Guidance for managers on UKVI processes during the coronavirus pandemic

1. Conducting Right to work checks

As of 30 March 2020, the following temporary changes have been made:

- checks can now be carried out over video calls
- job applicants and existing employees/workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals

The Home Office has made it clear that checks continue to be necessary and we must continue to check the prescribed documents listed in right to work checks: an employer’s guide. It remains an offence to knowingly employ anyone who does not have the right to work in the UK.

1.1 Conducting the right to work check during the temporary Covid-19 measures:

- The College will ask the prospective employee to submit a scanned copy or a photo of their original documents via email or using a mobile app
- A video call will be arranged with the prospective employee – they will be asked to hold up the original documents to the camera and we will have to check against the digital copy of the documents
- We must record the date the check was conducted and it as “adjusted check undertaken on [insert date] due to COVID-19”.
- If the worker has a current Biometric Residence Permit or Biometric Residence Card or status under the EU Settlement Scheme we will use the online right to work checking service for which the applicant must give us permission to view their details

In the event that a prospective employee or existing employee/worker cannot show their documents we will have to contact the Home Office Employer Checking Service. If the person has a right to work, the Employer Checking Service will send us a ‘Positive Verification Notice’. This will provide the College with a statutory excuse for 6 months from the date in the notice.

1.2 After the Covid-19 measures end

The Home Office will let us know when the temporary measures will end. After that date, we will continue to carry out right to work checks as set out in the right to work checks: an employer’s guide.

The college will be required to carry out retrospective checks on existing employees who:

- started working for us during these measures
- required a follow-up right to work check during these measures

When completing a retrospective right to work check, it will have to be certified in the usual way, including the additional wording ‘the individual’s contract commenced on [date] the prescribed right to work check was undertaken on [date of retrospective check] due to COVID-19’.
The retrospective check will have to be carried out within 8 weeks of the COVID-19 measures ending and both checks will have to be kept for our records. If, at the point of carrying out the retrospective check, it is found that the employee does not have permission to be in the UK their employment will be ended with immediate effect.

2. Visa holders in the UK

Any employee who is working for the College and their visa is due to, or has already expired, and they cannot leave because of travel restrictions related to COVID-19, will not be regarded as an overstayer, or suffer any detriment in the future. Visas will be extended to 31 May 2020 if an individual cannot leave the UK because of travel restrictions or self-isolation related to coronavirus (COVID-19).

2.1 Individuals must contact the Coronavirus Immigration Team email to advise of their situation.

The Coronavirus Immigration Team contact details are: CIH@homeoffice.gov.uk

Individuals should include the following in their email:
- Full name (include any middle names)
- DOB (dd/mm/yyyy)
- Nationality
- Existing visa details
- Reason that has required them to extend their stay (for example, the suspension of all flight to their place of permanent residence)

The email must be in English. Telephone: 0800 678 1767 (Monday to Friday, 9am to 5pm) Calls are free of charge.

The Coronavirus Immigration Team will update relevant details on UKVI databases. Individuals will be advised that UKVI have noted their details; they will not be subject to enforcement action; and this period will not be held against them in future applications.

3. Absence reporting during the coronavirus pandemic

If an employee is absent from work which is related to the coronavirus, and the College has authorised the absence, it will not have to be reported. This can include illness, their need to isolate or inability to travel due to travel restrictions. The Home Office recognises that the current situation is exceptional and it will not take action against sponsored employees who are unable to attend their work due to the coronavirus outbreak, or against sponsors that authorise absences for this reason and continue to sponsor migrants.

The college will not have to withdraw sponsorship if:
- an employee is absent from work without pay for more than 4 weeks

The Home Office has advised that this will be kept under review.

3.1 Sponsoring employees who are working from home
The College will not be required to notify the Home Office where a sponsored employee is working from home due to the coronavirus. Other changes to their working arrangements must still be reported as usual.

If you have any further questions on the above please contact the recruitment team at recruitment@rhul.ac.uk.