Sponsorship Management System Work Instructions
Applying for a Restricted Certificate of Sponsorship

Examples of when an individual would need a Restricted CoS:

o   Individual is based out of the UK, therefore does not have valid leave to remain in the UK.
o   Individual has leave to remain in UK but cannot switch into Tier 2 with this type of visa.
o   Individual is based in the UK but their leave to remain will have expired at time of new Tier 2 application. They will therefore be applying from overseas.

Timescales

o   Applications must be submitted on the SMS by the 5th of the month.
o   UKVI panel meets on or around 11th of the month.
o   Outcome of application typically received by the 13th of month (email will go to the individual who submitted the online application).
o   The CoS must be assigned within three months or it will be removed from account.

Information you will require

o   Intended start and end dates of employment
o   Job title
o   Job type (SOC code – chosen from a drop-down list)
o   Brief job description
o   Salary and any allowances to be paid
o   If job on client contract – further details needed
o   Is the job on the shortage occupation list, or has RLMT been completed?
o   If RLMT – details of when and where advert was placed with any reference numbers

1: Log in to the SMS: https://www.points.homeoffice.gov.uk/gui-sms-jsf/SMS-001-Landing.faces
N.B. Do not disclose your log in details to anyone else. This is a breach of your sponsor duties and will put your sponsor licence at risk.

2: Select Workers.

3. From the Workers screen, select Restricted COS.

4. Choose 'Apply for Restricted COS'.

5. Select the relevant category from the drop-down list and the number of certificates required, then click 'Next'.

6. Enter the employment detail into the relevant fields.

Notes on Employment Details

Start and end dates: It is often the case a sponsor will assign a COS for three years less one day. A COS can be assigned for more than 3 years if desired - this will cost more, and the worker will need to be paid the experienced rate rather than the new starter one (even if the person is a new starter).

Does the migrant need to leave and re-enter the UK during the period of approval? The period of approval is in line with the certificate/contract of employment dates. If this radio button is selected, then it means that the individual's primary base will be outside of the UK and they will

need to enter and leave the UK on a regular basis. A multi entrance clearance visa is granted for those who will not be based in the UK.

If the individual is going to be based in the UK, then the radio button should remain unselected. The individual will be free to leave and re-enter the UK for travel purposes.

Job Title: *This must reflect the role that will be undertaken by the migrant and will normally reflect what is in the codes of practice in Appendix J of the Immigration Rules.*

Job type: *Choose from the drop down list the appropriate standard occupational classification (SOC) code for the job that the migrant will do. You can find this in the codes of practice in Appendix J of the Immigration Rules. It is your responsibility to identify and chose the right SOC code. The role you are filling must meet the rules on skill levels for jobs under Tier 2 (General). You may find in the codes of practice that, although you can match a job title, the duties described for the SOC code are different to the duties the migrant will perform. This is because employers sometimes use different job titles to describe similar jobs. It is important that you choose the SOC code that* <u>*best matches the duties the migrant will carry out, even if the job title is different to the one that you are using.*</u>

The SOC is a common classification of occupations developed by the Office for National Statistics. You can find more information, including example job tasks and guides to help you match jobs to the most appropriate SOC code, on the Office for National Statistics website.

Gross salary including any allowances and guaranteed bonuses: *You must enter the amount without the £ sign. For example, for £25,000, you should enter 25000 in this field.*

The gross salary figure entered must be the actual gross salary package that will be paid to the migrant, including all allowances and guaranteed bonuses. All allowances and guaranteed bonuses included in that figure should then be broken down and detailed in the 'gross allowances' box. Note: you must make sure that the gross salary package you intend to pay is at, or above, the appropriate rate as set out in the guidance for sponsors and the codes of practice listed in Appendix J of the Immigration Rules.

N.B. Where you have conducted a resident labour market test, the rate you enter in this field must be at the rate or within the salary range you quoted in any job advertisement.

Gross allowances and guaranteed bonuses included in the above figure*: You must enter the amount without the £ sign. For example, for £5,000, you should enter 5000 in this field. Guaranteed allowances can include daily payments to cover additional living whilst in the UK, such as London weighting or accommodation, which will be paid for the time of the applicant's employment in the UK. These allowances may only be included if they would also be paid to a settled worker. You must not include:*

- *bonus or incentive pay which is not guaranteed*
- *employer pension contributions*
- *other payments which cannot be guaranteed*
- *overtime pay, whether or not overtime is guaranteed*

- allowances to cover business expenses including (but not limited to) training, hotels and business travel within the UK, or travel to and from the migrant's country of residence or home country
- one-off payments, such as those associated with the cost of relocation, which do not form part of the migrant's regular salary package
- any payments or allowances (whether monetary or in-kind) for which the migrant must reimburse the sponsor
- the value of any shares which the migrant receives when offered a job under an employee shareholder employment contract
- perks such as medical benefits or tuition fees

Summary of all allowances and guaranteed bonuses *You must set out each guaranteed bonus or allowance, such as accommodation or utilities, and detail the amount for each one.*

Job on a client contract: *If the job would not exist without a particular contract, then this box should be ticked and a summary of the contract given.*

7. Check the data on the summary sheet. Agree the terms and conditions and click Submit.

Application for restricted CoS - confirmation

Review the data that you have entered and ensure that it is correct.

When you are satisfied that all data is correct, read the declaration and confirm your agreement by ticking the box.

Choose **Submit** to proceed or choose **Back** to amend the data.

Application for restricted CoS	
Restricted category:	Tier 2 (General - New hires - restricted)
Number of CoS:	5
Work dates	
Start date:	16/04/2014
End date:	16/04/2015
Employment details	
Job title:	Engineer
Job type:	2122 Mechanical engineers
Gross salary including any allowances and guaranteed bonuses (in pounds sterling, using format '1234' or '1234.99'):	35000.00

Declaration Statement

Read the declaration and tick the box to confirm that you have understood, agree with and will abide by all the Terms and Conditions.

   a. The information I have given in this online application is complete, accurate and true to the best of my knowledge.

   i. I agree that you may use the information given in this application for training and research purposes.

I agree to the terms and conditions:	☐

Back Submit

Correct as at 25 April 2020.
Please note the publication date of this article; changes may have occurred.
Immigration law changes rapidly. This document may not reflect the most current legal developments.

Next Steps

Await the outcome from the UKVI panel meeting. This will take place on or around the 11th of each month. If your application is successful, an additional certificate will be available on the Sponsorship Management System. You will need to assign this to your prospective employee.

You must assign the certificate of sponsorship within 3 months of it being added to your allocation, or it will be removed from your account. If for any reason you will not be able to assign the CoS within 3 months, you must contact UKVI to amend your allocation accordingly.

N.B. you can only assign the certificate of sponsorship for the job you described in your application.

If your application is rejected, you can try again in the next monthly process. A rejection does not mean the application will never be successful; each month all applications are considered against each other, so it depends on the skill level/ salary etc of other applications within your monthly pool.

For any questions, please contact us!
The Westwood Organisation