### Yorkshire & Humber Region ASC International Recruitment Fund

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## Market Support and Training Package



## Hiring Staff from Overseas



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- Began working in immigration in 2012 as a caseworker for UKVI
- Became OISC regulated in 2016
- Currently OISC level 2 regulated
- 12 years of experience within the field
- 4 years at immigration advice service





# Step-by-Step Overview – Hiring Staff from Overseas



- 1. The hiring UK company needs to apply for and obtain a Sponsor Licence
- The Sponsor will then have access to UKVI's Sponsor Management System (SMS)
- 3. From the SMS, the Certificate of Sponsorship's (CoS) can be assigned to the migrant worker
- The individual then applies for the Skilled Worker visa using the assigned CoS

#### **Challenges UK Companies are Facing and Recent Changes**



- The potential talented employees are based overseas or international students who require visa to work for companies in the UK
- Increasing the general minimum salary threshold from £26,200 per year to £38,700 per year
- Minimum salaries for each individual job has also increased in line with this
- Stopping overseas care workers from bringing dependent family members to the UK
- The "Shortage Occupation List" has become significantly smaller and is now named the "Immigration Salary List"
- There are now an increased number of Salary Options A to K to factor in the transitional salary requirements
- The Immigration Healthcare Surcharge fee has increased from £624 per year to £1,035 per year
- The sponsorship management system (SMS) is not easy to manage and UKVI tends to request additional info/docs when requesting COS. Refusals of COS requests and delays can cause companies to lose potential talent.

## **Sponsor Licence Requirements**



- You must be a genuine organisation operating lawfully in the UK
- you must be an honest, dependable and reliable employer
- you must be capable of carrying out your sponsor duties and evidencing your compliance
- if you are applying under skilled worker, you must offer genuine employment that meets the skill level and appropriate rates of pay
- Individual persons are not eligible to be recognised as sponsors unless they are sole traders who wish to sponsor someone to work in their business.





### How to Apply for a Sponsor Licence?

- An application form is completed and submitted online along with the required documentary evidence for your company
- The evidence required varies from organisation to organisation, and more evidence can be requested after applying, with some examples below:
  - Organisational chart
  - Employer liability insurance
  - Business bank statements
  - Client contracts



- Once the Sponsor Licence is approved, you'll obtain the Sponsor Licence along with SMS login details
- As a licenced sponsor, you will now have sponsor duties and responsibilities such as:
  - **Record keeping** you will be required to keep a copy of the employee's immigration documents confirming they have the right to work in the UK, as well as their address and contact details, work contract etc...
  - Reporting duties you must report certain information regarding your sponsored workers to the Home Office using the SMS (once the Sponsor Licence is issued) within set periods, for example, if a sponsored worker doesn't report to work for 10 consecutive working days without your permission, you must report this to the Home Office (via the SMS) within 10 working days of the 10th day of absence,
  - Complying with UK immigration laws For example, assigning a CoS when there is no genuine vacancy or assigning a CoS directly to a family member
  - Complying with wider UK law.
- Failure to comply with sponsor duties and responsibilities can result in the sponsor licence being revoked, downgraded or suspended.



#### **CoS Allocation**

#### There are two types of CoS:

#### Undefined CoS:

- Applicable for skilled worker applicants inside the UK, looking to extend or switch to a skilled worker visa,
- There will be an annual "CoS allocation" depending on what was requested (and granted) during the sponsor license application,
- It's possible to apply for increased allocation,

#### Defined CoS:

- You must apply for a defined CoS if you want to recruit a migrant under Skilled Worker route, who will be applying for leave to enter the UK from outside the UK,
- You cannot have an annual allocation of Defined CoS – you must apply for one, using a separate process, each time you need one.



## **Creating and Assigning a CoS**

A CoS (Certificate of Sponsorship) can be created and assigned to the skilled worker with the available CoS allocation from the Sponsor Management System (SMS) portal.

Mandatory information on the COS includes but is not limited to:

- details of the potential Skilled Workers name, job and salary;
- a start date which is no more than 3 months after the date of the Skilled Worker visa application;
- confirmation that the Certificate of Sponsorship has not been used in a previous application which was either granted or refused and has not been withdrawn by the sponsor or cancelled by the Home Office



## Genuine role and third party working

To be granted a Skilled Worker Visa, you will need to satisfy the Home Office that you are being sponsored to undertake a genuine vacancy and are capable of undertaking the role for which your Certificate of Sponsorship has been assigned.

If there are reasonable grounds to believe that the job you are being sponsored to do does not exist, is a sham or has been created mainly so that you can apply for a Skilled Worker Visa then your application will be refused.

The Home Office will also want to be satisfied that you have not entered into an arrangement whereby you undertake contract work which involves undertaking an ongoing routine role or providing an ongoing routine service to a third party who is not your sponsor.



### **Switching into Skilled Worker**

**Most** applicants will be able to "switch" into the Skilled Worker visa category from inside the UK without having to make the trip back to their country of nationality or legal residence.

The exception to this new rule is for someone already in the UK as:

- A Visitor
- A Short-term Student
- A Parent of a Child Student
- A Tier 5 Seasonal Worker
- A Domestic Worker in a Private Household
- Someone with leave outside the Immigration Rules





### Skilled worker visa requirements (part 1)

To qualify for a Skilled Worker visa, the applicant must score **70 points** according to certain requirements. The first three requirements are mandatory and give fifty points and then the fourth requirement concerning salaries give a further twenty points.

#### Sponsorship – 20 points

This is the CoS assigned to the potential skilled worker from the sponsoring employer

#### Job at an appropriate level – 20 points

The applicant must be sponsored for a job that is listed as being an eligible occupation





### Skilled worker visa requirements (part 2)

#### **English language requirement – 10 points**

Must meet one of the following:

- An applicant must show English language ability on the Common European Framework of Reference for Languages in all 4 components (reading, writing, speaking and listening) of at least level B1 (intermediate), or
- Having a degree-level academic qualification that was taught in English (this can be from overseas if validated by ECCTIS), or
- Being a national of a predominantly English-speak country which falls within the list set by UKVI.





### Skilled worker visa requirements (part 3)

#### Salary Table Options A to K – 20 points

- An applicant can only be awarded points if the salary can meet the minimum level as set under options A to K of Appendix Skilled Worker
- There are now an increased number of options, to accommodate the recent changes in April 2024, such as lower salary requirements for skilled workers who were granted permission as Skilled Workers under the rules in place before 4 April 2024, and health and education occupations

## Salary Options Table – Examples

Option	Requirements	Relevant further rules	Points
A	The applicant's salary equals or exceeds both: • £38,700 per year; and • the going rate for the SOC 2020 occupation code.	SW 8.1.	20
D	The applicant is being sponsored for a job on the Immigration Salary List and their salary equals or exceeds both: • £30,960 per year; and • the going rate for the SOC 2020 occupation code	SW 11.1. to SW 11.3.	20
E	The applicant is a new entrant at the start of their career and their salary equals or exceeds both: • £30,960 per year and • 70% of the going rate for the SOC 2020 occupation code.	SW 12.1. to SW 12.3.	20



#### Salary Options Table - F to J

F to J are only applicable for applicants:

- being sponsored for a Health and Care ASHE salary job or;
- they were granted permission as a Skilled Worker under the rules in place before 4 April 2024, and they have had continuous permission as a Skilled Worker since then

Option	Requirements	Relevant further rules	Points
F	The applicant's salary equals or exceeds both: • £29,000 per year; and • the going rate for the SOC 2020 occupation code.	SW 8.1	20
G	The applicant has a PhD in a subject relevant to the job and their salary equals or exceeds both: • £26,100 per year; and • 90% of the going rate for the SOC 2020 occupation code.	SW 9.1 to 9.4	20



### **Further Salary Considerations**



We will only take into account guaranteed basic gross pay (before income tax and including employee pension and national insurance contributions). We will <u>not</u> 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
- in-kind benefits, such as equity shares, health insurance, school or university fees, company cars or food
- one-off payments, such as 'golden hellos'
- any payments relating to immigration costs, such as the application fee or Immigration Health Charge; 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



### **Health and Care Worker Visa**

The health and care worker visa is designed for those working with the NHS, an NHS supplier or those in adult social care.





### To be eligible for this visa you must:

- ✓ be a qualified doctor, nurse, health professional or adult social care professional
- ✓ work in an eligible health or social care job
- ✓ work for a UK employer that holds a Home Office approved Sponsor Licence with the subcategory Skilled Worker
- ✓ have a 'certificate of sponsorship' ('CoS') from your employer
  with information about the role you've been offered in the UK
- ✓ be paid the minimum salary requirements

#### Health and Care Worker visa qualifying SOC 2020 occupation codes:



1171: health services and public health managers and directors	2236: registered children's nurses		
1231: health care practice managers	2237: other registered nursing professionals		
1232: residential, day and domiciliary care managers and	2251: pharmacists		
proprietors	2252: optometrists		
2113: biochemists and biomedical scientists	2253: dental practitioners		
2114: physical scientists	2254: medical radiographers		
2211: generalist medical practitioners	2255: paramedics		
2212: specialist medical practitioners	2256: podiatrists		
2221: physiotherapists	2259: other health professionals not elsewhere classified		
2222: occupational therapists	2461: social workers		
2223: speech and language therapists	3111: laboratory technicians*		
2224: psychotherapists and cognitive behaviour therapists	3211: dispensing opticians		
2225: clinical psychologists	3212: pharmaceutical technicians*		
2226: other psychologists	3213: medical and dental technicians		
2229: therapy professionals not elsewhere classified	3219: health associate professionals not elsewhere classified		
2231: midwifery nurses	6131: nursing auxiliaries and assistants		
2232: registered community nurses	6132: ambulance staff (excluding paramedics)		
2233: registered specialist nurses	6133: dental nurses		
2234: registered nurse practitioners	6135: care workers and home carers*		
2235: registered mental health nurses	6136: senior care workers*		

#### Salary Options Table - K

An applicant can only be awarded points from option K if they are being sponsored for a job in an appropriate eligible SOC 2020 occupation code listed in Table 3 of Appendix Skilled Occupations.

Table 3 is for eligible health and education SOC 2020 occupation codes where going rates are based on national pay scales.

31 of the 39 Health and Care Worker SOC 2020 Occupation codes appear in Table 3.

Option	Requirements	Relevant further rules	Points
K	The applicant is being sponsored for a job in a listed health or education occupation and their salary equals or exceeds both: • £23,200 per year; and • the going rate for the SOC 2020 occupation code.	SW 13.1. to 13.3.	20



#### Other Work Visa routes



There are several other work visa subcategories you can apply for in addition to the Skilled Worker Visa, Each work visa route has its own subcategory that will need to be added to the Sponsor Licence to enable you to become a sponsor for that route, either when applying for the Sponsor Licence or at a later date:

- Global Business Mobility (GBM) Senior or Specialist Worker, Graduate Trainee, UK Expansion Worker, Service Supplier, Secondment Worker
- T2 Minister of Religion
- International Sportsperson
- Charity Worker (Temporary Work)
- Creative Worker (Temporary Work)
- Government Authorised Exchange visa (Temporary Work)
- Seasonal Worker, Religious Worker,
- International Agreement, Scale Up.

#### **Fees**



- Sponsor Licence Application: £536 (small company), or £1,476 (large company)
- CoS Assignment: £239 (or £25 for temporary worker)
- Immigration Skills Charge (ISC): £364 (small company) or £1,000 (large company) per year
- > Skilled Worker visa for up to 3 years: £719 (outside the UK), or £827 (inside the UK)
- Skilled Worker visa for more than 3 years: £1420 (outside the UK), or £1636 (inside the UK)
- > IHS (Immigration Health Surcharge): £1,035 per year
- ➤ Health and care worker visa: £284 for up to 3 years and £551 for more than 3 years



Q&A