



# CORONAVIRUS (COVID-19) BRIEFING: ADVICE FOR INDIVIDUALS

The Home Office has updated its guidance for [people in the UK whose immigration status is affected](#) by the coronavirus outbreak.

Following global closures in late March, on 1 June 2020 UK Visa and Citizenship Application Centres (UKVCAS) and Service and Support Centres (SSCs) as well as Visa Application Centres (VACs) worldwide began a phased reopening with limited services. Difficulties continue with regard to obtaining the needed biometric enrolment appointments and there continue to be delays to the processing of applications.

A list of the UKVCAS centres which have begun offering services is available [here](#). Please note, if you have provided fingerprints as part of a previous application, you may not need to attend a further appointment, see 'In-country switches' below.

To check for updates on which VACs worldwide have begun a phased reopening applicants will need to review the updates from either [TLS](#) or [VFS](#) depending on country of application.

English language test centres (previously closed) are also now reopening. Applicants can check their test centre by visiting the [IELTS website](#), [Pearsons Test of English website](#), [Trinity College London website](#) or the [LanguageCert website](#) or they may contact the relevant test centre directly for further information.

Applicants are also now able to again book Life in the UK tests through the [online portal](#).

## THOSE WITH 30 DAY ENTRY PERMITS WHICH HAVE EXPIRED OR ARE ABOUT TO EXPIRE

The government introduced a concession for those who have been issued 30-day entry permits to travel to the UK but who have been unable to do so because of COVID19.

For those visa holders whose permit has expired, or is about to expire, they can request a replacement visa free of charge until the end of this year.

To make a request, they will need to contact the [Coronavirus Immigration Help Centre](#), providing their:

- name
- nationality
- date of birth
- GWF reference number

The subject line of the email will need to be 'REPLACEMENT 30 DAY VISA'.

The UKVI will contact those who email when VACs reopen to arrange for a replacement visa to be endorsed in the visa holder's passport. The replacement vignette will be valid for travel for 90 days.



Visa holders will not be penalised for being unable to collect their BRP while coronavirus measures are in place.

This process will be in place until the **end of 2020**.

## **EXTENSIONS OF STAY**

Those who are in the UK and whose visa has expired or will expire between **24 January 2020 and 31 August 2020**, are able to contact UK Visas and Immigration to request their leave be extended to 31 August 2020 if they are unable to leave the UK due to travel restrictions or as a result of self-isolation related to coronavirus (COVID-19).

For those whose leave has expired or is about to, if they have not done so already, they need to immediately contact the Coronavirus Immigration Help Centre and provide the following:

- full name (include any middle names)
- date of birth (dd/mm/yyyy)
- nationality
- previous visa reference number
- why they can't go back to their home country, for example if the border has closed or flights are unavailable

The Coronavirus Immigration Help Centre will respond by email confirming that the visa extension has been approved.

UK Visas and Immigration continues to expect those whose leave expires to take all reasonable steps to leave the UK or to apply for further immigration permission before 31 August 2020.

These concessions were set to end on 31 July 2020, however, following pressure from practitioners and businesses and in light of the ongoing international travel restrictions, on 29 July UK Visas and Immigration announced this further 'grace period' to allow individuals to make the arrangements to leave the UK, to submit visa applications to remain in the UK or to make requests for 'exceptional indemnity' for those unable to leave before 31 August (see below). During this grace period, individuals will not need to contact the Coronavirus Immigration Help Centre for further extension and they will be able to continue to switch immigration status from within the UK.

After 31 August, if an individual is still unable to leave the UK and they have not made an application to remain, they must apply to the Coronavirus Immigration Help Centre for 'exceptional indemnity' for short-term protection from the penalties of overstaying. It will not serve as an extension of leave.

## **IN-COUNTRY SWITCHES**

Those whose leave expired or will expire between 24 January 2020 and 31 August 2020 and who wish to stay in the UK long-term can switch immigration categories in country, including exceptionally in circumstances where they would normally be required to apply for entry clearance from overseas, until 31 August 2020.

Those whose visas expire after 31 August 2020, but who urgently need to switch into a long-term visa category (eg due to a new job for which they are being sponsored) may also apply in-country to switch, following a further concession announced on 26 June 2020. These concessions will also continue during the grace period to 31 August 2020. This provision also applies to those whose leave has already been extended automatically to 31 May 2020. Applications can be submitted online and the terms of leave will remain the same until the application is decided.



The guidance requires the applicant to meet the all other visa requirements for the category in which they are applying. For many application types this would include meeting an English language requirement or obtaining a clean criminal record certificate or ATAS certificate (if required, see below), which is going to be a challenge, if not impossible at this time, and therefore a potential barrier to an application if there is no discretion on visa requirements.

If UK Visas and Immigration has a good record of an applicant's fingerprints, even though provided with a previous application, they will not need to provide these again nor will the applicant need to attend a UKVCAS appointment. The applicant will be emailed to confirm the previous records can be used and will be provided with instructions on sending a digital image of themselves and their supporting documents. We understand the system for providing the digital images is not yet live but is expected some time in August.

The guidance states that [Tier 2 and Tier 5 visa applicants](#) may start work before a visa application decision if:

- a Certificate of Sponsorship (CoS) has been assigned
- the application was submitted before the applicant's previous leave expired
- the job undertaken is the role for which the CoS was assigned.

The guidance also states that [Tier 4 visa applicants](#) may start their course or studies before their visa applications have been decided if:

- a confirmation of acceptance for studies (CAS) has been given to them by a Tier 4 sponsor
- the application was submitted before their current visa expired and the applicant can show their sponsor evidence of this
- the course they start is the same as the one listed on their CAS
- they have a valid Academic Technology Approval Scheme (ATAS) certificate, if required.

Without further confirmation, it is presumed that applications made under this provision would be treated as discretionary and therefore the processing time, as well as potential recourse in the case of refusal, is unclear. Undoubtedly, applicants will have to expect lengthy delays in the processing of such applications, not least because there is likely to be a backlog of applications caused by the current situation. It may therefore be a case of proceed with caution and consult an immigration advisor when considering submission of an application on this basis.

## **CONCESSIONS FOR FAMILY MEMBERS OF BRITISH CITIZENS AND THOSE SETTLED IN THE UK**

### **IN-COUNTRY APPLICATION TO SWITCH INTO FIANCÉ/FIANCÉE OR PROPOSED CIVIL PARTNER ROUTE**

In addition to the above concessions regarding in-country switching applications, those who are in the UK as visitors and who wish to extend their stay in the UK as a fiancé/fiancée or proposed civil partner may do so regardless of whether their visitor permission is due to expire before 31 August, so long as they meet all other visa rule requirements. This will remain the case through the grace period that runs to 31 August 2020.



## DELAYS TO MARRIAGE/CIVIL PARTNERSHIP CEREMONIES BECAUSE OF COVID-19

Fiancé/Fiancées and proposed civil partners whose ceremonies have been delayed because of Covid-19 are able to remain in the UK and either:

- apply for an extension until 31 August 2020 by submitting a [form](#) to the Covid Immigration Help Centre
- apply for a six-month extension of their immigration status (paying additional filing fees).

## LOSS OF INCOME

Concessions are in place for those whose income has been affected by Covid-19. For employees who are furloughed, the Home Office will continue to take into account 100% earnings, regardless of whether the employee was actually paid at that level while furloughed. Those employed who experience other losses of income may rely on the period immediately before the loss of income to meet the financial requirements, provided the requirement was met for at least 6 months up to March 2020.

For those who are self-employed, the Home Office will generally disregard a loss of annual income between 1 March 2020 and 31 July 2020 if due to Covid-19. We would expect but it is unclear whether this provision will continue through the grace period set to end 31 August 2020.

## ENGLISH LANGUAGE REQUIREMENTS

If an applicant was unable to take a requisite English language test before submitting an application, because the test centres either in the UK or in the country of application were closed or they couldn't travel to take the test due to coronavirus, they can apply for an exemption to this requirement. Please however note, that English language test centres are now reopening and it may be the case the applicant can book a test (see above).

## DOCUMENT REQUIREMENTS

There is enhanced flexibility for caseworkers to decide applications even where some documents have not been provided, because they cannot be obtained due to Covid-19. Use of this discretion will be decided on a case-by-case basis and the applicant may still be required to produce the document at a later stage in the application (if discretion is not exercised in the applicant's favour).

## VISA EXPIRY OVERSEAS

Those who already have permission under the family visa routes and whose leave expires while they are overseas due to covid-19 and travel restrictions will still be able to qualify for UK Indefinite Leave to Remain without needing to accrue a further five years' residence. The policy however is quite vague and confirms that 'short' breaks in continuous residence will be overlooked for the purposes of future applications for UK indefinite leave, provided the next application is made 'as soon as possible' after visa expiry.

In addition to the above, the government has issued further guidance for [NHS staff](#), [Tier 4 Sponsors and Migrants and for Short-term students](#) and for [Tier 2, and 5 sponsors](#).

It is important to note that the following have also been suspended:

- Citizenship ceremonies
- Police registration centres
- Marriage ceremonies (though from 4 July ceremonies have been allowed to resume)



- English language test centres (though there is a phased reopening underway, see links above)
- Life in the UK test centres (though a phased reopening began on 1 June 2020)

There is ongoing work being done by practitioners, including Penningtons Manches Cooper LLP, and ongoing discussions with the Home Office regarding the impact of above identified issues and others.

We understand that the Home Office will take a pragmatic approach to these issues and the Home Office and its ministers have stated several times that no one will be adversely impacted from an immigration standpoint due to Covid-19 and circumstances outside of their control.

This policy, as with all Coronavirus (COVID-19) immigration policies and guidance, is evolving and is frequently updated. This document is current as at 30 July 2020. For specific advice and up to date information, please contact a member of the Penningtons Manches Cooper LLP immigration team: [immigration.enquiries@penningtonlaw](mailto:immigration.enquiries@penningtonlaw).