

Immigration Update

June 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.



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

Introduction

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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Working in the UK

New Right to Work guidance following end of transition period

Following the end of the transition period on 30 June 2021, the Home Office (UKVI) have published new guidance for employers on carrying out right to work checks in relation to changes to the way EEA, EU and Swiss citizens evidence their right to work.

There have been minor changes to Lists A and B and there is now a separate list detailing the documents which are acceptable evidence of right to work for EEA, EU and Swiss nationals.

The key changes are as follows:

- Changes to the way EEA citizens will provide their right to work in the UK from 1 July 2021 (see Annex B of the Home Office right to work guidance).
- Changes to the acceptable document list to remove the requirement of EEA passports, national identity cards and specified EEA Regulations documents, which only confirmed the individual's nationality or that they were exercising EEA Treaty Rights from 1 July 2021.
- Changes to the acceptable document list from 1 July 2021 now include:
 - Irish passport and passport card
 - A document issued by the Crown Dependencies of Jersey, Guernsey, or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service
 - A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020
- Amendments have also been made to the temporary adjusted right to work checking process during Covid 19.

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

Please note that due to coronavirus (Covid-19) there are also temporary changes to the way employers can check documents. These temporary adjustments have recently been extended until 31 August 2021. They have been extended to ensure employers have sufficient notice to put measures in place to enable face-to-face document checks. From 1 September 2021, employers will revert to face-to-face and physical document checks as set out in legislation and guidance. Further information about the temporary Covid-19 adjustments to right to work checks 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>

Sponsorship transparency data: Q1 2021 (Worker routes)

The Home Office (UKVI) have published the latest sponsorship transparency data for Q1 of 2021. You can view the full data published [here](#).

The key points in relation to the Worker routes of the *Points-based system* are as follows:

- As of Q1 2021, there were 32,019 registered Skilled Worker sponsors and 3,956 registered Temporary Worker sponsors.
- During Q1 2021, new licence applications were received from: 3,566 (Skilled Worker), 9 (Skilled Worker/Student), 6 (Skilled Worker/Temporary Worker/Student), 175 (Skilled Worker/Temporary Worker), and 177 (Temporary Worker)
- The average length of time taken to process a sponsor application was 40.11 days (significantly longer than the 27.41 days in Q1 2020).
- During Q1 of 2021, 6 Skilled Worker and 2 Temporary Worker licences were suspended, and 2 Skilled Worker licences were revoked.

You can view the full data that has been published [here](#).

<https://www.gov.uk/government/publications/sponsorship-transparency-data-q1-2021>

Sponsoring a Sportsperson or Sporting Worker

The Home Office (UKVI) have published updated guidance for sponsors on sponsoring a Sportsperson or Sporting Worker.

The key changes are as follows:

- A link to the sports' governing body code of practice has been added
- New paragraphs on 'deemed leave' following entry via Ireland have been added
- Links have been added to the list of countries whose nationals are eligible for the CoS fee concession
- Minor amendments to reflect that the implementation period for leaving the EU has now ended
- Paragraphs have been redrafted to reflect that EEA nationals may now enter the UK under the T5 visa concession and to provide further clarification on why eligible nationals must not use e-Gates.

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

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

ATAS certificate requirement

Sponsors must advise prospective employees if they are subject to the Academic Technology Approval Scheme (ATAS). Sponsors must advise prospective employees applying under the Worker route, that they must apply through the ATAS web portal as a 'researcher'.

Further information about the ATAS certificate requirement can be viewed [here](#).

<https://www.gov.uk/guidance/academic-technology-approval-scheme>

Migrant Journey: 2020 report (*Working in the UK*)

The Home Office (UKVI) have published their annual Migrant journey report for 2020, which explores changes in migrants' visa and leave status within the UK's immigration system.

The key points in relation to *working in the UK* are as follows:

- A quarter (25%) of migrants granted settlement in 2020 were those who originally came to the UK on a Work visa.
- Of the 135,000 granted a Work visa in 2015, around a quarter (24%) held valid leave or settlement at the end of 2020, the proportion for each Work route was:
 - 70% of migrants issued Tier 1 (High value) visas
 - 29% of those issued Tier 2 (Skilled) visas
 - 10% of those issued Tier 5 (Youth Mobility and Temporary Worker) visas (98% of who had switched to a different route)
- At the end of 2020, around a quarter (24%) of people who initially came to the UK in 2015 on a Work visa (either as the main applicant or their dependant) held valid leave or settlement:
 - 12% remained on a Work visa
 - 3% had switched to a different visa category
 - 9% had been granted settlement
- 9% of people granted a Work visa in 2015 had been granted settlement after five years, which is a similar level to the 2014 (10%) and 2013 (8%) cohorts of Work migrants.

You can download and view the *Migrant Journey: 2020 report* [here](#).

<https://www.gov.uk/government/statistics/migrant-journey-2020-report>

Youth Mobility Scheme: ballot system

The Home Office (UKVI) have published guidance explaining who needs to apply for the ballot before applying for a Youth Mobility Scheme visa and how the ballot scheme works. Further information can be viewed [here](#).

If you're eligible to apply for a Youth Mobility Scheme visa and are from Hong Kong (if you have a SAR passport), Japan, South Korea or Taiwan, you will need to apply for the ballot. Only one ballot entry can be submitted per person.

Ballots typically open in January and July each year and are open for 48 hours. All emails received within this 48 hour period will be entered into the ballot and the applicant will receive an automated reply confirming receipt.

If an applicant is successful in the ballot, they will have 30 days in which to submit their application and pay once they've received the confirmation email.

<https://www.gov.uk/guidance/youth-mobility-scheme-visa-ballot-system>

PAYE Reference Number

PAYE details must be provided when assigning a Certificate of Sponsorship (CoS) under the Skilled Worker or Intra Company Transfer routes. For PAYE employment, you must provide the PAYE reference number your payroll used for the migrant you are assigning the CoS to.

If the worker is not paid through PAYE, you must explain why the worker will be paid differently on the CoS.

PAYE reference numbers can be added via the SMS using the 'PAYE Reference' function. Guidance on how to use this function can be found in the SMS Manual 2 – Guide 9, which can be viewed [here](#). You must add all PAYE reference numbers associated with your organisation, whether or not you are currently sponsoring a migrant worker under that PAYE number. Once you have added your PAYE reference numbers you can select the relevant reference number for the migrant worker when assigning a CoS.

<https://www.gov.uk/government/publications/manage-your-sponsorship-licence-sms-user-manual>

Start-up and Innovator visa endorsing bodies: guidance

The Home Office (UKVI) have published updated guidance to organisations that wish to find out how to become an endorsing body for the Start-up and Innovator visa categories and how to carry out duties as an endorsing body. The updated guidance to endorsing bodies can be viewed [here](#).

<https://www.gov.uk/government/publications/start-up-and-innovator-endorsing-bodies-guidance>

Studying in the UK

Updated temporary Covid-19 guidance for student sponsors, migrants and short-term students

The latest guidance for student sponsors, migrants and short-term students in relation to Covid-19 can be viewed [here](#). The key changes are as follows:

- They have reintroduced the concession allowing for a current Student or Child Student to make an application for a course that has a start date in excess of 28 days from the expiry date of their current permission, which is normally prohibited by the Immigration Rules.
- They have added clarification confirming that a student may only apply for a new course at the same level if they have successfully completed the previous course of study.
- Paragraphs 3.23 and 3.24 have been merged to reflect an extension to the date by which international students who began their course in 2020, and are studying overseas by distance learning, are required to enter the UK to be eligible for the Graduate route. They must now enter the UK by 27 September 2021 or before their visa expires, whichever is sooner. This is now the same as the date for Students who begin their studies in 2021.

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

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

ATAS certificate requirement

Sponsors must advise prospective employees if they are subject to the Academic Technology Approval Scheme (ATAS). Sponsors must advise prospective students applying under the Student route, that they must apply through the ATAS web portal as a 'student'.

Further information about the ATAS certificate requirement can be viewed [here](#).

<https://www.gov.uk/guidance/academic-technology-approval-scheme>

Sponsorship transparency data: Q1 2021 (Student route)

The Home Office (UKVI) have published the latest sponsorship transparency data for Q1 of 2021. You can view the full data published [here](#).

The key points in relation to the Student route of the *Points-based system* are as follows:

- As of Q1 2021, there were 1,120 registered Student sponsors.
- During Q1 2021, new licence applications were received from: 19 Student sponsors, 9 (Student/Skilled Worker) sponsors, and 6 (Student/Skilled Worker/Temporary Worker) sponsors.
- The average length of time taken to process a sponsor application was 40.11 days (significantly longer than the 27.41 days in Q1 2020).
- 94.3% of registered Student sponsors had full sponsor status.
- During Q1 of 2021, 7 Student sponsors were issued with an 'Intention to Revoke' notice but no Student sponsor licences were revoked.

<https://www.gov.uk/government/publications/sponsorship-transparency-data-q1-2021>

Creating and assigning CAS (SMS guide 4 – updated)

The Home Office (UKVI) have updated their step-by-step guide to creating and assigning a CAS. The updated *SMS guide 4 – Creating and assigning CAS* guidance can be viewed [here](#).

This document should be viewed with the SMS guide 4a, which can be viewed [here](#).

<https://www.gov.uk/government/publications/confirmation-of-acceptance-for-studies-cas-sms-user-manual>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935065/sms-guide-4A-creating-cas-guide-for-sponsors-v3.pdf

Reporting student activity (SMS guide 5 – updated)

The Home Office (UKVI) have updated their guidance to help sponsors report student activity, for example, if a student's circumstances change. This guide also contains help with reporting fee updates and adding sponsor notes to confirmation of acceptance for studies (CAS) that have already been assigned.

The updated *SMS guide 5 – Reporting student activity* guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/restricted-certificates-of-sponsorship-sms-user-manual>

Bulk data transfer of CAS (SMS guide 7 – updated)

The Home Office (UKVI) have updated their guidance to help sponsors use the bulk data transfer functions of SMS. Sponsors must have a custom built IT system available to use the bulk data transfer.

The updated *SMS guide 7 – Bulk data transfer of CAS* guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/confirm-acceptance-of-studies-guide-for-education-sponsors>

Migrant Journey: 2020 report (Studying in the UK)

The Home Office (UKVI) have published their annual Migrant journey report for 2020, which explores changes in migrants' visa and leave status within the UK's immigration system.

The key points in relation to *studying in the UK* are as follows:

- Of the 157,000 people granted a Study visa in 2015, 16% held valid leave at the end of 2020 – similar to the 2014 cohort (17%).
- Of the 250,000 granted a Study visa in 2010, 7% still held valid leave and 8% had been granted settlement at the end of 2020.
- Of all those granted settlement in 2020, 19% had initially been granted a Study visa. Whilst this settlement figure is low compared to other visa categories, the large volume of foreign students means that they account for nearly a fifth of settlement cases in 2020.
- Approximately three quarters (77%) of Study visas issued in 2015 were to 18 to 29 year olds, but the long path to settlement for migrating students means they are unlikely to be granted settlement until their 30s and 40s.
- Of people granted a Study visa in 2015: 10% were continuing to study and remain on a Study visa, 4% had switched to a Work visa, 1% had switched to a Family visa, and 1% held other categories of visa.

You can download and view the *Migrant Journey: 2020 report* [here](#).

<https://www.gov.uk/government/statistics/migrant-journey-2020-report>

Other Immigration News

Coronavirus (Covid-19): advice for UK visa applicants and temporary UK residents

The latest advice for visa applicants and temporary UK residents affected by travel restrictions associated with coronavirus can be viewed [here](#).

The key changes are as follows:

- The date until which people may apply for 'exceptional assurance' has been extended to 30 September 2021.
- Guidance has been added for people whose Entry Clearance was not activated because of Covid-19 restrictions.
- Data of the VAC concessions has been extended until 31 December 2021
- Further updates have been added to the 'If you're applying for a visitor visa' section.
- Revised dates have been published in the following sections: 'If you're applying to enter the UK or remain on the basis of family or private life' and 'Changes to the minimum income and adequate maintenance requirement'.

You can view the latest information/advice [here](#). The full collection of guidance to applicants and sponsors for those affected by changes to UK immigration and borders due to coronavirus can be viewed [here](#).

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

<https://www.gov.uk/government/collections/coronavirus-covid-19-immigration-and-borders>

Over £26 million compensation offered to Windrush generation

The Home Secretary, Priti Patel, has announced that the Windrush Compensation Scheme has now paid out over £14 million in compensation to 633 people and has offered a further £12 million.

The Home Office (UKVI) have also awarded initial grants from the Windrush Community Fund to community and grassroot organisations to make sure that all people affected by Windrush are aware of the support available through the Windrush Compensation Scheme and Windrush Scheme.

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

<https://www.gov.uk/government/news/over-26-million-compensation-offered-to-the-windrush-generation>

Visiting the UK as an EU, EEA or Swiss citizen – Using National ID card

The Home Office (UKVI) have confirmed that EU, EEA and Swiss citizens who have applied to the EU Settlement Scheme by the 30 June 2021 deadline but have not yet received a decision will be able to use their national identity card to enter the UK until at least 31 December 2025. Alternatively, they can enter the UK using their EU, EEA or Swiss passport.

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

<https://www.gov.uk/guidance/visiting-the-uk-as-an-eu-eea-or-swiss-citizen>

Coronavirus (Covid-19): bereavement scheme for family members of NHS and health and social care workers

The Home Office (UKVI) have published details of the bereavement scheme for family members of NHS and health and social care workers who have died as a result of contracting coronavirus (Covid-19).

The scheme was first published in May 2020 but has recently been updated to clarify that, in exceptional and compelling circumstances, wider family may also be granted indefinite leave to remain (ILR) and consideration may also be given to those whose permission has expired.

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

<https://www.gov.uk/guidance/coronavirus-covid-19-bereavement-scheme-for-family-members-of-nhs-and-health-and-social-care-workers>

Right to Rent immigration checks: landlords' code of practice

The Home Office (UKVI) have updated the draft code of practice on right to rent to reflect that from 1 July 2021, EEA citizens and their family members require immigration status in the UK, in the same way as other foreign nationals.

The updated *Right to Rent: Landlords' Code of Practice* can be viewed [here](#).

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

Life in the UK Test

The Home Office (UKVI) have updated the identifications requirement document in relation to the booking and taking the Life in the UK Test. This document outlines the acceptable forms of identification for candidates.

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

<https://www.gov.uk/government/publications/terms-and-conditions-for-booking-and-taking-the-life-in-the-uk-test>

Applying for settlement on basis of Long Residence

The Home Office (UKVI) have updated their guidance on how they consider applications from people applying on the basis of long residence in the UK to clarify the section 3C policy for out of time appeals.

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

<https://www.gov.uk/government/publications/long-residence>

British Nationals (Overseas) in Hong Kong

The Home Office (UKVI) have updated their information for British nationals (overseas) on immigration to the UK following the announcement of national security legislation in Hong Kong to confirm that 'Leave Outside the Rules' has been extended to 19 July 2021.

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

<https://www.gov.uk/guidance/british-nationals-overseas-in-hong-kong>

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. 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 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.

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