

On 24th March 2020, the Home Office introduced a number of new policies to combat the impact of the COVID 19 pandemic as outlined below.

LEAVE EXPIRING BETWEEN 24th JANUARY 2020 & 31st MAY 2020

If your visa is due to expire and you cannot depart due to travel restrictions or self isolation caused by COVID 19 then you must request for an extension by contacting the Coronavirus Immigration Team (CIT), who will respond within 5 working days.

This policy would for example affect those on visit visas, who are unable to return to their home country, therefore in this instance, an extension would need to be sought to avoid breaching any immigration laws and suffering any detriment in the future.

This policy would not be applicable for those, who were seeking to extend their leave. Those who wish to extend their leave should make an application in the relevant category.

APPLYING TO REMAIN IN THE UK – SWITCHING VISAS

Where your visa is due to expire by 31st May 2020, you can apply for a long term visa from within the UK. You must meet the same visa requirements and would further need to pay the relevant Home Office fees. You will need to apply before the end of May 2020. This policy therefore allows those on a short term visa such as a visit visa to make an application to switch to a Spouse or Partner category without leaving the UK. The Home Office are accepting online applications and we can assist and advise and prepare applications on your behalf.

TIER 1 ENTREPRENEURS

Tier 1 Entrepreneurs will no longer need to employ at least 2 people for 12 consecutive months each. The 12

month period can now be made up of multiple jobs across different months, although the time period when employees were furloughed will not count towards meeting the requirements. Entrepreneurs who have not been able to employ staff for 12 months in total by the time their visa expires, will be allowed to temporarily extend their stay to give them the time to meet the requirement. These arrangements will continue for applications made after 31 May 2020, where the jobs you are relying on were disrupted due to COVID-19.

TIER 4 STUDENTS

The Home Office have further allowed Tier 4 students to start their courses, if they have made an in-time application provided certain criteria is met. If the application is eventually rejected as invalid or refused that the student must stop their course or studies.

TIER 4 STUDENTS

Workers who have applied in time can start work before their application is decided if certain criteria is met. If their application is eventually rejected as invalid or refused their sponsor will stop sponsoring them and they must stop working for them.

NHS WORKERS

Some NHS workers and their families will have their visas automatically extended. The restrictions on the number of hours that an individual can work or volunteer for the NHS have been removed and for pre-registration nurses in the UK, the deadline to sit the Occupational Structured Clinical Examination (OSCE) has been extended to 31 December 2020.

SHOULD I GET HELP FROM A LAWYER?

As with any immigration matter, you should consider getting specialist legal advice and representation in your application. Otherwise, you may end up making a costly mistake resulting in refusal of your application. That refusal may also complicate things further as any future application may also be impacted by the initial refusal. In addition, the changes surrounding immigration are very fluid and are changing on a very frequent basis, it is therefore that essential that you consider seeking specialist legal advice.

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