

Immigration Update

October 2024

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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.



Please contact us for further information about our training sessions, which will also cover the changes announced recently by the UK government.

Introduction

There has been a relatively calm and quiet period recently in relation to immigration matters, so hopefully that has given you time to digest and embed the recent to the Immigration Rules. It is imperative that you have robust policies and procedures in place, so please do take this time to review these internally and ensure they meet Home Office requirements.

We appreciate many of you still have concerns about the impact of recent changes on your businesses and institutions. We are here to support you with any immigration matters and remove some of those challenges associated with Immigration compliance. Should you need any advice or support with anything, please do not hesitate to contact us.

Inside this month's update

Working in the UK

[Information for Employers / Sponsors on BRPs and eVisa](#)

[Sponsoring a worker under the Skilled Worker route – updated guidance for sponsors](#)

[Updated 'going rate' salaries for eligible occupations for the Skilled Worker visa and Health and Care visa](#)

[Global Business Mobility: updated 'going rate' salaries for eligible roles](#)

Studying in the UK

[Visa processing times for study visas](#)

Sponsorship

[Scam calls to sponsors](#)

[Sponsorship Management System \(SMS\) login details](#)

Other Immigration News

[Dependant family members in work routes – updated caseworker guidance](#)

[Changes to commercial partner visa services](#)

[Updated list of approved SELT test centres](#)

Veristat Services

[Immigration training](#)

[Sponsor licence applications](#)

[Immigration audits/inspections](#)

[Immigration Advice/Support](#)

Working in the UK

Information for employers and sponsors on BRPs and eVisa

The Home Office (UKVI) have updated their guidance for overseas applications, their employers and sponsors, on Biometric Residence Permits (BRPs) to include information about the UKVI's plan to replace physical documents with an online record of their immigration status (eVisa).

The UKVI have confirmed that they will stop issuing any new BRP cards from **31 October 2024**. Further information about BRPs can be viewed [here](#).

Employers and sponsors may wish to inform or remind any migrant / sponsored workers who have BRPs expiring on 31 December 2024 that they should create a UKVI account now if they have not already done so.

A UKVI account must be created for the migrant / sponsored worker to access their eVisa and share information about their immigration status and conditions, such as their right to work or rent in the UK. Further information about creating and updating their UKVI account can be viewed [here](#). A UKVI account can be created [here](#).

The Home Office (UKVI) has also published help videos explaining what an eVisa is and how to access and use one – this can be viewed [here](#).

<https://www.gov.uk/government/publications/biometric-residence-permits-overseas-applicant-and-sponsor-information>

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

<https://www.gov.uk/government/publications/online-immigration-status-evisa-help-video>

Global Business Mobility route – updated 'going rates' for eligible occupations

Previous errors in the 'going rates' for some eligible Global Business Mobility occupations have now been updated to reflect the correct information.

The 'going rates' in the updated chart are based on working 37.5 hours per week, so they must be pro-rated for other working patterns.

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

<https://www.gov.uk/government/publications/global-business-mobility-going-rates-for-eligible-occupations>

Skilled Worker visa route – updated sponsor and caseworker guidance

The Home Office (UKVI) have updated the Skilled Worker sponsor guidance to reflect changes to the Immigration Rules coming into effect on 8 October 2024. The updated sponsor guidance can be viewed [here](#).

The key changes are as follows:

- Para SK1.5 and SK1.6 have been redrafted and simplified – the guidance on the rules for dependants is also now contained in the links provided, rather than within this guidance.
- Para SK2.9 has been redrafted to clarify that the requirement for organisations intending to sponsor care workers and senior care workers to provide additional information applies both when first applying for a sponsor licence, and when subsequently assigning a Certificate of Sponsorship (CoS) to, or requesting a CoS for, such workers.
- A minor drafting amendment has been made to para SK4.8 to the lead-in line and removal of the third bullet point referring to the implementation date of the Care Quality Commission (CQC) requirement, since this is covered by para. SK4.10 and SK4.12.
- Occupation SOC code '6132 – Ambulance staff (excluding paramedic)' has been added to the list of occupations where a worker applying for entry clearance needs an overseas criminal records certificate (this requirement applies to CoS assigned on or after 8 October 2024).

In addition to the above, the guidance for UKVI staff on how to consider applications for a visa or visa extension under the Skilled Worker route has also been updated to make minor clarifications and corrections, to switching, appropriate SOC codes, London weighting, supplementary employment, and salary requirements at settlement. Some of these updated reflect the Immigration Rules changes on 8 October 2024. The updated caseworker guidance can be viewed [here](#).

<https://www.gov.uk/government/publications/workers-and-temporary-workers-sponsor-a-skilled-worker>

Changes to 'going rates' for eligible occupations for Skilled Worker visa and Health and Care visa

In line with the changes to the Immigration Rules, the 'going rate' salaries of some occupations eligible for the Skilled Worker visa and the Health and Care worker visa have been updated.

The updated 'going rate' information for eligible occupation codes for these routes can be viewed [here](#).

<https://www.gov.uk/government/publications/skilled-worker-visa-going-rates-for-eligible-occupations>

Right to Work checks

It is imperative that right to work checks are being conducted prior to a prospective employee commencing employment and that the check is being undertaken in line with Home Office requirements.

Employers should ensure that they are following the Home Office's guidance for employers on conducting right to work checks, which can be viewed [here](#). It is also imperative that employers have recruitment and right to work policies and procedures in place.

We would strongly advise employers to conduct regular reviews to make sure that they have acceptable right to work evidence on file for all staff, regardless of seniority or nationality, to ensure you have a statutory excuse.

It is important that when undertaking a manual right to work check that the copy of the right to work evidence is appropriately endorsed as per the Home Office guidance to confirm the date on which the right to work check was conducted.

The Home Office also now suggest in their [right to work checklist](#) that you may wish to include a declaration in line with an online right to work check and that such a statement could be as follows: 'I confirm that I have carried out the right to work check above in compliance with the instructions within and I believe a valid statutory excuse is established for this worker.'

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

<https://www.gov.uk/government/publications/right-to-work-checklist>

Temporary Worker visa route – updated caseworker guidance

The Home Office (UKVI) have updated the guidance for their staff on how to consider applications for a visa or visa extension under the Temporary Work route in line with the Autumn 2024 Immigration Rules changes, including a change in evidential requirements of expenses paid to applicants in the Creative Worker route, as well as other minor Immigration Rule changes.

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

<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-under-tier-5-temporary-worker>

Sponsoring a Creative Worker – updated sponsor guidance

The Home Office (UKVI) have updated their guidance for sponsors on sponsoring a Creative worker to reflect the changes to the Immigration Rules coming into effect on 8 October 2024.

The key changes are as follows:

- Para CRW3.10 has been updated to require an applicant on the Creative Worker route to provide information on expenses paid by other organisations and people as well as their sponsor – this requirement applies to applications for entry clearance or permission submitted on or after 8 October 2024.
- Para CRW3.16, CRW6.5 to CRW6.6 have been updated to reflect the continuing roll-out of the Electronic Travel Authorisation (ETA) scheme to non-visa nationalities in 2025 and other changes to relevant ETA provisions set out in the Statement of Changes HC 217.
- A minor drafting amendment has been made to para. CRW4.1 to align with the revised version of the equivalent rule (CRV4.2) in Appendix Temporary Worker – Creative Worker (for applications submitted on or after 8 October 2024)

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

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

Sponsoring a Government Authorised Exchange Worker – updated sponsor guidance

The Home Office (UKVI) have updated their guidance for sponsors on sponsoring a Government Authorised Exchange Worker. The guidance has been updated to reflect the initial roll-out phase of the new sponsorship service (Sponsor UK) for selected Government Authorised Exchange sponsors ('PB1 sponsors') and to make some other minor amendments, detailed within the guidance.

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

Part 1 – 3 of the sponsor guidance have also been updated to reflect the above changes and to make other minor housekeeping changes. The updated sponsor guidance can be viewed [here](#).

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

<https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>

Endorsing bodies: Innovator Founder and Scale-up visas

The Home Office (UKVI) have updated the list of authorised organisations who are eligible to endorse applicants in relation to the Innovator Founder and Scale-up visas.

The updated list of endorsed funders can be viewed [here](#).

<https://www.gov.uk/government/publications/endorsing-bodies-innovator-founder-and-scale-up-visas>

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>

Studying in the UK

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/guidance/visa-processing-times-applications-outside-the-uk>

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

Sponsorship – please note...

Scam calls to sponsors

The Home Office (UKVI) have warned Level 1 and 2 Users to be cautious if they receive an unexpected email, telephone call or letter from someone who claims to be from the Home Office.

The Home Office will never contact you to ask a Level 1 or 2 User for, or to verify their SMS user ID or password or to provide you with a link or password with which to log into the Sponsorship Management System (SMS).

SMS users must not give their user ID or password to anyone else.

If you are contacted by the Home Office and you have any concerns you can call them on 0300 123 4699 or by email at BusinessHelpdesk@homeoffice.gov.uk (employment sponsors) or EducatorsHelpdesk@homeoffice.gov.uk (education providers).

Sponsorship Management System (SMS) Login – Keeping User ID and Passwords secure

SMS users are reminded to keep their User ID and Password secure. Passwords should be strong, long and unique. They should not be shared across multiple websites or applications.

Users should also consider changing their passwords periodically by using the 'Change Password' function from the left-hand menu in the SMS system.

Other Immigration News

Dependant family members in work routes – updated Caseworker guidance

The Home Office (UKVI) has updated the guidance for their staff on considering applications from people who wish to enter or remain in the UK as a dependant of a family member.

The key changes to this guidance are as follows:

- The guidance has been updated to reflect the change to care worker dependant requirements. Unless an exemption applies, the dependant must not be applying as the partner or child of a Skilled Worker who is sponsored for a job in the occupation SOC code '6135 – Care workers and home carers' (previously 6145) or '6136 – Senior care workers' (previously 6146). Please refer to the 'Care workers and senior care workers' section for further information.
- Amendments have been made to the list of occupation (SOC) codes that require the Skilled Worker and any Dependant Partner applying with them for entry clearance to provide a criminal record certificate from the relevant authority in any country in which they have been present for 12 months or more (in total or continuously) in the 10 years before the date of application, and while aged 18 or over.

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

<https://www.gov.uk/government/publications/dependent-family-members-in-work-routes-immigration-staff-guidance>

Changes to the commercial partner visa application services

The Home Office (UKVI) has published further information on the visa application centres that will change commercial partner on 19 November 2024.

A list of the locations that are due to change and have already changed commercial partner can be viewed [here](#).

TLScontakt also became the commercial partner for UK Visa and Citizenship Application Services (UKVCAS) on 15 October 2024. This change does not affect the application decision, processing times, or appointment availability. However, appointment availability may be limited for a short time.

<https://www.gov.uk/government/publications/changes-to-the-commercial-partner-visa-application-services>

Assessing relationship with Dependant Partner

The Home Office (UKVI) has updated the guidance for their staff on how they should assess a person's relationship with their partner under Appendix Relationship with Partner to the Immigration Rules. The guidance has been updated to add reference to Appendix Afghan Relocation and Assistance Policy (ARAP).

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

<https://www.gov.uk/government/publications/relationship-with-a-partner-caseworker-guidance>

Proving English language abilities with a secure English Language test (SELT)

The Home Office (UKVI) has published an updated list of approved test centres for secure English Language tests (SELT) for both inside and outside the UK.

The updated list of approved SELT test centres can be viewed [here](#).

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

Applying for Indefinite Leave to Remain under the Turkish European Communities Association Agreement (ECAA)

The Home Office (UKVI) have updated their guidance for their staff on deciding applications from self-employed Turkish business person, Turkish workers or their family members who have leave under the ECAA and now are applying for indefinite leave to remain (ILR) in the UK.

The guidance has been updated to reflect the changes to the Immigration Rules made in Statement of Changes HC 217, laid before Parliament on 10 September 2024, to replace the continuous residence rules in Appendix ECAA Settlement with reference to relevant provisions of Appendix Continuous Residence.

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

<https://www.gov.uk/government/publications/appendix-ecaa-indefinite-leave-to-remain-ilr-and-further-leave-to-remain-flr>

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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