



International Care Workers: A guide for displaced workers

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For Individuals | For Business | International



In partnership

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Starting a new job in the UK can be both exciting and challenging. Here are ten important questions you might consider asking your new employer:

1. Visa and Work Permit: What support will the company provide for amending or renewing my visa and work permit?
2. Relocation Assistance: Is there any relocation assistance available, such as help with moving costs, temporary housing, or finding a permanent residence?
3. Car: Am I required to drive as part of the job? Does the company provide a vehicle or do I need to use my private vehicle?
4. Pay and benefits: Is the pay rate above the threshold for sponsorship? What additional benefits are provided?
5. Location: Where is the company based? Am I expected to work in one location or will I need to travel as part of my work?
6. Training: What training is provided by the company and does the company pay for it?
7. Career Development: What opportunities are there for career development and advancement within the company?
8. Employee Loan: Is there an interest free employee loan available to help with major expenses?
9. Work-Life Balance: What are the typical working hours, and what policies are in place to support work-life balance?
10. Local Networking: Are there any company-sponsored events or groups that can help me build a professional and social network in the new location?



Introduction

This guide is for overseas care workers who wish to remain, or are, working in the UK.

Over the following pages, we have summarised and provided guidance on proving your right to work in the UK to your new employer, the rules around working supplementary employment, the requirements for your dependents to stay with you in the UK, what you should do if your visa is coming to an end, reporting instances of modern slavery, tips to consider when reviewing your employment contract, and a summary of deductions that can legally be made from your pay by your employer.

The information set out in this guidance is correct at the time of publishing. However, as this area of law is subject to regular change, we recommend that you refer to the latest updates on the West Midlands International Recruitment Portal or take further specialist legal advice.



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Working in the UK as an overseas worker

Those without indefinite leave to remain in the UK require a visa in order to legally live and work in the UK.

Before you start working for an employer, you will need to prove to them that you have the Right to Work.

You can prove your right to work with:

- a share code; or
- your immigration documents.

You can choose which option you use. Your employer cannot reject your application because you gave them an eligible immigration document instead of a share code, for example.

Your employer should carry out a Right to Work check for you before you start your employment, so be prepared in advance to give them the information they need to carry out a check.



eVisas

What is an eVisa?

An eVisa is an online record of your immigration status and the conditions of your permission to enter or stay in the UK. You will need a UK Visas and Immigration (UKVI) account to access your eVisa.

You can use an eVisa to travel to the UK together with your current passport which must be linked to your UKVI account.

eVisas will replace paper documents, including:

- Biometric Residence Permits
- Biometric Residence Cards
- Visa stickers and ink stamps in passports

Why are eVisas being introduced?

The new eVisa initiative is part of the UK government's wider 'Digital by Default' approach to immigration and border control. The aim is for UK immigration documents to be fully digital by 2025.

How can I access my eVisa?

Your eVisa can be viewed by logging into the 'view and prove' service in your UKVI account.

How to create a UKVI account?

You should follow this link to UKVI's application page: [Get access to your online immigration status \(eVisa\) - GOV.UK](#)

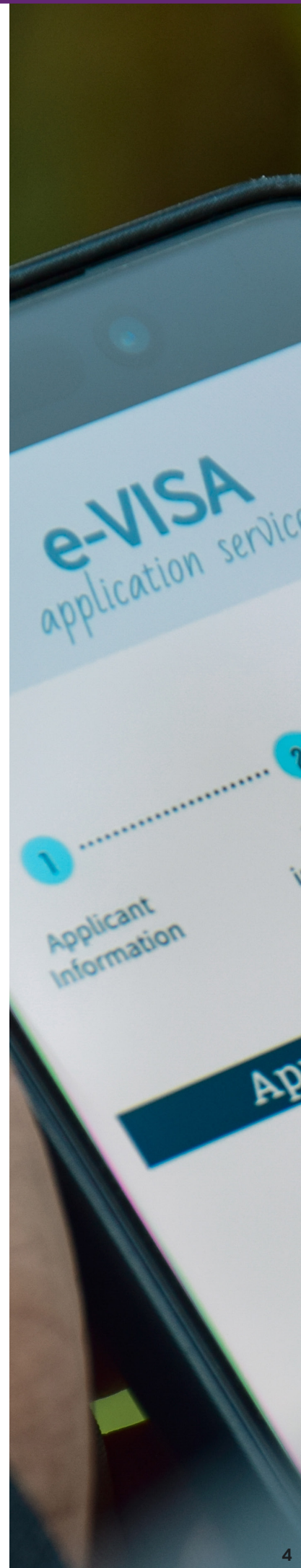
The page sets out the steps you will need to take to apply for your UKVI account.

How to use your UKVI account

Once you have created your UKVI account you will be able to view the details of your eVisa online, for example your type of permission, when it expires and your conditions of stay in the UK.

You can use your account to generate the share code needed to prove your right to work in the UK to a prospective employer.

You can also use your UKVI account to update your personal information, such as your residential address, to ensure it is up-to-date. You should make sure your personal details are up to date well in advance before you travel overseas. You may be delayed or denied boarding by carriers if your information is not correct. You'll still need to carry your current passport with you.





What action do you need to take if you do not have an eVisa?

- If you have a Biometric Residency Permit (**BRP**)

The vast majority of BRPs expire on 31 December 2024. The remaining BRPs expire between 1 January 2025 and 27 March 2025.

You should create your UKVI account before your BRP expires.

Your BRP will remain valid until it expires and can continue to be used as proof of your right to work until that date.

If your BRP expires on or after 31 December 2024, and you still have permission to stay in the UK, you should continue to carry your BRP with you when you travel to and from the UK until 31 March 2025.

You should also keep your expired BRP card, as it may help with future applications to stay in the UK.

You can use your travel document, such as a passport, and your visa application reference number to create your UKVI account if your BRP card has been lost or stolen.

- If you have a Biometric Residence Card (**BRC**)

If you have a BRC and have been granted status under the EU Settlement Scheme, then you should already have an eVisa and do not need to take any action to obtain one.

If you have a BRC and you have not been granted status under the EU Settlement Scheme, obtained another form of immigration leave, or become a British citizen, then your BRC is no longer valid, even if it appears to still be in date.

- If you have other paper evidence of your immigration status

You should create your UKVI account as soon as possible.

Working Supplementary Hours

Whilst you are employed by your sponsor, you may be able to take on supplementary hours of work with another employer.

There are a number of requirements that need to be met in order for your supplementary hours work to be legal. There are as follows:

Role

The role must be an occupation listed in Tables 1, 2 or 3 of the Appendix Skilled Occupations. A link to this can be found here: [Appendix Skilled Occupations](#).

Hours of work

Your supplementary employment must not:

- exceed 20 hours per week. Please note that this is a weekly total, not one that can be averaged out over a month; and
- take place during the hours that you have been contracted to work for your sponsored employment.

Evidence

Before offering you supplementary work, the company should seek evidence from your sponsor:

- That you are still employed by them;
- Of the role that you are sponsored to carry out; and
- Of the hours that you are contracted to work.

If your sponsor does not provide this evidence, you can do so yourself by giving the company offering your supplementary employment:

- Your contract of employment with your sponsor. This will show that you are employed and what your contracted hours are.
- Your recent payslips from your employment with your sponsor. These will show that your sponsor is meeting the salary requirements for sponsorship and that your employment is ongoing.



When you cannot undertake supplementary employment

You cannot undertake supplementary work where:

- You are being provided with insufficient hours by your sponsor to meet the minimum requirement for sponsorship; or
- You are no longer employed by your sponsor.

It's important that you comply with the rules for working supplementary employment if you choose to undertake such work. If you do not, then you risk having your visa and right to work withdrawn.

Dependents

Under the Health & Care Worker Visa, you are no longer permitted to bring dependents with you from overseas. However, if your dependents joined you in the UK before 11 March 2024, they can remain in the UK as long as one of the following is true:

- you're currently still on a Health and Care Worker visa
- you're extending your Health and Care Worker visa with your current employer
- you're changing to a new job within the same occupation code while on a Health and Care Worker visa

This means that, as long as you are sponsored on the same occupation code as your previous job with a new employer, your dependents retain the right to stay in the UK.

Who is a dependent?

A dependent is any of the following:

- your husband, wife, civil partner or unmarried partner;
- any of your children who are under 18 – including if they were born in the UK during your stay; and
- any of your children over 18 if they're currently in the UK as your dependent.

Proof required:

1. For a partner:


You and your partner must be able to prove that either:

- you're in a civil partnership or marriage that's recognised in the UK; or
- you've been living together in a relationship for at least 2 years.

2. For children:

If your child is 16 or over, they must:

- live with you (unless they're in full-time education at boarding school, college or university);
- not be married, in a civil partnership or have any children of their own; and
- be financially supported by you.



Each family member will have to pay an application fee. The fee depends on whether they'll be in the UK for:

- up to 3 years - £284 per person
- more than 3 years - £551 per person

What your partner or child can and cannot do

You partner or child can:

- work, except as a sports person or coach;
- study;
- travel abroad and return to the UK; and
- apply to settle permanently in the UK (also known as 'indefinite leave to remain') if they've lived in the UK for 5 years and meet the other eligibility requirements.

They cannot apply for most benefits (public funds), or the State Pension.

What to do when visa is coming to an end

If you wish to renew your visa, you should arrange to discuss this with your sponsor. It's advisable to do so at least six to eight months before it expires.

Your sponsor may need to apply for a new certificate of sponsorship for you, if they do not have a sufficient allocation. This can take several months, which is why it is wise to plan in advance. Once the certificate of sponsorship has been granted to your sponsor, you can use the reference that they provide to you to renew your visa. You will need to make this application to the Home Office.

If your visa expires before being renewed, you will likely no longer have the right to live and work in the UK. The slight exception to this is, if you have made your application to the Home Office to renew your visa and their decision is pending, you can use the application reference number that was provided to you as proof of your right to work until a decision is made.



Indefinite Leave to Remain

Indefinite leave to remain gives you the right to live, work and study in the UK for as long as you wish. It also allows you to apply for benefits if you're eligible, and you can use it to apply for British citizenship.

Eligibility

To qualify for indefinite leave to remain if you're sponsored under a Health and Care Worker visa, you must usually have lived and worked in the UK for 5 years.

If you've spent time outside the UK, you must have spent no more than 180 days outside the UK in any 12 months.

You may be able to apply for permission to settle in the UK permanently if your relationship has broken down because of domestic violence or abuse. You can find out more about this here: [Indefinite leave to remain or enter \(domestic violence or abuse\): Overview - GOV.UK](#)

When to apply

The earliest you can apply for indefinite leave to remain is 28 days before the date that you started working in the UK. However, this may be different if you also qualify under any of the non-working routes.

You should carefully consider the timing of your application, because it may be refused if you apply too early. You also should not wait until your current visa expires, because you'll then need to renew it before you can make your application for indefinite leave to remain.

How to apply

You will need to apply online through the Home Office's online application process. The link for this is here: <https://visas-immigration.service.gov.uk/product/set-o>

You do not need to complete the application form all at once, and you can save your form and complete it later if you need to.

The form will tell you which documents you need to provide when you apply. You'll need to show that:

- you've passed the Life in the UK Test
- you meet the salary requirements
- you're still needed for your job (and you should ask your employer for a letter confirming this before you start your application)

Fees and how long it takes

You will need to pay a fee of £2,885 to make the application for indefinite leave to remain.

You'll then usually get a decision within 6 months if you apply using the standard service. You can pay an additional £500 to get a decision within 5 working days, and an extra £1,000 for an urgent decision within 1 working day.

What happens after you make your application?

Once you've submitted your application, you'll be asked to make an appointment at a UK Visa and Citizenship Application Services (**UKVCAS**) service point to provide your biometric information (your fingerprints and a photo). There is no fee for this service.

You'll also need to submit your supporting documents. You can do this either by uploading them into the online service or taking them to your UKVCAS appointment to be scanned.

What happens if your application is approved?

If your application for indefinite leave to remain is approved, you will be able to:

- work without needing to be sponsored
- run a business
- study
- use public services, such as healthcare and schools
- apply for public funds (benefits) and pensions
- apply for British citizenship, usually after a minimum of 12 months

You should note that you can lose your indefinite leave to remain if you stay outside the UK for more than 2 years at a time. If you think it is likely that you will need to do this, you should apply for citizenship before doing so.

Modern Slavery

The UK has laws in place to prevent modern slavery and human trafficking.

There are three main types of modern slavery:

1. Slavery or servitude

Slavery or servitude can apply where someone is forced to do work that they are unable to escape from. This can include circumstances where the cost imposed for leaving a job are excessive to the point that leaving the job is made impossible or very difficult.

2. Forced or compulsory labour

This covers all work or service which someone is required to do under the threat of any penalty and for which they have not offered themselves voluntarily.

A 'Penalty' may be physical violence or restraint, but it can also be treatment of a psychological nature, such as threats to report victims to the police or immigration authorities when their employment status is illegal.

3. Human trafficking

Human trafficking involves the recruitment or movement of people for exploitation by the use of threat, force, fraud, or the abuse of vulnerability.



What can be an indicator of Modern Slavery in employment?

Modern slavery can happen in a number of ways in an employment relationship. Some of the more common examples of where this may arise are as follows:

- A requirement to pay a fee to secure employment;
- Excessive fees deducted from salary for accommodation, uniforms or training;
- A lack of transparency about the nature of the job, hours or pay;
- Large and unreasonable payments required to be paid to leave a job;
- Receiving little or no pay for the work undertaken;
- Being subjected to physical, verbal, or psychological abuse in your work;
- A requirement to work excessive hours without a break;
- Being required by your employer to provide your identity documents, such as your passport, for them to retain during your employment;
- Being forced to work due to threats to make reports to the police or immigration authorities;
- A requirement to live in accommodation provided by your employer; and
- Unwarranted and unreasonable threats to withdrawn sponsorship;
- The accommodation provided by your employer is overcrowded or not fit for purpose.

It is not legal for a recruitment agency to charge you for a job finding service.

What can you do if you suspect a Modern Slavery offence is occurring or has occurred?

1. In an emergency: You should call the police emergency number (999) if you believe someone is in immediate danger or you witness a crime being committed. For non-emergencies, you can contact your local police station or the non-emergency number (101).
2. For internal reporting: Your employer may have an anti-slavery and human trafficking policy. If so, you can find details of how and where to report concerns in there.
3. For external reporting:
 - a. You can report your concerns to the Modern Slavery Helpline by calling 0800 0121 700. The helpline is available 24/7 and can provide you with advice, support, and guidance.
 - b. You can make a referral to the National Referral Mechanism through the Home Office, law enforcement, or a designated organization by way of an online form. The National Referral Mechanism is a service for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support.
 - c. If the exploitation involves labor abuse or workers' rights violations, you can report it to the Gangmasters and Labour Abuse Authority. They investigate and take action against businesses or individuals exploiting workers.

Your employment contract

When you start a new job, your employer should provide you with a contract setting out the terms of your employment. These documents can be quite detailed, but it is important that you take time to read and understand the contract.

There are several provisions that must be included in the contract. We have listed the things that you should be looking for in your contract below. If the contract you have been provided does not include all of the things listed, you should ask your employer to confirm those details in writing.

The date on which your employment started.	
Your job title.	
Any period of probation that applies to the role. The probation period should be for a period of between one and nine months during which your suitability for the job will be assessed by your employer.	
The rate of pay, and how that is calculated. Pay is commonly stated as an hourly or an annual rate. The contract should also state when and how you will be paid your salary.	
Your hours of work that you are normally required to work in a week, and the days and times on which you are required to work. The contract should state whether these hours are fixed or variable.	
Your place of work. This may be stated as a particular address, or as an area in which you may need to travel within.	
Details of how much holiday you are entitled to, including public holidays.	
Any training that you will be required to undertake, and if you are required to bear the cost of this training or not.	
The length of notice that either you or your employer have to give to end your employment. If you serve notice, you will usually be required to work through your notice period.	
Any terms relating to sickness absence, including your entitled to company or statutory sick pay.	
Details of the employer's pension scheme into which you will be enrolled, unless you notify them that you wish to opt out.	
Any collective agreement that affects the terms of the contract. A collective agreement will usually be with a Trade Union, who represent the staff and negotiate employment terms on their behalf.	
Details of where you can find the employer's disciplinary and grievance policies, and who you can send a grievance to if you have any concerns at work.	

You should be provided with a copy of your contract before you start working for your employer.

You could also consider joining a trade union.

What costs can your employer charge you if your employment ends?

If your employment comes to an end, your employer deducting payments from your final salary is not necessarily wrong or illegal. There are certain costs that an employer can require an employee to pay at the end of their employment. These costs are usually deducted from an employee's final salary.

It is important for your employer to confirm to you what costs it is deducting, so that you can check that these are permitted. Your employer should also confirm the amounts that are being deducted for each item.

Sponsorship Costs

There is very limited scope for your employer to deduct the costs of your sponsorship from you. The rules on the costs that can be deducted are as follows:

- Cost of the sponsorship licence? No. This is not attributed to an individual but to the company, and so cannot be recovered from you.
- Immigration Skills Charge? No. This cannot be recovered directly from an individual. Your employer can fully or partially recover it from the Home Office though.
- Certificate of Sponsorship? No. Whilst it is legal to seek to deduct this cost from you, Care Quality Commission (**CQC**) regulated businesses, which your employer will be, are prohibited from seeking to make this deduction under the Code of practice for the international recruitment of health and social care personnel in England.
- Recruitment or processing costs? No. Again, the Code of practice for the international recruitment of health and social care personnel in England prevents your employer from seeking to recover these costs from you.

Other costs

- Money lent to you under a loan agreement? Yes. Employers may offer you a loan to help you pay for your visa or your relocation costs when you start your employment. This loan is repayable to your employer, provided that they have entered into a formal loan agreement with you.
- Service occupancy/Tenancy? Yes. Your employer can deduct rent or utility charges from wages or your final salary payment if you live in property provided by them. However, the deductions they make should not cause your salary to fall below the national minimum wage or the threshold for sponsorship.
- Training costs? Yes. If your contract says that you have to repay the cost of training, this is permitted. However, the amount of time that you have worked for your employer before you leave should be taken into account and the cost reduced accordingly. A reasonable reduction in training costs payable would be as follows:

- leaving within 0 to 12 months: 100% of total cost
- leaving within 13 to 24 months: 50% of total cost
- leaving within 25 to 36 months: 25% of total cost
- leaving after 36 or more months: no repayable cost
- Costs for property belonging to your employer? Yes. If your employer provides you with property belonging to them, such as a uniform, a phone or a car, they can deduct money due from you if you do not return or damage these items.

Are the deductions permitted or reasonable?

- Are the deductions permitted under your contract?

Before your employer can deduct amounts from your employment, you need to give written agreement to this. This is usually done by way of a clause in your employment contract or another document that you sign. Your signature to these documents is confirmation that you agree to deductions being made. However, if there is no deduction clause in the contract or document and you do not give permission for the deductions to be made, your employer is not permitted to make deductions even if the money is owed.

- Are the deductions reasonable?

Your employer cannot seek to recover amounts from you that are more than the costs that they have paid or will lose due to you leaving your employment. The sums they are seeking to recover also shouldn't be excessive, as that would risk the arrangement amounting to modern slavery (see above).

- Flexibility:

The Code of practice for the international recruitment of health and social care personnel in England recommends that your employer is flexible about when they levy the repayment clause and consider your individual circumstances. A departure from the usual repayment provisions may be appropriate where:

- You are dismissed by reason of redundancy;
- Your health and wellbeing is being adversely impacted;
- You leave due to bullying, discrimination or poor working conditions;
- Your circumstances have changed beyond your control, either in the UK or in your home country; or
- You wish to move roles for career progression.

Staying Safe

<http://irwestmids.co.uk/staying-safe/>

This page aims to support you and others to stay safe while you're working in the West Midlands. Here, you'll find contact details for organisations that can provide you with information and help if you need it.

Staying safe

- If your life is in danger, please call 999 and ask for the Police or go to [Contact us | Police.uk](#) or for an urgent health issue please call 999 and ask for an ambulance
- If you need to report a non-urgent crime, please call 101 and ask for your local Police force or go to [Contact us | Police.uk](#)
- If you want to report a crime without saying who you are, call Crimestoppers on 0800 555 111 or visit their website at [Independent UK charity taking crime information anonymously | Crimestoppers](#)
- If you need someone to talk to, please call the Samaritans on 116 123 or go to [Contact Us | Samaritans](#)
- If you need medical help, please call 111 or go to [Get help for your symptoms - NHS 111](#)

Concerns about an employer

- If you don't know what to do about your concerns, and if your employer's sponsorship license has been revoked then you can request free legal and human resources support when you register for support through the West Midlands International Recruitment Partnership at www.revoked.support (please note this service cannot provide support for employment disputes or tribunals).
- The [Employment Agency Standards Inspectorate \(EAS\)](#) regulates employment agencies and businesses and enforces minimum standards of conduct in the recruitment sector.

Anyone can report concerns about the conduct of a recruitment organisation, agency or collaboration based in Great Britain, including if they are charging work-finding fees or they, or someone they know, have not been paid for all hours worked. [Contact an EAS inspector by phone, post or email](#) or complete the [online form to complain about pay and work rights](#).

- If you are employed by a care or nursing home or domiciliary care company, you can also call the Care Quality Commission on 03000 616161 or email them at [_](#)

You can find out more information at [Report a concern if you are a member of staff - Care Quality Commission](#)

The Care Quality Commission's [quick guide to whistleblowing or guidance for workers](#) gives helpful advice on speaking out about poor care and what protection health care personnel will have from the law.

- If you work for an employment agency, you can also call the Gangmasters & Labour Abuse Authority on 0800 432 0804 or email them at intelligence@gla.gov.uk

You can also find out more information at [Is the GLAA the correct enforcement body for you? - GLAA](#)

- The Advisory, Conciliation and Arbitration Service (Acas) provides advice on the legal minimum wage, working hours and employment agencies.

Any health or social care personnel who thinks that they might be being underpaid or their employer has unsafe working practices can report concerns in confidence by calling 0300 123 1100 or completing the [online form to complain about pay and work rights](#)

Modern Day Slavery Guide

With a belief prevention is better than cure, this guide provides information on what Modern Day Slavery is, a little about the legislation itself and how to spot the signs of Modern Day Slavery.

Find out more (link to: <https://online.flippingbook.com/view/6268600/>)

Staying Safe: Government Guidance

Download Government guide to help you stay safe when searching for a health or social care job in the UK

Find out more (link here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1124300/Advice_to_help_you_stay_safe.pdf)





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