**Immigration and Right to Work Update – March 2019**

1. **University Brexit Guidance**

The University has set up a webpage which provides updated information for departments, staff and students about how Brexit may impact work or study arrangements in the UK. As well as information for EEA nationals, it also includes travel information for UK nationals who may be travelling to Europe. The link to the webpage is [here](https://warwick.ac.uk/insite/brexit).

The HR webpage for EEA nationals [here](https://warwick.ac.uk/services/humanresources/internal/eu) contains a flowchart which summarises on one page the key information for current and prospective staff in the event of a deal or no deal, as well as further information and links to the gov.uk webpages.

1. **EU Settlement Scheme for EEA nationals already living in the UK**

EEA nationals and their family members *already living in the UK* will need to apply for settled or pre-settled status under the Home Office EU Settlement Scheme in order to continue living in the UK following Brexit. There is no requirement to do this immediately, but **EEA nationals will need to be apply for and obtain the UK immigration status before the deadline of 31 Dec 2020** (or 30 June 2021 if there is a deal). It is free to apply. The scheme is open fully from 30 March 2019 and the HR webpages [here](https://warwick.ac.uk/services/humanresources/internal/eu/settlementpilot/) have details about the scheme and links to the Gov.uk webpages in order to apply. The Home Office is continuing to test the digital application element of process before the scheme is fully open on 30 March 2019 and EEA nationals and family members can apply now if they have a biometric chip in their passport and can access an Android phone. The test phase may still be configured to charge a fee of £65 when applying, but as this fee was recently scrapped, it will be refunded by the Home Office in due course. The main scheme which opens on 30 March should not request any fee when applying.

1. **Android phone now available for staff to use if needed when applying for the EU Settlement Scheme**

Part of the application process for the EU Settlement Scheme requires the applicant to use a Home Office app to verify their identity using the chip in the applicant’s passport (for those without a chip in their passport, there are alternative non-digital ways to verify identity when the scheme fully opens on 30 March 2019). This is currently only available to download on an Android phone and not Apple devices such as iPhones. The Home Office have advised that as no data is stored on the device, there are no security risks in using a family or friend’s android phone for this element to verify your identity using the app. The remainder of the application can be completed on any device including Apple devices.

**To assist staff who may not have access to an Android device for this element of the application process, an android phone is now available to use**. To use the phone, please visit HR reception on the 2nd Floor at University House, who will book out the phone for you to use whilst in HR (you will not be able to take the phone away). Please remember to bring your application instructions for this part of the application process with you as the HR receptionist will not have access to this information.

1. **Changes to Tier 2 salary minimums for certain job types from 30 March 2019**

The latest changes to the Immigration Rules published on 7 March have stated that several occupations salary minimums will increase from 30 March 2019. Any CoS that is assigned on or after 30 March 2019 (for extensions as well as new starters) will need to meet the relevant salary requirement for the role. This is either the minimum salary threshold or the SOC Code rate, *whichever is the higher*. The minimum salary threshold rates are New Entrant = £20,800 and Experienced rate = £30,000 per annum. SOC code rates are based on the source data number of working hours a week so are re-calculated to reflect the 36.5 hours week at Warwick. The source data for SOC codes 2119 and 2311 will change from 40 to 39 hours on 30 March 2019.

HR Immigration are assessing the level of impact this may have on sponsored roles at the University. The role that may be most affected is Teaching Fellow (Grade FA6 £30,395 - £39,609 p.a.). If the University salary to be paid does not meet the minimum salary required at the point of offer or visa extension, sponsorship under Tier 2 will not be possible. HR will advise departments on a case by case basis where this is identified. The table below lists the most commonly used SOC Codes for roles sponsored at Warwick and the new SOC code minimum salary rates from 30 March 2019 are in bold.

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| --- | --- | --- | --- | --- | --- |
| **Roles commonly sponsored under Tier 2 at UoW** | **SOC Code** | **Pre 30 Mar 19 *New Entrant* rate salary min. (re-calculated to 36.5 hours)**  | **Post 30 Mar 19 *New Entrant* rate salary min. (re-calculated to 36.5 hours)** | **Pre 30 Mar 19 *Experienced* rate salary min. (re-calculated to 36.5 hours)** | **Post 30 Mar 19 *Experienced*  rate salary min. (re-calculated to 36.5 hours)** |
| **Res AsstRes FellowSnr R F** | **2119** | £21,600 (40 hrs)re-calculated to £19,710  | £27,300 (39 hrs)re-calculated to**£25,550** | £28,000 (40 hrs)re-calculated to£25,550 | £32,000 (39 hrs)re-calculated to**£29,949**  |
| **Teach Fellow****Asst ProfAssoc ProfProfessor** | **2311** | £25,700 (40 hrs)re-calculated to£23,451 | £31,400 (39 hrs)re-calculated to**£29,387** | £32,300 (40 hrs)re-calculated to£29,474 | £40,000 (39 hrs)re-calculated to**£37,436** |
| **Project Eng’r** | **2129** | £25,500 (39 hrs)re-calculated to£23,865 | £27,400 (39 hrs)re-calculated to**£25,644** | £31,700 (39 hrs)re-calculated to£29,668 | £33,500 (39 hrs)re-calculated to**£31,353**  |
| **Project Mgr** | **2424** | £25,700 (39 hrs)re-calculated to£24,053 | £35,000 (39 hrs)re-calculated to**£32,756** | £27,700 (39 hrs)re-calculated to£25,924 | £36,300 (39 hrs)re-calculated to**£33,973** |

1. **Important information for non-EEA nationals making visa applications for further or indefinite leave to remain. Do not travel outside of the Common Travel Area pending the decision.**

A recent change to the Immigration Rules may have an impact on staff who are awaiting a decision on their visa application for further leave to remain (e.g. a visa extension) or indefinite leave to remain (settlement) who wish to travel before the decision is made. Even though their passport and other proof of identity documents may have been returned to them, **if the person travels outside of the Common Travel Area whilst an application decision is pending, their application will be treated as withdrawn on the date the applicant leaves the CTA**. Likewise, if an applicant requests their passport and documents to be returned pending the application decision in order to travel outside of the CTA, their application will be treated as withdrawn. The CTA is the UK, Isle of Man, Channel Islands and the Republic of Ireland.

As the standard turnaround times for a visa decision differ depending on the type of visa application made, the applicant may wish to consider the probability of the need to travel during the expected time it will take to process the application at the point of applying and whether to choose and pay for one of the faster decision options offered over the standard application process.

1. **Right to Work in the UK checks**

The Home Office has made an amendment to the acceptable document list for right to work checks. A short UK birth certificate is now an acceptable document to demonstrate right to work in combination with an official document which gives the name and national insurance number of the person. The University right to work check template and checklist has been updated to reflect the change and is available on the HR webpages [here](https://livewarwickac.sharepoint.com/%3Aw%3A/r/sites/human_resources/_layouts/15/Doc.aspx?sourcedoc=%7BC692CF91-E656-4175-A29A-1147A8CE9527%7D&file=Warwick%20Right%20to%20work%20checklist%20v0.4%20Apr%202017.docx&action=default&mobileredirect=true).

EEA nationals can still produce a passport or national ID card as evidence of right to work in the UK after 29 March 2019 and until 31 December 2020. This is because until the resident EEA population already living in the UK have applied for and been granted the new UK immigration status of settled or pre-settled status, it will not be possible for employers to distinguish between pre-exit residents who are eligible to remain in the UK on broadly the same terms as now, and later arrivals.

**If you have any questions about this update, please contact the HR Immigration team for immigration queries via** **HR.immigration@warwick.ac.uk**