

Frequently asked questions- Tier 2 Sponsorship Licence and Skilled Worker Visa

Facts:

Tier 2 sponsorship is an opportunity for practices that are having difficulty recruiting to vacant GP posts, to employ migrant Drs who will generally have completed their training in the UK. It doesn't guarantee that you will fill your vacancy, but it opens a new pool of Drs who are then able to apply for your vacancies.

- Tier 2 is an immigration route for migrants who wish to work in the UK. This includes citizens of the EU, Iceland, Liechtenstein, Norway and Switzerland who arrived in the UK after 31 December 2020.
- These migrants must be sponsored by an organisation or company that holds a Tier 2 licence. A licence is a permission given to an organisation to sponsor workers in its business. The organisation is known as a sponsor.
- Trainees are sponsored by HEE, but that sponsorship ends when they complete training and so must find employment with a new sponsoring organisation or must return to their home country
- The maximum time that a Tier 2 migrant may be in the UK under a Tier 2 visa is 6 years. After 5 years, the migrant may apply for settlement (indefinite leave to remain). A migrant Tier 2 Dr who has also trained in the UK will have already been in the UK under Tier 2 for a few years and so the period of sponsorship may be limited before indefinite leave to remain may be granted
- The latest information regarding Tier 2 sponsorship can be found here: [UK visa sponsorship for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/uk-visa-sponsorship-for-employers)
- The link to apply is here: <https://www.gov.uk/apply-sponsor-licence>
- Home Office contact details – 0300 123 4699, or email BusinessHelpdesk@homeoffice.gsi.gov.uk

TIER 2 SPONSORSHIP LICENCE

How can my Practice become Tier 2 Practice?

- Complete an online application – slide pack is available from NHS England and Improvement
- Pay a fee (£536 for small businesses and charities or £1,476 for medium and large organisations. It usually takes around 8 weeks to process a licence application.
- Identify key personnel in your organisation to have Tier 2 responsibilities
- Send specific documents within 5 days of making your application

<https://www.gov.uk/apply-sponsor-licence>

The NHS England and Improvement Workforce Team- Midlands have information which will help with the Application process and this can be forwarded on request:

- Presentation which we recently presented one of our LMCs that gives some information about the process
- a separate slide deck which would help with the application process and the

The information can also be found on the Home Office website:

[UK visa sponsorship for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/uk-visa-sponsorship-for-employers)

What is the cost to Practices?

£536 for small practices or £1,476 for medium/large organizations:

[UK visa sponsorship for employers: Apply for your licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/uk-visa-sponsorship-for-employers-apply-for-your-licence)

Can I just confirm what is classed as a small Surgery?

You're usually a small sponsor if at least 2 of the following apply:

- your annual turnover is £10.2 million or less
- your total assets are worth £5.1 million or less
- you have 50 employees or fewer

[UK visa sponsorship for employers: Apply for your licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/uk-visa-sponsorship-for-employers-apply-for-your-licence)

Is there any central funding for this or do practices have to pay?

Unfortunately, at the moment there is no funding as this ceased in March 2020. There may be funding available within the CCGs GP Retention fund, but this is a conversation you will need to have with them.

How long takes the Practice to get the Licence

The Home Office is stating that can take up to 8 Weeks

We are now Tier 2 Sponsoring Practice. What happens next?

Once you are sponsor you must assign a certificate of sponsorship (CoS) to each foreign worker you employ. This is an electronic record, not a physical document. Each certificate has its own number which a worker can use to apply for a visa

THE CERTIFICATE OF SPONSORSHIP PROCESS(CoS)

Home Office website for CoS most up to date information:

[UK visa sponsorship for employers: Certificates of sponsorship - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/uk-visa-sponsorship-for-employers-certificates-of-sponsorship)

How long does the Certificate of Sponsorship take?

This depends upon whether the individual is in the UK or not.

There are two types of CoS on the Skilled Worker route: Defined CoS and Undefined CoS.

People applying outside the UK need a Defined CoS. Sponsors need to request this type of CoS individually when they need them. These requests are usually decided the next working day following submission.

People applying inside the UK (either to extend their stay, change employer or switch immigration routes) can be sponsored using an Undefined CoS.

Sponsors will receive an annual allocation of this type of CoS at the same time as the initial licence decision and can assign them throughout the year without needing to make any additional request to the Home Office.

If you require additional Undefined CoS within the allocation year the turnaround time is either five working days (Priority Service - £200) or 18

weeks – no charge. Although the majority are considered much earlier than the 18-week service standard.

For further information, see sections SK8 and SK9 of '[Sponsor a Skilled Worker](#)'.

Does it matter if an employee is given defined CoS rather than undefined?

If the applicant is applying from outside the UK (entry clearance application), they must be assigned a Defined CoS.

Assigning an Undefined CoS in these circumstances can lead to compliance action (up to, and including, licence revocation) against the sponsor.

If the applicant is applying from within the UK (permission to stay application), the Immigration Rules do not expressly state whether the CoS must be Defined or Undefined. Our guidance says sponsors should assign an Undefined CoS in these circumstances, but it is not a compliance issue if they assign a Defined CoS instead.

See sections SK8 and SK9 of '[Sponsor a Skilled Worker](#)' for further information.

What is the charge for the CoS?

The cost to Practice is currently £199 – please the Home office Website: [UK visa sponsorship for employers: Certificates of sponsorship - GOV.UK \(www.gov.uk\)](#)

Is the any other charges Practice needs to pay to employ Tier 2 GP?

Yes, the first 2 years of **the Immigration Skills Charge** for any GP employed and sponsored on a tier 2 visa - please refer to the Home Office website for the details:

[UK visa sponsorship for employers: Immigration skills charge - GOV.UK \(www.gov.uk\)](#)

Is there any difference in applying as a GP Federation rather than an individual practice?

If the individual practices that are members of the federation are all linked by *common ownership or control*, then it may be possible for them to apply under a single licence (using the 'head office and branches' model).

An advantage of this is that sponsored workers may be allowed to work at any branch of the federation without needing a new CoS or relying on the supplementary employment provisions.

A disadvantage is that if one branch is subject to compliance measures, this would affect all branches that are part of the licence.

For further information on options for employers with multiple branches, see [section L5](#) of Part 1: Apply for a licence.

How do I apply for a fast track licence? I could not see on the application website?

The link on the website is below:

[Worker and Temporary Worker priority service request form - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/worker-and-temporary-worker-priority-service-request-form)

Re application for sponsorship licence, how long does the fast-track process take?

This takes 10 working days.

Is the license renewal process any shorter or different to the full initial process?

Yes. This is applied for by the Level 1 user who indicates the consent of the AO. There is usually no requirement to send any additional documents in at that point and you can carry on your activities as normal whilst the application is being considered.

Is there an application checking process just as there is for passports to ensure it is right first time? As I believe if unsuccessful on the first application there is a period of time before you can apply again?

No. The process is very simple and straightforward, so we do not believe a check process is required.

If an application for a sponsor licence is **rejected** there is no cooling off period and an application can be re-submitted again straight away.

It is only where an application is **refused** (different outcome to rejection) for not meeting the sponsorship requirements (HR processes, skill level of role, genuineness etc) that there is a minimum six-month cooling off period.

See under 'Cooling-off period' in [section L9](#) of 'Part 1: Apply for a licence' for further details.

There is no 'cooling-off period' for visa applications.

How many years visa is granted each time to the applicant?

A visa will be granted for the period of the role as stated on the CoS, plus any time before the CoS start date and 14 days after the end of the CoS start date (up to a maximum of five years).

Five years is the maximum period a CoS can be assigned for.

The earliest someone can apply is three months before the CoS start date.

Can people with a visa then apply for settled status after five years?

Yes, provided they have been in the UK with a Skilled Worker visa (or other eligible work visa) for a continuous period of five years, are still required for the employment in question, meet the salary requirements, and knowledge of life in the UK requirement.

To confirm - As the resident labour market test is now gone, would we just put one advert out and state we are Tier 2 sponsor? No need to advertise a job for 28 days unsuccessfully then advertise for tier 2 recruits?

Yes, that's correct. The Immigration Rules no longer specify any requirements in relation to advertising the job.

However, sponsors must, if asked, be able to explain how they have recruited their sponsored workers and should retain evidence of their recruitment activity – see Part 2 of [Appendix D](#) to the sponsor guidance for details.

Sponsors must also ensure any advertisements they place contain an accurate description of the role and do not contain requirements that are inappropriate to the job or are designed to exclude settled workers from applying – see 'genuine vacancy' definition in [section C1](#) of Part 3: Sponsor duties and compliance.

SALARY THRESHOLDS-PART TIME WORKING- WORKING AS LOCUM- WORKING ACROSS DIFFERENT EMPLOYERS/PRACTICES

Can a GP work just as a locum e.g. covering maternity leave, or do they need to have a permanent position? would a six-month maternity leave position be acceptable?

- This is possible and there is no minimum sponsorship length for a Skilled Worker visa. It's important to emphasise, however, that the locum cannot work for multiple employers, unless:
 - all of employers are covered by the same sponsor licence (i.e. they are listed as branches on a single sponsor licence); or
 - the locum is issued with a secondary CoS to work for another sponsor; or
 - the work meets the definition of 'supplementary employment' (which can be undertaken without an additional CoS)

See [section S8](#) of 'Part 2: Sponsor a worker' for guidance on secondary and supplementary employment.

If a GP is working already at another practice and wants to move practice, does the practice they are moving to have to be a visa sponsor if the GP already has a permit to work?

Yes, if there is no direct link of ownership or control between the two practices, they would need to be a licensed as a Skilled Worker sponsor

If a Practice sponsors the visa, is the employee allowed to work with another organisation, example Locums?

The general position is that a sponsored worker can only work for one sponsor at a time, but they may work for any branch attached to that licence, provided the work is in the same occupation code.

However, a GP may undertake 'supplementary employment' (unsponsored, for up to 20 hours a week) on top of their main sponsored employment. This must be in the same occupation as their sponsored job (which they must continue doing), or in a job on the Shortage Occupation List. The supplementary employment rules allow doctors to take locum work up to 20 hours a week outside their main job.

If a sponsored worker wants to take up additional work which does not meet the supplementary employment rules, they would need to be working for a second sponsor with a second CoS ('secondary employment'), and to make a new application to vary their immigration status so they could work for both sponsors.

If a practice wanted to recruit a newly qualified GP for four sessions a week can they apply for a visa extension for the GP?

If the worker meets the salary requirements (see answers below) – and all of the other Skilled Worker requirements – then yes.

If a doctor's minimum salary is above £58,808 FTE does that mean they automatically get the "tradeable points"?

Yes. However, it's important to emphasise that the £58,808 going rate for salaried GPs is based on a 40-hour working week. In calculating whether this requirement is met, we will pro-rate the GP's salary based on their actual weekly working hours, as specified on their Certificate of Sponsorship (CoS). This means, for example, if they are contracted to work 50 hours per week, they must be paid at least £73,510 per year to meet the going rate requirement.

See section SK5 of '[Sponsor a Skilled Worker](#)' for further details on salary requirements

What if the GP job contract is only for part time and the salary is lower than £58k as the working hours are less than full time?

A GP's salary must meet or exceed both of the following:

- the minimum Skilled Worker threshold of £20,480 per year
- the 'going rate' for the relevant occupation code – in this case, £58,808 per year (approx. £28.27 per hour), based on a 40-hour week

In calculating whether the GP is being paid the going rate, we will pro-rate their salary based on the number of weekly working hours stated on their CoS. This means that if the GP works 20 hours per week, they must be paid at least £29,404 per annum to meet the going rate requirement (i.e. 50% of the going rate based on a 40-hour working week).

We will not pro-rate their salary when calculating whether they meet the general threshold of £20,480. For example, if the GP works 13 hours per week and is paid an actual salary of £20,000 per annum, although this would

exceed the going rate, it is below the minimum general threshold and so would not meet the requirements.

See section SK5 of '[Sponsor a Skilled Worker](#)' for detailed information on salary requirements.

CERTIFICATE OF SPONSORSHIP RESPONSIBILITIES

Do you have to say how many CoS you intend to recruit in the year when you apply for sponsorship status?

Yes, this forms part of the licence application, however the number is not then fixed. If you later find you need additional CoS, you can request them at any time.

Can we become a sponsor without appointing anyone?

Yes. You do not have to have identified an individual in order to successfully apply for a sponsor licence. It is acceptable to do this, to be future ready. However, we would want to know what Occupation codes you may need to fill.

Can we apply for sponsorship before we have recruited?

Yes, as above. The licence is valid for four years

What if the candidate leaves after we have recruited them and applied for the licence?

If your licence has been granted and you have applied for or assigned a CoS in relation to the worker, you must notify us via the Sponsorship Management System if they either do not take up the employment, or leave the employment early.

If your licence application is still under consideration, and you had requested a number of CoS on the basis of this specific recruitment, you should notify us, as we may need to adjust the amount of Undefined CoS we can allocate to you if your licence application is granted.

If your sponsor licence application has not yet been allocated to a caseworker, and you decide you no longer wish to apply for a licence, it may

be possible to withdraw your application and request a refund of the licence application fee. Once consideration of the licence application has commenced, however, a refund is not possible

We recently employed a Salaried GP who needed Tier 2 sponsorship but has now handed in his resignation, due to personal reasons. Do we need to inform anyone or do anything with regards to this? I wasn't sure if the Home Office would be aware etc.

Yes, as above. You need to notify the Home Office by logging the information via the Sponsorship Management System (MSM) if they either do not take up the employment or leave the employment early.

We have applied tier 2 sponsorship and paid for it and awaiting paperwork to be completed and not sure how long it may take?

Is he allowed to start work before all the paperwork is completed?

No. The Tier 2 Worker must have Certificate of Sponsor and Skilled Worker visa in place before they can start their employment

QUALIFYING TO WORK AS GP IN THE UK

What is the pathway for ensuring IMG ST3s are HEE certified?

An International Medical Graduate who has completed their GP training in the UK will qualify in the same way as any other GP trainee and will have the requisite certification, knowledge and language skills.

For other overseas doctors there are different routes available to them to achieve certification. This includes the International Induction Programme and CEGPR. More information is available online:

[NHS England » International GP recruitment](#)

[GP International Induction Programme \(2021\) \(hee.nhs.uk\)](#)

Would a doctor from another country [outside EU/Australia/New Zealand] be required to undergo GP training to work as a GP?

For overseas doctors there are different routes available to them to achieve certification. This includes the International Induction Programme and CEGPR. More information is available online:

[NHS England » International GP recruitment](#)

[GP International Induction Programme \(2021\) \(hee.nhs.uk\)](#)

What's sort of English requirement evidence that Home Office would expect for skilled worker visa extension? If the person has already been living in the UK for few years and just applying for visa extension?

An overseas doctor working as a GP must prove they have the necessary knowledge of English to communicate effectively so that the safety of patients is not potentially put at risk. In the International English Language Testing System (IELTS) a score of at least 7.0 in each of the four areas tested (speaking, listening, reading and writing) and an overall score of 7.5 is required by the [GMC](#).

Where a person has met the requirement (at the appropriate level) in a previous successful visa application, they do not normally have to meet it again in a subsequent application for an extension of stay.

If we get a doctor [outside EU/Australia/New Zealand] do they need to undergo training?

For overseas doctors there are different routes available to them to achieve certification. This includes the International Induction Programme and CEGPR. More information is available online:

[NHS England » International GP recruitment](#)

[GP International Induction Programme \(2021\) \(hee.nhs.uk\)](#)

They need to be eligible to work as a GP, based on GMC rules. This isn't regulated by the Home Office.

MISCELLANEOUS

One of our doctors has tried to apply for a passport but the process has been delayed due to Covid-19. What can we do to overcome this?

Although a passport is required to validate an application, the Rules provide for some flexibility on this point, provided the applicant can satisfy us that they're unable to submit a valid passport due to circumstances beyond their control, and we are otherwise satisfied as to their identity (e.g. through previously enrolled biometrics). The crucial point is they apply before their existing visa expires and provide a full explanation (with supporting evidence, if possible) of why they're unable to submit a valid passport. The Home Office will advise the applicant if further information is needed.

How does visa sponsorship work for an Overseas(non-EU) nurse?

Guidance on sponsoring overseas qualified nurses and midwives is contained in section SK6 of the document '[Sponsor a Skilled Worker](#)'.

Do we have to pay for their NHS Pension as an employer?

Any employee is entitled to the same terms and conditions regardless of their status.

What happens if the GP is unable to secure a job at the expiration of current visa? How long can the GP stay in the country without a visa?

A person subject to immigration control must not remain in the UK without a visa – if they do, they may be liable to enforcement action, refusal of future visa applications, and could even be prosecuted for a criminal offence.

If a GP is unable to secure sponsorship in time for them to make a valid, 'in-time' application for an extension of stay, they must leave the UK. They can apply for a new visa at a later date if they secure sponsorship.

Do you need a sponsor for the health and social care visa?

Yes, a sponsor is required for a Health and Care Visa, as this is a subset of the Skilled Worker visa.

See section SK10 of '[Sponsor a Skilled Worker](#)' for further information.