

BICSPI COVID-19 Hub

Submissions and live policy issues
Dashboard

31 March 2020

For the purpose of this paper we have categorised the impact on BICS relating to:

Securing the Border	Advice provided on measures taken at the UK Border and in relation to security at juxtaposed controls
Impact on the Customer	Advice provided on measures required because Covid-19 has had an impact on migrant behaviour, their immigration status or conditions attached to visas
Impact on Home Office operations	Advice provided on measures required because Covid-19 has a public health impacts on how we are able to run business effectively
Support to x-HMG response	Advice provided on measures to enable the BICS to support wider government measures

CURRENT AND UPCOMING SUBMISSIONS

ADVICE SUBMITTED: AWAITING DECISION	Submission Date	Lead	Business Area	Sub Unique Identifier
Securing the Border				
UK Border Controls: Further advice on options for additional restrictions.	25/03/20	Nigel Farminer	BICSPI	<i>BICSPI-09</i>
Impact on Customer				
Asylum seekers and right to work: ensuring those with medical/nursing skills can be deployed to NHS.	27/03/20	NR	BICSPI	<i>BICSPI-11</i>
RASI Funding for Unaccompanied Asylum-Seeking Children (UASC) and former UASC care leavers supported by local authorities (LAs)	27/03/20	Ailish King-Fisher and Joy Johnston	UKVI	<i>UKVI-06</i>
Impact on Home Office Operations				
Closure of in-country UK visa and citizenship application services (UKVCAS) and service support centres (SSC): sets out the approach to dealing with those cases that cannot wait for a resumption of service.	01/04/20	Deborah Chittenden	UKVI	<i>UKVI-05</i>
International law enforcement and Judicial cooperation: information note on impact of the virus on cooperation with international partners, and capability and capacity within the relevant UK operational partners.	31/3/20	Lizzy Gummer and style="text-align: center;"> NR	BICSPI	<i>BICSPI-12</i>
Immigration Detention Powers: Following previous submissions (IE-01 and IE-02) on managing the detention of FNOs and non-FNOs, this submission recommends continuing to use existing powers around detention (considering use of Covid-19 powers, and potential further powers, only if necessary).	30/03/20	Rickesh Nagar	IE	<i>IE-03</i>
COVID-19 – CRD Operational Impacts: To note submission on reduction in civil registration services, including birth registration, offered by the General Register Office and Local Registration Service.	27/03/20	NR	HMPO	<i>HMPO-03</i>
HMPO passport service operations - International: Permission to negotiate a virtual extension of UK passports which are overseas and are needed for visas or residence permits.	27/03/20	Sophie Conrad	HMPO	<i>HMPO-04</i>
Extension of flexibility in emergency travel document (ETD) policy beyond China: Note for information to advise that we have granted FCO permission to extend flexibility agreed for China on ETD processing and issuing to other countries. This is about ensuring that FCO can document British Citizens who need to return urgently to UK in line with FCO travel advice.	24/03/20	Kristian Armstrong	BICSPI	<i>BICSPI-08</i>
Immediate impacts of Covid-19 on asylum system	19/03/20	NR	BICSPI	<i>BICSPI-05</i>
RASI: Home Office's approach to promoting refugee self-sufficiency	13/03/20	Hannah Gregory and Nicola Thomas	UKVI	<i>UKVI-04</i>
Supporting the X-HMG Response				

UPCOMING SUBMISSIONS	Target date	Lead	Business Area
Securing the Border			
Impact on Customer			
British Nationals in Hong Kong	w/c 31/03/20	NR	BICSPI
Further advice on borders and SAWs (inc. OGD views): Requested by HS on 27/03/20.	w/c 30/3/20	Nigel Farminer	BICSPI
Support for migrants with NRPF: Responding to lobbying to lift No RPF condition and managing live litigation. Need to work out whether self-employment support will be available to those with NRPF.	TBC	NR	BICSPI
Overseas customers refund proposals: To Note Paper outlining proposals to manage refunds for those unable to travel due to Covid-19.	TBC	NR	UKVI
Impact on Home Office Operations			
EU Settlement Scheme: impacts of Covid-19 on EUSS (including responding to some lobbying in respect of extending the grace period for applications).	w/c 30/03/20	NR	BICSPI
VACs: closure of in-country centres: impact of closing-down of UKVI commercial partner.	TBC	Name Redacted	BICSPI
Process for managing applications from partners and spouses of those evacuated back to the UK: Information note to Ministers to highlight plans to use general discretion powers to grant leave (where appropriate)	TBC	Name Redacted	BICSPI

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UPCOMING SUBMISSIONS: CONTINUED	Target date	Lead	Business Area
Case Progression Panels: to update on the pilot for independence in these panels; and arrangements to recruit permanent panel members.	Early 4/20	Name Redacted	BICSPI
Auto-Bail Pilot: the outcome of this and to update JCHR and HAC.	Early 4/20		BICSPI
Detention Centre Rules: update on the broad shape of the Rules, following the consultation.	Early 4/20		BICSPI
Private Member's Bill: to block support for Sir Christopher Chope's 'Illegal Immigration (Offences) Bill'.	Early 4/20	NR	BICSPI
Review of criminality and deportation thresholds: review and simplification of thresholds in readiness for FBIS.	Mid 4/20	NR	BICSPI
Deprivation of British Citizenship: clarification of policy for SOC cases	Early 4/20	NR	BICSPI
Police Registration: review of countries covered by requirement as well as fees and exempt categories	Late 4/20		BICSPI
Regulation 33: update on certification of EEA deportation cases following Hafeez judgment	w/c 27/3	NR	BICSPI
EUSS cases with pending prosecutions: proposals to conclude cases where there is an outstanding criminal prosecution	Early 4/20		BICSPI
Extension of sham marriage scheme to EEA nationals post transition period	Mid 4/20		BICSPI
Private Member's Bill: to block support for Sir Christopher Chope's 'Foreign Nationals (Criminal Offender and Prisoner Removal)	Late 4/20		BICSPI
Lowering of checks for NHS sponsors	w/c 30/03	George Shirley	UKVI
EU Settlement Scheme Grant Funding	w/c 30/03	NR	UKVI
RASI Local Authority Capacity to deliver resettlement, asylum dispersal and UASC NTS.	Early 4/20	Kate Carr	UKVI
RASI Emergency Resettlement Mechanism	Mid 4/20	Kate Carr	UKVI
COVID-19 services recovery - both for GRO and Local Registration Service	TBC	Eric Powell	HMPO
Birth Registration – options for Ministers if lockdown continues beyond three weeks	TBC	Eric Powell	HMPO
Supporting the X-HMG Response			

LIVE COMMISSIONS AND ISSUES

LIVE COMMISSIONS	Date due	Audience	Lead	Business Area
Securing the Border				
Border planning and resilience paper	30/03/20	GPSMIG	Nigel Farnimer	BICSPI
Impact on Customer				
Announce visa extensions for NHS staff	30/03/20	NHS	NR and George Shirley	UKVI/BICSPI
Letter from Home Sec to Diane Abbott on migrants with NRPF	31/03/20	Diane Abbott	NR	BICSPI
Impact on Home Office Operations				
Risks and opportunities	27/03/20	IMIG	BICSPI Covid Hub	BICSPI
IRCs / Detention Estate	27/03/20	GPSMIG	Stephen Kershaw	IE
Impact of Covid-19 on transition	06/04/20	Transition Executive Board	Jonathan Rushton	BICSPI
Supporting the X-HMG Response				
Non-shielded vulnerable groups' access to food and essential services	31/03/20	GPSMIG	BICSPI Covid Hub	BICSPI/UKVI

LIVE ISSUES: OTHER	Lead	Business Area
Securing the Border		
FCO Repatriation Flights: Approach to Visa Waivers	Tom Greig	UKVI
International Food Supply Chains: Maintaining status for lorry drivers	BF Bronze	BF
Application of Visit Policy: Concerns raised by Border Force operations of conflict between the visit rules and HMG guidance to stay at home	Name Redacted	BF
Impact on Customer		
Refuge support for migrant victims of domestic abuse who have no recourse to public funds	Name Redacted	BICSPI
Impact of suspension of biometric service on health surcharge payers with outstanding applications	Name Redacted	BICSPI
Impact on Home Office Operations		
Suspension/derogation of Dublin/Refugee Convention, particularly for small boat arrivals	Name Redacted	BICSPI
Grenfell survivors immigration policy – automatic extension and removing the need for face-to-face application	Name Redacted	BICSPI
Suspension of fingerprinting for clandestine arrivals	NR Palmer and Sean	BICSPI
Impact of the virus on live extradition casework and surrenders to and from the UK	Name Redacted	BICSPI
Potential to pause proactive data sharing with OGDs and banking sector of disqualified persons - legal ramifications	Name Redacted	BICSPI
Supporting the X-HMG Response		
Understanding impact of all government COVID-19 measures on those with NRPF	Name Redacted	BICSPI

SUBMISSIONS LIBRARY: INDEX

ADVICE SUBMITTED: DECISION RECEIVED	Date feedback received	Lead	Business Area	Sub Unique Identifier
Border Force Operational Stance; Next 30 days	31/03/20	NR	BF Nat Ops HQ	BF-02
V&C Operations	30/03/20	Marc Owen	UKVI	UKVI-03
Covid-19 support for migrants with no recourse to public funds	27/03/20	NR	BICSPI	BICSPI-10
Mitigation of effects of Covid-19 on migrant workers, international students, and their sponsors	26/03/20	Name Redacted	BICSPI	BICSPI-06
Calais security enhancements	26/03/20	Emma Moore	BF	BF-01
HMPO Operations (suspension):	24/03/20	Dominique Hardy	HMPO	HMPO-02
The impact on detention and returns for non- FNOs	To note only (sub on 24/03/20)	Karyn Dunning	IE	IE-02
Managing the detention of FNOs	To note only (sub on 23/03/20)	Georgina Balmforth	IE	IE-01
Border Powers Options	20/03/20	NR	BICSPI	BICSPI-04
Asylum – operational pressures and policy implications	19/03/20	NR	BICSPI	BICSPI-03
HMPO/UKVI face-to-face services	18/03/20	Deborah Chittenden	HMPO	HMPO-01
In-country cases approach	17/03/20	George Shirley	UKVI	UKVI-02
UASC issues with LAs	10/03/20	NR	BICSPI	BICSPI-02
Chinese VACs Advice	02/03/20	Angela Perfect	UKVI	UKVI-01
Supporting Employers and Landlords in their duties to conduct right to work and right to rent checks	26/03/20	Name Redacted	BICSPI	BICSPI-07
Temporary travel document policy changes	12/02/20	Kristian Armstrong	BICSPI	BICSPI-01

SUBMISSIONS LIBRARY: RECOMMENDATIONS AND DECISIONS

ADVICE SUMMARY	Sub Unique Identifier	Recommendations of sub	Ministerial decision
Securing the Border			
Border Force Operational Stance; Next 30 days	BF-02	HS and Ministers to note BF stance over next 30 days and options for resource	The Home Secretary was minded to agree option two around resourcing.
Border Powers Options	BICSP1-04	Legal Professional Privilege	HS/Ministers remain concerned about flights entering from high-risk areas. Preferred mechanism to manage this is through route suspensions (DfT-led).
Calais security enhancements	BF-01	HO to consider funding additional security resource and dogs to screen freight and patrol perimeter. Secondary potential options to deploy Wagtail outside of UK control zone; seek greater flexibility to remove clandestines without presentation to PAF.	Agreed. Progress option 1 immediately and explore others if necessary.
Impact on Customer			
Covid-19 support for migrants with no recourse to public funds	BICSP1-10	Legal Professional Privilege	Noting that we won the legal challenge this week, Ministers support the position recommended in the submission that the Department continues to defend the policy. In doing so they point to the wide range of Covid-19 measures outlined in the advice which will apply to the NRPf cohort of migrants.
Mitigation of effects of Covid-19 on migrant workers, international students, and their sponsors	BICSP1-06	<p>Agree that we should provide updated guidance and potentially waive minor requirements or conditions of leave where there is an urgent need without further Ministerial agreement</p> <p>Agree to automatic extension of leave for certain doctors, nurses and allied health professionals</p> <p>Agree that we should take a pragmatic approach to unavoidable breaches of sponsor duties caused by COVID-19</p> <p>Agree that we should take a pragmatic approach when considering applications where an invalid sponsorship offer is used where invalidity is due to COVID-19 on a case by case basis</p> <p>Agree that police registration is not required for those who extend their leave in the UK during the period in which Government advice is to not leave home unless essential to do so</p> <p>Agree to offer a concession on how student sponsors are able to assess applicants' English language ability</p> <p>Agree to concessions for Tier 1, Global Talent, Start-up and Innovator migrants who are unable to meet certain requirements as a result of economic disruption arising from COVID-19</p> <p>Agree to publish updated guidance for the research sector to support the facilitation of Government funded COVID-19 research in the UK</p>	<p>HS agrees that we should extend NHS workers' visas for 12 months, but that these expansions should be funded by DHSC as with all Department specific visa changes.</p> <p>On the broader recommendations in the sub, the HS made clear that it is vital our approach is agreed and consistent with the wider HMT/ cross-Government response and approach. Further:</p> <ul style="list-style-type: none"> Migrants and sponsors should not be penalised for events outside their control, but any (even temporary) concessions must come through the HS and SpAds first – please can we also do the same for any concessions made on the global talent route/concessions relating to covid-19 researchers We should be very careful that our approach to migrant sponsors on salary thresholds is consistent with the HMT approach, and we are not misconstrued as suggesting that employers can pay migrant workers less. Please can any comms on this be fed through SpAds and the HS first. Please can we review the recommendation on English language requirements on students as centres, e.g. in China, come back online Sponsorship/CAS expiries should be reviewed on a case by case basis as suggested Would it be possible to require migrants who need to, to register with the police online rather than suspending this requirement entirely?
In-country cases approach	UKVI-02	<p>Proposals for dealing with those stranded in the UK and at risk of overstaying due to Covid-19.</p> <p>Agree the proposed approach for people stranded in the UK</p> <p>Agree to allow switching for people who wish to stay in the UK for the long term</p> <p>Agree temporary approach to normal face-to-face requirements for employers and educational institutions</p> <p>Agree revised approach for the Coronavirus Immigration Team</p>	<p>Ministers agreed in-country switching of routes, and that we take a pragmatic approach to education and employment-related face-to-face activity.</p> <p>Suggests that we are clear when notifying people they will not be subject to enforcement that their visa is being extended rather than their overstaying simply being ignored. Under discussion with SPADs following comments of 23 March.</p> <p>Ministers also expressed concerns over TB testing; further advice provided on 27 March recommended not making any changes to the current TB testing requirements set out in the Immigration Rules.</p>

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ADVICE SUMMARY	Sub Unique Identifier	Recommendations of sub	Ministerial decision
Impact on Customer (cont.)			
Supporting Employers and Landlords in their duties to conduct right to work and right to rent checks	<i>BICSPI-07</i>	To mitigate significant difficulties faced by employers and landlords fulfilling their RTW/RTR check obligations due to Covid-19 restrictions, checks can now be undertaken virtually; scanned copies are allowed and checks are able to be undertaken over video call.	Agreed. Announced 30/3, guidance on gov.uk.
UASC issues with LAs	<i>BICSPI-02</i>	Raises the issue of UASC not receiving correct care and support due to LA concerns about Covid-19.	HO working with DfE / PHE to develop protocol and provide solution – further advice to be provided if needed.
Impact on Home Office Operations			
V&C Operations	<i>UKVI-03</i>	Advice on moving to a more limited operating mode: protecting critical work whilst utilising digital options and pausing non-critical activities.	Ministers have noted and agree the overall proposed approach as set out in the attached. Ministers noted the listed activities and asked that as far as possible these are all considered key activities and must continue (i.e. the eight listed functions). Ministers are content that we do this under the “minimise working in the office / maximise working from home” approach set out in the sub. Key UKVI metrics to be captured as part of the daily reporting from the Covid hub.
The impact on detention and returns for non-FNOs	<i>IE-02</i>	See IE-02.	To note only. Further overarching advice provided 30/3.
Managing the detention of FNOs	<i>IE-01</i>	These two subs cover the continued management of FNOs and non-FNOs in detention. There is difficulty in lawfully maintaining detention where there is not a realistic prospect of removal (which is limited due to travel restrictions). Mitigations recommended include a review of all cases, evidencing to courts that detention processes have been adapted in accordance with our policies to reflect Covid-19 risks and safeguarding.	To note only. Further overarching advice provided 30/3.
Chinese VACs Advice	<i>UKVI-01</i>	Outlines triggers for reopening Chinese VAC centres.	Agreed. Update advice provided 15 March.
Temporary travel document policy changes	<i>BICSPI-01</i>	Temporary use of post/WeChat to issue travel documents, due to closure of VACs.	Agreed. Further advice for countries beyond China submitted 24 March.
HMPO Operations (suspension)	<i>HMPO-02</i>	Suspension of SLAs, suspension of priority services, commitment to Urgent and Compassionate services.	Agreed.
Asylum – operational pressures and policy implications	<i>BICSPI-03</i>	Advice on reducing face-to-face contact with claimants, accommodation issues, maintaining accordance with Dublin, and supporting UASC.	To note only.
HMPO/UKVI face-to-face services	<i>HMPO-01</i>	Reduce number of counter appointments, suspend face-to-face asylum claims, agree interventions to ensure capability for first-time passport issuing; various other service changes.	Agreed. HS keen to maximise use of video tech. Imm Min happy for first-time passport to be reduced to compassionate cases if needed.
Supporting the X-HMG Response			