

JUST IMMIGRATION SOLICITORS

Note: 17th August 2020

This note looks at some of the provisions in the Home Office Updated Coronavirus Policy published on 14 August 2020.

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

If your leave expired between 24 January 2020 and 31 July 2020 and you were able to request an extension because of travel restrictions or self-isolation related to COVID-19

You will no longer be able to extend your visa automatically on this basis and you are expected to take all reasonable steps to leave the UK where it is possible to do so or apply to regularise your stay in the UK.

Grace Period: If you decide to leave the UK.

To allow time to make the necessary arrangements to leave the UK, if you have a visa or leave that was due to expire between 24 January 2020 and 31 August 2020, you'll be able to stay in the UK to 31 August 2020.

From 1 to 31 August 2020 the conditions of your stay in the UK will be the same as the conditions of your leave. Therefore, if your conditions allowed you to work, study or rent accommodation you may continue to do so during August 2020 ahead of your departure.

You do not need to contact the Home Office to tell them that you are able to leave the UK during the grace period up until 31 August 2020.

If you intend to leave the UK but are unable to do so by 31 August 2020

If you intend to leave the UK but are not able to do so by 31 August 2020, you may request additional time to stay, also known as exceptional assurance, by contacting the coronavirus immigration team [CIH@homeoffice.gov.uk].

It is important to note that the grant of an assurance is not a grant of permission to remain in the UK. An assurance simply acts as a short term protection against removal after your permission to remain in the UK expires.

This means that the length of your permission will not be extended by an assurance. If your permission to remain in the UK has expired, you will remain an overstayer in the UK until you are able to leave the UK.

Applying to remain in the UK where you would usually be required to return home to apply for a visa

If you are in the UK as a visitor and your permission to remain in the UK expired between 24 January 2020 to 31 August 2020, you would be able to apply to switch into a long term category such as a fiancée/ spouse / partner in the UK before 31 August 2020. This is generally prohibited under the Immigration Rules.

This concession is not confined to switching into long term category such as a fiancée, spouse, or partner. It applies to switching into any category (short or long term) in the UK where you would generally be required to return home to apply for a visa.

You'll need to meet the requirements of the route you are applying for and pay the UK application fee.

Applying to remain in the UK where you would usually be required to return home to apply for a visa where your leave expires after 1 September 2020

You'll need to show your application is urgent, for example if you need to start a new job or course of study.

You'll need to pay the fees and meet all the requirements of your visa as normal, except the need to submit the application in your home country.

If you have overstayed your leave:

If your visa or leave expired between 24 January 2020 and 31 August 2020 there will be no future adverse immigration consequences if you didn't make an application to regularise your stay during this period. However, you must now do so by 31 August 2020 or make arrangements to leave the UK.

If you are applying to enter the UK or remain on the basis of family and private life:

There are temporary concessions in place if you are unable to meet the requirements of the family Immigration Rules to enter or remain in the UK due to coronavirus. Up to 31 August 2020 applicants in the UK as a visitor or with leave up to 6 months can switch into a family or private life route provided the requirements of Immigration Rules are otherwise met.

If you are applying to enter the UK or remain on the basis of family life before 31 August 2020. The Minimum Income Requirement:

If you have experienced a loss of income due to coronavirus up to 31 August, the Home Office will consider employment income for the period immediately before the loss of income due to coronavirus provided the requirement was met for at least 6 months up to March 2020.

If your salary has reduced because you are furloughed, the Home Office will take account of your income as though you are earning 100% of your salary.

If you are self-employed, a loss of annual income due to coronavirus between 1 March 2020 and 31 August 2020 will generally be disregarded, along with the impact on employment income from the same period for future applications.

Break in continuity of lawful residence:

There will be no future adverse immigration consequences if there has been a short break of continuous residence if your leave expired between 1 March 2020 to 31 August 2020. However, you must now make a valid application to stay by 31 August 2020 or make arrangements to leave the UK.

This is important to note. Continuity of lawful residence is important for many categories of indefinite leave to remain applications and for naturalisation applications as a British Citizen.

If you are working for the NHS:

If you are a health worker, you may be eligible for a 1 year extension to your visa for free because of coronavirus.

To get the extension, you must:

- Have a visa that expires between 31 March and 1 October 2020
- Work for the NHS or an independent healthcare provider in an eligible profession

The extension will apply from the date your visa is due to expire.

If your visa is due to expire after 1 October 2020, you will not get the free extension. You will need to apply to extend your stay in the normal way.

Fiancée, Fiancé or proposed Civil Partner

If you are here with 6 months leave as a fiancé, fiancée or proposed civil partner and your wedding or civil ceremony has been delayed due to coronavirus, you'll be able to stay within the UK to 31 August 2020. If your wedding or civil ceremony will not be able to take place before 31 August 2020, you may request additional time to stay, also known as exceptional assurance, by completing an online form and providing evidence of when your wedding will take place.

It is important to note that the grant of an assurance is not a grant of permission to remain in the UK. An assurance simply acts as a short term protection against removal after your permission to remain in the UK expires. This means that the length of your permission will not be extended by an assurance. If your permission to remain in the UK has expired, you will remain an overstayer in the UK until you are able to leave, despite the grant of an assurance.

The unlawful nature of the stay may have an adverse impact on any future immigration or citizenship applications. An alternative way forward is to apply for an extension of stay for a further 6 months before your leave as a fiancée, fiancé, or proposed civil partner expires.

Agnes Lai (Principal – Solicitor)



If you would like advice or assistance on any of the issues raised in this note/article, please contact Agnes Lai by email at

agnes.lai@just-immigration.co.uk

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