

Business Immigration Essentials

Does the immigration cap fit?

The UK Border Agency (UKBA) has finally announced details of its planned immigration limits for non EEA workers. To lessen the cap's impact, the UKBA is allowing migrants already in the UK, to extend or switch into work categories generally, without being considered as part of the cap: this category of workers will be the 'winners'. Losers will be Intra-Company Transfer staff, who can be prohibited from working in the UK for up to 12 months.

Decisions taken now will radically affect an employee's ability to stay in the UK long term, so it is vital to get on top of these changes now.

Key UKBA proposals require all Tier 2 workers fill "graduate" level occupations, and that Tier 2 (General) workers meet intermediate level English.

The immigration cap itself, imposes a limit of 20,700 Tier 2 places for overseas applicants, however excludes those earning £150,000 plus. Priority is given to shortage occupations, jobs requiring PhDs, and high salaries.

Tier 2 Intra-Company Transfers established staff will be split in two:

- Short term staff-maximum 12 month stints, with minimum 12 month break outside UK before re-entering the UK again as ICT. Minimum salary £24,000
- Long term staff-maximum 5 years, with minimum 12 month break outside UK before returning as Tier 2 (ICT) migrant. Minimum salary £40,000

Tier 1 (General) will close completely, replaced by a select category facilitating entry of 1000 "exceptionally talented economic migrants". Tier 1 (Post-Study Work) route will be phased out in April 2012.

To provide more attractive conditions for Tier 1 Entrepreneurs and Investors, UKBA will allow them accelerated permanent settlement after 2 or 3 years and up to 180 days absences outside the UK in any 12 month period

Applicants wishing to settle permanently in the UK will have to:

- prove their earnings remain at the UK appropriate rate level for their job
- be clear of any unspent criminal convictions, and
- have passed the Life in the UK knowledge test

Making a business case to employ an overseas worker will be trickier than ever and require careful preparation.

If you need advice on how these changes will affect your business after 6 April 2011, please contact Natasha Gya Williams.

NICHOLAS MOORE BUSINESS IMMIGRATION

**Providing strategic advice and guidance on
employing foreign workers**

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The Essentials:

Tier 1 changes:

-All Tier 1 (General) applications closed

-Tier 1 (Post-Study Work) route will close in April 2012

-Enhanced conditions for Tier 1 Entrepreneurs and Investors

Tier 2 changes:

-Tier 2 workers must fill "graduate" level occupations

-Minimum intermediate level English language requirement

-Tier 2 (General) overseas workers limited to 20,700 places; prioritising higher academic qualifications and salaries

-Tier 2 (General) applicants switching immigration status within UK normally unrestricted

-Tier 2 (ICT) split into short term and long term established staff, with 12 month break periods

-Settlement conditions tightened

NEED TO DISCUSS IMMIGRATION CONCERNS?

Contact our business immigration specialist Natasha Gya Williams:

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Please feel free to [pass on](#) this update to any contacts who may find it useful.

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