**A&I Process Handbook**

**How to carry out the resident labour market test - Tier 2**

**Summary**

To be able to obtain a certificate of sponsorship (CoS) for an overseas national to fill a specified post under tier 2 (general) of the points-based system an employer must (unless the post is on the shortage occupation list), have conducted a thorough recruitment search within the UK, and must be able to show (using documentary evidence) that no suitably qualified settled worker applied for the role. This is the "resident labour market test".

Employers must advertise the post for four weeks.

Where the advertising is to be done using the press, the advert must be placed in the employment section of a national newspaper that is available throughout the UK in the majority of newsagents, or in a professional journal that is published for a particular field and that is available nationally either at the majority of newsagents or through subscription.

Advertisements must include:

* the job title;
* the main duties and responsibilities of the job;
* the location of the job;
* an indication of the salary package or range and terms of employment;
* the skills, qualifications and experience needed;
* the closing date for applications; and
* a reference number for the role.

If a settled worker applies for a post but does not have the necessary qualifications, experience or skills, the employer cannot reject him or her and recruit instead a migrant who requires sponsorship if it did not specifically request the necessary qualifications, experience or skills in the job advertisement.

A granted CoS must be issues to the overseas individual within six months of the advert being placed.

Employers must also advertise through the Jobcentres using Find a job on gov.uk. This is in addition to advertising the post using one other approved medium.

Exemptions to the resident labour market test if:

* the post is on the shortage occupation list; or
* the salary is at least £159,600;

**Keeping documents – Appendix D**

Where the vacancy was advertised in a national newspaper or professional journal, you must keep a copy of the job advertisement as it appeared in the given medium. The copy must clearly show the title and date of the publication and the closing date for applications. Where the advertisement does not show your name, a copy of a letter or invoice from the newspaper and/or journal will be required, to prove an advertisement was placed.

Detailed job description outlining the duties and responsibilities of the post which must include the skills, qualifications and experience required for the post.

Where the vacancy was advertised on the internet, including where it is advertised on your own website (where this is permitted), you must keep a screen shot from the website hosting the advertisement, on the day the vacancy is first advertised, which clearly shows:

• the name of the website; and

• the contents of the advert; and

• the date and the URL; and

• the closing date for applications.

N.B if the website clearly shows the date the vacancy was first advertised, the screen shot can be taken at any point during the period the vacancy is advertised.

Where the advertisement is not on your own website and does not show your name, a copy of a letter or invoice from the website will be required, to prove that an advertisement was placed.

Full details under:

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/725906/Appendix_D_07-2018.pdf>