CHANGES TO THE IMMIGRATION RULES OF THE UNITED KINGDOM

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The Philippine Overseas Labor Office (POLO) in London, United Kingdom has reported that the United Kingdom (UK) Home Office has announced a number of changes to the Immigration Rules effective 1 October 2013. The labor-related changes are as follows:

- Removal of the English language requirement for intra-company transferees.

Deregulatory change was made to remove the English language requirement for applicants in the Tier 2 (ICT) category extending their stay beyond three years. Presently, only those paid £152,100 annually are exempted.

- Easier switch into Tier 2 for graduate entrepreneurs.

The change was made to add Tier 1 (Graduate Entrepreneur) to the list of categories which could benefit from the post-study work provisions when switching into the Tier 2 (General) category.

These provisions waive the requirement for Sponsors to carry out a Resident Labour Market Test, and allow applicants to be paid "new entrant" rather than “experienced worker” salary rates.

- Waiving share ownership restrictions for some senior staff.

The change was made to waive the rule that Tier 2 (General) applicants cannot own more than 10% shares in the Sponsor's business, for those who earn £152,100 or more.

- Corrections made to the Code of Practice which set among others, minimum appropriate rates of pay for occupations under Tier 2 and the work permit arrangements.

The correction amends the weekly hours on which the rates are based in line with the information from the salary sources used to derive the rates.

- A “genuineness” test was added to the Tier 2 (Minister of Religion) category as with Tier 1 (General) and Tier 5 (Temporary Worker).

The change was made to address concerns that the category is not always being used by those with the skills and experience to do the jobs they are being sponsored for.

- For a Tier 2 migrant to qualify for settlement, their Sponsor must certify that they are still required and are being paid the appropriate rate for their occupation.

The change was made to require Tier 2 Sponsors to still hold (or have applied to renew) a Tier 2 Sponsor license in order to endorse settlement applications.

- A temporary exemption from the requirement to advertise via Jobcentre Plus (or JobCentre Online in Northern Ireland) exists for NHS positions advertised on NHS Jobs. This exemption was due to expire on 1 October 2013

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but was extended to 6 April 2014 while technical issues are being resolved. For the information and guidance of all concerned.

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