



Home Office

# Workers and Temporary Workers: guidance for sponsors

## Part 2: Sponsor a worker – general information

Version 11/22

This document forms part of the collection 'Workers and Temporary Workers: guidance for sponsors' and provides information on how to sponsor an overseas worker on the Worker and Temporary Worker immigration routes.

This version of the guidance is valid from 9 November 2022.

**Contents**

- Contents..... 2
- About this guidance ..... 6
  - Other guidance you must read ..... 6
  - Glossary ..... 7
  - Contacts..... 7
  - Version number and publication..... 7
  - Changes to this guidance..... 7
- S1. Sponsoring a worker: overview ..... 9
  - Who needs to be sponsored? ..... 9
    - Definition of ‘settled worker’ ..... 9
    - People with other immigration permission allowing them to work..... 9
    - EU, EEA or Swiss nationals with unrestricted work rights .....10
    - Employing Irish citizens .....11
    - Other workers not listed above .....11
  - Who can sponsor workers?..... 11
  - How do you sponsor a worker?..... 11
    - Check the role is eligible.....12
    - Pay and conditions .....12
    - Check the worker is eligible .....13
  - Working on a contract basis ..... 13
  - Right to work checks ..... 14
  - Understand your sponsorship duties..... 15
- S2. Certificates of Sponsorship..... 16
  - What is a Certificate of Sponsorship? ..... 16
  - Types of CoS ..... 16
  - CoS fees ..... 17
  - Your CoS allocation ..... 17
    - Deciding your allocation .....17
    - Your CoS year .....18
    - Reducing your allocation .....18
    - Increasing your allocation during the CoS year .....19
    - Renewing your annual CoS allocation.....19
- S3. Assigning a CoS..... 20
  - Technical guidance ..... 20
  - Your sponsor rating..... 20
  - Information you must include on the CoS ..... 20

Start date on the CoS .....	21
End date on the CoS .....	23
Occupation code .....	24
'Multiple-entry' CoS .....	25
Group CoS for Creative Workers .....	25
Amending or updating a CoS .....	25
If you make a mistake on the CoS .....	25
Minor error .....	25
Significant error .....	25
S4. Salary requirements .....	27
Minimum salary thresholds .....	27
Salary information you must include on a CoS .....	27
Period the salary must cover .....	28
Payment of salary .....	28
Unpaid leave .....	29
Exceptions: permissible absences .....	29
Reduction in salary .....	29
Salary reductions: exceptions.....	30
S5. Immigration Skills Charge.....	31
About the charge.....	31
When you must pay .....	32
When you don't have to pay.....	32
Consequences of non-payment .....	33
Refunds and 'top-up' charges .....	33
Partial refund .....	33
Full refund .....	34
How soon decisions on refunds are made.....	34
Circumstances in which no refund will be made .....	35
Top-up charges .....	35
S6. After you have assigned a CoS .....	36
Using the CoS in an immigration application.....	36
How to make an immigration application .....	36
Cancelling or withdrawing a CoS .....	37
Providing immigration advice or immigration services to your sponsored workers or students .....	38
What you can do .....	39
Immigration advice or services provided to eligible family members .....	40

What you cannot do .....	41
S7. Immigration requirements .....	42
Immigration Rules .....	42
Applying from outside the UK: entry clearance .....	42
Workers already in the UK: permission to stay .....	43
Switching immigration route while in the UK.....	43
Former government-sponsored students .....	44
Financial requirement .....	44
ATAS requirement .....	45
Who needs an ATAS certificate?.....	46
Action for you as the sponsor .....	46
English language .....	48
Age requirement .....	48
Decision on application: proof of immigration status .....	49
If the application is granted.....	49
If the application is refused.....	50
Leaving and returning to the UK .....	51
Further information on immigration requirements .....	52
S8. Conditions of stay .....	53
General conditions .....	53
No access to public funds .....	53
Registration with the police .....	53
Employment restrictions.....	53
Additional employment for Scale-up Workers.....	54
Working out a contractual notice period .....	54
Supplementary employment.....	54
Secondary employment (employment with a second CoS) .....	56
Employment as a sportsperson or sports broadcaster .....	56
Voluntary work.....	57
Study.....	57
ATAS condition.....	57
S9. Extensions, change of employment and settlement .....	58
Overview .....	58
Extension of permission to stay .....	58
Different role in the same occupation code .....	59
Change of employment applications .....	59
Exceptions: change of employment application not required.....	60

Settlement.....	61
Annex S1: further information on the ATAS requirement.....	62
Relevant occupation codes.....	62
Relevant subject areas.....	62
Exempt nationalities.....	64

# About this guidance

This document provides information for licensed sponsors on how to sponsor a person on the Worker and Temporary Worker immigration routes.

The Worker routes are:

- Skilled Worker
- Global Business Mobility – Senior or Specialist Worker (this has replaced the Intra-Company Transfer route from 11 April 2022)
- T2 Minister of Religion
- International Sportsperson – this replaced the T2 Sportsperson route and the sporting provisions of the T5 (Temporary Worker) Creative or Sporting Worker route from 11 October 2021

The Temporary Worker routes are:

- Charity Worker
- Creative Worker – this replaced the creative provisions of the T5 (Temporary Worker) Creative or Sporting Worker route from 11 October 2021
- the following Global Business Mobility (GBM) routes:
  - Graduate Trainee (this has replaced the Intra-Company Graduate Trainee route from 11 April 2022)
  - UK Expansion Worker (this has replaced the unsponsored Sole Representative provisions of the Representative of an Overseas Business route from 11 April 2022)
  - Service Supplier (this has replaced the provisions for contractual service suppliers and independent professionals on the International Agreement route from 11 April 2022)
  - Secondment Worker (this is a new route from 11 April 2022)
- Government Authorised Exchange
- International Agreement
- Religious Worker
- Scale-up (this is a new route from 22 August 2022)
- Seasonal Worker

For further information about these routes, including the names of their predecessor routes and transitional arrangements, see the relevant [route-specific guidance](#) on GOV.UK.

## Other guidance you must read

To make sure you meet all of the relevant requirements and fulfil your sponsorship duties, you must read the following parts of the sponsor guidance, in addition to this document:

- [Part 1: Apply for a licence](#) – this contains detailed information on how to apply for a sponsor licence and how we assess applications

- [Part 3: Sponsor duties and compliance](#) – this contains detailed information about your duties as a licensed sponsor and the action we can take if you fail to meet these duties
- any relevant annexes or appendices referred to in the above documents
- the relevant [route-specific guidance](#) for the route, or routes, on which you intend to sponsor workers

You can access all of these documents, and other information on sponsorship, on the [Sponsorship: guidance for employers and educators](#) page on GOV.UK.

This guidance is subject to change. If you have printed or downloaded a copy of this guidance, check the version number and date on GOV.UK to ensure you are using the most up-to-date version.

## Glossary

There is a [glossary](#) of terms used throughout the sponsor guidance in [Part 1: Apply for a licence](#).

## Contacts

If you think the guidance has factual errors or broken links, you can email the [Business Helpdesk](#).

If you have read this guidance, and the relevant route-specific guidance, and you still have any queries, you can call us on 0300 123 4699 or email the [Business Helpdesk](#).

## Version number and publication

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

- version 11/22
- published on 9 November 2022

You can view [previous versions of this guidance](#) on the National Archives website.

## Changes to this guidance

This version replaces version 08/22 (published on 22 August 2022). The guidance has been updated to:

- reflect changes to the Immigration Rules coming into force on 9 November 2022, as set out in [Statement of Changes HC 719](#) (published on 18 October 2022)
- reflect a new exemption from paying the Immigration Skills Charge
- provide clarification on amending a work start date
- make some other minor clarifications and amendments

Details of the changes are set out below (paragraph numbers in brackets refer to the previous version of this guidance where the paragraph number was different):

- S3.1: minor clarifications
- S3.6, S3.8: minor clarifications
- S3.9 to S3.17: clarification on when sponsors have to report a change to a start date and what they must do if the start date is delayed beyond 28 days; all subsequent paragraphs in this section renumbered accordingly
- S3.19 (S3.12): minor drafting amendment
- S3.30 (S3.20): minor clarification
- S3.33, S3.34 (S3.23, S3.24): minor clarifications on amending details on a CoS
- (S3.25): paragraph combined with paragraph S3.33
- S3.35 (S3.26): minor drafting amendments
- S4.2: minor drafting amendments and additional links to guidance on National Minimum Wage added
- S4.3: minor drafting amendment
- S4.9: minor clarification
- S4.10 to S4.12: clarification on what sponsors must do if a worker is absent without pay for more than 28 days
- S4.13: new paragraph on what sponsors must do if they wish to continue sponsoring a worker who has been absent without pay for more than 28 days; subsequent paragraphs in this section renumbered accordingly
- S4.17 (S4.16): new bullet point added to reflect a new provision in Part 9 of the Immigration Rules (introduced by Statement of Changes HC 719) for workers on reduced hours, or undertaking a phased return to work, following an occupational health assessment
- S5.9: new bullet point reflecting an exemption from paying the Immigration Skills Charge in respect of workers assigned to the UK for no more than 36 months by a linked EU business from 1 January 2023, as set out in the Immigration Skills Charge (Amendment) Regulations 2022
- S5.9: other minor amendments
- S5.9A: new paragraph clarifying that the exemption described in paragraph S5.9 is still subject to Parliamentary approval
- S5.11: paragraph referencing the Immigration Skills Charge 'calculator' deleted, as this tool is currently out of date
- S8.1, S8.4, S8.5: all references to police registration removed, as the legislative provisions relating to police registration have been revoked by Statement of Changes HC 719
- S9.14: clarification that sponsors must carry out a right to work check before a worker who has made a 'change of employment' application can start their new employment
- throughout: other minor housekeeping changes

## [Contents](#)



# S1. Sponsoring a worker: overview

This section provides an overview of the main requirements you must meet to sponsor a person on the Worker or Temporary Worker immigration routes.

## Who needs to be sponsored?

S1.1. You will need to sponsor any overseas worker you wish to employ if they are not a 'settled worker' or do not otherwise have the appropriate immigration permission to work for you in the UK.

## Definition of 'settled worker'

S1.2. A 'settled worker' is any one of the following:

- a [British citizen](#)
- an Irish citizen (with limited exceptions – see '[Employing Irish citizens](#)' below)
- an [EU, EEA](#) or a Swiss national, or the eligible family member of such a person, who has unrestricted work rights as a result of the [Citizens' Rights Agreements](#) – see '[EU, EEA or Swiss nationals with unrestricted work rights](#)' below
- a [British overseas territories citizen](#), except for those from sovereign base areas in Cyprus
- a Commonwealth citizen who can prove they have the [right of abode](#) in the UK – 'Commonwealth citizen' means:
  - a British Overseas Territories citizen
  - a British National (Overseas)
  - a British Overseas citizen
  - a British subject; or
  - a citizen of a country listed in Schedule 3 to the British Nationality Act 1981
- a Commonwealth citizen (as defined above) who has been granted permission on the [UK Ancestry route](#) on the basis they have a grandparent born in the UK or Islands
- anyone who has indefinite leave to enter or remain (settlement) in the UK

S1.3. A settled worker can work in the UK without restrictions and you therefore do not need to sponsor them. You must still, however, carry out the appropriate [right to work checks](#) before employing the worker, and make any necessary follow-up checks if they have time-limited permission.

## People with other immigration permission allowing them to work

S1.4. You also do not need to sponsor a worker who either:

- has immigration permission to be in the UK which does not prevent them from doing the work in question – examples include, but are not limited to:

- a person with permission under [Appendix FM](#) to the Immigration Rules as the partner of a British citizen or settled person can take any kind of employment
- a person with permission as a [Student](#) may be allowed to work for 10 or 20 hours per week during term-time, depending on the type of course they are following
- a person with leave to enter or remain under [Appendix Service Providers from Switzerland](#) can work in relation to an eligible contract between a Swiss employer or company and a UK employer or company, for a maximum of 90 days in any year
- is exempt from requiring permission – for example:
  - a diplomat, government official or senior official of an international organisation – see '[Exempt from immigration control](#)' on GOV.UK
  - an [EU, EEA](#) or a Swiss national who qualifies as a [frontier worker](#)

S1.5. You must carry out [right to work checks](#) before you employ the worker and carefully check for any restrictions on the type of work they can do. If the worker has time-limited permission, you will need to carry out follow-up checks.

## EU, EEA or Swiss nationals with unrestricted work rights

S1.6. You do not need to sponsor an [EU, EEA](#) or a Swiss national (or an eligible family member of an EU, EEA or a Swiss national) if one of the following is true:

- they started working for you on or before 30 June 2021, you carried out right to work checks in accordance with the [guidance for employers in force at that time](#), and you have continued to employ them since then – see below for further information
- they can prove they have been granted limited leave to enter or remain ('pre-settled status') or indefinite leave to enter or remain ('settled status') under Appendix EU to the Immigration Rules (also known as the [EU Settlement Scheme \(EUSS\)](#))
- they can prove they have made a valid application for status under the EUSS and are awaiting a final decision on that application – see below for further information
- they are an Irish citizen (unless an exception outlined under '[Employing Irish citizens](#)' below applies)

S1.7. If you are employing an EU, EEA or a Swiss national who started working for you on or before 30 June 2021, you carried out the [relevant right to work checks in force at that time](#), and you know or have reason to believe they have not yet applied for status under the EUSS, you should advise them they must [apply as soon as possible](#), otherwise they may lose their right to live and work in the UK. Further information on the steps you should take is available in [Annex B](#) of '[Right to work checks: an employer's guide](#)'.

S1.8. A person who has made a valid application under the EUSS and is awaiting a decision will have been issued with a 'Certificate of Application' (CoA). You

must check this, in accordance with our guidance for employers on right to work checks, before you employ the person, and you may need to make follow-up checks. You must take steps to cease employment of the person if their application is eventually refused and any application for administrative review of, or any appeal against, that decision is unsuccessful (and they are otherwise unable to evidence their right to work).

- S1.9. For detailed guidance on carrying out right to work checks on EU, EEA and Swiss nationals and their family members, see [Annex B](#) of '[Right to work checks: an employer's guide](#)' on GOV.UK.
- S1.10. If the worker does not fall into any of the above categories, and does not otherwise have immigration permission to work in the UK, you will need to sponsor them on the relevant Worker or Temporary Worker route.

## Employing Irish citizens

- S1.11. Irish citizens do not need permission to enter, live or work in the UK, unless they are subject to a deportation order, an exclusion decision or an international travel ban. You can therefore continue to employ Irish citizens (including those who arrived in the UK after the end of the transition period on 31 December 2020) without needing to sponsor them. They are not required to apply for status under the EUSS (although they can do so if they wish).
- S1.12. Irish citizens can prove their right to work in the UK with an Irish passport or a passport card (current or expired), or other documents specified in [Annex A](#) or [Annex B](#) of [Right to work checks: an employer's guide](#).
- S1.13. For further information on the immigration status of Irish citizens, see the [Common Travel Area](#) guidance on GOV.UK.

## Other workers not listed above

- S1.14. If a worker does not fall into any of the categories listed in the sections above, you must sponsor them on the appropriate Worker or Temporary Worker route if you wish to employ them.

## Who can sponsor workers?

- S1.15. To sponsor a worker, you must hold a valid sponsor licence for the route on which you intend to sponsor them. If you do not already hold the relevant licence, you must apply for, and be granted, one before you can sponsor the worker. See:
- [Part 1: Apply for a licence](#)
  - [the relevant route-specific guidance](#)

## How do you sponsor a worker?

- S1.16. You must assign a valid Certificate of Sponsorship (CoS) to the worker so they can make a successful immigration application. You will have to pay a

fee for each CoS you assign. If you are sponsoring a Skilled Worker or a Senior or Specialist Worker, you will normally need to pay the Immigration Skills Charge for each worker you sponsor. For further information, see:

- sections [S2](#), [S3](#), [S5](#) and [S6](#) of this document
- [the relevant route-specific guidance](#)

S1.17. Before you assign a CoS, you must:

- [check the role is eligible](#)
- [ensure you will pay the worker appropriately](#)
- [check the worker is eligible](#)
- meet any other route-specific requirements

## Check the role is eligible

S1.18. You must check the role in which you wish to sponsor the worker is eligible for the relevant route. For example, if you wish to sponsor a person on the [Skilled Worker](#), [Global Business Mobility](#), [Government Authorised Exchange](#) or Scale-up routes, the job must meet the skill-level requirement for the relevant route. In most cases, this means the job must be listed as eligible in Table 1 or Table 2 of [Appendix Skilled Occupations](#) but there are some exceptions to this – see the relevant route-specific guidance for details.

S1.19. For some routes, you will need to take additional steps before you can sponsor a worker. For example:

- before you can [sponsor a Religious Worker](#), you may have to carry out a ‘resident labour consideration’ to give settled workers a chance to apply
- before you can [sponsor a Creative Worker](#), you may have to follow a ‘code of practice’ for the specific sector in which you wish to sponsor the worker
- before you can sponsor an [International Sportsperson](#), you will need to obtain an endorsement from the relevant sports governing body for the worker
- if you have a Provisional rating on the [UK Expansion Worker route](#), you must make a successful request to have your rating changed to an A-rating before you can sponsor any workers other than the Authorising Officer
- before you can sponsor a Service Supplier or Secondment Worker, you must have registered (via your sponsorship management (SMS) account) the relevant contract on which the sponsored individual will be working

S1.20. Refer to the relevant [route-specific guidance](#) for further information.

S1.21. There are additional rules you will need to follow if the person you wish to sponsor will be [working on a contract basis](#).

## Pay and conditions

S1.22. If you are sponsoring a worker on the Skilled Worker, Senior or Specialist

Worker, Graduate Trainee, UK Expansion Worker or Scale-up routes, you must pay them at least the minimum salary specified for that route (known as the 'general threshold'), the applicable going rate for the occupation, or (for Skilled Workers and Scale-up Workers) the minimum hourly rate – whichever is the highest. For other routes, you must ensure you pay them in accordance with [National Minimum Wage legislation](#). We will check you are doing so through regular HMRC checks and, if appropriate, compliance visits. For further information, see:

- section S4 of this guidance
- [the relevant route-specific guidance](#)

## Check the worker is eligible

S1.23. You must satisfy yourself that the worker you wish to sponsor will be able to make a successful immigration application under the Worker or Temporary Worker routes and, if granted, will comply with their conditions of stay. For further information, see:

- sections S7 to S9 of this document
- [the relevant route-specific guidance](#)

## Working on a contract basis

S1.24. Where a person is, or will be, working on a contract basis (being supplied as labour by one organisation to another), the sponsor must be whoever has full responsibility for all of the duties, functions and outcomes or outputs of the job the worker will be doing.

S1.25. If you are the sponsor, and the worker is employed by you to do work for a third party to fulfil a contractual obligation on your behalf, they must be contracted by you to provide a service or project within a certain period of time. This means a service or project which has a specific end date, after which it will have been completed or the service provided will no longer be operated by you or anyone else, as explained in the example below:

### Example

Company A has a contractual obligation with a client Company Z to deliver an IT solution within an agreed period of time.

A worker who is sponsored by Company A to do a job on the IT project may be sent to work for the length of the contract at Company Z's premises, but they remain employed by Company A throughout the whole period of the contract.

As Company A is fully responsible for all the worker's duties, functions, outputs or outcomes, Company A can be the worker's sponsor and therefore assign the CoS.

S1.26. You cannot sponsor a worker if you will not have full responsibility for all the

duties, functions and outcomes or outputs of the job they will be doing, or if:

- the job amounts to the hiring out of the worker to another organisation (third party) who is not the sponsor to fill a position with them, whether temporary or permanent, regardless of any genuine contract between you and the third party; or
- the worker will be contracted to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between you and the third party

S1.27. Where we think you are, or will be, hiring a worker to a third party as routine labour, we may ask for confirmation from the other organisation that the worker:

- works, or will work, independently from them, and that you, as the sponsor, have full control over all their duties, functions, outputs or outcomes
- is not being supplied to them to undertake a routine role

S1.28. If we find you are supplying the worker, or workers, as labour to another organisation to undertake a routine role or you do not have full responsibility for their duties, functions and outcomes or outputs, we will revoke your licence.

S1.29. If the worker is self-employed, there must be a genuine contract for employment or services between you and the worker. This contract must show:

- the names and signatures of all involved (which must include you and the worker)
- the start and end dates of the contract
- details of the job, or piece of work, the worker has been contracted to do
- how much the worker will be paid

## Right to work checks

S1.30. You must check that any worker you wish to employ has permission to enter or stay in the UK and can do the work in question before they start working for you. This applies even if the worker is, or appears to be, a British citizen or other settled worker. If you fail to carry out a right to work check, or any necessary follow-up checks, you may be liable for a civil penalty under illegal working legislation. If you are issued with a civil penalty, we will normally revoke your licence. For guidance on how to carry out the relevant checks, and the evidence you must keep, see:

- [Right to work checks: an employer's guide](#)
- [Appendix D](#) to the sponsor guidance

## Understand your sponsorship duties

- S1.31. You are responsible for checking that your sponsored workers carry out the role for which they are being sponsored and for monitoring their attendance. You must tell us if they don't turn up for work, are absent without permission, or there are significant changes to their employment or to your organisation. For further information on your reporting and other sponsorship duties, see section C1 of [Part 3: Sponsor duties and compliance](#).
- S1.32. You must also keep records for each worker you sponsor – see [Appendix D](#). This includes evidence of any recruitment activity you have undertaken to fill the role, even if you were not required to carry out a formal resident labour market test.
- S1.33. If you fail to comply with your reporting and record-keeping duties, we may take compliance action against you – this could include revoking your licence.

### [Contents](#)

## S2. Certificates of Sponsorship

This section tells you what a Certificate of Sponsorship is and how you apply for an annual allocation of Certificates of Sponsorship.

### What is a Certificate of Sponsorship?

- S2.1. Before a worker can make a successful immigration application, you must assign them a valid Certificate of Sponsorship (CoS).
- S2.2. A CoS is not a paper certificate or document, but a database record which confirms details of the worker you intend to sponsor and the job they will do. You assign one using your [sponsorship management system \(SMS\) account](#). This involves working through a short online form where you give us the relevant information. All of the information you enter will be stored and can be viewed by us.
- S2.3. A CoS is confirmation from you, as a licensed sponsor, that you:
- wish to sponsor the worker
  - are satisfied the worker can meet the relevant immigration requirements
  - are eligible to sponsor the worker on the relevant route
  - agree to abide by the terms and conditions as stated on the SMS
- S2.4. A CoS can only be assigned by a person who has access to the SMS as a Level 1 or Level 2 user – see the [‘Key personnel’](#) section of [Part 1: Apply for a licence](#) for information on Level 1 and Level 2 users.
- S2.5. Assigning a CoS does not guarantee the worker will be granted entry clearance or permission – they must meet all of the [immigration requirements](#) of the route on which they are applying.
- S2.6. Before you assign a CoS, you should talk to the worker about their current immigration status, as this may affect any application they make because of the rules on [‘switching’](#) (changing from one immigration route to another) or maximum time limits for the route on which they are applying.
- S2.7. You must follow the rules set out in the sponsor guidance when assigning or applying for a CoS. We can revoke, suspend or downgrade your licence, or reduce or remove the number of CoS you can assign, if you do not comply with these rules. See [Part 3: Sponsor duties and compliance](#) for further information on the action we can take.

### Types of CoS

- S2.8. There are 2 types of CoS:
- ‘Defined’ CoS: these are for Skilled Workers applying for entry clearance (a visa) from outside the UK



- ‘Undefined’ CoS: these are:
  - CoS assigned to Skilled Workers applying for permission to stay from within the UK
  - CoS assigned to workers on all other routes, whether applying for entry clearance, permission to enter or permission to stay

S2.9. You must assign Undefined CoS from your [annual allocation](#).

S2.10. You cannot have an annual allocation of Defined CoS – you must apply for one, using a separate process, each time you need one. For guidance on the process, see [Sponsor a Skilled Worker](#).

S2.11. If you are sponsoring Skilled Workers, you must ensure you understand the difference between Defined and Undefined CoS and assign the correct type. You must not assign:

- a Defined CoS for a job other than the one described in the application for that CoS
- an Undefined CoS where a Defined one is required

If you do, we may revoke your licence.

## CoS fees

S2.12. You must pay a fee for each CoS you assign. If you fail to pay the correct fee, we may cancel the CoS. This may result in any application which relies on that CoS being rejected or refused. For information on current CoS fees, see the [UK visa fees](#) page on GOV.UK.

S2.13. Deleted.

S2.14. If you are sponsoring a Skilled Worker or a Senior or Specialist Worker, you may also have to pay the [Immigration Skills Charge](#) each time you assign a CoS.

## Your CoS allocation

S2.15. When you apply for a licence, we ask you for an estimate of the number of Undefined CoS you may wish to assign in your first year in each route in which you are applying to be licensed. You must justify your request and we may ask you for further information before we make a decision.

## Deciding your allocation

S2.16. If we approve your licence application, we will notify you of your CoS allocation for the year. In setting your CoS allocation, we may consider relevant factors including, but not limited to, the following:

- any agents you will use to recruit workers and whether they have been linked to immigration abuse in the past

- your previous record in dealing with us, including under the current sponsorship arrangements, the previous Tier 2 and Tier 5 arrangements, or the work permit arrangements that were in place before the introduction of Tier 2 and Tier 5
- the number of workers employed at your organisation
- the kind of business you conduct
- the extent of the business you conduct
- the length of time you have been trading
- if you are applying on the UK Expansion Worker route, whether the Authorising Officer named in your sponsor licence application is based in the UK or overseas – see section GBM3 of [Sponsor a Global Business Mobility worker](#) for further information

S2.17. If we allocate fewer CoS than you requested, or set your allocation to zero, this could be for reasons including, but not limited to:

- you have a history of non-compliance
- you cannot justify your need for the number you have requested
- we do not consider your need to be credible, based on your current circumstances
- we are not satisfied you can offer genuine employment that meets the skill-level or salary requirements of the route (where relevant)
- you are unsure whether or when you may need to recruit any workers in the future

## Your CoS year

S2.18. Once we have decided your CoS allocation, we will allocate them (if any) to your SMS account. You will then have up to 12 months to use them. This is known as your 'CoS year' (or 'allocation year'). Your CoS year runs as follows:

- if you held a valid Tier 2 (General) or Tier 2 (Intra-Company Transfer) licence on 30 November 2020 and this was converted into a Skilled Worker or Intra-Company routes licence on 1 December 2020 and your allocation renewal has been automated: from 6 April in one year to 5 April the following year
- if you held a valid Tier 2 (General) or Tier 2 (Intra-Company Transfer) licence on 30 November 2020 and this was converted into a Skilled Worker or Intra-Company routes licence on 1 December 2020 and your allocation renewal has not been automated: 12 months from the date your allocation renewal request was granted in 2021 and, in subsequent years, 12 months from the date your allocation renewal request is granted
- in all other cases: 12 months from the date your licence was granted and, in subsequent years, 12 months from the date an allocation renewal request is granted

## Reducing your allocation

S2.19. We may reduce your allocation (or set it to zero) if your circumstances

change. This could be if you downsize, or if we believe you pose a threat to immigration control – for example, if, after your original CoS allocation has been decided, we take compliance action against you.

## Increasing your allocation during the CoS year

S2.20. If, part way through your CoS year, you think you will not have enough CoS to last until the end of the year, or if your allocation was previously set to zero, you can apply to increase your allocation via your SMS account. You must give reasons for doing so and we may ask for evidence. For guidance on increasing your allocation, see guide 7 in [SMS Manual 2: managing your licence](#).

## Renewing your annual CoS allocation

S2.21. Any CoS that remain unused at the end of your [CoS year](#) will be removed from your SMS account. You cannot carry over any unused CoS to the next CoS year.

S2.22. Towards the end of each CoS year, you can apply for a further allocation (known as a 'follow-on' allocation) for the next CoS year, using your SMS account. This is an annual process that occurs during the validity period of your licence.

S2.23. Some sponsors are set up to receive automated annual allocations. You can check your SMS account 3 months before the expiry of your CoS year to see if your allocation will be automatically renewed. If your account displays 'automatic renewal', you will not be required to submit a request. We will simply give you a further year's allocation equal to the number of CoS you assigned in the previous CoS year.

S2.24. If you are not set up to receive automatic renewals, you must submit a manual request via your SMS account. You can do so up to 3 months before the end of your CoS year.

S2.25. For detailed guidance on renewing your annual CoS allocation, see guide 8 of [SMS Manual 2: managing your licence](#).

## [Contents](#)

## S3. Assigning a CoS

This section tells you about the general processes you must follow to assign a Certificate of Sponsorship (CoS), and the information you must include on a CoS.

### Technical guidance

S3.1. Detailed information on how to assign a CoS, including how to complete an application for a Defined CoS on the Skilled Worker route, or report changes to the details on the CoS, can be found in the [Sponsorship management system \(SMS\) manuals](#) on GOV.UK – see, in particular, manuals 8, 9, 11 and 12.

### Your sponsor rating

S3.2. Sponsors are rated either A or B (except for sponsors on the UK Expansion Worker route where the Authorising Officer is based overseas, who will be given a 'Provisional' rating initially). We will not grant you a licence unless you are able to achieve an A-rating (or, in the case of UK Expansion Worker, at least a Provisional rating). In some cases, after your licence has been granted, we may downgrade you to a B rating if you are not fulfilling all of your sponsor duties or we have other concerns about you. For further information, see:

- section L8 of [Part 1: Apply for a licence](#)
- section C8 of [Part 3: Sponsor duties and compliance](#)
- for UK Expansion Worker sponsors, section GBM3 of [Sponsor a Global Business Mobility worker](#)

S3.3. You must normally be an A-rated sponsor to be eligible to assign a CoS. The only exceptions to this are if:

- you are a B-rated sponsor and:
  - you are not sponsoring a Scale-up Worker
  - the worker is applying for permission to stay (from within the UK) on the same route as in their last grant of permission
  - you assigned the CoS which led to the worker's last grant of permission; and
  - you are continuing to sponsor the worker; or
- you are licensed on the UK Expansion Worker route, you have a Provisional rating, and the person to whom the CoS is assigned is also your Authorising Officer

S3.4. You cannot assign a CoS if your licence is suspended, made dormant, or revoked.

### Information you must include on the CoS

S3.5. When you assign a CoS, there is certain information you must include on it

for it to be valid. This includes:

- the route on which you are sponsoring the worker
- personal details of the worker, such as their name, nationality, date of birth, passport details, contact address
- usual work address or addresses
- total weekly hours of work – if this varies, you should enter an average figure
- details of the worker’s job, including job title, job description, [start date](#), [end date](#), [salary](#) (unless applying as a Charity Worker) and [occupation code](#)
- whether the worker was sourced through an agent and, if so, details of that agent
- whether you (the sponsor) wish to certify that the worker meets the [financial requirement](#)
- for some routes, whether the worker needs an [Academic Technology Approval Scheme \(ATAS\) certificate](#)
- any other information required for the specific route in which you are sponsoring the worker – see the relevant [route-specific guidance](#) for details

## Start date on the CoS

- S3.6. You must enter a start date on the CoS. This should be the date you expect the worker to start working for you if their application is granted. If the worker is making an [extension of permission to stay](#) application, we recommend the start date is the day after the worker’s current permission ends.
- S3.7. The worker must use the CoS in an application for entry clearance or permission no more than 3 months after the date it was assigned to them. However, they cannot apply for entry clearance or permission more than 3 months in advance of their employment start date, as stated on their CoS. You must make sure the timing of your recruitment and the date you assign the CoS does not put the worker in a situation where they cannot make a successful application for entry clearance or permission.
- S3.8. If the start date (or [end date](#)) changes before the worker has applied for entry clearance or permission, or before a decision has been made on their application, you should report this, as this may affect the period of entry clearance or permission that can be granted. You can do this by:
- adding a [sponsor note](#) to the CoS, if the worker has not yet applied for entry clearance or permission
  - using the ‘[Report migrant activity](#)’ function in the SMS, if the worker has already submitted their application for entry clearance or permission
- S3.9. A worker can start working in their sponsored employment as soon as they have permission to enter or stay in the UK, even if this is before the start date recorded on their CoS. You do not have to tell us if the worker’s start date has been brought forward after they have been granted permission.

S3.10. Once a worker has been granted permission, they should normally start working in their sponsored employment no later than 28 days after whichever is the latest of:

- the start date on their CoS (taking into account any changes to that date reported by you before their application for entry clearance or permission was decided)
- the “valid from” date on the worker’s entry clearance vignette (visa)
- the date the worker is granted permission to enter, if they entered the UK without entry clearance under the [Creative Worker visa concession](#)
- the date the worker is notified of a grant of entry clearance or permission to stay

S3.11. If the worker does not start employment by the end of this period, you must either:

- tell us the worker’s new start date and the reasons for the delayed start, if you wish to continue sponsoring them; or
- stop sponsoring the worker

S3.12. In either case, you must report this by the end of 10 working days after the 28-day period using the ‘[Report migrant activity](#)’ function in the SMS.

S3.13. If you wish to continue sponsoring the worker, you should be aware that UKVI may cancel the worker’s permission if they do not consider there is a valid reason for the delayed start. You must therefore ensure you carry out a [right to work check](#) before they start their employment, and any follow-up checks as required. If the worker tells you their permission has been cancelled, you must stop sponsoring them and report this within 10 working days via your SMS account.

S3.14. Acceptable reasons for a delayed start may 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

S3.15. This is not a comprehensive list and each case will be judged on its merits.

S3.16. You do not have to report a change to start date (where the worker has been granted permission) if it is delayed by no more than 28 days (as defined in paragraph S3.10 above).

S3.17. If you are sponsoring a [Scale-up Worker](#) and they are granted entry

clearance or permission to stay, you must also tell us the date the worker actually starts working for you via the '[Report migrant activity](#)' function in the SMS. You must do this within 10 working days of the actual start date.

## End date on the CoS

- S3.18. Unless you are sponsoring a Scale-up Worker, you must enter an end date on the CoS. This should cover the period you intend to sponsor the worker, up to the maximum period permitted for the route on which you are sponsoring them.
- S3.19. 'Maximum period' means the maximum period of entry clearance or permission that can be granted on the relevant route if the worker's application is successful (excluding any additional period that may be granted beyond the work end date). For example, if you are sponsoring a Skilled Worker, you can assign a CoS for up to 5 years.
- S3.20. In some cases, the SMS will prevent you from assigning a CoS beyond the maximum period. However, there may be other restrictions on how long you should assign a CoS on a particular route or to a particular type of worker. For example:
- if you are sponsoring an [International Sportsperson](#), you must not assign a CoS beyond the period stated on the worker's sports governing body endorsement letter
  - if you are sponsoring a [Skilled Worker](#) who intends to claim points for being a 'new entrant', the longest you can assign the CoS is 4 years (less any time the worker has already spent in the UK as a new entrant on the Skilled Worker or Tier 2 (General) routes, or on the Graduate route)
  - most routes have a maximum cumulative period for which a worker can be granted (including time they've already spent in the UK on that route) – for example, a [Charity Worker](#) cannot be granted beyond 12 months in total
- S3.21. If you assign a CoS for longer than the maximum period permitted on the route, we will do one of the following:
- limit the amount of permission we will grant to the worker if they make a successful application for entry clearance or permission
  - refuse the application, if the worker has already spent the maximum period permitted on that route
  - if you are sponsoring a [Government Authorised Exchange](#) worker or [Seasonal Worker](#), report you to the relevant endorsing government department – if they then withdraw their endorsement, we will revoke your sponsor licence
- S3.22. Read the relevant [route-specific guidance](#) for further information on maximum periods.
- S3.23. You do not have to enter an end date if you are sponsoring a [Scale-up Worker](#) but you must confirm (when you complete the CoS declaration) that

the worker is expected to work for you for at least the first 6 months of their permission.

## Occupation code

- S3.24. When you assign a CoS to a worker, you must specify the 4-digit occupation code (also known as the 'standard occupational classification (SOC)' code) relevant to the job. The SOC is a common classification of occupations developed by the [Office for National Statistics](#).
- S3.25. [Appendix Skilled Occupations](#) to the Immigration Rules contains information about each occupation code, including example job titles that fit within each code, whether the code is eligible for PhD points on the Skilled Worker route, or whether it is eligible for the Global Business Mobility (GBM) or Scale-up routes. Tables 1 to 4 also include information about the applicable 'going rates' for the Skilled Worker, GBM and Scale-up routes.
- S3.26. If you are sponsoring a Skilled Worker or Government Authorised Exchange worker, the job must be listed in either Table 1 or Table 2 of Appendix Skilled Occupations. The only exception is if the job falls under occupation code 6145 (care workers and home carers), in which case it can be sponsored on the Skilled Worker route. In all other cases, if the job is not listed, it is not eligible to be sponsored.
- S3.27. Unless an exception applies, if you are sponsoring a worker on any of the [Global Business Mobility routes](#) or on the [Scale-up route](#), the job must be listed as eligible for those specific routes in either Table 1 or Table 2 of Appendix Skilled Occupations. There are exceptions for Senior or Specialist Workers being sponsored under certain creative occupation codes who qualify under a transitional arrangement, and for Service Suppliers who may satisfy the skill-level requirement if they have a degree or other eligible qualification and relevant professional experience. In all other cases, if the job is not listed as eligible for the GBM routes, it is not eligible to be sponsored.
- S3.28. For other routes, the job does not have to be listed in Table 1 or Table 2 of Appendix Skilled Occupations but it must meet the relevant eligibility criteria for the particular route. For further information, see the relevant [route-specific guidance](#).
- S3.29. You are responsible for choosing the correct occupation code – we cannot help you with this. If you are unsure which code to select, there is detailed guidance (including an [occupation coding tool](#)) on the [Office for National Statistics](#) website. You should note that the ONS no longer supports requests for assistance in choosing an appropriate occupation code.
- S3.30. It is essential that you select the correct occupation code. If you use the wrong occupation code when assigning a CoS or applying for a Skilled Worker Defined CoS, this could lead to an application being delayed or refused. If you have provided false, misleading or otherwise incorrect



information about the skill or salary level of the job on a CoS – for example, to enable the worker to score points on the Skilled Worker or GBM routes – we will take compliance action against you. This could include revoking your sponsor licence. For further information, see [Part 3: Sponsor duties and compliance](#).

## ‘Multiple-entry’ CoS

S3.31. If a worker is likely to need to travel abroad regularly in connection with their job, you may choose to tick the ‘multiple-entry’ option on the CoS, although you do not have to. For further information, see [Leaving and returning to the UK](#).

## Group CoS for Creative Workers

S3.32. If you are sponsoring a group of people (for example, all members of a musical group or dance troupe, or a creative worker and their entourage) on the Creative Worker route, you can assign a ‘group CoS’ to all members of the group. See [Sponsor a Creative Worker](#) for information on this.

## Amending or updating a CoS

S3.33. After you’ve assigned a CoS, you can return to it and add a ‘sponsor note’ to amend a [start date](#) or an [end date](#), amend or update salary details or working hours, correct [minor errors](#), or provide additional information or clarification. For example:

- if the CoS is for a [Skilled Worker](#) applying for a [Health and Care visa](#), you can use the sponsor note field to explain how the worker is eligible for that visa
- if the CoS is for a [Religious Worker](#), you must explain how the [resident labour consideration](#) has been met by adding a sponsor note

S3.34. You can only add a sponsor note to a CoS that is showing in your SMS account with the status of ‘Assigned’. If you need to report any changes after a CoS has been used, you must use the ‘Report migrant activity’ function in the SMS. For further information, see [SMS Manual 9: Reporting worker activity](#) on GOV.UK.

## If you make a mistake on the CoS

### Minor error

S3.35. You can use the sponsor note feature to amend a minor error on a CoS with the status of ‘assigned’, such as a mistyped name or date of birth. However, if you make more than one error in the worker’s personal details, you will normally need to assign a new CoS (see below).

### Significant error

S3.36. You must cancel a CoS and assign a new one if you’ve made a significant

error such as:

- you've entered the wrong occupation code
- you've assigned the CoS on the wrong route, or in the wrong sub-category
- you've given incorrect details for more than one of the following:
  - the worker's nationality
  - the worker's date of birth
  - the worker's surname

## [Contents](#)

## S4. Salary requirements

This section tells you what information you must include about the worker's salary on their Certificate of Sponsorship (CoS) and what happens if the worker's salary is reduced or they take unpaid leave.

### Minimum salary thresholds

- S4.1. Where the Immigration Rules and this guidance require it, you must ensure any worker you wish to sponsor is paid at least the amount specified in the relevant Rules and guidance. If you do not propose to pay the worker the appropriate salary, where required, any application for entry clearance or permission to stay, or for a Defined CoS, will be refused.
- S4.2. If the Rules and this guidance do not specify a minimum salary for a particular route, you must still ensure you pay the worker in accordance with [National Minimum Wage](#) legislation. For detailed guidance on National Minimum Wage, see:
- [Calculating the national minimum wage \(BEIS guidance\)](#)
  - [National Minimum Wage \(HMRC manual\)](#)
- S4.3. You must tell us if you reduce the worker's salary via your [sponsorship management system \(SMS\)](#) account. If you are sponsoring a Skilled Worker, you may need to assign a new CoS, and the worker may need to make a successful application for entry clearance or permission to stay before you can reduce their salary; see [Sponsor a Skilled Worker](#) for further information. We will make regular checks with HMRC (and, where necessary, our compliance checks) to ensure you are paying your sponsored workers the amount you said you would. Unless an exception applies, if we find you are paying them less, and the new amount would not be eligible for a grant of permission on the relevant route, we will cancel the worker's permission and take compliance action against you – this could include [revoking your licence](#).
- S4.4. For more information on the salary requirements for the route in which you are sponsoring the worker, refer to the relevant [route-specific guidance](#).

### Salary information you must include on a CoS

- S4.5. When you assign a CoS to a worker, you must give the following information about the salary package:
- the gross salary figure, which must:
    - represent the total amount paid to the worker, gross of any tax paid, whether paid in the UK or overseas
    - if the worker is being sponsored on the Skilled Worker route, not include any allowances, unless an exception applies – see [Sponsor a Skilled Worker](#) for information

- for routes other than Skilled Worker, include any permitted allowances and guaranteed bonuses
- a separate figure for the total of all allowances and guaranteed bonuses (where these are permitted by the route)
- a detailed breakdown of each allowance and each guaranteed bonus showing their value (where these are permitted by the route)
- if you are sponsoring a Skilled Worker, Senior or Specialist Worker, Graduate Trainee, UK Expansion Worker, or Scale-up Worker, the PAYE scheme reference number through which the worker will be paid – if they are not paid through PAYE, you must explain why (note you cannot sponsor a Scale-up Worker who will not be paid through PAYE)

S4.6. The figure you give for the gross salary must not be inflated in expectation of any tax relief, such as relief on expenditure related to the employment, or tax incurred by the employment of a settled worker, but not incurred for a migrant worker. For example, if the gross salary package is £21,000 per year, but the migrant worker will have the same net package after tax as a settled worker who is paid £25,000 per year before tax, the CoS must show that the salary package is £21,000, not £25,000.

### Period the salary must cover

S4.7. When you assign a CoS to a worker, or apply for a defined CoS for them, the gross salary figure you enter can cover any of the following time periods:

- hour
- day
- week
- month
- year (this option is not available for Seasonal Workers)
- contract (this option is not available for Skilled Workers or Scale-up Workers)
- performance (International Sportsperson and Creative Worker only)

### Payment of salary

S4.8. Salary may be paid in the UK or abroad. Where the worker will be paid from abroad in a currency other than pounds sterling, the salary entered on the CoS must be based on the exchange rate for the relevant currency on the day the CoS is assigned, taken from the rates published on [OANDA](#). If you are applying for a Defined CoS for a [Skilled Worker](#), the amount must reflect the exchange rate on the date you requested that CoS. You should update this, by adding a 'sponsor note', when you assign the CoS to a worker.

S4.9. All payments to sponsored workers must be made into their own bank account in the UK or overseas. You must not pay them in cash – if you do, we are likely to revoke your licence. Pre-paid cards such as FOREX are acceptable, but you must be able to give evidence that you have made payments onto the worker's card. If you pay the worker by cheque, this must be paid into the worker's own bank account.

## Unpaid leave

- S4.10. Sponsored workers can take short periods of unpaid leave but, unless an [exception](#) applies, you must normally stop sponsoring a worker who is absent from work without pay for more than 4 weeks in total in any calendar year (1 January to 31 December), or (in the case of a Scale-up Worker) during the period in which you have sponsorship responsibility for the worker. This applies whether the worker is absent from work for a single period of more than 4 weeks, or if they have a number of absences which cumulatively total more than 4 weeks.
- S4.11. The 4 weeks is worked out according to the sponsored worker's normal working pattern. For example, if the worker normally works 5 days per week, this would be 20 working days (5 (days) x 4 (weeks)). If they normally work 3 days per week, this would be 12 working days (3 (days) x 4 (weeks)).
- S4.12. If you stop sponsoring a worker who has been absent from work without pay for more than 4 weeks, you must report this using your sponsorship management system (SMS) account. You must make the report by the end of 10 working days after the date you stop sponsoring the worker.
- S4.13. If you believe there are compelling or exceptional circumstances as to why you should not stop sponsoring a worker who has been absent from work without pay for more than 4 weeks (and an [exception](#) does not apply), you must report the absence and reasons via the '[Report migrant activity](#)' function in the SMS for UKVI to consider. You should be aware that UKVI may cancel the worker's permission if they are not satisfied there is a valid reason for continuing to sponsor the worker. If this happens, you must stop sponsoring the worker.

## Exceptions: permissible absences

- S4.14. When calculating whether the worker has been absent without pay for more than 4 weeks, the following types of absence are disregarded and do not count towards the 4 weeks:
- [statutory maternity leave](#)
  - [statutory paternity leave](#)
  - [statutory parental leave](#)
  - [statutory shared parental leave](#)
  - [statutory adoption leave](#)
  - [sick leave](#)
  - assisting with a national or international humanitarian or environmental crisis, provided you agreed to the absence for that purpose
  - [taking part in legally organised industrial action](#)

## Reduction in salary

- S4.15. You must tell us via your SMS account if you reduce a worker's salary after

you have assigned a CoS (including after they have been granted entry clearance or permission). If you are sponsoring a Skilled Worker or Tier 2 (General) Migrant, you must check if you will need to assign a new CoS (and if the worker will need to apply for new permission) before you can reduce their salary. See [Sponsor a Skilled Worker](#) for further information.

S4.16. You must stop sponsoring the worker if their revised salary no longer meets any salary, hourly or going rate requirement for the job or the route on which they are being sponsored, or the change is otherwise not permitted by the Immigration Rules or sponsor guidance. You must tell us you have stopped sponsoring the worker via your SMS account.

### Salary reductions: exceptions

S4.17. You do not have to stop sponsoring a worker if you reduce their salary and any of the following exceptions apply (although you must tell us via your SMS account that you have reduced the worker's salary):

- the reduction is temporary and coincides with a period of absence for a [permissible reason](#) given in the 'Unpaid leave' section above
- the reduction coincides with a temporary reduction in the worker's hours, or a phased return to work, for individual health reasons, provided:
  - this is supported by an occupational health assessment; and
  - the reduction does not result in the hourly rate falling below any hourly rate requirement which applied when the person obtained their most recent grant of permission
- the worker is on a [GBM route](#) and a temporary reduction in salary coincides with working for the sponsor group or linked overseas business while the worker is not physically present in the UK
- the person is a Skilled Worker, GBM worker or Scale-up Worker and, after the change in salary, would continue to be eligible for points for salary, as set out in [Sponsor a Skilled Worker](#), [Sponsor a Global Business Mobility worker](#), or [Sponsor a Scale-up Worker](#)
- the person is a Skilled Worker and the reduction in salary has been authorised as a result of a grant of new entry clearance or permission to stay
- the worker otherwise continues to meet the salary requirements on the route on which they are being sponsored

### [Contents](#)

# S5. Immigration Skills Charge

This section tells you about the Immigration Skills Charge you may have to pay to sponsor a Skilled Worker or a Senior or Specialist worker.

## About the charge

- S5.1. You may have to pay the [Immigration Skills Charge](#) each time you assign a Certificate of Sponsorship (CoS) to a worker on the Skilled Worker route or the Global Business Mobility – Senior or Specialist Worker route.
- S5.2. The amount you have to pay is specified in the Schedule to the [Immigration Skills Charge Regulations 2017](#) and depends on:
- the size and type of your organisation on the date you assign the worker's CoS, and
  - the length of employment stated on the CoS
- S5.3. If you are a small or charitable sponsor, as defined in [regulation 2](#) of the Immigration Skills Charge Regulations, you will pay the 'small' charge:
- £364 for any stated period of employment up to 12 months, plus
  - £182 for each subsequent 6-month period stated on the CoS
- S5.4. In all other cases, you must pay the 'large' charge:
- £1,000 for any stated period of employment up to 12 months, plus
  - £500 for each subsequent 6-month period stated on the CoS
- S5.5. When you apply for a licence, or apply to renew your licence, it is essential that you select the correct size or type for your organisation, as this will determine not only the licence fee you will pay, but also the level of Immigration Skills Charge you will pay throughout the life of your licence, or until you tell us of a change of circumstances through the sponsorship management system (SMS) and this has been processed and accepted by UKVI.
- S5.6. To comply with your reporting duties, you must tell us as soon as possible – and in any case within 10 working days – if the size or type of your organisation changes. This will ensure you pay the correct Immigration Skills Charge for each CoS you assign. If you fail to inform us within 10 working days, we may take compliance action against you. This could include downgrading, suspending or revoking your licence. For further information on your reporting duties, see section C1 of [Part 3: Sponsor duties and compliance](#).
- S5.7. You must not pass any of the charge on to the sponsored worker. If we find out that you have done so, we may revoke your licence.

## When you must pay

S5.8. Unless an exception applies, you must pay the charge each time you assign a CoS to a worker on the Skilled Worker or Senior or Specialist Worker route and the worker is either:

- applying from outside the UK for entry clearance (a visa) to work in the UK for 6 months or more, or
- applying from within the UK for permission to stay of any duration, including for less than 6 months

## When you don't have to pay

S5.9. You do not have to pay the charge if you assign a CoS to any of the following:

- a worker who is applying for entry clearance from outside the UK for a period of less than 6 months
- a worker who is being sponsored to do any of the following occupations:
  - 2111 (chemical scientists)
  - 2112 (biological scientists and biochemists)
  - 2113 (physical scientists)
  - 2114 (social and humanities scientists)
  - 2119 (natural and social science professionals not elsewhere classified)
  - 2150 (research and development managers)
  - 2311 (higher education teaching professionals)
  - 2444 (clergy)
  - 3441 (sports players)
  - 3442 (sports coaches, instructors or officials)
- a worker to whom you have previously assigned a CoS where:
  - you assign them a new CoS to work for you; and
  - the new period of permission they are seeking will not exceed their current period of permission – if the application would result in a longer grant of permission, you must pay a charge for the additional period that would be granted, unless another exemption applies
- a worker who has valid permission for the purpose of study and is applying to 'switch' to the Skilled Worker or Senior or Specialist Worker route – note that this exemption continues to apply if you later assign a further CoS to the same worker to continue in the same role
- a worker who was assigned a CoS under Tier 2 (General) or Tier 2 (ICT) Long-term Staff before 6 April 2017 and:
  - that CoS resulted in a grant of entry clearance or permission to stay
  - the worker undertook the role for which that CoS was assigned; and
  - the worker has not since ceased to have permission under Skilled Worker (or its predecessor route, Tier 2 (General)) or Senior or Specialist Worker (or its predecessor routes, Intra-Company Transfer, or the Long-term Staff sub-category of Tier 2 (Intra-Company Transfer))
- subject to paragraph S5.9A below, a Senior or Specialist Worker, if all of the following requirements are met:
  - you assign the CoS on or after 1 January 2023;



- the worker is a national of [an EU country](#) or is a Latvian non-citizen – note that this concession does not apply if the worker is a national of Iceland, Norway, Liechtenstein or Switzerland;
- the worker has been assigned to the UK by a business established in the EU, and which forms part of the same “sponsor group”, as defined in [Sponsor a Global Business Mobility Worker](#)
- the end date of the assignment, as specified on the CoS, is no more than 36 months after the start date

S5.9A. The exemption for Senior or Specialist Workers assigned to the UK by an EU company on or after 1 January 2023 is currently subject to Parliamentary approval. This guidance will be updated as appropriate with any changes. You can view the draft legislation here: [The Immigration Skills Charge \(Amendment\) Regulations 2022](#).

S5.10. You do not have to pay the charge for any of the worker’s family members (dependants) who are not themselves sponsored workers on the Skilled Worker or Senior or Specialist Worker routes. The charge does not apply to any other Worker or Temporary Worker route.

S5.11. DELETED.

## Consequences of non-payment

S5.12. Any CoS you have assigned which requires the charge to be paid will become and remain invalid until the outstanding charge is paid in full. This means any application for entry clearance or permission to stay made on the basis of that CoS will be delayed until the charge is paid in full.

S5.13. You will be contacted by UKVI if you have not paid the charge or have not paid the full amount when you assigned the CoS.

S5.14. The worker’s entry clearance or permission to stay application will be refused if you fail to pay the full amount within 10 working days of the first formal reminder to make the payment.

## Refunds and ‘top-up’ charges

S5.15. The Secretary of State may refund all or part of the charge. A refund will be paid to the debit or credit card the charge was paid with, unless you advise us of different payment arrangements. In some cases, we may need to request a ‘top-up’ charge (an additional amount from you) if you have not paid the full amount you owe.

## Partial refund

S5.16. A partial refund will be made in respect of all whole unused 6-month periods of permission after the first year of employment where the worker:

- is granted permission for less than the period requested on the CoS – for example, if a 5-year visa was applied for, but a 3-year visa is granted, the

difference between the period requested and the period granted will be refunded (in this example, £2,000 for a large sponsor or £728 for a small sponsor or charity)

- starts work for one sponsor, but then voluntarily changes to another sponsor – the first sponsor will be paid the difference between the charge paid and the charge payable for the length of time the individual has worked for the first sponsor; or
- leaves their post early – for example, if they return home due to ill health, are made redundant or dismissed, fail their probation, or fail to secure a necessary professional qualification

## Partial refund due to change in size or charitable status

S5.17. A partial refund will also be made if:

- you assign a CoS to a worker and pay the large fee, and
- before you assigned that CoS, you had notified us that your company had changed from large to small, or gained charitable status, and we have verified this information

S5.18. In these circumstances, we will refund the difference between the large fee and the small fee once we have verified the information you have provided. We will only issue refunds in respect of CoS issued on or after the date you notified us of your change in status. It is therefore important you tell us of any change in status as soon as possible.

## Full refund

S5.19. A full refund will be paid where the worker's application for entry clearance or permission to stay is:

- refused
- withdrawn; or
- granted but the worker does not travel to the UK or start work for the sponsor

S5.20. A full refund will also be made if the relevant CoS is not used to make a valid application for entry clearance or permission to stay.

## How soon decisions on refunds are made

S5.21. Decisions on refunds are made within 90 days of the relevant event:

- the date you notified UKVI via the SMS that the individual didn't come to the UK to start work or has left the relevant employment early
- the CoS expiry date, if no valid visa application is made by the individual – a CoS expires if not used within 3 months of the date it was assigned
- the date you notified UKVI that you had withdrawn the CoS

- the deadline date for making an administrative review application, if the individual's visa application has been refused and they have not applied for an administrative review
- the individual's administrative review being dismissed
- the date you notified us of the change in your organisation's size or charitable status

[Contact UKVI](#) if your refund hasn't been paid within 90 days of the relevant date.

## Circumstances in which no refund will be made

S5.22. We will not refund any of the Immigration Skills Charge in the following circumstances:

- the worker changes job but remains working for the same employer
- the worker changes ('switches') from the Skilled Worker or Senior or Specialist Worker route to another immigration route but remains employed in the same job
- your licence is made 'dormant' (for example, following a takeover of your company)
- your licence is revoked, or
- the worker's permission is cancelled (unless the reason for cancellation is because the worker failed to commence the relevant employment or finished the employment early – a [full](#) or [partial](#) refund may be paid in these circumstances)

## Top-up charges

S5.23. We will request additional funds (a top-up charge) if:

- you assign a CoS to a worker and pay the small fee, and
- before you assigned that CoS, you had notified us that you no longer qualify as a small or charitable sponsor, and we have verified this information

S5.24. In these circumstances, we will request a top-up charge (the difference between the small fee and the large fee) in respect of any CoS you have assigned on or after the date you notified us of your change in status.

S5.25. We will also request a top-up charge in any case where you do not pay the full charge (or any charge) for any other reason. See '[Consequences of non-payment](#)' above for what happens if you fail to pay the charge in full.

## [Contents](#)

## S6. After you have assigned a CoS

This section tells you how a worker can use their Certificate of Sponsorship (CoS) to apply for entry clearance or permission, how you can withdraw a CoS, and the circumstances in which we can cancel a CoS.

### Using the CoS in an immigration application

- S6.1. Once you have assigned a valid CoS to a worker, and you have paid any [Immigration Skills Charge](#), if required, they can use it to make an application for entry clearance, permission to enter or permission to stay.
- S6.2. When you assign a CoS, a reference number is generated and you must give this number to the worker you wish to sponsor. They must then include the reference number in their application for entry clearance, permission to enter or permission to stay. When you give the CoS reference number to the worker, you should treat it as secure and confidential information.
- S6.3. You can give the worker a copy of their CoS if they ask for it (although they do not need it to make an immigration application). There is a function within your SMS account to print any CoS you have assigned. You can do this by using the 'View CoS' function, where you can open the CoS and choose 'Print'. The [SMS user guide](#) has more information on how to use this function.
- S6.4. When a CoS you have assigned has been used to support an application, it will show in your SMS account as 'used'. This means it cannot be used again in another application. The only exception is where the CoS has been assigned to and used by a worker to enter the UK under the [Creative Worker visa concession](#). These workers can use the same CoS each time they re-enter the UK under this concession, provided the CoS is still valid and they continue to qualify for entry under the concession.
- S6.5. If a worker's application is refused and they wish to re-apply, you must assign a new CoS to them before they can make a new application.
- S6.6. If the worker's application is rejected or withdrawn (but not refused), the CoS will still show in your SMS account as 'assigned'. It can be used again to support a further application by the same individual, provided it has not expired (see next paragraph).
- S6.7. Once you have assigned a CoS, the worker must use it in an application for entry clearance or permission no later than 3 months after the date you assigned it. If the worker does not use the CoS within this 3-month period to make an application, it will expire and will show as 'expired' in your SMS account. If the worker still wishes to make an application, you will need to assign them a new CoS.

### How to make an immigration application

- S6.8. Once the worker is ready to make an application for entry clearance or

permission to stay, they must:

- complete the relevant online application form – the relevant forms can be found in the [Work visas](#) section of the GOV.UK website
- pay the application fee – see the [UK visa fees](#) page on GOV.UK
- pay the [immigration health charge](#), if required
- [prove their identity](#) (and provide any required biometrics) by either:
  - attending a biometric appointment at a visa application centre
  - if eligible, using the '[UK Immigration: ID Check](#)' app
- in some cases, [take a tuberculosis test](#)
- provide all relevant documents and information with their application, as specified in the application form or guidance notes

S6.9. Different arrangements are in place for people eligible to enter the UK without entry clearance under the [Creative Worker visa concession](#).

S6.10. All applications for entry clearance or permission to stay must now be made online. As the sponsor, you should be prepared to give the worker any assistance they need to complete the online application. This could include allowing them to access a computer on your premises if the person would not otherwise have access to a computer or the internet, or by offering technical support to those who do not have the ability or confidence to use online services on their own.

S6.11. You may also, subject to certain restrictions, [provide immigration advice or immigration services](#) to individuals you are sponsoring.

## Cancelling or withdrawing a CoS

S6.12. We can cancel a CoS assigned by you if we find it should not have been assigned – for example, if it was assigned through misrepresentation or fraud, or if you have not paid the correct CoS fee in full.

S6.13. You can withdraw a CoS assigned to an individual which has not yet been used to support an application for entry clearance, permission to enter or permission to stay. This can be done through your SMS account.

S6.14. A worker can normally only have one CoS assigned to them for use in an application at any given time. The only exception to this is where the worker is undertaking 'consecutive engagements' with more than one sponsor on the [Creative Worker route](#).

S6.15. If you have assigned a CoS to a person who intended to start working for you, but they then decided to take up a job offer with a different sponsor, they must contact you to arrange the withdrawal of their CoS. This is because the sponsor they want to start work with will not be able to assign a CoS to them until you have withdrawn the one you assigned. They must request this in writing or by email, giving you 5 working days to withdraw the CoS. If you do not carry out their request, they must send a reminder, after which you will have a further 5 working days to withdraw it.

- S6.16. If you refuse or fail to withdraw the CoS within this time, the individual can ask us to cancel it. We will not cancel it until we have talked to you about why you have not withdrawn the CoS as requested by the individual. Failure to withdraw a CoS when requested, within the set time, may lead to us taking compliance action against you.
- S6.17. When a CoS is cancelled or withdrawn, we will not refund any fee you have paid for it and we will refuse any application that is supported by that CoS.
- S6.18. If a worker is in the UK with entry clearance or permission, we will cancel or shorten their permission if we find the CoS which supported their application was improperly assigned. If this happens, their permission will be cancelled or shortened in one of the following ways:
- if they were not actively involved in the CoS being improperly assigned, permission will normally be shortened so they have 60 days' permission remaining to give them a chance to find a new sponsor (we will not shorten their permission if they already have no more than 60 days' permission remaining); or
  - if they were actively involved in the CoS being improperly assigned, their permission will be cancelled completely so that they have no permission remaining and will be required to leave the UK immediately.

## Providing immigration advice or immigration services to your sponsored workers or students

- S6.19. It is prohibited under section 84(1) of the [Immigration and Asylum Act 1999](#), and a criminal offence under section 91(1) of that Act, to provide immigration advice or immigration services if you are not:
- registered with the [Office of the Immigration Services Commissioner \(OISC\)](#)
  - authorised by either a designated professional body or a designated qualifying regulator
  - acting on behalf of and under the supervision of a person who meets either of the above requirements; or
  - otherwise exempt
- S6.20. Licensed sponsors are exempt from the general prohibition, although this will apply only in specified circumstances. As a licensed sponsor, you can provide immigration advice and immigration services, free of charge, to individuals you are sponsoring (and, where relevant, their eligible family members), within the limits set out in the [Immigration and Asylum Act 1999 \(Part 5 Exemption: Licensed Sponsors\) Order 2022](#) ('the 2022 Order').
- S6.21. This Order has replaced the [Immigration and Asylum Act 1999 \(Part V Exemption: Licensed Sponsors Tiers 2 and 4\) Order 2009](#) from 11 April 2022. Whereas the exemption created by that Order applied only to Worker and Student sponsors, the exemption in the 2022 Order applies to all licensed

sponsors, including Temporary Worker sponsors.

S6.22. If you provide immigration advice or services in accordance with the 2022 Order, you must comply with the [Code of Standards](#) issued by OISC.

## What you can do

S6.23. Under the 2022 Order, you can only provide immigration advice and immigration services if they are given:

- free of charge
- in relation to an individual you are sponsoring ('the main applicant') or an '[eligible family member](#)' of the main applicant
- in connection with a 'relevant application'

S6.24. In this section, a 'relevant application' is an application:

- by the main applicant for entry clearance or permission for the purpose of work or study in the UK (where you are the main applicant's sponsor in relation to that work or study); or
- by a family member of the main applicant for entry clearance or permission as their '[eligible family member](#)'

S6.25. This includes an application the individual is proposing to make, has made and is awaiting a decision on, or which has already been determined.

S6.26. Advice and services you can provide in connection with a relevant application include:

- advising the individual how to make an application and of the immigration requirements for the route on which they're applying
- making enquiries with the Home Office on behalf of the individual about the progress of the application
- advising the individual of the length of permission they have been granted and the [conditions](#) attached to it
- assisting the individual in an [administrative review application](#) if their application for entry clearance or permission has been refused, or their permission has been cancelled – however, the exemption does not extend to the provision of immigration advice or immigration services in relation to an appeal or judicial review proceedings

S6.27. You can only provide immigration advice and immigration services to the main applicant (and, where relevant, their eligible family members) during the period for which you have sponsorship responsibility for the main applicant – see paragraph C1.8 of [Part 3: Sponsor duties and compliance](#) for a definition of when this period begins and ends.

S6.27A. If you are sponsoring a person with permission as a [Scale-up Worker](#), you will only sponsor them for the first 6 months of their permission – you cannot provide immigration advice or immigration services to the worker (or their

family members) after this period, unless you are otherwise authorised or exempt. The 6-month period is calculated from the date the worker's entry clearance as a Scale-up Worker becomes effective (the 'valid from' date on their visa) or the date they are notified of a grant of permission to stay as a Scale-up Worker.

## Immigration advice or services provided to eligible family members

- S6.28. You can provide immigration advice and immigration services in relation to an individual other than the person you are sponsoring (the main applicant) in connection with their application for entry clearance or permission but only if you reasonably believe:
- the application will be, or was, made as an [eligible family member](#) of the main applicant; and
  - the outcome of that application is, or was, dependent on the outcome of the main applicant's application
- S6.29. This includes where the individual is applying, or has applied, as an eligible family member at the same time as the main applicant, or after the main applicant has already been granted permission.
- S6.30. The 2022 Order also covers the situation where the individual has existing permission as an eligible family member, and the main applicant subsequently applies to vary their permission (for example, to work for another sponsor, or to do a different job or course of study). In such situations, the eligible family member may not necessarily need to apply to vary their own permission in line with the main applicant (for example, if they already have sufficient existing permission) but they may need advice on (for example) their conditions of stay or whether they need to make a further application.
- S6.31. In all cases, to be eligible to provide immigration advice or services, you must be the sponsor of the main applicant. Where the main applicant has more than one sponsor (for example, if they're doing [secondary employment](#)), each sponsor can provide immigration advice and services to both the main applicant and their eligible family members, if the requirements in this section are met.

## Meaning of 'eligible family member'

- S6.32. For routes other than Child Student and Seasonal Worker, eligible family members are the main applicant's:
- partner (spouse, civil partner or unmarried partner)
  - dependent children aged under 18
  - dependent children aged 18 or over if they have previously been granted permission as a dependent child of the main applicant or of their partner



S6.33. A Child Student can be accompanied or joined by one parent (on the Parent of a Child Student route) if the child is aged between 4 and 11 and is attending an independent fee-paying school. The Seasonal Worker route does not permit any family members.

S6.34. The exemption in the 2022 Order does not cover immigration advice or services provided to family members other than those listed above.

## What you cannot do

S6.35. You must not provide immigration advice or immigration services if they are not covered by the 2022 Order. For example, you are not permitted to:

- charge any fee to the main applicant (or their eligible family members) for providing immigration advice or services to them
- provide immigration advice or services if this is not in connection with a relevant application – for example, you cannot provide advice in connection with an application for settlement, an appeal, a judicial review or other litigation, or on wider immigration issues
- provide immigration advice or services to individuals you are not currently sponsoring (other than their eligible family members) – this applies even if you have previously sponsored them

S6.36. If you wish to undertake any of the above activities (or provide any other immigration advice or services not covered by the 2022 Order), you must register with OISC, or be otherwise qualified or exempt. If you are unsure whether you can provide such advice or services, you should [contact OISC](#) for assistance.

## [Contents](#)

# S7. Immigration requirements

This section tells you about the main immigration requirements a Worker or Temporary Worker must meet to qualify for entry clearance or permission. It is not a complete statement of the requirements and you must refer to the relevant Immigration Rules and route-specific guidance for further details.

## Immigration Rules

S7.1. You must be satisfied that any workers you wish to sponsor can meet the relevant Immigration Rules. The fact that you have assigned a valid Certificate of Sponsorship (CoS) does not guarantee they will be granted entry clearance or permission – UKVI will make the final decision on this.

S7.2. The relevant requirements are contained in the following parts of the [Immigration Rules](#):

- Appendix Skilled Worker
- Appendix Global Business Mobility – Senior or Specialist Worker
- Appendix Global Business Mobility – Graduate Trainee
- Appendix Global Business Mobility – UK Expansion Worker
- Appendix Global Business Mobility – Service Supplier
- Appendix Global Business Mobility – Secondment Worker
- Appendix Skilled Occupations
- Appendix Shortage Occupation List
- Appendix T2 Minister of Religion
- Appendix Scale-up
- Appendix International Sportsperson
- Appendix Sports Governing Bodies
- Appendix Temporary Work - Seasonal Worker
- Appendix Temporary Work - Creative Worker
- Appendix Creative Worker Codes of Practice
- Appendix Temporary Work - Religious Worker
- Appendix Temporary Work - Charity Worker
- Appendix Temporary Work - International Agreement
- Appendix Temporary Work - Government Authorised Exchange
- Appendix Government Authorised Exchange schemes

S7.3. Even if the worker meets all of the relevant Rules and you have met all of your sponsorship duties, the worker can still be refused permission to enter or stay in the UK, or have their permission cancelled, under the grounds for refusal in [Part 9 of the Immigration Rules](#). This could be, for example, if the worker has used deception in their application, has previously breached their [conditions of stay](#), or has a criminal record.

## Applying from outside the UK: entry clearance

S7.4. If the worker you wish to sponsor is outside the UK, they must obtain entry

clearance (a visa) in the relevant route before they come to the UK. The only exception to this is where the worker is eligible to enter the UK under the [Creative Worker visa concession](#).

- S7.5. If a worker tries to enter the UK without the required entry clearance, they will be refused entry, even if they meet all of the other requirements of the Rules.
- S7.6. Some applicants applying for entry clearance may need to undergo a test for pulmonary tuberculosis in order to get their visa – for further information, see [Tuberculosis test for visa applicants](#) on GOV.UK.

## Workers already in the UK: permission to stay

- S7.7. If the worker you wish to sponsor is already in the UK, they must apply for 'permission to stay' (also known as 'leave to remain'). This could be to:
- extend their existing Worker or Temporary Worker permission, either to continue working in the same job or to change employment – see [Extensions, change of employment and settlement](#); or
  - ['switch' from a different immigration route](#) where the Rules allow
- S7.8. Applicants applying from within the UK must not be:
- in the UK without permission (subject to limited exceptions in [paragraph 39E](#) of the Immigration Rules); or
  - on [immigration bail](#)

## Switching immigration route while in the UK

- S7.9. Switching is the term we use when a person who is already legally in the UK changes from one immigration route to another, where the Rules allow this.
- S7.10. Individuals can switch to, or between, the Worker, Global Business Mobility or Scale-up routes, provided they:
- were not last granted permission:
    - as a Visitor (there is a limited exception to this for some people on the International Sportsperson route)
    - as a Short-term Student
    - as a Parent of a Child Student
    - as a Seasonal Worker
    - as a Domestic Worker in a Private Household; or
    - outside the Immigration Rules; and
  - meet all of the requirements of the route they are applying to switch to
- S7.11. Switching to, or between, the Temporary Worker routes (other than the Global Business Mobility routes or the Scale-up route) is not generally permitted – there are some limited exceptions on the Creative Worker and Government Authorised Exchange routes.

S7.12. If you want to sponsor a worker who is already in the UK on another immigration route, you should check that their current immigration status allows them to switch. This is important because if the individual is in the UK on a route that does not allow them to switch, we will normally reject their application. If they are not in the UK on a route that allows them to switch, they must leave the UK and apply for entry clearance.

## Former government-sponsored students

S7.13. If you wish to sponsor a worker on any of the Worker, Scale-up or Global Business Mobility routes, or on the [Government Authorised Exchange](#) route, and they are currently being financially sponsored for the purpose of study by a government or international scholarship agency, or were so sponsored during the 12 months immediately before their application, they must obtain the written consent of that sponsor before applying for entry clearance or permission to stay. If they do not provide this consent, we will refuse their application.

## Financial requirement

S7.14. Sponsored workers are not permitted to claim [public funds](#) (benefits and other assistance from the state). We must therefore be satisfied that any worker you sponsor has enough money to support themselves, and any family members (dependants) in the UK, until they start to receive an income. This is known as the 'financial requirement' (or 'maintenance requirement').

S7.15. An applicant on the Worker and Temporary Worker routes must meet the financial requirement if they are applying for:

- entry clearance
- permission to enter on the Creative Worker route, or
- permission to stay, if they have been in the UK for less than one year at the date of application

S7.16. In most cases, you can 'certify' this requirement is met by ticking the relevant 'maintenance' box on the worker's CoS. This is known as 'certifying maintenance'. You cannot certify maintenance on the UK Expansion Worker route. For other routes, you are able to do so provided your licence is rated A, A (Premium) or A (SME+). If you certify maintenance, the applicant does not have to provide any further evidence of their finances.

S7.17. By ticking the box on the CoS, you agree to certify maintenance for both the worker and (if relevant) any dependants of the worker. If you do not wish to certify maintenance for dependants, you must add a 'Sponsor note' confirming this after you have assigned the CoS.

S7.18. If you certify a worker's maintenance, you confirm that you will, if necessary, maintain and accommodate the worker up to the end of their first month of employment in the UK. You may limit the amount of the undertaking, but any limit must be no less than £1270.

S7.19. If you certify maintenance for dependants, you confirm that you will maintain and accommodate them for the first month of any permission that is granted to them. You may limit the amount, but it must be at least:

- £285 for a dependent partner
- £315 for the first dependent child
- £200 each for any other dependent child

S7.20. If you certify maintenance, you must make sure the individuals are aware they must not claim public funds. If they claim public funds with your knowledge, we may take enforcement action against them and compliance action against you. See [Part 3: Sponsor duties and compliance](#) for further information on this.

S7.21. If you do not wish to certify maintenance for either the worker or their dependants, they must provide evidence they have the necessary level of funds with their application for entry clearance, permission to enter or permission to stay. Acceptable evidence is set out in [Appendix Finance](#) to the Immigration Rules. For guidance, see the '[Financial evidence for sponsored or endorsed work routes](#)' page on GOV.UK

S7.22. Applicants will automatically meet the financial requirement if, at the date of application, they have been in the UK with permission for 12 months or longer. 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.

## ATAS requirement

S7.23. If you assign a CoS on any of the routes listed below, you will need to check and confirm on the CoS whether the worker needs an Academic Technology Approval Scheme (ATAS) certificate:

- Skilled Worker
- the Global Business Mobility routes
- Government Authorised Exchange
- International Agreement
- Scale-up

S7.24. ATAS is a scheme administered by the Foreign, Commonwealth and Development Office (FCDO). Its purpose is to prevent the transfer of information, knowledge or technology which could develop, advance or support an Advanced Conventional Military Technology (ACMT) and Weapons of Mass Destruction (WMD) programme or their means of delivery.

S7.25. Overseas nationals who wish to undertake study or research at postgraduate level or above in certain sensitive subject areas must apply for an ATAS certificate before they can start their study or research in the UK. It is your responsibility to check whether the person needs an ATAS certificate and, if

so, to ensure they apply for one. The person's application is likely to be refused, and you may lose your sponsor licence (or licences), if you do not meet these responsibilities.

## Who needs an ATAS certificate?

S7.26. A worker will need an ATAS certificate if all of the following are true:

- you are also licensed as a Student sponsor
- the worker is not an [exempt national](#)
- you are sponsoring the worker on any of the following routes:
  - Skilled Worker
  - any of the Global Business Mobility routes
  - Government Authorised Exchange
  - International Agreement
  - Scale-up
- the role in which you are sponsoring the worker is in a [relevant occupation code](#)
- the role includes an element of research at PhD level or above in a [relevant subject area](#)

S7.27. If all of the above are true, the worker must apply for an ATAS certificate before they start their research and include a copy with their application for entry clearance or permission to stay. An ATAS certificate is valid for 6 months once issued – if it has not been used in an application for entry clearance or permission to stay within this period, the worker will need to apply for a new one.

S7.28. If any of the above bullet points are not true, the worker does not need an ATAS certificate.

S7.29. For a list of relevant occupation codes, relevant subject areas and exempt nationals, see [Annex S1](#) of this document.

## Action for you as the sponsor

S7.30. When you assign a CoS on any of the [routes listed above](#), you must confirm (by answering 'yes' or 'no' to the relevant question) whether the worker needs an ATAS certificate.

S7.31. You must make this check each time you assign a CoS to a worker on these routes. This includes for [extension of permission applications](#), even if the worker did not require an ATAS certificate when they were last granted permission.

S7.32. You must take care to give accurate information. If you say a worker does not need an ATAS certificate when they do, we will consider revoking your sponsor licence (or licences).

## If the worker needs an ATAS certificate

- S7.33. If the worker needs an ATAS certificate, you should advise them to apply for one as soon as possible, if they have not already done so. The worker will need to include a copy of their certificate with their application for entry clearance or permission to stay. You must also keep a copy of either their ATAS certificate, or the electronic approval notice the worker received from the FCDO, as part of your record-keeping duties (see [Appendix D](#) to the sponsor guidance).
- S7.34. You and the worker should bear in mind that it can take at least 2 weeks (3 weeks if applying between April and September) to process an application for an ATAS certificate. You should therefore encourage the worker to apply in plenty of time to ensure their immigration application is not delayed or refused.
- S7.35. If a worker who requires an ATAS certificate does not obtain one and include a copy with their application for entry clearance or permission to stay, we will refuse their application. We will also consider revoking your sponsor licence (or licences). You must not continue to sponsor a worker who is subject to the ATAS requirement if they either refuse to apply for an ATAS certificate or the FCDO refuses their application.

## If the worker does not need an ATAS certificate

- S7.36. If you state that the worker does not need an ATAS certificate, you must provide additional information on the CoS if all of the following are true:
- you are also licensed as a Student sponsor
  - the worker is not an [exempt national](#)
  - the role in which you are sponsoring the worker is in a [relevant occupation code](#)
- S7.37. You must give a brief explanation of why the worker does not need an ATAS certificate – for example, that the role does not involve any research at PhD level or above in a [relevant subject area](#). You can include this information in either the job description field or by adding a sponsor note after you have assigned the CoS.
- S7.38. If any of the above bullet points are not true, you do not have to provide this additional information.

## Further information

- S7.39. For more information on ATAS, including how to apply for a certificate, see the '[Academic Technology Approval Scheme](#)' page on GOV.UK.
- S7.40. For additional information on your sponsor duties in relation to the ATAS requirement, see '[Complying with our immigration laws](#)' in section C1 of [Part 3: Sponsor a worker](#).

## English language

S7.41. A worker will need to prove they have English language skills to the required level if they are applying on any of the following routes:

- Skilled Worker
- T2 Minister of Religion
- International Sportsperson, if applying for entry clearance or permission to stay for longer than 12 months
- Scale-up

S7.42. The level required depends on the route. For further information, see the relevant [guidance for work visa applicants](#) on GOV.UK. For detailed information, you can read the [Home Office staff guidance on English language requirements](#) on GOV.UK.

S7.43. If you are sponsoring a [Seasonal Worker](#), you must ensure they are given an employment contract in their first language, as well as in English. This is also considered to be good practice for any other route on which the worker does not have to meet a formal English language requirement.

## Age requirement

S7.44. You cannot sponsor a worker who will be aged under 18 on the date they apply for entry clearance or permission to stay, except in the following circumstances:

- you can sponsor an International Sportsperson if they are aged at least 16 on the date they apply for entry clearance or permission to stay
- you are sponsoring a T2 Minister of Religion who applied before 6 October 2021, in which case the minimum age was 16
- there is no specified minimum age on the Creative Worker or Government Authorised Exchange routes
- there was no specified minimum age for applicants applying on the T5 (Temporary Worker) routes (other than Seasonal Workers and private servants in a diplomatic household) before 11 October 2021

S7.45. If you are sponsoring a worker who is aged under 18 (where this is permitted), you must have regard to your duty to safeguard children's welfare – see section L2 in [Part 1: Apply for a licence](#) for further information on this.

S7.46. You have additional safeguarding duties if you are sponsoring a Creative Worker who is under school-leaving age– see '[Sponsor a Creative Worker](#)' for further information.

S7.47. Workers aged under 18 (where permitted) must also meet a 'parental consent' requirement to be eligible for a grant of entry clearance or permission to enter or stay – see the relevant [route-specific guidance](#) for information on this.



## Decision on application: proof of immigration status

- S7.48. The applicant will normally receive a letter or an email telling them the outcome of their application for entry clearance or permission to stay. This written notification cannot be used as evidence of the right to work and access services. If the [application is granted](#), the worker will also be issued with proof of their immigration status. The format of this will depend on how the worker proved their identity when they applied, which route they applied on, and where they made their application.
- S7.49. You must always check the person's immigration status before they start working for you and make any necessary follow-up checks if they have time-limited permission. If you fail to make these checks, you may be issued with a civil penalty in the event that the person is found to be working illegally and you may lose your sponsor licence. In many cases, you can now make the check online. For detailed guidance, see [Right to work checks: an employer's guide](#).
- S7.50. There are additional document checks licensed sponsors must make on some sponsored workers – see Part 1 of [Appendix D](#) for further information.

## If the application is granted

- S7.51. If the applicant proved their identity using the '[UK Immigration: ID Check](#)' app, their status will usually be confirmed digitally – this is also known as an 'e-Visa'. The following people are eligible to apply in this way:
- [EU, EEA](#) and Swiss nationals who have a biometric passport
  - people applying for permission to stay as a Skilled Worker or a Scale-up Worker if they have given their biometric information to the Home Office within the last 15 years and have a valid [biometric residence permit](#).
- S7.52. If the applicant is a [visa national](#) and is granted permission to stay as a Skilled Worker or a Scale-up Worker, they will receive both an e-Visa and a biometric residence permit as proof of their status. Other applicants eligible to use the UK Immigration: ID check app will only receive an e-Visa as proof of their status: they will not receive a vignette or other endorsement in their passport, and they will not be issued with a biometric residence permit.
- S7.53. People who have been issued with an e-Visa can view their immigration status online by logging on to the GOV.UK '[View and prove service](#)'. This will enable them to generate a 'share code', which they must give to you so you can check their immigration status (including their right to work for you).

**Note:** from 6 April 2022, where a person has been issued with either an e-Visa or a biometric residence permit (or both), you can only check their right to work by conducting an online check as described above and in [Right to work checks: an employer's guide](#).

- S7.54. If an applicant (of any nationality) is eligible to enter the UK under the

[Creative Worker visa concession](#), they will receive an ink stamp in their passport confirming they have been granted permission to enter. If they entered the UK via Ireland, the ink stamp will be on their '[immigration clearance form](#)', rather than in their passport. You must make and retain a copy of this stamp.

S7.55. In all other cases, the applicant will receive one of the following:

- a sticker (vignette) in their passport if they applied for entry clearance – this will be valid for either:
  - the duration of the grant of entry clearance, if they have been granted for no more than 6 months
  - 30 days (or 90 days) if they have been granted for more than 6 months – they will then need to collect a [biometric residence permit](#) once they are in the UK
- a 'short-stay permit' (which is similar to a biometric residence permit) if they applied for permission to stay from within the UK, and their cumulative total of permission is no more than 6 months
- a [biometric residence permit](#) if they applied for permission to stay from within the UK and have been granted for more than 6 months, or their cumulative period of permission is more than 6 months

S7.56. Where the worker has been issued with a 30-day or 90-day vignette to enter the UK, they must collect their biometric residence permit (BRP) within 10 days of their arrival in the UK, or before their vignette expires, whichever is later. If they need to start working for you before they collect their BRP, they can use their vignette as evidence of their right to work (provided it is still valid). Once they've received their BRP, you must carry out a further right to work check – from 6 April 2022, this must be an online check, as set out in [Right to work checks: an employer's guide](#).

## If the application is refused

S7.57. If the worker's application is refused, they will be informed of the reasons why. They may have a right of [administrative review](#) against the decision.

S7.58. You must not employ a worker whose application has been refused, unless they were already legally working for you when they made that application, and you've received a 'Positive Verification Notice' from the Home Office [Employer Checking Service](#) confirming that the worker has an outstanding administrative review or appeal.

S7.59. You must stop sponsoring a person whose application has been refused (and tell us you have done so via your SMS account) if any of the following are true:

- they do not apply for an administrative review within the relevant deadline
- their administrative review (or any onward right of appeal) is dismissed
- you receive a 'Negative Verification Notice' from the Home Office [Employer Checking Service](#)

## Leaving and returning to the UK

S7.60. If a worker:

- entered the UK with entry clearance (granted for any duration), or
- was granted permission to stay for more than 6 months

they can leave and re-enter the UK for business, holiday or personal reasons as often as they wish, provided their entry clearance or permission to stay has not expired and they otherwise continue to meet the requirements of the route in which they were granted.

S7.61. If you know or anticipate that the worker you wish to sponsor will need to travel in and out of the UK on a regular basis in connection with their job, you can choose to tick the 'Multiple entry' box when assigning their CoS. If you do this, it does not involve any extra benefits or restrictions on the worker's ability to travel but does help to show their intentions and likely travel plans to us.

S7.62. This type of CoS is not needed by a sponsored worker who simply wishes to travel overseas for leisure or domestic purposes during the period you sponsor them. If they take annual leave and return home during that period, they can still return to the UK to resume work if their permission is still valid.

S7.63. If, however, a worker:

- has been granted permission to stay in the UK for 6 months or less
- has had their permission shortened so they have less than 6 months' permission remaining, or
- entered the UK without entry clearance under the [Creative Worker visa concession](#) (or under the T5 Creative and Sporting visa concession in place before 11 October 2021)

their permission to enter or stay will end (lapse) if they leave the Common Travel Area (CTA). The CTA is the UK, Ireland, the Isle of Man and the Channel Islands (Bailiwick of Guernsey and Bailiwick of Jersey).

S7.64. If a worker's permission lapses, or expires, while they are outside the CTA, they will not be able to re-enter the UK unless they make a further successful application for entry clearance or permission to enter. In most cases, the application must be supported by a new CoS. The only exception to this is where the worker is eligible to re-enter the UK under the [Creative Worker visa concession](#). Such individuals can use their previous CoS to apply for a new period of permission to enter, provided that CoS is still valid.

S7.65. Religious Workers and Charity Workers applying for entry clearance will be subject to a 'cooling-off' period if they've been in the UK during the previous 12 months with permission on either of these routes – see '[Sponsor a Minister of Religion or Religious Worker](#)' or '[Sponsor a Charity Worker](#)' for

further information on this.

## **Further information on immigration requirements**

- S7.66. There is general information on all work routes on the GOV.UK website in the [Work visas](#) section.
- S7.67. Sections S8 to S9 of this document contain information on conditions of stay, extending permission to stay, change of employment applications, and settlement.
- S7.68. Detailed guidance for Home Office decision makers handling applications for entry clearance and permission to stay can be found on GOV.UK: [Working in the UK \(immigration staff guidance\)](#).

### **Contents**

## S8. Conditions of stay

This section tells you about the conditions of stay a sponsored worker will be subject to if they are granted permission on the Worker or Temporary Worker routes.

### General conditions

- S8.1. All people granted entry clearance or permission on the Worker and Temporary Worker routes are subject to the following conditions:
- [no access to public funds](#)
  - [restrictions on the employment](#) they can take
  - [study](#) is permitted, subject to certain restrictions
- S8.2. It is important that you and the worker understand these conditions. If the worker breaches his or her conditions of stay, we may take action against you and/or the worker, including:
- cancelling or shortening the worker's leave
  - removing the worker from the UK
  - downgrading, suspending or revoking your licence
  - in serious cases, referring you or the worker to the police or other relevant authorities

### No access to public funds

- S8.3. All workers granted permission on the Worker and Temporary Worker routes will be subject to a 'no access to public funds' condition. This means they may not claim most state benefits or tax credits or access homelessness or housing assistance from the state. Read the [guidance on public funds](#) for further information.

### Registration with the police

- S8.4. Overseas nationals are no longer required to register with the police.

- S8.5. DELETED.

### Employment restrictions

- S8.6. Generally, workers granted permission on the Worker or Temporary Worker routes must work for the sponsor, and in the employment, specified on their Certificate of Sponsorship (CoS). Minor changes to the details of that employment are permitted, provided:
- you notify us of the change via the [sponsorship management system \(SMS\)](#);
  - the worker continues to meet any salary or other requirements of the route on which they are being sponsored; and

- the change would not require a '[Change of employment](#)' application

S8.7. In addition, depending on the route on which they have been granted, sponsored workers may be allowed to:

- take [additional employment](#) (Scale-up Workers only)
- [work out a contractual notice period](#)
- take [supplementary employment](#)
- take [secondary employment](#) with a second CoS
- take limited [temporary employment as a sports person or as a sports broadcaster](#)
- do [voluntary work](#)

The subsections below give further information on these allowances.

## Additional employment for Scale-up Workers

S8.7A. A person granted permission as a [sponsored Scale-up Worker](#) can take employment (including self-employment and voluntary work) additional to the work for which they are being sponsored. The only restriction on this additional employment is that they must not work as a professional sports person or sports coach.

## Working out a contractual notice period

S8.8. A worker who is sponsored on a Worker route, or a Global Business Mobility route other than Service Supplier, and is making a '[change of employment](#)' application, is permitted to work out a contractual notice period for their existing employer, provided they were lawfully working for that employer on the date of application.

## Supplementary employment

S8.9. Some sponsored workers can take additional paid employment, known as 'supplementary employment', provided they are continuing to work in the employment for which their CoS was assigned and the additional employment meets the conditions set out below.

S8.10. Not all sponsored workers are permitted to take supplementary employment – you and the worker must ensure you understand who can and who cannot take this type of employment and, where it is permitted, what the conditions of that employment are.

## Who can take supplementary employment?

S8.11. A worker can take supplementary employment if they have been granted entry clearance or permission on any of the following routes:

- Skilled Worker
- the Intra-Company routes in place before 11 April 2022

- Senior or Specialist Worker (but only if they qualify under a [transitional arrangement](#))
- T2 Minister of Religion
- International Sportsperson
- Creative Worker
- Government Authorised Exchange
- International Agreement (but only if the worker has been granted as an employee of an overseas government or international organisation)
- Religious Worker

S8.11A. There are different rules for Scale-up Workers taking '[additional employment](#)'.

### What are the rules of supplementary employment?

S8.12. Supplementary employment must meet all of the following requirements:

- it must be in the same profession and at the same professional level as the work for which the worker's CoS was assigned or be a job which is in an occupation listed in [Appendix Shortage Occupation List](#) – if the occupation is later removed from the list of shortage occupations, the worker must finish that employment
- it must be for no more than 20 hours a week; and
- it must take place outside of the normal working hours for which the worker's CoS was assigned

S8.13. Where supplementary employment is permitted, it does not have to be with a licensed sponsor. Sponsored workers do not need to advise us of any supplementary employment they undertake as long as it meets these criteria.

S8.14. If the worker undertakes additional employment that does not meet the supplementary employment criteria, and they have not been granted permission to allow them to take such employment, the worker will be in breach of their conditions of stay.

S8.15. A sponsored worker should advise their new employer that the employment is supplementary to the work they are being sponsored to do, so their supplementary employer can make the necessary checks outlined in our guidance for employers on illegal working. See '[Right to work checks: an employer's guide](#)' on GOV.UK for information on this.

### Who cannot take supplementary employment?

S8.16. Workers granted on the following routes are not permitted to take supplementary employment – if they do so, they will be in breach of their conditions of stay:

- the Global Business Mobility routes (unless a [transitional arrangement](#) applies)

- [Charity Worker](#) – however, Charity Workers can do additional [voluntary work](#) outside of the voluntary work for which they are being sponsored
- [Seasonal Worker](#)
- [International Agreement](#), unless they have been granted as an employee of an overseas government or international organisation – however, a private servant in a diplomatic household can take additional employment as a domestic worker in a different household, provided their main employment continues to be as a private servant in the household specified on their CoS

## Transitional arrangement for Senior or Specialist Workers

S8.17. A worker granted permission as a Senior or Specialist Worker can take supplementary employment only if all of the following are true:

- the application which led to their current grant was for permission to stay (not entry clearance)
- the worker was previously granted permission under the Intra-Company routes in place before 11 April 2022
- the worker has, since then, continuously had permission as a Senior or Specialist Worker (including any period of overstaying disregarded under [paragraph 39E](#) of the Immigration Rules)

S8.18. In all other cases, Senior or Specialist Workers are not permitted to take supplementary employment.

## Secondary employment (employment with a second CoS)

S8.19. A worker sponsored on any of the Worker routes (other than Senior or Specialist Worker) may be allowed to take a second job which does not meet the supplementary employment criteria described above. We call this secondary employment. It is distinct from the supplementary employment and requires a second CoS to be assigned to the worker.

S8.20. The worker must have used their first CoS in a successful application for entry clearance or permission on a Worker route, and have started the employment for which that CoS was assigned, before they can be assigned a second CoS.

S8.21. Any secondary employment must be with a licensed sponsor and the worker must meet the criteria relevant to the route in which their secondary employment falls. The secondary employer must assign a new CoS to the worker, so that the worker can make an application for permission to stay that will allow them to undertake the secondary employment, in addition to their main employment.

## Employment as a sportsperson or sports broadcaster

S8.22. Workers granted permission on the [International Sportsperson](#) route can undertake:



- employment as a sportsperson for their national team while their national team is in the UK
- playing in British University and College Sport (BUCS) competitions; and
- temporary engagements as a sports broadcaster – this means providing guest expert commentary on a particular sporting event

S8.23. They do not need to be assigned an additional CoS to do this.

## Voluntary work

S8.24. Those sponsored on the Worker routes or on the Scale-up route are permitted to undertake voluntary work in addition to the work for which their CoS was assigned. This could include volunteering, without any contractual obligation, for a charitable organisation. Those undertaking voluntary work must receive no payment or other remuneration for this activity, other than reasonable expenses as outlined in [section 44 of the National Minimum Wage Act 1998](#) (as amended by from time to time).

S8.25. Temporary Workers (other than Scale-up Workers) are not permitted to do voluntary work, unless they are on the [Charity Worker route](#), or on the [Government Authorised Exchange](#) route and volunteering is recorded on their CoS, in which case they may undertake that voluntary work only.

## Study

S8.26. Workers and Temporary Workers may undertake courses of study if they wish, provided their study does not affect their ability to carry out the job they have been sponsored to do, and, if relevant, they meet the [ATAS condition](#).

S8.27. Study may be undertaken anywhere the individual chooses and does not have to be with a licensed Student sponsor. There is no limit on the number of hours they can study or the level of course they undertake.

## ATAS condition

S8.28. If a Worker or Temporary Worker (who is not an [exempt national](#)) intends to undertake a course of study or research at postgraduate level or above in a discipline specified in [Appendix ATAS](#) to the Immigration Rules, they must obtain an [Academic Technology Approval Scheme \(ATAS\) clearance certificate](#) from the Counter-Proliferation and Arms Control Centre of the Foreign, Commonwealth and Development Office before starting the relevant course or research.

S8.29. If they fail to do so, they will be in [breach of their conditions of stay](#).

## [Contents](#)

# S9. Extensions, change of employment and settlement

This section tells you how a worker who is already in the UK can extend their permission, either to continue working in the same employment or to change employer or employment. It also tells you how some workers can apply to settle permanently in the UK.

## Overview

- S9.1. A person who is already in the UK with permission on a Worker or Temporary Worker route can apply for further permission to stay in the UK if they continue to meet the requirements of the relevant route. This could be to:
- continue working for the same employer in the same employment or occupation code – this is known as an [‘Extension of permission to stay’](#)
  - change employer or employment – this is known as a [‘Change of employment application’](#)
- S9.2. Applicants must apply before their existing permission expires. Guidance on how to apply is on [‘Work in the UK’](#) section of GOV.UK.
- S9.3. For routes other than Skilled Worker, Scale-up or International Sportsperson, we can only grant permission to stay up to the maximum overall period permitted on the relevant route – see the [route-specific guidance](#) for details.
- S9.4. Workers sponsored on the [Seasonal Worker](#) route cannot apply for an extension of stay.
- S9.5. Workers sponsored on the [International Agreement](#) route (other than as an employee of an overseas government or an international organisation) are not permitted to make a change of employment application.
- S9.6. Workers on some routes can apply to [settle permanently in the UK](#).

## Extension of permission to stay

- S9.7. If you are sponsoring a worker whose entry clearance or permission to stay is about to expire, and you wish to sponsor them to continue in the same role, or to do a [different job in the same occupation code](#), the worker must make an ‘extension of permission to stay’ application.
- S9.8. When you assign a Certificate of Sponsorship (CoS) for an extension of permission to stay application, the start date on the CoS should be the day after their current permission expires. The worker must not apply for permission more than 3 months before the start date on the CoS.
- S9.9. Provided the worker applies before their permission expires, they can

continue working in the role (or occupation code) for which you last sponsored them while their application is under consideration.

## Different role in the same occupation code

S9.10. You can continue to sponsor a worker if they change to a different role within the same occupation code, provided all of the following conditions are met:

- you issued the CoS which led to their last grant of permission
- the new role is within the same occupation code that was on the CoS which led to their last grant of permission
- the new role is eligible to be sponsored on the relevant route – for example, if you are sponsoring a person on the Skilled Worker, Global Business Mobility, Scale-up or Government Authorised Exchange routes, the role must meet the skill-level requirement for the relevant route (in most cases, this means the job must be listed in Table 1 or Table 2 of [Appendix Skilled Occupations](#) – see the relevant [route-specific guidance](#) for details and exceptions)
- if the worker is being sponsored on the Skilled Worker, Scale-up or Global Business Mobility routes, the new role meets any relevant salary requirements of the route
- if the worker is being sponsored on the Skilled Worker route, and they were awarded points on the basis of a job in a shortage occupation, the new role is also listed in [Appendix Shortage Occupation List](#)

S9.11. If the change of role occurs during a period of permission and before the worker needs to make an extension of permission application, you do not need to assign a new CoS at this stage, but you must inform us of the change via your [sponsorship management system \(SMS\) account](#) within 10 working days of the change.

S9.12. If the worker needs to make an extension of permission application, you must assign them a new CoS, as described in [paragraph S9.8](#).

## Change of employment applications

S9.13. Unless an exception applies, a worker must obtain a new CoS and make a new application for entry clearance or permission to stay (even if their existing permission is not due to expire for some time) if:

- you wish to sponsor the worker to do a job in a different occupation code
- the worker was previously sponsored in a job listed in [Appendix Shortage Occupation List](#) (formerly Appendix K) to the Immigration Rules and is moving to job that is not listed in Appendix Shortage Occupation List (even if the job is in the same occupation code); or
- the worker wishes to work for a different sponsor or employer and none of the [exceptions](#) below apply

S9.14. This is known as a ‘change of employment’ application. The application must be approved, and the sponsor must carry out relevant right to work checks,

before the worker can start work in their new job. This applies in all cases, even if the new job is with the same sponsor. Provided the worker applies before their current permission expires, they can continue working in the same job and for the same sponsor as in their last grant of permission until the change of employment application is granted, or (where their conditions of stay permit it) while [working out a contractual notice period](#).

S9.15. For some routes, you may need to take additional steps before you can assign a CoS to the worker – for example:

- you may have to carry out a resident labour consideration before you can [sponsor a Religious Worker](#)
- you may have to follow a specific code of practice before you can sponsor a [Creative Worker](#)
- you will need to obtain an endorsement from the relevant sports governing body to sponsor an [International Sportsperson](#)

S9.16. If you fail to comply with these requirements, we will revoke your licence.

### Exceptions: change of employment application not required

S9.17. A worker will not be required to make a change of employment application if any of the following apply:

- there is a change of sponsor, but the worker will continue working for the same employer in the same occupation code – see [Example 8](#) in Annex C4 of [Part 3: Sponsor duties and compliance](#) for an example of this
- there is a change of employer or sponsor but the change is covered by [the Transfer of Undertakings \(Protection of Employment\) Regulations 2006 \('TUPE arrangements'\)](#) or similar protection, provided the worker will continue working in the same occupation code assigned by their previous employer or sponsor – see [section C4](#) in [Part 3: Sponsor duties and compliance](#) for further information on this
- the worker is sponsored as a Graduate Trainee on a graduate training programme covering multiple roles within your organisation and they change occupation during the programme or at the end of the programme when you appoint them permanently
- the worker is an International Sportsperson, is being sponsored by a sports club, and is moving to another sports club on loan, where the sports governing body permits this – see [Sponsor an International Sportsperson](#) for information on this
- the worker is being sponsored on the [Government Authorised Exchange](#) route or the [Seasonal Worker](#) route, the change of employment is authorised by the sponsor and is otherwise permitted on that route

S9.18. In all of these cases, you must tell us of the change of details via your SMS account, in accordance with your reporting duties. See section C1 of [Part 3: Sponsor duties and compliance](#) for further information on your reporting duties. If the worker's permission is about to expire, they must make an [extension of permission](#) application instead as described above.

## Settlement

S9.19. Workers on the following routes can apply for settlement (also known as indefinite leave to remain or permanent residence) if they have been continuously and lawfully resident in the UK for 5 years on an eligible route, or combination of routes:

- Skilled Worker
- T2 Minister of Religion
- International Sportsperson
- private servants in a diplomatic household if they were last granted entry clearance on the International Agreement route under the Rules in place before 6 April 2012
- Scale-up (as an unsponsored worker)

S9.20. You must normally certify that a worker applying for settlement is still working for you and will be required for the foreseeable future. You do not have to make this certification if the worker is applying as a private servant in a diplomatic household on the International Agreement route, or as a Scale-up Worker.

S9.21. Applicants on the Skilled Worker and International Sportsperson routes must also meet a minimum salary requirement. Where a minimum salary requirement applies, you must certify you will pay the worker at least that amount for the foreseeable future. We will check with HMRC that you are paying the appropriate salary and may also check this during a compliance visit. You must not artificially inflate a worker's salary just so they can qualify for settlement – if we are satisfied you have done so, we will revoke your sponsor licence.

S9.22. If your licence is suspended when a sponsored worker applies for settlement, we will not decide their application until the reason for the suspension has been resolved.

S9.23. If your licence is revoked before a sponsored worker's application for settlement is decided, we will refuse their application.

S9.24. You can employ workers who have been granted settlement without needing to sponsor them. If, however, you were previously sponsoring them, you must notify us via your SMS account that they have been granted settlement and that you are no longer sponsoring them.

S9.25. For further information is available via the ['Check if you can get indefinite leave to remain'](#) page on GOV.UK.

## [Contents](#)

# Annex S1: further information on the ATAS requirement

This annex lists the occupation codes and subject areas relevant to the Academic Technology Approval Scheme (ATAS) requirement and the nationalities exempt from that requirement.

This information is based on [Appendix ATAS to the Immigration Rules](#) For further information on the ATAS requirement, see [section S7](#) of this document.

## Relevant occupation codes

The occupation codes covered by the ATAS requirement are:

- 2111 Chemical scientists
- 2112 Biological scientists and biochemists
- 2113 Physical scientists
- 2114 Social and humanities scientists
- 2119 Natural and social science professionals not elsewhere classified
- 2150 Research and development managers
- 2122 Mechanical engineers
- 2123 Electrical engineers
- 2124 Electronics engineers
- 2127 Production and process engineers
- 2129 Engineering professionals not elsewhere classified
- 2311 Higher education teaching professionals
- 3111 Laboratory technicians
- 3112 Electrical and electronics technicians
- 3113 Engineering technicians
- 3114 Building and civil engineering technicians
- 5235 Aircraft maintenance and related trades

## Relevant subject areas

The subject areas covered by the ATAS requirement are listed below by their [Common Aggregation Hierarchy \(CAH3\)](#) code:

### **Subjects allied to Medicine:**

CAH02-02-01 - Pharmacology

CAH02-02-02 - Toxicology

CAH02-02-03 - Pharmacy

CAH10-01-06 - Bioengineering, Medical and Biomedical Engineering

**Biological Sciences:**

CAH03-01-02 - Biology (non-specific)  
CAH03-01-03 - Ecology and Environmental Biology  
CAH03-01-06 - Zoology  
CAH03-01-04 - Microbiology and Cell Science  
CAH03-01-05 - Plant Sciences  
CAH10-03-05 - Biotechnology  
CAH03-01-07 - Genetics  
CAH02-05-03 - Biomedical Sciences (non-specific)  
CAH03-01-08 - Molecular Biology, Biophysics and Biochemistry  
CAH03-01-01 - Biosciences (non-specific)  
CAH03-01-10 - Others in Biological Sciences

**Veterinary Sciences, Agriculture and related subjects:**

CAH05-01-02 - Others in Veterinary Sciences  
CAH06-01-02 - Agricultural sciences

**Physical Sciences:**

CAH07-02-01 - Chemistry  
CAH10-03-07 - Materials Science  
CAH07-01-01 - Physics  
CAH07-01-02 - Astronomy  
CAH26-01-05 - Others in Geographical Studies  
CAH07-04-01 - Physical Sciences (non-specific)  
CAH07-04-03 - Sciences (non-specific)  
CAH07-04-04 - Natural Sciences (non-specific)

**Mathematical and Computer Sciences:**

CAH09-01-01 - Mathematics  
CAH09-01-02 - Operational Research  
CAH11-01-01 - Computer Science  
CAH11-01-02 - Information Technology  
CAH11-01-03 - Information Systems  
CAH11-01-04 - Software Engineering  
CAH11-01-05 - Artificial Intelligence

**Engineering:**

CAH10-01-01 - Engineering (non-specific)  
CAH10-01-07 - Civil Engineering  
CAH10-01-02 - Mechanical Engineering  
CAH10-01-04 - Aeronautical and Aerospace Engineering  
CAH10-01-05 - Naval Architecture  
CAH10-01-08 - Electrical and Electronic Engineering  
CAH10-01-09 - Chemical, Process and Energy Engineering

**Technologies:**

CAH10-03-03 - Polymers and Textiles  
CAH10-03-01 - Minerals Technology  
CAH10-03-02 - Materials Technology  
CAH10-03-04 - Maritime Technology

## Exempt nationalities

Nationals of the following countries are exempt from the ATAS requirement and therefore do not require an ATAS certificate:

- Australia
- Austria
- Belgium
- Bulgaria
- Canada
- Croatia
- Republic of Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Japan
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- New Zealand
- Norway
- Poland
- Portugal
- Republic of Korea
- Romania
- Singapore
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- United States of America