

# LIRA'S IMMIGRATION CORNER

## New Law for Carers Commencing early 2022

**O**N 24 December 2021 the Government published a long-awaited change to the Health and Care Visa scheme. Presently, the categories of skilled workers forming part of the scheme have been limited to senior care workers, amongst others. The main difference between those under the scheme and other work categories is their inclusion in the coveted “shortage occupation list” (SoL).

Jobs that form part of the shortage occupation list generally mean that they are skill sets required (often desperately) in the UK. For this reason, they receive preferential treatment in terms of what the Home Office will require from employees and employers. For example, the income requirement is usually lower for a job that is on the shortage occupation list, this usually means more employers can afford to recruit workers from abroad.

It is estimated that from April to October 2021, about 40,000 carers have left the profession. This is likely from a combination of various factors such as the loss of EU workers; COVID and the demands the pandemic imposed on carers and the UK's aging population. Some would say that these factors have provided a “perfect storm” of urgent need for carers leading to the expansion of the Health and Care Visa scheme.

### When will the scheme's expansion take place?

The publication of the

change on the 24<sup>th</sup> of December 2021 means that its implementation is imminent, likely to be in the new year.

### Who will be included?

Jobs for care workers, care assistants and home care workers will now be included on the shortage occupation list. Until now, the closest category, on the shortage occupation list, have been “senior carers”. The change is likely to mean that someone who does not have enough experience to qualify as a senior care worker may qualify as a care worker. The pool of people who will be eligible will therefore expand.

### Any deadline?

The Home Office have stated that the expanded category will be in place for at least 12 months and will then be reviewed. Its extension is likely to be based on how successful the recruitment drive is. The need for carers is well documented and predates Brexit or

the pandemic. Providers such as care homes have been crying out for the change for at least a decade, given the UK's aging population. I suspect that

12 months will not be enough to fill the need for carers especially when you consider that the UK is competing with other countries who have already implemented their recruitment process some time ago.



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### Shortage Occupation List conditions

As a result of carers inclusion in the Shortage Occupation List, the requirements have been relaxed. This is most evident in the required annual salary minimum of £20,480, down from £25,600 before the change. Other advantages are fast-tracked processing, and reduced visa fees and there is no Immigration Health Surcharge (IHS) payable.

### Dependants allowed?

Yes! Sajid Javid, the current Minister for Health has stated that:

“Care workers and carers recruited to the UK will be able to bring their dependents, including partner and children...”

It would be interesting to see whether “dependants” in this case will include family outside spouses and children under the age of 18 years. I, for one, am eagerly waiting for updated guidance on this point.

### Can you apply for settlement?

Sajid Javid, stated:

“...the Health and Care visa [offers] a pathway to settlement should they remain employed and wish to remain in the UK.”

Presently, most employment-based visas require five years continuous leave to remain in the UK. It is anticipated that the same period will apply to carers and their dependants.

### Starting point?

A job offer is the starting point. An applicant needs to be sponsored by an organisation



that is licensed by the Home Office. Beware of scammers who pretend to provide employment in the UK. You can check the genuineness and eligibility of your proposed employer by looking at the Home Office website containing a list of licensed sponsors. If you are being recruited from abroad your employer will need to allocate you a “Defined” certificate of sponsorship (CoS) and you are required to use this within three months of issuance. ■

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