



VISA BYTES

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Proposed and current changes to immigration law

The Prime Minister in his speech on immigration emphasised the need for skilled workers and for the constant need to strengthen the links between the new Points Based System and the skills policy and continually assessing the UK's needs to fill key skill gaps in the economy and flexibility in doing so. He rejected the plan by the Conservative party to establish quotas or caps as it would be unworkable in practice. Nevertheless he has suggested some changes ahead which will affect the local ethnic communities.

Removal of chefs and care worker from shortage occupation list

The main plan with regard to chefs and care workers is to remove them from the shortage occupation list in 2012 and 2014 respectively subject to agreement by the Migration Advisory Committee an independent body which considers evidence of shortages.

In addition to proposed changes the following changes are already taking effect:

Armed forces: lowering of age

The UKBA have lowered the age of qualifying for entry as a spouse from 21 to 18 for members of the armed forces. Those coming to settle here will be unaffected by this change.

Tier 4 Changes: Introduction of highly trusted sponsors

Only sponsors who hold a Highly Trusted sponsor licence can now offer the following courses, known as 'restricted courses', to Tier 4 (General) students:

- courses at National Qualifications Framework (NQF) level 3 or equivalent; and
- courses below degree level that include a work placement (other than foundation degrees, which can still be offered with a work placement by any Tier 4 (General) sponsor).

Education providers who hold a standard Tier 4 sponsor licence can only offer courses at or above NQF level 4 or

equivalent. And they cannot offer courses that include work placements unless those courses are degree-level courses or foundation degrees.

Interim arrangements

If a student is currently studying a restricted course (defined above) at an institution that does not hold a Highly Trusted sponsor licence, they can continue to study at that institution until they either complete their course of study or their permission to stay under Tier 4 expires, whichever is sooner. If a student wants to extend their stay to complete their studies beyond this they can only do so at an institution that holds a Highly Trusted sponsor licence.

Interim arrangements for education providers

Publicly funded institutions that were deemed to hold a Highly Trusted sponsor licence on 6 April 2010 are now listed as 'Highly Trusted' on the Tier 4 register of sponsors, pending their application for a Highly Trusted sponsor licence. If they do not apply by 30 June 2010, they will lose this status and will be unable to access the Highly Trusted sponsor benefits from 1 July 2010. Those who do not want to apply for a Highly trusted Sponsor licence, should inform the UKBAs by writing to HTSLicenceEvidence@UKBA.gsi.gov.uk.

If the institution did not qualify for automatic inclusion as a Highly Trusted sponsor and is currently an A-rated sponsor, they can apply for a Highly Trusted sponsor licence. If the application is made by 30 April 2010, they can continue to offer restricted courses until 30 June 2010 or the date when your application is decided, whichever is sooner. If an application is no made by 30 April 2010 the institution will not be able to offer restricted courses to Tier 4 (General) students after 1 May 2010.

Revised English tests

Revised provisions have been introduced for migrants who are apply-

ing for permanent residence, to ensure that those relying on qualifications in English for Speakers of Other Languages (ESOL) will study at accredited colleges. The provisions will also clarify the progression that migrants are required to demonstrate before they can apply for permanent residence.

The most worrying signal is that chefs will no longer qualify for entry. Chefs do not have qualifications and rely on their skills to qualify at present. If removed from the shortage list they will not be able to score the points necessary to qualify. This will in turn have a significant impact on restaurants.

Another change that is curious is the fact that lowering of the age for marriage from 21 to 18 is introduced for some categories. Work permit holders and now armed forces staff are able to qualify whilst those from specific communities are excluded from bringing their spouses even though there is no whiff of a forced marriage. The reason for the raising of the age of marriage (ie to prevent forced marriages) appears to apply for some groups but not others.

What is also clear is that the speed of change caused by altering the Points Based System will increase with very little warning.

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