

24 March 2017

3HR Legal Weekly

Immigration

Changes to Immigration Rules

We have mentioned in our newsletter on numerous occasions over the past number of months, that the Home Office have been planning to introduce a number of changes to the Immigration Rules. Finally, the Home Office have now announced that these changes will be coming into effect from 6th April 2017, and have given confirmation of exactly what those changes will be.

There are certainly some positive aspects to these changes, which will be beneficial to many of our clients and clearly demonstrate the government's stated aim of ensuring the UK is seen as very much still being "Open for Business", despite the Brexit vote. However, in addition there are some increased costs that will be associated with various visa applications from 6th April.

In summary therefore, the changes are:

- Various increases being made to the minimum salaries for the Home Office approved job codes ("SOC codes")
- Minimum salary for Tier 2 (General) experienced rate increasing to £30,000 (with some limited exceptions)
- Relaxing the rules slightly for Sole Representative entry clearance applications, by only preventing entry clearance where there are other "active" entities in the UK (suggesting therefore that dormant or previous entities will not prevent an application)
- Reducing the High Earner salary threshold for Tier 2 (ICT) to £120,000 per year, meaning that migrants earning at least that amount will be able to stay in the UK for up to 9 years (previously it was necessary to earn at least £155,300 for that status)
- Increasing the High Earner salary threshold for Tier 2 (General) to £159,600 per year, which is the threshold to meet in order to be exempted from the Resident Labour Market Test and Restricted Certificate of Sponsorship requirements for entry clearance applications
- Introducing the Immigration Skills Charge, a fee of either £1,000 (for large sponsors) or £364 (for small or charity status sponsors) per year per main applicant, such that a 3 year Tier 2 (ICT) visa will now cost an additional £3,000 or £1,092 (depending on status of the sponsor) on top of the usual visa application fee, payable at the time the Certificate of Sponsorship is assigned
- Removing the requirement for a Tier 2 (ICT) entry clearance applicant to have worked for at least 12 months for a group company overseas, provided the migrant will be paid a salary of at least £73,900 for their work in the UK
- Clarifying that some items can not be included in salary calculations on Certificates of Sponsorship, e.g. one-off payments for relocation (rather than ongoing annual cost of living allowances, which continue to be acceptable) and payments which need to be reimbursed by the migrant to the sponsor
- Allowing unrestricted Certificates of Sponsorship to be used for Tier 2 (General) entry clearance applications where it is in connection with a business less than 3 years old (and which has its head office based outside of the UK) that is either making new capital expenditure of £27 million or more, or is creating at least 21 new UK jobs

As always, further details of how these will work in practice will be released closer to 6th April, when the Home Office updates its Guidance documents. We can of course assist you with any requirements arising, or help you to consider how you can best take advantage of the new opportunities that have arisen above.

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