

Management Alert



UK Immigration: Changes to Tier 2, Application Fees and TB testing

By Deirdre M. 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. As is the case with developments in U.S. immigration regulations and practice, the UK is placing increasing focus on prevailing wages as well as health and security issues.

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.

On April 6, 2014, several amendments to the UK immigration rules and procedures will take effect. Most of the changes will impact Tier 2, the route for sponsored employees to obtain authorization to work in the UK. In addition, the fees for most applications will increase by approximately 4%. Finally, the Home Office has expanded the list of nationals who require tuberculosis screening prior to applying for a visa to enter the UK. These changes are discussed in detail below.

(1) Changes to Tier 2

(a) Five-Year Visa

Under the new rules, Tier 2 Intra-Company Transfer ("ICT") and Tier 2 General Migrants may apply for a visa which will be valid for up to five years (at present the maximum is three years). This is a welcome change, as it will reduce the need for renewal applications.

However, this change may create compliance risks for sponsors. Currently, a renewal application acts as a "trigger" for employers to check the conditions of employment of any Tier 2 migrant who is applying to extend his or her stay in the UK. This process helps to ensure that sponsors comply with the ongoing obligation to notify via the Sponsor Management System with respect to any significant changes to a Tier 2 migrant's role, including in relation to job title, salary, or location.

Therefore, in the case of a five-year visa, employers must incorporate procedures to periodically review the conditions of employment for all Tier 2 migrants and submit any necessary notifications to ensure full ongoing compliance with the sponsor obligations.

(b) Salary Thresholds

Under Tier 2, the salary level must meet both the minimum required according to the relevant Tier 2 subcategory, as well as the amount as per 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, 2014, the minimum salary thresholds will increase for all Tier 2 subcategories and certain SOC codes. The revised salary requirements for Tier 2 will be:

- Tier 2 General: £20,500 (an increase of £200).
- Tier 2 General and ICT (high earners): £153,500 (an increase of £1,400).
- Tier 2 ICT Short Term Staff: £24,500 (an increase of £200).
- Tier 2 ICT Long Term Staff: £41,000 (an increase of £400).

The level of increase for each SOC code will vary. For example, the minimum salary for an experienced hire under SOC code 2133, IT Specialist Managers, will remain at £40,000. However for SOC code 2134, IT Project and Program Managers, the salary requirement will increase by £3,900 to £40,300.

Therefore, sponsors must ensure that any Certificates of Sponsorship issued on or after April 6, 2014 meet the increased salary rates for both the relevant Tier 2 subcategory and SOC code.

To allow employers time to accommodate these changes, the period for submitting Restricted CoS requests will be extended in April and May. Usually, these applications must be submitted by the fifth of each month, and the Home Office then issues its decision on the 11th of each month. The revised deadlines now will be:

- April: Applications may be submitted between April 6-16, 2014. Decisions will be issued on April 18, 2014.
- May: Applications may be submitted between April 17-May 5, 2014. Decisions will be issued on May 12, 2014.

Employers should consider whether these amended deadlines will affect any urgent applications. If so, employers may submit a request for an application to be expedited, and will need to explain the exceptional reasons for the urgent request.

Annual Allocation: Reminder

The current allocation of Tier 2 Certificates of Sponsorship “(CoS)” for each sponsor will expire on April 5, 2014. All CoS not used by that date will expire. Sponsors have been able to submit requests for their new allocation since January. The new allocation will be available on the Sponsor Management System from April 6, 2014. Any sponsor who has not yet submitted a request for the new allocation should do so immediately, to avoid any delays in being able to issue Tier 2 ICT or Tier 2 General CoS.

(2) TB Testing

Currently, individuals who reside in a country designated as high risk and who apply for a visa to enter the UK for more than six months, must undergo a tuberculosis (“TB”) test at a clinic that has been approved by the Home Office prior to applying for a visa. On March 31, 2014, the Home Office expanded this list to include applicants who reside in the following countries: Algeria, Belarus, Dhutan, Burma, Iraq, Sri Lanka and Ukraine. The full list can be accessed [here](#).

Employers should factor in additional time to the overall entry clearance process, as applicants from these countries may have to wait several weeks for a TB screening appointment in some locations. Further, certain countries (such as Afghanistan, Benin, Laos, Mali) do not have approved testing centers, therefore applicants must be tested in a neighboring country which has an approved center. This will increase the time and cost of the visa application process.

(3) Fee Increase

From April 6th, 2014, the fees for most applications will increase by approximately 4%. This is in accordance with the Home Office’s annual increase of fees which is usually in-line with inflation rates.

However, certain types of applications face a much higher increase. For example, dependent family members applying in the UK will face a fee increase of 38%. The current fee of £434 for a Tier 2 dependent in-country extension application will increase to £601. The revised fee schedule can be accessed [here](#).

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