



## Can remote working be in harmony with the Home Office's sponsor regime?

Many businesses have moved to a 'remote first' operational position and do not intend to return to the pre-pandemic ways of working. So what does this mean from an immigration perspective?

The Home Office's published guidance is fairly silent on the implications of remote working for a sponsored skilled worker; however I have frequently been asked to advise in this area.

There is nothing within the current Home Office guidance which prohibits a sponsored skilled worker from working remotely. In my view, there are some key considerations to bear in mind as a sponsoring organisation.

The first is that a sponsor has a variety of reporting duties in respect of sponsored workers. It's therefore important that a company utilising a remote working arrangement has sufficiently robust management systems to ensure that they are able to adhere to their duties as a sponsor. This means ensuring that the employee is carrying out the work that they have been sponsored to do under the terms of their visa, and that the sponsor can be responsive in terms of any reporting duties. The salary thresholds that underpin the skilled worker visa rules are pro-rated to weekly hours of work. If flexible working arrangements are utilised, it's crucial to keep track of non-standard working hours.

The second is to ensure that that sponsorship is actually justified. For example, does an individual need to be in the UK if their duties being carried out entirely remotely? Could the work not be carried out overseas? There isn't explicit Home Office guidance on this point; the policy guidance for licence applications states that if your business involves using no (or little) physical office space, the Home Office will consider the type of work a sponsored worker will be doing and where the worker will be carrying out their employment duties. It's implicit in the guidance that there is operational justification for the worker's presence if working entirely remotely.

We are experiencing a paradigm shift in the way in which people work. With robust oversight and HR systems, it is possible in my view to facilitate flexible ways of working whilst ensuring adherence to the core obligations of the sponsorship regime.