

# **Adult Social Care Sector (England) Q&A Response to 9<sup>th</sup> April Update**

April 2025

Review date: 01 October 2025

**These answers reflect the current rules and guidance which are subject to review and change. Please refer to up to date Immigration Rules and Sponsorship Guidance.**

**QUESTION:** Can we reduce a sponsored worker's hours from 40hrs a week to 37.5 hours a week, and would this be impacted by the new changes coming up?

**ANSWER:** A worker on a Health and Care visa can reduce their hours but they will still need to be paid in line with whichever is the higher of:

- the minimum requirement for their visa, or
- the national minimum wage (NMW).

**QUESTION:** What about a £25,000 salary and 42-hour contract? Would that qualify?

**ANSWER:** No, it would not qualify because the minimum hourly rate would not be met. The minimum annual salary requirement is based on a 37.5-hour working week.

**QUESTION:** If you submitted a Certificate of Sponsorship request in February and have not received it yet, do the original rules and salary rates apply rather than the new ones?

**ANSWER:** The new rules will apply to any Certificate of Sponsorship assigned on or after 09 April 2025.

**QUESTION:** Can additional payments e.g. weekend supplements be taken into consideration?

**ANSWER:** No: The salary must meet the minimum requirement using the minimum hourly rate and a guaranteed 37.5 hours each week providing the minimum annual salary of £25,000. Shift pattern payments, overtime, and bonuses are not guaranteed and cannot be used in salary calculations for the Health and Care visa.

**QUESTION:** £12.82\*37.5\*52 is less than £25k (by a pound). Is £12.82 for 37.5 hours per week an acceptable salary to meet the requirements?

**ANSWER:** The salary requirement is £25,000 per year, and £12.82 per hour; you must meet both requirements.

**QUESTION:** Do we need to add a sponsor note with their new rate?

**ANSWER:** The information on the CoS needs to clearly demonstrate that all the minimum requirements of the 09 April 2025 changes have been met. A CoS note can be used in situations which require this for clarity.

**QUESTION:** I do think the ONS have made a mistake in their calculation of the salary requirement. No Adult Social Care commissioned provider in my area will be able to pay more than Real Living Wage (RLW - £12.60ph). The current minimum of £11.90 is 10p less than the current RLW, so is met by commissioned providers.

This new minimum is making the scheme obsolete, and we will not be able to find work for displaced workers.

**ANSWER:** Please note the ONS don't set the salary requirement. The rate is calculated by Home Office analysts, using ONS earnings data for occupations skilled to RQF3+. In line with the MAC's recommendation when they proposed making care workers eligible for the route, sponsored care workers have to meet the same salary thresholds as other Skilled Workers, despite being skilled to RQF2. This is because the MAC identified pay as the main barrier to resolving shortages in the sector. In their 2022 review of adult social care, the MAC recognised that not all care providers would be able to meet the Skilled Worker salary requirements (and that the requirements are updated each year) but recommended on balance that there should not be a lower threshold in order to maintain upwards pressure on pay.

**QUESTION:** The minimum wage, is that inclusive of those that already have an agreed sponsorship?

**ANSWER:** Yes. It is UK law to ensure national minimum wage is always met and any increases to national minimum wage must met. It is the sponsor's responsibility to ensure workers are paid in line with [NMW regulations](#).

Where sponsors are looking to begin or extend sponsorship, they will need to increase the rate of pay to £12.82 ph or £25,000 pa.

**QUESTION:** If we need to issue an extension - and don't pay £12.82 after 09th April what happens?

**ANSWER:** The application will be refused due to not meeting the current minimum salary requirements for the SoC code. If you pay less than the amount stated on the worker's COS you will be in breach of your duties as a sponsor and will be subject to UKVI compliance action.

**QUESTION:** Are we required to make a sponsor note on each of our Certificate of Sponsorship to reflect our annual salary uplifts due to changes in NMW?

**ANSWER:** No - salary uplifts need not be reported (unless this is a Defined Certificate of Sponsorship (DCoS) approved before the Rules change but not assigned until afterwards, in which case the salary should be updated when assigning it).

**QUESTION:** For carers we have already sponsored the Certificate of Sponsorship says that the minimum hours is 39. Are the new hours 37.5 and can we apply to the carers we have already sponsored?

**ANSWER:** Yes, this would need to be reported as a change via SMS. In all instances, if reducing the hours worked, the salary must meet or exceed the appropriate threshold.

**QUESTION:** Just to clarify that existing workers who are currently sponsored getting paid £11.90 and if we pay them £12.21 from 1st April would that be compliant? Or do we need to also pay existing worker minimum £12.82 per hour?

**ANSWER:** Yes, this is compliant - national minimum wage increases must be met as per UK law. The salary threshold in the Rules would apply if you were sponsoring new workers, or if seeking to extend the sponsorship of an existing worker.

**QUESTION:** If someone is employed via the displaced worker pool would this be considered as a CoS transfer and therefore a higher rate of pay in wages.

**ANSWER:** A new CoS must be assigned by the new employer to sponsor a displaced worker. The new salary requirements apply for any CoS assigned on or after 09 April 2025.

**QUESTION:** is there any exemption for displaced pool with regard to salary i.e. if new to NHS they will commence on bottom of pay scale and therefore not meet the minimum salary requirements - so we couldn't consider recruiting from the pool if not exempt

**ANSWER:** No. Care Workers are not subject to national pay scales and there are no exemptions which allow the NHS to pay less than £12.82 per hour when assigning a CoS.

**QUESTION:** would paying for a DBS check be classed as a permitted deduction?

**ANSWER:**

If a sponsor charges their worker for DBS checks and seeks to claw the money back via deductions from their salary, then [SW14.2A](#) applies and the sponsor will therefore need to ensure the final amount paid to the worker either meets or exceeds £12.82 ph and £25,000 pa.

**QUESTION:** We currently pay all our staff £12.60 per hour, the living wage foundations UK living wage outside of London and the new minimum salary requirements for sponsored staff is £12.82. What do Organisation's who cannot afford this do?

**ANSWER:** If you cannot guarantee the new minimum salary requirements, you cannot sponsor new workers.

**QUESTION:** Please can you confirm the salary for sponsored staff who are in England who do not have a sponsor, and we sponsor them, is it the normal rate or the increased rate as for coming from abroad?

**ANSWER:** If you assign a CoS to anyone on or after 09 April 2025, the new salary rates apply.

**QUESTION:** Where sponsored workers resign before the CoS term is complete, why are we not being reimbursed for the remaining period they did not work for the organisation?

**ANSWER:** A partial refund of the ISC paid will be due if:

- the sponsor has overpaid, for example, in relation to their size, charitable status or because of assigning a further ISC liable CoS that overlaps, by more than 6 months, dates already paid by their worker's current CoS
- the subsequent visa is granted for less time than the period requested on the CoS
- sponsorship subsequently ceases earlier than CoS stated due to worker leaving employment.

**QUESTION:** If a sponsored worker does sleep-in shifts at a set nightly rate, can this be inclusive of their minimum earned requirement or must we evidence 37.5 hours per week with the sleep-in rate on top?

**ANSWER:** Any hours worked, including time spent asleep, are considered as working hours. The pay during the time asleep must be paid at least in line with UK law.

[Night working hours: Hours and limits - GOV.UK](#)

**QUESTION:** Can you please clarify if we need to increase existing skilled worker's pay rates immediately on the 9th April or in line with their next renewal of sponsorship? This is for existing sponsored employees that will be renewed at some point soon.

**ANSWER:** National minimum wage increases must be met immediately, but the sponsorship new salary thresholds would apply when assigning a new Certificate of Sponsorship to extend the worker.

**QUESTION:** Regarding the deductions, will things like sick pay, unpaid leave, errors such as overpayments be included as acceptable?

**ANSWER:** Permitted salary deductions, and a sponsor's duty in respect of what they need to report related to them, are set out in paragraphs S4.19 to S4.31 in Part 2 of the sponsor guidance: [Workers and Temporary Workers: guidance for sponsors part 2: sponsor a worker – general information \(accessible\) - GOV.UK](#)

Guidance on how salary is calculated and deductions we would subtract from the salary is set out in paragraphs SK7.6 to SK7.8 of the Sponsor a Skilled Worker guidance: <https://www.gov.uk/government/publications/workers-and-temporary-workers-sponsor-a-skilled-worker/workers-and-temporary-workers-sponsor-a-skilled-worker-accessible#sk5:~:text=Money%20paid%20by%20the%20worker%20to%20the%20sponsor%20or%20related%20organisation>

**QUESTION:** We currently pay enhanced rates for the weekend and evenings, which is well above the specified rate per hour. Can we average it out to get an hourly rate for the 37.5 hours per week?

**ANSWER:**

Salaries must be guaranteed. Shift pattern payments and bonuses are not guaranteed and therefore cannot be counted towards salary calculations.

Salaries can be averaged in accordance with the Immigration Rules, see paragraph SW14.3A.

[Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance - GOV.UK](#)

**QUESTION:** Are sponsored carers allowed to take advanced payments/loans that result in agreed deductions?

**ANSWER:** Loans will be deducted from Skilled Worker salary assessments where the payments are related to business costs, immigration costs, or investments.

A salary advance is not a deduction as the worker will still receive the wage expected.

**“Money paid by the worker to the sponsor or related organisation**

SK7.6. When we calculate whether the worker’s salary meets the applicable salary thresholds, we will subtract from the worker’s salary any of the following payments a worker is required to make to you (the sponsor) or to a related organisation:

- deductions from the worker’s salary related to business costs, immigration costs or investment in your (or a related) organisation
- repayments of loans made to the worker related to business costs, immigration costs or investment in your (or a related) organisation
- investment in your (or a related) organisation

SK7.7. When making this calculation, we will average any such deductions over the period the worker is being sponsored for, as stated on their CoS.

SK7.8. Money will not be subtracted where the payment is not related to business costs, immigration costs or investment, but is an additional benefit offer which the worker has a genuine choice whether to take up, such as a salary sacrifice arrangement. However, you must ensure that any such arrangement does not result in the worker’s pay falling below National Minimum Wage.”

**QUESTION:** As sponsors, are we allowed to deduct salary advances that are paid as a direct request by the migrant worker to them before payday?

**ANSWER:** Yes, providing the worker has agreed to this and the terms are clearly set out to them.

**QUESTION:** If the primary sponsor pays the employee the annual salary stated on their Certificate of Sponsorship (CoS), does it matter if their weekly working hours fluctuate due to sector-specific factors, such as changes in care packages?

**ANSWER:** Salaries can be averaged in accordance with the Immigration Rules, see paragraph SW14.3A.



[Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance - GOV.UK](#)

**QUESTION:** The statement of changes regarding salary sacrifice deductions appears to be a double negative so we would like clarification. As our NHS trust offers lease cars and cycle to work schemes as salary sacrifices, would these deductions be considered when assessing if the migrant meets the minimum salary requirements?

**ANSWER:**

Money will not be deducted where the payment is not related to business costs, immigration costs or investment, but rather an additional benefit offered which the applicant has a genuine choice whether to take up, for example salary sacrifice arrangements.

[Workers and Temporary Workers: sponsor a skilled worker \(accessible\) - GOV.UK](#)

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**QUESTION:** We have previously sponsored a displaced worker - should we put a sponsor note onto SMS

**ANSWER:** If the worker has already been granted permission against that CoS, there is no need to add a note.

**QUESTION:** if someone has sponsorship with domiciliary care provider but not getting the hours therefore working for our company for 20hrs would these be appropriate to sponsor or do they need to register within the central hub

**ANSWER:** Sponsors who fail to provide the hours required to pay the worker the minimum annual salary should be reported to UKVI for investigation. Individuals who find themselves working for potentially non-compliant sponsors should consider securing new sponsored employment.

**QUESTION:** can we sponsor workers for children's homes?

**ANSWER:** The Health and Care visa is designed for those working in adult social care. It may be possible to recruit people to work in Children's social care where the organisation also provides adult social care services (and is therefore regulated by the Care Quality Commission) but it is not possible to recruit into roles which are only overseen by OFSTED.

**QUESTION:** Currently, the process of switching the visa is quite lengthy - requesting additional CoS takes up to 18 weeks. This is not practical at all - will this process be simplified from 9th April?

**ANSWER:** There are no changes to the current process for requesting Certificates of Sponsorship. Your request may be expedited without the need to pay the priority fee, if you secure support from your DASS. If you require a CoS to sponsor a displaced worker you should contact your Regional Partnership who may be able to contact UKVI on your behalf.

<https://www.skillsforcare.org.uk/resources/documents/Recruitment-support/Applying-for-a-certificate-of-sponsorship.pdf>

**QUESTION:** What if a care worker is promoted as a deputy manager or a manager in residential care home, do the employees need to issue a new CoS and that employee must reapply for the visa again? And if so then what about the charges, do they need to pay again for everything?

**ANSWER:** You may be required to make a change of employment application and if this were the case, all fees would apply.

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker-general-information-accessible>

**QUESTION:** Why are they allowed to work 20 hours for another provider? when they are working full time? who is monitoring this?

**ANSWER:** The Immigration Rules permit all sponsored workers using the Skilled Worker route to undertake supplementary employment, provided the work is in an eligible SOC code and all the [rules of supplementary employment](#) are met.

**QUESTION:** What will happen if the migrant has not found a new employer within 60 days window period?

**ANSWER:** Workers should be advised to contact their Regional Partnership and seek immigration advice from an accredited advisor.

**QUESTION:** would there be a pool for carers to work 20hr with agencies that have no license?

**ANSWER:** No.

**QUESTION:** If an employer's license has been previously revoked and looking to reapply for sponsorship for within the displaced pool, how can a provider do so and can a provider apply?

**ANSWER:** If a licence has been revoked, a cooling-off period will apply (normally 12 months), during which any further applications for a licence will be refused. If

the cooling-off period has expired, the sponsor can submit an application in accordance with the 'applying for a licence' guidance.

[Workers and Temporary Workers - guidance for sponsors part 1: apply for a licence - GOV.UK](#)

[Sponsor a Skilled Worker - GOV.UK](#)

**QUESTION:** how do I extend the CoS of existing staff?

**ANSWER:** CoS cannot be extended; however, you can assign a new CoS to a worker if you wish to continue sponsoring for longer than you sponsored them originally. The worker would then need to apply to extend their visa [Health and Care Worker visa: Extend your visa - GOV.UK](#).

**QUESTION:** carers who are sponsored by another company, do we need to evidence that they are meeting their visa requirements with their sponsored company before assigning them 20 hours of work?

**ANSWER:** You must conduct Right to Work checks, see the Employers guide to right to work checks, particularly the section on Supplementary Employment.

**QUESTION:** If we have someone already working for us on a student visa, who wants to switch to Skilled worker, would we have to prioritise a displaced worker, or could we apply for her Skilled worker visa?

**ANSWER:** If the student visa holder has been working legally for your organisation for at least three months you are exempt from considering workers in the redeployment pool. You must state on the CoS how they are exempt and be prepared to provide evidence to prove this as required by UKVI.

**QUESTION:** With the new rules, am I able to request an increase in the number of CoS we hold without proving we have tried to recruit locally first?

**ANSWER:** For roles which are either SOC 6135 or 6136 yes you will need to provide evidence that you have contacted your local regional partner and appropriately engaged with the displaced worker process when requesting CoS. The updated Sponsor a Skilled Worker guidance sets out the requirements.

**QUESTION:** If a worker has lost their sponsorship with their main employer - can they still work 20hrs elsewhere? Do they still have the right to work in the UK? does the 60-day period relax after the 9 April?

**ANSWER:** No. Permission to work supplementary hours is contingent on the person continuing to work in the role they were originally sponsored for. Individuals in the situation you have described should be referred to their Regional Partnership as urgent and advised to seek accredited immigration advice as soon as possible.

**QUESTION:** For those currently displaced, that have compromised right to work, are they legally able to secure 20 hour contracts while awaiting an opportunity to become available for sponsorship with an alternative employer?

**ANSWER:** No. as outlined above, permission to work is contingent on the person continuing to work in the role they were originally sponsored for. Individuals in the situation you have described should be referred to their Regional Partnership as urgent and advised to seek accredited immigration advice as soon as possible.

**QUESTION:** If we cannot provide full hours as stated in cos due to loss of clients what are the options to the employer? What are the requirements

**ANSWER:** Sponsors must ensure the workers full-time hours are met as per what is stated on the CoS. If workers are not being offered work or their salary is reduced because of the employer being unable to provide suitable work, then this must be reported to UKVI via SMS and you should stop sponsoring the worker.

Sponsors facing these circumstances are advised to contact their nearest Regional Partnership to give their sponsored workers the best chance of securing new sustainable employment.

**QUESTION:** How does 5.27 affect Sponsors in Scotland?

**ANSWER:** Assuming you are referring to 5.27 in the [EXPLANATORY MEMORANDUM TO THE STATEMENT OF CHANGES IN IMMIGRATION RULES PRESENTED TO PARLIAMENT ON 12 MARCH 2025 \(HC 733\)](#) –

The changes which require sponsors to try to recruit from the displaced pool of workers only apply to ASC providers recruiting for sponsored carer roles working exclusively in England. However, all other changes, including to salary requirements, apply throughout the United Kingdom.

**QUESTION:** If an individual is eligible to work full-time but has only been working part-time with an employer for the past three months, is it possible to assign a Certificate of Sponsorship (CoS) for them? Are there any specific weekly working hours they must meet to be eligible?

**ANSWER:** If a worker has approached you stating they have not been getting the required full-time work from their current employer, you will be able to assign a CoS and sponsor them for a full-time role. Please describe on the CoS the full details explaining how the sponsorship of this individual meets the requirements of recruiting from the displaced worker pool.

**QUESTION:** is there any future provision for a part time worker - for example someone who has childcare issues which means they cannot work 37.5 hours per week but require sponsorship

**ANSWER:** No. Workers must be paid at least the required hourly rate **and** the required minimum annual salary. On that basis workers can work part time but will be required to be paid a higher hourly rate to meet minimum the annual salary requirement.

**QUESTION:** A worker with 20h/week restriction can work 12h one week and 24h next one? Most of the shifts in a nursing home are 12h shifts.

**ANSWER:** No, supplementary employment is limited to 20 hours per week and cannot be averaged out.

**QUESTION:** Are people looking for carer role sponsorship able to have their partner stay on a dependent visa if they are already here in the UK on a student visa for example?

**ANSWER:** No. People who apply for their first visa after **9 March 2024** as a carer or senior carers are not allowed to apply for dependents to stay with them in the UK.

**QUESTION:** Can someone on a dependent visa with another employee apply for a sponsored role in our own organization?

**ANSWER:** Whether an individual can switch to a different visa category whilst in the UK will depend on many factors.

[Skilled Worker visa: Switch to this visa - GOV.UK](#)

**QUESTION:** Is there a limit on how many sponsors/overseas workers that you can employ in a home?

**ANSWER:** No.

**QUESTION:** Does this include Wales?

**ANSWER:** As outlined in the guidance, the new care worker requirement to demonstrate you have attempted to recruit a displaced worker is limited to workers working wholly in England. Sponsors in Wales may consider contacting their nearest English Regional Partnership to check whether workers are available in England before looking to recruit internationally.

**QUESTION:** which type of CoS do you apply for, for displaced workers?

**ANSWER:** If you are seeking to sponsor someone from the displaced worker pool, you must use Undefined CoS because the displaced workers are already in the UK.

**QUESTION:** we are seeing many workers on dependent visa's applying for a skilled worker visa. Would we need to apply to the regional hub for a displaced worker prior to moving an existing staff member to a skilled worker visa?

**ANSWER:** If the worker has been working for you legally for at least three months, you may not need to follow the care worker recruitment requirement. The exceptions from needing to recruit from the displaced worker pool can be found in the guidance in paragraph SK4.29: [Sponsor-a-Skilled-Worker-04-25-v1.0\\_1\\_.pdf](#)

**QUESTION:** How can you amend a mistake on a certificate that is already assigned?

**ANSWER:** A sponsor note can be added through the SMS system if the Cos is showing as assigned.

[SMS manual 9: Reporting worker activity](#)

**QUESTION:** Are zero hour contracts still valid or flexible hours for the displaced workers

**ANSWER:** Zero-hour contracts have never been valid for the Health and Care visa. Pay needs to be guaranteed to meet the minimum salary requirements for sponsorship and zero hours contracts do not provide this.

**QUESTION:** does an employer have a right to review the contract of overseas worker after they have been working with the organisation for over 1 year?

**ANSWER:** Any reviews of workers must comply with UK employment law, and Home Office rules and guidance.

**QUESTION:** Are there any changes to the ISC/CoS fee?

**ANSWER:** Visa and sponsorship fees have recently increased. Changes to fees can be found here: <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-9-april-2025>

**QUESTION:** We are a complex care looking after children with life supporting machine and most of the displaced sponsored carers do not have the skill



needed, we prefer getting nurses abroad that would love to work as carers in the UK. It takes 3 months to train the nurses to UK standard. What do we do with the carers that do not have these skills.

It takes too long to approve additional undefined and the displaced person's visa is running out

**ANSWER:** If you have vacancies for care workers or senior care workers which you are recruiting for, you must now engage with the process for the care worker recruitment requirement as outlined in the guidance.

[Workers and Temporary Workers: sponsor a skilled worker \(accessible\) - GOV.UK](#)

**QUESTION:** If a displaced worker is identified, do we still go through our normal recruitment process of screening and interviewing or do they automatically have to be utilised to fill the role?

**ANSWER:** If you identify a suitable displaced worker and wish to offer them a position in your organisation, you should assign a COS and they will need to complete an in-country visa application in the normal way. If the case is very urgent and the worker's original visa is due to expire, you can contact your Regional Partnership and ask them to make contact with UKVI.

If you are not able to identify a suitable displaced worker, for example you identify a displaced worker but your screening and interviewing reveals they are unsuitable for your vacancy, you should include the reasons if you assign/request a CoS for a non-displaced worker.

**QUESTION:** How do we contact the Regional Hubs and how do we show that we have engaged with the new requirement for displaced workers.?

**ANSWER:** The process for contacting the regional hubs can be found here:

[Support offer to international ASC workers whose employer's sponsor licence has been revoked - GOV.UK](#)

**QUESTION:** Does the provider have to go to their own regional hub or can they use any hub

**ANSWER:** Please contact your relevant regional partnership - <https://www.gov.uk/government/publications/support-offer-to-international-asc-workers-whose-employers-sponsor-licence-has-been-revoked/support-offer-to-international-asc-workers-whose-employers-sponsor-licence-has-been-revoked>

**QUESTION:** How would this work if we have a candidate approach us wishing to leave their current employer and require sponsorship with us?

**ANSWER:** If you identify a displaced worker and wish to offer them a position in your organisation, you should assign a COS and they will need to complete an in-country visa application in the normal way. If the case is very urgent and the worker's original visa is due to expire, you can contact your Regional Partnership and ask them to make contact with UKVI.

**QUESTION:** Do we prioritise from displaced pool before we offer an employee working in another care organisation on existing COS, before we employ with our COS.

**Answer:** You do not have to prioritise a worker from the displaced pool if you identify a sponsored individual already working in a carer or senior carer SoC code for another sponsor because this is one of the exceptions outlined to the requirements in SK4.29 of the Guidance: [Sponsor-a-Skilled-Worker-04-25-v1.0\\_1\\_.pdf](#) You will need to demonstrate how the exception has been met on the CoS (or when applying for CoS if you do not have a current allocation).

**QUESTION:** We operate across several regions in England. Do we have to contact all the regional hubs or will contacting one regional hub be satisfactory?

**ANSWER:** You will need to contact the regional partner for the relevant area in which you are recruiting.

**QUESTION:** For those displaced workers if recruited, are there any fee exemptions such as the ISC?

**ANSWER:** All usual application process and fees apply; there are no exemptions.

**QUESTION:** Who's decision will it be whether or not the displaced workers in the pool are 'suitable'? What is the scope for employers to determine this? Will a lack of soft skills be acceptable? What about an inability or unwillingness to drive in the UK?

**ANSWER:** Sponsors retain the right to employ workers they believe are most suitable for the vacancy.

**QUESTION:** What if we need undefined certificates for renewals for those employees who need renewals

**ANSWER:** Sponsor should regularly monitor their allocation of remaining undefined CoS on SMS and apply for additional CoS as soon as possible to avoid being left without sufficient CoS.

**QUESTION:** If we have undefined CoS beyond the 9th of April, do we have to show that we have gone through the regional hub to assign the certificate or do these rules apply when trying to get new Defined CoS's only?

**ANSWER:** Any CoS **assigned** from 9 April will be subject to the new care worker recruitment requirement.

**QUESTION:** If we apply for a defined COS now for an overseas worker to start in May, does this have to follow the new requirements?

**ANSWER:** Yes.

**QUESTION:** Do we have to use the regional hubs or can we source the displaced staff ourselves?

**ANSWER:** You need to be able to evidence that you have complied with the new care worker requirements before sponsoring workers. If you are sponsoring a worker already in the UK and you believe they are a displaced worker you may submit the application with an explanatory note on the COS.

**QUESTION:** What protocol do you need to follow if a worker approaches the employer directly?

**ANSWER:** Please see the answer above.

**QUESTION:** We are an outstanding provider with the CQC and very much recruit to values. How can we ensure that the quality of the displaced workers will meet our standards? What if we are provided with someone who does not?

**ANSWER:** Where the requirement applies, you must first contact the regional care partnership in the area where you are located or are recruiting. The partnership will provide you with contact details of displaced workers known to them. You must consider whether any of these workers are suitable for the role – by, for example, interviewing them or reviewing their experience or qualifications. The action you then need to take depends on whether you identify a suitable worker from the pool or not.

You are responsible for assessing these workers' suitability – the partnership cannot make this assessment for you. You must also retain evidence of how you identified the worker you eventually recruited is suitable for the role, as described in Appendix D to the sponsor guidance.

**QUESTION:** Will the regional hubs have the authority to disagree with our decisions if we find applicants from the displaced pool are unsuitable?

**ANSWER:** No. Regional partnerships may question whether you have made reasonable attempts to recruit from the displaced worker pool, however, they cannot force you to recruit a person you deem unsuitable.

**QUESTION:** we had a few carers who resigned from us without notice and we are in the process of recruiting other carers. However, if we offer the COS on or after the 9th, and we can't enter that they are from a displaced pool will the COS be refused

**ANSWER:** If you cannot find a suitable displaced worker to fill your vacancies, you are able to sponsor migrant workers from outside of the displaced worker pool providing they are already sponsored as a Care Worker or Senior Care Worker, or if they are switching from another route, they must demonstrate they

have been legally working for the sponsor in one of these roles for at least three months prior to the application.

**QUESTION:** What are the exact steps we need to take to ensure we are compliant from 1 April. And how can we document these.

**ANSWER:** All the additional steps, duties, and requirements for care workers and senior care workers can be found here:

[Workers and Temporary Workers: sponsor a skilled worker \(accessible\) - GOV.UK](#)

**QUESTION:** How do you handle a candidate with no right to work seeking employment when their Cos has expired and previous employer is not able to extend due to No work (hrs) . ?

**ANSWER:** Paragraph 39E of the Immigration Rules lists the exceptions for overstayers:

39E. This paragraph applies where:

(1) the application was made within 14 days of the applicant's leave expiring and the Secretary of State considers that there was a good reason beyond the control of the applicant or their representative, provided in or with the application, why the application could not be made in-time; or

(2) the application was made:

(a) following the refusal or rejection of a previous application for leave which was made in-time; and

(b) within 14 days of:

(i) the refusal or rejection of the previous application for leave; or

(ii) the expiry of any leave extended by section 3C of the Immigration Act 1971; or

(iii) the expiry of the time-limit for making an in-time application for administrative review or appeal in relation to the previous application (where applicable); or

(iv) any such administrative review or appeal being concluded, withdrawn, abandoned or lapsing; or

Ultimately you will need to consider the likelihood of success of an application when deciding whether to assign a CoS or not.

**QUESTION:** Could we ask for Candidates in different areas, if they are willing to relocate?

**ANSWER:** Yes.

**QUESTION:** What happens if a worker has been dismissed from an employer do you have to take them before getting a new certificate if they are in your area?

**ANSWER:** If you wish to recruit a worker who has been dismissed by their last sponsor they may be a displaced worker. You should consider their suitability as indicated above as you would do for any displaced worker. We recommend you note their status when assigning their COS. You may wish to consider flagging the application with your Regional Partnership for their records.

**QUESTION:** Please clarify - Can the existing undefined allocations be used for any migrants applicants or need to be used for displaced workers?

**ANSWER:** Your UCoS allocation can be used to sponsor migrant workers provided they are already sponsored as a Care Worker or Senior Care Worker, or if they are switching from another route, they must demonstrate they have been legally working for the sponsor in one of these roles for at least three months prior to the application.

**QUESTION:** I have students already working but not three months yet, can I still sponsor them?

**ANSWER:** No.

**QUESTION:** Is there a list of all the local displaced workers hubs

**ANSWER:** Details are available on line:

<https://www.gov.uk/government/publications/support-offer-to-international-asc-workers-whose-employers-sponsor-licence-has-been-revoked/support-offer-to-international-asc-workers-whose-employers-sponsor-licence-has-been-revoked>

**QUESTION:** If a COS has already been assigned but not used, will the new salary requirements apply when the candidate applies?

**ANSWER:** Yes is assigned on or after 09 April 2025.

**QUESTION:** So if we currently have no sponsor license but have application in and are looking to give CoS to our existing employees who are being displaced from current sponsor, will the new rules apply?

**ANSWER:** Yes. If the individuals you wish to sponsor are displaced, you should note their status when you assign their COS. You may wish to consider contacting your Regional Partnership who may flag your outstanding application with UKVI.

**QUESTION:** If we already have an annual allocation of Undefined Certificates of Sponsorship (CoS), do we need to engage with the regional hub to source displaced workers from their database or does the existing allocation cover our needs for the year, allowing us to assign CoS to eligible workers as required?

**ANSWER:** We recommend you contact your Regional Partnership and register your details with them.

**QUESTION:** Do we need to source undefined skilled workers from the Hub because we have our own recruitment process, we have an adequate annual allocation of Undefined CoS, there's no need to source from the regional hub. Can our existing system suffice to meet our staffing requirements.

**ANSWER:** We recommend you contact your Regional Partnership and register your details with them.

**QUESTION:** So what if the individual you want to sponsor is a displaced worker but is not in the displaced pool from the partnership.

**ANSWER:** If the individuals you wish to sponsor are displaced you should note their status when you assign their COS. You may wish to consider contacting your Regional Partnership who may flag your outstanding application with UKVI.

**QUESTION:** If we have students and part time employees already working for us for more than 3 months and we can evidence their payslips - Is the new rate applicable to them if we sponsor them after April 09th

**ANSWER:** Yes.

**QUESTION:** I'd like to understand more about the fast track process, when acquiring new CoS with support of directors of adult social care.

**ANSWER:** <https://www.skillsforcare.org.uk/resources/documents/Recruitment-support/Applying-for-a-certificate-of-sponsorship.pdf>

**QUESTION:** We have employed a displaced worker on 20 hrs but they have received the 60 days notice. How do we get the COS to speed up the engagement before their stay has expired.

**ANSWER:** Contact your Regional Partnership to ask them to flag your application with UKVI.

**QUESTION:** We want to sponsor some misplaced workers from our Local authority team managing this but we have applied for COSs and are still awaiting this

**ANSWER:** Contact your Regional Partnership and ask them to flag your CoS application with UKVI.

**QUESTION:** What about a company who are starting from scratch, no previous sponsorship licence but have Identified candidates from the displaced pool? What's the process? Of getting the sponsorship licence to recruit from within?



**ANSWER:** You will need to apply for a sponsor license: [Apply for a sponsor licence - GOV.UK](#). If you intend to sponsor displaced workers you may contact your Regional Partnership and ask them to flag your sponsor licence application with UKVI.

**QUESTION:** The standard processing time for a request for additional undefined CoS is up to 18 weeks. How's that going to work ?

**ANSWER:** If you intend to sponsor displaced workers you may contact your Regional Partnership and ask them to flag your application with UKVI.