



# **FIXED FEE IMMIGRATION**

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## **About us...**

DF Legal LLP is a firm of solicitors with offices in Tewkesbury, Gloucestershire and Ledbury, Herefordshire and has been serving the needs of individuals and businesses since 1980 in the 3 Counties/South Midlands area and beyond. We have a wealth of professional expertise in both traditional and unusual areas of the law.

DF Legal LLP offers legal services to private and corporate clients in many areas of the law. The areas of work that we cover include buying and selling of residential and commercial property (generally known as conveyancing), leases and tenancies, family law (including divorce, separation and children), litigation, commercial agreements, company matters, business sales and purchases, employment, immigration (including work permits and entry clearance to the UK), and wills and probate. We have specialists who have many years of experience of dealing with town and country planning applications and appeals, sports law - in particular motorsport, family law and also employment law.

DF Legal LLP has been awarded the Lexcel award for excellence by the Law Society and are currently the only firm of lawyers in Tewkesbury to have achieved this prestigious award. DF Legal LLP has also been awarded Investors In People status.

As stated, we carry out our Immigration work on a pure fixed fee basis. Unlike many law firms or immigration agents, who invoice you for their work on a hourly rate, and therefore resulting in you not knowing how much you have to pay, we tell you our costs from the beginning. This allows you to know how much a service will cost. Our costs are competitive and reasonable not only locally, but nationally.

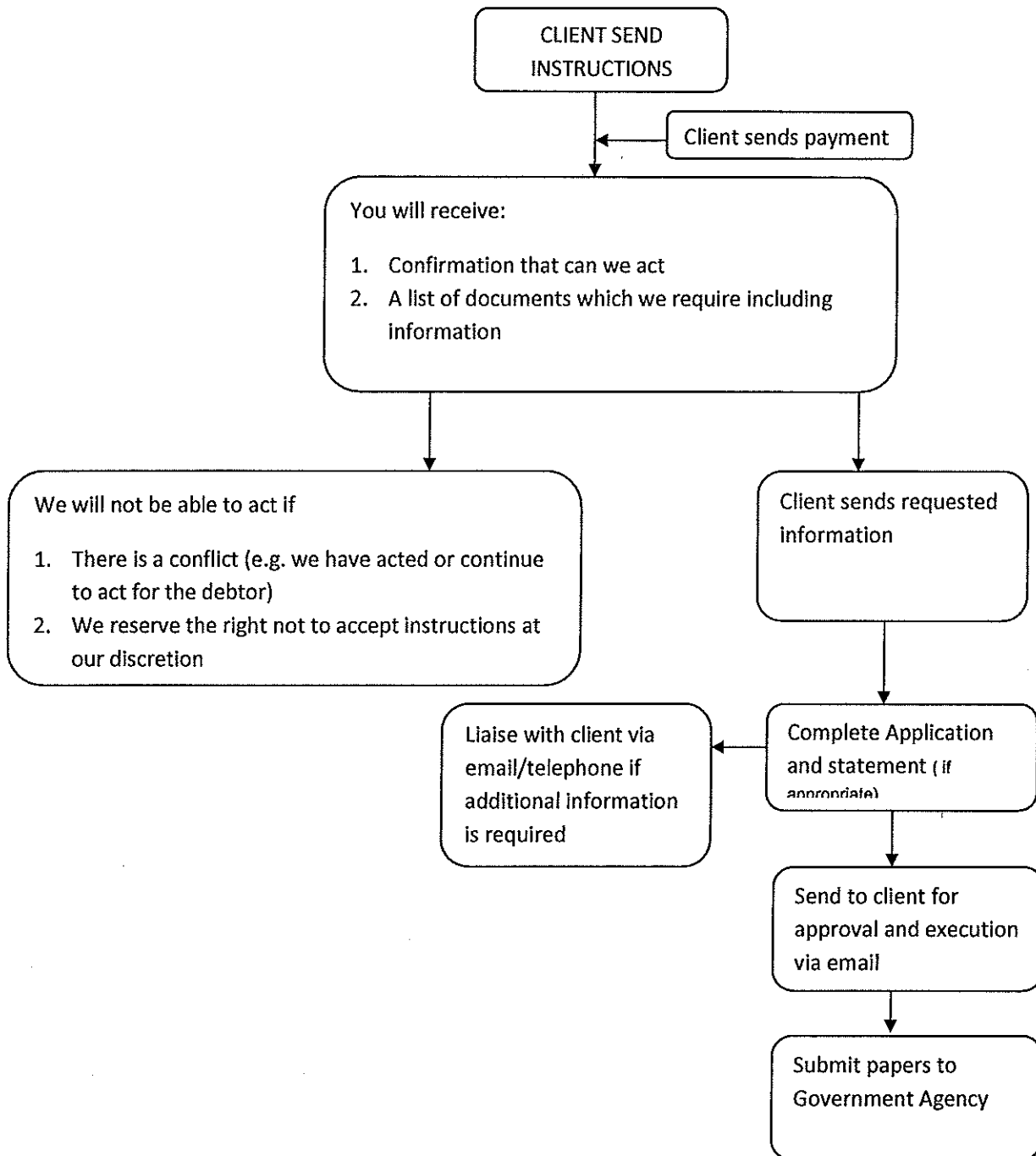
<b>a. Family based applications</b>	
i. Spouse visa	£150.00
ii. Fiancé(e) and proposed civil partner visa	£150.00
iii. Dependent children and other relatives	£150.00
iv. Family reunion	£150.00
v. Visit visa	£100.00
<b>b. Individual based applications</b>	
i. Asylum claim	£300.00
ii. Fresh asylum claim	£300.00
iii. Human rights based applications	£300.00
iv. Deportation	£300.00
<b>c. Points based system applications</b>	
i. Tier 1	£150.00
ii. Tier 2	£150.00
iii. Tier 3	£150.00
iv. Tier 4	£100.00
v. Tier 5	£200.00
	<i>*We only charge £100 plus VAT plus disbursements on Student Visa's</i>
<b>d. European applications</b>	£150.00
<b>e. Nationality/Naturalisation/Citizenship applications</b>	
i. Indefinite Leave to Remain	£100.00
ii. Naturalisation	£100.00
<b>f. Appeals</b>	
i. If bundle lodged	£600.00
ii. If bundle not lodged	£800.00
<b>g. Document Checking Service or 30 min Telephone Advice</b>	£75.00
<b>h. Fixed Fee Business Consultant for your Business</b>	£1000.00 per annum

*We offer a 24 hour service at an additional fee of £125 per application*

*The above costs exclude VAT and disbursements*

## How do we operate?

In order for you to understand the mechanics of the process, we have produced a work-flow for you



## Different Types of Visa's

As you will understand there are a number of different types of Visa's available. A detailed description of the different types can be found on our website. However, we attach below a short description of the some of the options which are available.

### (a) Family Based Applications - Partners & Family

Many people applying to come to the UK, whether to work or study, wish to bring their loved ones with them, and are able to apply for them do so as dependants when they make their own visa application.

But there are many other cases where people wish to come to or remain in the UK as the partners, children and/or elderly dependant relatives of people who are already in the UK or are coming here in a different category.

#### Partners

If you are in a relationship with a British Citizen or a person who is settled here you can apply to enter or remain in the UK with a view to settlement as their partner. If successful you will be granted permission to remain for a probationary period of 27 months - or two years if you are already in the UK - at which time you will be eligible for Indefinite Leave to Remain.

#### Children

If you are a permanent resident of the UK living with your partner you will normally be allowed to bring dependant children under the age of 18 into the UK to live with you as long as you can show that you have accommodation where you can all live without recourse to public funds.

In exceptional cases a single parent can bring their dependant children in to the UK.

#### Fiancé

If you are engaged to be married to a British citizen or someone settled here in the UK, and intend to marry within six months, then you can apply for a Fiancé visa to enter the UK. You must be 21 years of age

or over and you and/or your fiancé must be financially self sufficient. UK Fiancé visas are issued for six months and you must marry in that time. Once the applicant has married they can then apply for a Spouse visa which is granted for an initial two year period.

#### Elderly dependant relatives

If you are a parent, grandparent or other dependant relative of a British Citizen or a person settled in the UK you can apply for permission to join them indefinitely. You or your partner should be over 65 and you must be able to show that you depend on your settled relative for money, that you have accommodation without needing public funds and have no other close relatives in your own country who can support you financially.

#### Visit Visa

If you are a non-EU national, you may require a Visa to enter the United Kingdom. We would be able to help you prepare your application for this type of Visa

### **(b) Points Based Application – Tier 1 – Tier 5**

In 2008, the United Kingdom overhauled its immigration law and implemented a points based system for non-European Union migrants wishing to come to the UK to work, study, and train.

The new immigration system is broken into a five tiers that replaced the previous 80 or so routes that existed. Each tier has different conditions, entitlements, and entry requirements for migrants wishing to work in the UK.

Tier 1 was implemented in early 2008. Tier 1 is meant for highly skilled migrants, post-graduates, entrepreneurs, and investors.

Below is an overview of the points based tiered immigration system.

**Tier 1:** For highly skilled migrants, entrepreneurs, investors, and graduate students. This replaced the previous Highly Skilled Migrant Programme (HSMP), the Entrepreneur and Investor schemes, and the International Graduates Scheme.

**Tier 2:** This is for skilled workers who have a job offer. This tier encompasses the previous UK Work Permit rules.

**Tier 3:** For a limited numbers of lower skilled workers to fill temporary shortages in the labour market.

**Tier 4:** Students.

**Tier 5:** For youth mobility and temporary workers, such as those who come under Working Holiday agreements with other countries.

Tiers 3 and 5 are temporary migration schemes and migrants who fall under these tiers are not be able to switch to a different tier from within the UK. The UK has also suspended Tier 3 in favour of migrants from the EU; however, this may change depending on labor market demands.

Tiers 1, 2, and 4 will be eligible to switch to another tier once they are in the UK if they can meet the requirements of that tier. Tiers 1 and 2 (excluding Intra-Company transfers under Tier 2) can potentially lead to settlement if the permanent residence requirements are met at the time of application.

### Points Structure

Each tier requires an applicant to score a sufficient number of points to gain entry clearance or to extend his or her leave to remain in the United Kingdom. Points are awarded for various criteria specific to each tier. In all tiers, points are awarded for criteria which indicates that the individual is likely to comply with immigration requirements.

In Tiers 1 and 2, points are awarded for criteria such as age, previous salary or prospective salary, and qualifications; a system similar to the current Highly Skilled Migrant Programme (HSMP) which has proven very successful.

### Sponsorship

All migrants applying under Tiers 2-5 are required to have sponsorship from a licensed sponsor (an employer or educational institution). The certificate of sponsorship assures that the migrant is able to perform the particular job or course of study. More details is contained below.

Highly skilled Tier 1 migrants do not require a job offer and thus do not require sponsorship.

### Dependants

Dependants are allowed to come to the UK with the main applicant. However, they will not be allowed to work if they accompany a student under Tier 4 or a temporary worker under Tier 5 if -- in both cases -- the individual has been given less than 12 months leave to remain in the UK.

### **(c) Studying in the UK - Tier 4**

You may come to the UK to study but must have permission to do so under the recently introduced Tier 4 rules. There are two categories: Tier 4 (Child) student for those aged 4 to 17 years old and Tier 4 (General) student for those wishing to take up post-16 education. Students aged 16 and 17 should apply under Tier 4 (General) unless you will be studying on a course below NQF3 in which case you should apply under the Tier 4 (child) category.

### Tier 4 (Child)

A child between 4 and 15 years old can only apply for a Tier 4 (Child) visa if attending a fee-paying school. If under 16 when applying, the maximum length of stay will be six years or the length of the course whichever is the shorter period.

In order to qualify the child must score 40 points under the Points-based System rules:

- |           |   |
|-----------|---|
| 30 points | attending an acceptable course with an approved education provider (they will issue the child student with a CAS (confirmation of acceptance of studies) reference number). |
| 10 points | having enough money to cover the course fees and living costs for the first year (normally provided by the parent or legal guardian).                                       |

### Tier 4 (General)

Students over the age of 16 wishing to study in the UK may apply for a Tier 4 (General) visa. The length of stay that will be granted will depend on the length of the course but as a general rule for courses of a year or more it will be for the full length of the course plus four months after the end of the course.

**In order to qualify the applicant must score 40 points under the Points-based System rules:**

- |           |   |
|-----------|---|
| 30 points | attending an acceptable course with an approved education provider (they will issue the child student with a CAS (confirmation of acceptance of studies) reference number). |
| 10 points | having enough money to cover the course fees and living costs for the first year (normally provided by the parent or legal guardian).                                       |

The exact requirements for this and particular rules relating to how your supporting evidence should be prepared and presented are complex so please contact us for more specific details of your particular case.

Following your study, you maybe entitled to reside on a **Post-Study Work Visa** (known as Tier 1)

### **(d) Employers**

Employers wishing to employ skilled migrant workers must:

- Apply for and be granted a sponsor licence
- Check that no other EEA workers could do the job (called the resident labour market test)
- Issue a certificate of sponsorship (this is done by the level 1 user)

### Employing migrant workers in the UK

Since November 2008, The UK Border Agency has been operating a Points Based System for evaluating all workers from outside the EEA

(European Economic Area) wishing to work in the UK. The scheme is designed to limit the number of migrant workers coming to work in the UK by utilising a points system which favours those with high qualifications, higher earnings and those working in shortage occupations.

Further, the restrictions on who can now work in the UK are tighter and more complex than previously. For example skilled workers can no longer change employers as easily as before and rules on English speaking and maintenance funding have been introduced into the skilled worker tiers for the first time.

**Tier 1**, for Highly Skilled Workers, has been in place since July 2008 and it is the individual who applies for, and may be granted, a visa enabling them to work for any employer or to be self-employed.

**Tier 2**, for skilled workers with a job offer, and **Tier 5**, for temporary workers, became operational on 27th November 2008, and it is the employer who must issue a **certificate of sponsorship** to the job applicant before he or she may apply for entry clearance or leave to remain.

**Workers from Bulgaria and Romania** may still be employed under the old rules – ie: the employer must apply for a work permit or TWES as previously - and the employee then applies for an Accession Worker Card, if required.

Current Work Permit Holders will only be able to extend their stay or change employment by receiving a certificate of sponsorship from their employer and obtaining further Grant of Leave under **Tier 2**.

### Sponsor Licence

Employers must have applied for, and been granted, a **Sponsor Licence** before they are able to issue a **certificate of sponsorship**. They may apply for certificates for **Tier 2 (General)** for existing or new employees, **Tier 2 (intra-company transfer)** for employees working for the same employer but at a different division in the UK or overseas branch, and for **Tier 5** for temporary workers.

The **Sponsor Licence** application is carried out on-line. Once this is done, all supporting documents and the appropriate fee must be submitted to the Home Office within 10 working days and the **Sponsor Licence** will normally be granted for four years.

The time taken to be granted a **Sponsor Licence** can vary greatly – anything from ten days to ten weeks and sometimes even more – so if your company employs migrant workers on Work Permits now that will need extending, or is considering recruiting for a role that may be best filled by a Non-EEA migrant worker, then it makes sense to apply as soon as possible.

All organisations applying for a licence must appoint an **authorising officer**, who should be a senior and competent officer within that organisation. No outside agencies or contractors are permitted to perform this role.

In addition, the organisation must have a **key contact**, who is usually the same person as the **authorising officer**, and a **Level 1 User**.

#### The Level 1 User

The **Level 1 user** is required to undertake the sponsor's day-to-day activities by using the sponsorship management system to issue certificates of sponsorship, request additional certificates if required and also annually, report migrant activity and log any changes of circumstances connected with any employees or the sponsor organisation.

In parallel to this new sponsorship system, the Home Office has introduced a regime of offences relating to the employment of illegal immigrant workers including:

- A system of civil penalties for those employers who employ illegal migrant workers as a result of negligent recruitment and employment practices.
- A tough new criminal offence, which carries a maximum two-year prison sentence and/or unlimited fine for those employers found to be knowingly employing illegal migrant workers.

### Certificate of Sponsorship

Once a **Sponsor Licence** has been granted, employers may issue Certificates of Sponsorship to non-EEA skilled migrants.

A certificate of sponsorship is a virtual document, issued by the **Level 1 User** on the UKBA's Sponsorship Management System (SMS). All of the relevant information about the sponsored employee and the role he will be carrying out has to be included with the application including, if necessary, details of the **resident labour market test** carried out prior to the appointment.

The certificate of sponsorship has, in effect, replaced the old Work Permit, and is necessary for the employee to apply for his or her Grant of Leave under Tier 2.

Employers must have applied for, and been granted, a Sponsor Licence before they are able to issue a certificate of sponsorship. They may apply for certificates for Tier 2 (General) for existing or new employees, Tier 2 (intra-company transfer) for employees working for the same employer but at a different division in the UK or overseas branch, and for Tier 5 for temporary workers.

### Resident Labour Market Test

If the job for whom the skilled migrant worker is to be employed is not on the **Shortage Occupation List**, it is the employers' responsibility to advertise the role within the EEA area for four weeks on the Government's own Jobcentre Plus website and one other medium as laid down in the relevant Code of Practice for that job.

Records must be kept of the advertising conducted, responses received and clear reasons for not employing any EEA applicants. A summary of the resident labour market test must then be compiled for inclusion on-line when issuing the certificate of sponsorship.

### Shortage Occupation List

The Migration Advisory Committee regularly reviews and updates a list of jobs for which there are not enough resident workers. This is called the shortage occupation list and it can be found on the UK Border Agency website. Typical shortage jobs are:



Those in shortage occupations may be appointed without recourse to advertising and may be paid less than the required amount for the Tier 2 points system (as long as it is the minimum laid down for that job in the relevant Code of Practice).

### **(e) Settlement**

Once you have lived legally in the UK for a certain number of years you may apply for Indefinite Leave to Remain (ILR). Partners of British Citizens or someone who is settled here may apply after two years. Children under 18 and other dependant relatives of British Citizens or someone who is settled here may apply at any time.

ILR is currently seen by many as a stepping stone to British Citizenship, although The Borders, Citizenship and Immigration Act 2009 which is due to come into effect in July 2011 envisages two alternative forms of settlement: British Citizenship or Permanent Residence.

Most applicants for settlement will need to show that they have a good knowledge of language and life in the UK, either by passing the Life in the UK test or by passing a course in English for speakers of other languages (ESOL). More details of the Life in the UK test may be found at [www.lifeintheuk.test.gov.uk](http://www.lifeintheuk.test.gov.uk)

#### *Indefinite Leave to Remain (after four years)*

- Those granted an HSMP visa between 3rd April 2006 and 7th November 2006
- A Turkish businessperson or family member of a Turkish businessperson

Decisions for these applications are not made using the Points-based system. Instead you must be able to show that:

- You have been here continuously without lengthy absences
- You have passed the 'Life in the UK' test (unless you were granted HSMP before 3rd April 2006)
- You can show that you are financially independent and have the means of supporting yourself in the future.

*Indefinite Leave to Remain (after five years)*

You may apply for ILR after five years:

- If you have been residing in the UK with permission to work (excluding Post-study work visas)
- A Bulgarian or Romanian business person (or family member of a Bulgarian or Romanian businessperson)

Decisions for these applications are not made using the Points-based system. Instead you must be able to show that:

- You have been here continuously without lengthy absences
- You have passed the 'Life in the UK' test
- You can show that you are financially independent and have the means of supporting yourself in the future.

*Indefinite Leave to Remain (after ten years)*

You may apply for ILR after ten years:

- If you have been residing in the UK with permission to study

Decisions for these applications are not made using the Points-based system. Instead you must be able to show that:

- You have been here continuously without lengthy absences
- You have passed the 'Life in the UK' test
- You can show that you are financially independent and have the means of supporting yourself in the future.

## Next Stage....

Should you require any further information or seek to instruct us, please do not hesitate to contact

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**please note:**

This guide contains information on current legal issues at the time of printing. There may be subsequent changes to which has not been incorporated in this Guide. Please note that this information is supplied as a guide only and therefore its contents should not be applied to any particulars or relied on without legal or other professional advice.

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