

NEWS & UPDATES

TIER 2 IMMIGRATION SKILLS CHARGE FOR EMPLOYERS

From April next year, UK companies looking to hire skilled non-EEA employees will be charged for every worker they choose to bring to the UK. The Immigration Skills Charge (ISC) will take the form of a £1,000 fee per migrant hire, per visa year, and will be payable upfront by the UK employer.

Almost all companies wishing to employ Tier 2 migrants after April 2017 will be charged the full ISC. Small or charitable organisations will be subject to a lesser yearly fee of £364 per Tier 2 migrant hire.

Some visa applications will be completely exempt from the fee, such as:

- The Intra-company Transfer Graduate Trainee visa route;
- Those applying for a PhD role; and
- Those switching from Tier 4 to Tier 2 (General).

For example, bringing a skilled professional from outside the EEA to the UK on a five-year Tier 2 visa after April 2017 will cost a business up to £5,000 in ISC fees. This will be in addition to the Immigration Health Surcharge and Home Office processing costs.

Gherson is authorised and regulated by the Solicitors Regulation Authority.

This update is correct to the best of our knowledge and belief at the time of going to press. It is, however, written as a general guide, so we recommend that specific advice be sought before any action is taken.

TIER 2 UPCOMING CHANGES

One of the most notable recent Rule changes is the government's decision to increase the minimum salary threshold for Tier 2 applications to £30,000 over the coming year. This threshold is currently set at a minimum of £20,800, but will increase to £25,000 in the autumn of this year and then again to £30,000 in April of next year. However, until January 2019 these increases will not apply to certain public sector roles, such as paramedics, nurses and some teachers. Also, applications for entrant-level roles (classed as graduate hires, Tier 4 to Tier 2 switches, or anyone aged 25 or under) will be exempt completely.

Upcoming changes include:

- the current intra-company transfer provisions are being simplified by requiring all intra-company transferees to qualify under a single visa category with a minimum salary threshold of £41,500, with the exception of the graduate trainees.
- in October 2016, Skills Transfer category will be closed to new applications and the minimum salary threshold for Short Term category will be increased to £30,000.
- From April 2017, the Short Term category will be closed to new applications.
- From autumn 2016, all intra-company transferees will be required to pay the Immigration Health Surcharge.
- There will be no changes to the work rights of Tier 2 dependant migrants.
- The minimum salary threshold for new entrant hires (classed as graduate hires, Tier 4 to Tier 2 switches, or anyone aged 25 or under) is to remain at its current level of £20,800.

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...continued - Upcoming changes include:

- Tier 2 applications for graduate roles will be given extra weighting within the Tier 2 skilled visa system, meaning it will be easier for their prospective UK sponsors to obtain permission to employ them in the UK.
- The education and public health sectors will be pleased to hear that specific healthcare and education roles will be exempt from any increase in salary thresholds until 2019.
- Nurses will remain on the Shortage Occupations List, meaning that applications for these roles will be prioritised within the Tier 2 skilled visa system for the foreseeable future.
- For the high-earners, the minimum salary threshold which must be reached before a Tier 2 visa holder becomes eligible to remain in the UK for up to nine

years is being lowered substantially from its current level of £155,300 to £120,000 in April 2017.

- In order to qualify for ILR Tier 2 migrants will be required to demonstrate minimum earnings from their main sponsored employment of:
 - £35,000 if you apply for settlement on or after 6 April 2016
 - £35,500 if you apply for settlement on or after 6 April 2018
 - £35,800 if you apply for settlement on or after 6 April 2019
 - £36,200 if you apply for settlement on or after 6 April 2020
 - £36,900 if you apply for settlement on or after 6 April 2021.

TECH NATION VISA SCHEME

If you are a digital technology professional thinking of coming to the UK on a Tier 1 (Exceptional Talent) visa, it is worth considering whether your visa application would be eligible for endorsement by Tech City UK as part of their scheme.

Introduced in November 2015, the scheme enables applicants of the Tier 1 (Exceptional Talent) visa category to receive endorsement from Tech City UK, a Home Office appointed Designated Competent Body, before their visa application is passed over to the Home Office for consideration.

Are you eligible to apply for endorsement from Tech City UK?

THE MANDATORY CRITERIA

In order to be eligible for endorsement you must be able to satisfy at least one of the following mandatory criteria:

- You have a proven track record of innovation in the digital technology sector as a director, founder or employee of a digital technology sector company.
- You can prove recognition for work outside of your immediate occupation, which has contributed to the advancement of the sector.

THE QUALIFYING CRITERIA

Once you are confident that you can satisfy at least one of the mandatory criteria, you should ensure that you meet at least two of the following qualifying criteria:

- You have made significant technical, commercial, or entrepreneurial contributions in the digital technology sector as either: a director, founder, or employee of a digital technology company.
- You have been recognised as a world-leading talent in the digital technology sector.
- You have undergone continuous learning/mastery of new digital skills (commercial and/or technical) throughout your career.
- You have demonstrated exceptional ability in the field by making academic contributions through research.

You must provide documents in support of the mandatory and qualifying criteria as part of your application, along with a C.V., a cover letter, and two letters of recommendation.

Unfortunately, ensuring that you meet the criteria and providing the required documentation does not secure the endorsement of your application, or the granting of your UK visa. If endorsement is given, your visa application must be submitted to the Home Office for consideration.

If you require additional information, please contact a member of our team by telephone or email.

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