

5 May 2020

Rt Hon Priti Patel MP
Home Secretary
Home Office
2 Marsham Street
London
SW1P 4DF

UK treatment of Tier 2 workers and their family members in light of the COVID-19 pandemic

Dear Home Secretary,

I write to you on behalf of Permits Foundation in relation to two points that were raised at the House of Commons Home Affairs Committee meetings of 21 and 29 April. By way of short introduction, [Permits Foundation](#) is a not-for-profit corporate initiative with over 40 international [sponsor](#) companies and organisations. We work with governments to improve access to employment for partners and spouses of highly-skilled mobile employees. We consider the UK to be a best practice country enabling dual careers in the global workplace and appreciate the opportunities for engagement that we have had with the Home Office and Migration Advisory Committee in this area.

Two pressing issues

We write to you today to make two recommendations on issues that have arisen during the COVID-19 pandemic. They concern Tier 2 employees and family members. We focus on these visa categories as they relate most closely to the work of the Foundation. However, we would not exclude other visa categories, recognising that many people are working in a range of jobs for the protection of the health and economy of the UK during this difficult period.

- **The treatment of family members where the Tier 2 worker has died**

We support your [announcement](#) last week that *family members and dependants of healthcare workers who sadly pass away as result of contracting the virus will be offered immediate indefinite leave to remain*. However, we understand that at present, non-EU family members of other categories of Tier 2 worker, have no guarantee that they could remain in the UK if their partner were to pass away. Such individuals do not have access to public funds and could be required to either leave the UK or request a potentially lengthy and costly change of condition on compassionate grounds. With no certainty of a positive outcome, this seems a terribly cruel requirement on top of already dreadful circumstances.

- **A visa extension for workers and dependants whose visa will expire in the coming months**

We applaud the decision [announced](#) by the Home Office that approximately 3,000 vital health and care workers and their families with visas due to expire before 1 October 2020 will receive an automatic one-year extension. Our concern lies with those other workers and family members whose visas are shortly due to run out and who may currently have visa extension granted to 31 May 2020. We are pleased that the UK has chosen to automatically extend permissions as it sets a positive global example. However with May upon us, we suggest that this period is now rather short. To help

employers and employees adapt, a further extension would be welcomed. We would also welcome fuller explanation of how the provision would apply to workers and their family members and how it would interact with other visa entitlements.

Permits Foundation makes the following recommendations to the Home Office:

1. Provide commitment to family members of Tier 2 workers, that they have a route to settlement where the Tier 2 worker can no longer work or has sadly died. We suggest that this could be achieved fairly simply by extension of the [bereaved partner rules](#) to include partners of Tier 2 workers. This would remove the risk of widowed partners and children potentially being removed after losing their loved ones.
2. Ensure that foreign workers and their family members can have their visas automatically extended to end September 2020 if they would otherwise have expired before that date. We request that all Tier 2 workers and their dependants be covered and that this is achieved by statutory instrument to provide a clear legal basis. We request that measures be put in place for employees to be able to provide evidence that they have received this extension. This is needed not only by those whose visas are extended, but by employers. We recommend a review of the guidance ahead of September to determine if any further extension is necessary.

Foreign workers and their dependants cover a range of vital professions, working to protect the UK's health and economy in these extremely difficult times. The necessity for compassion and adaptability has been brought into stark light by recent events and we commend the UK government for the recent assurances offered. In order to provide longer term peace of mind to these workers and their families, Permits Foundation requests that the Home Office take forward our recommendations.

Yours sincerely,



Gill Gordon,
Chair Permits Foundation