

**UK Immigration:  
Changes to the Points Based System  
November 2010**

# Agenda

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- Introduction
- Context: Points Based System
- Changes under the Coalition Government
- Appeals
- Questions

# Introduction

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- DavidsonMorris solicitors was established in 2005
- UK Immigration Specialists:
  - Commercial / Corporate Immigration
  - Private Clients
  - Appeals

## Context: Points Based System

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- Introduced by Labour Government in 2008
- Economic migration routes streamlined into 5 tiers
- Designed to be an objective system that will allow the UK to respond flexibly to changes in the labour market
- Points are awarded to reflect applicants' skills, aptitude, experience, age and the demand for those skills

# The Points Based System

## The Five Tiers

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- Tier 1:** Highly skilled individuals to contribute to growth and productivity
- Tier 2:** Skilled workers with a job offer to fill gaps in UK labour force
- Tier 3:** Low skilled workers needed to fill temporary labour shortages (currently suspended)
- Tier 4:** Students
- Tier 5:** Youth mobility and temporary workers with non-economic objectives

# Tier 1

## Subcategories

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**Tier 1 (General)**

**Tier 1 (Entrepreneur)**

**Tier 1 (Investor)**

**Tier 1 (Post-study)**



# Tier 2

## Immigration Routes for Business

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**Tier 2 (General)**

**Tier 2 (Intra-Company Transfer)**



# Recent Trends in UK Immigration Law

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## Statement of Intent

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“Britain can benefit from immigration, but not uncontrolled immigration. It is this government's aim to reduce the level of net migration back down to the levels of the 1990s - tens of thousands each year, not hundreds of thousands.”



*Theresa May, Home Secretary  
July 2010*

# Changes to the Immigration Rules: Interim Limit (June 2010 to April 2011)

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Interim measures included:

- capping the number of Tier 1 (General) migrants at 2009 levels
- raising the Tier 1 (General) points requirements from 95 to 100
- limiting the number of certificates of sponsorship that employers can issue under Tier 2 (General).

# Changes to the Immigration Rules: Annual Limit (April 2011)

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The Coalition government has committed to:

- an annual limit of 21,700 for those entering via the skilled and highly skilled routes:
  - 20,700 under Tier 2 (General)
  - 1,000 under the new 'exceptional talent' route;
- £40,000 the minimum salary for those coming under the Tier 2 (Intra company transfer) route for more than 12 months;
- restricting Tier 1 to all but entrepreneurs, investors and the exceptionally talented; and
- requiring occupations in Tier 2 (General) to be at graduate level.

# Changes to Tier 1

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- The Tier 1 (General) route will be closed.
- The Tier 1 (Entrepreneur) route will be reformed to make it more attractive. Designed to attract promising start-up companies.
- The Tier 1 (Investor) route to be reformed to offer an accelerated route to settlement, depending on the level of investment.
- The Tier 1 (Entrepreneur) and Tier 1 (Investor) routes will not be subject to a limit on numbers.
- A Tier 1 route for persons of exceptional talent to be introduced. The 'exceptional talent' category will be subject to a limit of 1,000 places.

# Changes to Tier 2

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- The Tier 2 limit will not apply to:
  - in-country applications from those already in the UK;
  - dependants of Tier 2 migrants;
  - Tier 2 (General) applicants who are filling a vacancy with a salary of more than £150,000;
  - Tier 2 (Sportsperson) applicants;
  - Tier 2 (Minister of religion) applicants; and
  - Tier 2 (Intra company transfer) applicants.
- Tier 2 (ICT) Established staff will be able to stay in the UK for up to 5 years if they are paid more than £40,000 per year; those paid between £24,000 and £40,000 will be able to enter for up to 12 months within a specified period.

# Changes to the Immigration Rules: Other Proposed Changes

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Under consideration:

- Restricting student visas to those studying at degree level or higher;
- Restricting and/or imposing conditions on those coming to the UK as dependant spouse or family members.

# Appeals

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- Certain refusals can be challenged in the First-Tier Tribunal (Immigration & Asylum)
- Right of appeal is restricted under the Points Based System
- Crucial that initial applications are prepared correctly



**Tribunals Service**  
Immigration and Asylum

# Questions?

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SOLICITORS

