

Immigration and the Tier 2 recruitment process – a quick guide

This guide sets out the recruitment process an employer should follow to meet the Home Office UK Visas and Immigration service (UKVI) requirements to sponsor migrants under Tier 2 (General) of the points-based system, for vacancies that are not included on the shortage occupation list (SoL).

Process	Actions	Requirements and good practice
Sponsorship duties	<p>Ensure that you have a robust HR system in place to meet all UKVI sponsorship requirements.</p> <p>In particular:</p> <ul style="list-style-type: none"> record keeping reporting compliance. 	<ul style="list-style-type: none"> Make sure UKVI is aware of any changes to your key personnel and their contact details. Make sure you keep records and documents in line with the requirements of UKVI, you will be required to make them available to UKVI on request.
Advertising	<p>Check advert and person specification meets the requirements of the resident labour market test (RLMT) by applying the UKVI Code of Practice.</p> <p>Please note when recruiting to fill a vacancy that is on the shortage occupation list, (with the exception of nursing from Autumn 2016) employers may issue a Tier 2 certificate of sponsorship without the need to demonstrate that a RLMT has been carried out. There are a few other exemptions from the RLMT, please check UKVI guidance before advertising.</p>	<ul style="list-style-type: none"> Unless an exemption applies, all vacancies are subject to a four-week advertising period (28 days), which does not have to be continuous. You may advertise in one of the following ways. <ul style="list-style-type: none"> For an initial period of no less than seven days. If a suitable worker already living permanently in the UK (settled worker) applies, you can appoint them straight away. Or the vacancy must be advertised for the remainder of the 28 days – if no suitable settled worker applies, a suitable Tier 2 migrant can be considered for appointment. By advertising for the full four-week period and go through the normal recruitment and selection process. Employers must advertise with Jobcentre Plus (Universal Jobmatch) and use one other permitted method (unless the vacancy falls in an exempted category outlined below). You are required to retain evidence that your advert has been placed for 28 days by taking a copy of the advert. Employers are no longer required to advertise with Jobcentre Plus (Universal Jobmatch) to meet the RLMT for: <ul style="list-style-type: none"> positions that attract an annual salary of £72,500 or more specified PhD level jobs (SOC code 2112 biological scientists and biochemists). Adverts must show the: <ul style="list-style-type: none"> job title job description job location salary package or salary range or terms on offer required skills, qualifications and experience closing date for applications, unless the job is part of your organisation's rolling recruitment programme, in which case the advert should state the period of the recruitment programme.

Process	Actions	Requirements and good practice
Advert closes	1. Long-listing by HR and recruitment managers.	<ul style="list-style-type: none"> It is advisable not to consider the applicant's immigration status at this stage. Using a blanket policy of weeding out non-UK/EEA applicants could lead to legal challenge. Candidates could be asked to separately indicate right to work at this stage, but the information should be held and accessed only by the HR/recruitment team following the candidate's interview and initial selection of appointable successful candidates. Check that applicants meet recruitment criteria, for example, job and person specification.
	2. Shortlisting.	<ul style="list-style-type: none"> Send long-listed applicant documents to interview panel. Rank applicants in order of merit, not right to work. Invite to interview based on rank. The invitation could include a statement reminding candidates about the RLMT and the fact that this may mean non-EEA candidates will not be appointed if the organisation has applications from suitably qualified, experienced and available settled workers. Inform candidates of the documents they need to bring to interview, for example, qualifications, ID, references, health declaration.
Interviews	Convene interview panel.	<ul style="list-style-type: none"> Check documents requested from candidates. Score and rank candidates. Pass all relevant information and documents to HR.
Conditional offer	Check, record, copy and sign documents requested.	<ul style="list-style-type: none"> This is the last opportunity to ask for evidence of the candidate's right to work if this has not already been collected by HR. Make conditional offer to the highest ranked suitable settled worker. If there is no suitable settled worker, you can make a conditional offer to a suitable migrant applicant and have demonstrated application of the RLMT. Request references.
UK/EEA applicants (settled workers)	<ol style="list-style-type: none"> Complete all employment checks outlined within the ☑ Employment Check Standards. Check, record, copy and sign any additional documents requested. Send offer of appointment in writing to applicant. Arrange start date. 	<ul style="list-style-type: none"> *A2 workers may not have an automatic right to work in the UK, you must check if the individual is subject to worker authorisation requirements. Record the outcome of all checks undertaken using the Electronic Staff Record (ESR) or alternative HR management system.
Non UK/EEA applicants (migrant workers)	<ol style="list-style-type: none"> Complete all employment checks outlined within the ☑ Employment Check Standards. Check applicant has all relevant documents to meet sponsorship requirements. Ensure you have checked, recorded, copied and signed all documents. Apply for certificates of sponsorship (CoS) on sponsorship management system (SMS) and send payment when requested (this applies to successful applications only). When SMS issues CoS, give details to candidate and keep details on their personnel file. 	<ul style="list-style-type: none"> Check your application will score a minimum of 21 points on the ☑ UKVI points table. Ensure you record visa details including expiry dates and set up review timetable. Ensure that the applicant has all the relevant documents and the most up-to-date Tier 2 (General) application form. Ensure that the applicant applies for Tier 2 status within set timescales. Record the outcome of all checks undertaken using the Electronic Staff Record (ESR) or alternative HR management system.

*A2 workers – Croatia