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# Immigration

## IMMIGRATION AND COVID-19 | AN UPDATE

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15th Floor  
Milton House  
Milton Street  
London, EC2Y 9BH  
United Kingdom

T +44 (0)20 7786 8710  
F +44 (0)20 7786 8720  
E [info@mtgllp.com](mailto:info@mtgllp.com)  
W [www.mauriceturnorgardner.com](http://www.mauriceturnorgardner.com)

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The UK Government's actions to stem the proliferation of COVID-19 is a fast-changing area, and it is highly likely that the Home Office and UKVI will provide further measures and/or concessions to support individuals inside and outside the UK with respect to their immigration position in the UK.

The changes as set out below are heavily focussed towards Chinese nationals. This is likely to develop towards other nationalities and areas heavily affected by COVID-19 as we see more and more borders closing and travel restrictions being imposed on a global scale to stem the spread of the virus as opposed to concentrating concessions only towards those where the pandemic started or where it has previously been concentrated.

UK Immigration Rules and legislation are usually inflexible, much to the detriment of a badly advised or unaware applicant or visa-holder. However, given these quite unusual times, we are already seeing announcements suggesting a more flexible Home Office that is responding to a public health emergency as opposed to punishing those that are constrained by the developing and increasingly necessary restrictions on the movements of individuals.

It is probable that the Home Office or UKVI are trying their best to keep up but with such drastic and increasingly global measures required, and it might be difficult for the Home Office to provide for concessions for each circumstance. If you or a client has a unique situation which needs addressing, it might be necessary to speak with the Home Office to understand what solutions can be found to ensure that a client is able to remain compliant with the conditions of their visa, or what concession can be offered to an otherwise honest visa holder on a case-by-case basis.

MTG will keep updated on the evolving situation, not only towards immigration matters, but all matters relevant to our clients. If you are concerned about your or your clients' immigration position, or any other subject, please be in contact with your regular contact at MTG.

The following has been confirmed by the Home Office although please note it was last updated on 27 February 2020 so is probably in need of refreshing:

### [Chinese nationals with expiring UK visas](#)

The UK government has confirmed that all Chinese nationals whose UK visa has either recently expired or is about to expire are potentially eligible to have their visa expiry date extended to 31 March 2020. This extension will be automatic for some on the condition that they have followed their visa conditions prior to the coronavirus outbreak. Those without Chinese or EEA nationality, but who are normally resident in China are also eligible (subject to the fulfilment of certain conditions) to have their expiring UK visas extended to 31 March 2020.

### [Closure of Visa Application Centres in China](#)

The coronavirus pandemic has also resulted in the closure of all visa application centres in China. British nationals resident in China are no longer able to apply for a new passport (though emergency travel documents may be available on a case-by-case basis). Individuals who are in the process of applying for a visa and have been using a Chinese visa application centre may now also be without their current passports as some centres are now unable to courier everyone's passport back to their rightful owner.

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## Switching from a Tier 2 (Intra-Company Transfer) and a Tier 2 (General)

Back in the UK, some helpful news is that switching between a Tier 2 (Intra-Company Transfer) to a Tier 2 (General) visa has now been made easier for Chinese nationals; whilst previously the applicant was required to return to China to make their application, subject to the fulfilment of certain supplemental conditions, this requirement has now been relaxed to the extent that individuals are able to switch from within the UK.

### Sponsors of licensed Tier 2, Tier 4 or Tier 5 visa holders

The UK Government has recognised that some students (on Tier 4 visas) or employees (on Tier 2 and Tier 5 visas) may be prevented from attending their studies or employment due to illness, the need to serve a period of quarantine or the inability to travel due to travel restrictions. Sponsors no longer need to report student or employee absences related to coronavirus which they have authorised. In addition, sponsors do not need to withdraw sponsorship if they consider there are exceptional circumstances when a student will be unable to attend for more than 60 days, or an employee is absent from work without pay for four weeks or more.

The UK Government are still stating that decisions on whether to withdraw a student from their studies or terminate an employment are for the sponsor to make. The Home Office recognises the current situation is exceptional and will not take any compliance action against students or employees who are unable to attend their studies/work due to the coronavirus outbreak or against sponsors which authorise absences and continue to sponsor students or employees despite absences for this reason. These relaxations of the rules do not mean that sponsors need be less vigilant, if anything they must be more vigilant to keep up with the changes, but there is comfort in knowing that the UK Government are doing what they can to ease the pressure of these really quite strange times.

These are unique and challenging circumstances and the above is correct at the time of writing but cannot be relied upon. Please speak to your usual MTG contact to receive an update or discuss fact-specific circumstances.