

New Immigration Limits Announced

On 28 June 2010, the Home Secretary, Theresa May announced the Government's plans to reduce the UK's net migration figures to "*tens of thousands each year, not hundreds of thousands*".

As part of this commitment, temporary limits will apply to the number of visas granted under Tier 1 (General) and Tier (2) (General) of the Points Based System with effect from 19 July 2010. Permanent limits are expected to be introduced in April 2011. The temporary measures are as follows:

Changes to Tier 1 (General)

- A cap of 5,400 will be introduced for Tier 1 (General) out of country applications until next April.
- The UK Border Agency has stated that the number of applications will be considered on a monthly basis. If an application is received after the month's cap has been reached, the application will be deferred to the next month for consideration and dealt with in accordance of the date of application.
- The points required for Tier 1 (General) will increase from 95 to 100 with the extra 5 points being scored for age, qualifications, previous earnings or UK experience.

This interim limit will not apply to the Investor, Entrepreneur and Post-Study Work sub-categories of Tier 1. Furthermore, it will not apply to in-country extensions under Tier 1 (General) for those applicants who are already under Tier 1 (General); or Highly Skilled Migrant Programme; or Writers; Composers and Artists; or Self-Employed Lawyers.

Changes to Tier 2 (General)

- A limit will be placed on the number of Certificates of Sponsorship (CoS) that a licensed sponsor can issue. This is intended to reduce the number of visas issued under Tier 2 by 1,300.
- The UK Border Agency has stated that sponsors may request additional certificates but these requests will only be approved in exceptional circumstances.
- Also, priority will be given to CoS for shortage occupation and extension applications.
- A set amount of COS will be put aside for new licensed sponsors.

This interim limit will **not** apply to the Intra-Company Transfer, Sportsperson and Ministers of Religions sub-categories of Tier 2.

Please note that the UK Border Agency will publish updated guidance on their website on 19 July 2010.

Permanent Cap

A permanent cap on immigration numbers in the UK is expected to come into force in April 2011. A consultation on the Government's proposals has been launched and will close on 17 September 2010. We would encourage employer's to participate. Details of the consultation can be found here:

www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/limits-on-non-eu-migration/

If you have any questions about the issues raised in this article or any other immigration matters, please contact Sally Azarmi on sally-azarmi@birketts.co.uk | 01473 299130 or Chetal Patel on chetal-patel@birketts.co.uk | 01473 406364.

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