



# GMS Flash Alert

Immigration Edition

2018-086 | June 15, 2018



## United Kingdom - Changes to Immigration Rules in Multiple Areas

On 15 June 2018, the U.K. Home Office published changes to the Immigration Rules, which mostly come into effect on 6 July 2018, and will apply to all decisions made on or after that date.<sup>1</sup> These changes include the previously-announced removal of doctors and nurses from the monthly quota on Tier 2 (General) visas as well as changes in a number of other areas which will affect employers in the United Kingdom.

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### WHY THIS MATTERS

The changes relating to doctors and nurses will reduce demand for places within the Tier 2 (General) monthly quota. Since December 2017, this has meant new Tier 2 (General) applicants have needed a role earning at least £50,000 to £60,000 to obtain a visa. The change should reduce the salary requirements for employers of other types of role, and may help to achieve the policy objective of meeting staffing shortages in the National Health Service.

The breadth of the other changes means that employers of migrants to the U.K. need to familiarize themselves with what is changing; it is a good idea to consult with your immigration counsel to make sense of what the changes mean for you and to foster continued compliance.

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### Details of Changes

#### Tier 2

- Roles falling into the occupational classification for doctors or nurses will not need a Restricted Certificate of Sponsorship within the monthly allocation process. For these roles, employers will be able to use unrestricted certificates of sponsorship. No changes have been made to the Shortage Occupation List and exemptions from the Resident Labour Market Test.

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- A prohibition on most Tier 2 General applicants owning more than 10 percent of the shares in their sponsor is extended to those owning such shares indirectly, i.e., via another corporate entity.
- The risk of curtailment of a visa for Tier 2 migrants for unpaid absences of more than four weeks is removed for those taking leave for humanitarian crises.
- Tier 2 migrants who had a salary reduction due to maternity, paternity, or adoption leave need to provide additional evidence of having a child, when applying for settlement.
- Transitional provisions for people sponsored before 2012 in occupations classified as lower skilled than is now permitted will be restricted. However, the impact will be minor as very few (if any) people have been able to remain in this category.
- References to “Universal Job Match” for advertising requirements are replaced with “Find a Job” to reflect the change in practice explained in our GMS [Flash Alert 2018-074](#) (11 May 2018).

## Tier 4 Students

- Citizens of Bahrain, Cambodia, the People’s Republic of China, the Dominican Republic, Indonesia, Kuwait, the Maldives, Mexico, Serbia, and Thailand are added to the category of people who enjoy relaxed documentary requirements when applying for Tier 4 visas.
- Study or research at a partnership with a research institution must be at “RQF Level 7.”
- Print-outs of online transcripts will be accepted as evidence of previous qualifications for Tier 4 applications, although originals can still be requested.
- ATAS certificates will be needed for courses of less than six months, which up to now have been exempt.

## Other Changes

- Transitional provisions are being introduced for applicants for indefinite leave to remain regarding their permitted absences from the United Kingdom. Previous changes in January 2018 made the reference period for these absences “any 12-month period over the five-year qualifying period,” instead of “12-month periods counting back from the date of application for indefinite leave to remain.” The “any 12-month period” will now begin from 11 January 2018, with the old rule applying to periods before this date. A relaxation is also being introduced for people who may break their time in the U.K. while applying for a new visa.
- All rules for the now closed Tier 1 (General) category are deleted.
- Returning residents with Indefinite Leave to Remain who have spent more than two years outside the U.K., will need to apply for entry clearance before attempting to return, and must show their strong ties to the U.K. and intention to make it their permanent home.
- The Tier 1 Entrepreneur and Tier 1 Investor categories see minor changes increasing the verifications required from third-party legal advisors and financial institutions.
- The Tier 1 Exceptional Talent category is made less exceptional with the extension from “world leaders and future world leaders” to “leaders in the field.”

- Specific changes to the rules for Afghan interpreters, Turkish citizens, adopted children of people settled in the U.K., and people using electronic visa waivers are included, but of no applicability outside these specific groups. There are also many corrections of typographic errors.

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## KPMG LLP (U.K.) NOTE

The changes to Tier 2 should provide a welcome reduction in difficulty getting Tier 2 (General) visas. The expansion of the list of countries for whose citizens have easier access to Tier 4 visas will also be welcomed by U.K. education providers and their students for the reduction in paperwork.

While none of the other changes is major on their own, together the clarifications and rationalizations should improve predictability of the system.

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## FOOTNOTE:

1 To see the U.K. government's "Statement of changes to the Immigration Rules published on 15 June 2018," click [here](#).

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## Contact us

For additional information or assistance, please contact your local GMS or People Services professional\* or one of the following professionals with the KPMG International member firm in the United Kingdom.

The KPMG Legal Services – Immigration Team has a wealth of experience in transactional, advisory, and compliance assurance services. We will be able to advise your business in relation to practical considerations in light of the above changes, as well as what this means for your long-term recruitment and compliance strategies.



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*\* Please note the KPMG International member firm in the United States does not provide immigration or labour law services. However, KPMG Law LLP in Canada can assist clients with U.S. immigration matters.*

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