

COUNTRY BRIEF

Immigration Alert

November 13, 2008

New UK Points-Based System (PBS) (Tier 2) Effective November 27, 2008

As you are aware, the old Work Permits system is closely coming to an end and will be replaced with the new UK Points-Based system (Tier 2). The abolishment of the old system is slated for November 27, 2008 (though no formal announcement has been made). If you intend to employ people who are not nationals of the European Economic area (EEA) for late 2008, it is necessary to apply to the Border & Immigration Agency for the Points-Based Sponsorship license immediately.

Key Highlights of Old and New Systems:

Work Permit In Country Extensions (the old system):

- Can be submitted up to three months in advance of the individual's visa expiry. In exceptional business circumstances, the application may be submitted earlier, but with no guarantee of processing;
- Stage 1: After an application is submitted to the UK Border Agency (UKBA), a decision follows within two to three weeks; and,
- Stage 2: PLG uses Fast-Track services for clients who need to process a visa application within one business day to ensure key personnel are not without passports for more than 48 hours.

New PBS System In Country Extensions (Tier 2):

- The employer (sponsor) will issue a Certificate of Sponsorship for the additional period required;
- An extension application will be filed with the UKBA; processing times take up to 4-14 weeks with a turnaround target of 6 weeks.
- Please note that the principal applicant and their dependants will be without their passports during this period; and,
- The UKBA hopes to have the Fast-Track procedure in operation for Tier

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2 applicants by early 2009 (February /March at the earliest).

Final Applications for New or Extensions under Current System:

Please note the last day for submitting work permit or work permit extension applications is likely to be November 26, 2008. It is strongly recommended that HR identifies now all individuals whose work permits or other visa permissions will expire within the next four months.

Important Fast-Track Information:

- Applicants who are granted a work permit extension after November 27 (e.g., the application is submitted on or before November 26, but approved later), should be able to continue to use Fast- Track throughout December and early 2009; and,

- As the Fast Track procedure will not be available throughout the busy holiday season, Tier 2 applicants should process work permit extensions as soon as possible. There will be little scope to expedite applications regardless of urgent business travel and/or holiday plans.

Alternative Option:

If you are not licensed as a sponsor, you may be able to support workers through other routes. For example, certain applicants may be eligible to apply for Tier 1 permission (a highly-skilled migrant visa), if they are a university graduate and has earned over £40,000 GBP in the 12 months preceding the application (or less depending on where the money was earned) in addition to other mandatory requirements.

Action Items:

- Assess which employees are working under a work permit whose visas expire within the four months and file extensions promptly;

- Note that all extension applications filed under Tier 2 will take 4-14 weeks to process and the applicant and family should expect to be without their passport during that period of time; and,

- Confirm appointment with PLG in the next two weeks to get all necessary filings underway and/or to have any questions answered.

Thank you for affording us the opportunity to assist you with this critical and complex piece of the immigration process.

We trust that you find this Alert useful in the planning of your global immigration moves.

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