

Coronavirus (COVID-19)

FAQs for Catholic Charities who are sponsorship licence holders

With the UK entering the 'delay' phase of their coronavirus plan and restrictive travel and quarantine measures being imposed, our Head of Immigration and Partner, Julie Moktadir, has addressed key concerns that Catholic charities with sponsorship licences may have.

Are my current Tier 2 and Tier 5 sponsorship licence duties affected?

Ordinarily, Level 1 Users on an organisation's sponsorship licence are required to report when sponsoring anyone on a Tier 2 (Minister of Religion) visa or anyone on a Temporary Worker visa under Tier 5, such as a Religious Worker or Charity Worker is absent, using the Sponsor Management System (SMS). Relevant absences include, if the sponsored individual does not attend their first day of work and if they are absent, without permission, for more than 10 consecutive working days.

The Home Office have recognised that the Coronavirus will prevent many who are sponsored from coming into work or the community for a variety of reasons, such as a result of illness or quarantine measures. In light of this, they have confirmed in their guidance, found [here](#), that Sponsors do, 'not need to report student or employee absences related to coronavirus'. This is inclusive of all sponsored individuals within the congregation's community.

Licence holders also usually have to cease the sponsorship of their sponsored individual if they are absent from work without pay for 4 weeks or more in any calendar year, unless the absence falls within one of the listed exceptions such as sick leave. The Home Office have indicated in their guidance that an exception will apply in this situation and that no compliance action will be taken against sponsors who continue sponsorship for this reason.

Congregations must still comply with all other reporting duties and record keeping duties which includes a duty to retain a record of sponsored individuals' absences. We would therefore advise congregations to retain correspondence regarding any coronavirus related absences and seek legal advice if they are unsure of any action they must take.

Can a sponsored individual's start date be delayed if they are unable to travel to the UK?

At the time of writing, the Home Office's Coronavirus guidance has not been updated to reflect that many sponsored individuals may need to delay their start date as a result of COVID-19. The current rules therefore still apply in this situation which allow an individual on a Tier 2 Minister of Religion visa to delay their start date by up to 28 days from the date their visa was granted. This delay should also be reported by the congregation's Level 1 user on the SMS.

Where sponsored individuals are unable to work in the community and must work from home, and this is an exceptional arrangement, should this be reported on the SMS?

The current position is that any significant changes to a sponsored individual's circumstances, including if the location they are working from changes, must be reported on the SMS within 10 working days. With the country now in lockdown, many sponsored individuals will now be working remotely, which should ordinarily be reported on the SMS.

The Home Office have confirmed in their Coronavirus guidance that 'you do not have to notify us if you're sponsoring employees who are working from home due to coronavirus.' All other changes in working arrangements should however continue to be reported.

How can I comply with right to work checks?

To undertake a compliant right to work check and obtain a statutory excuse against illegal workers, a congregation must ordinarily meet with any new employees or volunteers to check and make copies of their original documentation. This may now not be possible for many organisations however in certain circumstances, it is possible to undertake this check remotely.

For sponsored individuals who hold a biometric residence permit or status under the EU Settlement Scheme, the online right to work checking service can be used, which can be found [here](#). If you require any assistance with this service, please do let us know. For those who do not hold any of the above, such as British citizens, other methods such as asking the employee to securely send their documents to you and checking their validity using a video call could be used. As soon as you are able to meet face to

face with the sponsored individual, their original documents should be checked and we would advise a note be placed on their file explaining the delay in checking the original documentation.

Guidance has not yet been issued by the Home Office on conducting manual right to work checks amidst COVID-19 and we would advise affected congregations, unable to use the above methods, to seek legal advice in this situation, especially in light of checks being a fundamental duty for sponsor licence holders.

Has the current crisis had any effect on the UKVI Priority Service?

Despite the circumstances, the service is still functioning. We are however aware that the opening times have changed to 10am-2pm, Monday to Thursday.

The UKVI's Priority Service is a useful tool used by many organisations who are Tier 2 and Tier 5 sponsors to expedite change of circumstance requests, such as adding a level 1 user. Using the service accelerates the decision on the request from many months, to within 5 working days.

Further information regarding the UKVI's Priority Service can be found [here](#).

Why have we received an email to notify us of the expiry of our annual allocation for Certificates of Sponsorship (CoS)?

The Home Office notify all organisations that hold a sponsor licence of their annual allocation for CoS. All organisations with sponsorship licences are requested to renew their annual allocation of CoS between March-April every year. The annual allocation is for unrestricted CoS only.

If you would like discuss your congregation's annual allocation for CoS, or indeed any of the above points raised, please contact Julie Muktadir at juliemuktadir@stoneking.co.uk