EMPLOYING WORKERS FROM OUTSIDE THE EU

#BCAFAMILY

#THE**BCA**CARE





Tier 2 is the main immigration route for working in the UK and is for **skilled workers with a job offer**. Visa sponsorship is required from an employer and the Visa is linked to a specific job. There are different categories within Tier 2 and the most relevant for international graduates is Tier 2 (General).

To employ someone, the employer must apply to become registered as a <u>Tier 2 sponsor</u> and issue a <u>Certificate of</u> <u>Sponsorship</u>.

To <u>apply</u> to become a Tier 2 sponsor, you will need to complete an application form and submit <u>supporting</u> <u>documentation</u>. What is needed will vary from application to application – the easiest thing to do is start at Table 1 & work your way through to find out what you need to send as supporting documentation.

If you are successful, your sponsor license will be rated either A or B. This rating is based on the processes you have in place to allow you to <u>meet your sponsor duties</u>.

CHANGING FROM TIER FOUR (STUDENT) TO TIER TWO VISAS

It is far simpler for an applicant to <u>apply to switch</u> from a Tier 4 Visa (study visa) to a Tier 2, than it is to employ someone who is applying for a Tier 2 visa to come and work in the UK from outside the EU. International students (outside the EU) will have needed to apply for a Tier 4 visa to allow them to study in the UK. This visa permitted them to work up to 20 hours per week during their study. This can be extended no more than 3 months before the end of their period of study, but the application MUST be done from **inside the UK**.

Those switching from a Tier 4 student Visa into Tier 2 are exempt from the rules relating to advertising and selection for the role, known as the Resident Labour Market Test (RLMT), but evidence must be provided that they meet the required qualifications specified in the job description before a Tier 2 Certificate of Sponsorship (CoS) can be issued.

New graduates applying for tier 2 visas are considered to be "New Entrants" and therefore must meet a minimum salary threshold of £20800 per annum.

FEES AND FURTHER INFORMATION

The longest you can sponsor a worker for is 5 years. There is a fee attached to sponsoring, which is currently £536. You will then need to pay an Immigration Skills Charge (ISC) which is currently £364 for the first 12 months and £182 for every 6 months thereafter. This ISC does not need to be paid if your worker is switching from a Tier 4 (student) visa. The gov.uk webpage gives <u>full information</u> which you should read when deciding whether to take on an international worker.

Advice on this process can also be sought from Immigration Advisors – there is a list of registered advisors available.

There are 3 levels of advice they can give which will attract a fee:

Level 1: Advice & Assistance (Level 1 would most likely be sufficient for advice on sponsorship, application process and giving advice on applications & documentation.)

Level 2: Casework

Level 3: Advocacy & representation