



## UNITED KINGDOM | COVID-19 EMPLOYER FAQ

As many businesses across the United Kingdom have been forced to close their doors or limit their services as a result of measures to combat COVID-19, Newland Chase is aware that employers currently employing migrant workers will require clarification on how this impacts their visa holding workforce.

We have outlined below some frequently asked questions and current immigration policy relevant to UK employers that should prove informative.

### UK RIGHT TO WORK CHECKS

Employers are still required to prevent illegal working, and must check a person's permission to work to obtain a statutory excuse against prosecution or a civil penalty. Employers must not employ someone who cannot evidence their right to work in the UK.

In most circumstances the prescribed method is to conduct a Right to Work check in person before an individual commences employment, however due to social distancing measures taken to combat COVID-19, this is not currently possible.



#### Are there any changes with regard to Right to Work checks?

**NC:** Yes. As of 30 March 2020, the Home Office has published temporarily adjusted guidance on how Right to Work checks can be carried out during the COVID-19 pandemic. As the UK government has advised that those able to work from home or remotely must do so throughout the pandemic, a temporary statutory excuse can be obtained by checking an individual's documents online over video calls.

There are two options here.

#### 1. *Where an employee holds a valid Biometric Residence Permit (BRP)*

An employer must request permission (for a sharecode) to view the employee's online right-to-work documentation and follow up with a video call to verify the details.

2. *Where the individual does not hold a BRP*, each new hire or existing worker will need to send:

- a scanned document or photograph of their documents (passport, ID Card etc.) evidencing their right to work; and
- subsequently arrange a video call with the worker to identify them and view their documents.

Once COVID-19 measures come to an end, an employer is required to conduct a follow-up and in-person Right to Work check within eight weeks.

Where an applicant has an outstanding immigration application, an Employer Checking Service request should be submitted.

*Please speak with your Newland Chase immigration specialist or [contact us](#) for further assistance and information on how to conduct a compliant Right to Work check.*

## SPONSOR LICENCE HOLDERS: DUTIES AND OBLIGATIONS

---



### Do sponsors need to report absences and home-working arrangements?

**NC:** No. Absences due to illness, isolation or inability to travel back to the UK due to travel restrictions as a result of COVID-19 do not need to be reported on the Sponsor Management System.

The same applies for sponsored employees currently working from home whilst in the UK due to coronavirus.

The Home Office has confirmed that it will not take action against sponsors who continue to sponsor employees despite absences due to coronavirus.

Other changes to a sponsored worker's arrangements must still be reported as usual (such as a change in job title or job duties and responsibilities).



### Do sponsors need to report salary reductions?

**NC:** Yes, salary reductions or increases must still be reported via the Sponsor Management System as usual. You are permitted to temporarily reduce the pay of your sponsored employees to 80% of their salary or £2,500 per month, whichever is the lower figure.

Reductions must be part of a company-wide policy, temporary, and the employee's pay must return to previous levels once temporary COVID-19 measures are withdrawn.

Home Office Guidance is available [here](#).



### Are sponsors required to report sponsor changes of circumstances during this period?

**NC:** Yes, sponsors are still required to update the Home Office with changes to their business (such as a merger, acquisition, takeover, change in legal name, or change in premises etc.). The Home Office will temporarily accept submission sheets with electronic signatures as opposed to wet signatures.



### Will sponsors and individuals be penalised if they have not been able to assign a Restricted Certificate of Sponsorship (RCoS)? What is the procedure for expired RCoS?

**NC:** The Home Office's dedicated Coronavirus Immigration Helpline has confirmed that an individual will not be penalised if their sponsor has been unable to assign an RCoS to them within the three-month period.

The Home Office has further confirmed that individuals will not be penalised if they have been unable to submit an application at a Visa Application Centre (VAC) within the further three-month period, due to a number of VACs being closed as a result of the coronavirus outbreak.

If the three-month period to assign the RCoS has expired and an RCoS is still required, a sponsor should submit another RCoS application and email the Tier 2 Limit Team stating the reason why the RCoS was not assigned or the visa application was not submitted.

This "additional" RCoS application will be considered outside of the monthly panel process.

*For more detailed information and further assistance please speak with your Newland Chase immigration specialist or [contact us](#).*

## VISA APPLICATION CENTRES

---



### All application centres are closed. Can we continue to submit in-country applications?

**NC:** 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.

The UK Visa and Citizenship Application Services (UKVCAS), led by Sopra Steria, have temporarily suspended all services to help protect the health and wellbeing of their customers and staff.

If an appointment has been booked and missed due to application centre closures, UKVCAS will automatically reschedule the appointment. If no appointments were available at the time of submitting an application, it is recommended that the applicant regularly logs in to the Sopra Steria website to check for appointment availability.

It is possible that Sopra Steria will send an email informing applicants awaiting an appointment when the above is possible.



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

**NC:** Yes, applications can be submitted under the standard service route (as opposed to priority or super priority). However, decisions will not be made until an applicant has submitted their biometric data once they have been able to attend an appointment.

## UK VISAS DUE TO EXPIRE

---



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

**NC:** Yes. If an individual is unable to leave the UK because of travel restrictions or self-isolation as a result of COVID-19, and their UK visa is due to expire between 24 January 2020 and 31 May 2020, measures have been put in place to extend their status to 31 May 2020.

This extension date may be adjusted depending on whether the UK lockdown is further extended, but the Home Office is yet to confirm an alternative date. Obtaining this extension is not automatic and must be applied for directly and by each eligible applicant. This means each family member, if applicable, must apply independently.

The Home Office has stated that: *“No individual of any nationality whose leave has expired or is due to expire between 24 January 2020 and 31 May 2020, and who cannot leave the UK because of COVID-19, will be regarded as an overstayer or suffer any detriment in the future.”*

Newland Chase recommends that all documents confirming inability to leave the UK are retained, such as flight cancellations or advice as provided by an individual’s home government.



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

**NC:** This is a query that has been submitted to the Home Office for urgent attention, and is being followed up on by the Immigration Law Practitioners Association (ILPA). No official guidance has been published yet – but any information regarding the Home Office’s stance on expired entry clearance vignettes due to COVID-19 will be circulated once released.

## SWITCHING IMMIGRATION CATEGORIES FROM WITHIN THE UK

---



Can individuals switch in-country, e.g., Tier 5 visa holders switching into Tier 2 (General)?

**NC:** UK visas are currently being extended until 31 May 2020 – but only if an individual’s visa is to expire between 24 January 2020 and 31 May 2020.

An individual can apply from the UK to switch to a long-term UK visa until 31 May 2020 and this includes applications where they would usually need to apply for a visa from their home country.

Applicants will need to meet the requirements of the route they are applying for and pay the UK application fee. At present, this applies only to those whose visa has expired or will expire before 31 May 2020. The terms of their current visa will remain the same until their application is decided.



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

**NC:** The Home Office has confirmed that a sponsor may allow an applicant to commence employment before their visa application has been decided if:

1. The sponsor has assigned them a Certificate of Sponsorship (CoS);
2. The employee submitted their application before their current visa expired;
3. The role they are employed in is the same as that specified on their CoS.

A sponsor's reporting responsibilities for an employee start from the date you have assigned them a CoS, not from the date that their application is granted.

A sponsor will not be able to report information to the Home Office using the Sponsor Management System (SMS), as a decision on the application would be pending.

As such, sponsors must ensure that they record and maintain all the relevant information set out in the sponsor guidance internally until updates on the SMS resume as normal.

If the employee's application is eventually rejected as invalid or refused, the sponsor must terminate their employment.

---

**We're here to help.** [Contact us](#) to schedule a consultation to learn how we can support your business during and after the COVID-19 pandemic and keep up-to-date with the latest COVID-19 travel and immigration updates on our dedicated online resource – [COVID-19: Latest Travel and Immigration Disruption](#). We also invite you to attend or to download one of our [regional webinars](#), which address changes both globally, regionally and country by country.

This white paper was prepared by [Tony Butterworth](#) and [Darren Faife](#), Managing Directors, Newland Chase UK.

This publication is not intended as a substitute for legal advice. Readers are reminded that immigration laws are subject to change. We are not responsible for any loss arising from reliance on this publication. Please contact Newland Chase should you require any additional clarification or case-specific advice.

**Newland Chase**, a wholly-owned subsidiary of CIBT, is the leading global provider of immigration and visa services for corporations and individuals with over 1,700 expert immigration and visa professionals, attorneys and qualified migration consultants located in over 70 offices in 25 countries.

With thirty years of experience, **CIBT** is the primary service provider to 75% of Fortune 500 companies. CIBT offers a comprehensive suite of services under two primary brands: Newland Chase, focused on global immigration strategy and advisory services for corporations worldwide and **CIBTvisas**, the market leader for business and other travel visa services for corporate and individual clients.