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## Changes to Students investment and work related categories:

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Your quarterly immigration newsletter by Fernandes Vaz

## Changes to Students investment and work related categories

The latest changes to the Immigration Rules have now been laid before Parliament and will come into force on the 6<sup>th</sup> April unless stated otherwise. To summarise the main changes:

### Students

There will be a limit of stay of 5 years or 6 years, with some exceptions, with a total limit of 8 years where students are studying for a PHD. Exceptions have been made for law, medicine and dentistry, veterinary sciences, music and architecture. The limit will not include the period of study below degree level and any time spent under Tier 4 (Child).

They will be able to switch to full time employment without the need for an employer to undergo a labour market search under Tier 2 once they complete obtain a UK degree or complete 12 months towards a PHD. No other students will be allowed to switch in country and will need to return abroad to apply for entry clearance.

### Post Study Workers

This category will close on the 6<sup>th</sup> April 2012 but they will be able to switch to Tier 2 without a labour market test and will also be able to remain as a Tier 1 (Entrepreneur) by investing £50000 and creating 2 jobs. They will no longer be required to be employed by



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the same employer for 6 months but will be required to prove that they have sufficient funds to meet the maintenance requirements.

There is also provision for this category to switch to Tier 5 (Temporary Worker) to obtain work experience.

### Graduate Entrepreneurs

This new category of Graduate Entrepreneur (which replaces in effect Post Study Work) is selected by their Higher Education Institute to develop ideas or entrepreneurial skill and limited to 1000 places each year. It permits up to 2 years following which the Applicant will be expected to either invest £50000 or leave. The time spent up to that point will not count towards settlement.

## Entrepreneur Pairs

When 2 applicants form an Entrepreneurial Pair the dates relating to their business and investment was tied to the date of the earlier member's application. This condition is to be removed giving the second team member more time to qualify.

## Tier 2

There will be a maximum period of 6 years within which applicants either have to qualify for indefinite leave or leave the country. If they do not qualify there is a 12 month cooling off period during which they will not be able to qualify in this category.

To qualify applicants need to earn a minimum of £35000 per annum in basic salary excluding overtime or the amount that is stated in the Codes of Practice relating to their occupation whichever is the higher. There is an exception for those who are or were at any time on the shortage list.

All extensions will be standardised to 3 years and 14 days.

## Domestic Workers

New applicants applying for entry in private households after the 6<sup>th</sup> April will only be allowed to enter strictly for 6 months, will not be able to switch employment or bring in dependants and will not qualify for settlement. They will need to accompany their employer or his/her family and leave with them. There are corresponding restrictions for those in diplomatic households.

## Fee Rises for PBS applicants

Finally from 14th June 2012 there will be a rise in the maintenance figures for all points based categories. These figures will be reviewed annually from now on (and so are expected to rise each year).

Category	Existing level of funds required	New level of funds required
Tier 1 Migrants	<ul style="list-style-type: none"> <li>• £2,800 for entry clearance applications</li> <li>• £800 for leave to remain applications</li> </ul>	<ul style="list-style-type: none"> <li>• £3,100 for entry clearance applications</li> <li>• £900 for leave to remain applications</li> </ul>
Tier 2 Migrants and Tier 5 (Temporary Worker) Migrants	<ul style="list-style-type: none"> <li>• £800</li> </ul>	<ul style="list-style-type: none"> <li>• £900</li> </ul>
Tier 5 (Youth Mobility Scheme) Migrants	<ul style="list-style-type: none"> <li>• £1,600</li> </ul>	<ul style="list-style-type: none"> <li>• £1,800</li> </ul>
Dependants of Tier 1, 2 and 5 Migrants	<ul style="list-style-type: none"> <li>• £1,600 for dependants of Tier 1 Migrants who have been in the UK for less than 12 months</li> <li>• £533 for all other applicants</li> </ul>	<ul style="list-style-type: none"> <li>• £1,800 for dependants of Tier 1 Migrants who have been in the UK for less than 12 months</li> <li>• £600 for all other applicants</li> </ul>
Tier 4 (General) Students	<ul style="list-style-type: none"> <li>• <b>Inner London</b> - £800 per month, up to a maximum of 9 months (£7,200), or 2 months if the applicant has an established presence (£1,600)</li> <li>• <b>Outer London / rest of UK</b>-£600 per month, up to a maximum of 9 months (£5,400), or 2 months if the applicant has an established presence (£1,200)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Inner London</b> - £1,000 per month, up to a maximum of 9 months (£9,000), or 2 months if the applicant has an established presence (£2,000)</li> <li>• <b>Outer London / rest of UK</b> -£800 per month, up to a maximum of 9 months (£7,200), or 2 months if the applicant has an established presence (£1,600)</li> </ul>

Dependants of Tier 4 (General) Students	<ul style="list-style-type: none"> <li>• <b>Inner London</b> - £533 per month, up to a maximum of 9 months (£4,797), or 2 months if the applicant has an established presence (£1,066)</li> <li>• <b>Outer London / rest of UK</b> - £400 per month, up to a maximum of 9 months (£3,600), or 2 months if the applicant has an established presence (£800)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Inner London</b> - £600 per month, up to a maximum of 9 months (£5,400), or 2 months if the applicant has an established presence (£1,200)</li> <li>• <b>Outer London / rest of UK</b> - £450 per month, up to a maximum of 9 months (£4,050), or 2 months if the applicant has an established presence (£900)</li> </ul>
Tier 4 (Child) Students - Where the child will be studying at a non-residential independent school and is in a private foster care arrangement or staying with and cared for by a close relative	<ul style="list-style-type: none"> <li>• £500 per month, for up to a maximum of 9 months (£4,500)</li> </ul>	<ul style="list-style-type: none"> <li>• £550 per month, for up to a maximum of 9 months (£4,950)</li> </ul>
Tier 4 (Child) Students - Where the child will be studying at a non-residential independent school, is under the age of 12 and is (or will be) accompanied by a parent	<ul style="list-style-type: none"> <li>• £1,333 per month, plus £533 per month for any additional child accompanying the applicant and the parent, up to a maximum of 9 months (£11,997 for the student and parent plus £4,797 for any additional child)</li> </ul>	<ul style="list-style-type: none"> <li>• £1,500 per month, plus £600 per month for any additional child accompanying the applicant and the parent, up to a maximum of 9 months (£13,500 for the student and parent plus £5,400 for any additional child)</li> </ul>
Tier 4 (Child) Students - Where the child is aged 16 or 17 years old and is living independently and studying in inner London	<ul style="list-style-type: none"> <li>• £800 per month of the course up to a maximum of 9 months (£7,200), or 2 months if the applicant has an established presence (£1,600)</li> </ul>	<ul style="list-style-type: none"> <li>• £900 per month of the course up to a maximum of 9 months (£8,100), or 2 months if the applicant has an established presence (£1,800)</li> </ul>
Tier 4 (Child) Students - Where the child is aged 16 or 17 years old, is living independently	<ul style="list-style-type: none"> <li>• £600 per month of the course up to a maximum of 9 months (£5,400), or 2 months if the applicant has an established presence (£1,200)</li> </ul>	<ul style="list-style-type: none"> <li>• £700 per month of the course up to a maximum of 9 months (£6,300), or 2 months if the applicant has an established presence (£1,400)</li> </ul>

The 28 day and 90 day periods have to be evidenced by documents which cannot be more than 31 days old.

### Other Changes:

#### Refusals for false representations :

- There will be an additional ground for refusal if an applicant has made false representations indirectly for example to obtain a genuine qualification.
- English language – Where a person has previously been refused for producing a false certificate this can form a ground of refusal in any future application.

#### Curtailed:

Leave will be curtailed and mandatory when the migrant is non-compliant.

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