

Changes to Immigration Rules - Soc CODES

Today, 16 March, the Home Office has laid before Parliament a package of changes to the Immigration Rules. These changes mainly affect applications using Certificates of Sponsorship assigned by sponsors on or after 6 April 2017, the main changes are outlined below.

Overseas criminal record certificates

We are extending the requirement to provide a criminal record certificate to Tier 2 (General) applicants coming to work in the education, health and social care sectors and to their adult dependents.

A criminal record certificate will be required for applicants sponsored in these [Standard Occupation Classification codes](#). Applicants in these codes outside of the Tier 2 (General) route, such as Intra-company Transfers are not affected.

Certificates will also be required from partners applying from overseas, on or after 6 April 2017 who want to join an existing Tier 2 (General) visa holder working in one of these sectors.

For guidance on how to obtain certificates visit www.gov.uk

Immigration Skills Charge

As previously announced in March 2016, an Immigration Skills Charge of £1000 per skilled worker per year is being introduced for employers in the Tier 2 (General) and Tier 2 (Intra-company Transfer) routes. The charge is £364 for small and charitable sponsors.

There are exemptions for PhD-level occupations, Intra-company Transfer Graduate Trainees and those switching from Tier 4 to Tier 2 in the UK. Income raised from the charge will be used to address skills gaps in the workforce. Information is available at www.gov.uk, with further guidance published on 6 April.

As with other sponsorship and visa fees, the charge is payable by debit or credit card only. You may wish to make arrangements with your bank or credit card provider to ensure your card limit is sufficient, particularly sponsors who assign a large number of certificates of sponsorship at one time.

Immigration Health Surcharge

Introduced in 2015, the [surcharge](#) is paid by non-EEA nationals who apply to come to the UK to work, study or join family for a period of more than 6 months. It is also paid by non-EEA nationals who are already in the UK and apply to extend their stay.

From 6 April 2017, those applying for a Tier 2 (Intra-Company Transfer) will be required to pay a surcharge of £200 per person per year. Dependents pay around the same amount as the main applicant.

Other changes to Tier 2 applications

- Secondary school teachers in combined science, computer science and Mandarin are being added to the Shortage Occupation List. Secondary school teachers in chemistry are being removed from the list.
- Increasing the minimum salary that sponsors can offer a Tier 2 (General) applicant from £25,000 to £30,000 for experienced workers. Some jobs in the health and education sector are exempt until 1 July 2019.
- Closing the Tier 2 (Intra-company Transfer) Short Term Staff category, meaning that all ICT workers, except graduate trainees must qualify under a single route with a salary threshold of £41,500.



- Reducing the high-earners' salary for the Intra-company Transfer Long Term Staff category from £155,300 to £120,000. These high earners can stay in the route for up to nine years, rather than the usual five years.
- Removing the requirement for Intra-company Transfer workers to have at least one year's experience working for the sponsor's linked entity overseas, for applicants paid £73,900 or above.
- Introducing a waiver for the Resident Labour Market Test and an exemption from the Tier 2 (General) limit for posts which support the relocation of a high value business to the UK or a significant new inward investment project.
- Annual updates to the occupational salary rates in the codes of practice.
- Changes to provide greater clarity and consistency as to which types of allowance will be considered against the salary requirements.

We are also making changes to visit visas, Tier 4 applications as well as minor changes and clarifications to the Immigration Rules relating to family and private life.

Genuine student rule

Under Tier 4 (General), all applicants are required to satisfy us that they are a genuine student. However those applying under Tier 4 (Child) are not. To address this and ensure consistency between the two routes, an amendment is being made to Tier 4 (Child), for those applying at the age of 16 or 17.

The use of the Genuine Student Rule, and credibility interviewing, as a grounds for refusal for those aged 17 or under will be considered on a case-by-case basis and will only be applied where a case is considered to be high risk to immigration control.

Maritime training courses

Under Tier 4 (General) route, if the course is below degree level, the grant of entry clearance or leave must not lead to the applicant having been granted more than 2 years in the UK.

An amendment is being made to extend the time limit to 3 years for courses which are below degree level. This is subject to a regulatory requirement by the Maritime and Coastguard agency that the applicant must spend at least 12 months at sea.

Probationary sponsors

Under the Tier 4 (General) route, sponsors may only sponsor students to undertake courses that meet certain academic standards. An amendment is being made to allow sponsors who have probationary status to sponsor students to undertake courses at a lower level where the applicants are under the age of 18.

This equates to courses at level 3 on the Regulated Qualifications Framework (RQF) in England, Wales or Northern Ireland and Level 6 in the Scottish Credits and Qualifications Framework (SCQF) in Scotland.

Parent of a Tier 4 (Child)

A Tier 4 (Child) student aged under 12 can be accompanied by their parent on the Parent of a Tier 4 (Child) route. An amendment is now being made to allow for older siblings within the Tier 4 (Child) route to also reside with their parent(s) as long as their parent(s) have valid leave on the Parent of a Tier 4 (Child) route.

Parental consent and evidence of the relationship

Tier 4 students who are relying on funding from their parent(s) or legal guardian(s) are currently required to show evidence of their relationship. An amendment is being made to explicitly require that all Tier 4 visa



applications that are supported by a consent letter from parent(s) or legal guardian(s) are required to show evidence of the relationship.

Loans for maintenance purposes

Under the Tier 4 (General) route, loan funds for maintenance purposes must be made available to the applicant before they travel to the UK. An amendment is being made to allow loan funds to be paid directly to the educational institution in the UK, with the living costs portion of the loan released to the applicant before or on arrival in the UK.

This change is being made because loans paid directly to educational institutions are deemed to provide sufficient security and evidence that the student has the requisite means to support themselves while studying in the UK.

For details of all the Immigration Rules changes visit www.gov.uk