

# Changes Announced to UK Immigration Rules

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## **UK Border Agency amends Tier 2 "cooling-off period" and intra-company transfers, supplementary employment allowances and youth mobility places for Tier 5 migrants, and indefinite-leave-to-remain rules.**

The UK Border Agency has announced changes to the Immigration Rules, many of which will take effect on 13 December 2012.<sup>[1]</sup> A summary of the main changes impacting UK employers is set out below.

### **Tier 2**

- The 12-month "cooling-off period" for Tier 2 applications will start from the earliest date that applicants can demonstrate they left the UK, rather than the date of expiry or curtailment of their previous Tier 2 visa. The UK Border Agency will publish guidance on what is acceptable evidence to demonstrate when a migrant left the UK.
- Changes to the Codes of Practice setting out appropriate salary rates and advertising media for barristers applying under Tier 2 will be published.
- Tier 2 migrants will be able to undertake supplementary employment in a shortage occupation, even if the occupation is a different occupation than the one for which they are sponsored.
- Tier 2 intra-company transfer migrants who earn more than £150,000 will be able to extend their stay for up to nine years (rather than the maximum of five years that is currently in place).

### **Tier 5**

- Tier 5 migrants will be able to undertake supplementary employment in a shortage occupation, even if the occupation is a different occupation than the one for which they are sponsored.
- Australia's allocation of places in the Youth Mobility Scheme will be increased from 32,500 to 35,000 in 2013, and Canada's allocation will be increased from 5,000 to 5,500. South Korea's allocation will be increased to 1,000 places. All other participating countries' allocations (New Zealand, Japan, Monaco, and Taiwan) will remain the same in 2013.

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## Indefinite Leave to Remain

The Immigration Rules will also be amended to permit absences from the UK of up to 180 days per 12-month period for those seeking settlement through Tier 2 and other work routes. Absences must be for a reason that is consistent with an individual's ongoing employment in the UK (e.g., business trips, conferences, research collaborations, and annual leave) or for serious or compelling reasons (e.g., serious illness of a close relative).

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[1]. Read the Statement of Changes in Immigration Rules [here](#).

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