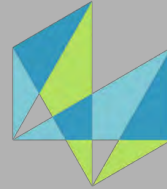


International Students – Visa and Sponsorship Session For Employers

Topics – Through the journey of Jason Li

- 1) Benefits of recruiting international talent
- 2) Working in the UK on a Student Visa
- 3) Graduate Immigration Route (Post-study work)
- 4) The Employer's Sponsor Licence
- 5) Skilled Worker Visa

VisionExpress



HEXAGON

e-on

Samworth Brothers

QUALITY FOODS



COYA



Romax
TECHNOLOGY



TOYOTA

Benefits of Recruiting International Talent

- 1) Solution to skills shortages
- 2) Expand network of talent pipeline
- 3) Generally, will be long-term employees
- 4) Help towards a diverse workforce
- 5) Where needed, will bring multilingual skills and perspectives on other cultures
- 6) Can unlock international expansion and client base

Scenario

You are the Recruitment Manager at a beauty products company.

You receive an application from Jason Li for the role of a Marketing Executive.

Jason is a Chinese international student currently completing a MSc in Marketing.

He also volunteers as a sales assistant on Saturdays at the British Heart Foundation.

The Director of Marketing wants to hire Jason for this role as the business is in the development stage of launching products in China and his language and cultural know-how will help with website localisation.

Working on a Student Visa

Term-time - work 20 hours p/w

Full-time during holidays i.e. outside of term-time

Outside of term-time also includes the period of time after studies have been completed and before the student visa expires

Volunteering with a registered charity is allowed

Considerations for HR

Ensure that Jason is not contracted to work for more than 20 hours work per week. Hours can be increased during vacations

No minimum salary requirement, though National Minimum Wage applies

Cannot offer a permanent contract

Right To Work (RTW) requirements:

- Obtain written evidence from the University of term-time dates; and
- Carryout a Home Office Online Right to Work Check (you will need DOB and share code; and
- Mark up expiry date of visa

Scenario

Jason has progressed well in the team and has now completed his MSc and is waiting for his result.

He has made an application for the role of Graduate Trainee Manager.

He is the best candidate for this role, which starts in December but his visa expires in November. His degree result is due in October.

The business want him to continue in his current position of Marketing Executive until December.

HR Considerations Post-Study

As Jason has completed his course he can work full-time (NB: not permanent contract)

He must submit his application application to switch prior to his current visa expiring

If he does this, then the conditions of his student visa will automatically be extended up until the Home Office make a decision on his new application. He can therefore continue to work

Jason decided to make an application to switch status to the Graduate Visa

Once he has done so the business must make an ECS check to obtain a PVN confirming an in-time and pending application. This will confirm your RTW check

Decision on the Graduate visa will take up to approx. 8 weeks

Graduate Route Visa

Eligibility

Must qualify in a UK Bachelors degree or post graduate degree or other eligible course

Successfully completed the course

Current visa is a student visa (must be in-country)

Can remain up to 2 years for graduates and 3 years for PhDs

No minimum salary or sponsorship requirements (try and test)

No minimum hours or number jobs

Can carryout any type of job (except professional

sportsperson)

Application fee - £715 (2 years)

Immigration Health Surcharge - £624 per year

Status granted digitally. Employer will carry out an online RTW check

Once on a Graduate Route visa you can offer a permanent contract

Scenario

Time has moved, Jason is now 25, he completed his training in 12 months and during the last 6 months he has been working in the role of Business Development Manager (China). He is earning £30,000 per annum.

His supervisor is concerned that Jason's Graduate Visa is due to expire in 6 months and wants to ensure that the business is able to retain him.

The business does not have a sponsor licence.

Jason has also indicated that he would like to complete a PhD whilst working.

HR Considerations

The Graduate Route is non-extendable

Therefore, prior to Jason's graduate visa expiring he will need to make an application to switch to the Skilled Worker Visa

To be able to do this, the business will require a sponsor licence, in order to assign Jason a Certificate of Sponsorship (CoS) with which he will then apply for a Skilled Worker Visa

Study that requires Student Visa sponsorship is not permitted, therefore he is unable to study for his PhD

Steps In Applying For A Sponsor Licence

Even the most organised business will require time to prepare to apply for a licence. This will include deciding who will be responsible for the licence management, the documents to be filed in support and to be ready for a pre-registration audit (if selected)

Once ready, an online application is completed. You will then forward documents confirming:

- Business trading presence
- Information about the nature of the business and reason for applying
- People Hierarchy Chart (if 50 or less people employed)
- Details about Jason, the role on offer (genuine vacancy test) and SOC relied upon

Steps In Applying For A Sponsor Licence

Nominate the required key personnel to manage the SMS once given access:

Authorising Officer – senior most person in the organisation responsible for recruitment and who will be responsible for the actions taken on the licence

Key Contact - the main point of contact with the UKVI

Level 1 User – day to day management and reports on the licence

Legal Representatives

What Is The Cost Of A Sponsor Licence Application?

The fee to apply for a sponsor licence and associated costs will depend on the organisation's size. While sponsors are only required to pay employer fees, many employers will cover the cost of the entire visa application.

EMPLOYER FEES

Sponsor licence application fee:

- £1,476 (Medium or large organisations)
- £536 (Small organisations and charities)
- £500 priority service

Certificate of Sponsorship:

- £199 per sponsored worker

Immigration Skills Charge:

- £1,000 per year, per individual (Medium or large organisations)
- £364 per year, per individual (Small organisations)

INDIVIDUAL FEES

Immigration Health Surcharge:

- £624 per year

Visa application fee:

- £704 where the CoS will be issued for 3 years or less
- £1,408 where the CoS will be issued for over 3 years

The Sponsor Licence – Decision-making Process

Decision in 8-10 weeks (longer if you are chosen for a compliance visit)

Can pay an additional £500 to fast-track decision in 10 working days

Licence granted for 4 years and access given to the SMS. A renewal fee is then paid every five years

Or application refused and cannot apply again for 6 months

Points Scoring for the Skilled Worker Visa

Non-tradeable points (mandatory) – 50 required				
Offer of a job by an approved sponsor			20	
Job at an appropriate skill level			20	
English language skills at level B1 (intermediate)			10	
Tradeable points – 20 required				
Salary			Other	
General salary threshold	Going rate			
Salary of at least £20,480	At least 80% of the going rate for the profession (70% if a new entrant).	0	Education qualification: PhD in a subject relevant to the job	10
Salary of at least £23,040	At least 90% of the going rate for the profession.	10	Education qualification: PhD in a STEM subject relevant to the job	20
Salary of at least £25,600	At least the going rate for the profession.	20	Job in a shortage occupation (as designated by the MAC)	20
Salary of at least £20,480	Listed health/education job and meets the relevant national pay scale	20	Applicant is a new entrant to the labour market (as designated by the MAC)	20

Choosing the Correct Standard Occupation Code (SOC) and Salary

3545	Sales accounts and business development managers.	Account manager (sales).	£35,400
		Area sales manager.	
		Business development manager.	70% of going
		Product development manager.	rate (£24,780)
		Sales manager.	

Sponsoring a Skilled Worker

Sponsoring from Inside the UK

Annual CoS Allocation – Check

Apply for an Undefined CoS

Priority Processing

Request for further information

Assign CoS

Apply for Skilled Worker, visa applied for within 3 months

Applying for a Skilled Worker visa

Inside of the UK

Complete and submit online application

Upload supporting documentation

Arrange biometric appointment/UK ID app

Priority processing

Decision

The Costs of Sponsorship for Jason

Certificate of Sponsorship - £199

Immigration Skills Charge - £364 or £1000 per year

Immigration Health Surcharge - £624 for each year of sponsorship

Visa fee - £704 or £1408

Biometric fee - £19.20

Total for a 3-year sponsorship = £5090.20 (large /medium business) and £3886.20 (small business)

Skilled Worker Visa Pros and Cons

Pros

Can lead to ILR after 5 years, provided that they meet the requirement of the going rate salary for the Occupation

No restriction on the length of stay on a Skilled Worker visa

Can bring their dependent spouse/partner and children

Cons

Tied to the job and employer. If want to move to a new job, then they need the new employer to be able sponsor

Reliant on the sponsor keeping their licence

A Note on Discrimination

A business can't refuse to sponsor a migrant because they require sponsorship.

Best practice is that a refusal must be based on merit. Right to work checks should happen later in the recruitment process.

Exceptions to this might include:

- National Security Reasons

- A time critical delivery of a contract

- The skill level for the job is below that for which a Skilled Worker visa will be issued

- Salary level for the job is below that for which a Skilled Worker visa will be issued

- There is not enough time to acquire a Licence before the migrant's leave expires

A Note on Discrimination – Your Approach

Osborne Clark vs Purohit (2009):

*“Eligibility to work in the UK **should be verified in the final stages of the selection process rather than at the application stage**, to make sure the appointment is **based on merit alone** and is not influenced by other factors. Depending on the employer’s recruitment process and the type of job being filled, candidates might be asked for the relevant documents when they are invited to an interview, or when an offer of employment is made. **Employers can, in some circumstances, apply for work permits and should not exclude potentially suitable candidates from the selection process.**”*

By rejecting non-UK nationals at the beginning of the application process, without considering merits and suitability for the role on offer leaves an employer open to such a claim unless they are **prepared to justify their position later.**

For international student, it is important that if they reach such an obstacle at the recruitment stage that they **ask for written feedback** as to the reasons for rejection so that they are clear that a valid and proper reason is given.

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