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3HR Legal Weekly

Immigration

Immigration Skills Charge

There has been a lot of talk in the media recently of increased charges being applicable to immigration applications, including extending the requirement for payment of the Immigration Health Surcharge to Tier 2 (ICT) applicants, increasing the minimum salary thresholds and the introduction of the Immigration Skills Charge.

At last, we have received confirmation that, subject to parliamentary approval (which is expected to be merely a formality), the Immigration Skills Charge will come into effect from 6th April this year.

This will apply to **both Tier 2 (General) and Tier 2 (Intra Company Transfer)** migrants, but will only apply to new migrants at this stage. Therefore, existing migrants applying to extend their leave to remain will not have to pay the charge. However, in the future any migrant who applied to enter the UK after 6th April 2017 will be subject to the charge, regardless of whether they are making an initial application or an extension application.

The fee is currently set at £1,000 per year per migrant for “medium or large” sponsors or £364 per year per migrant for “small” sponsors. A sponsor will qualify as small if they are below certain thresholds – primarily if they have a turnover of £10.2million per year or less as well as having 50 employees or fewer. The fee does not apply to dependant family members, only to the main applicant, and is payable at the same time as making payment of the Certificate of Sponsorship assign fee.

So a Tier 2 migrant applying for a 3 year visa would be subject to a fee of either £3,000 or £1,092 depending on whether the sponsor is classed as large or small, in addition to the usual £199 Certificate of Sponsorship fee.

There are a few exceptions to the Immigration Skills Charge, including those switching from Tier 4 to Tier 2 (General) and also those workers being sponsored to do a specified PhD level job as set out in the Home Office’s Standard Occupational Classification Codes (“SOC Codes”).

Aside from those exceptions, the only way to avoid the Skills Charge is to apply for new migrants prior to 6th April this year. 3HR are of course fully able to assist with Tier 2 visa applications, including Entry Clearance from anywhere in the world.

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