

Workforce sponsorship: Using tech to support Home Office compliance

Q&A from Digital Care Hub webinar held on 7 May 2026

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1. What do I have to report to the Home Office?

This is a summary of what key changes need to be reported. *Please note that this is not the full list -*

Business Changes

- Change of ownership, merger or acquisition
- Change of persons with significant control
- Change of registered or trading address
- Significant changes to the nature of the business (e.g. ceasing to trade or becoming insolvent)

Migrant Worker Changes

- Worker does not start within 28 days of their visa being granted
- Worker does not start on the CoS start date
- Worker's employment ends early for any reason, including resignation or dismissal
- Worker is absent without authorisation for 10 or more consecutive working days
- Worker takes unpaid leave for more than 4 weeks in any calendar year (except for maternity, paternity, adoption or sick leave)
- Worker's salary falls below the CoS rate for any reason
- Worker changes job role or job title
- Worker changes work location (including moving to a new site or branch)
- Worker's contracted hours change

2. How soon do I have to report a change of circumstance?

- Changes of Circumstances relating to the sponsored staff → Must be reported within 10 working days of the change occurring.

- Business Change of Circumstances → Must be reported within 20 working days of the change occurring.

3. What secure mechanisms, in line with Data Protection legislation, are available for care providers sharing personal data with the Home Office for employee verification purposes?

Borderless complies with the requirements of the current legal framework in relation to data processing, including the UK General Data Protection Regulation (UK GDPR) as retained in UK law under the European Union (Withdrawal) Act 2018, and the Data Protection Act 2018

4. Does Borderless support getting Certificates of Sponsorship?

Yes! Borderless supports you through the entire sponsorship process from start to finish, including the preparation and assignment of Certificates of Sponsorship (CoS). Our platform is designed to streamline the process and ensure everything is handled correctly and compliantly,

5. What should I do if my sponsored care worker refuses to go to work?

Reporting obligation: You must report the worker's absence to the Home Office via the Sponsor Management System (SMS) if they are absent without authorisation for 10 or more consecutive working days. You should also make the worker aware that refusing to attend work could constitute a breach of their visa conditions, which may have serious consequences for their immigration status.

Pay obligation: Despite the worker's refusal to attend, you remain obligated to pay them the salary stated on their CoS for the duration of their sponsorship. You cannot withhold or reduce pay simply because the worker has not fulfilled their hours - doing so would put you in breach of your sponsor duties, regardless of the worker's conduct.

Practical steps to take:

- Document all instances of the worker's refusal to attend in writing
- Issue the worker with a formal letter confirming that their conduct may be in breach of their sponsorship conditions
- Seek HR and legal advice if the situation escalates, particularly if you are considering terminating employment as this would need to be reported to the Home Office promptly

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6. I thought care companies are no longer allowed to sponsor from overseas.

Since 22 July 2025, care companies are no longer permitted to recruit new sponsored workers from overseas for SOC 6135 (Care Worker) and SOC 6136 (Senior Care Worker) roles. This means you cannot assign a defined CoS to someone applying for a visa *from outside the UK* for these roles, but you can for migrant workers already within the UK

7. What is the minimum pay for a care worker under the SOC code 6135?

If the CoS was assigned on or after 9 April 2025, the minimum hourly rate is £12.82, equivalent to £25,000 per annum based on a 37.5-hour week.

It is worth noting that the minimum pay must be maintained throughout the duration of sponsorship. If the National Living Wage increases above the CoS rate at any point, the worker must be paid whichever is the higher of the two → so sponsors should keep an eye on NLW increases to ensure ongoing compliance.

8. What are the most common compliance issues identified during Home Office audits?

The most common compliance issues identified during Home Office audits are:

Right to Work Checks

- Failing to carry out right to work checks before employment commences
- Checks being carried out incorrectly or incomplete documentation being retained on file

Salary Compliance

- Sponsored workers being paid less than the salary stated on their CoS
- Salary not being updated following National Living Wage increases where the NLW exceeds the CoS rate
- Deductions being made from salary that bring pay below the CoS rate

9. Can those without a sponsor licence hire carers on a sponsor visa?

No, you would not be able to sponsor someone on a Skilled Worker visa on a full time basis without a sponsor licence application.

- If a company does not have a sponsor licence but wants to hire someone who is on a Skilled Worker visa, the employee would not be able to work more than 20 hours with the company. This is known as supplementary work.

10. A staff member is sponsored by another employer - that employer has their licence suspended or cancelled by UKVI - the staff member is working 20 hrs a week for us - what is their status and what are their options?

When a sponsor licence is revoked, the Home Office will typically curtail the sponsored worker's visa, giving them 60 days to regularise their immigration status. During this period, they generally lose their right to work, including any secondary employment they held elsewhere.

As their secondary employer, you should:

- Carry out an immediate right to work check to confirm whether they still have a valid right to work. This will determine whether they can continue working for you during the curtailment period
- Not assume they retain the right to work simply because their visa has not yet expired

11. Is there a free downloadable audit checklist we can get?

Yes - [DOWNLOAD HERE](#)

If you have any unanswered questions, or would like to see how the Borderless system can keep you compliant with Home Office, arrange a call [HERE](#)