

## **eVisas and Right to Work**

On the 5<sup>th</sup> December 2024, we held a webinar focusing on The rollout of e-Visas & what they mean for care providers.

UK Visas and Immigration (UKVI) is replacing physical immigration documents with digital immigration status (eVisas). The aim is to go fully digital by 2025, with most biometric residency permits expiring at the end of December 2024.

Edward O'Brien, Senior Associate, at Law Firm Lester Aldridge explained that international care workers will need to log into their UKVI account – once they have registered they will be provided with a Share Code. Care Providers can then use this to carry out right to work checks.

Here we share some of the frequently asked questions, asked around eVisas and Right to Work, both via our helpline and during the webinar.

### **1. Where is the employees' permission expiry date stated?**

The expiry of a sponsored worker's Right to Work permission will be stated on the online Home Office check, which you can access using the sponsored worker's share code. They will be able to use their online UKVI account to generate this code for you.

### **2. What are an individual's contracted hours for their sponsored employment?**

These are the hours that the worker is regularly contracted to work for their sponsor. Supplementary work cannot be worked during those hours.

### **3. What checks are employers expected to do to ensure that any extra hours are within the 20hrs? E.g. is it sufficient to ask "are you working for any other employers in addition to your main employer?"**

It is advisable to add a provision into your contract of employment preventing employees from working for other employers without your consent. If you are the sponsor, this will help to ensure that you're notified if an employee intends to undertake supplementary work for another employer. If the employee is working supplementary hours for you, then you would obviously give consent that they work their contracted hours for their sponsor.

### **4. On supplemental employment, contracts that I have seen from other employers just give an amount of hours per week, so how would I know if the additional 20 hours are not in conflict with their employer?**

You should ask for a copy of the individual's contract of employment from the sponsor. If this is not possible, you can ask the worker for their rota or for written confirmation of their contracted hours.

**5. When the e-visa is still valid, do we need to apply for share codes regularly as they expire every couple of months?**

No, you should use the share code provided to undertake an online Right to Work check, which will confirm if and when the employee's Right to Work will expire.

**6. We have just had someone apply for a job with 2 x biometric resident permits (BRP) cards. 1 for Asylum and 1 for sponsor. They have advised they have resigned from their sponsor company as they were not given any hours. What would you suggest?**

You should conduct your Right to Work check either using a share code they provide, or conducting a manual check if the BRP cards are still valid.

**7. How often should we check with their main employer that they are fulfilling their contracted hours**

You should check this at the start of the supplementary employment and if there is any reason to suggest a change in circumstances.

**8. Can we employ a candidate on a 20 hour basis if their sponsorship is revoked?**

No, an individual is not eligible for supplementary employment if they are no longer sponsored.

**9. Can you please confirm, if a student can be offered a full time contract in the last three months of the completion of their course, once they have started a process to switch to the skilled worker route or once they have actually completed the course for a grad route?**

Yes, this is correct they can be offered a full time (FT) contract.

**10. Someone mentioned previously that people can work up to 80hrs a month so could you work out an average for a month to be less than 20 or is it MAX 20 per week?**

The maximum hours for supplementary employment is calculated on a weekly, rather than monthly basis. The maximum is 20 hours per week.

**11. Would an employee who has shared a physical document to show Indefinite Leave to Remain need an e-visa check?**

No, as Indefinite Leave to Remain (or also known as 'settlement') allows non British persons to live in the country without time restrictions. Therefore they have proof of Right to Work which will not expire.

**12. If a sponsor has contracted someone to work 39hrs (per week) , can they offer additional hours of work within the same employment?**

Yes, an employer can offer overtime to staff as normal, subject to compliance with the Working Time Regulations 1998 ([The Working Time Regulations 1998](#)).

**13. For the salary threshold, does it apply to new hires only?**

The new salary threshold applicable each April only applies to sponsored workers employed, changing roles or renewing their visa after that date. Otherwise, the previously applicable threshold, or national minimum wage rate, will apply. See ([Health and Care Worker visa: If you'll need to meet different salary requirements - GOV.UK](#)) for details about the salary threshold.

**14. If an employee is working on a dependant visa, is there a requirement to check the partner's VISA and CoS?**

No, as the Right to Work check will confirm the expiry of their Right to Work permissions so no need to check their partner's visa and COS

**15. Can your staff do more hours with you when they are on leave and you are the sponsor?**

A member of staff cannot take holiday whilst also working hours for you. If work is done on a booked holiday, the time worked should not be treated as a holiday.

**16. If an employee is working on a dependant visa and partner loses sponsorship, what should we do to check right to work of our employee?**

You would need to monitor their Right to Work in case of expiry. Keep communicating with the individual so that you're aware of any further changes in their circumstances that might affect their Right to Work.

**17. Can we hire people with Further Leave to Remain?**

Yes, dependants are allowed to work in the UK without restriction.

**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](mailto: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.

[You can find out more here.](#)