Veristat Limited

Immigration Update

March 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 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.

Working in the UK

Right to Work in the UK: EU, EEA and Swiss citizens

The Home Office (UKVI) have published information to EU, EEA and Swiss citizens about their right to work in the UK now that the UK has left the European Union.

The information can be viewed here.

https://www.gov.uk/government/publications/understanding-your-right-to-work-in-the-uk-eu-eea-and-swiss-citizens

Innovator visa

The Home Office (UKVI) have published information to migrants on Innovator visas about eligibility for indefinite leave to remain.

To be eligible to apply for indefinite leave to remain if you have an Innovator visa, you must have:

- Lived in the UK for 3 years using an Innovator visa – you cannot include time spent in the UK on any other visa
- A new endorsement that shows you've met the requirements for growing your business

The information can be viewed here.

https://www.gov.uk/indefinite-leave-to-remain-innovator-visa

Global Talent route

The Home Office (UKVI) have extended the temporary concession to the Immigration Rules that was introduced as part of UK Research and Innovation's (UKRI) endorsed funder route for Global Talent applicants. This temporary concession has been extended until 31 July 2021. Further information can be viewed here.

The list of endorsed funders approved by UK Research and Innovation (UKRI) for Global Talent has also been updated and can be viewed here.

https://www.gov.uk/government/publications/temporary-concession-coronavirus-covid-19-related-research

https://www.gov.uk/government/publications/ukri-endorsement-endorsed-funders-global-talent-visa

Sponsorship Transparency Data, Feb 2021 (*published by UKVI*)

The Home Office (UKVI) has published its latest data on UKVI sponsorship activities.

The key points in relation to sponsoring workers are as follows:

- In Q4 of 2020, there were a total of 30,278 Tier 2 sponsors and 3,977 Tier 5 sponsors.
- In Q4 of 2020, the following new sponsor applications were made:
  - 2,607 Tier 2
  - 3 Tier 2 & 4
  - 169 Tier 2 & 5
  - 103 Tier 5
- During Q4 of 2020, 68.5% of new Tier 2 licence applications took less than 4 weeks to process.
- The average length to process a new sponsorship application was 42.62 days.
- During Q4 of 2020, three (3) Tier 2 and one (1) Tier 5 sponsors had their licences revoked.

The report published in February 2021 can be viewed here.

https://www.gov.uk/government/publications/sponsorship-transparency-data-february-2021

Migrants in the UK Labour Market – briefing published by The Migration Observatory

The *Migration Observatory at the University of Oxford* has published a briefing on migrant's labour market integration and the jobs they do in the UK labour market. It also presents data on migrants' employment and unemployment rates, occupational status, earnings and contract types.

The key points were as follows:

- Approx. 16% of people employed in the UK in the third quarter (July-September) of 2020 were born overseas.
- Unemployment rates for both migrants and the UK born decreased steadily from 2012 to 2019, but the unemployment rate rose sharply among migrants during quarter 2 and 3 of 2020.
- Non-EU born migrants who moved to the UK seeking asylum are more likely to be unemployed than those who moved for employment, family or study reasons.
- In 2019, unemployed migrants were less likely to claim unemployment benefits (17%) than UK born unemployed workers (29%).
- Workers born in India, East/Southeast Asia and EU-14 countries are more likely to be in high skilled occupations than the UK born, while those born in new EU member states (EU-8 and EU-2) are more likely to be in low skilled occupations.
- In 2019, migrants were over-represented in the hospitality sector (30%); transport and storage (28%); information, communication and IT (24%) and health and social work (20%).

- Employees born in EU-14 countries and India had the highest annualised median earnings in 2019 (£33,000).
- Around half of highly-education workers born in new EU member states were in low and medium-low skilled jobs in 2019.
- In 2019, foreign-born workers were more likely to work during night shifts and non-permanent jobs than the UK born workers.

You can view the briefing by *The Migration Observatory* here.

https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/

New Immigration System – Guidance for Employers

The new points-based UK Immigration system was introduced on 1 January 2021. The Home Office (UKVI) have published guidance to employers about the new UK points-based immigration system. This guidance for employers can be viewed here.

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

Studying in the UK

Sponsorship Transparency Data, Feb 2021 (*published by UKVI*)

The Home Office (UKVI) has published its latest data on UKVI sponsorship activities. The report published in February 2021 can be viewed here.

The key points for Q4 of 2020 in relation to sponsoring students are as follows:

- There were a total of 1,135 registered Tier 4 sponsors in Q4 of 2020.
- The following new sponsor applications were made during Q4 of 2020:
    - 7 Tier 4
    - 3 Tier 2 & 4
- During Q4 of 2020, 53.8% of new Tier 4 licence applications took over 4 weeks to process.
- 93.6% of registered Tier 4 sponsors had full 'Tier 4 Sponsors' status.
- The average length to process a new sponsorship application was 42.62 days.
- During Q4 of 2020, five (5) Tier 4 sponsors had their licences revoked and three (3) Tier 4 sponsors were issued with an intention to revoke.

https://www.gov.uk/government/publications/sponsorship-transparency-data-february-2021

New Immigration System – Information for EU students

The Home Office (UKVI) have published information about the new points-based system for EU students.

This information can be viewed here.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947987/Students_guide__FINAL_WEB.pdf

Sponsorship Management System

Making a payment

The Home Office (UKVI) have been notified of an issue which can affect some sponsors when making a payment via the SMS.

When attempting to pay for a product or service, some users are taken back to an earlier screen in the SMS without the payment being taken, and without the product/service being purchases. For example, if this issue occurs during CAS/CoS assignment, the user will be returned to an earlier screen in the SMS and the CAS/CoS will not be assigned.

Any users experiencing this issue are advised to ensure all details are correct whenever they enter information – such as their payment card details – when completing a payment.

They are working on resolving this issue as a matter of priority.

Other Immigration News

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

The latest advice for visa applicants and temporary UK residents in relation to the coronavirus (Covid-19) can be viewed here.

The guidance has been updated as follows:

- Amended 'If you're in the UK' section, updating exceptional assurance visa or leave expiry dates to between 1 March 2021 and 31 March 2021.
- New information has been added about the new coronavirus testing and quarantine rules.
- The guidance for those applying for a visitor visa, visa in transit or direct airside transit visa (DAT) have been updated.

- Guidance has also been added for those people whose indefinite leave has lapsed and for those who have already obtained a Returning Resident visa because their indefinite leave lapsed on or after 24 January 2020.

You can view the latest information/advice here.

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

Continuous residence – updated caseworker guidance

The Home Office (UKVI) have published new guidance to their staff on assessing and calculating the continuous residence requirements under *Appendix Continuous Residence*, which applies to specified routes from 1 December 2020.

The caseworker guidance on continuous residence can be viewed here.

https://www.gov.uk/government/publications/continuous-residence

Hong Kong BN(O) visa – launch of digital process

The Home Office (UKVI) have launched a new digital process for applicants for the Hong Kong BN(O) visa, which means that those with certain biometric passports will be able to apply using a smartphone app to scan their passport. Further information can be viewed here.

Applications for the new Hong Kong BN(O) visa can either be made within the UK or overseas and will enable BN(O) HKSAR passport holders to submit their biometrics and validate their identity using the app.

The current estimated processing time for BN(O) visa applications is 12 weeks. Further information on current estimated processing time for the BN(O) visa can be viewed here.

We now provide presentations on the new Hong Kong BN(O) visa to employers and education providers – it can either be presented to staff involved in the recruitment of students or workers, or alternatively to the students or workers themselves. A session can be delivered either on the client's site or remotely via Microsoft Teams or Zoom. If you are interested in booking a session, please email us at enquiries@veristat.co.uk for further information and a quote.

https://www.gov.uk/government/news/hong-kong-bnovisa-uk-government-launch-digital-process

https://www.gov.uk/government/publications/british-national-overseas-bno-visa-application-processing-times

Returning residents

The Home Office (UKVI) have updated their guidance for their staff on how to make decisions on returning residents applications.

The updated guidance can be viewed here.

https://www.gov.uk/government/publications/returning-residents

Veristat Services

Training on new Skilled Worker or Student routes

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.

Training on the new Hong Kong BN(O) visa

As stated above, we are now providing presentations on the new Hong Kong BN(O) visa to employers and education providers, which can either be presented to staff involved in the recruitment of students or workers, or alternatively to the students or workers themselves. A session can be delivered either on the client's site or remotely via Microsoft Teams or Zoom. If you are interested in booking a session, please email us at enquiries@veristat.co.uk for further information and a quote.

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 underlined 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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