

UK Immigration Tier 1 (General) Category Due to Close

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Changes to the Immigration Rules mean that Tier 1 (General) migrants will no longer be able to apply to extend their leave in the UK after 5 April 2015.

The Tier 1 (General) category was designed to attract highly skilled migrants who sought employment or self-employment opportunities in the UK. However, as part of the Government's raft of measures to reduce net migration, the Tier 1 (General) route closed to new applicants in April 2011.

Tier 1 (General) visas were initially approved for a period of two to three years (depending on when the application was submitted). An individual who still holds Tier 1 (General) status will be able to apply for an extension, provided they are able to satisfy the same points criteria that they satisfied as part of their previous application based on earnings, UK experience, age, and qualifications.

Applications for Indefinite Leave to Remain (ILR) based on the applicant having resided in the UK for five years as a Tier 1 (General) migrant will be closed starting **6 April 2018**. If Tier 1 (General) workers have had more than 180 days of absences in one calendar year during the previous five-year period, they may not qualify for ILR in 2018 and may therefore need to leave the UK or apply for a different type of UK immigration permission.

What are the other options?

Unfortunately, the options available to individuals who are unable to apply for an extension or ILR are fairly limited. Employers should discuss with any Tier 1 (General) workers whether they intend to apply for a further extension to their existing Tier 1 (General) visa and/or ILR or whether they will have to consider other options to allow them to remain in the UK.

Tier 1 (General) migrants may be able to apply for a Tier 2 (General) visa if the migrant's employer sponsors them under this category. This, however, depends on the employer holding a sponsor licence and, unless the migrant is classified as a "high earner" with a salary of more than £153,500, being able to complete the resident labour market test by advertising the position in the UK.

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