



Social Care: Q&A – Points-Based Immigration System

FBIS External Engagement

February 2022

We are paying sponsored senior carers £10.10 per hour, contracted to work 39 hours per-week. Can we pay them National Minimum Wage (£8.91) for overtime hours?

No, the £10.10 minimum applies to all hours they are working for you. It would be highly unusual for an overtime rate to be less than the basic pay.

Does the 39-hour week include unpaid breaks?

Not if the breaks are unpaid.

On a 37-hour working week we pay £10.41 per hour, which is based on a FTE of £20,092.

Given the hourly rate is above £10.10, is this ok?

No, because this is below £20,480 per year. Sponsors must pay whichever is higher of £20,480 per year or £10.10 per hour.

Our full-time hours are 37-hours per week. Does this mean we don't qualify for a sponsorship licence?

Any care workers you sponsor will need to be paid at least £20,480 per year basic salary. This works out at £10.10 per hour for a 39-hour week, but you could alternatively sponsor them for a 37-hour week as long as you are paying at least £10.65 per hour.

Health and Care & Skilled Worker visa

Where do we go to apply for the Health and Care visa?

[Health and Care Worker visa: Your job - GOV.UK \(www.gov.uk\)](https://www.gov.uk/health-and-care-worker-visa-your-job)

What qualifications and experience do care workers applying to the Health and Care visa

Sponsorship

How do I become a Home Office approved sponsor?

Please see the guidance here: [UK visa sponsorship for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-visa-sponsorship-for-employers)

Can new care providers apply for a sponsorship licence?

Yes, see here for details on how to apply for a licence: [UK visa sponsorship for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-visa-sponsorship-for-employers)

How long does it usually take to be allocated a defined Certificate of Sponsorship (CoS)?

If no further information is required, defined CoS are usually allocated within 24 hours.

How long does it take for a reply after an employer sends additional information requested for a Certificate of Sponsorship (CoS)?

On average, it takes 13 weeks across post license. Some requests will take less time depending on the number of CoS requested or how complex the changes are.

Is the Home Office looking to increase the priority services for sponsorship for those within the care system?

The number of available priority slots will increase in Spring 2022 in line with a range of service improvements.

Is the Certificate of Sponsorship for just on employee?

You must assign a Certificate of Sponsorship to each foreign worker you employ. Further details can be found on gov.uk: [UK visa sponsorship for employers: Certificates of sponsorship - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-visa-sponsorship-for-employers-certificates-of-sponsorship)

Can we sponsor a care worker for more than 12 months?

Yes, there will be a 12-month window for applications from 15th February 2022. In that time, all the rights, benefits and obligations as other Health and Care visas apply – including visa length (up to 5 years) and ability to apply for settlement.

Is there a maximum number of care workers I can bring in a 12-month period?

No, once you have been a licensed sponsor, there is no maximum number, providing genuine vacancies exist.

Is there a minimum number of sponsorship licences that can be granted to one organisation/care home?

No, there is no minimum number of workers you can sponsor.

Are sponsor licences only offered to organisations in England?

No, the immigration system applies UK-wide.

Is there a cost for employers to obtain a sponsorship licence?

Yes, see this guidance for details of costs: [UK visa sponsorship for employers: Apply for your licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-visa-sponsorship-for-employers-apply-for-your-licence)

How would I go about requesting a quicker decision for a licence?

Please see the guidance: [Premium customer service for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/premium-customer-service-for-employers)

Can care organisations/owners of care homes register to be sponsors? Does this include recruitment agencies?

Care homes can become sponsors. Recruitment agencies cannot become sponsors.

Care homes themselves would need to be the sponsors, as they will be responsible for the work the applicant would be doing. Care homes can work with recruitment agencies for the purposes of recruitment, but recruitment agencies cannot directly sponsor workers they are supplying as labour to a third party.

Do you have to be registered with the Care Quality Commission (CQC) to become a Home Office approved sponsor?

Checks with the CQC will be undertaken by caseworkers. Some businesses may not be eligible for CQC registration but still be able to become a sponsor. You should highlight in your sponsor application why you are not CQC registered.

Could one organisation act as a licence holder for a number of smaller organisations if there is an agreement to work together?

In some cases (e.g. care home groups under common ownership), umbrella organisations can act as sponsors for all organisations within their group. However, the general principle is the sponsor must be the organisation which has responsibility for the duties and outputs of the person's work. It is also important that the organisation is able to meet their obligations as a sponsor – for example, reporting if there are major changes to the person's job, if they are absent without their employer's permission, or if they leave their employment.

If we have sponsored someone to come to the UK to work, can they then apply for other UK jobs?

You can sponsor a visa for up to 5 years at a time. They can apply for other jobs, but the work conditions on their visa are linked to the job you are sponsoring them for. They can work for up to 20 hours a week in a second job, providing they are still working in their sponsored job. If they leave their sponsored job, they will need to make another visa application before they could work for a new employer. They can make this application within the UK.

Can an employer dismiss a sponsored worker within the 5-year visa? Are they committed to the 5 years?

You are not committed to the 5 years. However, if you stop sponsoring a worker before the end of their CoS, you should notify the Home Office (details are in the sponsor guidance).

If we pay for their visa for 5 years and they leave after 2 years, can we get a refund?

No. The fees are for the visa consideration and are not refundable.

What happens to the worker if an employer's license is revoked?

Their visa will normally be shortened to 60 days, during which time they will need to make an application to remain in the UK on another basis (e.g. working for a new sponsor) or make arrangements to leave the UK.

When you are granted a sponsorship licence, do you get any defined Certificate of Sponsorship (CoS)?

No, a defined Certificate of Sponsorship must be requested as and when they are needed.

Is it best to apply for a defined Certificate of Sponsorship before or after an offer of employment?

A defined Certificate of Sponsorship should be requested when you are ready to assign them. You will need to have made a job offer before requesting a CoS.

What checks are conducted by the Home Office before a sponsor licence is approved?

Detailed guidance on sponsorship (including the checks we may make) can be found here:

[Sponsorship: guidance for employers and educators - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sponsorship-guidance-for-employers-and-educators)

If an overseas employee is offered a 12-month contract, can they renew this without leaving the UK?

They would need a new Certificate of Sponsorship and make a new application to extend their visa. Details can be found here: [Health and Care Worker visa: Extend your visa - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/health-and-care-worker-visa-extend-your-visa)

If we had a sponsorship licence a number of years ago but this has now lapsed, can we renew the licence, or should we re-apply?

If a significant amount of time has passed since it lapsed, you would need to apply again as if you were a new sponsor. An application is also needed to renew a licence, but this is more straightforward if your previous licence is still current.

What role does a solicitor play in the sponsorship process?

There is no requirement to engage a legal representative, and the services they offer may vary. In most cases, they will prepare and submit the documentary evidence and application on your behalf. The Home Office will communicate with your legal representatives through the Sponsor Management System (SMS) as long as you tell us they represent you.

Can a care worker be promoted within the organisation? How does this affect their sponsorship?

Yes. Any changes to the job should be notified to UKVI via the Sponsorship Management System (SMS). If the change is significant enough to involve a change in occupation code, you would need to assign a new Certificate of Sponsorship for the new role, and the person would need to make a new application.

Any other significant changes (such as the start and end of maternity/paternity leave) should be reported via the SMS.

If we take someone as a senior care/care worker, but they help in other duties as any other staff would for service continuity (e.g. in the kitchen or cleaning), would this cause issues with their sponsorship?

The job must be that of a care worker. If we encounter care workers working in kitchens or as cleaners, we would need to assess the “as any other staff would” part of your scenario, and would need to be satisfied they were genuinely employed as a care worker. If we concluded you were in

fact employing them in another role, we may take a range of compliance actions, potentially including revoking the worker's visa and your sponsor license.

Cost / charges

What costs are involved in the recruitment of an overseas care worker?

Occupations under the Health and Care visa, which now include care workers, are exempt from the Immigration Health Surcharge. The Immigration Skills Charge will still apply.

The Immigration Skills Charge is designed to raise funds for skills programmes and to incentivise investment in resident workers rather than sponsored workers. These issues apply as much to care workers as any other occupation.

Depending on the size of the organisation, there are reduced fees. Please see here for more information: [UK visa sponsorship for employers: Immigration skills charge - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/uk-visa-sponsorship-for-employers-immigration-skills-charge)

When should I pay for the Certificate of Sponsorship (CoS) and Immigration Health Surcharge (IHS)?

English language test

When / where does the English language test have to be done? In the UK or overseas?

Which are the approved exam boards?

We have test centres in the UK and around the world. Details can be found here: [Prove your](#)

Dependents

If offered sponsored employment in the UK, can overseas candidates bring their family?

What age should the children be?

Yes, applicants can bring spouses/partners and dependent children under age 18. Details of how family members can apply can be found here: [Skilled Worker visa: Your partner and children - GOV.UK \(www.gov.uk\)](#)

Is there an English language test for dependents?

There is no English language requirement for dependents, until they apply for permanent settlement.

Can a dependent working in the UK switch into a Skilled Worker / Health and Care visa?

Yes.

Refugee / Asylum Seekers

How can we support qualified refugees looking for work?

Guidance can be found on gov.uk: [Help people who have come to the UK from Afghanistan - GOV.UK \(www.gov.uk\)](#)

In addition, REN is an organisation who can assist employers: [Transitions - Renaisi](#)

Can a Certificate of Sponsorship (CoS) be given to those seeking asylum?

Asylum seekers who have been waiting for over 12 months for a decision can apply for permission to work in shortage occupations – which include care workers