



Home Office

# Workers and Temporary Workers: guidance for sponsors

## Sponsor a Seasonal Worker

Version 01/23

This document forms part of the collection 'Workers and Temporary Workers: guidance for sponsors'. It provides information for approved scheme operators in the horticultural and poultry production sectors on how to sponsor a worker on the Seasonal Worker immigration route.

This version of the guidance is valid from 1 January 2023.

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# About this guidance

This document provides information for approved scheme operators in the horticultural sector on how to sponsor an overseas worker on the Temporary Work – Seasonal Worker immigration route.

The Seasonal Worker route allows employers in the horticulture and poultry production sectors to source overseas workers to do seasonal work with an approved scheme operator.

For details of recent changes to the Immigration Rules, see [the Statement of Changes](#) on GOV.UK. For previous versions of the Rules, see the [Immigration Rules Archive](#) on GOV.UK.

## Other guidance you must read

To make sure you meet all of the relevant requirements and fulfil your sponsorship duties, you must read the following parts of the sponsor guidance, in addition to this document:

- [Part 1: Apply for a licence](#) – if you do not already have a licence
- [Part 2: Sponsor a worker](#) – for information on sponsoring workers common to all Worker and Temporary Worker routes
- [Part 3: Sponsor duties and compliance](#) – for information about your duties as a licensed sponsor and the action we can take if you fail to meet these duties
- any relevant annexes or appendices referred to in the above documents

You can access all of these documents, and other information on sponsorship, on the [Sponsorship: guidance for employers and educators](#) page on GOV.UK.

This guidance is subject to change. If you have printed or downloaded a copy of this guidance, check the version number and date on GOV.UK to ensure you are using the most up-to-date version.

## Glossary

There is a glossary of terms used throughout the sponsor guidance (including this document) at the beginning of [Part 1: Apply for a licence](#).

In this document:

### **Horticulture sector**

This means those growing:

- protected vegetables – those grown in glasshouse systems
- field vegetables – those grown outdoors, including vegetables, herbs, leafy salads and potatoes

- soft fruit – those grown outdoors or under cover e.g. in glasshouses or polytunnels. Includes strawberries, raspberries, blackcurrants, blueberries and all *ribes* and *rubus* species
- top fruit (orchard fruit) - trees that bear fruit e.g. apples, plums, cherries, apricots
- vine and bines – both twining or climbing flexible stems of certain plants, e.g. hops is a bine, and grapes is a vine
- mushrooms – typically covers *agaricus bisporus* species but can also include more exotic species; normally grown indoors
- bulbs and cut flowers, such as daffodils, grown outdoors and indoors
- pot plants, such as seasonal bedding plants like pansies, violas, germaniums and poinsettias
- hardy ornamental nursery stock such as Christmas trees, shrubs, roses, ornamental trees and perennials
- tree and forest nurseries

### **Poultry production sector**

This means work in one of the following roles:

- Butcher (occupation code 5431)
- Bird/game dresser (occupation code 5433)
- Killer and plucker (occupation code 5433)
- Plucker (occupation code 5433)
- Poulterer (occupation code 5433)
- Poultry processor (occupation code 5433)
- Poultry sticker (occupation code 5433)
- Trusser (occupation code 5433)
- Food operative (occupation code 8111)
- Poultry catcher/handler (occupation code 9111)
- Poultry vaccinator (occupation code 9119)
- Poultry meat packer (occupation code 9134)

### **Seasonal work**

This means employment which fluctuates or is restricted according to the season or time of the year.

### **Seasonal Worker**

This means a person who is applying for, or has been granted, entry clearance on the Seasonal Worker route; or who you are sponsoring, or intend to sponsor, on that route.

### **Seasonal Worker route**

This means the route in [Appendix Temporary Work – Seasonal Worker](#) to the Immigration Rules. Where the context requires it, it can also mean:

- the route in Appendix T5 (Temporary Worker) Seasonal Worker in place between 1 December 2020 and 10 October 2021 inclusive; or
- the Seasonal Worker sub-category of the Tier 5 (Temporary Worker) route in Part 6A of the Rules in force before 1 December 2020

You can find previous versions of the Immigration Rules in the [Immigration Rules Archive](#) on GOV.UK.

## Contacts

If you think this guidance has factual errors or broken links, you can email the [Business Helpdesk](#).

If you have read this guidance, and the guidance referred to above, and you still have any queries, you can call us on 0300 123 4699 or email the [Business Helpdesk](#).

## Version number and publication

Below is information on the version number of this guidance and when it was published:

- version 01/23
- published on 1 January 2023

## Changes from last version of this guidance

This version replaces version 08/22 (published on 22 August 2022). The following changes have been made:

- quota allocation updated.
- references to pork butchers have been deleted as this sector is no longer able to use the route.
- other minor housekeeping changes.

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# SE1. Sponsoring Seasonal Workers: overview

This section provides an overview of the Seasonal Worker route and the sponsorship requirements you must meet.

## What is the Seasonal Worker route?

- SE1.1. The Seasonal Worker route is used for workers aged 18 or over to come to the UK on a scheme to undertake seasonal work in the [horticultural or poultry production sectors](#).
- SE1.2. To sponsor a worker on this scheme, you must be an [approved scheme operator](#) which administers the scheme and acts as the licensed sponsor for any workers on the scheme.
- SE1.3. This scheme for workers in the is subject to a quota of 47,000 for 2023, divided between the [horticultural and poultry production sectors](#) as follows:
- Horticulture sector – 45,000 places
  - Poultry production sector – 2,000 places
- SE1.4. This quota can be used exclusively for workers with a Certificate of Sponsorship start date in that year. The Home Office are responsible for setting this quota and apportioning it to the scheme operators. You will not be permitted to exceed your allocated part of the quota.
- SE1.5. You can sponsor Seasonal Workers in:
- horticulture for a maximum period of 6 months' employment in the UK in any 12-month period
  - poultry production from 18 October to 31 December (inclusive) each year
- SE1.6. Seasonal Workers undertaking roles in the poultry production sector must submit their visa application on or before 15 November each year. No further [Certificates of Sponsorship](#) must be assigned after this date.
- SE1.7. Seasonal Workers are not permitted to bring their family members (dependants) to the UK on this route.

## Who needs to be sponsored on the Seasonal Worker route?

- SE1.8. You will need to sponsor any overseas national you wish to employ if they are not a 'settled worker' or do not otherwise have immigration permission to work for you in the UK. This includes most [EU, EEA](#) and Swiss nationals who arrived in the UK after 31 December 2020.

SE1.9. You do not have to sponsor certain categories of worker, including:

- Irish citizens (with very limited exceptions)
- EU, EEA and Swiss citizens (and their eligible family members) who have been granted status under the [EU Settlement Scheme](#)
- people with indefinite leave to enter or remain in the UK (also known as 'settlement')

SE1.10. This is not a complete list. For further information on who does, and does not, need sponsorship, see section S1 of [Part 2: Sponsor a worker](#).

## What are the sponsorship requirements for the Seasonal Worker route?

SE1.11. If you wish to sponsor a person on the Seasonal Worker route, you must:

- be an [approved scheme operator](#) and hold a valid [Temporary Worker sponsor licence](#) for the Seasonal Worker route
- understand the general requirements for sponsoring a worker– see [Part 2: Sponsor a worker](#)
- understand [what the Seasonal Worker route is](#) and who you can sponsor on this route
- understand [your responsibilities as an approved scheme sponsor](#) – this includes ensuring the welfare of the workers you sponsor and that they are paid in line with the minimum pay requirements for this route
- satisfy yourself any worker you wish to sponsor can meet the [immigration requirements](#) for the route
- assign a [valid Certificate of Sponsorship \(CoS\)](#) to the worker you wish to sponsor and pay the [CoS fee](#)
- keep records for each worker you sponsor, including information on how you recruited the worker – see [Appendix D](#) to the sponsor guidance
- have eligible 'key personnel' in place to manage your licence and assign CoS – see [Part 1: Apply for a licence](#) for guidance on key personnel
- understand and comply with all of your sponsor duties – [see Part 3: Sponsor duties](#)

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## SE2. How to get a Seasonal Worker sponsor licence

This section tells you about the requirements you must meet to be eligible for a Seasonal Worker sponsor licence.

**Note:** this section is for information only. There are already overarching bodies (scheme operators) which have been approved for a sponsor licence for this route to sponsor workers in poultry production and/or horticulture. No further scheme operators will be issued with a sponsor licence on this route without prior approval to be a scheme operator.

### General requirements

SE2.1. If you wish to sponsor a Seasonal Worker, you must hold a valid Temporary Worker sponsor licence for the Seasonal Worker route. If you do not already hold such a licence, you must apply for one by completing the [online application form](#), paying the relevant [application fee](#), and submitting the supporting evidence specified in [Appendix A](#) to the sponsor guidance.

SE2.2. Before applying for your licence, you should read:

- [Part 1: Apply for a licence](#) for detailed information on the general requirements and the application process
- this section for guidance specific to the Seasonal Worker route

### Specific requirements for a Seasonal Worker licence

SE2.3. To be eligible to apply for a licence to sponsor Seasonal Workers you must be an overarching body (scheme operator) which is:

- endorsed by the [Department for Environment, Food and Rural Affairs \(DEFRA\)](#) to be an approved scheme operator, and
- licensed by the [Gangmasters and Labour Abuse Authority](#)

SE2.4. Individual employers and organisations are not eligible for a sponsor licence on this route, even if they are licensed as a sponsor on other routes.

SE2.5. The Home Office reserves the right to refuse a sponsor licence application, even where a DEFRA endorsement has been secured.

### How to keep your licence

SE2.6. If you are granted a licence, you must comply with all of your sponsor duties (including your [additional responsibilities](#) as an approved scheme operator). If you do not, we may take action against you, including:

- downgrading your licence rating

- suspending your licence
- revoking your licence
- reporting you to the police or other relevant authorities

SE2.7. For details, see [Part 3: Sponsor duties and compliance](#).

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## SE3. Your responsibilities as an approved scheme operator

This section tells you about your responsibilities as an approved scheme operator on the Seasonal Worker route.

### Overview

- SE3.1. As an approved scheme operator, you have particular responsibilities towards your sponsored workers, including ensuring their welfare. These responsibilities are in addition to your general sponsor duties set out in [Part 3: Sponsor duties and compliance](#).
- SE3.2. You must fully comply with all the requirements in this section or we will take action against you, up to and including the [revocation of your sponsor licence](#).
- SE3.3. You are responsible for all of the workers you sponsor on this scheme. It is important that you work closely with the employers where your sponsored workers are placed. If you do not maintain a high standard of welfare and control – for example, if workers are not doing the work you said they would – we will take action against you.

### Monitoring workers' welfare

- SE3.4. You must undertake robust and comprehensive monitoring of all the workers you sponsor in their workplace, including ensuring that:
- the workers' work environment is safe and complies with relevant Health and Safety requirements
  - employers take adequate steps to ensure workers understand Health and Safety procedures, including providing translations into the workers' first language if required
  - workers are treated fairly by their employer, including not penalising workers for failing to work at the fair piece rate
  - workers are given an employment contract in their first language, as well as in English – these must not be zero-hours contracts
  - workers are paid properly – this includes paying the minimum hourly rate, alongside satisfying relevant National Minimum Wage regulations, including those on fair rates for piece work, and Holiday Pay
  - workers are allowed time off and proper breaks
  - workers are made fully aware of procedures if they are sick or injured, including how to make a claim on any medical insurance they may have
  - workers are provided with appropriate equipment to do their job safely and are not charged for it, including any replacements of worn and accidentally damaged items
  - employers with whom you have placed workers do not impose additional, unnecessary charges on workers, whether directly or

indirectly

- workers are housed in hygienic and safe accommodation that is in a good state of repair
- workers are not transported in unsafe vehicles
- workers are not threatened with, or subjected to, violence
- workers are not subject to any discrimination
- workers' passports, travel documents or any other identity documents are not withheld from them
- procedures are in place to enable workers to report any concerns to you
- workers are made fully aware of the expectations on you and the employer, and how to report any concerns where those expectations are not met

SE3.5. You can find guidance on meeting these requirements in the [Employing people](#) and [Agricultural workers' rights](#) pages on the GOV.UK website.

SE3.6. If you, the Home Office or any relevant outside agency (for example the Gangmasters and Labour Abuse Authority or the Health and Safety Executive) identify issues with a grower to whom you are supplying workers that impact the safety or wellbeing of the participating workers, these issues must be addressed immediately and, as appropriate, the participating workers transferred to an alternative grower.

## If the worker wishes to change employer

SE3.7. You must establish a clear employer transfer pathway, including transparent criteria for making a transfer request and a process for considering such requests. This should be communicated to workers before they start to work on the farm.

SE3.8. You must not normally refuse requests from participating workers to change employers. Participating workers can change employers if they wish and must normally be allowed to do so, unless there are significant reasons not to permit this (for example, their visa will imminently expire and the duration of the necessary training requirements would make such a move impractical).

## Additional requirements

SE3.9. You must not place any additional charges on participating workers, beyond the costs of administering the scheme.

SE3.10. You cannot use the Seasonal Worker route to source your own labour needs.

SE3.11. You must not place workers at an employment business or agency.

SE3.12. You must only place workers with growers who have demonstrated to you that they are actively engaging with Jobcentre Plus to recruit UK based workers.

SE3.13. You must maintain full licensing with the Gangmasters Labour Abuse Authority at all times.

SE3.14. You must only sponsor workers in roles you have been endorsed by the Department for Environment, Food and Rural Affairs to offer.

## Compliance with visa requirements

SE3.15. You must satisfy yourself that any worker you sponsor on this scheme can meet the [immigration requirements](#) of this route and will comply with the [conditions of their stay](#).

SE3.16. We will [revoke your licence](#) if, within any 12-month period, any of the following occur:

- fewer than 95 percent of your sponsored workers are granted entry clearance (a visa)
- 3 percent or more of your sponsored workers who obtain entry clearance (a visa) fail to arrive at their place of employment
- fewer than 97 percent of your sponsored workers who obtain entry clearance (a visa) leave the UK at the end of their permitted stay

SE3.17. See Annexes C1 to C3 of [Part 3: Sponsor duties and compliance](#) for a full list of reasons for which we can revoke a sponsor licence.

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# SE4. Immigration requirements for Seasonal Workers

This section tells you about the immigration requirements Seasonal Workers must meet and where you can find further information.

## Overview

SE4.1. People who wish to come to the UK on the Seasonal Worker route must meet the requirements in [Appendix Temporary Work - Seasonal Worker](#) to the Immigration Rules.

SE4.2. These requirements include that the applicant:

- has a valid [Certificate of Sponsorship \(CoS\)](#) issued by an [approved scheme operator](#) for [seasonal work](#) in the [horticultural or poultry production sectors](#)
- is aged at least 18 on the date of their application for entry clearance
- meets the [financial requirement](#)
- meets the [entry requirement](#)

SE4.3. This is not the full list of requirements – you must refer to the relevant [Immigration Rules](#) for these.

## Financial requirement

SE4.4. The applicant must show they have enough funds to support themselves while they are in the UK.

SE4.5. You can certify this requirement is met when you assign a CoS to them (also known as ‘certifying maintenance’). Otherwise, the applicant must provide evidence of funds as specified in [Appendix Finance](#) to the Immigration Rules.

SE4.6. For further information, see section S7 of [Part 2: Sponsor a worker](#).

## Entry requirement

SE4.7. Applicants must apply for entry clearance (a visa) to be able to come to the UK on this route. If they arrive in the UK without the relevant visa, they will be refused entry, even if they otherwise meet the requirements.

## Extension of permission and ‘switching’

SE4.8. Workers who entered the UK with a Seasonal Worker visa cannot apply for an extension of stay from within the UK.

SE4.9. Individuals who are in the UK on another immigration route are not permitted to ‘switch’ (change route) to the Seasonal Worker route. If you

wish to sponsor a person on the Seasonal Worker route but they are in the UK on another route, they must leave the UK and apply for entry clearance from overseas.

## How long Seasonal Workers can stay

SE4.10. If the applicant makes a successful application for entry clearance to work in the [horticultural sector](#), they will be granted whichever is the shorter of:

- the period of the role on the CoS plus 14 days before and after; or
- a maximum period of 6 months' stay in the UK in any 12-month period

SE4.11. If the applicant makes a successful application for entry clearance to work in the [poultry production sector](#), they will be granted whichever is the shorter of:

- the period of the role on the CoS plus 14 days before and after; or
- from 18 October to 31 December (inclusive) each year

SE4.12. Applicants cannot be granted permission beyond the periods referred to above.

## Further information

SE4.13. You can find more information about the Seasonal Worker route on the [Temporary Worker – Seasonal Worker visa pages](#) on GOV.UK.

SE4.14. You should also refer to sections S7 to S9 of [Part 2: Sponsor a worker](#) for further information on immigration requirements and conditions of stay.

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# SE5. Certificate of Sponsorship for Seasonal Workers

This section tells you how to assign a valid Certificate of Sponsorship on the Seasonal Worker route.

## Overview

- SE5.1. If you have followed all the rules in this guidance and you wish to sponsor a worker on the Seasonal Worker route, you must assign them a valid Certificate of Sponsorship (CoS), using your [sponsorship management system \(SMS\)](#) account.
- SE5.2. Before assigning a CoS, you should satisfy yourself that the worker can meet the relevant [immigration requirements](#).
- SE5.3. You must be an A-rated sponsor – you cannot sponsor a person on the Seasonal Worker route if you are B-rated. For information on sponsor ratings, see [Part 1: Apply for a licence](#).
- SE5.4. For detailed information on what a CoS is, and how many you can assign, see section S2 of [Part 2: Sponsor a worker](#).
- SE5.5. You can find technical guidance on how to complete a CoS on GOV.UK: [User manuals: sponsorship management system \(SMS\)](#) – see in particular manual 8.

## Fees

- SE5.6. You must pay a fee for each CoS you assign – see the '[UK visa fees](#)' page on GOV.UK for information on current fee levels.

## Use of the CoS

- SE5.7. Once you have assigned a CoS, the worker must use it to apply for entry clearance (a visa) within 3 months of the date the CoS was assigned.

**Note:** [poultry production workers](#) must apply for their visa on or before 15 November each year.

- SE5.8. If the CoS is not used by these dates, we may reject the worker's application and not consider it.
- SE5.9. The worker must not apply for entry clearance more than 3 months before the start date recorded on their CoS. If they do, we will refuse their application.
- SE5.10. We will also refuse the application if the CoS:



- has been withdrawn by you or cancelled by the Home Office – see [section S6](#) of Part 2: Sponsor a worker for information on when a CoS can be withdrawn or cancelled
- was used in a previous application that was refused

## What the CoS must confirm

SE5.11. For a CoS to be valid, it must meet the relevant requirements set out in paragraphs SAW 4.1 to SAW 4.2 of [Appendix Temporary Work - Seasonal Worker](#) to the Immigration Rules.

SE5.12. By assigning a CoS on the Seasonal Worker route, you guarantee that the worker:

- is at least 18 years old
- will not establish a business in the UK
- will only take employment in a job permitted by this scheme, and with an employer approved by you in the [horticultural or poultry production sector](#)
- will comply with the conditions of their entry clearance and will leave the UK when it expires – see the ‘Conditions of stay’ section of [Part 2: sponsor a worker](#) for further information

SE5.13. The CoS must confirm all of the following:

- that you are sponsoring the worker on the Seasonal Worker route
- the worker’s personal information (such as name, date of birth, nationality), passport details and contact details
- the start and end date of their employment – see [‘How long you can assign a CoS to a Seasonal Worker’](#)
- total weekly hours of work, which must comply with the [Working Time Regulations](#)
- where the worker will carry out their employment – this should include their main work address and any other regular work addresses, if relevant
- whether the worker was sourced through an agent and, if so, details of that agent
- the job title
- the relevant [occupation code](#) (select from the drop-down list under ‘Job type’) – this must be an eligible occupation in the [horticultural or poultry production sector](#)
- the main duties of the role for which the worker is being sponsored
- whether you wish to [certify maintenance](#) for the worker
- confirm the role meets all relevant legislation, such as the relevant Agricultural Wages Order rate where this applies, and the Working Time Regulations
- if the applicant is sponsored to work in the horticulture sector, that they will be paid at least £10.10 for each hour worked
- if the applicant is sponsored under occupation code 5431 or 5433 in the

poultry production sector, that they will be paid at least £25,600 pro rate each year, that they will be paid at least £10.10 for each hour worked and will receive at least 30 hours of paid employment each week

- if the applicant is sponsored to work in any other eligible role in the poultry production sector, that they will be paid at least £10.10 for each hour worked and will receive at least 30 hours of paid employment each week

## How long you can assign a CoS to a Seasonal Worker

SE5.14. You must not assign a CoS for longer than you need the worker or beyond the maximum period permitted by the scheme including time spent working for another sponsor

SE5.15. For roles in the [horticulture sector](#) you should always check with the worker if they have been in the UK during the last 12 months with another scheme operator to ensure that you do not sponsor them for longer than permitted.

SE5.16. If you assign a CoS for longer than the permitted period, we will refuse the worker's application. We will also speak to the Department for Environment, Food and Rural Affairs and ask them if they wish to continue endorsing your scheme. If they stop endorsing your scheme, we will [revoke your sponsor licence](#).

SE5.17. For further information on entering start and end dates, see [section S3](#) in Part 2: Sponsor a worker.

## Reporting duties and record keeping

SE5.18. Once you have assigned a CoS to a worker, you must tell us if they fail to start their employment, are absent without permission, move to a different work location or there are any significant changes to the nature of their work or salary, or to your organisation. For full details of your reporting and other duties, see: [Part 3: Sponsor duties and compliance](#).

SE5.19. You must also keep records for each worker you sponsor as specified in [Appendix D](#) to the sponsor guidance.

SE5.20. If you fail to meet these duties, we may [revoke your sponsor licence](#).

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## SE6. Pay requirement for Seasonal Workers

- SE6.1. For workers sponsored to undertake [horticulture work](#), you must confirm they will be paid at least £10.10 for each hour worked.
- SE6.2. For workers sponsored under occupation code 5431 or 5433 in the [poultry production sector](#), you must confirm they will be paid at least £25,600 pro rate each year (only the first 48 hours a week will be considered towards this salary threshold), that they will be paid at least £10.10 for each hour worked and will receive at least 30 hours of paid employment each week.
- SE6.3. The salary threshold refers to annual salaries. As the applicant will be working in the UK for six months or less, we will pro-rate their gross actual earnings, as recorded on their CoS, to the equivalent annual figure to determine if they meet the salary requirements. For example, if the worker is assigned a CoS for 6 months, and their gross pay will be £2,500 per month, this would equate to a gross annual salary of £30,000 and would satisfy the salary requirement.
- SE6.4. If the applicant is sponsored to work in any other eligible role in [poultry production](#), confirm they will be paid at least £10.10 for each hour worked and will receive at least 30 hours paid employment each week.
- SE6.5. These pay rates only includes guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions), and does not include other pay and benefits.
- SE6.6. We will not take into account other allowances, pay or benefits (even if they are guaranteed), such as any of the following:
- pay which cannot be guaranteed because the nature of the job means that hours fluctuate
  - additional pay such as shift allowance, or overtime or bonus pay, whether or not it is guaranteed
  - employer pension and employer national insurance contributions
  - any allowances, such as accommodation or cost of living allowances
  - any payments relating to immigration costs, such as the application fee; or
  - payments to cover business expenses, including (but not limited to) travel to and from the applicant's home country, equipment, clothing, travel or subsistence
- SE6.7. When you enter the worker's pay on their Certificate of Sponsorship (CoS), you must not include any allowances, such as those listed above, in the figure. If we find you have done so, we may revoke your licence.
- SE6.8. These rates are in line with the Skilled Worker minimum pay requirements.

The rates will be reviewed and updated regularly to reflect the latest available data.

SE6.9. If the amount the worker is paid is below these rates, we will refuse their application for entry clearance.

SE6.10. If we grant permission to a sponsored worker, but later find that they have stopped receiving, or have never been paid, in line with these rates, we will take action against you – this could include [revoking your sponsor licence](#).

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