

# Immigration Update

## Summer 2003

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# Work Permit Charges

From 1 April 2003, Work Permits (UK), the government body that authorises all work permit applications introduced a charge for the consideration of work permit applications.

The charge for each type of work permit application is £95. This cost will be reviewed on an annual basis. Work Permits (UK) will charge the UK employer for the consideration of initial Work Permits, Work Permit Extensions, Change of Employment and Appeals. However, technical Changes of Employment, where there are only minor changes to the employer such as name change or address, are still dealt with free of charge.

The decision to charge for the work permit service is based on the expanding number of applications being made to Work Permits (UK), which in turn leads to an increased burden on the taxpayer. Work Permits (UK) consider that by charging a fee to employers who use the service they will be able to establish a funding mechanism for administering the work permit scheme.

All prospective employers based in the UK who wish to make an application to recruit an overseas national will need to pay for the work permit application to be considered unless the application falls into the deferred or exempt category. All state school applications will have their charges deferred and paid for by the Department for Education and Skills. Any employer making a work permit application to employ a national from the Council of European Charter or the European Social Charter countries will be exempt for payment. At present this covers nationals of the Czech Republic, Hungary, Slovakia, Bulgaria, Estonia, Lithuania, Rumania, Slovenia, Poland, Turkey, Cyprus, Malta, Latvia and Moldova.

All work permit application forms now have a payment slip attached. Credit card or debit card (Visa, MasterCard, Delta and Switch) details or a cheque payable to "Home Office Work Permits (UK)" must be provided. Applications are now submitted to the Payment Processing Centre in Doncaster and then forwarded on to the Work Permits (UK) case working groups in Sheffield. The new procedure has not affected the time taken for applications to be processed.

## Highly Skilled Migrant Programme (HSMP)

From 1st April 2003 the HSMP has been incorporated into the Immigration Rules. The scheme has proved to

be popular and the government are proposing to change the criteria in an attempt to attract younger skilled workers. The achievements of applicant's partners will also be taken into account.

Indefinite leave to remain under this category is less restrictive than in other immigration categories. It allows highly skilled migrants to apply for indefinite leave to remain once achieving an aggregate of four years leave in the UK. This means that a work permit holder who switches to the highly skilled migrant category after three years can obtain settlement status after completing only one further year as a highly skilled migrant.

## Low Skilled Migration Scheme

The UK Government has announced plans which will allow 20,000 low skilled workers to come to the UK to work in food processing, hotel and catering industries. Each year in May, 10,000 foreign workers in hospitality and 10,000 foreign workers in food processing will be granted permission. Employers will have to provide accommodation and support for the workers as part of the scheme. This scheme commenced on 30 May 2003.

The Government is still considering plans for a quota system for migrants to work in the building industry.

## New UK Entry Checks

The Home Office has announced a scheme which will use cutting-edge technology to run instant checks on airline passengers to identify potential immigration and security risks before they travel to the UK. The high tech document scanners will read the passports and other documents of UK-bound passengers boarding at Madrid and Miami (where the scheme is being carried out) and will check them against online law enforcement databases. There will also be checks made on some flights leaving the UK.

The Government has plans to develop the uses of biometrics in screening inward bound and outward-bound passengers. It is proposed that within the next five years passports will include secure chips containing biometric data capable of including facial recognition together with iris and fingerprint biometrics. It is hoped that this will identify anyone who is a known immigration or security risk and also detect forged or stolen documents.

## Fast Track Service at Home Office Croydon

The Home Office in Croydon have merged their two fast track services to form the 48-hour priority service. This allows certain employers and representatives (including Field Fisher Waterhouse) to submit a given number of applications to the Home Office for completion within 48 hours. The Home Office are strict about which applications may be dealt with under this system.

## Long Term Residence in the UK

The long-term residence concession has now been formally included within the immigration rules. This allows an overseas national who has spent at least 10 years lawful stay in the UK to apply for indefinite leave to remain. In addition anyone with 14 years of continuous residence in the UK may apply for indefinite leave to remain even if some periods were spent without lawful status.

## Spouses

From 1 April 2003 the rules relating to Spouses of settled people have been changed. The Home Office will now grant an initial probationary period of two years in line with unmarried couples. Applications where leave as a spouse had been granted prior to 1 April 2003 will still qualify for indefinite leave to remain after 12 months. In cases where couples, married or unmarried, have been living together for at least 4 years prior to the application, indefinite leave to remain may be granted to the non-settled spouse immediately.

An extension of stay as a spouse can no longer be given in the UK if the applicant was initially granted less than six months stay in the UK i.e. visitor or short-stay student.

There has also been a significant change to the Rules for unmarried partners. The requirement that the couple should be legally unable to marry has been lifted. Therefore heterosexual couples that do not marry through choice may make entry clearance applications in line with the requirements for married couples.

## In Country Decision Teams

There are now three In-Country Decision Teams based at the Home Office In Sheffield. These teams deal with applications for the consideration of further leave to remain in applications where the applicant is already in the UK. Passports should always accompany these "in country" applications in order to ensure that they are dealt with quickly and efficiently. The In-Country Decision Teams are currently looking to clear all applications where the passport is included within five working days of receipt from the relevant business team.

## European Union

From 1st May 2004 there will be ten new member states of the European Union. They are the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. From this date nationals of these countries will be able to work permit free in the UK.

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