

# Mobility: Immigration alert

November 2022



## United Kingdom

### New policy regarding the reporting of foreign workers' employment start dates

#### Executive summary

Effective 9 November 2022, UK employers are no longer required to notify the Home Office of delays in foreign workers' employment start dates unless the delay is over 28 days.

#### Key developments

UK employers are required to specify an employment start date on the Certificate of Sponsorship issued to a foreign worker in support of their visa application. In the event that the expected start date is delayed by more than 28 days (taking into consideration any changes communicated to the UK authorities prior to the application being decided, the validity date of the visa or the date stated on the visa approval letter), the UK company must either:

- ▶ Notify the Home Office that they will no longer sponsor the foreign worker, or
- ▶ Inform the Home Office of the new start date and the reasons for the delay (if they wish to remain a sponsor)

In either case, the UK company must notify the Home Office via the Company Sponsor Management System (SMS) no more than 10 working days following the end of the 28-day period. In the latter case, permissions granted to foreign workers may be canceled by the UK immigration authorities if they deem the reasons for the delay to be invalid or insufficient.

Under UK law, employers are required to complete a [Right to Work](#) check before or on a foreign worker's employment start date in the UK, and conduct follow-up checks as needed. Employers who are informed by foreign workers that their

permission to work in the UK has been canceled must immediately stop sponsoring the workers and notify the Home Office of the same (via the SMS) no more than 10 working days after being informed by the worker that their permission was canceled.

Acceptable reasons for a delay of more than 28 days to a foreign worker's start date include, but are not limited to:

- ▶ Illness, bereavement or other compelling family or personal circumstances
- ▶ Travel disruptions due to natural disasters, military conflicts or a pandemic
- ▶ The foreign worker being required to carry out a contractual notice period for their previous employer (if the worker is in the UK, their conditions of stay must allow them to do this)
- ▶ The worker requiring an exit visa from their home country, and being delayed in receiving said visa

#### Impact on employers

This policy change is expected to provide UK employers with more flexibility in connection with the inevitable changes in employment start dates of the foreign workers they sponsor following the grant of their visas.

#### Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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