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**SMITH
STONE
WALTERS**

UK Immigration Practice

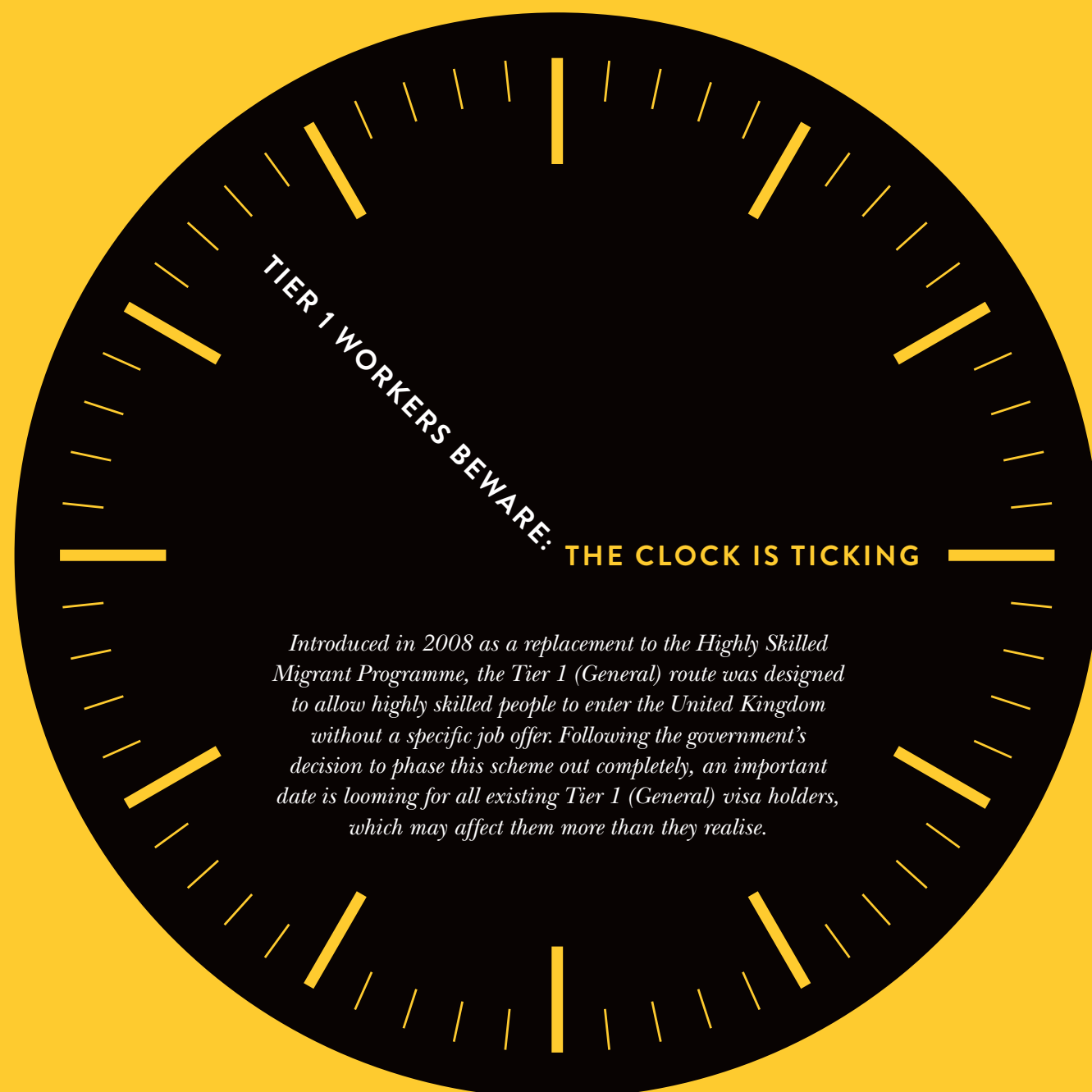
INSIGHT

UK IMMIGRATION NEWS & VIEWS
FROM SMITH STONE WALTERS
SUMMER 2014

*Tier 1 workers
beware: the
clock is ticking*

SSW wins
Immigration
Team of
the Year!
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CLOSED FOR GOOD

Although this scheme closed to new applicants in 2011, existing Tier 1 (General) visa holders have remained entitled to file applications to extend their conditions for up to three years under this category. However, as of 6 April 2015, the opportunity to gain an extension will be permanently removed.

In line with many other work-related visa categories, Tier 1 (General) visa holders are entitled to secure indefinite leave to remain (i.e. permanent residency) in the United Kingdom upon completion of five continuous years residence in the UK. The government has confirmed that the opportunity to secure permanent residency under this category will continue to remain open until 2018.

PLAN AHEAD

Whilst the government's strategy for bringing a staged closure to this legacy scheme seems rational and all-inclusive, some Tier 1 (General) visa holders could still find themselves caught out by this change. Especially at risk are those migrants who intend to apply for permanent residence on or around April 2015 and therefore just before the door is closed on their ability to apply for an extension.

Securing permanent residence is not a foregone conclusion and can never be guaranteed. In order to qualify for indefinite leave to remain, there are many requirements that the applicant needs to meet. These include completing a Life in the UK Test ahead of filing the application, remaining within set limits on the number of days spent outside the United Kingdom and being free of criminal convictions.

Since failure to meet such requirements can lead to the residency application being refused, it is vital that migrants fully evaluate

the likelihood of making a successful application. Should they believe their case for permanent residency to be weak, it may be wise to secure a three-year extension on their stay (ahead of the April 2015 deadline) as a precautionary measure.

The worst-case scenario would be for the indefinite leave to remain application to be refused leaving the applicant little or no time to file a secondary extension application prior to the cut-off date. This could mean the migrant is left with little option but to either apply to remain under a different immigration category or leave the United Kingdom altogether.

DELAYING TACTIC

Whether an applicant would be best served by submitting an extension application just prior to the April 2015 deadline depends on the individual's circumstances. However, deferring a permanent residency application can potentially enhance an applicant's chances of gaining a successful outcome. This tactic may be of particular benefit where the applicant holds a current or 'unspent' criminal conviction or where an excessive number of absences from the UK have been accumulated over the earlier qualifying period.

Applying for an interim Tier 1 (General) extension does not come cheap as the Home Office currently charges £1607 for an individual to apply by post. However, in order to avoid the doomsday scenario of both failing to secure permanent residency and being prevented from extending one's stay for a further period, it may just be seen as money well spent.

SMITH STONE WALTERS

Immigration Team of the Year

In the summer 2014 edition of Insight, you will find news and updates on key immigration issues, a special focus on UK immigration statistics for 2013 and a guide to UK visa application centres. We are also thrilled to share the news of Smith Stone Walters's success at the recent Re:locate Awards where we were judged Immigration Team of the Year. Well done Team!

UK IMMIGRATION STATISTICS FOR 2013

The Home Office's Immigration Statistics for 2013 provide figures on those subject to immigration control. All the data shown relates to the calendar year 2013.

ADMISSIONS

111.1 million journeys were made to the UK in 2013. A large proportion (88%) were made by British, EEA or Swiss nationals who have rights of free movement and are not subject to immigration control.

111.1m



VISITORS

1.9 million visitor visas were issued in 2013. This represents a 14% increase on the previous year. Increases were noted in a number of nationalities including Chinese, Russian and Indian.

1.9m



WORK

There were 154,860 work-related visas issued in 2013. The increase was largely accounted for by higher numbers of Tier 2 skilled workers (+18% on previous year).

154,860



EMPLOYERS

27,177 UK employers are registered to sponsor migrant workers as of 2 January 2014. This represents a 4% increase on the previous year.

27,177



STUDY

Study-related visas issued rose by 4% to 218,773 in 2013. A higher number of visas were issued to Chinese, Brazilian and Malaysian students although visas issued to Indian and Pakistani nationals fell dramatically. With stricter controls applied to the student immigration route, a significant drop (34%) was noticed in student visas issued specifically in the further education sector.

218,773



STUDENT VISITORS

14% increase. Student visitors are normally allowed to stay in the UK for up to six months (11 months for English language schools) and cannot extend their stay.

14%



FAMILY

33,690 family route visas issued. This represents an 18% fall in numbers.

33,690



SETTLEMENT

18% more people were granted permission to stay permanently, rising to 152,949. Whilst a fall in work-related grants was noted, there were large increases in both family and asylum-related grants.

152,949



STAYING IN THE UK

33% of migrants issued with skilled work visas (with a potential path to settlement) in 2007 appear to have legally remained in the immigration system or have been granted permission to stay permanently.

33%



BRITISH CITIZENSHIP

208,059 people were granted British citizenship in 2013. Former Indian and Pakistani nationals have accounted for the largest numbers of grants in almost every year since 2001.

208,059



NEW IMMIGRATION BILL BECOMES LAW

With the new Immigration Bill finally gaining Royal Assent, the path is now clear for the government to introduce a series of reforms to the UK's immigration system which intend to limit the factors attracting illegal immigrants to the UK and to make it easier to remove those with no right to be in the UK.



The main provisions of the Act include:

- reducing the number of immigration decisions which can be appealed from 17 to four
- allowing some harmful individuals to be returned to their home country before appeals are heard if there is no risk of serious irreversible harm
- ensuring courts have regard to Parliament's view of what public interest requires when considering the European Convention of Human Rights, article 8 in immigration cases—the right to a family life is not to be considered absolute and unqualified
- clamping down on sham marriages and civil partnerships being used as a way of trying to gain an immigration advantage
- preventing those with no right to live in the UK from accessing private rented housing by requiring private landlords to check the immigration status of tenants

- introducing a requirement for certain migrants to make a financial contribution to the National Health Service – this will apply to temporary migrants with a time-limited immigration status
- allowing the Home Secretary to deprive a naturalised individual of their British Citizenship if his/her actions have been seriously prejudicial to the interests of the UK, and the Home Secretary has reasonable grounds for believing the person is able to become a national of another country

“We are already planning its implementation and will ensure these measures are introduced quickly and effectively.”

The reforms are likely to be introduced swiftly. Immigration and Security Minister, James Brokenshire, referred to the Act as a landmark piece of legislation and said: ‘We are already planning its implementation and will ensure these measures are introduced quickly and effectively.’

MAINTENANCE FUND ADJUSTMENT



The maintenance thresholds for Points-Based System Migrants and their dependants are to be updated and increased from 1 July 2014. The changes in the level of maintenance funds required by student, worker and family migrants are in line with the costs of living in the UK. By way of example, the maintenance requirement for a Tier 2 migrant has been increased to £945 (from £900) and to £630 (from £600) for accompanying dependants.

“The changes in the level of maintenance funds required by student, worker and family migrants are in line with the costs of living in the UK”



PASSPORT RETURN SERVICE EXTENDED

Applicants applying for indefinite leave to remain (ILR) under the Tier 2 points-based system in the UK will receive their passports and their Biometric Residence Permits (BRP) back before a decision has been made on their application under a new service which launched on 6 May 2014.

The passport return service, which was previously only available to applicants in the Tier 2 Intra Company Transfer (ICT) route, will allow Tier 2 (ILR) applicants to have their passport and BRP returned within 7 to 10 days of their application being created for processing on the Home Office system.

NEW HONG KONG VISA CENTRE

A new Hong Kong Visa Application Centre opened last month with the promise to provide greater convenience and choice to customers through extended opening hours and a range of premium services. The new office was officially opened by Foreign Office Minister, Mark Simmonds, and is located in Causeway Bay. Business is set to be brisk.

Over 10,500 visas to enter the United Kingdom were issued in Hong Kong last year and this number is set to rise. The increase in applications filed will be partly because Hong Kong formally joined the Youth Mobility Scheme from January 2014. This reciprocal scheme will allow 1000 HKSAR passport holders aged between 18 and 30 to be granted permission to live, work and/or study for up to two years in the UK.



ENGLISH LANGUAGE TEST CHANGE



The Home Office has decided to end its relationship with ETS Secure Language Tests (SELT) with immediate effect.

Migrants will no longer be able to present an English language test issued by SELT in support of an immigration

application and are advised to take an additional test via an alternative test provider (such as Pearson) ahead of filing their visa application.

The revised list of approved English language tests can be found here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304853/approved_english_language_tests.pdf

IMMIGRATION TEAM OF THE YEAR – SMITH STONE WALTERS



Smith Stone Walters is proud to have been announced as the Immigration Team of the Year at the prestigious Re:locate Awards 2013/14. These awards are recognised as a benchmark of excellence across all aspects of relocation, both in the UK and internationally.

The new Immigration Team of the Year award, which recognises providers of specialist immigration support to companies that are relocating employees and their families, attracted a large number of entries, with a high overall standard.

Eight different organisations made the shortlist at the special black-tie event held at the Institute of Directors, in London's Pall Mall but Smith Stone Walters took the award on the night.

Smith Stone Walters was named Immigration Team of the Year due to our consistent client service and our clients' outstanding overall satisfaction. The judges praised our company for a 'strong understanding of the role of immigration within relocation, demonstrated and reinforced by impressive client references.'

James Walters (Director) dedicated this award to every member of the Smith Stone Walters team for all their hard work. With a shared team commitment to provide outstanding UK immigration services, we are confident of many more accolades coming our way!



SEE YOU IN BOSTON!



"The conference takes place between 18 and 21 June 2014."

Smith Stone Walters is delighted to announce that we will be in attendance and exhibiting at the 2014 AILA Annual Conference on Immigration Law, at the Boston Marriott Copley Place.

The conference takes place between 18 and 21 June 2014. Feel free to drop by the stand and say hello to the team.



WHAT OUR CLIENTS SAY ABOUT US

Great service from start to finish. I really appreciated the helpfulness and dedication from SSW.

J.D., investment bank.

I'm very happy with the service provided by Smith Stone Walters. Both Madhuri (SSW India) and Alastair (SSW UK) were courteous, knowledgeable and professional. They answered all the queries I had promptly and guided me through this process expertly. A big thank you!

H.P., cloud hosting firm.

Overall excellent service and very helpful staff. They answered all my queries within the next day and were very clear in explaining the whole procedure.

M.C., consulting engineering.

I received an exemplary level of service. The turnaround time and attention to the urgency of my requirements were second to none.

B.G., investment bank.

Thanks for making this difficult visa processing so easy and pleasant for us. I would definitely recommend your services to my friends in other organisations.

V.P., investment bank.

The team at SSW has been extraordinary from day one, accommodating every request with great attitude and a quick turnaround.

More importantly, the visa was delivered in very short time despite logistic/timing constraints. Thanks.

A.O., global internet-related corporation.

Everything was perfect! I cannot imagine how I could manage all this visa application process without Jennifer's and Cami's (SSW UK) assistance.

M.K., global internet-related corporation.

Susan and Emily (SSW UK) did an outstanding job. Thanks for your help!

A.S., investment bank.

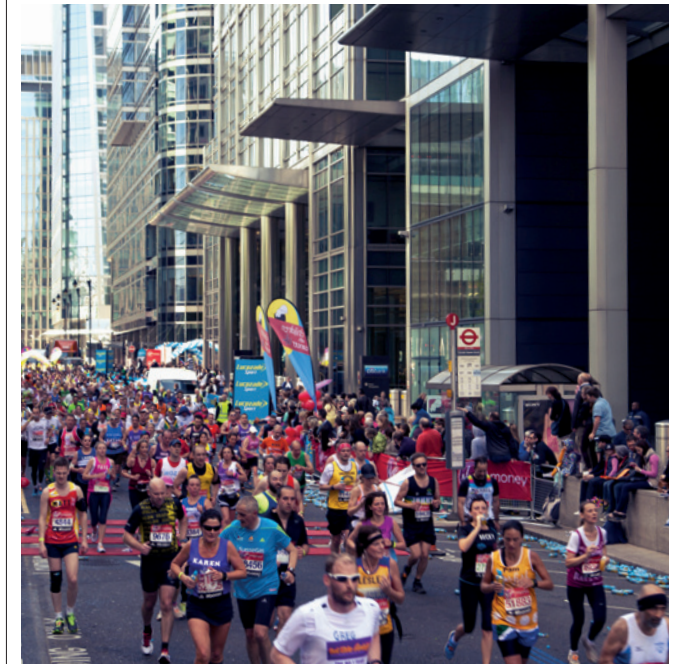
Thank you a lot Team. Special thanks to Miss Ragini (SSW India) who helped with all my queries and all the solutions related to visa. It was a great experience with SSW.

S.K., mobile communications corporation.

"The team at SSW has been extraordinary from day one, accommodating every request with great attitude and a quick turnaround."



RUNNING FOR A GREAT CAUSE



Smith Stone Walters is proud of its association with the Rainbow Trust Children's Charity and is committed to raising much needed funds for terminally ill children and their families.

Next month Smith Stone Walters staff will therefore swap their normal office attire for running vests and take part in The Whopping Rainbow Run in London. This annual event run by the Rainbow Trust is set over two courses (5K & 10K) and takes place in and around Wapping.

David Hugkulstone (Director of Smith Stone Walters) said, 'Smith Stone Walters is committed to supporting the Rainbow Trust cause. The support they provide to families who have a child with a life threatening or terminal illness is truly inspirational and motivates us all to get involved. For us, taking part in the Rainbow Run is not only a great teambuilding event but most importantly provides a fantastic opportunity to raise further funds for the Trust.'

Further details of the Rainbow Trust can be found here: <http://www.rainbowtrust.org.uk/>

This month's focus falls on the work carried out within the UK visa application centres (VAC) run on behalf of UK Visas and Immigration.

What work is carried out by the VACs?

Visa application centres collect information from those migrants applying for a UK visa. The information collected includes the application form, passport, supporting documents and biometric data. This documentation is then used by the UK Visas and Immigration staff to assess and decide upon the visa application. Applications for a visa can be submitted up to three months before the proposed date of travel to the UK.

"If you are a student applying under the points based system (Tier 4), you will need to sit a short interview in the visa application centre"

How is biometric data collected?

During the visit to the VAC, applicants will be required to provide biometric information in support of their application submission. This includes a digital finger scan (all 10 digits) and a digital photograph. The finger scan procedure uses an electronic scanner. Fingertips must be free from any forms of decoration (for example, henna), cuts, abrasions or other markings as these may prevent the VAC from collecting a clear scan.

Do children follow the same procedure?

Every applicant who is submitting a visa application must attend the visa application centre in person. Children less than five years old need to attend, but are not required to provide their biometric data. Children less than 16 years old need to be accompanied by an adult at all times.

Are applicants interviewed?

If you are a student applying under the points based system (Tier 4), you will need to sit a short interview in the visa application centre. For non-student applications, UK Visas and Immigration will conduct interviews if deemed necessary during the processing of your application.

How long are processing times?

This depends on the category of visa application, but UK Visas and Immigration aims to return 90% of non-settlement visa applications within 15 working days. However, individual circumstances can mean processing times may vary and result in longer decision times. The processing time for a settlement application is significantly higher with 95% of cases resolved within 12 weeks.

Is there a way to expedite the process?

The Super Priority Visa service is an optional service offered by UK Visas and Immigration and costs £600 (local currency equivalent at latest consular exchange rate) in addition to the standard visa fee. A target has been set to

process super priority visa applications on the same day that they are received. At present, the service is only open to those applicants applying for a visit visa or to employees of companies that are members of the Business Express Programme.

How are documents returned to the applicant?

Arrangements can be made with the visa application centre for the documents to be either couriered back or collected in person.

What security procedures are held in place at the VACs?

For security reasons, certain items will not be permitted inside the visa application centre. These include:

- All battery operated or electronic items such as cameras, audio/video cassettes, compact discs, MP3s, laptops, or portable music players.
- All bags such as travel bags, backpacks, briefcases, suitcases, leather, jute or cloth bags and zip folders.

Only a plastic bag containing the application and related papers will be permitted.

Smith Stone Walters

Our dedicated UK immigration offices in London, New York, Hong Kong and Mumbai have been specifically established to support clients in filing successful UK immigration applications. The teams of experienced staff, based locally in each region, specialise in preparing UK visa petitions. Should you have any queries on how to secure the right to live, work or study in the UK do not hesitate to contact Smith Stone Walters today.

Moving people to the UK is our business. It is what we do best.
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