



VISA BYTES

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Changes to the Points Based System from 6th April 2010

The points based system for Tier 1 and 2 is due to change again from the 6th April 2010. It is still necessary to score 95 points in total. However the new regulations further tighten up the criteria. This article provides a brief overview of the changes. It assumes you already have a working knowledge of Tier 1 and 2.

Period of leave

Applicants will be granted 2 years instead of 3 years. They will be granted an extension of 3 years.

High earnings

Those who do not have qualifications but can demonstrate very high earnings (£150,000 or above) will qualify even though they do not have formal qualifications.

Exempted Categories

The new points system will not apply to those in the UK in the following categories:

Tier 1 (general) with leave granted before 6th April 2010
Highly Skilled Migrant Programme (HSMP)
Writers composers and Artists

Self employed lawyers

The above categories will continue to be awarded the same points which are currently in force when they apply to switch into Tier 1 (General). Applicant will be granted 2 to 3 years as applicable to take their stay to a total of 5 years.

Doctors in training

Restrictions extended to dentists in training. However this will not apply to those who have a degree in medicine or

dentistry from a recognised UK Institution.

There are amendments to the post study regulations specifically for doctors medical students. Doctors will be able to switch into Tier 1 (Post Study Work) within 12 months of completing the Foundation Programme rather than their degree.

Doctors who have leave in the old permit free Postgraduate Doctor and Dentist category will be able to switch into Tier 1 (Post Study Work) on completion of the Foundation Programme.

Tier 2 changes

These changes affect Tier 2 (General) and Tier 2 (Intra Company Transfers) only. The other categories are not affected by the changes.

Those coming in as Intra company transfers will score 25 points instead of 30 points.

The main change is in the salary bands. Those earning less than £20000 will score not points. It will be necessary to score over £32000 to earn the maximum points (25).

Exemptions

Those currently in the UK under Tier 2 (General) or Tier 2 (Intra Company Transfer) and applying for extensions will automatically score 50 points providing:

They have a Certificate of Sponsorship

They work in the same job, for the same employer, and earn the same salary or higher.

Administrative

There have been clarifications of the instances when a change of employment is required to be notified. There will be 2 areas when it will be necessary to report changes:

If the salary reduces below the sum stated on the Certificate of Sponsorship (unless it is a company wide policy defined in the regulations or the result of maternity or adoption leave)

Changes from a shortage occupation to a non shortage occupation job notified.

Changing from one code to another

New recommendations by the Migration Advisory Committee (MAC)

MAC has published its latest shortage occupation report. The focus for this report was on pharmacists, musicians, aircraft component manufacturing engineers and fishermen.

The MAC recommends that the pharmacists category currently the UK shortage occupation list be expanded to include community pharmacists (those who work for private employers other than the NHS).

The MAC also recommends those orchestral musician jobs be very closely for leaders of the orchestra only.

The MAC does not recommend any other changes to the UK shortage occupation lists. The UKBA will need to consider these recommendations and decide whether to accept them.

The changes mainly tighten up the provisions thus making it harder to qualify than before. They do however open up the door for individuals who earn high salaries but did not have formal academic qualifications and therefore until now could not qualify.

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