

Employing a Non-UK National: A UK Sponsor Licence – Key Questions Answered

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By **Paul Harvey**, 11th April 2023

The UK is currently experiencing an unusual economic climate. On one hand, we are facing a possible recession but on the other hand, the reduced qualified/skilled available workforce is leading employers to look overseas. This article hopes to dispel some of the myths surrounding sponsoring non-UK nationals.

What do I need to think about, when employing a non-UK national?

Firstly, where is your prospective employee? If they are in the UK, how are they in the UK?

There are a number of immigration categories where an non-UK national is able to work for you in the UK without you needing to sponsor them. For instance:

- Holders of Ancestry visas
- Holders of dependant status: where their partner is in the UK under one of the work categories
- Holders of spouse visas

If none of the above apply, then, if you are a UK trading entity, you can sponsor a non-UK national if you obtain/hold a sponsor licence.

Is it very expensive to sponsor a worker?

The total cost of sponsoring a non-UK employee depends on the following:

1. Whether you are considered a small/medium or large company

1. The duration of the permission: less or more than 3 years

1. The job type: is it considered a shortage occupation or is it a PhD occupation?

1. How old is your candidate?

Secondly, you need to consider what you, as an employer must pay for and what the employee pays for. Any immediate costs; for assigning the certificate of sponsorship, the certificate charge and the Immigration Skills Charge, is the responsibility of the employer. The other costs; Immigration Health Surcharge, priority processing and visa fees, are the responsibility of the employee and if paid by the employer are considered to be a "benefit in kind".

Is it difficult to obtain a sponsor licence?

The main complexity with the sponsor licence application is that, if an application is refused, you are unable to reapply for 6 months.

The rules surrounding which entities can apply, the evidence required to be submitted and whether a licence is required for each related entity in the UK is a challenge. Although information is available on the UK Government portal, it is not always clear which sections apply.

I have heard that the process is complicated and burdensome for the employer

That depends on whether you are already running a compliant business. Contrary to popular belief, the sponsor licence obligations complement the compliance required for employment law, tax, and health and safety along with other areas of UK law. It is only complicated/burdensome, if you do not already have an effective compliance infrastructure in place.

Additional Information

If you have any questions and/or would like tailored advice on any UK immigration matter, please speak to us at: advice.uk@dixcart.com, or to your usual Dixcart contact.