



Home Office

Restricted certificates of sponsorship (RCoS)

Version 2.0

This guidance tells you how to consider applications for restricted certificates of sponsorship (RCoS).

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About this guidance

This guidance tells caseworkers how to consider applications for restricted certificates of sponsorship (RCoS).

It contains guidance on:

- how the sponsor applies for RCoS
- the mandatory and optional checks you need to make
- when it is appropriate to consider applying urgent treatment
- how to grant RCoS

You must use this guidance together with the existing [sponsor guidance](#). Any differences in the workflow processes and how you consider applications for RCoS are highlighted in this guidance.

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors, email Economic Migration Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance, email the Guidance Rules and Forms team.

Publication

Below is information on when this version of the guidance was published:

- version **2.0**
- published for Home Office staff on **8 March 2018**

Changes from last version of this guidance

This guidance has been transferred to the new template and changed to reflect the style guide. The only other changes originate from Immigration Rules changes.

Related content

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Restricted certificates of sponsorship

This page tells you about restricted certificates of sponsorship (RCoS).

Some Tier 2 (General) migrants are subject to an annual limit. Sponsors must apply for a RCoS if they wish to sponsor them. These are:

- Tier 2 (General) new hire migrants coming to work in the UK from overseas who are earning less than £159,600 per annum
- dependants of Tier 4 migrants switching into Tier 2 (General)
- Croatian nationals

A limit on the Tier 2 (General) certificates of sponsorship (CoS) available to sponsors will operate between 6 April 2017 and 5 April 2018.

The annual limit is 20,700 and is divided into 12 monthly allocations. A table of provisional monthly allocations for each period are shown in the [sponsor guidance](#).

Assigning restricted CoS

A sponsor must request RCoS for each named position before they assign them to either:

- Tier 2 (General) new hire migrants coming to work in the UK from overseas who are earning less than £159,600 per annum
- dependants of Tier 4 migrants switching into Tier 2 (General)

For Croatian nationals, the sponsor should assign the migrant a CoS from their allocation of RCoS but these do not count towards the annual limit.

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Applying for restricted certificates of sponsorship (RCoS)

Only A-rated sponsors with a level 1 user can apply for RCoS.

There is no fee to apply for an RCoS. After 6 April, 2017, however, sponsors were required to pay an [Immigration Skills Charge \(ISC\)](#).

The application must include the:

- category of RCoS required:
 - Tier 2 (General), new hire
 - Tier 4 Dependant switching to Tier 2
- number of RCoS required in that category
- job title and standard occupation code (SOC)
- salary
- details of the resident labour market test undertaken (where appropriate)
 - exemptions include shortage occupations and creative posts
- whether the post meets the shortage occupation criteria
- work start and end date

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Automatic validation

This page tells you how applications for restricted certificates of sponsorship (RCoS) are validated prior to EO consideration.

All validating is performed automatically by the sponsor management system (SMS) and Metastorm.

SMS

To apply for RCoS, the sponsor must hold an A-rated licence. The application must be submitted by the sponsor's level 1 user. SMS undertakes an automatic validation which:

- prevents the sponsor from submitting the application if either:
 - they do not hold the appropriate rating in the appropriate tier
 - the application does not score the minimum 32 points required
- checks the information provided by the sponsor, for example:
 - the salary and standard occupation code (SOC)
 - whether the information provided is correct if, for example, the sponsor selects 'shortage occupation' but then selects a non-shortage occupation SOC, SMS prevents the application from being submitted

Metastorm

Metastorm automatically validates the application to prevent RCoS being granted to sponsors who were A-rated at the time of application, and who have since been downgraded to a B or have had their licence suspended.

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Executive Officer duties

The Executive Officer (EO) performs an initial assessment on RCoS applications and decides:

- which can be accepted
- which require further information
- the RCoS limit and calculating the CoS

Marking cases for write out

Based on the information provided in the electronic RCoS application submitted via SMS, the EO must make a pre-assessment to determine the risk of non-compliance with the guidance and Immigration Rules, for example, RLMT details are incomplete or suggest non-compliance.

Cases that meet the criteria in the initial sift do not need further information or review. These can be put forward for panel consideration. If you decide that further information is required, you must mark the request for AO consideration on the Monthly Panel Spreadsheet located in the shared drive.

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Calculating and monitoring the limit

Sponsors can apply for each monthly allocation from the 6th of each month, up until the 5th of the following month.

The amount of RCoS available for each month is set following the previous month's allocation. The number is made up of:

- the set allocation as shown in the table in paragraph 29.10 of the [Tier 2 and 5 Guidance for Sponsors](#)
- any RCoS which weren't issued to sponsors in the previous month
- any reclaimed CoS
- any returned CoS

Subtracted from this number is:

- any RCoS which have been granted exceptionally prior to the allocation day
- any unrestricted CoS issued to Croatians

This limit is monitored throughout the month to assess whether there is a potential to breach (more valid applications are received than the amount of RCoS available).

Running the Panel

This is conducted on the 11th of each month, or the next working day, should the 11th fall on a weekend or bank holiday.

Once the number of valid applications has been calculated, if the monthly limit is equal to or more than the number of valid applications following approval from a Grade 7, the panel is run and all applications which are currently considered to be valid are granted.

An application is not considered as valid until all appropriate checks are complete. If the RCoS Team has written to the sponsor or further checks are required, the application may not receive an outcome on the allocation day.

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Administration Officer duties

It is the job of an AO to request further information and perform checks on cases marked for processing by the EO.

Genuine employment checks

This section tells you how to undertake genuine employment checks for a restricted certificate of sponsorship (RCoS) application.

These are designed to make sure the sponsor is able to offer the job described in the application and that the job description, standard occupation code (SOC), salary details and resident labour market test details match those provided.

The checks could include, but are not limited to:

- salary confirmation (including hours per week)
- resident labour market test (RLMT) details
- clarification of SOC and skill level requesting:
 - references to confirm the migrant's experience
 - job descriptions (to compare to the codes of practice)
 - any additional information required to validate the application

Managers will allocate cases when a genuine employment check is required and the type of application submitted will determine which letter is issued to the sponsor.

Check the resident labour market test

You must ensure the sponsor has followed the Resident Labour Market Test (RLMT) as set out in the sponsor guidance and Immigration Rules.

Unless the position is a shortage occupation, or they are otherwise exempt from the RLMT, for example:

- high earners
- academic leave
- supernumerary research positions
- postgraduate doctors and dentists in speciality training

then the sponsor must retain evidence of carrying out the RLMT as per [Appendix D](#), Part 2 points a – e.

This requires sponsors to provide details of the vacancy, advertising methods, salary packages and job descriptions.

If sufficient evidence has not been provided, you must discuss with your line manager and write out for further information.

If the sponsor has indicated on their application a RLMT has not been undertaken due to the migrant currently being employed under Tier 1 or Tier 4, then using the 'Ad Hoc' caseworking function in Metastorm you must reject the case.

Check salary

You must check that the job applied for is in the correct SOC code and the salary is in line with the relevant codes of practice in the [Immigration Rules](#).

SOC

You must consider the duties, responsibilities and job description of the position and see whether they fit into a SOC code of RQF level 6 and above.

If the sponsor has applied under a National Qualifications Framework (NQF) level 3 or 4 SOC code and the post is not a shortage occupation you must reject the case.

Codes of practice

You must then compare the information given about the position advertised to the:

- example job tasks
- salary rates for:
 - new entrants
 - experienced workers

as listed under the corresponding SOC code in the Codes of Practice in [Appendix J](#) of the Immigration Rules.

Note: if the sponsor hasn't identified and provided details of a migrant chosen for the position, you must assume the migrant chosen is over 26 and therefore must meet the experienced salary rate.

If the sponsor has not provided sufficient information and evidence, for example, references to confirm the migrant's experience, a job description, salary information, you must discuss the case with your line manager and include this in your request for further information.

Shortage occupation list requirements

Where the applicant has applied under the shortage occupation, you must check the job meets the criteria for a shortage occupation position as per [Appendix K](#) of the Immigration Rules.

You must check the SOC code provided in the application is correct, and ensure the details of the job match the description set out in the relevant tables in [Appendix K](#).

If you are unsure, discuss the case with your line manager.

Digital technology workers

You must make sure that any company sponsoring Tier 2 (General) Migrants in a digital technology job under the [shortage occupation list](#) continues to meet the conditions of this provision.

You must check the sponsor's entry on Companies House website to check whether the sponsor has between 20 and 250 employees.

If the sponsor has fewer than 20 employees, you must check whether a letter from the Department for International Trade (DIT) was provided at the time of their initial consideration, confirming that DIT has been working with the company.

If the sponsor has more than 250 employees, they cannot recruit any more workers under these shortage occupation provisions. You should send an email to the sponsor explaining this.

Sponsors are limited to sponsoring a maximum of 10 employees at one time in all of these digital technology shortage occupations, which are set out in the [shortage occupation list](#). This means that they may not assign more than 10 certificates of sponsorship (CoS) for such jobs that permits migrants to be in the UK at the same time. This includes both restricted and unrestricted CoS. If this has not been recently checked, you must email PRAU for information on the number of CoS issued under shortage occupations by the sponsor.

If the sponsor has assigned a CoS under the shortage occupation provision since they exceeded 250 employees, or while they already had 10 such employees at any one time, you should discuss your findings with your line manager with a view to requesting a compliance visit.

DWP checks

This is where RLMT adverts are verified by Jobcentre Plus. They can provide information such as how many people applied for a role. They also have a facility which enables them to tell us how many applicants they might get if the advert was run on the day of our enquiry.

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Request further information

This section explains how to request further information from a sponsor.

When starting a case, the EO will have already provided an indication of what information is required and outlined potential risks in the Monthly Panel Spreadsheet, located in the shared drive.

Prior to a write out, you must perform genuine employment checks to see whether you need to request further information or evidence from the sponsor as a result of any concerns raised by these checks.

You must write out for further information using the relevant letter template in the shared drive, which will provide you with either a general template or templates tailored for sponsors working in specific fields of employment, for example, chefs and nurses.

If you are unsure about what information and evidence you require from your sponsor, discuss the case with your line manager.

To begin the process of writing out, use the 'Ad Hoc' caseworking function in Metastorm to:

- change the application status to 'Under Review'
- update the comments field with details of the check

You must then:

- contact the sponsor using the relevant 'request further information' letter from the shared drive
- allow 10 working days for a response
- where applicable, send a further information letter by email advising the sponsor that, if they fail to respond prior to the monthly meeting, their application will be considered at the following monthly meeting or the application will be rejected
- attach the letter template, found in the shared drive, to the Tier 2 application using the 'standalone letter' function in Metastorm

If the sponsor does not respond by the deadline date, then using the 'Ad Hoc' caseworking function in Metastorm, you must:

- change the application status to 'rejected'
- update the comments field with details of the rejection
- include notes on Sponsor Summary Search detailing the reasons for rejection

You must then:

- send the sponsor a letter advising them that their application has been rejected from the 'Tier 2 Limits mailbox', using the 'Application rejected – further information not provided' letter
- attach the template to the Tier 2 application using the 'Standalone Letter' function in Metastorm

If the sponsor responds and provides all the requested information, you must check the information provided by the sponsor is consistent with the application details.

If the sponsor provides information that is inconsistent with the application details, for example:

- an RLMT has not been carried out, is out of date or is not valid
- the sponsor has applied for a shortage occupation post, but the job description indicates that the job is not one of the roles outlined on the shortage occupation list
- the salary is not in line with relevant code of practice for the SOC code applied under
- the skill level of the job is not pitched at appropriate NQF level
- an incorrect SOC has been used

then you must:

- update the relevant monthly allocation spreadsheet that information has been provided - refer to the restricted CoS folder in the shared drive for the current monthly allocation spreadsheet
- complete a rejection referral stencil outlining reasons for rejection

Once rejection has been authorised by a manager, you must:

- change the application status to 'Rejected' using the 'Ad Hoc' caseworking function in Metastorm
- update the comments field with details of the rejection
- include notes on Sponsor Summary Search detailing reasons for rejection
- send the sponsor the 'Application rejection – General' letter advising them of the reasons their application has been rejected from the Tier 2 Limits mailbox
- attach the template to the Tier 2 application using the 'standalone letter' function in Metastorm

If the information confirms that the application is valid, using the 'Ad Hoc' caseworking function in Metastorm, you must:

- change the application status to 'Pending'
- update the comments field with details of the information received

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Further investigation

This page tells you when to refer an application for restricted certificates of sponsorship (RCoS) for further investigation.

You must refer applications for further investigation when:

- a marker is identified on the sponsor's licence
- genuine employment checks show that the sponsor has provided incorrect or inconsistent information in their application and the application has been rejected
- the application has been granted, but there are concerns about the application - for example, that the sponsor may not be employing the migrant in the job specified on the application or be paying the salary stated on the application

Where a marker has been noted on the sponsor's licence, the relevant team should be emailed to establish whether there are any reasons the RCoS application should be placed on hold. Such reasons include, but are not limited to:

- a compliance visit has been arranged
- a compliance visit has recently taken place and further action is under consideration

In these cases, the status of the application on 'Ad hoc' should be changed to 'Under Review' and a note added stating 'Internal Checks required'. Depending on the response, the application should remain on hold or the status changed to 'Pending' if the application can be considered at the allocation meeting.

Where other concerns with an application are identified, these should email SIT.

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Outcome

This page tells you how to notify a sponsor of the outcome of an application for restricted certificates of sponsorship (RCoS).

You do not have to issue written confirmation of the outcome. The sponsor's sponsor management system (SMS) account is updated automatically with the outcome of the application immediately on completion of the monthly allocation process. Sponsors are notified of the outcome of their application by a system generated email after the decision is made on qualifying scores for the month.

Reject

Using the 'Ad Hoc' caseworking function in Metastorm:

- change the application status to 'Rejected'
- update the comments field with details of the rejection
- include notes on Sponsor Summary Search detailing reasons for rejection
- send the sponsor the 'Application rejection – General' letter advising them of the reasons their application has been rejected from the 'Tier 2 Limits mailbox'
- attach the template to the Tier 2 application using the 'standalone letter' function in Metastorm

Update the relevant monthly allocation spreadsheet located in the shared drive.

Accept

Managers should refer to the Metastorm User Guide: Managing the monthly allocation of CoS for details of how to use Metastorm to manage the monthly allocation of RCoS.

Caseworkers should also refer to the Metastorm User Guide RCoS Ad Hoc Process when applying ad hoc changes to RCoS requests.

Sponsor licence suspended or revoked

When a sponsor's licence has been surrendered or revoked during the allocation period, their RCoS application will be automatically cancelled providing the status of the application is either:

- 'pending'
- 'pending – granted'
- 'pending – refused'
- 'under review' will be automatically cancelled

Sponsor licence re-rated or suspended

When a sponsor's licence has been re-rated to 'B' or suspended during the allocation period, no changes are applied to their application until the sponsor is re-rated to an 'A', providing the status of the application is either:

- pending'
- 'pending – granted'
- 'pending – refused'
- 'under review'

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Exceptional consideration

This page tells you when to apply exceptional consideration to an application for a restricted certificate of sponsorship (RCoS).

We will accept applications for exceptional consideration before the scheduled monthly allocation date.

To be eligible for exceptional consideration, the sponsor must have already applied for a RCoS using the sponsorship management system (SMS) emailed the 'Tier 2 Limits' mailbox to request exceptional consideration and provided a justification why their application warrants exceptional consideration.

While it is not possible to provide a full list of circumstances where urgent consideration may be justified, examples may include:

- where delays caused by us resulted in a newly licensed sponsor needing a RCoS for a migrant who is due to start work before the 11th of next month
- a consultant surgeon has been recruited and needs to be appointed at once because patients need life-saving surgery before the 11th of next month

All requests, however, should be considered on their individual merits.

If the sponsor has requested exceptional consideration but has not applied using SMS, you must advise the sponsor to apply using SMS before their request can be considered.

If the sponsor has requested exceptional consideration and has applied using SMS, then you must check the application score is equal to or higher than the points cut off for the previous month's allocation.

The application score is not equal to, or higher than, the points cut off for the previous month's allocation, you must:

- email the sponsor refusing the exceptional consideration application
- advise the sponsor their application will be considered at the next monthly allocation date
- update the application notes field with full reasons why you refused the application

If the application score is equal to, or higher than, the points cut off for the previous month's allocation and exceptional consideration is not justified. You must:

- email the sponsor refusing their exceptional consideration application and advising them that their application will be considered at the next monthly allocation date
- update the application notes field with full reasons for why you refused the application

If the team manager decides that exceptional consideration is justified and grants the RCoS, you must:

Use the 'Ad-Hoc' caseworking functionality to update the application:

- status to 'Granted'
- notes field with full reasons for the approval of exceptional consideration

The sponsor will receive an automatically generated email advising them that their application has been granted.

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Returned and reclaimed RCoS

This page tells you how a sponsor can return an unused restricted certificate of sponsorship (RCoS) and the circumstances where a RCoS will be reclaimed and how to do so.

Returned RCoS

Sponsors can voluntarily return RCoS if they decide they do not need it or they cannot assign the RCoS within 3 months of it being granted.

If the sponsor has been granted more than one RCoS on the same application and they only wish to return part of their allocation, they must have already assigned the RCoS they wish to keep before you can change the application status.

Reclaimed RCoS

RCoS can only be reclaimed from sponsors when it is discovered that the application was not valid, and the RCoS has been granted but not yet assigned.

Whether the sponsor returns the RCoS or it is reclaimed, you must amend the status of the application to update the sponsor's sponsor management system (SMS) account.

If the sponsor is returning a RCoS voluntarily, you must:

- search for the granted application
- check the number of RCoS granted on the application

If the sponsor was only granted one RCoS or is returning all the RCoS allocated to them, you must:

- change the status of the application to 'Returned'
- update the 'Notes' field within 'Ad Hoc' to confirm the sponsor has returned the RCoS
- update the relevant monthly allocation spreadsheet to show the RCoS as returned and the date of their return - refer to the restricted CoS folder in the shared drive for the current monthly allocation spreadsheet

If the sponsor has indicated they wish to return part of their allocation, you must check that the RCoS the sponsor wishes to retain has been assigned.

If the sponsor has not assigned the RCoS they wish to retain, you must advise the sponsor to assign the RCoS and confirm that they have done so.

If the sponsor confirms that they have assigned the RCoS they wish to retain, you must update the relevant monthly allocation spreadsheet with the number of RCoS

returned and the date of their return - refer to restricted CoS folder in shared drive for monthly allocation spreadsheet.

If the sponsor does not confirm that they have assigned the RCoS they wish to retain, you must take no further action as the RCoS will expire if it is not assigned within 3 months.

If you are reclaiming RCoS due to an invalid application, you must:

- search for the granted application
- change the status of the application to 'Reclaimed'
- advise the sponsor their RCoS has been reclaimed and the reason why
- update the 'Notes' field with all details including the number of RCoS reclaimed
- update the relevant monthly allocation spreadsheet with the date the RCoS was reclaimed - refer to restricted CoS folder in shared drive for monthly allocation spreadsheet

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