

## **Impact of coronavirus on migrant workers – FAQs**

The following FAQs set out the Home Office guidance for migrant workers in light of the Covid-19 pandemic. The Home Office is regularly updating their guidance as the crisis develops. Those seeking to make an application to the Home Office should also consult the Home Office's guidance before making an application. The guidance can be found [here](#).

### **Tier 2/Tier 5 workers**

**1. *I am sick/self-isolating/absent from work due to coronavirus. Will this affect my immigration status?***

No. Your employer is not obliged to report your coronavirus related absence to the Home Office. Permitted absences which do not need to be reported include those due to illness, the need to isolate or inability to travel due to travel restrictions. Sponsorship does not need to be withdrawn if an employee is absent from work without pay for more than 4 weeks, for reasons related to the coronavirus.

**2. *I am now working from home full time. Does my employer need to notify the Home Office?***

No. Employers do not need to report your change in working arrangements due to working from home.

**3. *My employer has reduced my hours and my pay due to coronavirus. Will this impact on my immigration status?***

Employers are permitted to make reductions in salary. Provided your salary is within the current appropriate rate requirements for your role as set out in the Immigration Rules for Tier 2 workers, and the Standard Occupational Code, and the hours also meet the requirements in the Rules and Sponsor guidance, this is permitted.

**4. *Do the furlough provisions cover Tier 2 migrants?***

Yes. The government guidance on the Coronavirus Job Retention Scheme found [here](#) confirms that the scheme can be applied to foreign nationals, regardless of the category of visa they are on. It also confirms that grants under the scheme are not counted as 'access to public funds'.

Employers are permitted to furlough their staff as per the government guidance and the Home Office has made provision for Tier 2 migrants. Their guidance, published on 3 April 2020, confirms that employers can temporarily reduce the pay of sponsored employees to 80% of their salary or £2,500 per month, whichever is the lower. Any reductions must be part of a company-wide policy to avoid redundancies and in which all workers are treated the same. It is not clear whether it is permitted for the salary to fall below the minimum salary level set out in the Immigration Rules and the particular Standard Occupational Code for an employee's role once the salary has been reduced.

These reductions must be temporary, and the employee's pay must return to at least previous levels once these arrangements have ended.

Sponsors must report any reductions in pay within the usual timeframe set out in the Tier 2 and 5 sponsor guidance where possible.

**5. *I am a sponsored worker and I have been made redundant. How does this impact on my immigration status?***

If you are made redundant, your employer must report the withdrawal of your sponsorship to UKVI. UKVI will then, at some point, take steps to curtail (cut short) your leave. This is normally to 60 days. You are expected to use the 60 days to either leave the UK or make a new application with a new sponsor or in a different category. If you cannot leave the UK and there is no application you can make, you may be able to rely on the provisions set out at question 10 below.

**6. *I was assigned a certificate of sponsorship ('CoS') but I have not been able to apply for a visa due to the visa centre closing. Will I still be able to apply at a later date?***

It is still possible to submit a visa application at the present, although applications are being discouraged. The visa application centres have been closed and applicants cannot submit their biometrics, which is an integral part of the application. Decisions are likely to be delayed or applications which haven't been made, postponed. This may mean that the start date for the commencement of your employment set out on the CoS may have changed. This will not result in an automatic refusal of an application. The Home Office has confirmed that they may accept a CoS which has become invalid because the employee was unable to travel as a result of coronavirus. Applications will be considered on a case by case basis.

**7. *I was offered a new job and have applied for leave under Tier 2 and am waiting for a decision. Am I permitted to start my new job before the application is considered?***

Yes, given the current delays, the Home Office have permitted new hires to start work temporarily, subject to certain conditions. You are permitted to work if:

- You have been assigned a Certificate of Sponsorship (CoS);
- You submitted an application before your current visa expired and can prove this to your sponsor. For instance, you could show them a copy of the online application form which confirms the date of submission and that the fee has been paid; and
- The job you start is the same job as the one listed on the CoS you have been assigned.

If your application is later refused, you will need to stop working and your employer will no longer be able to sponsor you.

**8. *I have been issued with a visa and have a 30 day vignette allowing me to travel to the UK. Due to coronavirus related travel restrictions I am unable to do so. What should I do?***

There has been suggestion that the expired entry clearance vignette will be extended automatically for 30 days after the date of expiration. This has not yet been confirmed in guidance and it will be important to review the Home Office guidance for updates.

**9. *I am stuck outside the UK and unable to return due to coronavirus. How will this impact upon my application for indefinite leave to remain as a Tier 2 migrant?***

The Home Office has not provided specific guidance for those stuck outside the UK and the impact this will have on their absences for the purpose of a future application for indefinite leave to remain. The Home Office has however said that no one will be prejudiced as a result of the pandemic. We would therefore hope that the Home Office will take a pragmatic approach to future applications. We

would recommend that anyone in this position retains documentation of the reasons for their absences e.g. evidence of travel restrictions/flight cancellations/ correspondence with employer etc.

**10. My leave is due to expire. What should I do?**

It is still possible to submit an application for further leave to remain/indefinite leave to remain in the UK. Applications are made online in the usual way. The application process requires applicants to submit their biometrics with UKVI's partner, Sopra Steria, at one of their application centres. At present, all application centres are closed and it is not possible to submit biometrics and applications are not being progressed. Anyone who submits an online application, and pays the application fee, prior to their leave to remain expiring will have made a valid in-time application. This means that their leave to remain will be automatically extended until such time that a decision is made. In the interim, the conditions of their leave will remain the same e.g. employment restricted to Tier 2 employer/no recourse to public funds. You will need to book a biometric appointment once the application centres have re-opened.

**11. My visa is expiring and I had planned to leave the UK. I cannot leave the UK due to coronavirus restrictions. What can I do?**

The Home Office has published guidance for those in the UK whose leave is due to expire between 24 January 2020 and 31 May 2020 and cannot leave the UK because of travel restrictions or self-isolation related to coronavirus (COVID-19). The Home Office will extend your leave to 31 May 2020 if you cannot leave the UK because of travel restrictions or self-isolation related to coronavirus (COVID-19).

You must update the Coronavirus Immigration Team by completing an online [form](#).

You should receive a response from the Home Office within 5 working days.

If the reason you need to leave the UK is to be able to apply to switch into a different immigration category, you may be able to apply exceptionally from within the UK. The Home Office has announced that up until the 31 May 2020, those visa applicants who must normally leave the UK in order to apply for a long-term UK visa in a different category, will be able to apply from within the UK if they are unable to leave due to travel restrictions or self-isolation. You will still be expected to meet the requirements for leave in the category you are applying under.

**12. I am due to start a new job. How do I prove my right to work?**

The Home Office has published revised guidance on right to work checks. The guidance allows for adjustments to be made to the way in which right to work checks are carried out, taking into account the current government guidance on social distancing and widespread working from home practices. As such, employers are temporarily able to carry out these checks via video call, having first received your documents electronically.. If you are unable to send the required documentation, your employer can also use the Employer Checking Service if you give permission. If confirmed, this will give your employer a further 6 month period to be able to make and document the necessary checks. In all circumstances, the employer must keep a record that the right to work check has been carried out, with reference to the adjusted method to carry out the check in light of Covid-19. You will be asked to show the original documentation, and undergo a further right to work check, once the restrictive measures due to the coronavirus (COVID-19) have been lifted.

**13. My landlord wants to check my immigration status. What should I do?**

The Home Office has published guidance on the adjustments landlords can make in carrying out right to rent checks on tenants. The checks still need to be made but your landlord and carry on the checks by video and should accept a scan of your ID documents as proof of your right to rent.

**EU/EEA nationals and their family members**

**14. Has the deadline to apply under the European Settlement Scheme (EUSS) been extended?**

No. The deadline for those resident in the UK to apply under the scheme remains the same – 30 June 2021.

**15. Can I still make an EUSS application?**

Yes. It is still possible to submit an EUSS application. Those with biometric ID documents (EU nationals with biometric passport/biometric ID card/ non EU nationals with UK issued BRP) can download the EU Exit: ID Document Check app to verify their identity. Applicants can then complete and submit the online form and electronically upload any supporting documents.

**16. I do not have a smart phone which supports the EU Exit: ID Document Check app. Can I attend a scanning location to scan my document?**

No. Scanning locations are currently closed due to coronavirus.

**17. Can I submit my ID document by post to the Home Office for verification?**

The postal route for submitting identity evidence is currently suspended. Applications cannot be submitted via this route at the present time. This means that for EU nationals without a biometric passport/ID card and non EU nationals without a UK issued BRP, will be unable to verify their identity at this time and the application will be delayed.

**18. I have queries about my application under the EUSS. Who can I contact?**

The Settlement Resolution Centre call centre is currently closed and is not able to deal with any telephone queries. It is however possible to submit queries by [email](#).

**Tier 4 Migrants**

**19. My visa is expiring and I had planned to leave the UK. I cannot leave the UK due to coronavirus restrictions. What can I do?**

The Home Office has published guidance for those in the UK whose leave is due to expire between 24 January 2020 and 31 May 2020 and cannot leave the UK because of travel restrictions or self-isolation related to coronavirus (COVID-19). The Home Office will extend your leave to 31 May 2020 if you cannot leave the UK because of travel restrictions or self-isolation related to coronavirus (COVID-19).

You must update the Coronavirus Immigration Team by completing an online [form](#).

You should receive a response from the Home Office within 5 working days.

If the reason you need to leave the UK is to be able to apply to switch into a different immigration category, you may be able to apply exceptionally from within the UK. The Home Office has announced that up until the 31 May 2020, those visa applicants who must normally leave the UK in order to apply for a long-term UK visa in a different category, will be able to apply from within the UK if they are unable to leave due to travel restrictions or self-isolation. You will still be expected to meet the requirements for leave in the category you are applying under.

***20. I am a tier 4 student and am unable to return to the UK due to travel restrictions? Will my visa be cancelled?***

The Home Office has confirmed that students are able to continue their studies through distance learning, whether they are in the UK or another country. Sponsors do not need to notify the Home Office when a student has moved to distance learning.

***21. I have been issued a tier 4 visa but I have not been able to travel to the UK because of coronavirus. Will my visa be cancelled?***

No. Sponsors do not need to withdraw sponsorship for new students who have been issued a Tier 4 visa but are distance learning because they have been unable to travel to the UK.

***22. I have been assigned a CAS but not yet applied for a visa. Can I still apply?***

Yes. It is still possible to submit a visa application at present although visa application centres are currently closed which is likely to result in delays to applications. New international students who have not yet applied for a visa but want to start a course by distance learning do not require sponsorship under Tier 4. This is because they do not need to travel to the UK.

***23. I have applied for a Tier 4 visa from within the UK in order to start a new course of study. Can I start my course before my application is decided?***

Yes, subject to certain exceptions. The Home Office has temporarily agreed that you can start a course or studies before your application is decided if:

- Your sponsor is a Tier 4 sponsor;
- You have been given confirmation of acceptance for studies (CAS);
- You applied before your current visa expired and can provide evidence of this to your sponsor. For instance, you may want to show them a copy of the application form you submitted online, which confirms the date of submission and the fee paid;
- The course you are starting is the same one listed on the CAS issued to you; and
- You have a valid Academic Technology Approval Scheme (ATAS) certificate, if this is required.

If your application is later refused, you will need to stop studying.

***24. I am sick/self-isolating/absent from my studies due to coronavirus. Will this affect my immigration status?***

No. The Home Office has confirmed that the university does not need to report student absences related to coronavirus. They will not need to withdraw sponsorship if because of coronavirus you are unable to attend for more than 60 days.

**Naturalisation applications**

***25. I am planning to apply to naturalise as a British citizen. Can I still apply?***

Applications for naturalisation as a British citizen can still be submitted to the Home Office for consideration. Online applications require applicants to attend a Sopra Steria application centre to enrol their biometrics as part of the process. These centres are temporarily closed and appointments cannot be made at the present time. This may lead to delays in the processing of applications.

Similarly for those with applications pending, if an application is approved a citizenship ceremony must be attended. All ceremonies have currently been suspended until further notice.

**General**

Anyone with queries regarding their immigration status and the impact of coronavirus can contact the Coronavirus Immigration Help Centre. Email: [CIH@homeoffice.gov.uk](mailto:CIH@homeoffice.gov.uk). They aim to respond to your email within 5 working days. Alternatively, you can call their telephone help-line on 0800 678 1767. As the first port of call, we would recommend emailing; this will provide a written record of any advice you are given should you need to rely on it in the future.

You should also contact the Coronavirus Immigration Help Centre if you need a status letter confirming a visa extension, or a new Biometric Residence Permit with a revised expiry date.