**UKVI Coronavirus communication - ILPA Feedback – 4/2/20**

1. Some feedback from a University.

In point number 1 of your scenarios we’d like to see reassurances to students whose visa expires during the period of the travel restriction (or if people feel unsafe to return), as well as to visitors/short term study visa holders if they have to remain in the UK for longer than as specified in their original visa application (in terms of the implications to their future visa applications). This should include those whose visa has been curtailed and they feel unsafe to return to China before the new visa expiry date (what reassurances/ pragmatic approach should students take if they fall into this category- we have already received enquiries from worried students who are taking temporary withdrawal from studies). Is there any plan to pause visa curtailment for this reason?

In point number 2 of the scenarios can the UVKI also include guidance on the attendance monitoring (missed monitoring points discounted, for example, in line with the strike actions guidance). Also, how to facilitate people’s application for a new 30-day travel visa if they are unable to travel within the validity of their original visa (would there be a fees concession because this is not through their own fault)? Any concession policy to the calculation of the study cap (if students have already obtained their visa but unable to travel to the UK to take exams, for example, and have to postpone their studies for another year, any curtailed visa will still be considered in the calculation of the study cap under the current policy).

Also, we’d like the UKVI to incorporate any concession into the guidance document and published on GOV website.

1. One scenario we wanted to add for the Home Office’s consideration is families who would be applying for ILR having completed 5 years in the relevant category but are unable to travel back to the UK before leave expires due to cessation of flights etc.

An example we have currently is a Tier 1 (Investor) with a spouse and children.  The spouse is currently stuck in China.  Whilst the Investor can apply for ILR in the UK, the spouse is unable to return to apply for ILR:

* there is no provision in the rules for them to apply for ILE;
* there is no provision in the rules for a PBS dependant to apply for further entry clearance as a PBD dependant when the main applicant is being granted ILR (in contrast to the LTR rules which do permit this);
* further, under the Rules the children will not normally be granted ILR unless *both* parents are being granted ILR (albeit that there is potential for discretion in compelling circumstances).

So unless the Home office policy provides for these circumstances, the whole family will have to apply for extensions rather than ILR, and then apply for ILR as soon as the spouse is able to travel – substantial wasted costs and case working time.

In the case we have most of the family happen to be in the UK, but many families may not be given the Chinese new year celebrations.

It would be extremely helpful if the Home Office could consider allowing stranded main applicants/dependants to apply for ILE in these circumstances (or perhaps waiving the fees if families have to make 2 applications, to re-enter the UK with further limited leave first and then apply for ILR in-country following their return– but that would still involve double handling of application for the Home Office where as ILE would be more efficient).

Alternatively allowing PBS dependants to apply for further PBS dependant entry clearance where the main applicant has applied ILR – and allowing PBS dependant children who have now reached 18 to apply for further entry clearance as PBS dependants (currently also only permitted when applying in-country) this would go some way to assist.

Many families will have had to proceed with applications before the Home office has published its policy – in such circumstances could Home Office consider allowing families to vary their applications appropriately.  So for example in the above scenario, if the family all apply for further limited leave (some as LTR, some as LTE) (on the basis that this is at least permitted under the current rules and they do not yet know what policy provision the Home Office is going to make for this situation) and then the Home office announces that it would have permitted ILR/ILE in the circumstances , will they allow applicants the opportunity to vary their applications accordingly?

1. Dear Ilpa

Can this area be escalated as a matter of urgency please.

We have a client who employs a Chinese national on a Tier 5 visa. Ordinarily, she would be required to leave the UK, return to China, and re-enter under a Tier 2 General visa subcategory. The individual’s visa expires on 14 February 2020. The role appears on the shortage occupation list which is an additional factor relevant to the case.

Our client has a Tier 2 CoS allocation, and it would appear sensible that UKVI accepts an in-country Tier 2 General visa application under circumstances such as these.

This is an urgent matter which other sponsors will currently be facing. Can the UKVI be persuaded by ILPA to issue earlier guidance?

I look forward to hearing from you as a matter of urgency