

Global BRIEF



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UNITED KINGDOM: CHANGES TO THE IMMIGRATION RULES, LEAVE TO REMAIN AND SETTLEMENT

IMPORTANT CHANGES IN IMMIGRATION RULES, HAVE BEEN ANNOUNCED WHICH WILL AFFECT PEOPLE APPLYING FOR LEAVE TO REMAIN, AND INDEFINITE LEAVE TO REMAIN (OR SETTLEMENT), IN THE UK.

The changes will take effect from 3 April 2006 this year.

For all employment-related categories of entry to the UK, and those who have entered under the Ancestry category, the qualifying period for indefinite leave to remain (settlement) is now 5 years.

The initial grant of leave to remain will now be 2 years (except for Work Permit holders and Retired Persons of Independent Means), followed by a subsequent period of up to 3 years. The rules previously allowed for an initial period of up to 12 months leave to be granted, followed by a subsequent period of up to 3 years.

The UK ancestry provision has been changed to allow leave to be granted in a 2 and 3 year pattern, rather than allowing one single period up to the settlement qualifying period.

Retired Persons of Independent Means will still be eligible for one single period of leave all the way up to the settlement qualifying period as before.

Work Permit holders will still be eligible for an initial grant of leave up to the currency of their work permit.

Highly Skilled Migrant's will now be able to amalgamate continuous time spent in the UK as a work permit holder, Highly Skilled Migrant and / or an Innovator when applying for indefinite leave to remain as a Highly Skilled Migrant.

As from the 3rd April 2006, all Work Permit holders, Highly Skilled Migrants and persons residing under the Ancestry Category, will therefore be required to complete 5 years in the UK before they will be eligible for indefinite leave to remain (settlement).

"Reproduced with thanks to James Walters"

CANADA: PASSPORT CARDS FOR U.S. CITIZENS BUT CANADIANS WILL STILL REQUIRE PASSPORTS TO TRAVEL TO THE USA

On January 17, 2006 U.S. Secretary of State introduced a measure to issue new "passport cards" to U.S. citizens, as an alternative to the traditional passport book, for travel through U.S. land border crossings. The new "passport cards", equipped with a photo and a chip with radio frequency identification, will cost about 60% less than the traditional passports. It has been widely praised as a step in the right direction by border communities in both Canada and the United States.

The requirement for passport to travel to the United States was first introduced as part of the "Western Hemisphere Travel Initiative" back in December 2004. The "Western Hemisphere Travel Initiative" requires all people moving to and from North and South America (including the United States, Mexico and Canada), Bermuda, and the Caribbean to have a passport or other acceptable document when arriving at U.S. ports of entry.

The first phase of the "Western Hemisphere Travel Initiative", now in effect, requires all U.S. citizens traveling by air or sea to or from the Caribbean, as well as Central and South America, to have passports.

The next phase, which will affect Canadian citizens, imposing the passport requirement to all air and sea travel between the United States and Canada by U.S. and Canadian citizens, will begin on December 31, 2006.

The final phase will take effect on December 31, 2007, and will apply the passport requirement to all travel by air and sea and through land border crossings between the United States and Canada by U.S. and Canadian citizens.

The new "passport cards" are being introduced to reduce the inconvenience at land border crossings caused by the passport requirement when it becomes effective on December 31, 2007. The new "passport cards" will only be accepted at land border crossings, and not border crossings by air or water.

Canada has been asked to develop its own version of the "passport cards" that comply with U.S. entry requirements. Without a similar "passport card", Canadian citizens will likely still be required to carry a passport to travel to the United States by December 31, 2006.

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