

# Immigration Update

**September 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.

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

## Brexit update

### End of Free movement

Whilst Brexit negotiations are still underway, the UK will leave the EU on 31 October 2019, which means that freedom of movement as it currently stands will end on this date.

EU citizens and their family members living in the UK before the end of free movement will have until at least 31 December 2020 to apply to the EU Settlement Scheme, even in the event of a no-deal exit.

Further information can be found in the free movement factsheet [here](#).

<https://homeofficemedia.blog.gov.uk/2019/08/19/media-factsheet-eu-citizens-and-freedom-of-movement/>

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## **EU Settlement Scheme: one million granted status under the scheme**

The Home Office has announced that over one million people have been granted settled or pre-settled status under the EU Settlement Scheme - 950,000 applications were received from England, 50,000 from Scotland, 15,000 from Wales and 12,000 from Northern Ireland.

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

We provide advice and support to persons applying under the EU Settlement Scheme. Please contact us on 01344 624016 or by email at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) for further information and a quote.

<https://www.gov.uk/government/news/one-million-granted-status-under-the-eu-settlement-scheme>

## **EU Settlement Scheme: Zambrano right to reside**

The Home Office (UKVI) has published guidance on how they consider applications under the EU Settlement Scheme if the applicant is a 'person with a Zambrano right to reside' as defined in Appendix EU to the Immigration Rules.

A 'Zambrano' is a route available under EU law, where a person can claim a derivative right of residence as the primary carer of a British citizen child, where the child would be compelled to leave the UK if the primary carer leaves.

The guidance on persons with Zambrano right to reside can be viewed [here](#).

<https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

## **EU Settlement Scheme: ID document scanner locations**

The Home Office (UKVI) has published an updated list of the *ID document scanner locations* where you can go to get your biometric ID document scanned if you are applying under the EU Settlement Scheme and do not have an Android device with near field communication (NFC).

The updated list of *ID document scanner locations* can be viewed [here](#).

<https://www.gov.uk/government/publications/eu-settlement-scheme-id-document-scanner-locations>

## Working in the UK

### Sponsoring Tier 2/5 workers: updated guidance on keeping documents

The Home Office (UKVI) have updated their document which provides information about the documents that must be retained by sponsors under Tiers 2 and 5 of the points-based system.

The key changes are as follows:

- Clarification of the time period for which documents must be retained
- Information on the Tier 5 creative and sporting visa concession has been added
- Clarification the documentation that must be retained as evidence of carrying out a resident labour market test
- Replacing reference to 'Tier 1 (Entrepreneur)' with 'Start-up' to reflect the new immigration category/route

Other minor clarifications, corrections and housekeeping changes have also been made to the document.

You can view the updated Appendix D document [here](#).

*We offer file inspection days where we come to your office to conduct an independent review of the information retained on your files in relation to sponsored workers to ensure these are compliant with Home Office (UKVI) requirements. Please contact us on 01344 624016 or by email at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) for further information and a quote.*

<https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d>

### Tier 2 visas – updated guidance for applicants

The Home Office (UKVI) have updated their guidance for applicants who are applying for leave to enter or remain in the UK under Tier 2 of the points-based system. The updated guidance can be viewed [here](#).

The guidance for how the Home Office (UKVI) considers applications from people applying for leave to enter or remain as a Tier 2 migrant has also been updated. This updated caseworker guidance can be viewed [here](#).

*We provide advice and support to individuals applying for Tier 2 visas, so please contact us on 01344 624016 or by email at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) to discuss how we can help you apply for your visa and/or for a quote.*

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-2-worker>

## **New fast-track visa: cementing UK as a science superpower**

The Home Office is launching a new fast-track immigration route for individuals who have skills in science, technology, engineering and mathematics (STEM) subjects. This new visa route will be launched later this year. Further information can be viewed [here](#).

<https://www.gov.uk/government/news/pm-sets-out-vision-to-cement-uk-as-a-science-superpower>

## **Sponsorship transparency data (August 2019) – Tier 2/5**

UK Visas and Immigration (UKVI) have published their quarterly data on sponsorship. The key statistics for Tiers 2 & 5 sponsor activities during this quarterly period are as follows:

- During Quarter 2 of 2019, there were a total of 28,274 Tier 2 sponsors and 3,927 Tier 5 sponsors listed on the Register of Sponsors.
- The average length of time taken to process a sponsorship application is 21.59 days.
- A total of 8,330 sponsor notifications related to Tiers 2 & 5 were received in potential non-compliance categories.
- A total of 115 Tier 2 and 10 Tier 5 sponsors had their licence suspended during this period.
- A total of 63 Tier 2 and 4 Tier 5 sponsors had their licence revoked during this period.
- A total of 337 notifications from Tier 2 & 5 sponsors were followed up regarding potential non-compliance which required curtailment action.

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

<https://www.gov.uk/government/publications/sponsorship-transparency-data-august-2019>

## **Restricted Certificates of Sponsorship (RCoS)**

UK Visas and Immigration (UKVI) have published their restricted Certificates of Sponsorship (RCoS) allocation for July 2019. All valid applications received by 5<sup>th</sup> July were successful if they scored at least 40 points. A total of 1,996 restricted certificates were granted in July 2019. The total number of certificates available for allocation in August 2019 is 2,214.

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

*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/allocations-of-restricted-certificates-of-sponsorship>

## Migration Statistics Quarterly Report: August 2019 (Working in the UK)

The Office for National Statistics (ONS) has published their *Migration Statistics Quarterly Report* for August 2019.

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

- Work remains one of the most common reasons to move to the UK, although immigration for work-related reasons has continued to fall since June 2016.
- Immigration for work-related reasons is at its lowest level since 2013 at 214,000, which is mainly due to a decline in the number of people arriving to look for work.
- The overall fall in work-related immigration can largely be accounted for by a decrease in EU citizens moving to the UK for work since the year ending, June 2016.
- In the year ending March 2019, the number of EU citizens arriving for work fell to 92,000 which is less than half the level it was at its peak (190,000) in the year ending June 2016.
- The latest levels of work-related immigration are similar to those seen in 2012.
- There were 448,000 National Insurance number (NINo) registrations from EU nationals in the year ending March 2019.
- Non-EU immigration for work has remained stable since late 2017, but there have been different patterns for those arriving with a definite job than those coming to the UK looking for work.
- The number of non-EU citizens arriving to look for work has fallen to 9,000 in the year ending March 2019, compared with 23,000 in the previous year. This was mainly due to a decline in Oceanian immigration to look for work.
- The number of non-EU citizens arriving for a definite job has increased since 2013 to its highest level since 2006, at 73,000 in year ending March 2019. This increase was driven by an increase in Asian citizens arriving for a definite job.
- The number of Skilled (Tier 2 ) work visas increased by 13% to 108,890 in the latest year, following relatively stable levels between 2015 and 2018.
- In the year ending June 2019, there were 256,000 National Insurance number (NINo) registrations from non-EEA nationals, an increase of 32% on the previous year.
- An estimated 2.37 million EU nationals were working in the UK for the period April to June 2019 – 99,000 more than a year earlier.
- An estimated 1.29 million non-EU nationals were working in the UK for the period April to June 2019 – 34,000 more than a year earlier.

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

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/august2019>

## Studying in the UK

### Sponsoring Tier 4 students: updated guidance on keeping documents

The Home Office (UKVI) have updated their guidance containing information about the documents that must be retained by sponsors.

The key changes in relation to *Tier 4 of the points-based system* are as follows:

- Clarification of the time period for which documents must be retained
- Confirmation that sponsors must always check the date on which the migrant entered the UK to ensure they entered during the validity of their Tier 4 visa and therefore have permission to study. If they do not have an entry stamp in their passport as they have used the e-gates at the borders, the sponsor must ask to see other evidence such as, but not limited to, e-tickets or a paper or electronic boarding pass. Sponsors must also record the date the student entered the UK, but they do not have to retain evidence of the date of entry.

Other minor clarifications, corrections and housekeeping changes have also been made to the document.

You can view the updated *Appendix D* document [here](#).

<https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d>

### Sponsoring Tier 4 students: updated guidance for Sponsors

The Home Office (UKVI) have updated their guidance on sponsoring students under Tier 4 (General) and Tier 4 (Child) of the Points-Based System.

The following key changes have been made to *Document 1: Applying for a Tier 4 licence*:

- All references to HEIs have been updated to refer to HEPs, where appropriate.
- Definitions of higher education provider and track record of compliance have been added to the Glossary.
- The table of Educational Oversight bodies has been updated and split into separate tables for England, Scotland, Wales and Northern Ireland. Information has also been added on the role of HEFCW in respect of Educational Oversight of Welsh and Scottish HEIs. HEFCW, rather than QAA, is now the Educational Oversight body for such institutions. (Para 3.10 & 3.21)
- Information has been added to set out the circumstances in which a provider subject to statutory inspection, and loses its Educational Oversight, will be considered to have regained Educational Oversight following a partial reinspection or having an action plan approved by DfE. (Para 3.24)

- The reference to joint ventures in the entry for HEIs in Table 1 has been removed, since the types of joint venture which are permitted under the Sites and partnerships policy are already covered in Tables 2 and 3. (Para 6.10)

The following key changes have been made to *Document 2: Sponsorship Duties*:

- All references to HEIs have been updated to refer to HEPs, where appropriate.
- Updated wording to reflect a change to the Educational Oversight policy in Document 1, which sets out when Educational Oversight may be regained following a partial reinspection. (Para 3.29)
- A reference to part-time courses has been removed, since the restriction in this paragraph does not apply to such courses. (Para. 5.126)
- A clarification has been made that the restriction on undertaking employment as a doctor in training also applies to dentists. (Para. 6.13)
- Guidance has been added on when a Tier 4 student may undertake sporting activities as an amateur. (Para. 6.15 – 6.19)

The following key changes have been made to *Document 3: Tier 4 Compliance*:

- Information relating to the surrender of a sponsor licence has been updated to clarify that it includes circumstances in which sponsors are required to surrender their licence. (Para. 3.12)
- Failure to apply for a Basic Compliance Assessment has been added to the list of compliance failings (Para. 3.15)
- The information relating to deliberately providing false information, failing to disclose information, or acting dishonestly has been split into three separate points, to clarify the policy. (Para. 3.15)
- Deleted the clause which limited the application of this paragraph to private providers. (Para. 5.10)

The following key changes have been made to *Document 4: Higher Education regulatory reform*:

- The definition of a Higher Education Provider (HEP) has been updated in the Glossary.
- The paragraph has been added to reference the eligibility criteria on the Office for Students (OfS) regulatory framework. (Para. 3.3.)
- Information has been added on Educational Oversight requirements for overseas Higher Education Institutions. (Para. 3.4)
- References have been updated to OfS registration requirements and a footnote has been added with a link to the OfS Register. (Para. 3.10)
- A paragraph has been added providing information about how UKVI will consider requests for discretion from sponsors who have not fully registered with the OfS by the 1 August deadline. (Para. 3.14 -15).

- Updated the paragraph to refer to the Immigration Rules, laid on 11 December 2018, which came into effect on 1 August and included provisions relating to the HE reforms. (Para. 4.4)
- A new paragraph has been added to clarify that BCA assessments in years for which no data was available, because the sponsor did not issue any CAS, but the sponsor was allowed to retain its licence, do not count towards the four-year track record of compliance. (Para. 4.12)
- Added wording to reflect the fact that Higher Education Providers in the Devolved Administrations will be eligible to obtain the full privileges of Tier 4, provided they meet the qualifying criteria. (Para. 4.23 – 4)
- A new section has been added on how the date on which the CAS is assigned affects the privileges and deleted previous paragraph 4.17 on this subject. (Para. 4.25 – 9)

You can view the updated guidance [here](#).

<https://www.gov.uk/government/publications/sponsor-a-tier-4-student-guidance-for-educators>

### **Applying for a Tier 4 student visa – updated guidance for applicants**

The Home Office (UKVI) have updated their guidance to those applying for leave to enter or remain in the UK under Tier 4 (General) or Tier 4 (Child) of the points-based system.

The following changes have been made to the guidance:

- An error regarding maintenance has been corrected to confirm that money deducted to show funds already paid to the sponsor cannot exceed £1,265 even if more than this amount has been paid. (Para. 156)
- A clarification has been made regarding the restrictions on sport-related work placements that students can undertake whilst studying under Tier 4. (Para. 220)
- Definitions of Higher Education Provider (HEP) and track record of compliance have been added to the Glossary.
- The references to HEIs have been updated in various places to refer to HEPs (higher education providers) with a track record of compliance, where appropriate, to reflect the additional privileges available to such providers.

You can view the updated guidance [here](#). The Home Office (UKVI) have also published updated guidance on how they consider Tier 4 applications – this updated guidance can be viewed [here](#).

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

<https://www.gov.uk/government/publications/studying-under-tier-4-of-the-points-based-system>

## Sponsorship transparency data (August 2019) – Tier 4

UK Visas and Immigration (UKVI) have published their quarterly data on sponsorship activities. The key statistics for Tier 4 sponsor activities were as follows:

- During Quarter 2 of 2019, there were a total of 1,193 Tier 4 sponsors listed on the Register of Sponsors.
- The percentage of Tier 4 sponsors with full 'Tier 4 Sponsor' status is 92.9%.
- The average length of time taken to process a sponsorship application is 21.59 days.
- 13,109 Tier 4 notifications were received in potential non-compliance categories.
- Visits were made to the following sponsors during this quarterly period:
  - 21 visits to Tier 4 sponsors (2 were unannounced)
  - 1 visit to Tier 2, 4, 5 sponsors
  - 1 visit to Tier 2, 4 sponsors
- Eleven Tier 4 sponsors had intention to revoke action and two Tier 4 sponsors had their licence revoked.
- 3,209 Tier 4 notifications were followed up regarding potential non-compliance which required curtailment action.

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

<https://www.gov.uk/government/publications/sponsorship-transparency-data-august-2019>

## Migration Statistics Quarterly Report: August 2019 (Studying in the UK)

The Office for National Statistics (ONS) has published their *Migration Statistics Quarterly Report* for August 2019.

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

- In the year ending March 2019, it was estimated that 218,000 people arrived in the UK to study for a year or more for formal study.
- There were increases in non-EU immigration for study, particularly from Asian citizens.
- The number of Sponsored Study (Tier 4) visas granted was at its highest level since 2011.
- The majority (85%) of sponsored study visa applications in the year ending June 2019 were to study at higher education (university) institutions, and the number of non-EEA nationals arriving at universities was the highest level on record.
- The largest number of non-EEA nationals arriving for study were from China (107,622 or 43%).

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

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/august2019>

## Other Immigration News

### Right to Rent checks: updated guidance for landlords, letting agents and tenants

The Home Office (UKVI) have updated their guidance for landlords, letting agents and tenants on conducting right to rent checks. The latest guidance can be viewed [here](#) and the full collection of guidance on right to rent can be viewed [here](#).

<https://www.gov.uk/government/publications/landlords-right-to-rent-checks-guide>

<https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks>

### Migration Statistics Quarterly Report: August 2019 (Other)

The Office for National Statistics (ONS) has published their *Migration Statistics Quarterly Report* for August 2019.

Other key figures were as follows:

- In the year ending March 2019, a total of 612,000 people moved to the UK (immigration) and 385,000 people left the UK (emigration).
- EU immigration has continued to fall since 2016 and is at its lowest level since 2013. This is mainly because of a fall in immigration for work.
- There were 10,555 grants of asylum (+61%), 1,126 grants of Humanitarian Protection (+31%), 1,147 grants of alternative form of leave (-3%) and 5,691 people provided with protection under resettlement schemes.

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

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/migrationstatisticsquarterlyreport/august2019>

## 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).

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