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SPONSOR LICENCE UK GUIDE 2022



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INTRO

A sponsor licence is a necessary document provided by the Home Office. It is required by a UK based business if they want to hire a non-UK employee. Unless and until a business holds a sponsor licence they cannot recruit overseas workers. The sponsor licence is divided majorly into two categories of Tier 2: permanent and skilled staff Tier 5: temporary workers

WHAT IS A SPONSOR LICENCE?

A sponsor licence allows a UK based employer to hire talented, skilled and highly qualified individuals from outside the UK. Earlier this licence was only needed if you wanted to hire people from outside the EEU but now post-Brexit, with the end of freedom of movement it is required for hiring any non-UK employee. Once you have acquired a tier 2 sponsor licence, you will have to provide any individual that you want to hire with a certificate of sponsorship so that they can make their application for a tier 2 visa.



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WORKER LICENCE

A 'Worker' licence will let you employ people long-term or permanently. It's split into:

- Skilled Worker - the role must meet the job suitability requirements
- Intra-company visas - this includes Intra-company Transfer and Intra-company Graduate Trainee, for multinational companies which need to transfer established employees or graduate trainees to the UK
- Minister of Religion - for people coming to work for a religious organisation
- Sports person - for elite sportspeople and coaches who will be based in the UK (source: gov.uk)

WHY DO YOU NEED A SPONSOR LICENCE?

You should apply for a sponsor licence only if you feel that the talent pool currently available to you in the UK is unable to fulfil the job requirements that you have set. We all are aware of how important it is to have the appropriately skilled staff to maximise productivity and efficiency. Having efficient employees leads to a more stable business environment and hence, profitability.



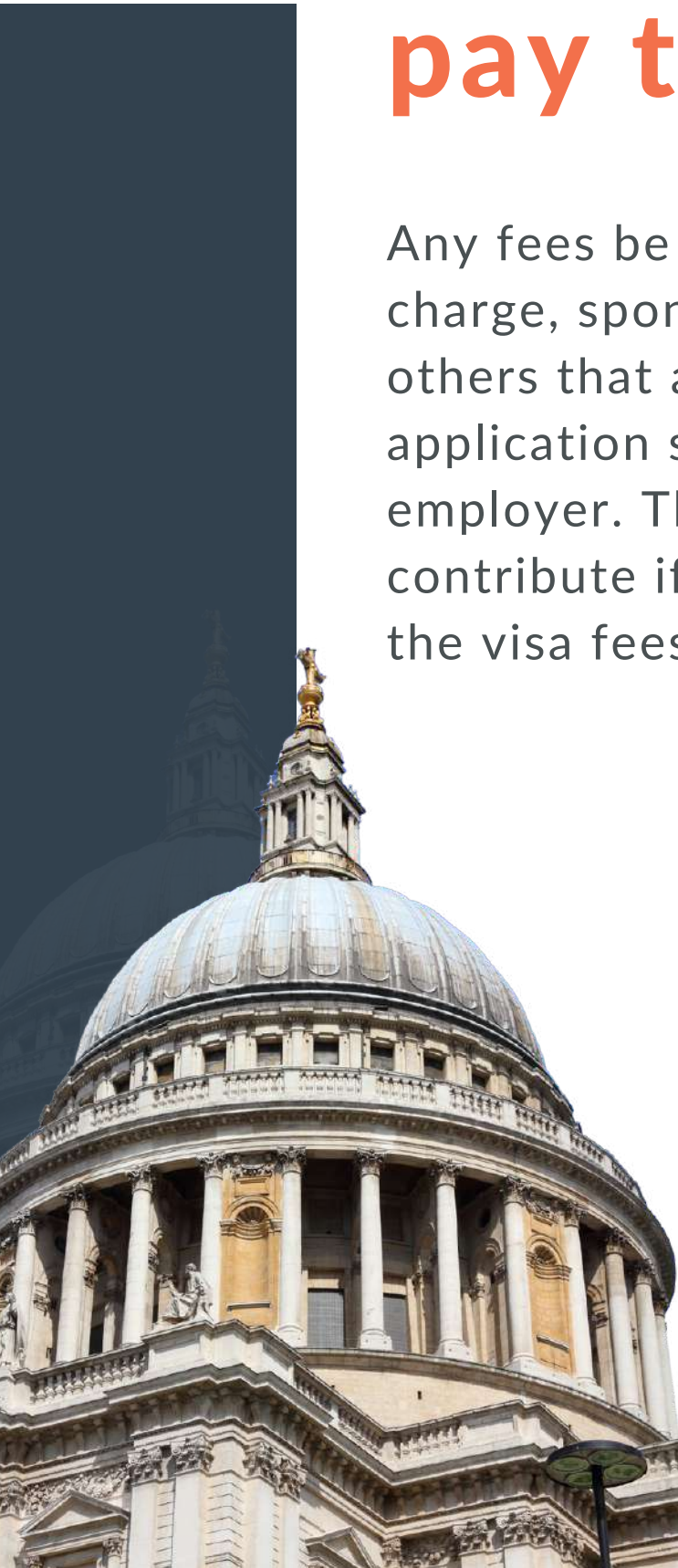
Who is skilled?

The definition of skilled staff has also changed with the various changes that have been initiated in the post-Brexit UK. The new guidelines show skilled individuals as the one who qualifies at RQF level 3 or above (A level and equivalent) or on the shortage occupation list.

It is to be noted that on the advice of MAC (Migration Advisory Committee) a list of new professions have been added on the shortage occupation list keeping in mind the shortage of labour that will be faced due to Brexit. You can find the list of the same here.

Who would pay the fees?

Any fees be it the immigration skill charge, sponsor licence fee and others that are charged under this application should be borne by the employer. The employee can contribute if they chose to by paying the visa fees for tier 2 visa category.



WHAT ARE THE ELIGIBILITY REQUIREMENTS FOR SPONSOR LICENCE EMPLOYERS

The eligibility requirements for a Sponsor Licence are pretty straight forward. They are as follows:

- Your business should not have any previous criminal records. (money laundering, any immigration offences, fraud, etc.)
- You should have a monitoring system in place to keep a check on sponsored employees.
- Your business should not have had a sponsor licence revoked in the last year for any reason.
- All the documents collated by you should be appropriate and complete.

WHAT ARE THE DOCUMENTS REQUIRED TO BECOME A SPONSOR LICENCE EMPLOYER?

Generally the Home Office requires you to submit a minimum of 4 documents only to support your sponsor licence application but there are chances when they might ask you to submit additional documents. So, before making the application you should make sure that everything is up-to-date and all your documents are ready to go. The list of documents that you would require to submit is as follows:





- 1** Your businesses certificate of VAT registration
- 2** Latest audited or unaudited but signed accounts (may or may not be mandatory to submit)
- 3** You need to submit evidence of being registered with the HM Revenue and Customs, HMRC-PAYE and Accounting Office Reference.
- 4** You also need to submit evidence of lease or ownership of your Business premises.



5 Employer's Liability Insurance certificate upto the amount of € 5 million.

6 You also need to inform if you are supposed to be regularly monitored or be registered with a regulatory body to operate in the UK (mandatory)

7 Your recent bank statements

Also, for a more detailed explanation and list you can read the Appendix A.



MUST PROVIDE THE INFORMATION BELOW TO AVOID GETTING YOUR APPLICATION REJECTED

There is a small list of things that should be included in your application for sponsor licence without fail. In case you miss mentioning these small things there is a chance that your application may get rejected. The list goes as follows:

- The reason for your application to obtain a sponsor licence
- The sector your firm operates in
- Your operating hours
- Your organisational structure with detailed information of directors, employees and even the positions you wish to fill.
- A list of vacant positions that you would like to fill and the certificate of sponsorships you would like to assign.



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Also, you may have to hire one or a few different individuals to take care of the various sponsorship licence duties that you need to fulfil. The positions that you may need to hire or appoint someone for are: /

- Authorising Officer
- Key Contact
- Level 1 user (for SMS)
- Level 2 users



HOW TO PREPARE FOR THE HOME OFFICE INSPECTION VISITS (NON-EXHAUSTIVE LIST)?

Once you have applied for the sponsor licence there is a very real possibility of someone from the Home Office coming to inspect your business. These visits will continue for all even after once you have obtained the sponsor licence. The following are the ways you can prepare for a inspection visit from the Home Office:





- 1** Maintain regular attendance of all sponsored employees
- 2** You should be up-to date with your sponsorship duties even if there were any changes that were introduced recently
- 3** Always be in compliance with your sponsorship duties
- 4** Always follow all laws and regulations in place especially the employment laws



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Always keep a record of all sponsored employees (currently working for you or the ones who worked before)

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Meet all statutory requirements like having the licence for conducting your business

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Carry out DBS checks on your employees

8

Right to work check is done to avoid illegal employment



HOW LONG DOES IT TAKE TO GET A SPONSOR LICENCE?

Generally, most applications are given an approval or rejection within 8 weeks of the application being made. In case, you want to fast track the processing of your application, you can get that done by paying an extra fee of € 500.

However, this can only be done if you are informed that you can fast track your application.





Award-winning UK immigration solicitors

We are an SRA-regulated firm of solicitors based in London. A Y & J Solicitors is an award-winning, leading UK immigration law firm. It is regulated by the Solicitors Regulation Authority (SRA ID: 633686). As qualified solicitors, we are legally entitled to provide advice, assistance and representation in all immigration matters including judicial reviews.



UK immigration advice for corporate clients

Our corporate client division is focused on solving the challenges businesses face as they operate in the international marketplace. We specialise in all sponsor licence matters, including licence applications, renewals, compliance training, challenging suspension and revocation, judicial reviews and audit preparation. Many companies today rely on migrant workers and their skills in order to remain competitive and fully operational. We have tailored extensive solutions for these companies, whether in IT services, financial services, health, education, oil & gas, ecommerce, retail or the sporting industry.



We are specialists in UK immigration law

A Y & J Solicitors has expertise in all aspects of United Kingdom immigration. This includes an extensive list of individual UK visa applications under the points-based system – Tier 1, Tier 2, Tier 4, Tier 5, Indefinite Leave to Remain (ILR), spouse visa and sole representative visa, etc. We also handle complex cases of appeal, administrative reviews, judicial reviews and the many immigration challenges involving European Union law and human rights.



Let's Talk



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