

HSMP changes in UK immigration rules may allow 2,500 Indian professionals to return

Due to the unlawful changes to the immigration rules, an estimated 2,500 highly skilled Indian workers were forced to leave Britain, but may now be allowed to return to the UK.

The changes were applied in November 2006 with retrospective effect to the Highly Skilled Migrants programme (HSMP). On the 8th of April 2008, to the relief of many an immigrant, these changes were struck down by the High Court as unlawful.

The HSMP Forum is the campaign group which spearheaded public and legal challenges to the government regulations.

It is currently working with the UK Home Office to ensure that those who were forced to leave Britain due to the controversial retrospective changes are allowed to return and take up employment under the HSMP.

"It is now the responsibility of the Home Office that those affected by the November 2006 changes should be allowed back into the country," Amit Kapadia of the HSMP Forum said. "We will be pursuing this with the government."

Kapadia said that an estimated 5,000 professionals, of which nearly half of them are Indian, were forced to leave Britain when the changes, seen as unlawful, were implemented, resulting in them not meeting the new criteria of the programme.

Under the HSMP scheme, points were allocated for age, educational qualification, salary and the UK Experience and UK Study.

But in November 2006, the Government effected changes in the HSMP programme under which the HSMP visa holders had to reappear for examination requiring higher annual income and had age restrictions to get their visa extended.

Kapadia stated that the HSMP Forum will work with the Home Office to ensure that the April 8 judgement was fully implemented. He added that if the judgement was not implemented in letter and spirit, the forum was at liberty to appeal.

On its part, the Home Office has accepted the judgement and also decided not to appeal against it, saying that it did 'not intend to waste taxpayer's money with an appeal'.

In an email from Lin Homer, chief executive of Border and Immigration Agency, Kapadia was informed: "We are now urgently considering how to give effect to the judgement and will let you know the details as soon as we can. You will understand that we want to make sure that we have given these matters due consideration so that the remedies we put in place are clear and work as smoothly as possible".

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