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# 3HR Legal Weekly

## Immigration Updates – March 2015

The latest Immigration Rule changes have recently been announced, most of which will be effective from 6<sup>th</sup> April 2015. We have summarised below the main changes that are relevant to our clients.

### Key changes to Tier 2

The 'cooling off period' which currently prevents Tier 2 migrants (save for a few exceptions) from returning to work within a 12 month period will not apply to certain of those who had a Tier 2 visa for three months or less. This is a welcome change as it will give sponsors more flexibility to manage their workforce.

**Minimum salary thresholds** are increasing slightly by 1.2 % in line with wage inflation. Sponsors must pay Tier 2 migrants at least the minimum salary for a visa category or the minimum salary for the job in question, whichever is higher. The minimum salary applicable to Tier 2 Intra-Company Transfer Long Term Staff will become £41,500 from the current £41,000. Please contact us if you have a query about the salary requirements for a particular occupation.

### Approved Secure English Language Test (SELT) centres

Applicants who are required to meet the appropriate English Language requirements must now use one of the two providers on the new SELT list, Trinity College London (UK only) and IELTS SELT Consortia (UK and rest of world). Tier 2 sponsors who are planning to recruit a migrant who requires a SELT needs to ensure the migrant meets this new requirement to avoid the application being refused.

### Simplifying Visitor Routes

The existing 15 visitor visa routes will be consolidated in 4 groups for business and leisure travellers. The changes affecting business visitors are marginal. However, the list of 'permissible activities' has expanded to include, for example, training clients where that training is part of an appropriate global contract to provide training to employees of a multinational, and charging clients for certain permitted activities conducted in the UK.

### Health Charge for Migrants

The Home Office is expected to introduce the new health charge to migrants in April 2015. The charge is set to be £200 for each year of the visa period (and £150 for a student and the dependant of a student). Applicants must pay the fee in full at the time of making their visa application, or their visa applications will be refused or invalid. According to a Draft Order laid before Parliament, a number of visa categories are exempt from the new health charge including:

- Tier 2 Intra-company Transfer Migrants and their dependants;
- Visitors;
- Entry Clearance and extension applications for 6 months or less;
- Nationals of Australia or New Zealand.

The Government has announced last month that the rationale of introducing the new charge is not to miss out on income from migrants, especially 'visitors'. This is contradictory to the Draft Order exempting 'visitors' from those subject to the health charge as above. It is also unclear whether Tier 5 International Agreement migrants are exempt or not. We will inform you of the details when they are announced.

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