## ILPA/The Law Society meeting with George Shirley of UKVI on 25 February 2021 to discuss Covid-related policy issues

Operations update

* A lot of normality is returning to UKVI operations, including priority and super priority visa services available overseas depending on their state of lockdown.
* Priority and super priority visa services for work and study were switched back on in January.
* Hoping that end of March super priority visa will be available again for marriage settlement applications.
* The biometric enrolment period was suspended in 2020 due to the shutting of Sopra Steria sites and we have now brought that back so people should have received a letter stating they have 45 days to enrol their biometrics, this is regardless of how long ago they applied. Many people have responded to those letters, and those who haven’t will get a ten- day reminder. There are people who are now in that second, ten- day notification period so we expect to start rejecting those cases where people have still not enrolled their biometrics. We suspect they may now have left or their circumstances have changed so that they no longer need the application. Some are approaching being a year old. If there are individual cases where this is causing a problem then let UKVI know (via ILPA)
* UKVI continues to be aware of the pressures on Sopra Steria capacity and the pressures on free appointments and are working to try to address those.
* Visit visa demand is considerably depressed and we expect that to remain the case.
* Exceptional assurance is being extended to leave expiring 31 March 2021, we are currently reviewing what we do after that but it is likely to be done on a month by month basis.
* There was a specific cohort of overseas applicants who encountered difficulty in late autumn to December, UKVI was unable to produce their biometric cards as the facial image was too large. This affected around 6,000 people.
* Production of BRPs where numbers had built up accelerated in late summer and not surprisingly a lot of people had moved addresses in the many months their applications had been outstanding, so UKVI then received a surge of emails to our failed deliveries box and they are still catching up with those and are aware that response times may be a bit slow. A recovery plan is in place, staff have been moved and UKVI has also taken on agency staff to help.
* Error corrections have been deprioritised and card collections are the priority, particularly where the error is with duration and does not cause an immediate problem for the customer. These will still be dealt with as quickly as possible.
* In order to deal with the issue of undelivered cards, UKVI has changed processes and now when the BRP is produced an email is sent out with the BRP reference number and that allows them to prove their right to rent and work etc. So if the card does go elsewhere the customer can use their status in the meantime.
* The email also acts as a reminder that they will need to contact TNT to change their address. We have given TNT broad discretion so that if someone calls TNT and gives the BRP number from the email then they should accept that is the customer and deliver the card to the new address provided.

Table of issues and recommendations[[1]](#footnote-1)

1. Individuals marrying in the UK

UKVI has been displaying pragmatism where legal representatives have advised that their clients cannot get married due to Covid, so they were unaware that this is an issue. Examples were requested, and a separate meeting has been scheduled for 11 March 2021 to discuss this in more detail. The Law Society noted that there were also likely to be issues with EU cases where people were unable to get married by the end of the year.

1. Archiving GOV.UK pages

UKVI advised that archived pages could be accessed via the National Archives. ILPA said that they had been raising this since March last year, the National Archives website is not easy to navigate, particularly for a lay person. It needed to be clear what the legal position was on any given day due to the volume of changes. ILPA advised they had seen that it was possible to mark archived pages and to redirect to new guidance on GOV.UK. ILPA to liaise with UKVI further via email. UKVI also advised that they are in the process of producing consolidated caseworker guidance which would be a complete reference for all of the concessions made during the pandemic.

1. Covid Visa Concession Scheme: where leave expires while the holder is overseas and unable to return to the UK due to Covid.

ILPA said the issue here is why is there a requirement that the person must have left the UK before 17 March 2020, there were points last year where travel was permitted. It was queried whether that requirement could be removed, or else could an explanation be provided as to the policy consideration. UKVI advised that the date came from when FCO guidance was issued not to travel, but they did not think caseworkers were actually enforcing that date. ILPA advised that clarity was important as the current guidance would put people off from using it if it appears that they do not qualify. UKVI said they would look at amending this.

1. Tier 2 grants of leave where people were unable to travel to the UK, were later issued with new grants of leave which were for less than five years meaning that a further paid application will be needed in order for them to reach the five years required for settlement

UKVI policy are looking at this.

1. Indefinite leave to remain

UKVI policy are looking at our request to update the long residence guidance so that absences that arose due to the pandemic are waived. UKVI advised that they believed that 5b had been actioned, which was to allow stranded applicants to apply for ILR from outside the UK. ILPA advised that we had not seen this on the web page yet and please could that be updated. UKVi advised that they did not intend to suspend or remove the ‘foreseeable future’ requirement for Tier 2/Skilled Worker ILR applications as it is an important guarantee.

1. No recourse to public funds

UKVI advised that they had a long and detailed response from the specific area and offered a separate meeting. ILPA agreed, and is waiting for this to be arranged.

1. English language

UKVI advised that they were urgently looking at this.

1. Sponsored worker change of circumstances

UKVI advised that a decision to curtail leave in this situation was discretionary and they are not in general curtailing or cancelling leave under this circumstance at the current time but they do not think this is published. ILPA asked that something is published to confirm the position as lawyers need to be able to advise their clients accurately.

1. Applicants unable to attend VACs to have their biometrics taken

UKVI is acutely aware of the issue and one of the considerations is whether they need to use the IDV app in more routes again.

12. Working after a CoS has been issued

UKVI advised that super priority visa services were available. ILPA said that people were still having to wait four weeks for an appointment. UKVI advised that they needed to take this up with Sopra Steria rather than bringing back a significant concession, but acknowledged the difficulty.

15. EUSS and Covid concession on absences

UKVI advised that a separate meeting would be set up to discuss this in more detail.

UKVI advised that they would also provide a written response to the ILPA/Law Society table of issues, which would cover some of the issues we did not have time to discuss.

1. <https://ilpa.org.uk/ilpa-and-the-law-society-covid-19-issues-and-recommendations-9-february-2021/> [↑](#footnote-ref-1)