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Visabytes

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Your quarterly immigration newsletter by Fernandes Vaz

IMMIGRATION CAP

The Home Secretary has announced the first raft of measures to control numbers coming to the UK under Tier 1 (Highly Skilled Workers) and Tier 2 (Skilled workers with job offers).

• Tier 1

With effect from April 2011 Tier 1 will be available only to entrepreneurs, investors and up to 1,000 applicants of exceptional talent i.e. those who have won international recognition in scientific and cultural fields or who show exceptional promise.

• Tier 2

As far as Tier 2 is concerned the following changes have been announced:

- Intra company transfers will be exempt from the cap.
- Minimum salary Tier 2 (Intra company transfers) will be £40,000 if the applicant is coming over for 12 months or over or £24,000 coming for less than 12 months.
- The cap for Tier 2 (General) will be £20,7000 and considered on a monthly basis.
- Jobs must be at graduate level. The Government are seeking the advice of the Migration Advisory Committee on the jobs that are considered to be at graduate level.



Maria Fernandes

The cap will not apply to those already in the UK or to dependants or to those who are filling a vacancy with a salary of more than £150,000. Existing applicants will be able to extend their permits on the basis of current regulations.

Applicants will be ranked according to:-

- Shortage occupations
- Whether the post requires higher academic qualifications
- Salary.

ENGLISH

The minimum level of English language competency will be increased from basic to intermediate level (B1 of the Common European Framework).

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NATIONALITY PROPOSALS ABANDONED

The Home Secretary has announced that the government will not be implementing new “earned citizenship regulations which were due to come into effect in July 2011. This provision provided that migrants would need to go through a probationary period. The length of the probation would depend upon whether they could show willingness participate in community activities such as volunteering, fund raising or working as school governors. These provisions have now been scrapped by the current government.

CHIEF INSPECTOR DELIVERS DAMNING BLOW ON THE UK BORDER AGENCY

The Chief Inspector of the UK Border Agency has been highly critical of visa operations in Abu Dhabi and Islamabad. He concluded that the quality of decision making is poor, that there is total disregard for decisions made by Immigration Judges, inconsistent approaches and discrimination when dealing with Pakistan nationals. He also accepted concerns of stakeholders who reported that there were inordinate delays in dealing with business visit applications. No account appears to be taken for previous travel when deciding whether a business visitor is genuine.

ENGLISH COMPETENCY FOR SETTLEMENT

Spouses and partners coming for settlement will need to pass an English test.

SETTLEMENT & CRIMINAL CONVICTIONS

There will be a new criminal threshold which will require applicants to be clear of unspent convictions for all those applying for settlement.

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