

Covid-19 Information Sheet – Immigration Concerns and Travel Concerns

This information sheet has been produced by students from BPP's Pro Bono Centre under the supervision of legally qualified staff members. The information contained in this document is accurate as of 8th April 2020.

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Immigration-related information for people living in the UK on a work visa

What should I do if I cannot work?

If you are a Tier 2 (General Work) or Tier 5 (Temporary Work) worker and you are unable to work due to travel restrictions or quarantine, your absences do not need to be reported to the Home Office, provided that your sponsor authorises the absences.

You should ensure that a clear paper record of your absences is kept for future reference. You can request a letter from your employer or keep a paper record of any notice of furloughed leave.

Will my sponsorship be withdrawn if I cannot work?

The usual requirement is that sponsorship must be withdrawn if an employee is absent from work (without pay) for four weeks or more.

The Home Office have stated that compliance action will not be taken against individuals or sponsors if a sponsor continues sponsoring an employee who has been absent from work without pay for more than four weeks due to Covid-19 related issues.

If you are working from home (in the UK) due to the coronavirus, your sponsor is not required to report to the Home Office that you are working from home.

Other changes to your working arrangements must be reported by your sponsor to the Home Office as usual.

My work visa is due to expire soon but I can't leave the UK due to travel restrictions. What should I do?

Visas due to expire between 24 January and 30 May 2020 are eligible to be extended until 31 May 2020 if you cannot leave the UK due to travel restrictions.

If you find yourself in this situation you should contact the Coronavirus Immigration Team (CIT) and provide the following information:

- your full name (including any middle names);
- your date of birth (in the format dd/mm/yyyy);
- your nationality;
- your previous visa reference number; and
- the reason why you cannot go back to your home country (e.g. because the border has closed/flights to your home country have been suspended).

Contact information for the Coronavirus Immigration Team is included at the end of this Factsheet.

What if I am planning to apply to stay in the UK long-term?

You can apply to switch to a long-term UK visa until 31st May 2020. This includes making applications where you would usually need to complete the application process from your home country (i.e. outside of the UK).

The visa requirements remain the same, as if the application were being made from outside the UK. You will still be required to pay the UK application fee.

Applications can be made online. The terms of your leave will remain the same until a decision is made on your application.

I cannot attend biometric appointments due to closures caused by Covid-19. What will the consequences be?

The Home Office has confirmed that no enforcement action will result from failure to attend biometric appointments due to Covid-19. Nor will those who are unable to attend biometric appointments be regarded as overstayers.

Immigration-related information for people living in the UK on student visas

I am an existing student and hold a Tier 4 visa, but I am not attending university due to Covid-19. Will my Tier 4 sponsorship be affected?

Universities across the UK are now closed, in accordance with instructions from the Government. Many students are continuing their education through distance learning, whether from within the UK or their country of origin.

Under the current circumstances, your Tier 4 sponsorship will be continued. There is flexibility for existing Tier 4 students who continue their studies through distance learning.

I am a new student with a Tier 4 visa, but I am unable to travel. Can my Tier 4 sponsorship be withdrawn?

Distance-learning is not normally permitted for students with Tier 4 visas. However, due to global travel restrictions, many students are having to continue their studies through distance-learning. This will not have a negative impact on your sponsorship.

New international students who have not yet applied for a visa but who 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.

I am a student in the UK and I am unable to attend university for more than 60 days. How will my attendance be classified?

Sponsors have been advised by the Home Office not to withdraw sponsorship if a student is unable to attend for more than 60 days due to Covid-19.

Can I extend my Tier 4 visa in case my exams are delayed?

The Government has not yet provided information specific to this question.

Currently, many UK universities are offering, or are planning to offer, online exams for students. Other universities are changing the pattern of exams so that coursework assignments replace them. This varies from university to university.

You are advised to keep in contact with your university if you have concerns about the effect of exams on your visa.

Immigration-related information for people living in the UK on a family visa

What is a family visa?

A family visa is a category of authorisations for foreign nationals to enter and reside in the UK.

Family visas are issued to persons who are not British or EU citizens, and who want to establish a permanent family life with their UK-resident family member(s). For example, this could cover the spouse or partner of a UK-resident, the parent of a UK-resident, or the child of a UK-resident.

Family visas can be classed as spouse visas, leave to remain, partner visa or residence permit.

My leave to remain, spouse visa, partner visa, or residence permit expired, or is due to expire, between January and May 2020. I cannot travel to my country of origin. What should I do?

Your visa will be extended to 31 May 2020 if you cannot leave the UK because of travel restrictions or self-isolation related to Covid-19.

The terms of your leave will remain the same until your application is decided.

Please follow the same procedure as set out above in the paragraph entitled 'My visa is due to expire soon but I can't leave the UK due to travel restrictions. What should I do?'

I do not work or I am no longer working. Will this affect the extension of my family visa? Is there any exception in current circumstances?

Meeting financial criteria is one of the main requirements for extending a family visa.

At present, no specific policy or exception has been introduced as a result of Covid-19.

If there is no change of policy, you will have to rely on the existing rules in respect of exceptional circumstances. It might be helpful if both of the partners (for a spouse visa) or one member of a family (for leave to remain/residence permit) try to secure a job. Even if you do not succeed, at least you can prove that you attempted to do this. It can be used to strengthen the argument that there are compelling and compassionate circumstances.

General advice on international travel for people who currently live in the UK and who are British citizens and/or full-time residents

What is the Government's general advice on international travel?

The Foreign & Commonwealth Office (FCO) advises British nationals (and/or UK residents) to avoid all non-essential international travel.

This advice will be in place until 7 May 2020 at the earliest. It is possible that the Government will extend the period of time in which British citizens and/or UK residents are advised against all but essential travel.

BPP Pro Bono Centre has produced an Information sheet that provides more detail for UK residents who had planned to Travel overseas. This is available on the Pro Bono Centre website: <http://probono.bppuniversity.ac.uk/blog/bpp-students-demystify-covid19/>

I am a British citizen and I wish to travel from the UK to an EU country (other than the Republic of Ireland). Can I do this?

You should not be leaving the UK for anything other than essential travel.

You should be aware that numerous continental EU countries have introduced emergency border controls and strict, in-country travel restrictions. Keep yourself up to date by consulting

the FCO country information guidance as regularly as possible (relevant details are included at the end of this Factsheet).

If you feel that you absolutely must travel to an EU country and you are able to travel there via a functioning commercial route, then you may do so in theory.

All EU countries will treat UK citizens as if they were EU citizens at least until 31 December 2020.

Advice for British citizens who are currently abroad, but who reside in the UK

BPP Pro Bono Centre's Information for Travel Overseas will have more information for UK Citizens stranded overseas.

I am a British citizen and I am currently abroad. What should I do?

On 23 March 2020, the Foreign & Commonwealth Office (FCO) strongly advised all British travellers and tourists to return to the UK immediately. This is especially the case where commercial flights are still available. Many international airlines are grounding their fleet, so travellers should check with airlines before booking anything.

I want to return to the UK but cannot leave the country I am in, due to lack of flights or travel restrictions imposed by my host country. What can I do?

The COVID-19 pandemic is an ever-changing situation. Countries around the world are regularly updating their own travel restrictions. Some British citizens abroad have been unable to return to the UK, due to their host country restricting travel out of the country.

On 30 March 2020, the British Foreign Secretary announced a £75m 'airlift initiative' to rescue tens of thousands of British nationals who are abroad and unable to get back to the UK because of Covid-19. It was announced that there would be a mixture of charter flights to 'priority countries' and subsidies for tickets on commercial flights where they are still available.

Keep up to date with the latest information on the FCO website.

Advice for British citizens who reside abroad

I am a British citizen but I live abroad. Am I affected by the Foreign & Commonwealth Office's travel advice?

The Government's advice to British citizens to return to the UK does not affect British citizens who live abroad permanently. Instead, you should follow the advice of the authorities in your country of residence.

However, the FCO also advises everyone – including British people living overseas – to consider their own circumstances and to consider all information available to them. If you wish to return to the UK for whatever reason, you should make arrangements to return now. The FCO has advised that it may become much more difficult for people to return to the UK if they do not do so within the coming weeks.

I am a British citizen living outside of the UK and I need to renew/replace my British passport. Can I do this from abroad?

If you live outside of the UK, are a British citizen and need to renew or replace your British passport, you can apply online. The 'Overseas British passport applications' official page allows you to fill in the necessary details.

The Government recently issued a statement explaining that the COVID-19 outbreak has delayed the processing of passport applications. If you need to travel overseas urgently, you may be able to apply for an emergency travel document (see below).

N.B. When applying for a passport online, always make sure that you are using the official, governmental website: <https://www.gov.uk/overseas-passports>.

I am a British citizen living outside of the UK, my British passport is expired/lost/damaged, and I need to travel abroad urgently. What should I do?

You cannot apply for an urgent passport. Instead, you should apply for an emergency travel document.

An emergency travel document allows you to travel to your destination through a maximum of 5 countries. You can also normally use the emergency travel document to return to the country you have travelled from, if you live there. Your travel plans (countries and dates) are printed on your emergency travel document. If you change those travel plans after obtaining the document, you must apply for a new one.

Bear in mind that you may need a visa to leave the country you are travelling *from*, or to pass through other countries on the way to your destination. You should check with the embassy or consulate of each relevant country.

If you intend to travel to the UK as your final destination, border staff will keep the emergency travel document when you arrive. Border staff in a different final destination country might also keep the document.

Am I eligible to apply for an emergency travel document?

The following criteria apply:

- You are a British citizen;
- You are outside of the UK (e.g. you are travelling abroad, or you are resident abroad);
- Your passport is lost, stolen, damaged, full, recently expired, or with HM Passport Office/a foreign embassy;
- You do not have time to renew or replace your British passport before you travel; and

- You can provide proof of your travel plans, e.g. booking confirmation (or detailed written travel plans if you cannot book ahead at this time).

You can apply online. The fee is £100; this is non-refundable. You can pay online or over the phone.

Use the following link to apply for an emergency travel document:

<https://www.gov.uk/emergency-travel-document/how-to-apply>

Further Information

BPP Pro Bono Centre has produced a series of Factsheets looking at how COVID-19 impacts on a range of different people. All of our factsheets can be viewed on the Pro Bono Centre Blog here: <http://probono.bppuniversity.ac.uk/blog/bpp-students-demystify-covid19/>

Help and Advice

If you have immigration queries related to Covid-19:

Coronavirus Immigration Help Centre

Email: CIH@homeoffice.gov.uk (emails must be in English)

Tel: 0800 678 1767 (Monday to Friday, 9am to 5pm). Calls are free of charge.

Website information: <https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents#helpline>

In addition, the following link can be used for applications to extend a visa:

<https://gov.smartwebportal.co.uk/homeoffice/public/webform.asp?id=199&id2=5C97E7>

If you are living in the UK on a student visa, you can seek advice from the following organisation:

UKCISA – UK Council for International Student Affairs (latest advice on Covid-19)

<https://www.ukcisa.org.uk/Information--Advice/Studying--living-in-the-UK/Coronavirus-Covid-19-info-for-international-students>

Information and Updates

The UK Government publishes a number of documents and updates as part of the ongoing response to Covid-19. These can be found on the UK Government website here:

<https://www.gov.uk/coronavirus>

The Government also regularly updates the following pages:

Coronavirus (COVID-19): advice for Tier 2, 4 and 5 sponsors

(<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-tier-2-4-and-5-sponsors#if-youre-sponsoring-employees-who-are-working-from-home>)

Coronavirus (COVID-19): advice for UK visa applicants and temporary UK residents

(<https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents#inside-UK>)

Foreign Travel Advice (Country Guidance) (<https://www.gov.uk/foreign-travel-advice>)

Government Guidance – Travel Advice: Coronavirus (COVID-19)

(<https://www.gov.uk/guidance/travel-advice-novel-coronavirus#latest-update-special-charter-flights>)