

Newfields>>



Sponsoring Overseas  
Workers

2023

## About Newfields >>

Newfields is a boutique immigration law firm regulated by the Solicitors Regulation Authority.

With a combined team-based experience of 40 years in delivering immigration solutions, we take pride in the services we offer both businesses and individuals. Made up of both solicitors and advisors previously employed by the Home Office, our team of experts has secured an outstanding success rate in all Sponsor Licence applications submitted by the firm. We would be delighted to support you.

## Sponsorship and Sponsor licensing >>

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Employers must have a sponsor licence to hire workers who are not British or who are not 'settled' in the UK. European citizens who were not residing in the UK before 1 January 2021 are now caught by these provisions.

The complexity of sponsorship can be broken down into a few key points:

- A sponsor licence is granted in four-year cycles and can cover multiple UK and non-UK sites enabling you to mobilise staff at your convenience.
- As part of the licence application, you must demonstrate that your organisation is genuinely and lawfully operating in the UK, and that you can comply with both the Immigration Rules and the compliance requirements set out by the Home Office.
- The application can take up to 12 weeks to be assessed. It involves providing background details and appropriate documents relating to both your organisation, your personnel, and the vacancies you have earmarked for sponsorship.
- Those who are granted licences can sponsor workers in skilled positions that meet specific salary thresholds for renewable periods of up to 5 years.
- You will need to meet several legal duties to retain and to renew your licence. You could be audited before and/or after the Home Office decides your application.

# Sponsoring workers - the key points >>

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## Minimum Salary

Sponsor licence holders can employ workers in skilled roles which meet specific salary thresholds. The minimum income requirement is generally £25,600 per annum, but there are exceptions depending on:

- The worker's age,
- The worker's qualifications (UK or overseas)
- The type of role and the sector, and whether it is listed as a shortage occupation
- The worker's immigration status, and specifically whether they are an international graduate

## English language

In most cases, the worker will need to demonstrate their English ability through one of the following:

- National of a majority English speaking country
- UK degree or above
- Overseas UK equivalent degree or above which was taught fully in English
- Specific English language test issued recently by an approved provider.

## Background and health

Depending on the job role and the worker's nationality, the visa application may need to be supported by the individual's criminal check and/or a TB test certificate.

## Visa lengths and pathways to residence

A worker can be sponsored for up to 5 years at any one time. Inside the UK, workers can extend their visas from within the country and after spending 5 years here, they can potentially apply for settlement, also known as indefinite leave to remain.

## Timeframes and costs

Work-based visa applications from outside of the UK can take 6-8 weeks and those applied for from within the UK can take up to 12 weeks. In many instances, it is possible to pay additional fees to expedite the process.

A schedule of all Home Office visa fees appears at the end of this brochure.

# How we will support you and your workers >>

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Sponsor licence applications can be complex, but our team of experts will guide you through the entire process ensuring your licence is tailored to your structure and that it aligns with your recruitment strategy.

We will:

- Access your Sponsor licence portal and arrange Certificates of Sponsorship
- Draft the visa application
- Prepare any supporting document templates tailored to the application



- Assist with meeting any English language and/or TB testing requirements
- Review and advise in relation to the worker's 'final version' supporting documents
- Submit the application on the worker's behalf supported with legal representations
- Book the worker a visa centre appointment
- Upload all supporting documents to the Home Office on the worker's behalf
- Respond to any queries raised by the Home Office throughout the matter, on the worker's behalf
- Provide a secure address to which the Home Office can send any correspondence including any mail and the Biometrics Residence Permit on the approval of the application
- Advise the worker of any matters arising from the decision of the application, including the steps they can take towards any future application
- Undertake any of the above matters for the worker's family



## Immigration compliance >>

Newfields will ensure you are aware of your ongoing duties to the Home Office to minimise risk and remain immigration compliant.

### Handbook

A tailored Overseas Worker Handbook which sets out the legal obligations and duties for both the sponsor and worker that arise from the sponsorship arrangement.

### Right to Work training -

This interactive 2-hour session covers your legal duties on recruiting workers who require immigration permission; ensuring the visa holder is in fact permitted to undertake the work at your organisation; and the records you must maintain.

### Compliance Clinic

A one hour's review of your sponsor licence with a knowledge refresher of your sponsor licence duties to ensure you are fully compliant.

Please contact us for all service fee details.

## Option 1 - Compliance retainer

We call this our 'no risk retainer'. We effectively become your outsourced compliance service. Following a full compliance audit, we will help to make any changes and updates identified.

We will meet with you quarterly for risk management meetings (in office or remote), and check in at least monthly. Meetings will be led by us and minuted so that you have a full audit trail in the event of a UKVI visit. You would additionally of course have access to us whenever there are any questions.

Some clients make us available as a resource to the wider team.

We are pragmatic and commercial in our approach; our role is more than telling you what you need to do. Wherever possible, we will take that work off your plate. The aim is to save you time whilst maintaining quality and compliance.

### What is involved?

- Compliance audit (see Option 2 for more details)
- Full compliance consultancy
- Quarterly risk management meetings
- File review spot checks (up to half a day per quarter)
- Uncapped access to the team

Please contact us for pricing details.

## Option 2 - Standalone compliance audit

This option involves a review of your current processes and sponsor licence arrangements, enabling you to gauge your levels of risk and compliance at any one point in time.

### What is involved?

- A review of your sponsor licence and sponsor management system
- A review of your key documents and policies
- An interview with your Authorising Officer and SMS Users to discuss your systems and processes
- Interviews with any other team member(s) and/or sponsored worker(s) to check for any disconnect between policy and practice
- Sample file reviews and sponsored worker document checks.

Following our audit, you will receive a traffic light report plus a debrief meeting to identify any areas for improvement.

Please contact us for pricing details.

# Our Pricing >>

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Supported by a reputable experience in immigration law, we pride ourselves on transparency and excellent service. We will always explain in writing the costs associated with a Home Office application.

Our pricing is fixed regardless of complexity. Unlike most other law firms, we do not work on hourly rates. This gives you certainty of costs and peace of mind from the outset. Please contact us for details of our pricing.

## Our cost-free services

Employers and workers can and should contact us without fear of receiving a bill unless we have explicitly agreed otherwise in advance. We believe this approach secures a better working relationship to enable you to raise issues or queries before the matter escalates.

You will not be invoiced for our time in addressing any queries you have.



# Newfields>>

## We're here to help

Belong with Newfields,  
immigration specialists for business

### Contact us



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