

## **Certificate of Sponsorship**

### **TITLE: What is a Certificate of Sponsorship (CoS) for UK Visas?**

DESC: In this guide we explain what a Certificate of Sponsorship for immigration is, how they work & everything you need to consider to ensure a smooth Visa application.

### **H1: A Guide to Certificates of Sponsorship**

This guide is for employers wishing to employ sponsored workers from other countries. It offers a detailed explanation of the Certificate of Sponsorship (CoS) system, something which any employer wishing to take on migrant workers has to comply with.

Failure to comply with the rules around employing migrant workers can have serious consequences, up to and including limitless fines and prison sentences. (<https://www.gov.uk/penalties-for-employing-illegal-workers>). Our team at includes experts in immigration law who have guided multiple employers through the complex CoS process, ensuring compliance and helping them to take on the employees their business needs.

### **H2: What is a Certificate of Sponsorship?**

A Certificate of Sponsorship (CoS) is a digital document which you, as employer, will have to assign to a foreign national to enable them to work in the UK under a specific visa. Once assigned to an individual, the CoS will be stored on the UK Visas and Immigration (UKVI) system.

As well as a unique reference number, the CoS will contain information regarding the specific sponsored job role, including the following:

- Job title
- Salary
- Start date

In addition it will include personal information regarding the employee, as well as their passport number.

There are different types of CoS which apply in different circumstances and strict conditions in place when assigning one to an employee. If you make an error with a CoS it can result in the employee having their visa refused by the Home Office.

Other impacts of mishandling CoS could include your own sponsor licence being downgraded, revoked or even suspended. For all these reasons it's vital that employers know precisely when they have to assign a CoS, and that the process of doing so is fully understood.

### **H2: Why is a CoS required to immigrate to the UK?**

A CoS is required if a person is immigrating to the UK under a specific UK-sponsored work visa. This type of visa provides leave to enter or remain in the UK to an individual as long as they are doing an eligible job with an approved employer. Categories of sponsored work visas include the following:

- Skilled Worker visa
- Global Business Mobility visas
- Scale Up visa
- Minister of Religion
- Health and Care Worker
- International Sportsperson
- Scale-up Worker
- Creative Worker
- Religious Worker
- Government Authorised Exchange
- International Agreement
- Seasonal Worker

The CoS confirms to the Home Office that the employee in question meets the criteria for the job they are going to do, and without it, migrant workers aren't able to apply for the majority of work visas.

## **H2: Circumstances under which you might require a CoS**

As an employer you might need to assign a CoS to an employee in circumstances such as the following:

- You wish to hire a non-UK national, currently living outside the country, to take on a role in the UK under the Skilled Worker visa category
- You wish to hire an employee already based in the UK on a different type of visa, such as a student visa, who now wishes to switch to a work visa such as a Skilled Worker visa
- You wish to hire an employee as a temporary worker for a relatively short and clearly defined period of time
- As a multinational employer, you wish to transfer an employees from an overseas branch of the business to a UK branch, under a Senior or Specialist visa
- You wish to employ a foreign national student who, having completed their studies in the UK, wants to shift from a Student visa to a visa such as a Skilled Worker visa

## **H2: The two types of CoS**

There are two types of CoS that you can assign as an employer with a sponsor licence. They are Defined CoS and Undefined CoS, as well as a third, less commonly assigned type

which you need to assign when taking employees on under a Temporary Worker Sponsor Licence.

It's important to understand the difference between a defined CoS and an undefined CoS and the specific circumstances under which each should be assigned. Assigning the wrong CoS to a foreign national you are employing could be enough of a mistake for the Home Office to revoke your sponsorship licence.

It should be noted that, prior to changes in the sponsorship system introduced in December 2020, defined CoS were referred to as 'restricted', and undefined CoS as 'unrestricted'. The difference between a defined CoS and an undefined CoS is as follows:

### **H3: The Defined CoS**

A defined CoS is the type needed for any prospective employee who is a migrant worker and still living overseas when applying for a work visa. As an employer you need to request a CoS for each migrant worker in this category you wish to employ, and can do so at any point while holding a sponsorship licence.

Employers should note that it is relatively common for the Home Office to request further information when processing an employer's first application for a defined CoS, with subsequent applications being processed more quickly. Once a CoS has been approved it needs to be assigned to a specific individual within three months to stop it expiring.

### **H3: The Undefined CoS**

As an employer you'll need to apply for an undefined CoS if the migrant worker you wish to take on will be living in the UK when they apply for the relevant work visa. In most cases this will apply to prospective employees already in the UK on a different visa, such as a Student visa, who wish to shift to a Skilled Worker visa.

Most existing visas are eligible for shifting in this way, with the exception of a Standard Visitor visa. It should also be noted that non-nationals visiting the UK visa-free are also not allowed to switch across to a Skilled Worker visa.

There are two big differences between how employers have to deal with undefined CoS as opposed to the defined version. The first of these is that, as an employer with a sponsor licence, you can issue undefined CoS directly without having to make a fresh application each time.

The second chief difference is that undefined CoS are subject to an annual allocation which you have to estimate at the start of the year. This can be increased at any time while you hold a sponsorship licence – i.e. if you use up your original allocation within 12 months - but the standard waiting time for dealing with a request to increase your allocation is 12 to 13 weeks.

### **H3: Temporary Worker Certificate of Sponsorship**

The temporary worker CoS is less common, and is needed for categories of workers such as religious workers, charity workers, sporting and creative workers. This CoS is intended for

highly specific jobs which will involve workers moving to the UK to work for only relatively short and clearly defined periods of time.

### **H3: How do I know which CoS is needed?**

Deciding whether an employee you wish to take on needs a defined or undefined CoS assigned to them will depend, in large part, on whether that employee is based in another country or in the UK on an existing visa when they apply for the visa they need to work for you in the UK – such as a Skilled Worker visa.

### **H3: Eligibility Requirements for a Certificate of Sponsorship**

The eligibility requirements for a CoS are the conditions which need to be met by the employer assigning a CoS and the employee hoping to work in the UK under a specific visa.

#### **The Criteria for Employers**

The criteria which you need to meet as an employer issuing a CoS include the following:

##### **Sponsor licence**

You need to have a valid sponsor licence issued by UK Visas and Immigration (UKVI). With this licence you have the authority to issue certificates of sponsorship to migrant workers. To gain a licence of this kind you need to go through a detailed application process intended to show that you are operating a legitimate business which offers genuine opportunities for employment.

##### **Immigration law**

As an employer issuing certificates of sponsorship you need to meet strict UK immigration laws and guidelines. These include:

- Keeping accurate records of sponsored employees
- Checking that employees are eligible to work in the UK
- Reporting any significant changes in an employee's situation to UKVI. These could include changes in employment status, job roles or salaries.

##### **Finances**

As an employer you have to be able to demonstrate that you have the finances needed to meet the obligations of sponsoring an employee. These include being able to pay the salary of the employee and any other costs associated with employing them.

##### **Immigration history**

You may be disqualified from gaining a sponsor licence – or have an existing licence revoked – if you have a history of non-compliance with or breaching of immigration rules. A spotless immigration law record is vitally important if you wish to keep the ability to assign CoS.

##### **The criteria for employees**

When you assign a CoS to a prospective employer you are confirming to the Home Office that this individual meets specific visa requirements. If the Home Office decides that the information contained on the CoS doesn't accurately reflect the nature of the role in question, or is in any way false or misleading, the application for a visa will be declined.

This means that employees can only be assigned a CoS if they meet criteria including the following:

### **Eligibility**

The job being offered to the migrant worker has to meet the official UK government criteria for roles which need a CoS. In most cases this means that a role has to meet a specific skill level – i.e. it has to be RQF level 3 or above for a Skilled Worker visa.

It also has to meet a minimum salary threshold, which will vary depending upon the category of visa being sought.

### **Nationality**

The CoS system is designed for people who are not UK nationals and do not have the right to work in the UK via other routes, such as indefinite leave to remain (ILR), or through being the family member of a UK national.

### **Visa Requirements**

Prospective employees applying for visas need to meet all other requirements of the visa category in question. These could include health checks, financial requirements and English language proficiency.

### **Finances**

There is a financial requirement for the applicant to show that they have the money to support themselves during their first month in the UK. This is currently set at £1,270.

The £1,270 needs to have been in a bank account the applicant can access for at least 28 days in a row, and day 28 of this period must be 31 days of applying for the visa. There is an exemption to this requirement if the business assigning the CoS fills in the 'sponsor certifies maintenance' section of the certificate.

### **Disqualifying factors**

Disqualifying factors which could lead to a visa application being turned down include previous immigration violations or a criminal record.

## **H2: What documents are required for a CoS?**

The list of documents involved in applying for, assigning and utilising a CoS include the following:

- The CoS application form – this form will include information about the employer, the prospective employee and details of the job which is being offered

- Details relating to the migrant worker – these details will include information about the passport held by the prospective employee, including the date of issue, place of issue and date of expiry, and any UK visas they have held in the past
- National Insurance Number – a copy of the prospective employees National Insurance number will need to be provided with the application if they are already based in the UK and seeking to shift to a different visa route
- The employee's CV – the employee's CV will need to be provided in order to show that they have the experience and qualifications needed to perform the job in question
- Qualifications – copies of qualifications and professional accreditations relevant to the job need to be provided. If these qualifications are in a foreign language they need to be translated into English, dated and certified.
- Terms and Conditions – the application for a CoS needs to include a copy of the terms and conditions relating to the job in question. This document will include details such as the conditions of employment, the recruitment process undertaken, the specific job role and the salary being offered.
- Employment contract – the copy of the employment contract included with any CoS application process needs to include details such as the job description, the salary, the start and end dates of the employment, the specific duties involved in the role and the salary offered
- Contact details – full contact details of the employer applying for and assigning the CoS
- Proof of payment – proof that the employer has paid the fee for the CoS application
- Criminal record check – some roles – such as jobs in education, healthcare and sectors dealing with vulnerable individuals – may call for the prospective employee to provide a criminal record check from every country in which they have lived for longer than 12 months

## **H2: New Entrant Requirements**

When you sponsor an employee with a Skilled Worker visa via a CoS then minimum rates of pay will apply. The precise rates will vary depending upon the specific job role, but if the prospective employee meets the criteria to be deemed a 'New Entrant', then lower rates than the standard will apply.

### **SOC code**

The SOC (Standard Occupational Classification) code is a code which applies to every occupation. If you're not sure what the code is for the job which you're offering to an applicant then you can consult the Office for National Statistics (ONS) website and use the search tool there (<https://www.ons.gov.uk/methodology/classificationsandstandards/standardoccupationalclassificationsoc>).

Once you've found the right SOC code you can determine the applicable rate of pay by checking the Gov.uk website and the Appendix Skilled Occupations page (<https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-skilled-occupations>). The rates given are for an 'Experienced Worker', with certain reductions in the rate being applicable depending upon the circumstances of the prospective employee.

The biggest reductions are offered for an applicant defined as a New Entrant. The three most common criteria for qualification as a New Entrant are the following:

- The individual is under 26 when applying for a Skilled Worker visa
- The individual is a 'recent graduate'. Specifically, this means that their most recent visa was a Student/Tier 4 visa, and this visa expired not more than two years prior to the date of this new application.

The individual also needs to have studied at degree level or over and met the following criteria:

- They have completed the course
- They are applying no more than three months prior to when they are expected to complete the course
- Alternatively, they are studying for a PhD and have completed at least 12 months study in the UK to that end

Another option for a student applying for a Skilled Worker visa is for them to already have leave to stay under a Graduate visa, or have had a Graduate visa which expired less than two years before this new application

### **Impact of New Entrant status**

The impact of New Entrant status on the minimum salary is as follows:

- The employer has to pay only 70% of the standard going rate for the role OR
- The employer has to pay the reduced general minimum salary threshold for New Entrants, whichever of the two is higher
- The general minimum salary threshold is £38,700, while for New Entrants it is only £30,960.

The applicant can only retain New Entrant status for up to four years, and not the five years which employers often opt for. This means that you can opt to sponsor someone for 4 years under the New Entrant rate before switching to the more expensive Experienced Worker rate for the fifth year

### **H2: How much do CoS cost and what fees should I expect?**

There are several fees and costs which you will have to pay when sponsoring a migrant worker and assigning a CoS to them. At the time of writing these fees – and the rate at which they are charged – include the following:

## **CoS fee**

The fee charged for assigning a CoS to an employee will vary depending upon factors like how long the CoS is assigned for and the type of visa the prospective employee is applying for. Some of the fees currently charged include the following:

- Worker - £525
- Temporary Worker - £55
- International Sportsperson (with a CoS assigned for more than 12 months) - £525
- International Sportsperson (with a CoS assigned for 12 months or less) - £55

The fees mentioned will apply for each CoS, whether it is defined or undefined, and needs to be paid when you, as employer, assign a CoS to a prospective employee.

## **Sponsor Licence Application Fee**

An employer needs to have a sponsor licence before they can issue and assign any CoS. The fee for this licence will vary depending upon the type of sponsor licence and the size of your organisation. Most organisations will need to apply for a Worker sponsor licence, which is needed to sponsor any employees under a Skilled Worker visa. The fees for this are as follows:

- Smaller businesses and charities - £574
- Medium sized and larger organisations - £1,579
- A student sponsor licence - £574
- A temporary worker sponsor licence - £574

It's also possible to pay £500 for a priority service which will deal with your sponsor licence application more quickly than is standard

These are the standard basic fees for a sponsorship licence application, but there are variations for highly specific cases such as the endorsement fee for a Scale-up sponsor licence under Endorsing Body Pathway, which is currently £1,500 excluding VAT, or a Sponsor action plan, which is £1,579. If you're not sure which type of licence your organisation needs then contact our immigration law experts and we'll explain exactly how much you should be paying for the licence that meets your circumstances.

If you pay the fee for a small business whereas you are actually classified as a large business, for example, you may find that your sponsor licence application fails.

## **Immigration Skills**

The charge levied for Immigration Skills is intended to encourage employers to invest in training and taking on UK-based workers. Generally, the charge will apply for each employee you sponsor and assign a CoS to, and is payable when the CoS is issued.

At the time of writing, the Immigration Skills Charge is as follows:

- Small organisations or charities - £364 for the first 12 months and £182 for each additional 6 months
- Medium sized or larger organisations - £1,000 for the first 12 months and £500 for each additional 6 months

In May 2025, the UK government announced that the Immigration Skills Charge is going to be increased by 32% on those levels, although the timing of this change has yet to be announced.

### **Priority processing**

An optional fee which some employers choose to pay is an additional £500 on top of the standard sponsor licence application fee. This is for priority processing, and will reduce the time it takes to process the application to approximately 10 working days.

### **H2: How long does the CoS process take?**

The standard processing times for a CoS are currently as follows:

- Defined CoS – 1 to 2 working days
- Undefined CoS – up to 8 weeks

The precise time spent processing an application will depend on factors such as the type of application, the job role, the details of the prospective employee and the licencing status of the employer. Other factors which might impact on the processing time – by which we generally mean slow the process down – include the time of year the application is made, the speed at which the Home Office works, and the amount and nature of the documentation provided in support of the application.

One very good reason for working with experts – particularly if you're new to the CoS process or have circumstances which have changed since your last application – is to make sure that you're fully prepared with all of the information needed prior to actually making the CoS application.

### **H2: Can I sponsor a family member as a skilled worker?**

You can sponsor a family member as a skilled worker under your sponsor licence, but there are some differences to the normal application process, and the Home Office may well apply more scrutiny. One issue which employers wishing to do this need to bear in mind is that a Level 1 or Level 2 User (in simple terms, people in the organisation responsible for the day to day management of the Sponsor Licence) isn't allowed to assign a CoS to a family member.

The definition of family member used by the Home Office includes the following:

- A spouse, civil partner or unmarried or same-sex partner
- A parent or step-parent
- A son or step-son

- A daughter or step-daughter
- A brother, step-brother or half-brother
- A sister, step-sister or half-sister
- A nephew, niece, cousin, aunt or uncle father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law or daughter-in-law

In larger businesses it may be easier to circumvent the prohibition relating to Level 1 and Level 2 Users by having someone who is not a family member in these positions. In smaller businesses, this may be impossible, and one way around it could be to employ a HR professional as a Level 1 or 2 User, provided they are a 'settled worker' and also deliver all or part of the HR capability within your business.

Level 1 or 2 Users aside, you must always disclose to the Home Office if you assign a CoS to a family member of anyone in your organisation, if your organisation is defined as small or medium sized. In general terms, a small or medium sized business is defined as follows:

- You have an annual turnover of less than £50 million
- You have a balance sheet total of less than £43 million
- You have fewer than 250 employees

If your business is defined as 'large' (i.e. larger than the criteria quoted above) then you only have a clear-cut duty to disclose assigning a CoS to a family member if you are aware it has happened. Once you have disclosed your intentions to the Home Office the chances of a compliance visit taking place increase.

While a compliance visit may potentially be somewhat disruptive it is highly preferable to the Home Office finding out that you failed to disclose the sponsorship of a family member. If this happens there is a good chance that the Home Office will revoke your sponsor licence.

Once a sponsor licence has been revoked, you are no longer legally entitled to sponsor and employ any of the individuals currently working under that licence. On top of this, there is a 'cooling off' period of six months before you can apply for another licence.

## **H2: How long should an employer sponsor a skilled worker?**

In legal terms, you are allowed to sponsor each overseas worker for up to 5 years, and there are very good reasons for doing so:

- Certainty – a 5 year sponsorship period from day one increases the likelihood that the employee in question will stay with your business, although it should be noted that a 5 year CoS doesn't prevent you from terminating the employment at an earlier date if things aren't working out
- Time and money – sponsoring for 5 years means that it will be that long before you have to take the time to put in a new application and spend the money on CoS application fees. At the end of the 5 years, the employee will be in a position to apply

for indefinite leave to remain (ILR) in the UK, meaning you won't have to apply for another CoS, and they no longer need to be sponsored.

If you sponsor for less than 5 years then it's likely that the next CoS you need will switch from being defined to being undefined, and if you get bureaucratic details like this wrong then you could be putting your entire sponsor licence at risk.

The only real downside to sponsoring for 5 years from the start is that it involves spending much more in upfront costs. We've already listed the charges connected to CoS applications, and as well as the fee for the sponsor licence and each CoS you will have to pay the Immigration Skills Charge up-front for each worker for every year that you intended the CoS to apply.

This means that for a small organisation the cost of sponsoring a skilled worker for a guaranteed 5 years would be 5 x £364, which is £1820. Add this to the licence fee of £574 and the CoS fee of £525 and the cost of each CoS, at the time of applying, rises to £2919 per worker. In addition to this there will be the one off payment of £574 for the Sponsor Licence.

A two year sponsorship, on the other hand, would only cost £1,827, a drop which, for a smaller business, could make all the difference. The subsequent 3 years of a 5 year sponsorship would then cost £1,617 (£525 for another Cos application, £1,092 in Immigration Skills Charge).

As you can see, the overall cost is higher if you spread it over 2 CoS, but the lower initial fees could suit your present commercial circumstances more.

## **H2: Are there any deadlines to be aware of on a CoS application?**

The complexity around some of the timeframes and deadlines which apply to a CoS application are another reason why expert legal advice could be invaluable when working through the process. The deadlines work as follows:

- Defined CoS – a defined CoS has to be assigned to an individual within 3 months of having been granted. Once it has been assigned, the prospective employee in question needs to submit their visa application within three months.
- Undefined CoS – because an undefined CoS comes as part of an annual allocation it can be assigned at any point during what is termed your 'CoS year', which normally runs from the date on which you were issued with a sponsor licence. An exception to this applies if your sponsor licence was granted before November 2020.

In this case, the CoS year generally runs from April to April.

The rules on applying for a visa within 3 months of having a CoS assigned to you apply to defined and undefined versions alike. In addition to this rule, the start date of the actual employment – entered as part of the CoS application – can't be more than 3 months after the CoS has been assigned.

It is possible to amend the start date after the CoS has been assigned but before a visa application is made, by adding a 'sponsor note' on the Sponsorship Management System (SMS).

## **H2: What happens after the CoS application is complete and what do I do next?**

Once a CoS has been granted to you as an employer you are able to assign it to a prospective employee. The process of creating and assigning a CoS through the SMS is broken down by the Home office guide into the following steps:

- From the Workers screen, select 'Create and Assign'
- From the 'Create and assign CoS' interface select the visa category for the CoS
- The 'Application for defined CoS – employment details' page will appear – enter the employment details and save
- Verify that the information is accurate on the 'Confirmation of saved CoS' screen, or choose 'Amend' to make any changes needed
- Having saved any changes, select 'Assign'
- On the next screen – 'Confirm CoS details before assigning' – you can verify that all of the information entered is correct
- Tick the box stating that you have read, understood and consented to the terms and conditions. Then select 'Assign CoS'
- You will be taken to the online payment screen to pay the CoS Fee and any Immigration Skills Charge due
- After making payment you will be sent to the SMS, where, on the 'Single CoS assigned' screen you will be allocated a unique CoS number

Most applications for defined CoS take 1-2 days to process, after which, if no more information is needed, the CoS will be approved and will appear in your SMS account – it can then be assigned to the prospective employee in question, and they can use it when applying for a visa within 3 months.

## **H2: Is there anything to bear in mind for sponsorship for specific skills and/or industries?**

Every CoS application is going to be different, because every combination of prospective employee and the role they are meant to fill is unique. In the next part of the guide we'll look at how the criteria around sponsorship and CoS differ across a range of sectors, and what this might mean for you as an employer within those sectors.

As with all of the more complex aspects of the CoS application process, dealing with the demands placed on employers in particular sectors is something which is far easier if you work with our immigration law experts. Not only do we understand how the sponsorship system works as whole, but we also have first-hand experience of dealing with particular sectors, helping our clients to employ the workers they need.

### **H3: CoS for Hospitality and Chefs**

Traditionally, the hospitality sector has been one which makes considerable use of migrant workers. In this section of the guide we'll look at the process behind applying for a CoS in the hospitality sector, or for employing a migrant worker as a chef.

We'll explain the roles within the sector which can be sponsored at the time of writing, the costs of a CoS in this sector and the importance of compliance for any employer utilising CoS.

#### **The roles that can be sponsored**

There is a split between the roles across the hospitality sector that can and can't be sponsored. Those which can be sponsored include chefs, restaurant managers and assistant managers, bar managers, floor managers and positions in sales and marketing.

Roles which currently aren't eligible for sponsorship include bar and catering supervisors, waiting staff, bar staff, coffee shop workers, cleaners and kitchen assistants. For a comprehensive list of the roles which are eligible for a skilled worker visa – as well as those which aren't – see the guidance published (<https://www.gov.uk/government/publications/skilled-worker-visa-eligible-occupations/skilled-worker-visa-eligible-occupations-and-codes>) on the Gov.uk website.

#### **Salary**

Sponsoring a migrant worker through a CoS means that you have to pay a minimum guaranteed annual salary of £30,960 for any employee who was assigned a CoS after 4<sup>th</sup> April 2024. If the CoS and their skilled worker visa dates from before 4<sup>th</sup> April 2024 then the employee in question would have a going rate of £25,000 or £12.82 per hour.

The going rates and applicable minimum salary for all of the occupations eligible for CoS are set out on the 'going rates' page of the Gov.uk website (). The New Entrant reduction – explained in detail elsewhere in this guide - applies in the hospitality sector for employees under 26 years of age, or those who have recently graduated from a UK University.

#### **Sponsorship application**

Applying for a sponsor licence in the hospitality sector involves filling out an application form online (<https://www.gov.uk/apply-sponsor-licence>) and supporting that application with a cover letter and other documents. For businesses in the food industry those supporting documents have to include proof that you have registered with your local authority, or a published rating on the Scores on the Doors website (<https://www.scoresonthedoors.org.uk/>).

Most applications take around 8 weeks to process, although there is an option of paying a £500 fee in return for a 2 week turnaround.

#### **Cost**

The fees charged for sponsoring migrant workers in your hospitality business are as follows:

- Sponsor licence for a small or medium sized business - £574

- Sponsor licence for a larger business - £1,579
- CoS fee for each assigned employee - £525
- Immigration Skills Charge for a small or medium sized business - £364 per employee for the first 12 months and £182 for each additional 6 months
- Immigration Skills Charge for a large business - £1,000 for the first 12 months and £500 for each additional 6 months

It should be noted that the Immigration Skills Fee for each year the CoS is assigned (i.e. up to 5 years) for has to be paid upfront when the application is made.

#### Applicant costs

For the employee using an assigned CoS to apply for a skilled worker visa the costs are as follows:

- Applying from outside the UK and the visa is three years or less - £719
- Applying from outside the UK and the visa is for more than three years - £1,420
- Applying from inside the UK and the visa is three years or less - £827
- Applying from inside the UK and the visa is for more than three years - £1,500

Applicants also have to pay the Immigration Health Surcharge (IHS) at a rate of £1,035 for each year of sponsorship. The entire amount has to be paid upfront when applying for a visa, so a 5 year sponsorship involves an IHS payment amounting to £5,175.

### **H3: CoS for Construction Workers and Planners**

Many of the CoS rules for construction workers and planners mirror those which apply in other sectors. To assign a CoS for a construction worker or planner a business needs to have been granted a sponsor licence, which means meeting specific criteria, including the following:

- You need the licence to be able take on sponsored migrant workers
- Your business is financially stable and able to offer genuine employment opportunities
- You have the systems and personnel in place to check that all employees are eligible to work in the UK, and to maintain on-going compliance
- Your business is 'honest, dependable and reliable'
- You are offering a genuine employment opportunity meeting the criteria for a skilled worker
- You have not had a sponsor licence revoked in the last 12 months
- You have no unspent criminal convictions for crimes such as money laundering, fraud and immigration offences

## **Costs**

At the time of writing, the costs involved in gaining a sponsor licence and then assigning CoS in the construction sector are as follows:

- Sponsor licence for a small or medium sized business - £574
- Sponsor licence for a larger business - £1,579
- CoS fee for each assigned employee - £525
- Immigration Skills Charge for a small or medium sized business - £364 per employee for the first 12 months and £182 for each additional 6 months
- Immigration Skills Charge for a large business - £1,000 for the first 12 months and £500 for each additional 6 months

It should be noted that the Immigration Skills Fee for each year the CoS is assigned for (i.e. up to 5 years) has to be paid upfront when the application is made.

## **Applicant costs**

For the employee using an assigned CoS to apply for a skilled worker visa the costs are as follows:

- Applying from outside the UK and the visa is three years or less - £769
- Applying from outside the UK and the visa is for more than three years - £1,519
- Applying from inside the UK and the visa is three years or less - £885
- Applying from inside the UK and the visa is for more than three years - £1,751

These amounts may be lower if the occupation in question is included in the immigration salary list

(<https://www.gov.uk/government/publications/skilled-worker-visa-immigration-salary-list>)

Applicants also have to pay the Immigration Health Surcharge (IHS) at a rate of £1,035 for each year of sponsorship. The entire amount has to be paid upfront when applying for a visa, so a 5 year sponsorship involves an IHS payment amounting to £5,175.

## **CoS requirements**

There are a few highly specialised trades – such as welding – which have strict criteria in place stating that any prospective employee assigned a CoS has to have three or more years of experience to be eligible for sponsorship. For the majority of construction jobs, however, the criteria consist of having the qualifications needed to do the work, and to successfully apply for a visa – i.e. proficiency in English.

## **Going rate**

The going rates which have to be paid for specific construction jobs when a CoS has been assigned can be found listed on the relevant page of the Gov.uk website

(<https://www.gov.uk/government/publications/skilled-worker-visa-going-rates-for-eligible-occu>)

[pations/skilled-worker-visa-going-rates-for-eligible-occupation-codes](https://www.gov.uk/government/publications/skilled-worker-visa-going-rates-for-eligible-occupation-codes)). For each job there are two going rates provided – the standard rate which has to be paid to any worker assigned a CoS after 4<sup>th</sup> April 2024, and a lower rate for those with a CoS and skilled worker visa dating from before 4<sup>th</sup> April 2024.

Examples of the salaries currently listed on the Gov.uk website include the following:

- Joiners and carpenters – a standard rate of £30,960 and a lower rate of £25,200
- Masons – a standard rate of £32,400 and a lower rate of £26,200
- Bricklayers – a standard rate of £30,950 and a lower rate of £25,600

### **H3: CoS for Medical Professionals**

The majority of roles within the health sector that could be classified as regulated medical professional roles are listed as skilled occupations by the Home Office, and so can be sponsored via a CoS, enabling the prospective employee to apply for a Skilled Worker or Health and Care Worker visa. Examples of the roles which can be sponsored, and the relevant occupation code (SOC code), can be found at the Gov.uk website (<https://www.gov.uk/government/publications/skilled-worker-visa-eligible-occupations/skilled-worker-visa-eligible-occupations-and-codes>), and include the following:

- Pharmacists – Occupation code 2213
- Dental Practitioners – Occupation code 2215
- Podiatrists and Chiropodists – Occupation code 2218
- Physiotherapists – Occupation code 2221

### **Paying a sponsored medical professional**

The Home Office sets strict minimum salary thresholds for sponsored employees in the healthcare sector, using NHS pay bands whether or not your business operates within the NHS. The onus is on the employer to arrive at an equivalent pay band for the medical professional they wish to sponsor.

Previously, occupations listed on the Shortage Occupations List had the minimum salary requirement reduced from that which is applicable across sponsored occupations in general. In April 2024 this system was replaced by the Immigration Salary List (ISL), which lists certain roles eligible to migrant workers with a Skilled Worker or Health and Social Care visa.

Occupations currently listed on the ISL

(<https://www.gov.uk/government/publications/skilled-worker-visa-immigration-salary-list/skilled-worker-visa-immigration-salary-list>) within the medical profession include:

- Health services and public health managers and directors – Occupation code 1171
- Health care practice managers – Occupation code 1231
- Dispensing opticians – Occupation code 3211

Currently, for example, the job of Laboratory Technician (Occupation code 3111) is on the ISL, and is open to migrant workers applying for a Health and Care Worker visa with a lower minimum salary threshold of £25,000, or £12.82 per hour paid pro rata. The occupations featured on the ISL are subject to change as demand in certain areas ebbs and flows, so it is always important to check exactly where a specific occupation has been listed by the Home Office before setting the appropriate salary.

If the salary being offered doesn't match the rate set by the Home Office the prospective employee assigned a CoS is likely to have their application for a Skilled Worker or Health and Care Worker visa refused.

For those jobs in the medical profession which aren't currently listed on the ISL (which is the majority of them) the applicant will need to be offered the going rate in line with the national pay scales listed on the relevant page (<https://www.gov.uk/government/publications/national-pay-scales-for-eligible-healthcare-jobs/national-pay-scales-for-eligible-healthcare-occupation-codes>) of the Gov.uk website. The going rate differs according to where in the UK the applicant will be working (i.e. England, Scotland, Wales or Northern Ireland) and which pay band the individual is in.

The different pay bands – from 3 to 9 – are calculated on the basis of the skill, qualifications and experience of the individual medical professional, with certain positions automatically qualifying for specific bands – i.e. a newly qualified NMC registered nurse will start at pay band 5.

### **Sponsor licence application**

You'll need to have been granted a sponsor licence in order to be eligible to assign CoS to medical professionals from overseas that you wish to employ. The rules and process applicable to a sponsor licence in the medical professions are the same as for other sectors, but particular attention should be paid to the need to be registered with the General Medical Council or the General Dental Council, and to provide evidence of your registration.

The best way to provide evidence of this registration is still in the form of documents, such as a certificate or letter of registration.

### **Visa application**

A prospective employee in the health sector will, in all probability, be able to apply for a Health and Care Worker visa, a special type of Skilled Worker visa. The advantages of applying for a health and Care Worker visa include the following:

- Lower fees - £590 per person for more than 3 years, whether the application is made inside or outside the UK
- Faster processing times
- An exemption from the Immigration Health Surcharge

### **H3: CoS for Care Workers**

Many of the rules which apply to assigning CoS to migrant care workers in the UK apply across other sectors. For example, in order to be eligible to apply for and assign a CoS you first have to be granted a sponsor licence.

To briefly recap the details given elsewhere in this guide, you need to meet the following criteria to be granted a sponsor licence:

- The licence is needed to take on migrant workers
- The business is financially stable and can offer genuine employment opportunities for migrant workers
- You have systems in place to ensure that all employees are eligible to work in the UK and to maintain compliance with immigration law
- The business is honest, dependable and reliable
- You offer genuine employment opportunities to workers able to apply for a Health and Care Worker visa
- You haven't had a sponsor licence revoked in the previous 12 months
- You have no unspent criminal convictions for crimes such as money laundering, fraud and immigration offences

## **Costs**

At the time of writing, the costs involved in gaining a sponsor licence and then assigning CoS in the care sector are as follows:

- Sponsor licence for a small or medium sized business - £574
- Sponsor licence for a larger business - £1,579
- CoS fee for each assigned employee - £525
- Immigration Skills Charge for a small or medium sized business - £364 per employee for the first 12 months and £182 for each additional 6 months
- Immigration Skills Charge for a large business - £1,000 for the first 12 months and £500 for each additional 6 months

It should be noted that the Immigration Skills Fee for each year the CoS is assigned (i.e. up to 5 years) for has to be paid upfront when the application is made.

## **CoS in the care sector**

Once you've been granted a sponsor licence you can apply for and assign CoS to prospective employees. The differences between a defined and undefined CoS are explained in-depth elsewhere in this guide, but to recap briefly – defined CoS are required for prospective employees applying for a Health and Care Work visa from outside the UK, while undefined CoS are for those employees applying from inside the UK – usually because they wish to switch from another type of visa.

## **Applying for a visa**

Once a CoS has been applied to a prospective employee they can apply for a visa to work in the UK. Care workers are generally entitled to apply for a Health and Care Worker visa, which comes with several advantages when compared to a Skilled Worker visa.

The care worker roles eligible for a Health and Care Worker visa are listed on the Gov.uk website, together with the relevant occupation code (<https://www.gov.uk/health-care-worker-visa/your-job>), and they include:

- Care workers and home carers – Occupation code 6135
- Senior care workers – Occupation code 6136

The advantages of applying for a Health and Care Worker visa include:

- Lower fees - £590 per person for more than 3 years, whether the application is made inside or outside the UK
- Faster processing times
- An exemption from the Immigration Health Surcharge, which is charged on Skilled Worker visas at a rate of £1,035 for each year of the visa

## **Salary thresholds for CoS employees in the care sector**

Health and care workers, and senior care workers applying for a job in the UK via being assigned a CoS, are applying for positions listed by the Home Office on the Immigration Salary List. This is a list which was introduced in April 2024 to replace the Shortage Occupation List, and is intended to reflect those sectors in the UK which, at any given time, are suffering from a shortage of UK-based applicants.

While the content of the ISL is subject to change as demand in certain sectors ebbs and flows, the care sector positions which are currently on the list can, if the applicant has a Health and Care Worker visa, be paid at a lower than normal going rate of £25,000, or £12.82 per hour on a pro rata basis.

## **The advantages of CoS in the care sector**

The most obvious advantage of assigning a CoS to prospective employees in the care sector is that it allows you as an employer to fill vacancies which you can't fill with home-grown applicants. Part of the CoS application process involves proving that the vacancy is genuine, and this is most easily done by documenting the attempts you've made to fill that vacancy, through evidence such as the original job advert and interview notes.

The other advantage is that the employee the CoS is assigned to is linked to your business by the conditions of their visa, something which is likely to be a great help in terms of employee retention.

## **Your responsibilities**

As an employer with a sponsor licence and employees with assigned CoS you have a number of responsibilities. Failure to meet these responsibilities would probably lead to your

sponsor licence being revoked, and with it your ability to employ people under a certificate of sponsorship.

These responsibilities include:

- Putting a team in place to manage the licence
- Checking on the eligibility of all of your employees to work in the UK
- Keeping accurate records of things like absences from work
- Keeping accurate contact details of all sponsored workers
- Alerting the Home Office if an employee fails to turn up to take their position, or fails to come in to work for 10 days or more
- Reporting any changes in the job role of a sponsored employee
- Informing the Home Office if the sponsorship ends for any reason

The reasons why employers in the care sector might need to assign CoS are clear, but the complexity of the UK immigration system, allied to the fact that the rules are in a pretty much constant state of flux, means that it's always advisable to work with immigration law experts.

We have more than two decades of experience guiding clients through the maze of rules, criteria and responsibilities, using our expertise and support to help them to take on the qualified staff they need to run their business and provide effective care provision.

### **H3: CoS for Student Work Placements**

As with other types of CoS, assigning a CoS for student work placements initially involves applying for and being granted a sponsor licence. We've explained exactly what this entails throughout this guide, including the fees which need to be paid and the responsibilities which come from being a sponsoring employer.

One of the opportunities which opens up once you have a sponsor licence involves assigning CoS to students to take work placements in your business. The advantages of assigning CoS to students include the following:

- You don't have to pay the Immigration Skills Charge when making an application. In other circumstances, the Immigration Skills Charge is £364 for 12 months for smaller organisations or £1,000 for 12 months for larger organisations. At the time of writing, the government has stated that this charge is due to be increased by 32% at some point in the future.
- You can test the skill and suitability of an applicant on a student visa before opting to sponsor them as a skilled worker
- Employees who have been studying in the UK are likely to bring with them familiarity with aspects of UK life such as the language, culture and societal norms

- If you opt to sponsor a student who has completed their university education in the UK, you are likely to reap the dividends of an applicant with a world class education and finely honed expertise
- Employing a UK based student means employing an individual who has already passed an English language requirement which is in fact higher than that demanded of someone with a Skilled Worker visa
- Utilising the UK sponsor system to target students via CoS will enable your business to tap into a ready-made pool of talent and test the water before committing to the longer term responsibility of assigning a CoS to an employee applying for a Skilled Worker visa.

## **H2: Top tips for Certificate of Sponsorship applications**

What follows is a summarised list of the key steps to take when applying for a CoS, followed by some of the common mistakes we've seen employers make over the years. One piece of advice we'd offer above all others is to work with our experts for at least part of the application process, if not all of it.

We make it our business to stay on top of the frequent changes governments of every stripe tend to make in immigration law, and have the experience needed to spot problems before they are able to badly damage your application. In the meantime, make sure that you do the following when applying for a CoS:

- Make sure that you actually need a CoS – i.e. sponsoring migrant workers is vital if you're going to be able to fill the vacancies you have with the skilled workers your business needs
- Make sure you know which type of CoS you need – a defined CoS is needed if the migrant workers you're planning on employing are based outside the UK, an undefined CoS if they are already in the UK and want to shift to a Skilled Worker visa from something like a Student visa
- Make sure you meet the eligibility requirements such as having been granted a sponsors licence, having systems in place to guarantee continued compliance with UK immigration law and being in a position to prove that the vacancies you want to fill represent genuine employment opportunities
- Bring together the documents needed using the list included earlier in this guide, including the details of the prospective employee, the full job specification and a criminal record check where needed
- Identify the kind of applicant needed and whether you could take advantage of the New Entrant category, with a lower minimum salary threshold for the position in question
- Make sure you understand and can afford the fees you will need to pay, including the annual immigration skills charge which will have to be paid in full for the duration of the sponsorship at the time the application is made

- Decide whether you need to take advantage of priority processing for an extra fee
- If the prospective employee you wish to sponsor is related to a family member in your business then make sure you notify the Home Office of the fact, particularly if you are running a small or medium sized business
- Ensure that nobody who is a family member related to the prospective employee is managing your sponsor licence systems
- Decide how long you want to sponsor someone for, i.e. whether it is worth applying for a 5 year sponsorship and paying 5 years Immigration Skills Charge in full up front
- Make sure the deadlines work in terms of when you need a position filling, and when the applicant is ready to apply for their visa
- Work through the application carefully and methodically, double checking the information you provide and ensuring that you answer all questions – any issue with the application form will slow the process down and could lead to the Home Office refusing the application or insisting on a disruptive compliance visit
- Provide all of the documentation needed to speed up the process, maximise the chances of a successful application and minimise the risk of a Home Office audit
- Take the time to look into any special rules applying to your sector, i.e. the minimum thresholds which apply differently in certain circumstances, and whether the occupation in question is on the immigration salary list
- Make sure that the salary you are proposing to pay meets the minimum threshold set by the Home Office, which is often the 'going rate' for the occupation in question. Failure to do so is likely to see your prospective employee having their visa application refused.

### **Common CoS mistakes**

The complexity of the sponsorship system for employers in the UK means that mistakes are sometimes bound to happen. Our experience in this particular area of immigration law has taught us that some mistakes are more common than others. The good news is that we know how best to avoid them:

#### **Mistakes on the CoS**

Employers can slip up when entering details for the CoS such as the salary, job title, start date or the prospective employee's personal information. Any discrepancies between the CoS and the information provided as part of the visa application could slow the process down or lead to outright visa rejection.

Minimise the chances of this happening by taking the time to double-check every detail of the information included in the CoS application.

#### **An incorrect SOC code**

If the SOC code selected by an employer doesn't match the skill level or responsibilities of the job in question, the visa could be rejected on the grounds that the role being offered doesn't meet all the criteria for sponsorship. You can avoid this issue by reviewing the job description in light of the SOC code you think you should choose to make sure they closely align, rather than simply relying on matching job titles.

### **Salary thresholds**

Offering a salary which doesn't meet the minimum threshold set out by the Home Office for a particular role will invalidate the CoS. This could mean the visa application is refused and the whole process delayed while the salary is revised.

The complex system of minimum salaries – particularly in cases where a percentage reduction is allowed, such as New Entrant applications – means that it's important to check eligibility extremely closely, and employ the services of experts in the field.

### **The wrong type of CoS**

Make sure that you fully understand the differences between a defined and undefined CoS, and which applies in your circumstances. If you make the wrong choice – i.e. attempt to assign an already issued undefined CoS to an applicant outside the UK – the process will be delayed and the application will have to be re-submitted correctly.

### **Missing the deadline(s)**

Delaying assigning a CoS once it has been issued could lead to you missing the 3 month deadline, causing the CoS to expire without being used. You also need to impress on your prospective employee the importance of applying for their visa within 3 months.

### **Sponsor Licence compliance**

A common mistake is to think that the CoS process ends when the employee starts working for you. The truth of the matter is that complying with sponsorship licence rules is still a key responsibility of any employer using CoS to take on migrant workers.

Any non-compliance – such as failing to report changes in the employee's salary or circumstances – could lead to your sponsor licence being suspended or revoked.

### **Summary**

When you apply for a sponsor licence and opt to work with Certificates of Sponsorship you are effectively having the monitoring of your migrant workforce outsourced from the Home Office to your business. Responsibilities which fall on you as an employer range from ensuring that your employees are eligible to work in the UK under the visas they've been granted, to complying with UK immigration law by keeping detailed records on the on-going management of your sponsor licence.

Even if we assume that the advantages offered by being able to employ skilled migrant workers outweigh the time and effort this involves, it is still a pressing responsibility, and the ever-shifting nature of UK immigration law makes it difficult to stay 100% on top of your responsibilities. If you work with our immigration law experts then much of this responsibility becomes ours.

We understand this area of UK law inside out and have helped multiple clients to take on the migrant workers their business needs to thrive. Whether you want us to help with every stage of the application process, advise on specifics such as salary thresholds and occupation codes or help with on-going compliance, we're ready to supply the support you need to be able to get on with the vital task of simply running your business.

Contact us today with any questions you might have regarding sponsor licences, CoS and the wider UK visa system and we'll do everything we can to provide the advice and support you need.