

Changes in UK Immigration Rules

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New Requirements for Foreign Workers from Outside the EEA

In response to changing economic circumstances, UK Home Secretary, Jacqui Smith, announced *three* significant changes to UK immigration laws and policies regarding foreign workers and visitors coming to the UK from outside the European Economic Area (EEA). The following changes are effective *April 1, 2009*:

1. *Tier 1, Highly Skilled Workers*: The qualifying criteria for initial applications under this category will be raised from a Bachelor's degree to a Master's degree and the minimum annual salary from £16,000 to £20,000. You should contact legal counsel immediately to determine whether potential Tier 1 candidates would benefit from having their cases submitted prior to these changes taking place.
2. *Tier 2, Sponsored Skilled Workers*: The resident labor market test for Tier 2 cases will now be more stringent. Employers will be required to advertise jobs to resident workers only through JobCentre Plus (UK government agency) before they can obtain a work permit for a worker from outside the EEA. Under current criteria, employers show evidence that they have advertised the position in line with UK Border Agency protocol, which involves advertising the job according to the code of practice specific to the sector and job. It is only when there is no code of practice for the sector or job at the time of advertising that the employer must advertise the job using Jobcentre Plus. This will certainly result in the UK government closely monitoring all resident labor market tests as well as potentially impact future changes in UK immigration laws and policies following their assessments of those results, including further changes in the shortage occupation list as well as possible further reduction in the number of individual positions open to migrants.
3. *Shortage Occupation List*: Use each shortage occupation list to trigger skills reviews that focus on training resident workers for these occupations, which will make the UK less dependent on migration for the future. The shortage occupation list defines which positions cannot easily be filled by resident workers.

Skilled Worker Category for Representatives of Overseas Newspapers, News Agencies, and Broadcasting Organizations Temporarily Re-Introduced

Representatives of overseas newspapers, news agencies, and broadcasting organizations with a sponsor based in the UK will temporarily be eligible to apply under the Skilled Worker category. Those representatives who are being posted to the UK for six months or less can apply to enter the UK as business visitors, and those representatives that are being posted to the UK for more than six months can choose to apply under either the old Skilled Worker category or Tier 2 of the new points-based system. For those representatives who do not have a sponsor based in the UK, there will be a more permanent solution later this year so that they also can apply under Tier 2. When this happens, the old Skilled Worker category will be eliminated permanently.

New Visa Controls Introduced

Beginning in July 2009, nationals of Bolivia, Lesotho, South Africa, Swaziland, and Venezuela will need to obtain a visa to enable them to travel to the UK.

Proposed Fee Increases

The UK government has announced proposed fee levels for all visa, immigration, and nationality applications and services in 2009 and 2010. More information about the proposed fee levels can be found

at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/news/charges200910wms.pdf?view=Binary>

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