

Sponsoring a Tier 4 Student for a Tier 2 Work Visa (information for employers)

Sponsoring an international student who is presently in the UK on a Tier 4 student visa is an incredibly straightforward, easy process with many benefits for the employer. Stories in the media about immigration crackdowns may give the impression that sponsoring an international student for employment will be difficult or taxing. However, this informational hand-out will guide you through the basics that are expected of the sponsoring employer and show that this is not the case.

Benefits

Though the Post-Study Work visa was abolished a couple of years ago, many of the benefits of hiring international students in the 'post-study' phase remain intact. This is known as 'switching' between Tier categories and allows for certain, highly beneficial exemptions when hiring an international student. Therefore, sponsoring a Tier 4 to Tier 2 switch is *much* easier than sponsoring an overseas worker for a Tier 2 visa.

For example, the sponsor (that is, you—the employer) will not be required to perform a Resident Labour Market Test (RLMT) when hiring a student switching from Tier 4 to Tier 2. Additionally, hiring students switching between these two Tier categories does *not* count against your annual quota of Certificates of Sponsorship (CoS).¹ Consequently, hiring international students will *not* reduce the number of overseas workers you will be able to hire in a given year. Finally, the minimum salary that the employer must offer to a student switching between Tier categories is generally £20,500—which is often lower than the minimum salary that must be offered to overseas Tier 2 applicants.

Getting a sponsorship licence

To issue a Certificate of Sponsorship, an employer must first become a licensed sponsor. Larger organisations are likely to already hold a licence (see the Register of Licensed Sponsors in the links below). Smaller organisations may be unaware of how simple it is to become a licensed sponsor. The application is done online and takes approximately 20-30 minutes to complete. Before beginning, you should gather information such as designating a 'Key Contact' to be the person who is the main point of contact in your organisation, HMRC information, and company size.

The time it takes the Government to process sponsor licence applications can vary but most are processed within 8 weeks. The licence fee for small business is £536 while the fee for a medium to large business is £1,476 and needs to be renewed every four years.² The fee to issue a Certificate of Sponsorship is £184. In short, the licensing process is quick and easy.

¹ The CoS will state the particulars of employment, including salary and length of employment. A Tier 2 visa, and consequently a CoS, may be issue for up to five years initially.

² A small business is classified as having an annual turnover of £6.5 million or less and 50 employees or fewer.

Points to keep in mind

- Students *cannot* independently apply for a work visa; work visas must *always* be sponsored by an employer (or qualified training scheme)
- The sponsoring employer *must* issue a Certificate of Sponsorship before a Tier 2 application can be made
- Students must also have proof that their degree has been conferred before they can apply for Tier 2; for Warwick students finishing in September, degree conferral is usually in early December while students finishing in June have simultaneously conferral
- Tier 2 applicants must be able to prove that they have held at least £945 in savings continuously over the 90 days prior to making their visa application; *however*, this requirement may be waived if the employer is willing to state in the Certificate of Sponsorship that they will provide support and accommodation for the employee in their first month of employment
- Tier 2 visa applications cannot be made more than 3 months in advance of the commencement of employment; consider this when issuing the Certificate of Sponsorship
- An employee may begin working once they have made their application and before a decision has been made if they are already in the UK (which an international student is)
- Tier 2 sponsors are responsible for monitoring their sponsored employees and must report any failures to meet the conditions of the visa to the Home Office

Links and resources

- UK Government Guide to Visa Sponsorship (for employers): <https://www.gov.uk/uk-visa-sponsorship-employers>
- UK Government Register of Licensed Tier 2 Sponsors (regularly updated): <https://www.gov.uk/government/publications/register-of-licensed-sponsors-workers>
- UK Government Visa Sponsorship Guidance Documents (for employers): <https://www.gov.uk/government/collections/sponsorship-information-for-employers-and-educators>; particularly of use: <https://www.gov.uk/government/publications/sponsor-a-tier-2-or-5-worker-guidance-for-employers>
- UK Government Overview of Tier 2 Visa (for applicants): <https://www.gov.uk/tier-2-general/overview>
- UK Council for International Student Affairs Overview of Tier 2 Employment (for both students and employers): <http://www.ukcisa.org.uk/International-Students/The-next-stage/Working-after-your-studies/Employment-Tier-2/>
- UK Government Sponsorship and employer helpline: 0300 123 4699, M-Th 9-5 and F 9-4:30
- UK Government Application for a Sponsor Licence: <https://www.points.homeoffice.gov.uk/gui-sponsor-jsf/SponsorHome.faces>