

Immigration Update

December 2018

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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.



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Working in the UK

Restricted Certificates of Sponsorship (RCoS)

UK Visas and Immigration (UKVI) have published the restricted Certificates of Sponsorship (RCoS) allocation for November 2018.

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

A total of 1,740 restricted certificates were granted in November 2018. The total number of certificates available for allocation in December 2018 is 2,213.

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

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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>

Migration Statistics Quarterly Report: November 2018 (Working in the UK)

The Office for National Statistics (ONS) have published the *Migration Statistics Quarterly Report: November 2018*.

The key findings in relation to working in the UK were as follows:

- Migration for work remains the most common reason for migration.
- EU citizens coming to the UK for work continues to decrease, although the number coming to the UK looking for work has stabilized in the last year for all EU groupings.
- The number of EU citizens with a definite job has decreased (down 32,000), particularly citizens of EU15 countries (down 26,000 to 34,000).
- The overall number of EU citizens coming to the UK for a definite job is now back to a level similar to those seen in 2013 and 2014, at 77,000 in the year ending June 2018.
- There has been a large decrease in the number of EU nationals in employment in the UK. For the period July to September 2018.
- The labour market statistics show that there were 2.25 million EU citizens working in the UK, which was 132,000 fewer than for the previous year.
- There were 1.24 million non-EU nationals working in the UK for the period July to September 2018, 34,000 more than the previous year.
- In the year ending September 2018, there was a 7% increase in work visa grants for 12 months or more.
- Visa grants for Tier 2 (Skilled) work accounts for more than half of all work visas and saw an increase of 15% compared with the previous year. In particular, there were significant increases for Indian nationals.
- There was an increase in the number of certificates for sponsorship used in applications for Tier 2 (Skilled) work in the human health and social work section (up 45% in the year ending September 2018). This likely relates to an increase in the number of doctors and nurses coming to the UK following the removal of doctors and nurses from the Tier 2 cap.

The full report can be viewed [here](#).

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/november2018>

Tier 2 Work visas

UKVI's guidance for staff on how they decide applications for people wishing to enter or remain in the UK as a Tier 2 migrant has been updated.

The key changes are as follows:

- Changes have been made to confirm grants of leave include an additional 14 days not 1 month as previously stated
- Reference to the date the rules covering overstaying were amended has been removed
- Changes have been made to clarify that restricted Certificates of Sponsorship (RCoS) are not required for medical practitioners, nurses and migrants sponsored under the inward investment rules
- Incorrect salary levels for nurses have been removed

The updated caseworker guidance can be viewed [here](#).

We provide visa application support services to all applicants applying for leave to enter/remain in the UK, as well as citizenship and permanent residence/settled status applications. Please call us on 01344 624016 or by email at enquiries@veristat.co.uk for further details and a quote.

<https://www.gov.uk/government/publications/points-based-system-tier-2>

Biometric residence permits

The Home Office have updated the information provided to applicants, employers and sponsors on biometric residence permits, including how employers can check that prospective employees have a right to work in the UK. The updated information can be viewed [here](#).

<https://www.gov.uk/government/publications/biometric-residence-permits-applicant-and-sponsor-information>

Tier 5 (International Agreement)

The guidance notes for employers about sponsoring contractual service suppliers and independent professionals under Tier 5 (International Agreement) have been updated. The updated guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/sponsor-tier-5-international-agreement-workers-appendix-f>

Sponsorship transparency data: November 2018 (Tier 2 & 5)

The Home Office (UKVI) have published their latest data on sponsorship activities.

The key figures in relation to Tier 2 & 5 are as follows:

- As of November 2018, there were 27,376 Tier 2 and 3,853 Tier 5 licensed sponsors.
- New sponsor applications were received from
 - 1,331 Tier 2 sponsors
 - 1 Tier 2 & 4 sponsor
 - 1 Tier 2, 4 & 5 sponsor
 - 34 Tier 2 & 5 sponsors
 - 84 Tier 5 sponsors
- The average length of time to process a sponsor application is 26.95 days.
- A total of 8,587 Tier 2 or 5 potential non-compliance sponsor notifications were received during this period.
- There was a total of 194 follow-up visits to Tier 2 sponsors during this period - 76 (39%) of these were unannounced.
- A total of 104 Tier 2 sponsors and 14 Tier 5 sponsors were suspended during this period.
- A total of 61 Tier 2 sponsors and 11 Tier 5 sponsor licence were revoked during this period.

The updated guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/sponsorship-transparency-data-november-2018>

Studying in the UK

Migration Statistics Quarterly Report: November 2018 (Studying in the UK)

The Office for National Statistics (ONS) have published the *Migration Statistics Quarterly Report: November 2018*.

The key findings in relation to studying in the UK were as follows:

- Non-EU long-term student immigration has remained broadly stable from 2013 to 2017 with an increase in the last year.
- There was a 7% increase in the number of study visas issued for the year ending June 2018 compared to the previous year, and the latest Home Office data for year ending September 2018 suggests this trend has continued as there was a 10% increase in the number of Tier 4 (Sponsored Study) visas issued for 12 months or more, which is the highest level since 2011.
- The increase in sponsored study visas was driven by visas issued to Chinese and Indian nationals.

The full report can be viewed [here](#).

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/november2018>

Sponsorship transparency data: November 2018 (Tier 4)

The Home Office (UKVI) have published their latest data on sponsorship activities.

The key figures in relation to Tier 4 are as follows:

- As of November 2018, there were a total of 1,222 licensed Tier 4 sponsors and 93.3% of these have full 'Tier 4 Sponsor' status.
- During this period, there were a total of 15 new Tier 4 sponsor applications.
- The average length of time to process a sponsor application is 26.95 days.
- A total of 20,074 potential non-compliance Tier 4 sponsor notifications were received during this period.
- There was a total of 23 follow-up visits to Tier 2 sponsors during this period - 9 (39%) of these were unannounced.
- The following action was taken against Tier 4 sponsors: 7 Tier 4 Intention to Revoke and 2 Tier 4 licence were revoked.

The updated guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/sponsorship-transparency-data-november-2018>

Tier 4 premium customer service for sponsors

UKVI have updated telephone numbers and contact hours for the Tier 4 premium customer service for educational institutions and Tier 4 sponsors.

The updated telephone number/contact hours can be viewed [here](#).

We provide advice and support to education providers on all aspects of sponsorship, both on an ad-hoc basis or as a retainer package. We also run training workshops on Tier 4 sponsorship for education providers, which are held on the client's premises. If you would like to discuss further or would like further information and a quote, please call us on 01344 624016 or alternatively email us at enquiries@veristat.co.uk.

<https://www.gov.uk/government/publications/tier-4-premium-customer-service-for-sponsors/tier-4-premium-customer-service-for-sponsors>

Other immigration news

UKVI's new front-end services

The way that people make an application for settlement, citizenship or to stay in the UK for study or work is changing for some applicants.

Those making an application on or after 2 November 2018 may be given a choice between using a new service for enrolling their biometrics and submitting evidence or using the existing service offered through the Post Office or at a Premium Service Centre (PSC) subject to availability.

Over the next few months, the majority of paper application forms will be withdrawn and most UK-based customers applying for leave to remain in the UK or settle permanently will need to apply online.

Some UK Visa and UK Visa and Citizenship Application Service (UKVACS) centres have already opened with all due to be open by early December 2018. These new application centres will be managed by Sopra Steria. In total, there will be 57 UKVCAS centres across the UK, including 6 core service centres offering free appointments, 50 enhanced service centres offering charged appointments and 1 premium lounge. Optional added-value services will also be available.

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

We provide visa application support services to all applicants applying for leave to enter/remain in the UK, as well as citizenship and permanent residence/settled status applications. Please call us on 01344 624016 or by email at enquiries@veristat.co.uk for further details and a quote.

<https://www.gov.uk/guidance/ukvis-new-front-end-services-what-you-need-to-know>

EU Settlement Scheme

EU citizens and their families will be able to apply to get either settled or pre-settled status through the EU Settlement Scheme. The scheme will open fully by 30 March 2019 but people may be able to apply earlier if they're eligible to take part in the pilot. Further information can be viewed [here](#).

The example case studies for those applying under the EU Settlement Scheme have been updated and can be viewed [here](#).

UKVI has also published information for EU citizens and their families taking part in the pilot for the EU Settlement Scheme on how to verify their identity. Information about the 'EU Exit: ID Document Check' app can be viewed [here](#).

We provide sessions to European nationals who are living and working in the UK on Brexit and the EU Settlement Scheme. For details and quote to hold a session at your workplace, please call 01344 624016 or at enquiries@veristat.co.uk.

<https://www.gov.uk/government/publications/eu-settlement-scheme-private-beta-1>

<https://www.gov.uk/government/case-studies/example-case-studies-eu-settlement-scheme>

Migration Statistics Quarterly Report: November 2018 (Other)

The Office for National Statistics (ONS) have published the *Migration Statistics Quarterly Report: November 2018*.

Other key findings were as follows:

- Net migration continues to add to the population of the UK as an estimated 273,000 more people moved to the UK with an intention to stay for 12 months or more in year ending June 2018.
- 625,000 people moved to the UK (Immigration) and 351,000 people left the UK (emigration) during the year ending June 2018.
- There were 6,904 grants of asylum (15% decrease), driven mainly by falls in grants to Eritrean (decrease of 988), Iranian (decrease of 560) and Sudanese (decrease of 458) nationals.
- There were 2,272 grants of an alternative form of protection, which has more than doubled, which has been mainly driven by an increase of grants of humanitarian protection to Libyan nationals (increase of 742).
- 5,994 people were provided with protection under resettlement schemes (decrease of 6%).

The full report can be viewed [here](#).

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/november2018>

Review of Tier 1 (General) settlement refusals

The Home Office has published a review of settlement applications by Tier 1 (General) migrants, which investigated concerns as to whether there were systemic issues leading to settlement applications by Tier 1 (General) migrants being refused incorrectly.

The key findings were as follows:

- Applicants typically used self-employed income to “top up” their PAYE earnings in order to meet the minimum income threshold requirements to score enough points for Tier 1 (General).
- There were significant differences between the self-employed earnings shown by applicants’ initial HMRC records and those claimed in the Tier 1 applications for the same periods.
- In 88% of case, these differences amounted to more than £10,000. Of these, 73% of the applicants made amendments to their tax returns within the 6 months before a subsequent ILR application, or did not make any amendments (meaning the differences between their records remain).
- In 83% of cases, amendments were made more than three years after the date of the original tax return.
- The pattern of behavior in amending tax records was sufficiently unusual for HMRC to draw it to the Home Office’s attention.
- Applicants were given the opportunity to respond to our concerns. In 39% of cases the response from the applicants was that the differences were the fault of their accountant.
- In the majority of cases, having taken all the evidence and applicants’ explanations into account, the Home Office were not satisfied that these were minor tax errors as claimed but instead were attempts to misrepresent self-employed earnings for the purposes of obtaining leave or settlement in the UK.
- In future, where there are a large number of refusals of cases with similar facts, litigation strategies are in place early on to ensure a consistent approach and better preparation for defending legal challenges.
- The review also identified 12 decisions which they intend to overturn, and a further 19 cases where further information will be sought from applicants before reconsidering their cases.
- Guidance should be updated to ensure that appropriate weight is given in decision letters to HMRC evidence and to wider concerns about applicants’ self-employed earnings.

Following the review, they concluded that it was reasonable for decision makers to take the approach they did with these cases and that the use of paragraph 322(5) in such cases continues to be appropriate, where an applicant’s character and conduct has been called into question as a result of potentially false information being provided to UKVI or HMRC.

The full report can be viewed [here](#).

The Home Office has also published operational instruction relating to earnings discrepancies and applications by Tier 1 (General) migrants in light of this review, which can be viewed [here](#).

<https://www.gov.uk/government/publications/review-of-tier-1-general-settlement-refusals>

<https://www.gov.uk/government/publications/tier-1-general-operational-instruction>

Applications for leave to remain: validation, variation and withdrawal

UKVI have published updated guidance explaining how an application for leave to remain in the UK is made valid, and what to do if it is not, as well as how an applicant can change the purpose of an application, withdraw an application and calculate the date of an application.

The guidance has been updated to reflect amendments to the rules in October 2018 on the requirements for a valid application and to support the operation of the new application process introducing the UK Visa Citizenship Application Service (UKVCAS) and Support Centres (SSC).

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

<https://www.gov.uk/government/publications/specified-application-forms-and-procedures>

Assisted Digital service

A service is now being delivered to applicants by UKVI in collaboration with 'We are Digital', 'Scottish Library & Information Council' and 'Migrant Help UK' for those in the UK who do not have the appropriate access, skills or confidence to complete an online immigration application form.

This service provides:

- Telephone support from a skilled Migrant Help UK advisor who will help you complete your application form online
- Face-to-face support at a library or at their home to access and complete the online application form

Please note that the Assisted Digital service cannot provide immigration advice, and is not available to those applying for Tier 1 (Entrepreneur), Tier 1 (Exceptional Talent), Tier 2 or Tier 4 applicants.

We provide immigration advice and visa application support services to all applicants applying for leave to enter/remain in the UK, as well as citizenship and permanent residence/settled status applications. Please call us on 01344 624016 or by email at enquiries@veristat.co.uk for further details and a quote.

<https://www.gov.uk/government/publications/eu-settlement-scheme-private-beta-1>

Update to Home Affairs Select Committee (HASC) on Windrush

The Home Secretary, Sajid Javid, has provided a letter to the Home Affairs Select Committee (HASC) providing his monthly update on the work of the Home Office in relation to Windrush.

The letter published on 12 November 2018 can be viewed [here](#).

<https://www.gov.uk/government/publications/update-to-hasc-on-windrush-november-2018>

Veristat Services

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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