

## UK immigration law

# Tier 2 and 5: Sponsorship licence

Any UK based organisation that wishes to employ an overseas national from outside the EEA must first apply for a Sponsorship Licence by submitting an application to the UK Border Agency (UKBA). Once a licence has been granted your organisation can issue a Certificate of Sponsorship (CoS) to a specific person to work for you on a temporary or permanent basis.

**Tier 2** sponsors can offer employment to the following category of skilled workers on a permanent basis:

- General – skilled workers with a job offer from a UK employer.
- Intra-company transfer – employees of multi-national organisations being transferred to the UK.
- Minister of Religion – preachers and pastoral workers taking up employment within their faith community in the UK.
- Sports people – players and highly skilled coaches taking up employment in the UK.

**Tier 5** sponsors can offer employment to the following category of workers on a temporary basis:

- Creative and sporting
- Religious worker
- Charity workers
- Government Authorised Exchange
- International agreement

### How does an employer licensing system work

In order to become a sponsor, employers must comply with specific duties and responsibilities before they are issued with a licence. As part of the process and before a decision is made on your application, your organisation will be audited by the UKBA in order to review your existing HR policies and procedures and to ensure that you do not have a questionable immigration related history or that the persons managing/controlling the system are not a threat to immigration control.

If your application for a licence is successful, your organisation will be issued with an 'A' or a 'B' rating when you register. 'B' rated sponsors will need to comply with a time-limited action plan that sets out the steps it must take in order to achieve or regain an 'A' rating. If a 'B' rated sponsor cannot achieve an 'A' rating following the prescribed action plan it is likely that they will lose their licence and no longer be allowed to bring overseas nationals to the UK.

After a licence has been granted, your organisation must continue to comply with the UKBA requirements. If your organisation does not comply with these, you run the risk of being issued with penalties or having your licence suspended or withdrawn.

### What LZW law can do for your organisation

We are recognised by the UKBA as an 'assured representative' and can provide you with a detailed report of our findings together with any recommendations. If this report is submitted with your application for a licence and you follow our advice, you should not need to have a separate audit undertaken by the UKBA.

### Disclaimer

The information provided on this page is designed to provide general guidance. Nothing in this page constitutes legal advice.

**For detailed advice please contact Laya by telephone on 020 7105 6178 or 020 7357 9494 or e-mail: Laya Falsafi lf@lzwlaw.co.uk**