

Immigration Update

August 2019

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Veristat specialises in providing immigration advice, support and other services to employers and education providers, as well as individuals applying for leave to enter/remain in the UK.



****NEW** Hourly retainer advice/support packages for employers and education providers. Call 01344 624016 for further details and a quote.

Brexit update

EU Settlement Scheme: Proving your rights

UK Visas and Immigration (UKVI) have published guidance for EU citizens applying to the EU Settlement Scheme and how they can view and prove their rights in the UK.

Further information can be viewed [here](#).

<https://www.gov.uk/government/publications/eu-settlement-scheme-view-and-prove-your-rights-in-the-uk>

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Right to Work in the UK: Frontier Workers

UK Visas and Immigration (UKVI) have published guidance that provides information for EU, EEA and Swiss frontier workers who wish to continue working in the UK after Brexit. Frontier workers are those who regularly commute to the UK because they are employed or self-employed here but live elsewhere.

If the UK leaves the EU **with a deal**, you will be able to continue working in the UK as a frontier worker if you began employment or self-employment in the UK as a frontier worker by 31 December 2020. They will need to apply for a frontier worker permit to prove their right to enter the UK for work after 31 December 2020. They will also be able to use this permit to prove their rights in the UK. Further details about how and when people can apply for a frontier worker permit will be published in due course, if the UK leaves the EU with a deal.

If the UK leaves the EU **without a deal**, after free movement has ended, you'll still be able to continue working in the UK for up to 3 months at a time without needing a visa. If you stop frontier working and begin living in the UK before the UK leaves the EU you will need to apply under the EU Settlement Scheme, and if you do not meet the requirements for the EU Settlement Scheme, you will need to apply for *European temporary leave to remain*.

Irish citizens will not need to apply to the EU Settlement Scheme or for European temporary leave to remain to continue living and working in the UK.

Further information can be viewed [here](#).

<https://www.gov.uk/government/publications/rights-and-status-of-frontier-workers-in-the-uk-after-brexit>

Working in the UK

Sponsoring a Tier 2 or 5 worker: updated guidance for employers

UK Visas and Immigration (UKVI) have updated their guidance to employers on sponsoring a migrant worker under Tier 2 or 5 of the Points Based System.

The key changes were as follows:

- Minor clarifications to the definition of settled worker and to the definition of a 'working day' to include common-law public holidays. (Glossary)
- Clarification that offences relating to abuse and neglect of children apply to all sponsors, not just those in the Tier 5 Creative and Sporting subcategory. (Glossary, Annex 1 row h, Annex 5 row j)

- Minor amendment to the definition of 'representative' to reflect changes to relevant legislation in 2011. ('Using a representative' section)
- Information on the Immigration Skills Charge has been redrafted for clarity and information included on 'top-up' charges. (Para. 1.18 to 1.41)
- Name of government department updated to read 'Department for Digital, Culture, Media and Sport'; link added. 'Sports and Recreational Alliance' corrected to 'Sport and Recreation Alliance'; link added (Para. 4.8)
- Aunt and uncle have been added to the definition of 'close relative' (Para 6.12)
- 'Gangmasters Licensing Authority' amended to read 'Gangmasters and Labour Abuse Authority' (Para. 17.23)
- Incorrect reference to 'fewer than 3 months' amended to 'no more than 3 month' in respect of X (Para. 23.4)
- Information on digital technology sponsors redrafted for clarity. (Para. 24.15 to 24.18)
- Guidance on appropriate rates for Tier 2 (General) has been redrafted for clarity and updated to reflect current salary thresholds (Para. 26. To 26.7)
- Reference to the closing of transitional provisions on 1 June 2019 for public service occupations has been deleted, as these arrangements will now continue after that date. (Para. 26.8)
- Guidance on Tier 2 (ICT) appropriate salary has been redrafted for clarity and updated to reflect current salary thresholds. (Para. 26.15 to 26.19)
- Guidance on post-study work switching provisions redrafted for clarity and to reflect current Rules. (Para. 28.8)
- New paragraph containing transitional provision for resident labour market tests conducted before new appropriate salary rates came into force on 30 March 2019. (Para. 28.26)
- Guidance on points criteria for restricted CoS has been amended and updated to reflect changes to the Immigration Rules. (Para. 29.17 to 29.25)
- Information on Tier 5 visa concession has been significantly redrafted and updated to include guidance on entry through Ireland and the use of ePassport gates (Para. 34.19 to 34.29)
- The list of relevant international agreements has been amended to make clear that some apply to contractual service suppliers only, and to include reference to the Least Developed Country service waiver (Para. 39.7)

You can download the revised *Tier 2 and 5 sponsor guidance* [here](#).

We provide advice, training and support to employers sponsoring migrant workers under Tier 2/5, including compliance audits, Tier 2 sponsorship training and support with issuing Certificates of Sponsorship (CoS). We also provide advice and support to employers applying for a licence. Please contact us on 01344 624016 or by email at enquiries@veristat.co.uk for further details.

<https://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers>

Home Secretary asks independent migration experts to advise on future salary thresholds

The Home Secretary, *Sajid Javid*, has asked the *Migration Advisory Committee (MAC)* to review and advise on salary thresholds for the future immigration system, which will start to take effect from 2021.

Previously, the MAC had recommended that the government should retain the existing minimum salary thresholds in the future immigration system, which includes paying experienced workers at least £30,000, and new entrants (including recent graduates) at least £20,800.

The MAC is expected to report back by January 2020 when the government will consider all the evidence before finalising plans.

Further information can be viewed [here](#).

<https://www.gov.uk/government/news/home-secretary-asks-independent-migration-experts-to-advise-on-future-salary-thresholds>

Restricted Certificates of Sponsorship (RCoS)

UK Visas and Immigration (UKVI) have published their restricted Certificates of Sponsorship (RCoS) allocation for June 2019.

All valid applications received by 5th June were successful if they scored at least 21 points.

A total of 1,924 restricted certificates were granted in June 2019. The total number of certificates available for allocation in July 2019 is 2,210.

Further information can be viewed [here](#).

Please contact us on 01344 624016 or by email at enquiries@veristat.co.uk for advice or guidance on any aspect of Tier 2 sponsorship or the recruitment of migrant workers.

<https://www.gov.uk/government/publications/employer-sponsorship-restricted-certificate-allocations/allocations-of-restricted-certificates-of-sponsorship>

Studying in the UK

Guidance on applications for Tier 4 student visas

UK Visas and Immigration (UKVI) have updated their guidance on their policy for Tier 4 (General) student and Tier 4 (Child) student applications to stay or come to the UK.

The key changes were as follows:

- Additional information regarding biometric enrolment has been included. (Para. 5)
- The information on biometric residence permits has been amended to reflect that BRPs can also be issued for leave to remain grants of leave as well as entry clearance. Additional guidance has also been included to advise students that they cannot enter the UK earlier than the first date on their vignette. (Para. 24)
- The Immigration Health Surcharge (IHS) has been increased from £150 to £300 to reflect the new policy on the financial contribution students must make to the National Health Service. (Para. 28)
- Guidance has been included to clarify the date of withdrawal if a student has travelled outside the Common Travel Area (CTA) before receiving a decision on their application for leave to remain. (Para. 79)
- Additional guidance has been included under this section to clarify that Tier 4 (General) applications made from within the UK must meet the Academic Progression requirements as this wasn't previously referenced. (Para. 82)
- Guidance has been included to make it clear that all Tier 4 (Child) Students and Tier 4 (General) Students under the age of 18 are required to provide the consent from their parent(s) or legal guardian(s) with their application. (Para. 83)
- Guidance regarding the documents needed to show money which has already been paid to the Tier 4 sponsor has been included under the maintenance requirements for Tier 4 (Child) applicants as this is also applicable to them. (Para. 158.159)
- Guidance regarding the documents needed to show official financial sponsorship has been included under the maintenance requirements for Tier 4 (Child) applicants as this is also applicable to them. (Para. 182 – 183)
- Employment as a dentist in training has been included under the types of work that a Tier 4 student is not allowed to undertake following decision to group these with Doctors in training as both are only permitted on a recognised foundation programme. (Para. 216)
- One of the 'Professional Sportsperson' indicators has been removed to make it clear that the restrictions do not apply where the student is playing or coaching in a charity event. (Para. 217)
- Additional guidance has been included regarding the sporting activity that can be undertaken by Tier 4 Students. (Para. 218 – 222)
- A section has been included to inform students what they are allowed to do after they have finished their studies. (Para. 273)
- The paragraph on study limits for students studying at degree level or above has been split into three paragraphs instead of one to make it clearer which time limit applies in each circumstance. (Para. 298 – 300)

You can download the revised guidance [here](#).

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student>

Short-term students

UK Visas and Immigration (UKVI) have published guidance to institutions with non-visa national students.

This guidance explains that whilst non-visa nationals (NVNs) do not need to apply for entry clearance to study in the UK for 6 months or less under the Short-Term Study (STS) route, those nationals eligible to use e-gates **must not** use these if they wish to study in the UK. If they use the e-gates they will not have an entry stamp or vignette in their passport, so they will hold visit leave in the UK instead.

The following NVN nationals are eligible to use e-gates: Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA, so it is important that you inform nationals of these countries coming to study that they should not use the e-gates.

If a NVN presents at your institution with a visit stamp from a Border Force officer, or no stamp as they entered through an e-gate, you can enroll that student and allow them to begin their studies. However, you **must** advise the student that they will need to leave the UK before they have completed 30 days of study and request an STS stamp from a Border Force officer on their return to the UK.

You will need to obtain a copy of the STS stamp they receive on entry on file to allow them to continue their studies.

You can download the guidance [here](#).

<https://www.gov.uk/government/publications/short-term-students>

Other Immigration News

UK's future skills-based immigration system: engagement programme

The Home Secretary, Sajid Javid, set out plans for a new single, skills-based immigration system replacing free movement in a white paper published on 19 December 2018. A programme of engagement in 2019 is being delivered across the UK and internationally through a series of events and advisory groups. The new immigration system will be implemented in a phased approach from January 2021.

Further information about this can be viewed [here](#).

<https://www.gov.uk/guidance/the-uks-future-skills-based-immigration-system-engagement-programme>

Life in the UK test contract awarded

UK Visas and Immigration (UKVI) have announced that PSI Services have been awarded the 'Life in the UK' test contract following a procurement process. This new contract will last for 3 years.

Further information about this can be viewed [here](#).

<https://www.gov.uk/government/news/life-in-the-uk-test-contract-awarded>

One million visitors use passport eGates since expansion

More than one million additional visitors have used the digital border process to enter the UK since the expansion of passport eGates.

The eGates use facial recognition technology to compare a passenger's face with the digital image recorded in their passport. eGates can be used by adults travelling using a biometric or 'chipped' passport. Children aged 12-17 who are accompanied by an adult can also use them.

The guidance to financial providers can be viewed [here](#).

<https://www.gov.uk/government/news/one-million-visitors-use-passport-egates-since-expansion>

Indefinite leave to remain in the UK

UK Visas and Immigration (UKVI) have published information about what it means to have indefinite leave to remain (ILR) in the UK, including access to healthcare, benefits and services, and becoming a British citizen.

It also informs those with ILR or ILE that if they are deported from the UK their indefinite leave will be invalidated and that indefinite leave can also be taken away (revoked) if the person:

- Is liable to deportation but cannot be removed for legal reasons, such as the UK's obligations under the Refugee Convention or the European Convention on Human Rights (ECHR)
- Has obtained leave by deception
- Was granted leave as a refugee and ceased to be a refugee

Further information can be viewed [here](#).

<https://www.gov.uk/government/news/government-expands-use-of-epassport-gates-to-7-more-countries>

Veristat Services

Advice/Support packages

These packages can either be on a fixed rate monthly retainer basis, which can include a number of services, such as: acting as your Level 1 user, issuing of CoS/CAS, immigration audit, etc. Alternatively, you can purchase an annual package of either 5, 10, 15 or 20 hours' advice/support per year at reduced rates.

If you are interested in discussing our retainer or hourly advice/support packages further, then please contact us on 01344 624016 or email us at enquiries@veristat.co.uk.

Training for employers and education providers

We provide bespoke training on all aspects of immigration matters, including Right to Work, Tier 2 sponsorship, Tier 4 sponsorship, and identification of fraudulent documents.

These training sessions are conducted on the client's premises for a standard half-day rate for up to 12 persons per session.

If you think your organisation would benefit from training in any of these areas, please contact us for a quote by emailing us at enquiries@veristat.co.uk. If you would like to discuss the contents of our training packages or require a bespoke training package to be delivered, please contact us by telephone on 01344 624016 or email us as above.

Audits and Inspections

Veristat is hugely experienced at providing compliance audits across all immigration tiers. We have worked with hundreds of employers, ranging from small family businesses to multi-nationals, high street retailers and professional sports clubs. In the education sector, we have also worked with over 30 universities and a significant number of colleges and schools.

Our audit/inspection service is fully flexible and can be tailored to individual requirements, and is based on sound practical experience of UKVI's policies, culture and approach.

- For employers, we offer on-site Tier 2 compliance inspections (with staff aware or unaware to simulate a surprise UKVI visit). We also offer right to work compliance visits.
- For education providers, our service ranges from a "lite" health-check to a comprehensive review of Tier 4 activities, assessing compliance with UKVI requirements and sharing best practice. We also offer targeted inspections covering specific issues, such as BCA, Tier 2 compliance, policies, student unions, relationships with partner institutions, etc.

On completion, we provide a comprehensive, evidence-based report, together with an assessment of how compliant the business or institution is with UKVI's requirements. We will support the introduction of change if required and offer a 'spot check' follow up service at a later date if required to reassure management that recommendations have been implemented.

If you're interested in booking an audit/inspection, please call us on 01344 624016 or email us at enquiries@veristat.co.uk.

File Inspection Days

If you're unsure whether you require a full compliance audit or specific training but would like an independent check of your files to ensure they are fully compliant with Home Office requirements, we can provide a UKVI file compliance inspection of either your staff or student files.

Depending on the number of employees/students you have, we would either check all files or an agreed sample. After the inspection has taken place, we would provide a written report outlining any risks, feedback and recommendations.

For further information or a quote for our file inspection days, please call us on 01344 624016 or email us at enquiries@veristat.co.uk.

Presentations for European nationals (Brexit)

We provide sessions targeted at European nationals currently living and working in the UK. We can come to your premises and speak directly to your EU/EEA and Swiss employees, outlining their position now, and the likely situation they may find themselves in following Brexit. These practical sessions are designed to clarify the situation and more importantly their options moving forwards.

If you're interested in booking a session for the European nationals working for you, please call us on 01344 624016 or email us at enquiries@veristat.co.uk.

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