Information for Essex Staff

UK Immigration Update – Tier 4 Students and Tier 4 sponsors

As we are all too aware, the current COVID-19 pandemic has led to restricted travel across the globe and as such the Home Office have allowed concessions for students whose study has been affected through no fault of their own. There are also concessions for people who have or will be unable to leave the UK by the date their visa expires.

The Home Office recently updated the immigration guidance for people affected by Coronavirus and have now provided further clarification to some of our additional questions. We have put together some information we believe would be useful for departments and schools.

1. Who is covered by the Home Office concessions?

Concessions relating to ongoing study and progression will be relevant for all Tier 4 students whereas the concession allowing those who need to make a visa application to do so from within the UK in cases where they would ordinarily have to return home applies only to students whose current visas expire on or before 31 May 2020. More detail on this is below.

2. Tier 4 Sponsor Compliance

Our International Services and Admissions teams work together with other key stakeholders across the University to ensure we remain compliant in order to retain our Tier 4 sponsor status.

Tier 4 Immigration rules and guidance are complex and there are many restrictions in place for Tier 4 students which can sometimes mean they are not able to choose the full range of academic options or courses that would be available to UK and European students. For instance, it is not always possible to change course or start a new course without applying for a new visa first and the application may have to be made overseas. There is also a cap on the length of time someone can spend studying in the UK as a Tier 4 visa holder.

Although the Home Office have made concessions, as outlined in this document, they have also been clear with sponsors that we must maintain compliance and not see the current situation as an opportunity to attempt to work outside the rules.

3. Current University of Essex Students with a Tier 4 visa

3.1 Remote study

The Home Office concession allows Tier 4 students to study remotely (distance learning) and does not require us to remove our Tier 4 sponsorship at this time, this means their Tier 4 visa would remain valid providing the student continues to engage appropriately. Remote study can be in the UK or overseas. The International Services team do not need to report the student's location to the Home Office. However, departments/schools should continue to check engagement. PhD students should continue to be contacted by their supervisor monthly via Zoom/Skype and this should be recorded in PGR RAG as usual. Please let our International Services team know if you have concerns about a Tier 4 student – we prefer to take supportive action at an early stage rather than find out at the point at which our only option might be to the detriment of the student’s immigration status.

3.2 Students completing their course in 2020

If a student chooses to leave the UK permanently to complete their current course overseas, they need to let the International Services team know as we are required to report their departure to the Home Office. The student would be provided with immigration advice and guidance when the report is made by the International Services team to the Home Office. Please ask students to contact us via the online enquiry form in the first instance.

3.3 Students starting a new course in 2020

Applicants may be able to start a new course remotely overseas and would not require Tier 4 sponsorship until they are able to travel to the UK to complete their course on campus. Applicants, including those currently in the UK, studying at Essex or elsewhere, should contact our Admissions teams for guidance.

3.4 Withdrawal
Students who choose to withdraw from their course, or who are withdrawn by the University, must be reported to the Home Office in the usual way and the usual University processes should be followed. The Home Office will curtail the student's leave to expire early and they would be provided with immigration advice and guidance when the report is made by the International Services team to the Home Office.

3.5 Intermission/Leave of absence

PhD students are able to contact their supervisor to request a period of authorised absence of up to six weeks and taught students are able to submit a request for authorised absence online, usually for a maximum period of two weeks. If this is agreed, it should be recorded in the usual way. We do not need to report authorised absences to the Home Office and the student's visa will remain valid. However, for PhD students it is not possible to increase the maximum period of study to allow for a six weeks absence.

The Home Office concession includes a relaxation of the requirements regarding removal of Tier 4 sponsorship for a period of intermission where a student is unable to continue to study due to the current situation relating to COVID-19. Students can contact the International Services team by completing the online enquiry form if they are unable to study due to the current situation and we will advise them of their options. If the student decides to request a period of intermission, they would do this in the usual way. The International Services team need to be informed so that we can keep a record for Home Office purposes and to advise the student accordingly. We expect that intermission would be agreed for no longer than one term in the first instance.

3.6 Work Conditions

Tier 4 work conditions continue to apply when a student is studying remotely so they must adhere to the limit on the number of hours and type of work they can undertake. If a student intermits, they won't be able to work and should seek advice from the International Services team.

The Home Office concession states that for Tier 4 students who work or volunteer for the NHS as a Doctor, a Nurse or a Paramedic there are no restrictions to the number of hours they can work at this time.

3.7 Work Placements

Students who are unable to continue with, or begin, a work placement should take advice from their department and the Placements team at the earliest opportunity. Please inform International Services so that we can advise on next steps from an immigration perspective.

4. Visa Expiry Concessions

4.1 Students whose UK visa expired/expires between 24 January and 31 May 2020

Students who are unable to leave the UK by the date their visa expires because of the current situation will be able to extend it temporarily for free. They will need to contact the Home Office through it's Coronavirus Immigration Help Centre. This applies to any form of immigration leave.

They may also be able to apply to extend their leave from inside the UK provided all other requirements of the immigration category they want to apply under can be met. For instance, to apply to study a new course in the UK under Tier 4, this would mean that they would need to have completed their current course, the new course start date must be within 28 days of their current visa expiry date and they would need to be able to meet the maintenance (funds) requirements.

Applicants, including current Essex students wishing to start a new Essex course, should contact our Admissions teams.

Current students who will need further leave to complete their current course will be identified by the International Services team via our usual right to study checks and processes and can expect to be contacted. There are a very small number of current students in this position, less than 10.

4.2 Students whose visa expires after 31 May 2020

The Home Office have confirmed that the current visa application concessions do not apply to students whose visas expire after the 31 May 2020. The Home Office is likely to update their guidance and may extend the concessions if the current situation continues beyond the end of May.
5. Advice and guidance for students and applicants

- Immigration advice and guidance is regulated in the UK and must be tailored to each individual student’s circumstances. Our International Services team are authorised to provide immigration advice and guidance to Essex students regarding the student immigration rules whilst, our Admissions teams provide immigration advice and guidance to Essex applicants (including current Essex students starting a new course). SU Advice provide advice to Tier 4 students wishing to extend their Tier 4 visa in the UK for further study.
- We will continue to update our visa and immigration guidance FAQ’s in relation to COVID-19 for Essex students and UKCISA have produced extensive guidance on their website for students.
- Other members of staff are not authorised to provide immigration advice and guidance to students and applicants. Instead, please direct them to our Immigration web pages and ask them to contact the relevant specialist teams via the online enquiry forms if they need to.
- Staff who have concerns relating to a Tier 4 student or have questions relating to a particular course or cohort are welcome to email our International Services team.
- University COVID-19 guidance for applicants and current students can be found on our website.
- Essex staff who have questions regarding their own UK immigration status should contact HR by emailing tier2andtier5compliance@essex.ac.uk.

This information is correct at the time of writing and for your guidance only, it should only be shared with other staff at the University of Essex. The situation is changing rapidly and updates to guidance are frequent.