

COVID-19 and UK Immigration: Impacts and Updates

Celsius Powered by Brunel has asked our UK immigration partner for their feedback in response to the many questions raised throughout the COVID-19 crisis. This information was produced on the 16th April 2020.

Impacts for UK Businesses

- Confusion around new policies and exceptions for various UK visa types.
- Inability to submit timely applications and meet visa requirements.
- Global application centre closures
- Challenges in meeting compliance responsibilities.
- Quarantine impact on sponsored workers.
- Uncertainty on what is next in post-pandemic world.

Frequently asked questions from clients about UK immigration and changes to policy

Are there any changes to the Right to Work checks?

- Yes, there are temporary changes to the requirements to make it easier for employers to carry out Right to Work checks. Checks continue to be necessary and it remains an offence to knowingly employ anyone who does not have the right to work in the UK.

Can businesses accept electronic copies of documents?

- Yes, e-documents will be accepted during this period. However, when the temporary measures end, you will be asked to carry out retrospective checks on existing employees within 8 weeks of the COVID-19 measures ending.

Is it permissible to furlough Tier 2 migrant workers?

- Yes, is this is part of a companywide policy to avoid redundancies, and in which all employees are treated equally.

Do sponsors need to report salary reductions due to furlough?

- Yes, salary reductions must be reported via the sponsor management system as usual.

Do sponsors need to report absences and home working arrangements?

- No, there is no need to report employee absences and home-working arrangements in place due to COVID-19.

Are sponsors required to report change of circumstances during this period?

- Yes, change of circumstances must be reported as usual; a submission sheet with e-signature will be accepted.

Will sponsors and individuals be penalized if they have not been able to assign an RCoS? What is the procedure for expired RCoS?

- No, Individuals and sponsors will not be penalized if they have not been able to assign an RCoS due to COVID-19. The UKVI Coronavirus Immigration Team has introduced temporary procedures for expired RCoS. These can be reapplied for citing circumstances of COVID-19 impacts, these applications will be considered outside the usual monthly cap on applications. That said the Resident Labour Market Test (RLMT) threshold of 6 months does still apply.

All application centres are closed. Can we continue submitting in-country applications?

- Yes, and you must continue to do so. If employees already have leave in the UK, and their employment/assignment continues, they must apply for an extension. The date of online submission is the date of application.

Additional services are suspended. Can applications be submitted under a standard/postal route?

- Yes, applications can be submitted under the standard route. However, decisions will not be made until biometrics are provided.

Can individuals switch in country (e.g. Tier 5 holders switching to Tier 2)?

- Yes, it is permissible to switch in-country including if they would usually apply for a visa from their home country. They will need to meet the same visa requirements. This applies only to those whose leave has been automatically extended to 31st May 2020.

How soon can individuals start a new role following Change of Employment application?

- Individuals can start work before receiving a decision, if they have been assigned a Certificate of Sponsorship and met the relevant criteria. If the application is eventually rejected as invalid or refused, the sponsor will stop sponsoring them and they must stop working for the sponsor.

Will visa holders who stay in the UK after their visa expired suffer any detriment in the future?

- No, these individuals will not be subject to enforcement actions; and this period will not be held against them in future application (applicable to individuals whose leave expires between 24th January and 31st May 2020).

Are there any special provisions for those who cannot leave or extend their visas due to COVID-19?

- Yes, these individuals will not be treated as over stayers and their visas will be extended to 31st May 2020, if they cannot leave the UK due to travel restrictions or self-isolation related to COVID-19.

Do individuals whose 30-day short validity travel vignette (entry visa) expired need to apply for a replacement and pay the fees?

- No guidance has been published and any rumours about contingencies are unconfirmed.

Are there any special arrangements where there are compelling and compassionate circumstances?

- Yes, in such circumstances individuals may contact the British Embassy in their country of residence to discuss exceptional provisions.

What to expect next and how to prepare?

- A gradual return to normal service i.e. gradual opening of governments, borders and visa application centres.
- Despite opening of centres etc a backlog is expected with priority given to clearing this before any new applications are considered.
- Expect that additional health checks are put in place before, during and after the application process.
- Prepare to be more flexible with start dates/on boarding of new assignees.
- Plan and prepare new assignments in advance so that applications can be submitted as soon as the centres are open.

- Review compliance responsibilities that may require immediate action.
- Ensure employee records are maintained and updated.
- Continue to monitor the expiry dates of visas.
- Report necessary changes to the UKVI.

If you would like to receive further information related to Celsius Powered by Brunel's immigration services or hear more about how we can support you and your employees to relocate to the United Kingdom then please do not hesitate to contact us.

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