

Questions from the PBS Healthcare Engagement

April 2024

There are important [changes to the Immigration Rules](#) coming into effect on 4 April 2024. These include:

- replacing the Standard Occupational Classification (SOC) 2010 system currently used in Appendix Skilled Occupations with the newer SOC 2020 system – this will mean changes to some occupation code numbers and job descriptions
- increasing salary thresholds for Skilled Workers, Global Business Mobility Workers, Scale-up Workers and Seasonal Workers

These changes will affect any application for entry clearance or permission to stay supported by a Certificate of Sponsorship assigned on or after 4 April 2024.

On 19 March 2024 we published an annex to Sponsor a Worker: sponsor guidance part 2. The annex tells sponsors how forthcoming changes to the Immigration Rules will affect Certificates of Sponsorship. The annex can be found here:

www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker

Defined CoS applications made before 7 pm on 2 April 2024

We will process as many DCoS applications as we can before 7 pm on 2 April 2024. However, any applications which are still outstanding at that point will be cancelled. If your application is cancelled, you will need to make a new application after 9 am on 4 April 2024 based on the relevant SOC 2020 occupation codes and revised salary thresholds.

You can view your DCoS application status in SMS by selecting 'Workers-Defined CoS- View applications that are awaiting a decision'. Cancelled applications will have an 'Application Status' of 'SOCcancelled'.

Defined CoS applications granted before 7 pm on 2 April 2024

Any DCoS granted with a SOC 2010 occupation code cannot be assigned from 4 April 2024. This is because they will have the incorrect occupation code, which cannot be amended.

If you have been granted any DCoS with a SOC 2010 code, and you intend to assign them to a worker, you must do this before 7 pm on 2 April 2024. If you do not, the DCoS will be cancelled, and you will need to make a new application for a DCoS

after 9 am on 4 April 2024 based on the relevant SOC 2020 occupation codes and revised salary thresholds.

Undefined CoS allocations

You will be unable to request an increase to your UCoS allocation, or apply to renew your allocation, between 7 pm on 2 April 2024 and 9 am on 4 April 2024.

If you made your request before 7 pm on 2 April 2024, we will consider it as normal but if your request is not decided (or you do not assign any CoS allocated to you) before 7 pm on 2 April 2024, you will need to ensure any CoS you assign after that date meets the new requirements of the Immigration Rules.

Existing UCoS allocations are not affected by these changes. However, if you wish to sponsor a worker under a SOC 2010 occupation under the existing Immigration Rules, you must assign a CoS to the worker before 7 pm on 2 April 2024.

If you have any UCoS with the status of 'work in progress' or 'ready to go' and have not assigned them by 7 pm on 2 April 2024, you will need to update them with the relevant SOC 2020 occupation code and ensure they meet the revised salary thresholds before you can assign them to a worker.

You are reminded that you must only assign an undefined CoS for workers who will be applying for permission to stay from within the UK.

CoS assigned before 7 pm on 2 April 2024

DCoS or UCoS which have been assigned to workers before 7 pm on 2 April 2024 will not be cancelled. They will remain valid for the normal 3-month validity period.

Applications for entry clearance or permission made using these CoS will be considered with reference to the salary thresholds and SOC 2010 occupation codes under the Immigration Rules in place before 4 April 2024, even if the worker applies on or after that date.

If you have any queries, you can call us on 0300 123 4699 or email us at: businesshelpdesk@homeoffice.gov.uk

We made an application for a defined CoS in Dec2023 and still do not have a response - If determined after April is it against old or new rules / limits?

Any certificates of sponsorship not decided and assigned by the date of the rules change on 4 April will be assessed under the new rules.

Dependants:

Can a care worker who has not yet started work in the UK bring their dependants?

Your partner and children cannot apply to join you or stay in the UK as your dependants unless you were employed as a care worker or senior care worker in the UK and on a Health and Care Worker visa before 11 March 2024 and one of the following is true:

- you're currently still on a Health and Care Worker visa
- you're extending your Health and Care Worker visa with your current employer
- you're changing to a new job within the same [occupation code](#) while on a Health and Care Worker visa

[Health and Care Worker visa: Your partner and children - GOV.UK \(www.gov.uk\)](#)

Sponsorship.

Could we employ a sponsored candidate through another company and pay invoice to the sponsored company? –

An employer can only sponsor a worker supplied to them by another organisation (including an employment agency) if that employer will have full responsibility for all of the worker's duties, functions, and outcomes or outputs, and is responsible for determining the worker's pay. Where a sponsor wishes to supply a sponsored worker to another organisation to fulfil a contractual obligation, the sponsor must continue to have full responsibility for the worker and the contract must not be for routine or ongoing work. For further guidance, see:

- '[Employment agencies and third party employment](#)' in section L5 of Part 1: Apply for a licence
- '[Working on a contract basis](#)' in section S1 of Part 2: Sponsor a worker

What is my pay and work responsibilities when supporting a sponsored person who becomes pregnant and needs extensive time off pre-birth. Do I need to inform on SMS and proceed as with a non-sponsored person?

We have a skilled worker who is pregnant due to go on maternity leave but does not qualify for maternity pay do we need to report this ?

What happens if a sponsored employee falls pregnant, or arrives already pregnant ?

Do we have to inform the home office if we have sponsored staffs is on maternity leave?

Migrant workers have the same rights and protections as settled workers when it comes to maternity leave and related rights but periods of absence normally need to be reported to UKVI using the Sponsor Management System.

For detailed guidance on your responsibilities if a worker is absent from work without pay, or on reduced pay, for any reason (including statutory maternity leave), see [‘Absence from work without pay or on reduced pay’](#) in section S4 of Part 2: Sponsor a worker.

If an employee goes off sick and can't meet their 37.5 hours due to illness or other circumstances where do we stand?

Part 2 of the sponsor guidance makes clear that sickness is one of the valid exceptions for people who are absent with no or reduced pay. Further information can be found here: <https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker>

Defined allocations but expired before issuing how do we go about addressing it?

If you have not assigned a Defined Certificates of Sponsorship (DCoS) to a worker within three months of the date it was allocated to you, it will lapse and be removed from your account. If you require more DCoS, you will need to reapply using the standard process, as outlined in [section SK12 of Sponsor a Skilled Worker](#).

If someone is on dependent on his wife student visa and the wife fails on the course twice, can the wife still extend her visa? How it effects on the dependent? – Dependents will be able to remain whilst the main applicant has valid leave. Failing a course twice does not necessarily prevent a person being able to apply for further leave.

Is there a centralised database of people obtaining SW or H&C visas to demonstrate need across England?

The Home Office publish data quarterly on the use of immigration routes including skilled workers and Health and Care visas. This data can be broken down by the numbers applying in each Standard Occupation Classification code. [Immigration system statistics, year ending December 2023 - GOV.UK \(www.gov.uk\)](#)

What is the reason that most of the candidate's BRP card expires (31.12.2024) earlier than their visas? Will there be any changes related to their BRP card?

The Government is moving towards a more digital process which will see the end of physical cards being issued. Although Biometric Resident Cards and Permits are ending on 31 December 2024, people who have leave beyond this date will continue to have valid leave and will not need to do anything further. More detail about changes to the immigration system will be published in due course.

If you're a large employer can you apply for multiple licences, one for each division? What are the pros and cons of applying for one overall licence v many.

An employer can choose to apply for a single licence covering all branches and sites, or they may decide to apply for multiple licences (covering, for example, individual branches, regions or divisions). It's a matter for the individual organisation to decide what works best for them. There are no particular advantages or disadvantages (other than cost if applying for multiple licences). See [section L5 of Part 1: Apply for a licence](#) for further information.

Do the older COS salary requirements need to be updated to match the new salary requirements?

Any COS assigned after the 4th April rules changes will need to meet the new requirements.

Applications made for a defined CoS prior to the rules changes, if granted will the COS be issued under the old or new rules. What would happen to a pending CoS application submitted with a salary lower than the new salary of £23,200 per annum that is in compliance with the minimum prior to March 11, 2024? **Formal comms have gone out to sponsors addressing this.**

How are CoS requests assessed in the framework of employer scale, and the nature of the organisation, is there guidance ?

The sponsor guidance on GOV.UK

Standard service delivery dates for COS.

Priority service, how do I get this and timescales ?

CoS Applications are taking 18 weeks since UKVI introduced much tighter checks and requirements for further info in Autumn 23. What's being done to bring the processing times down please?

The 18 weeks is only for UCOS, DCOS are usually approved within 24-48 hours if there are no concerns.

During some of the COS applications, they're asking for proof of contracts that we have secured for care. As the UK home care association CEO had said recently, the care industry does not operate like this. You cannot get contracts without the staff in place as this could raise many safeguarding issues for the clients. There is a disconnect between HO and the care industry, is there some work being done to understand this gap better?

There are sessions between UKVI and DHSC sector leads in place which cover this topic however there is a requirement for vacancies to be available at the time applications are submitted to prevent speculative recruitment and workers arriving in the UK to find themselves in destitution.

Home office refused CoS requested from employers because they do not have Local Authority contract but private contracts. They do not understand the Direct Payment contracts. Please help explain to them.

There is no requirement to hold a LA contract but without further details we are unable to comment on this further, we also cannot provide immigration advice on individual cases.

Supplementary working hours.

Can we take on employees already sponsored for 20 hours a week if we do not have any licences (COS) left?

Yes, supplementary work does not need to be for a licenced sponsor. However, we would expect you to check that the person is still employed by their sponsor in the role for which they were sponsored.

The sponsored employee can only work additional hours within the care sector, for example they can work at another care home in the role they are currently doing they cannot go and work as a gym instructor, taxi driver, waitress, chef etc.

[Health and Care Worker visa: Taking on additional work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/health-and-care-worker-visa-taking-on-additional-work)

How are we managing the agents? Agents charge differently and there is no standard. This is not regulated and I believe this a concern. What is being done here.

There are a list of ethical recruiters on GOV.UK which we encourage employers to use, please find links below along with the code practice links.

[Ethical Recruiters List | NHS Employers](#)

The Department of Health and Social Care have published the Toolkit for International Recruitment for Adult Social Care Providers. This toolkit is a best practice guide, to support providers to ethically recruit care workers and senior care

workers from overseas. The toolkit can be used by providers who are new to international recruitment to help support through the new processes, or by providers who are looking to refine their current international recruitment processes. The toolkit has been written in collaboration with Skills for Care and is hosted on their international recruitment hub, alongside other key resources and information to support with ethical international recruitment

[International recruitment toolkit - March 2024 \(skillsforcare.org.uk\)](https://skillsforcare.org.uk)

[Code of practice for the international recruitment of health and social care personnel in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[International recruitment | NHSScotland Careers](#)

[International recruitment of health and social care personnel: code of practice - March 2023 \(revised\) - gov.scot \(www.gov.scot\)](https://www.gov.scot)

[Employing foreign nationals in social care \(Health and Care Worker visa\) \[HTML\] | GOV.WALES](#)

[Ethical Recruiters List | NHS Employers](#)

Can an employer still sponsor a migrant worker even if they don't arrive in the UK within the stated 28 days from receipt of the visa vignette?

For guidance on what to do if a worker's start date will be delayed by more than 28 days, see '[Start date on the CoS](#)' in section S3 of Part 2: Sponsor a worker.

If a sponsor recruits overseas staff for 5 years and then within this duration if the sponsor does not work or ceases trading then what they need to do with migrant worker

If a sponsor goes into administration or is taken over, they must report this to the Home Office within 20 working days. If they cease trading, we will normally revoke their licence and any sponsored workers will be liable to have their permission shortened. Sponsors should therefore inform their sponsored workers as soon as possible so they have the opportunity to find alternative sponsored employment. For further information, see sections C3 and C4 of [Part 3: Sponsor duties and compliance](#).

Is there any guidance (on gov.uk?) on requirements / best practice around keeping the info required as a sponsoring org?

This is all set out in Appendix D of the sponsor guidance which deals with records which need to be kept by a sponsor - <https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d>

Is there any upper limit on the no. of CoS an employer can request?

Is there a limit on how many can sponsor and is there any ratio on how many sponsorship based on the number of staff in the organisation or settled workforce?

No – but sponsors must justify their request and may be granted fewer CoS (or none at all) if UKVI is not satisfied their need is credible based on their circumstances. See ‘Your CoS allocation’ in [section S2 of Part 2: Sponsor a worker](#).

Does the employer have any reporting responsibilities if the sponsored person leaves / goes AWOL?

Yes – A sponsor has duties including tracking and recording workers attendance and reporting to UKVI if there is a problem, such as the worker stops coming to work. In particular, sponsors must report if a worker is absent from for 10 consecutive working days without their permission – see ‘Worker is absent without permission’ in section C1 of [Part 3: Sponsor duties and compliance](#).

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Can the employer take back the cost of their sponsorship costs, not salary but the costs of their sponsorship from the sponsored person?

No – sponsors should not be seeking to recover the costs associated with recruiting a migrant worker (such as cost of assigning a Certificate of sponsorship, cost of holding a sponsor licence, the Immigration Skills Charge etc). The recovery of sponsorship charges could lead to compliance action. It is specifically prohibited to recoup, or seek to recoup, all or any part of the ISC from a sponsored worker – doing so will normally result in licence revocation. See:

- paragraph S5.7 in [Part 2: Sponsor a worker](#)
- Annex C2(q) of [Part 3: Sponsor duties and compliance](#)

Away from carrying out RLMT how can the sponsor justify the vacancies within the organisation?

There is no longer a resident labour market test for Skilled Worker but sponsors must keep evidence of how they’ve recruited the worker. In all cases, we must be satisfied the vacancy is genuine. See:

- [Part 3B of Appendix D to the sponsor guidance \(evidence of recruitment\)](#)
- [Definition of ‘genuine vacancy’ in Part 3: Sponsor duties and compliance](#)

What is the Home Office doing to sponsors who have recruited skilled workers but have no jobs for them? What happens to the workers?

Where we identify sponsors are recruiting staff without a genuine vacancy we may look at whether it is appropriate for them to continue to hold a sponsor licence.

Where a sponsor is unable to offer the job to a worker which they were promised, the sponsor will need to notify UKVI and end the sponsorship. UKVI will then take action to curtail the migrants leave. During this period the individual may look for alternative employment but this must be with a Home Office licence holder.

Do sponsoring employers tend to fund the applicant's visa costs? How does this best work in practice?

It is up to sponsors to decide whether they wish to cover some or all of the applicant's visa costs. If a sponsor wishes to cover applicant's costs, with an expectation that this will be paid back over a period of time, this should be clearly agreed along with the terms of any repayment with the migrant before they accept the job.

What are our responsibilities when hiring someone who is already in the UK working with another employer under H&SC visa?

The same process applies as if recruiting someone from overseas. You will need to hold a sponsor licence for the type of worker you are looking to recruit, you will need to assign a Certificate of Sponsorship, pay the relevant fees and the migrant will need to make an application to change employer. This will include the migrant making an application and paying all of the relevant fees.

If candidates switch their health care worker visa to other provide, then do dependent need to apply again or do not required to apply as they have same visa.

If care staff is switching their home care worker visa from one company to other, then obviously candidate need to apply for visa but what about their dependent? – Dependants will not need to make a new application if they have time remaining on their dependent visa at the point when the main applicant is applying to change employer.

If international home care worker is dismissed from work, then how we can withdraw sponsorship, how we need to report to home office.

You will need to report the fact that the worker has been dismissed to UKVI via the Sponsor Management System and confirm you have stopped sponsoring them. This will then facilitate UKVI beginning action to cancel the workers leave.

Where do we report individuals/organisation posing to be sponsors and fraudulently using a company from sponsors list and charging money to overseas applicants?

There are a number of ways you can report concerns to the Home Office :

[Pay and work rights helpline and complaints - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pay-and-work-rights-helpline-and-complaints)

You can [make a complaint](#) about your employer or employment agency, or complain on behalf of someone else.

Your complaint will be directed to:

- HM Revenue and Customs (HMRC), if it's about the National Minimum Wage
- Employment Agency Standards inspectorate, if it's about employment agency legislation (except Agency Worker Regulations)

- Gangmasters and Labour Abuse Authority (GLAA), if it's about agency workers in agriculture, horticulture, shellfish gathering or associated processing and packaging
- Health and Safety Executive (HSE), if it's about working time issues, including maximum weekly working hours
- the Agricultural Wages Team in the Rural Payments Agency, if it's about agricultural wages
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[Labour abuse - Report form - Exploitation - GLAA](#)

[Complain about a service or provider - Care Quality Commission \(cqc.org.uk\)](#)

You can [‘Report an immigration or border crime’](#) on GOV.UK via this link.

Re the H&SC visa continuing - is it looking likely that the care worker eligibility will also continue – the Government keep all routes under regular review. There are no plans to remove the general health and care visa. Care workers were added to the Shortage Occupation List following a recommendation by the Migration Advisory Committee. The addition of care workers was not intended to be a permanent change but no decision have been taken to remove eligibility for care workers.

If someone is already employed elsewhere on a H&SC visa joins us to work supplemental hours do we need to inform their primary employer.
There is no obligation to notify a sponsor that a person is undertaking supplementary employment. It is a decision for the migrant whether they wish to notify their sponsor of any supplemental employment.

Can you have zero hour contracts on a sponsorship – **No, this is clearly set out in the Sponsorship Guidance.**

Can someone you've sponsored in a carer role switch to a different role and be sponsored for that role instead if they have the qualifications etc
Yes, a person can switch employment if they have the necessary skills to do a different role. However, they may need to be assigned a new certificate of sponsorship for the role if it is in a different Standard Occupation Classification code to the one they were originally sponsored in and make a fresh application. See 'Change of employment' in [section S9 of Part 2: Sponsor a worker](#).

Skilled worker must earn minimum £26,200 from now on? Those that we sponsor already, do we need to make changes in their salary if their salary is currently below? **Please note changes to minimum wage have increased since the webinar.**

The Immigration rules will apply to application made after those rules came into force. So if you had employed, or assigned a valid CoS to, someone when the salary requirement was £25,600 you can continue to pay them at that rate until such time as they make a fresh application (for example to change jobs or extend their visa). However, employers must still ensure the rates paid are compatible with UK law, including National Minimum Wage.

Home care hours can go up and down. I wanted to ask if its possible for home care workers who are sponsored by another company to work more than 20 hours.

No, whilst it is possible for individuals to work unlimited overtime for their sponsored employer (subject to opting out of Working Time regulations), supplemental employment for another employer (or employers) is limited to a maximum of 20 hours per week in total.

Is the minimum annual salary requirement for a H&SC visa £10.75ph or does it need to be £20,960pa regardless of the no. of hours worked? – It is both. The hourly wage cannot be less than £10.75 per hour but a person must also be earning at least £20,960 per annum (or, where applicable, the going rate for the occupation, if this is higher). This figure is based on someone working 37.5 hours per week. If a person works more hours then the annual salary requirement will also go up. See sections SK5 to SK8 of [Sponsor a Skilled Worker](#) for detailed guidance on salary requirements.

Please note changes to minimum wage have increased since the webinar.

When does an employee need to update their visa?

Update your visa if you change job or employer.

You'll need to apply to update your Health and Care Worker visa if:

- you want to change your job and your new job is with a different employer
- your job changes to a different occupation code, and you're not in a graduate training programme
- you leave a job that's on the shortage occupation list for a job that is not on the list

The same conditions apply to Tier 2 Health and Care visas issued before 1 December 2020.

You do not need to apply again if you stay in the same job, but your job is taken off the shortage occupation list.

If you'll be doing a different job for your current employer, you only need to update your visa if your new job is in a different [occupation code](#).

Your partner or child's visa will not automatically change if you update yours. If they do not update their visa, it will be valid until its original end date. They can either apply at the same time as you, or at any time before their current visa expires.

If you're a care worker or senior care worker and you change your employer and you're working in England, your new employer must be registered with the Care Quality Commission.

[Check if your employer is registered with the Care Quality Commission.](#)

If a sponsored staff member does a vanishing act you can update the home office via your SMS log in and get a pro rata refund of the ISC you paid as the employee? Details on the Immigration skills charge and when refunds may be paid can be found at: <https://www.gov.uk/uk-visa-sponsorship-employers/immigration-skills-charge>

Can we recruit a maintenance staff from overseas for our care home? As there is not very clear job code for this role. Thank you. – Maintenance staff are unlikely to be eligible but a full list of occupations which are eligible can be found at: <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-skilled-occupations>

Can i employ a chef, if yes can anyone help to get a correct SOC – Chefs are eligible for the skilled worker visa. The SOC code for Chefs is 5434 (Chefs).

Right to Work

Is the RTW check sufficient when employing somebody who is sponsored by another employer or do we still need a letter from their employer confirming they do their hours

Where a sponsored worker is undertaking permitted supplementary employment with another employer, there is no specific requirement for that other employer to obtain a letter from the sponsoring employer. The sponsored worker must advise the supplementary employer that they are doing supplementary employment and that employer must carry out appropriate [right to work checks](#).

How does a business prove their staffs RTW ff they are working supplemental hours, without sponsorship

By carrying out a standard [right to work check](#).

When we carried out right to work checks then many times right to work end date and bio metric visa end date is never same, why? so which date we need to consider?

BRPs are being phased out and will be replaced by digital status by the end of 2024. Since 6 April 2022, an employer cannot establish a statutory excuse under illegal working legislation by checking a BRP – they must carry out an online [right to work check](#).

Please can you advise how to do a right to work check for an asylum seekers from albania living in the uk for 4 years but passport is with the home office

Please follow the guidance : [Checking a job applicant's right to work - GOV.UK](https://www.gov.uk/guidance/checking-a-job-applicant-s-right-to-work)
(www.gov.uk)

For current employees - if they have received a new residence permit and we have a copy/seen original do we need to complete a RTW check at this point too?

If a sponsored worker's permission has been varied (i.e. an extension or a change of employment, or they're aware the worker's permission has been shortened), they must carry out a follow-up [right to work check.](#)]

Overseas students on bank contract max 20 hours a week as per visa requirements. Are accrued holidays counted as working hours?

[How much holiday you should get: Checking holiday entitlement - Acas](#)

Annual leave is an entitlement.

Ethical Employment

Do we need to advertise for jobs to meet the labour market test?

There is no resident labour market test for the Skilled Worker route but sponsors must retain evidence of how they've recruited the worker, as set out in [Part 2B of Appendix D to the sponsor guidance](#). All jobs are subject to [genuine vacancy assessments](#) (section C1 of Part 3: Sponsor duties and compliance).

A company recruits international health and social care staff and then afterwards the company doesn't have work then what can the company do?

If a sponsor is unable to guarantee sufficient work to meet the minimum salary requirements, they must end sponsorship. They should not be sponsoring a worker in the first instance if they cannot guarantee sufficient work.

There are many carers approach us and inform us that their current employer is not providing work and not paying as per contract? What should we do :

If a sponsor company is not providing contracted hours then what do the care staff need to do? Is that still legal

A worker must have an offer of a job which meets the relevant criteria from an approved sponsor before they can make a valid application to enter or stay in the UK on the Worker or Temporary Worker routes. The sponsor confirms this by assigning a Certificate of Sponsorship to the worker.

Sponsors shouldn't be sponsoring people unless they have guaranteed work for them to do. They must adhere to rules and UK legislation relating to pay and employment law and any found to not be adhering to their duties or sponsoring

workers where there are no genuine vacancies, will face action which may result in the licence being revoked.

The Home Office has dedicated resource in policing the sponsorship system to ensure sponsors are adhering to their duties and wider UK Law.

Whilst the ethical recruiters list is compulsory for NHS employers, is it also compulsory for private care providers or just recommended? It is recommended please refer to the DHSC guidance.

For Carer who were recruited last year on £10.75. Should we increase their salary to NMW of £11.44 to be compliant with employment law or £11.90 from 4th April

There is no requirement for people who were granted before the rules change to meet the new salary requirement (£11.90 p/h) until the point of the next application. However, you will need to increase the salary to at least the level of NLW to remain compliant with domestic legislation.

Miscellaneous

We are losing International carers to the NHS, can we stop the NHS recruiting International carers who are here on a visa with another employer – Allowing an individual to move sponsors is a vital safeguard against people being exploited. We do not have any plans to change the rules allowing workers to switch employers.

We are a homecare co. who have International carers working for us. Recently some carers who are here on visas being enticed to join the NHS. Can we stop this ?

No – sponsored workers are free to change sponsor, provided they make a successful 'change of employment' application.

Can we discipline a skilled worker the same as any other employee? Do we have to advise the home office if we dismiss?

Yes, you can discipline migrant workers. If this ultimately leads to dismissal then this will need to be reported to UKVI so that they can take action to curtail the workers leave. You must also inform us if the worker is suspended on no pay or on reduced pay.

Can we assume that work on bringing together various systems into a digital platform means that H&C overseas recruitment can continue for foreseeable future? There are no plans to remove the ability to recruit health and care workers from overseas but the Government keep all immigration routes under regular review.

What is B1 equivalent to for overseas?

B1 is a European framework level which is equivalent to intermediate level of English language.

What additional measures that UKBA could put in place to assess the level of competency in English language? IELTS level of assessing English is questionable. – details of the various ways people can demonstrate English language are set out in Appendix English language - <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-english-language>. This includes taking an English language test with one of the four separate approved English language test providers.

What about overseas staff targeting care home operators, working for a very short period and then vanishing, leaving the care provider with substantial costs. What safeguards will UKVI put in place to stop this financial abuse

Comments

If sponsorship is a privilege, I don't think the Migrant knows this. There are NO consequences for the Migrant worker to "jump ship" and leave the Sponsor with a huge debt. UKVI needs to intervene and support us in this unethical behaviour.

We encourage all sponsors to refer to the sponsorship guidance when employing an overseas Health & Care Worker along with the DHSC guidance Allowing an individual to move sponsors is a vital safeguard against people being exploited

As part of a sponsors responsibility is to report a change of circumstances for an employee.

With respect to this Webinar, it's the issues that Care Providers are facing with unethical behaviour, everything seems to be geared towards the Migrant, who is protecting the Sponsor?

We encourage all sponsors to refer to the sponsorship guidance when employing an overseas Health & Care Worker along with the DHSC guidance.

I believe there should be a route for providers to report others for very poor and exploitative practices. We are regularly approached by individuals desperate to transfer sponsorship to us, but they are too scared to tell us who their current sponsor might be in case they get deported. In two recent cases they had taken on large debts to come here and to be deported would be catastrophic for them. Equally it seems a nonsense for us to continue to bring in further people if there are appropriate care workers already here and in the neighbourhood. (Undefined CoS have proved difficult to obtain and have taken far too long.)

Please can the Home Office clamp down quickly on unethical recruiters who are flooding the market with IRs and not providing work for them thus leaving them stranded in the UK with no job. It is cruel to these IRs who have sold their homes

and paid out a lot of money. Perhaps they should screen requests from these recruiters more rigidly

[Pay and work rights helpline and complaints - GOV.UK \(www.gov.uk\)](#)

You can [make a complaint](#) about your employer or employment agency, or complain on behalf of someone else.

Your complaint will be directed to:

- HM Revenue and Customs (HMRC), if it's about the National Minimum Wage
- Employment Agency Standards inspectorate, if it's about employment agency legislation (except Agency Worker Regulations)
- Gangmasters and Labour Abuse Authority (GLAA), if it's about agency workers in agriculture, horticulture, shellfish gathering or associated processing and packaging
- Health and Safety Executive (HSE), if it's about working time issues, including maximum weekly working hours
- the Agricultural Wages Team in the Rural Payments Agency, if it's about agricultural wages
-

[Labour abuse - Report form - Exploitation - GLAA](#)

[Complain about a service or provider - Care Quality Commission \(cqc.org.uk\)](#)

You can ['Report an immigration or border crime'](#) on [GOV.UK](#) via this link.

It is noticed that the home office approved sponsorship licence to some organisations who are not health and social care providers. What are the major the home office is taking to ensure that the licence are approved to the correct organisations facing the real workforce shortage.

There are a sponsorship licences issued to a cross sector of organisations to apply for a sponsorship licence you have to be eligible and meet the criteria.

[UK visa sponsorship for employers: Overview - GOV.UK \(www.gov.uk\)](#)

[Register of licensed sponsors: workers - GOV.UK \(www.gov.uk\)](#)

If someone with sponsorship is signed off work by a Dr do you need to pay full pay or can it be ssp

Sponsored workers have the same rights in respect of sick leave and sick pay as settled workers. An employer can choose to pay more than SSP but must not pay less than SSP if the worker is entitled to it. For further information, see [Statutory Sick Pay: an employer's guide](#) on GOV.UK. Where a sponsored worker is absent from work on reduced pay, or zero pay, due to sickness and, as a result, they are absent without pay or on reduced pay or zero pay for more than 4 weeks in the calendar year, the sponsor must report this to the Home Office. For guidance, see 'Absence from work without pay or on reduced pay' in [section S4 of Part 2: Sponsor a worker](#).

For Carer who were recruited last year on £10.75. Should we increase their salary to NMW of £11.44 to be compliant with employment law or £11.90 from 4th April

There is no requirement for people who were granted before the rules change to meet the new salary requirement (£11.90 p/h) until the point of the next application. However, you will need to increase the salary to at least the level of NLW to remain compliant with domestic legislation.