

## **Compliance: Applying for Certificates of Sponsorship**

On the 20<sup>th</sup> March 2025, we held a webinar focusing on Compliance: Applying for Certificates of Sponsorship. This included:

- An update on new immigration rules
- An overview of what Certificates of Sponsorship (**CoS**) are used for, how they are allocated and the types required.
- Tips for making applications to increase an allocation of CoS.
- How to apply for an assign CoS on the Sponsorship Management System (**SMS**).

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

- 1. If an individual is no longer working for their sponsor but their share code works, can you still employ them? My understanding would be that they should not have a share code as they are no longer sponsored.**

If they are no longer working for their sponsor, they are not eligible for supplementary hours because they do not meet the requirements. If they are not eligible for supplementary hours, a working share code is not sufficient evidence of their Right to Work. You will need to sponsor the individual if you want them to work for you.

- 2. How can you apply for an automatic allocation of CoS in the SMS?**

UKVI will contact you to confirm this option has been granted if you meet their eligibility requirements. Otherwise, you will need to manually request allocation renewals.

- 3. Do you need all the evidence discussed to support a CoS allocation application or just some?**

The evidence discussed is the evidence that UKVI is likely to ask of you. You will need to provide all evidence that they specifically request. If you can provide further evidence to support your application, all the better.

- 4. How do you request to change office / reporting address on the SMS?**

From the “Licence summary, applications and services” screen, you can do this via the “Request changes to licence details” menu.

5. **For the new rate of pay as from April 9th, as this is based on 37.5 hours a week, if you sponsor a role for 48 hours per week, do you have to pay £12.82 per hour or can this be lower as long as they meet the £25,000 annual threshold?**

The rate of pay needs to be the higher out of £12.82 per hour or £25,000 per annum.

6. **Before renewing CoS, do you also need to request an increase to your allocation?**

Yes, you will need to do so if you have used all of your current allocation of undefined CoS.

7. **Is the immigration skills charge of £364 per year per individual, on top of the CoS fee?**

Yes, the immigration skills charge is payable up front for the period that you intend to employ a sponsored worker. It is paid in addition to the CoS fee when the CoS is allocated.

8. **Do you have to pay the immigration skill charge again when you issue a CoS for a visa extension?**

Yes, this will be payable for the period during which the visa is to be extended. Generally, the immigration skills charge is payable for the period that the individual is sponsored by you for (usually until they are granted indefinite leave to remain).

9. **If we sponsor a new worker, do we need to put their information on the initial CoS application now, rather than updating their information after we have granted for CoS?**

All mandatory information for the individual will need to be entered into the CoS allocation request screen.

10. **I have employees whose sponsorship expires this year and I need them to work for me. How do I renew the CoS?**

You will need to apply to increase your allocation of undefined CoS in the way that we have discussed in this webinar, and then allocate those CoS to the employees. They can then use the CoS reference numbers to apply to renew their visas.

11. **If the main sponsors licence is removed, can we employ an individual to work supplementary hours?**

No, an individual is not eligible for supplementary hours if they're not working for their sponsor, which they won't be if the sponsor's licence has been revoked.

For care workers on a Skilled Worker visa, the following applies:

- a. **Right to Work:** If the sponsor's licence is revoked, the worker's Certificate of Sponsorship is cancelled, and their visa is typically curtailed to 60 days (or the remaining duration of the visa, if less than 60 days). During this period, they can continue to work legally while seeking a new sponsor.
- b. **Finding a New Sponsor:** Care workers are encouraged to find a new employer who can sponsor their visa within this 60-day window. Regional support partnerships in England

provide assistance to care workers affected by licence revocations, helping them understand their rights, find new employment, and access financial or mental health support

- c. **Supplementary Work:** Workers may be allowed to take on supplementary work during this period, but this depends on specific visa conditions and guidance from UK Visas and Immigration (UKVI).

**12. Are there certain qualifications needed for an individual I want to sponsor in care?**

There are no specific qualifications required for someone to be eligible to work as a carer. You will just need to comply with your CQC Regulation 19 requirements when assessing their suitability.

**13. What about if the sponsor is giving less than the required hours, can we offer the supplementary hours?**

Technically this is permitted, because an employee is eligible for supplementary hours provided that they are still working for their sponsor. However, the risk is that if the sponsor is not complying with their sponsorship duties, their licence is at risk of being revoked and the individual no longer being eligible for supplementary hours at short notice.

**14. If a person has care worker visa, can they work in the office?**

No, as the duties that a sponsored worker undertakes needs to correspond with the occupation code set out in their CoS.

**15. I believe those individuals with student visas can work 20 hours while studying. When they finish their studies are they then limited to 20 hours or can they work longer?**

They are only restricted to 20 hours per week during term time. If their course has finished and their student visa remains valid, their hours are not capped.

**16. If a sponsored employee is already working for us and they wish to do overtime, is there a limit on how much overtime they can do?**

Provided that they've opted out of the 48-hour maximum working week under the Working Time Regulations, the answer is no. However, you have health and safety duties to monitor that the individual is not overworked and is able to satisfactorily perform their role.

**17. When we employ someone sponsored by another employer, we are aware that they can only work maximum of 20 hours per week. Do we need to only request evidence from the employer that they are actively working with them at the beginning or employment or we request this every week?**

You only need to ask for this at the beginning of their employment to gain the statutory excuse for Right to Work purposes, or if you become aware or have grounds to suspect of a change in the individual's circumstances that would change this. It is good practice to add a requirement to their employment contract requiring them to inform you if there are any changes to their sponsorship.

**18. What actions should an employer take if a sponsored employee, due to health issues or pregnancy, is unable to fulfil their contracted working hours?**

You should report the change of circumstances via the SMS. However, you do not need to take this period into account when calculating their earning with reference to the minimum threshold for sponsorship.

**19. What evidence would a provider need to show that they have tried to recruit staff from the UK before they can apply to recruit from overseas directly?**

You will need confirmation from the relevant regional or sub-regional partnership (in this case WMIR) that they have made genuine efforts to recruit from the existing pool of workers in the UK.

**20. Can a dependant of a student/skilled worker apply for their own CoS?**

Yes, there is nothing preventing this.

**21. What should I do if I have a carer for Autism, but I don't have any client with Autism?**

You should consider other suitable care duties within your business to try to accommodate them. If it's not possible to meet the minimum sponsorship thresholds though, you will need to withdraw their sponsorship.

**22. In the care sector, where the roles include Care Worker, Senior Care Worker, and Manager, how should the job title be determined for a sponsor Senior Care Worker who performs both care-related tasks and care coordination duties? Should they be classified as a Care Coordinator or a Senior Care Worker, and what factors influence this classification?**

You should refer to the job descriptions for the relevant occupation codes for each role, and use the one that most closely applies to the role in practice.

**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. They can support with Certificate of Sponsorship applications, compliance and much more. [You can find out more here.](#)