

# NEWSLETTER



**Cybra Legal**  
UK Immigration

## LEGAL UPDATES

- ➔ Five-Point Plan
- ➔ Other Key Updates:
  - Health Surcharge
  - EU Settlement Scheme
  - Visitor rules
  - Youth Mobility Scheme

## WHAT'S ON

- ➔ DGEMS 2023 presented by Forbes India and D Globalist
- ➔ Brazilian Chamber of Commerce

## REMINDERS

- ➔ BRP collections



## FIVE-POINT PLAN

### Key Developments

Following the revised ONS estimates, net migration in the UK hit a record high of 745,000 in 2022. The Home Secretary announced a five-point plan to reduce legal migration. Effective from Spring 2024, the plan includes:

1. Raising the minimum salary for skilled workers to £38,700
2. Raising the minimum income requirement (MIR) for spouse/family visas to £38,700.
3. Care workers will face restrictions on bringing dependants, and care firms must be registered with the Care Quality Commission to sponsor visas.

4. The Shortage Occupation List will be reformed, eliminating the 20% salary discount.

5. The graduate visa route faces potential restrictions or abolition following a review by the Migration Advisory Committee.

### Impact

These changes are unlikely to take effect before March 2024, which means business as usual for now. The timeframe for implementation may also depend on the timing of the upcoming general election in 2024.



### REDUCING LEGAL MIGRATION

The Home Secretary announced a five-point plan to reduce legal migration effective from Spring 2024.



## *The Home Secretary stated that “no one who is already here will be disadvantaged.”*

The requirement to pay higher salaries is likely to disproportionately affect certain sectors such as retail, hospitality, education and healthcare, as well as individuals and employers outside London in lower-earning regions. The increase to the MIR in family visas is likely to disproportionately affect women, ethnic minorities, part-time workers and younger people.

The Home Secretary previously stated to MPs that “no one who is already here will be disadvantaged” in response to a question about changes to the shortage occupation list. This week, he further confirmed that migrants renewing their visas will not have to meet the new salary threshold.

Hopefully, there will be transitional provisions to protect existing visa holders from these changes, certainly in the family migration routes. The new MIR for family visas may well be contested in court in the future.

### **Next Steps**

Employers and individuals affected can take action to mitigate any risk. It is worth keeping in mind that:

- Employers in the process of becoming licenced sponsors should finalise and submit their applications via priority service, where available, to ensure that any foreign workers being recruited can submit their visa applications before next spring.
- Employers already in possession of a sponsor licence should identify roles to be filled by foreign workers and bring forward their recruitment.
- The restriction on bringing dependants only applies to carers. It does not apply to other healthcare roles or Skilled Workers in general.
- Applicants in the family routes should submit their application before the changes are implemented.

- Skilled Workers can be sponsored under other tradeable criteria, for eg. using PhD or new entrant points. Although the general salary threshold and going rate for certain occupations are likely to increase, there should be other ways to sponsor workers on lower salaries, provided there are no major changes to other tradeable criteria.
- Although the 20% discount for shortage occupation roles will disappear, the revamped Immigration Salary List will contain a number of occupations with lower salaries that should not be subject to the new general threshold of £38,700
- Other visa routes that are unaffected can be explored, for e.g. the Scale Up visa (for degree level roles), Global Talent, High Potential Individual, Youth Mobility scheme, UK Ancestry.

For more information please read our analysis of the five-point plan [here](#).



**The new measures will be an unprecedented attack on British families.**

## OTHER UPCOMING CHANGES

December has been a very busy month for UK immigration practitioners, marked by various updates from the UK government.

### Immigration Health Surcharge Update

Prepare for the Immigration Health Surcharge increase around 16 January 2024. The revised rates will be £1035 per year for adults and £776 for minors. Any applications that can be submitted before the change should not be delayed.

### Statement of Changes HC246

Additional changes to UK immigration rules are expected in the coming months.

### EU Settlement Scheme

- Applications from joining family members can no longer be made by irregular migrants (including small boat arrivals) or illegal entrants.
- Joining family members entering the UK as a visitor must make an application to the EUSS within three months of arrival, subject to showing there are reasonable grounds for applying late.
- Limited leave under the EUSS may be curtailed (with a right of appeal) if the applicant never met the requirements of the scheme.

These changes will take effect on 16 January 2024.

### Visitor Rules

- Remote work will be formally permitted, as long as it is not the primary purpose of the visit.

- The prohibition on working directly with clients for intra-corporate activities is lifted, but any client-facing activity should be incidental to the visitor's employment overseas and not amount to the offshoring of a project or service.
- Flight crew members will be allowed to come to the UK between March and October 2024 as part of a wet lease arrangement that is approved by the Civil Aviation Authority.
- Scientists, researchers and academics benefit from expanded permitted activities during their visits. These changes will not apply to academics applying for a 12 month visit visa, or if they are applying to extend their permission from within the UK.
- The scope of permitted activities for legal professionals is being expanded and will include teaching, providing advice, attending conferences and appearing in arbitrations or in court.
- Conference speakers can be remunerated for their participation.
- The provisions of Permitted Paid Engagements will be consolidated into the Standard Visitor route. All visitors will be able to undertake Permitted Paid Engagements without the need for a special visa. However, PPE activities must be arranged before travelling to the UK and completed within 30 days of arrival.

These changes will take effect on 31 January 2024.



*Visitor rules will be further liberalised.*

### Youth Mobility Scheme

- Uruguay will be added to the list of countries participating in the Youth Mobility Scheme, allowing up to 500 Uruguayan citizens the opportunity to explore the UK every year.
- Allocated places for Japanese and South Korean nationals in the Youth Mobility Scheme increase to 6,000 and 5,000 respectively. The age range for Republic of Korea nationals expands to 18-35.
- The application process for Japanese and South Korean citizens is simplified by removing the requirement to obtain an invitation.

These changes will take effect on 31 January 2024.

## WHAT'S ON

### DGEMS 2023

[Forbes India](#) in partnership with [D Globalist](#) presented DGEMS 2023, an event that brought together domain experts from over 10 countries, alongside industry experts and government bodies for entrepreneur and start-up visa programs.

We are delighted to announce that Cybra Legal has been chosen as the exclusive UK immigration partner within this distinguished network. Our firm's co-founders participated as speakers and panellists at the event, engaging in insightful discussions about the immigration landscape and opportunities for businesses seeking to establish their presence and expand in the UK.

Forbes India featured both the event and our contributions in their [latest edition](#) of the digital magazine, published on 14 December 2023.

Notably, the event marked the launch of the first-ever Entrepreneur Mobility platform, drawing participation from 200 select companies with global business potential. Our network introduced the innovative concept of #extrepreneur, symbolizing the creation of products for the global market from the very outset. This concept emphasizes that businesses with global solutions have the potential to transcend borders and solve global challenges.



### Brazilian Chamber of Commerce for Great Britain

We are delighted to announce that Cybra Legal has recently become a member of the Brazilian Chamber of Commerce for Great Britain. As UK immigration experts and active members of the Chamber, we aspire to break borders and create opportunities in the UK for businesses and individuals from Brazil and Latin America.

In December, our team had the privilege of attending the Christmas drinks at the Brazilian Embassy, a gathering that provided an excellent opportunity to network and build connections within the Brazilian business community.

Join us in this exciting journey as we work towards creating a stronger collaboration between Brazil and the UK.



### DGEMS 2023

Taj Palace  
New Delhi, India  
27 October 2023

# BIOMETRIC RESIDENCE PERMITS

By 31 December 2024, UKVI intends to fully digitalise the immigration processes and will stop issuing Biometric Residence Permits (BRPs) once a migrant's visa application is approved. For certain nationalities, the BRP card has already been phased-out and their immigration status is only confirmed digitally.

All BRPs that are still in circulation will expire on 31 December 2024. If the approval letter confirms that your immigration status will be valid beyond this date, your BRP expiry date does not affect your entitlements to work, travel or access services/benefits. Only your card will expire on that date.

For migrants still in possession of BRP cards, they remain a vital multifunctional immigration document for both the visa holder and the employer. They can be used to confirm your identity, prove your right to work, prove your immigration status to UK authorities, open a bank account, confirm your date and place of birth, and demonstrate any benefits you are entitled to.

UKVI will provide more information in 2024 on how to convert the BRP card to a digital immigration status. Currently, no action needs to be taken.

## Why it is important to collect your BRP Card

If you applied for your visa from overseas, the visa vignette will be the document used to enter the UK. While valid at the point of entry and for 90 days, it is essential that your BRP card is collected within 10 days of arrival. Information on where to collect it will be on your visa approval letter.

If you applied from within the UK, your BRP card will be posted to the address provided in your application.

The potential implications of not collecting it within the specified period provided by UKVI can be the cancellation of your visa, a civil penalty for your employer, and a fine up to £1000.



## What happens if I lose my BRP, or if it gets stolen?

In both cases, you are required to report this to UKVI regardless of whether this occurred in the UK or overseas. If you are inside the UK, you can report this to UKVI and apply for a replacement card. Replacements from overseas will be more complex as the process requires the resubmission of your biometrics at a visa application center.

For anyone issued with a BRP card, we recommend that you collect this on time to avoid any complications or penalties. We can assist with any enquiries in relation to collection, follow-up Right to Work checks, delays or missing BRPs.