



# All your COVID-19 UK Immigration questions answered

We have done our best to answer the main UK immigration and arrival questions thrown up by the coronavirus pandemic. These are based on the major urgent questions firms and individuals have been contacting us with, as well as the latest Home Office updates.

## COVID-19 FAQs for sponsoring employers

### 1) Can firms still conduct right to work checks without seeing someone in person due to coronavirus measures?

During the coronavirus pandemic, the Home Office have allowed remote right to work checks. This means employers do not need to lose out on statutory protection against illegal working penalties if new joiners send scanned copies of their evidence, then hold the originals up to camera on a video call, with dated records kept of these checks.

The Home Office concession allowing remote checks has now been extended once again until 5 April 2022. This will be a relief for HR staff who did not relish insisting on in person checks for prospective staff before social distancing measures are lifted.

From 6 April onwards, prospective employees will still be able to send their original documents by post or courier and employers check their likeness over a videocall if that is preferable to an in person check. Though not everyone may feel comfortable entrusting important documents to a courier service. There will be a further announcement regarding the situation from 6 April.

The Home Office has also confirmed that employers do not need to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 5 April 2022.

Do, as always, be aware that while third parties such as recruiters and professional advisers may provide systems for such checks, the responsibility for conducting them (and the consequences for not conducting them) remains with the employer, according to the Home Office.

Employers must take care not get caught by changes. Since lockdowns have ended, the Home Office has resumed compliance visits as well as issuing fines for right to work check breaches.

## 2) Can sponsored staff work from abroad due to the pandemic?

This is a question that often comes up. The answer is yes, although, sponsors will need to ensure they continue to meet their record keeping, reporting and other sponsor duties throughout the time the employee is working overseas.

Sponsors should make a report on the Sponsorship Management System notifying UK Visas and Immigration (UKVI) of the temporary change of work location.

The employee will also need to be careful to ensure that their absences do not exceed the 180 day (in any 12 month rolling period) threshold. Although note that changes to the Immigration Rules that came into effect from 1 December 2020 specify that absences due to travel disruption related to a pandemic will not be counted towards the 180 day limit.

Employees should retain evidence of any travel disruption to support future applications for indefinite leave to remain.

## 3) Can firms postpone a skilled worker's start date?

Normally once a CoS has been assigned the employee only has three months to submit the online visa or leave to remain application form. The Home Office has stated that applications submitted beyond the three months will not be automatically refused, if for example the individual was unable to travel. This will be looked at on a case by case basis. If a sponsored employee is in this position it is still worth submitting the application. If the application is approved the sponsor will be able to extend the start date by way of a sponsor note provided this is done before the application is submitted.

For those whose visa has already been issued sponsors are not normally permitted to extend the start date by more than 28 days, although the Home Office has confirmed that compelling circumstances will be considered, including where the start date cannot be met due to the pandemic.

## 4) Can sponsored staff work from home?

During the pandemic the Home Office relaxed certain reporting requirements. With many workers still working at home, the Home Office confirmed that employers with sponsor licences will not have to report a change of location for sponsored migrants working from home on the Sponsorship Management System (SMS).

## 5) Do sponsors need to report employees' sickness absences and self-isolating to the Home Office?

There is no need for sponsors to report sponsored staff sickness absence, the need for self-isolation or indeed an inability to travel due to travel restrictions if they are related to the coronavirus pandemic.

## Q6) How does absence without pay affect sponsored employees during the coronavirus pandemic?

Ordinarily a sponsor is required to report and to cease sponsoring a sponsored employee if they are absent without pay for more than four weeks (although there are exceptions). Under COVID-19 policy, sponsors are no longer required to withdraw sponsorship in these circumstances. We would advise that an absence over four weeks and return to work are reported on the SMS with an explanation of the circumstances.

## 7) What immigration concessions are there for health workers, coronavirus researchers and their employers during the pandemic?

Eligible frontline health and care workers, including midwives, radiographers, social workers and pharmacists can [apply for a free one-year visa extension](#) if their visa expires between 1 April 2021 and 30 September 2021. The scheme includes husbands, wives, partners and children under 18 dependant on eligible health workers' visas.

Front-line healthcare staff can be working for the National Health Service or an independent healthcare provider. They are encouraged to check with their employer if they are in an eligible profession. The Home Office have listed the following eligible professions:

- Biochemist
- Biological scientist
- Dental practitioner
- Health professional
- Medical practitioner
- Medical radiographer
- Midwife
- Nurse
- Occupational therapist
- Ophthalmologist
- Paramedic
- Pharmacist
- Physiotherapist
- Podiatrist
- Psychologist
- Social worker
- Speech and language therapist
- Therapy professional

### Who can apply for a health surcharge refund?

Anyone holding a relevant visa, who has worked in health and social care continuously for at least six months commencing on or after 31 March 2020 and has paid the Immigration Health Surcharge (IHS) may be eligible for a reimbursement. Their dependants may also be eligible for a reimbursement if the IHS has been paid for them. The current surcharge is £624. More details of the scheme can be found [here](#).

### Can health workers start work while awaiting a decision on a work visa application?

Those assigned a Certificate of Sponsorship (CoS) and applying for a Health and Care Worker visa or whose CoS was assigned before 1 January 2021 can start work before their visa application has been decided if they submitted their application before their current visa expired and they show their sponsor evidence of this and the job is the same as the one listed on the CoS.

If their CoS is assigned from 1 January 2021 and they are not applying under the Health and Care visa, they must wait until the visa application has been granted before starting work, unless their current visa allows such work.

### If you're working on coronavirus research

If you're a scientist researching coronavirus, you may be able to apply for a [Global Talent visa](#) using the UK Research and Innovation (UKRI) endorsed funder option, and you will only need confirmation from the endorsed funder of an award granted for a minimum of one year instead of the usual two for Global Talent. The minimum employment contract or hosting agreement only needs to be one year too. This concession has been extended until 31 December 2021 now.

The letter from the employer or host institution must confirm that the work is on a coronavirus related grant and provide the corresponding unique database reference number from the [UK Collaborative on Development Research COVID-19 Research Project Tracker](#). Applicants who are successfully endorsed under this Home Office concession and who are already in the UK, will be able to switch into the route from any other category of visa. Find out about the requirements for the coronavirus researchers [here](#).

### What other concessions are there for the work of health workers and their employers during the pandemic?

Temporary flexibility has been introduced around sponsored frontline healthcare staff working at different sites due to coronavirus; sponsors will not need to notify UK Visas and Immigration (UKVI) if, for example, staff have to work in a different hospital. Sponsored staff can also carry out supplementary work in any role at any skill level with no restriction on the number of hours they can do this.

There is also no longer a limit on the number of hours those with leave in the following categories can work or volunteer for the NHS:

- Student (including Tier 4 student) working for the NHS in a list profession
- Worker with a Skilled Work, Health and Care Work, Intra-company Transfer or T2 Worker visa and NHS job is a second job
- Visiting academic researcher
- Holder of a short-term visa and permitted to volunteer

In another coronavirus concession, pre-registration nurses or midwives on the Temporary Register in the UK have had the deadline to sit the Occupational Structured Clinical Examination (OSCE) extended to 30 September 2021. If they do not pass on the first attempt, they have until 31 December 2021 to pass the exam.

### How does the Coronavirus Bereavement Scheme work?

Family members of NHS and independent health and social care workers who die from COVID-19 will be offered immediate indefinite leave to remain free of charge.

UKVI will contact employers to identify those eligible and will arrange for them to be issued with indefinite leave to remain.

However, people who may be eligible and have not heard from the employer yet can contact the UKVI NHS team at: [email protected].