

# Immigration Update


**January 2019**

www.veristat.co.uk    T: +44(0) 1344 624016

---

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.

## Working in the UK

### Restricted Certificates of Sponsorship (RCoS)

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

All valid applications received by 5<sup>th</sup> December were successful if they scored at least 21 points.

A total of 1,835 restricted certificates were granted in December 2018. The total number of certificates available for allocation in January 2019 is 2,119.

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

## Inside our January update

### Working in the UK

[Restricted Certificates of Sponsorship \(RCoS\)](#)

[Online right to work checks](#)

[Changes to Immigration Rules \(Tier 2\)](#)

[New Seasonal Workers Scheme](#)

[Future UK immigration system \(Working in the UK\)](#)

### Studying in the UK

[Changes to Immigration Rules \(Tier 4\)](#)

[Future UK immigration system \(Studying in the UK\)](#)

### Other immigration news

[Increase to Immigration Health Surcharge](#)

[EU Settlement Scheme – new public test phase](#)

[Updated guidance for PBS dependants](#)

### Veristat Services

[Advice/support packages](#)

[Immigration training](#)

[Immigration audits](#)

[File Inspection Days](#)

Please contact us on 01344 624016 or by email at [enquiries@veristat.co.uk](mailto: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>

### **Online right to work checks (previous BRP checking service)**

The *Home Office Right to Work Checking Service* is a secure and free to use service giving employers access to up-to-date, real-time information about a migrant's right to work.

When it was launched in April 2018, employers still needed to request paper documents alongside using this service. However, changes have now been made, so employers can use the online service to demonstrate they've conducted the necessary right to work checks on migrants and avoid a penalty if they are found to be employing illegal workers.

The service is voluntary for employers and individuals. Therefore, migrants may demonstrate their right to work using either the existing document checking service or the online checking service. Individuals will be able to authorise their current or prospective employer to see information about their immigration status.

This service can be used by non-EEA nationals who hold biometric residence permits/cards, as well as European nationals who have been granted settled status under the EU Settlement Scheme. However, European nationals who have not been granted settled status under the EEA scheme will still need to demonstrate their right to work through the appropriate documents, such as their national passport, as they currently do now.

Changes are also being made, so that UK nationals without British passports can also demonstrate their citizenship by enabling them to use short birth or adoption certificates, which they can get for free, instead of the long versions.

To share details of your right to work in the UK, including the types of job you're allowed to do, and how long you can work in the UK for, you can do so [here](#). If you are an employer, and wish to view a job applicant's right to work details, you can do so [here](#).

*We provide training to employers on right to work, as well as carrying out right to work audits and file inspections, so please call 01344 624016 or email [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) for further information.*

<https://www.gov.uk/government/news/online-right-to-work-checks>

<https://www.gov.uk/prove-right-to-work>

## Changes to Immigration Rules: Tier 2

The Home Office has published changes to the Immigration Rules in relation to the Tier 2 of the Points Based System.

The following changes are being made to this category:

- Tier 2 (ICT) applicants extending leave in the UK have previously been excluded from the Academic Technology Approval Scheme (ATAS) requirement due to an error. Therefore, an amendment has been made, so that Tier 2 (ICT) applicants are now included in this requirement. Applicants in all PBS routes are required to obtain an ATAS certificate before studying a postgraduate qualification in certain sensitive subjects.
- References to 'Universal Jobmatch' have been removed from the Rules covering Resident Labour Market Test (RLMT). Universal Jobmatch (UJM) was replaced by the 'Find a Job' service on 14 May 2018, with UJM permanently closing on 17 June 2018.
- Incorrect cross references in paragraph 78C(g) relating to inward investment requirements, and in table 11B relating to RLMT for creative occupations, are also being amended.
- A reference is being added about the appropriate salary to be paid to nurses or midwives who are undertaking the Observed Structured Clinical Examination (OSCE) to obtain Nursing and Midwifery Council registration.
- Paragraph 323AA (prohibited changes of employment) is being amended to allow Tier 2 migrant workers to engage in lawful strike action and take unpaid parental leave without their immigration status being affected.

The Statement of Changes and explanatory memorandum can be viewed [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1779-11-december-2018>

## Illegal working penalties: codes of practice for employers, 2018

The Home Office has published their codes of practice for employers, setting out the prescribed checks that employers should conduct to avoid a civil penalty in the event of illegal working.

The codes of practice on illegal working penalties can be viewed [here](#). Further information on preventing illegal working can be viewed [here](#).

We undertake immigration compliance audits on behalf of employers and Tier 2/5 sponsors. Please call us on 01344 624016 or by email at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) for further details and a quote.

<https://www.gov.uk/government/publications/illegal-working-penalties-codes-of-practice-for-employers-2018>

## Changes to Immigration Rules: Tier 5

The Home Office has published changes to the Immigration Rules in relation to the Tier 5 of the Points Based System.

The following changes are being made to this category:

- The annual youth mobility scheme quota is to be updated to enable the continuation of the scheme.
- A paragraph has also been introduced to ensure that in the event of a future delay in setting the annual quotas, that a portion will automatically become available to partner countries, ensuring that the route continues to function.
- A cooling off period is being introduced for charity and religious workers to prevent migrants from using the Tier 5 Religious Worker route to fill positions as Ministers of Religion, and instead direct them towards the appropriate, existing category of Tier 2. The 'cooling off' period will ensure Tier 5 Religious workers and Charity Workers spending a minimum of 12 months outside the UK before returning in either category to prevent migrants from applying for consecutive visas, thereby using these temporary routes to live in the UK for extended periods.
- In relation to the Tier 5 (Government Authorised Exchange) category, the list of organisations permitted to directly sponsor researchers under the 'UKRI – Science, Research and Academia' scheme has been expanded (Appendix N).
- The descriptor for 'Sponsored Researchers' in Appendix N has been amended to describe more accurately the activities permitted under this scheme.
- Paragraph 323AA (prohibited changes of employment) is being amended to allow Tier 5 migrant workers to engage in lawful strike action and take unpaid parental leave without their immigration status being affected.

The Statement of Changes and explanatory memorandum can be viewed [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1779-11-december-2018>

## Changes to Immigration Rules: Tier 1 (Exceptional Talent)

The Home Office has published changes to the Immigration Rules in relation to the Tier 1 (Exceptional Talent) category.

The following changes are being made to this category:

- The endorsement of arts applicants is being widened to include those in the field of architecture. The Royal Institute for British Architects will assess these applicants within the endorsement remit of Arts Council England.

- The grant periods for entry clearance applications have been amended to include an additional 4-month period for each potential grant of leave to provide applicants with extra time to meet the qualifying period for settlement and reduce numbers applying for further extension applications. This is because currently only applicants who request 5 years' leave under this tier/category qualify for an additional 4-month period.
- Other changes have also been made to the criteria for endorsement by each Designated Competent Body at their requests. This includes changes to the evidential requirements for digital technology applicants who, as a result of the Tech Nation online application form, are no longer required to supply paper copies of their specified evidence to the Home Office; and amendments have also been made within Arts Council England rules to ensure consistency across its sub-endorsers.

The Statement of Changes and explanatory memorandum can be viewed [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1779-11-december-2018>

### **EU Settlement Scheme: employer toolkit**

The Home Office have published updated information and videos in the EU Settlement Scheme employer toolkit, which provides information for employers to enable them to support EU citizens and their family members to apply to the EU Settlement Scheme.

The updated employers' toolkit 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 a quote for holding a session, please call 01344 624016 or at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk).*

<https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>

### **New Seasonal Workers Scheme**

The Home Office has published changes to the Immigration Rules in relation to the introduction of the new Seasonal Workers scheme.

On 6 September, the Home Secretary placed a Written Ministerial Statement before the House, announcing the introduction of a new pilot scheme for 2019, to enable non-EEA migrant workers to come to the UK to undertake seasonal employment in the horticultural sector. Amendments are being made to the Immigration Rules to set out the legislative framework for introducing this pilot.

This is a small-scale pilot that will test the effectiveness of the UK's immigration system in alleviating seasonal labour shortages during peak production periods, whilst maintaining robust immigration control and ensuring there are minimal impacts on local communities and public services.

Organisations have been selected by the Department of the Environment, Food and Rural Affairs to fill the role of scheme operators for this pilot.

The formal date of implementation of this pilot will be announced in due course.

The Statement of Changes and explanatory memorandum can be viewed [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1779-11-december-2018>

### **The UK's future skills-based immigration system (*Working in the UK*)**

A white paper has been published setting out the government's plans to introduce a new single immigration system, ending free movement.

A new single immigration system has been designed based on skills and talent, including:

- A skilled workers route that will be open to all nationalities
- Lowering of the skills threshold on the skilled workers route to include medium-skilled workers
- No cap on the numbers on the skilled workers route, meaning that business will be able to hire any suitable qualified migrant
- The abolition of the resident labour market test
- A new time limited route for temporary short-term workers of all skills levels, including seasonal low-skilled workers

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

<https://www.gov.uk/government/publications/the-uks-future-skills-based-immigration-system>

### **The Labour market effects of Immigration**

*The Migration Observatory at the University of Oxford* has published a briefing on the impacts of immigration on the labour market in the UK, focusing on wages and employment.

The key findings of their report are as follows:

- The impacts of immigration on wages and employment of existing workers depend on whether and to what extent migrants' skills are complements or substitutes to the skills of existing workers, and on how immigration affects the demand for labour.

- Their research shows that there is a very small impact of overall immigration on employment and unemployment of UK-born workers, although this effect is stronger among those with lower education levels.
- Research also indicates that immigration has a slight impact on average wages of UK workers and that the impacts differ along the wage distribution, so there is a loss for low-waged workers but a gain for medium to highly paid workers.
- The effect of immigration on salary are likely to be greater for resident workers who are migrants themselves.

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

<https://migrationobservatory.ox.ac.uk/resources/briefings/the-labour-market-effects-of-immigration/>

### **Sponsorship: sporting code of practice**

The guide for sport governing bodies about the code of practice for sponsoring sportspeople has been updated by the Home Office.

The updated sporting code of practice can be viewed [here](#).

<https://www.gov.uk/government/publications/sponsorship-sporting-code-of-practice>

## **Studying in the UK**

### **Changes to Immigration Rules: Tier 4**

The Home Office has published changes to the Immigration Rules in relation to the Tier 4 of the Points Based System.

The following changes are being made to this category:

- The definitions of “degree level study”, “foundation degree” and “post-graduate level study” are being updated to replace the references to the “National Qualifications Framework” with “Regulated Qualifications Framework” as the latter is now the framework used to determine levels of study in the UK.
- A definition of a “higher education provider” is being added to the introduction section of the rules to reflect the changes to Tier 4 arising from the higher education reform in England, including the introduction of the *Office for Students*, and so that institutions in the Devolved Administration have the same ability to offer privileges to their students as institutions in England. Accordingly, references to “higher education institutions”, where appropriate, are being changed to “higher education provider”.

- A definition of a “track record of compliance” is being added to the introduction section of the rules. Changes are being made to Parts 6A and 8 of the Immigration Rules, to set out when a student who is sponsored by a higher education provider with a track record of compliance will receive conditions of leave which entitle them to work, apply for further Tier 4 leave in the UK, and bring dependants. These changes will come into effect from 1 August 2019 and are being made in support of the changes to Tier 4 arising from the higher education reform in England.
- Appendix C is being amended to make clear that Tier 4 applicants, who rely on student loans or funds from official financial sponsor, are not required to demonstrate that the funds have been held for a period of 28 consecutive days. A minor change is being made to clarify that a Tier 4 migrant must have the funds available to them on the date of application, except where the funds are being provided as a financial loan and the student separately confirms when the funds will be available to them.
- Amendments are also being made to the rules in Appendix C to make them gender neutral.

The Statement of Changes and explanatory memorandum can be viewed [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1779-11-december-2018>

### **The UK's future skills-based immigration system (*Studying in the UK*)**

A white paper has been published setting out the government's plans to introduce a new single immigration system, ending free movement.

A new single immigration system has been designed based on skills and talent, including an extension to the post-study period for international students. Following the recent MAC report on students, the UK government intends to improve the current offer to those who have completed a degree who want to stay on in the UK to work after they have completed their studies, by offering six months' post-study leave to all master's students, and bachelor's students studying at an institution with degree awarding powers. This is to allow the students more time to find permanent skilled work and to work temporarily during that period. Those who have completed a PhD will be given a year.

Students studying at bachelor's level or above, will also be allowed to switch into the skilled workers route for up to three months before the end of their course in the UK, and from outside the UK for two years after their graduation.

They do not propose to lower standards in the study route, which they believe is working well after the reforms which stopped unacceptably high levels of immigration abuse by non-genuine students. To demonstrate they are a genuine student they will need to meet English language and maintenance requirements and have a proven academic track record.



Rules about academic progression will also be maintained for students wishing to undertake further study.

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

<https://www.gov.uk/government/publications/the-uks-future-skills-based-immigration-system>

## Other immigration news

### Immigration Health Surcharge Increase

Following parliamentary approval in December 2018, the Immigration Health Surcharge will be doubled with effect from 8 January 2019.

The surcharge will increase from £200 to £400 per year, with the discounted rate for students and those on the Tier 5 Youth Mobility Scheme increasing from £150 to £300 per year. Migrants who make an application on or after 8 January 2019 will pay the new surcharge rate.

The Immigration Minister's official statement can be viewed [here](#).

A policy equality statement on increasing the immigration health surcharge can also be viewed [here](#).

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-10-11/HCWS995/>

<https://www.gov.uk/government/publications/immigration-health-surcharge-policy-equality-statement>

### Changes to the Immigration Rules: EU Settlement Scheme

The Home Office has published changes to the Immigration Rules in relation to the implementation of the EU Settlement Scheme.

The following changes are to be made:

- Changes to the suitability provisions of the EU Settlement Scheme, to provide scope for an applicant who is subject to a removal decision under the Immigration (European Economic Area) Regulations 2016, on the grounds of their non-exercise or misuse of rights under the Free Movement Directive (2004/38/EC), to be refused immigration status under the scheme where this is proportionate in the particular circumstances of the case.

- Changes to Annex 1 to Appendix EU, in particular to clarify the evidential requirements for family members, many of whom will be able to apply for immigration status under the next test phase of the implementation, and to reflect the relevant statutory provisions in Northern Ireland and Scotland, as well as in England and Wales, for cases in which a child is in the care of a guardian.
- Changes to other parts of the Immigration Rules, to clarify that, for now, an application for administrative review of a decision under the EU Settlement Scheme has to be made in the UK, and to provide scope for the cancellation of leave granted under the scheme where the person is refused admission to the UK on EU law public policy grounds.

The Statement of Changes and explanatory memorandum can be viewed [here](#).

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

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1849-20-december-2018>

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

### **EU Settlement Scheme: public test phase announced**

The Home Office have announced that EU citizens living in the UK who have a valid passport will be able to take part in a public test phase of the EU Settlement Scheme from 21 January 2019.

EU citizens, as well as their non-EU citizen family members who hold a valid biometric residence card, will be able to apply from 21 January 2019 in a test phase for the immigration status they will need once the UK has left the EU.

By 13 December 2018, more than 15,500 applications had been made under the pilot test scheme and more than 12,400 of these have been concluded. 71% of the concluded applications were granted settled status and the rest were granted pre-settled status. Many of the applicants received their decision within 24 hours. A full report is due to be published in January 2019.

The EU Settlement Scheme will fully open by 30 March 2019. Further information can be viewed [here](#).

<https://www.gov.uk/government/news/eu-settlement-scheme-rolled-out-to-public-test-phase>

## **EU Settlement Scheme: community leaders' toolkit**

The Home Office have published a community leaders' toolkit to equip community groups and local authorities with the right tools and information to support EU citizens and their families to apply to the EU Settlement Scheme.

This toolkit includes briefing information about the EU Settlement to enable community groups and local authorities to communicate the facts correctly.

The community leaders' toolkit can be viewed [here](#).

*We provide sessions to European nationals who are living in the UK on Brexit and the EU Settlement Scheme. For details and a quote for holding a session, please call 01344 624016 or at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk).*

<https://www.gov.uk/government/publications/eu-settlement-scheme-community-leaders-toolkit>

## **Updated guidance for dependants of UK visa applicants (Tiers 1,2,4 and 5)**

The Home Office has updated guidance on their policy for applications by the family of people who have UK visas under the points-based system (PBS dependants).

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

<https://www.gov.uk/government/publications/guidance-for-dependants-of-uk-visa-applicants-tiers-1-2-4-5>

## **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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:enquiries@veristat.co.uk).

[Click here to return to start of document](#)

*If you or a colleague would like to subscribe to receiving this update by email every month, please email us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk).*