

## Immigration law updates January 2024 to April 2024

On December 4, 2023, Home Secretary James Cleverly announced upcoming changes to visa regulations as part of a “five-point plan” aimed at reducing immigration. The Home Office provided further details on December 21, including some revisions to the initial announcement.

These changes have now been implemented, following two sets of revisions to the Immigration Rules released on February 19 and March 14.

What are the Five Changes?

1. **Social Care Workers:** Social care workers are no longer permitted to bring dependents (partners and children) on their visas.
2. **Skilled Worker Visa:** The baseline minimum salary to be sponsored for a Skilled Worker visa has increased from £26,200 to £38,700. The 'going rate' minimum salary specific to each job has also risen significantly.
3. **Immigration Salary List:** The list of jobs eligible for sponsorship at a reduced minimum salary has been shortened and renamed the Immigration Salary List.
4. **Spouse/Partner Visa:** The minimum income requirement to sponsor someone for a spouse/partner visa has increased from £18,600 to £29,000.
5. **Graduate Visa Review:** A review of the Graduate visa, a two-year unsponsored work permit for overseas graduates of British universities, will be conducted to check for potential abuse of the system.

Implementation Dates

- **Social Care Workers:** The ban on newly arriving care workers bringing immediate family took effect on March 11, 2024.
- **Skilled Worker Minimum Salary:** The increases took effect on April 4, 2024.
- **Immigration Salary List:** An interim list, replacing the Shortage Occupation List, also took effect on April 4, 2024. This list will be reviewed later in the year.
- **Spouse/Partner Visa Minimum Income:** The income requirement rose to £29,000 on April 11, 2024, with plans to further increase it to around £34,500 later in 2024 and to around £38,700 by early 2025.

- Graduate Visa Review: The Migration Advisory Committee published its review on May 14, 2024, finding no significant abuse and recommending that the route remain open.

### Parliamentary Approval

Revisions to visa regulations are enacted through statements of changes to the Immigration Rules. The Government has laid two statements before Parliament to implement these changes, on February 19, 2024 (care worker dependents), and March 14, 2024 (family and work visa income thresholds).

These changes take effect automatically unless the House of Commons or House of Lords actively votes to annul them within 40 days. Usually, there is no vote, and the Government is not obliged to make time for one even if MPs table motions against the changes.

### Government's Rationale

Ministers believe immigration levels are too high, with net migration estimated at 764,000 in 2022. International students, social care workers, and their dependents were major contributors to the increase, along with humanitarian visa schemes and asylum claims.

The changes announced in December follow separate restrictions on student dependent rules introduced in May 2023 and effective from early 2024. The Home Office estimates that 300,000 people who moved to the UK last year would not have been able to do so had these changes been in place.

### Spouse/Partner Visa Extensions

The £29,000 income threshold applies only to first-time applicants. Those extending their visas are subject to the previous threshold of £18,600. Transitional arrangements apply for those who had a Family visa or applied before April 11, 2024. Once a minimum income requirement (MIR) has been met, it remains the same through to settlement if applying to stay with the same partner.

### Income Calculation for Visas

For initial visa applications from outside the UK, only the sponsor's income counts towards the threshold. For extensions and permanent residence, both incomes count. Applicants must typically provide evidence of having earned that income for the past six months.

### Savings and Minimum Income Threshold

Savings above £16,000 can be used to meet the income threshold, divided by 2.5. Couples with no relevant earnings need a lump sum of £88,500. The required amount must generally be held in the applicant's account(s) for six months before applying.

### Armed Forces Minimum Income

The minimum income for members of the armed forces sponsoring a spouse/partner visa has increased to £23,496.

### Comparative International Rules

Many countries require proof of sufficient economic resources, with varying methods of assessment. In some cases, such as Belgium or Norway, the minimum income requirement is lower than the UK's. The UK's rules are stricter on what counts towards the threshold.

### Skilled Worker Visa Salary Thresholds

The new salary thresholds do not apply to those who already had a Skilled Worker visa before April 4, 2024, and who apply to extend it or for settlement before April 4, 2030. First-time applicants after this date must meet the new thresholds, with exceptions for early career individuals and specific professions like NHS staff, education workers, and social care workers, who can be paid £23,200.



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