

109 High Street
Edgware
Middlesex HA8 7DB
Tel: 020 8381 3932
Fax: 020 8381 3935
www.fernandesvaz.com
Email: fernandesvaz@aol.com

VISABYTES

Your quarterly immigration newsletter by Fernandes Vaz

August 2009 Contents :

- **Working In The UK – Part Time Skilled Staff**
- **Changing Employers**
- **Moving from one address of the employer to another**
- **Tier 1 (Post Study):**
- **Nationality – The New Citizenship Law**
- **Visitors**
- **Appeals and Reviews**
- **General Grounds for refusal**
- **Our Services**

Working In The UK – Part Time Skilled Staff:

Those who want to retain skilled staff but do not want to either go through the process of applying for Sponsorship Registration or employ full time staff can take an alternative route. They can employ skilled staff for short periods of time. There are however conditions attached to this.

The employee:-

- Can work for up to 20 hours per week
- Must do the same job
- Can only work outside their normal hours of work

No specific permission is required. However, in the light of the illegal working provisions and regular raids on premises it is advisable for employers to ensure that there is a contract in existence for such workers identifying their hours, pay and duties.

Changing Employers:

An applicant who changes employer cannot work until he/she is notified that they have permission to do. This is by the receipt of a passport stamped with appropriate leave. Prior to the new system, work permit holders could work after they had



Maria Fernandes

received approval but before the passport was stamped. This is no longer possible.

Moving from one address of the employer to another:

It is possible for an employee to move from one address to another as long as he / she is performing the same job and is with the same employer. An employee cannot be transferred to another company or business. The employer would need to complete the 'Technical Change of Employment Form' and pay a fee of £20. Employees are not allowed to be dispatched to different addresses of the employer for short periods of time.

Disclaimer - This newsletter provides basic information only. It is not intended to provide legal advice. To take your name out of the mailing list, please fax a written request to 020 8381 3935 or call 020 8381 3932.

Call Fernandes Vaz on 020 8381 3932

Tier 1 (Post Study):

There have been a number of refusals under this category on the grounds that the person does not qualify for points for maintenance where the funds have not been held for a minimum of 3 months. These rules are extremely strict. It is necessary for maintenance to be shown for each and every day during a 3 month period ending with the application. A drop for even a day can affect the application.

Account can, however, be taken of bank statements from overseas accounts and joint accounts.

Nationality – The New Citizenship Law:

Borders, Citizenship and Immigration Act 2009 s.39-41. The Act came into force on 21/07/2009. The citizenship aspects of the Act will not come into effect until July 2011. There will be transitional arrangements for certain categories.

In summary the arrangements are:-

- 1) Those who apply for citizenship before the new provisions are commenced will be treated under the current system.
- 2) Those who have ILR will be eligible providing they apply within 2 years of commencement (ie 2013)
- 3) People who apply for ILR before commencement and whose application is successful after commencement will be eligible providing that they apply within 2 years of commencement.

Visitors:

South African, Swaziland, Lesotho, Bolivia and Venezuela nationals will only be able to travel, to the UK with a visa. For Venezuelan nationals, however, visitors who have new secure fingerprint passports issued since 2007 will be allowed to enter the UK

without visas. Taiwan passport holders will no longer need visas to travel.

Appeals and Reviews:

Those who apply under the Points Based System abroad, if refused, have no right of appeal to a Tribunal but can apply for Administrative Review. It is not possible at that stage to provide fresh evidence. In country applicants have a right of appeal to the Asylum & Immigration Tribunal. Please note that for in country applicants a review to the UK Border Agency is not an appeal and that waiting for a response may result in a person overstaying their leave.

General Grounds for refusal:

New rules introduced last year provide for refusal of leave and bans from entering the UK for periods of time in certain circumstances.

There is a noticeable increase in cases refused on the grounds that “the applicant has previously contrived in a significant way to frustrate the intentions of these Rules”. This Rule is likely to be used for a wide variety of circumstances. Guidance is due to be published on this soon but is not yet available. However refusals on this basis have already started to appear for past events unconnected to a current application.

Our Services:

We offer:

- One off consultations and 2nd opinions
- Sponsorship Registration
- Advice and representations on Civil Penalties
- Audits of employers staff and systems to ensure that they are compliant with illegal working provisions
- A fast track service (same day service in most cases)

Call Fernandes Vaz on 020 8381 3932