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Dear George

Ending of Covid-19 visa extension policy

On Monday, Shona Dunn, Second Permanent Secretary of the Home Office, said to the House of Commons Public Accounts Committee that the Home Office does not at present intend to extend the Covid-19 visa extension policy beyond 31 July 2020. We are concerned that such an important announcement was made solely in response to a question in a committee hearing and not publicised elsewhere. The position must be clarified and published on the gov.uk website as a matter of urgency.

As you know, since the start of the Covid-19 pandemic, we have been raising concerns as to the legal basis underpinning the Home Office's response in relation to both the extension policy itself but also the Home Office's treatment of periods of unlawful residence arising from the pandemic. We do not believe it is adequate for individuals to rely on statements published on gov.uk webpages which are regularly updated such that the previous versions are no longer accessible, or given in response to Parliamentary questions that individuals will not be subjected to enforcement action because of circumstances outside their control arising from the pandemic. As we have said, these statements must be backed up by formal, clear and well-publicised changes to policy documents and where necessary the law. This issue has now become even more urgent as the extension policy comes to an end.

Without guidance issued to caseworkers, there is a risk individuals will be subject to arbitrary decision-making. This also needs to be accessible to those making applications so that individuals can ensure their decisions are being handled in accordance with the guidance. Periods of unlawful residence will present difficulties for individuals for potentially many years into the future when further immigration applications are submitted. The position must be formalised now so that these problems do not arise.

I look forward to hearing from you shortly.

Yours sincerely

Sonia Lenegan
Legal Director
Immigration Law Practitioners' Association