

Immigration Update

January 2021

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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.



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Introduction

Happy New Year! Welcome to 2021! We appreciate this continues to be an exceedingly difficult time for employers and education providers in light of the pandemic. Please feel free to contact us if you need any advice or support.

UKVI have now introduced their new sponsorship system based around the previous Points Based System and its principles but with several significant changes. Now is the time to familiarise yourself with the new system and we are happy to assist through training delivered on your premises or remotely via Microsoft teams or zoom. We also continue to help Employers or Education providers who previously did not require a sponsorship licence but who, following the changes will now need to apply for a licence - if you are in this position and need any assistance please do not hesitate to get in touch

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New Immigration System

New immigration routes have opened up for applications to work, live and study in the UK.

The Tier 2 route has now closed and the new Skilled Worker and Intra-Company transfer routes have been introduced. Further information can be viewed in the *Working in the UK* section of this update.

The Home Office (UKVI) have published their 'Business and the future immigration in 2021' podcast for employers in preparation for the UK's new points-based immigration system. The podcast and additional information about the new immigration system can be viewed [here](#).

We are delivering comprehensive training to employers on the new Skilled Worker route, as well as education providers on the new Student and Child Student routes, so please email us at enquiries@veristat.co.uk if you would like further information and a quote for providing training. This training can either be delivered on-site, or in light of Covid-19, we can also deliver via Microsoft Teams or Zoom.

EU, EEA and Swiss citizens who were not already living in the UK before 31st Dec 2020 or do not have rights under the Withdrawal Agreement or any other Immigration category, will need to meet specific requirements in order to study or work in the UK. They will also be subject to relevant checks, including UK criminality checks. They can continue to visit the UK for up to 6 months without applying for a visa and may participate in a wide range of activities, including tourism, visiting family and friends, short term study and business-related activities, such as events and conferences. The Home Office (UKVI) have also published information about the UK's points-based immigration system for EU, EEA and Swiss citizens who arrive in the UK after 31 December 2020, which can be viewed [here](#).

<https://www.gov.uk/guidance/the-uks-points-based-immigration-system-information-for-eu-citizens>

<https://www.gov.uk/government/publications/uk-points-based-immigration-system-employer-information/the-uks-points-based-immigration-system-an-introduction-for-employers>

Working in the UK

Closure of Tier 2 route – Skilled Worker route (NEW!)

The Tier 2 (General) route was closed on 1 December 2020 and has been replaced by the new Skilled Worker route. This new route will apply to both:

- European Economic Area (EEA) nationals who arrive in the UK after 11pm on 31 December 2020; and
- Non-EEA nationals who apply for entry clearance or permission to stay on or after 1 December 2020

Under the new skilled worker route, anyone coming to the UK to work will need to demonstrate that:

- they have a job offer from a Home Office licensed sponsor
- they job offer is at the required skill level – RQF3 or above (A level and equivalent)
- they speak English to the required standard

In addition to this, the job offer must meet the applicable minimum salary threshold, which is the higher of either:

- the general salary threshold set at £25,600 (set by the UK Government on advice of the independent Migration Advisory Committee)
- the specific salary requirement for their occupation (specific SOC code), known as the “going rate”

Applicants will be able to trade characteristics, such as their qualifications, against a lower salary to get the required number of points. If the job offer is less than the minimum salary requirement, but no less than £20,480, an applicant may still be eligible if they have:

- a job offer in a specific shortage occupation
- a PhD relevant to the job
- a PhD in a STEM subject relevant to the job

There are different salary rules for workers in certain health and education jobs, and for “new entrants” at the start of their careers.

The key changes with the introduction of the new Skilled Worker route are as follows:

- The annual quota (monthly ballot) for skilled workers has been suspended and the resident labour market test (RLMT) has been abolished for the majority of categories.
- When you assign a Certificate of Sponsorship, you must guarantee that the role for which you are sponsoring them is genuine.
- The skill level has been reduced from Regulated Qualifications Framework Level 6 to Level 3.
- As with previous Tier 2 (General) route, applicants must meet the English language requirement (at least CEFR Level B1) - although migrants can now prove their knowledge of English by having a GCSE, A level, Scottish National Qualification level 4 or 5, Scottish Higher or Advanced Higher in English, as well as either passing a Secure English Language Test (SELT) from an approved provider or by having a degree-level academic qualification taught in English (as before if studied abroad, additional confirmation will be required from UK NARIC)
- The list of nationalities who do not need to prove their knowledge of English has been extended to include Malta.
- Individuals who are being sponsored to work as a doctor, dentist, nurse or midwife do not need to prove their knowledge of English if they have already passed an English language assessment that is accepted by the relevant regulated professional body.

- The minimum salary threshold has also been reduced and a reduction of the minimum salary requirement can be applied if the job offer is in a shortage occupation, if the applicant has a PhD in a relevant field or in a STEM subject, or if the applicant is a 'new entrant'.
- Existing Tier 2 General migrants who are applying to extend their visas may apply in the Skilled Worker route.
- When assigning a CoS, you must not include any bonuses or allowances (whether guaranteed or not) in the total gross salary package, unless an exception applies.
- Individuals will be able to switch into the Skilled Worker route, provided they were not last granted permission as a: visitor, short-term student, parent of a Child student, seasonal worker, domestic worker in a private household, or granted leave outside of the immigration rules.
- When assigning a CoS to a worker who is a citizen of a country which has ratified the European Social Charter, you will not need to pay the fee (currently £199) for assigning the CoS). However, subject to certain exceptions, you will need to pay an Immigration Skills Charge for each worker you sponsor.

The Home Office (UKVI) has published guidance for employers on sponsoring a worker on the Skilled Worker route, which can be viewed [here](#). Further information published by the Home Office for employers about the introduction of the new Skilled Worker route can be viewed [here](#).

Employers who wish to sponsor a Skilled Worker must hold a valid Skilled Worker sponsor licence. If you are seeking to sponsor migrants under the Skilled Worker route and are not currently a licensed sponsor, you are encouraged to apply for a licence as soon as possible to become one. Further information about applying for a sponsor licence can be viewed [here](#).

The Home Office (UKVI) have also published information to employers on recruiting people from outside the UK from 1 January 2021. This guidance can be viewed [here](#).

In addition to the above, changes have also been made to *Appendix D: keeping records for sponsorship*, including:

- You are now required to retain evidence of the worker's date of entry into the UK and check that they entered the UK during the validity period of their visa. If they entered before the 'valid from' date on their visa, they will **not** have permission to work for you. If this happens, you should advise the worker to leave the Common Travel Area (UK, Guernsey, Jersey, Isle of Man and Ireland) and re-enter the UK once their visa becomes valid.
- Whilst there is no requirement to undertake a resident labour market test (RLMT) under the Skilled Worker route, if you have told UKVI you have undertaken a RLMT, you will need to retain the required evidence as detailed in *Appendix D*. However, please note that if you are retaining screenshots of online advertisements placed, these no longer need to be taken on the first day of advertising.
- Where no RLMT has been undertaken, you must retain copies of qualifications, references or other evidence of experience to evidence skill level.

- Other minor changes to terminology/requirements have also been made.

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

We are currently delivering training sessions to employers on the new Skilled Worker route, which can be delivered in person or over Microsoft Teams or zoom. For further details and a quote, please email us at enquiries@veristat.co.uk.

<https://www.gov.uk/government/publications/workers-and-temporary-workers-sponsor-a-skilled-worker>

<https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk>

Sponsoring an Intra-Company Worker

The Tier 2 (Intra-Company Transfer) route was closed on 1 December 2020 and has been replaced by the new Intra-Company route. This new route will apply to both:

- European Economic Area (EEA) nationals who arrive in the UK after 11pm on 31 December 2020; and
- Non-EEA nationals who apply for entry clearance or permission to stay on or after 1 December 2020

There are two Intra-Company routes:

Intra-Company Transfer: this is for established employees who are being transferred by their overseas employer to do a skilled job for a linked employer in the UK

Intra-Company Graduate Trainee: this is for employees taking part in a structured graduate training programme who are being transferred by their overseas employer to a linked employer in the UK

The key changes with the introduction of this new route are as follows:

- Intra-company transferees will be permitted to switch into the Skilled Worker route, if eligible.
- An overseas intra-company transferee will be unable to hold an ICT visa for more than five years in any six-year period, except where they qualify to be granted up to nine years on the basis of their salary
- The high earner threshold will be reduced from £120,000 to £73,900 – this enables eligible applicants to hold the ICT visa for up to nine years in any 10-year rolling period. As previously, high earners will be exempt from the requirement to work for the overseas business for twelve months prior to entering.
- Whilst the ICT route as previously will not lead to settlement, it will be possible to switch into the skilled worker route to start a path to settlement.

The guidance on sponsoring workers under the Intra-Company routes can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-sponsor-an-intra-company-worker>

Employing EEA/EU or Swiss nationals, including right to work checks

Employers are not required to sponsor an EEA, EU or Swiss national who arrived in the UK before the end of the implementation period (11pm on 31 December 2020).

EEA nationals (and their eligible family members) are entitled to exercise their right to enter the UK under freedom of movement rules until that date and time. Employers can therefore continue to employ EEA nationals who arrived in the UK before the end of the implementation (and their eligible family members) without needing to sponsor them.

If they wish to continue living in the UK after 1 July 2021, they must apply for pre-settled or settled status under the EU Settlement Scheme (EUSS) before 30 June 2021.

Further information about the EU Settlement Scheme can be found using the Home Office's employer toolkit, which can be viewed [here](#). Information about applying under the EUSS can be viewed [here](#).

Employers must check right to work in the same way as they do now until 30 June 2021.

Until this date, EEA/EU and Swiss job applicants (or family members of EEA/EU and Swiss nationals) can prove their right to work in the following ways:

- EU, EEA or Swiss citizens can use their passport or national identity card
- Non-EU, EEA or Swiss citizen family members can use an immigration status document listed in the right to work checks employer guide
- EU, EEA and Swiss citizens and their family members can use the online right to work checking service

Employers have a duty not to discriminate against EU, EEA or Swiss citizens. You cannot require them to show you their status under the EU Settlement Scheme until after 30 June 2021.

You can view further guidance on employing EU citizens in the UK [here](#).

<https://www.gov.uk/guidance/employing-eu-citizens-in-the-uk>

<https://www.gov.uk/guidance/the-uks-points-based-immigration-system-information-for-eu-citizens>

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

<https://www.gov.uk/settled-status-eu-citizens-families>

Right to Work checks – updated guidance for employers

In light of free movement ending on 1 January 2021, the Home Office (UKVI) have published updated guidance to employers on carrying out 'right to work' checks on all employees.

The most significant changes relate to the guidance on how to avoid unlawful discrimination when conducting right to work checks, including:

- An update on right to work checks for EEA and Swiss nationals during the grace period (1 January – 30 June 2021)
- An overview of the new routes under the points based system
- The temporary adjusted right to work checking process during Covid-19

The latest guidance applies to any right to work checks conducted on or after 17 December 2020 to establish or retain a statutory excuse from having to pay a civil penalty for employing a person who is not permitted to do the work in question.

New guidance will be published on how to conduct right to work checks on EEA nationals after 30 June 2021 in advance of this date.

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

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

PAYE References

Sponsors will now need to provide their PAYE reference number when assigning a CoS under the Skilled Worker or Intra Company Transfer routes.

To do this, you must first add your PAYE reference number(s) using the new 'PAYE Reference' function in the Sponsorship Management System (SMS). Once the PAYE reference number has been added using the above function, you will be able to select the reference number when assigning the CoS.

Please note that if the worker is not being paid through PAYE, you do not need to use this function but you will must explain why the worker will be paid differently on the CoS online form.

Sponsor Licence Renewals

The Home Office (UKVI) has published updated guidance to sponsors on how to renew their sponsor licence, including when to renew it and what happens if it is not renewed.

This guidance has been updated to reflect the changes to the immigration system with the introduction of the Skilled Worker route on 1 December 2020. The updated licence renewal guidance for sponsors can be viewed [here](#).

Whilst these changes are largely ones of new terminology, a minor clarification has been made in the Companies Act section to reflect exclusions to the small companies regime reference within that section.

<https://www.gov.uk/government/publications/points-based-system-sponsor-licensing-renewals>

T5 (Temporary Worker) – new guidance

The Home Office (UKVI) has published new guidance for those applying for a visa or extension of stay under T5 (Temporary Worker). The new guidance on T5 (Temporary Worker) route can be viewed [here](#).

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-under-tier-5-temporary-worker>

Worker and Temporary Worker Priority Change of Circumstance Service

The Home Office (UKVI) have published updated guidance for Worker or Temporary Worker employers who are sponsoring foreign workers. To be eligible for this service, you must be an A-rated Worker or Temporary Worker, fully active licensed sponsor.

You can use this service to expedite the following requests:

- Additional certificate of sponsorship (CoS) allocation
- Annual certificate of sponsorship (CoS) allocation
- Add a new level 1 user
- Change level 1 user
- Replace or amend the Authorising Officer (AO)
- Replace or amend the Key Contact (KC)
- Add a representative
- Amend your organisation details – moved to new premises

This service allows sponsors to prioritise certain requests each day for a fee of £200 per request. Normally, there is a maximum of 60 requests considered each day, but this is currently reduced to **30 due to Covid-19**.

The request is submitted via the SMS and then complete an online application before emailing the request to prioritise this.

Please note the links to the new form and email address below:

Worker and Temporary Worker priority service request form -
<https://www.gov.uk/government/publications/tier-2-and-5-priority-service-request-form>

Once you have submitted the SMS change, you must complete the above form and send to the following email address: postlicencpriorityservice@homeoffice.gov.uk

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

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

Guidance for sponsors on salary reductions due to Covid-19

The Home Office (UKVI) have updated the advice for Worker and Temporary Worker sponsors in the UK in light of Covid-19. The information about if you cannot pay the salaries of sponsored employees because you've temporarily reduced or ceased trading. The updated advice for sponsors can be viewed [here](#).

The latest guidance confirms that sponsors can temporarily reduce the pay of their sponsored workers in line with government job support schemes, which are available to sponsored workers in the same way as resident workers. However, any reductions must be part of a company-wide policy to avoid redundancies and in which all workers are treated the same. It is also important to note that you cannot reduce your sponsored workers' rate of pay for the hours they work below the 'going rate' for their occupation (subject to any discounts they qualified for when they were granted permission).

Any reductions to the salaries of sponsored workers due to Covid-19 must be temporary, and the employee's pay must return to at least previous levels once these arrangements have ended.

<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-tier-2-4-and-5-sponsor>

Statement of Changes in Immigration Rules (Temporary Working/Services/Business Visitors)

The government has laid a *Statement of Changes in Immigration Rules* before Parliament and the key changes relate to the following:

- Commitments made in the Temporary Agreement between the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland on Services Mobility.
- *Appendix T5 (Temporary Worker) International Agreement Worker*
- Visitor rules (to implement UK's commitment on short-term business visitors in the Services chapter of the UK-EU Trade and Co-Operation Agreement).

The *Statement of Changes in the Immigration Rules* can be viewed [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-cp-361-31-december-2020>

Sponsoring a Minister of Religion or religious worker

The Home Office (UKVI) has published guidance to employers on sponsoring a worker on the T2 Minister of Religion and T5 (Temporary Worker) Religious worker immigration routes.

The T2 Minister of Religion route is for the recruitment of a person who has a key leading role within their faith-based organisation or religious order in the UK. It replaced the Tier 2 (Minister of Religion) route from 1 December 2020. A key change with the introduction of this new route, is that a resident labour market test (RLMT) is no longer required, prior to sponsoring a migrant under the T2 Minister of Religion route.

The T5 (Temporary Worker) Religious Worker route is for people who want to support the activities of religious institutions in the UK by conducting religious work, such as working in a religious order or filling non-pastoral placements, for no more than 2 years. This route replaces the Tier 5 (Temporary Worker) Religious Worker route from 1 December 2020. Please note that a resident labour market test (RLMT) must be conducted prior to sponsoring a religious worker under this route.

The guidance to sponsors on sponsoring a Minister of Religion or religious worker can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-minister-of-religion-or-religious-worker>

Sponsoring a Sportsperson or Sporting Worker

The Home Office (UKVI) has published guidance to employers on sponsoring a sportsperson, coach or other sports worker on the T2 Sportsperson and T5 (Temporary Worker) Creative or Sporting Worker immigration routes.

The T2 Sportsperson route is for an elite sportsperson or qualified coach who is coming to the UK to make significant contribution to the development of sport at the highest level in the UK. This replaced the Tier 2 (Sportsperson) route from 1 December 2020.

The sporting provisions of the T5 (Temporary Worker) Creative or Sporting Worker route are for internationally established sportspersons, coaches and other sports workers who can make significant contribution to their sport at the highest level in the UK and who wish to come to the UK for up to 12 months. It replaced the Tier 5 (Temporary Worker) Creative and Sporting route from 1 December 2020.

The guidance to sponsors on sponsoring a sportsperson or sporting worker can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-sportsperson-or-sporting-worker>

Sponsoring a Government Authorised Exchange worker

The Home Office (UKVI) has published guidance to employers on sponsoring a worker under the T5 (Temporary Worker) Government Authorised Exchange Worker route ('GAE route'). This route replaced the previous Tier 5 (Temporary Worker) Government Authorised Exchange route from 1 December 2020. The guidance to sponsors on sponsoring a GAE worker can be viewed [here](#).

The GAE route is for individuals who want to come to the UK for a temporary period for work experience, job shadowing or training, to take part in an Overseas Government Language Programme, or undertake research or a fellowship through an approved exchange scheme. GAE workers can stay in the UK for a maximum of 12 years or two years, depending on the scheme under which they are sponsored.

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-government-authorised-exchange-worker>

Sponsoring an International Agreement Worker

The Home Office (UKVI) has published guidance to employers on sponsoring a worker under the T5 (Temporary Worker) International Agreement route. This route replaced the previous Tier 5 (Temporary Worker) IA route from 1 December 2020. The guidance to sponsors on sponsoring an International Agreement Worker can be viewed [here](#).

The International Agreement Worker route is for an applicant who wants to come to the UK to provide a service covered under international law, such as private servants in diplomatic households, employees of overseas governments and international organisations, or under the General Agreement on Trade in Services (GATS), or another services trade agreement under which the UK has similar commitments.

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-an-international-agreement-worker>

Sponsoring a Charity Worker

The Home Office (UKVI) has published guidance to employers on sponsoring a worker under the T5 (Temporary Worker) Charity Worker route. This route replaced the previous Tier 5 (Temporary Worker) Charity Worker route from 1 December 2020. This route is for voluntary workers who wish to come to the UK to do unpaid work for a charitable organisation for a maximum period of 12 months. The guidance to sponsors on sponsoring a charity worker can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-charity-worker>

Sponsoring a Creative Worker

The Home Office (UKVI) has published guidance to employers on sponsoring a worker under the T5 (Temporary Worker) Creative worker route. The guidance to sponsors on sponsoring a creative worker can be viewed [here](#).

The creative provisions of this route allow creative workers who can make a unique contribution to the UK's cultural life, and their entourage, to come to the UK for up to 12 months initially, with the option to extend their permission up to a maximum of 24 months (if continuing to work for the same sponsor). If an employer wishes to sponsor a creative worker for longer than this period, they must do so under the Skilled Worker route.

<https://www.gov.uk/government/publications/worker-and-temporary-workers-guidance-for-sponsors-sponsor-a-creative-worker>

Sponsoring a seasonal worker

The Home Office (UKVI) has published guidance to employers on sponsoring a worker under the Seasonal Worker (Temporary Worker) immigration route. The Seasonal Worker route allows employers in the edible horticulture sector to source workers for up to 6 months through an approved scheme operator.

This route applies to both:

- European Economic Area (EEA) nationals who arrive in the UK after 11pm on 31 December 202 (see below); and
- Non-EEA nationals who apply for entry clearance on or after 1 December 2020

The guidance to sponsors on sponsoring a seasonal worker can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-sponsor-a-seasonal-worker>

Turkish ECAA guidance (ECAA Business persons, workers and family members)

The Home Office (UKVI) has published new guidance for applications from ECAA business persons, workers and their family members who apply for an extension of permission under *Appendix ECAA*.

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

<https://www.gov.uk/government/publications/turkish-ecaa-guidance-appendix-ecaa-extension-of-stay>

Frontier Worker Permit Scheme

The Home Office (UKVI) has published information to employers on the frontier worker permit scheme for migrants from the EU, Switzerland, Norway, Iceland and Liechtenstein who are employed or self-employed in the UK but resident elsewhere.

The information for employers can be viewed [here](#).

<https://www.gov.uk/government/publications/frontier-worker-permit-for-eu-citizens>

Studying in the UK

Financial evidence for Student and Child Student route applicants

The Home Office (UKVI) have provided updated information for those applying under the Student and Child Student route in relation to meeting the financial requirement.

The financial requirement requires applicants to show they have enough money to support themselves while studying in the UK. Usually, they are required to show they have enough money to support themselves for each month of their course, for up to 9 months.

If they're applying from overseas, or applying in the UK and have not been here with permission for 12 months or more, they will need to show that they have enough money to cover any outstanding course fees (and boarding fees, if relevant) and living costs.

Although applicants do not need to provide financial evidence if they're from an exempt country, they should still make sure they have enough funds, as UKVI do reserve the right to request relevant evidence. The guidance lists those nationalities that don't need to show financial evidence, which now includes EU countries.

Further information on the financial requirement for applying under the Student route can be viewed [here](#).

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

Coronavirus (Covid-19): Guidance to Student sponsors, migrants and short-term students

The Home Office (UKVI) have updated their guidance to Student sponsors, migrants and short-term students on temporary concessions in response to the coronavirus pandemic.

The key changes since the last publication are as follows:

- Amended references to Short-term Study to reflect the move of the existing 6 month short-term study routes to the Visitor rules, and the opening of the new Short-term Student (English Language) route for English language study lasting 6-11 months on 1 December 2020.
- Removed the concession allowing sponsors to continue to sponsor students when they have deferred for a period exceeding 60 days, since students who are unable to attend their studies in person can continue their studies by distance learning.
- Extended the concession allowing students to apply for a course commencing in excess of 28 days after the expiry of the current period of permission to 31 March 2021.
- Extended the date for the academic progression concession until 31 March 2021.

- Added clarification that students who are exceeding their permitted working hours on the basis of being employed in a relevant NHS profession must continue to study to benefit from this concession.
- Added clarification that the April 2021 date by which students must enter the UK to be eligible for the Graduate route is only relevant to students completing courses in Summer 2021.
- Added a further Graduate route concession for students who commence study in January 2021 and for students who have been studying via distance learning.
- Removed information on replacement vignettes as the concession has expired and is not being renewed.

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

<https://www.gov.uk/government/publications/coronavirus-covid-19-student-sponsors-migrants-and-short-term-students>

Other Immigration News

Coronavirus (Covid-19): EU Settlement Scheme – guidance for applicants

The Home Office (UKVI) has published guidance for EU Settlement Scheme (EUSS) applicants, who are applying in or outside of the UK who have been affected by restrictions associated with coronavirus (Covid-19). This guidance can be viewed [here](#).

Further information about the Immigration (European Economic Area) Regulations 2016 – guidance for applicants can be viewed [here](#).

<https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants>

<https://www.gov.uk/guidance/coronavirus-covid-19-immigration-european-economic-area-regulations-2016-guidance-for-applicants>

Coronavirus (COVID-19) - Advice for UK visa applicants and temporary UK residents

The latest advice from the Home Office (UKVI) to UK visa applicants and temporary UK residents in relation to coronavirus (COVID-19) can be viewed [here](#).

The key points are as follows:

- If a migrant is in the UK, they are expected to take all reasonable steps to leave the UK where it is possible to do so or apply to regularise their stay in the UK.
- If a migrant intends to leave the UK but has been unable to do so and they have a visa or leave that expires between 1 December 2020 and 31 January 2021, they may request additional time to stay, known as 'exceptional assurance'. Whilst a request is pending, the migrant can continue on the conditions as per their current or most recent expired visa.
- 'Exceptional Assurance' acts as short-term protection against any adverse action or consequences after any leave has expired.
- Migrants whose leave expires after 31 October 2020, may submit an application to regularise their stay from within the UK, whereas they would usually need to apply for a visa from their home country. However, they will need to show their application is urgent, for example, they need to start a new job or course of study.
- If a migrant's leave expired between 24 January 2020 and 31 August 2020, there will be no adverse immigration consequences if they didn't make an application to regularise their stay during this period. However, if they have not applied to regularise their stay or submitted a request for an exceptional assurance, they must make arrangements to leave the UK.
- Most UK Visa and Citizenship Application Centres (UKVCAS) have reopened for existing customers. They are considered essential services and will remain open throughout the UK, so customers can continue to book and attend appointments to progress their visa applications.
- Most UK Visa Application Centres (VACs) have resumed services where local restrictions allow, although Priority and Super Priority services are only available in some locations.
- If a migrant's 30-day or 90-day vignette to work, study or join family has expired, they will need to apply for a replacement by completing an online form. The cost of replacing an expired 90-day vignette is £154 and the migrant will need to make an appointment to resubmit their biometric information. 30-day vignettes will be replaced free of charge to eligible customers until 31 December 2020.
- If a migrant is applying to remain on the basis of family or private life, but is unable to travel back to the UK due to coronavirus travel restrictions, a short break in continuous residence will be overlooked.
- Migrants who have 6 months' leave as a fiancé, fiancée or proposed civil partner and their wedding or civil ceremony has been delayed due to coronavirus, may request additional time to stay, also known as 'exceptional assurance'. Alternatively, they can apply to extend their stay for a further 6 months to allow the ceremony to take place.

- Migrants applying for leave to enter/remain on the basis of family or private life who have experienced a loss of income due to coronavirus up to 1 January 2021, will be able to use their employment income for the period immediately before the loss of income, provided the minimum income requirement was met for at least 6 months immediately before the date the income was lost. If a migrant's salary was reduced because they were furloughed, UKVI will take account of their income as though they were earning 100% of their salary. If a migrant is self-employed, a loss of annual income due to coronavirus between 1 March 2020 and 1 January 2021 will usually be disregarded, along with the impact on employment income from the same period for future applications.
- If a migrant is asked to take an English Language test as part of their application, they can apply for an exemption if the test centre was closed or they couldn't travel to it due to coronavirus when they applied.

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

<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents>

Visiting the UK for healthcare (S2 Healthcare Visitors)

The Home Office (UKVI) have published guidance/information to those wishing to enter the UK if they have been authorised to receive planned healthcare in the UK under the 'S2 arrangement' or for those accompanying or joining someone who is. Further information can be viewed [here](#).

The 'S2 arrangement' allows people residing in the EEA or Switzerland to obtain planned healthcare treatment in another EEA country at the expense of their home country.

An 'S2 Healthcare Visitor' can't:

- Have NHS-funded treatment that was not prearranged, unless it is emergency medical treatment
- Work, even temporary work is not allowed
- Study
- Access public funds

<https://www.gov.uk/guidance/enter-the-uk-as-an-s2-healthcare-visitor>

Statement of Changes to the Immigration Rules

A Statement of Changes to the Immigration Rules has been laid before Parliament, which proposes the following changes:

- Clarification of the places and circumstances in which asylum applications may be made.
- Enhances the Home Office's capacity to treat as inadmissible to the UK asylum system, any asylum claims made by those who have passed through or have connections with a safe third party.
- Amends the Visitor rules to allow international drivers to perform cabotage operations (collecting and delivering goods and passengers within the UK as part of an international journey) and allow payment from a UK source for doing this activity.

You can view the full statement of changes and explanatory memorandums [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1043-10-december-2020>

Veristat Services

Training on new Skilled Worker or Student routes

We provide comprehensive training on all aspects of immigration matters; 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 going 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. 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.

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 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.

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.

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.

Click here to return to the start of the 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.