Yorkshire & Humber Region
ASC International Recruitment Fund

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Market Support and Training Package

Sponsor Management System (SMS)



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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



Topics Covered

- SMS Overview
- Sponsor Roles
- Sponsor Duties
- Reporting Duties
- Certificate of Sponsorship (Cos)
- Immigration Skills Charge



SMS Overview

- The SMS is an online portal that allows you to administer your day-to-day sponsorship duties and activities
- Access is granted to the relevant users as soon as the sponsor licence application is approved
- There are several sponsor roles – each role will be granted different levels of access to the SMS to allow them to carry out their required activities and sponsor duties
- Activities and sponsor duties include, but are not limited to the examples below:
  - managing your key personnel and licence details
  - creating, assigning and viewing Certificates of Sponsorship (CoS)
  - reporting activities relating to your sponsored workers
  - renewing your allocations and applying for additional CoS
  - Surrendering your licence



Key Contact

- Main contact with the Home Office
- The Home Office will contact them if they have any questions about the application, documents or payments
- Does not have automatic access to the SMS - If they require access to the system, they will need to be set up as a Level 1 or Level 2 User



Authorising Officer (AO)

- Most senior person responsible for the recruitment of all migrant workers and ensuring all sponsor duties are met
- Responsible for deciding how many staff need access to the SMS and the level of permission they have
- Responsible for the activities of all SMS users and must comply with Home Office requirements for using the SMS
- Does not have automatic access to the SMS
- Recommended, as a minimum, the AO checks the CoS assigned to migrants and licence details every month
- A nominated AO must be in place throughout the life of a Sponsor Licence.

Level 1 Users:

- Can access all applicable functions of SMS, including but not limited to the following
  - assign CoS to workers
  - ask for an increase in the number of CoS you can assign
  - report worker activity
  - withdraw CoS
  - change user details
  - report minor changes to your details
- One level 1 user must be an employee, a partner or a director of the company
- The Level 1 user can be the same person as the Authorising Officer
- Additional level 1 users must be ***one*** of the following:
  - a paid staff member or office holder within your organisation
  - A UK-based representative
  - an employee of a third-party organisation engaged by you to deliver all or part of your HR function

Level 2 Users:

- Have fewer permissions than Level 1 Users and can perform the following:
  - Report only against or view CoS which they own
  - report worker activity to us in respect of any CoS they have personally created and assigned, or which have been transferred to them by a Level 1 User
- Cannot report on CoS assigned by Level 1 User
- May be ***any*** of the following:
  - a paid staff member or office holder within your organisation
  - an employee of a third-party organisation engaged by you to deliver all or part of your HR function
  - a temporary staff member supplied to you by an employment agency
  - a UK-based representative L4.38. They must not be:
  - a contractor
  - a consultant who is contracted for a specific project
  - an undischarged bankrupt

Overview of Sponsor Duties



Sponsor Reporting Duties

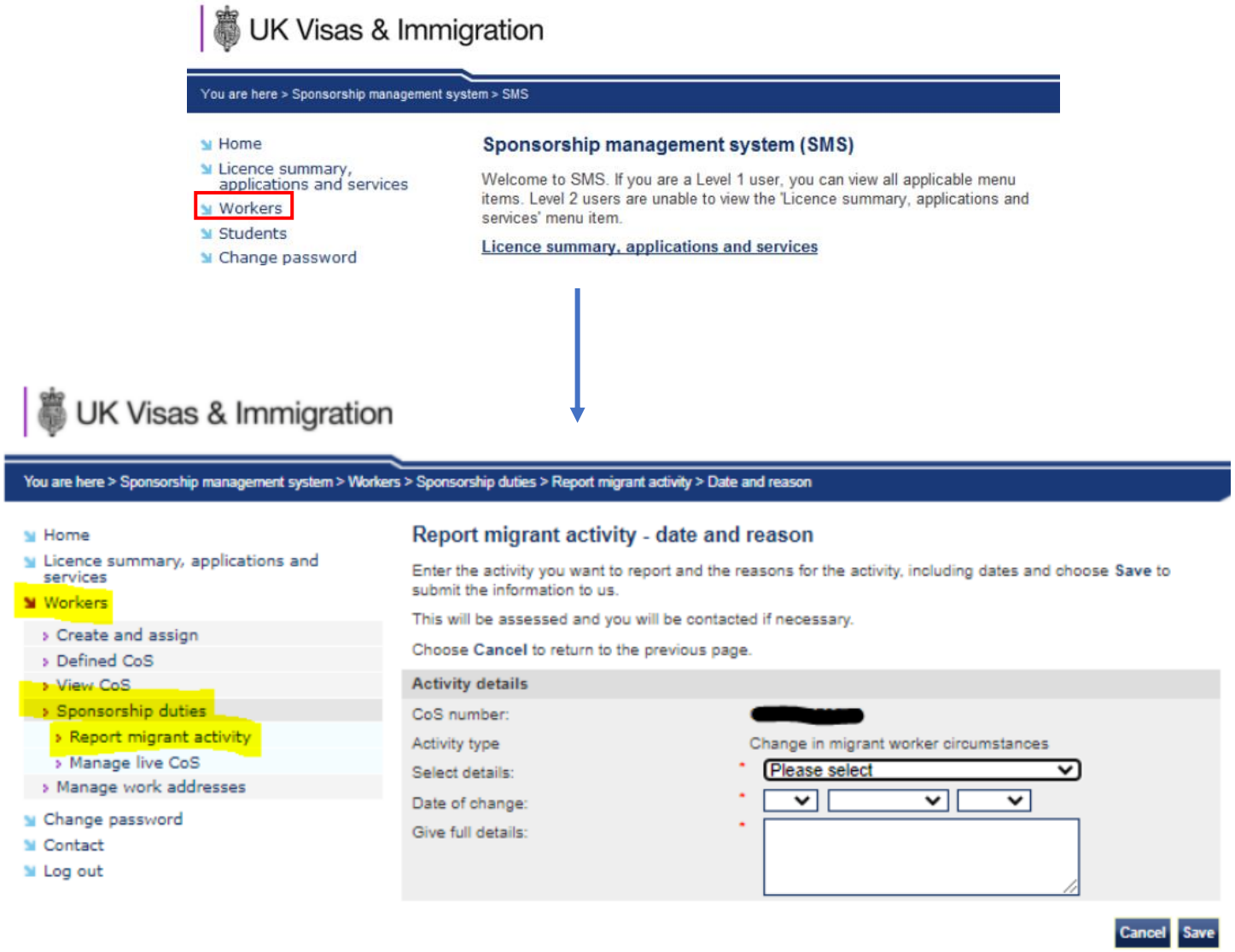
- Your responsibilities as a sponsor start on the day that your Sponsor Licence is granted by the Home Office and will only end if you surrender your licence, or the Home Office revoke your licence
- You must report certain information regarding your sponsored workers to the Home Office **using the SMS** within set time periods
- You must report certain changes that affect your sponsored workers or your organisation within the time limits set out below:
  - changes to a sponsored worker's circumstances – unless otherwise stated in *Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance*, you must report these changes within 10 working days of the relevant event occurring, via the SMS
  - changes to your organisation,– unless otherwise stated in *Workers and Temporary Workers: guidance for sponsors part 3: sponsor duties and compliance*, you must report these changes within 20 working days of the relevant event occurring, via the SMS
- You must also, as soon as reasonably practicable:
  - report if you know or suspect a worker you are sponsoring has breached their conditions of stay
  - give the police any information that suggests any worker you are sponsoring on any route may be engaged in terrorism or criminal activity

SMS Home Page



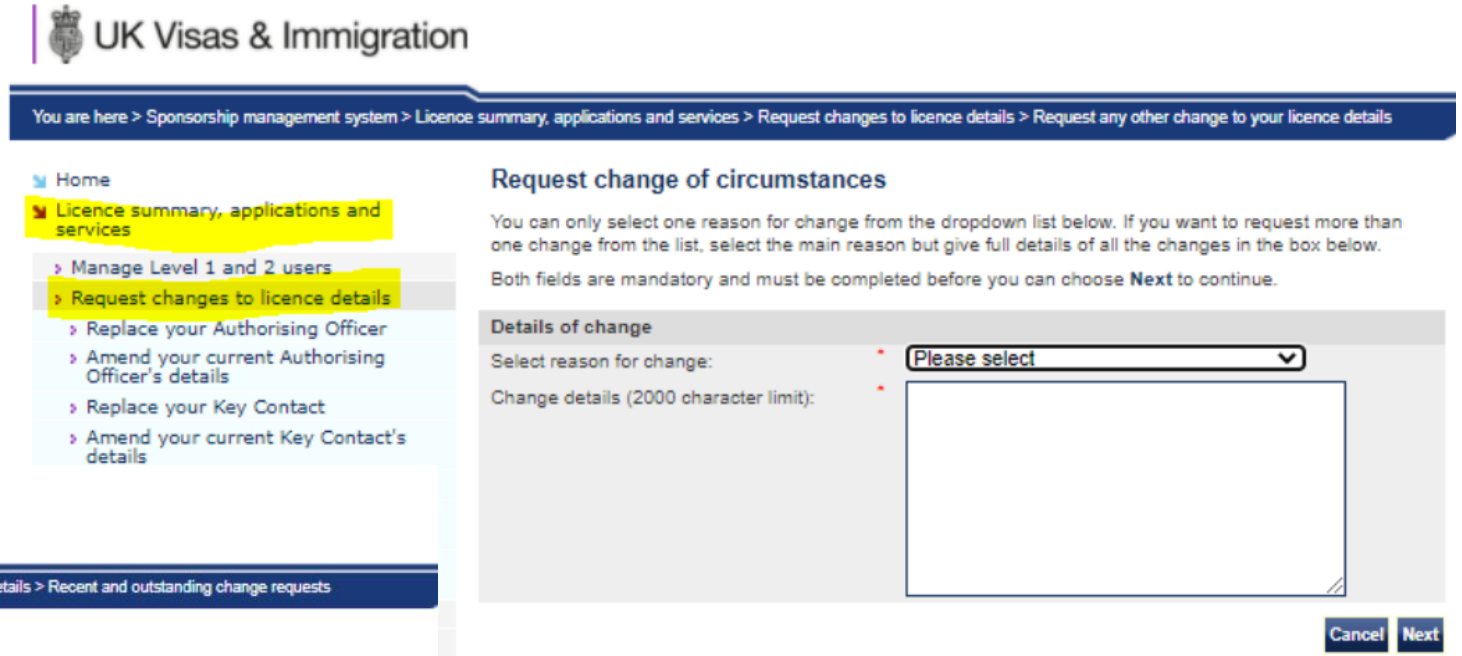
Reporting worker activity SMS example

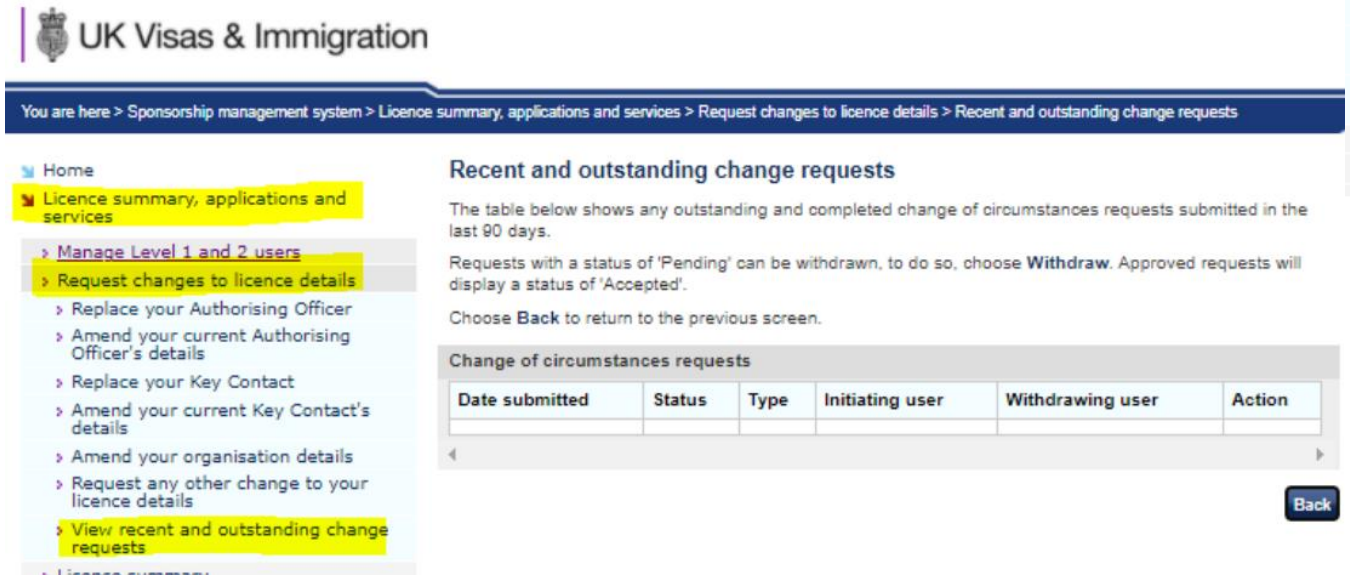
- Reporting migrant worker activity (such as absences from work), cancelling their sponsorship or managing active CoS can be actioned in the SMS in *Home Screen* ➔ *Workers* ➔ *Sponsorship duties*
- There will be further selections in *Sponsorship Duties,* such as *reporting migrant activity,* which will allow you to select the activity you would like to report and provide further details



Reporting changes to your organisation example

- Reporting changes to your organisation, such as changing address of premises or a company merger can be actioned in the SMS in *Home Screen* ➔ *Licence Summary, applications and services* ➔ *Request change to licence details*





- Any reported changes will be submitted as a request – depending on the nature of the request, it will either be approved and updated automatically or be sent as a request for the Home Office's consideration to be approved or declined



What is a CoS (Certificate of Sponsorship)?

- The CoS is assigned from the UK sponsor to the skilled worker applicant, which the applicant is required to include as part of their visa application
- The CoS must include information such as:
  - details of your name, job and salary;
  - a start date which is no more than 3 months after the date your 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
- To assign a CoS, the sponsor must be listed as A-rated on the Home Office's register of licenced sponsors unless you were last granted permission as a Skilled Worker and are applying to continue working for the same sponsor as in your last permission



There are two types of CoS:

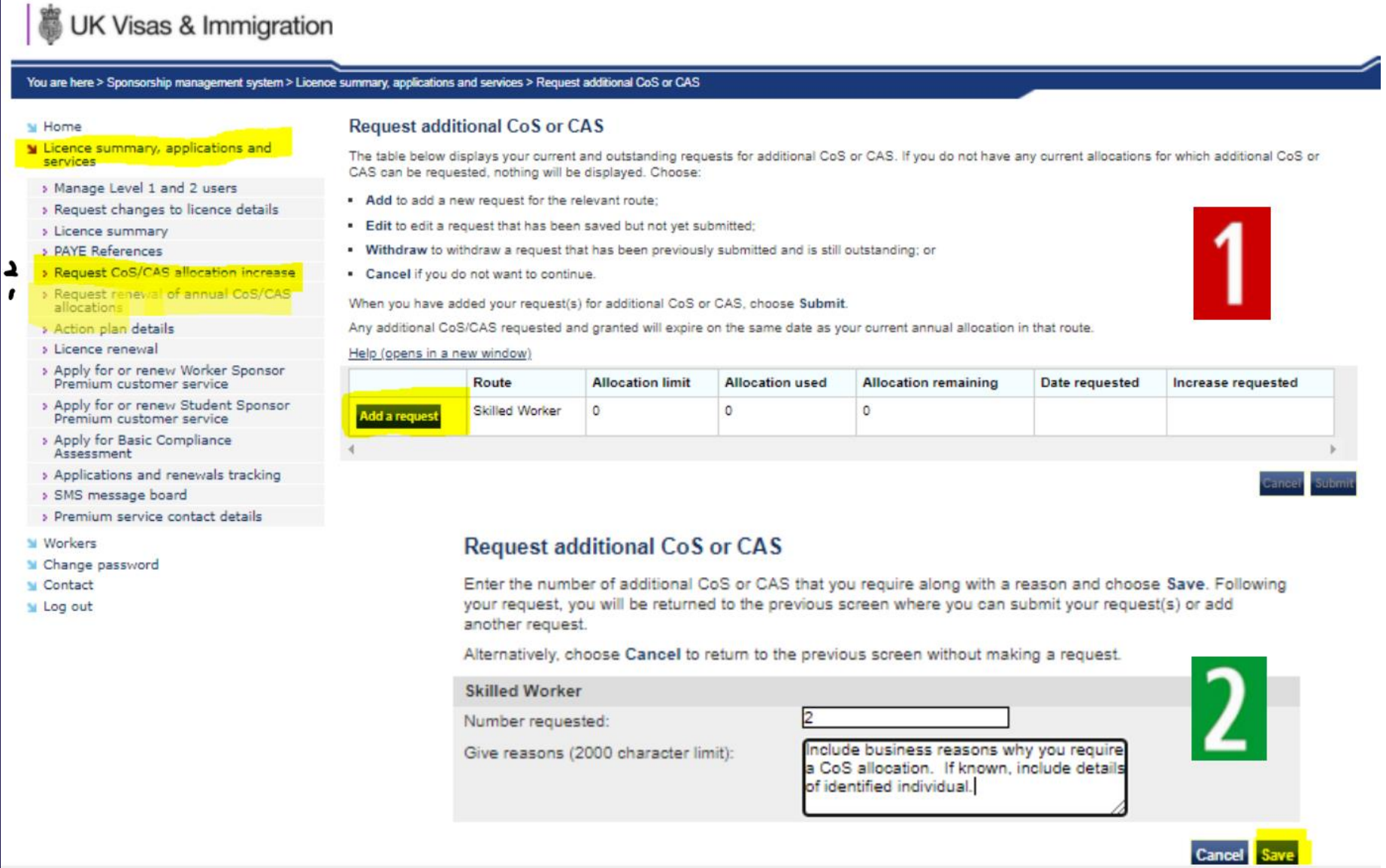
- **<u>Undefined</u> CoS (uCoS):**
  - Applicable for skilled worker applicants **inside** the UK, looking to extend or switch to a skilled worker visa,
  - There will be an annual “CoS allocation” depending on what was requested (and granted) during the sponsor license application,
  - It’s possible to apply for increased allocation,

- **<u>Defined</u> CoS (uCoS):**
  - 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.

uCoS Allocation

- When applying for the Sponsor Licence, you can request how many unassigned uCoS you need to be allocated, along with an explanation and evidence as to why you require that number
- Once your allocation is automated you will be granted the number of CoS you assigned from your previous annual allocation. For example, if you assigned 10 of 15 available CoS from your 2022/23 annual allocation, your new allocation will be automatically set at 10 for the 2023/24 allocation year. **You can increase this allocation by submitting a 'Request CoS allocation increase'**

uCoS - Request Allocation Increase

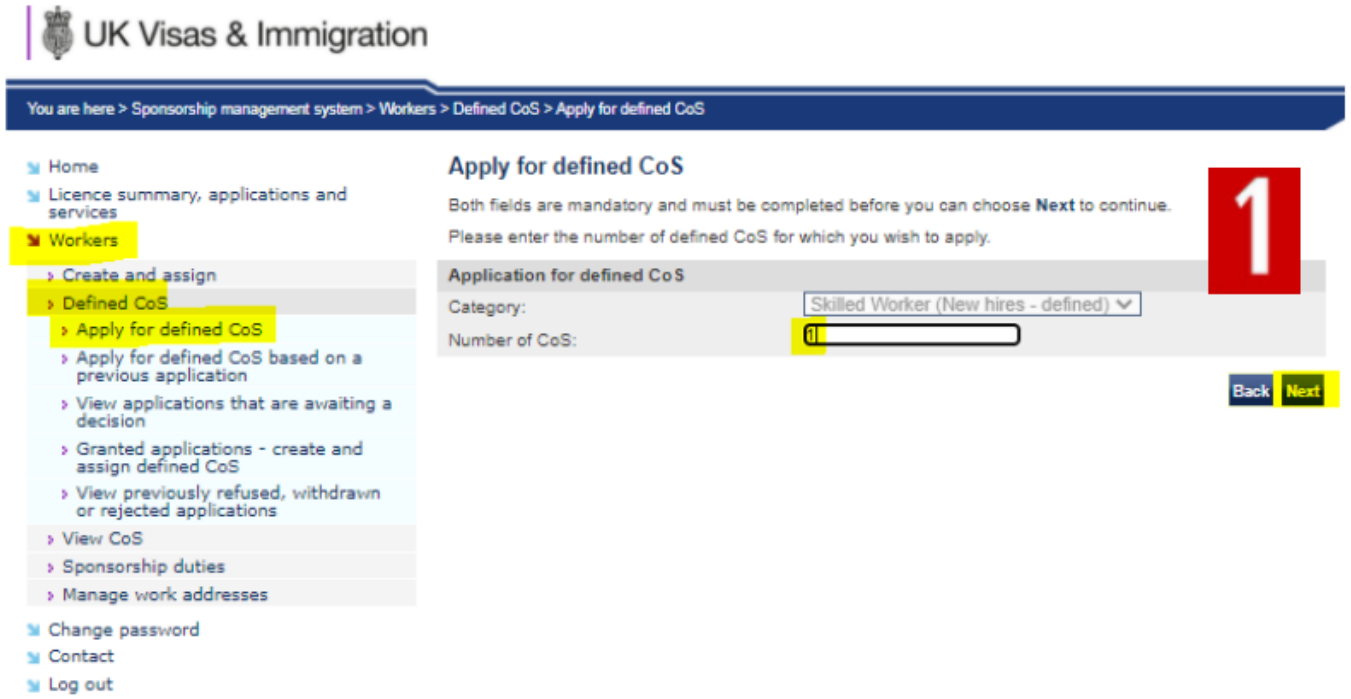


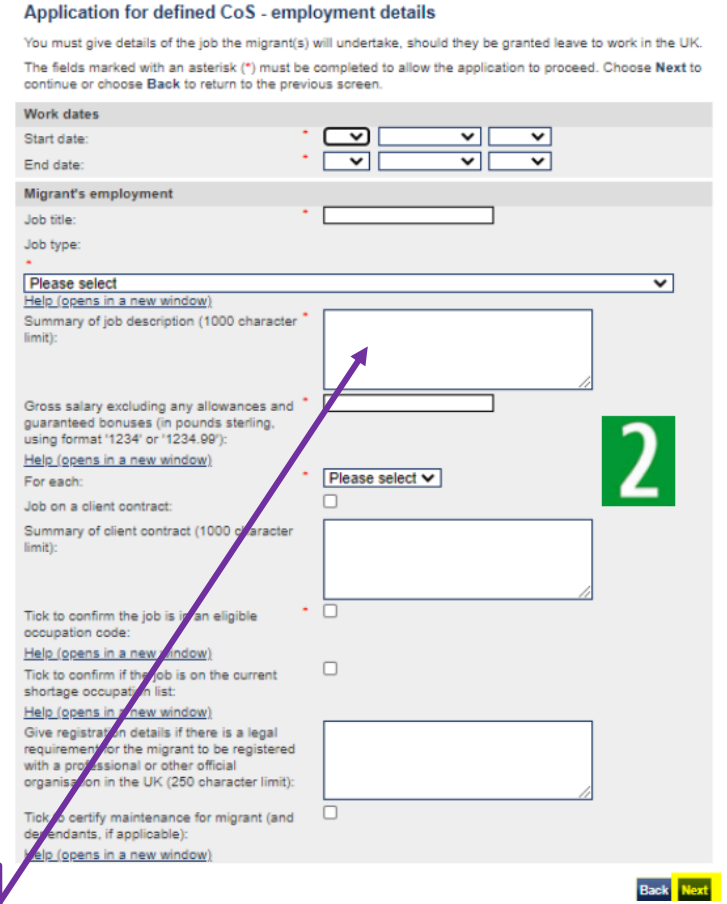
- Viewing your remaining uCoS allocation (1), and requesting additional uCoS allocation (2) can be actioned in the SMS in *Home Screen* ➔ *Licence Summary, applications and services* ➔ *Request CoS/CaS allocation increase*

uCoS - Request Allocation Increase

- The SMS will allow you to view the number of uCoS left to assign, and request an increase in allocation
- You can request an increase in uCoS allocation - uCoS requests can take up to 18 weeks to process
- There is a Priority 5 working day option available for £200 Home Office fee which requires the following steps:
    1. Request further allocation through the SMS
    2. Complete a Worker and Temporary Worker priority request form which is available from the Home Office website: https://www.gov.uk/government/publications/priority-change-of-circumstances-for-sponsors/tier-2-and-5-priority-change-of-circumstance-service
    3. Email postlicencepriorityservice@homeoffice.gov.uk with the completed priority request form attached – A maximum of 60 priority service requests will be accepted daily, and the priority service is open from 9 am to 5 pm Monday to Friday. Any requests made outside these hours will not be considered. Therefore, to obtain a priority request slot, sending the email immediately at 9 am is essential.
    4. If your request has been successful, you will receive an email from the priority service team to advise that your request has been accepted, along with further instructions. A second email containing a Worldpay link - check your spam or junk folder if it does not arrive
    5. You have 72 hours from when you receive the second email to make a payment. This includes weekends

dCoS Request

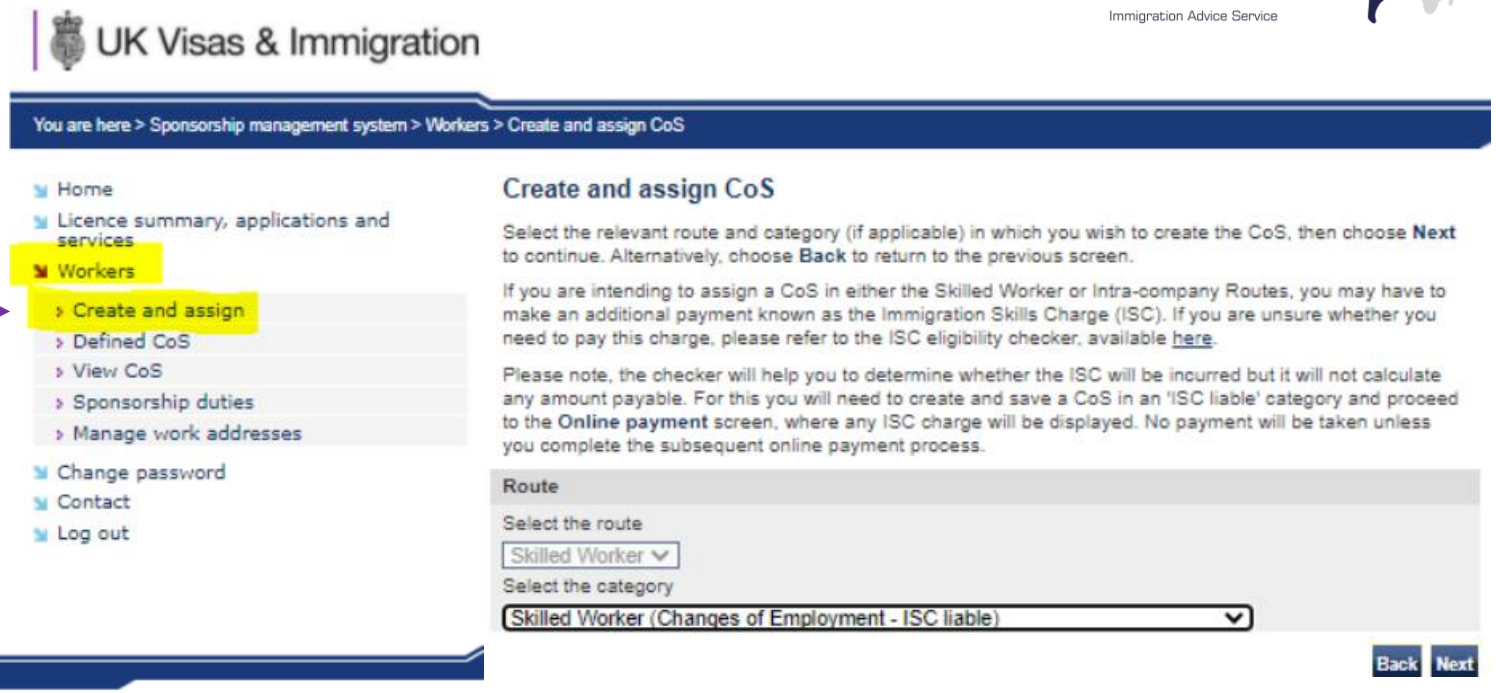


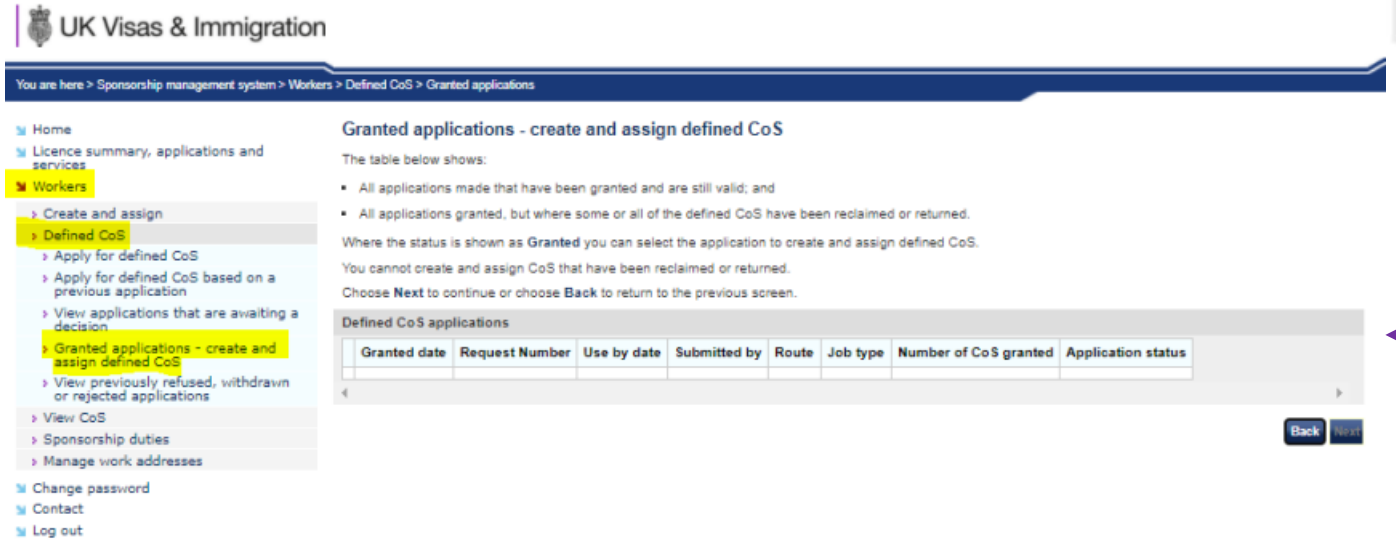


- Applying for a dCoS (1), and completing the relevant form(2) can be actioned in the SMS in *Home Screen* ➔ *Workers* ➔ *Apply for Defined CoS*
- It's important to state the weekly hours in the summary of job description field
- dCoS requests can be submitted at any time and should take 24 hours for the Home Office to approve (ready for you to assign). If the Home Office ask for additional information it can take up to 8 weeks

Drafting a CoS

- Drafting a ***uCoS*** can be actioned in the SMS in *Home Screen* ➔ *Workers* ➔ *Create and assign*





- Drafting an approved ***dCoS*** can be actioned in the SMS in *Home Screen* ➔ *Workers* ➔ *Defined CoS* ➔ *Granted applications – create and assign defined CoS*

Assigning a CoS

SMS users must not assign a CoS to themselves or to a close relative or partner. A close relative or partner is:

- a spouse or civil partner
- an unmarried or a same-sex partner
- a parent or step-parent
- a son or step-son
- a daughter or step-daughter
- a brother, step-brother or half-brother
- a sister, step-sister or half-sister
- a nephew, niece, or cousin
- an aunt or uncle
- a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law

Assigning a CoS

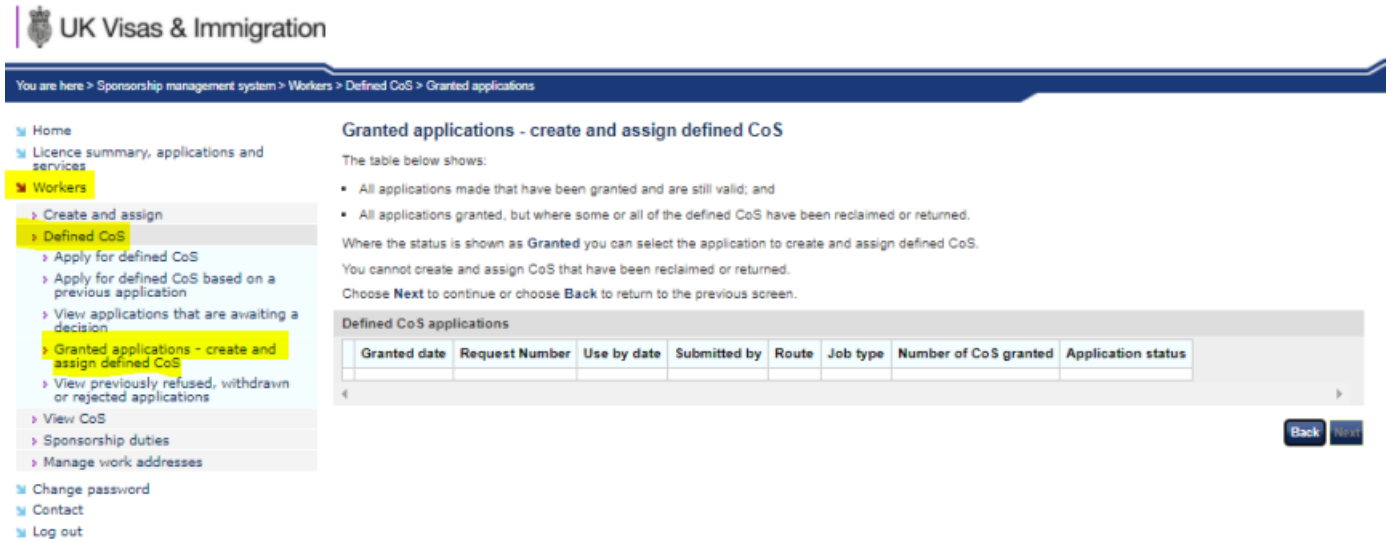
uCoS – you need to ensure you choose the relevant CoS category:

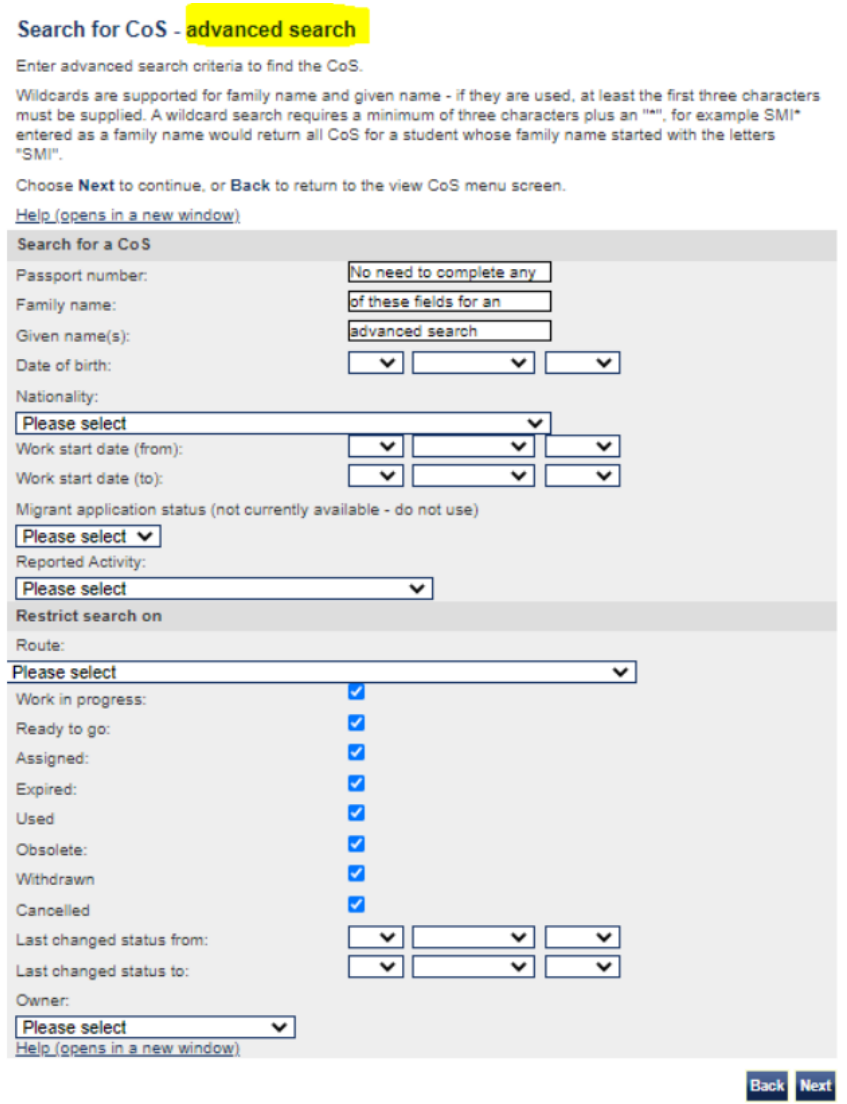
- Skilled Worker (switching immigration category ISC liable) – switching from a spousal visa, dependant visa, graduate visa
- Skilled Worker (extension ISC exempt) – skilled worker already working for you extension their visa
- Skilled Worker (extension ISC liable) – skilled worker already working for you extension their visa
- Skilled Worker (changes of employment ISC exempt) – skilled worker changing from one sponsor to another OR skilled worker already working for you requiring a new COS as changed SOC code
- Skilled Worker (changes of employment ISC liable) – skilled worker changing from one sponsor to another OR skilled worker already working for you requiring a new COS as changed SOC code
- Skilled Worker (graduate in Tier 4/student route switching to Skilled worker – successfully completed their course graduates
- Skilled Worker (switching immigration category ISC exempt) – switching from a student status – not completed their course (not possible since July) or under one of the SOC codes where ISC not liable

CoS Status

- Work in progress – CoS in draft – not yet ready to assign
- Ready to go – CoS in draft – ready to be assigned
- Assigned – Assigned CoS – before submission of visa or further leave to remain application
- Used – Assigned CoS – during and once visa application has been submitted and decided
- Expired – Assigned CoS – but not “Used” (or set to “Used” by HO) within three months of assigning
- Obsolete – Assigned CoS – but another CoS has been assigned and set to “Used” for the same worker
- Withdrawn – Assigned CoS – but subsequently withdrawn by sponsor
- Cancelled – Assigned CoS – but licence has been revoked or has expired or licence has been surrendered

CoS Status





- If you are looking for a specific worker, complete either passport number or Family name field. If you want to run a search for all CoS details, run an “Advanced” search
- Once on full CoS screen, select “Print” option at bottom of screen – a PDF should open – if in Internet Explorer

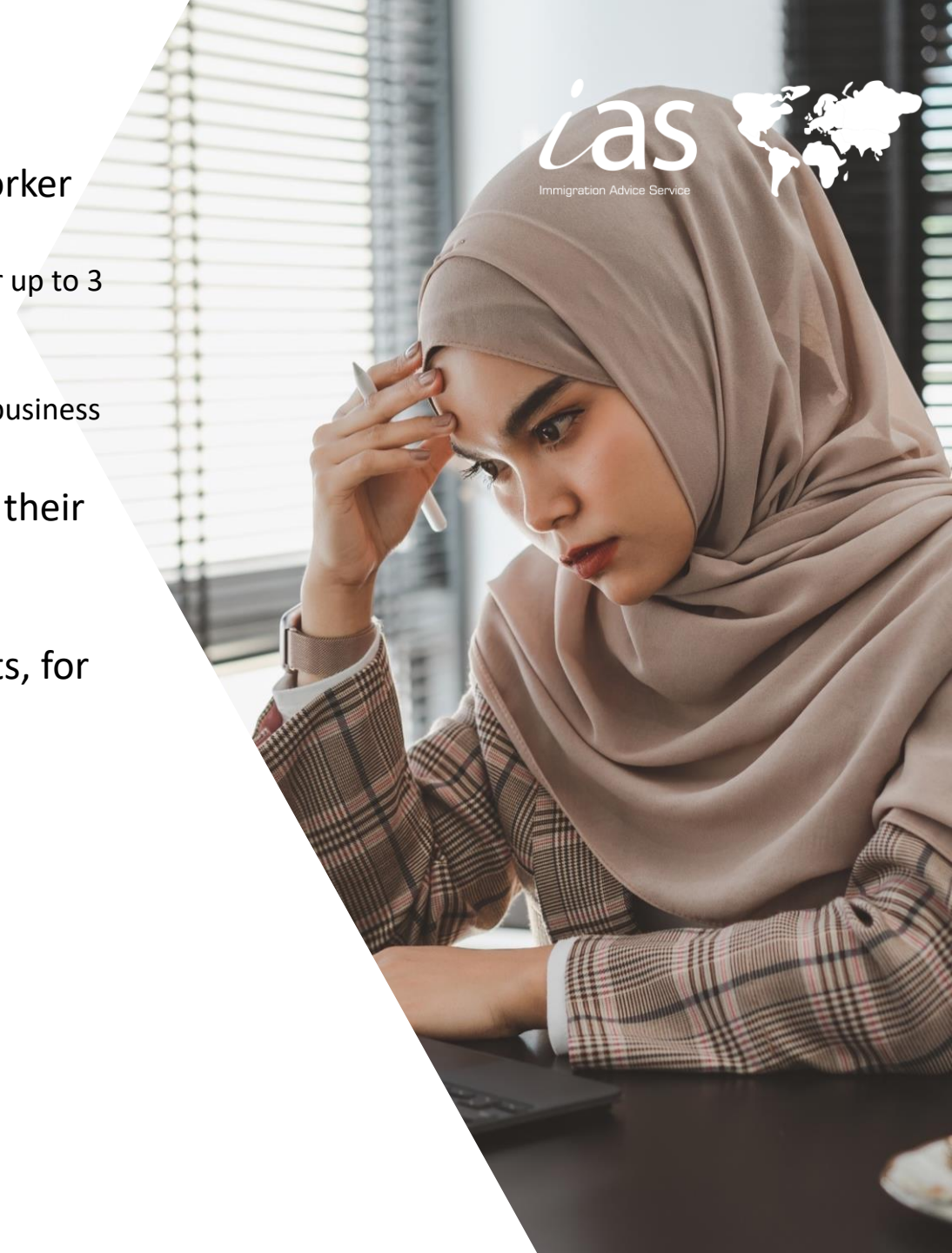
Immigration Skills Charge

- You must pay the immigration skills charge if they're applying for a visa from:
  - outside the UK to work in the UK for 6 months or more
  - inside the UK for any length of time
- You will not pay the immigration skills charge if you're sponsoring someone:
  - on an Intra-company Graduate Trainee visa
  - who is on a visa to study in the UK, and switches to a Skilled Worker or Intra-company Transfer visa - if they then extend their stay on the new visa, you will not have to pay the charge
- You will also not have to pay the charge if you're sponsoring someone with one of the following occupation codes:
  - chemical scientists (2111), biological scientists and biochemists (2112), physical scientists (2113), social and humanities scientists (2114), natural and social science professionals not elsewhere classified (2119), research and development managers (2150), higher education teaching professionals (2311), clergy (2444), sports players (3441), sports coaches, instructors or officials (3442)
- You also might not have to pay the charge if you're sponsoring a worker who was assigned a certificate before 6 April 2017.



Immigration Skills Charge

- to whom they assign Global Business Mobility: Senior or Specialist Worker CoS on or after 1 January 2023 when:
    - the worker is being sponsored as a Senior or Specialist Worker to work in the UK for up to 3 years
    - the worker is an EU national or a person who has a Latvian non-citizen passport
    - the worker currently works at one of the sponsor's offices in the EU or for a linked business in the EU
- to whom they assign a further CoS which does not extend the date of their previous period of ISC liable permission, for example, if switching occupation code
- You will not need to pay the charge for any of the worker's dependants, for example their partner or child



Fees

- **CoS Assignment:** £239
- **Small or Charitable Sponsor Immigration Skills Charge (ISC):**
  - £364 first 12 months
  - £182 for each additional 6 months
- **Medium or Largen Sponsor Immigration Skills Charge (ISC):**
  - £1,000 first 12 months
  - £500 for each additional 6 months

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Immigration Advice Service

Q&A