New Settlement Fee for Tier 2 Applications

Tier 2 applicants would need to earn £35,000 to be able to apply for residence after April 2016.

LONDON, LONDON, UNITED KINGDOM, February 29, 2016 /EINPresswire.com/ -- In a recent proposal by the Home Office, the UK government is proposing to increase the minimum salary threshold to £35,000 for migrants who wish to settle in the UK having stayed for a minimum of 5 years on a Tier 2 visa. The

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Tier 2 (general) visa category, also called a work visa is the visa route that allows skilled workers a leave to remain in the country. It is usually given for an initial period of 3 years after which a 2 or 3 years extension (depending on the contract and the length awarded for the first application) may be applied for. Currently, the minimum salary threshold for this visa category is £21,000.

To allow for a settlement in the UK longer than the specified 6 years in this route, non-European skilled migrants may be eligible to apply for settlement via the indefinite leave to remain route. Based on the new proposed rules, the individuals will now be needing to earn a minimum of £35,000 per year. These changes will be likely to take effect from April 2016. April is usually the time where new rules are churned out as it marks the beginning of a new financial year. Therefore alongside other new laws, the UK government will be looking to increase the Tier 2 general salary threshold.

These changes are designed to make a clear distinction between working in the UK and settling in the UK. It is becoming very common for people who have been given leaves to remain in the UK as workers to begin to make applications to settle in the UK. Whether or not their skill set is something that the UK needs at the present is not taken into account here, therefore the UK government is looking to block this perceived loophole by increasing the salary threshold for applying for settlement.

A major question of how many skilled workers in the UK are able to earn up to that amount has now been raised. Realistically, not many migrant workers working in regions outside London currently earn up to £35,000. Even in London where we expect that people should be earning up to that amount, the proportion of people earning below that far outweighs the number of people earning that.

A major issue that this raises therefore is encapsulated in a scenario below: -

John is an Indian Software developer who came to the UK as a student (undergraduate). He came in when he was just 18 and had to do a foundation course first after which he moved to his degree course (1 year on foundation, 3 years on his degree). He also proceeded to do his masters in software engineering immediately after his degree. He has now spent 5 years and a few months in the UK and is now 23 years old.
After his master's degree, he got an offer with a small firm in the UK who were willing to sponsor his visa; therefore he switched to a Tier 2 visa category. He was offered a salary for £21,000 and worked for 6 years. He has now been in the UK for 9 years and a few months, but doesn't earn £35,000. He also now 27 years old.
The question now is, should he be forced to go back to his country and not granted some form of

settlement? He has lived the most of his adult life in the UK and has contributed meaningfully to the country, he is a few months away from been 10 years in the UK as well.

Top Immigration lawyers London have given several opinions on this scenario, however it is important that individuals are aware that the new immigration laws coming to effect by April 2016.

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