



Guidance for Seafood Businesses on how to navigate the **Skilled Worker Visa**

Guide 3:

How to employ migrant workers under a Skilled Worker Visa

Prepared for Seafish by Darren Stevenson,
Legal Director at Wiggin LLP

Overview of the Guides

There are five guides included in the Skilled Worker Visa Guidance, alongside a glossary which explains the technical terms. We recommend you take the time to read through each of these guides before starting the application process. The five guides are summarised here.

[Follow this link](#) to access the other guides



Guide 1: Introduction to the Skilled Worker Visa - explaining the fundamentals

Guide 1 provides an overview of the sponsorship and recruitment process and explains why it has been structured in this way. It also explains the preparation you should take before you start the application process and the costs involved in sponsoring a person under a Skilled Worker Visa. Make sure you have read and understood the details in Guide 1 before you embark on the sponsorship process.



Guide 2: How to become a sponsor

Guide 2 is a detailed step by step guide through the online application process. It includes screenshots from the application systems and explains how to make a successful application. It also details the information, documents, and systems you will need to have in place before you are ready to submit your application.



Guide 3: How to employ migrant workers under a Skilled Worker Visa

Guide 3 covers the process of sponsoring migrant workers via the Skilled Worker route, once your sponsor license has been approved. This includes important things that both you and your potential employee should know, such as job codes, salary and language requirements, the different types of certificate of sponsorship and how they should be used.



Guide 4: Your ongoing responsibilities as a sponsor of Skilled Workers

Visa sponsorship is a long-term commitment, and Guide 4 will help you understand your ongoing responsibilities and how to ensure you are complying with them. These responsibilities include the need to maintain accurate records, to notify the Home Office of any changes, and managing the relationship with your sponsored worker.



Guide 5: Your wider legal responsibilities

The final guide includes general information on your wider legal responsibilities as a seafood business engaging migrant workers. UK employment law is likely to apply to any person working in the UK and in territorial waters. These duties will be in addition to your sponsorship duties and if you fail to meet these wider obligations it could impact on your ability to remain a sponsor.



Glossary: Provides explanations of key technical and legal terms that relate to the Skilled Worker Visa

The glossary contains definitions of key terms used across the Skilled Worker Visa Guidance – see text in **bold** in each Guide.

Introduction

UK immigration requirements mean that if you wish to employ migrant workers in the seafood industry, either onshore or within 12nm of the shore, you will more than likely need to use a Skilled Worker Visa.

This visa allows for the employment of migrant workers for **certain skilled jobs** in the UK. This includes experienced deckhands on fishing vessels, fish filleters, and seafood processing line operatives, as well as food manufacturing engineers, mechanics, or skippers.

We understand that many seafood businesses will be new to this system and may find it difficult to understand the process involved. This guidance should assist you to:

- Apply to become a sponsor
- Employ overseas workers
- Meet all your responsibilities as a sponsor.

The guidance is specifically tailored to seafood businesses, whether you are a fishing vessel, aquaculture business or a processing company, regardless of where you are based across the UK.

The information contained in these guides is to be used as guidance only. It does not constitute legal advice and if you are unsure about any aspect of the sponsor regime or Skilled Worker Visa requirements you should seek independent legal advice. It is not a substitute for the published official Home Office guidance on the sponsorship regime, or the Immigration Rules. Where possible we have included links to the official guidance.

If you have any questions about this guidance, please email skilledworkervisa@seafish.co.uk

Contents

1. The Sponsor Management System (SMS)	6
2. Certificates of Sponsorship – Key Concepts	7
3. Using the SMS to sponsor a worker	16
4. Some considerations for Skilled Worker visa applications	20

As a recognised sponsor you can issue **Certificates of Sponsorship (CoS)** to potential employees. A **CoS** is used by a migrant worker to make a **visa** application. You apply for and assign **CoS** via the **Sponsor Management System (SMS)**. This guide summarises the information you will need to navigate the **SMS** and **CoS** process.

The relevant Home Office official policy guidance is entitled: [“Part 2: Sponsor a worker – general information”](#) and [Workers and Temporary Workers: sponsor a skilled worker](#).

1. The Sponsor Management System (SMS)

Once your licence has been granted, your appointed **Level 1 Users** will be given access to the **SMS**. The **SMS** allows you to perform various tasks relevant to sponsorship, such as issuing **CoS**, meeting your reporting obligations in respect of sponsored migrants, or making notifications of changes to your business. There are a series of official guides on how to operate the **SMS**, found [here](#).

2. Certificates of Sponsorship – Key Concepts

Defined and Undefined Certificates of Sponsorship

In this section we will discuss how you sponsor a migrant worker, once your licence has been granted. Before you start the process to issue a CoS you must be satisfied that (1) the worker is able to carry out the role specified for your business, and (2) they will be able to meet the **Immigration Rules** for a Skilled Worker **visa**. This is explained in Guide 4: 'Your ongoing responsibilities as a sponsor of Skilled Workers' which discusses your duties and obligations.

The process for sponsoring a worker is different depending on whether the worker is outside of the UK or whether they are already resident in the UK. It is important to note that it is only possible to apply for a Skilled Worker **visa** from inside the UK if the worker is already in the UK on an existing **visa** which allows them to **switch** categories. For example, a person who is here as a visitor is not permitted to make an application for a Skilled Worker **visa** from within the UK and they must leave the UK first before applying. The same applies to a crew member who is here on a **transit visa**. In these examples, the worker must return home to make a **visa** application to re-enter.

It is only possible in very limited circumstances for someone who has overstayed their existing **visa** to make a Skilled Worker application, and in this case the individual should seek legal advice.

There are two types of **CoS** under the Skilled Worker route. A **defined CoS** must be used if the worker is entering the UK from abroad. Permission to **assign** a **defined CoS** must be requested from the Home Office using the **SMS**.

If the worker is already in the UK, and can apply from here, then you may utilise an **undefined CoS**. A sponsor is given a yearly allocation of Undefined CoS based on their stated expected requirements in the licence application. It is possible to renew this allocation or to ask for an increase in the number of **undefined CoS** you can issue in a year.

Job descriptions and code selection

An important component of the **CoS** is the job title, job description and the **Standard Occupation Code (SOC)**. You must select the most appropriate **SOC** based upon the job description for the role when you seek a **defined CoS**, or when you issue an **undefined CoS**. The **SOC** then determines the minimum salary which must be paid under the **Immigration Rules**.

The job title and job description for most vacancies within a seafood business should be straightforward. The types of roles which might be sponsored include a fish filleter or line operative in a factory, or a deckhand on a fishing trawler. However, you might, for example, also decide to sponsor a migrant worker to perform a managerial or financial role in your business. A wide variety of occupations can be sponsored. The list of occupations which can be sponsored is found in the **Immigration Rules**, under [Appendix Skilled Occupations](#).

To identify the appropriate occupation code there is an online tool provided by the Office of National Statistics; the [ONS Coding Tool](#). This allows you to search for particular occupation titles and the appropriate **SOC** code. These **SOC** codes also provide a list of example job duties. You should aim to select the most appropriate code by comparing the job description for the role you wish to sponsor against the example job tasks within the **SOC** code description. You should not simply copy from the job tasks within the coding tool, this would give rise to concern that you have not properly provided the job details.

It is important that you do not choose a less appropriate SOC because it attracts a lower salary. The SOC code selection must be based on the job duties.

A **CoS** contains a box for you to enter the job description. There is a 1000-character limit to this and so it is important to summarise the primary duties that the job holder is expected to carry out. This helps the Home Office to confirm that the most appropriate **SOC** has been chosen. For most seafood businesses the occupation code should be quite straightforward.



Here are some examples of relevant job codes:

SOC Code	Job Description	Tasks required by this job	Jobs Related to this code
5433: FISHMONGERS AND POULTRY DRESSERS	Fishmongers and poultry dressers clean, cut and prepare fish and poultry for processing or sale	Scrubs, de-scales, heads, guts, washes and bones fish; cuts and slits fish for curing by hand or machine; removes feathers and internal organs, extracts edible offal and cuts off feet and head from poultry carcasses and dresses as required; cleans tools and work surfaces.	Butcher (fish, poultry) Filleter (fish) Fish processor Fishmonger Poultry processor
9119: FISHING AND OTHER ELEMENTARY AGRICULTURE OCCUPATIONS.	Job holders in this unit group perform a variety of tasks in relation to the breeding and rearing of animals and fish, catch fish at sea and from inland waterways, assist in the picking and lifting of crops, plant and maintain hedges, oversee the incubation and hatching of eggs and perform other fishing and elementary agricultural tasks	Assists with the shooting, hauling and repairing of nets, prepares, lays and empties baited pots at intervals, operates winches and lifting gear, and guts, sorts and stows fish; harvests oysters, mussels, clams and seaweed off natural or artificial beds, nets river fish and maintains them in spawning pens, assists with feeding and water treatment, and empties and cleans outdoor tanks; cleans animals quarters and renews bedding as necessary; extracts semen for storage, selects appropriate semen from store, injects recipient animal and issues certificate giving pedigree and date of insemination; incubates eggs in hatchery and supplies chicks for meat and egg production and game birds for reserves; plants cuttings or shrubs, maintains hedges by clipping, pruning and re-planting, and picks fruit, vegetables, hops and flowers; performs other farming and related tasks not elsewhere classified including sorting and marking livestock, catching rabbits, cutting peat, shearing sheep and sexing chickens.	Horticultural worker Labourer (landscape gardening) Mushroom picker Nursery worker

SOC Code	Job Description	Tasks required by this job	Jobs Related to this code
5119: AGRICULTURAL AND FISHING TRADES	Job holders in this unit group perform a variety of agricultural and fishing tasks	Nets river fish and feeds and maintains them in spawning pens, cultivates and harvests oysters, mussels and clams on natural and artificial beds, treats water and diseased fish, and empties and cleans outdoor tanks; navigates and maintains shipping vessels, assists with the shooting, hauling and repairing of fishing nets, prepares, lays and empties baited pots, and guts, sorts and stows fish; establishes and maintains forest nurseries, forestry and woodland, and diagnoses and treats diseased trees; patrols a designated area of the countryside to monitor damage, erosion, access to rights of way and the state of footpaths and other facilities, and carries out remedial maintenance work as necessary; monitors and maintains the level of wildfowl on public and private estates.	Aboriginal consultant Bee farmer Gamekeeper Share fisherman Trawler skipper Tree surgeon

You may notice the similarity between **SOC 5119** and **SOC 9119**; **SOC 9119** is set at a lower skill level than **SOC 5119**. You would generally utilise **SOC 9119** to engage a Deckhand on a large fishing vessel, whilst code 5119 is appropriate for a more senior crewmember such as a 1st mate or skipper.

If utilising code 9119 to sponsor a deckhand, there are special stipulations, contained within the **Immigration Rules**, that you must only sponsor where the job requires the worker to have at least 3 years' full-time experience in using their skills. This experience must not have been gained through working illegally. In addition you may only sponsor a crew member to work on a large fishing vessel of 9 meters and above.

You will also note that **SOC 5433** encompasses a variety of fish processing roles, including fish filleters, fish processors and fishmongers. This coding will likely encompass most of the different processing roles on the factory floor of a seafood processing business.

Salaries and calculations

Both **SOC** 5119 and 9119 are included on the **Shortage Occupation List**. This means that the salary paid must equal or exceed all of the following:

- £20,960 per year;
- £10.75 per hour; and
- 80% of the going rate for the occupation code.

For roles that are not on the **Shortage Occupation List** an important consideration is whether the migrant to be sponsored is an 'experienced worker' or a 'new entrant'. A migrant worker will be a 'new entrant' if they are under 26 years old when they first apply for the **visa**, and they are not applying to stay under the category for more than 4 years in total. In certain circumstances a holder of a student **visa** who is switching to a Skilled Worker **visa** can also be a 'new entrant' even if they are over 26 years old. Otherwise a migrant worker will be an experienced worker. The full definition of a 'new entrant' can be found at SW12.2 of [Appendix Skilled Worker](#) of the Immigration Rules.

For an experienced worker the salary must equal or exceed all of the following:

- £26,200 per year (the general rate for an Experienced Worker);
- £10.75 per hour; and
- the going rate for the occupation code (**SOC**).

For a new entrant the salary must equal or exceed all of the following:

- £20,960 per year (the general rate for a New Entrant);
- £10.75 per hour; and
- 70% of the going rate for the occupation code (**SOC**).

The chosen **SOC** dictates the minimum salary which must be paid to meet the **Immigration Rules**. In the examples above, the going rate for each occupation code is as follows:

5433: FISHMONGERS AND POULTRY DRESSERS	£17,100
9119: FISHING AND OTHER ELEMENTARY AGRICULTURE OCCUPATIONS	£18,000
5119: AGRICULTURAL AND FISHING TRADES	£22,000

For SOC 5433 (which is not on the shortage occupation list) the going rate for the occupation is lower than the rate for an experienced worker, or a new entrant worker (£26,200 and £20,960 respectively). This means that the higher salary rates of £26,200 or £20,960 (and £10.75 per hour) will prevail over the minimum salary listed in the SOC code 5433. SOC codes 5119 and 9119 are now on the shortage occupation list. The going rate for code 5119 is higher than the shortage occupation minimum rate of £20,960; you are permitted to pay 80% of the going rate if a role is in shortage, but not below £20,960. This means that the salary rate of £20,960 (and £10.75 per hour) will prevail over the minimum salary listed for SOC codes 5119 and 9119..

The annual salary of £26,200 for an experienced worker (or £20,960 for a new entrant or role in shortage) is based upon a maximum working week of 48 hours; it is not pro-rated. If a sponsored worker is expected to work more than 48 hours per week then the annual salary will be reduced by the hours beyond that. An example is given in the **Immigration Rules** as follows:

*“An applicant who works 60 hours a week for £10 per hour will be considered to have a salary of £24,960 (£10 x 48 x 52) per year and not £31,200 (£10 x 60 x 52).” If you sought to sponsor an experienced worker who was paid £26,200 annually, but worked for 60 hours a week, the **visa** would be refused.*

However, the **Immigration Rules** at SW 14.3A of Appendix Skilled Worker provide that if the weekly hours vary, so that in some weeks they will exceed 48 but will be followed by weeks with reduced hours or rest weeks, it is possible to average the hours to include hours worked beyond that for the calculation of the annual salary, as follows:

“If the applicant is being sponsored to work a pattern where the regular hours are not the same each week, resulting in uneven pay:

(a) work in excess of 48 hours in some weeks can be considered towards the salary thresholds, providing the average over a regular cycle (which can be less than, but not more than, 17 weeks) is not more than 48 hours a week; and

(b) any unpaid rest weeks will count towards the average when considering whether the salary thresholds are met; and

(c) any unpaid rest weeks will not count as absences from employment

For example, an applicant who works a pattern of 60 hours a week for £12 per hour for two weeks, followed by an unpaid rest week, will be considered to work 40 hours a week on average and have a salary of £24,960 (£12 x 40 x 52) per year.”

This may be particularly relevant for catching sector businesses where the weekly hours are not consistent and may exceed 48 in some weeks, but which is then followed by rest weeks. The 17-week average (it is a maximum of 17 weeks and can be less) is only relevant if the sponsor wishes for more than 48 hours in any given week to be counted towards the salary requirements.

There are some traps to avoid. These arise primarily when you are seeking to sponsor a role on the **Shortage Occupation List** or a 'new entrant' for a role not on the **Shortage Occupation List** on the minimum salary (which is applicable to both) of £20,960. If you specified that this salary was to be paid for a 48-hour working week, then whilst the general annual rate would be met, the **visa** application would be refused as the **Immigration Rules** were not satisfied.

This is because the hourly salary would fall below £10.75 ($\text{£20,960} / 52 \text{ weeks} / 48 \text{ hours} = \text{£8.40}$).

In addition the given occupation rate is generally based on a 37.5-hour week. The salary you provide is prorated according to the hours you specify and compared to the equivalent for a 37.5-hour week.

This issue will arise if you seek to sponsor a role on the Shortage Occupation List or for a non-shortage new entrant on an annual salary of £20,960. If you are seeking to rely on the £20,960 annual salary, then you can only require the worker to work for 37.5 hours a week, otherwise the salary level will require to increase beyond £20,960 to remain above the threshold of £10.75 per hour.

For some catching sector roles it may not be possible to confirm the weekly hours that will be worked in advance. The actual hours worked by a crewmember may vary due to poor weather, or mechanical issues with the vessel. When assigning a **CoS** to a crewmember you should try to give an accurate estimate of the expected weekly hours. This can be an expected average figure. It would be important to periodically review the actual hours work, to ensure that the figure given on the **CoS** remained accurate and that you can make up any shortfall in wages. The minimum salary figures required by the **Immigration Rules** must be adhered to, even if hours vary, or there are periods when the vessel does not operate.

The salary figure which you provide is the gross figure before income tax and national insurance is deducted. The salary cannot include other pay and benefits, such as any of the following:

- pay which cannot be guaranteed because the nature of the job means that hours fluctuate; or
- additional pay such as shift, overtime or bonus pay, (whether or not it is guaranteed); or
- employer pension and employer national insurance contributions; or
- any allowances, such as accommodation or cost of living allowances; or
- in-kind benefits, such as equity shares, health insurance, school or university fees, company cars or food; or
- one-off payments, such as 'golden hellos'; or
- any payments relating to immigration costs, such as the fee or Immigration Health Charge; or
- payments to cover business expenses, including (but not limited to) travel to and from the applicant's country of residence, equipment, clothing, travel or subsistence.

For crew on a fishing vessel it is common that they will be paid cash bonuses and have their flights to and from the UK paid for. On-shore accommodation is also frequently provided and food and sundries paid for on-board. The salary figure cannot include any of these outlays. It must be the figure, gross of tax and national insurance, that is paid to the migrant worker. We will discuss how deductions from salary might be approached in Guide 5: 'Your wider legal responsibilities' as an employer.

Certifying maintenance

A **CoS** application contains a tick box which relates to whether a sponsor will 'certify' maintenance. Normally a Skilled Worker **visa** applicant and any dependents must demonstrate that they have held a sum of money in a financial account for 28 days before they apply for the **visa**, this is known as the finance or maintenance requirement. By ticking this box on the **CoS**, you can agree to certify maintenance for the migrant worker and any dependants who might also be applying.

By ticking this box you are confirming that you will, if necessary, maintain and accommodate the migrant worker and any dependents up to the end of their first month of employment in the UK. You may limit the amount of this undertaking but the limits must be at least:

£1270 for the migrant worker

£285 for a dependent partner

£315 for the first dependent child

£200 each for any other dependent child

It is assumed that by ticking the box you will agree to certify the maintenance of both the main applicant migrant worker and any dependents. If you do not wish to cover the maintenance of any dependents, then you can tick the box and specify this in a sponsor note after the **CoS** is assigned. The sponsor note is added to the **CoS** after it has been assigned and the process for doing this is set out below.

You should ensure that sponsored migrants and their family members are aware they must not claim **public funds**. The maintenance requirement is designed to ensure that someone who enters the UK to commence a role does not attempt to claim **public funds**. A Skilled Worker **visa** holder (and any dependents) in common with most types of **visa**, is restricted from claiming **public funds**, and if a migrant worker that you sponsor claims **public funds** this could affect their **visa** and that of any **dependents**. If you are aware that they are claiming **public funds**, it could also affect your sponsor licence.

If you are sponsoring a migrant worker who has been in the UK with permission for 12 months or longer, they will automatically meet the finance requirement. This means you do not have to certify maintenance for such applicants, and they do not need to provide evidence of their finances with their application.

3. Using the SMS to sponsor a worker

Defined Certificates of Sponsorship

(migrant workers not yet in the UK)

To seek a Defined **CoS** your **Level 1 User** must apply via the **SMS** system. They will need to include the following in the application: details of the job to be sponsored, the job title, **Standard Occupation Code (SOC)** and the salary (including the weekly hours of work) in an application. The Home Office will then decide whether to grant the **defined CoS**. Normally this decision is reached in approximately two business days. However sometimes the Home Office will ask you to provide further information on the role to be sponsored. This can include more detailed information on remuneration, example contracts, as well as the identities of the workers you wish to sponsor.

The process for seeking a defined **CoS** is set out in [SMS Guide 12](#).

It is possible to ask for multiple **Defined Certificates of Sponsorship** if each **CoS** will be for the same occupation and the same salary level. This might be relevant if you are recruiting several migrant workers to perform the same occupation for you at the same salary level, for example five fish filleters who will perform the same duties and be paid the same, and so the **defined CoS** requests will be identical.

You are also able to make multiple individual Defined CoS requests for different occupations and salary levels.

Within the job description box for the **defined CoS** application you are required to stipulate, in addition to the job description, the number of hours which will be worked per week. This is to ensure that the salary which you provide is in line with the minimum salary thresholds.

You must specify the start date and end date of the engagement. It is possible to sponsor for up to five years. However there are costs which apply for each year of sponsorship therefore longer initial periods of sponsorship add to the upfront cost. You may choose to sponsor for the length of a crew member's contractual engagement if you are sponsoring for work on a fishing vessel.

Once the crew member's contracted engagement is finished and they have been repatriated, you may then make a further application for a Defined CoS and a **visa** application to bring the crew member back to the UK for a further period of work.

Note that for periods of sponsorship of less than 6 months, there is no **Immigration Skills Charge** or **Immigration Health Charge**. This may be a useful approach to take when engaging crew for periods of up to 6 months followed by a period of home leave in which the worker is not paid. This may save costs, but it may have an impact on the migrant worker's ability to secure permanent residence after 5 years continuous residence. This is because gaps in residence can affect the worker's ability to demonstrate continuous residence for a 5-year period as required by the Immigration Rules.

You may not be at this stage fully certain of the dates by which the worker will be ready to start work in the UK. For the purposes of the **defined CoS** application you can input the estimated dates that the worker is expected to travel and start. Once a **defined CoS** is granted and you come to assign the CoS it is possible to change these dates using a sponsor note.

Since the time taken for a **visa** application to be processed is often unpredictable, it is also permissible if the migrant worker's official start date is delayed from that originally given in the CoS, though it must, in most cases, be within 28 days of the latest of the following:

- the start date on their **CoS** (considering any changes to that date reported before their application for a **visa** was decided)
- the "valid from" date on the worker's entry clearance vignette (**visa**)
- the date the worker is notified that their **visa** has been granted."

Some of the acceptable reasons for a delayed start include:

- travel disruption due to a natural disaster, military conflict or pandemic
- the worker is required to work out a contractual notice period for their previous employer – if the worker is in the UK, their conditions of stay must allow them to do this
- the worker requires an exit **visa** from their home country and there have been administrative delays in processing this
- illness, bereavement or other compelling family or personal circumstances

Delayed starts are discussed at section s3.14 of the official guidance "[Part 2: Sponsor a worker – general information](#)".

Once the **defined CoS** has been granted you can then **assign** it to the worker you wish to sponsor. The process for doing this is set out at [SMS guide 12 \(part 4\)](#). This involves inputting the personal details of the worker including their passport details, place of birth, and nationality. It is important that these details are accurate, since they will be cross referenced with the information provided by the worker when they make their Skilled Worker **visa** application.

It is possible to save a draft of the **CoS** and provide a copy of this draft to the migrant worker to ensure that the details are accurate before you assign it. It is important that when assigning a **defined CoS** you closely follow the **SMS** guide. If you do not access the **defined CoS** from the correct menu, you may issue an **undefined CoS** in error. If this occurs there is a risk that the Skilled Worker's **visa** application will be refused as an **undefined CoS** cannot be used for an application made from abroad.

Undefined Certificates of Sponsorship (migrant worker already in the UK)

The process for assigning a **CoS** to someone who is already in the UK is different. In this circumstance it is not necessary to ask for a **defined CoS** in advance. You can assign the certificate from your existing allocation of **undefined CoS**. The process for doing this on the **SMS** is slightly different and set out at [SMS guide 8](#).

A sponsor is granted an allocation of **undefined CoS** when they apply for their licence. This can be an allocation of zero. However it is possible, using the **SMS**, to ask for additional **undefined CoS**, known as an in-year request. The allocations of **undefined CoS** are renewed annually and in most cases you must apply to renew for each year, and provide appropriate justification. If you have not already applied for **undefined CoS** when you applied for your licence the process for making in-year and renewal requests is set out in [SMS Guide 2](#).

When you assign an **undefined CoS** you complete all parts of the **undefined CoS** at the same time, including details of the person to be sponsored and details of the occupation.

When creating and assigning an **undefined CoS** you will be presented with several sub-categories:

- Switching immigration category (this is for an applicant who is already in the UK under a different immigration category)
- Extensions (this is for someone you already sponsor)
- Changes of Employment (this is for someone sponsored by another sponsor)
- Graduate in Tier 4/Student Route switching to Skilled Worker (this is specifically for someone who holds a student **visa** and is switching to the skilled worker route)

For most of the options you will note there is an alternative "ISC liable or ISC exempt". "ISC" stands for **Immigration Skills Charge**. There are some limited circumstances in which it is not necessary to pay the **Immigration Skills Charge** for Skilled Workers, set out [here](#). It is unlikely you will select an ISC Exempt option for a role in the seafood sector.

Assigning a CoS and Sponsor Notes

For both defined and undefined CoS, once you have completed all the required fields, you can assign the certificate to the worker.

There are sections on the **CoS** which are likely to be irrelevant for seafood businesses; the ATAS certificate is only relevant for certain nationals working at educational institutions involving certain sensitive areas of research. The section related to PhD holders is to allow for a specific reduction in salary when the migrant worker has a PhD relevant to their role.

When you come to assign the **CoS** you will be prompted to pay the certificate fee of £199 and the Immigration Skills Charge which is calculated per year of sponsorship (and based on the size of your business).

Once you have assigned the **CoS** it is immediately available for the migrant to use in their **visa** application. The assigned **CoS** will have a certificate reference number which the migrant must input into their **visa** application, along with your sponsor licence reference number.

If you need to change the details on the **CoS** after it has been issued, you must add a **Sponsor Note**. This includes if you need to change the dates of the engagement from those that you entered when you applied for the **defined CoS** to account for updated travel plans and start dates. The process for adding a **Sponsor Note** is set out at [SMS Guide 9](#).

The **Sponsor Note** allows you to make 'minor changes' to a **CoS** after it has been assigned to correct any small errors. If you require to change the **Standard Occupation Code (SOC)** or make major changes to the certificate across multiple fields, then you should in most cases issue a fresh **CoS**. Therefore it is very important to get things right first time before you assign the **CoS**.

Once you have assigned the **CoS**, it is possible to obtain a PDF copy of it by selecting "workers" and "view **COS**" within the **SMS**. Whilst the full **CoS** in PDF form is not required for the **visa** application it can be useful to provide the document to the Skilled Worker **visa** applicant so that they are aware of the details within it and to double check for any errors.

If you become aware that the worker does not intend to apply for a **visa** after you have issued the **CoS**, it is possible to withdraw an unused **CoS**. This is set out at [SMS Guide 10](#). You will not receive a refund of the **CoS** fee (£199) but you will, in time, receive a refund of the **Immigration Skills Charge**.

4. Some considerations for Skilled Worker visa applications (note this application is made by the migrant)

An important point to reiterate is that made in Guide 1: 'Introduction to the Skilled Worker **Visa** – explaining the fundamentals'. Immigration law advice is regulated and it is unlawful to provide advice to an individual on their application for a **visa** if you are not suitably regulated. There is an exemption¹ to this rule if you are a sponsor of the individual(s) concerned, however caution should be exercised regardless. A third-party organisation which assists your business, such as an agent based in the UK, should also not be involved in providing advice regarding **visa** applications unless they are qualified to do so. The exemption only covers the sponsor.

The application process:

Once the **CoS** has been assigned to the migrant worker they can use it to make a **visa** application to enter the UK as a skilled worker or to extend their existing **visa** to work for you. If they are here already as a skilled worker but working for someone else, they can change their sponsor to work for you. They can also make a **visa** application to change from another immigration category if here on another **visa** that allows them to 'switch'. The processes are set out at this [page](#).

There are several different **visa** application forms that could apply in different circumstances depending on whether the person is inside the UK or outside the UK. The online forms are accessed for the main migrant worker [here](#).

Normally once the online form has been completed, the applicant is required to attend an application centre to provide their biometric information. However it is increasingly possible, for example for EU nationals and those applying from within the UK when extending their **visa**, to take advantage of a new online application process. Attendance at an appointment is not then necessary.

An applicant will often upload supporting documentation online, but it is also possible to provide documentation at the **visa** application centre. The Home Office utilise different commercial partners to assist with **visa** applications and so it is important to refer to their website to have clarity on the application process: TLS Contact and VFS Global are responsible for applications made outside the UK (depending on the country involved), whilst Sopra Steria assist with in-country applications.

1 <https://www.legislation.gov.uk/ukxi/2022/235/article/2/made>

The submission of the online form will require payment of the **visa** application fee and the Immigration Health Charge for the period of the **visa**. It is possible in some cases to pay an additional fee to prioritise the **visa** application so that a decision is reached more quickly. Currently (as of July 2023), **visas** for seafood business workers will be prioritised for no additional fee but you should confirm that this is still the case at the time you apply.

English language proficiency

An applicant for a Skilled Worker **visa** must demonstrate proficiency in English language. The ways in which this can be demonstrated are set out [here](#).

Those migrant workers who do not come from a **majority English speaking country**, or who do not have a degree taught in English, will be required to pass an English language test. It is important to refer to the [guidance](#) on this, however there are some common mistakes that can arise:

- The test **MUST** be the Secure English Language Test (SELT). Some of the providers, such as IELTS, offer many types of test, only the SELT is valid for a UK **visa** application.
- The English test must be in all four components; reading, writing, speaking, and listening.
- The applicant must obtain at least level B1 of the Common European Framework of Reference in **EACH** component that is required, not just the overall score.

TB Testing and criminal record certificates

Applicants from certain countries will require to provide a TB certificate, specified [here](#).

For some types of occupations, mainly those involved in working with children or vulnerable people, it is also necessary to provide a criminal record certificate. This is not likely to be relevant for most vacancies in seafood businesses.

The Financial Requirement

This is outlined above. If you have not certified maintenance on a **CoS**, the applicant will require to demonstrate they hold funds for their maintenance, as set out [here](#).

Dependents

A skilled worker can have their dependents apply to accompany them to the UK or join them here. This can be a partner or their minor children as set out [here](#).



Contains public sector information licensed under the Open Government Licence v3.0.
To view this licence, visit <https://www.nationalarchives.gov.uk/doc/open-government-licence/>

**Seafish**

18 Logie Mill
Logie Green Road
Edinburgh
EH7 4HS

E: seafish@seafish.co.uk

Last Updated September 2023