Routes to NHS employment, training or studying in the UK

Immigration rules and the points-based system

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There are a number of important legal requirements for employers when recruiting from overseas, such as verifying specific documentation to ensure that individuals have a right to work in the UK.
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The immigration system is governed by a number of rules outlining the way individuals from outside the European Economic Area (EEA) and Switzerland can work. The system is based on points.

Migrants must pass a points assessment before they are given permission to enter or remain in the UK. Points are awarded to reflect ability, experience, age and where appropriate, the level of need in the migrant’s chosen occupation.

The system has four tiers - Tier 1, 2, 4 and 5 - which are the routes to employment, training or studying in the UK. Tier 3 was designed for individuals to perform temporary low skilled work, but was never implemented and remains suspended.
**Tier 1**

Tier 1 (General) applies to highly-skilled individuals, previously the Highly Skilled Migrant Programme (HSMP).

Anyone who already holds a Tier 1 (General) or the previous HSMP visa is able to extend their stay based on the rules and criteria that were in place at the time they were first granted leave to remain in this category.

Tier 1 (Post-study work) granted individuals who had graduated from a UK university under Tier 4, two years of leave to remain with the ability to work without a sponsor.

Tier 1 entry routes are now closed to all new applicants.
Tier 2

Tier 2 is the most commonly used route in healthcare recruitment and applies to skilled workers who are offered a sponsorship to fill gaps in the UK labour force (previously the work permit route).

To employ an individual through Tier 2, employers need a sponsorship licence in order to apply for a Certificate of Sponsorship (CoS). Sponsorship licences last for four years and have strict duties that employers must comply with.
Certificates of Sponsorship (CoS) can be restricted or unrestricted.

A restricted CoS is for individuals who are applying from overseas as new entrants into the country.

An unrestricted CoS is for individuals who are already in the UK and who have been issued with an extension within Tier 2, or who need to transfer into Tier 2.
Step-by-step guide to applying for restricted and unrestricted Certificates of Sponsorship (CoS)

A sponsorship licence holder is the organisation responsible for issuing a Certificate of Sponsorship (CoS) directly to the migrant. The CoS is not an actual document but a reference number which the migrant can use to apply for leave to remain in, or entry to, the UK. This step-by-step guide highlights the differences between the unrestricted and restricted CoS and the process employers should use when applying for them.

### Unrestricted CoS
- **Not Included in the permanent limit**
  - Applies to in-country recruitment, switching into tier 2 and extensions and new limits above £150,000. Drawn from your allocation.
  - Employer applies to United Kingdom Border Agency (UKBA) for yearly allocation of CoS. The same date applies to all sponsors on a date set by UKBA at the beginning of each year.
  - CoS allocation granted and added to the sponsorship management system (SMS) by 5 April each year.
  - Recruitment takes place, job offer made or CoS needs renewing for extension. Employer applies resident labour market test (RLMT) as appropriate.
  - Apply for unrestricted CoS. Employer issues to individual within three months of allocation and within six months of first advertising a vacancy.
  - Individual applies for tier 2 clearance within three months of receiving CoS.
  - Application successful. Entry clearance/leave to remain granted.

### Restricted CoS
- **Included in the permanent limit**
  - Applies to all new out-of-country applications for CoS where the salary is below £150,000 or dependants of tier 4 migrants.
  - Recruitment takes place and resident labour market test (RLMT) applied.
  - Employer applies online to UKBA for a certificate from the monthly limited allocation. A minimum of 32 points is required.
  - Application assessed by UKBA panel.
  - If CoS is granted, employer assigns to the individual. This is the point when the employer is charged for the CoS.
  - Individual applies for tier 2 entry permission using the new applicants points table, which can be found on the UKBA website.
  - Application successful. Entry clearance/leave to remain granted.
Tier 2

To employ an individual from overseas through Tier 2, the employer must first ensure that there are no suitable settled UK workers who could fill the role. This is done through a resident labour market test (RLMT).

The RLMT doesn't need to be carried out if the role is on the shortage occupation list, which is an official list of all occupations for which there aren't enough UK workers to fill vacancies.
### Immigration and the Tier 2 recruitment process – a quick guide

This guide sets out the main steps processes employers should follow to recruit a Tier 2 (General) sponsored worker under the points-based system, for employees that are not in the skilled occupation list.

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<thead>
<tr>
<th>Process</th>
<th>Action</th>
<th>Requirements and good practice</th>
</tr>
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<tbody>
<tr>
<td>Advert date</td>
<td>Long-range and short-term recruitment</td>
<td>✓ Make sure your recruitment process is open and transparent.</td>
</tr>
<tr>
<td>Advert process</td>
<td>Online job advert and evaluation of applicants</td>
<td>✓ Use a professional recruitment agency.</td>
</tr>
<tr>
<td>IT</td>
<td>Send CVs, making a selection of candidates</td>
<td>✓ Use a selection process that is fair and consistent.</td>
</tr>
<tr>
<td>IT</td>
<td>Conduct interview</td>
<td>✓ Ensure the interview process is fair and consistent.</td>
</tr>
<tr>
<td>IT</td>
<td>Conduct assessment</td>
<td>✓ Ensure the assessment is fair and consistent.</td>
</tr>
<tr>
<td>IT</td>
<td>Receive and consider offers</td>
<td>✓ Ensure the offer is fair and consistent.</td>
</tr>
<tr>
<td>IT</td>
<td>Complete contract</td>
<td>✓ Ensure the contract is fair and consistent.</td>
</tr>
</tbody>
</table>

**Intermediary**
- Local authority or national body
- Fullcirclar practical guidance
- Expedite recruitment process
- Support employers through the recruitment process

**Conditional offer**
- Make sure all necessary documents are included
- Include relevant conditions
- Ensure all necessary documents are included
- Ensure all necessary documents are included

**UNREACHABLE**
- Send letter to employer
- Send letter to candidate
- Send letter to candidate
- Send letter to candidate

**Arrangement date**
- Send letter to employer
- Send letter to candidate
- Send letter to candidate
- Send letter to candidate

Find out more about Tier 2 and the points-based system, download our step-by-step and process guides.

[www.nhsemployers.org/immigrationguides](http://www.nhsemployers.org/immigrationguides)
Tier 4 applies to students who wish to come to the UK to study. Individuals must be sponsored by the educational establishment to undertake their studies.
Tier 5

Tier 5 applies to individuals on a youth mobility scheme and temporary workers who are allowed to work in the UK for a limited period of time to satisfy primarily non-economic objectives, such as exchange schemes.
The NHS is committed to ensuring ethical recruitment practices through adherence to the UK Code of Practice (CoP) for international recruitment.

...need more information?
...need more information?
NHS Employers provides guidance to NHS organisations on recruiting staff from overseas

Which tier, which profession?

Step-by-step guide to applying for restricted and unrestricted Certificates of Sponsorship (CoS)

Immigration and the Tier 2 recruitment process – a quick guide

Access more information and download our guides to immigration on our website www.nhsemployers.org/immigration or email recruitmentandretention@nhsemployers.org
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