

A UK Immigration lawyer's perspective on emigration to the UK

United Kingdom (UK) is as welcoming as the United States, but it has one of the most complex Immigration system and rules in the world.

UK Immigration rules are incredibly complex, and many would argue that is the most complicated in the world. This complexity is caused by the rules are not being codified. You often must read another set of documents called "guidance" to interpret the rules and as soon as you know the law and the requirements, they change! Even the name of the Immigration service continues to change.

If you are therefore serious about moving to the UK, it is important and prudent to appoint the services of a UK Immigration Lawyer. Don't just appoint any lawyer, make sure you appoint an experienced lawyer that specializes in UK Immigration. If you must use a junior lawyer, then ensure they are at least supervised by an experienced lawyer.

Why do you need an experienced lawyer? the rules are quite complex to the point where sometimes even lawyers get it wrong, additionally the immigration government official may also get it wrong.

The court of appeal commented that even lawyers struggle to comprehend the Immigration Rules and that it is essential for the rules to have a proper archive of previous consolidated versions is - Lord Justice Underhill in *Singh v Secretary of State for the Home Department* [2015] EWCA Civ 74 [<http://www.bailii.org/ew/cases/EWCA/Civ/2015/74.html>]

The supreme court in *Mirza v Secretary of State for the Home Department* [2016] UKSC 63 criticized the UK immigration rules as being complex, and further that even the Secretary of State is unable to maintain a consistent view of the meaning of relevant rules and regulations.

Most common routes to the UK

- Marriage to a British Citizen.
- Employment in the UK
- Studying in the UK
- Investment in the UK

Marriage to a British Citizen.

This is one of the easiest routes to relocate to the UK, but the rules are complex, so many get this wrong. The appeal system is convoluted and extremely lengthy and therefore families are kept apart for prolonged periods.

The basic rules are this

- Meet the minimum income requirement

- Evidence your subsisting relationship
- Evidence your proposed UK accommodation

While the three rules appear basic, many do not understand the specific evidential requirements and therefore fail to properly present their case. I have represented many clients whose application failed even though it was clear to me that they met every aspect of the case.

In many situation, I advise clients to submit a fresh application rather than appeal. For one, an improperly presented application may not succeed on appeal, and more importantly, an appeal currently takes over 12 -14 months to get listed for a hearing. Whereas a fresh application can get you a decision within 12 weeks.

Most clients who plan-ahead spend less money and cut the lengthy process short by instructing a UK immigration attorney from the onset of the process. The case will be properly presented and you can get your visa in as little as 10 days.

As a UK Immigration Lawyer, our office has a very high success rate with UK spouse visa applications, either for first time applicant or for those you have previously been refused.

Employment in the UK

This is another common route in relocating to the UK. Many people simply say “I want to move to the UK” but they cannot fit into rules for family member. They can however find a job in the UK with an employer willing to sponsor them. Making this the second most popular way of relocating to the UK.

Below is the snap shot of employment visas for the UK:

- Tier 1 visa – for those entrepreneurs or Investors who wish to start a business in the UK, can also be used for those with exceptional talents
- Tier 2 – for those who will be employed by a company or organizations, there are four types of Tier 2 visas
- Tier 5 Visa – generally for charity, religious workers, and the youths, there are six types of Tier 2 visas
- Turkish Worker / Businessperson visa: available only to Turkish Citizens
- UK Ancestry visa available to commonwealth citizens whose grandparents are UK born
- EEA Nationals (with specific rules apply to Croatians) can take up employment in the UK

Studying in the UK

So long as you meet the requirements of the rule of

- Having admission at an approved institution
- Can evidence your ability to speak English
- Can pay your tuition and maintenance

You should be able to get a Tier 4 visa (Student visa) to enable you to live and study in the UK

- Do you have adult children or relatives in the UK? - watch out for my next article.

As recently noted, UK citizens have voted to leave the European Union, one of the reasons is because UK citizens believe EU citizens are taking their jobs and they don't see any benefit in being part of the EU. The full impact of this decision is still unknown.

It is very important that any foreigner considering on immigrating to UK, especially from United States, either those joining family or those looking to set up a business need to understand some issues that may influence their decision.

Personal Immigration

- When you give birth to a child in UK, the child does not automatically become a UK citizen. For more information about UK and US children and right to family life you can click to read about an article I wrote in 2012:
[http://laraakinlude.com/CHILDREN_&_THE_RIGHT_TO_FAMILY_LIFE.pdf].
- When you get married to a UK citizen it now takes 5 years to obtain a permanent residency [*called Green Card in United States*].

Corporate or Business Immigration

- You need to have applied for and be approved for a sponsorship license (Tier 2 or Tier 5) before you can employ non-UK citizens or resident. This rule applies even if you simply want to transfer one of your employees from a non-UK branch to a UK branch.
- Even if you are a licensed organization, your employees still need a Tier 2 or Tier 5 visa (Tier 1 for the entrepreneur)
- However, while UK individual's immigration to UK is more stringent, Business and Corporate visas are relatively easy to obtain based on my experience in comparison to the United States.

Experience

Based on my 15 years' experience as a lawyer, my vast knowledge of dealing with complex UK immigration cases also prepared me for US immigration after I qualified as a licensed attorney in California. I found US Immigration H1B, E2, L1, EB5, Green Card application are far easier to deal with when compared to UK immigration.

The Author:

Lara Akinlude is a dual qualified attorney in the UK and United States. She has more than 15 years of Global Immigration experience, specializing in UK and US immigration. Lara has dealt with over 6000 (six thousand) UK immigration cases which includes: Business Immigration of Tier 1 and 2, spousal, visas etc.)

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