



Hewitsons Business Immigration

LEGAL UPDATE

April 2020

What's New

Immigration and COVID-19

The coronavirus outbreak has caused difficulties for most employers across the UK, but for those that sponsor migrant workers under the points-based system there have been additional issues to consider.

The Home Office has now published guidance to assist employers and individuals in dealing with immigration matters during the coronavirus pandemic. Hewitsons have prepared a detailed article about the key points to note which can be found [here](#).

The Home Office guidance for sponsors of workers under Tiers 2 and 5 of the points-based system in respect of dealing with sponsored workers during the coronavirus outbreak can be found [here](#), and the guidance for UK visa applicants and temporary residents can be found [here](#).

COVID-19: right to work checks temporarily adjusted

On 30th March 2020 the Home Office published new guidance on how employers may conduct 'right to work' checks during the coronavirus outbreak.

With effect from 30th March 2020 the following temporary changes to the usual right to work process have been made:

- Copies of documents, either scans or photographs, may now be provided instead of originals; and
- Verification of the documents can now be carried out via video call with the worker.

In order to conduct a right to work check during the coronavirus pandemic the following process should be followed:

- The worker should provide a scanned copy or a photo of their original documents via email or using a mobile app.

- A video call should then take place to verify the document. The worker should be asked to hold up the original documents to the camera so that this can be checked against the copy documents.
- The date that the check was made should be recorded on the copy and the following wording should be used “adjusted check undertaken on [insert date] due to COVID-19”

The guidance confirms that these amendments will be temporary and that all checks conducted under this new procedure will need to be reviewed in accordance with the normal procedures within eight weeks of the Home Office announcing the end to these Covid-19 measures.

The Home Office Guidance can be found [here](#).

Employing EU workers from 1st January 2021

Following the UK's official exit from the EU on 31st January 2020, we are currently in a transition period which will come to an end on 31st December 2020.

Whilst Brexit has now been pushed to the back of most employers' minds in light of the coronavirus pandemic it is important to note that employers will need to take steps now if they wish to employ EU workers from 1st January 2021.

Whilst EU workers are currently free to live and work in the UK until 31st December 2020, after this they will be subject to immigration control.

On 19th February 2020 the Government announced its proposals for the future immigration system which will take effect from 1st January 2021. As suspected, whilst there are some important changes, in essence the points-based systems which applies currently to non-EU workers will be extended to include EU workers.

Employers that wish to be able to employ workers from outside the UK (whether that is from the EU or otherwise) from 1st January 2021 shall therefore need to hold a sponsorship license and comply with the duties imposed by UK Visas and Immigration (UKVI).

On 9th April 2020 the Home Office released “[The UK points-based immigration system: an introduction for employers](#)” which provides an overview of the new points based system.

For further details as to what the new points based system will look like and the steps that employers should follow if they wish to continue hiring from overseas, see our full article [here](#).

WHAT TO LOOK OUT FOR

Increase to the Immigration Health Surcharge

The Immigration Health Surcharge is an annual charge that people from outside the EU/European Economic Area are currently required to pay where they are seeking to live in the UK for 6 months or more to work, study or join family. The charge permits visa holders access to the UK's National Health Service.

It was confirmed in the recent Budget that the Immigration Health Surcharge will be increasing from £400 to £624 per year of the visa. The discounted fee which applies to students, their dependents and those applying for Tier 5 (Youth Mobility Scheme) visas will also increase from £300 to £470 per year of the visa.

There will also be a slight change to visas for children, in comparison to the previous arrangements, as the surcharge will now be set at the lower £470 rate for all children under the age of 18.

These fees will be implemented from 1st October 2020 and will also be applicable to EU citizens submitting visa applications to enter the UK to live, work study or join family from 1st January 2021.

If you wish to discuss any of the contents of this article, please contact either Lynne Adams on 01908 247025, or [click here](#) to email Lynne, or contact Gemma Hill on 01604 463309, or [click here](#) to email Gemma.

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