7 DECEMBER 2018

Staff Immigration and Right to Work News Bulletin

From the Staff Immigration Team

Who should read this bulletin?
- Staff involved in the administration of Certificates of Sponsorship (CoS) and visa applications
- Staff who manage sponsored visa holders
- Staff involved in completing right to work checks

Feedback welcome
We welcome your feedback about the Staff Immigration and Right to Work News Bulletin.
Please email tim.currie@admin.ox.ac.uk

Staff update
James Galloway and Rose Boadu, who joined SIT in June and July 2018, are now well settled in and have been assigned to ‘patches’ alongside Angelina and Solveig.

Applications and queries from departments within MPLS, Humanities, GLAM, & colleges beginning A-P should be sent to: Angelina (angelina.pelova@admin.ox.ac.uk, (2)89904) or James (james.galloway@admin.ox.ac.uk, (2)89927)

and those from departments within Medical Sciences, Social Sciences, UAS, & colleges beginning Q-W should be sent to: Rose (rosemond.boadu@admin.ox.ac.uk, (2)89921) or Solveig (solveig.alsaker@admin.ox.ac.uk, (2)89912)

As all four Immigration Advisers have access to each other’s accounts and will share workload within their ‘patches’ there is no need to copy queries and applications to both Advisers for your ‘patch’.

Immigration news and updates

Early December deadline for overseas Tier 2 CoS applications
The holiday closure means that any Tier 2 CoS applications for overseas applicants for consideration by the Home Office in January 2019 should be sent to the Staff Immigration Team by Friday 14 December 2018.

Immigration Health (NHS) surcharge increase
As communicated by email previously, the Home Office announced on 11 October plans to double the Immigration Health Surcharge, also known as the NHS Surcharge, from £200 to £400 per year (and from £150 to £300 per year for Tier 4 students). The new higher fees affect those applying for a new visa, or to extend a visa, but are not payable when applying for Indefinite Leave to Remain (ILR).

While there was some debate around the impact on children and the fact that Tier 2 visa holders have to pay twice (through the NHS Surcharge but also through their Tax and National Insurance contributions) the amendment was approved by the House of Commons and the House of Lords in November. As it appears that the changes still await Ministerial sign off the increase may now come into effect in January 2019 rather than in December, as previously thought.

SIT has been encouraging current Tier 2 and Tier 5 applicants to apply as soon as possible before the NHS surcharge increases, but this is often balanced against the increased costs of submitting a priority application if they are intending to travel over the holiday period.

SIT will confirm when the increase will take effect, and update their CoS application forms, once the change is announced by the Home Office.

While the NHS surcharge is not normally reimbursed by departments this can be included in a Visa Loan application. www.admin.ox.ac.uk/personnel/permits/reimburse&loanscheme/
Travel is not possible while an application is being processed

When an application has been submitted to the Home Office they often return the applicant’s passport(s) while the application is being considered, and if they do not, the applicant can request that these are returned. While the Home Office have always recommended against travel while an application is being considered, a change in the Immigration Rules now makes clear that travel outside the Common Travel Area (UK, Ireland, Isle of Man, Guernsey and Jersey) is not possible as it would automatically result in the application being withdrawn.

Please make clear to visa applicants that they will not be able to travel while their application is being processed and if they have any queries please pass them on to SIT for advice.

New in-country visa application processes

The Home Office introduced changes to in-country application processes in November, with little advance notice. While the changes include applicants being able to submit scanned copies of documents instead of originals, the main disadvantage is that applicants will now have to submit their biometric information (fingerprints & facial image) through the new outsourced UK Visa and Citizenship Application Services (UK VCAS) centres rather than through their local Post Office.

There are seven ‘core’ centres (Belfast, Cardiff, Croydon, Glasgow, Liverpool, Sheffield, & Solihull) which do not charge any additional fees, and around 50 ‘Enhanced Service Centres’ (the closest being Reading, Warwick and Swindon) which charge an additional £60 per applicant. There are a number of other ‘added value services’ on offer, however, the fees for scanning (£30) and translating documents (£75 per page) are high. We would recommend that applicants turn to their department/ college or SIT if they need help scanning documents, and that they use other translation services.

The new UK VCAS centres, which are run by a private company - Sopra Steria, replace the Home Office Premium Service Centres, through which in-person applications were previously made. While previously applications submitted in-person were decided on the day of the appointment, under the equivalent new ‘Super Priority’ service a decision should be sent to the applicant one working day after the appointment.

As appointments are now made through Sopra Steria’s booking system when the online visa or settlement (ILR) application is being submitted, SIT is no longer able to request in-person appointments from the Home Office on behalf of applicants.

Information about the new centres and processes was provided with little notice and SIT has had to seek clarification from the Home Office on several points. SIT are taking feedback and queries from applicants who have used the new centres and are in the process of updating their visa application guidance as the new process becomes clearer. Please encourage any applicants with queries or comments on the new application process to contact SIT.

The Home Office have confirmed that out-of-country applicants will still collect their Biometric Residence Permits (BRPs) from the Post Office when they arrive in the UK.

HR self-service

In order to help ensure compliance with the University’s duties to report changes in circumstances, and our record-keeping duties in relation to contact details, for sponsored Tier 2 visa holders please encourage University employees who hold a University CMS contract to regularly review and update their details via HR Self-Service. Further details about HR Self-Service can be found at:

www.ox.ac.uk/staff/working-at-oxford/hr-self-service
Marie Skłodowska Curie salary calculations

SIT is aware that departments/colleges can find salary calculations for Marie Skłodowska Curie Fellows and Early Stage Researchers (ESRs) difficult. Where a Fellow or ESR is sponsored under a Tier 2 visa it is crucial that the correct salary is listed in their Tier 2 Certificate of Sponsorship (CoS) and that any subsequent changes in salary are reported to the Home Office.

As Marie Skłodowska Curie funding is provided in Euros (€) Research Services provide an exchange rate for the specific project in question which is used to convert the funding into Sterling (£), but employer’s costs must also then be accounted for by applying a multiplier. This multiplier for employer’s costs is higher if the Fellow or ESR has opted out of the pension.

All employees are automatically opted in to the pension initially but if a Fellow or ESR opts out of the pension the funding portion which would have been the employer’s pension contribution reverts to them as an increase in salary, which must be reported to the Home Office if they are a Tier 2 visa holder.

Research Services guidance on recruitment of ESRs and Fellows, which includes a salary calculator, can be found at www.europegateway.ox.ac.uk/h2020-itns-recruitment-early-stage-researchers-esrs If you have any queries or are unsure about these issues please contact Research Services or SIT for advice.

EU Settlement Scheme pilot

The Home Office have launched a pilot version of the EU Settlement Scheme which runs until 21 December 2018. It enables all employees and workers at the Collegiate University to apply early for Settled or Pre-Settled Status. EEA citizens (those from Iceland, Norway, and Leichtenstein) and Swiss citizens are not included in the pilot as negotiations with them will only conclude after an agreement is reached with the EU.

The pilot requires access to an Android phone (version 6 or later) with NFC (contactless facility) but the Home Office have assured us that no data is stored by the app so applicants may be able to use a friend or family member’s Android phone if they do not have one. The Home Office have stated that Apple refused to give access when they were developing the app which is why it is not available on Apple devices.

Information about the pilot, and the University’s commitment to cover Pre-Settled, Settled, and Permanent Residence fees for EU staff of the central University can be found at: www.ox.ac.uk/news-and-events/oxford-and-brexit/settlement-fees

‘No deal’ scenario — The government have just published a policy paper confirming that even in the event of a ‘no deal Brexit’ EU citizens already in the UK will still have until December 2020 to apply for Pre-Settled or Settled Status and that EEA and Swiss citizens will also be able to stay in the UK post-exit.

Dual nationality for German citizens

German citizens are permitted to obtain the citizenship of another EU country and retain their German citizenship, but any grant of British citizenship after the UK leaves the EU will potentially result in the loss of their German citizenship.

Further information about relying on Settled Status when applying to naturalise as a British citizen, and dual nationality for German citizens, can be found on SIT’s new BREXIT information page at: www.admin.ox.ac.uk/personnel/permits/brexit/
Right to work news and updates

Employer Checking Service (ECS) guidance

When a potential casual, worker, or employee is not able to provide their documents to satisfy a right to work check as the documents are with the Home Office with an ongoing application or appeal the Home Office Employer Checking Service (ECS) can be used to verify their right to work while the application or appeal is outstanding.

Similarly where an existing casual, worker, or employee’s visa is about to expire and they have submitted an application for an extension, a different visa, or settlement (ILR), the ECS can be used to verify their ongoing right to work while the application is being processed.

There is a period of 28 days after the current visa expires for existing casual, worker, or employees within which right to work must be established and as the ECS take 5 working days to respond an ECS check must be requested by day 21 after the current visa expires at the latest.

A two page step-by-step guide to the ECS process is provided on the SIT ‘Forms & guidance notes’ page at: www.admin.ox.ac.uk/personnel/permits/forms/#d.en.189424

Completing Right to work information in CoreHR

SIT is increasingly using the CoreHR system to run compliance reports but this relies on the quality of the data in the system. Please take care to avoid the following errors or omissions occasionally seen in right to work information recorded in CoreHR:

- Employee’s name or date of birth entered incorrectly;
- Previous right to work record for an individual showing as well as the current record as the ‘Date to’ field of the previous record has not been entered;
- List A chosen as the type of right to work document but details of a List B (time limited) visa listed, or vice versa—List B chosen with details of Indefinite Leave to Remain or UK/ European citizenship;
- Information in some fields incomplete or missing.

The CoreHR quick reference guide (QRG) ‘PA10 - Maintaining Right to Work data’ can be found with the other QRGs at: www.admin.ox.ac.uk/personnel/usinghris/user_support/new_starter/?path=user_support/new_starter

If you have any queries or are unsure about entering right to work data in CoreHR please contact SIT.