



KADMOS
CONSULTANTS
UK IMMIGRATION LAWYERS



Initial tips for prospective sponsors of migrant workers:

**what you need to think about
before applying for a sponsorship
licence**

February - March 2014

Topics of the presentation

- “ Tier 2 or Tier 5?
 - “ Does the Job meet NQF requirements?
 - “ Is intended salary in accordance with the SOC codes?
 - “ Employer’s duties and responsibilities
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Tier 2 or Tier 5 licence

- ” Tier 5 route is for temporary workers in specific categories:
 - ” Creative
 - ” Sporting
 - ” Religious workers
 - ” Sponsored researchers under Government authorised exchange schemes
- ” Tier 2 covers other types of employment, including TEMPORARY workers

Is skills test met?

Migrants sponsored under Tier 2 (General) and Tier 2 (ICT) can only work in a skilled occupation at or above National Qualifications Framework (NQF) level 6 unless:

- “ The Job is on the Shortage occupation list: NQF level 4 OR
- “ The job is in one of the following creative sector Standard Occupational Classification (SOC) codes e.g. artist, writer, author; NQF level 4 OR
- “ The Migrant is a Croatian national: NQF level 4 OR
- “ The migrant is already working in the UK under Tier 2 (General) or Tier 2 (ICT) and they first successfully applied under one of those routes under the rules in place between 6 April 2011 and 13 June 2012: NQF level 4
- “ The migrant is already working in the UK under Tier 2 (General), Tier 2 (ICT) or as a Work Permit holder and first successfully applied under one of those routes before 6 April 2011: NQF level 3

SKILLS SET THINGS TO CONSIDER

Is the Migrant worker living outside the UK?

- “ Check whether the job is on shortage occupation list
- “ If the job is not on the shortage occupation list the job has to be NQF level 6 or above.

Is the Migrant worker already working in the UK?

- “ Check when they were first granted leave under Tier 2 or work permit category and ask for the evidence of this AND check before you issue the CoS

RESIDENT MARKET LABOUR TEST

If the job is not on the shortage occupation list then you have to demonstrate that you have been unable to find a suitably qualified settled worker to fill the post.

“ Advertising- See Appendix A Immigration Rules

What minimum salary will I have to pay?

- “ Check the Standard Occupational Classification Codes of Practice (soc Codes) for appropriate salary- <http://www.ukba.homeoffice.gov.uk/business-sponsors/points/sponsoringmigrants/employingmigrants/codesofpractice>
- “ Check which job description is the most suitable match for the role

Sponsor's duties and responsibilities

- “ Record keeping duties
 - “ Requirement to keep documents for each sponsored Migrant worker e.g. passport, contact details and record of absences
 - “ Resident Market Labour Test documents
 - “ Salary appropriate
 - “ Evidence of skill level requirement
 - “ Reporting duties for each sponsored migrant worker on sponsorship management system
 - “ Duties as an employer of migrant workers in general
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FAILURE TO COMPLY WITH SPONSORSHIP DUTIES

- “ Audit by sponsorship management team
 - “ Sponsorship licence can be downgraded, suspended or revoked
 - “ NB Fine for employing migrant worker who has no permission to work in UK penalty for up to £10,000 for each migrant worker.
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