

# Management Alert



## UK Immigration: Significant Changes to UK Immigration Rules and Procedures

By Deirdre Murphy

*The following alert is directed to organizations with a presence in the UK or who anticipate the need to place talent at a UK work site.*

*Seyfarth Shaw's Global Mobility Practice hosts attorneys licensed to practice in the UK, Canada, and Germany. The group has the capability to assist clients with obtaining work and residence visas for over 70 jurisdictions around the world. If we can assist you in placing talent, please call your Seyfarth attorney. We will be happy to help you.*

The Home Office has announced several significant procedural changes to the UK immigration system, and an overhaul of the visitor route, which will be introduced over the next few months.

### 1. Super Priority Service

All UK visa applications submitted in the United States are processed through the British Consulate General in New York. Previously, applications could be submitted by mail or via the Priority Service, for an expedited processing time of generally 3-5 business days.

On March 9, 2015, the "Super Priority Service" option was introduced. Now, for an additional fee of £600, applications will be decided within 24 hours. Individuals applying in the following categories are eligible for the Super Priority Service: visitors, Tier 2 migrants, Tier 4 Students (in most cases), and Tier 5 applicants.

The additional fee is per application. Therefore, for a family of four, the Super Priority Service fee would be £2,400, in addition to the standard visa application fee. Although the cost is high, the Super Priority Service may be a useful option for senior-level executives or employees with critical skills who require a visa to travel to the UK on short notice.

### 2. Biometric Residence Permits for Overseas Applicants

As confirmed in our alert *last month*, the Home Office announced the gradual introduction of Biometric Residence Permits ("BRPs") for non-EEA nationals applying for visas for more than six months. The rollout schedule for the new scheme has just been confirmed, which will take place from March to July 2015.

The new procedures impose critical deadlines and create an additional step for employees in the visa application process. Employees must travel to the UK within the 30-day validity of the short term visa, and then pick up their Biometric Residence Permit within ten days of entering the UK from a designated post office. Failure to comply with these strict timelines will result in additional delays and expense for employers.

The timing of the rollout will be on a country-by-country basis as follows:

**Phase One - March 18, 2015:** For all migrants applying in Pakistan, the new procedures took effect on March 18th, 2015.

**Phase Two - mid-April, 2015:** The exact date in April has not yet been confirmed. The new procedures will apply to individuals applying in the following countries: Armenia, Bangladesh, Bhutan, Burma, Cambodia, China, Cyprus, Denmark, Estonia, Finland, Germany, Gibraltar, Iceland, India, Indonesia, Italy, Laos, Libya, Maldives, Malta, Nepal, Netherlands, North Korea, Norway, Portugal, Republic of Ireland, Spain, Sri Lanka, Sweden, Thailand, Vietnam.

**Phase Three - May 31, 2015:** From this date, applicants in the following countries will be subject to the new procedures: Afghanistan, Ascension Island, Australia, Bahamas, Bahrain, Barbados, Bermuda, Brunei, Canada, Cayman Islands, Dominican Republic, Egypt, Falkland Islands, Fiji, Guyana, Iran, Jamaica, Japan, Malaysia, Mongolia, New Zealand, Nigeria, Oman, Papua New Guinea, Philippines, Qatar, St. Helena, St. Lucia, Singapore, South Korea, Taiwan, Trinidad & Tobago, United Arab Emirates, USA, Yemen.

**Phase Four - July 31, 2015:** The fourth and final phase will be introduced on July 31, 2015 for all countries not listed above.

If a migrant does not enter the UK within the 30-day validity of the visa, they must apply again and obtain a new short term visa before entering the UK. Further, if a migrant does not collect the BRP within ten days of entering the UK, they must depart the UK and begin the visa application process again.

Failure to comply with the strict timeframes will result in significant additional costs. Therefore, employers must ensure that all migrants are aware of the new procedures and deadlines.

### 3. Health Surcharge Fees Introduced

Starting April 6, 2015, all non-EEA nationals who apply for a visa to enter the UK for more than six months must pay a "health surcharge." The aim of this measure is to ensure that migrants living in the UK make a financial contribution to the cost of healthcare services provided by the National Health Service ("NHS") in the UK.

The health surcharge will be £200 per year per applicant. Students will only have to pay £150 per year. The payment is mandatory, regardless of whether the migrant has private health insurance. Tier 2 Intra-Company Transferees and their family members are exempt, as are nationals of Australia and New Zealand (as the UK has a reciprocal healthcare arrangement with these two countries).

As the surcharge of £200 is payable per person, per year, this may create considerable additional costs for employers. For example, an individual applying for a five-year Tier 2 General visa, accompanied by a spouse and two children, must pay the health surcharge fee of £4,000 GBP (approximately \$5,900 USD). If the migrant repatriates early, no portion of the surcharge will be refunded. The health surcharge must also be paid by any migrants currently in the UK who apply for extensions.

Employers must factor in the additional costs of the health surcharge for all applications submitted on or after April 6, 2015. Further, employers should carefully consider the duration of the visa requested, to avoid paying the surcharge for a period when the employee may no longer be in the UK.

### 4. Increase in Tier 2 Minimum Salary Rates, SOC Codes and Filing Fees

In accordance with the annual increase in filing fees and Tier 2 salary thresholds, the Home Office has announced the following changes which will take effect on April 6, 2015.

## 4.1 Fee Increase

The government filing fees for most categories of entry clearance visas and in-country applications will increase from April 6, 2015. For Tier 2 General and Long Term Staff, the increase will be £50 for visas valid up to three years, and £100 for 5 year visas. In addition, the fee for a Tier 2 Certificate of Sponsorship will increase from £184 to £199.

Some categories will see a significant rise in costs. For example, the fee for an Indefinite Leave to Remain (permanent residence) application will increase from £1,093 to £1,500. A Tier 1 Investor application filed overseas will cost £1,500, an increase of £626.

The full list of charges for 2015/2016 is available [here](#).

## 4.2 Salary and SOC Codes

Under Tier 2, the salary level for the UK role must meet both the minimum required according to the relevant Tier 2 subcategory, as well as the Standard Occupational Classification ("SOC") code. The SOC codes consist of a list of roles with corresponding salary rates for each position.

On April 6, 2015, the minimum salary thresholds will increase for all Tier 2 subcategories:

Category	Current Threshold	New Threshold
Tier 2 General	£20,500	£20,800
Tier 2 General and ICT High Earners	£153,500	£155,300
Tier 2 ICT: Short Term Staff, Graduate Trainee, Skills Transfer	£24,500	£24,800
Tier 2 ICT: Long Term Staff	£41,000	£41,500

In addition, the SOC code salary rates will increase and vary per code. For example, the minimum salary for an experienced hire under SOC code 1132: Marketing and Sales Directors, will increase to £47,900 from £40,700. The salaries under the IT-related SOC codes have also increased; for example the salary for IT business analysts, architects and systems designers will be £1,800 higher.

Therefore, employers must ensure that any Certificates of Sponsorship issued on or after April 6, 2015 meet the increased salary rates for both the relevant Tier 2 subcategory and the SOC code.

## 5. Visitor Visa Categories Consolidated

The Home Office is overhauling the UK visitor visa route, condensing the existing 15 categories to four. The purpose of these changes is to consolidate the visitor route and clarify the eligibility requirements. As of April 24, 2015, the visitor categories will consist of the following:

- Visit (standard)
- Marriage/civil partnership visit
- Permitted paid engagement visit
- Transit visit

The revised visitor rules will allow additional flexibility so that individuals may undertake a range of activities under the visitor standard route, for example both business and tourism, with one visa. The inclusion of a specific list of prohibited and permitted activities is welcome and provides additional certainty, particularly for business visitors. Permissible activities do not include individuals taking employment or doing work which amounts to filling a role or providing short-term cover.

The changes to the visitor rules will most likely result in enhanced scrutiny at the border. Nationals of certain *countries* are visa exempt, and therefore may travel to the UK with a passport which is valid for at least six months. However, all visitors must satisfy an Immigration Officer at the port of entry that they meet the requirements of the visitor rules. Therefore, individuals entering the UK as visitors on or after April 24, 2015 should be familiar with the revised rules and carry sufficient documentation to ensure that there are no issues on arrival in the UK.

We will update clients as further details of the new procedures are announced. If you have any questions or would like further information, please contact your Seyfarth attorney or Deirdre Murphy at [dmmurphy@seyfarth.com](mailto:dmmurphy@seyfarth.com).

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