



Sponsorship Updates and Hot Topics

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What will we talk about?

- Recent changes
- Other changes/upcoming changes
- Certificates of sponsorship
- Pay for sponsored workers
- Supplementary hours



Changes to sponsorship for care providers from 5 March


- Statement of Changes in Immigration Rules HC 1691
- Change to the way that salary thresholds must be met:
 - For pay periods of a frequency of 1 month or less: Over a 3-month period
 - For pay periods of a frequency greater than 1 month: Over a 12-week period
 - Where regular pay fluctuates from month to month: Over a 17-week period
- Higher English language requirement on settlement:
 - Currently B1 level
 - Will increase to B2 level
 - As of 26 March 2027

Changes to sponsorship for care providers from 1 October

- Graduate visa reform: reduced from two years to 18 months for most, with PhD graduates retaining three years (applies to applications from 1 January 2027).
- English language requirements: Raised to level B2 for Skilled Worker visas (from 8 January 2026).
- Immigration Skills Charge increase: A separate process will increase the charge by 32% to reduce reliance on overseas recruitment.
 - Small employers: £364 to £480
 - Medium and Large employers: £1,000 to £1,320
- Settlement consultation: publication of the Earned Settlement and Citizenship consultation expected later in 2025.

Changes to sponsorship for care providers from 1 July

- New entrants to Care Worker and Senior Carer Worker roles (under SOC codes 6135 and 6136) will no longer be eligible for sponsorship.
- Visa applications for those already working under those codes prior to 22 July 2025 will still be permitted during a transition period until 22 July 2028. This means that it will be still possible for those already working as Care Workers and Senior Care Workers to move to a new sponsor or to apply to renew their visa during that period.
- During the transition period, it will also be possible to sponsor workers as Care Workers and Senior Care Workers when they are switching from other visa routes, such as a student or graduate visa. However, there will be a requirement for the individual to must have been legally employed by a care provider for at least 3 months before a certificate of sponsorship can be assigned to them.

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- From 22 July 2028, the government intends to remove SOC Codes 6135 and 6136 from the Immigration Salary List or Temporary Shortage List, meaning the relaxed requirements for sponsorship under these routes (notably the significant reduction in the minimum salary threshold from £41,700 to £25,000 per year) will no longer apply.
 - Due to these changes, there will no longer be a requirement for care providers to engage with the pool of displaced workers, which was a requirement announced on 9 April 2025, before being able to assign a certificate of sponsorship for a Care Worker or Senior Care Worker.

Other notable changes

- Proposals for ‘Earned Settlement’:
 - Increasing the default qualifying period for settlement from 5 years to 10 years, as set out in the Immigration White Paper Restoring Control over the Immigration System.
 - Increasing the qualifying period for settlement to 15 years for those in the Skilled Worker and Health and Care routes in a role below RQF level 6 (this includes care workers and senior care workers).
 - Introducing a “No Recourse to Public Funds” (NRPF) condition at settlement, aligning with existing visa conditions.
 - Earned settlement criteria, requiring migrants to demonstrate sustained good conduct, contribution, and integration rather than automatic entitlement after a fixed period.
 - Consultation closed on 12 February.
 - Planned implementation is in Spring 2026.
- National minimum wage to be increased to £12.71 per hour from April 2026
 - No increase to the sponsorship threshold (for the time being)
- Post-licence priority service fee: Increased from £200 to £350

Certificate of Sponsorships: Recommendations

- When should I apply for a CoS allocation increase?
 - An in-year allocation increase request can take up to 18 weeks to be decided, unless you apply via the priority route. It is recommended that you apply 6 months prior to the date that the worker's visa is due to expire.
- Evidence to meet the transitional requirements
 - Confirmation the transitional skills threshold is met
 - Name, nationality and date of birth
 - Previous CoS reference number

Pay for sponsored employees

- For sponsored employees who have been assigned a CoS since 4 April 2025: £25,000 p/a or £12.82 p/h, whichever is higher
- Otherwise, national minimum wage (£12.21)
- Annual threshold based on 37.5 hour working week
- Some fluctuation is permitted month to month, but you should be able to demonstrate that the threshold has been met or exceeded over a 6-month period

What is working time and what is paid time?

- Working Time Regulations 1998 (**WTR**):
 - Any time spent doing the following:
 - Working;
 - Carrying out their duties; and
 - At the employer's disposal,
 - Any period during which the worker is receiving "relevant training"
 - Any additional period which is agreed to be working time
- National Minimum Wage Regulations 2015 (**NMWR**)
 - Essentially, 'time spent working'

Travelling time

- Commuting:
 - Time spent commuting is not usually viewed as working time
 - Employer has no control over how long a worker spends commuting, as this depends on where the employee lives
 - Generally, the worker is not at the employer's disposal until they reach the workplace
- Other travel beginning or ending at home
 - NMWR: Time spent travelling to the first appointment and from the last appointment is not working time
 - WTR: Time spent travelling to the first appointment and from the last appointment *is* deemed to be working time
 - In practice, this means that pay is not due for this time, but it does need to be taken into account when calculating rest breaks etc

Waiting time

- Considered to be working time under NMWR and WTR
- HMRC takes the view that any time an employer requires a worker to be available at or near a place of work for the purposes of working is to be regarded as working time
- Unless there is sufficient time for the worker not to be deemed at the employer's disposal (at least 30 minutes, but over an hour to comply with caselaw) and on a break, this time should be treated as working time

Training

- Attending training which has been approved by the employer will generally count as working time
- This includes:
 - Attending training during normal working hours at a place other than the normal place of work
 - Travelling during normal working hours between the workplace and a place where the training is provided
 - Receiving training in the workplace
- Where there is uncertainty over whether the training takes place in normal working hours, because the worker's hours are variable, this is resolved in the worker's favour

On-call working and sleep ins

NMWR

- A worker who is not doing actual work is treated as working if they are available for work (and are required to be available) at or near the workplace
- Two exceptions:
 - Time at home is excluded
 - Sleep-in time: Time when the worker is not “awake for the purposes of working” is excluded, even if the worker “by arrangement sleeps at or near a place of work and is provided with suitable facilities for sleeping”

WTR

- Likely to be working time, no matter if there’s only a small chance of being woken for work

BUT UKVI case workers have been taking the view that *any* time spent on-call working and on sleep ins amounts to working time and should be paid at full pay for the duration.

Eligibility for supplementary hours

- The worker must continue to work for their sponsor in the employment specified in their CoS
- The supplementary employment must be:
 - At an eligible occupation code that is a 'higher skilled' job (at RQF Level 6 or above);
 - One that appears in the Appendix Immigration Salary List; or
 - In the same profession and at the same professional level as the job for which the CoS was assigned
- Supplementary employment is only permitted in a job listed as 'medium skilled' (below RQF level 6) if both the following apply:
 - The worker was issued their certificate of sponsorship for their skilled worker visa before 22 July 2025; and
 - Their immigration permission has not lapsed and/or they haven't moved to another type of visa since that date

- Supplementary hours are capped at 20 per week
 - They must be limited on a weekly basis
 - These hours cannot be averaged over several weeks
- Supplementary hours cannot be provided within the hours that the worker is contracted to work for their sponsor
- Where supplementary employment is permitted, it does not have to be with a licensed sponsor

Right to Work: Supplementary Employment

- In order to obtain a statutory excuse for Right to Work purposes, you are required to confirm that:
 - The worker has the right to work in the UK; and
 - Is allowed to carry out the work in question.
- You need to ensure that the supplementary employment meets the requirements. UKVI recommends asking the worker to provide a letter or other evidence from the sponsor confirming:
 - They're still working for their sponsor;
 - The job description and occupation code of their sponsored employment; and
 - Their contractual working hours

Licence Revocation: Eligibility for supplementary hours

- Following revocation of a sponsorship licence, UKVI has confirmed that the sponsored workers will retain the right to work for the company.
- Instead, revocation letters now specify that the company can no longer issue new certificates of sponsorship.
- To note for supplementary hours: These affected employees will remain eligible provided they continue working for the employer (even though it has lost its licence).

Q&A: Any Questions?



Employment law, Business Immigration and HR

- Sponsorship licences and business immigration support
- Day-to-day employment issues
- Dismissals
- Employment contracts and service agreements
- Restrictive covenants, confidentiality and intellectual property
- Employment status
- Restructuring, reorganisation and redundancy
- Mergers, acquisitions, insourcing and outsourcing (TUPE)
- Changing terms and conditions of employment
- Employment tribunal claims
- Discrimination and equal pay issues
- Whistleblowing
- Settlement agreements and pre-termination discussions
- Retainer service and 'TLC' insurance
- Data Protection (GDPR and subject access requests)
- Disciplinary and investigations
- Policies and Procedures
- Employment law



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Care Legal Support:

- Advice on compliance with the regulations and registration
- Challenging inspection reports and ratings
- Defending regulatory enforcement action (CQC/Ofsted)
- Criminal investigations and prosecutions (e.g. by police, CQC, etc)
- Safeguarding investigations
- Coroner's inquests
- Funding disputes and unpaid care fees
- Court of Protection cases
- Regulatory due diligence
- Sales, acquisitions and refinancing
- Transactional and commercial services
- Employment issues
- Requirements for charities
- Property services, planning and development
- Restructuring

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