

# Immigration Update

**May 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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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

### Right to Work – End of Covid-19 temporary adjustments

The Home Office (UKVI) have announced the end of the temporary changes due to Covid-19 made to right to work checks. The temporary adjustments will remain until **20 June 2021**.

From **21 June 2021**, you must either:

- Check the applicant's original documents, or
- Check the applicant's right to work online, if they've given you their share code

Due to the impact of COVID-19, some individuals may struggle to show evidence of their right to work in the UK. As a result, you must take extra care to ensure nobody is discriminated against as a job applicant or employee because they are unable to show you their documents. For more information, please see the code of practice for employers: avoiding unlawful discrimination while preventing illegal working, which can be viewed [here](#).

You do not need to carry out retrospective checks on those who had a COVID-19 adjustment check between 30 March 2020 and 20 June 2021 (inclusive). You will maintain a defence against a civil penalty if the check you have undertaken during this period was done in the prescribed manner or as set out in Covid-19 adjusted checks guidance.

From **21 June 2021**, you must ensure that prescribed right to work checks are conducted, as outlined in the *Employers guidance for right to work checks*, which can be viewed [here](#).

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

<https://www.gov.uk/government/publications/right-to-work-checks-code-of-practice-on-avoiding-discrimination>

### Worker & Temporary Worker Priority Service

The Worker & Temporary Worker Priority Service has now returned to its capacity of 60 requests considered for priority each day. The Home Office (UKVI) anticipate that the service will be in high demand, so sponsors are asked to be patient as UKVI attempt to deal with their request.

Further information about the Worker & Temporary Worker priority change of circumstance service can be viewed [here](#).

<https://www.gov.uk/government/publications/priority-change-of-circumstances-for-sponsors/tier-2-and-5-priority-change-of-circumstance-service>

## Workers and Temporary Workers: Updated sponsorship guidance (Documents 2 & 3)

The Home Office (UKVI) have updated their guidance for sponsors on sponsoring a worker under the Skilled Worker or Temporary Worker route.

**Document 2: sponsor a worker – general information** has been updated and the key changes are as follows:

- Minor amendments have been made to reflect that the implementation period for leaving the UK has now ended.
- Clarification that a Certificate of Sponsorship (CoS) will not be accepted as valid if the relevant CoS fee has not been paid.
- A link to the list of countries whose nationals are eligible for the CoS fee concession has been added.
- Information added concerning the new ATAS requirement have been added.
- Clarification that the start date can be delayed beyond 28 days if the worker is legally working out a contractual notice period and the sponsor notifies us of the change.
- Clarification that the Office for National Statistics (ONS) no longer offers direct assistance with advising on the correct occupation code.
- A new annex (Annex S1) has been added to the guidance listing the relevant occupation codes and subject areas for the ATAS requirement, and nationalities exempt from that requirement.
- Amendments have been made in relation to the 'Reduction in salary' sections (S4.14 – S4.16).

The latest guidance: *Document 2: sponsor a worker* can be viewed [here](#).

**Document 3: sponsor duties and compliance** has been updated and the key changes are as follows:

- A clarification has been made that sponsors no longer need to report any increases to worker's salaries.
- References to 'curtail' and 'curtailment' (and derived words) have been amended to 'cancel', 'cancellation', 'shorten' or 'shortening', as appropriate.
- C10.10 (table, second row): erroneous reference to 'curtailment' amended to 'revocation'.
- Annex C4, Example 8: has been redrafted for clarity; references to 'umbrella company' amended to 'parent company'.

The latest guidance: *Document 3: sponsor duties and compliance* can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker>

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance>

## Skilled Worker visa – updated caseworker guidance

The Home Office (UKVI) have updated their guidance to caseworkers on considering applications for leave to enter or remain under the Skilled Worker route.

The key changes are as follows:

- Introduction of a £10.10 minimum hourly rate
- Changes to the new entrant criteria
- Additional transitional arrangements relating to salary requirements
- Changes to the Shortage Occupation List
- Changes to reflect the expansion of the ATAS requirement to cover relevant researchers in the Skilled Worker route. This change applies for applications made from 21 May 2021.

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

<https://www.gov.uk/government/publications/skilled-worker-visa-caseworker-guidance>

## Frontier worker permit scheme

The Home Office (UKVI) have updated their guidance for caseworkers on how they consider applications under the Frontier Work Permit scheme, contained in the Citizens' Rights (Frontier Workers)(EU Exit) Regulations 2020 (the Regulations).

The following changes have been made:

- The table 'Coronavirus (COVID-19) implications for identity document validity' has been updated.
- Clarifications have been made to the section on assessing whether an EEA citizen is a worker or self-employed person or has retainer worker status.

The updated guidance can be viewed [here](#). The information on Frontier Workers has also been updated on the GOV.UK website, and can be viewed [here](#).

<https://www.gov.uk/government/publications/frontier-worker-permit-scheme-caseworker-guidance>

## **Endorsing bodies: Innovator/Start-up visas**

The list of authorised organisations who can endorse an application for an innovator visa and start-up visa have been updated by the Home Office (UKVI).

The list of endorsing bodies for the innovator visa can be viewed [here](#). The list for the endorsing bodies for the start-up visa can be viewed [here](#).

<https://www.gov.uk/government/publications/endorsing-bodies-innovator>

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

## **Global talent caseworker guidance - updated**

The Home Office (UKVI) have updated their guidance to caseworkers on considering applications for leave to enter or remain under the Global Talent route.

The key changes are as follows:

- Included details of new fast track option for those holding an accepted prestigious prize
- Amendments to the section covering entry at port to mirror similar sections in other route guidance

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

<https://www.gov.uk/government/publications/global-talent-appendix-w-workers>

## **Overseas domestic workers: supporting documents**

The Home Office (UKVI) have updated information for overseas domestic workers in a private household and their employers.

The 'Statement of written terms and conditions of employment: overseas domestic workers' and 'Employer statement: overseas domestic workers' have been removed. 'Appendix domestic worker statement' has been added.

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

<https://www.gov.uk/government/publications/overseas-domestic-workers-supporting-documents>

## Studying in the UK

### Student route – updated caseworker guidance

The Home Office (UKVI) have updated their guidance to caseworkers for considering applications from people to enter or remain in the UK as students.

The key changes were as follows:

- An amendment has been made to the academic progression requirement to reflect the change to immigration rules, to permit students who complete a lower qualification of an integrated programme.
- To clarify the Covid-19 concessions, reflecting the pandemic circumstances and confirm that caseworkers should take study overseas prior to applying to study within the UK into consideration when assessing an application and that students may be permitted on a case by case basis to exceed the time limits if they do so as a result of Covid-19.
- To change references to UK NARIC replaced with Ecctis throughout the guidance to reflect the change in name for the service.

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

<https://www.gov.uk/government/publications/points-based-system-student-route>

### UK NARIC – Change of name!

Due to the UK leaving the European Union, the UK NARIC national agency function [naric.org.uk](http://naric.org.uk) has changed its name and is now known as 'UK ENIC' – [www.enic.org.uk](http://www.enic.org.uk). This site is managed by Ecctis – [www.ecctis.com](http://www.ecctis.com).

Ecctis provides official UK national agency services on behalf of the UK Government in qualifications, skills, and migration.

[www.enic.org.uk](http://www.enic.org.uk)

[www.ecctis.com](http://www.ecctis.com)

## 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 most recent changes are as follows:

- The expiry date for free visa extension for NHS workers has been extended to 30 September 2021.
- If you are in a red list country and wish to apply for a visitor or direct airside transit visa (DATV), UKVI are now able to process your application, as the pause on issuing transit visas has been lifted.

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>

### EU Settlement Scheme: evidence of UK residence

The list of acceptable evidence of UK residence in relation to applications under the EU Settlement Scheme has been updated. A clarification has been added that applicants will need to provide one document to show that they were resident in the UK before 31 December 2020. The updated information can be viewed [here](#).

The guidance for caseworkers on considering applications under the EU Settlement Scheme has also been updated and can be viewed [here](#). Amendments have been made to reflect in particular changes to Appendix EU made in the Statement of Changes in Immigration Rules: HC 1248, laid before Parliament on 4 March 2021.

<https://www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence>

<https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

## English Language SELT tests

The Home Office (UKVI) have updated their list of approved English Language SELT tests and test centres.

The updated list of approved English Language SELT tests/providers can be viewed [here](#).

<https://www.gov.uk/guidance/prove-your-english-language-abilities-with-a-secure-english-language-test-selt>

## S2 Healthcare Visitors – applying for a review of a decision

The Home Office (UKVI) have updated the published information for applicants that have applied for the S2 Healthcare Visitor visa and how they can ask UKVI to review a decision they have made about their right to enter or stay in the UK under this route/category.

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

<https://www.gov.uk/guidance/s2-healthcare-visitors-apply-for-a-review-of-a-decision-on-your-visa-application>

## UK ancestry applications

The Home Office (UKVI) have updated their guidance for caseworkers on how they consider applications for a UK ancestry visa from Commonwealth citizens with a grandparent born in the UK.

The following key changes have been made:

- The definition of 'Commonwealth citizen' has been amended in line with a recent change to the Immigration Rules.
- An error has been corrected which wrongly stated that dependants could qualify for entry clearance if applying to join a person who had already settled on this route or become a British citizen.
- Updated information has been provided on handling applications from citizens from Cyprus and Malta.
- Links have been included to equivalent (GOV.UK) versions of caseworker guidance referred to in the document.

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

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

## **Service Providers – applying for a review of a decision**

The Home Office (UKVI) have updated the published information for how applicants can ask UKVI to review a decision they have made about their right to enter as a Service Provider from Switzerland.

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

<https://www.gov.uk/guidance/service-providers-from-switzerland-apply-for-a-review-of-a-decision-on-your-visa-application>

## **Veristat Services**

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

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

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

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

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

If you think your organisation would benefit from training in any of these areas, please contact us for a quote by emailing us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk). If you would like to discuss the contents of our training packages or require a bespoke training package to be delivered, please call us on 01344 624016 or email us as above.

## Sponsor licence applications

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

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

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

## Audits and Inspections

Veristat is hugely experienced in providing compliance audits across all immigration routes. We have worked with hundreds of employers, ranging from small family businesses to multi-nationals, high street retailers and professional sports/football clubs. In the education sector, we have worked with over 30 universities and a significant number of colleges and schools.

Our audit/inspection service is fully flexible and can be tailored to individual requirements. It is based on sound practical experience of UKVI's policies, culture and approach.

- For employers, we offer on-site Skilled Worker or ICT compliance inspections (with staff aware or unaware to simulate an announced or unannounced UKVI visit). We also offer right to work compliance visits.
- For education providers, our service ranges from a "lite" health-check to a comprehensive review of student route activities, assessing compliance with UKVI requirements and sharing best practice. We also offer targeted inspections covering specific issues, such as BCA, Skilled Worker compliance, policies, student unions, relationships with partner institutions, etc.

On completion, we provide a comprehensive, evidence-based report, together with an assessment of how compliant the business or institution is with UKVI's requirements. We will support the introduction of change if required and offer a 'spot check' follow up service at a later date if beneficial to reassure management that recommendations have been implemented.

If you are interested in booking an audit/inspection, please call us on 01344 624016 or email us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk).

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

## **File Inspection Days**

If you're unsure whether you require a full compliance audit or specific training but would like an independent check of your files to ensure they are fully compliant with Home Office requirements, we can provide a UKVI file compliance inspection of either your staff or student files.

Depending on the number of employees/students you have, we would either check all files or an agreed sample. After the inspection has taken place, we would provide a written report outlining any risks, feedback and recommendations.

For further information or a quote for our file inspection days, please call us on 01344 624016 or email us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk).

## **Advice/Support packages**

These packages can either be on a fixed rate monthly retainer basis, which can include a number of services, such as: acting as your Level 1 user, issuing of CoS/CAS, immigration audit, etc. Alternatively, you can purchase an annual package of either 5, 10, 15- or 20-hours advice/support per year at reduced rates.

If you are interested in discussing our retainer or hourly advice/support packages further, then please contact us on 01344 624016 or email us at [enquiries@veristat.co.uk](mailto:enquiries@veristat.co.uk).

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