

UK immigration news and developments

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Nishil Patel | Partner



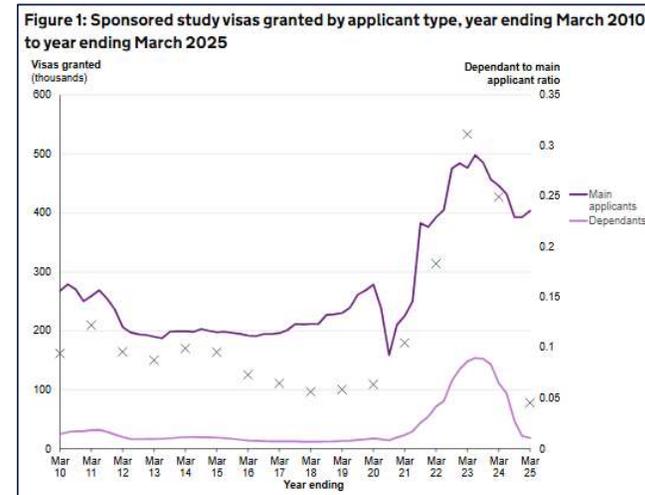
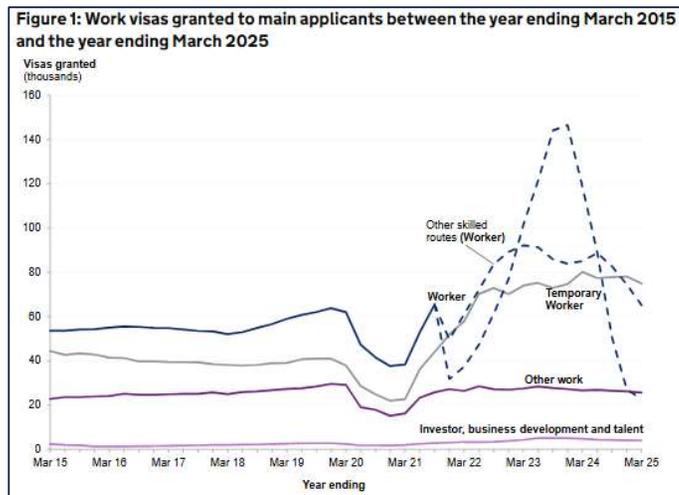


Agenda.

- Welcome
- Update 2024 and 2025
- Revocation of sponsor licences in the care sector
- Right to Work: supplementary employment
- Right to Work: contractors in the care sector
- White paper changes

Recent changes aimed at reducing migration are having the desired effect.

- **Students** cannot bring dependants (unless doing a research based higher degree) for courses commencing 1 Jan 2024 onwards.
- Care workers cannot bring **dependants** since 11 Mar 2024
- Skilled Worker salary levels raised from £26,200 to **£38,700** on 4 Apr 2024





Changes in 2024.

- Care providers acting as sponsors in England **must register with the Care Quality Commission(CQC)** - the regulator for health and social care
- Certificates of Sponsorship issued for applications on the Health and Care Worker Visa route for occupations paid by NHS bands must meet the national pay scale for their role or the **new minimum salary threshold of £23,200** (formerly £20,960)
- Raising the minimum salary threshold for general Skilled Workers (such as data analysts, IT and finance professionals, etc) who are **sponsored by an NHS organisation** need to meet the new salary of £38,700



Changes in 2025.

- A move towards a **fully digital immigration sponsorship system**, including for care workers, with the introduction of electronic visas.
- From 9 April, care providers in England who hold a sponsor licence and want to recruit a new worker from overseas, will have to first **prove that they have attempted to recruit a worker from within England who needs new sponsorship**.
 - You must have first tried to recruit workers on **occupation code 6135 or 6136** from a pool.
 - The pool of people you must try to recruit from first are people in the UK who were last sponsored in an occupation code and who have lost their sponsorship either because (a) their employer has had their sponsor licence revoked or (b) the employee hasn't been provided with sufficient work or (c) the worker has been identified by the relevant regional or sub-regional partnership as a worker requiring help in obtaining new sponsorship.



Revocation of sponsor licences in the care sector.



Revocations.

- Care sector employers with sponsor licences continue to experience increased scrutiny from the Home Office, leading to large numbers of licence suspensions pending investigation and revocations of these licences.
- With a licence suspension, a business cannot sponsor any new employees whilst it is pending although its sponsored workers can continue to work for them.
- *Prestwick Care Ltd & Ors v Secretary of State for the Home Department* [2023] EWHC 3193 (Admin)
- A licence revocation, however, can be disastrous for the business as it loses the licence altogether, and all foreign workers must stop working for them.
- Visas of any sponsored workers will be curtailed, and they need to either secure sponsored employment elsewhere or return home.
- There is no right to appeal against a sponsor licence revocation, and a sponsor cannot apply for another licence for at least 12 months.
- A licence revocation can only be challenged through Judicial Review, which is legal action through the High Court.



Reducing the risk.

- Maintain accurate records for each care worker – proof of right to work, updated contact details, attendance and hours worked
- Ensure care workers meet the eligibility criteria for visa before sponsoring
- Any change in their role or salary must be reported to the Home Office
- Ensure Sponsor Licence details are accurate and correct in the sponsor management system
- Inform Home Office if there are any significant changes in your organisation's key personnel e.g. changes to the authorising officer, change of address, changes to Level 1 user etc.
- Conduct regular internal audits to see if your systems and processes align with the Home Office requirements
- Have proper recruitment procedures in place
- Prepare and respond to any compliance inspections that may be carried out by the Home Office
- Be proactive if a care worker does not comply with their visa conditions



Right to Work: supplementary employment.



Students and skilled workers

- Supplementary employment is **additional work that a student does outside their main studies**, often part-time work alongside their studies or full-time work during holiday periods.
- If a student is studying a degree-level course in the UK, they can work **up to 20 hours per week** in a care role during term-time. The student can work across multiple care settings but must not exceed the 20-hour weekly limit.
- During breaks, students can work full-time in the care sector. This means they can take on additional shifts or extra hours in roles like care assistant or home carer without restriction, **up to 40 hours per week**.
- No limit on overtime on basis it complies with working time regulations
- You can also work up to 20 hours a week in another job or for your own business, as long as you're still doing the job you're being sponsored for.
- Your work must be in an eligible occupation code.



Right to Work: contractors in the care sector .



Contractors in the care sector.

- Latest Right to work guidance – Updated 12th February 2025:

“Where the worker is not your direct employee (for example, if they’re self-employed), you are not required to establish a statutory excuse. However, you must still carry out these checks (and retain evidence you have done so) if you are a sponsor licence holder and are sponsoring the worker to ensure compliance with your sponsor duties”

“Accordingly, you are strongly encouraged to check that your contractors and labour providers carry out right to work checks in accordance with this guidance on people they employ, engage or supply (or carry out these checks yourself). This includes anyone in your supply chain using a substitute to perform work on their behalf”



White paper changes.



Potential changes.

- The Health and Care Worker visa route for social care due to close to new overseas applicants.
- A transition period until 2028 will allow overseas care workers already in the UK to extend their visas, switch employers, and apply for settlement.
- Change will also affect the NHS as no new Certificates of Sponsorship (CoS) will be issued for overseas applicants for roles below Band 5 – effectively ending international recruitment for care assistants, support workers and other lower-tier positions.
- Does not affect higher-skilled health roles (e.g. nurses that meet the new RQF (degree level) skills threshold).



Any questions?



Thank you.

Nishil Patel | Partner

npatel@vww.co.uk

0207 665 0944

0738 481 3073



vww.co.uk | Birmingham • Bristol • London • Watford

