

- As of 2 March 2015 there are no longer any appeal rights for Points Based System migrants and their dependants who have made applications for leave to remain in the UK. If an applicant is refused leave to remain, he will be required to follow the new administrative review procedure which will result in the decision being upheld, amended or withdrawn.

Unrestricted Certificates of Sponsorship

- Finally, by way of reminder, sponsors who have been selected for the automatic renewal of their unrestricted Tier 2 CoS allocation will receive the same number of CoS as they did for 6 April 2014 to 5 April 2015. Further CoS can be requested after 6 April 2015, if required. Sponsors who have not been selected for automatic renewal should apply for their new CoS allocation as soon as possible and no later than 5 April in order to avoid delays to future applications.

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