

THE TWO ACADEMY

Employer Sponsorship: Skilled Worker Vs Tier 2

Course Workbook



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Introduction

Welcome!

This is the course companion workbook for our course: Employer Sponsorship Skilled Worker Vs Tier 2.

Download and save this workbook before filing in your answers. It is editable – all you have to do is click inside the boxes or above the solid lines to type your answers. You can also print the workbook and complete it by hand if you prefer.

In this course we will explain the differences between the new Skilled Worker route and what was previously Tier 2. After learning everything we have to share with you, you will need to take action in order to ensure your processes and procedures support sponsor compliance. This workbook can then become your reference point; once downloaded and saved, it is yours to keep, print or save on your computer. Forever. Well, perhaps not forever, but for a while ...

The workbook is designed for you to use side by side with the learning. It follows the same structure as the course and has space for your notes; it contains useful tips and links to external websites and other useful reference material.

Don't Be Stuck

If you have difficulty with any element of the course or in navigating the changes, please do let us know. You can contact us by via email: info@twolimited.co.uk or telephone: 01293 889691.

Disclaimer

Immigration rules and regulations do change. We make every effort to keep our material up to date, but cannot guarantee this. Please always double check before taking action based on the information in this workbook and associated course.

Course Notes

Sponsor Responsibility	
The New Points Based System	
Skill Level	

Salary Levels	
Points	
Resident Labour Market Test	
Intra Company Transfer	
Health Care Workers	

Graduates	
Out of Country Applications	
Changes to Sponsor Duties: Records	
Changes to Sponsor Duties: Reporting	
Other Changes: Brexit	

Reference Material

Record Keeping Checklist

As a licenced sponsor, you must keep the following on record either as paper or electronic copy:

Sponsor Licence	
All documents submitted as part of your application to become a sponsor.	
For Each Sponsored Worker	
Copy of current passport pages showing personal identity details, leave stamps or immigration status document including their period of leave to remain in UK. Must show entitlement to work for you.	
Copy of UK Biometric Card.	
Copy of National Insurance number (unless exempt from requiring one) e.g. wage slip, P45, P46 etc.	
Evidence of worker's date of entry into UK. *see notes below	
History of contact details (UK residential address, telephone no., mobile no. personal email). N.B. This must be kept up to date.	
Record of absence(s); either electronically or manually.	
Copy of contract of/for employment; clearly showing start & end dates, salary & job details, hours of work, as well as names & signatures of all parties involved (i.e. employer/employee).	
Detailed & specific job description, outlining duties & responsibilities of post & including skills, qualifications & experience required.	
Copies of any qualifications or documents to show skills & experience for job e.g. references. If a qualification is a stipulated requirement within the job description, a copy must be kept on file.	
Copies of any registration and/or professional accreditation documents.	
Copy of DBS check, where required for the role.	
Any other document specified in the sponsor guidance and relevant code of practice.	

*You now must check the worker entered the UK during the validity period of their visa. This is not applicable to those already within the UK with a valid visa - it is for entry into UK only. Points to note:

- If they entered before the 'valid from' date on their visa, they do not have permission to work.
- In most cases, the date of entry will be evidenced via an ink stamp on the visa within the passport. You must therefore make & retain a copy of the stamp.
- Re. nationals of AUS, CAN, JPN, NZ, SNG, SKR, USA. Nationals of these countries are eligible to use automated e-passport gates to enter the UK. In such cases you must check the date of entry coincides with the entry clearance validity date via other evidence. e.g. ticket, boarding pass.
- In these circumstances, you must make a record of the date the worker entered the UK, but you do not need to retain the evidence. N.B. Consider your system requirements in order to keep a record of this date.

Evidence of Genuine Vacancy

Evidence if Vacancy Advertised	
Advert Location: information about where the job was advertised (for example, website address), and for how long	
Advert Details: a screenshot, printout or photocopy of the advert, or a record of the text of the advert.	
Applicants: a record of the number of people who applied for the job, and the number of people shortlisted for interview or for other stages of the recruitment process.	
Process: At least one other item of evidence or information which shows the process you used to identify the most suitable candidate – e.g. copy or summary of interview notes; interview questions used; brief notes on reasons for selection/ rejection decisions etc.	
Evidence if Vacancy Not Advertised	
Written Explanation (and evidence where practical): How you identified the worker was suitable e.g.	
<ul style="list-style-type: none"> • the worker was already legally working for you on another immigration route and you established they were suitable for the role through their previous performance. • the worker applied to you outside of a formal advertising campaign (made a 'speculative' application) and you were satisfied (for example, by interviewing them and/or checking references or qualifications) they had the necessary skills and experience to do the job. 	

Evidence of Resident Labour Market Test

For those roles sponsored before 01 December 2020, a resident labour market test may have been required (refer to the archived Tier 2 and Tier 5 sponsor guidance to ascertain if this was the case). If you were required to undertake a resident labour market test, you will need the following records:

Evidence of Recruitment	
All applications shortlisted for final interview, in the medium they were received (e.g. emails, CVs, application form). This should include applicant's name, address, date of birth.	
Notes from final interviews & reasons for rejecting each settled worker.	
Advert: Copy of the advert, must show job title, location, duties & responsibilities, skills qualifications & experience needed, salary & closing date	
National papers/professional journals: Copy of the advert as it appeared in the given medium. Must show title & date of publication, and closing date for applications. Where the advert does not show your name, a copy of a letter/invoice from the newspaper/journal.	
Milkrounds: a headed letter from each university, confirming dates & method used.	
Internet: screenshot from hosting website. Must clearly show name of website; contents of advert; date & URL; closing date. This screenshot should be taken on the day the vacancy is first advertised, unless the website clearly shows the date the vacancy was first advertised (in which case the screenshot can be taken at any point).	
Internet: If the advert is not on your own website, and does not show your name, a copy of a letter/invoice from the website is required.	
Find a Job: screenshot from website which clearly shows logo of government website; advert contents; jobcentre vacancy reference number; date; URL; closing date for applications. This screenshot should be taken on the day the vacancy is first advertised, unless the website clearly shows the date the vacancy was first advertised (in which case the screenshot can be taken at any point).	
If Sponsored Researcher (only applicable for supernumerary research roles): evidence of the competitive process e.g. advert for the grant, a programme for the selection process; judging criteria.	
Recruitment Agency: copy of contract between you & agent; copy of the invoice; copies of adverts placed which clearly show title of publication, dates and advert as it appeared.	

Monitoring and Reporting Migrant Activity

Consider your processes regarding changes to contract, or personal circumstances of sponsored employees. Do your employee files contain the following information:

- ✓ start date
 - ✓ record of absences since commencement of employment in the UK
 - ✓ current work address
 - ✓ current salary and allowance details
 - ✓ all changes to salary and allowances since commencement of employment in the UK
 - ✓ original job description
 - ✓ any changes to duties and responsibilities since commencement of employment.
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- If there has been a change to the work address, changes in salary beyond annual increments or bonuses, or any changes to duties and responsibilities including promotion, have these been notified to the Home Office or a change of employment application made under Tier 2?
 - If the employee has been absent for more than 10 consecutive working days without the sponsor's permission, has that been reported to the Home Office?
 - If the duration of the employee's contract has been shortened (or for an ex-employee their employment terminated early), has this been reported to the Home Office?
 - Does the employment contract or any other document on file give the individual positive obligations to notify the employer of any changes in their circumstances including in relation to:
 - any change to their home address, mobile or landline numbers, and
 - their successfully obtaining another UK immigration status.

GLOSSARY

CoS (Certificate of Sponsorship) – this is an electronic document created by a sponsoring employer, which is required when making a Tier 2 or Tier 5 visa application. The CoS will state a unique reference number which is needed for the visa application form. The CoS confirms the details of the job, the length of the certificate and whether the employer is certifying maintenance.

Defined CoS – a certificate of sponsorship typically issued to a new employee who is residing outside the UK. These certificates need to be requested from UKVI when needed.

Undefined CoS – a certificate of sponsorship issued to an employee who needs a visa extension; is a high earner or who is coming to the UK on the Tier 2 ICT route. Employers request (or are allocated) a number of these certificates each year.

ICT (Intra Company Transfer) – A Tier 2 route allowing international businesses to move staff between their offices – the employer has to hold a Tier 2 ICT licence to use this route.

Visa Vignette – this is a visa sticker in a passport and is received after making an entry clearance visa application (from outside the UK). They are valid for 30 days to enable the holder to enter the UK.

BRP (Biometric Residence Permit) – this is a visa issued on a separate card. An applicant outside of the UK applies for entry clearance, they are granted a 30-day visa sticker in their passport to use to travel to the UK. They then collect the BRP (which contains the full length of their visa) after arriving in the UK. Applicants in the UK will get their new visa on a BRP.

IHS (Immigration Health Surcharge) – The IHS payment is to cover the cost of most of NHS healthcare for the duration the person is in the UK.

Maintenance – this is the money the UKVI require a visa applicant to have to cover their living costs. Maintenance must be held for at least 90 days before the date the visa application is submitted. Employers can certify maintenance on the Certificate of Sponsorship which negates the need for the applicant to provide proof of funds.

Main applicant – the person applying for a visa.

PBS dependant – main applicant's spouse, partner or children.

USEFUL RESOURCES

New Sponsor Guidance:

<https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators#workers-and-temporary-workers:-guidance-for-sponsors>

Part 1 Apply For a Licence:

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-1-apply-for-a-licence>

Part 2 Sponsor a Worker:

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-2-sponsor-a-worker>

Part 3 Sponsor Duties & Compliance:

<https://www.gov.uk/government/publications/workers-and-temporary-workers-guidance-for-sponsors-part-3-sponsor-duties-and-compliance>

Appendix D:

<https://www.gov.uk/government/publications/keep-records-for-sponsorship-appendix-d>

Appendix Skilled Occupations:

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-skilled-occupations>

UKVI Database - Check Someone's Immigration Status:

<https://www.gov.uk/check-immigration-status>