Guidelines - Tier 2 International Recruitment

From: Human Resources - Recruitment  Date: July 2018

Skilled workers from outside the European Economic Area (EEA) and Switzerland require a Certificate of Sponsorship (COS) from a licensed sponsor before they can apply for a Tier 2 (general) visa to come to the UK and undertake any work.

The University of Southampton, as an A Rated Premium sponsor with the UK Visas and Immigration (UKVI), can apply for a COS which the candidate will then use to support their Tier 2 visa application. The visa application is assessed on a points based system and is the responsibility of the migrant worker. For further information about the Tier 2 (general) application process, please see the UKVI website here: https://www.gov.uk/tier-2-general.

What are the costs involved?

The hiring department is responsible for the cost of employing a migrant worker from outside the EEA and Switzerland. These costs include:

- Certificate of Sponsorship – £199
- Reimbursement of the Tier 2 (general) visa application cost for eligible employees. For further details and full eligibility criteria, please see the Visa Reimbursement Policy and FAQs found at the following link:
- Immigration Skills Charge - £364 per year, except for PhD level roles or if the applicant is switching from a Tier 4 visa within the UK. This is payable upfront for the length of the visa (i.e.) £1,092 for 3 years and £1,820 for 5 years
- Maintenance Loan (if requested by applicant) - The size of the loan will vary in accordance with the applicants individual circumstances. They can request up to £945 and up to a further £630 per dependent, up to a maximum of £5,000. For more information on the Maintenance Loan, please see the Guidelines For Tier 2 Maintenance at the following link: Immigration and visas - Related documents

All costs stated above are correct as at November 2017 and subject to change.

Please see UKVI website for information on Visa and COS charges: https://www.gov.uk/government/publications/visa-regulations-revised-table

What is a Certificate of Sponsorship (COS)?

Before an individual can apply for a Tier 2 visa, they require a COS. A COS is a virtual document similar to a database record. Each COS has a unique reference number and contains information about the individual, the role and how we (the University) have met UKVI requirements. A COS is based on the offer of employment and can be assigned for a maximum of 5 years. We can only apply for a COS a maximum of three months before an employment start date.

1 If you are employing a Croatian National, they may need to apply for a registration certificate to allow them to work in the UK. This may require a Tier 2 COS in order to be issued. For more information please refer to the government guidelines https://www.gov.uk/croatian-national.
Once the COS is assigned, the reference number will be passed to the individual who will then be able to make their Tier 2 visa application.

There are two types of COS, Unrestricted and Restricted.

**Unrestricted:**

An Unrestricted COS is for individuals who will be applying from **within the UK (excluding those switching from a dependant Tier 4 visa)**. The University has an annual allocation of unrestricted certificates to assign to migrant workers, who can be either new recruits or current employees who require an extension.

**Restricted:**

A Restricted COS is for individuals who will be applying from **outside the UK (and those switching from a dependant Tier 4 visa from within the UK)**. There are a limited number available for the UK and so applications for restricted certificates are sent to a UKVI Panel for review once a month.

**What are the requirements for a vacancy to qualify for a COS?**

- Vacancies must be advertised to meet the Resident Labour Market Test (RLMT), unless exempt (see ‘When is the Resident Labour Market Test NOT required’ section below for details).
  
  To meet the RLMT you must:
  - Advertise externally for at least 28 days
  - Advertise on two different websites (one must include the Government Job Centre site)
  - Include details of the salary package on offer, length of contract, hours, job description and required qualifications.

- Vacancies must meet Level 6 or above on the Regulated Qualifications Framework (RQF), minimum skill level of the vacancy must be an undergraduate degree or equivalent. Details of the RQF can be found on the Ofqual website.

- Vacancies must match a UKVI Standard Occupational Classification (SOC) Code. UKVI states that the vacancy must be classified under one of their SOC Codes in order to assign a COS. Appropriate SOC Codes are identified by matching skill level and key job responsibilities from the Job Description, along with salary requirements listed under each SOC Code (see SOC Code section below for details).

**When is the Resident Labour Market Test NOT required for a Tier 2 application?**

You must complete a Resident Labour Market Test before sponsoring a migrant under the Tier 2 regulations except when:

- The candidate is an existing employee who requires an extension to their leave, to continue working in the same occupation.
- The candidate has leave to remain as a Tier 4 (student) and they have received final results confirming that they have passed and will be (or have been) awarded:
  - a UK recognised bachelor's or master's degree; or
  - a UK Postgraduate Certificate in Education; or
  - a Professional Graduate Diploma of Education; or
  - they have completed a minimum of 12 months study in the UK towards a UK PhD
- The job is for a named sponsored researcher on a grant. For this route, we need to evidence that a competitive process has taken place. This could be an advertisement for the grant, a programme for the selection process, the judging criteria or any other evidence.
What is a Standard Occupational Classification (SOC) Code?

The Standard Occupational Classification (SOC) is a common classification of occupational information for the United Kingdom. Within the context of the classification, jobs are classified in terms of their skill level and skill content.

The most commonly used SOC Codes at the University are detailed below:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Salary rates</th>
<th>Related Job Titles</th>
</tr>
</thead>
<tbody>
<tr>
<td>2311</td>
<td>Higher Education Teaching Professionals</td>
<td>New entrant: £25,700 Experienced worker: £32,300</td>
<td>Fellow (university) Lecturer (higher education, university) Professor (higher education, university) Tutor (higher education, university) University lecturer</td>
</tr>
<tr>
<td>2119</td>
<td>Natural and social science professionals not elsewhere classified</td>
<td>New entrant: £21,600 Experienced worker: £28,000</td>
<td>Operational research scientist Research associate (medical) Research fellow (university) Researcher (university) Scientific officer Scientist Sports scientist University researcher</td>
</tr>
</tbody>
</table>

All SOC Code information stated above is correct as at April 2017 and subject to change.

For those roles that do not match the above SOC Codes, you will need to look for a suitable SOC Code of at least RQF level 6. For those roles that are not at a skill level equivalent to PhD, you will not be able to use a PhD level SOC Code.

Salary rates:

Each SOC Code includes rates of pay. The amounts are split into two categories – ‘new entrant’ and ‘experienced worker’.

All migrant workers will need to be paid at least £30,000 per annum, or the ‘experienced worker’ rate (whichever amount is higher), unless they qualify as a ‘new entrant’.

To qualify as a ‘new entrant’ the COS length must be for 3 years or less and:
- The migrant worker must be switching from a Tier 4 visa to the Tier 2; or
- The migrant worker must be aged 25 (or under) at the time of submitting their visa application

‘New entrants’ will need to be paid at least £20,800 per annum, or the ‘new entrant’ rate (whichever amount is higher).

What is the business process for assigning a COS following interviews?

1. Offer details received (Hiring Manager)
   - Hiring Manager must submit detailed interview notes that explain why the migrant worker is the best candidate for the role. If the SOC Code for the vacancy is at an RQF 6 skill level, the Hiring Manager will also need to provide written feedback to justify why no other settled worker met the criteria for the role.

2. Information required from candidate is requested in conditional offer (Recruitment Administration Officer)
   - copies of passport personal details page and front cover
   - current visa (if applicable)
   - qualification certificates to evidence skill level
   - COS personal details form
3. Once information is received the COS application is made \((\text{Recruitment Administration Officer})\).
4. COS authorisation number received from UKVI \((\text{Recruitment Administration Officer})\).
5. COS authorisation letter sent to candidate \((\text{Recruitment Administration Officer})\).
6. Candidate applies for visa (points-based) as per instructions on the COS letter \((\text{Candidate})\).
7. Start date agreed with Hiring Manager \((\text{Recruitment Administration Officer} & \text{Hiring Manager})\).
8. Contract issued \((\text{Recruitment Administration Officer})\).

Please note: any documentation, including interview feedback, will be saved on file and may be subject to UKVI audit.

What timescales should I consider when recruiting migrant workers?

- A vacancy must be advertised for 28 days (to meet RLMT), unless exempt.
- Where the vacancy falls within one of the PhD level SOC Codes, a COS must be assigned within 12 months of the release date of the job advertisement. For all other vacancies, the COS must be assigned within 6 months of the date the job was first advertised.
- We can only submit a request for a COS (to the monthly UKVI panel) or assign a COS, a maximum of 3 months before the individuals start date.
- A COS is valid for 3 months once it is assigned.
- A visa application using an \underline{Unrestricted} COS takes approximately \underline{4–6 weeks} to complete.
- A visa application using a \underline{Restricted} COS takes approximately \underline{6–10 weeks} to complete.
- Candidates must commence work within 4 weeks of the start date stated on the COS.
- Candidates coming in to the UK (Restricted COS) will receive a vignette to travel initially. They then need to obtain their Biometric Residence Permit (BRP) from the Post Office upon arrival.
- All candidates must present their BRP for verification at the University, before starting work.

Please note: all timescales are dependent on candidate response time and UKVI decision/processing times.

If you have any queries, please contact Ask HR on 023 8059 7547 or email \text{AskHR@soton.ac.uk}. 