

25 March 2020

3CS News Bulletin

Immigration Update

The world, and of course specifically the UK at the moment, is going through unprecedented changes. After a period of some uncertainty, we are now in a position to bring you an update on what this means for UK immigration law.

- Visa centres in Japan, South Korea, China, USA, Canada, Malaysia, Philippines and many more are now closed - with more set to close shortly. This means it is **NOT** possible to make an Entry Clearance application from those locations at the moment. Of course, at this stage, we do not have any information on when they may reopen. We are now booking appointments at some of these centres for clients for later on (e.g. May), so that they are **ahead of the rush** when the centres do reopen.
- For some Entry Clearance centres (i.e. those outside the UK) that are still open, the priority services are no longer available - be sure to check before paying for these.
- If your Tier 2 workers in the UK are working from home as a result of the Covid-19 situation, this does **not** need to be reported via the Sponsorship Management System as a change of work location. This is a temporary relaxation of the reporting requirements - but note that all other reporting duties remain in place.
- Migrants (in any category, including Visitors) who are already in the UK legally but cannot leave the UK in accordance with their visa expiry date due to travel restrictions or self-isolation related to Covid-19 will **not** be classed as overstayers or in breach of Immigration Rules. However, to be covered by this, you must contact the Home Office's Coronavirus Immigration Team to explain the circumstances - they will then grant an extension to the visa to 31st May 2020 (it is only currently available to those with visas expiring between 24th January and 30th May 2020). Be aware that this is not an automatic extension - you will need to demonstrate to the Home Office that you have been unable to return to your country of residence as a result of either flight restrictions or legitimate self-isolation as a result of Covid-19. We are already assisting on this, of course let us know if you require support in applying to the Home Office under this basis.
- Keep in mind that Right to Work checks still apply, and so if you are sponsoring a migrant worker who needs to utilise the above method of extending their visa to 31st May, you will need to see evidence of their approval. The Home Office will make this available via the Coronavirus Immigration Team.
- Individuals currently in the UK and who want to change to a different visa type will **not** have to leave the UK to apply for Entry Clearance. There is now in place a general permission to **switch in-country** from your current visa category to any other. This will include, for example, Tier 5 Youth Mobility Scheme changing to Tier 2 (General), Visitors changing to Tier 2, etc. You will still need to meet the usual requirements of the route. At this time, it is not clear as to whether there is an exemption from the Tier 2 cooling-off period, although our current understanding is that there is not such an exemption in place - i.e. Tier 2 (ICT) would only be able to switch to Tier 2 (General) if they meet the High Earner threshold.
- The above arrangements are understood to be in place only initially until **31st May 2020** - it is possible they may be extended after that time, or otherwise varied (or entirely removed, bringing us back to the usual rules and requirements) depending on the status of the Covid-19 outbreak at that time.



3CS remains fully operational during this time, and are ready to assist our clients with all their needs. Please do not hesitate to speak to a member of the team.

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This newsletter is designed to provide general information only. It does not constitute legal or other professional advice and thus should not be relied on. Definitive advice can only be given with full knowledge of all relevant facts. If you would like to discuss any aspect further, please contact us.

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