

# Immigration Update

March 2020

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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.

*Employers wishing to employ European nationals after 2021 should consider applying now for a Sponsor licence! Click here for further details of how Veristat can support you with this.*

## Introduction

We appreciate this is a very difficult time for employers and education providers in light of the coronavirus outbreak. Veristat Ltd is still operating as normal and please feel free to contact us if you need any advice or support, now or in future.

If you have any questions or concerns about your sponsored workers or students in light of the current situation, please do not hesitate to get in touch. We will be happy to help you.

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## New Immigration System

The Immigration Bill was introduced to the House of Commons on Thursday 5<sup>th</sup> March 2020 ending the European Union's rules on free movement.

Further details will be published by the Home Office (UKVI) in due course, including detailed guidance regarding the points tables, shortage occupations and qualifications. Key routes will be opened from **Autumn 2020** so that migrants can start to apply ahead of the system being implemented in January 2021.

*We will be using our update to inform you of any news or announcements about the new immigration system as they are published by the Home Office (UKVI). We will also be working very closely with our retainer clients to support them with the implementation of the new immigration system. If you would like details of our retainer advice/support services to employers and education providers, please email [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) or call us on 01344 624016.*

*We will also be delivering a training package for employers and education providers on the new points-based immigration system to be offered from Autumn 2020 onwards. This training will be provided on the client's site. We anticipate this training will be in high demand, so if you would like to book a training session in the diary now for later this year, please email us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) or call us on the number above.*

<https://www.gov.uk/government/news/home-secretary-announces-new-uk-points-based-immigration-system>

## Working in the UK

### **Absences due to coronavirus (COVID-19): immigration guidance (Tier 2 & 5 sponsors)**

The Home Office has published guidance on immigration provisions for sponsored migrants who may be prevented from going to work due to illness, the need to serve a period of quarantine or the inability to travel due to travel restrictions caused by coronavirus.

Sponsors do not need to report employee absences related to coronavirus which they have authorised. Also, sponsors do not need to withdraw sponsorship if they consider there are exceptional circumstances when an employee is absent from work without pay for four weeks or more.

The decision as to whether to terminate employment is for sponsors to make. However, the Home Office recognises the current situation is exceptional and will not take any compliance action

against employees who are unable to attend their work due to the coronavirus outbreak, or against sponsors which authorise absences and continue to sponsor employees despite absences for this reason.

This will be under review by the Home Office as the situation progresses.

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

If you have any questions not covered in the guidance, you can contact the **Coronavirus Immigration Helpline** on 0800 678 1767 (Monday to Friday, 9am to 5pm) or email [CIH@homeoffice.gov.uk](mailto:CIH@homeoffice.gov.uk).

<https://www.gov.uk/guidance/coronavirus-immigration-guidance-if-youre-unable-to-return-to-china-from-the-uk>

### **Statement of Changes in Immigration Rules (*Working in the UK*)**

The Home Office has published its *Statement of Changes to the Immigration Rules*, published on 12 March 2020.

The key changes in respect of Tier 2 of the points based system are as follows:

- The salary threshold for indefinite leave to remain under Tier 2 (General) is being amended to enable the existing level to be maintained for applications made on or after 6 April 2020. This change is being made following recommendations made by the independent *Migration Advisory Committee (MAC)* in its report on a Points Based System and salary thresholds published on 28 January 2020.
- Minor amendments are being made to *Appendix J* and *Appendix K* to the Immigration Rules to ensure the *Shortage Occupation List* reflects the recommendations of the MAC.

In addition to the above, amendments are being made to *Annex 1* and *Annex 2* in *Appendix W* in respect of the *Global Talent* category to ensure the list of organisations which are recognised by the endorsing bodies for this route are accurately reflected.

You can view the *Statement of Changes to the Immigration Rules* [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-120-12-march-2020>

## Sponsorship transparency data: February 2020

The Home Office has published its transparency data on sponsorship activities during quarter 4 of 2019.

During this quarter, the key figures in relation to Tier 2 were as follows:

- A total of 28,734 Tier 2 and 3,952 Tier 5 sponsors were on the register during this period.
- New licence applications were received from:
  - 1,641 Tier 2 sponsors
  - 2 Tier 2/4 sponsors
  - 2 Tier 2/4/5 sponsors
  - 26 Tier 2/5 sponsors
  - 85 Tier 5 sponsors
  - 1 Tier 4/5 sponsor
- The average length of time to process a sponsorship licence application was 25.38 days.
- A total of 200 Tier 2 and 13 Tier 5 sponsors were suspended, and 168 Tier 2 and 8 Tier 5 sponsor licences were revoked.

You can download the Q4 2019 sponsorship transparency data [here](#).

We provide advice and support to Tier 2 and 5 sponsors on all aspects of sponsorship, so please call 01344 624016 or email [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) if you require any support with this

<https://www.gov.uk/government/publications/sponsorship-transparency-data-february-2020>

## Guidance on examining identity documents (*Working in the UK*)

The Home Office (UKVI) have updated their guidance on how to detect basic forgeries in identity documents used as proof of identity, nationality, status and employment in the UK. Please note only page 10 of the document has been altered. The updated guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/recognising-fraudulent-identity-documents>

## Guidance for dependants of UK visa applicants (Tier 2/5 and Appendix W workers)

The Home Office (UKVI) has published updated guidance on the policy for applications by the family of people who have UK visas under Tier 2 and 5 of the points-based system (PBS dependants) and Appendix W workers. The updated guidance can be viewed [here](#).

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

## English language requirements for Tier 1 and 2 migrants

The Home Office (UKVI) has published updated guidance on how English Language requirements are assessed for Tiers 1 and 2 of the points-based system. The guidance has been updated to reflect the introduction of the *Global Talent* category into the Immigration Rules on 20 February 2020. The updated guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/points-based-system-english-language>

## Studying in the UK

### Absences due to coronavirus (COVID-19): immigration guidance (Tier 4 sponsors)

The Home Office has published guidance on immigration provisions for sponsored students who may be prevented from studying due to illness, the need to serve a period of quarantine or the inability to travel due to travel restrictions caused by coronavirus.

The guidance confirms that sponsors do not need to report student absences related to coronavirus which they have authorised. Also, sponsors do not need to withdraw sponsorship if they consider there are exceptional circumstances when a student is unable to attend for more than 60 days.

The decision as to whether to withdraw a student from their studies is for sponsors to make. However, the Home Office recognises the current situation is exceptional and will not take any compliance action against students who are unable to attend their studies due to the coronavirus outbreak, or against sponsors which authorise absences and continue to sponsor students despite absences for this reason.

The Home Office will keep this under review, especially if the length of absences means a potential repeat of period of studies become necessary.

Further information can be viewed in the guidance [here](#). If you have any questions not covered in the guidance, you can contact the **Coronavirus Immigration Helpline** on 0800 678 1767 (Monday to Friday, 9am to 5pm) or email [CIH@homeoffice.gov.uk](mailto:CIH@homeoffice.gov.uk).

<https://www.gov.uk/guidance/coronavirus-immigration-guidance-if-youre-unable-to-return-to-china-from-the-uk>

## Statement of Changes in Immigration Rules (*Studying in the UK*)

The Home Office has published its *Statement of Changes to the Immigration Rules*, published on 12 March 2020.

The key changes in respect to studying in the UK are as follows:

- In respect to short-term study, a change is being made to the definition of an “accredited institution”, in paragraph A57B, to remove the references to the ‘Bridge Schools Inspectorate’ and ‘Schools Inspection Service’, as both these inspection bodies have now closed.

You can view the *Statement of Changes to the Immigration Rules* [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-120-12-march-2020>

## Sponsorship transparency data: February 2020

The Home Office has published its transparency data on sponsorship activities during quarter 4 of 2019.

The key figures in relation to Tier 4 were as follows:

- A total of 1,169 Tier 4 sponsors were on the register during this period.
- During this quarterly period, new licence applications were received from:
  - 13 Tier 4 sponsors
  - 1 Tier 4/5 sponsors
  - 2 Tier 2/4 sponsors
  - 2 Tier 2/4/5 sponsors
- The average length of time to process a sponsorship licence application was 25.38 days.
- The percentage of Tier 4 sponsors with full ‘Tier 4 Sponsor’ status was 92.4%.
- A total of 9 Tier 4 sponsors were issued with an intention to revoke their licence and a total of 2 Tier 4 sponsor licences were revoked.

You can download the Q4 2019 sponsorship transparency data [here](#).

*We provide advice and support to education providers (Tier 4 sponsors) on all aspects of sponsorship, so please call 01344 624016 or email [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk) if you need any support with this.*

<https://www.gov.uk/government/publications/sponsorship-transparency-data-february-2020>

## Guidance on examining identity documents (*Studying in the UK*)

The Home Office (UKVI) have updated their guidance on how to detect basic forgeries in identity documents used as proof of identity, nationality, status and employment in the UK. Please note only page 10 of the document has been altered.

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

<https://www.gov.uk/government/publications/recognising-fraudulent-identity-documents>

## Guidance for dependants of UK visa applicants (Tier 4)

The Home Office (UKVI) has published updated guidance on the policy for applications by the family of people who have UK visas under Tier 4 of the points-based system (PBS dependants).

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

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

## Brexit/European nationals

### Statement of Changes in Immigration Rules – EU Settlement Scheme (EUSS)

The Home Office has published its *Statement of Changes* to the *Immigration Rules* on 12th March 2020. This includes adjustments to be made to the EU Settlement Scheme (*Appendix EU*) following the UK's exit from the European Union on 31 January 2020, including:

- To reflect the Supreme Court judgement in *SM (Algeria)* concerning the range of extended family members who can reside with an EU citizen, now applications will now be accepted by those with a relevant document issued under the *Immigration (European Economic Area) Regulations 2016 (the 2016 Regulations)* as an extended family member on the basis that they are a child under the age of 18 who is subject to a non-adoptive legal guardianship order in favour of an EEA citizen; they are the relative of the spouse or civil partner of an EEA citizen; or they are a child under the age of 18 of the durable partner of an EEA citizen.
- In respect of UK nationals returning from an EEA Member State or Switzerland 'Surinder Singh' cases, that the relevant conditions must be satisfied before the end of the transition period on 31 December 2020 as well as immediately before the UK national and the family member return to the UK.
- Enabling a long-term partner or dependant relative applying to the EUSS – who is required to have been documented for the relevant period – to rely on a document which has expired,

where, before it did so, they applied for a further residence document under the 2016 Regulations based on the same family relationship and that further document was issued after the first had expired.

- To provide for the refusal of an EUSS application where the applicant has been or would be excluded from refugee or humanitarian protection, or Article 33(2) of the Refugee Convention applies or would so, as they are a danger to the security of the UK, have been convicted of a particularly serious crime, or are a danger to the community.
- To delete the provision for a 'no deal' scenario previously made in *Appendix EU*, *Appendix EU (Family Permit)*, *Appendix AR (EU)* and *Part 9 of the Immigration Rules*.
- To allow new evidence to be submitted in an application for administrative review of a decision to cancel EUSS status at the border under paragraph 321B of the Immigration Rules (on grounds of deception), in line with other provisions for administrative review of decisions to cancel leave at the border on those grounds.
- To allow for the cancellation of leave to enter granted by virtue of having arrived in the UK with an entry clearance that was granted under *Appendix EU (Family Permit)* where there has been a material change in circumstances since the family permit was granted.

You can view the *Statement of Changes to the Immigration Rules* [here](#).

<https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-120-12-march-2020>

### **Home Office's response to an inspection of the EU Settlement Scheme, April to August 2019**

The Home Office has published their response to an inspection of the EU Settlement Scheme (April to August 2019) by the Independent Chief Inspector of Borders and Immigration (ICIBI).

The Home Office's response can be viewed [here](#). The original report by the ICIBI can be viewed [here](#).

<https://www.gov.uk/government/publications/response-to-an-inspection-of-the-eu-settlement-scheme-april-to-august-2019>

<https://www.gov.uk/government/publications/an-inspection-of-the-eu-settlement-scheme>

## Other Immigration News

### Coronavirus (COVID-19): immigration guidance (*Visa applicants*)

The Home Office has published guidance on immigration provisions for those affected by travel restrictions associated with coronavirus (COVID-19).

The Home Office recognise that individuals are facing some uncertainty in relation to the expiry date of their current visa or leave to remain in the UK because of circumstances outside of their control due to coronavirus (COVID-19). The Home Office have also announced that most people in the UK whose immigration status is affected by the coronavirus outbreak will get an automatic extension of their visa until 31 March 2020.

Chinese nationals in the UK who have been compliant with their visa conditions will have their visa automatically extended to 31 March 2020 if their visa has an expiry date between 24 January 2020 and 30 March 2020. Chinese nationals who are in the UK on a long-term standard visitor visa that lasts 2, 5 or 10 years and have reached the maximum stay of 180 days between 24 January 2020 and 30 March 2020 will get an automatic extension.

Those affected do not need to do anything to get this extension and will remain subject to the same immigration conditions attached to their visa during the extension period.

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

<https://www.gov.uk/guidance/coronavirus-immigration-guidance-if-youre-unable-to-return-to-china-from-the-uk>

### Indefinite leave to remain: calculating continuous period in UK

The Home Office (UKVI) have published guidance to their staff on calculating the 5 year continuous period in the UK requirement for an applicant applying for indefinite leave to remain.

The key changes are as follows:

- Adding the *Global Talent* category to the list of immigration categories covered by this instruction.
- Adding an exemption for *Global Talent* and *Tier 1 (Exceptional Talent)* applicants in certain sectors who have had absences linked to their endorsements (such as conducting research overseas).

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

<https://www.gov.uk/government/publications/indefinite-leave-to-remain-calculating-continuous-period-in-uk>

## Veristat Services

### Sponsor licence applications

With the announcement of the new Immigration system to be implemented from 1 January 2021, employers wishing to sponsor non-EEA and EEA/EU nationals from this date may wish to apply now for a licence.

We provide a comprehensive advice and support package to employers applying for a licence, including preparation for a Home Office (UKVI) visit and can also include training on Tier 2/5 or Tier 4 sponsorship and the SMS system, as well as assistance with applying for Certificates of Sponsorship (CoS).

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

### 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. We will also be providing training on the new immigration system detailing all future requirements.

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).

## 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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