

ARNOLD & PORTER (UK) LLP

ADVISORY

FEBRUARY 2010

BUSINESS IMMIGRATION UPDATE: DO NOT DELAY!

If you are planning on transferring overseas workers from one of your overseas group companies to a UK group company (Tier 2 Visa—Intra-Company Transfer) you need to **move fast** as the **rules are tightening up** in spring 2010.

Currently, an overseas worker is required to have worked for the overseas group company, for a minimum of six months in order to transfer to a UK group company. This will be increased to a **12-month period** from spring 2010.

It will also **not be possible for employees to apply for indefinite leave to remain** (permanent settlement) on the basis of having been in the UK on a Tier 2 Intra-Company Transfer visa, from spring 2010.

So, if you have employees in the UK under this category and they wish to gain permanent settlement or if you wish to transfer an employee employed by one of your overseas group companies to the UK, it would be advisable to apply for this now before the rules change.

Remember, in order to apply for most types of UK working visas, employers need to be registered as sponsors with the UK Border Agency. This process can take several weeks.

Arnold & Porter (UK) LLP's employment team can assist you with your UK business immigration and employment needs. For more information, please contact your Arnold & Porter attorney or:

Henry Clinton-Davis

+44 (0)20 7786 6137

Henry.Clinton-Davis@aporter.com

Carolyn Baines

+44 (0)20 7786 6194

Carolyn.Baines@aporter.com

London

+44 (0)20 7786 6100

Brussels

+32 (0)2 290 7800

Denver

+1 303.863.1000

Los Angeles

+1 213.243.4000

New York

+1 212.715.1000

Northern Virginia

+1 703.720.7000

San Francisco

+1 415.356.3000

Washington, DC

+1 202.942.5000

This advisory is intended to be a general summary of the law and does not constitute legal advice. You should consult with competent counsel to determine applicable legal requirements in a specific fact situation. © 2010 Arnold & Porter LLP

arnoldporter.com