APPLYING FOR A CERTIFICATE OF SPONSORSHIP

A help sheet for adult social care providers

Overview

This Help Sheet is to support Adult Social Care providers who are applying for Certificates of Sponsorship (CoS) to sponsor care workers from overseas for the Health and Care Worker Visa route.

To apply for CoS, you must first have a sponsor licence. Please see existing guidance for obtaining a sponsor licence – page 10 International recruitment toolkit - March 2024 (skillsforcare.org.uk) and Becoming a Visa Sponsor - Help Sheet for ASC Providers (skillsforcare.org.uk).

You should ensure that you familiarise yourself with Home Office sponsor guidance throughout your recruitment and employment processes. Further information on sponsor duties and compliance can be found in Part 3 - Workers and Temporary Workers: guidance for sponsors part 3: Sponsor duties and compliance (publishing.service.gov.uk).

It is important to note that this document does not replace the official Home Office Guidance or immigration rules, which take precent and are subject to change. Instead, it aims to clarify it in an Adult Social Care context.
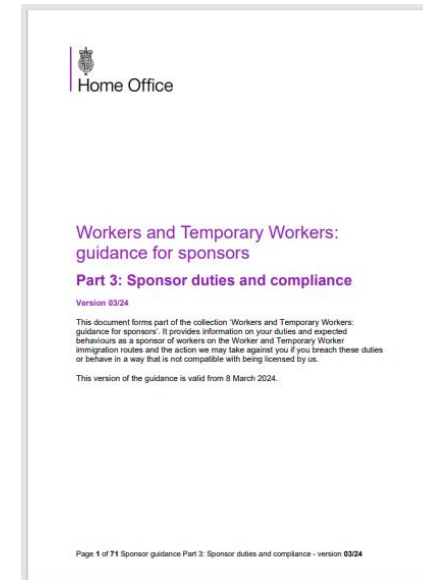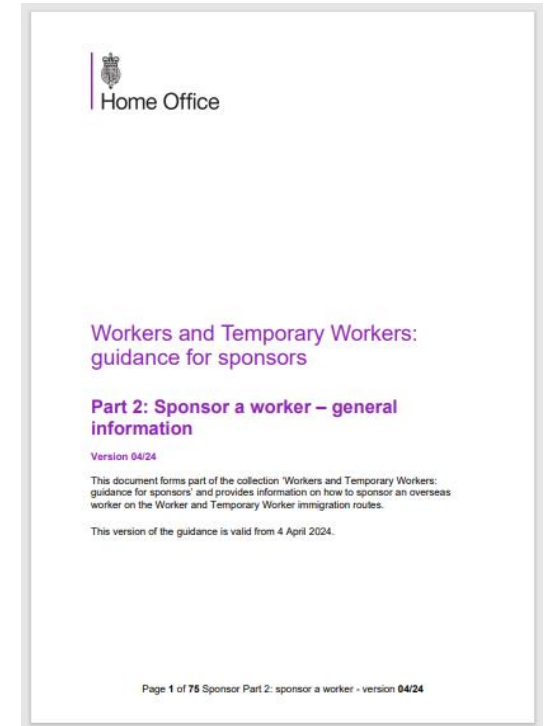
Types of CoS

Before a worker can make a successful immigration application, you must assign them a valid Certificate of Sponsorship (CoS). A CoS is not a paper certificate or document, but a database record which confirms details of the worker you intend to sponsor and the job they will do.

1. **Defined (DcoS)** – for applicants applying for a visa from outside the UK.

2. **Undefined (UcoS)**– for applicants applying from inside the UK, and for applicants on all other visas switching to a Skilled Worker visa (including the Health and Care Worker visa).

Further information on the types of CoS can be found in Part 2 - Workers and Temporary Workers: guidance for sponsors part 2: Sponsor a Worker - general information

Home Office

Workers and Temporary Workers: guidance for sponsors

Part 2: Sponsor a worker – general information

Version 04/24

This document forms part of the collection 'Workers and Temporary Workers: guidance for sponsors' and provides information on how to sponsor an overseas worker on the Worker and Temporary Worker immigration routes.

This version of the guidance is valid from 4 April 2024.

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Applying for a CoS

To apply for a CoS, you must already hold a sponsor licence. If you do not have a sponsor licence, you must first apply for one by registering and setting up an online account using the following link: Sponsor Application Online (homeoffice.gov.uk). When making a licence application you will be asked how to estimate how many UCos you need if a licence is granted (further guidance can be found on page 4 Becoming a Visa Sponsor - Help Sheet for ASC Providers (skillsforcare.org.uk))

When applying for CoS, you must justify the request and may be required to provide evidence to UKVI to demonstrate that you have a genuine vacancy.

A genuine vacancy, as defined by UK Visas and Immigration (UKVI) (which can be found in the Workers and Temporary Workers: guidance for sponsors part 3: Sponsor duties and compliance (publishing.service.gov.uk)), is one which:

- Requires the jobholder to perform the specific duties and responsibilities for the job and meets all the requirements of the relevant route

- Does not include dissimilar and/or predominantly lower-skilled duties

- Is appropriate to the business in light of its business model plan and scale

After you have received your Undefined CoS allocation/Defined CoS you must assign a CoS, via the Sponsor Management System, to each foreign worker you employ. Each CoS has a unique number, which will be assigned to a worker who will use this to apply for a visa. The worker must use the certificate to apply for their visa within 3 months of it being assigned, it is important to note that they cannot apply for their visa more than 3 months before the start date of the role, as listed on the CoS.

There is no restriction on the number of CoS that can be granted – however it should be proportionate to your business size and need and UKVI may limit the number of CoS granted where they are not satisfied that the number requested is proportionate.

Documentation that may support CoS applications

Item	Additional Information
Job description	You should provide a full description of the role you are recruiting for. This could include: • Job title • Salary (per annum and hours per week) • Details of the skills and experience required for the role • SoC code • The main duties for which the worker will be assigned
Evidence that staff are working overtime to meet business need	If current staff are working additional hours to adequately deliver services, you should highlight this in your application. You should provide evidence of overtime, for example, payslips where additional hours have been worked. This could include a staff rota, to demonstrate what duties current employees are undertaking, where they are working and where overtime has been given.
Candidate information (if known at time of application)	If specific candidates have been identified, you should provide details to support your application: • Name • DoB • Current immigration status • Copy of passport or biometric residence permit • [If the candidate is a student], details of the course being studied including start/end dates [If candidate is a current employee] you should include: • Last 3 months of payslips • Employment contract
Evidence of using agency staff to meet need	You should provide evidence of agreements with agency staff if you have had to use them to fulfil enough hours to meet business need. This will help demonstrate the need for more permanent staff by showing that your current staff levels do not meet need.
Employment contracts	You should provide evidence of contracts between your business and existing sponsored workers who currently have the same SOC code that you are applying for. It is important you highlight appropriate sections of the contract relevant to your application to limit delays to processing times. If you have not previously sponsored workers, you should consider providing a draft employment contract.

Documentation that may support CoS applications

Item	Additional Information
Contracts of work you are currently delivering	You should provide evidence of the work you are currently delivering to demonstrate that your business has genuine vacancies related to your current request. These could be in the form of agreements with local authorities, the NHS, or private contracts/agreements to provide care. You should provide details of the contracts, specific to the CoS application, for example: • The start and end date of the contract • The nature of the services provided • The number of service users covered • The number of staff required to service the contract • The locations where staff will undertake the work To improve your application, you should ensure you clearly highlight sections relevant to your CoS application to limit any delays in processing.
Hierarchy chart	This can be used to demonstrate where the vacancy exists in your organisation. This should show: • Current occupied roles in your organisation • Each vacant position • Which of these positions the sponsored worker will fill • Which positions (if any) are currently being filled by international recruits
Domestic recruitment attempts	Under the current immigration system, there is no longer a requirement to advertise vacancies domestically before using international recruitment. However, you may wish to include evidence of failed attempts to recruit domestically to help demonstrate need. This could include: • Archived job adverts (e.g. online via recruitment platforms) for the role you are recruiting for • Records of unsuccessful interviews for the role you are recruiting for
Supporting statement	Providing the required evidence may not be enough to support your application. You should write a supporting statement to demonstrate how all of this evidence proves that you have a genuine vacancy and ensure there is a narrative to follow.
DASS letter of support	You can contact your Director of Adult Social Services (DASS) to request a letter of support for your CoS application. If the DASS is content to proceed, they will forward this letter on to UKVI.

Applying for a CoS

Documentation that in isolation does not demonstrate a genuine vacancy for a CoS application

Local Authority (framework) contracts that do not show evidence that you are currently delivering care packages will not be accepted as evidence to prove a vacancy is genuine. You must be able to show that you currently have enough work to sponsor international staff and that you will be able to meet the minimum salary requirements. Contracts that only demonstrate prospective work will therefore not be considered as evidence. However, Local Authority contracts that do clearly show you are delivering specific care packages will be useful evidence.

UKVI will also not accept evidence of your business currently bidding for contracts, your business must already be in a position where it will have sufficient work to employ sponsored workers on a full-time basis. Any contract provided must confirm the hours/volume of work you will receive, and UKVI cannot accept Spot Purchase/Dynamic Framework agreements alone as these documents cannot be considered as a guarantee that care contracts will be offered.

Additional support

UKVI cannot give advice on individual applications, however, there are several resources available to support you:

- Toolkit for International Recruitment for Adult Social Care Providers – International recruitment toolkit - March 2024 (skillsforcare.org.uk)

- Becoming a Visa Sponsor - Becoming a Visa Sponsor - Help Sheet for ASC Providers (skillsforcare.org.uk)

- Sponsor Guidance - Sponsorship: guidance for employers and educators - GOV.UK (www.gov.uk)