

# Immigration Update

August/September 2021

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

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



Book now! Arrange your bespoke Immigration training delivered on site or via Microsoft teams/Zoom. Click here for further information.

## Introduction

The last 12 months have been a period of significant change in the area of immigration. We appreciate that this has been quite challenging for employers and education providers alike and want to reassure you that we are available to support you in any way we can.

Now is the time to ensure you are familiar with the new system and we are happy to assist through bespoke training delivered on your premises or remotely via Microsoft Teams or Zoom. We also continue to help employers and education providers who did not previously require a sponsorship licence but who, following the changes will now need to apply for one. If you are in this position and need any assistance, please do not hesitate to get in touch.

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## Working in the UK

### Right to Work checks – updated guidance for employers

The Home Office (UKVI) have updated their guidance for employers about carrying out right to work checks.

The following key changes have been made:

- On 6 August 2021, the government announced temporary protection for more applicants to the EUSS. This means that those who apply from 1 July, and joining family members, will have their rights protected while their application is determined. The updated guidance reflects this change.
- EUSS applicants and joining family members will now be able to take up new employment while they await the outcome of their application. Home Office guidance remains that where a prospective employee has a Certificate of Application (CoA) confirming a valid application to the EUSS made on or after 1 July, employers should verify this with the Home Office Employer Checking Service (ECS).
- Changes have been made to the way outstanding applications to the EUSS evidence their right to work (Annex B refers).
- Changes have also been made to the lists of acceptable documents: removal of duplication from List B, Group 1, no.5; Amendments to List B, Group 2, no.2, and Addition at List B, Group 2, no.5.
- It also reflects the extension of the COVID-19 temporary adjusted right to work checking process until 5 April 2022. New guidance will be issued prior to 6 April 2022. Following positive feedback received on the ability to conduct right to work checks remotely, the Home Office initiated a review of the availability of specialist technology to support a system of digital right to work checks in future. They intend to introduce a long-term digital solution for many who are unable to use the Home Office online right to work checking service, including UK and Irish citizens. This will enable right to work checks to continue to be conducted remotely with enhanced security. Further information about carrying out temporary adjusted checks is available [here](#).

The updated right to work check guidance for employers can be viewed [here](#).

*Veristat provides training on the latest guidance on right to work checks, so please do get in touch for further details and a quote, should you be interested. This training can be delivered on the client's site or remote via Microsoft Teams or Zoom.*

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

<https://www.gov.uk/guidance/coronavirus-covid-19-right-to-work-checks>

## **UK points-based immigration system – updated information for employers**

The Home Office (UKVI) have updated their guidance for employers on the UK's points-based immigration system to provide further information about EU Citizens living in the UK by 31 December 2020 and applications made to the EU Settlement Scheme from 1 July 2021.

A link has also been added to the right to work check video.

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

*Veristat provides training on the latest guidance on sponsorship under the Skilled Worker route, so please do get in touch for further details and a quote, should you be interested. This training can be delivered on the client's site or remote via Microsoft Teams or Zoom.*

<https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information>

## **Pre-licence priority service guidance**

The Home Office (UKVI) have published guidance on their new pre-licence priority service and how it allows sponsors to prioritise their application for a sponsor licence.

The pre-licence priority service allows sponsors to prioritise their application for a sponsor licence, by submitting an application by email. The normal processing time for new licence application is 8 weeks. Eligible requests that have successfully made payment will be considered within 10 working days. The fee for the service is £500 per request.

A maximum of 10 priority service requests will be accepted each day (this may be subject to change due to Covid-19).

If you wish to apply to use the pre-licence priority service, you will need to email a completed priority service – email request form as an attachment to the following email address: [PreLicencePriorityService@homeoffice.gov.uk](mailto:PreLicencePriorityService@homeoffice.gov.uk) for consideration.

Using this service does not guarantee your request will be approved.

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

<https://www.gov.uk/government/publications/pre-licence-priority-service-guidance>

## **Worker and Temporary Worker Priority Change of Circumstance service**

The Home Office (UKVI) have updated their guidance for Worker and Temporary Worker sponsors about the priority service for change of circumstance requests submitted via the Sponsorship Management System (SMS) to reflect the new opening times.

The priority service is open from 9am to 5pm Monday to Friday. Any requests submitted outside these hours will not be considered by the Home Office (UKVI), so please ensure that you adhere to these opening times for the best possible chance of getting your request accepted.

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

<https://www.gov.uk/government/publications/priority-change-of-circumstances-for-sponsors>

## **Studying in the UK**

### **Financial evidence for Student and Child Student route applicants**

The Home Office (UKVI) have updated their guidance for Student and Child Student applicants when proving they have enough money to support themselves and any dependants in the UK.

The 'Control of the funds' section has been amended to clarify how the 28 days are calculated. An applicant must show the funds have been held for 28 days, unless they are relying on a student loan or official financial sponsorship. The bank statement(s) or evidence the applicant uses to show funds have been held for 28 days must be from the 31 days before they submit the application. The 28 days is calculated by counting back from the date of the closing balance on the most recent financial evidence.

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

<https://www.gov.uk/guidance/financial-evidence-for-student-and-child-student-route-applicants>

## **Sponsorship/SMS**

### **UK points-based immigration system: sponsorship roadmap**

The Home Office (UKVI) have published information explaining the further improvements they intend to make to the sponsorship system later this year, in 2022 and beyond.

The following improvements are due to be made during the remainder of this year:

- To help speed up the end-to-end processing, from applying for a sponsor licence to a worker being approved for a visa, UKVI will be reviewing the documentary evidence for becoming a licensed sponsor and how these may be simplified.
- To improve the sponsors' experience of using the SMS, they intend to establish a service to lend support to small and micro businesses and they are currently undertaking research to ensure they deliver the right service support.
- UKVI are also reviewing the sponsorship fees to ensure these remain fair as the new system is rolled out.
- They also intend to introduce an enhanced Skilled Worker eligibility checking tool, making it easier for prospective employers and workers to understand if a particular job is eligible under the Skilled Worker route.
- To prevent abuse of the system, a pilot is being conducted of UKVI's new salary check feature with HMRC to ensure employees are being paid the amount the employers committed to pay any sponsored employees.

In 2022 and beyond, there are also technological and system reforms being planned to deliver a system that is faster and simpler, with a reduced administrative burden on sponsors. In the first quarter of 2024, the reforms to the sponsorship system will include:

- Delivering a faster end-to-end process for sponsors and the workers they employ to further reduce the time it takes to recruit people from outside the UK.
- Simpler process for sponsoring new workers through re-using information the government already holds where possible.
- Streamlined through improving the accessibility and usability of UKVI's systems, with a single online dashboard which will make it easier for sponsors to understand the status of their sponsorship licence and the actions they need to take.

UKVI also plans to engage with the education sector to agree how they can best make further changes to the sponsorship of students. They hope to further improve compliance through better data sharing with sponsors, combined with easier-to-view information to measure compliance and act where required.

The new Global Business Mobility route for overseas businesses seeking to establish a presence here or transfer staff to the UK will be launched in Spring 2022 under the existing sponsorship system. The new sponsorship system will aim to make it easier for overseas businesses to assign and manage workers coming to the UK under the Global Business Mobility route.

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

<https://www.gov.uk/government/publications/uk-points-based-immigration-system-sponsorship-roadmap>

## Sponsorship transparency data (Q2 2021)

The Home Office (UKVI) have published their sponsorship transparency data for Quarter 2 of 2021.

The key statistics are as follows:

- As of Q2 2021, there were 33,811 Skilled Worker sponsors, 3,977 Temporary Worker sponsors and 1,110 Student sponsors registered on Points Based System routes.
- A total of 4,133 new sponsor applications were made: 3,794 Skilled Worker, 7 Skilled Worker/Student, 5 Skilled Worker/Temporary Worker/Student, 133 Skilled Worker/Temporary Worker, 28 Student, and 166 Temporary Worker sponsor applications were submitted.
- 93.5% of licenced Student sponsors had the full Tier 4 Sponsor status (formerly HTS).
- The average length of time taken to process a sponsorship application was 48.35 days, which is significantly higher than Q2 2020 (28.01 days).
- During Q2 2021, the following actions were taken against sponsors:
  - 4 Skilled Worker and 1 Temporary Worker licence were suspended
  - 2 Skilled Worker and 1 Student licence were revoked
  - 2 Student licences were issued with a notice of intention to revoke

You can view/download the sponsorship transparency data [here](#).

<https://www.gov.uk/government/publications/sponsorship-transparency-data-q2-2021>

## Other Immigration News

### Reporting an Incorrect Immigration Status

Some migrants' work, benefits or other services may be affected if the immigration status held by the Home Office is incorrect. For those who believe their status to be recorded incorrectly, they should contact the Home Office by completing the form here. The completed form should then be emailed to the Home Office's *Customer Correspondence Hub* at [IC@homeoffice.gov.uk](mailto:IC@homeoffice.gov.uk).

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

<https://www.gov.uk/guidance/ask-the-home-office-to-check-your-immigration-status-is-correct>

## Registration as a British Citizen: children

The Home Office (UKVI) have updated their guidance for their staff about the registration of a minor as a British citizen by entitlement and discretion.

The section on the Child's Immigration Status has been amended to remove the statement that citizenship does not give any additional benefits than Indefinite Leave to Remain (ILR).

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

<https://www.gov.uk/government/publications/children-nationality-policy-guidance>

## Right to Rent Immigration checks: Landlords' code of practice

A review is currently being undertaken by the Home Office (UKVI) on the 'Code of practice for landlords: avoiding unlawful discrimination when conducting 'right to rent' checks in the private residential sector'. This guidance will be updated shortly. Further information for landlords can be viewed [here](#).

<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

## Veristat Services

### Training on the Skilled Worker or Student routes/Right to Work/Forgery

We provide comprehensive training on all aspects of immigration, including; the Student route, the Skilled Worker route, Right to Work and the identification of fraudulent documents.

We can also deliver a session simply focusing on the recent changes being brought about by the new points-based immigration system and how employers and education providers can be prepared moving forwards.

The new routes have brought about significant changes for sponsors and our training outlines these changes and helps prepare employers and education providers for sponsoring employees and students under these routes.

All training can be provided in person on the client's site or remotely via Microsoft teams/Zoom.

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 call us on 01344 624016 or email us as above.

## Sponsor licence applications

With the introduction of the new immigration system, employers or education providers wishing to sponsor EEA/EU nationals or non-EEA nationals will need to apply for a Sponsorship licence.

We provide a comprehensive advice and support package to employers and education providers applying for a licence. This can include preparation for a Home Office (UKVI) visit and training on the new Skilled Worker or Student routes and the SMS system, as well as assistance with applying for Certificates of Sponsorship (CoS) or Confirmation for Acceptance for Studies (CAS) and a step by step guide for completing the application itself.

Please email us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) or by telephone on 01344 624016 for further details and/or a quote for helping you with your application.

## Audits and Inspections

Veristat is hugely experienced in providing compliance audits across all immigration routes. We have worked with hundreds of employers, ranging from small family businesses to multi-nationals, high street retailers and professional sports/football clubs. In the education sector, we have 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. It is based on sound practical experience of UKVI's policies, culture and approach.

- For employers, we offer on-site Skilled Worker or ICT compliance inspections (with staff aware or unaware to simulate an announced or unannounced 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 student route activities, assessing compliance with UKVI requirements and sharing best practice. We also offer targeted inspections covering specific issues, such as BCA, Skilled Worker 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 beneficial to reassure management that recommendations have been implemented.

If you are 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).

Please note we are also now offering remote audits and inspections- please contact us for more details.

## **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).

## **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).

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