[What is a Certificate of Sponsorship (COS)? 1](#_Toc418182898)

[What types of visa are there? 1](#_Toc418182899)

[Who sponsors trainees? 2](#_Toc418182900)

[How do trainees apply for a COS? 2](#_Toc418182901)

[How long does the COS last? 2](#_Toc418182902)

[Can a trainee start their post without their visa? 2](#_Toc418182903)

[Can a trainee apply for Less Than Full Time (LTFT) working? 2](#_Toc418182904)

[Can a trainee apply for an Out of Programme (OOP)? 2](#_Toc418182905)

[What is RLMT? 3](#_Toc418182906)

[What are the exemptions for the resident labour market test? 3](#_Toc418182907)

[Can a trainee apply for an Inter Deanery Transfer (IDT)? 3](#_Toc418182908)

[What are employing organisation/GP practice manager’s responsibilities? 3](#_Toc418182909)

[What are the activities that must be reported? 3](#_Toc418182910)

[Glossary 4](#_Toc418182911)

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# What is a Certificate of Sponsorship (COS)?

A certificate of sponsorship is a 'virtual document' assigned by an organisation (which must be a licensed sponsor) to a migrant. The migrant must quote the certificate's reference number when applying for permission to work in the UK under Tier 2 of the points-based system. The migrant is given a reference number as a key part of their visa application for permission to come to the UK if they are overseas (known as 'entry clearance'), or permission to stay in the UK if they are already here (known as 'leave to remain').

# What types of visa are there?

Tier 2 (General)

The Tier 2 (General) category is aimed at migrants that have an offer of a skilled job that cannot be filled by a settled worker.

Tier 1 category

The Tier 1 (General) category is aimed at migrants who wish to engage in highly skilled employment in the UK. Successful applicants will be free to seek employment without having a sponsor or to take up self-employment/business opportunities in the UK. However, this category in no longer used for doctors or dentist in training.

Tier 4 student

The Tier 4 category is aimed at Non-UK/non-EEA nationals who graduate from a UK medical school wishing to undertake a two-year full-time Foundation Programme, (including academic programmes), are eligible to apply for Tier 4 sponsorship. Doctors from non-UK medical schools are not eligible to apply for Tier 4 sponsorship.

# Who sponsors trainees?

Trainees are sponsored by Health Education West Midlands on behalf of Health Education England (for trainees recruited to training and LAT posts in England only)

# How do trainees apply for a COS?

Once a trainee has accepted an offer they are contacted by the East Midlands COS team.

They are sent the information they require to apply for a COS and informed of the process which can be found on the following link <http://www.westmidlandsdeanery.nhs.uk/OverseasDoctors/Tier2.aspx>

# How long does the COS last?

The trainee must apply for their visa within 3 month of the COS being issued. If they do not apply for their visa within the 3 months they must apply for a new COS.

# Can a trainee start their post without their visa?

No. The trainee must have their biometric card before they can start in their post.

# Can a trainee apply for Less Than Full Time (LTFT) working?

Yes. A trainee can work LTFT if the meet the eligibility criteria and they must not earn below £20,800. This salary must be calculated from the salary excluding any banding. The LTFT percentage will depend on what their current salary is.

# Can a trainee apply for an Out of Programme (OOP)?

Yes. A trainee can apply for an OOP but it must be within a LETB approved training post. If the trainee wishes to go on OOP in a non LETB approved training post their sponsorship would end. However, they can reapply for a COS if they are returning to the same NTN (and be RLMT exempt)

Please note that if a trainee has an OOP outside of the UK they will be subject to a ‘cooling off’ period of 12 months before being allowed to re-enter the UK. The only exception is when the trainee is involved in the Ebola crisis for a maximum of 6 months.

# What is RLMT?

RLMT (Resident Labour Market Test) means that you must advertise the job you wish to recruit to; to give settled workers a chance to apply. If you find that you have more than one candidate with all the necessary skills and experience you advertised for, where one is a settled worker and the other is a migrant, you must appoint the settled worker even if the migrant is more skilled or experienced.

For further information, please see the RLMT guidance produced by Health Education England so that we are compliant with the guidelines set out.

# What are the exemptions for the resident labour market test?

The exemptions to the RLMT are:

* Continuing to work in the same occupation - If the migrant is already working for you and they need to extend their leave to continue working for you in the same occupation, you do not need to conduct a resident labour market test.
* Shortage occupations - Shortage occupations are ones where there are not enough settled workers to fill available jobs in particular sectors. See link [here](https://www.gov.uk/government/publications/tier-2-shortage-occupation-list).
* Post-study work - You do not have to conduct a resident labour market test if a migrant you want to sponsor is applying for Tier 2 (General) leave, in the UK and has a tier 4 visa. Migrants on a tier 4 dependant visa will be subject to RLMT as they would require a Restricted COS.
* The trainee has had an OOP and is returning to the same NTN.

# Can a trainee apply for an Inter Deanery Transfer (IDT)?

Yes. A trainee can apply for an IDT within England without having to meet the RLMT as they will be continuing with the same sponsor (HEE). The trainee would need to meet the eligibility criteria required for an IDT.

# What are employing organisation/GP practice manager’s responsibilities?

The employing organisation/GP practice manager’s responsibilities are:

* To identify an individual in its organisation who will be the lead contact for the Local and Lead LETB to liaise with.
* To set up systems locally to ensure that any activity that contravenes the terms of the Tier 2 sponsored trainee's Tier 2 visa is reported immediately in any event, no later than 5 working days after the event.
* To comply with the timetable provided for the collection and submission of monitoring data and completing and submitting the form at the start of the sponsored trainee training programme and if any reporting activity is identified, during the training programme rotation.
* To provide the Local LETB with records verifying attendance at study days and authorisation of any periods as and when required. Also to provide a verified copy of the trainees visa when starting their training programme.

# What are the activities that must be reported?

The following activities must be reported within 5 working days of the event occurring:

* A trainee does not turn up for their first day at work, including the reason for non-attendance (e.g. a missed flight) or does not start the training programme.
* A trainee has accrued 10 working days of unauthorised absence from work.
* A trainee misses 10 "expected contacts" during their training programme without permission.
* A trainee’s contract of employment ends (including where they resign or are dismissed). The name and address of any new employer that the Tier 2 sponsored trainee has joined and in what capacity, if known.
* A trainee leaves their training programme and / or takes up a non-training post.
* Changes to the particulars of employment of the Tier 2 sponsored trainee e.g. salary.
* A trainee applies for LTFT or they are on leave due to maternity, paternity, adoption or sickness (lasting 30 days or more).
* If the immigration status of the Tier 2 sponsored trainee changes during employment i.e. changes immigration status, leaves the training programme (resigns) etc.
* The Tier 2 sponsored trainee’s employment is affected by TUPE or a similar provision.

# Glossary

COS – Certificate of Sponsorship

RLMT – Resident Labour Market Test

PSW – Post Study Work

PBS – Points Based System

SOC – Standard Occupational Code

ILTR – Indefinite Leave to Remain