

Overseas Recruitment: Compliance Focus

On the 6th June 2024, we held a webinar focusing on Overseas Recruitment: Compliance. This included:

- An overview of duties as a sponsor after employment starts.
- Tips on how to integrate overseas staff into organisations.
- What costs can be recovered if an international recruit's employment ends

Here, we share some of the questions asked both via our helpline and during the webinar.

1. Would a continuous employment risk assessment demonstrate that gaps in the workforce have been considered?

Yes, this would be helpful evidence.

2. Would the reason for decision to employ recorded on the interview notes be sufficient to evidence suitability for the role?

To an extent, yes, as long as the recruitment process included the gathering and retaining of all relevant references/ evidence of qualifications to demonstrate suitability for role.

3. If an employer is a secondary employer of an international recruit, do they have to complete the same checks independently from the primary sponsor?

Yes, they will still have to undertake all the usual checks to ensure that the individual is suitable and has the right to work.

4. Is it appropriate to advertise a job stating that 'no training or experience is required for this job as training will be provided'?

You need to be able to demonstrate that the people that you employ are suitably qualified and experienced for the role, so that sentence would be dependent on the role.

5. Do international recruits require 10 years employment history and if they can't get a reference from the last employer can they use a character reference?

The CQC requires detail of all previous employment and explanations of gaps in employment. They also require references from all past health / social care employers.

However if, for example, the service is no longer in existence, evidence of attempts to get a reference should be provided. . If a reference is unavailable you should undertake a risk assessment prior to employment and keep this on record. .

6. Should employers be able to demonstrate a specific culturalization induction for international recruits and be able to evidence this?

Not necessarily, but it can be useful when helping international recruits to settle in.

7. Can we accept a reference from a private email address i.e. gmail.com or does it have to be from a business/work email address as a lot of overseas employers from developing countries do not use work email addresses? What is the best way to authenticate a reference?

There will be a risk that these emails could be fake addresses so you will need to check that the reference is from who it is purported to be from. With a private email address, the risk that this is not the case is increased. You should therefore undertake a suitable risk assessment and take steps to verify the authenticity of references from such sources by looking up the employer's contact details online, and not just relying on the details provided by the worker.

8. If sponsored staff apply for a second job to work maximum of 20 hours, can we still employ them even if they have not been doing their contracted hours as per their Certificate of Sponsorship (COS) from their main employer who sponsored them?

It is not for the employer providing the supplemental hours to ensure that the sponsor is complying with their sponsorship obligations. However, if you have been made aware that the sponsor is not complying with their sponsorship obligations, there may be an increased risk that UKVI deem your actions in providing the supplemental hours as a risk to immigration control.

9. How can a primary sponsor monitor an employee's second job to ensure they are not working excessive hours?

This would be done in the same way as you would monitor the wellbeing of any of your staff.

10. Many companies and overseas workers are using middlemen or agencies that are exploiting migrant workers. Some companies are engaging with these agents and receiving large payments for interviewing and issuing Certificate of Sponsorships. What happens if you find this out?

This would potentially breach the provisions of the Modern Slavery Act, and would certainly be deemed to pose a risk to immigration control by UKVI, which would lead to the sponsorship licence being suspended or revoked. Whilst there is no onus on you to report other organisations where you suspect modern slavery breaches, you can do so as detailed here: [How to report modern slavery - Care Quality Commission](#)

11. If the home office requests documentation, do we have the right to share them without breaching the General Data Protection Regulation (GDPR)?

Yes, although you should redact the documentation accordingly to comply with your GDPR obligations and to avoid service users being identified.

Additional International Recruitment Related Support

You can find lots of advice and guidance via our [International Recruitment Hub](#). We'd also like to signpost you to:

- **HR & Legal Webinars**

If you are a Care Provider in the West Midlands and would like details about our future International Recruitment Human Resources & Legal Webinars, please email our team at hello@wmca.international

- **Legal & HR Advice**

If you need additional legal support please reach out to Lester Aldridge, who have been contracted to provide support until the end of September 2025: <http://irwestmids.co.uk/hr-legal-services-support/>

- **Recruitment & Immigration Support**

Free sponsorship licenses and funding for recruitment and immigration support

Lifted, a Technology platform and expert immigration team, have been commissioned to help Care Providers recruit and retain sponsored workers who are already here in the UK, as part of the International Recruitment Programme 2024/25. They can support with Certificate of Sponsorship applications, compliance and much more. [You can find out more here.](#)