

# Welcome

# Overview of International Recruitment for Adult Social Care Providers

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# What we will cover



The skilled worker system for sponsoring overseas workers



How you can obtain a sponsor licence



Specifics related to Care Workers and Nurses



The duties associated with sponsorship



# Our service for care provider

- Employment and immigration law
  - CQC registration
  - Challenging CQC inspections and enforcement
  - Service user contracts
  - Local authority fee negotiations
  - Safeguarding and inquests
  - Mental capacity and Court of Protection
  - Business sales and acquisitions
  - Property development , construction and finance
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# Recruitment Issues

Major shortage of care workers - significant surplus of vacancies within the care sector - 152,000 current vacancies;

Domestic recruitment market unable to cope with demand;

International recruitment becoming increasingly common for care workers/senior care workers/nurses

‘International’ recruitment covers recruitment of foreign workers already in the UK

# Employing overseas workers post Brexit

- Freedom of Movement ended as of January 2021;
- Two-tiered system of employment immigration (EU and non EU) came to an end;
- Concessions for existing EU employees already in place (EU Settlement Scheme)
- Reforms to the Sponsor Licence Scheme

Skilled worker  
route – now  
the primary  
route for  
migrant  
workers

- Old Tier 2 (General) route
- Main route for work visas
- Employer needs a sponsor licence
- Eligible Occupations/Shortage Occupations
- Can bring partners and children
- Settlement after 5 years

# Obtaining a Sponsor licence

The application for a licence involves the following:



ONLINE APPLICATION  
FORM



COVERING LETTER



SUPPORTING DOCUMENTS



# Obtaining a Sponsor licence

You need to be able to demonstrate to the Home Office that:



YOU ARE A GENUINE BUSINESS



YOU HAVE / EXPECT TO HAVE  
GENUINE VACANCIES THAT  
MEET THE REQUIREMENTS



THE WORKERS YOU INTEND TO  
SPONSOR ARE SUITABLE

# Granting of a sponsor licence

- Once a sponsor licence has been granted, licence holder will have access to online Sponsor Management System (SMS)
- SMS is main gateway communication tool between organisation and Home Office
- Stringent duties placed on licence holders which are rigorously upheld by Home Office

# Key Personnel

**Authorising  
Officer**

Most senior person responsible for recruitment of migrant workers

**Key Contact**

Main contact between Home Office and the business

**Level 1 User**

Responsible for carrying out day to day SMS activities

**Level 2 User**

Fewer permissions than level 1 users

# Sponsorship role requirements

## Eligible Occupations only (SOC codes):

- Care Worker (6145)
- Senior Care Worker (6146)
- Nurse (2231)

*All three roles are on the shortage occupation list. Sponsored workers can only work in the SOC code under which they are sponsored*

## Appropriate skill level:

- Normally RQF level 3 – nurses and senior care workers
- Exception if on shortage occupation list (care workers)

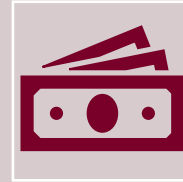
## English language skills:

- Must demonstrate by successful test or other method

# Salary



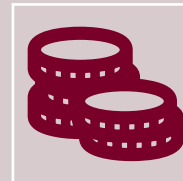
Employers must meet the general minimum salary threshold set by the Home Office allocated to each specific job role.



Minimum salary threshold for most roles is £26,200



Roles on shortage occupation list - reduced to £20,960



Minimum hourly rate of £10.75

# Sponsorship of Workers – Certificates of Sponsorship (CoS)

**Employer must issue a CoS to the migrant worker for them to apply for a visa:**

- Undefined CoS – for workers already in the UK
- Defined CoS – for workers coming from overseas

Employers may be issued with allocation of undefined CoS when issued with the licence.



# Employee's Visa Application

- Employee cannot start work until visa has been granted
- Visa application must be completed online
- Fee can be covered by employer (but doesn't have to be)
- Employee must demonstrate:
  - English Language Skills
  - Overseas criminal records check



## Health and care visa

- This is a type of skilled worker visa
- Key advantages:
  - quicker processing
  - cheaper application fee £232 or £464
  - exempt from health surcharge
- Include on CoS



# Fees



Sponsor licence application fee - £1,476 or £536



CoS fee - £199



Immigration skills charge - £1,000 or £364 per migrant worker per year of sponsorship



Applicant also has the visa application fee

# Nurses – NMC registration

- Nurses can enter UK without being NMC registered
- Two stage test – CBT and OSCE
- OSCE first attempt must be within 3 months of arrival
- 3 attempts to pass
- Must achieve registration within 8 months of CoS start date



## Sponsored Employee Contracts

- Additional clauses in a sponsored worker's employment contract may be necessary such as:
  - Obligations on disclosing certain information to employer (e.g. address)
  - Retention Clauses,
  - Loan Agreements,
  - Recovery of Home Office Fees

# Ethical Recruitment

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- Home Office are acutely aware of unethical practices concerning international recruitment:
  - Modern slavery and exploitation are key concerns
  - Beware of unscrupulous or suspicious recruitment companies or agencies
  - Unethical practices particular focus of Home Office compliance visits
  - Financial exploitation in the form of debt bondage/forced recovery of Home Office fees representing extortionate amounts of money.
- Some costs can be recoverable such as visa application fee, help with accommodation etc but NOT the immigration skills charge

# Pastoral Care

Pastoral assistance to new employees recently arrived from overseas they can assist with retention of employees and can help new arrivals feel at home and settled:

- Picking up from the airport;
- Assistance with sourcing accommodation;
- Pairing up with a buddy
- video calling with the buddy before they arrive;
- Helping them with local services and local amenities (doctors, dentists, pharmacies, supermarkets, local transport etc.)
- Help with general logistical as well as cultural shifts (may need to change driving licences for example)

# Right to work



As with all employees, Right to Work checks are vital, also forms part of general compliance duties for sponsored licence holders



Ensure that all right to work records are kept securely in case of Home Office compliance visits



Ensure that all visa expiry dates are properly diarised for renewals to take place in time.

# Compliance

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Granting of a sponsor licence brings with it specific duties and obligations prescribed by the Home Office;

- Failure to comply can lead to suspension or revocation of licence;
- Compliance visit will look to confirm all such duties have been met.

## **Duties include:**

- Reporting
- Record Keeping
- Complying with Immigration Law and Home Office guidance

*“Sponsorship is a privilege not a right. The sponsorship system reflects that those who benefit directly from migration (employers, education providers or other organisations who bring in overseas nationals) should play their part in ensuring the immigration system is not abused. Significant trust is placed in sponsors and they must ensure they comply with immigration law and wider UK law, and not behave in a manner that is not conducive to the wider public good.”*

# Questions?



# Thank you