

FRAGOMEN

**NAVIGATING UK
IMMIGRATION:
SOCIAL CARE SECTOR**

LCAS Forum – 18 January 2023



WITH YOU TODAY



Siobhan Owers

Partner
London



Laurence Keir-Thomas

Senior Manager
Sheffield

AGENDA

- ▶ Right to Work in the UK
- ▶ Sponsorship & securing a sponsor licence
- ▶ Care sector considerations
- ▶ Visa application process
- ▶ Compliance

1. RIGHT TO WORK IN THE UK



UK and Irish nationals have the right to work in the UK.



EEA/Swiss nationals who were in the UK before 1 January 2021 should be able to demonstrate a right to work under the EU Settlement Scheme.



Others may have some right to work under family, student, Indefinite Leave to Remain or other immigration permissions e.g. Youth Mobility Scheme.



Some will have Skilled Worker, Global Business Mobility or Tier 2 permission to work for somebody else. They will need a new permission to work for you.



2. SPONSORSHIP

What is sponsorship?

- It is a licencing agreement with the Home Office.
- If you have a licence you can then issue sponsorship to candidates. Then the Home Office will award work visas to those candidates.
- In return you will have serious compliance responsibilities.

When could you sponsor?

If the candidate scores enough points for the visa.

3a. BECOMING A SPONSOR

To become a visa sponsor, your company must be able to show:

- ▶ It is a genuine trading company in the UK
- ▶ There is a genuine vacancy for the role you wish to issue sponsorship for
- ▶ There are strong HR and immigration compliance processes in place to maintain the licence
- ▶ There are key personnel in the UK that can be held responsible for the maintenance of the sponsor licence
- ▶ Government fees: £536 for small companies / £1476 for medium/large companies
- ▶ Processing times: 2 to 4 months

3b. HOW CAN FRAGOMEN HELP?

We have the knowledge and expertise to help you navigate the complex requirements to make sure your business remains immigration compliant. Our support includes:

- ▶ Initial assessment and due diligence for your business
- ▶ End-to-end support throughout the application process
- ▶ Comprehensive application guides
- ▶ Training on the UK immigration system and compliance requirements imposed on UK sponsors
- ▶ Ongoing support throughout the validity of your sponsor licence

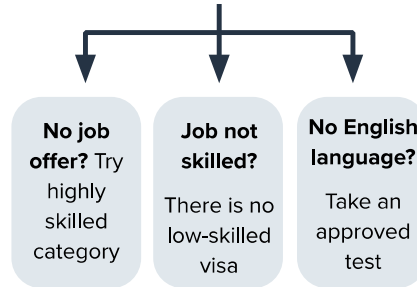
4. SECURING THE VISA – SKILLED WORKER POINTS



Employer needs an overseas worker

Characteristic	Points
Employed by approved sponsor	20
Skilled job	20
English language	10

All 50 must be scored



Characteristic	Points
Salary £20,480 (minimum) -£23,039	0
Salary £23,040 - £25,599	10
Salary £25,600 or above	20
Job is a shortage occupation	20
PhD in relevant subject	10
PhD in STEM subject	20
Applicant is a new entrant	20

Must score at least 20 points



4. CARE SECTOR JOBS

- ▶ The most common application types in the sector are for:
- ▶ SOC 6145 - Care workers, care workers, home care assistants, support workers in nursing homes - Minimum salary is £20,480 per year
- ▶ 6146 - Senior care workers, senior care assistant, Senior carer, Senior support worker, Team Leader in nursing home – minimum salary is also £20,480
- ▶ 2231 - Nurses and nursing assistants are sufficiently skilled and would need to be paid in line with the relevant NHS banding rates
- ▶ You can search these on https://onsdigital.github.io/dp-classification-tools/standard-occupational-classification/ONS_SOC_occupation_coding_tool.html

4. VISA APPLICATIONS

If they are overseas

- ▶ Assume a 6 to 8 week process, including document collection, filing and a decision.
- ▶ Priority services can speed up the process.
- ▶ Obtaining criminal record certificates and meeting the English language requirement can result in a lengthier process.

- ▶ You will need to request a Defined Certificate of Sponsorship (DCoS). This normally takes one or two days but can take longer.
- ▶ Non-EEA/Swiss nationals will need to apply online and book an appointment to give biometrics. EEA/Swiss nationals may be able to apply via an app, without the need for an appointment.
- ▶ Depending where they live they might need a TB test certificate.

If they are in the UK

- ▶ You will need to assign an Undefined Certificate of Sponsorship (UCoS). You should be granted a number of UCoS with your licence and can request more if you run out.
- ▶ Non-EEA/Swiss nationals will need to apply online and book an appointment to give biometrics. EEA/Swiss nationals may be able to apply via an app, without the need for an appointment.

Permissions are normally granted for three or five years and Indefinite Leave to Remain is available after five years subject to eligibility

CASE STUDY

Ahmed



- ▶ Ahmed is Algerian. He has lived in Algeria his entire life. He holds a Level 3 Diploma in Adult Social Care. He has been offered a job as a Home Care Assistant in London starting in July. His new employer holds a sponsor licence and Ahmed will be paid £20,500 per year.
- ▶ Ahmed will score the following points:
 - Offer of sponsorship from licenced company – 20 points
 - Home Care Assistant is skilled occupation – 20 points
 - English language – Diploma not sufficient – see below
 - Salary – £20,500 meets the minimum salary requirement - 20 points
- ▶ He will need:
 - To pass a Home Office-approved English test.
 - Criminal records certificate.
 - TB test certificate – Algeria is on the TB list.

5. IMMIGRATION COMPLIANCE



Be sure to make a compliant right to work check, in accordance with Home Office [guidance](#).



The Home Office will expect to be told of any significant changes in circumstances for a sponsored worker, for instance a change in work location or if they leave earlier than expected.



You will need to track the expiry of their right to work and, where they intend to stay, an extension application will be needed.



QUESTIONS?