

Veristat Limited

Immigration Update

November 2023

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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 for the latest Right to work training including all you need to know about IDSPs. These sessions can be delivered on site or via Microsoft teams. [Click here for further information.](#)

Introduction

The Home Secretary today announced that that UKVI illegal working visits are up by 70%. Should you need any advice or support in ensuring you are fully compliant, please do not hesitate to contact us.

We are here to support you with any immigration matters and remove some of those challenges associated with Immigration compliance.

Veristat Limited | www.veristat.co.uk | T: 01344 624016

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Working in the UK

Right to Work checks – updated guidance for employers

The Home Office (UKVI) have updated their guidance for employers on how to conduct right to work checks for existing or prospective employees. The updated Right to Work guidance for employers can be viewed [here](#).

The following changes have been made to the guidance:

- The removal of the requirement for employers to verify a digital Certificate of Application (CoA) with the Home Office Employer Checking Service (ECS) when conducting a right to work online check involving an outstanding EU Settlement Scheme application made on or after 1st July 2021.
- The removal of the reference to Immigration Enforcement 28-day notices in respect of EEA citizens and their non-EEA family members which are no longer in use.

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

In-time applications (3C leave) – Employer Checking Service and online Right to Work checks

Changes have also been made to checks to be conducted where an individual has made an in-time application to extend or vary their leave and the application is not decided before the person's existing leave expires. In this situation, section 3C of the Immigration Act 1971 extends the person's existing leave. The updated Right to Work guidance for employers can be viewed [here](#).

The **Home Office online service** now supports a range of individuals, who have outstanding, in-time applications for permission to stay in the UK. Where an individual advises you that they have an outstanding, in-time application, and they are an eVisa holder, you should ask them to provide you with a share code to conduct an online right to work check as outlined in the guidance. If you follow the prescribed method of an online right to work check in the latest guidance and download and retain on file a copy of that online right to work status report, you will be provided with a statutory excuse for a period of six months. At present, not all users are supported by the online service as work continues to move to digital by default, so in those cases, you should still undertake a verification check via the Employer Checking Service (ECS) to obtain a Positive Verification Notice. In both cases, you must also retain on file the evidence of an in-time application, appeal or administrative review being submitted.

Veristat provides training on right to work checks for employers, which can be provided on the client's site or remotely via Microsoft Teams. For further details and a quote, please contact us at enquiries@veristat.co.uk.

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

Increase of civil penalty fines for Illegal Working

Employers are reminded that fines will be increasing in early 2024 and will be more than tripled for employers who are allowing illegal migrants to work for them. Further information can be viewed [here](#).

The civil penalty for employers, will be raised to up to £45,000 per illegal worker for a first breach (previously £15,000) and up to £60,000 for repeat breaches (previously £20,000).

The Home Office (UKVI) is also consulting on options to strengthen action against licensed businesses who are employing illegal workers.

In view of this, it is imperative that you review your processes and ensure that you are complying with right to work requirements.

Veristat provides training on right to work checks for employers, which can be provided on the client's site or remotely via Microsoft Teams, as well as right to work file audits. For further details and a quote, please contact us at enquiries@veristat.co.uk.

<https://www.gov.uk/government/news/tripling-of-fines-for-those-supporting-illegal-migrants>

Current Visa Processing Times – Work visas

The Home Office (UKVI) have published their current decision waiting times for those applying from inside or outside the UK.

Those applying to switch or extend their work visa from within the UK, should receive a decision within **8 weeks** of attending their biometric appointment or the date the application / documents were received by the UKVI (if no appointment is required). Applications made under the Health and Care Visa normally receive a decision within **3 weeks** if applied for from inside the UK. The latest processing times for those applying from inside the UK can be viewed [here](#).

Those applying for a work visa from outside the UK, should get a decision within **3 weeks** once they have either attended their appointment at the visa application centre (VAC) or used the ID Check app and submitted their application/supporting documents. The latest processing times for those applying from outside the UK can be viewed [here](#).

Applicants may be able to pay an additional fee to expedite their applications for a quicker decision.

<https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk>

<https://www.gov.uk/guidance/visa-processing-times-applications-inside-the-uk>

Sponsoring a Creative Worker – updated guidance for sponsors

The Home Office (UKVI) have updated their guidance for employers who wish to sponsor a person as a Creative Worker. The following key changes have been made to this guidance:

- Para. CRW6.5 has been amended to reflect that some Creative Workers (e.g. those who are genuinely self-employed) may not be subject to National Minimum Wage (NMW) or the Working Time Regulations (WTR).
- Para. CRW1.22 has been updated to reflect the new requirement for some non-visa nationals coming to the UK as a visitor to obtain an Electronic Travel Authorisation in advance of travel.
- Para. CRW3.5 has been added to clarify what sponsors must do if they believe the sponsored worker is not subject to the NMW or WTR.
- An erroneous reference to being able to switch from the Visitor route has also been deleted from Para. CRW3.23.

The updated guidance for employers on sponsoring Creative Workers can be viewed [here](#).

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

Studying in the UK

Student and Child Student – Updated Caseworker Guidance

The Home Office (UKVI) have updated the guidance for their staff on how they consider applications from people who wish to enter or remain in the UK to study.

The key changes are as follows:

- References have also been added to *Appendix Children*.
- References have also been added to *Appendix Relationship with Partner* in relation to those applicants applying as a dependant partner of a Student.
- A clarification has been made to confirm that students who are awarded a scholarship are only able to bring in dependants if the scholarship is:
 - a Government funded scholarship,
 - from a central Government department, and
 - all fees and living costs for the student will be covered.

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

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

Current Visa Processing Times – Study visas

The Home Office (UKVI) have published their current decision waiting times for those applying from inside or outside the UK for a study visa.

Those applying to switch or extend their study visa from within the UK, should receive a decision within **8 weeks** of attending their biometric appointment or the date the application / documents were received by the UKVI (if no appointment is required). The latest processing times for those applying from inside the UK can be viewed [here](#).

Those applying for a Student/Child Student visa or Short-term study visa from outside the UK, should get a decision within **3 weeks** once they have either attended their appointment at the visa application centre (VAC) or used the ID Check app and submitted their application/supporting documents. The latest processing times for those applying from outside the UK can be viewed [here](#).

Applicants may be able to pay an additional fee to expedite their applications for a quicker decision.

<https://www.gov.uk/government/collections/visa-processing-times>

Sponsorship – please note...

Replacing Authorising Officer (AO) or Key Contact (KC) on your licence

From 8th October 2023, when you replace the Authorising Officer (AO) or Key Contact (KC) on your licence you must provide their National Insurance Number (NINO). Also, if you are amending the current AO or KC details in the SMS system, you must also provide their NINO if this has not already been provided.

If the AO or KC does not have a NINO you will be asked to provide reasons why, and you may be asked to provide further evidence that the AO or KC has applied for a NINO. If you do not provide a valid reason for them not having a NINO or evidence that one has been applied for, this may affect the outcome of your request.

A similar process was introduced earlier this year for Level 1 Users. You should add the NINOs of your existing AO, KC, and Level 1 users to the SMS system at your earliest convenience.

NINO updates will happen immediately if there are no other changes to details that cannot be applied automatically.

Updated requirements for supporting documents when applying for a sponsor licence (Appendix A)

The Home Office (UKVI) have updated the list of documents that businesses and education providers must provide with an application for a Student, Worker, or Temporary Worker sponsor licence. The key changes to [Appendix A](#) are as follows:

- Table 1, row 4 has been amended to clarify that diplomatic missions, consular posts, and international organisations applying under routes other than International Agreement must submit any relevant route-specific evidence for those routes, as well as a letter from their Head of Mission or Head of Organisation.
- Table 1, row 6 has been updated to reflect that from 9th October 2023, organisations applying for a Scale-up sponsor licence under the 'endorsing body pathway' no longer need to submit a copy of their endorsement letter. A clarification has also been made that if applying at the same time to be licensed under any route other than Scale-up, they must also submit the relevant documents for those routes.
- The link to authorised insurers (Table 4, row 1) has been amended to point to the *Financial Services Register*, as this contains the most up-to-date information.
- A clarification has also been made (Table 4, rows 14 and 15) that evidence required for audited accounts and annual statements, that the name of the auditor must be clearly shown and meet the requirements for auditors, which is that they must be:
 - independent of your organisation
 - a member of a recognised supervisory body or a recognised qualifying body
 - legally qualified to carry out a statutory audit

The updated guidance (Appendix A) for existing and prospective sponsors can be viewed [here](#).

<https://www.gov.uk/government/publications/supporting-documents-for-sponsor-applications-appendix-a>

SMS system: Companies House Reference Number

From 8th October 2023, the provision of a sponsor's Companies House (CHN) reference number has been enabled in the SMS system. Companies House records are publicly available and checks with Companies House are completed by the Home Office (UKVI) when applying for a licence or certain requests are made to an existing licence. Provision of a CHN will facilitate more effective checking and will also aid the migration of sponsors to the transformed sponsorship system.

Sponsors who are registered with Companies House can provide their CHN by using the SMS process for amending your organisation's details. Such changes to the CHN are immediately updated on the SMS system and are not subject to approval by the Home Office (UKVI). If your organisation is registered with Companies House, you should add your CHN to the SMS system at your earliest convenience.

Other Immigration News

Increases to the Immigration Health Surcharge from January 2024

The government announced on 13th October 2023 that the increases to the Immigration Health Surcharge (IHS) will come into force in 2024. The draft statutory instrument laid before Parliament confirms that the date for the proposed increase of the IHS will be 16th January 2024. Further information can be viewed [here](#).

We previously highlighted that the application fees for the majority of UK immigration and nationality applications have increased. Specifically the IHS fees will be increasing as outlined below:

- IHS fee for adults is increasing from £624 to **£1,035 per year of the visa**.
- IHS fees for children, students, student dependants, and individuals who have applied under the Youth Mobility Scheme route is increasing from £470 to **£776 per year of the visa**.

There is currently no IHS fee for Health and Care Workers or for people applying for entry clearance or permission to stay under the Ukraine visa schemes and there is no proposed changes in this respect.

This is going to be a significant change for applicants and indeed for those employers who agreed to pay the visa application fees and the IHS fees for existing or prospective workers.

<https://statutoryinstruments.parliament.uk/instrument/Oj1daRX3>

<https://commonslibrary.parliament.uk/research-briefings/cbp-9859/>

Secure English Language Tests (SELT) – updated list of providers/tests/test centres

The Home Office (UKVI) have published updated information for visa or citizenship applications who are required to provide their knowledge of English by passing a secure English Language test (SELT).

The updated lists of approved English language providers and tests/test centres be viewed [here](#).

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

Online immigration status (eVisa)

The Home Office (UKVI) have published information about the new digital immigration system that is currently being developed to replace physical documents with an online record of the individual's immigration status (eVisa). Further information about the digital rollout can be viewed [here](#).

The following documents are being replaced by the digital status:

- Biometric Residence Permits (BRPs)
- Biometric Residence Cards (BRCs)
- Passport endorsements, such as indefinite leave to enter wet ink stamps
- Vignette stickers in passports, such as entry clearance or visa vignettes

It is and will be necessary for those with a UKVI account to keep their passport details up-to-date in their UKVI account and to tell them about any changes, such as a change of address.

Those who currently have permission to stay in the UK and have either a BRP or BRC or other physical documents to prove their immigration status, do not need to take any action now. Throughout 2024, the Home Office (UKVI) will provide updates on when they need to register for a UKVI account, and what they need to do.

<https://www.gov.uk/guidance/online-immigration-status-evisa>

Public Funds – Updated Caseworker Guidance

The Home Office (UKVI) have published updated guidance to their staff on how to make decisions about which UK public funds, foreign nationals can claim and what action it must take if they claim funds they are not entitled to. The key changes are as follows:

- Information has also been added to outline the immigration routes which have no right to public funds (NRPF).
- A quick reference table has been added to show which government department is responsible for funding and administering individual benefits.
- Definitions of the entitlement and discretionary payments that can be made by a local authority have been added.
- An amendment has been made to remove historical details of EEA nationals' access to benefits prior to EU Exit and the end of the transition and grace period.
- The Maintenance Undertaking guidance has also been amended.

The updated Caseworker guidance on public funds can be viewed [here](#).

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

Right to Rent – Updated guidance and draft Code of Practice published

The Home Office (UKVI) have updated their guidance for landlords and their agents on the Right to Work Scheme. This has removed the requirement for landlords to verify a digital Certificate of Application (CoA) with the Landlord Checking Service (LCS) when conducting a right to rent online digital check involving an outstanding EU Settlement Scheme (EUSS) application made on or after 1st July 2021.

Additionally, due to the proposed changes to the Right to Rent scheme in early 2024 a draft revised code of practice for landlords and their agents on the Right to Rent Scheme has been laid before Parliament. The following changes are being introduced to the Right to Rent scheme in early 2024:

- 1) A new digital checking system will be introduced – physical immigration documents will transition to an entirely digital system (e.g. eVisas).
- 2) There will be increased fines of £1,000 to £10,000 per first offence and £3,000 to £20,000 for housing illegal migrants.

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

The draft revised code of practice on right to rent checks can be viewed [here](#).

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

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

Using the 'EU Exit: ID Document Check' app – information updated

There are some changes that have been made to the requirements for downloading the 'UK Immigration: ID Check' app for visa applicants, and the 'EU Exit: ID Document Check' app for those applying under the EU Settlement Scheme.

The updated information about using the 'UK Immigration: ID Check' app can be viewed [here](#).

The updated information about using the 'EU Exit: ID Document Check' app can be viewed [here](#).

<https://www.gov.uk/guidance/using-the-uk-immigration-id-check-app>

<https://www.gov.uk/guidance/using-the-eu-exit-id-document-check-app>

Tuberculosis testing: Home Office approved clinics (updated information)

The Home Office (UKVI) have published updated details of the clinics where visa applicants can get tested for tuberculosis (TB). This requirement is for those applying from outside the UK for entry clearance only.

The updated list of Home Office (UKVI) approved tuberculosis clinics can be viewed [here](#).

<https://www.gov.uk/government/collections/tuberculosis-testing-home-office-approved-clinics>

Current Visa Processing Times – Family route visa applications

The Home Office (UKVI) have published their current decision waiting times for those applying from inside or outside the UK for a family route visa. The latest visa processing times can be viewed [here](#).

For those applying to switch to or extend their Family route visa from within the UK, they should receive a decision within **8 weeks** if minimum income and English language requirements are required, or **12 weeks** if applying under the 'Private Life' category where minimum income and English Language are not required once they've attended their biometric appointment or applied online/provided documentation (if no appointment is required). It may be possible to expedite the applications for a quicker decision by using either the Priority or Super Priority services if they are available at the time of application. The latest processing times for those applying from inside the UK can be viewed [here](#).

Those applying for a Family route visa from outside the UK, should get a decision within **24 weeks** once they have either attended their appointment at the visa application centre (VAC) or used the ID Check app and submitted their application/supporting documents. If paying extra to use the priority visa services, you would normally expect to receive a decision within 6 weeks of the biometric appointment, although delays are still being experienced in some cases. The latest processing times for those applying from outside the UK can be viewed [here](#).

<https://www.gov.uk/guidance/visa-processing-times-applications-outside-the-uk>

<https://www.gov.uk/guidance/visa-processing-times-applications-inside-the-uk>

Veristat Services

Training on IDSPS, the Skilled Worker or Student routes/Right to Work/Forgery

We provide comprehensive training on all aspects of immigration, including IDSPs, the Student route, the Skilled Worker route, Right to Work and the identification of fraudulent documents. Our sessions include the recent changes being brought about by the 2021 points-based immigration system and how employers and education providers can be prepared moving forwards.

All training can be provided in person at 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

Employers or education providers wishing to employ EEA/EU nationals or non-EEA nationals who do not have right to work 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 can 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

We offer advice/support packages on either a fixed rate monthly retainer basis or on a fixed-hourly basis, which can include a number of our services, such as: acting as your Level 1 user, issuing of CoS/CAS, immigration audit, etc. If you do not require ongoing retainer advice/support, we offer either 5- or 10-hour annual support packages 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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