



Home Office

Adult Social Care Sector (England) Q&A Responses

December 2024

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Changes in Job or Role

Q: If there is a slight change in the job description (JD) but within the same Standard Occupation Classification (SOC) code of care worker or senior care worker (6135 or 6145) is a new Certificate of Sponsorship (CoS) application required? For example, some care workers under sponsored CoS can also be involved in care planning and reviews or coordination in line with our updated JD within the same SOC codes. If, we promote a member of staff, to a job within the same department, are we able to simply change their JD through the Sponsor Management System (SMS), or must we sponsor them again under the new title.

A: Sponsors need to consider whether the change of duties significantly changes the role for which they were originally sponsored. If there is a significant change in duties which result in a change to the most appropriate SOC code for the role, then a new CoS will need to be assigned, and a new visa permission application made by the worker. For information on reporting duties for change of worker's circumstances see paragraph C1.13 in Part 3 of the guidance: [Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance-accessible)

Q: Is there any limit to number of times a worker can change sponsor?

A: No, however, each change in sponsor requires a new CoS to be assigned, and the worker will need to apply for new permission to work which needs to be granted before commencing sponsored work with a new employer.

Q: When one of the individuals we sponsor leaves, do we have to reapply for a new CoS and a new visa application be submitted to sponsor another migrant, or do we just need to pay a fee to transfer?

A: A new CoS is required, and a new visa application needs to be submitted by a migrant each time a new migrant is sponsored, and also when an existing migrant's current permission expires. All applicable fees will need to be paid, and the salary must meet at least the minimum amount applicable for the SOC code at the time of the application. Part 2 of the sponsor guidance, as well as the Sponsor a Skilled Worker route specific guidance set out the relevant information. You will not be able to employ and sponsor a new migrant until they receive a grant decision on their sponsored visa application.

Please see the supplementary employment section of this document for information on when you might be able to provide employment to a migrant under this provision before the sponsored visa is granted.

Q: If a sponsored care worker is moving to a senior care worker role with the same sponsor, is the Immigration Skills Charge (ISC) applicable?

A: You must pay the immigration skills charge for the full length of their visa. If the new certificate of sponsorship allows the worker more time on their visa, you'll need to pay for this extra time.

You do not need to pay the additional immigration skills charge if the new certificate of sponsorship does not extend the time on your sponsored worker's visa.

Further information on ISC is in section S5 of Part 2 of the sponsor guidance: [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker-general-information-accessible)

Q: We have a couple of care professionals on sponsored student visas working part-time at the moment with us, they have requested to stay with the company and we are happy to keep them because of their performance so far. Is this possible?

A: Under the current Rules, sponsored students are not eligible to switch into the sponsored worker route until they have successfully completed their course of study. When this happens, if you are satisfied the migrant meets all the requirements for a sponsored worker visa, you would need to assign them an Undefined Certificate of Sponsorship (UCoS), they would need to include the UCoS number when completing their online application for a Skilled Worker visa.

Q: If a sponsored worker is changing their CoS (changing job or sponsor), their family is already on a dependant visa, living together in UK. Will the new CoS cover his family?

A: If the sponsored migrant extends or switches their visa, their partner or child's current visa **will still be valid until** its original end date. Their partner or child need to apply to extend or switch their visa, **either**:

- at the same time as the sponsored migrant
- at any time **before their current visa expires**"
- Please refer to the guidance for further information, link below: [Skilled Worker visa: Your partner and children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/skilled-worker-visa-your-partner-and-children)

Certificates of Sponsorship (CoS)

Q: Adult Social Care providers often only have open contracts from councils with zero/unlimited hours and signed agreements. Is this acceptable for demonstrating the evidential requirements for satisfying we have genuine vacancies for the CoS applications?

A: All applications for CoS (Defined (DCoS) and Undefined (UCoS)) will be assessed for genuine vacancies, all reasonable evidence will be considered during the assessment. Information for applying for DCoS is set out in section SK12 of the Sponsor a Skilled Worker guidance found at: [Workers and](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker-general-information-accessible)

[Temporary Workers: sponsor a skilled worker \(accessible\) - GOV.UK](https://www.gov.uk/guidance/temporary-workers-sponsor-a-skilled-worker)
(www.gov.uk)

Relevant guidance for UCoS is in section S2 of Part 2 of the sponsor guidance found at: [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information \(accessible\) - GOV.UK](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker-general-information-accessible)
(www.gov.uk)

Please contact your local DASS (Directors of Adult Social Services) directly to request they provide supporting information to accompany your CoS request. Details of your DASS are listed on your local authority's website. The DASS will send the supporting information directly to UKVI. UKVI will consider this alongside your CoS application and other evidence you provide. The final decision on whether to issue Certificates of Sponsorship is made by UKVI.

The Department for Health and Social Care (DHSC) has produced a help sheet on how to apply for CoS; this can be found under the 'Visas and becoming a sponsor' section:
<https://www.skillsforcare.org.uk/Recruitment-support/International-recruitment/International-recruitment.aspx>

For ease, the link to the PDF is:
<https://www.skillsforcare.org.uk/resources/documents/Recruitment-support/Applying-for-a-certificate-of-sponsorship.pdf>

- Q: What information would need to be contained in a remittance as they normally only have invoice values?
- A: All relevant and reasonable evidence will be considered and assessed together as a whole to reach the most appropriate decision for the CoS application. When preparing an application for CoS, please refer to the DHSC supporting information and assistance available online via the link provided above. You can also contact your DASS to request they provide supporting information. This is sent to UKVI to accompany your CoS application.
- Q: When I last requested COS's, the Home Office requested I provide a significant amount of additional information (i.e. contracts of current overseas workers). I believe this is becoming the new norm. Can you confirm please?
- A: In response to very well publicised cases where workers have travelled many thousands of miles, left jobs and family members at home, and found themselves destitute because they arrived to find no work available with their sponsor, we must be satisfied that CoS requests are in respect of genuine vacancies. This includes assessing if the number of CoS requested has been reasonably justified within the application submitted by the sponsor. Instead of an outright rejection of the request, we give an opportunity to the sponsor to provide additional information and in some instances, we may need to request relevant evidence to enable us to make an informed assessment of this.

All relevant and reasonable evidence will be considered and assessed together as a whole to reach a decision. You can contact your DASS to request they provide supporting information for your CoS application. This may assist UKVI to streamline the process for a faster turnaround.

Q: Can proof of referral acceptance email from the Council be used as evidence for an application for CoS?

A: We are not able to pre-assess CoS applications. CoS applications are not assessed in isolation on one piece of supporting evidence. When preparing an application for CoS, please carefully read the relevant sections of guidance and ensure you are providing suitable relevant information to justify your request by demonstrating you can offer genuine vacancies. In addition, you can request the DASS supporting information and follow the assistance available on the “Skills for Care” website (hyperlinks above).

Q: I have submitted an application for CoS, however this was rejected based on information that was submitted in the application. How can this be challenged?

A: There is no appeal process against a CoS rejection decision. Carefully consider the information provided in the rejection email when preparing a new application for CoS and seek to address any failings in the original application. You can also contact your DASS to request supporting information is sent to UKVI to support your CoS application. This may assist UKVI to streamline the process for a faster turnaround. Please note, there is no fee for submitting CoS applications.

Q: Do we automatically get an annual allocation of UCoS every year or do we need to apply via SMS? What happens if we do not use any of the UCOS, do they get renewed automatically and carried over to the next year?

A: This is covered in section S2 of Part 2 of the sponsor guidance: [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information \(accessible\) - GOV.UK \(www.gov.uk\)](#) In particular, paragraphs S2.17 to S2.27.

Unused UCoS will be removed from your SMS at the end of your CoS year. Annual UCoS allocations may be eligible for automatic renewal if the sponsor meets the criteria set out in the guidance. If they do not, the sponsor will need to apply via SMS for a new “follow-on” UCoS allocation before the end of your CoS year.

Please ensure you always adequately plan ahead with CoS requests. Ensure you request CoS before your current allocation is used or expires.

Q: If I have a sponsor licence and get new staff under TUPE arrangement, do I have to pay for the Immigration Skills Charge (ISC) for them?

A: Not at the point the workers are transferred to you. If you assign a new CoS to them (either because of a change of employment application required with

a new role, or you are seeking to extend their sponsored employment with you) the ISC may be applicable, unless an exception applies, as with any other worker. Please see S5.29-5.31 in Part 2 of the sponsor guidance: [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker-general-information-accessible)

- Q: We have been trying to increase the number of CoS we have. There is an 18 week Service Level Agreement (SLA) and the CoS priority service only takes 60 application a day. I have been submitting a priority request for the last 32 working days and have yet to be successful. Can we do anything to expediate this? I have 2 full time members of staff waiting to start and can't progress until I get 2 more CoS
- A: The 60 priority requests are usually filled shortly after the email service opens each working day at 09.00. Please consider contacting your DASS to request supporting information for your CoS application. Details of your DASS are listed on your local authority's website. The DASS will send the supporting information directly to UKVI. UKVI will consider this alongside your application and other evidence you provide. This may allow UKVI to streamline the process for a faster turnaround.
- Q: I have requested additional CoS and have been asked for specific names of people we intend to sponsor. Would there be an issue if any of these changed once the increase is approved?
- A: There is no specific reason outlined in the guidance why you cannot assign the CoS to different migrants. However, UKVI will monitor your actions when assessing your overall compliance with the Immigration Rules and Sponsor Guidance.
- Q: We applied for undefined COS (UCoS) and was granted 5. This was for care workers and we have allocated 4 and left with one. Are we able to allocate the remaining 1 CoS to our staff whom we would want to appoint to a registered manager position?
- A: UCoS fields are not prepopulated; therefore, your UCoS allocation can be used for any acceptable SOC code role. However migrant applications will be assessed against the applicable rules, and UKVI will monitor all your actions when assessing your overall compliance with the Immigration Rules and Sponsor Guidance.
- Q: What actions are required if I wish to extend sponsorship beyond the 3 years of the CoS.
- A: You will need to assign another CoS to cover the additional period, and the sponsored worker will have to submit an in-country application to extend their permission to remain in the UK to continue to work. All applicable fees will have to be paid.

Q: How long does it take to apply for and be granted a sponsor licence?

A: The standard service level agreement for non-complex licence applications is up to 8 working weeks.

Please see the link below for further information on applying for a sponsor licence: [UK visa sponsorship for employers: Apply for your licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/visas/apply-for-a-sponsor-licence).

You may be able to pay an extra £500 for the priority service to consider your application decision within 10 working days for applications which are accepted as non-complex. Please see the link below for further information: [Pre-licence priority service guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/visas/pre-licence-priority-service-guidance)

If you are applying for a sponsor license to sponsor displaced workers, provided your DASS provides UKVI with the requisite supporting information, UKVI will consider expediting your application.

Q: Does an employer need to evidence attempting to recruit within the UK (for example, copies of a UK recruitment campaign) before applying to do so via sponsored staff.

A: Currently there is no formal requirement to demonstrate that no resident workers are available to fill your vacancy before offering "Skilled Worker" sponsored employment to a migrant. However, the sponsorship guidance requires sponsors to keep records of your recruitment methods. Please refer to Sponsor guidance appendix D: keeping records for sponsorship: <https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d>.

Q: Where can we find or who to contact for displaced care workers to sponsor?

A: DHSC funds 15 International Recruitment Regional Partnerships across England to support international recruitment in adult social care. If you have appropriate vacancies, please contact your International Recruitment Regional Lead to enquire if there are displaced migrant care workers available to sponsor locally.

Region	Contact details
North Central London	NCL.HSCAcademy@camden.gov.uk
North West London	chelwest.nwlirsub-regional@nhs.net
South East London	IR.SELondon@bexley.gov.uk
North East London	NEL.IRSupport@havering.gov.uk
South West London	Internationalrecruitment@southlondonpartnership.co.uk

South East England	Please fill in this form
East of England	internationalrecruitmenteast@norfolk.gov.uk
South West	commissioning.swadass@swcouncils.gov.uk
East Midlands	employersupport@eastmidscare.co.uk
West Midlands	intlrecruitmentinfo@wm-adass.org.uk
Yorkshire & Humber	international.recruitment@adassyh.org.uk
Greater Manchester	nhsgm.gmadviceandsupport@nhs.net
Cheshire & Mersey	cminternationalrecru@warrington.gov.uk
Lancashire, Westmorland & Furness	IRSupport@lancashire.gov.uk
North East	sponsored.support@durham.gov.uk

Indefinite Leave

- Q: Does time spent with different sponsors count and add-up towards 5 years indefinite leave to remain (ILR) to settle in the UK?
- A: ILR applications will consider the time spent on all qualifying routes. Therefore, a period of 5 years on the Health and Care visa (even if with multiple sponsors) would be counted towards the qualifying criteria: [Indefinite leave to remain if you have a Skilled Worker, T2 or tier 2 visa: Overview - GOV.UK \(www.gov.uk\)](#)

Sponsor Licencing

- Q: What are the documents required to apply for the sponsor licence as a domiciliary care company?
- A: The relevant evidential requirements for sponsor licence applications are set out in the [guidance for sponsors part 1: apply for a licence](#), and Appendix A supporting documents for sponsor applications Domiciliary care companies sponsoring workers to work in England must provide evidence to demonstrate they have active registration with the Care Quality Commission (CQC) and are providing at least one regulated activity. Please refer to this link to access the [Sponsor guidance appendix A: supporting documents for sponsor applications](#)

Q: Are there any special requirements for a newly registered provider that has less than 3 months trading history to sponsor a migrant worker?

A: You will need to demonstrate you meet the start-up requirement set out in Appendix A as well as the mandatory criteria for operating in the relevant business sector (for example the Adult Social Care sector):

Q: If my Sponsor Licence is revoked, how long until I can apply again?

A: After 12 months from the date you were notified of your licence being revoked. See section L9.15-19 in Part 1 of the sponsor guidance: [Workers and Temporary Workers - guidance for sponsors part 1: apply for a licence \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence)

Please note. UKVI will carefully review all the issues which led to the revocation when assessing and reaching an outcome decision for a new licence application.

Q: When a company changes their directors, why does a company have to reapply for a new licence again instead of notifications of Change of Circumstances. It is quite expensive and frustrating to do this over again. Are there plans in the future for this to change?

A: The situations which require a new sponsor licence are explained in section C4. "Mergers, takeovers and similar changes" of Part 3 of the guidance, which states:

“General principles

C4.1. Your sponsor licence is not transferable and what happens to you, and your sponsored workers, will depend on whether:

- there is a change in direct ownership
- you sell all or part of, or the controlling number of shares in, your organisation
- you are partly or wholly taken over by another organisation
- you are splitting out to form new organisations”

[Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance \(accessible\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance)

There are no plans to change this.

Q: How long after a licence is approved do you have to sponsor current staff?

A: Once you have been granted a sponsor licence you can assign CoS to migrants if you have also been granted either a UCoS allocation (required to sponsor migrants already in the UK) or have applied for and been granted DCoS (DCoS for migrants who are not in the UK).

UCoS remain valid to be assigned and used at any time within your 'CoS year'. However, any DCoS allocated to your licence must be assigned to a worker within 3 months. Migrants cannot commence their sponsored employment for you until their sponsored visa application has been granted.

Q: Would my company have to be the employer to be eligible to sponsor? We work alongside another company which acts as employer, but they are not CQC registered. We are instructed to provide clinical governance and management of the care team, but do not employ.

A: The sponsor must have full control of and responsibility for all the duties, functions and outcomes or outputs of the job the worker will be employed to undertake. The sponsor must not be providing the sponsored migrant worker to a third party for a routine service, doing so is a serious breach of their sponsor duties and will result in sponsor compliance action being taken.

For further information, please refer to S1.24 [the Employment relationship between sponsor and section in part 2 of the Guidance](#):

Please note, for care workers in England, the sponsor must be CQC registered and must be providing at least one regulated activity.

Q: Can you confirm if a staffing agency can sponsor staff if they do not provide direct services but provide staff to other providers, therefore are not CQC registered?

A: This is not permitted. In addition to, and following on from the information outlined to answer the question above: [Part 2, S1.29 of the sponsor guidance states](#). "You cannot sponsor a worker if you will not have full responsibility for all the duties, functions and outcomes or outputs of the job they will be doing, or if either:

- the job amounts to the hiring out of the worker to another organisation (third party) who is not the sponsor to fill a position with them, whether temporary or permanent, regardless of any genuine contract between you and the third party
- the worker will be contracted to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between you and the third party"
- "S1.31. If we find you are supplying the worker, or workers, as labour to another organisation to undertake a routine role or you do not have full responsibility for their duties, functions and outcomes or outputs, we will revoke your licence."

Q: How can one seek redress on a perceived wrong adjudication of compliance which led to licence revocation?

A: There is no right of appeal against a sponsor licence revocation decision, however, a judicial review can be sought.

Q: What is the cost of a Sponsorship Licence and what is the cost to sponsor the individual people?

A: The fee for a Worker Sponsor Licence (small sponsor) is currently £536; the fee for a large sponsor is currently £1,476. Please use the link below to access the table with all the current Home Office immigration fees:
[Home Office immigration and nationality fees: 24 October 2024](https://www.gov.uk/government/publications/home-office-immigration-and-nationality-fees-24-october-2024)
www.gov.uk

Overtime

Q: How many hours can a worker work within the sponsored setting, i.e. overtime?

A: All sponsors are required to comply with all requirements of UK employment law, which includes the Working Time Regulations (WTR). There is no upper limit on the number of hours which can be worked but that must comply with WTR.

It is important to note that overtime cannot be included in salary calculations for the purposes of the Immigration Rules and the Sponsor must, therefore, ensure the worker is paid in accordance with the Immigration Rules.

Q: We understand that migrant workers must be paid at the current minimum wage or above. In reference to payslips, are payslips required to show the hours worked/paid as well as travel time/costs separately in a breakdown form?

A: This seems like an employment law question as to what is legally required to be displayed on a wage slip. We expect all sponsors to comply with UK employment regulations.

For sponsor record keeping duties, the sponsor must maintain records of each sponsored workers' salary, as set out in Part 3 of [Appendix D: guidance for sponsors on keeping documents \(accessible version\) - GOV.UK](https://www.gov.uk/government/publications/appendix-d-guidance-for-sponsors-on-keeping-documents-accessible-version)
www.gov.uk.

From 4th April 2024, sponsored care workers and senior care workers must be paid at least the required minimum salary of £23,200 or £11.90 per hour, whichever is higher.

Q: In what capacity can a sponsored worker remain and work with an employer whose licence was revoked?

A: Until the worker's permission is cancelled, they can continue working as per the conditions attached to their permission.

Q: When a BRP expires, does the worker renew this?

A: Not necessarily. All BRP cards are due to expire 31st December 2024 as we move away from physical documentation to online [eVisas](https://www.gov.uk/government/publications/e-visas). You would need to check the sponsored migrant's permission end date to determine when an permission extension application is required.

Please refer to and share the [Online immigration status \(eVisa\)](#) and the [Partner Pack](#) for important information on eVisas.

Q: I've been trying to establish what the minimum hourly pay rate is for someone sponsored on soc 6145 before April 2024 and was being paid £10.75p/h. Is this still correct?

A: If an individual was sponsored before the rules changed in April then the going rate which was required at the time would apply (£10.75 and £20,960 per annum). All employers must comply with all UK legislation including the current national minimum wage which has increased to £11.44 per hour. Therefore, you will need to ensure you are always meeting the current [national minimum/living wage](#):

Q: We have shortages for employment in OFSTED registered Homes, but the Home Office is focused on Adult Social Care only. OFSTED also need help in recruitment in this sector to fill vacancies.

A: There are no plans to expand the eligibility of the care worker requirements to include registered homes overseen by OFSTED. The requirement to be registered with the CQC was agreed across Government including with the Department for Health and Social Care. Any issues regarding recruitment in OFSTED registered homes will need to be raised with the Department for Education.

Q: The genuine vacancy test seems to be more relevant for home care organisations, but what about care homes?

A: The genuine vacancy requirement is a fundamental feature of the Points Based System and applies to everyone who uses the Skilled Worker and Health and Social Care routes.

A definition of Genuine vacancy can be found [in part 3 of the sponsor guidance](#) . There are examples provided of what is not considered genuine, but this is a test that is applied to all sponsored roles to assess genuine employment is taking place.

Q: Do we need to have a biometric residence permit (BRP) card as well as undertaking a Right To Work (RTW) check using a share code, or do we just need to have the share code information on record and make sure it remains valid?

A: RTW checks are undertaken for sponsored migrants using a share code generated by the migrant and checked by the sponsor using the online RTW service. Please see the link below:
[Check a job applicant's right to work: use their share code - GOV.UK \(www.gov.uk\)](#)

RTW checks cannot be undertaken using a BRP, however, a copy of a BRP may be required to be retained on file to comply with sponsor record keeping duties to demonstrate the worker's National Insurance Number. See [Appendix D of the Sponsor Guidance](#):

- Q: Can a sponsored worker commence work before receiving their BRP?
- A: Yes, providing their permission has been granted and you have correctly conducted an appropriate online right to work check which confirms they have permission to work for you in the role you are sponsoring them.
- Q: We have had many Employer Checking Service (ECS) checks that are incorrect and have had to challenge. What is being done to ensure your checks are correct as that is the key RTW check we need?
- A: An ECS is only applicable when the sponsored migrant does not yet have a decision on their visa application (for example an extension application), or when there is a technical issue preventing the use of the online RTW service. Unless these factors are applicable, you should conduct an online RTW check using a "share code" generated by the sponsored migrant.
- Q: Is the right to work check for a sponsored worker different from all other workers: ie someone with settled status?
- A: The requirement to conduct an appropriate RTW check (including checking the conditions and restrictions) for all new employees applies for all immigration categories (and UK Nationals). However, the conditions of permitted work for sponsored migrants are restricted to working for the sponsor in the role they are sponsored to undertake, and unlike workers with settled status (indefinite permission) sponsored workers permission will have an expiry date. [A follow-up RTW check](#) therefore needs to be conducted for sponsored workers before the expiry date.

Reduction in Hours

- Q: What are the requirements for a Sponsor if a sponsored care worker gets pregnant? Can you reduce the working hours of a sponsored worker if they are pregnant? How would this affect their sponsorship? How long would the carer who returns from maternity leave, be allowed to work reduced hours?
- A: Reductions in hours/salaries are permitted for certain exceptional reasons (including statutory maternity leave) which are set out in section S4 of Part 2 of the sponsorship guidance. Specifically, S4.19 onwards: [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information \(accessible\) - GOV.UK \(www.gov.uk\)](#) If a reduction in working hours/salary is for any other reason, it will need to be reported via SMS and it will be assessed based on the relevant requirements published in the sponsor guidance:

- Q: What can a provider do if the contract they had with a private client, Local authority, ends and no work for the sponsored staff?
- A: Please refer to [S4.19 in Part 2 of the Sponsor Guidance](#) which states “Unless a [valid exception reason](#) applies, you must normally stop sponsoring a worker who is absent from their sponsored work without pay, or is absent on reduced pay, for more than 4 weeks in total .

“S4.22. If a worker has been, or will be, absent from work without pay, or on reduced pay, for more than 4 weeks in total (as defined above), you must either:

- stop sponsoring the worker and report this via your SMS account
- if the period of absence is due to a [valid exception reason](#), or you believe there are compelling reasons for you to continue sponsoring the worker, report the period of absence (including reasons, duration and any changes to salary) via your SMS account . “

- Q: Is there any clarity on whether the Home Office consider Sleep In duty hours (where the worker is paid a flat rate to sleep at the setting) are considered worked hours.
- A: Any hours worked, including time spent asleep, are considered as working hours and therefore will count towards the 20 hours supplementary work limit. The pay during the time asleep must be paid at least in line with UK law.

Reporting and record keeping duties

- Q: We must declare when an employee is absent from work for 4 weeks sick, do we need to declare when they return?

- A: Yes.
Worker reporting requirements are set out in section C1 of [Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance](#).

- Q: What would be the correct procedure and timeline to inform the Home Office of an absent to work sponsored migrant?

- A: This should be reported via SMS within 10 working days after the failure by the sponsored migrant to maintain contact with the sponsor. For further information, please use to the link above to “Reporting duties“ in Part 3 of the Sponsor Guidance.

- Q: What do you consider a robust HR system?

- A: You need to ensure you have a system in place that enables you to comply with all your sponsor duties, including recording keeping and reporting via

SMS, as outlined in Part 3 of the Sponsor Guidance (please see the link above) as well as with all other relevant legislation. Record keeping duties are outlined in Appendix D of the Sponsor Guidance: [Sponsor guidance appendix D: keeping records for sponsorship - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appendix-d-keeping-records-for-sponsorship)

Q: Can record keeping files required for sponsored migrant workers be stored electronically i.e. scanned documents or must they be hard copies or both?

A: Yes.

We do not prescribe the type of systems to be used or the format of the required files. Whichever method you choose to use, you need to ensure this enables all the required records to be available for checking on request during a sponsor compliance visit. Record keeping duties are set out in full in Appendix D of the Sponsor Guidance. Please use the web link above.

Q: What happens if we are not able to report via the SMS?

A: To comply with your sponsor duties, you must ensure you have at least one Level 1 User who has access to the Sponsor Management System (SMS) at all times.

Q: If we are a few days late in reporting migrant activity on the account, what are the repercussions?

A: This is set out in Part 3 of the sponsor guidance. It is a sponsor's duty to report within the deadlines set out in the guidance. For any delays in reporting, you should use the free text box within the reporting feature to explain the reason for the delay. Failure to adhere to your sponsor duties may result in compliance action being taken, including revoking a licence.

Q: If a sponsored employee gets dismissed under disciplinary action because of safeguarding as CQC has zero tolerance in safeguarding, does their visa still valid for the term issued?

A: As part of your sponsor reporting duties, you need to inform UKVI if you stop sponsoring a worker for any reason including dismissal. When you have used SMS to undertake this reporting duty, UKVI will write to the migrant to inform them we have shortened their permission to 60 calendar, unless they have less than 60 days remaining. The migrant will need to apply for new sponsored permission to regularise their stay or leave the UK within the advised timeframe.

Q: What kind of support is provided to migrant workers after revocation?

A: Sponsored care workers in England impacted by sponsor licence revocation will be contacted directly by UKVI and directed to their Regional Partnership for support.

Sponsored care workers can also be signposted to the organisations below for support:

Organisation	Purpose	Contact
Care Quality Commission	<p>If you have any concerns about the quality of care provided by an employer.</p> <p>If you witness or are a victim of malpractice.</p>	<p>By phone: 03000 616 161 By email: enquiries@cqc.org.uk</p> <p>Give Feedback on Care tool or as a Whistleblower.</p>
Gangmasters and Labour Abuse Authority	You can report to GLAA in confidence about an employer who may be exploiting the welfare and rights of their staff.	<p>By phone: 0800 432 0804 By email: intelligence@gla.gov.uk</p>
Advisory, Conciliation and Arbitration Service	If you have concerns around employment rights and disputes.	By phone: 0300 123 1100
Modern Slavery Helpline	Care worker is a victim of exploitation or modern slavery.	<p>By phone: 08000 121 700</p> <p>File a report online through File a report (modernslaveryhelpline.org).</p>
Citizens Advice and Regulated immigration advisers	Impartial legal and immigration advice.	<p>By Phone: 0800 144 8848.</p> <p>Online: Contact us - Citizens Advice</p> <p>A list of regulated immigration advisers is available on GOV.UK Find an immigration adviser: Search for an adviser - GOV.UK (www.gov.uk)</p>
Housing and Accommodation	Impartial advice and support on housing and accommodation queries, including tenancy rights.	<p>Citizens Advice: By Phone: 0800 144 8848.</p> <p>Online: Contact us - Citizens Advice</p> <p>Shelter: Get help from Shelter - Shelter England.</p>
Trussell Trust	List of food banks	Find a Food Bank - The Trussell Trust

No Recourse to Public Funds Forum	Details of support available for visa holders without recourse to public funds.	Housing and support options for migrant families Compas (nrpfnetwork.org.uk)
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Q: You make it sound so easy to be compliant, providers have a different experience, there is a fear that they will get it wrong. Maybe look at provide a easy read document. Providers still insecure around legislation, etc.

A: All Sponsor Duties and the consequences of non-compliance are outlined in the sponsor guidance which is available online at Gov.UK.

Supplementary Employment

Q: If the main sponsor is not having any hours and their employees are not getting any work, can I employ them on 20 hours? or if they are getting less than 39 hours from their sponsor can we still employ them on 20 hours?

A: Concerns such as this should be reported via the Gov.uk website: <https://www.gov.uk/report-immigration-crime>, providing as much detail as possible. The form permits attachments to be uploaded if required. This can be done anonymously.

Until the worker's permission is cancelled, they can continue working as per the conditions attached to their permission. This includes supplementary employment.

Q: Can a person work 20 hours for more than 1 company?

A: A person can work a maximum additional 20 hours per week, this can be with several employers providing the total amount does not exceed 20 hours.

Q: Can additional hours be averaged out for people on zero-hour contracts?

A: No - supplementary work is limited to 20 hours per week. It cannot be averaged out over a longer period.

Q: Can a care worker do supplementary work in another sector outside of the care sector?

A: Yes - the Immigration rules were changed in April 2024 meaning a person can undertake supplementary work in any occupation which is eligible for skilled work. A list of eligible occupations can be found here: <https://www.gov.uk/government/publications/skilled-worker-visa-eligible-occupations/skilled-worker-visa-eligible-occupations-and-codes>

Q: How can we check if the migrant is working 37 hours elsewhere? Similarly, how do we check the migrant we want to offer supplementary employment to is not already working their limit of 20 supplementary hours a week? What evidence will UKVI expect to see?

A: You should undertake a Right to Work (RTW) check in line with the requirements outlined in the RTW guidance. For further advice, refer to pages 48-49 of the current guidance (September 2024), Annex B: Employment of specific categories of workers / Sponsored work routes / Supplementary Employment.
[Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checks-an-employer-s-guide)

Q: Does the employer which provides the supplementary work need to have a sponsor licence?

A: No; if you are only offering supplementary employment then you do not need to hold a sponsor licence.

Q: What responsibility does an employer have towards a spouse of carer with CoS working for the same organisation? Is the spouse affected by the same restrictions in terms of 1 main employer & 20 supplementary hours?

A: Assuming the spouse is in the UK with dependant permission (linked to the sponsored migrant) you will be employing this individual based on their dependant permission and conditions rather than sponsoring the dependant. Therefore, the supplementary work restrictions will not apply to an individual employed on a dependant visa permission.

Q: We have a number of staff who have Right to Work subject to working 20 hours. If we employ them on this basis, are you saying that we should then look to sponsor at the end?

A: There is no specific requirement to sponsor these individuals. However, if you have full time vacancies, you will need to sponsor these individuals if you want them to work full time for you.

Systems

Q: The options on the Sponsorship Management System are limited; how would we report maternity leave and persistent sickness?

A: SMS has suitable drop-down categories available for all applicable activities which need to be reported to the Home Office by Sponsors. If you believe the category you need is not available, select an option that is a close match and use the free text box to include full details. The information you provide will be reviewed by the Sponsorship team.

Q: Am I able to check previous migrant reporting history on the SMS?

A: The SMS does not have the functionality to generate historic Management Information for example for the reporting a sponsor has undertaken (or the details of CoS assigned to sponsored migrants etc).
Sponsors should keep adequate records of all previous reporting undertaken via SMS and the details of sponsored migrants etc. Further information on record keeping sponsor duties can be found at:: [Sponsor guidance appendix D: keeping records for sponsorship - GOV.UK \(www.gov.uk\)](#)