

Immigration Update

Sponsor Licence Renewal

Tier 2 of the Points Based System will have been in place for four years in November 2012. Sponsors who registered under the system when it was first introduced should by now have been contacted by the UK Border Agency (UKBA) to renew their licence which expires after four years. To ensure that there is no disruption in the Sponsor's ability to continue to employ Tier 2 migrants, it is recommended that the renewal application is submitted as soon as possible. In essence, the process will be as follows:

- The UKBA will email the Level 1 User to remind them of the licence expiry date and to inform them of the application process.
- The application and renewal fee should be submitted online through the Sponsor Management System. The fee for a small company is £500, or £1500 for medium and large organisations.

Although the UKBA do not require documents to be submitted to consider the application, Sponsors should note that in the event that the UKBA requests further information or supporting documents, the Sponsor will only be provided with 7 days in which to produce such evidence, or the application will be refused.

It is advisable to submit the renewal application at least one month before the expiry date of the licence. Should a licence expire, any Tier 2 migrants will have their visas curtailed to 60 days by the UKBA.

Tuberculosis pre-entry screening programme introduced in India

The UK Border Agency announced earlier this year that it would be introducing a pre-entry tuberculosis screening programme in 67 countries that have a high incidence of TB. The programme has now been introduced to UK visa applicants who are resident in India.

From the 10th September 2012 individuals applying for visas of six months or more under Tier 1, 2 and 5 of the Points Based System will be required to undertake TB screening at a UKBA approved clinic in India. The programme will be a requirement for Tier 4 visa applicants from the 1st November 2012. (The screening requirement has already been in place for Settlement visa applications since 16th August 2012). Applicants will be required to submit a certificate confirming that they are clear of TB with their visa application. If a certificate is not included with the application, it will be refused.

Business and other short stay visitors are not required to undertake the screening. Children under the age of 11 years are also exempt.

Change to Immigration Rules concerning Overstayers

The UK Border Agency will be amending the Immigration Rules so that from the 1st October 2012, it will refuse applications for further Leave to Remain under the Points Based System (Tiers 1, 2, 4 and 5), all visiting routes, long residency routes, discharged HM Forces or UK Ancestry routes, if the applicant's visa expired more than 28 days before the date of application. (Under the current provisions, the UKBA allow applications to be made up to six months after the visa expiry date).

The UKBA are advising applicants who have overstayed by more than 28 days to return overseas to submit a new visa application. However, it should be noted that some Tier 2 migrants may be subject to the 12 month 'cooling off' period, so advice should be sought before the individual leaves the UK.

Contact



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