

An overview of the sponsorship process for employing migrant workers March 2024

Produced for members of the National Trainers Federation.

Key terms

Sponsor licence This is the licence issued to the employer by the Home Office enabling the employer to employ migrant workers who do not already have the right to work for that employer in the UK.

Certificate of sponsorship

This is the permission to work issued to the employer by the Home Office which the employer then issues to the migrant worker to enable them to work for that employer.

The process can be expedited for an additional fee.

Sponsor

Sponsoring a migrant worker is the phrase used for the employer employing the migrant worker

UKVI

United Kingdom Visas and Immigration - a division of the Home Office

As employer, what do I need in place to employ a foreign worker?

You need to have a sponsor licence so you can sponsor foreign workers including EEA and Swiss citizens where the person does not already have a right to live and work in the UK.

You do not need a sponsor licence for UK or Irish citizens, those who have settled or pre-settled status under the EU Settlement Scheme or those with indefinite leave to remain in the UK.

You can check an employee or potential employee's right to work at :
<https://www.gov.uk/check-job-applicant-right-to-work>

Other routes

The potential employee may qualify under a route other than the Sponsored Skilled Worker route. For example, under the Youth Mobility Scheme which is for those wanting to live and work in the UK for up to 2 years, who are aged 18 - 30 or 18 -35 depending on where they are from, have £2,530 in savings and have certain types of British nationality or are from certain countries:

Aged 18 - 35 and from

- Australia
- Canada
- New Zealand
- South Korea

If from Australia, Canada or New Zealand the person can extend their stay by a further 12 months.

Aged 18 - 30 and from

- Andorra
- Iceland
- Japan
- Monaco
- San Marino
- Uruguay
-

The employer does not require a sponsor's licence and the wage would have to comply with the National Minimum Wage/Racing Minimum pay, not the £15.88 under the Immigration Salary List.

More information can be found at <https://www.gov.uk/youth-mobility>

How do I get a sponsor licence?

This licence is issued by the Home Office and is applied for online:
<https://www.gov.uk/apply-sponsor-licence>

You will also be required to email documentation through at the end of the online process.

There are costs involved, see below "how much does this cost?"

How long does it takes to get a decision?

Most applications are dealt with in less than 8 weeks.

The UKVI website advises that employers may be able to pay an extra £500 to get a decision within 10 working days. This service is limited to a small number of applications every working day. Faster decisions are allocated in the order that requests arrive (first come, first served). You will be told how to ask for a faster decision after you apply.

How long does the licence last for?

A sponsor license is granted for four years. It can be downgraded so that no new certificate of sponsorships are issued if there are compliance issues. It can be revoked for serious breaches.

What can I do once I have a sponsor licence?

It gives you access to an online sponsor management system which allows you to request a certificate of sponsorship for the people you want to sponsor.

How difficult is it to get a sponsor licence?

Suitability checks will be carried out on you and your staff. An employer may not get a licence if anyone involved in sponsorship has unspent criminal convictions for fraud or immigration offences or been fined by UKVI in the last 12 months or reported to UKVI.

The business will need to have appropriate systems in place to monitor sponsored employees and people to manage sponsorship in your business - essentially having good administrative systems in place. See the next section.

What do I need in place for the sponsor licence?

You need to appoint a person or people within your business to manage the sponsorship process when you apply for a licence. They will use the online Sponsorship Management System (SMS).

You need to have:

- an authorising officer - a senior and competent person responsible for the actions of staff and representatives who use the SMS

- a key contact - your main point of contact with UKVI
- a level 1 user - responsible for all day-to-day management of your licence using the SMS

These roles can be filled by the same person or different people.

You can also appoint an optional level 2 user once you have your licence. This is an SMS user with more restricted access than a level 1 user, for example they cannot withdraw a certificate of sponsorship but can undertake various tasks on the online system.

Can I use external people for these roles?

Yes, you can in some but not all the roles.

You can allocate any of the roles to a UK-based legal representative, apart from the authorising officer role. Your representative must be qualified to give immigration advice or services. See the link to Migrate-UK at the end of this FAQ.

You can have additional level 1 or level 2 users who are employed by third-party organisations that provide you with HR but at least one level 1 user must be your employee.

What duties are placed upon the employer?

Obligations in place as a sponsor include that you must check that any foreign workers have the necessary skills and qualifications to do their job.

You need to have good management systems in place including tracking and recording attendance, keeping contracts up-to-date, and reporting to UKVI if there is a problem, for example, if the employee stops coming to work without providing an acceptable reasons such as sickness absence.

If you do not meet your sponsor responsibilities your licence could potentially be downgraded which means you would not be able to issue new certificates of sponsorship until you had made improvements and upgraded back to an A rating.

I have the sponsor licence, now what do I do?

You need a certificate of sponsorship for each migrant worker you employ.

Certificates of sponsorship

You must assign a certificate of sponsorship to each foreign worker you employ. This is an electronic record, not a physical document. Each certificate has its own number which the worker can use to apply for a visa.

When assigning a certificate of sponsorship you are certifying that the person meets the requirements of the visa route, including the skill level and the salary being paid..

What are the different types of certificates?

A Defined Certificate is for use when the job applicant is applying from outside the UK. You must apply for defined certificates for these workers through the online sponsorship management system (SMS). Such applications are usually quickly approved and the certificate then appears in your online SMS account and you can assign it to the potential employee. A defined certificate of sponsorship must be assigned to the individual within three months of being awarded to you or it will expire and you would need to go through the process again.

An Undefined Certificate is for use where the Skilled Worker is already in the UK and meets the requirements to apply under the Skilled Worker route.

When you make your sponsorship licence application you will need to submit a request for undefined certificates. You will need to include evidence to show why you need that number of certificates of sponsorship.

Any certificates that have not been assigned to individual workers will expire on 5th April each year. You are able to request to have more allocated either prior to the expiry or during the year. This can take some time to be processed and as such it is sensible to apply for the allocation before April 5th particularly if needed to extend the leave of a current sponsored worker.

What does the migrant worker need to have?

They will need to qualify under the points based system with 70 points – this is made up as follows:

- 50 points which come from
 - 20 for being offered a job by an employer with a sponsor licence

- 20 for the job in RQF3
- 10 points for English language skills

➤ 20 points are made up by the salary.

What is RQF3 job?

The Skilled Worker Job Role RQF 6129 encompasses the following equine related jobs and gives the 20 points needed. This is the job role you quote on the application.

➤ **6129 Animal care services occupations**

- Work riders
- Head lad and travelling head lad for horseracing stables
- Head groom for horseracing stables and performance horse stud farms
- Competition groom
- Stud hand, stallion handler, foaling specialists in performance horse
- Head riding instructor

The employee must have skills necessary to undertake the role.

What English language skills are needed?

The person requires to have passed a Home Office approved English language test - the IELTS for UKVI - within the previous 2 years and taken before they apply for the visa.

It is at a level called B1 and has four elements - speaking listening reading and writing. Below is link to test providers:

[List of approved Secure English Language Tests taken outside the UK.ods \(live.com\)](#)

and more information can be found at:

[Looking to work or study in the UK? | Take IELTS \(britishcouncil.org\)](#)

What salary makes up the 20 points?

Before 3rd April 2024 The minimum salary for **new applicants** is **£26,200** - based on a 37.5 hour week. If the person is under the age of 26 at the time of

making their visa application there is a lower wage requirement of **£20,960** which can apply for up to a four year period – see new entrant below.

In both cases, the employee must be paid at least **£10.75** per hour.

From 4th April 2024 the minimum salary for a migrant worker will increase to £30,960 based on a 37.5 hour week, so **£15.88** per hour.

You do not have to increase the wage of existing migrant workers to £15.88. Their wages must though meet the National Living Wage which is increasing on 1st April 2024 to £11.44 for an adult worker.

How is the wage calculated?

It is only the basic wage – you cannot include allowances such as going racing allowances or value of accommodation although you can still make a deduction for accommodation from the actual wages being paid.

New entrant (applicable to 3rd April 2024)

An applicant under the age of 26 on the date that they submit their online visa application can qualify as a new entrant.

The person can only be a New Entrant for up to four years – if you intend to sponsor them for five years you could sponsor them for four years relying on the lower New Entrant rate, but after four years you would need to sponsor them at the higher ‘experienced rate’.

You will be required to make a sponsor note through your online SMS giving a brief explanation of how the individual meets the New Entrant criteria.

How long can I sponsor the worker for?

The longest you can sponsor a worker for is five years. This can be extended and an application for extension should be made before expiry of the initial period. After five years the person can apply for indefinite leave to remain provided they have not spent too much time outside the UK and they meet the other tests.

How much does this cost?

➤ Sponsor Licence

The licence fee for a small business is £536 and £1,476 for large companies

To qualify as a small company, the company must:

- have a turnover of no more than £10.2 million.
- have a balance sheet total of no more than £5.1 million.
- have no more than 50 employees.

➤ **Certificate of sponsorship**

There is a fee to pay when you assign a certificate to a worker - the fee for that is currently £239.

➤ **Immigration Skills Charge**

You must pay the immigration skills charge if the worker applying for a visa is from

- outside the UK and coming to work in the UK for 6 months or more
- inside the UK for any length of time

You pay the immigration skills charge when you assign a certificate of sponsorship to the worker.

The amount you pay depends on the size of the organisation and how long the worker will work for you, using the start and end dates on their sponsorship licence. For a small business it is £364 for the first 12 months and £182 for each additional six months. For a medium or large business, it is £1,000 for the first 12 months and £500 for each additional six months.

You cannot pass the cost of the Immigration Skills Charge onto the worker.

Immigration Health Surcharge

This applies to the individual rather than the business - the employer can, of course, agree to cover this payment and it should be agreed upfront as to who is paying for this.

The amount depends on the length of stay and type of visa - for a skilled worker staying for 5 years it is £1,035 from 6th February 2024 meaning £5,175 for a 5-year visa.

If the person is making the immigration application online, they pay the health surcharge as part of the application process.

Visa application fee

Someone applying from outside the UK for a skilled visa is charged:

Up to three years in an Immigration Salary List role	£551
For more than three years in an Immigration Salary List role	£1,420

This means that it could cost the migrant worker £6,595 for a five-year application made up of the immigration health charge and visa application fee. If any family members were accompanying the worker, they too would be subject to the visa application fee and immigration health surcharge.

What would be the total cost?

The total charges for a small employer for one employee for a 5 years' visa would be £2,595 (being the licence fee of £536, certificate of sponsorship of £239, and five- years immigration skills charge of £1,820). The licence application fee of £536 would not apply to further employees during the currently of that licence.

The total cost for the migrant worker is £6,595 so the total combined cost is £9,190.00

I had a sponsor licence many years ago and had to meet a resident labour market test to show that we had tried to recruit a British worker for the role. Does that still apply?

No, that requirement has gone. It must still be a genuine vacancy and you may be asked to evidence that.

Shortage Occupancy List

This no longer exists and has been replaced by the Immigration Salary List. Racing and stud work has 6 roles on this List (racing grooms, work riders, stallion handlers, stud grooms, stud hands and stud handlers). Being on this list has resulted in the salary for these roles being £15.88 which is a reduced rate from the standard skilled migrant worker rate for jobs not on the ISL.

Are there other routes?

The Youth Mobility Scheme allows young people aged 18 - 30 to live and work in the UK. There is no requirement for the employer to sponsor them. It is for a maximum of 2 years and only applies to people from certain countries listed below.

- Canada

- Monaco
- New Zealand
- San Marino
- Iceland
- Hong Kong
- Japan
- South Korea
- Taiwan

The person must have £2,530 in funds available to them.

<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-t5-temporary-worker-youth-mobility-scheme>

Further help and advice

UKVI helpline

<https://www.gov.uk/uk-visa-sponsorship-employers>

Sponsors can get advice from the sponsorship, employer and education helpline:

Sponsorship, employer and education helpline

Telephone: 0300 123 4699

Monday to Thursday, 11am to 3pm

Migrate UK - immigration lawyers

<https://migrate-uk.com/> 01235 645800

Specialist immigration lawyers who have worked with the NTF and NTF members for a number of years. If calling please inform them that you are a member of the NTF.

Office of the Immigration Service Commissioner

If using an immigration adviser, ensure they are registered with the OISC or a member of an approved professional body such as the Law Society.