



SPONSORSHIP MANAGEMENT SYSTEM (SMS)

Key points for businesses sponsoring migrant workers in the UK



INTRODUCTION

When granted with a Worker sponsor licence to employ migrant workers, an organisation is given access to the **Sponsorship Management System (SMS)**, which is the online platform used to manage the licence and facilitate the sponsorship of migrant workers.

The Home Office provides the named Level 1 User on the licence application with login details, who then can assign Certificates of Sponsorship (CoS) to migrant workers, so long as they have the consent of the Authorising Officer (AO) on the licence. The Home Office places a great deal of responsibility on sponsor licence holders with various reporting and record-keeping duties, which if not adhered to, can result in enforcement action. So we have set out below some key points below to help you with the SMS.

KEY PERSONNEL (AUTHORISING OFFICER, KEY CONTACT, AND LEVEL 1/2 USERS)

1. Each Key Personnel must be based in the UK for the entire length of time the position is held, with the exception of the GBM: UK Expansion Worker route, where the AO may be based overseas in the time between the sponsor licence being applied for and the AO entering the UK on their GBM: UK Expansion Worker visa.
2. Each Key Personnel must be a paid member of staff or engaged as an office holder, with limited specific exceptions.
3. A UK-based legal representative may be appointed in any Key Personnel role apart from AO and to be appointed as Level 1/2 User, their organisation must first be added as named Representative on the SMS.
4. On the GBM: UK Expansion Worker route where the AO is based overseas, the AO is required to be named as Level 1 User, and additional Level 1 Users can only be appointed once the AO is in the UK on his/her UK Expansion Worker visa and an A-rating has been obtained on the sponsor licence.
5. Key Personnel are prohibited from assigning CoS' to themselves, close relatives, or partners. Close relatives include parents/step-parents, children/step-children, siblings/half-siblings, nephews/nieces, cousins, aunts/uncles, or in-laws. The only exception to this rule is on the GBM: UK Expansion Worker route where the AO (and Level 1 User) is an employee of the overseas business and must assign a CoS to themselves to apply for a GBM: UK Expansion Worker visa.
6. The Home Office recommends that all active Level 1 Users named on the licence regularly access the SMS at least once a month. As failure can result in enquiries being made by the Home Office Sponsor Assurance & Investigations Team.



CERTIFICATES OF SPONSORSHIP

1. The Skilled Worker CoS allocation stated on the Licence Summary page relates to Undefined Skilled Worker CoS', which can only be assigned to migrant workers who are already in the UK i.e., for those Skilled Worker candidates switching from a different category of visa, existing sponsored Skilled Worker migrants extending their visas, or Skilled Worker candidates moving from a different sponsor.
2. The Global Business Mobility (GBM): Senior/Specialist Worker CoS allocation on the Licence Summary can be assigned to eligible candidates both inside and outside of the UK.

3. Skilled Worker candidates applying from overseas require a Defined Skilled Worker CoS, which must be applied for individually as and when a candidate is identified for a genuine vacancy which cannot be filled with a resident worker.
4. Standard processing times to request an additional allocation of Undefined CoS' are up to 18 weeks, with the option to apply for the Priority Service at a cost of £200, which expedites the processing time to 5 working days. Standard processing times for a Defined CoS application are much faster at 1-2 working days.
5. A CoS must be 'used' in a sponsored worker's visa application no more than 3 months following the date of assignment, but the visa application cannot be submitted more than 3 months in advance of the work start date on their CoS.
6. If the work start date on the CoS changes before a decision has been made on the visa application, this must be reported on the CoS via a Sponsor Note on the SMS.
7. For existing sponsored workers who are applying for an extension of their permission to stay in the UK, the work start date on their new CoS must be the day immediately following the expiry date of their current work visa.
8. The GBM: UK Expansion Worker CoS allocation will never be higher than 5 CoS' at any time, to reflect the maximum of 5 workers permitted to establish the business in the UK.
9. If the named AO on a GBM: UK Expansion Worker licence application is based in the UK, the licence will be awarded with an A-rating and the full number of requested CoS' will be allocated (up to a maximum of 5). Alternatively, if the AO (and mandatory Level 1 User) is based outside the UK, the Home Office will initially award a provisional licence rating and allocate 1 CoS, with additional CoS' being allocated only once the licence receives an A-rating.
10. It is normally mandatory for sponsors to include the PAYE scheme reference number on a migrant worker's CoS through which the worker will be paid (other than for a GBM: Service Supplier or Secondment Worker). When an organisation has been unable to register for PAYE prior to assigning a CoS to a GBM: UK Expansion Worker, this should be explained on the CoS in place of including the PAYE scheme reference number.
11. Only A-rated sponsors can certify maintenance on a migrant worker's CoS and cannot certify maintenance when sponsoring a GBM: UK Expansion Worker.



LEGAL SUPPORT

The SMS is highly technical and well overdue for an update, with the same technology being used since the UK sponsorship system was first incorporated. Failure to use and manage the SMS properly can result in disastrous consequences when recruiting and onboarding migrant workers. Please get in touch with our UK Immigration team who can provide bespoke advice on any of your SMS or sponsorship queries.



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