



The Westwood Organisation
 Clear and concise immigration advice

SPONSORSHIP TIMELINE & CONSIDERATIONS

EMPLOYER

Resident Labour Market Test: RLMT

Resident labour market test (RLMT) 28 days - On Find a job.gov (unless exempt), total jobs (or similar recruitment site), and own website.

Advert:

Must include salary range, location, job title, main duties & responsibilities, skills & experience required. This **MUST BE A GENUINE VACANCY** and reflection of the job.

Can only discount applicants from UK and EEA who do not meet role requirements

Suggest a recruitment file that contains all required records if Tier 2 visa individual employed:

- Take screenshot of adverts and save them - DATES must be on screenshot.
- Salary based on (x) hours per week (check this is consistent with UKVI requirements). The salary **MUST** be the same on the certificate as it is advertised and on offer letter.
- Keep a full log of applicants, who applied, and why they were unsuccessful.
- Interview notes need to be kept as part of records.

PROSPECTIVE MIGRANT EMPLOYEE

Application and Interview

Migrant to apply for the job role and submit a CV and application form
Shortlisting to be kept for records.

Interview completed with full interview notes.

Check all applicants' documents: refer to Right to work check list for full instructions.

Full reference details.

Copies of all certificates.

Job offer letter and contract with any clauses to be sent to applicant.

Received acceptance letter and contract back.

Assigning Certificate of Sponsorship:

Determine if Restricted or Unrestricted certificate: Restricted (out of country) requires application to monthly panel. Consider timings carefully to meet deadlines:

Restricted CoS application submitted on SMS by 5th of month.

UKVI panel meets on/around 11th of month.

Outcome of application typically received by 13th of month.

The additional CoS must be assigned within 3 months.

All certificates of sponsorship:

Tier 2: (General New Hires)

No minimum period of service.

£30,000 min salary threshold.

Maximum stay is 6 years (initially assign for max 5 years) - leads to settlement and indefinite leave to remain.

Assigning a certificate confirms that the job is at the correct skill level, the migrant is able to do the job, it is a genuine vacancy, to the best of your knowledge the migrant meets rules and will likely be able to obtain a visa and comply with employment conditions. Requirements for assigning COS under RLMT or shortage occupation list are met.

Double check migrant's immigration history.

Issue Certificate of sponsor (COS) to migrant.

CoS Issued to Migrant

Migrant submit visa application using employer's certificate of sponsorship.

Maintenance Requirement:

Main applicant: £945.

Own funds held every day for 90 consecutive days.

Copies of bank statements to demonstrate above.

Sponsor undertaking on CoS (A rated only).

Consider are you certifying maintenance of applicant? Not compulsory to do so. If yes, button selected when assigning CoS on SMS.

Immigration Skills Charge (ISC)

Costs employer £1000 per year - paid in full when assigning CoS online.

CoS fee is £199.

(If migrant leaves part way through sponsor, notify SMS system and update migrant activity. Can then obtain a refund for each full year)

Migrant pays application fee.

Employer pays CoS fee.

COSTS - £3199 for 3-year CoS

Consider if IELTS required will migrant pay or employer?

English Language requirement needed:

Degree taught in English.

IELTS - General Training for UK Visa.

Majority English speaking country – nationality.

Would employer pay and migrant pays this back?

Immigration Health Surcharge (IHS)

Costs £400 per year and applies to all Tier 2 –
TOTAL £1200 EACH for a 3-year visa.
Migrant pays this direct as part of the application fee.

Immigration permissions

Book an appointment at a Visa Application Centre - who charge extra fees to submit documents but free if applicant uploads copies to application portal.
Tier 2 application can take approx. 4 weeks to process, but priority services are available at extra cost (currently between £500-£900).

Dependants

If Migrant would like to bring dependants over, they can apply to do this. Each dependant would need to show that they have sufficient funds to support themselves.

Will employer pay for flight fees up to a limit and migrant paying back?

Migrant arrives in UK

BRP - Biometric Residence Permit to be collected within 10 days of arriving in UK.

New starter paperwork completed, training and induction arranged - to include covering immigration rights and responsibilities.

Mergers & Takeovers

Look at Annex 8 of Tier 2 sponsor guidance if this occurs during period of sponsorship.

Migrant starts work

Ensure copy of BRP on file.
Employee and line manager communication clarifying responsibilities: reporting/changes of circumstances/contact details/visa extensions.

Sponsor Duties

Check right to work documents
Tracking expiry dates

Keep accurate records - monitor changes and notify Home Office of certain changes.

Keep track of all migrants - suggest using a spreadsheet to keep all address history up to date.

Copies of photocopy of passport, and BRP showing right to work.

Up to date address, telephone/mobile numbers.

Any other documentation see Appendix D.

Must report within 10 working days if:

Does not turn up for work, absent more than 10 days without reasonable permission, termination of employment/stop sponsoring, change in salary, place of work, job title, details of any third party involved of recruitment.

Policy written down and demonstrate what you do.

Unpaid Leave

Covered by HR policy - NB if more than 4 weeks will need to report to UKVI on Sponsorship Management System.

SMS users:

Authorising Officer:

Key Contact:

Username 1:

Username 2:

Put plans in in case they are no longer available.

Ensure user details, AO and KC are kept up to date.

Keep a track on gov.uk updates and keep on top of changes to rules and policies.

Visa Extensions

Assign the extension certificate of sponsorship no earlier than the last three months of the visa expiry date:
A visa extension application should typically be made within the last 28 days of the visa validity. Therefore, assign the extension certificate of sponsorship no earlier than the last three months of the visa expiry date (CoS is valid for three months, so this ensures the CoS is valid at the time that the individual can apply to renew their visa).

Maintain compliance

Use Employer Checking Service to confirm extension application being processed.
Keep in touch with migrant for updates on new BRP.
Copy new BRP when received.

Annual compliance duties

Between Jan and April - request (or check automated request) next year's unrestricted CoS.
Check licence reflects current business situation (address; branches; company size etc). Update system as necessary.
Check AO, KC and users remain valid.
Review licence renewal date (every 4 years).
Conduct mock audit of sponsored staff files in preparation for UKVI audit.

Extension CoS issued to migrant

Migrant submit visa application using employer's certificate of sponsorship - within last 28 days of current visa validity.