

Immigration Update – November 2016

1. Change to Tier 2 minimum salary rate

From 24 November 2016, the **minimum salary** that must be paid to Tier 2 sponsored individuals who are classed as ‘experienced workers’ **will rise to £25,000**.

Key facts:

- This change will not affect ‘new-entrants’ (i.e. those individuals switching from Tier 4 to Tier 2, or who are under 25 provided they are not issued a CoS of more than 3 years in length)
- This change is not applied retrospectively.
- There is no effect on individuals who we are currently sponsoring or will sponsor in a full-time role. However, for those who are currently or will be working part-time this may affect them when they come to apply for their visa. **Please seek advice from the Compliance Team as soon as possible in these cases.**
- The SOC Code minimum salary rates remain the same and must still be met in all cases.

2. Tier 5 dependants

From 24 November 2016, it is now possible for departments/institutions to certify the maintenance of Tier 5 (GAE) dependants. This has previously not been possible, and this change brings Tier 5 dependants in line with Tier 2 dependants and is a welcome move by the Home Office. The Tier 5 CoS application form will be updated shortly to reflect this new option.

3. EEA Residence Card/Permanent Residence Card applications

From 1 February 2017, it will be mandatory to use the specified application forms or the online application process when applying for either an EEA Residence Card or an EEA Permanent Residence card. Previously this was not a legal requirement (and alternative application methods could be used), but this loophole has now been closed.

We have confirmed with the Home Office that any individual who has already applied using an alternative method will not be affected, and the rule will not come into force until 1 February 2017. After this date, only the online application or the paper application forms can be used. The EEA Immigration FAQ has been updated to reflect this change.

For further advice and guidance, please contact the Compliance Team